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Commentary

# Internal Migration and Child Labour in India

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## CONTEXT

An estimated 15.20 crore children were involved in child labour globally in 2016. Of this number, 8.8 crore were boys and 6.4 crore were girls. A staggering 48% of these children were 5 to 11 years old, while 12 to 14 and 15 to 17 age groups stood estimatedly at 28% and 24%, respectively (International Labour Organisation 2017). Of the 15 crore children, 7.3 crore were involved in hazardous work, with 70.9% engaged in agriculture, 11.9% in industry and 17.2% in services (ibid). This paper attempts to outline the interlinkage of internal migration and child labour in India. It discusses the living conditions of accompanied and unaccompanied child migrants and why they often work under exploitative conditions. Meriting a brief discussion on the existing policy measures, the paper acknowledges the legal provisions and the loopholes, or the lack thereof, in addition

to putting forth specific policy recommendations aimed at addressing child labour in the context of, and as an extension of, internal migration.

The census data sets from 2001 and 2011 mark a decrease in child workers. The 2001's 1.27 crore fell to 1.01 crore in 2011 (Census 2001; Census 2011). However, rural India's downward trend in child labour contrasted with an uptick in urban areas. Uttar Pradesh emerged as the state with the highest incidences of child labour with a staggering 21.8 lakhs, followed by Bihar's 10.9, Rajasthan's 8.5, Maharashtra's 7.3, and Madhya Pradesh's 7.0. Together, these five states constitute around 55% of the total working children in India (Census 2011).

Many of these child workers migrate within the country either as companions to their parents or independently, without a parent or a guardian. The former are called 'accompanied children', and the latter are referred to as 'unaccompanied children' in this paper. Some of them are sent to places across the country. Goa recorded the highest percentage of child migration with its 37.6%, followed by Arunachal Pradesh's 19.6%, and Maharashtra's 19.1% (Census 2011).

While the destination cities of these children are scattered across the country, these cities usually have high performing agriculture and construction sectors, agro-based industry, and a wide informal sector. Domestic employment, hotels, brick kilns, mining, quarrying, agriculture, export-oriented industries, fireworks, etc., are the major sectors employing child labour (International Labour Organisation 2013). Migrant children are more vulnerable to being engaged in work at very early ages compared to non-migrant children (Young Lives India 2020).

## LIVING CONDITIONS OF CHILD MIGRANTS: A SNAPSHOT

### Accompanied Children

Children who migrate internally are often accompanying their parents to destination regions and usually live in or near work sites. Living conditions at such migrant work sites are often deplorable. The workers and their families lack access to bare necessities such as nutrition, security, health, and education. For children of seasonal migrants, destination sites often lack necessary services, especially educational ones. This, combined with the schools' seasonal admissions, makes migrant children particularly vulnerable to child labour (Van de Glind 2010). Social and cultural isolation, language barriers, extreme poverty, and frequent movement between two different social environments results in an inability to adjust to an arduous life for such children (Majumder 2011).

These locations are hazardous for children as they engage in coerced exploitative work. Migrant children are drawn into labour at ages as young as 6 to 7 and work as full-time labourers by 11 or 12 years of age (Smita 2008). Despite their full-time backbreaking work, child workers are paid half, or even less, than adult workers (Srinivasan and Gandotara 1993). Migrant workers, quite often, are paid less wages than local workers. These wages drop lower in the case of child workers. This incentivises employers to hire migrant labour instead of local workers, thereby contributing to child labour (Smita 2008).

At some migrant sites, where payments are made at a piece rate <sup>1</sup>, children become the invisible workforce completing their family's contracts alongside their guardians. Consider the brick making profession. Workers at brick kilns receive a fixed amount based on the number of bricks they produced. Consequently, it incentivises children to meet their work targets in a shorter duration. In a study of West Bengal's brickfield areas, Majumder (2011) found that parents engage their children in brick making as soon as the kids turn 8 or 9 years old. The study also found that more than 77% of all children and 85% of children in the 10 to 14 years of migrant families work alongside their parents in the brickfields.

There are also instances where children are coerced into labour. For example, Bachpan Bachao Andolan (2015) rescued 3,266 bonded labourers between 2010 and 2014. A substantial 74% of the children were younger than 14 and were mostly forced into Delhi's industries in search of livelihood.

Even more troubling is the migrant labour loop that children find themselves in. Ideally, children under 18 should be in school; however, migrant children find it challenging to access schooling at destination sites. The schools are often not present around the work sites. Where the schools are present, the learning gaps in migrant children's education due to moving around during the academic year make their enrolment difficult. Since worksites also lack creche <sup>2</sup> facilities, children are unable to access ICDS <sup>3</sup> and Anganwadi facilities. As a result, work deprives migrant children of educational opportunities, increasing their chances of turning into unskilled labourers, much like their parents (Srivastava and Sutradhar 2016).

## Unaccompanied Children

Unaccompanied or independently migrating children are at a higher risk of being child labourers (Flamm 2010). Such children generally live without the supervision of an adult relative in destination regions. Left to fend for themselves, they often work in the informal economy with higher chances of exploitation (Van de Glind 2010). By definition, unaccompanied children are those below 18 who travel to and reside in destination regions without a parent or adult guardian (Yaqub 2009). Independent migration occurs for various reasons, mostly stemming from the family's economically weaker standing or inability to provide the child emotional support and care. The term 'inability' may be deceptive here since choosing to migrate might not always be free of coercion from circumstances. Sometimes the children have no choice but to move to cities to overcome economic distress. While the destination sites offer sources of income to child workers, other educational and skill development opportunities are often absent. Thus, for most of these children migration is more of a tool of survival than a step towards mobility (Roychowdhury 2012).

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<sup>1</sup> Under piece rate payments, workers are paid for each unit produced instead of being paid for the time spent at work.

<sup>2</sup> A crèche is a facility which enables parents to leave their children while they are at work and where children are provided a stimulating environment for their holistic development.

<sup>3</sup> Integrated Child Development Services (ICDS) Scheme is a Government of India flagship programme aimed at addressing malnutrition, health and development needs of children, pregnant and nursing mothers.

Children migrating alone from rural to urban areas often end up living on and off the streets. These children, often employed in the informal economy, are particularly defenceless against exploitation and violence. Hashim (2006) finds that unaccompanied children are subject to overworking, verbal/physical abuse, and insufficient food provision. They are not paid proper wages and often only receive money for the daily provision of food.

### **‘Left-Behind’ Children**

Migration can positively and negatively impact the welfare of children ‘left behind’ in their hometowns as their guardians travel to destination regions. The obvious drawback is the absence of guardians in children’s lives, creating a lack of parental supervision and support (McKenzie and Rapoport 2011). On the other hand, children may benefit from increased disposable income in the family as the remittances come in (Ellis 2003; McKenzie and Sasin 2007). Roy, Singh, and Roy (2015) noted that remittances reduced the gender gap in school enrolments, reduced dropout rate, and kept in check child labour for the youth left-behind.

While studies observe an inverse relationship between child labour and remittance (Van de Glind 2010), some international ones present contrary evidence. As McKenzie and Rapoport (2006) point out in the context of rural Mexico, workers who migrate do so as a survival strategy and may be unable to send remittances back home. This significantly reduces the positive impact of migration with respect to remittances. While seasonal out-migration helps to level employment by driving the labour market to equilibrium levels of employment and wages over the long run (annual period) in the source areas, it may also lead to a market contraction due to shortage of labour when required. These contractions force children from economically weaker families to start working at a very early age. The absence of a family member can also lead to an added economic burden on the children left behind, increasing child labour rates, especially among male children (Kandel 2003).

## **POLICY RESPONSES: ACTUALITIES AND NECESSITIES**

To address the concerns around child labour in India, the union government has ratified both International Labour Organisation Convention 138<sup>4</sup> and Convention 182<sup>5</sup>. Additionally, the Child Labour (Prohibition and Regulation) Act 1986 [CLPRA] was amended in 2016 to prohibit the employment of children below 14 years. Further, adolescents in the 14 to 18 years age range are permitted to work in notified non-hazardous workplaces. However, the act permits children to work in family enterprises after school hours and during vacations. The exemptive provisions of these laws are prone to misuse resulting in the continued exploitation of children.

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<sup>4</sup> ILO Convention No. 138 on Minimum Age (C138) requires countries to establish a minimum age for entry into work and employment and to pursue national policies aimed at the effective abolition of child labour.

<sup>5</sup> ILO Convention No. 182 on Worst Forms of Child Labour (C182) requires countries to take immediate and effective measures aimed at the prohibition and elimination of the worst forms of child labour including, but not restricted to, slavery, prostitution and illicit activities.

In the state of Bihar, several children aged between 12 to 17 years were working in the wedding industry. During shifts from 4 pm to 3 am, these children completed tasks ranging from benign work like washing plates, serving food, refilling dishes etc., to some extremely hazardous chores like handling electric wires and carrying heavy loads (Kulkarni 2019). The provision of allowing children to work in family enterprises also paves the way for the exploitation of children in families involved in activities known to be damaging, such as bangle production, carpet weaving, embroidery work, and packaging activities. Thus, there is a need to revisit existing laws and check for any legal loopholes to prevent any misuse and further exploitation of children.

The government needs to make child labour laws more stringent and ensure their proper implementation. Experts and organisations, such as the Kailash Satyarthi Children's Foundation [KSCF], have repeatedly pointed towards the poor implementation of laws and policies responsible for child protection and child rights. In addition to more substantial commitment from state functionaries, effective implementation of rules and policies would require coordination between law enforcement agencies and civil society organisations and members (KSCF 2020). Migrant labourers, including child workers, are often found to be unaware of labour laws and social protection rights. This leads to migrant workers being unable to access and exercise these rights and, subsequently, aggravates child labour (Nanda 2020). Hence, there is an immediate need to initiate awareness programmes that make the public, migrants in particular, aware of labour laws and the vulnerabilities associated with migrant children.

Simultaneously, authorities on the matter should prioritise allocating more funds to existing national and regional schemes such as the National Child Labour Project [NCLP]. Initiated in 1988, the NCLP aims to eliminate child labour through the identification, withdrawal, and rehabilitation of working children. This includes children below the age of 14 in identified target areas and adolescent workers below 18 who are involved in hazardous occupations. The focus is also on child worker's families in the target area. However, budget allocations to NCLP have declined by about 52%, that is, it went from INR 250 crore in the financial year 2015-2016 to INR 120 crore in 2020-2021 (KSCF 2021). The underutilisation of funds around this period further aggravated the concerns around effective implementation under NCLP.

To prevent child trafficking, authorities at the village, block, district, and other local levels should maintain a database of children, especially those migrating in and out of the areas. Such a database would help keep a check on the movement of migrant children and help prevent trafficking. While all forms of work involving children should generally be kept in check, children involved in hazardous work demand special attention.

Moreover, as a result of significant educational gaps, migrant children are prone to joining work at an early age (Smita 2008). Regional administrations must ensure the education of migrating children by establishing more schools near migrant destinations with flexible curriculum to cater to these children's particular needs.

An effective way of preventing migrant children from child labour at destination sites is to prevent their migration from source regions. Coffey's estimates (2013) show that the duration of a mother's migration is a strong predictor of a child's migration.

The study found that among children of mothers who had migrated in the past year, 45% had migrated. Among children of mothers who had not migrated in the past year, only 7% had migrated. One possible reason for this is that mothers migrating for work often end up taking their children with them instead of having to place the caregiving burden on relatives. Offering work at source regions, through schemes like Mahatma Gandhi National Rural Employment Guarantee Scheme MGNREGS<sup>6</sup>, can curb the need for mothers' migration. This may be effective in decreasing the number of children migrating as a result. Furthermore, the possibility of shifting migrant families to safer environments, in the form of migrant hostels, should be considered. The issue of child labour in India, in the context of internal migration, must be addressed at its inception.

## CONCLUSION

Internal migration and child labour are interlinked. Migrant children are more vulnerable to starting work at an early age. While this is true for all migrant children, unaccompanied children are more vulnerable given the absence of any guardian or parent at the destination site and often end up working in informal markets where they are more likely to be exploited. The lack of educational and skill development opportunities around worksites further increases their chances of getting involved in child labour at early stages.

Although there are laws in place against the practice, child labour still exists on an enormous scale. It is further aggravated by legal loopholes in existing laws that make it possible for contractors to retain and exploit child workers. In order to address the issue of child labour as an extension of internal migration, authorities must introduce targeted policies taking into account the special needs of migrant children. The presence of children in and around dangerous and exploitative migrant worksites should be prevented, and facilities of education, health, and food should be made accessible to them. Awareness about labour laws and social protection rights among migrant workers, including children, needs to be ensured along with making the same easily accessible. Furthermore, it is important that legal provisions in this domain be strengthened and address the existing loopholes. Adequate funding towards schemes aimed at addressing child labour needs to be ensured and effectively utilised. Governments in the centre and respective states must work in tandem to make sure that various schemes and policies consider the regional dynamics associated with migration, and subsequently, child migration, for them to deliver effective results.

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<sup>6</sup> Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is a wage employment scheme that guarantees hundred days of employment to adult members in a household, through unskilled manual work, in a financial year.

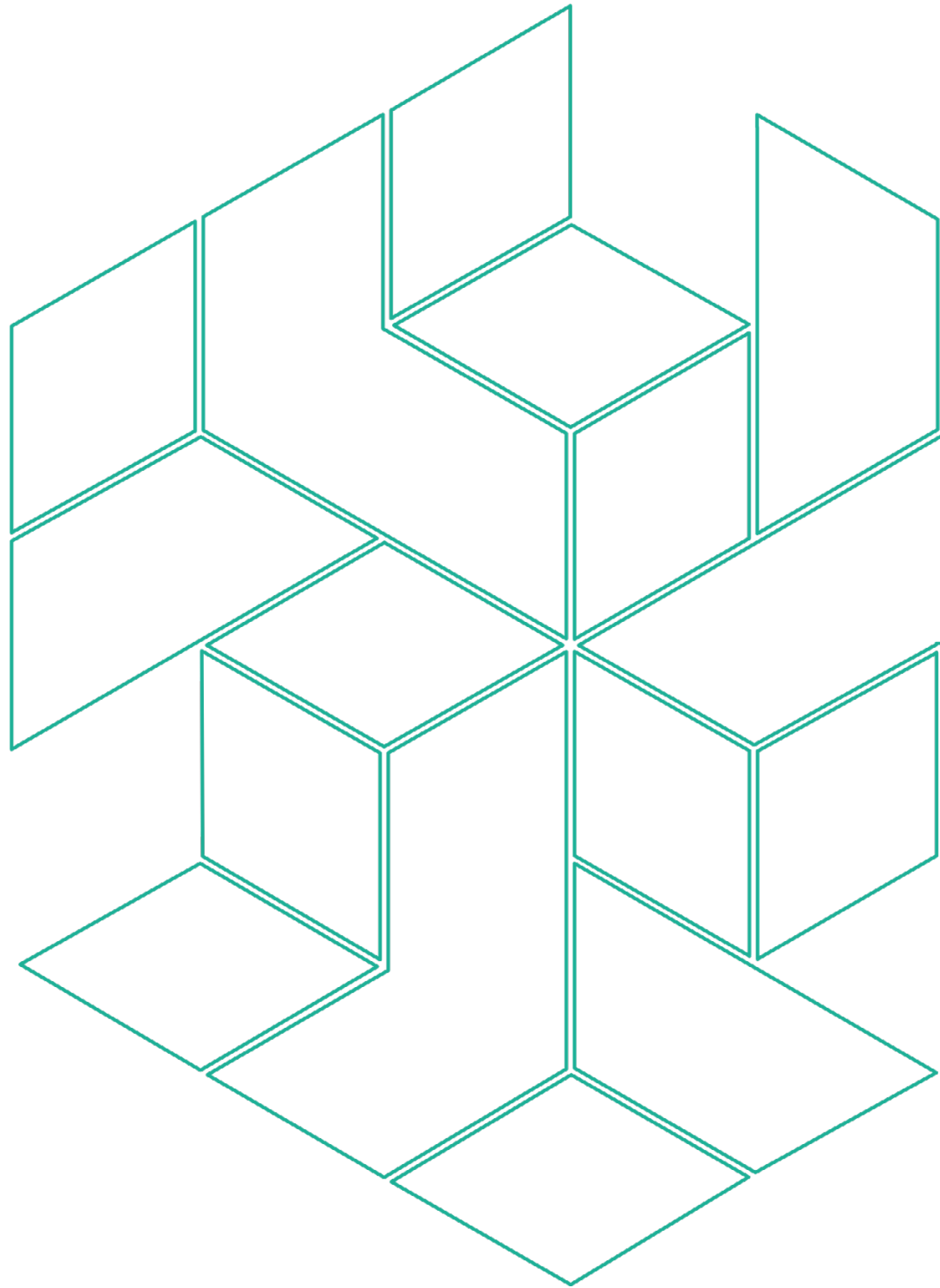
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