

FIAT JUSTITIA RUAT CAELUM: DEFENCE OF INNOCENCE AND REFORM IMPERATIVES

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Abstract

Children are a gift of God and their innocence is unmatched with respect to adults. With the increasing cases of child labour, it reveals such a deteriorating condition of this world. This research paper hunts through how the child labour drastically effects the juveniles and what measures have to be taken to curtail them. Children engaged in a hazardous labour will be more inclined to criminal activities. Addressing child labour is, therefore, a preventive measure against juvenile delinquency. In this research we focus more on the cases of mistreatment done to the juveniles by police officials and the need to implement corrective actions by the government in this matter. Analysing the global and regional statistics of child labour among the juveniles to get a clear picture of this issue on an international scale. Examining the socio-economic factors like lack of education, poverty, other criminal factors that would have a negative influence on the child. Accentuating the specific risks associated with children indulged in such a perilous occupation. Based on various constitutional provisions, statutes, international laws, Juvenile justice laws, we will be able to examine how effectively these laws can be implemented by the government to put end to this problem permanently. A case study is done to analyse child labour among the juveniles and how it effects those juveniles mentally and physically. This paper concludes with the measures that has to be taken to completely eradicate child labour among the juveniles and also the rehabilitation and reformation of them through counselling, treatment, community service etc.

Keywords: child labour, juvenile justice, mistreatment, juvenile delinquency, rehabilitation and reformation

Introduction

Child labour a worldwide problem, creates a cycle of exploitation and endangering the overall development of children. A similar issue of child exploitation that we all fail to see is the exploitation of juveniles at various juvenile centres. Despite an enormous legal systems and international agreements to protect the exploitation of children, the issue remains widespread, especially in economically backward regions. This research paper is a study of various impacts and their legal protection to the children in two broad division; first the exploitation of child in labour fields and second the mistreatment of children in juvenile homes.

The controversy that we find commonly on these both issues are the law itself or the legal framework itself is the contradictory to this. The controversy in case of child labour is that the law itself protects children from hazardous work to ensure their safety but is seen only applicable for children below age of 14, whereas in many parts of various provisions we can see a child as a minor who has not attained 18 years; is the child of 16 and 17 not entitled to protection from hazardous child labour. The next controversy that can be spotted in the child labour is that in the 2016 amendment the family-based work is seen as an exception to child labour, the nature of work in family based is not been categorized. Through this if a 6 year being forced to work with fire on requirement to meet the needs of food for the family cannot be regarded as child labour; doesn't it comes under hazardous nature of work regarding to a 6 year.

This is the controversy spotted in the Indian legal system for delivering Justice; Similar controversies across the globe have been discussed in this research paper. Coming to the mistreatment or the impact of the environment of Juvenile homes the place considered as reformatory theory of approach for the betterment of the children they itself are exposed to dangerous work conditions are likely to be engaged in criminal activities, either as a survival strategy or due to exposure to criminal groups.

The legal system that considers that children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible guarding them from all other forms of exploitation is seen squandered as the impact after being part of the Juvenile system Lack of proper legal representation, along with systemic negligence, can determine the fate of these

children; it is to be made sure that children are not criminalized for reasons beyond their control. Synergistic action by the government is to be ensured to set up rehabilitation programs that provide alternative reformatory prospects, education, and vocational training with a fundamental shift in the outlook of society is required to re-imagine child labour not just as a social problem but as a grave human rights violation.

Through detailed analysis of the primary and secondary methodology with a bolstered legal implementation, increased rehabilitation, and promotion of societal transformation, it is achievable to devise a system where children are protected, educated, and shielded from the dangers of exploitation.

Literature Review

Child labour even existed in the ancient period. In 3rd century, during Kautilya Arthashastra's reign child labour in the form of bondage existed. Then later in 18th century child labour practices elevated since it was the industrial revolution era.¹ Juveniles are forced to indulge in tiresome labour and treated harshly. The juvenile justice system has progressed over a period to curb any sort of injustice done to juveniles. The existing research indicates that juveniles in detention are prone to toilsome labour and suffer from psychological disorders. Children being one of the vulnerable populations are misused more often.² It also examines the inconsistency of juvenile justice system on the basis of socio-economic factors. Recent studies revealed that intense labour undertaken by them causes malnutrition mainly the protein deficiency diseases kwashiorkor and marasmus, locomotor system problems grievous injuries etc. According to Weiner, the primary aim of juvenile justice system is to rehabilitate young criminals by providing them with counselling services like behavioural therapeutic techniques and other mental health programs.³ Juvenile justice system analyse the effects of detention and harsh labour and its negative impact on mental health.

¹ Satendra Kumar Singh, 'Child Labour in India: A Historical Perspective' (2018) 8 IJDR 18456.

² Abdalla Ibrahim and others, 'Child Labour and Health: A Systematic Literature Review of the Impacts of Child Labour on Child Health in Low and Middle Income Countries' (2019) 41 J Public Health (Oxf) e56.

³ Sujata Bahot, Child Labour and Education: A Case Study of Rehabilitation of Child Labourers of Handicraft Industry in Jaipur City of Rajasthan (NIEPA 2020).

The scale of child labour in India remains considerable even when measured against global benchmarks. According to the ILO, India's Census of 2011 recorded approximately 10.1 million children between the ages of 5 and 14 years engaged in work as main or marginal workers, with the ILO further estimating that 5.8 million children in the 5 to 17 age group were involved in designated hazardous industries and occupations during the same period. A joint ILO-UNICEF report published in 2021 warned that the number of children in child labour had globally risen to 160 million, reversing two decades of progress, with the Asia-Pacific region alone recording approximately 48.7 million affected children.⁴

The incrudelity in the current education system is also a problem in child labour. Child labour inhibits admittance to education leading to diminished literacy rates and reduced employment opportunities in the future. Education has to be strictly imparted to all juveniles so that they can equip themselves with personalised skills, practical based knowledge, problem solving skills, confidence, social skills, moral values, teamwork and discipline.⁵ Increased exploitation of policemen and other officials leads to deterioration of mental health which in turn leads to juvenile delinquency. This term has a substantial meaning and also includes the aggressive behaviour of the child. This problem is prevalent all over the world is yet to be addressed in some countries. But there are certain factors that are left unaddressed in the current scenario.

Though psychological disorders are addressed as an impact of intense labour by juveniles, the diagnosis and treatment process involved in this is ignored. Juveniles suffering from negative mental health should undergo strict procedures advised by the doctors in order to overcome these disturbances. Lack of infrastructure for rehabilitation and counselling services is another grave concern that has been overlooked. This is mainly due to insufficiency of financial aid. Infrastructure problem can be also observed in the juvenile homes. The juveniles are spending their lives in nasty and dangerous environment having faulty structures, unhygienic washrooms, poor ventilations, adequate first aid facilities etc. Careful assessment of juvenile homes has to be conducted by the government to evaluate the working of policemen and their interactions with the juveniles. But due to corruption activities behind the veil, all these things

⁴ ILO, 'Fact Sheet: Child Labour in India' (ILO 2024) <<https://www.ilo.org/publications/fact-sheet-child-labour-india>> accessed 26 June 2026; ILO and UNICEF, Child Labour: Global Estimates 2020, Trends and the Road Forward (ILO/UNICEF 2021).

⁵ Xinman Yin and Ruohui Zhao, 'Policing Juvenile Delinquency in China: Exploring the Influence of Officer-Related Individual and Organizational Factors on Discretionary Police Decision Making' (2024) 158 Child Youth Serv Rev 107514.

are unnoticed. Recent social media trends exposing children especially infants and toddlers is also one form of labour that remains unaddressed. Current academic approaches face limitations in addressing how child labour drastically effects the juveniles.⁶ More awareness programs and strategies should come up to study this matter deeply and address accordingly.

Addressing Mistreatment of Juveniles

Owing to their tender years, juveniles are particularly exposed to certain crimes. Child labour is the mistreatment of children through any form of tiresome work that would negatively affect their mental and physical health. Juvenile justice system is a branch of law that protects and rehabilitates the children who have committed crimes or abandoned by the parents. They are exposed to physical and sexual abuse by police officials and even their family members. Report on 2014 study disclosed that about 70 percent of juveniles (20percent of them victim of mental abuse and 50 percent of them victim of physical abuse) uncovered the violence caused to Juveniles in United States of America. Forcing tiresome labour on them is one form of mistreatment. Mistreatment of juveniles by police officials is a grave issue that raises concerns about child rights, ethics and Justice.⁷ This may lead to prolonged cognitive and negative effects on children that may increase their wariness in the legal system.

Though labour is a part of criminal punishment, it should not lead to harsh consequences. While forcing the juveniles to tiresome labour some common forms of mistreatment include physical violence like beatings, verbal abuse, disallowance of legal representation, racial discrimination, illegal detention etc.⁸ In case of female juveniles, they more vulnerable to sexual abuse by male police officers. ⁹They are forced to work in shabby environment which may develop increasing chances of developing skin diseases and other communicable diseases like asthma,

⁶ Daniel R Clark and Alisa B Jno-Charles, 'Child Labour in Social Media: Kidfluencers, Ethics of Care and Exploitation' (2025) J Bus Ethics.

⁷ Michael E Kraut, 'Juvenile Victims' (Child Crime Prevention and Safety Centre, 2024) <<https://childsafety.losangelescriminallawyer.pro>> accessed 26 June 2026.

⁸ Mir Rabia Syed and Mohammad Hussain, 'Role of Police in Juvenile Justice Systems: Policy and Practice' (2024) 4 IJCSL 116.

⁹ Danish Raza, 'Homes of Horror: When Juvenile Shelters Become Exploitation Centres' (Hindustan Times, 11 January 2015) accessed 26 June 2026.

conjunctivitis etc and deteriorates the health condition.¹⁰ Forcing them to perform repetitive overtiring task as a form of discipline, compelling them to labour for a long period without proper rest, impelling them to carry heavy objects are some of the exhausting labour leads to severe detrimental effects on a child's health. These cruelties not only violate laws like Juvenile Justice Act but also international human standards. All these practices have a harsh impact on a child's mental and physical health.¹¹ Lethal stress occurs due to persistent and interminable exposure to hardships.

This in turn harshly affects the brain development especially the cerebrum that controls the child's thinking and reasoning skills might lead to serious health condition like PTSD (Post Traumatic Stress Development). A study conducted by National Medical Survey of India revealed that deterioration of mental health was found to be 7% for 13-17 age groups. Long working hours and carrying heavy objects may cause disfiguration of bones that may lead to a crippled condition and other serious health problems.¹² According to World Health Organisation, the probability of contracting lifestyle disease like lung cancer is very high if they are exposed to a toxic environment. Juveniles are placed in Juvenile homes for committing serious offences. Intense physical and mental retardation might lead to Juvenile delinquency.¹³ The working environment of harshness, stress, sexual exploitation, abuse may develop acute trauma which diminishes their capacity to identify right and wrong which eventually shape them more into criminal minded individuals. They will be encouraged to get involved more on antisocial elements like usage of drugs, alcohol, gambling etc.¹⁴ The absence of optimistic mentors and supportive police staff intensity this susceptibility, eternalising the cycle of juvenile delinquency.

¹⁰ Owen O'Donnell and others, *Child Labour and Health: Evidence and Research Issues* (UCW Working Paper 2002).

¹¹ Helene A Miller, 'How Brain Development Affects Children's Mental Health' (Family Psychiatry and Therapy, 1 July 2019) <<https://familypsychnj.com>> accessed 26 June 2026.

¹² Devika Mehra and others, 'Mental Health Interventions among Adolescents in India: A Scoping Review' (2022) 10 *Front Psychiatry* 337.

¹³ Valentina Forastieri, *Child Labour* (WHO 1992).

¹⁴ Susan Young and others, 'Juvenile Delinquency, Welfare, Justice and Therapeutic Interventions: A Global Perspective' (2017) 41 *BJPsych Bull* 21.

Systemic failures in India's juvenile homes have attracted repeated institutional attention from oversight bodies. In August 2023, the National Human Rights Commission took suo motu cognizance of its Special Rapporteur's findings at the Juvenile Justice Home in Jamshedpur, Jharkhand, which documented severe overcrowding, deficient basic facilities, and violent altercations among inmates resulting from inadequate supervision and staff shortages. The Commission observed that a government institution could not be permitted to remain in apathy and neglect, thereby causing human rights violations of children in conflict with law, some of whom had been housed in the facility for years without adequate care or rehabilitation.¹⁵

Legal Perspectives Governing Child Labour

The concern of child labour can be seen addressed widely from the national concern to international concerns equally covering all areas of rights that can be violated. When UNICEF actively evolve around the world to resolve issues regarding child protection including child labour, many international organisations go hand in hand with UNICEF to provide for the maximum improvement of the children like UDHR, UNCRC, ILO Conventions, Hague Convention on Protection of Children etc...

The issue of child labour guided by main international labour conventions like convention No. 182 addresses the prohibition and immediate measures for the elimination of the most heinous kinds of child labour and recommended the formation of the United Nations Convention on the Rights of the Child and convention No. 138 addresses the 15yr old minimum age requirement for employment entry.¹⁶ These three International Covenant became the basis for protecting child against child labour across the world, forcing it to be an enacted among the signatory countries.

According to the UNICEF global databases, 2024, based on Demographic and Health

¹⁵ 'NHRC Issues Notice to Jharkhand Government over Poor Upkeep, Management of Jamshedpur Juvenile Home' (ANI, 24 August 2023) <<http://aninews.in/news/national/general-news/nhrc-issues-notice-to-jharkhand-govt-over-poor-upkeep-management-of-jamshedpur-juvenile-home20230824221608/>> accessed 26 June 2026.

¹⁶ ILO, 'ILO Convention No 138 at a Glance' (ILO, June 2018) <<https://www.ilo.org/>> accessed 26 June 2026; Yoshie Noguchi, 'ILO Convention No 182 on the Worst Forms of Child Labour and the Convention on the Rights of the Child' (2002) 10 IJCR 355.

Surveys (DHS), Multiple Indicator Cluster Surveys (MICS) and other national surveys, 2015-2023, we can see that boys are more vulnerable to child labour than girls, being an exception in Latin America and Caribbean areas where we can see the vulnerability of both girls and boys equally.¹⁷

Now looking into the juveniles mistreatment with respect to the UNCRC's protection for children has various provisions provided for them like the right against the inhumane treatment and detention(article 37) considering that children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible guarding them from all other forms of exploitation,(article 36) as to protect children from the illegal use of drugs and from being involved in the production or distribution of drugs(article 33) after sentence and to be ensured that they are not forced or abused to enter avocations unsuited to their age and strength[Article 39(e)]. They should be also protected from all form of abuses or violences (19) during their residence and ensure that children survive and develop to their full potential in a good environment (6). Similar provisions can be seen under the DPSP of the Indian constitution for development of the child in a healthy way and the state's duty to protect the youth and childhood from exploitation and moral abandonment.¹⁸

Child labour varies globally; family-based work remains exception in India while agriculture-based labour is seen as an excuse in USA. Evolvment in entertainment field is not seen as labour in UK while in China the rural areas continue the practice of child labour secretly.¹⁹ Certain directions regarding children in prisons have been laid down in the case of *Munna v. State of UP* by the apex court ensuring that even if a child is found to be guilty of an offence, he should not be mistreated or locked-up of their fundamental rights.²⁰ The responsible citizens can exploit the provisions under PIL which gives the freedom to any concerned individual or to any organization to bring many violations of the rights of children in the eyes of court. The PIL can be filed under Art 266 in HC or Art 32 under SC. The *M.C. Mehta v. State of Tamil*

¹⁷ UNICEF, 'Child Labour' (UNICEF Global Databases, 2024) <<https://data.unicef.org/topic/child-protection/child-labour/>> accessed 26 June 2026.

¹⁸ Constitution of India 1950, art 39(f).

¹⁹ China Labour Bulletin, *Small Hands: A Survey Report on Child Labour in China* (China Labour Bulletin September 2007) <<https://www.clb.org.hk>> accessed 26 June 2026.

²⁰ *Munna v State of Uttar Pradesh* (1982) 1 SCR 224.

Nadu, 1996 here is taken as an example of a PIL which became instrumental in changing the landscape of the child rights scenario and related jurisprudence in India.²¹

Looking in the national legal provisions we can see special legislations governing the concept of child along the main constitution of India, like the Compulsory Education Act 2009 implemented in the state ensure that the child in the right place that is pursuing their studies rather than being part of the child labour.²² The Child Labour (Prohibition and Regulation) Act, 1986 and The Factories Act, 1948 ensure that the child below age of 14 years are not involved in hazardous employment while the CLA provides the provision for family-based work as an exception under the 2016 amendment.²³

Looking into the Juvenile Justice Act which regulates the children in conflict of law and need of care regarding trial sees a child innocent in case of doubt about the accused being a child or not on the date of offence, the benefit of doubt should be given to the accused child.

Further regarding the concerns of mistreatment of juveniles at juvenile homes it is the need of the state to ensure that they are not under the circumstances of mere animal existence but have a dignified life. If they are not received such a circumstance, the state shall make special provisions to provide them. The Indian Supreme Court held that article 24 “must operate ‘proprio vigore’ even if the prohibition of the laid down in it is not followed up by appropriate legislation - Peoples’ Union for Democratic Rights v. Union of India.²⁴ The judiciary has indeed 21st Article in such a manner that it has brought many other basic human rights within the ambit of article similar to right to livelihood, education etc.

²¹ MC Mehta v State of Tamil Nadu (1996) 6 SCC 756.

²² Satyaki Deb, ‘RTE Act: Right to Education Act 2009’ (iPleaders) <<https://blog.ipleaders.in>> accessed 26 June 2026.

²³ Shristi Suman and Nimisha Dubish, ‘The Child Labour (Prohibition and Regulation) Act 1986’ (iPleaders 2022) <<https://blog.ipleaders.in>> accessed 26 June 2026; Michael Shrinney, ‘Factories Act 1948’ (iPleaders 2022) <<https://blog.ipleaders.in>> accessed 26 June 2026.

²⁴ People’s Union for Democratic Rights v Union of India (1982) 3 SCC 235.

Case Study

A case study held at observation homes and special homes across Maharashtra revealed harsh and threatening condition of juveniles.

National level data contextualises the conditions at Maharashtra's juvenile homes within a broader national crisis. According to the National Crime Records Bureau's Crime in India 2022 report, a total of 30,555 crimes were registered against juveniles across India during 2022, with Maharashtra consistently topping state-wise rankings, having recorded over 50,000 juvenile crimes in the preceding decade. Despite this significant caseload, systemic constraints including staff shortages, inadequate infrastructure, and the absence of trained counsellors continue to undermine the reformatory mandate of juvenile homes across the country.²⁵

5.1 Experience within Juvenile Homes

The CICL(Children in Conflict with Law) juveniles were found to be treated inhumanly by the police men. They were inhumanly beaten with belts, caged for a continuous period of 13 days. Sexual exploitation is a serious issue that is still prevalent in Juvenile homes. About 1.7 percent of them were sexually exploited by the police and were also forced to do toilsome labour. The boys from underprivileged backgrounds were beaten up in order to get their confession and were slapped and hung from the ceiling. They were compelled to engage in labour some activities.²⁶

5.2 Impacts

- Retards brain development: Cruelties aforementioned causes mental trauma and anxiety. When the child experiences such anxiety, it releases the stress hormones. Long term exposure to such hormones can increase the development of neurological conditions such as dementia, depression, stroke etc which in turn retards brain development.
- Education impoverishment: Though education is provided in Juvenile homes it seems worthless with such brutal treatment. Juveniles indulged in toilsome labour is not in a position to learn resulting in illiteracy and intellectual knowledge among them.

²⁵ National Crime Records Bureau, Crime in India 2022 (Ministry of Home Affairs 2023); Factly, 'NCRB Data Indicates That Crimes Committed by Juveniles Down 30% Between 2013 and 2022' (Factly, 28 May 2024) <<https://factly.in/data-ncrb-data-indicates-that-crimes-committed-by-juveniles-down-30-between-2013-2022/>> accessed 26 June 2026.

²⁶ Devika Agrawal, 'Custodial Torture: Juvenile Justice Homes in India' (2019) BPP J [Fall 2019].

- Health risks: Juveniles indulged in hazardous labour has a chance of developing prolonged health problems like chronic back pain and increased stress levels may elevate the blood pressure levels which further weakens their condition.²⁷

According to recent study by Global Estimates of Child labour 2017, around 73 million of employed in a treacherous labour jeopardize their health and safety. Social Stigma: Apprehensive of being tagged as a criminal and facing societal prejudice on release.²⁸ Criminal tendencies: Callous treatment of juveniles will hinder their personality development leading to impulsiveness and aggression and will be encouraged to be involved in criminal and illegal activities like drug addiction, immoral activities like sexual offences etc.²⁹ Their mind will be processed in an uncontrollable manner.

5.3 Solutions

- Legal regime and policies: The Juvenile Justice (Care and Protection of Children) Act, 2000 provides necessary protection to juveniles who is being treated inhumanly. International labour organization and International Programme on Elimination of Child labour work towards the eradication of mistreatment of juveniles.³⁰
- Closed supervision of Government: Government should monitor the functioning of juvenile homes including the function of policemen and in case any sort of breach, it shall call for action.
- Police's Role: Police play a significant role in Juvenile Justice system. Giving them (both Children in Conflict with Law and Children in Need for Care and Protection)

²⁷ Anca Maria Postolache, 'Child Labour and Mental Health' (2020) HACE.

²⁸ European Commission, 'Child Labour: Impact on Health and Wellbeing' (International Partnerships, European Commission) <<https://internationalpartnerships.ec.europa.eu>> accessed 26 June 2026.

²⁹ Antonella Bobbio and others, 'Juvenile Delinquency Risk Factors: Individual, Social, Opportunity or All of These Together?' (2020) 62 Intl J Law Crime Justice 100383.

³⁰ Sri Vaishnavi MN and others, 'All About the Juvenile Justice Act' (iPleaders, 24 June 2019) <<https://blog.iplayers.in>> accessed 26 June 2026.

an empathetic treatment is important for reforming them into better persons. The reformatory theory of punishment focuses to reform offenders so that they would be law abiding citizens.

- Education Programs: Government should take necessary steps to implement education and vocational training in Juvenile homes to aid children in developing intellectual knowledge and life skills.
- Rehabilitation and Counselling services: Since those juveniles suffer with mental and physical, it calls for the need for rehabilitation and counselling services. It helps them to overcome these problems.³¹ Certain cognitive behavioural techniques like cognitive restructuring techniques, mindfulness practices, skill training can be undertaken to restore juvenile's mental health.
- Awareness: General awareness about child rights and against sexual exploitation also reduces all forms of mistreatment to juveniles.

Conclusion

Child labour in India, framed as a human rights violation, evolved from a historically accepted economic necessity to a legally prohibited practice. We can see that during pre-colonial India, children often worked within the family occupations, which were shifted during colonial industrialisation as they were seen as a source of cheap labour in factories, mines and plantations, exposing them to exploitation and unsafe working conditions. The earliest legal control for the protection of children, emerging from the Factories Act 1881, strengthened its roots through the Child Labour Prohibition and Regulation Act 1986 in India

This paper concludes with the measures that has to be taken for the betterment of children both in the field of child labour as well as those under mistreatment in Juvenile homes. The effective impact of the measures taken for the betterment can only be ensured when it hits the root cause of the phenomena. The role of non-material assistant plays the role better than the material assistant; like proper legal regime and policies, close supervisor of the government, empathetic treatment from the police side, education program to enrich the intellectual knowledge, Rehabilitation and counselling service for the mental and physical well being of the child,

³¹ Sushmita Halder and Akash Kumar Mahato, 'Cognitive Behaviour Therapy for Children and Adolescents: Challenges and Gaps in Practice' (2019) 41(3) Indian J Psychol Med 279.

along with General Awareness to the public. The disparities in various legislations need to be removed, the requirement to have a uniform and clear definition of term child has to be addressed. The Government and non-government Agencies must work hand in hand to solve these problems and the views of these children must be considered while formulating policies by the state. Through this holistic human rights approach can ensure enjoyment of human rights by street children which can only be done by the state. The problems regarding exploitation of children in various fields like child labour, mistreatment in Juvenile and in foster care system need to be dealt at the international level as this is a concern can be seen as a worldwide phenomenon. A special rapporteur should be appointed to understand the problems of children detained legally. Similarly, the national authorities shall ensure the introduction of the concept of community service just like that introduced in new criminal laws and consider detainment as the last priority. Even when the possibility of ending this practice seems to be very difficult let us ensure our every bit of help towards creating a world worth living for them.



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