



Education as a Human Right or a Policy Claim: A Critical Study of Universal Enrollment and Child Labour at Primary School Level in India

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Abstract: This study titled “Education as a Human Right or a Policy Claim: A Critical Study of Universal Enrollment and Child Labour at Primary School Level in India” critically evaluates whether primary education in India functions as an enforceable human right or remains a policy assertion. Although Article 21A of the Indian Constitution and the Right to Education (RTE) Act 2009 legally guarantee free and compulsory education for children aged 6–14, severe socio-economic hurdles continue to impede universal access and completion. Utilizing a descriptive, analytical, and critical framework grounded in secondary data from UDISE+, ASER, Census of India, NSSO, UNESCO, and ILO, this research examines the complex nexus between universal enrollment and child labour. The empirical analysis reveals that while Gross Enrollment Ratios (GER) and primary completion rates (consistently above 90–94%) reflect administrative expansion, persistent child labour (concentrated in agriculture and informal work), regional disparities, and post-pandemic dropouts prevent meaningful educational realisation. The study concludes that achieving education as a genuine human right requires moving beyond numerical enrollment targets to robust legal enforcement, poverty alleviation, improved school infrastructure, and integrated socio-economic support systems.

KEYWORDS: Human Rights, Universal Enrollment, Child Labour, Primary Education, Right to Education Act.

I. INTRODUCTION

Education is a basic human right, which promotes social inclusion, equality, and sustainable development. In India, the Right of Children to Free and Compulsory Education Act 2009 (Article 21A) guarantees free education for children. Despite policy reforms and government initiatives, socio-economic barriers prevent universal access to primary education. Child labour is a major obstacle to the fulfillment of this right. This study asks whether primary education in India is a genuine human right or only a policy aspiration. It examines the link between universal primary enrolment and child labour, while also considering the impact of poverty, gender inequality, social exclusion, and regional disparities on children's education. The study also assesses the efficacy of major initiatives like the Right to Education Act, Sarva Shiksha Abhiyan, the

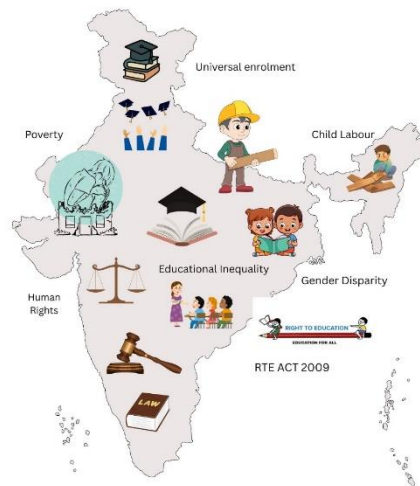
Mid-Day Meal Scheme, Samagra Shiksha, and the National Education Policy 2020. Using descriptive, analytical, and critical methods, the study uses secondary data from UDISE+, ASER, UNESCO, NSSO, government reports, and academic literature.

Education is increasingly recognized as a human right and a means of achieving social justice, economic development and social inclusion. It provides people with knowledge, skills, and values to enable them to engage fully in social, political and economic life (UNESCO, 2020; UNICEF, 2021). In addition to economic benefits, education also promotes human dignity, equality and democratic participation, sustainable development and social transformation (UNESCO, 2020; United Nations, 2023). Sustainable Development Goal 4 (SDG 4) emphasizes universal access to education by 2030 (United Nations, 2023). In India, the right to education has transformed from a constitutional requirement to a fundamental right. The passage of the Right of Children to Free and Compulsory Education Act, 2009 under Article 21A of the Constitution was a significant step towards free and compulsory education for children aged six to fourteen years (Ministry of Education, 2024).

Further, educational programmes like Sarva Shiksha Abhiyan, Mid-Day Meal Scheme, Samagra Shiksha and the National Education Policy (NEP) 2020 have attempted to improve enrolment, access to education and learning outcomes across India (Government of India, 2020; Ministry of Education, 2024). Despite much progress in expanding school infrastructure and increasing enrolments, significant disparities remain. Children from poor and marginalized communities are still confronted with numerous barriers, including poverty, gender inequality, regional disparities, migration, and inadequate education (ASER Centre, 2023; UNESCO, 2024). Though India has nearly universalised primary school enrolment, access to good quality education and school completion remain a challenge (UNESCO, 2024; UDISE+, 2024). Child labour remains one of the biggest obstacles to children's educational rights. The International Labour Organization and UNICEF (2021) report that millions of children worldwide are involved in economic activities that hinder their education, health, and development. In India, poverty and household economic insecurity can force children to work or drop out of school (ILO & UNICEF, 2021; ASER Centre, 2023).

The COVID-19 pandemic also exacerbated these problems by increasing school dropouts, learning losses, and vulnerability of children from disadvantaged backgrounds (UNESCO, 2021; UNICEF, 2021). Universal enrolment is not only the physical presence of children in schools, but also regular attendance, meaningful learning experiences, and successful completion of primary education (UNESCO, 2024). Similarly, education as a human right requires not only constitutional recognition but also effective policies, social equity, and the removal of structural barriers such as child labour and poverty (Srivastava & Noronha, 2022; Bhatti & Kapoor, 2021). Existing literature has primarily concentrated on quantitative indicators such as enrolment rates, literacy levels, and school infrastructure, while relatively little attention has been paid to assess whether improvements in enrolment have led to the realisation of education as a human right for children affected by poverty and child labour (Srivastava & Noronha, 2022; UNESCO, 2024). In this context, the present study questions whether the primary education in India is a real human right or a policy dream.

It explores the relationship between universal enrolment and child labour and evaluates the effectiveness of educational policies and programmes in providing equal and inclusive primary education. The analysis covers the period from 2020 to 2026, commencing with the introduction of the Right to Education Act and extending to current educational reforms, including the National Education Policy 2020. This time range enables for a complete assessment of India's successes and continuing challenges in implementing universal primary education and resolving structural inequities.



II. REVIEW OF RELATED LITERATURE

Education is universally acknowledged as a fundamental human right and a crucial vehicle for fostering equality, social justice, and sustainable development. It empowers individuals and communities by decreasing poverty, increasing social inclusion, and extending chances for personal and economic progress. Recent studies have emphasized that quality education plays a crucial role in achieving economic growth and social transformation; however, universal access to education remains a major challenge in many developing countries because of poverty, social inequality, and child labour (UNESCO, 2020; United Nations, 2023; UNICEF, 2021). Although great progress has been achieved in boosting school enrolment, gaps in access, quality, and learning results continue to exist, particularly among socially and economically underprivileged groups (UNESCO, 2024).

In India, several educational initiatives, including the National Education Policy (NEP) 2020, Samagra Shiksha, the Mid-Day Meal Scheme, and the Right to Education framework, have contributed significantly to increasing school enrolment and improving educational access (Government of India, 2020; Ministry of Education, 2024). However, existing research suggests that increased enrolment alone does not guarantee regular attendance, meaningful learning, or successful completion of primary education. Srivastava and Noronha (2022) argued that despite substantial policy reforms, educational inequalities continue to affect children from disadvantaged backgrounds. Similarly, UNESCO (2024) reported that educational inclusion requires not only access to schools but also equitable learning opportunities and effective policy implementation.

Child work continues to be one of the most serious hurdles to the attainment of children's right to education. The International Labour Organization and UNICEF (2021) projected that millions of children worldwide remain involved in economic activities that interfere with their schooling, health, and overall development. Household poverty, financial instability, parental illiteracy, migration, and social exclusion have been recognised as important factors of child labour and educational exclusion in India (ILO & UNICEF, 2021; ASER Centre, 2023). These studies illustrate that child labour and educational disadvantage reinforce one another, making it difficult to attain universal primary education without addressing broader socio-economic inequities.

Several academics have explored the association between child labour and educational outcomes in the post-pandemic period. The ASER Report (2023) emphasised that economic hardship and learning interruptions caused by the COVID-19 epidemic increased the probability of school dropout and child labour among vulnerable children. Similarly, UNICEF (2021) reported that protracted school closures disproportionately harmed children from low-income households, deepening educational inequality and increasing their vulnerability to labour exploitation. The World Bank (2022) further noted that learning

losses arising from the pandemic could have long-term effects for children's school achievement and future economic chances.

Recent study has also focused on educational disparity from a human rights perspective. Bhatta and Kapoor (2021) claimed that constitutional provisions alone are insufficient to secure educational justice unless supplemented by efficient implementation, social equity, and institutional support. UNESCO (2020) similarly stressed that inclusive education needs tackling structural impediments such as poverty, gender inequity, disability, and social prejudice. Studies have further indicated that children belonging to Scheduled Castes (SCs),

Scheduled Tribes (STs), minority communities, and economically disadvantaged households continue to endure unequal educational chances despite governmental interventions (UNESCO, 2024; ASER Centre, 2023). The National Education Policy 2020 has also gained considerable academic attention. Srivastava and Noronha (2022) studied the potential of the policy to promote equity and inclusion and suggested that its effectiveness depends on good execution and proper resource allocation. Government papers have similarly underlined the need for tighter cooperation between educational programs, labour regulations, and social welfare initiatives to ensure that children remain in school rather than entering the workforce (Government of India, 2020; Ministry of Education, 2024).

Research Gap: Although past research has given useful insights into educational policy, universal enrolment, and child labour, these topics have frequently been explored independently. Most existing research focuses on enrolment rates, school infrastructure, and poverty indicators, while comparatively limited attention has been paid to whether improvements in educational access have translated into the effective realization of education as a fundamental human right (Srivastava & Noronha, 2022; UNESCO, 2024). Furthermore, little research has critically investigated the relationship between constitutional provisions, policy execution, and the lived realities of children affected by poverty and child work. Therefore, the present study tries to address this gap by investigating whether primary education in India serves as a legitimately enforceable human right or remains largely a policy objective. It critically explores the relationship between universal enrolment and child labour and evaluates the extent to which educational policies have succeeded in delivering fair and inclusive primary education for all children.

III. SIGNIFICANCE OF THE STUDY

This research is significant as it evaluates whether primary education in India operates as a genuine human right or merely a policy goal measured by enrollment statistics. By examining the disparity between constitutional guarantees—such as the Right to Education Act (2009) and National Education Policy 2020—and actual classroom realities, it demonstrates that high enrollment alone does not ensure quality education. Crucially, it highlights child labour, poverty, and social inequality as major barriers to school retention. Ultimately, the study offers actionable insights for policymakers to align educational and employment policies while raising social consciousness regarding equitable education for every child.

IV. RESEARCH QUESTIONS

The study intends to answer two specific research questions:

RQ1: How far has india successfully made primary education available as a human right?

RQ2: How does child labour affect universal enrollment in primary education in india?

V. OBJECTIVES OF THE STUDY

The present study was undertaken with the following objectives:

Objective 1: To analyse India's progress toward achieving universal primary education under SDG 4.1

Objective 2: To investigate the extent to which child labour hinders universal enrollment and completion of primary education in India

Objective 3: To examine the role of educational and labour policies in addressing the conflict between child labour and the right to education

Objective 4: To critically assess whether primary education in India functions as a guaranteed human right or remains a policy aspiration for vulnerable children

VI. RESEARCH DESIGN AND METHODOLOGY

This study takes a descriptive, analytical, and critical research design to explore whether primary education in India serves as a true human right or remains largely a governmental dream. The study takes an integrated qualitative and quantitative methodology based primarily on secondary data to explore the relationship between universal primary education and child labour. The study relies primarily on secondary data acquired from respectable national and international sources.

Quantitative data were utilised to examine key educational indicators, including the Gross Enrolment Ratio (GER), Net Enrolment Ratio (NER), primary completion rates, retention rates, dropout rates, the Gender Parity Index (GPI), literacy levels, learning outcomes, and child labour statistics. Qualitative data were used to evaluate constitutional provisions, educational policies, international human rights frameworks, and scholarly literature in order to understand the broader social, economic, and policy aspects influencing educational access and participation. This integrated methodology enables both statistical assessment and critical interpretation of the extent to which the right to education has been realised in India. The study is based on secondary data obtained from UDISE+, ASER Reports, the Census of India, the National Sample Survey Office (NSSO/PLFS), UNESCO, UNICEF, the International Labour Organization (ILO), the Ministry of Education, the Ministry of Labour and Employment, official government policy documents, and peer-reviewed books and academic journals. Key policy papers studied include the Right of Children to Free and Compulsory Education Act, 2009, the National Education Policy (NEP) 2020, Sarva Shiksha Abhiyan, Samagra Shiksha, and the Mid-Day Meal Scheme. The analysis covers the period 2020-2026, providing an assessment of educational developments following the passage of the Right to Education Act, subsequent legislative revisions, and the influence of the COVID-19 epidemic on education and child labour. The collected data were grouped into theme areas, including universal enrolment, educational access, retention, gender parity, child labour, and policy execution. Data were evaluated using percentage analysis, comparative analysis, trend analysis, tabulation, and graphical representation to find patterns and assess India's progress towards Sustainable Development Goal (SDG) 4.1. Comparative studies were also conducted across gender, rural–urban areas, and socially disadvantaged groups to identify differences in educational involvement. The study also includes comparison analysis for the following groups: gender, rural vs. urban and socially disadvantaged groups. By merging statistical evidence with policy analysis, the study critically assesses whether constitutional guarantees and educational initiatives have translated into the effective implementation of education as a fundamental human right for all children in India.

VII. RESULTS AND DISCUSSION

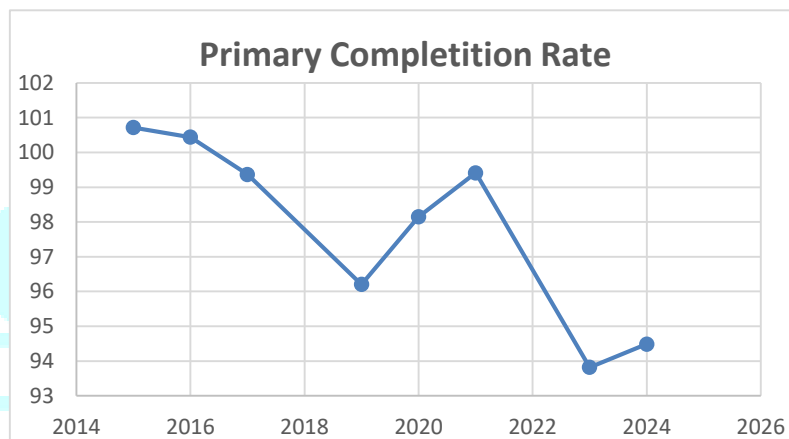
The findings of the study reveal that India has made substantial progress towards achieving universal primary education following the implementation of the Right to Education Act (2009) and major educational initiatives such as Sarva Shiksha Abhiyan, Samagra Shiksha, the Mid-Day Meal Scheme, and the National Education Policy (2020).

Objective 1: To analyse India's progress toward achieving universal primary education under SDG 4.1

India has made tremendous headway in extending primary education through efforts such as the Right to Education Act (2009), Sarva Shiksha Abhiyan, and the National Education Policy 2020. However, geographical inequities, inadequate infrastructure, learning poverty, and child labour continue to hamper educational attainment. This study examines whether increased enrolment has translated into equitable and quality education for all children under SDG 4.1

Table 1 – shows Primary Completion Rate (%) from 2015-2024

COUNTRY	PRIMARY COMPLETION RATE (%)	YEAR	PERCENTAGE
India	Primary Completion Rate (%)	2015	100.7155
India	Primary Completion Rate (%)	2016	100.4384
India	Primary Completion Rate (%)	2017	99.3664
India	Primary Completion Rate (%)	2019	96.2057
India	Primary Completion Rate (%)	2020	98.1475
India	Primary Completion Rate (%)	2021	99.4108
India	Primary Completion Rate (%)	2023	93.8187
India	Primary Completion Rate (%)	2024	94.4876

**Figure 1 shows the above Table 1**

The analysis of primary completion rates shows that India maintained a completion rate above 90% between 2015 and 2024. The percentage increased from 90.58% in 2015 to 99.41% in 2021, demonstrating great progress in primary education. However, it decreased to 93.82% in 2023 before marginally recovering to 94.49% in 2024 (Figure 1), demonstrating that factors such as the COVID-19 epidemic, economic difficulties, and regional differences hampered educational continuity.

Table 2 shows Gross Enrollment Ratio

Level	2021-22	2022-23	2023-24	2024-25	NEP Target	2030
Elementary (Class 1-8)	100.13	93.9	91.7	90.6	100%	
Secondary (Class 9-10)	79.56	79.2	77.4	78.7	100%	
Higher Secondary (Class 11-12)	57.56	56.8	56.2	58.4	100%	
SC – Primary	113.10	101.5	96.8	92.7	100%	
SC – Upper Primary	103.79	96.5	95.6	96.1	100%	
SC – Secondary	84.91	82.5	80.6	82.0	100%	
SC – Higher Secondary	61.49	58.8	57.9	59.4	100%	
ST – Primary	106.50	104.3	98.3	98.8	100%	
ST – Upper Primary	97.95	98.7	95.2	99.5	100%	
ST – Secondary	78.06	78.8	76.9	81.3	100%	
ST – Higher Secondary	52.02	53.4	48.7	51.9	100%	

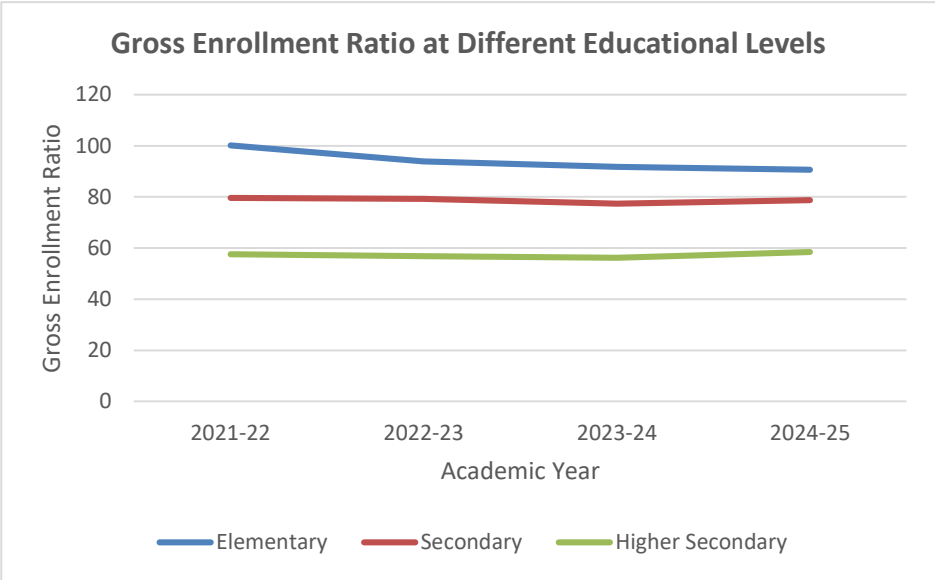


Figure 2 shows Gross Enrollment Ratio at Different Educational Levels (2021-22 to 2024-25)

Similarly, the Gross Enrolment Ratio (GER) at the elementary level revealed a falling tendency during the study period. The GER declined from 100.13 percent in 2021–22 to 90.60 percent in 2024–25 (Figure 2). The findings reveal that although access to schooling has increased greatly, retaining enrolment and guaranteeing the completion of education remain key issues. Furthermore, enrolment among Scheduled Castes (SCs) and Scheduled Tribes (STs) exhibited a progressive reduction at higher educational levels, highlighting the persistence of social and economic inequities notwithstanding affirmative policy initiatives.

Objective 2: To investigate the extent to which child labour hinders universal enrollment and completion of primary education in India.

Child labour remains a key barrier to universal primary education in India. Despite the legal provision of free and compulsory education under the Right to Education Act, poverty, economic inequality, and social exclusion continue to compel many children into labour, restricting their school attendance and completion. The following analysis examines the relationship between child labour and educational exclusion, highlighting its impact on enrolment, retention, and educational outcomes.

Table 3 India had approximately 10.1 million child labourers (Census 2011)

Year	Percentage of working children (5-14)			Total number of working children (5-14) (in millions)		
	Rural	Urban	Total	Rural	Urban	Total
2001	5.9	2.1	5.0	11.4	1.3	12.7
2011	4.3	2.9	3.9	8.1	2.0	10.1

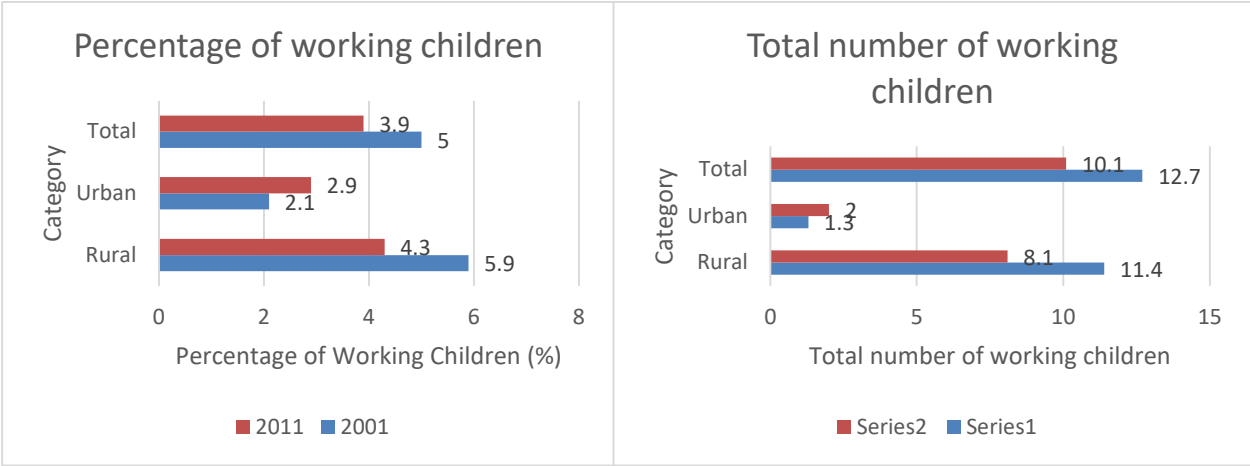


Figure 3 shows Percentage of working children (5-14)

Figure 4 shows Total number of working children (5-14)

Table 4 Dropout Rates (%) by Level - All Categories, 2021-22 to 2024-25

Level	2020– 21 (Boys)	2021– 22 (Girls)	2022– 23 (Boys)	2023– 24 (Girls)	2024– 25 (Boys)	2024– 25 (Girls)
Primary	1.45%	1.60%	7.8%*	1.9%	0.8%	0.0%
Upper Primary	3.05%	3.10%	8.1%*	5.2%	4.1%	2.9%
Secondary	14.6%	13.8%	12.5%	14.1%	13.3%	9.6%

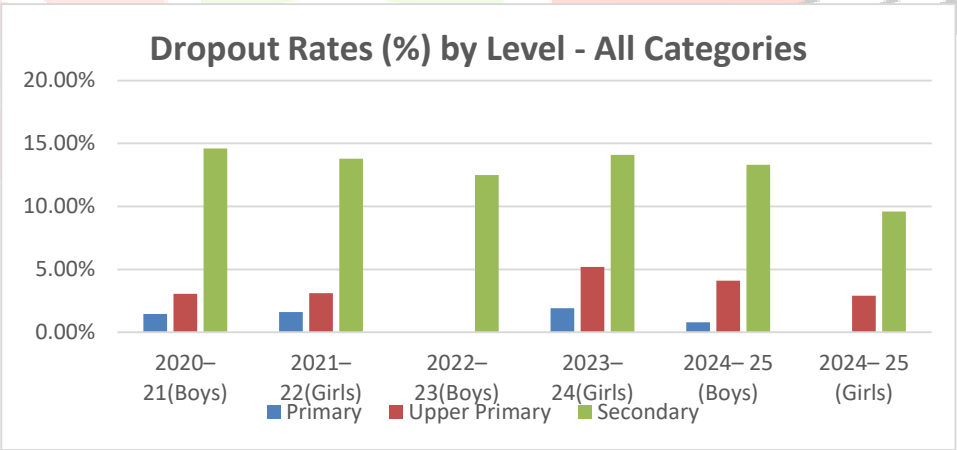


Figure 5 shows the Dropout Rates (%) by Level - All Categories

Dropout rates in India vary dramatically across educational levels. While primary-level dropout fell to 0.3% in 2024–25, secondary schooling registered the highest dropout rate at 11.5%. Economic hardship, child employment, and social inequities remain the principal reasons contributing to school dropout, particularly at the secondary level.

Objective 3: To examine the role of educational and labour policies in addressing the conflict between child labour and the right to education

The Right to Education Act (2009) and the Child Labour (Prohibition and Regulation) Amendment Act (2016) were introduced to ensure children's right to education and outlaw child labour. Although these

measures have improved school enrolment and reduced child labour, gaps between legal rules and social reality exist.

Table 5 shows Children Rescued, Rehabilitated and Mainstreamed into Education under the National Child Labour Project (NCLP), India (2016–17 to 2018–19)

Year	Number of Children Mainstreamed into Education
2016–17	30,979
2017–18	47,635
2018–19	66,169

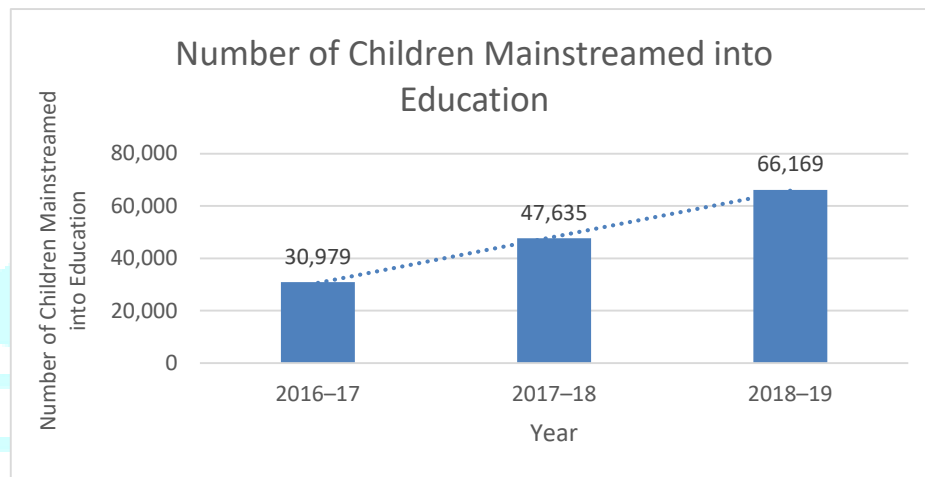


Figure 6 shows Children Rescued, Rehabilitated and Mainstreamed into Education under the National Child Labour Project (NCLP), India (2016–17 to 2018–19)

The number of children mainstreamed into formal education under the National Child Labour Project (NCLP) increased from 30,979 in 2016–17 to 66,169 in 2018–19, suggesting advances in rehabilitation and educational inclusion. However, the ongoing prevalence of child labour underlines the need for stronger policy implementation and increased support for vulnerable groups.

Objective 4: To critically assess whether primary education in India functions as a guaranteed human right or remains a policy aspiration for vulnerable children

The assessment of the extant data shows a diversified scenario concerning the fulfillment of basic education as a human right in India. On one side, considerable advancements have been made in broadening educational opportunities following the implementation of the Right to Education (RTE) Act, 2009. The elevated primary completion rates, significant Gross Enrollment Ratios (GER), and nearly attained gender parity suggest that India has significantly moved towards universal primary education. Government programs including the Right to Education Act, Sarva Shiksha Abhiyan, Samagra Shiksha, Mid-Day Meal Scheme, and various scholarship efforts have been vital in promoting enrollment and decreasing educational marginalisation.

VIII. MAJOR FINDINGS OF THE STUDY

- India expanded primary school access under RTE Act 2009, SSA, Mid-Day Meal, Samagra Shiksha, and NEP 2020, achieving high Gross Enrollment Ratios.
- Primary completion rates remained consistently above 93–94% from 2015 to 2024, though post-pandemic disruptions caused temporary declines.
- Gender Parity Index (GPI) achieved parity across all school levels (1.03–1.05 at primary level).
- Child labour remains a primary cause of irregular attendance and school dropout, with over 10.1 million working children (Census 2011), concentrated in agriculture (58.9%).

- The Child Labour Amendment Act 2016 contains family enterprise exemptions that unintentionally legitimize child work.
- Secondary school dropouts remain elevated (9.6–13.3%), proving that retention beyond primary education is heavily compromised.
- Learning levels remain low despite enrollment expansion (ASER reports), indicating that numerical presence does not equal quality education.
- Education functions as a constitutional right in law, but operates as a policy aspiration in reality for vulnerable and impoverished children.

IX. SUGGESTIONS

- **Legal & Regulatory Harmonization:** Eliminate family business exemptions in the Child Labour Act 2016 and harmonize labor regulations with RTE mandates.
- **Socio-Economic Support Systems:** Expand Direct Benefit Transfers (DBT), conditional cash transfers, and nutritional aid to offset household opportunity costs.
- **School Infrastructure Upgradation:** Ensure 100% functional separate toilets, clean drinking water, perimeter boundary walls, and safe transport in rural schools.
- **Early Warning Dropout Systems:** Institutionalize real-time UDISE+ tracking and Early Warning Systems at block levels for absenteeism exceeding 7 consecutive days.
- **Quality & Pedagogical Reforms:** Focus teacher training (NISHTHA) on foundational literacy, numeracy, and gender-responsive inclusive pedagogy.

X. CONCLUSION

The present study explored whether primary education in India serves as a fundamental human right or remains simply a policy aspiration by evaluating the relationship between universal enrolment and child labour during the period from 2020 to 2026. The findings reveal that India has made significant progress in expanding access to primary education through several efforts, including the Right to Education Act, Sarva Shiksha Abhiyan, Samagra Shiksha, the Mid-Day Meal Scheme, and the National Education Policy 2020. Improvements in enrolment rates, primary completion rates, and gender parity illustrate the favourable impact of these measures on educational access and inclusion.

However, the report also shows that higher enrolment alone does not guarantee the effective realization of education as a fundamental human right. Persistent difficulties such as poverty, child labour, geographical inequities, social exclusion, inadequate infrastructure, and unequal access to quality education continue to hinder many children from fully benefiting from educational possibilities. The data further reveal that children from economically disadvantaged households and marginalized communities remain disproportionately affected by school dropout and educational exclusion. The study indicates that although education is constitutionally guaranteed in India, its achievement as a universal human right requires more than legislative recognition. Effective implementation of educational policy, stronger coordination between education and labour legislation, and continued efforts to reduce structural inequities are vital for guaranteeing equitable and inclusive education for all children.

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