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Constitutional mandates and ground realities on child labour and their education rights

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Abstract

This paper critically examines the paradox between India's constitutional guarantees on children's rights-particularly the right to education and protection from exploitation-and the ongoing prevalence of child labour across the country. It explores how legal mandates under Articles 21A, 24, and related statutory frameworks like the Right to Education Act and Child Labour (Prohibition and Regulation) Act are undermined by socio-economic factors, legal loopholes, and poor enforcement. The chapter also analyses judicial interpretations and landmark decisions aimed at protecting children's rights, while highlighting systemic challenges that hinder their practical realization. Emphasizing a rights-based and integrated approach, the chapter calls for robust policy convergence, community-level accountability, and stronger legal advocacy to reconcile constitutional vision with ground realities.

Keywords: Child labour, right to education, Indian Constitution, Article 21A, Article 24, legal enforcement, socio-economic exclusion, judicial activism, education policy, constitutional rights

Introduction

India's constitutional framework envisions a just, equitable, and inclusive society, with special emphasis on the rights and welfare of children. Embedded within this vision is a powerful commitment to ensuring every child the right to education and a life free from exploitation. The Constitution, through its Fundamental Rights and Directive Principles of State Policy, lays a normative foundation that recognizes children as holders of rights and not merely as recipients of welfare. Articles 21A and 24, among others, serve as explicit guarantees of these protections, while several legislative enactments and judicial pronouncements have further reinforced the primacy of children's interests in the country's legal and policy landscape. However, the ground reality starkly contrasts with this constitutional ideal. Across the country, millions of children continue to be denied access to quality education and are engaged in various forms of labour-ranging from agriculture and domestic work to hazardous occupations in industries and urban informal sectors. According to government data and independent reports, despite legal prohibitions and educational mandates, child labour remains deeply entrenched, often normalized within the socio-economic structures of poverty, caste, gender, and regional disparities. The COVID-19 pandemic further exacerbated this crisis, pushing many vulnerable children out of school and into the labour force due to heightened economic insecurity and school closures. This persistent disconnect between constitutional mandates and lived experiences reveals a complex and troubling paradox. On the one hand, India is celebrated for its progressive legal framework aimed at child protection; on the other, it witnesses widespread violations of these very protections. The contradiction is not merely a policy failure but a reflection of deeper structural and institutional shortcomings. Implementation of child-centered laws is hindered by bureaucratic apathy, legal loopholes-such as the family enterprise exception in child labour laws-insufficient interdepartmental coordination, and a lack of accountability at various levels of governance.

Moreover, the challenge is not limited to legislative gaps or enforcement deficits. It is also rooted in the social acceptance of child labour as a necessity in economically backward families, often justified as training for future responsibilities or economic contribution to household income. Educational institutions themselves, especially in marginalized and rural areas, frequently fail to retain children due to poor infrastructure, inadequate teaching quality, and unwelcoming school environments, especially for children from Dalit, tribal, or minority backgrounds.

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This chapter seeks to unpack this paradox by exploring the constitutional and legal mandates related to child labour and education, assessing their implementation on the ground, and analysing the socio-economic factors that continue to undermine children's rights in India. It critically evaluates how legal ideals translate-or fail to translate-into practical realities and explores potential pathways toward bridging this normative-practical gap. Ultimately, the chapter argues that the realization of children's constitutional rights requires more than legal provisions—it demands systemic reform, societal transformation, and an unwavering political and institutional commitment to justice for the youngest and most vulnerable members of society.

Constitutional Framework on Child Rights: India's constitutional commitment to child welfare is both expansive and foundational. It integrates a rights-based approach that not only prohibits exploitative practices against children but also ensures their development through education and care. However, the real challenge lies in bridging the normative ideals enshrined in the Constitution with ground-level implementation. The relevant provisions can be broadly categorized under Fundamental Rights and Directive Principles of State Policy, supported by significant judicial interpretations.

A. Fundamental Rights

1. Article 21A - Right to Education: Article 21A, inserted by the 86th Constitutional Amendment Act, 2002, makes free and compulsory education a fundamental right for all children aged 6 to 14 years. This provision transformed a long-standing Directive Principle (Article 45) into an enforceable right, obligating the State to provide inclusive and equitable elementary education.

Case Laws

Unnikrishnan J.P. v. State of Andhra Pradesh (1993) 1 SCC 645

Before Article 21A was enacted, the Supreme Court in this landmark case held that the right to education is implicit in the right to life under Article 21. The Court laid down a scheme mandating free education up to the age of 14, thereby laying the doctrinal groundwork for Article 21A.

Society for Unaided Private Schools of Rajasthan v. Union of India (2012) 6 SCC 1

The Court upheld the constitutional validity of the Right of Children to Free and Compulsory Education Act, 2009. It ruled that private unaided schools must reserve 25% of their seats for economically weaker sections under Article 21A, affirming the principle of inclusive education.

2. Article 24 - Prohibition of Child Labour in Hazardous Occupations: Article 24 prohibits the employment of children below 14 years in factories, mines, or other hazardous occupations. This provision directly addresses child labor in industries that pose serious risks to a child's life and development.

Case Laws

M.C. Mehta v. State of Tamil Nadu (1996) 6 SCC 756

The Supreme Court banned the employment of children in hazardous industries like matchbox and fireworks factories. It directed the establishment of a Child Labour

Rehabilitation Welfare Fund and provided for alternative education and financial support to affected children and their families.

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

In this case, the Supreme Court considered forced child labour a violation of Articles 23 and 24. It emphasized that employing children in construction work under exploitative conditions contravened their fundamental rights.

3. Article 23 - Prohibition of Trafficking and Forced Labour: Article 23 prohibits trafficking in human beings and forced labor, which directly impacts the issue of bonded and trafficked child labor. This provision is critical in addressing child labor that arises out of coercion, trafficking, or debt bondage.

Case Law

Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161

The Court held that bonded labor, including child labor, is a form of forced labor and a direct violation of Article 23. It emphasized the duty of the State to identify, release, and rehabilitate bonded child labourers.

Gaurav Jain v. Union of India (1997) 8 SCC 114

This case addressed the rehabilitation of children of sex workers, treating their trafficking and social ostracization as a violation of Article 23, and called for their integration through education and welfare schemes.

B. Directive Principles of State Policy: Although non-justiciable, the Directive Principles of State Policy represent a constitutional blueprint for a welfare-oriented state. Several provisions highlight the duty of the State towards children's well-being and education.

1. Article 39(e) and (f)

1. Article 39(e) mandates that the State shall direct its policy to ensure that children are not forced by economic necessity to enter vocations unsuited to their age or strength.

2. Article 39 (f) provides that children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood shall be protected against exploitation and moral and material abandonment.

Judicial Endorsement

In *Lakshmi Kant Pandey v. Union of India* (1984) 2 SCC 244, the Court emphasized that the State has a moral and constitutional duty to safeguard children's welfare, particularly in adoption cases. It invoked Article 39(f) to frame guidelines ensuring that adopted children grow up in healthy and secure environments.

In *M.C. Mehta v. State of Tamil Nadu* (supra) also drew heavily from Article 39, observing that economic compulsion cannot justify the employment of children and that the State must proactively provide educational alternatives and social protection.

2. Article 45 - Early Childhood Care and Education: Originally, Article 45 directed the State to provide free and

compulsory education to children up to the age of 14. After the 86th Amendment, it now mandates early childhood care and education for children below the age of six.

Significance: Though not enforceable in courts, Article 45 has guided significant policy shifts, including the establishment of the Integrated Child Development Services (ICDS) and pre-primary education schemes under the Ministry of Women and Child Development.

Judicial Interpretation: In *Mohini Jain v. State of Karnataka* (1992) 3 SCC 666, the Court reiterated that the right to education flows from the right to life and dignity under Article 21, viewing it in conjunction with Article 45 and the Preamble.

The Indian Constitution provides a robust legal framework aimed at the protection, education, and development of children. Through a combination of enforceable rights and directive principles, it underscores the importance of nurturing every child's potential and dignity. However, as judicial pronouncements reveal, the State's performance in translating these ideals into reality remains mixed. While courts have played a critical role in affirming children's rights, the onus remains on the legislature and executive machinery to ensure that constitutional promises do not remain mere aspirational declarations, but become the lived experience of every child in India.

Legislative Framework Addressing Child Labour and Education: To give effect to the constitutional mandates enshrined in Articles 21A, 24, 23, and 39, India has adopted a range of statutory frameworks that collectively aim to prohibit child labor, guarantee access to education, and rehabilitate affected children. These laws represent the legislative machinery intended to actualize the State's constitutional obligation, yet their implementation is fraught with contradictions, exclusions, and enforcement gaps.

A. Right of Children to Free and Compulsory Education Act, 2009 (RTE Act): The Right of Children to Free and Compulsory Education Act, 2009 is the principal legislation enforcing Article 21A of the Constitution. It entitles every child between 6 and 14 years of age to free and compulsory elementary education in a neighbourhood school.

Key Features

1. Prohibits capitation fees, screening procedures, and physical punishment.
2. Mandates specific norms and standards for schools, including infrastructure, working days, and teacher qualifications.
3. Obligates State governments and local authorities to identify out-of-school children and ensure their admission, attendance, and completion of elementary education.
4. Requires private unaided schools to reserve 25% of their seats for children from economically weaker sections and disadvantaged groups, thereby promoting social inclusion.

Judicial Validation: In *Society for Unaided Private Schools of Rajasthan v. Union of India* (2012) 6 SCC 1, the Supreme Court upheld the constitutionality of the RTE Act's Section 12(1)(c), which mandates private schools to

admit disadvantaged children, affirming the legislative commitment to equity in education.

Limitations: The Act does not cover children below 6 or above 14 years, leaving adolescents vulnerable to labor exploitation.

Poor implementation in rural and tribal areas, teacher absenteeism, and infrastructural gaps undermine its efficacy. The Act does not directly criminalize the denial of education, thereby weakening its enforceability against non-compliant institutions.

B. Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (Amended 2016): Originally enacted in 1986, the law was comprehensively amended in 2016 to align with international commitments, including the International Labour Organization's Convention No. 182 on the worst forms of child labor^[3].

Key Provisions

- A. Prohibits employment of children below 14 years in any occupation or process.
- B. Prohibits adolescents (14-18 years) from being employed in hazardous occupations and processes, as listed in the Schedule.
- C. Allows children to work in family enterprises after school hours and during vacations, and in entertainment industries (excluding circuses) subject to conditions.

Critique and Legal Concerns

- The family enterprise exception is widely criticized for enabling informal and exploitative labor practices, particularly in rural areas where regulatory oversight is weak.
- The amended law diluted the earlier protective regime by not defining family enterprise clearly, thus legalizing many grey zones of labour exploitation.

Relevant Case Law: While there is limited post-2016 case law due to the Act's leniency, in *M.C. Mehta v. State of Tamil Nadu* (1996) (pre-amendment), the Supreme Court emphasized that the prohibition of child labor must be accompanied by rehabilitation measures and alternative education, laying the groundwork for a more holistic child rights approach.

C. Juvenile Justice (Care and Protection of Children) Act, 2015: The Juvenile Justice (Care and Protection of Children) Act, 2015 introduces a more nuanced categorization of children involved in labor or deprived of parental support, and creates a mechanism for rehabilitation and reintegration.

Key Provisions

- Defines **children in need of care and protection** to include children found working in contravention of labor laws.
- Empowers **Child Welfare Committees (CWCs)** to provide such children with care, shelter, education, and vocational training.
- Encourages an integrated approach to child protection through coordination between the police, judiciary, child protection units, and civil society organizations.

Judicial and Administrative Observations:

- In *Sampurna Behura v. Union of India* (2018) 4 SCC 433, the Supreme Court examined the functioning of CWCs and directed all States to ensure the establishment of proper infrastructure under the JJ Act for protecting children in need.
- The Act operationalizes the principle of best interests of the child, reinforcing the idea that children rescued from labor must not merely be removed from work but also rehabilitated meaningfully through education and care.

While the legislative framework for addressing child labor and ensuring education is robust in principle, significant challenges remain in enforcement, harmonization, and clarity. The contradiction between the RTE Act's guarantee of universal education and the Child Labour Act's permissiveness in family-based labor is particularly problematic. Moreover, the lack of integration between various laws and insufficient rehabilitation mechanisms undercuts the effectiveness of the legal response.

A more synchronized statutory regime—backed by institutional accountability, community engagement, and stronger judicial oversight—is essential to translate constitutional ideals into lived realities for India's children.

The Persistent Reality of Child Labour despite Legal Guarantees: Despite India's expansive constitutional and statutory framework aimed at eradicating child labor and ensuring universal education, the prevalence of child labor continues to be alarmingly high. The contradiction between legal mandates and lived realities reveals a chronic implementation deficit and highlights the enduring influence of structural socio-economic forces. This section critically examines the persistence of child labor through a statistical overview and an exploration of its underlying socio-economic drivers.

A. Statistical Overview: Discrepancy between Official Data and Ground Realities

As per the Census 2011, 10.1 million children aged 5-14 years were reported to be engaged in various forms of labor. Of these, a significant portion was involved in agriculture, domestic services, and informal urban employment. While this figure showed a marginal decline from previous census data, it fails to capture the full extent of the issue due to definitional, methodological, and enforcement limitations.

Key Concerns

- **Underreporting:** Many forms of child labor, particularly those occurring in family enterprises, home-based units, and domestic settings, are excluded from official records.
- **Invisibility in Informal Economy:** A large proportion of child labor occurs in unregulated sectors that fall outside the ambit of formal inspection mechanisms.
- **Post-Pandemic Rise:** According to reports by Childline India Foundation, Save the Children, and Bachpan Bachao Andolan, the COVID-19 pandemic reversed gains made in reducing child labor. School closures, loss of livelihoods, and rising economic insecurity forced many children into work, either temporarily or permanently.

Alternate Estimates Civil society organizations estimate that the actual number of working children—including those in the age group of 15-18 years who fall outside the RTE mandate—is far higher, potentially exceeding 30-35 million. Many of these children are engaged in hazardous occupations such as mining, brick kilns, bidi rolling, e-waste recycling, and construction work.

B. Socio-Economic Drivers of Child Labour: The persistence of child labor is deeply rooted in India's socio-economic fabric. Legislative prohibitions alone cannot counteract the complex, interlinked factors that compel families to send their children into labour markets.

1. Poverty and Debt: The Compulsion of Survival

For millions of families living below the poverty line, child labor is not a choice but a compulsion. When adult wages are insufficient or irregular, children's labor becomes a supplementary source of income. In cases of indebtedness or bonded labor, children are often used as collateral to repay informal loans—a practice especially prevalent in rural and tribal areas.

In *Bandhua Mukti Morcha v. Union of India* (1984), the Supreme Court recognized the interconnection between poverty, bonded labor, and child exploitation, calling for a comprehensive rehabilitation plan rather than mere prohibition.

2. Lack of Access to Quality Education

Though the **Right to Education Act, 2009** mandates free and compulsory elementary education, **ground-level implementation remains patchy**. In many rural, tribal, and peri-urban regions:

- Schools suffer from poor infrastructure, lack of basic facilities (toilets, electricity, drinking water).
- Teachers are absent, untrained, or overburdened.
- Curriculum delivery is uninspiring and non-contextual, especially for first-generation learners.
- Children from marginalized backgrounds face discrimination, exclusion, and language barriers.

Such systemic failures lead to high dropout rates, particularly after the elementary level, driving children back into the labour force.

3. Cultural and Social Acceptance

In several communities, especially in agrarian and artisan settings, child labor is normalized. It is seen as a form of training or apprenticeship, a means to instill work ethic or perpetuate traditional occupations. The practice of involving children in household or caste-based trades is often romanticized, ignoring the harm it causes to their physical, emotional, and intellectual development.

- The 2016 amendment to the Child Labour Act, which allows children to work in family enterprises, inadvertently legitimizes this cultural perception, making enforcement even more difficult.

4. Gender and Caste Dimensions: Intersectional Exploitation

Child labor is not a uniform phenomenon; it is gendered and caste-specific

- Girls are disproportionately engaged in invisible forms of labor—housework, sibling care, agricultural work,

and domestic servitude—often unrecorded and unrecognized.

- Dalit, Adivasi, and Muslim children are overrepresented in exploitative occupations such as leatherwork, sanitation, construction, and quarrying—reflecting entrenched social hierarchies and occupational segregation.

In *Neeraja Chaudhary v. State of M.P. (1984)*, the Supreme Court emphasized that the liberation of bonded labor must include the eradication of the structural inequalities—caste, poverty, and illiteracy—that underpin exploitation.

The continuing prevalence of child labor, despite constitutional and statutory protections, reveals a deep-rooted failure to address the structural injustices that perpetuate exploitation. Legal reforms and judicial activism must be accompanied by multi-sectoral interventions—poverty alleviation, education reform, community sensitization, and targeted support for marginalized groups. Without this holistic approach, constitutional guarantees will remain aspirational, and generations of children will be denied their rightful childhood and future.

The Paradox in Practice: Rights vs. Reality

India presents a profound paradox—its constitutional and legislative architecture powerfully affirms the rights of children to education and protection from labor, yet these guarantees remain unfulfilled for millions of vulnerable children. The contrast between legal aspirations and ground-level implementation reflects a deeper malaise: a fragmented policy regime, institutional apathy, and socio-economic marginalization. The challenge lies not in the absence of legal commitment, but in the disjuncture between normative frameworks and institutional practice.

A. Implementation Gaps: Structural and Administrative Failures

Despite legal clarity, the enforcement of child labor and education laws is marked by systemic weaknesses that perpetuate the paradox.

1. Weak Enforcement Mechanisms

- Labor inspections—particularly in the informal and unorganized sectors—are sporadic, poorly resourced, and often compromised by local political and economic pressures.
- Enforcement agencies frequently lack training, interdepartmental coordination, and independence, leading to poor detection and reporting.
- Penalties imposed under the Child and Adolescent Labour (Prohibition and Regulation) Act are seldom enforced, and conviction rates remain low.

A 2017 report by the National Commission for Protection of Child Rights (NCPCR) highlighted that in many states, labor inspectors failed to file First Information Reports (FIRs) even when child labor violations were found ^[2].

2. Legal Ambiguities and Loopholes

- The family enterprise exception introduced in the 2016 amendment is deeply problematic. Though intended to preserve traditional livelihoods, in practice, it has blurred the line between assistance and exploitation, especially in rural and artisanal economies.

- The absence of clear monitoring protocols or definitions around permissible work allows employers to evade responsibility while continuing exploitative labor under a legal veneer.

3. Policy Fragmentation

- The departments of labor, education, child development, and social justice often function in isolation, with no unified child protection database or coordinated rescue-and-rehabilitation mechanism.
- Policies such as the National Child Labour Project (NCLP) and Sarva Shiksha Abhiyan (SSA) often operate in silos, undermining the effectiveness of an integrated approach.
- The lack of convergence leads to rescued children being re-trafficked or falling back into labor due to the absence of sustained follow-up, educational support, or livelihood alternatives for families.

B. Judicial Interventions: Progressive Jurisprudence, Uneven Outcomes

Indian constitutional courts have been instrumental in evolving a jurisprudence of child rights, using Articles 21, 23, and 24 to impose positive obligations on the State. However, their progressive pronouncements often fail to translate into meaningful change due to weak institutional follow-through.

1. M.C. Mehta v. State of Tamil Nadu (1996) 6 SCC 756

- The Supreme Court directed that employers violating child labor laws be made to pay Rs. 20,000 per child, which would go into a Child Labour Rehabilitation-cum-Welfare Fund.
- The Court also ordered States to ensure that children removed from work are enrolled in schools and provided financial support.
- While the judgment was path-breaking, subsequent audits revealed poor fund utilization, lack of disbursement mechanisms, and low school retention rates.

2. Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161

- This case marked a watershed in recognizing bonded and child labor as a violation of fundamental rights, including Article 21 (right to life with dignity).
- The Court laid down detailed guidelines for identification, release, rehabilitation, and education of children rescued from exploitative labor.
- However, the challenge has been in institutionalizing the rehabilitation model. Implementation has varied across states, with some lacking even basic infrastructure for housing, schooling, and vocational training.

3. Sampurna Behura v. Union of India (2018) 4 SCC 433

- The Supreme Court emphasized the importance of functional Child Welfare Committees (CWCs) and proper implementation of the Juvenile Justice Act, recognizing that legal provisions are meaningless without robust infrastructure.
- Despite this, periodic monitoring by NCPCR shows non-functionality or underperformance of CWCs in many states.

Legal Affirmation vs. Institutional Reality

The paradox of child labor in India-wherein the law affirms the child's right to education and freedom from exploitation, yet the State fails to enforce it-exemplifies a broader crisis in rights implementation. Progressive court rulings and legislative frameworks are only as effective as the institutions tasked with their execution.

To overcome this paradox, India must move beyond symbolic legalism toward effective governance. This entails:

- Strengthening interdepartmental convergence across child-related services.
- Institutionalizing judicial mandates through enforceable policy frameworks.
- Building accountability mechanisms from the grassroots up, involving Panchayati Raj institutions, civil society, and local school management committees.
- Investing in enforcement infrastructure, particularly for child labor inspectors, CWCs, and district-level monitoring authorities.

Until then, the gap between rights and reality will remain a sobering indictment of India's commitment to its children.

Bridging the Divide: Towards Convergence and Accountability

To resolve the paradox between constitutional commitments and the persistence of child labor, India must move from fragmented interventions toward an integrated, child-centric governance model. Bridging the gap between rights and reality demands a coordinated policy architecture, grassroots empowerment, and a shift from mere prohibition to preventive, protective, and primitive strategies. This section outlines a multi-pronged approach to institutional convergence, legal empowerment, and community accountability in combating child labor and promoting the right to education.

A. Integrated Policy Approach: Institutional Convergence and Synergy

India's current policy landscape is marked by siloed operations of key departments. Effective change requires a cohesive framework where education, labor regulation, child welfare, and social protection converge on a shared rights-based mission.

Recommendations

- Establish District-level Child Rights Protection Committees comprising officials from the Department of Education, Labour, Women and Child Development, and Rural Development, to coordinate rescue, rehabilitation, and school reintegration.
- Integrate National Child Labour Project (NCLP) with the Samagra Shiksha Abhiyan to ensure a continuum from child rescue to education and skilling.
- Launch a centralized data-sharing platform to track rescued children, monitor their school attendance, and provide post-rehabilitation support.

A convergence model based on the UNICEF Child-Friendly Governance Framework could serve as a blueprint for aligning programs with the rights enshrined in Articles 21A and 24.

B. Community-Based Monitoring: Decentralization and Local Accountability

Localized institutions are best positioned to identify, monitor, and resolve instances of child labor and educational exclusion. Decentralization of oversight can enhance visibility and enforcement at the grassroots level.

- **Panchayati Raj Institutions (PRIs)** must be empowered and trained to maintain village-level child labor and dropout records. Gram Sabhas should periodically review child welfare metrics.
- **School Management Committees (SMCs)** under the RTE Act must be activated to conduct outreach, ensure regular attendance, and counsel families about the value of education.
- **Village Child Protection Committees (VCPCs)**, though created under Integrated Child Protection Scheme (ICPS), remain inactive in most areas and must be revived to track at-risk children.

Models from Kerala's Kudumbashree Mission and Jharkhand's Child-Friendly Villages show that community participation can significantly improve child retention and reduce dropout-linked labour.

C. Strengthening Grassroots Legal Aid and Awareness: Rights Literacy as Empowerment

The lack of awareness of child rights, coupled with poor access to legal remedies, leaves marginalized families vulnerable to exploitation. Legal empowerment must become a foundational pillar of child labour abolition strategies.

Actionable Measures

- Establish Child Rights Legal Aid Clinics in district courts, law schools, and block offices, staffed by trained paralegals and advocates.
- Mobilize Para Legal Volunteers (PLVs) to conduct rights-awareness drives in remote areas, focusing on the illegality of child labor and the provisions of the RTE Act.
- Integrate child rights training into the curricula of National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs) to ensure broader advocacy and proactive legal aid delivery.

Legal literacy should not be viewed merely as awareness of laws, but as a transformative tool for social justice, echoing Amartya Sen's concept of development as freedom.

D. Role of Civil Society and NGOs: Bridging State and Society

Civil society organizations (CSOs) and NGOs have played a critical role in identifying, rescuing, rehabilitating, and advocating for child labourers. Their work complements state mechanisms and provides a vital link to communities.

Examples

- Bachpan Bachao Andolan (BBA) has led over 100,000 rescues and successfully litigated landmark PILs that shaped jurisprudence on bonded and child labor.
- Pratham has pioneered community-based education models, while Save the Children has implemented school re-enrolment campaigns in vulnerable zones.

- HAQ: Centre for Child Rights has contributed to legislative advocacy and research, influencing policy discourses on children's rights.

State-NGO Collaboration

- Create formal partnership frameworks where NGOs are embedded in district-level rescue and rehabilitation teams.
- Include CSO representatives in Child Welfare Committees (CWCs) and District Child Protection Units (DCPUs) to enhance monitoring and transparency.

As seen in Operation Smile and Operation Muskaan, the success of anti-child labor raids hinges on coordinated action between state agencies, police, and civil society.

From Reactive Enforcement to Proactive Protection

Bridging the rights-reality divide in child labor and education requires a paradigm shift—from enforcement-driven, reactive models to child-sensitive, inclusive, and preventive frameworks. Legal mandates must be matched with political will, institutional accountability, and community empowerment. It is only through the harmonization of law, policy, and grassroots action that the constitutional promise to India's children can be redeemed.

Conclusion: Rethinking Commitment beyond Constitutional Promises

The coexistence of progressive constitutional mandates and the persistence of child labor in India underscore a profound structural dissonance within the country's legal and social frameworks. On the one hand, the Constitution articulates a clear and unequivocal vision for the protection of children—guaranteeing their right to education, shielding them from exploitation, and obligating the State to ensure their holistic development. On the other, the everyday realities of economic precarity, systemic marginalization, and weak enforcement mechanisms continue to consign millions of children to lives of labor and lost educational opportunity.

This paradox is not merely a legal oversight—it reflects institutional apathy, policy fragmentation, and social normalization of inequality. Legislative interventions, no matter how well intentioned, cannot dismantle deeply entrenched structures of poverty and discrimination without sustained, coordinated, and community-anchored efforts. The solution lies in transforming constitutional ideals into living realities through convergence of institutions, grassroots participation, and legal empowerment of the most disenfranchised.

Child labor is not just a violation of law—it is a betrayal of the Republic's moral and constitutional compact with its youngest citizens. If India is to uphold its democratic ethos and fulfil its constitutional promises, it must treat the abolition of child labor and universalization of education not as separate challenges, but as two sides of the same justice agenda. The future of India's children—and indeed the integrity of its constitutional democracy—depend on bridging this gap with urgency, sincerity, and unwavering political will.

References

1. Government of India. Census 2011: Data on Child Labour. New Delhi: Registrar General of India; 2011.
2. National Commission for Protection of Child Rights (NCPCR). Annual reports. New Delhi: NCPCR; [cited year unknown].
3. International Labour Organization. Global estimates on child labour: results and trends, 2016-2020. Geneva: ILO; 2021.
4. RTE Forum. Status of implementation of the Right to Education Act: annual review reports. New Delhi: RTE Forum; [cited year unknown].
5. Basu K. Child labor: cause, consequence, and cure, with remarks on international labor standards. J Econ Lit. 2003;37(3):1083-1119.