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## **Influence of ILO in bringing change in labour in India with special reference to Indian constitution**

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### **Abstract**

The Core convention of ILO have provided a refined International outlook to labour legislations and helped nations to codify these international standards at par with national laws. Instead of clear dichotomy between international standards and national laws, there exist direct or indirect influence. For instance, India, has ratified 6 Out of 8 core conventions of ILO. It will not be wrong to hold that with the advent of International labour organisation and its core conventions, Indian labour laws have been introduced with many important positive changes in its national legal framework in form of better worker's right protection and better working conditions. Legislations, being a direct source of law most importantly, these conventions and protocols are legally binding and which can be ratified by member States. On the other hand, Recommendations are non-binding guidelines for the member states. This work establishes the important changes introduced under two heads Firstly, the direct effect 6 key ILO conventions. Secondly, other important co-relationship between the ILO and the constitution of India.

**Keywords:** ILO, Conventions, freedom, Constitution, forced labour, wages, discrimination

### **Introduction**

Labour is not just a means of production but fundamental element that is crucial for the development and advancement of society and the economy and economic progress, ensuring that individuals and communities can thrive. Before going into discussing the core conventions of ILO it is important to put a brief history and overarching principle behind its establishment. International labour organization having its headquarter in Geneva was formed in 1919 by the Treaty of Versailles. The founding mission of ILO as a body is that social justice is essential to universal and lasting peace it also promotes internationally recognized human and labour rights. ILO was awarded the peace prize for promoting social harmony and fraternity among nations for improving working condition among classes, justice for workers and for its efforts in providing technical assistance to other developing nations. This paper outlines the impact of the efforts of ILO in different legislations on labour in India. India Is one of the Founding members of the International Labor Organization, A unique feature of the ILO is its tripartite character which is meeting point for Governments, workers and employers of ILO's member states. At present, ILO is having 187 Members including India. There are 47 ILO conventions and 1 protocol ratified by India. These conventions cover fundamental human rights such as abolitions of forced labour, Occupational safety, equal remuneration, abolition of Child labour, elimination of discrimination and wages and other employment conditions etc. International labour law organisation standards are aimed at ensuring more accessible, sustainable, and productive work worldwide and at same time aims for equality, dignity, and security.

### **An introduction to ILO**

The International Labour Organisation was established under the treaty of Versailles created in 1919. It works for the establishment of universal peace through social justice. ILO was awarded Nobel Peace Prize for its contributions in promoting labour rights internationally. It has tirelessly worked on the setting of international standards for national application, backed by technical corporation and education. Initially, there were 45 states only who were members of ILO in 1919. India was the founder member. International Labor organization conventions involve a process of development through tripartite negotiation which involves state representative for trade unions, employers' organisation and government. Subsequently the members ratify the conventions and treaties. ILO is devoted to promoting social justice

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which is its mission based on the principle that social justice is essential to universal and lasting peace <sup>[1]</sup>.

After World War II significant changes were introduced due to vast expansion in the number of countries belonging to the ILO in the decades. Launched technical assistance programmes to provide expertise and assistance to governments, workers and employers worldwide, especially in developing nations. In countries such as Poland, Chile and South Africa, the ILO's strong support for trade union rights helped in the fight for democracy and freedom <sup>[2]</sup>.

In 1998, the ILO another important date for the ILO was 1998, it is when delegates to the International Labour Conference adopted the Rights at work and Declaration on Fundamental Principles. These principles mainly include right to freedom of association and collective bargaining and the elimination of child labour, forced labour and discrimination linked to employment. As a result, the guarantee of these fundamental principles and rights at work, a, is important because it enables people "to claim freely and on the basis of equality of opportunity, their fair share of the wealth which they have helped to generate and to achieve fully their human potential.

### Structure of ILO

**International Labour Conference:** The highest decision-making body of the ILO, often referred to as the "International Parliament of Labour," sets international labour standards and broad policies and meets annually in Geneva <sup>[3]</sup>.

**Governing Body:** It is the executive council of the ILO, which meets three times a year in Geneva to take policy decisions, oversees the International Labour Office's operations and sets the budget and program. The members of the Governing body are composed of three categories of members namely, Government members, employer and workers. Government seats are held by top industrial states and India is one of them with China, Brazil, France, Italy, Germany, Japan, The United States, the Russian Federation and the United States. The elections for Government members are held every three years.

**International Labour Office:** International Labour office is the permanent secretariat of the ILO, primarily responsible for executing the decisions of the Governing Body and the Conference. It also operates under the leadership of the Director-General and is decentralized into branch offices and regional areas.

**Administrative Tribunal:** The Administrative Tribunal is a dispute resolution body composed of seven judges, to hear matter which involves employer and employee conflict regarding violations of staff regulations and terms 4examines employment- related complaints by officials of the International Labour Office and other international organizations that recognize its jurisdiction5.

### Key ILO conventions

The Total number of 189 convention and treaties, of which eight are classified as fundamental core ones. These conventions and treaties protect freedom of association and the effective recognition of the right to collective bargaining, prohibition of child labour, protection against forced or compulsory labour and equality in terms of

employment and occupation. These Conventions primarily deals with international labour problems. The International Labour Conference, the legislative wing of the ILO provides a forum for meeting and discussion of international labour problems formulating standards in form of conventions and recommendations. The International Labour Standards, aims to achieve social justice by setting certain social and economic objectives ILO to achieve social justice throughout the world. These core conventions and recommendations forms the international labour code.

**International labour standards:** As previously stated, Labour standards are standards in the form of Conventions and recommendations. These International labour standards protect freedom of association and eradicates forced labour and child labour. In the initial year of its establishment the ILO work towards ensuring labour rights and improving conditions for working people by building a system of international labour standards expressed in the form of Conventions, recommendations and Codes of Practice. The ILO has since adopted 191 ILO Conventions and 206 recommendations covering all aspects of the world of work <sup>[6]</sup>. With the adoption of the Declaration on Fundamental Principles and Rights at Work in 1998, ILO member States determine specific core labour standards notwithstanding they had ratified the relevant conventions. The ILO has set up a supervisory body which helps to ensure that standards ratified by member States are applied. International labour office guides these member states in the drafting of national labour laws accordingly. These are basic human rights and Principles to be followed by member states in the form of international labour standards.

**Freedom of Association:** It is a basic civil liberty that gives the right to employer and workers to form and join organizations of their choice which at the same time is an integral part of a free and open society. This is linked to effective recognition of the right to collective bargaining. Representation and voice are very important tools for ensuring a better work environment. Freedom of association in terms of labour law refers to the right of workers to form and join trade unions and other organizations of their own choosing to promote and protect their interests. This fundamental right is enshrined in various international and national legal frameworks, including the International Labour Organization (ILO) conventions The ILO tripartite structure promotes for setting up independent organizations for workers and also employer. This Independent organisation provides education and training to trade union and employer groups, this ILO to engaged in promoting freedom of association directly.

In 1951, The ILO's Committee on Freedom of Association was instituted to examine violation of organizing rights, arrest, disappearance etc. of trade union officials. India has not ratified freedom of Association and protection of the right to organise Convention, 1948 and right to organise and collective Bargaining convention, 1949 yet <sup>[7]</sup>. The committee is tripartite and handles complaints in ILO member States notwithstanding whether the member states have ratified the freedom of association conventions. This tripartite set and supervisory method have helped ILO to reach closer to its goal of protecting workers right all around the world. This method proves to be of huge importance in a democratic set up like India because of its Tripartite set up

which involves governing body consisting of representatives from workers, government and employer<sup>[8]</sup>.

**Forced Labour:** Forced labour has different kinds and women and children are most vulnerable sections of the society who are targeted for trafficking, forced labour and bonded labour etc. It is not quite uncommon to find Farm workers stuck into a system of work where there are getting meagre and very less amount for the work they do in India. Article 23 of the constitution expressly prohibits and punishes in accordance with the law and any form of forced labour is unconstitutional.<sup>9</sup> Forced labour often occur in hazardous and abusive condition, leading to serious health risk, lack of personal freedom, and violation of basic human rights and it is quite prevalent in carpet weaving, manual scavenging and in brothel houses etc. The most vulnerable victims are women and girls who easily forced into prostitution, migrants. In India, several laws aim to combat human trafficking and forced labour in brothels, such as the Immoral Traffic (Prevention) Act, 1956, and the Bonded Labour System (Abolition) Act, 1976. However, enforcement remains challenging, and many victims continue to suffer in silence. India has ratified Forced labour Convention, 1930 (No. 29) on November 30, 1954 which is followed by Abolition of Forced Labour Convention (No.105).

### Child labour

There is a wide awakening in today's world to eradicate child labour which clearly is against the human rights and child labour globally is on the decline, and ILO convention No. 182 which talks about the worst form of Child Labour requires for elimination of Trafficking, Slavery and Hazardous work and in reaction to that the Child Labour (Prohibition and Regulation) Amendment Rules, 2017 was introduced prohibiting Children to be employed for hazardous work and if this trend continues, its worst forms may be eliminated in the coming decade<sup>[10]</sup>. This is the direct result of a powerful international movement to eliminate child labour that in India, The Minimum Age Convention has been ratified to set the general minimum age for employment or any work at 15 and 14 years for restricted amount of time or in developing countries<sup>[11]</sup>. This is the result of positive effect of these two convention that more out of ILO's 187 members, more than 165 members have ratified both the convention. Sadly, India struggles to eliminate the evil child labour according to UNICEF which is working with ILO to monitor Sustainable development goal 8 which is decent work and economic growth<sup>[12]</sup>. It also aims to eradicate worst form of child labour by 2025. India has ratified two key ILO convention related to child labour viz, Worst forms of Child Labour Convention (No.182) and Minimum Age Convention, 1973 (No. 138) - Ratified on June 13, 2017.

### Discrimination

ILO's efforts to combat discrimination in the workplace are vital for promoting equality and social justice. By expanding employment opportunities for women, enhancing conditions of employment, and eliminating gender discrimination, the ILO aims to create a fairer and more inclusive work environment by addressing these issues, the ILO helps to not only uphold basic human rights but also contribute to broader social and economic development. Eliminating

discrimination leads to a more diverse and productive workforce, benefiting both individuals and communities. The ILO encourages women's entrepreneurship by providing support services, access to microfinance and business development training. Workers in informal sectors often face precarious employment without the protections typically afforded to those in the formal sector. They might work in unregulated environments, lacking health and safety measures, and without access to benefits such as paid leave, health insurance, or retirement savings. These workers include day labourers, domestic workers, street vendors, and many more. It also documents good practices to share successful strategies and inspire others. Additionally, the ILO supports workers' organizations in defending and expanding the rights of women, promoting their active participation in trade unions and society.

- One of the key convention Discrimination (Employment Occupation) Convention (No.111) has also been ratified by India.
- The ratification of Equal Remuneration Convention (No.100) has also played a significant role in promoting equal wages in India.

### Employment and income

The International Labour Organization (ILO) places productive and freely chosen employment at the core of its mandate and is committed to achieving full employment. The ILO identifies policies that help create and maintain decent work and income for all workers. India, recognizing the importance of these objectives, ratified the Employment Policy Convention, 1964 (No. 122) on November 17, 1998. This commitment aligns with the ILO's focus on promoting decent work and fostering economic and social development. The collaboration between international and national efforts is crucial in addressing the challenges of unemployment and poverty. India has ratified Employment Policy Convention, 1964 (No. 122) - Ratified on November 17, 1998.

**Wages and other Conditions of Employment:** Wages, working time, work organization, working conditions, and balancing work-life demands are fundamental to the employment relationship and workers' protection, and are crucial for economic performance. These elements are central to the ILO's focus, influencing human resources management, collective bargaining, social dialogue, and government policies. India's ratification of the Equal Remuneration Convention, 1951 (No. 100) on September 25, 1958, underscores its commitment to ensuring equal pay for equal work, eliminating gender-based wage discrimination, and promoting fair working conditions. This ratification reflects India's alignment with the ILO's principles to foster equitable and inclusive workplaces. India has ratified Equal Remuneration Convention, 1951 (No. 100) - Ratified on September 25, 1958.

### Social Protection

Men and women both face danger at workplace where there is lack of adequate social protection. Some are not given pensions and compensation and sufficient rest time etc. the UN recognizes social protection as a basic human right. Most importantly, Health Insurance, Provident Fund and Maternity benefits and workers compensation helps in securing better work place environment contributing to



competitiveness also improves economic performance. India has wide ranging social insurance and social assistance schemes at central and state levels. The employees' State Insurance Corporation (ESIC) provides security in organised sector. ESI schemes provide for Medical Benefit, Sickness Benefit and Maternity Benefit, Funeral Expenses and Rajiv Gandhi Shramik Kalyan Yojana (Unemployment Allowance Scheme) etc. The ILO has adopted conventions on social protection namely, The Social Security (Minimum Standards) Convention, 1952 and India has adopted many recommendations in form of ESI, and the code on social Security, 2020.

**Health and Safety:** According to the IHS Index, with comprehensive health and safety programs organizations show improved performance <sup>[13]</sup>. As per the notifications issued in official Gazette due to lack in occupational various disease such as lead poisoning, lead-tetra-ethyle poisoning, Phosphorus poisoning, Mercury Poisoning, Arsenic poisoning, Anthrax and Toxic anaemia etc. The safety of work can vary based on factors such as work environment, safety regulations and equipment used. In Firozabad, known for its glass bangle industry where workers are exposed to toxic chemicals such as cadmium, lead and mercury which on heating release toxic fumes. In constructions, between countries, economic sectors and social groups. Injuries and death occur mainly in developing countries where the lack of management and safety lead to severe injuries which sometimes leads to death. Nationalisation led to the establishment of several public sector and key labour law emerged for the dispute resolution and to tackle the issues related to wages namely Industrial Dispute Act, 1947, factories Act, 1948 and The Minimum Wages Act, 1948 while nationalisation opened new labour opportunities for Women still the gender gap subsisted. The ILO works to reduce workplace hazards, promoting health and safety culture and improving safety management systems. The occupational safety, health and working conditions code, 2020 is an exhaustive code which ensures the wellbeing of workers by ensuring safety and preventive measures. Even though there are plenty of legislation there is huge lack of awareness, knowledge about the real issues among the labour class. Child labour is a significant issue in India which is addressed in Child labour (prohibition and Regulation) Act, 1986. India has also ratified Labour Inspection Convention, 1947 (No. 81) - Ratified on April 7, 1949.

#### **HIV/AIDS**

ILO endeavours to set standard parameters for health and safety at workplace. Both ILO and the labour code 2020 in India provides for occupational safety and health. Major focus has been given to awareness and prevention through programs for AIDS. International labour law conventions also provide for Non-discrimination in the workplace and remove stigma from being attached to HIV. Labour code 2020 promote social protection and includes better access to various healthcare support which also align with ILO's focus on building a healthy and productive work environment.

Furthermore, the international labour law conventions play a vital role in advocating for non-discrimination in the workplace. By removing the stigma associated with HIV, these conventions help to foster a more inclusive and

supportive work environment. This is crucial for ensuring that all employees, regardless of their health status, are treated with respect and dignity

#### **Indian Constitution and ILO conventions**

India's labour rights framework is shaped by both domestic constitutional provisions and international labour standards set by the International Labour Organization (ILO). However, the gap between legislative intent and implementation highlights systemic shortcomings.

India has ratified six out of eight core fundamental international labour organisation (ILO) convention. These are:

1. the Forced Labour Convention, 1930 (No. 29),
2. Abolition of Forced Labour Convention, 1957 (No. 105),
3. Equal Remuneration Convention, 1951 (No. 100),
4. Discrimination (Employment and Occupation) Convention, 1958 (No. 111),
5. Minimum Age Convention, 1973 (No. 138)
6. and Worst Forms of Child Labour Convention, 1999 (No. 182).

India has not ratified ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organise) and No. 98 (Right to Organise and Collective Bargaining), yet these conventions indirectly influence the Constitution and laws concerning labour rights.

#### **Tripartite Consultation**

The ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) has had a significant influence on India's labour policy and legislation <sup>[14]</sup>. This convention promotes effective consultation between the government, employers, and workers on matters related to international labour standards <sup>[15]</sup>.

#### **Some specific impacts include**

**Enhanced Social Dialogue:** The convention has strengthened the practice of social dialogue in India, leading to more inclusive and participatory decision making processes in labour matters.

#### **Improved Labor Legislation**

The consultation process has contributed to the development and amendment of labour laws that are more aligned with international standards and responsive to the needs of all stakeholders.

#### **Conflict Resolution**

Tripartite consultations have provided a platform for resolving labour disputes and conflicts through dialogue and negotiation, reducing the incidence of industrial unrest.

#### **Constitutional Provisions and ILO Influence**

The Constitution of India provides the foundation for labour rights. Article 19 (1) (c) guarantees the right to form associations or unions, while Article 43 emphasizes the State's role in securing conditions for workers' rights, including decent work and living wages. Although these provisions reflect principles in ILO Conventions, limitations exist.

### **Freedom of Association**

Article 19 (4) allows the State to impose reasonable restrictions on the right to form associations in the interest of public order or morality. This flexibility often results in restrictions on trade unions and peaceful protests.

Unlike ILO Convention No. 87, which prohibits any interference with workers' right to form or join unions, India's legal framework includes provisions like the Essential Services Maintenance Act (ESMA) 1981, which restricts union activities in vaguely defined "essential services."

### **Collective Bargaining and Labour Welfare**

Articles 38, 39, and 43 of the Constitution, which aim to promote social and economic justice, align with the ILO's Decent Work Agenda. However, India's failure to ratify ILO Convention No. 98 on collective bargaining results in inadequate legal provisions. For instance, employers in the private sector are not obligated to recognize unions or engage in collective bargaining, contradicting the convention's principles.

India's labour laws partially align with ILO conventions but often fail to meet the ILO's comprehensive standards.

### **Significant labour legislation in India**

The Trade Unions Act, 1926, and Industrial Disputes Act, 1947 etc. are indeed significant pieces of labour legislation in India, but they come with several complexities and challenges, particularly in light of international labour standards set by the International Labour Organization (ILO).

#### **Trade Unions Act, 1926**

The act was pivotal in legally recognizing trade unions in India. However, the 2001 amendment, which required a minimum of 100 workers or 10% of the workforce for union registration, raises concerns as it potentially restricts the formation of trade unions, contrary to ILO Convention No. 87 on Freedom of Association. The ILO advocates for minimal barriers to union formation, emphasizing the importance of the right to organize without excessive restrictions. Additionally, in states like Sikkim where police inquiries and prior authorization are required, further violate ILO principles.

#### **Industrial Disputes Act, 1947**

While the Act protects workers from retaliation during legal strikes, it imposes procedural hurdles, including compulsory arbitration in public utilities. These restrictions, particularly in Export Processing Zones (EPZs) where a 45-day strike notice is required, are inconsistent with the freedom of association enshrined in ILO Convention No. 87.

#### **Essential Services Maintenance Act (ESMA)**

The Essential Services Maintenance Act (ESMA) is designed to maintain certain essential services, which are critical for public safety, health, and security. The prohibition of strikes in these services is intended to ensure that disruptions do not jeopardize the welfare of the public. However, the implementation of ESMA has been a contentious issue, particularly regarding its alignment with ILO standards. The ILO emphasizes the right to strike as a fundamental aspect of collective bargaining and freedom of association. While the ILO recognizes that restrictions on

the right to strike can be justified in genuinely essential services, these restrictions should be clearly defined and limited to services whose interruption would endanger the life, personal safety, or health of the population.

### **Working Conditions and Wages**

While India has indeed ratified key ILO Conventions like No. 100 on Equal Remuneration and No. 111 on Discrimination (Employment and Occupation), the implementation of these principles often falls short, particularly in certain sectors. India's adherence to International Labour Organization (ILO) conventions has significantly influenced its labour laws and constitutional provisions. The country ratified ILO Convention No. 100 on Equal Remuneration in 1958 this convention aims to ensure equal pay for men and women performing work of equal value. While the principle is enshrined in law, actual practice often deviates, particularly in informal sectors and Convention No. 111 on Discrimination (Employment and Occupation) in 1960 this convention addresses discrimination based on various grounds, including gender, caste, and disability. Despite its adoption, discrimination remains pervasive in many workplaces. These ratifications aligned with India's commitment to promote equality in the workplace and eliminate discrimination based on gender, caste, disability, and other factors.

### **Constitutional Provisions Addressing Discrimination**

The Constitution of India enshrines principles of equality and non-discrimination. Article 14 guarantees equality before the law, while Articles 15 and 16 explicitly prohibit discrimination on grounds such as religion, race, caste, sex, or place of birth<sup>[16]</sup>. These provisions underpin India's legal framework for tackling workplace discrimination and ensuring equal opportunities in public employment.

The Constitution further recognizes gender equality as a fundamental right. While these principles provide a robust legal foundation, their enforcement often falls short due to societal biases, weak implementation, and gaps in legislative frameworks. Equal Remuneration Act, 1976 emerged as a response to ILO Convention No. 100. It mandates that employers provide equal pay to men and women for the same or similar work. Additionally, the Act prohibits discrimination during recruitment, promotions, and other employment terms.

However, the implementation has been criticized by the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR). While the Act addresses "same or similar work," it does not explicitly include the principle of "work of equal value," which considers roles of different natures but equivalent worth. This gap limits its efficacy in addressing systemic inequalities in pay structures.

### **Gender Discrimination in Practice**

Sexual harassment at the workplace also undermines gender equality. While the Vishaka Guidelines (1997) and subsequent legislation, such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, provide a legal framework, enforcement is inconsistent. Many cases go unreported due to societal stigma, fear of retaliation, and inadequate workplace mechanisms.

### **Caste-Based Discrimination**

The caste discrimination highlights the deep-rooted social prejudices that persist in various sectors of employment. Historically marginalized as the "lowest" caste, continue to face systemic discrimination and exclusion in the labour market.

The Indian Constitution includes several provisions aimed at promoting equality and prohibiting discrimination based on caste. Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, while Article 17 abolishes "Untouchability."<sup>18</sup> Additionally, India has ratified ILO Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination (Employment and Occupation), further emphasizing its commitment to eliminating discrimination in the workplace. However, the gap between these legal provisions and their practical implementation remains significant. Ensuring adherence to these conventions and constitutional provisions requires robust enforcement mechanisms and continuous efforts to address societal attitudes and biases.

### **Discrimination against Persons with Disabilities**

The Persons with Disabilities Act, 1995, influenced by ILO conventions, seeks to protect individuals with disabilities from discrimination. It mandates a 3% reservation in public sector jobs and encourages private sector inclusivity<sup>[19]</sup>. Despite these provisions, access to employment, education, and healthcare remains limited, particularly in rural areas. Accessibility to workplaces and transport is still a challenge, highlighting the need for more robust enforcement of the Act.

### **Other Forms of Discrimination**

Discrimination in the workplace extends beyond caste-based inequalities to other marginalized groups, including individuals living with HIV/AIDS and members of the LGBTQ+ community. Despite efforts by the National AIDS Control Organisation (NACO) to implement awareness and inclusion programs, the stigmatization of individuals with HIV/AIDS often leads to workplace exclusion. Similarly, members of the LGBTQ+ community face biases and discrimination that hinder their ability to work in inclusive and supportive environments. These issues underscore the need for continued efforts to promote acceptance and equality in the workplace.

### **Child Labour in India**

India's engagement with the International Labour Organization (ILO) has had a profound impact on its legal and constitutional approach to child labour, even though the country has not ratified ILO Conventions No. 138 (Minimum Age Convention) and No. 182 (Worst Forms of Child Labour Convention). According to the Census 2011, there were approximately 43.53 lakh (4.35 million) working children in the age group of 5-14 years.<sup>20</sup> These conventions set international standards for the minimum age of employment and the prohibition of the worst forms of child labour. The Indian Constitution, specifically Article 24, prohibits the employment of children below the age of 14 years in factories, mines, or any other hazardous occupations<sup>[21]</sup>. This aligns partially with ILO standards, which advocate for stronger protections by setting the minimum age for hazardous work at 18.

Furthermore, Article 45 of the Indian Constitution mandates free and compulsory education for children up to the age of 14<sup>[22]</sup>. This provision aims to ensure that children are not forced into labour and have the opportunity to receive an education. By keeping children in school, the likelihood of them being subjected to exploitative labour practices is reduced. However, the gap between constitutional provisions and their practical implementation remains significant. India's principal legislation on child labour, the Child Labour (Prohibition and Regulation) Act, 1986, incorporates some aspects of ILO guidelines. The act prohibits the employment of children below 14 years in hazardous occupations and regulates working conditions for adolescents aged 15-18<sup>[23]</sup>. Additionally, sector-specific laws like the Factories Act of 1948 provide further safeguards for child workers. However, these laws fall short of ILO standards in terms of comprehensiveness and enforcement. For instance, the legislation does not adequately cover child labour in family enterprises or agriculture, sectors where exploitation is rampant. Extreme poverty, societal tolerance, and inadequate enforcement mechanisms perpetuate widespread child labour in India, particularly in informal sectors like agriculture, domestic work, and manufacturing. Reports suggest that millions of children engage in hazardous activities, often due to economic necessity or debt bondage. The influence of the ILO is evident in India's attempts to strengthen child labour protections. Amendments to the Child Labour (Prohibition and Regulation) Act have expanded the scope of prohibited occupations and introduced stricter penalties for violations. Additionally, initiatives like the National Child Labour Project (NCLP) reflect India's effort to align with ILO's emphasis on education, welfare, and prevention. The NCLP aims to rehabilitate children rescued from labour by providing them with education, vocational training, and healthcare. These efforts demonstrate India's commitment to addressing child labour, but full compliance with ILO conventions remains a challenge. One of the main obstacles to achieving full compliance is the limited resources and enforcement capacity of the government. Despite these efforts, the eradication of child labor requires a multi-faceted approach, addressing the root causes such as poverty and lack of education, and ensuring strict enforcement of laws. Many labour inspectors are overburdened, and corruption can undermine enforcement efforts. Additionally, the social norms and economic conditions that drive child labour are deeply entrenched, making it difficult to eradicate the practice entirely. Awareness campaigns and community involvement are crucial in changing societal attitudes toward child labour.

### **Forced Labour**

India ratified ILO Convention No. 29 in 1954 and Convention No. 105 in 2000, showing its commitment to combating forced labour. Article 23 of the Indian Constitution prohibits trafficking and forced labour<sup>[24]</sup>. The Bonded Labour System (Abolition) Act, 1976, criminalizes bonded labour practices prescribing penalties for violations. However, forced labour persists, especially among marginalized groups like Dalits and Scheduled Tribes. These victims are often found in industries such as agriculture, mining, construction, and sex work, trapped due to debt bondage and lack of alternative livelihoods. Weak law enforcement and societal tolerance worsen the situation.

India collaborates with the ILO and NGOs to combat forced labour. For example, the Ministry of Labour works to rehabilitate victims and raise awareness. Despite these efforts, enforcement is inconsistent due to police complicity, political interference, and insufficient victim protection. To fully align with ILO standards, India needs better enforcement mechanisms, stronger judicial responses, and a victim-cantered approach. Comprehensive national surveys, as recommended by the ILO's Committee of Experts, could help assess the scale of forced labour and inform targeted interventions. Both awareness and enforcement are crucial in addressing issues like forced labor, child labor, and overall labor rights.

### Conclusion

In conclusion, the influence of the International Labour Organization (ILO) on India's labour laws and Constitution has been profound and transformative. It also signifies the growing need of having internationally recognized protection to the workers. Combining awareness with robust enforcement ensures that workers are informed about their rights and that violations are promptly and effectively addressed. This holistic approach helps create a safer and more equitable work environment for all. The new Labour Codes of 2020 in India aim to align the country's labour laws with international standards set by the International Labour Organization (ILO). These codes incorporate several important aspects of ILO conventions, such as the right to organize and collective bargaining, occupational safety, and health. For example, the Industrial Relations Code, 2020, addresses the right of workers to organize and form trade unions, which is emphasized in ILO Convention No. 87. Similarly, the Occupational Safety, Health and Working Conditions Code, 2020, seeks to ensure a safe and healthy working environment, in line with ILO Convention No. 155. These reforms reflect India's commitment to modernizing its labour laws and protecting workers' rights while promoting a safe and healthy workplace. However, effective implementation and continuous alignment with ILO conventions will be crucial for achieving the intended balance between worker protection and business competitiveness.

The ratification of key ILO conventions has led to significant legislative reforms aimed at improving working conditions, promoting equality, and safeguarding workers' rights. These conventions have not only shaped national policies but have also reinforced India's commitment to upholding international labour standards.

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2. Trade Unions Act, 1926.
3. Industrial Disputes Act, 1947.
4. Factories Act, 1948.
5. The Persons with Disabilities Act, 1995.
6. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
7. Equal Remuneration Act, 1976.
8. Immoral Traffic (Prevention) Act, 1956.
9. Essential Services Maintenance Act, 1981.



### **Constitution**

1. ILO Constitution, 1919.
2. Constitution of India, Art. 15, 16, 17, 24, 45, 38, 39, 43, and 23.

### **ILO Conventions**

1. Freedom of Association and Protection of the Right to Organise Convention, 1948.
2. Right to Organise and Collective Bargaining Convention, 1949.
3. Forced Labour Convention, 1930 (No. 29).
4. Abolition of Forced Labour Convention, 1957 (No. 105).
5. Worst Forms of Child Labour Convention, 1999 (No. 182).
6. Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).
7. Minimum Age Convention, 1973 (No. 138).
8. Discrimination (Employment Occupation) Convention, 1958 (No. 111).
9. Equal Remuneration Convention, 1951 (No. 100).
10. The Social Security (Minimum Standards) Convention, 1952.
11. Labour Inspection Convention, 1947 (No. 81).
12. ILO Convention, 1954 (No. 29).
13. ILO Convention 2000 (No. 105).

### **Cases**

1. Vishaka & Ors. vs. State of Rajasthan & Ors., (1997) 6 SCC 241.
2. Bandhua Mukti Morcha v Union of India (1984 SC), 1984 AIR 802.