



SATYARTHI

KAILASH SATYARTHI CHILDREN'S FOUNDATION

A STUDY ON ACCESS TO EDUCATION BY CHILDREN OF MIGRANT WORKERS



**A STUDY ON ACCESS
TO EDUCATION
BY CHILDREN
OF MIGRANT
WORKERS**



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EXECUTIVE SUMMARY

Access to education by children of migrant workers deserves detailed examination in view of the promise made under the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act). This act provides for free and compulsory education to all children up to the age of 14 years in India. Keeping this in view the present study was undertaken to ascertain the status of access to education by children of migrant workers in India. The primary study covered 54 migrant households having a total of 129 children aged up to 14 years.

The study has revealed that a major fraction of children of migrant workers, i.e. around 40% do not have access to education either at destination, the place of work of migrant workers, or at source i.e. the native village of the worker. Situation worsens when children accompany their parents to destination cities. Even though some of the children are enrolled in the schools back in their villages, but having accompanied their parents to the destination cities they remain absent from schools for quite a long time which grossly hampers their education. Further, at the destination cities more often than not they end up working as child labourers.

The present study reveals that the host state is not prepared in terms of infrastructure to provide schooling to children of migrant workers. As a result, these children suffer, they remain uneducated leading to perpetuation of poor socio economic condition and abject poverty from generation to generation.

The study has revealed that poor socio economic status of families pushes the heads of the families along with children to migrate in search of work in some cases parents migrate alone leaving behind their children in the village with a family member. This process goes through a chain of events leading to deprivation of care, affection, education of children and finally pushes them into different forms of exploitative situations including child labour. The salient findings of the study are as follows;

Salient findings of the study

1. Study found that 60% of the children of migrant parents were going to school while the remaining 40% were not going to school, it was further revealed that the proportion of male children not going to school is 47% while in the case of girls it is 35%.
2. It was revealed that while 75% of the children of migrant workers who stay back in their villages go to school only 55% of the children who migrate with their parents go to school.
3. Study has brought out that concerns of migrant parents relating to road safety in cities is one of the very important reasons for not sending their children to school. In cities as the school are located at some distance therefore children have to cross the roads etc, exposing them to risk of an accident.
4. Migrant workers were found to have a preference for residential schools like 'Jawahar Navodaya Vidyalaya' over non-residential schools. Study has brought out that if children are provided with the facility of residential schools in source areas then parents will not take their children with them to the destination. The study has thus very clearly brought out that there is a demand in source areas for migrant labourers for educational institutions which provide quality education to children.
5. A majority (74%) of the children of poor parents go to Government schools, many of the poor migrant workers send their children to private schools by stretching themselves financially as the perception is that the children get better education there. It shows that even people from poor socio economic strata who migrate to different cities in search of livelihood and work as daily wage labour

are quality conscious and aspire to provide quality education to their children to secure a better future for them. That a large number of them fail to fulfill this aspiration is due to the failure of the state in creating a school infrastructure to fulfill this need.

6. Migrant parents do aspire to provide education to both boys and girls. However, as far as educating children in a private school is concerned they do prefer to enroll boys in private school. This indicates that education of male child is paid greater attention and is regarded as more important by the migrant workers.
7. The children accompanying parents to the destination are more likely to discontinue their education as more than half (55%) of such children reported not attending school, whereas only 25% of children who stay back in source villages reported not attending the school.
8. In some of the instances it was found that even though the child is enrolled in school in their native or source village but never attends classes and keeps moving along with parents. The child only appears for the exams. This poses a serious threat to access to education to such a child as due to absence from school the child does not receive education though child's name continues to be in the school records.
9. The major reasons given by parents for not sending their children to school are: parent's continuous shifting from one place to other (around 44%), non-availability of schools nearby (37%), children working to support their families (15%) and children taking care of younger siblings (14%).
10. Due to non-availability of Crèche facilities at the worksites or an Anganwadi near it, the migrant parents take their small children (below 5 year) along with them to the work sites where the little ones always remain exposed to pollution and hazardous environment.
11. Nearly one quarter (23%) of children at destination work to support their families. However, this is not true for the children staying in the source villages as not even a single child was reported to be working in the source villages.
12. Study revealed that children of migrant workers mostly work in the same industry segment in which their parents work. Therefore, the industry wise distribution of children of migrant workers is almost the same as that of the migrant workers themselves.
13. Children who attend school, a majority (97%) of them avail mid-day meal in schools at both the destination and source. However, more than one quarter (28%) of children do not have access to free uniforms or textbooks. Parents buy uniform and textbook from outside, even though many of them said that they could not afford these things.

The study findings can be used to formulate strategies to ensure access to free education to children of migrant workers in India. This study also includes suggestions/recommendations whose implementation is likely to improve access to education by children of migrant workers at both the destinations and source i.e at their native places, recommendations however are not exhaustive and it is our firm belief that much more can be done to ensure continuous access to education to the children of migrant workers.

RECOMMENDATIONS

- 1) Residential schools for both boys and girls up to the secondary level be established in the rural areas in all the states of the country, especially the source states of migrant workers.
- 2) The destination cities to establish schools for those migrant children who move with their parents to the destination cities. These schools should impart education to migrant children in their mother tongue.
- 3) Mobile schools be also established in the destination cities to impart education at multiple construction sites.
- 4) A sizeable fraction of the corpus of INR. 30,000 crores with State Construction Workers Social Welfare Boards (CWSWBs) and of future accumulation in the fund be utilized to augment the budgetary allocations under 'Samagra Shiksha Abhiyan' scheme of Central Government for creation of educational infrastructure for migrant children.
- 5) A 'Migrant Workers Children's Education Fund' be created by the Government of India, to supplement the plan budget for school education for children of migrant workers.
- 6) A Cess @5% of payable land revenue be levied on land owners having an agricultural holding of 4 hectares or more. The Cess so collected be transferred to the 'Migrant Workers Children's Education Fund'.
- 7) Anganwadis should be established to cater to the needs of children of migrant workers below 6 years of age in areas where the migrant workers reside or work.
- 8) The Central and the State Governments must implement the National Education Policy 2020 wholeheartedly to ensure quality education to children of migrant workers.
- 9) The Unorganized Workers' Social Security Act, 2008 be implemented in its entirety at the earliest including formulation of schemes for education of children of unorganized workers including migrant workers.
- 10) A National Policy for Welfare of Migrant Workers be formulated to cater to their various physical needs such as housing in destination cities, education of children, free and universal health care, access to food grains under the PDS, old age pension, etc.
- 11) States must keep in view the provisions of the National Policy for Welfare of Migrant Workers while preparing the city development plans of all the large cities which receive migrant workers.
- 12) Corporates both small and big be sensitized about the complexities and problems relating to migration and education of migrant's children.
- 13) A National Child Labour Survey (NCLS) be commissioned by Government of India every two years.

Note: For detailed recommendations please see section 4.3 of the report, recommendations 1-13 respectively.



INTRODUCTION

1.1. CONTEXT

Education of children is the foundation of the future of our children and our nation. It is a key contributory factor for preparing our children for life as also for nation building. Prosperity, quality of governance, nature of public discourse all depend on barrier free access to quality education for children and youth of our country. In order to ensure education to all children regardless of their socio-economic background, every successive government post-independence has brought new legislations and new policies. The most important legislation enacted in this regard is the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) which guarantees access to education and ensures free and compulsory education to all children up to the age of 14 years. However, even after several years of this Act coming into effect, gaps exist, and a considerable section of children is yet to access education in both rural and urban areas. As per NSSO 71st Round in 2014, the Net Attendance Ratio (Number of persons in the official age-group attending a particular class-group to the total number persons in the age-group) of children in school was 83% at primary level, 63% at upper primary level, and 52% at secondary level¹. Recently published Annual Status of Education Report (Rural) 2018 suggests that around, 2.8% of children between 6-14 years in rural areas which is nearly 6.5 million children as per Census 2011 are not enrolled in school (ASER, 2018)². Further, average student attendance at primary and upper primary level in rural areas is only 72%, which shows that more than a quarter of children remain absent on a given day.

Global Education Monitoring (GEM) Report 2019 shows that internal migration in India has become a major challenge for ensuring education to children in the country³. According to Census 2011, there were 14.19 crore migrants (either interstate or intrastate with duration of migration between 0 to 9 years) in the country, which constitutes 12% of country's total population. Out of the total migrants, children (5-14 years) comprise a total of around 2.12 crore which is nearly 15% percent of total migrant population in the country in 2011. It is important to mention here that the total number of children who migrated were eight percent of total child population in the country in 2011. The reasons of migration cited were 'work and employment', 'business', 'education', 'marriage' and 'movement after child birth', etc.

The children who move with their families or alone fall prey to different forms of exploitation and deprivations⁴. Studies reveal that migrant children are deprived of school education which affects their progress and finally pushes them to labour or other similar works of very low productivity. They are exposed to many health risks including malnutrition, anemia etc. Further, adolescent girls become vulnerable to sexual harassment and abuse. The migrant children also end up working as child labour in construction, brick kiln, salt making, sugar cane harvesting, stone quarrying, and plantations work etc.

Due to various push and pull factors, seasonal migration is a common occurrence in India. Millions of families belonging to weaker sections or disadvantaged groups leave their homes (source) for several

1 National Sample Survey Organisation. (2016, March 10). Education in India, NSS 71st Round (January-June 2014). New Delhi: National Sample Survey Office, Ministry of Statistics and Programme Implementation, Government of India.

2 ASER Centre. (2019). Annual Status of Education Report (Rural)-2018. New Delhi: ASER Centre

3 UNESCO. (2018). Global Education Monitoring Report 2019; Migration, Displacement and Education - Building Bridges and Not Walls. Paris: UNESCO

4 UNESCO. (2013). Social Inclusion of Internal Migrants in India. New Delhi: UNESCO

months in a year in search of livelihood. Migrants come to cities (destination)/ work place and continue to live in slums, on pavements and worksites. During this process of migration their children either accompany their parents or are left behind in the villages depending on the nature of work and the duration of stay. Global Education Monitoring Report 2019 reveals that about 80% of seasonal migrant children in seven cities in India lacked access to education near work sites. Further, around 40% children who worked had experienced abuse and exploitation.

It is important to mention that children whether they migrate with their families or live independently have equal fundamental rights to free and compulsory education. The Right to Education (RTE) Act, 2009 creates a duty on the part of state to ensure that no child from the weaker sections or disadvantaged groups is discriminated against or prevented from pursuing and completing elementary education. Moreover, the Sustainable Development Goal (SDG) 4 relates to ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all by 2030.

Various goals and targets set under our Constitution, the SDGs, Right to Education Act (RTE), and above all society's moral obligation to provide education to all children cannot be achieved unless all children irrespective of their migratory status, place of living and socio economic backgrounds are ensured access to education.

1.2. STUDY OBJECTIVES

The broad objective of the present study is to examine the status of education of the children of migrant workers. The specific objectives of the study are as follows:

- (1) To find out access to education of children of migrant workers at both destination and source.
- (2) To find out the type of vulnerabilities/hurdles faced by children leading to denial of education due to migration of their parents.
- (3) To come up with viable recommendations to ensure quality education to the children of migrant workers.

1.3. EXPOSURE OF CHILDREN OF MIGRANT WORKERS TO DIFFERENT TYPES OF VULNERABILITIES

Several studies conducted in the past have brought out children's exposure to different vulnerabilities due to parental migration. A study on 'Parental migration, child labour and education' suggests that parental migration may have a positive impact on children who are left behind because of remittances and higher household income. However, there are also several negative effects like psychological cost of parents' absence, lower care, lack of guidance leading to poor school performance, and poor preventive health care etc. As against the children who are left behind, children accompanying migrant parents face a more difficult life due to social and cultural isolation, participation in work alongside parents, extreme poverty, unhygienic and unhealthy living conditions, poor health condition, language barriers, poor educational attainment etc. The study also brought out that children whose parents migrate seasonally are more vulnerable as they have to move continuously between two different social environments and they end up not adjusting anywhere⁵.

⁵ Mukherjee, D., & Rajarshi, M. (2012). Paternal Migration, Child Labour and Education: A Study in Brickfield Areas of West Bengal. Journal of Economic and Social Development, VIII(1)

In India, hundreds of thousands of families are being forced out of their homes and villages in search of work (Livelihood) for several months every year. These migrations force adults to take their children along which lead to those children dropping out of school and thus denying them the opportunity available for a better future. Smita (2008) in her study on Distress Seasonal Migration, pointed out that seasonal migration are large and growing, and close to 9 million children below 14 years are affected by this migration⁶. Evidences suggest that migrant children are the most educationally marginalised population group in India and their right to education (under the Right to Education Act, [RTE] 2009) remains compromised. The seasonal and temporary nature of migration results in disruption of regular and continued schooling of children which adversely affects their overall growth and contributes to the inter-generational transmission of poverty⁷. Many studies suggest that children of migrant laborers work alongside their parents. This form of child labour is particularly well-documented at brick kilns, where children help their parents in preparing and shifting the bricks from one place to another. The policy makers and researchers who have studied short-term labour migration have raised concerns about the fact that the children experience the same difficult living conditions that their parents endure at work sites. Concerns have also been expressed about the problems faced by the children who are left behind in villages when their parents migrate for work.

Coffey (2013) conducted a study on child migration with short-term migrant parents in the districts of Rajasthan, Madhya Pradesh and Gujarat. She collected data from 70 villages and a total of 1,980 children aged 0-13 years were covered in the study. She found that the children who accompany adult household members also work but are surprisingly paid little or remain unpaid. She concluded that while all the children in this age group who migrate with one or both parents, may not be put to do paid work, however all of them face educational disadvantages as compared to the children who do not migrate⁸. A study conducted by ILO in Bihar, Madhya Pradesh and Gujarat brought out that although very small children who migrate with parents are not put to work, children older than 10 years are often put to work along with parents in brick kilns, construction sites, hawking and other types of work without any social protection or access to education⁹. Evidences further suggest that children accompanying their migrant parents for seasonal employment are the most “at risk” group of all in terms of educational vulnerability and capability formation. They are deprived of basic education and therefore are not able to break free of the low-skill–low-wage trap that their parents are currently in¹⁰.

Coffey (2013) in the study conducted in Rajasthan and Madhya Pradesh on short term migration found that among their children above six years, 17% had never been to school. Among the children who had migrated with parents in the past one year, 85% had migrated along with their mothers. Given the likely burden which is placed on relatives caring for young children and assuming that parents prefer to be with their children, it makes sense that mothers who are away from the village for long duration are more

6 Smita. (2008). Distress Seasonal Migration and its Impact on Children's Education. New Delhi: National University of Educational Planning and Administration

7 UNESCO/UNICEF. (2012). National Workshop on Internal Migration and Human Development in India. Workshop Compendium, Vol. II: Workshop Papers

8 Coffey, D. (2013). Children's welfare and short term migration from rural India. Journal of Development Studies(49(8)), 1101-1117. doi:10.1080/00220388.2013.794934

9 ILO. (2013). Child migration, child trafficking and Child labour in India. New Delhi: International Labour Organization

10 Mukherjee, D., & Rajarshi, M. (2012). Paternal Migration , Child Labour and Education: A Study in Brickfield Areas of West Bengal. Journal of Economic and Social Development, VIII(1)

likely to take their children with them. Coffey also found that, there is a causal relationship between children's migration and their poor educational attainment¹¹.

A study conducted in rural Odisha on Migration of Labour and its Impact on education of left behind Children brought out that there was no serious adverse effect on enrolments in schools at the lower level/grades and lower ages. But when it came to school attendance, dropout and learning outcomes, particularly at higher levels and age-groups, the children of migrant households were several steps behind other students because of lack of supervision and mentoring. Children reported missing school largely because of illness, paid work, and household work. Illness accounted for 17% of non-attendance of classes. Paid work, household work and stress at home were found to have a 37%, 43%.

In recent years, increased demand and massive expansion of school infrastructure have brought into Indian schools huge numbers of children who might not have attended schooling in the past. However, still large numbers, and specific groups, of children remain excluded from schooling for various reasons, jeopardizing equitable access to elementary education¹². Also, gender disparity in access to education does not seem to have reduced significantly over the years. Similarly, problem of inequity in coverage and participation persists in different social groups and the situation remains unsatisfactory. The traditional reasons for exclusion, such as caste, gender, remoteness of location, and so on, are by now well investigated and the possible remedies, to a great extent are reasonably clear. However, there are still many categories of children in India for whom adequate and appropriate strategies are not in place for their effective access to education. One such substantive category is children of seasonal migrants, who are deprived of access to elementary education. Among the children of migrants, even those who have attended school at some point of time are not able to continue schooling and majority of them are forced to drop out of the schooling system.

Child migration leading to child labour and impact on child's education in India

An ILO study suggests that child labour and migration are economically driven and socially accepted in India. Factors that promote child labour include poverty, illiteracy, adult unemployment and underemployment, deep set economic inequalities, social exclusion, early marriage, gender discrimination, lack of access to quality education & vocational training, lack of awareness among family members. Child labour in India is mostly found in agriculture and cattle rearing, domestic employment, hotels and restaurants, export-oriented industries, brick kilns, mining and quarrying, manufacture of matches, bangles, glass works, fireworks, footwear, bidis, silk, among others¹³.

Children migrating with their parents are at risk of child labour because of their removal from accessible and/or free education. Even where children do not work, the dearth of affordable day care services gives parents no choice but to bring them to work and, consequently, expose them to the same hazardous

11 Agasty, M. P. (2016). Migration of Labour and its Impact on Education of Left behind Children: A Case Study of Rural Odisha. International Journal of Research in Humanities and Social Studies Volume 3, Issue 4, April 2016, PP 57-63.

12 Govinda, R., & Madhumita, B. (2008). Access to Elementary Education in India: Country Analytical Review. National University of Educational.

13 ILO. (2013). Child migration, child trafficking and Child labour in India. New Delhi: International Labour Organization

conditions to which they are themselves exposed to. Indigenous children, in particular, suffer when schools are not sensitive to their special needs¹⁴.

In a study on Migration and Child Labour in Agriculture in Punjab it was seen that out of the total 302 child workers taken up for the study, only 129 (43%) were found going to school and 173 (57%) were not going to any school. Among these 173 children, 78 (45%) had never been to any school, while 95 (55 %) were drop-outs. The study also revealed that the children were engaged in almost all types of agricultural activities, including dairy and poultry farming¹⁵.

In the kilns of Chennai, the work of moulding is performed by male-female pairs of workers, often assisted by children. On the other hand, in the kilns of North Gujarat, the male-female ratio is about 5:1. Typically, groups of families migrate together out of a single hamlet or village. At the kilns, women are involved in carrying of bricks on their heads within the site as well as breaking coal into smaller pieces. As would also be commonly expected, women cook for the labourers on site. Men prepare and arrange the bricks, set up the kilns and transport the finished bricks on their heads. Accompanying children help out in work on site, such as carrying bricks¹⁶.

In another study on Paternal Migration, Child Labour and Education in West Bengal it was found that the adult couples work officially on the brick kiln while their children play around. However, as soon as the children reach 8-9 years of age, they are engaged by their parents in making bricks. This helps their parents prepare more number of bricks and thereby earn more. Thus incidence of child labour is quite predominant in the brick kiln with almost all 8-14 years old children working with their parents. The girls look after their siblings and prepare food while their mothers work under the sun. All of these lead to denial of education to children of migrant workers. Since the active season for brick making is from November to May, it was found that the families stay in West Bengal for that period only and go back to their native places for the remaining part of the year. The children are thus out of school for the whole year. The study also revealed that the educational level of the migrant children was in a pathetic state with all the seventeen hundred surveyed children being out of school. In contrast, only 10 percent of the local children were out of formal school or informal educational centres. More than 85 percent of the migrant children had never been enrolled in school and those who were once enrolled had dropped out to accompany their parents as soon as they were old enough¹⁷.

The RTE Act provides the norms and standards for opening of schools in the neighborhood at the primary level. Moreover, the Act legally obliges the local authorities to make necessary provisions and admit migrant children to schools so as to ensure that the children enjoy their rights. In respect of the education of children of migrant workers, the Union Minister of Human Resources, Government of India has replied to Rajya Sabha on 27th June 2019 that several policy initiatives have been taken by Government of India under 'Samagra Shiksha' scheme to provide education to children. Under this scheme, it is mandated to open seasonal hostels / residential camps in villages during the period of migrations of families, and establishment of residential and non-residential special training centres for

14 Glind, H. V., & Kou, A. (2013). Migrant children in child labour: A vulnerable group in need of attention. Children on the Move, IOM, 2013

15 Goyal, M. (2011). Migration and Child Labour in Agriculture – A Study of Punjab

16 Kunduri, E., & Roy, S. N. (2018, July). Migration to Brick Kilns in India: An Appraisal. Centre for Policy Research. New Delhi, India.

17 Mukherjee, D., & Rajarshi, M. (2012). Paternal Migration, Child Labour and Education: A Study in Brickfield Areas of West Bengal. Journal of Economic and Social Development, VIII(1).

out of school, dropout and migrant children. Besides this, the scheme also extends provision of mid-day meal, free textbooks and free uniforms as per norms to children of these schools also¹⁸.

1.4. METHODOLOGY

For the purpose of the study, primary data was collected from the migrant parents in Delhi NCR and Bhopal. Delhi is home to second largest number of interstate migrants in the country, while Bhopal is one of the growing cities having huge intrastate migration. Primary data was collected with the help of a short questionnaire from the respondents (parents) at the work sites or from the places where migrant workers stay. A total of 54 households were covered from whom details of 129 children of varying age up to 14 years were collected. Data analysis was made through SPSS. Relevant bivariate tables and charts were prepared wherever found relevant and necessary for interpretation and discussion.

For secondary information, published reports and articles, Census data 2011 were reviewed to understand the provisions, extant policies for providing education to children of migrant workers and the child labour situation in India.

1.5. LIMITATIONS

Migrant workers were majorly available during the working hours in day times, and therefore, interviews were conducted at the worksites. Information relating to children was not collected directly from the children as the children were not available at the time of interview with their parents. Few children, who were present during the study with their parents, were too small to respond to the questions. However, these children showed a strong interest in going to school if it is provided at the place of destination.

18 Press Information Bureau ,Govt. of India (27 June 2019).Right to Education of Children of Migrant workers



SECTION 2

PROFILE OF THE STUDY POPULATION

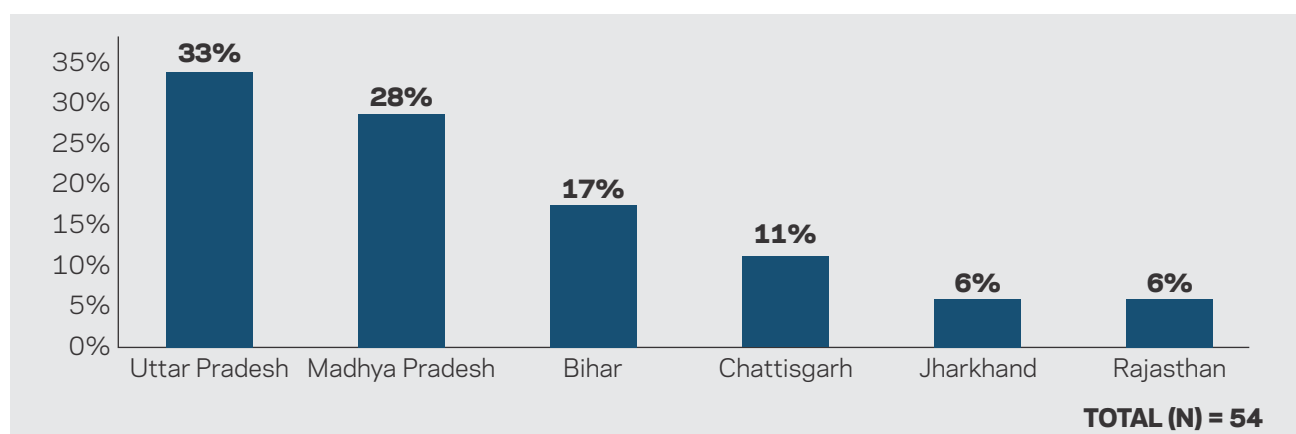
This section presents the profile of the respondents covered in the study. Profiles were collected in order to understand the context of children's vulnerabilities, key determining factors like parent's migratory status, duration of stay at destination, occupation etc. These were analysed along with children's profile from the primary data. The profile of parents and children are presented separately in the subsequent sections.

2.1. PARENTS' PROFILE

Distribution of households by State of origin

Figure 1 presents the distribution of households covered in the present study by source State. It reveals that households surveyed belonged to northern, central, and eastern part of India.

Figure 1: Distribution of households by State of origin

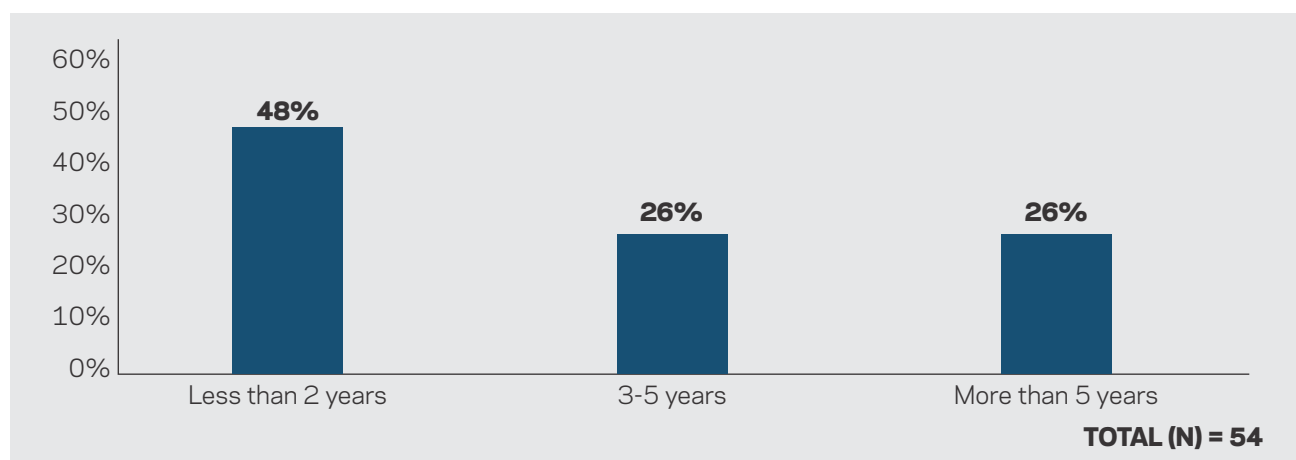


Analysis brought out that nearly one-third (33%) of the migrant parents belonged to Uttar Pradesh, who had migrated to Delhi NCR for work. Similarly, more than a quarter (28%) of respondents belonged to Madhya Pradesh. As per Census 2011, Uttar Pradesh stands at 2nd place in terms of number of intra and interstate migrants in the country while Madhya Pradesh stands at 8th position. However, Figure 1 reveals that Madhya Pradesh constitutes a fairly large proportion of migrants in Delhi NCR. Parents who migrated from other States were from Bihar (17%), Chhattisgarh (11%), Jharkhand (6%) and Rajasthan (6%).

Parental Migration Pattern

During interviews, it was revealed that migration is mostly seasonal or temporary in nature. Migrants come to cities every year for work and employment and stay for some months at the destination. However, some of them reported to have migrated to a destination some years ago and then having frequented between source (villages) and destination (cities) two to three times in a year. For the purpose of the study, parent's duration of stay was also analysed as the same has a direct bearing on schooling of children and is presented in Figure 2.

Figure 2: Duration of stay in the current destination



The Figure 2 reveals that nearly half (48%) of the respondents had stayed at their present destination for less than 2 years. During interaction, respondents shared that most of them come on a seasonal basis and usually come twice in a year. In the first phase, they come during August and stay up to November-December. After that they return to their villages for harvesting. In the second phase, they come to cities again immediately after harvesting and stay up to May. During this process of migration, a majority of the migrant workers bring their children with them as they do not feel safe to leave their children in somebody's custody in their village. However, some of them leave their children with their grandparents or in relative's house. When children come with their parents to cities they miss their school in the village.

Occupational status of parents

Figure 3: Occupational status of respondents (Parents of children)

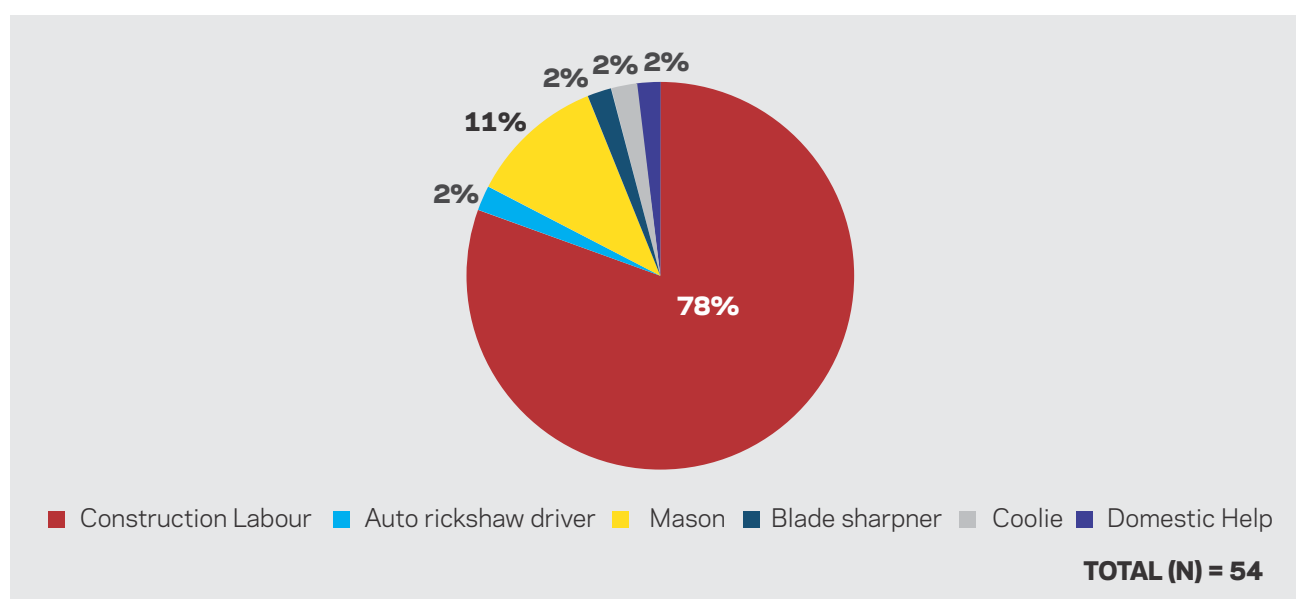


Figure 3 gives the occupational status of the migrant workers included in the sample. It may be seen that more than three fourth of parents were found to be working in construction sector as labour performing different tasks.

2.2. CHILDREN'S PROFILE

Children's profile relating to age, gender, educational status etc. were collected from the parents during the interview. Children's age distribution in sample families is presented in Figure 4.

Figure 4: Distribution of children by their age

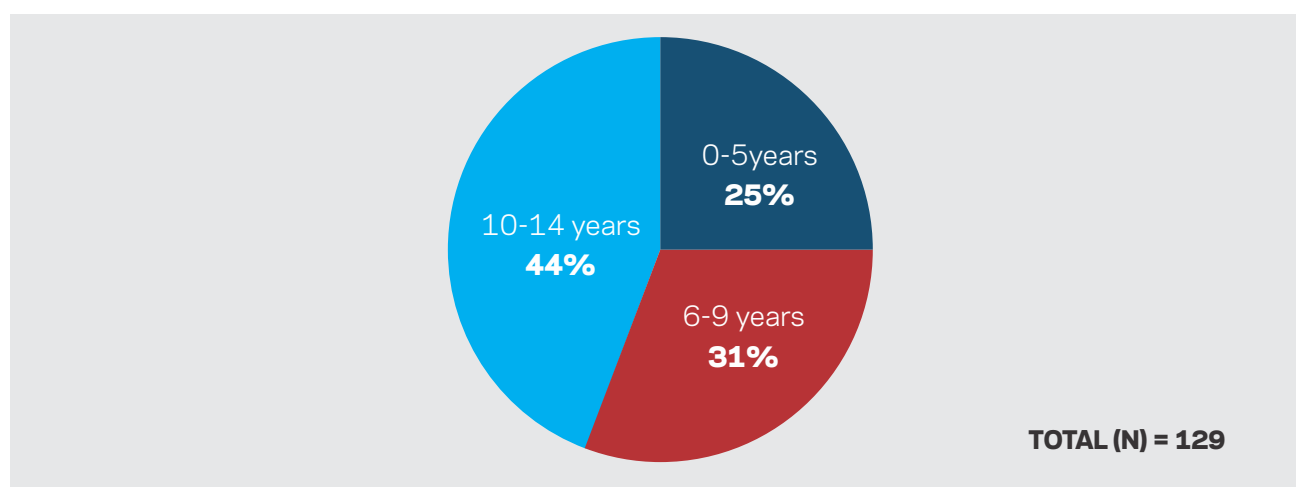
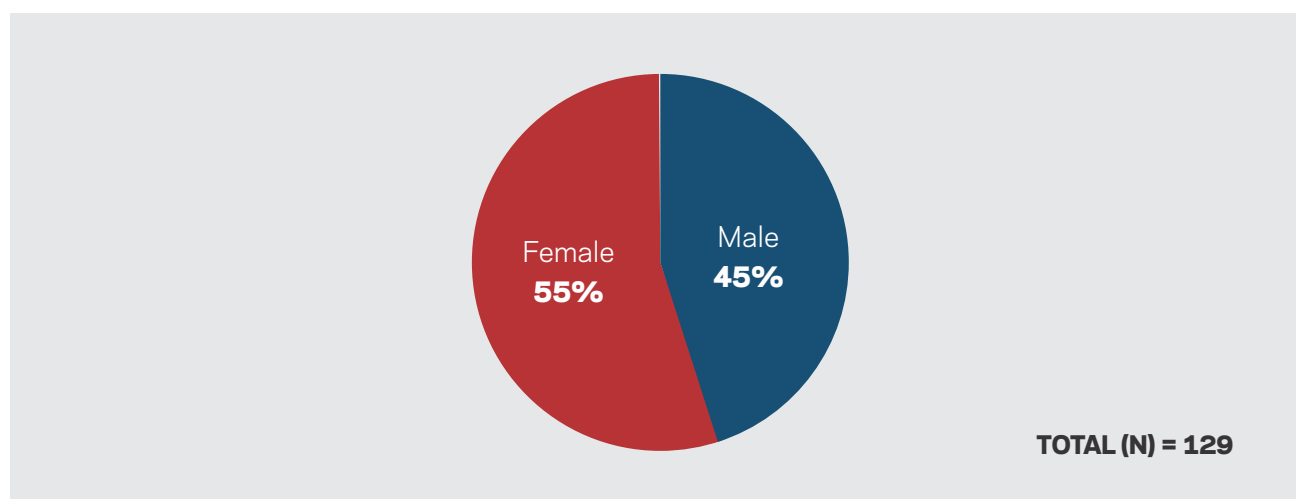


Figure 4 shows that nearly three quarter of children belonged to age group of 6-14 years. Remaining one fourth were below 6 years of age at the time of survey.

Gender Distribution

The gender distribution of children is presented in Figure 5. It may be seen that more than half of the children covered under the study were females (55 %).

Figure 5: Distribution of children by gender



Children's place of living

For the purpose of the study, information relating to children's place of living i.e. either at destination (Delhi or Bhopal) or at source (village) was collected from parents. The distribution of children by place of living and gender is depicted in Figure 6.

Figure 6: Distribution of children by place of living and gender

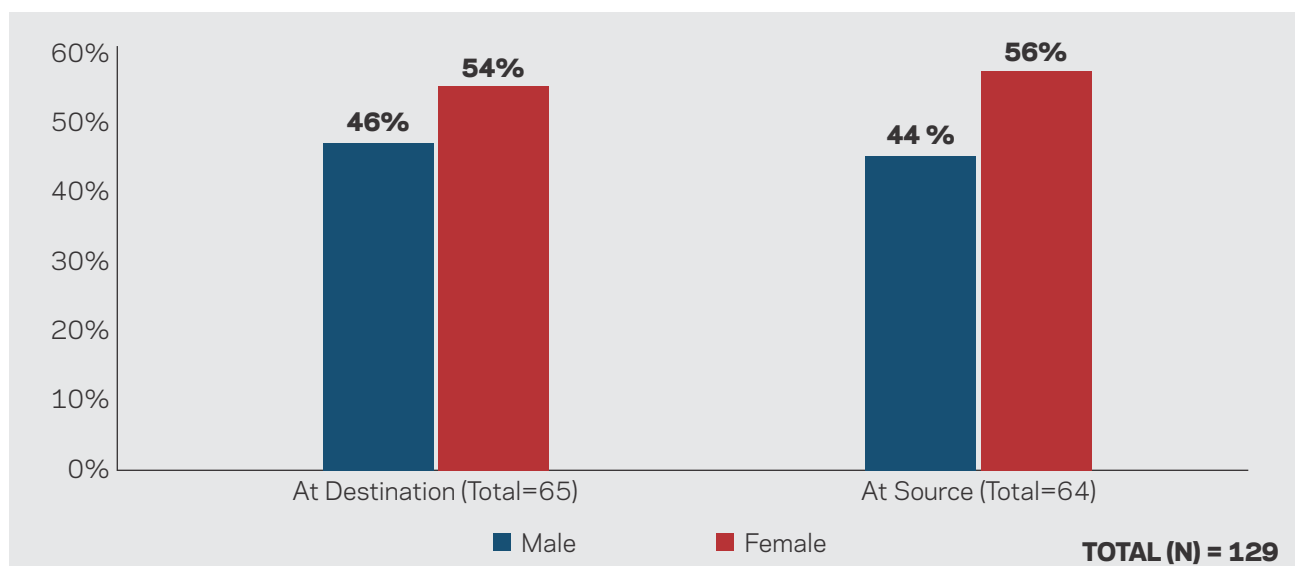


Figure 6 reveals that out of total children (N=129), nearly half of the children were staying at destination with their parents and another half were staying in the villages with their grandparents or relatives. A slightly higher percentage of male children (46%) were found to stay with their parents at destination than in the source (44%) villages. However, in order to understand in greater detail, the relationship between parental migration and their displayed preferences with regard to taking along their children to the destination, a further study with a larger sample size needs to be conducted.



SECTION 3

FINDINGS & DISCUSSION

As discussed in the previous chapter the households covered under the study were found to be from Uttar Pradesh, Madhya Pradesh, Bihar, Chhattisgarh, Jharkhand and Rajasthan. It was found that children were staying either with their parents at destination (Delhi & Bhopal) or with some relatives in their native villages in the source States. As per Annual Status of Education Report (Rural), 2018 around 2.8% of children (6-14 year) in rural India are not in school. This includes the children who were either never enrolled in schools or who had dropped out of the school.

It is important to mention here that in five States out of six, to which the children under study belonged to, were found to have a higher percentage of children not in school than the national percentage average (2.8%) with the exception of Jharkhand. The State wise percentages of children not in school for the aforementioned States are UP (4.9%), MP (4.2%), Bihar (3.9%), Rajasthan (3.8%), Chhattisgarh (3.6%) and Jharkhand (2.7%)(ASER, 2018).

Further, as per NSSO 2014, the overall literacy level of persons over 5 years of age in these six States is below the national average of 76%. Literacy percentages in these States are Bihar (67%), Rajasthan (68%), Uttar Pradesh (70%), Jharkhand (71%), Madhya Pradesh (72%) and Chhattisgarh (73%).

Besides the above, as per Census 2011, the above six states contribute more than half of the total child labour in the country (54%). Uttar Pradesh has the highest number of child labour in the country.

A detailed analysis of school going status of children of migrant labourers is presented below.

3.1.SCHOOL GOING STATUS OF CHILDREN

The school going status of the children of the migrant families by gender is presented in the Table 1 below.

Table 1: School going status of children by gender

| Status | Male | Female | Total |
|---------------------|-----------|-----------|------------|
| Going to School | 53% | 65% | 60% |
| Not Going to School | 47% | 35% | 40% |
| Total (N) | 58 | 71 | 129 |

It is evident from the analysis that three fifth (60%) of the children of migrant parents are going to school and two fifth (40%) are not going to school. This further reveals that, proportion of male children (47%) not going to school is higher than female children (35%).

In order to find out as to whether there is any significant difference in the school going status of children who migrate with parents and those who stay back in their villages further probe was made during the data collection.

Table 2: School going status of children by their place of living

| Status | Stay at Destination | Stay at Source (village) | Total |
|---------------------|---------------------|--------------------------|------------|
| Going to School | 45% | 75% | 60% |
| Not Going to School | 55% | 25% | 40% |
| Total (N) | 65 | 64 | 129 |

Table 2 shows that more than half of the children (55%) who were staying with their parents at destination were not going to school as against 25% who were staying in the native village. This indicates that more than half (55%) of children who migrate with their parents do not get access to education at destination whereas those who stay back in the native village a majority of them (75%) go to school.

Road Safety A Major Concern

During discussion with parents, it was revealed that small children cannot cross the road on their own in cities and therefore, it becomes risky for them to send children alone to school. During the discussions one of the respondents from Delhi NCR said,

“There is a lot of traffic and our child cannot cross roads on his own. A child had met with an accident a year ago. Therefore, we stopped sending him (respondent's son) to school. Now he plays all the time and also takes care of the younger children when we go to work”.

It is apposite to make a mention here of a similar issue which came up in our programme intervention areas in Delhi.

The Kailash Satyarthi Children's Foundation has a programme called Bal Mitra Mandal. Bal Mitra Mandal is a preventive, sustainable, and holistic intervention for child protection and development in urban slums so that every child living in these slums is safe, free and educated.

This community development programme, currently works in four slum clusters of the national capital. During the programme intervention in one of the slums, having child population around 4,000, it was found that children of that slum face immense difficulty in reaching the school as their travel from their home to school required them to cross a busy railway track. As the said railway crossing had witnessed numerous accidents parents had stopped sending their children to schools, thus leading to high drop-out rates.

In the instant case due to strategic programme activities and interventions the children in that slum became confident to talk about their issues and concerns and they escalated the matter to the level of Minister of Railways and demanded construction of an over bridge on the railway track. However in most of the similar situations problem would have remained unsolved leading to children not going to school.

The study also revealed that as both parents go to work and their place of work is far from their house and the school, it is not possible for them to accompany their children to school. Moreover, they are bound by a contract and as it is a matter of their livelihood, they cannot leave the work in between as a result migrant child at the destination do not go to school and remain uneducated.

Another respondent narrated that;

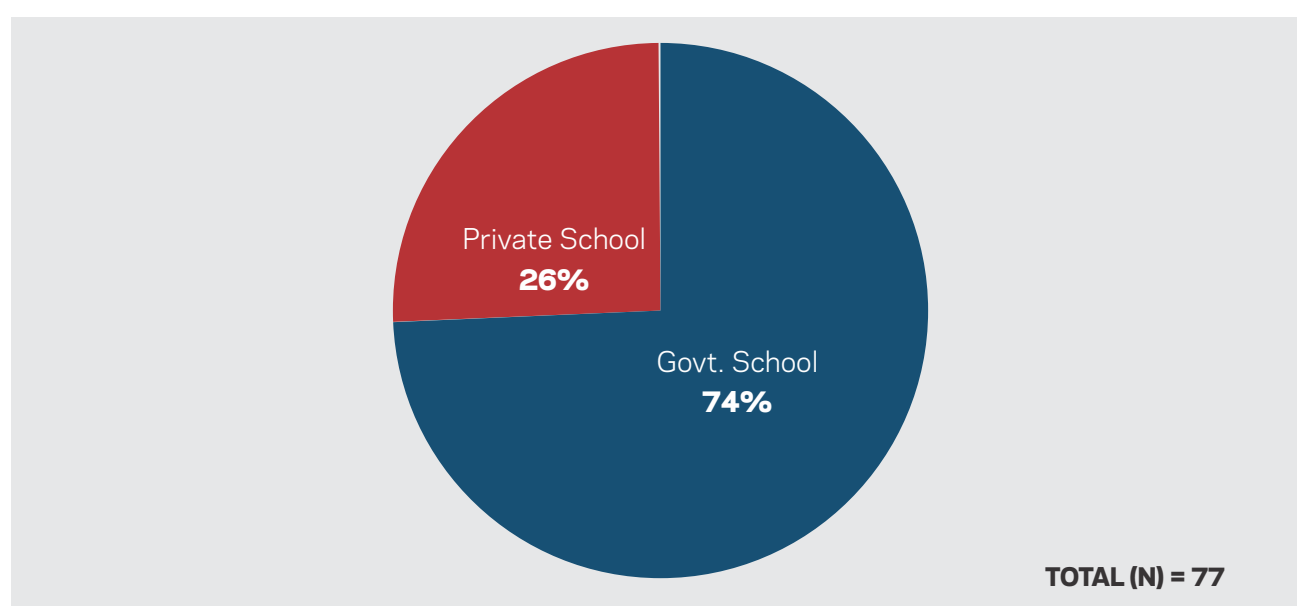
“As both of us go to work, how will we go to pick up and drop the child? As there is no other way of commuting to school (like free bus to school....) and we cannot afford to send by auto rickshaw, we therefore stopped sending our child to school. Now, he plays all the time near our house with other children”.

From the aforesaid paragraphs it is evident that one very important reason for children at destinations not going to school is that the poor migrant parents, as is natural and expected, are concerned about the safety and security of their children.

3.2. ACCESS TO PUBLIC AND PRIVATE SCHOOLS

It may be recalled that, out of a total of 129 children only 77 children (60%) were going to school. The types of school attended by these children are shown in Figure 7.

Figure 7: Type of school attended by children



Out of the total school going children, 74% were found to be going to government schools and 26% to private schools. During discussion, it was revealed that children below 5 years were not having any Anganwadi or Crèche facilities, neither at the worksites nor near the place where they stayed at destination. As a result, parents took these small children (below 5 year) along with them to the work sites.

On further analysis of types of schools attended by children at destination or at source, it was revealed that slightly higher proportion of children are enrolled in private schools at the destination than at the source. The types of school attended by children by place of living is presented in Table 3.

Table 3: Types of school attended by children by place of living

| Status | Children who stay at destination | Children who stay at source | Total |
|-------------------|----------------------------------|-----------------------------|-----------|
| Government School | 65% | 79% | 74% |
| Private School | 35% | 21% | 26% |
| Total (N) | 29 | 48 | 77 |

Table 3 shows that, nearly one third of children (35%) at destination are attending private schools as compared to 21% at source. During interactions, parents shared that proper education is not imparted in Government schools. Even though fees is higher in private schools, parents prefer to send their children to private schools. The children's enrolment in private schools indicates that even the poor parents working as daily wage labourers in cities other than their place of birth are becoming quality conscious with regard to education and there is a strong desire and demand among them for better quality education for their children.

Nearly four fifth (79%) of children go to the Government schools in source villages. Parents stated that residential schools should be established in villages for their children. According to them there are very few of these schools, resultantly children are not able to qualify for admission into these schools. Having been left with no other option, they send their children to nearby Government school in villages. It clearly shows that there is a lot of unmet demand in source area for schools which provide quality education to the children. Therefore, it is necessary that adequate number of schools like Jawahar Navodaya Vidyalaya should be established in source areas for migrant workers to accommodate their children or else Govt. should ensure improvement in the quality of education being imparted in the existing government schools in those areas.

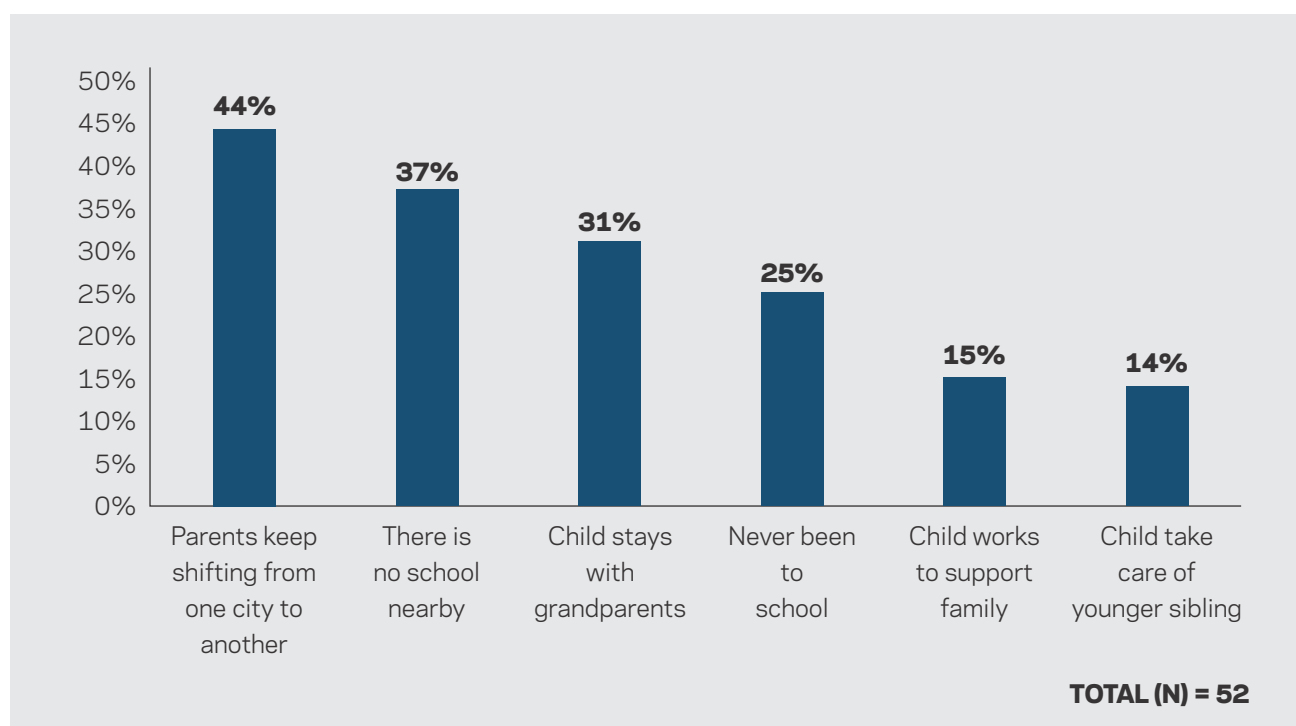
Table 4. Type of school attended by children by gender

| Status | Boys | Girls | Total |
|-------------------|-----------|-----------|-----------|
| Government School | 68% | 78% | 74% |
| Private School | 32% | 22% | 26% |
| Total (N) | 31 | 46 | 77 |

Table 4 shows that proportion of boys (32%) enrolled in private schools is relatively higher than that of girls (22%). This is indicative of the parental preference of quality education for the male child over the female children.

3.3. REASONS FOR NOT GOING TO SCHOOL

During the interview, the parents who reported that their children are not going to school were asked about the reasons for not going to school. In this regard, multiple reasons were received from the parents against each child. It may be recalled that, a total of 52 children were not going to school at the time of survey either at source or at destination. The reasons for children not going to school are presented in Figure 8.

Figure 8: Reasons for not going to school

Note: Total may exceed 100% due to multiple choice responses

Figure 8 reveals that, the major reason for children not attending school (44%) was the shift of parents from one place to other. During discussion, it was found that, some of the children who stay with their parents at destination do take admission in school back in their village, however, they return to their village only to give exams and fail to continue their studies either at destination or at source. This poses a serious threat in ensuring regular education of these children as their names continue to be in school records but their physical presence in the school's is not there.

Another 37% reported non availability of schools near their place of stay at the destination as the reason for not going to school. The Parents also stated that even when children stay back in their villages with grandparents; they do not obey their grandparents, do not get proper guidance due to the absence of their parents, as a result many of them do not go to school.

It also came out that around 15% of children work to support their families at destination due to non-availability of schools in proximity. Thus, absence of school leaves children with no option but to work and boost their household finances through extra earnings.

In this primary study, the different sectors in which the children of migrant workers work at destination were not covered. However, children of migrant workers mostly work in the same industry segment in which his/her parents work. Therefore, it can be safely inferred that the industry wise distribution of children of migrant workers is generally the same as that of the migrant workers themselves. About 14% of children take care of their younger siblings when parents go out for work. The reasons for not going to school were further looked into by the place of living of children. The findings are presented in Table 5.

Table 5. Reasons for not going to school by place of living

| Reasons for not going to school | Children staying at destination | Children staying at source |
|--|---------------------------------|----------------------------|
| School is not nearby | 13% | 13% |
| School denied admission to the child | 6% | 13% |
| Child works to support their family | 23% | 0% |
| Child takes care of younger sibling | 19% | 0% |
| Never been to school | 13% | 0% |
| Parents keep shifting from one city to other | 42% | 50% |
| Total (N) | 36 | 16* |

Note: * Results needs to be interpreted with caution due to low base

Table 5 reveals that parental migration or mobility is a major challenge for children not attending schools irrespective of their place of living. Further, nearly one quarter (23%) of children at destination work to support their families. However, this is not so among the children staying in the villages. More importantly, no child was reported to be working in the source villages. Children's taking care of younger siblings at destination was also reported to be another important reason by parents for not sending their children to school.

During the discussions nearly half of the children staying in their native villages reported not attending school regularly when their parents migrated out of the village. One of the respondents from Delhi NCR stated that;

“when we leave them (their children) at native place, they don't obey their grandparents, do not attend the classes every day and roam around the whole day”.

Table 6 presents different reasons given by the parents for not sending their children to school by gender of the child.

Table 6 . Reasons for not going to school by gender of the child

| Reasons for not going to school | Male | Female |
|--|-----------|-----------|
| School is not nearby | 37% | 36% |
| School denied admission to the child | 4% | 12% |
| Child works to support their family | 19% | 12% |
| Child takes care of younger sibling | 15% | 12% |
| Never been to school | 19% | 32% |
| Parents keep shifting from one city to other | 41% | 48% |
| Total (N) | 27 | 25 |

It is evident from Table 6 that close to one third of girls (32%) were reported to have never been to school which is higher than the boys (19%). Overall, it is the female child who suffers more than the male child when parents keep migrating from one place to the other for work.

Banjara School Model

As discussed in preceding paragraphs, frequent movement of families and unavailability of schools near place of stay are the two prime reasons for children not attending schools. Here it is apposite to make a mention of the 'Banjara School' model developed by the Bal Ashram Trust established by Nobel Laureate Shri Kailash Satyarthi in 1998 which has successfully dealt with this challenge.



The Banjara community people are nomadic in nature and live in makeshift tents. Children of these Banjara's travel along with their parents and are resultantly deprived of education. Due to this there is a widespread prevalence of illiteracy within the community. This makes their children vulnerable to exploitation and abuse and they are pushed into labour at an early age.

The Bal Ashram Trust which is an arm of the Satyarthi Movement for Children introduced the concept of mobile schooling for Banjara children and opened the first Education Centre for them in 2008 at Bhangdoli, Alwar district. The second centre was opened in 2010 in another village named Beelwari of the same district. The children who attended these Education Centres have become the first generation learners from their community. These Education Centres provide non-formal education to the children and prepare and equip them to join the mainstream of education. As a result of these centres, Banjara families have started taking education seriously and they have begun to settle down in areas near the centres. Families have started giving up the nomadic lifestyle to the extent that now only one member of the family, primarily the father goes out to work. The mother stays with the children at home so that they get education.

This model has succeeded to a large extent in ensuring uninterrupted education to the children of the Banjara community and is a possible model which could be replicated to ensure access to education to children of migrant workers.

3.4. FACILITIES RECEIVED BY CHILDREN AT GOVERNMENT SCHOOLS

During the survey an attempt was made to ascertain the facilities which are available to the children who are enrolled in Government schools. In total 57 children were reported attending Government schools.

Figure 9: Types of facilities availed by children at Government schools

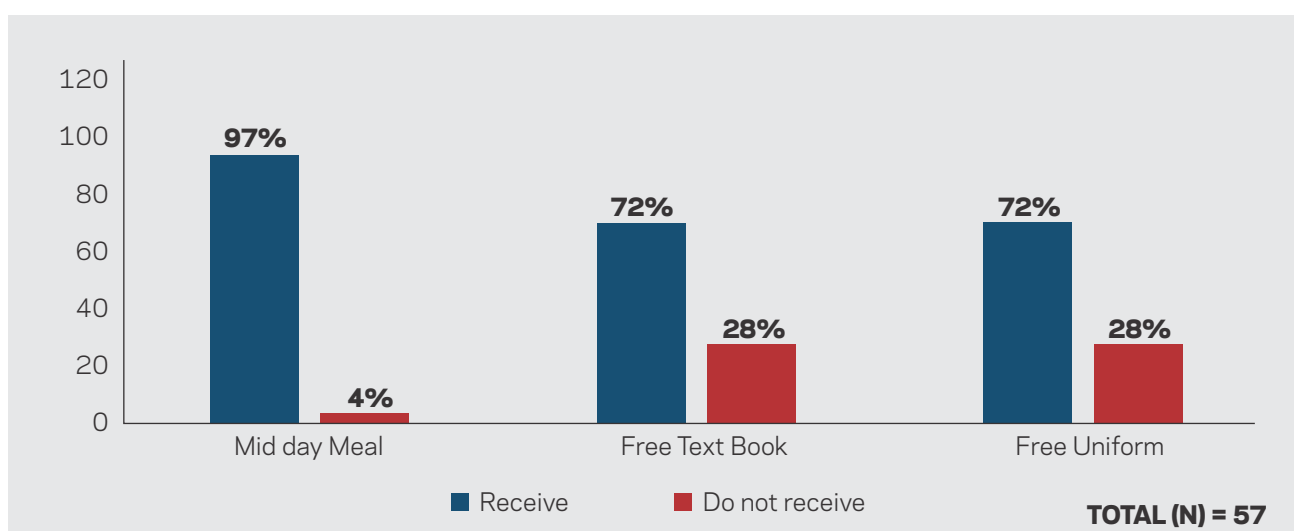


Figure 9 shows that most of the children receive Mid-day meal in schools. However, more than one quarter (28%) of children do not receive free text books from the school which is an entitlement as per RTE Act, 2009. During discussions, it was revealed that, parents buy text books and copies from the outside sources and pay around INR 2,000 to INR 3,000 per child per year.

During interaction, one of the respondents from Bhopal said;

“Since books are not free, we find it difficult to purchase books.”

The same proportion of children (28%) were to be found not receiving free uniform from schools which too is an entitlement as per RTE Act, 2009. During discussions, one of the respondents from Bhopal shared that;

“School uniform which is supposed to be given free is not given and we are buying it from outside. This costs about INR 2,000 per year per child and we cannot afford it. Further, uniforms are only available in one particular shop in Bhopal. Also school does not give scholarships on time, which is pending since 2 years”.

It is evident from the above statements that purchase of text books and uniforms for children is an additional financial burden on the poor migrant labourers and is thus an additional barrier to the access to education to their children.

Entitlements under RTE Act available to children in Government schools located at destination/source is presented in Table 7 below.

Table 7: Types of facilities availed by children in Government School at place of living

| Types of facilities | Children staying destination | | Children staying at source | |
|---------------------|------------------------------|------------------|----------------------------|------------------|
| | % Receive | % Do not Receive | % Receive | % Do not Receive |
| Mid day Meal | 89% | 11% | 100% | 0% |
| Free Text Book | 68% | 32% | 74% | 26% |
| Free Uniform | 68% | 32% | 74% | 26% |
| Total (N) | 19* | | 38 | |

Note: * Results needs to be interpreted with caution due to low base

Table 7 shows that percentage of children to whom all the three entitlements are available is higher among the children who stay in source villages than the children staying at urban destinations. Difference observed in accessing midday meal scheme at destinations which is lower than the source is

explained by the fact that in the sample more children were in Secondary school at destinations. During interaction, one of the respondents shared that;

“It would be better if mid-day meal is also given to secondary school students. Out of our two children, one is getting mid-day meal and another is not getting because he is in higher standard”.

3.5. CHALLENGES FACED BY PARENTS TO ADMIT AND CONTINUE EDUCATION OF THEIR CHILDREN IN SCHOOL

During the interactions with parents, it was found that parents faced difficulties in admitting their children in the school or continuing their study in school. One of the respondents narrated;

“When we approached the school authorities for admission, they asked for money from us. Further, if school fees is not paid in time, we request them to give us some more time to pay the fees. However, despite our request, the child is not allowed to appear at the exams and is sent back home.”

That migrant workers have difficulties in admitting their children in school is indicative of non-availability of adequate number of schools at both the source and destinations. As far as the issue related to payment of fee is concerned, since the Government schools impart free education, hence, this grievance apparently relates to the children going to private schools.

3.6. CHILDREN'S COMPLAINT ABOUT THEIR SCHOOL / TEACHER /FRIENDS

During discussion, it was revealed that some children had complaints against their teacher and schools. One of the respondents shared that;

“Teachers do not teach the children properly. Neither do they pay attention to children's grievances. They scold the children for every small mistake which they make. Therefore, my daughter has lost interest in studies and refuses to go to school.”

Another respondent also shared that;

“School authorities have asked the children not to share any information about their school with the outsiders. Therefore, children do not share with us the happenings at school out of fear”

3.7. BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

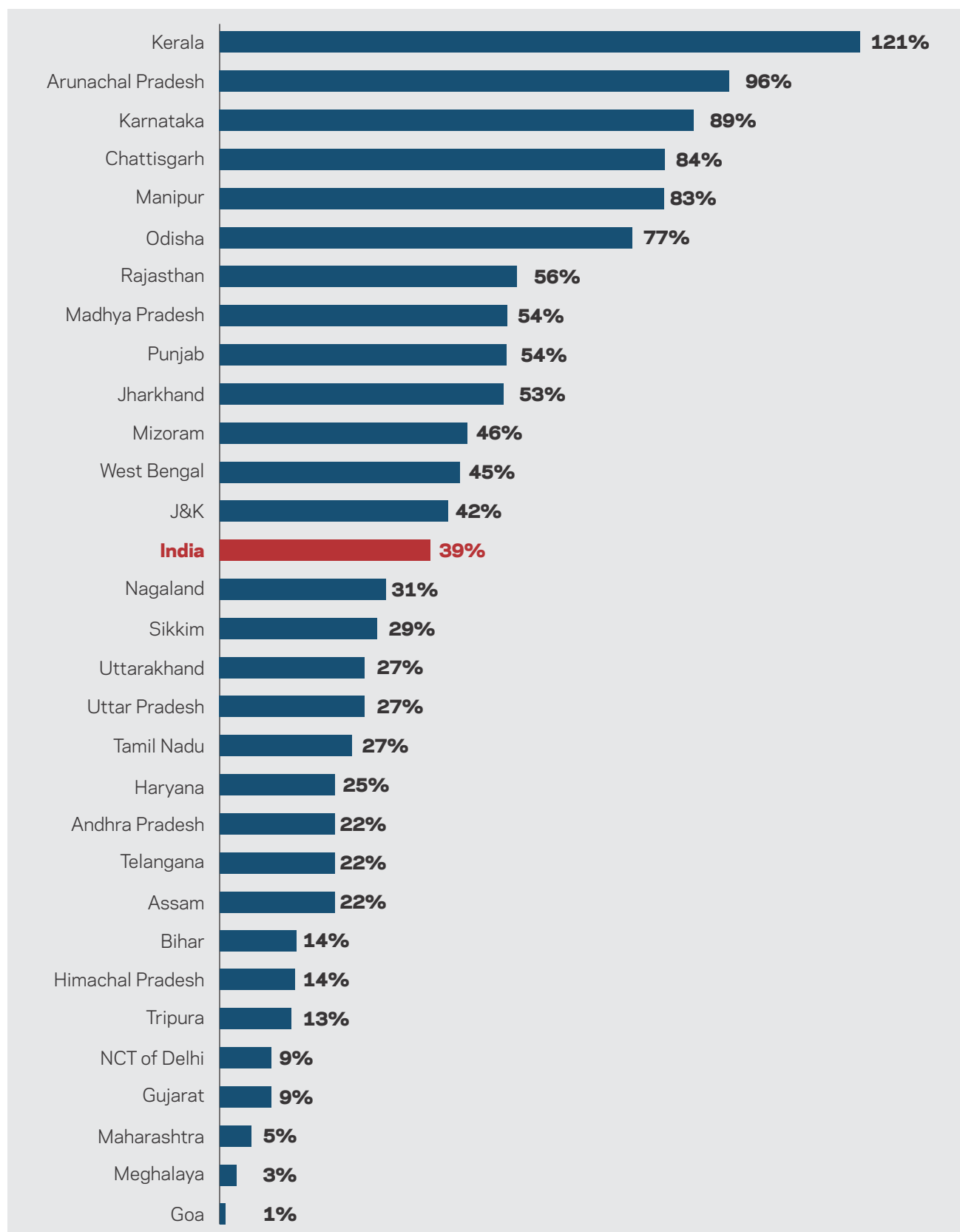
The construction sector is labour intensive and most of the labourers are unskilled and vulnerable to exploitation due to lack of education, exposure and acute poverty. To protect the interest of these labourers and ensure the good health and safety of these workers and their families, the Government of India enacted the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act in 1996 (BoCW Act). The BoCW Act is a social welfare legislation that aims to benefit workers engaged in building and construction activities across the country. As per the BoCW Act the States are to formulate welfare schemes for the construction workers covering education assistance for their children, pension for persons not able to work due to old age/ disability, medical insurance, assistance for purchase of tools, skill upgradation, etc.

The BoCW Act has provisions for registration of all workers above the age of 18 years and working for more than 90 days in preceding 12 months as beneficiaries under the State BoCW Welfare Boards which is to be constituted as per the Act. As a part of the study an attempt was made to ascertain as to what extent the objectives of enactment of this legislation had been fulfilled. In this regard the response provided by the Minister of Labour and Employment, Government of India to the unstarred question No. 1284, dt 25.11.2019 in Lok Sabha (Annexure 1) is relevant. The reply indicates that there are about 3.5 Cr. construction workers registered across the country. State wise breakup of the data shows that Uttar Pradesh has the highest number of registered workers (48.6 lakh) under the BoCW Act followed by Madhya Pradesh and West Bengal (31.0 lakh each). However, in the present study none of the respondent was found to be registered as a beneficiary with the Board. This indicates a gross underestimation of construction workers leading to denial of the benefits under the Act to a large number of construction workers.

There is also a Building and Other Construction Workers' Welfare Cess Act, 1996 in accordance with which the State Governments/Union Territory Administrations collect a cess at the rate of 1% of the cost of construction for utilisation for the welfare of the building and other construction workers by the State Building and Other Construction Workers Welfare Boards constituted under BoCW Act.

Analysis of data presented by the Minister of Labour and Employment, Government of India to the unstarred question No. 278, dt 24.06.2019 in Lok Sabha (Annexure 2) has revealed that even though the State/UT Construction Workers Welfare Board have been collecting cess for the welfare of the workers, but they are not fully utilising it. Reply shows that the cumulative amount collected by the State/UT's up to 31.03.2019 was 49,675 Cr. out of which only 19,379 Cr. had been spent which constitutes only 39% of the amount collected. Thus it is evident that the amount collected as cess for the welfare of construction workers is not being utilised and about INR. 30,000 Cr. collected for welfare of the construction workers remains unspent. Figure 10 presents percentage utilisation of cess collected by States towards welfare of the building and other construction workers. It may be seen that in a majority of the States despite availability of funds and provisions under the BoCW Act to ensure education of the children of the construction workers, on ground the State/UT Governments have done practically nothing to fulfill this statutory commitment.

Figure 10: Percent utilisation of cess collected towards welfare of building and other construction workers





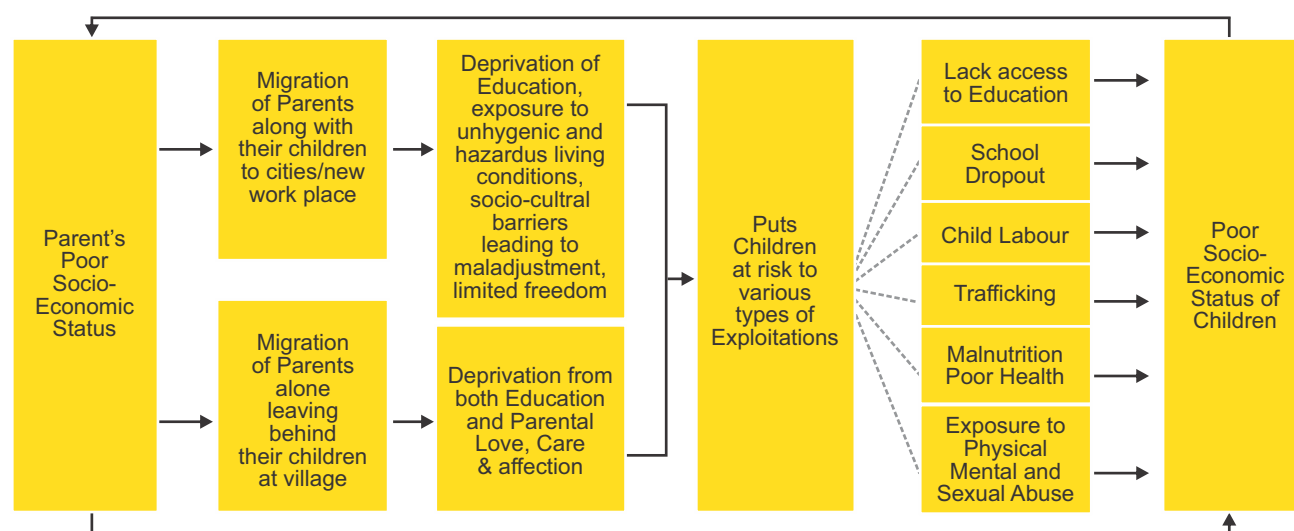
SECTION 4

SUMMARY OF FINDINGS AND RECOMMENDATIONS

4.1. VULNERABILITY FRAMEWORK

The analysis of the data collected during the present study and its interpretation has led to development of a child vulnerability framework for children of migrant workers. The framework has been developed encompassing issues related to parental migration and denial of education, care, guidance and other vulnerabilities at destination and source. The framework is given in Figure 11.

Figure 11: Parental migration, access to education and exposure to vulnerability framework



It may be seen that poor socio-economic status of families pushes parents along with children to migrate or parents migrate alone leaving behind the children in the village. This process goes through a chain of events leading to further deprivation of care, affection, and education to children and finally pushes these children into different forms of exploitative situations including child labour. These children when they grow, become migrant workers and thus the family remains trapped in illiteracy, poverty, ignorance, forced labour, and migration in search of livelihood.

4.2. SUMMARY OF FINDINGS

1. The study has brought out that despite enactment of several laws & formulation of various policies, a majority of children of migrant workers do not have access to education at the destination. Even though children are enrolled in the schools back in their villages, prolonged absence from the schools grossly hampers their study. This poses a serious challenge to the education entitlement of these children under the RTE Act.
2. Study has also brought out that the host cities i.e. the destination cities are not prepared to take care of the migrant children by way of providing them schools close to the areas where parents of these children work and live. Also in the destination cities the migrant families are not able to access the basic child support facilities like Anganwadi/Balwadi/ Creches.

3. It may be pointed out here that, the RTE Act 2009, vide Section 9 provides duties of the local authorities as under;
 - (a) maintain records of children up to the age of fourteen years residing within their jurisdiction, in such manner as may be prescribed;
 - (b) ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction;
 - (c) ensure admission of children of migrant families;
4. Conjoint consideration of the above provisions of the RTE Act and findings of the current study, makes it amply clear that the State Governments have failed to fulfill the legal duty to provide primary and upper primary education to the children of migrant workers.
5. A large percentage of migrants work in the construction sector. As per the provisions of “The Building and other Construction Workers (Regulation of Employment and conditions of service) Act, 1996, in each state Construction Workers Social Welfare Board (CWSB) has to be formed. The Board is expected to register the building/construction workers as beneficiaries. Further, the Board is to provide financial assistance to the children of the beneficiaries for education and also for creation of social infrastructure like Crèches for children of female workers, etc.
6. In the present study, even though a majority of migrant workers were from the construction sector, but none of them was found to be registered as a beneficiary with the Board. Further, none of their children had ever benefited from the activities of the Board. It is evident that CWSB has completely failed in the performance of its mandate and has failed the construction workers and their families whose interests it is mandated to serve.
7. The study also confirms the findings of various earlier studies and clearly demonstrates that children of migrants fall prey to child labour when they accompany their parents for work, while at the destination. They are also exposed to various vulnerabilities, denials and deprivations.
8. Study revealed that the midday meal is available to all the children in Government schools, however a fairly large section of children going to schools do not receive free text books and uniforms as per their entitlement. Parents, who struggle for livelihood, are not in a position to buy books or uniform for their children. This also demotivates parents from sending their children to school and defeats the very purpose of having a legislation for free and compulsory education to children.

4.3. RECOMMENDATIONS

The study has brought out that children of migrant workers suffer from major handicaps as far as their access to education is concerned. Given below are a few actionable recommendations which have emerged from the study whose implementation is likely to improve substantially the access to education of the children of migrant workers.

1. **Residential schools for both boys and girls up to the secondary level should be established in the rural areas in all the states of the country, especially those states which are poor and, to which the majority of the migrant workers belong. These schools should be similar to Jawahar Navodaya Vidyalayas or the Kasturba Vidyalayas which have a reputation of imparting quality education.**

Once these schools are established & they provide quality education, most of the migrant workers will not take their children along with them while migrating for work.

2. **The destination cities should establish schools for those migrant children who move with their parents to the destination cities. These schools should impart education to migrant children in their mother tongue.**

To address this need, teachers in the destination cities may be recruited from the various states from which that city receives most of its migrant workers. Since most of the migration of workers is seasonal in nature, hence the teaching methods in these schools will be more of an informal nature similar to the pedagogy followed by the Banjara Schools run by the Bal Ashram Trust of the Kailash Satyarthi Children's Foundation.

3. **Mobile schools be also established in the destination cities. These schools should move from one construction site to the other, imparting education to the children of construction workers at the work sites which they cover.**
4. **Funds to the tune of INR. 30,000 crores are lying unutilized with the State Construction Workers Social Welfare Boards (CWSWBs), a sizeable fraction of the same should be utilized to augment budgetary allocations under 'Samagra Shiksha Abhiyan' scheme of Central Government to create infrastructure for education of children of migrant workers expeditiously both at the destination cities and source areas.**
5. **A 'Migrant Workers Children's Education Fund' be created by the Government of India, to supplement the plan budget for school education and to create school infrastructure in rural areas of source states and near construction sites, brick kilns, etc. in the destination cities.**

A fraction of the Cess Fund for construction workers should get credited in this Fund. Similarly, the Cess amount collected from big farmers should also be credited in this Fund. This Fund should also be eligible to receive grants from CSR funds and donations to it may be eligible for IT rebate.

6. **The farmers having large landholdings be made to bear some part of the financial burden of education of children of the migrant workers as a major fraction of migrant workers is found in the agriculture sector. The landowners having an agricultural holding of 4 hectares or more, may be levied a Cess @5% of payable land revenue. The funds so generated should go into the Migrant Workers Children Education Fund.**
7. **Anganwadis be established to cater to the children of migrant workers below 6 years of age in areas where the migrant workers reside or near the construction sites or at both places depending upon the need.**
8. **The National Education Policy 2020 lays a special focus on Socio-Economically Disadvantaged Groups (SEDGs) which includes children of migrant communities, amongst other children. The NEP 2020 has also mandated the introduction of 'alternative and innovative education centres in cooperation with civil society to ensure that children of migrant labourers remain in schools. The Central and the State Governments must ensure that the provisions made for children of migrant workers in the NEP 2020 are implemented fully and effectively.**
9. **All the migrant workers form a part of the unorganized or informal sector and the Unorganized Workers' Social Security Act, 2008 applies to them. This act be implemented in its entirety expeditiously and all the states should formulate schemes to ensure access to education to the children of workers in unorganized sector including the migrant workers.**

As per the Act benefits of several Central Sector social welfare schemes are available to migrant workers. Also, States are mandated to formulate schemes for their welfare on various issues listed in the Act. One of the issues on which States are mandated to formulate schemes is education of children of the workers in the unorganized sector.

10. **A National Policy for Welfare of Migrant Workers be formulated to cater to the needs of the migrant families including that of housing in destination cities, education of children, free and universal health care, access to food grains under the PDS, unemployment allowance, old age pension etc.**

The National Policy for Migrant Workers must therefore be a comprehensive document and its provisions must be given wide publicity so that the workers for whose benefit it has been framed know about their entitlements under the same and they can approach the concerned public authorities as and when need arises.

11. **The provisions of the National Policy for Welfare of Migrant Workers be kept in view by the States while preparing the city development plans of all the large cities which receive migrants so that the infrastructure in these cities takes care of the needs of the migrant workers and their families including education of their children.**

The recent migrant worker's crisis has brought out the multifarious problems which the migrant workers and their families face at the destination cities. We as a nation shall be failing completely if we do not learn lessons from the present humanitarian crisis.

12. **Corporates both small and big should be sensitized about the complexities and problems relating to migration and education of migrant's children so that they deal with issues relating to migrant workers empathetically and willingly allocate and spend funds for issues relating to migrant workers including education of their children.**
13. **The Government of India to commission a National Child Labour Survey (NCLS), every two years to know about the estimated number of child labour in India. The survey should also collect information about the demographic characteristics of the child labour population including information about their education, and health. The information so collected should be utilized while planning and allocating budget for eradication of child labour and also to make provision for primary, upper primary and secondary education of the children of migrant workers.**

4.4. CONCLUSION

Children of migrant workers constitute a large fraction of child population of our country. Unfortunately, critical issues relating to these children specially their education and health have not received due attention both from the Indian society and the state. But it is never too late, the Central and State Governments must immediately take cognizance of the issue of the education of children of migrant workers formulate policies, create physical and human resource infrastructure and allocate sufficient funds to ensure access to primary upper primary and secondary education to children of the migrant workers. If our country is to convert its demographic advantage into all round progress the mantra is ***'quality universal education for all the children'***.

ANNEXURE 1

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA**

**UNSTARRED QUESTION NO. 1284
TO BE ANSWERED ON 25.11.2019**

CONSTRUCTION WORKERS

1284. SHRI A. NARAYANA SWAMY:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the details of number of construction workers issued I.D. cards in various States in 2017 particularly in Karnataka;**
- (b) the total amount collected by the Government of Karnataka under the Construction Worker's Welfare Cess and spent till date; and**
- (c) the Social Security Schemes being implemented for construction workers in Karnataka?**

ANSWER

**MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI SANTOSH KUMAR GANGWAR)**

- (a): The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 mandates the State BOCW Welfare Boards to register every BOC worker having completed 18 years of age, but not completed 60 years, and engaged in BOC work for not less than 90 days in preceding 12 months as a beneficiary and give every beneficiary an Identity Card. The number of construction workers issued I.D. cards by the State Boards is not centrally maintained. However, cumulative number of BOC workers registered as beneficiaries by the State Boards is furnished at Annexure-I.**
- (b): The Karnataka Building and Other Construction Workers Welfare Board informed that it has collected BOCW Welfare Cess to the tune of Rs. 6252.84 crore till date and spent an amount of Rs. 734.92 crore/-.**
- (c): Karnataka Building and Other Construction Workers Welfare Board is implementing 15 welfare and social security benefits for registered BOC workers and their dependents as furnished at Annexure-II.**

Annexure – I referred to in reply to Lok Sabha Unstarred Question No. 1284, Part (a) for 25.11.2019 by Shri A . Narayana Swamy regarding Construction workers.

| Sl. No. | Name of the States/UTs. | No. of workers registered with the Board |
|---------|-------------------------|--|
| 1 | Andhra Pradesh | 18,15,889 |
| 2 | Arunachal Pradesh | 30,841 |
| 3 | Assam | 2,48,871 |
| 4 | Bihar | 12,39,470 |
| 5 | Chhattisgarh | 19,39,898 |
| 6 | Goa | 5,117 |
| 7 | Gujarat | 6,54,550 |
| 8 | Haryana | 8,56,980 |
| 9 | Himachal Pradesh | 1,74,968 |
| 10 | J&K | 3,42,295 |
| 11 | Jharkhand | 7,96,146 |
| 12 | Karnataka | 15,42,432 |
| 13 | Kerala | 15,26,861 |
| 14 | Madhya Pradesh | 30,97,889 |
| 15 | Maharashtra | 16,10,619 |
| 16 | Manipur | 1,18,332 |
| 17 | Meghalaya | 28,836 |
| 18 | Mizoram | 52,947 |
| 19 | Nagaland | 11,912 |
| 20 | Odisha | 27,15,058 |
| 21 | Punjab | 8,67,223 |
| 22 | Rajasthan | 22,22,924 |
| 23 | Sikkim | 36,236 |
| 24 | Tamil Nadu | 28,28,553 |
| 25 | Telangana | 11,75,531 |
| 26 | Tripura | 99,762 |
| 27 | Uttar Pradesh | 48,56,323 |
| 28 | Uttarakhand | 2,32,627 |
| 29 | West Bengal | 31,01,362 |
| 30 | Delhi | 5,40,631 |
| 31 | A & N Island | 15,126 |
| 32 | Chandigarh | 21,498 |
| 33 | Dadra & Nagar Haveli | 2,176 |
| 34 | Daman and Diu | 5,149 |
| 35 | Lakshadweep | 176 |
| 36 | Puducherry | 47,080 |
| | Total | 3,48,62,288 |

Annexure referred to in reply to Part (c) of Lok Lok Sabha Unstarred Question No. 1284 for 25.11.2019 by Shri A . Narayana Swamy regarding Construction workers.

Welfare and Social Security Benefits for the registered workers of the Board

1. Pension -{Sec. 22(1)(b) read with Rule 39}: After completion of 3 years as a beneficiary Rs. 1,000/- per month
2. Disability Pension -{Sec. 22(1)(b) read with Rule 40}: Rs. 1,000/- per month and Ex gratia payment up to Rs. 2,00,000/- depending upon the percentage of disability.
3. Shrama Samarthya Toolkit-cum- Training Programme -{Sec. 22(1)(h) read with Rule 41}: Rs. 20,000/-
4. Housing (Karmika Gruha Bhagya) {Sec. 22(1)(c) read with Rule 42}: Rs. 2,00,000/-
5. Maternity Assistance (Thayi Lakshmi Bond)- {Sec. 22(1)(g) read with Rule 43}: Assistance of Rs. 30,000/- in case of female child and a sum of Rs. 20,000/- in case of male child (for first two children only)
6. Funeral Expenses: {Sec. 22(1)(h) read with Rule 44} Rs. 4,000/-to meet the funeral expenses of the deceased construction worker and Rs. 50,000/- as ex-gratia
7. Educational Assistance - (Kalike Bhagya) {Sec. 22(1)(e) read with Rule 45}: (Two children of the registered construction worker)
 - Passing 1st 2nd and 3rd Rs. 2,000/-
 - Passing 4th, 5th and 6th Rs. 3,000/-
 - Passing 7th & 8th Rs. 4,000/-
 - Passing 9th & 10th Std and 1st PUC Rs. 6,000/-
 - Passing II PUC Rs. 8,000/-
 - Passing I.T.I or 2 years Professional Diploma Course – Rs. 7,000/- (each year of passing)
 - Passing Degree Course – Rs.10,000/- (each year of passing)
 - Masters Degree – Rs. 20,000/- for entry and Rs. 10,000/- (each year of passing)
 - **Entering into Engineering or Medical courses (B.E or MBBS on merit seat)-** BE: Rs.25,000/- for entry and Rs. 20,000/- after each year of passing subject to the maximum number of years of the course.
 - MBBS: Rs.30, 000/-for entry and Rs.25, 000/- after each year of passing subject to the maximum number of years of the course.
 - **Entry into Doctoral Research-** Rs.20,000/- after completion of every year (maximum 2 years) and thereafter, an additional Rs. 20,000/-after acceptance of thesis.

MERIT ASSISTANCE

- I. Above 75% in SSLC or Equivalent Rs. 5,000/-
 - II. Above 75% in PUC or Equivalent Rs. 7,000/-
 - III. Above 75% in Degree or Equivalent Rs. 10,000/-
 - IV. Above 75% in Masters Degree or Equivalent Rs. 15,000/-
8. Medical Assistance (Karmika Arogya Bhagya)- {Sec. 22(1)(f) read with Rule 46} : Rs. 300/- per day of hospitalization to a maximum of Rs. 10,000/- for continuous period of hospitalization
 9. Accidental Death/ Permanent Disability-{Sec. 22(1)(a) read with Rule 47}: Up to Rs. 5,00,000/-
 10. Treatment of Major Ailments (Karmika Chikitsa Bhagya)- {Sec. 22(1)(f) read with Rule 48} : Upto Rs. 2,00,000/-: Treatment of Major Ailments viz. Heart Operation, Kidney Transplantation and Cancer, Eye Operation, Paralysis, Orthopedics Operation, Uterus Operation, Asthma, Miscarriage, Gall Bladder Ailments, Kidney Stone Removal, Brain Hemorrhage, Ulcer, Dialysis, Kidney Related Surgery, ENT Treatment & Surgery, Neurosurgery, Vascular Surgery, Esophagus Treatment & Surgery, Gastrointestinal Surgery, Breast Related Treatment and Surgery, Hernia Surgery, Appendix Surgery, Treatment of Fractures / Dislocation, General Surgery. (Subject to C.G.H.S. Rates)
 11. Marriage Assistance (Gruha Lakshmi Bond)- {Sec. 22(1)(h) read with Rule 49} **50,000/-**: Marriage Assistance to the beneficiary or to his 2 children.
 12. LPG connection to registered construction workers.(Karmika Anila Bhagya)-{Sec. 22(1)(h) read with Rule 49D} connection including a two burner stove and refill for his or her family
 13. BMTC bus pass-{Sec. 22(1)(h) read with Rule 49E} Assistance of free Bus Pass to registered construction workers to commute in Bengaluru Metropolitan Transportation Corporation (BMTC) buses
 14. KSRTC bus pass-{Sec. 22(1)(h) read with Rule 49 F} Assistance of free Student Bus Pass to children of registered construction workers travelling in KSRTC buses
 15. Assistance for pre-school education and nutritional support of the child of the registered woman construction worker -Thayi Magu Sahaya Hastha: -{Sec. 22(1)(g) read with Rule 43A} : Rs. 6000/-(at the rate of Rs. 500/- per month)

ANNEXURE 2

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

LOK SABHA

**UNSTARRED QUESTION NO. 278
TO BE ANSWERED ON 24.06.2019**

WELFARE OF CONSTRUCTION WORKERS

278. DR. SHASHI THAROOR:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the details of total cess amount collected for the welfare of construction workers under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, since 2014, year-wise;**
- (b) the details of the total utilisation of the cess collected for the welfare of construction workers since 2014, year-wise;**
- (c) whether the Ministry has taken any specific steps and measures to ensure compliance with the said Act in relation to the utilisation of these funds;**
- (d) if so, the details thereof; and**
- (e) if not, the reasons therefor?**

ANSWER

**MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI SANTOSH KUMAR GANGWAR)**

(a) & (b): The Building and Other Construction Workers' Welfare Cess Act, 1996, provides levy and collection of cess at such rate not exceeding two per cent but not less than one per cent of the cost of construction as the Central Government may notify. The cess has been levied and being collected at the rate of 1% of the cost of construction as notified by the Central Government in the Official Gazette.

The cess at the above rate is collected by the State Governments/Union Territory Administrations and utilized for the welfare of the building and other construction workers by the State Building and Other Construction Workers Welfare Boards constituted by the State Governments/ Union Territory Administrations under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

The details of the total cess amount collected and spent is not maintained centrally. However, the cumulative total of the amount of cess collected and spent by the States/ UTs up to 31.03.2019 provisionally is annexed.

(c) to (e): The Central Government has been issuing directions under Section 60 of the Building and Other Construction Workers (RECS) Act, 1996, to the State Governments/UT Administrations from time to time for proper utilization of cess fund in terms of the provisions of the Act.

Further, the Central Government has constituted a Monitoring Committee on 09.09.2015 under the Chairmanship of Secretary (Labour and Employment) to monitor the implementation of directions issued under Section 60 of the Act, specifically with reference to utilization of Cess fund for Welfare Schemes by the State Building and Other Construction Workers' Welfare Boards. The Committee has been holding regular meetings with the Principal Secretary/ Secretary/ Labour Commissioners of all the States/ UTs to monitor the progress. 10th meeting of the committee was held on 04.06.2019.

Annexure referred to in reply to part (a) & (b) of Lok Sabha unstarred question No. 278 for 24.06.2019.

| State-wise position of Cess Collected and Amount Spent under the Building and Other Construction Workers Acts, 1996 | | | |
|--|-------------------------------|--|--------------------------------|
| As on 31.03.2019(Provisional) | | | |
| Sl. No. | Name of the States/UTs | Amount of Cess Collected (in Crore) | Amount Spent (in Crore) |
| 1 | Andhra Pradesh | 2374.71 | 519.17 |
| 2 | Arunachal Pradesh | 120.36 | 115.16 |
| 3 | Assam | 874.78 | 188.62 |
| 4 | Bihar | 1608 | 229.41 |
| 5 | Chhattisgarh | 1133.9 | 949.46 |
| 6 | Goa | 147.46 | 1.22 |
| 7 | Gujarat | 2097.62 | 197.19 |
| 8 | Haryana | 2462.76 | 606.01 |
| 9 | Himachal Pradesh | 692.01 | 96.33 |
| 10 | J&K | 711.53 | 301.97 |
| 11 | Jharkhand | 444.91 | 236.81 |
| 12 | Karnataka | 5071.04 | 4519.52 |
| 13 | Kerala | 1942.27 | 2341.02 |
| 14 | Madhya Pradesh | 2705.95 | 1454.69 |
| 15 | Maharashtra | 7402.15 | 402.57 |
| 16 | Manipur | 89.19 | 74.35 |
| 17 | Meghalaya | 131.79 | 3.38 |
| 18 | Mizoram | 85.19 | 39.51 |
| 19 | Nagaland | 42.8 | 13.17 |
| 20 | Odisha | 1830.88 | 1418.44 |
| 21 | Punjab | 1318.77 | 708.75 |
| 22 | Rajasthan | 2250.02 | 1253.71 |
| 23 | Sikkim | 100.21 | 29.27 |
| 24 | Tamil Nadu | 2957.3 | 787.04 |
| 25 | Telangana | 1210.12 | 262.92 |
| 26 | Tripura | 170.72 | 22.618 |
| 27 | Uttar Pradesh | 4762 | 1289.35 |
| 28 | Uttarakhand | 251.11 | 68.39 |
| 29 | West Bengal | 2138.53 | 956.75 |
| 30 | Delhi | 2189.74 | 206.38 |
| 31 | A & N Island | 70.23 | 11.63 |
| 32 | Chandigarh | 110.51 | 9.95 |
| 33 | Dadra & Nagar Haveli | 29.61 | 0.0044 |
| 34 | Daman and Diu | 37.17 | 0.57 |
| 35 | Lakshadweep | 9.02 | 0 |
| 36 | Puducherry | 100.16 | 63.92 |
| Total | | 49674.52 | 19379.25 |





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Bachpan Bachao Andolan's
Helpline number**

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