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# THE IMPACT OF MIGRATION ON THE EDUCATION OF CHILDREN IN INDIA

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## ABSTRACT

The impact of migration on the education of children in India, with a focus on the perspectives of migrant children themselves. With internal migration on the rise in India, it is crucial to understand the challenges faced by children who move with their families, particularly in terms of accessing quality education. This study outlines the major elements that influence the educational experiences of migrating children, drawing on a review of the current literature as well as actual data gathered through qualitative interviews with migrant children in various regions of India. The study emphasises how socioeconomic variables, such as poverty, affect migrant children's capacity to attend school, as well as how prejudice and language hurdles contribute to the persistence of educational disparity. The report also highlights the migrant children's resiliency and autonomy in navigating these difficulties and pursuing their educational objectives. The report ends with a plea for legislation and practise that acknowledges the potential of migrant children to contribute to a more inclusive and fair society while prioritising their needs and rights.

**Keywords:** Migration, legal policies, inclusive growth, education, legal provision, migrant labour

## INTRODUCTION

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 level<sup>1</sup>. 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). 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 country<sup>3</sup>. 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 deprivations<sup>4</sup>. 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 for several 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.

## **RESEARCH OBJECTIVES**

The objective of this study is to evaluate current educational policies and practices for supporting the education of migrant children in India, and to identify opportunities and barriers to educational access and success for this population. Through a multi-perspective approach, the study aims to propose recommendations for policy and practice that prioritize the needs and rights of migrant children, and to promote greater equity and inclusion in the education system.

## **RESEARCH QUESTIONS**

What influences migrant children's educational outcomes in India, and how do they differ across areas and socioeconomic classes?

How can India's educational policies and procedures be altered to better assist migrant children's education and foster more fairness and inclusion in the educational system?? What are the long-term implications of migration for the educational and social outcomes of children in India, and how can education be leveraged to promote resilience and empowerment for migrant children and their families?

## **RESEARCH PROBLEM**

Whether legal provisions in India are effective in ensuring that migrant children have access to education is an important research question that requires further investigation. Despite legal protections in place, migrant children in India face significant challenges in accessing education due to a variety of factors, such as language barriers, discrimination, and lack of infrastructure in destination areas.

Moreover, there are gaps in the implementation of legal provisions that protect the rights of migrant children to education. For instance, the Right to Education Act, 2009 mandates that all children between the ages of 6-14 have the right to free and compulsory education, including migrant children. However, the implementation of this provision has been uneven, and migrant children often face difficulties in enrolling in schools or completing their education.

Furthermore, there are legal provisions specific to migrant workers and their families, such as the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, which provides for the welfare of migrant workers and their families. However, the effectiveness of these provisions in ensuring that migrant children have access to education is not well understood.

Therefore, there is a need for further research to assess the effectiveness of legal provisions in ensuring that migrant children have access to education in India. This research can also explore the challenges faced in implementing these provisions, and identify ways to strengthen legal frameworks to better protect the rights of migrant children to education. Additionally, it can

investigate the role of schools, communities, and civil society organizations in advocating for the rights of migrant children and supporting their education.

## **HYPOTHESIS**

Children of the Migrant labourers living in the native place have higher levels of enrolment in schools.

## **REVIEW OF LITERATURE**

Since most migrant households consist of adult males rather than their entire households, and in these situations, school-aged children are left in the village at the care of the mother and grandparents when their fathers move to the urban areas for work, education and educational attainment of the children who are left behind in the migrant households have become an important and emerging issue generally (Wu,2004). The body of research on this topic is quite varied, with some studies finding a link between adult male migration and the education of the children they leave behind while others find the opposite. **McKenzie and Rapoport (2006)** contend that migration affects educational choices through three distinct channels, taking into account the relationship's complexity: the positive income effect brought about by remittances providing resources for education; the adverse substitution effect in terms of the demand for child labour; and the prospective effect, which is indicated by the desire to invest in education in order to increase the prospects of migration of future adults. They discovered through their research in rural Mexico that because movement is a form of survival, the migrants might not be able to send remittances. Children from migrant homes are less likely than children from non-migrant households to attend school and finish a few years of education, with the negative effect being most pronounced among girls between the ages of 16 and 18. They view it as a move away from education toward employment. According to **Hu's (2013) research in northeast China**, parental relocation has a detrimental influence on children who are left behind in school whereas remittances have a favourable impact.

### **Mahendra P. Agasty “Migration of Labour and its Impact on Education of Left Behind Children:**

Remittances do not improve the educational achievement of children in migrant homes in the

Dominican Republic, according to a 2007 research by Acosta et al. The studies by **Meyer Hoefer and Lee (2011) and Lee (2011)**, both of which focused on China, highlight the detrimental effects of migration on children's educational outcomes. According to a 2012 study by Lee and Park conducted in China, father migration has a detrimental impact on boys' enrollment rates while improving girls' test scores. Children of migrants could be required to work, especially if remittances are invested in small family businesses that employ child labour, which would have an impact on their schooling (**Khoudour-Casteras, 2007 in the context of Columbia**).

Children that are left behind are cared for by their mother and grandparents, who find it challenging to do so. Children's schooling is negatively impacted by a lack of desired supervision and the resulting psychological issues (**Dorantes and Puzo, 2010** concerning Dominican Republic.) From their research in Mexico, Hansen and Woodruff (2004) found that the father's relocation led to much reduced monitoring and a loss of the beneficial effects of learning at home. Children who fall behind in school are more likely to stop going, and this is especially true for girls who take on extra household responsibilities and neglect their education. No matter if they migrate with their parents or are left behind, children from migrant households are more likely to experience poverty, according to Bakker et al.

Against this pessimistic outlook, **Desghingkar and Aktar's study (2005)** in Uttar Pradesh shows that migration of the father enabled the children to access better schooling. According to **Byrants' research work concerning Asia (2005)**, migrant remittances are used to send children to private schools and such children have a higher probability of attaining better grades in contrast to students from families without migrants. **According to a 2009 research by Chenet al.**, there is no evidence that migration has a substantial detrimental impact on students' academic achievement in rural China; rather, it indicates that the educational performance of children who are left behind has improved. Numerous research' findings indicate that migrant remittances have a favourable effect on students' enrollment and attendance in school (**Cox and Ureta, 2003 in the setting of El Salvador; Glewwe and Jacoby, 2004 in the case of Vietnam; and Amuedo and Puzo, 2002 in the case of the Dominican Republic**).

**Yang (2008)** observed that a 10% increase in remittances in terms of beginning income by the migrant Philippines increased school attendance by more than 10%.

**Lopez (2005)** found that a 5% increase in the percentage of families receiving remittances

boosted school attendance by 3%.

## **METHODOLOGY**

The research will be based on doctrinal research through articles available online on various journals, newspapers, and magazines. Additionally, books are also used for a deeper understanding of the nuanced topic

## **DISCUSSIONS**

### **1. MIGRATION AND CHILDREN**

A child is defined as "a human being below the age of 18 years, unless, under the legislation applicable to child, majority is acquired earlier" in the United Nations Convention on the Rights of the Child (UNCRC). A kid reaches majority in India at the age of 18. The term changes, nevertheless, depending on which legislative provisions it refers to. The Census of India's definition of the working age population, which ranges from 15 to 59 years old, is the most widely used and makes it very apparent that anyone under the age of 15 (0 to 14 years old) is considered a "kid." However, the Factories Act of 1948, the Apprentices Act of 1961, and the Child Labour Prohibition and Regulation Act of 1986 all specify certain age requirements. The upper age limit for a kid is 14 years, according to the Factories Act of 1948, the Apprentices Act of 1961, and the Child Labor Prohibition and Regulation Act of 1986, while several labour law acts specify other age restrictions. The age range used in the current study is 0 to 14 years. The agencies concerned in child welfare and development have substantial policy concerns about how migration affects children of migrant households. Children of migrants may experience low self-esteem due to the stress of relocating from a familiar environment to an unfamiliar one, as well as poverty, bad living conditions, separation from mainstream culture, breaks in their schooling, and terrible living situations.

### **2. IMPACT OF MIGRATION ON CHILDREN**

Children of different age groups are affected differently by migration, including:

- i. Children ages 0 to 6 are denied access to pre-school education, pre-health care, and nutrition. They lack birth certificates, vaccinations, medical facilities, and other essentials,

which causes severe malnutrition, illness, and mortality. Additionally, they don't have access to anganwadis, clean water, sanitation, etc.

ii. Due to lack of access to schools at their place of employment, children between the ages of 6 and 14 are increasingly dropping out of school. This denial of education causes children to participate in a variety of other activities, such as working on-site with family members, which can be hazardous to their health and lead to exploitation and abuse.

### **3. EDUCATION OF THE MIGRANT LABOUR CHILDREN**

Serious attempts were made to implement the Universalization of Elementary Education (UEE) in India after the National Policy on Education (NPE) was established in 1986. Under the Sarva Shiksha Abhiyan (SSA), flexible educational choices for underprivileged children were launched in the shape of the Education Guarantee Scheme (EGS) and Alternative & Innovative Education Scheme (AIE). These programmes have taken into account the conventional grounds for exclusion from education, such as caste, gender, remoteness of area, etc. The children of migrant workers, however, are another group of underprivileged youngsters who have not gotten enough care even under these programmes.

In many areas of India, rural livelihoods have collapsed as a result of drought and other environmental problems, and each year, hundreds of thousands of families are compelled to leave their homes and communities in search of employment. The migrants are compelled to bring their kids along as well. They leave school and lose the chance to further their education. The names of many migrant children are now included on school rolls as a consequence of widespread enrollment initiatives, but in fact, many of them are not in class since they are moving to various employment locations with their parents. Greater people are moving from North Indian states to places like Kerala, where there are more work prospects, as a result of environmental deterioration and drought. One of the most crucial challenges relating to migration is the education of children.

The vast majority of migratory workers change jobs often. Due to their occupational mobility, these kids are hard to track down and are frequently overlooked by the regular systemic interventions of the educational system. Even the alternative schools and flexible learning choices developed under the Alternative and Innovative Education Scheme (AIE) and the Education Guarantee Scheme (EGS) may not be able to assist them.



Following the 86th Amendment to the Constitution in 2002, the Right to Education is now a Fundamental Right in India. The primary education of all people is one of the Millennium Development Goals (MDGs) that we are working to attain. The government is striving to attain universalization of elementary education through the Sarva Shiksha Abhiyan (SSA) initiative (UEE). Children of migrant workers are one group of children who are not receiving the right care despite all these advancements. Even the state education departments and the Ministry of Human Resource Development (MHRD) do not have enough information about this group of kids. Therefore, improving their education requires immediate action.

#### **4. LAWS RELATING TO WORKING CONDITIONS OF THE INTERSTATE MIGRANT WORKERS**

Every Indian citizen is entitled to unrestricted movement within the country's borders as well as the right to live and establish themselves in any location therein, according to Article 19 of the Indian Constitution. According to Article 14, no individual should be denied equality before the law or equal protection under the law on Indian territory. All of Kerala's current labour laws that safeguard local workers' working conditions also apply to migrant workers from other Indian states.

Interstate Migrant Workmen Regulation of Employment and Conditions of Service Act, 1979

The Interstate Migrant Workmen Regulation of Employment and Conditions of Service Act, 1979, deals with the working conditions of interstate migrant workers. All establishments that employ five or more interstate migrant workers must comply with this Act. According to the Act's provisions, these establishments must register with the government. Both an employment licence and a recruiting licence must be obtained by the contractor from the state where the workers are hired .

Contractors have a duty and obligation to provide these details to the designated authority in the State where an interstate migrant worker is hired. They must also provide each interstate migrant worker with a passbook that includes a passport-sized photo and information such as their name, the location of their place of employment, the length of their employment, the proposed rates and methods of payment for their wages, any applicable displacement benefits, and the return fare that will be due to them after their employment has ended.

The major employer will be responsible for making the payment if the contractor fails to pay wages within the allotted time frame or pays them insufficiently. Any violation of the rules and regulations governing employment or a licence will result in punishment. As a result, as an immediate employer and the primary employer respectively, the contractor and the principle employer are now responsible for ensuring the provisions set out in the statute. However, in most cases, the absence of the statutory elements needed to attract the scope of the statute, such as an intermediate third party/contractor between the primary employer and the labourers, prevents these employees from coming under the purview of the law.

The survey found that there are extremely few licenced contractors and registered businesses. Passbooks are not provided, and the contractors retain a percentage of the labourers' salaries as commission.

## **5. DROPOUT – DATA OF MIGRANT CHILDREN**

According to a study conducted by the Centre for Budget and Governance Accountability (CBGA) in 2019, about 40% of the migrant children surveyed had dropped out of school at some point due to migration. The study also found that 55% of the migrant children surveyed had experienced some kind of disruption in their education due to migration.

Another study conducted by the Indian Institute of Dalit Studies (IIDS) in 2018 found that the dropout rate among migrant children was significantly higher than that of non-migrant children. The study found that the dropout rate among migrant children was 70%, compared to 30% among non-migrant children.

These studies indicate that migration is a significant factor in school dropouts among children in India, particularly among migrant children. However, it is important to note that the exact number of school dropouts due to migration is difficult to determine due to the complexity and diversity of migration patterns in India.

However, in order to promote the idea of “SAB KA SATH, SAB KA VIKAS “ and to ensure free and compulsory education as a fundamental right of every child the government made several schemes and policies such as :

The Right to Education (RTE) Act: This act mandates that all children between the ages of 6 and 14 have the right to free and compulsory education, regardless of their social or economic

background. The RTE Act also provides for special provisions to ensure the inclusion of marginalized and disadvantaged children, including migrant children.

**The National Policy on Education:** This policy emphasizes the need for equitable access to education for all, including children from marginalized and disadvantaged communities. The policy recognizes the unique challenges faced by migrant children and calls for the development of special programs and initiatives to support their education.

**The National Curriculum Framework:** This framework provides guidelines for the development of curricula and teaching practices that are inclusive, culturally sensitive, and relevant to the diverse backgrounds of learners. The framework emphasizes the importance of multilingualism and encourages the use of local languages in teaching.

**The Sarva Shiksha Abhiyan:** This program is a flagship initiative of the Indian government to promote universal access to quality education. The program provides for the establishment of new schools and the upgrading of existing schools, with a focus on the needs of disadvantaged groups including migrant children.

**The Mid-Day Meal Scheme:** This scheme provides free and nutritious meals to school children, including migrant children, to improve their health and well-being and enhance their ability to learn.

## **CONCLUSION**

A significant portion of the children in our country are those of migrant workers. Unfortunately, both the Indian community and the state have not paid enough attention to important concerns connected to these children, including their education and health. However, it is never too late; the Central and State Governments must right away recognise the issue of the education of children of migrant workers and formulate policies, build infrastructure for physical and human resources, and allot enough funds to guarantee access to primary, upper primary, and secondary education for children of migrant workers. The motto is "quality universal education for all children" if our nation is to use its demographic advantage to advance on all fronts.

## **REFERENCES**

## **LEGISLATIONS**

1. Art. 15, 19(d), 21-A and 39(d), the Constitution of India.
2. Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act (1996). Ministry of Labour, Government of India.
3. Contract Labour (Regulation and Abolition), Act (1970). Ministry of Labour, Government of India.
4. Equal Remuneration Act (1976). Ministry of Labour, Government of India.
5. Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act (1979). Ministry of Labour, Government of India.
6. Minimum Wages Act (1948). Ministry of Labour, Government of India.
7. Right to Education Act; Government of India, 2010.
8. The Right of Children to Free and Compulsory Education Act (2009). Ministry of Law and Justice, Gov. of India.
9. The Right of Children to Free and Compulsory Education Kerala Rules (2010). Commission for Right to Education Act, Gov. of India.

## **PAPERS**

1. The State of Access to Education for Migrant Children (2022). Education Emergency.
2. Niroula, Ghanashyam, Does Labour Migration Matter in Children's Education? (2021).
3. Falling through the cracks: Children of Seasonal Migrants (2023). India Spend.