

# Challenges and Perspective of Child Labour in Assam and its Impact on Health and Wellbeing of Children

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## Abstract

Child labour in Assam is a continuous socioeconomic issue caused by poverty, illiteracy, unemployment, and migration. Many children work on tea plantations, in agriculture, at home, or in small businesses. Weak enforcement of labour regulations, a lack of understanding among parents, and cultural acceptance exacerbate the issue. Natural disasters such as floods, which are prevalent in Assam, displace families and force children to work for survival. From a developmental standpoint, child labour deprives children of schooling, skill development, and possibilities for advancement. Although government programs and legislation, such as the Child Labour (Prohibition and Regulation) Act, exist, their execution is inconsistent. NGOs and community initiatives play an important role, but their reach is limited in rural and distant regions. The impact on children's health and wellbeing is severe. Physically, child labour exposes children to hazardous conditions, leading to injuries, malnutrition, and chronic illnesses. Psychologically, long working hours and exploitation can cause stress, anxiety, and emotional trauma. Socially, it isolates children from peers and restricts their overall personality development. To address this issue, a multi-dimensional approach is essential, including poverty alleviation, access to quality education, strict law enforcement, and community awareness. Empowering families economically and ensuring child protection mechanisms can significantly reduce child labour in Assam.

**Keywords:** Child Labour, Assam, Poverty, Illiteracy, Health Impact, Wellbeing, Exploitation, Education, Vulnerability, Law Enforcement.

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## 1.1 Introduction

Childhood is that stage in human development which determines the overall fate of an entire society in years to come. So, it calls for the society as a whole to contribute towards safeguarding that fragile stage in human development. Children are an important asset not only for their country but also for the whole of mankind. They have enormous potential to grow and develop into adults of future. Protecting the health and education of today's children is not only the first and foremost right of these children, but it also the most basic and wisest of all investments and, thus, for social and economic development of society. This is the reason why most countries have promulgated stringent laws for safeguarding the child's interest. Every society, must, therefore, devote full attention to ensure that children are properly cared for and brought up in a proper atmosphere where they would receive adequate training, education and guidance, in

order that they may be able to have their rightful place in society which they grew up.<sup>1</sup>

Child labour remains one of the most pressing issues affecting children worldwide, posing significant challenges to their well-being, education, and future. Despite global efforts to combat this problem, millions of children are still trapped in exploitative labour, particularly in developing countries. Understanding the causes, challenges, and perspectives surrounding child labour is crucial in creating effective strategies to address it. Child labour is one of the oldest problems in our society and still an ongoing issue. During the time, child labour evolved from working in agriculture or small handicraft workshops to being forced into work in factories in the urban setting as a result of the industrial revolution. Children were very profitable assets since their pay was very low, were less likely to strike, and were easy to be manipulated. Socioeconomic disparities and lack of access to

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<sup>1</sup>Sanir Das Gupta, "Child Labour: A National Problem" 20 *Yojna* 25 (1979).

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education are among others contributing to the child labour. Religious and cultural beliefs can be misguiding and concealing in delineating the limits of child labour. Child labour prevents physical, intellectual, and emotional development of children. To date, there is no international agreement to fully enforced child labour. This public health issue demands a multidisciplinary approach from the education of children and their families to development of comprehensive child labour laws and regulations.<sup>2</sup> The importance of child welfare services lies in the consideration that the personality of man is built up in the formative year, and the physical and mental health of the nation is determined largely by the manner in which it is shaped in the early stages. Social justices must begin with children, unless tender plant is properly tended and nourished, it has little chance to growing into a strong and useful tree.<sup>3</sup>

Child labour is defined by the International Labour Organization (ILO) as work that deprives children of their childhood, potential, dignity, and is harmful to their physical and mental development. It includes work that is mentally, physically, socially, or morally dangerous and interferes with their education. According to UNICEF, approximately 160 million children aged 5 to 17 were engaged in child labour in 2020, with a significant proportion involved in hazardous work. The report, from the Parliamentary Standing Committee on Labour, Textiles and Skill Development Committee, added that India needs to introduce a uniform legal definition of a 'child', as there was ambiguity in the definition of a 'child' under various employment laws. It also concluded that, although India has ratified various International Labour Organisation (ILO) conventions on the prohibition of child labour, the government has a long way to go to achieve its commitment to ending all forms of child labour in the next few years.<sup>4</sup>

Child labour remains one of the most pressing socio-economic issues in Assam, a northeastern state of India. Despite the legislative framework and several government and non-governmental initiatives to curb the practice, it continues to persist, particularly in rural and marginalized communities. This article explores the challenges posed by child labour in

Assam and highlights potential perspectives to address the issue.

### 1.2 Definition of Child

The UN Convention on the Rights of the Child (CRC) was adopted in November 1989. Children like adults are entitled to basic human rights. Article 1 defines a 'child' as a person below the age of 18, unless the laws of a particular country set a lower legal age for adulthood. Under Article 6 of the UN Convention on the Rights of the Child, every child has the inherent right to life and that the state parties shall ensure to the maximum extent possible the survival and development of the child. Under Article 32 of the Convention, the convention mandates the state parties to recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.<sup>5</sup>

### 1.3 Causes of Child Labour

**1. Poverty and Economic Hardship** Poverty is widely recognized as the primary driver of child labour worldwide. Families living in extreme poverty often view their children's labour as a necessary means of survival, contributing to household income to meet basic needs like food, shelter, and healthcare. When adult employment opportunities are scarce or wages are insufficient, children are often forced into work to supplement meagre family earnings. This economic desperation can be exacerbated by sudden crises, such as illness of a primary caregiver, job loss, or mounting debts. In many developing countries, informal economies thrive, where labour laws are weakly enforced, making children particularly vulnerable to exploitation due to their cheap and docile nature.<sup>6</sup>

**2. Lack of Access to Quality Education** A significant factor contributing to child labour is the absence of accessible and quality education. When schools are unavailable, unaffordable, or lack adequate facilities and qualified teachers, children are less likely to attend. High school fees, the cost of uniforms, books, and transportation can be prohibitive

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<sup>2</sup>Vijay Veena, "Child Labour Need for Special Awareness" 20 *Yojna* 13 (1979).

<sup>3</sup>*Ibid.*

<sup>4</sup>Dhingra LC, "Child Labour and the Law" 8-9 *Kurukshetra Law Journal* 1982-83 (1994).

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<sup>5</sup>V.V.Giri, *Labour Problems in India Industry* 360 (Asian Publishing House, Madras, 2<sup>nd</sup> Edition, 1958).

<sup>6</sup>International Labour Organization, "Child Labour: Global Estimates 2020, Trends and the Road Forward" (2020).

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for impoverished families, forcing them to choose work over schooling for their children. Furthermore, if the perceived value of education is low, or if the curriculum is not relevant to local contexts, families may see little incentive to keep children in school. The lack of education in turn perpetuates the cycle of poverty, as child labourers grow up with limited skills and opportunities for decent work, making them susceptible to low-wage employment and unable to provide a better future for their own children.<sup>7</sup>

**3. Social and Cultural Norms** Deep-seated social and cultural norms can also contribute to the prevalence of child labour. In some communities, there's a traditional belief that work is beneficial for character building, skill development, and preparing children for adult life. Parents who themselves were child labourers may view it as a social norm and feel no shame in sending their own children to work. Certain occupations, particularly in agriculture or small family businesses, are often considered "family work" that children are expected to participate in from a young age. Gender norms can also play a role, with girls often disproportionately engaged in domestic work, which can be invisible and therefore harder to address.<sup>8</sup>

**4. Conflict, Disasters, and Displacement** Humanitarian crises, including armed conflicts, natural disasters, and mass migration, significantly increase children's vulnerability to labor exploitation. In such situations, families are often displaced, lose their livelihoods, and social support systems break down. Children, especially those who are orphaned, separated from their families, or migrating alone, are at a heightened risk of being forced into work, trafficking, or even recruitment into armed groups. The breakdown of law and order during these crises creates a permissive environment for exploitative labour practices to flourish unchecked.<sup>9</sup>

**5. Weak Governance and Insufficient Enforcement of Laws** Inadequate governance, weak legal frameworks, and insufficient enforcement of child labour laws contribute to the persistence of the problem. Corruption, limited resources for labour inspectorates, and a lack of political will can hinder effective action against exploitative employers. Even where laws exist, their implementation can be challenging, particularly in the informal sector,

making it easier for businesses to employ children without fear of repercussions.<sup>10</sup>

**6. Demand for Cheap Labour** The demand for cheap labour, particularly in sectors like agriculture, mining, manufacturing, and domestic services, drives the employment of children. Children are often paid significantly less than adults and are less likely to unionize or demand better working conditions, making them an attractive workforce for unscrupulous employers looking to cut costs. Globalization and competitive market pressures can also incentivize businesses to seek the cheapest possible labour, inadvertently fuelling child labour in global supply chains.<sup>11</sup>

### 2.1 Understanding Child Labour in Assam

Child labour in Assam remains a pressing socio-economic concern, deeply rooted in the state's history of poverty, illiteracy, and socio-political instability. Defined as work that deprives children of their childhood, potential, and dignity, child labour in Assam manifests across various sectors including agriculture, tea plantations, domestic work, construction, and informal industries. Assam, being home to a large population of marginalized communities, including tribal and tea garden workers, has a significant percentage of children engaged in labour, particularly in rural areas. As per the 2011 Census, Assam had approximately 347,353 children aged 5 to 14 engaged in some form of work, representing about 4.9% of the state's child population in that age group.<sup>12</sup>

Child labour is a significant issue worldwide, and Assam, a state in northeastern India, is no exception. The practice of child labour has severe implications for the overall development of children, depriving them of their right to education, a safe environment, and a healthy childhood. Despite legal frameworks aimed at curbing child labour, the persistence of this issue is deeply embedded in socio-economic factors, traditional practices, and the economic structure of the region. In Assam, children, particularly in rural and underdeveloped areas, are often engaged in various forms of labour, ranging from working in tea gardens

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<sup>7</sup>*Ibid.*

<sup>8</sup>UNESCO, "Global Education Monitoring Report" (2020).

<sup>9</sup>Ram Ahuja, *Social Problems in India* 234-242 (Rawat Publication, Jaipur, 2<sup>nd</sup> edn., 2003).

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<sup>10</sup>*Ibid.*

<sup>11</sup>*Ibid.*

<sup>12</sup>Government of India, Census 2011, Ministry of Home Affairs, India, *available at*: <https://censusindia.gov.in> (last visited on July 24, 2025).

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to domestic help, street vending, and even hazardous industries.<sup>13</sup>

One of the most visible sectors for child labour in Assam is the tea plantation industry, a legacy of British colonialism that continues to rely heavily on labour from communities that are historically disadvantaged. Children here are often engaged in plucking tea leaves, carrying heavy loads, and performing household chores for plantation managers. Many of these children belong to the Adivasi communities brought to Assam during colonial times, who still struggle with access to quality education and healthcare. Despite laws like the Child Labour (Prohibition and Regulation) Act, 1986, and the Right of Children to Free and Compulsory Education Act, 2009, enforcement remains weak due to systemic corruption, lack of political will, and economic dependence of families on child income.<sup>14</sup>

Another critical area where child labour is rampant is in domestic work and small-scale industries in urban and semi-urban areas. Here, children are engaged in hazardous occupations such as brick kilns, roadside eateries (dhabas), garages, and bidi-making units. Many are trafficked from poor rural areas or bordering regions like Bangladesh and Nepal, either under the guise of better opportunities or through outright coercion. Assam's porous borders and limited surveillance make it a hotspot for child trafficking, which feeds into exploitative labour markets.<sup>15</sup> The informal sector absorbs a significant number of child labourers in urban and semi-urban areas of Assam. Children are commonly seen working in hotels, restaurants, dhabas, garages, and various shops as helpers, cleaners, or servers. Street children are engaged in selling small items, carrying goods, or assisting passengers at bus stations. These environments often involve hazardous conditions, long working hours, and exposure to exploitation without parental supervision.<sup>16</sup>

Brick kilns are notorious for employing child labour, often migrant families who move seasonally for work. Children in brick kilns are involved in carrying mud, shaping bricks, and loading/unloading, often working alongside their parents in difficult and unsafe conditions. Similarly, children are employed in

construction sites and quarries, where they are exposed to physical dangers and arduous tasks.<sup>17</sup>

As Assam is predominantly an agrarian state, many children in rural areas are engaged in agricultural activities, assisting their families in fields and farms. While some of this might be considered non-hazardous family work, many are exploited as bonded or contractual labourers, hindering their access to education and overall development.<sup>18</sup>

The socio-economic backdrop of Assam—characterized by ethnic conflicts, insurgency, frequent floods, and underdevelopment—has compounded the vulnerability of children to exploitation. The loss of livelihoods due to displacement caused by floods and conflicts often pushes families to send their children to work. For instance, the recurring Brahmaputra floods displace thousands annually, rendering many homeless and jobless, and increasing the likelihood of child labour as a survival strategy.<sup>19</sup>

Furthermore, education in Assam faces multiple barriers, which contributes to the continuation of child labour. Inadequate infrastructure, teacher absenteeism, language barriers in tribal and tea garden areas, and poor quality of education lead to high dropout rates. Children who drop out of school are more likely to enter the labour force at a young age. The Right to Education Act, while a significant legal framework, has not been effectively implemented in many parts of Assam, particularly among marginalized groups. Civil society organizations report that many schools in tea garden areas lack even basic facilities like toilets, electricity, and safe drinking water.<sup>20</sup>

Efforts to curb child labour in Assam have seen limited success, often hampered by inadequate policy implementation, weak institutional frameworks, and a lack of public awareness. NGOs and grassroots organizations play a critical role in rescuing children, spreading awareness, and rehabilitating victims, but their resources are limited. Initiatives such as bridge schools, vocational training, and community sensitization programs have shown promise, but they require greater support from the state and central governments. Moreover, child labour is often normalized within certain communities, with societal perceptions failing to acknowledge its long-term

<sup>13</sup> Government of India "Annual Report on Child Labour" (Ministry of Labour and Employment, 2023).

<sup>14</sup> *Ibid*

<sup>15</sup> United Nations Development Programme (UNDP), "Assam Flood Impact Report, 2020" India.

<sup>16</sup> "A Study on Child Labour in Assam with Special Reference to Dibrugarh Town" *IOSR Journal*

<sup>17</sup> RJ Wave, "The Menace of Child Labour in Assam" *International Journal of Scientific and Research Publication*

<sup>18</sup> *Ibid*.

<sup>19</sup> *Supra note 6*.

<sup>20</sup> Right to Education Forum (2021). *State of the Education Report for India: No Child Left Behind*

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negative impacts on a child's health, education, and overall development.<sup>21</sup>

In recent years, Assam has also witnessed some government efforts and judicial interventions aimed at addressing the problem. The Assam State Commission for Protection of Child Rights (ASCP CR), in collaboration with the Labour Department, has launched awareness campaigns and conducted inspections, although their reach remains insufficient. Schemes such as the National Child Labour Project (NCLP) have tried to provide transitional education and stipends to child workers, yet coverage is inconsistent, and the quality of rehabilitation varies widely.<sup>22</sup>

Addressing child labour in Assam requires a multi-pronged and sustainable approach. Strengthening education systems, ensuring livelihood opportunities for parents, enforcing anti-child labour laws strictly, and creating robust rehabilitation mechanisms for rescued children are critical. Local self-governments, school management committees, and child protection units need to be empowered to act as watchdogs and enforcers of child rights. Importantly, community involvement and behavioural change are key. Until the societal mindset changes and poverty is effectively addressed, child labour in Assam is likely to persist.<sup>23</sup>

### 3.1 Impact on health and wellbeing of children

Child labour is a grave violation of human rights that profoundly impacts the health and well-being of children. It encompasses any work that deprives children of their childhood, potential, and dignity, and that is harmful to their physical and mental development. This often includes hazardous work that endangers their health, safety, and morals.

The consequences of child labour are staggering and can have immediate as well as long-lasting effects on a child's health:

### 3.2 Physical Health Effects

#### Occupational Injuries

Many working children suffer from injuries such as cuts, fractures, burns, and amputations. For example, children working in agriculture handle sharp tools, carry heavy loads, and operate machinery without

training or safety gear.<sup>24</sup> In industries like glass, fireworks, or leather tanning, they are exposed to dangerous chemicals and high temperatures, leading to burns, respiratory issues, or long-term organ damage.<sup>25</sup> Continuous exposure to dust, fumes, chemicals (e.g., in textile factories, brick kilns, mining, welding), and extreme temperatures can lead to severe respiratory illnesses like asthma, chronic bronchitis, silicosis, and tuberculosis.

#### Musculoskeletal Disorders

Repetitive work, such as stitching garments or rolling cigarettes (bidis), leads to joint and muscle problems in children. Studies show early-onset musculoskeletal disorders among children involved in such tasks, which can lead to permanent deformities or chronic pain.<sup>26</sup> Prolonged periods of strenuous activity, heavy lifting, repetitive motions, and maintaining awkward postures (e.g., in agriculture, domestic work) can cause chronic back pain, joint issues, orthopedic disorders like ankylosis and spondylitis, and permanent spinal deformities.<sup>27</sup>

#### Exposure to Toxic Substances

In mining, e-waste recycling, or chemical industries, children may be exposed to mercury, lead, arsenic, and solvents. These substances impair lung function, liver and kidney health, and are associated with developmental delays, neurological damage, and cancers.<sup>28</sup>

**Skin Disorders:** Handling toxic substances without protective gear (e.g., in tanneries, chemical factories, electroplating) can cause contact dermatitis, chemical burns, chronic allergies, and in the long run, even skin cancer.

**Malnutrition and Fatigue:** Long hours, inadequate food, poor nutrition, and lack of rest in harsh conditions lead to severe fatigue, stunted growth, weakened immunity, and increased susceptibility to

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<sup>24</sup>ILO, "World Report on Child Labour: Paving the way to decent work for young people" (2015).

<sup>25</sup>Human Rights Watch, "India: Protect Children in Tanning Industry" (2020) available at:

<https://www.hrw.org/news/2020/01/28/india-protect-children-tanning-industry> (last visited on 20 September, 2025).

<sup>26</sup>Padmini, D. S., & Venmathi, A. "Health problems of child labourers engaged in the handmade cigarette industry in Tamil Nadu" *Indian Journal of Occupational Health* (2012).

<sup>27</sup>*Ibid.*

<sup>28</sup>WHO (2021) "Lead poisoning and health" available at: <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health> (last visited on: 20 September, 2025).

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<sup>21</sup>Save the Children India (2022). *Voices from the Field: Child Labour in Tea Gardens of Assam.*

<sup>22</sup>Government of India "National Child Labour Project (NCLP) Guidelines" (Ministry of Labour and Employment, 2023).

<sup>23</sup>UNICEF India, "COVID-19 and Child Labour in India: Emerging Challenges and Strategies" (2021).

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infectious diseases like diarrhea, cholera, and dysentery.<sup>29</sup>

**Poisoning:** Inhalation of toxic fumes like carbon monoxide (e.g., in brick furnaces) can cause carbon monoxide poisoning with symptoms like headaches, nausea, memory loss, and in chronic cases, even atherosclerosis. Exposure to lead (e.g., in ceramic tile industries) can lead to decreased intelligence and impaired development.<sup>30</sup>

### 3.3 Mental Health Impact

#### Emotional Abuse and Trauma

Children in labour are often subjected to verbal abuse, fear of punishment, and physical violence by employers or adults. These experiences create a high risk of anxiety, depression, and post-traumatic stress disorder (PTSD). The absence of emotional support and nurturing care exacerbates their mental distress.<sup>31</sup>

#### Cognitive Impairment

Many child labourers do not attend school or have irregular education. As a result, their cognitive development suffers. Lack of stimulation, learning, and rest leads to low IQ, poor memory, and inability to concentrate.<sup>32</sup>

#### Substance Abuse and Risky Behaviour

Some child workers resort to substance abuse — inhaling glue or using drugs — either as a coping mechanism or due to the environment they are exposed to, such as street work or trafficking. This worsens their physical and mental well-being.<sup>33</sup>

#### Low Self-Esteem:

Being forced into labour often strips children of their confidence and self-worth, making them feel worthless and disconnected from society.<sup>34</sup>

#### Social Isolation:

Child labourers are often cut off from schooling, social interactions with peers, and a normal childhood. This isolation can lead to feelings of loneliness, sadness, and difficulty forming healthy relationships in the future.<sup>35</sup>

#### Impaired Cognitive Development:

Lack of access to education and stimulating activities hinders a child's mental and emotional growth, affecting their ability to think clearly, solve problems, and develop critical cognitive skills. This can lead to poor academic performance and limited intellectual growth.<sup>36</sup>

#### Emotional Dysregulation:

Children in labour may struggle to understand and express their emotions appropriately, impacting their ability to develop empathy and social skills.

### 3.4 Educational Deprivation and Cognitive Impairment

One of the most significant long-term consequences of child labour is the denial of education. Child labour directly interferes with schooling by preventing children from attending school, forcing them to drop out prematurely, or making it impossible to focus on their studies due to exhaustion and lack of time.<sup>37</sup> This lack of educational attainment has profound implications for their future.

Without an education, child labourers are often trapped in a cycle of low-wage, unskilled work as adults, limiting their economic prospects and perpetuating poverty across generations. Studies have shown a strong negative correlation between child labour and academic performance, with working children often scoring lower on tests and having a lower grade attainment compared to their non-working peers.<sup>38</sup> The cognitive impairment caused by prolonged exposure to hazardous work and lack of intellectual stimulation further hinders their ability to acquire new skills and adapt to changing economic landscapes. This lack of human capital development not only impacts individuals but also impedes national development and economic growth by creating an uneducated and low-skilled workforce.<sup>39</sup>

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<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Save the Children, “*Mental health needs of working children*” (2019).

<sup>32</sup> ECLAC-UNICEF, “*Education and Child Labour*” (2020).

<sup>33</sup> International Labour Organization, “*Ending child labour by 2025: A review of policies and programmes*” (2017).

<sup>34</sup> R. Ghosh & S. Ghosh, “Nutrition and child labour: A medical overview” *Journal of Health Management* 2014.

<sup>35</sup> *Ibid.*

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<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> The Impact of Child Labour on Educational Attainment: Evidence from Vietnam 2011, available at: [https://www.younglives.org.uk/sites/default/files/migrated/YL-SP-Mavrokonstantis%20-%20MSc%20Dissertation\\_2011.pdf](https://www.younglives.org.uk/sites/default/files/migrated/YL-SP-Mavrokonstantis%20-%20MSc%20Dissertation_2011.pdf)

<sup>39</sup> Edmonds, E. V. (n.d.), “*Child Labor and Economic Development Handbook of Labor, Human Resources and Population Economics*” available at: [https://www.amherst.edu/system/files/Edmonds\\_Theoharides\\_HBK\\_final\\_post.pdf](https://www.amherst.edu/system/files/Edmonds_Theoharides_HBK_final_post.pdf).

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### 3.5 Economic Disadvantage and Intergenerational Poverty

The economic consequences of child labour are deeply intertwined with its impact on education and health. Children who work for wages are often paid meagre amounts, if anything, and are exploited due to their vulnerability. This early entry into the labour force, often in exploitative conditions, depresses future earning potential. As adults, former child labourers typically have limited job prospects, struggling to find decent work due to their lack of education, skills, and the long-term health issues accumulated during childhood. This perpetuates a cycle of poverty, where their own children may also be forced into child labour due to economic hardship.<sup>40</sup>

Child labour also contributes to a downward pressure on wages for unskilled labour, affecting not only the child labourers themselves but also the broader labour market. This abundance of cheap, unskilled labour can discourage the adoption of skill-intensive technologies, further hindering a country's economic development.<sup>41</sup>

### 3.6 Social and Developmental Setbacks

Child labour robs children of their childhood, preventing them from experiencing crucial developmental stages. They miss out on opportunities for play, social interaction with peers, and the development of essential social skills. This can lead to difficulties in forming healthy relationships, reduced civic engagement, and a diminished sense of belonging within their communities.<sup>42</sup>

Furthermore, former child labourers may struggle with parenting, unknowingly passing on the same struggles and intergenerational trauma to their own children. The lack of nurturing environments during their childhood, coupled with their own experiences of exploitation and hardship, can impair their ability

to provide adequate care and opportunities for their offspring, thus continuing the cycle of disadvantage.<sup>43</sup>

### 4.1 Legal and Policy Framework

#### 4.1.1. Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (as amended in 2016)

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, as amended in 2016, is the primary national legislation governing child labour in India. The amendment introduced two key changes:

- 1. Complete Prohibition of Child Labour (below 14 years):** Children below 14 are prohibited from engaging in any form of employment, whether paid or unpaid, except in family enterprises and entertainment industry, and even then, only after school hours and during vacations<sup>44</sup>.
- 2. Regulation of Adolescent Labour (14–18 years):** Adolescents (14-18 years) are prohibited from working in hazardous occupations and processes as listed in the Schedule of the Act<sup>45</sup>.
- 3. Enhanced Penalties:** The Act strengthened penalties for employers, including imprisonment and higher fines<sup>46</sup>.

While the 2016 amendment was intended to align with the Right to Education Act, critics argue that the exemption for family enterprises may permit hidden forms of child labour, especially in rural and informal sectors<sup>47</sup>.

#### 4.1.2. Juvenile Justice (Care and Protection of Children) Act, 2015

The JJ Act classifies working children as “*children in need of care and protection*” (CNCP). It empowers the Child Welfare Committees (CWCs) to:

- rescue child labourers,
- conduct inquiries into their condition,
- ensure rehabilitation, including schooling, counselling, and placement in care institutions if needed<sup>48</sup>.

<sup>40</sup>Child Labor and Economic Development 2021, available at: <https://glm-lic.iza.org/article/child-labor-and-economic-development/>

<sup>41</sup>Eric V. Edmonds, “*Economic Growth and Child Labor in Low Income Economies*” 2016 available at: from <https://glm-lic.iza.org/wp-content/uploads/2017/06/glmlic-wp011.pdf>.

<sup>42</sup>Humanium, “*Child Labour*” 2020 available at: <https://www.humanium.org/en/child-labour/>.

<sup>43</sup>CRY, “*Understanding the Psychological Impact of Child Labour*” 2025 available at: <https://www.cry.org/blog/understanding-the-psychological-impact-of-child-labour/>.

<sup>44</sup>Child and Adolescent Labour Act, 1986, Sec. 3.

<sup>45</sup> Ibid., Sec. 3A.

<sup>46</sup> Ibid., Sec. 1

<sup>47</sup> Bachpan Bachao Andolan, Policy Critique on Child Labour (2016).

<sup>48</sup> JJ Act, 2015, Sec. 2(14) & Sec. 30.

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The Act also places responsibility on police and District Child Protection Units (DCPUs) to register FIRs against employers who engage children in labour, trafficking, or exploitation<sup>49</sup>.

### 4.1.3. Right of Children to Free and Compulsory Education (RTE) Act, 2009

The RTE Act guarantees free and compulsory education for children aged 6–14 years, making child labour for this age group inherently inconsistent with constitutional and statutory obligations<sup>50</sup>.

Key provisions linked to preventing child labour include:

- compulsory admission, attendance, and completion of elementary education,
- prohibition of physical punishment and discrimination,
- neighbourhood schooling norms,
- responsibility of local authorities to identify and enrol out-of-school children<sup>51</sup>.

Lack of effective enforcement of the RTE framework contributes to persistence of child labour in Assam's urban and rural pockets.

### 4.1.4. Assam-Specific Laws, Enforcement Bodies, and Policies

#### a. Assam Shops and Establishments Act, 1971

This Act regulates employment conditions in commercial establishments within the state, expressly prohibiting employment of children below 14 years and imposing restrictions on adolescents regarding working hours and types of work<sup>52</sup>.

#### b. Assam Labour Department

The Labour Commissionerate is the primary enforcement body responsible for:

- inspections of establishments,
- issuing notices and filing prosecutions,
- coordinating rescue operations with police and CWCs<sup>53</sup>.

However, manpower shortages and limited district-level labour inspections weaken effective enforcement.

#### c. Assam State Commission for Protection of Child Rights (ASCPCR)

ASCPCR acts as a monitoring and grievance-redressal institution that can conduct inquiries into child rights violations, including child labour cases<sup>54</sup>.

### d. State Action Plans

Assam implements the National Child Labour Project (NCLP) through district-level societies. Special Training Centres (STCs) are run to rehabilitate rescued children by offering bridge education, vocational training, and stipends<sup>55</sup>.

Despite these, delays in release of funds, low coverage of NCLP districts, and limited inter-departmental coordination reduce the overall impact.

### 4.1.5. Limitations in Enforcement

1. **Low conviction rates:** Although laws prescribe strong penalties, prosecution of employers remains weak due to slow investigation, insufficient evidence, and reluctance of families to participate in legal processes.
2. **Gaps in identification and rescue:** Labour inspectors are few, and inspections in informal sectors such as eateries, transport, domestic work, stone quarries, and brick kilns remain inconsistent.
3. **Socio-economic constraints:** Poverty, migration, and lack of educational support push children into labour despite legal safeguards.
4. **Weak monitoring at local levels:** Village Child Protection Committees (VCPCs) and urban local bodies often lack training and resources to track and report child labour cases.
5. **Loopholes in family-enterprise exemption:** The 2016 amendment to the Child Labour Act makes it difficult to prove employer–employee relationships, particularly in agriculture and home-based sectors.<sup>56</sup>

## 5.1 Strategies and Recommendations

### 5.1 Strengthening Legal Enforcement

- Strict implementation of labour laws.
- Fast-track courts for child labour cases.
- Increased inspections in high-risk sectors.

### 5.2 Poverty Alleviation and Social Protection

<sup>49</sup>JJ Act, 2015, Sec. 107 & 109.

<sup>49</sup>JJ Act, 2015, Sec. 107 & 109.

<sup>50</sup>RTE Act, 2009, Preamble & Sec. 3.

<sup>51</sup> RTE Act, 2009, Sec. 8 & 9.

<sup>52</sup> Assam Shops and Establishments Act, 1971, Sec. 24.

<sup>53</sup> Assam Shops and Establishments Act, 1971, Sec. 24.

<sup>55</sup>National Child Labour Project (NCLP) Scheme Framework (Ministry of Labour).

<sup>56</sup>Policy analysis on Child Labour Amendment Act, 2016.

## Challenges and Perspective of Child Labour in Assam and its Impact on Health and Wellbeing of Children

- Expansion of livelihood programs for families.
- Direct financial assistance and conditional cash transfers.
- Strengthening schemes like MGNREGA and food security programs.

### 5.3 Universal Access to Education

- Ensuring compulsory and free education under RTE.
- Bridge schools and rehabilitation education for rescued children.
- Incentives for school attendance

### 5.4 Rehabilitation and Reintegration

- Proper compensation mechanisms.
- Vocational training and skill development.
- Psychological counseling and healthcare support.

### 5.5 Community Awareness and Participation

- Awareness campaigns on child rights.
- Involvement of NGOs, local bodies, and community leaders.
- Social monitoring systems at village and ward levels.

### 5.6 Addressing Trafficking Networks

- Strengthening border and transport surveillance.
- Inter-state coordination to prevent trafficking.
- Strict action against middlemen and contractors.

### 5.7 Improving Health Interventions

- Regular health check-ups for vulnerable children.
- Nutrition programs targeting working children.
- Integration with public health schemes.

### Conclusion

In conclusion, child labour in Assam remains a persistent and complex socio-economic problem despite the existence of legal frameworks and ongoing government interventions. The continued prevalence of child labour reflects deep-rooted structural challenges such as poverty, lack of education, family indebtedness, migration, and weak enforcement mechanisms. Evidence shows that a significant number of children continue to be engaged in informal sectors like domestic work, agriculture, small-scale industries, and tea plantations, often under exploitative and hazardous conditions.

One of the major challenges lies in ineffective implementation and follow-up mechanisms. Although thousands of children have been rescued in recent years, rehabilitation and reintegration into formal education systems remain inadequate, and conviction rates against employers are extremely low. This highlights a systemic gap between policy formulation and ground-level execution. Additionally, factors such as trafficking, urban demand for cheap labour, and socio-cultural acceptance further complicate eradication efforts.