



Prevalence of Child Labour and Legal Framework for Protection of Right to Education of Children in India who are engaged in Labour with special reference to Barpeta, Bajali and Sivasagar Districts of Assam: A Socio-legal Study

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ABSTRACT

Child labour is a visible manifestation of violations of range of rights of children. It is a pervasive problem throughout the world. Labour becomes an absolute evil in the case of a child when hours of employment interfere with his or her education. Right to education is the most important human right of children for the development of human personality. The Supreme Court of India has reiterated that right to education comprises part of the fundamental right to life under Article 21 of the Indian Constitution. Now, it is a constitutionally protected right in India under Article 21-A. Though India has the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Right of Children to Free and Compulsory Education Act, 2009 to prohibit all forms of child labour so that every child between the age group of 6 to 14 years gets the opportunity to access free and compulsory primary education. However, the real scenario of the education of children is different and it is very unfortunate that still children are used to engage in private households and for various commercial purposes which prohibit the children from getting their free and compulsory education. For this study, two big pockets of child labour of Assam, Barpeta and Sivasagar districts are selected. In Sivasagar district of Assam 60% children rescued by the



District Level Task Force are female and 30% of girls are engaged as domestic labour, 70% children are engaged for commercial purposes and 90% of those could not complete even their primary education.

INTRODUCTION:

Child labour is the system of employing a child to provide labour or service by the child for any payment or benefit to the child, or any other person exercising control over the said child. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children and depriving them from their right to education which is most important for their personal development. This, child labour is a visible manifestation of violations of a range of human rights of children and is recognised as a serious and enormously complex social problem in India. Right to education is one of the basic human rights of children for their personal development and is the most powerful weapon one can use to change the world. Education helps a child to socialise and it opens up doors for a better future. However, in India, child rights, protection of children from exploitation and malnutrition are initially linked to poor socio-economic conditions. Child labour is a perennial problem and it has become one of the most serious social issues in India which continues to haunt the country and this is due to the magnitude and extent of the problem. In India, child labour is a critical obstacle in the path of development of children and sustainable development of society. Children are 100 percent assets of the nation and so, it is the duty of the State to ensure a safe, protective and caring environment for the children. Though the parents or guardians should be responsible ideally for proper care and protection of their children, but a child must not suffer in case the parents or guardians can't provide care and protection. It is the duty of the Government at large to address the issues of care and protection. The right to education and prohibition of child labour are both important parts of efforts to end child labour and improve children's lives. There are laws, schemes and policies for ensuring at least primary education. Now, right to free and compulsory primary education is one of the fundamental rights guaranteed by the Constitution of India. Again, India has done well in enacting suitable legislations and policies to combat child labour. In spite of having laws in India to prohibit employment of child labour, child labour is prevalent in almost all informal sectors of the Indian economy. The prevalence of it is evident by the child work participation rates.

Review of Literature:

Bajpai (2006)¹ provides a detailed overview of the rights of the child in domestic and international law along with a detailed analysis of case law.



Burra (1986)² documents the hazards that the child labour faces and argues that child labour is not only a consequence of poverty, but also a major cause of it.

Burra (1995)³ argues that child labour can only be reduced when civil society and the State work together to get children out of work and into school.

Dewan (2015)⁴ in his book expresses his grievances for the existence of child labour practice in India. He says that in spite of the Governments proactive steps to tackle the problem of child labour through strict enforcement of legislative provisions along with simultaneous rehabilitative measures, the shocking news is that 11% of the workforce of India is child labour.

Jangir(2013)⁵ in his paper opines that child labour stems from deep poverty in India and so, elimination of child labour demands perfectly synchronized laws, welfare policies, government programs.

Maurya (2001)⁶ argues that child labour is a larger social problem than other problem problems connected with the development of human beings. He calls for effective implementation of the protection measures under the laws for the welfare of children.

Spognardi (2020)⁷ in his paper discusses past and present legislations regarding child labour in India and how it can be further improved to bring changes in Indian legal regime to stop child labour. The author in his paper tries to identify the reasons behind persistence of child labour.

Weiner(1989)⁸ tried in his paper to locate the reason why the Government of India had not been made education education compulsory or banned the menace of child labor after the commencement of the Constitution of India.

Weiner (1996)⁹ argues that it is not India's poverty which prevents the introduction of universal primary education and banning of child labour, rather it is lack of political will and prevalence of the belief system in India.

Objectives of the study:

1. To explore the concept of child labour and right to education, and the prevalence of child labour in Sivasagar district of Assam;
2. To understand the effectiveness and implementation of the existing laws to protect right to education of children and to prohibit child labour.

Methodology:



In the present study, to achieve the objectives, both qualitative and quantitative methods are used. Though study uses data collected from both primary and secondary sources, but mainly data has collected from the District Child Protection Unit (DCPU) and Child Welfare Committee (CWC) of Sivasagar district of Assam. The research is primarily based on primary data comprising interviews with the members of Child Welfare Committee of Sivasagar district and some of the officials of District Child Protection Unit of Sivasagar, Assam. They were purposively identified for interviews and interviews were conducted with both Open and close-ended questions for both CWC and DCPU officials. Besides it, last three years' data on child labour rescued by the District Level Task Force of Sivasagar was collected from the CWC, Sivasagar.

Legal Framework to Prevent Child Labour and to Protect Right to Education of Children:

Right to education is one of the basic human rights of all the individuals for their personal development and is the most powerful weapon one can use to change the world. Judiciary in India has been playing a very active role to protect and promote right to education as a fundamental right of the individuals enshrined in Article 21 of the Constitution through its several judicial pronouncements. In *Mohini Jain V. State of Karnataka*(1992),¹⁰the Supreme Court has held that the right to education is a fundamental right under Art 21 of the Constitution and right to education flows directly from right to life. The right to life under Art 21 and the dignity of an individual can not be assured unless it is accompanied by the right to education. Again, in *Unni Krishnan v. State of Andhra Pradesh* (1993),¹¹the Indian Supreme Court declared that the right to education comprises part of the fundamental right to life under Article 21 of the Indian Constitution.

The framers of the Constitution realizing the importance of education have imposed a duty on the State under Art 46 as one of the directive policies of State to provide free and compulsory education to all children until they complete the age of 14 years within 10 years from the commencement of the Constitution. The object was to abolish illiteracy from the country.

The court in *Unni Krishnan's* case had clearly recognized the fundamental right of every child for free and compulsory elementary education up to the age of fourteen years. However, to ensure sufficient and effective realisation of these right as well as to reassert national will and commitment in this regard, Art 21-A was inserted by the 86 th constitutional amendment in 2002. As the implementation of this Article depends on legislation, the Right of Children to Free and Compulsory Education Act, 2009 was enacted.



In *M. C. Mehta v. State of Tamil Nadu*(1996) ,¹² in spite of the laws, the supreme court noted that menace of child labour was wide spread. The court issued wide ranging directions in the context of employment and exploitation of children, prohibiting employment of children below the age of 14 and making arrangements for their education by creating fund and providing employment to the parents.

In *M. C. Mehta V. State of Tamil Nadu*(1997), ¹³the apex court has held that children below the age of 14 years can not be employed in any hazardous industry, mines or other works has laid down exhaustive guidelines how the State authorities should protect economic , social and humanitarian rights of millions of children , working illegally in public and private sections.

The Supreme Court of India observed that the terms "life and personal liberty" in Article 21 of the Constitution automatically implies some other rights, those are necessary for the full development of the personality, though they are not enumerated in Part III of the Constitution. Education is one such factor responsible for overall development of an individual and therefore, right to education is integrated in Article 21 of the Constitution. Thus, the Supreme Court of India has been reiterated that right to education as a fundamental right and consequently Article 21-A has been incorporated in Part -III of the Constitution of India by the Constitution (86th Amendment) Act, 2002 . Article 21A has been incorporated in the original Constitution to formally recognise right to education of children of the age of six to fourteen years. Besides it, Articles 23 and 24 of the Constitution guarantee Right against exploitation. Article 23 prohibits traffic in human beings and forced labour.

Article 24 of the Constitution prohibits employment of children below 14 years of age in factories and hazardous employment. This provision is certainly in the interest of public health and safety of life of children. Children are assets of the nation. This is why Art 39 of the Constitution imposes upon the State an obligation to ensure that the health and strength of workers, man and woman, and the tender age of the children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.(Pandey, 2006, p. 296).¹⁴

In India, right to education is further solidified through the enactment of Parliament, i.e., the Right of Children to Free and Compulsory Education Act, 2009. This Act has been implemented since April 1, 2010 , formalized the right to education for children of the age of six to fourteen years in a neighbourhood school. This Act mandates free and compulsory elementary education for children in India. The Act ensures that every child has the right to quality education without any discrimination and sets minimum standards for children.¹⁵

On the other hand, the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 is indeed the



bold step to prohibit the child labour in India and is one of the most significant and important legislations which aims to provide social and economic justice to children of the society. This Act has been enacted to eradicate the problem child labour. The Child Labour (Prohibition and Regulation) Amendment Act, 2016 clearly seeks to protect the right to education of children below fourteen years of age and provide for the first time protection to adolescents of 14- 18 years of age. Thus, the Child and Adolescent (Prohibition and Regulation) Act, 1986 calls complete ban on child labour so that they can get compulsory elementary education under the Right of Children to Free and Compulsory Education Act, 2009. Further the Act has recognized the ground realities of family enterprises and permitted children to help their parents to run their family enterprises. It has increased the penalties for employing children and made child labour as a cognizable offence.

NGOs can play a big role in eradication of child labour and to universalize education. To end child labour, NGOs can help in different ways to rehabilitate a victim of child labour. NGOs like Bachpan Bachao, Save the children work on the front lines. They rescue children from dangerous employment and after rescuing they provide food, shelter, counseling and education too. To boost awareness among the parents and communities regarding child rights and child protection, these NGOs has been playing a significant role in India.¹⁶

Observations:

The present study looks into the socio-economic conditions, age, education and production of employers of child labour in Sivasagar district in Assam. The information and data has been collected from the Office of the District Child Protection Unit and Child Welfare Committee of Sivasagar. Some data has been collected by conducting interviews with the officials of District Child Protection Unit and Members of Child Welfare Committee.

Table 1 shows the data of child labour of Sivasagar district of Assam rescued and produced before the Child Welfare Committee

Year	Total no.s of child labour rescued	Total no.s of male child labour rescued	Total no.s of female child labour rescued
2022	24	13	5
2023	45	41	4
2024	37	13	24



Data collected from the District Child Protection Unit reveals that 106 numbers of child labour rescued by the District Child Protection Unit in collaboration of Labour Department and Police Administration of Sivasagar district and all were produced before the Child Welfare Committee. In 2024, 24 numbers of female child labour were rescued out of 37 and most of them did not complete their age of 14. Female child labour were engaged mostly as domestic helper and some of them were even not enrolled in school. Most of them were school dropout and couldn't complete their even lower primary education.

Table2 shows educational status of child labour rescued by the District Level Task Force of Sivasagar. It shows that though right to free and compulsory elementary education is a fundamental right of every child of the age of six to fourteen and Right to Education Act, 2009 also mandates free and compulsory education for children, but still 13.20% of children of Sivasagar district have not been enrolled in school, 25.47% of children couldn't complete their Lower primary education and 38.67% of children couldn't complete their upper primary education. It is very unfortunate that not a single child labour was found who contained schooling upto Class X.

Educational status	Frequencies	Percentage
No education at all	14	13.20%
Between Class I- V (Lower Primary)	27	25.47%
Between Class VI- VIII (Upper Primary)	41	38.67%
Between Class IX- XII	Nil	0%

Table 2: Educational status of the Child Labour

Table3 shows the age of child labour rescued by the District Level Task Force and produced before Child Welfare Committee. It shows that 6.60% of child labour were not completed their age of 10. 45.28% of child labour were found below 14years who did not get opportunity to access even free and compulsory elementary education. Thus, it has been proved that the evil practice of child labour has been prevailing and child protection laws have not been properly implemented. Most strikingly the rate of prosecution of child labour employer is very pathetic.

Age group	Frequencies	Percentage
Below 10years	7	6.60%
Between 10-14	48	45.28%
Between14-18	51	48.11%

Table3: Age of the child labour engaged in economically productive activity

Table 4 showing Educational Status of total 58 numbers of Child Labour rescued by the District Level Task Force in Barpeta District of Assam during April, 2024 to March, 2025 and produced before the Child Welfare Committee of Barpeta

Total no.s of child labour rescued during April, 2024 to March, 2025	Educational status	Frequencies	Percentage
	No education at all	05	9.09%
58	Between Class I- V (Lower Primary)	21	36.20%
	Between Class VI- VIII (Upper Primary)	30	51.72%
	Between Class IX- XII	02	3.44%

Table 5 showing age of the child labour rescued by the District Level Task Force of Barpeta during April, 2024 to March, 2025 engaged in economically productive activity

Age group	Frequencies	Percentage
Below 10 years	03	5.17%
Between 10-14 years	37	63.79%
Between 14-18 years	18	31.03%

Table 4 & Table 5 show that during the period of April, 2024 to March, 2025, 58 numbers of child labour were rescued by the District Level Task Force of Barpeta District and produced all of them before the Child Welfare Committee of the district. These tables show that more than 50% child labour did not even



get opportunity to access free and compulsory elementary education which is their fundamental right guaranteed by the Constitution of India. Table 5 shows that 63.79% of child labour were not completed their 14 years of age which is against the provision of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

Recommendations and Conclusion

Recommendations

Since the main reason for children to work is the family's economic hardship, it may be unwise to eliminate all forms of child labour. However, children should be prohibited from undertaking all dangerous jobs and jobs which create obstacle in the path of accessing formal education.

Children have also every right for their personal development. Establishment of a flexible schooling system directly at workplaces or designated community centers for children who cannot attend mainstream schools regularly due to family economic hardships may be very effective.

The efforts against child labour should make sure that child workers have equal chance to attend school to complete at least their basic education. Education should be provided either at the work place or at a designated place if they can not attend school regularly for whatever reasons.

In the long run, combating child labour and ensuring free and compulsory elementary education for all children of the age of six to fourteen years is very much a question of attitude. Awareness raising activities such as community-wide sensitization programs targeting parents, employers, and children to shift cultural attitudes and underscore how illiteracy permanently blocks personal development are essential for successful implementation of laws and policies to send children to school and prevent children from works.

By nature, children can not fight for their rights because they are powerless and so, child workers need others to advocate and campaign on their behalf. Formation of dedicated advocacy networks to campaign on behalf of vulnerable children, as they lack the systemic power to fight for their own rights may be very significant.

Conclusion:

A recent study in Assam reveals that despite landmark legislations like the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and the Right of Children to Free and Compulsory Education Act,



2009, children are still trapped in labour that deprives them from education. A study on the issue of child labour suggests that as long as poverty continues with its stronghold it would be difficult to totally eliminate child labour and hence an attempt to completely abolish it through legal process would not be a practical proposition. True eradication requires a comprehensive, honest plan of action that goes beyond merely enacting laws. The prevention of child labour and making 100% enrollment of children in school are two gigantic tasks. The current study is designed to search whether practice of child labour is still existing in Assam or not and if yes then what about their educational status. Most unfortunately it has found that children continue to engage in labour which deprive them of opportunities for attending schools and better education. There is a need to have a comprehensive plan of action along with a realistic target and honest approach to help in eradication of child labour and enrollment of every child in school. The emphasis has to be on free and compulsory education, which can not be made successful by merely enacting certain laws. The evil has to be combated on several fronts and in this respect the implementation of laws and awareness are two very important aspects. The abolition of child labour must be preceded by the compulsory education since compulsory education and child labour laws are interlinked.

References

1. Bajpai, A. (2006). Child Rights in India: Law, Policy and Practice. Oxford University Press
2. Burra, N. (1995). Born to work: Child labour in India. Oxford University Press
3. Child Labour in India: Poverty, Exploitation and Vested Interest. *Social Action*,
4. Dewan, V. K. (2015). Towards Elimination of Child Labour. *Child Protection Bulletin*, 5(6), 394-415
5. Jangir, S. K. (2013). Child Labor in India: Law, policy and Programme. *International Journal of Science and Research*, 2(7), 167-170
- Maurya, O. p. (2001). Child labour in India. *Indian Journal of Industrial Relations*, 36(4), 492-496
6. Spongardi, A. (2020). Child Labor Laws in India and the Need for Change. *Children's Legal Rights Journal*, 40(2), 176-179
7. Weiner, M. (1989). Can India end Child labour?. *India International Centre Quarterly*, 16(3/4), 43-50
8. Weiner, M. (1996). Child Labour in India: Putting Compulsory Primary Education on the Political Agenda. *Economic and Political weekly*, 31(45/46), 3007-3019
9. Mohini Jain V. State of Karnataka(1992) SCC 666
10. M. C. Mehta V. State of Tamil Nadu(1996) 6SCC756



11. M. C. Mehta V. State of Tamil AIR 1997 SC 699
12. Unni Krishnan V. State of Andhra Pradesh(1993) 1SCC 645
13. Pandey, J. N.(2006). Constitutional Law of India. Central Law Agency
14. Shuklsa, V. N. (2008). Constitution of India. Eastern Book Company
15. Jangir, S. K. (2013). Child Labor in India: Law, policy and Programme. *International Journal of Science and Research* , 2(7) , 167-170
16. Wazir, R.(2003). No to Child Labour, yes to Education: Unfolding of a Grass Root Movement in Andhra Pradesh. *Economic and Political Weekly*, 31(45/46), 3007-3019