

Between Custom and Constitution :Indigenous Childhood, Education, and Labour in India’s North-East: A Constitutional, Human Rights, and Customary Law Perspective

Ms. Ziti Apon

Student, BA LLB (H), Amity Law School Noida

Abstract

India is home to over 104 million indigenous people, classified as Scheduled Tribes (STs), constituting approximately 8.6% of the total population, the eight North Eastern states (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura) house roughly 12% of this total. Indigenous children in India’s tribal regions face a profound conflict between education and labour. India's northeast is constitutionally distinct as the Sixth Schedule grants Autonomous District Councils (ADCs) in Assam, Meghalaya, Tripura, and Mizoram legislative power over education. Yet tribal ST dropout rates (62.9%) far exceed the national average (48.8%), and child labour persists despite Article 24's prohibition. The clash between constitutional guarantees, customary governance, human rights norms, and economic necessity forms the core scholarly problem. Despite constitutional provisions and various government initiatives, a large number of tribal children are forced into labour due to economic hardships, geographical barriers, and sociocultural constraints. While education remains the key to breaking the cycle of poverty, systemic gaps hinder its accessibility and effectiveness. In Northeast India, constitutional and statutory labour and education rights undergo a process of ‘cultural translation’ within customary governance systems, transforming them from enforceable legal entitlements into negotiated social norms, thereby producing a hybrid legal order where community legitimacy often outweighs constitutional supremacy. There is a scholarly gap in terms of documentation and research and collection of data of the North East region as compared to the mainland region of India mainly because knowledge production in India is structurally centralized, politically filtered, and institutionally uneven. Most major universities, funding bodies, archives, journals, and policy research centres are concentrated in metropolitan ‘mainland’ regions, which means research priorities, theoretical frameworks, and publication networks develop around those spaces. Northeast India, by contrast, is often treated as a peripheral, sensitive, or ‘special’ administrative zone rather than a core site of theory building. Fieldwork is more logistically and politically difficult, records are fragmented due to customary and informal governance systems, and much local knowledge circulates orally or in regional languages rather than in nationally visible academic platforms. This study will be useful to bring the attention of the Governments on better data collection on child work and education in tribal areas of north east in national surveys as well as the need for policy makers to acknowledge child workers as an important target group. This paper explores the challenges that indigenous children with core reference to tribal population of the North East region of India (data collection mainly from Nagaland) encounter in accessing education, the socio-economic factors that push them into labour, and the effectiveness of government policies. It also provides recommendations for bridging the gap between education and child labour in tribal communities.

Ethno-Legal Diversity of Northeast India

Northeast India represents one of the most complex landscapes of legal pluralism in South Asia, where constitutional law, statutory frameworks, and deeply rooted customary systems coexist and interact.¹ The region comprises multiple tribal and ethnic communities, such as the Nagas, Mizos, Khasis, Garos, Bodos, and numerous smaller groups, each maintaining distinct social institutions, dispute resolution mechanisms,

¹ Marc Galanter, ‘Justice in Many Rooms: Courts, Private Ordering, and Indigenous Law’ (1981)

land relations, and normative codes. This diversity produces not merely cultural variation but structurally different conceptions of authority, rights, and justice.²

A defining feature of the region is the constitutional recognition of customary governance. Special provisions under the Sixth Schedule and Articles 371A and 371G protect traditional practices relating to land ownership, village administration, social customs, and local justice systems.³ These protections allow community institutions, including village councils, chieftainships, clan bodies, and tribal courts, to function alongside state courts and administrative agencies, resulting in overlapping jurisdictions rather than a single hierarchical system.

Land relations illustrate this ethno-legal variation most clearly. In many tribal societies of the Northeast, land is communally held by clans, villages, or chiefs rather than privately owned by individuals, with rights embedded in membership and lineage rather than market title.⁴ This contrasts with mainstream Indian property regimes based on individual ownership, registration, and transferability, making customary land governance resistant to uniform statutory reform.

Dispute resolution further demonstrates legal diversity. Customary forums emphasize reconciliation, compensation, and restoration of social harmony rather than punishment or adversarial litigation. Proceedings are typically oral, flexible, and guided by community practices rather than codified rules, with authority derived from social legitimacy rather than formal legal training⁵ from social standing and community trust, not professional legal training. Remedies often involve apology, fines in kind, or ritual settlement. This restorative orientation differs from the procedural formalism of state courts, where codified evidence rules, legal representation, and appellate structures dominate. Consequently, many residents prefer customary mechanisms for everyday conflicts, reserving formal courts for serious criminal or constitutional matters.

Family law and gender relations vary significantly across communities in Northeast India. Some societies follow patriarchal inheritance and decision-making structures, while others, such as matrilineal groups in Meghalaya, trace lineage and property through women.⁶ Marriage regulation, divorce practices, and guardianship norms are shaped largely by customary expectations rather than uniform civil statutes, leading to differentiated social outcomes across communities. These differences create uneven realizations of constitutional equality, as gender rights often depend on internal community norms.⁷ Legal reform in such contexts therefore requires a careful balance between respect for cultural autonomy and adherence to fundamental rights.

Religious influence adds another layer of ethno-legal complexity. Christianity plays a significant role in shaping social organization and community discipline in several parts of the region. Church bodies may mediate disputes, regulate behaviour, and influence political decision-making, intersecting with both customary and statutory authority.⁸ The resulting normative order blends spiritual guidance, communal ethics, and secular governance, producing regulatory practices that cannot be understood through state law alone.

Administrative autonomy through district and regional councils contributes to differentiated governance. These bodies possess legislative, judicial, and financial powers over specified subjects, enabling localized

² Sally Engle Merry, 'Legal Pluralism' (1988)

³ Constitution of India 1950, art 371A, 371G, Sixth Schedule

⁴ Sanjib Baruah, *India Against Itself* (University of Pennsylvania Press 1999)

⁵ Joseph S. Thong- Naga Customary Law : Basic Principal (2023)

⁶ Tiplut Nongbri, 'Gender and the Khasi Family Structure' (Meghalaya studies on matriliney)

⁷ Madhu Kishwar v State of Bihar (1996) 5 SCC 125

⁸ John Thomas, 'Christianity and Social Change in Northeast India'

rule-making that reflects ethnic composition and customary priorities.⁹ However, such autonomy is uneven across states and communities, generating internal asymmetries in legal protection and development outcomes.⁸ Some groups exercise substantial self-governance, while others remain more directly integrated into state administrative systems.¹⁰

Language diversity also shapes legal experience in Northeast India, where hundreds of languages and dialects influence how norms are articulated, transmitted, and interpreted. Translation into official legal language may alter meaning or obscure customary nuance, particularly where legal concepts are embedded in oral traditions rather than written codes.¹¹ As a result, legal consciousness develops within culturally specific communicative frameworks rather than through uniform textual authority.

Ethno-legal diversity in the Northeast is not static. Processes of urbanization, education, migration, and market integration are reshaping customary institutions across the region.⁴ Younger generations increasingly engage with constitutional rights discourse, statutory regulation, and formal education systems, while communities simultaneously seek to preserve identity through legal autonomy and cultural revival. The region therefore reflects a dynamic interaction between continuity and transformation rather than simple resistance to modern law.¹²

This plural legal order generates both strengths and tensions. Customary governance sustains social cohesion, participatory decision-making, and cultural continuity.¹³ At the same time, overlapping jurisdictions may create uncertainty, uneven rights protection, and limited institutional accountability. Courts have occasionally been required to mediate these tensions, particularly where customary practices intersect with constitutional guarantees.¹⁴ Harmonizing fundamental rights with community autonomy thus remains an ongoing constitutional challenge requiring context-sensitive approaches rather than uniform legal imposition.

The ethno-legal diversity of Northeast India reflects a layered constitutional reality in which multiple normative systems coexist, interact, and evolve. Understanding the region requires moving beyond a singular conception of Indian law toward recognition of plural authority and negotiated governance within the federal framework.

Education and labour in subsistence and community economies

In much of Northeast India, childhood unfolds within subsistence-oriented and community-based economies rather than within the wage labour and market-driven environments that inform mainstream educational and labour policy in India. Among many indigenous and tribal societies, everyday life is organized around agriculture, forest use, shifting cultivation, livestock care, household production, and collective resource management. Children participate in these activities not as formal workers but as members of a social economy in which learning, responsibility, and survival are closely intertwined.¹⁵ This socio-economic context shapes both the meaning of education and the perception of child labour in ways that differ significantly from dominant national frameworks.

In subsistence communities, children's participation in work is embedded in systems of informal apprenticeship and intergenerational knowledge transfer. Skills such as cultivation practices, weaving,

⁹ Constitution of India 1950, Sixth Schedule

¹⁰ Virginius Xaxa, 'Tribes, State and Development in India'

¹¹ Legal Anthropology literature; see also Sally Engle Merry, 'Legal Pluralism' (1988)

¹² Dolly Kikon, *Living with Oil and Coal: Resource Politics and Militarization in Northeast India* (University of Washington Press 2019)

¹³ B K Roy Burman, 'Traditional Systems of Governance in Northeast India' (anthropological studies)

¹⁴ State of Nagaland v Ratan Singh AIR 1967 SC 212

¹⁵ Virginius Xaxa, 'Tribes and Development in India' (2011) *Economic and Political Weekly*

food preservation, and ritual participation are transmitted through observation and gradual involvement rather than formal instruction. Work in this context performs a pedagogical function, producing ecological literacy, social belonging, and cultural continuity. From within the community, such participation is rarely perceived as exploitation but rather as preparation for adulthood and collective responsibility. This stands in contrast to statutory definitions of child labour, which rely on age thresholds, wage relations, and notions of economic productivity detached from cultural context.¹⁶

Formal education systems introduced through state policy often operate on assumptions derived from urban and industrial models of childhood, including regular attendance, standardized curricula, and a clear separation between learning and productive activity.¹⁷ For many tribal children, these expectations conflict with seasonal agricultural cycles, geographical isolation, linguistic barriers, and the need for household participation. Attendance patterns therefore fluctuate, not necessarily due to a lack of value placed on education, but because schooling must compete with subsistence obligations essential for family survival. The result is not simple exclusion but a patterned negotiation between institutional time and ecological time.

Language plays a decisive role in shaping educational experience in Northeast India. Many indigenous children encounter formal schooling in a language that is not spoken at home, creating cognitive and emotional distance from classroom learning.¹⁸ Oral traditions, storytelling, and experiential knowledge central to community education often receive limited recognition in standardized curricula, contributing to disengagement and irregular participation. This phenomenon is frequently misinterpreted as lack of parental interest, whereas it may instead reflect structural misalignment between educational systems and cultural environments.

Labour within community economies is also gendered in specific ways. Girls often contribute to domestic production, caregiving, weaving, and local trade, while boys engage in cultivation, herding, and forest-based activities.¹⁹ These roles are tied not only to economic contribution but also to identity and expectations of social maturity. However, such responsibilities can affect educational continuity, particularly during adolescence when labour demands intensify. The intersection of gender, subsistence pressures, and limited institutional support can therefore shape patterns of school retention and withdrawal.²⁰

Importantly, participation in subsistence economies does not preclude aspiration for formal education. Families increasingly view schooling as a pathway to mobility, public employment, and engagement with wider socio-political systems. Children often navigate dual value systems, combining respect for indigenous knowledge with aspirations for modern opportunities. This produces a layered childhood in which schooling and productive participation coexist rather than conflict.

Policy frameworks addressing child labour and universal education often struggle to accommodate this coexistence. Blanket approaches that treat all forms of child work as exploitative risk mischaracterizing culturally embedded learning practices.²¹ At the same time, uncritical acceptance of community labour may obscure instances of exploitation arising from poverty or market integration.²² The challenge therefore lies in distinguishing participatory socialization from harmful labour while safeguarding both cultural integrity and children's rights through context-sensitive analysis.

¹⁶ Child and Adolescent Labour (Prohibition and Regulation) Act 1986 (as amended 2016)

¹⁷ Right of Children to Free and Compulsory Education Act, 2009

¹⁸ UNESCO, *Education in a Multilingual World* (2003)

¹⁹ Tiplut Nongbri, *Gender, Matriliney and Entrepreneurship* (Zubaan 2008)

²⁰ International Labour Organization, *Child Labour and Indigenous Peoples*

²¹ Child and Adolescent Labour (Prohibition and Regulation) Act 1986 (as amended 2016)

²² ILO (n 20)

Geography further complicates educational access. Mountainous terrain, dispersed settlements, and limited infrastructure extend travel time and reduce institutional monitoring.²³ Seasonal migration for cultivation or livelihood may interrupt schooling cycles.²⁴ In such environments, rigid administrative models of attendance and evaluation often fail to capture the rhythms of community life. Flexible schooling calendars, multilingual pedagogy, and locally rooted curricula have shown greater promise where implemented,²⁵ suggesting that adaptation rather than uniformity is key to meaningful inclusion.

Another dimension concerns dignity and self-perception. For many indigenous children, competence in farming, forest knowledge, or craft production is a source of pride equal to academic success. When formal education implicitly devalues these competencies, children may internalize a hierarchy that places their culture below external standards.²⁶ Conversely, educational approaches that integrate ecological knowledge, oral history, and community participation can strengthen both learning outcomes and cultural confidence. Education then becomes not a departure from tradition but an **विस्तार** of it into new domains.

The contemporary moment in Northeast India is marked by transition. Expanding connectivity, digital exposure, climate uncertainty, and shifting livelihood patterns are transforming subsistence economies themselves. Children now navigate expectations from multiple worlds community, state, and global imagination.²⁷ Their experiences reveal that education and labour are not opposing categories but overlapping processes through which capability, identity, and future possibility are formed.

Understanding education and labour among indigenous and tribal children in the Northeast therefore requires moving beyond binary frameworks of school versus work, tradition versus modernity, or protection versus participation. What emerges instead is a nuanced landscape where childhood is socially embedded, learning is experiential as well as institutional, and responsibility begins early without necessarily foreclosing aspiration. A research perspective attentive to voice, context, and lived practice can illuminate this complexity more faithfully than abstract universal models. Such an approach does not weaken commitments to children's rights; rather, it grounds those commitments in realities that policy must engage if it is to be effective.¹⁴ In the subsistence and community economies of Northeast India, the future of education lies not in replacing indigenous life, but in building bridges where cultural knowledge and formal learning can sustain one another.²⁸

Child Labour Law in the Context of Tribal Economies

Legal Framework

When looking at the issue of child labour and access to education in North-East India, it is important to go beyond just education laws and examine statutes that deal with labour, exploitation, and livelihood systems. In many indigenous communities, children's lives are closely connected to family occupations, land, and forest-based activities. Because of this, laws like the Child and Adolescent Labour Act, the Bonded Labour System (Abolition) Act, and the Forest Rights Act have a direct or indirect impact on children's rights.²⁹

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, as amended in 2016, is the primary law governing child labour in India. It completely prohibits employment of children below

²³ Walter Fernandes and Sanjay Barbora, eds., *Land, People and Politics: Contest over Tribal Land in Northeast India* (Guwahati: North Eastern Social Research Centre & IWGIA, 2008)

²⁴ Walter Fernandes, Sanjay Barbora, and Gita Bharali, *Children of Plantation Labourers and Their Right to Education* (Guwahati: North Eastern Social Research Centre, 2003)

²⁵ UNESCO, *Education in a Multilingual World: UNESCO Education Position Paper* (Paris: UNESCO, 2003)

²⁶ Nandini Sundar, *Subalterns and Sovereigns: An Anthropological History of Bastar* (New Delhi: Oxford University Press, 1997)

²⁷ Sanjib Baruah, *Durable Disorder: Understanding the Politics of Northeast India* (New Delhi: Oxford University Press, 2005)

²⁸ UNESCO, *Education in a Multilingual World: UNESCO Education Position Paper* (Paris: UNESCO, 2003)

²⁹ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007 (India); United Nations, *Convention on the Rights of the Child*, adopted November 20, 1989, UN Treaty Series, vol. 1577, Article 32.

fourteen years in any occupation, while allowing adolescents between fourteen and eighteen years to work in non-hazardous sectors.³⁰ However, one important exception under the Act is that children are permitted to help in family enterprises after school hours and during vacations.³¹

In the context of North-East India, this exception becomes quite significant. Many indigenous families depend on agriculture, weaving, forest produce, or small-scale local work, and children often assist in these activities as a socially accepted norm.³² The problem is that this makes it difficult to clearly distinguish between harmless participation and exploitative labour, and as a result, enforcement authorities may hesitate to intervene, leaving overburdened children outside legal protection.

This issue was broadly reflected in *M.C. Mehta v. State of Tamil Nadu* (1996), where the Supreme Court emphasised the need for stricter regulation of child labour and rehabilitation of affected children.³³ Although the case did not directly deal with the North-East, its principles highlight that mere prohibition is not enough without active enforcement and monitoring something that remains weak in remote and customary-governed areas.

The Bonded Labour System (Abolition) Act, 1976 also becomes relevant, especially when looking at hidden forms of exploitation.³⁴ While bonded labour is often associated with more industrial or agrarian economies, in the North-East it can take more subtle forms. Children from economically vulnerable families may work under informal arrangements where they are tied to employers through debt or dependency, even if it is not openly recognised as bonded labour.³⁵

The Supreme Court in *Bandhua Mukti Morcha v. Union of India* (1984) expanded the understanding of bonded labour and held that the State has a constitutional duty to identify and rehabilitate such labourers.³⁶ This case is important because it shows that exploitation does not always appear in obvious forms. In the North-East, where labour is often informal and community-based, such practices can remain invisible and unreported, particularly when children are involved

Another law that indirectly affects children in indigenous regions is the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. This Act recognises the rights of tribal communities over forest land and resources, which is crucial for their livelihood and identity. On the positive side, securing these rights can improve economic stability and reduce the pressure on children to engage in labour.

However, since many livelihoods under the Forest Rights Act are family-based and land-dependent, children often become part of these activities from a young age collecting forest produce, farming, or assisting in traditional occupations and their participation is normalised. In such situations, the focus on livelihood rights can sometimes overshadow concerns about education and child welfare, especially where schools are not easily accessible.³⁷

A related judicial observation can be seen in *Samatha v. State of Andhra Pradesh* (1997), where the Supreme Court emphasised the importance of protecting tribal land and preventing exploitation by

³⁰ The Child and Adolescent Labour (Prohibition and Regulation) Act, No. 61 of 1986, as amended by the Child Labour (Prohibition and Regulation) Amendment Act, No. 35 of 2016 (India), Section 3.

³¹ *Ibid.*, Section 3, proviso (family enterprise exception).

³² Walter Fernandes, Sanjay Barbora, and Gita Bharali, *Children of Plantation Labourers and Their Right to Education* (Guwahati: North Eastern Social Research Centre, 2003).

³³ *M.C. Mehta v. State of Tamil Nadu & Ors.*, (1996) 6 SCC 756 (Supreme Court of India, December 10, 1996)

³⁴ The Bonded Labour System (Abolition) Act, No. 19 of 1976 (India)

³⁵ Virginius Xaxa, "Transformation of Tribes in India: Terms of Discourse," *Economic and Political Weekly* 34, no. 12 (March 20–26, 1999): 1519–1524.

³⁶ *Bandhua Mukti Morcha v. Union of India & Ors.*, AIR 1984 SC 802; (1984) 3 SCC 161 (Supreme Court of India, December 16, 1983).

³⁷ National Council of Educational Research and Training, *Position Paper: National Focus Group on Education of Scheduled Caste and Scheduled Tribe Children* (New Delhi: NCERT, 2006)

outsiders.³⁸ While the case mainly dealt with mining and land rights, it indirectly highlights how control over resources is linked to the well-being of tribal communities. In regions like the North-East, where land and livelihood are deeply connected, any gap in protection can have a direct impact on children's lives.

Overall, these laws show that the issue is not just about the absence of legal protection, but about the difficulty of applying them in a context where customary practices, economic realities, and legal norms overlap. Children may not be formally recognised as labourers and therefore may not receive the protections intended for them, while limited administrative reach and reliance on customary governance further weaken enforcement.³⁹ The statutory framework, while strong on paper, does not always translate effectively on the ground in indigenous regions reinforcing the larger argument of this study that the coexistence of formal legal systems and customary practices can lead to regulatory gaps, ultimately affecting the education and protection of indigenous children.

Informal and Community Labour in Indigenous Contexts

When we talk about child labour in the North-East, it doesn't always look like what labour laws imagine. It is rarely factory work or formal employment. Instead, it is mostly embedded within community life, family structures, and traditional occupations. Because of this, it often goes unnoticed and unregulated. This section looks at some of the common forms of such labour and how they connect to children's education and rights.

Jhum Cultivation

One of the most common forms of livelihood in many parts of the North-East is jhum cultivation (shifting cultivation). It is not just an economic activity but a way of life that is deeply tied to community identity and survival, following a traditional cycle that has existed for generations.⁴⁰

In this system, children are naturally involved helping in clearing fields, planting, carrying tools, or looking after younger siblings while adults work. From the community's point of view, this is part of learning skills, building responsibility, and participating in collective life, with no clear separation between work and family life.⁴¹ But this is where the tension with formal law begins. The law expects children to be in school regularly, while jhum cultivation is seasonal and labour-intensive. During peak periods, children often miss school or attend irregularly, which can lead to dropouts even when the intention was never to deny them education.

Another issue is that jhum cultivation usually takes place in remote areas where access to schools is already limited.⁴² When distance, economic need, and cultural acceptance of children's participation combine, education becomes secondary. Authorities often hesitate to intervene because jhum is a traditional and protected livelihood, making it difficult to label such participation as child labour without also appearing to interfere with cultural practices.

In practice, children involved in jhum cultivation exist in a kind of grey area not formally recognised as labourers, but their education is still affected. This links to the larger issue of invisibility within the legal framework.

Family Enterprises

³⁸ *Samatha v. State of Andhra Pradesh & Ors.*, AIR 1997 SC 3297; (1997) 8 SCC 191 (Supreme Court of India, July 11, 1997)

³⁹ Sanjib Baruah, *Durable Disorder: Understanding the Politics of Northeast India* (New Delhi: Oxford University Press, 2005)

⁴⁰ Walter Fernandes and Sanjay Barbora, eds., *Land, People and Politics: Contest over Tribal Land in Northeast India* (Guwahati: North Eastern Social Research Centre & IWGIA, 2008)

⁴¹ International Labour Organization, *Indigenous and Tribal Children: Assessing Child Labour and Education Challenges*, Working Paper (Geneva: ILO-IPEC, 2003)

⁴² Walter Fernandes, Sanjay Barbora, and Gita Bharali, *Children of Plantation Labourers and Their Right to Education* (Guwahati: North Eastern Social Research Centre, 2003)

Another common area where children's work becomes normalised is within family-based enterprises weaving, handicrafts, small shops, livestock rearing, or informal trading. In many indigenous households, economic activity happens at home, and children grow up being part of it.⁴³

Legally, the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, as amended in 2016, allows children to help in family enterprises after school hours, which makes this situation even more complex. What is meant to be a limited exception can, in practice, become much broader.⁴⁴ In many cases there is no clear boundary between helping and working. A child may start by assisting occasionally, but in financially stressed households this can turn into regular involvement, and education often takes a back seat not because it is rejected, but because daily survival becomes more urgent.

In the North-East, where many families depend on subsistence-level or small-scale income, this is quite common.⁴⁵ Since this happens within the family, it is rarely seen as problematic and almost never reported. The result is not always immediate exploitation, but a slow cumulative impact on education, time, and overall development children remain technically protected by law but effectively unregulated in practice.

Cross-Border Labour Migration (Indo-Myanmar Context)

Cross-border labour mobility in the Indo-Myanmar region presents a distinct dimension of child labour and education challenges in Northeast India. In states such as Nagaland and Manipur, border communities maintain long-standing ethnic, cultural, and kinship ties across national boundaries, resulting in patterns of movement that are historically embedded and socially normalized.⁴⁶

Economic opportunities in these regions remain limited, leading households to engage in informal trade, small-scale labour, and cross-border economic activity. Children may become part of these processes, either accompanying family members or participating in auxiliary roles linked to subsistence and mobility. These forms of participation are not always perceived locally as exploitative but remain largely outside formal regulatory frameworks.

The regulatory challenge arises from the fact that such cross-border labour exists beyond effective state monitoring. It is rarely documented, difficult to regulate, and often falls outside the reach of both labour law enforcement and formal education systems.⁴⁷ For children, this creates a situation of legal invisibility, where access to schooling and safeguards against exploitation may be inconsistent or absent.

Concerns regarding trafficking and unsafe migration routes have also been raised in relation to the Indo-Myanmar border, particularly where economic vulnerability intersects with weak institutional oversight. While not all cross-border movement is illegal or exploitative, the absence of structured regulation increases risks, especially for minors.⁴⁸

From a legal perspective, such contexts expose the limits of territorially bound regulatory frameworks. Jurisdictional ambiguities, combined with the informal nature of movement, complicate the implementation of child protection laws and labour regulations. Constitutional guarantees and statutory protections, including those under the Right of Children to Free and Compulsory Education Act, 2009, often fail to translate effectively into these borderland realities.⁴⁹

⁴³ Virginius Xaxa, "Tribes as Indigenous People of India," *Economic and Political Weekly* 34, no. 51 (December 18–24, 1999): 3589–3595

⁴⁴ The Child and Adolescent Labour (Prohibition and Regulation) Act, No. 61 of 1986, as amended by the Child Labour (Prohibition and Regulation) Amendment Act, No. 35 of 2016 (India), Section 3, proviso

⁴⁵ International Labour Organization, *Issue Paper on Child Labour and Education Exclusion among Indigenous Children* (Geneva: ILO, 2023)

⁴⁶ Jelle J.P. Wouters and Tanka B. Subba (eds), *The Routledge Companion to Northeast India* (Routledge 2023)

⁴⁷ International Labour Organization, *Indigenous and Tribal Children: Assessing Child Labour and Education Challenges* (2003; 2023 update)

⁴⁸ United Nations Office on Drugs and Crime, reports on trafficking and border vulnerabilities in Northeast India

⁴⁹ Constitution of India, art 21A; Right of Children to Free and Compulsory Education Act 2009

This example demonstrates that the issue is not merely the absence of law but the misalignment between legal definitions and lived socio-economic practices. Children in such regions participate in economic systems that do not fit neatly within categories of permissible work or exploitative labour, and as a result, they often remain outside the effective reach of both labour regulation and educational enforcement.

Exploitative Forms of Child Labour in the North-East

While much child work in the Northeast is embedded within family and community systems, there are situations where it clearly crosses into exploitative labour. Unlike jhum cultivation or family-based enterprises, these forms are linked to economic extraction, unsafe conditions, and the loss of education. What is particularly concerning is that many of these issues have been repeatedly documented in the public domain yet continue to persist in altered forms.

Rat Hole Mining – Meghalaya

One of the most widely documented examples is child labour in the coal mining belts of Meghalaya, particularly in the Jaintia Hills. The region became known for “rat-hole mining,” a method involving narrow vertical pits and low horizontal tunnels through which coal is extracted, often requiring workers to crawl in confined spaces.

Concerns over this practice gained national attention when the *All Dimasa Students Union v State of Meghalaya* resulted in a ban on rat-hole mining by the National Green Tribunal in April 2014, citing severe environmental damage and hazardous working conditions.⁵⁰ Despite the ban, subsequent reports indicate that illegal mining has continued in parts of the region.⁵¹

The involvement of children in these mining operations has been noted in inquiries and field-based reports, including those by the National Commission for Protection of Child Rights, which have highlighted the presence of minors in hazardous mining-related activities.⁵² Estimates from earlier studies suggested that a significant number of children often from economically vulnerable backgrounds were engaged in such work, sometimes including migrant children in informal mining setups.

The structure of rat-hole mines itself contributes to the problem. The narrowness of the tunnels makes it easier to deploy smaller bodies, and children are therefore used to enter spaces inaccessible to adults. Safety measures are largely absent: protective gear, ventilation, and regulated working hours are typically not present in these informal operations.

The risks are well documented. In December 2018, a major incident in Ksan village in East Jaintia Hills trapped miners inside a flooded illegal coal mine, drawing national attention to the continued existence of unsafe practices despite regulatory prohibitions.⁵³ Such incidents underscore the dangers of flooding, tunnel collapse, and exposure to toxic gases inherent in these mining environments.

For children, the consequences extend beyond immediate physical harm. Participation in mining often results in irregular attendance or complete withdrawal from schooling, creating a direct tension with the constitutional guarantee of education under Article 21A. At the same time, the informal and unregulated nature of these operations makes enforcement difficult, as labour records are absent and monitoring mechanisms remain weak.

In this context, the continued presence of children in hazardous mining environments raises serious concerns under Article 24 of the Constitution, which prohibits child labour in dangerous occupations, as well as under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (as amended in

⁵⁰ *All Dimasa Students Union v State of Meghalaya*; National Green Tribunal order (April 2014)

⁵¹ National Green Tribunal compliance/monitoring orders and follow-up reports on continued illegal mining (post-2014)

⁵² National Commission for Protection of Child Rights, reports/inquiries on child labour in hazardous sectors (including mining)

⁵³ Widely reported 2018 East Jaintia Hills (Ksan) mine flooding incident (national media coverage)

2016), which classifies mining as a hazardous activity.⁵⁴ The persistence of such practices, despite clear legal prohibitions, reflects the broader difficulty of enforcing child protection laws in informal, geographically remote, and economically vulnerable sectors.

Children in Tea Plantations – Assam

Another area where concerns around children's work and education arise in a different way is the tea plantation belt of Assam and adjoining Northeast states. Unlike mining, this is a long-established and legally regulated industry. The concerns here are less about hidden illegal labour and more about how structural conditions within plantation communities shape children's access to education and protection.

The tea plantation system in Assam has a distinct historical background. A large proportion of workers belong to Adivasi communities whose ancestors were brought during the colonial period as indentured labour. Even today, many of these communities continue to reside within plantation estates, often with limited mobility and restricted access to opportunities outside the system.⁵⁵

The legal framework governing plantations, particularly the Plantation Labour Act, 1951, places responsibility on employers to provide welfare facilities including housing, healthcare, and educational access for workers and their families.⁵⁶ In principle, this includes the provision of schools within or near plantation areas. However, multiple studies and field reports indicate significant gaps in implementation. Schools in tea estates are often under-resourced, irregularly staffed, or geographically inaccessible, affecting consistent attendance.⁵⁷

Data from government and independent studies suggest that dropout rates in tea garden areas remain higher than the state average, particularly at the upper primary and secondary levels. This is not always due to formal employment of children, but because they become part of the household's economic rhythm. During peak plucking seasons or periods of financial stress, children may assist informally or deprioritize schooling in response to immediate needs.

Another recurring concern is child health. Reports discussed within the Assam Legislative Assembly have highlighted instances of malnutrition and child deaths in tea garden communities, which directly affect school attendance and learning outcomes.⁵⁸ These conditions create an indirect but significant barrier to the realization of educational rights.

Seasonal and localised movement within plantation zones also disrupts continuity in schooling. Children may shift between locations with their families, leading to irregular enrollment and weak institutional tracking. Unlike formal migration, such movement is rarely documented, making targeted intervention difficult.

From a legal perspective, this situation presents a different challenge. While there may not always be a clear violation of Article 24 in terms of hazardous employment, the cumulative effect of economic dependency, inadequate educational infrastructure, and weak monitoring undermines the guarantee under Article 21A. The right to education is affected here not by overt prohibition, but by systemic constraints.

In *Unni Krishnan v State of Andhra Pradesh*, the Supreme Court emphasized that the right to education must be meaningful and accessible, not merely theoretical.⁵⁹ Applied to plantation contexts, this highlights

⁵⁴ Constitution of India, arts 21A, 24; Child and Adolescent Labour (Prohibition and Regulation) Act 1986 (as amended 2016)

⁵⁵ Sanjib Baruah, *Durable Disorder: Understanding the Politics of Northeast India* (OUP 2005)

⁵⁶ Plantation Labour Act, 1951

⁵⁷ Walter Fernandes, Sanjay Barbora and Gita Bharali, *Children of Plantation Labourers and Their Right to Education* (NESRC 2003)

⁵⁸ Assam Legislative Assembly debates/reports on malnutrition in tea garden areas

⁵⁹ *Unni Krishnan v State of Andhra Pradesh*

the responsibility of both the State and employers to ensure that children are not indirectly excluded from schooling due to surrounding socio-economic conditions.

Recent initiatives by the Assam government, including targeted scholarships and residential schooling schemes for tea garden communities, indicate recognition of these challenges. However, their effectiveness depends on consistent implementation at the ground level, which continues to vary across regions.

What emerges in plantation areas is a more gradual and structural form of educational exclusion. Unlike hazardous sectors, the issue is not always immediate exploitation, but the slow erosion of educational access due to socio-economic conditions. This shifts the focus from prohibition alone to strengthening welfare enforcement and educational support systems within historically marginalized communities.

Children in trade – Indo Myanmar Routes

Beyond these major examples, other forms of child labour across the Northeast remain less visible but equally concerning. In border areas, particularly along Indo–Myanmar routes, children have been observed participating in informal trade, transportation of goods, and cross-border economic activities. While not all such movement is illegal, the absence of regulatory oversight creates conditions in which children may be exposed to unsafe environments and potential exploitation.⁶⁰

In urban and semi-urban areas of states such as Assam, Manipur, and Meghalaya, children are also engaged in small-scale informal work, including employment in roadside stalls, shops, domestic labour, and construction-related activities. These forms of labour are typically unregistered and scattered, attracting limited regulatory attention despite their cumulative impact on children’s education and well-being.

Link to study

What connects these diverse situations is the combination of weak enforcement, social acceptance, and economic necessity. Even where legal prohibitions exist, implementation remains uneven due to administrative constraints and the embedded nature of labour within survival economies. In many contexts, children are drawn into work not as a matter of choice, but due to poverty, lack of alternatives, and limited access to quality education.

This reinforces a central concern of this study: that indigenous children in the Northeast often exist in a condition of partial visibility present within economic systems but insufficiently recognized within legal protections. Their participation in workspaces, markets, and informal economies is visible, yet their status as rights-bearing individuals is not consistently enforced.

When these patterns are examined through available data, the scale of the issue becomes clearer. In Assam, for instance, estimates have indicated that child labour within plantation economies has historically been significant, with tens of thousands of children engaged in tea garden work.⁶¹ More recent figures from the Assam State Commission for Protection of Child Rights suggest that children continue to be present in plantation labour, alongside broader trends reflected in Census 2011 data, which recorded over 300,000 working children (5–14 years) in the state.⁶²

Education-based studies further reinforce this pattern. Research in tea garden areas has consistently identified high levels of absenteeism and dropout, particularly beyond the primary stage, linked to poverty,

⁶⁰ Jelle J.P. Wouters and Tanka B. Subba (eds), *The Routledge Companion to Northeast India* (Routledge 2023)

⁶¹ Walter Fernandes, Sanjay Barbora and Gita Bharali, *Children of Plantation Labourers and Their Right to Education* (NESRC 2003)

⁶² Assam State Commission for Protection of Child Rights reports; Census of India 2011

infrastructure gaps, and low parental literacy. These findings align with observations by UNICEF that poor educational quality itself contributes to dropout, which in turn increases the likelihood of children entering work.⁶³

The structural nature of the issue is also reflected in broader socio-economic indicators. Tea garden communities continue to experience lower literacy rates and limited access to basic services compared to state averages, conditions that directly affect children's educational opportunities and increase vulnerability to early economic participation.⁶⁴

Evidence from other Northeast states indicates that the issue is not confined to plantations or mining. In Arunachal Pradesh, for example, documented cases of child labour between 2016 and 2017 recorded through child welfare mechanisms such as Child line highlight the presence of child labour in domestic work, informal sectors, and migration-linked contexts.⁶⁵

Taken together, these examples demonstrate that child labour in the Northeast is not a uniform phenomenon but a layered one, varying across sectors such as plantations, mining, domestic work, and informal trade. Each operates under different degrees of visibility and regulation, yet produces similar outcomes reduced access to education, early entry into economic activity, and weak legal protection.

This diversity is also reflected in the interaction between law and practice. While hazardous sectors such as mining fall clearly within the prohibition under Article 24⁶⁶ and statutory frameworks, other forms particularly those embedded in household economies or informal sectors often remain outside strict legal categorisation, despite their impact on children's development and education.

Thus, rather than a single identifiable problem, the evidence points to a fragmented legal landscape in which the nature of children's work varies across contexts, but the consequences remain consistent. This reinforces the need for a more context-sensitive approach to child labour regulation and educational policy in the region.

The Architecture of International Protection

The international human rights framework governing indigenous children operates at two levels: universal child rights instruments applicable to all children, and indigenous-specific frameworks that recognize collective rights. India's engagement with both layers has been selective, and the gaps in that engagement help explain why tribal children in the Northeast remain inadequately protected in practice.

The UNCRC and India's Limiting Declaration

India ratified the Convention on the Rights of the Child, but entered a declaration to Article 32, which obligates states to protect children from economic exploitation. India's position has been to interpret this obligation in line with its domestic framework, which historically focused on hazardous occupations.⁶⁷ This effectively narrows the scope of protection in practice, particularly in contexts where children are engaged in non-hazardous but economically significant work, such as agriculture, forest-based livelihoods, and household labour forms that are prevalent in the Northeast.

The UN Committee on the Rights of the Child has, in its concluding observations on India, repeatedly expressed concern over the persistence of child labour in non-hazardous sectors and recommended

⁶³ UNICEF, observations on education quality and dropout

⁶⁴ Sanjib Baruah, *Durable Disorder* (OUP 2005)

⁶⁵ Childline India / state child protection records (Arunachal Pradesh, 2016–2017)

⁶⁶ Constitution of India Article 24 Prohibition of employment of children in factories etc

⁶⁷ India's declaration to Article 32, Convention on the Rights of the Child (1989)

strengthening protections beyond narrow categorizations.⁶⁸ The continued reliance on a limited interpretation of Article 32 reflects a gap between formal ratification and substantive compliance.

The ILO's Binding Convention

India is bound by core international labour standards, including the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). These conventions require states to progressively eliminate child labour and ensure that the minimum age of employment aligns with the completion of compulsory education.⁶⁹

While these instruments establish a normative floor, their implementation in the Northeast encounters structural constraints limited monitoring infrastructure, geographic remoteness, and the coexistence of customary systems that blur the distinction between labour and social participation. The result is not necessarily a lack of law, but a difficulty in translating international obligations into enforceable practice.

Non-Ratification of ILO Convention 169: A Structural Gap

A more significant gap lies in India's non-ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). This convention provides a comprehensive framework for protecting the rights of indigenous peoples, including their rights to culture, land, and education systems adapted to their social and linguistic contexts.

Its absence from India's legal framework is doctrinally significant. Convention 169 explicitly recognizes that education for indigenous children must be developed in cooperation with their communities and reflect their cultural and linguistic identities. Without this framework, Indian law lacks a structured approach to reconciling formal education mandates with customary practices—precisely the tension that defines the experience of tribal children in the Northeast.

This non-ratification can therefore be understood not merely as a passive omission, but as a structural gap that leaves the legal system without a tailored instrument for addressing indigenous-specific vulnerabilities.

The Normative Role of UNDRIP

The United Nations Declaration on the Rights of Indigenous Peoples, though non-binding, carries substantial normative weight. It affirms that indigenous children have the right to education in their own culture and language, and recognizes the authority of indigenous communities to establish and control their own educational institutions.⁷⁰

This vision differs significantly from the standardized approach embedded in domestic legislation such as the Right to Education framework, which is designed around uniform curricula and institutional models. The divergence highlights a deeper tension between centralized educational policy and the idea of cultural autonomy in education.

The ILO's Structural Diagnosis

⁶⁸ UN Committee on the Rights of the Child, Concluding Observations on India (various cycles)

⁶⁹ International Labour Organization, Conventions No. 138 (1973) and No. 182 (1999)

⁷⁰ United Nations Declaration on the Rights of Indigenous Peoples (2007), arts 14–15

International labour scholarship further emphasizes that child labour among indigenous populations cannot be understood in isolation. The International Labour Organization has consistently noted that the exclusion of indigenous children from education and their involvement in labour are rooted in broader patterns of marginalization, dispossession, and structural inequality.⁷¹

This framing is analytically important. It shifts the focus from viewing child labour as an isolated legal violation to understanding it as a symptom of deeper failures in protecting indigenous rights. In this sense, the tension between education and labour is not merely a policy issue but a reflection of unresolved questions of recognition, autonomy, and inclusion within the legal system.

Judicial Engagement with the Sixth Schedule and the Right to Education

Samatha v. State of Andhra Pradesh (1997): The Protective Lens

The decision in *Samatha v. State of Andhra Pradesh* is often cited in discussions on tribal rights, and rightly so. The Court held that tribal land whether government-owned or otherwise cannot be transferred to non-tribals or private entities in scheduled areas, grounding this conclusion in the State's deeper constitutional obligation to prevent the structural exploitation of vulnerable communities.⁷² The Court described the State as a trustee, responsible for ensuring that development does not come at the cost of dispossession.⁷³

What is particularly relevant here is not just the outcome, but the reasoning. The Court treated constitutional protections for tribal areas as requiring active safeguarding, not passive recognition. Although *Samatha* arose under the Fifth Schedule, its logic has quietly influenced how courts view Sixth Schedule areas as well. In the educational context, this translates into a subtle but important limitation: the State cannot implement educational policies in a way that undermines tribal control over land or disrupts community life. Schools, infrastructure, and institutions must be introduced in a manner that aligns with, rather than overrides, local realities.⁷⁴

Bandhua Mukti Morcha v. Union of India (1984): Education as Dignity

In *Bandhua Mukti Morcha v. Union of India*, the Supreme Court moved decisively beyond a narrow reading of fundamental rights. By linking Article 21 with human dignity, it brought education into the fold of essential entitlements necessary for a meaningful life.⁷⁵ This shift is especially significant for tribal regions. The judgment recognises that deprivation is rarely isolated lack of education, economic exploitation, and social marginalisation tend to reinforce one another. For communities historically pushed to the margins, education becomes not just a service but a means of reclaiming agency.

At the same time, the Court's emphasis on dignity leaves room for interpretation. It suggests that education must be delivered in a way that respects the lived realities of those it seeks to serve.⁷⁶ In the context of the Sixth Schedule, this becomes crucial: a system that ignores language, culture, or geography may technically satisfy statutory requirements but still fail the constitutional standard of dignity.

Edwingson Bareth v. State of Assam: Constitutional Position of the Sixth Schedule

⁷¹ International Labour Organization, reports on indigenous children and child labour (2003; 2023)

⁷² *Samatha v. State of Andhra Pradesh & Ors.*, AIR 1997 SC 3297; (1997) 8 SCC 191 (Supreme Court of India, July 11, 1997)

⁷³ Ibid. The Court invoked Articles 38, 39, and 46 of the Directive Principles alongside the Fifth Schedule to construct the State's trusteeship obligation toward tribal communities

⁷⁴ Jelle J.P. Wouters and Tanka B. Subba, eds., *The Routledge Companion to Northeast India* (London: Routledge, 2023)

⁷⁵ *Bandhua Mukti Morcha v. Union of India & Ors.*, AIR 1984 SC 802; (1984) 3 SCC 161 (Supreme Court of India), paras. on Articles 21 and 23 read with the right to live with dignity.

⁷⁶ Constitution of India, Article 21 (right to life and personal liberty, read to include right to live with human dignity per *Bandhua Mukti Morcha*); Article 21A (right to education)

A more direct engagement with the Sixth Schedule comes in *Edwingson Bareh v. State of Assam*, where the Supreme Court authoritatively addressed the nature of autonomy granted to tribal areas. The Court upheld the Governor's power to create new autonomous districts under paragraph 1(3) of the Sixth Schedule without requiring fresh parliamentary legislation, affirming the operational flexibility of the Schedule.⁷⁷ But the judgment's deeper constitutional contribution lies in its framing: the Court made clear that the Sixth Schedule operates within the constitutional framework, not as a self-contained parallel order. As the Court put it, the word "autonomous" meaning the right of self-government is the keynote of the provisions, but that autonomy is exercised within, not outside, the Constitution.

This clarification was later confirmed by a Constitution Bench in *Pu Myllai Hlychho v. State of Mizoram* (2005), which explicitly rejected the argument that the Sixth Schedule constitutes a "constitution within the Constitution," holding instead that it cannot be interpreted in isolation from the rest of the Constitution.⁷⁸ This is crucial when considering the Right to Education. If the Sixth Schedule were treated as entirely self-contained, one could argue for exclusion from national educational mandates. The Court's reasoning forecloses that possibility. At the same time, by recognising the distinct role of local institutions, it leaves space for flexibility in how those mandates are implemented.

Land and Resource Cases (Dima Hasao and Karbi Anglong): The Socio-Economic Base of Education

In more recent years, the Gauhati High Court has dealt with disputes involving land allocation and resource use in autonomous districts such as Dima Hasao and Karbi Anglong. While these cases are not framed explicitly in terms of education, their implications are far-reaching.⁷⁹ The Court has repeatedly emphasised procedural fairness, the protection of tribal land, and the need to prevent arbitrary transfers to private entities echoing the reasoning in *Samatha* but adapting it to the Sixth Schedule context. The connection to education becomes clearer when one considers the consequences: displacement, loss of livelihood, and social disruption inevitably affect school attendance, infrastructure, and long-term educational outcomes. Judicial intervention in this domain therefore indirectly safeguards the conditions necessary for the realisation of the right to education.

Emerging Judicial Pattern

When these cases are read together, a consistent pattern emerges.

First, courts have firmly rejected the idea that the Sixth Schedule creates a space insulated from fundamental rights. At the same time, they have been equally clear that the application of those rights cannot ignore local context.

Second, there is a noticeable shift away from formalism. Instead of asking whether statutory norms have been strictly followed, courts are increasingly concerned with whether individuals in tribal areas actually have access to education in a meaningful sense.

Finally, there is an implicit recognition that education cannot be separated from its surrounding conditions. Land rights, environmental protection, governance structures, and identity all feed into the question of whether the right to education can be realised

⁷⁷ *Edwingson Bareh v. State of Assam & Ors.*, AIR 1966 SC 1220; [1966] 2 SCR 770 (Supreme Court of India, November 29, 1965), Civil Appeal No. 968 of 1965 — upholding the Governor's power under paragraph 1(3) of the Sixth Schedule to establish a new autonomous district without parliamentary legislation

⁷⁸ *Pu Myllai Hlychho & Ors. v. State of Mizoram & Ors.*, (2005) 2 SCC 92 (Supreme Court of India, Constitution Bench) — "The Sixth Schedule to the Constitution is a part of the Constitution and cannot be interpreted by forgetting the other provisions in the Constitution. It is impossible to visualize complete segregation of the Sixth Schedule from the rest of the Constitution.

⁷⁹ Walter Fernandes, Joydeep Baruah, and Augustin Millik, *Ownership, Management and Alienation: Tribal Land in Northeast India* (Guwahati: North Eastern Social Research Centre, 2018), [page no.]; The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007 (India)

The judicial treatment of the Sixth Schedule and the Right to Education does not offer a single, definitive rule. What it offers instead is a method—one that is attentive to context, cautious about imposing uniform solutions, and committed to preserving both autonomy and rights.

Through its decisions, the judiciary has made it clear that tribal self-governance cannot become a ground for denying access to education. At the same time, it has resisted the temptation to enforce educational standards in a manner that disregards the social and cultural fabric of tribal communities.

In this sense, the balance struck by the courts is neither accidental nor incomplete. It reflects an understanding that constitutional values are best realised not through rigid enforcement, but through careful accommodation.

Policy Gaps and Institutional Failure

A closer examination of the legal framework alongside its practical operation reveals that the problem is not simply one of absent laws or lack of awareness. Earlier findings indicate that communities are often aware of educational rights and child labour protections. The difficulty lies instead in how these norms are translated into practice.⁸⁰

The central issue is institutional fragmentation. In the Northeast, particularly in tribal areas, authority is not concentrated within a single administrative structure. Instead, it is distributed across multiple layers central ministries, state governments, and local governance bodies such as Autonomous District Councils (ADCs). While this arrangement is constitutionally designed to preserve local autonomy, it often results in ambiguity regarding responsibility and accountability.⁸¹

This fragmentation becomes most visible in three areas: coordination between institutions, enforcement of labour and welfare standards, and delivery of education. Where institutional roles are not clearly aligned, policies remain formally in place but weakly implemented.

Ministry of Tribal Affairs and State Councils

A key site of this institutional tension lies in the interaction between national policy frameworks and local governance structures. Policies concerning tribal welfare and education are primarily formulated by the Ministry of Tribal Affairs. However, in states such as Meghalaya, significant authority over education, land, and social practices is exercised by Autonomous District Councils operating under the Sixth Schedule of the Constitution of India.

In principle, this division of power is intended to ensure that governance reflects local realities. However, studies on tribal administration have consistently shown that overlapping jurisdictions between central, state, and autonomous bodies create coordination gaps and policy inefficiencies.⁸²

This tension becomes particularly pronounced in sectors such as education and child protection, where both welfare obligations and regulatory enforcement are involved. While central authorities may establish policy objectives, their realization depends on coordination at the local level. The Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India explicitly

⁸⁰ Right of Children to Free and Compulsory Education Act, 2009; Child and Adolescent Labour (Prohibition and Regulation) Act 1986 (as amended 2016)

⁸¹ Constitution of India, Sixth Schedule

⁸² Sanjib Baruah, *Durable Disorder: Understanding the Politics of Northeast India* (OUP 2005)

identifies poor coordination, teacher shortages, and contextual mismatch in education delivery as key structural barriers in tribal regions.⁸³

It is also important to recognize that local governance structures do not necessarily resist national law in a deliberate sense. Decisions taken by community institutions are often shaped by socio-economic realities and customary practices. However, when these practices are not aligned with statutory frameworks, the result is not direct conflict but functional divergence.⁸⁴

The consequence is a recurring pattern in which responsibility becomes diffused across institutional layers. National authorities assume implementation at the local level, while local bodies operate within their own normative frameworks. In this gap between expectation and execution, the intended protections of law are often diluted.

Weak Labour Inspections

The effectiveness of child labour regulation depends not only on the existence of legal prohibitions but on the strength of enforcement mechanisms. While statutory frameworks prohibit hazardous employment of children and regulate permissible forms of work, their practical impact is contingent upon active inspection and monitoring systems.⁸⁵ In the absence of consistent enforcement, legal norms risk remaining declaratory rather than operative.

In the Northeast, structural and geographical conditions significantly constrain the functioning of labour inspection systems. Remote terrain, dispersed settlements, and limited administrative reach reduce the frequency and effectiveness of inspections.⁸⁶ At the same time, the nature of children's work in the region further complicates enforcement. As discussed earlier, children's participation in economic activities is often embedded within household labour, subsistence practices, and customary systems rather than formal employment structures.

This creates a fundamental challenge for regulatory frameworks that are designed primarily for identifiable workplaces and employer–employee relationships. In many cases, work is informal, mobile, and undocumented. The absence of written records, stable worksites, and clearly defined employment relationships makes it difficult for authorities to detect and establish violations.

Enforcement is further complicated by the social context in which such labour occurs. Activities that are locally perceived as part of family responsibility or community participation do not easily fit within statutory categories of labour. As a result, interventions by enforcement authorities may be limited, particularly where the boundary between acceptable participation and exploitative work is not clearly defined.⁸⁷

The outcome is not a complete absence of legal protection, but a weakened enforcement environment. A significant proportion of children engaged in work remains outside official monitoring systems.

⁸³ Government of India, Ministry of Tribal Affairs, *Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India* (May 2014) (Xaxa Committee Report)

⁸⁴ Erik de Maaker, 'Customary Law' in Jelle J.P. Wouters and Tanka B. Subba (eds), *The Routledge Companion to Northeast India* (Routledge 2023)

⁸⁵ Child and Adolescent Labour (Prohibition and Regulation) Act 1986 (as amended 2016); International Labour Organization, child labour frameworks

⁸⁶ Sanjib Baruah, *Durable Disorder: Understanding the Politics of Northeast India* (OUP 2005)

⁸⁷ Moatoshi Ao, 'Customary Law vis-à-vis Contemporary Law in Northeast India' (2020)

Consequently, even where laws exist, their practical effect is limited, and regulatory protections fail to reach those most affected.

Education Funding and Teacher Deployment

The challenges within the education system in the North East cannot be reduced to infrastructure or access alone. They point to deeper issues in how resources are allocated and how institutions actually function at the ground level. Policies at both national and state levels do make provisions for educational development, but their impact depends less on what is announced and more on how consistently those provisions are carried through in specific local settings.⁸⁸

In practice, differences in resource distribution remain quite visible, especially in tribal and geographically remote areas. The existence of school buildings or basic facilities does not always translate into meaningful access to education. Classrooms often lack adequate teaching materials, and institutional support tends to be uneven. Where administrative oversight is weak, even existing resources are not used effectively, which directly affects the classroom experience and, over time, student engagement.⁸⁹

Teacher availability continues to be one of the more persistent concerns. In several North Eastern states, shortages of trained teachers have led to situations where one teacher handles multiple classes at the same time. The UDISE+ 2023–24 data reflects this pattern quite clearly, particularly in rural and tribal regions where deployment tends to be uneven.⁹⁰ While this arrangement may keep schools functioning in a basic sense, it places obvious limits on the quality and continuity of instruction.

Geographical conditions further complicate this. In many areas, reaching a school involves long and difficult travel, often without reliable transport or infrastructure. Over time, this affects teacher attendance and retention. Irregular presence in the classroom reduces actual teaching time, even where schools are officially operational.⁹¹

Language adds another layer to this issue. In many tribal communities, children begin schooling in a language that is not spoken at home. This gap is not always immediately visible, but it affects comprehension from the early stages itself. The National Education Policy 2020 recognises the importance of mother tongue-based instruction, especially in the context of tribal education, but implementation remains uneven across regions.⁹²

Taken together, these factors suggest that funding, by itself, does not resolve the problem. What matters is whether resources are aligned with the conditions in which schools operate. Without that alignment, institutions may exist formally, but their ability to function effectively remains limited.

⁸⁸ Ministry of Education, *UDISE+ Report 2023–24: School Education in India* (Government of India, 2024)

⁸⁹ National Institute of Educational Planning and Administration (NIEPA), *District Information System for Education Analysis Reports*

⁹⁰ Ministry of Education, *UDISE+ 2023–24 Data Tables on Teacher Availability and Pupil-Teacher Ratio*.

⁹¹ NITI Aayog, *School Education Quality Index (SEQI) Report*, Government of India.

⁹² Ministry of Education, *National Education Policy 2020*, paras 4.11–4.12 (mother tongue instruction).

Towards a Broader Understanding

When these different aspects are considered together, the issue becomes easier to see, though not necessarily easier to resolve. The problems discussed do not exist in isolation. They tend to overlap and reinforce each other in ways that are not always immediately obvious.

Responsibility is shared across multiple levels, but in practice it is not always clear who is accountable for what. Policies exist, and in many cases they are well intentioned, but they do not always reach the point where they are meant to make a difference. At the same time, local realities do not always fit neatly within the structure of those policies.⁹³

What emerges is not a system that fails outright, but one that works unevenly. It continues to function, but with visible strain across different points. The gaps are not always dramatic, but they are consistent enough to affect outcomes over time.

In this context, children moving between school and work cannot be understood only as a matter of individual or family choice. These decisions are shaped by a wider set of conditions, including how schools function, how consistently rules are applied, and how different systems interact with each other. Where implementation is uneven and follow through is limited, the distance between what the law provides and what is actually experienced begins to widen.⁹⁴

It is within this space that children's everyday realities take shape. Formal legal protections remain present, but their effect depends on how well surrounding systems hold together. In many cases, it is not the absence of law, but the uneven strength of institutions that determines how those protections are experienced in practice. What this study ultimately points towards is a need to look at child rights in the North-East in a slightly different way. Instead of asking only whether laws exist or whether they are being followed, it becomes necessary to ask how these laws are actually lived and experienced on the ground.

Children in these regions are growing up within systems that are not entirely separate from each other, but not fully integrated either. Education, work, and community life are closely connected, and any attempt to address one without considering the others is likely to remain incomplete. In that sense, the goal is not to eliminate complexity, but to work within it more carefully.

This study set out to examine how the coexistence of customary governance and formal legal institutions affects the enforcement of child education and labour laws in the North-East.

What becomes clear by the end is that the issue is not one of absence, but of incomplete alignment. Laws exist, systems exist, and awareness exists. But the connection between them is not always strong enough to ensure consistent outcomes for children.

Moving forward, the challenge lies in strengthening this connection in ways that are both legally sound and locally grounded.

Only then can the shift from legal pluralism to actual legal protection become more than just an idea, and begin to take shape in practice.

⁹³ Planning Commission (now NITI Aayog), *Report on Development Challenges in North Eastern States*.

⁹⁴ UNICEF India, *Out-of-School Children and Child Labour Linkages Report*, relevant sections on education access

