



# ***Incidence of Child Migration in Western Odisha***

*Migration Information and Resource Centre (MiRC)*





**INCIDENCE OF CHILD MIGRATION  
IN  
WESTERN ODISHA  
  
2009**



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## **PREFACE**

**T**he National Commission on Rural Labour (NCRL) puts the number of circular migrants in rural areas at around 10 million (including roughly 4.5 million inter-State migrants and 6 million intra-State migrants). However, unofficial figures put the total migration in India as 30 million.

With the changing nature of the state owing to the adoption of new development paradigm based on market philosophy, the human mobility is on the rise. The mobility of people takes place for seeking better opportunity in employment, education, living condition etc or to avoid hunger, conflict and disasters. Due to push factors like lack of sufficient livelihood opportunity in the home place, occurrence of natural disasters like flood, drought, cyclone etc and due to armed conflicts people are forced to leave their place and migrate out, some of who migrate seasonally.

Western Odisha constituting districts like Balangir, Nuapada, Kalahandi, Bargarh etc has been a long source of migration owing to highly unequal distribution of land, depletion of forest based resources, recurring droughts making agriculture a unreliable source of livelihood, poor governance system etc. Studies by CSOs suggest about 200,000 people migrate from Western Odisha to brick kilns surrounding major cities of Andhra Pradesh. Research conducted by Western Odisha Rural Livelihoods Project (WORLP) in Nuapada and Balangir shows a dominance of STs and SCs in migration streams from these poor districts. Though the female migration percentage is less than male, a significant percentage of female do migrate out to work with their male counterpart to work in brick kilns and construction industries. The children also go with their parents to work in brick kilns in Andhra Pradesh, Tamil Nadu and elsewhere as child constitutes a vital part of the basic work unit called "Pathuria".

A well entrenched system of middlemen operates in case of brick kiln migration, where advance money is given at the source areas that allure the vulnerable labourers who tacitly commit themselves to a semi-bonded condition of labour. This 'Dadan' system labour and form of debt migration is fraught with several forms of physical, mental and financial exploitation. To regularise such migration of labourers Inter State Migrant Workmen Act 1979 was enacted by Parliament. However, with no or little interest from the governments to enforce this and other labour laws, the illiterate labour mass could hardly take any benefits from them.

The implementation of flagship schemes like Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), which aimed at reducing distressed migration by providing secured employment, has not brought any visible impact on reducing migration. The functionality of other welfare schemes like PDS, old age pension schemes, ICDS etc also has bearing on distressed migration.



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The children's education is the biggest casualty in the process. The child loses out classes at the source area for seven to eight months eventually drops out and becomes a labour in making. Though attempt by some CSOs to start worksite schools for compensating the loss of children's education at source school has been a welcome step, it is yet has not cut ice at the government level for its adoption into policies; though newly formulated Right to Education Act has brought about a ray of hope for these children.

The study attempts to capture various facets of migration from Western Odisha with a special focus on children and their educational, health and nutritional aspects, till 2008-09. Various cause of migration, the process and its impact on the old, women, children and in general on the migrating population both at source and destination is attempted to be analyzed. The study depends both on Primary Sources through administering questionnaires and on Secondary Source like village registers and other government & non-government sources. We anticipate that the study will be helpful in policy advocacy for betterment of the condition of the migrant children, migrant labour and in managing migration.

We acknowledge the cooperation and supports extended by Regional Office, Patna, and the NGOPs like Adhikar, Jana Mukti Anusthan, Shramik Shakti Sangathan, RTDA, MASS and the contribution of researchers Govind Dalai, Sambudha Chakravarty and Sanjay Mishra and others who took a lot of effort to conduct the study and help bring in the final report.

**Umi Daniel**

Head, Migration Thematic Unit  
Aide et Action, South Asia



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## CHAPTER- I

### INTRODUCTION

Seasonal distress migration has now been quite a regular phenomenon in Western Odisha for the last forty years. The aspect of seasonal distress migration in the western part of Odisha owes its legacy to lack of employment opportunities, which has created increasing indebtedness and food insecurity. The reason for indebtedness and food insecurity are two pronged - one, where are regular bout of droughts in these regions giving rise to crop failure, and two, land alienation owing to division of land over generations and landlessness owing to poverty. Another aspect that needs to be noted is the fact that the region of Western Odisha has been predominantly the tribal belt, which is marked by low infrastructure, corrupt governance and lack of effective political leadership. These tribal communities are primarily dependent on forest products which are getting exhausted day by day due to the climate change effects and commercial interests of the state, greedy officials and corporate. In the realm of expanding capitalism, the roller coaster is constantly hungry for more land in order to 'develop'. The officials handle the aspect of legality and the role of a nascent capitalist state, where as the corporate/ business enterprises take care of the financial implications which would be necessary for the 'development'. Seasonal distress migration occurs at two levels; within states: from one district to another and outside the state. The distress seasonal migration occurring from Western Odisha as the source point generally tend to land up in brick kilns primarily in Andhra Pradesh, in some cases to Tamil Nadu, Chhattisgarh, Maharashtra and Uttar Pradesh or in some other areas of Odisha like Cuttack and Bhubaneswar. This involves a complicated circulation of labour which defies the surplus-deficit argument: the reason being that employers prefer to use migrant labour in comparison to local labour.

The reasons those have been stated over years of studies are that migrant labour comes cheaper and they are easily manageable. Majority of the studies over the years have been primarily focusing on the problems of the migrating labourers and the exploitation that they have been undergoing. In the recent past, some studies have been attempted with some particular focus on the problems of the children of the migrating labourers - primarily focusing on their education. However, what needs to be attempted to be understood is the aspect that children are mostly neglected as their voices are never heard. There are a lot of other aspects which need to be understood which include the rights of children in accordance to the various constitutional provisions and policies and international conventions and declarations.

#### **Why this Study ? (The condition of the migrant children)**

Over years we have seen that children are one of the most vulnerable groups, in any community, primarily as they are not in a position to raise their voice in the society. They have been nurtured to feel that they are not mature enough to understand their own well-being and what is best is understood by their elders. In the case where thousands of children migrate with their parents, they lose the scope of getting their regular formal



education, which in turn forces them to repeat classes year after year, finally resulting in their dropping out of the school. Thus, this aspect belies the fundamental right of the child to get education.

Also, the national policies and international protocols strongly prevent the children from being used for purpose of labour. Even in cases, when children are above the age of fourteen and are engaged in labour activities, they are not supposed to be designated to any form of hazardous occupation. As we have seen in the introductory stages that majority of the migrating families travel to brick kilns, which is considered as hazardous for the children. Another aspect which needs to be noted that if there is any employment in lieu of debt peonage or any financial transaction which has been made and people are forced to work owing to that - it is considered to be bonded labour. If similar situations arise in cases of children, it is designated as child bonded labour and there are strong judgments made by the Indian Supreme Court which prevents any form of child bonded labour.

Also, a fact which needs to be noted is that aspect of child rights take into account their food security and health. In cases of distress migration, the aspect becomes even more interesting that children's food security are not catered at their native places and even at their places of work they are very often provided substandard quality of food and quite frequently even that is not sufficient in quantity. The same is for the matter of health, and in cases of health of migrating families there are no provisions for health. Thus, the fundamentals of child rights are denied to the child when they are forced to migrate with their families. Along with these, are attached the basic fundamental of psychological alienation from their friends, near and dear ones and their native place.

In other words, the point of concern that is attempted to be voiced through this study is the avenues that force children to be alienated from enjoying their childhood - which would also include their rights of a child.

### **Objectives of the Study :**

In order to grasp the concerns with regards to migration, keeping the child as the central focal point, the objectives of the study are as follows:

- ❑ To understand the trend of child migration in Western Orissa
- ❑ To understand the repercussion that migration has on children's education
- ❑ To understand the implication that migration has on children's health
- ❑ To understand the backward and forward linkages of the aspects of food security of the children who have been part of distress migration along with their families.
- ❑ To understand the various psycho-social aspects linked with distressed migration from children's perspective.
- ❑ To understand the functioning of the state agencies with regards to migration.
- ❑ To explore ways and means on how appropriate programs and policies can be initiated to address the violation of child rights.



## CHAPTER-II

### **CONTEXTUALISING CHILD MIGRATION IN WESTERN ODISHA**

**T**he current global political economic change over the last decades has influenced both migration flow and migration study as well. Migration study became a new area of research from various disciplines, and presently, even so in case of child migration. The focus on migration has moved from dissecting the phenomenon, to contextualizing the phenomena within the broader context of socio political economic change. But methodologies and basic units of analysis haven't been reflected on, as much as the shift of interest and focus. Our present study attempts to explore the basic units of child migration study, geographical scales and to think about alternative approaches to design an action research on child migration in its socio-political milieu.

There is reason to believe that surveys underestimate the various types of migration flows, such as temporary, seasonal and circulatory migration, owing to both, empirical and conceptual difficulties. Furthermore, migration data relate to population mobility and not worker mobility, although, economic theories of migration are primarily about labour migration. It is important to note that it is difficult to disentangle the former from the latter. This is because the definitions of migrants used in surveys, e.g. change from birthplace and change of last usual place of residence (UPR) are not employment related. Migration surveys only consider the stated primary reason for migration and that too only at the time of migration. Moreover, secondary economic reasons could be masked, as in the case of married women, who migrate with their husbands and are not registered independently. Another problem is that migration data relate to stocks of migrants and not to the flows, though the various policy concerns relate to both stocks and flows. Many of these concerns can only be handled by micro surveys, which, however, have their own set of conceptual problems.

Distress seasonal migration can be attributed as to uneven development (National Commission on Rural Labour, 1991), as to caste and social structure. Large scale distress seasonal migrations were triggered in the late 60s by persistent drought in rainfall deficit regions of the country, located in remote areas, away from habitation, and mainstream public view. As Jan Breman notes, "They build and sustain economies but are seen being the perennial outsiders." Research on this subject is sparse as is the reference to this category of population in media and development discourse. "This dehumanized workforce enables huge profits for the sectors it supports, which are spent neither in making adequate payments to them nor in improving their conditions of work." (Breman, 2007: *The Omnibus of Peasants, Migrants and Paupers; Wage Hunters and Gatherers; the Labouring Poor in India*)

Labour contractors provide cash advances to poor families in the villages during the lean monsoon months, in return for which they pledge their labour for the season (October to June/July). Migrations begin post monsoons, and families return to their villages by the next monsoons, when work halts for a few months at the migration sites. Once the rains are over the migrating population are once again prepared to leave their villages.



This mechanism continues on a regular basis about the uprooted lives of millions of the poorest of rural families. The debt bondage that drives these migrations has been seen as a form of 'forced labour' by ILO, in which the element of compulsion is derived from debt. It has been argued that as the traditional system of bonded labour declined in the mid nineties due to the role of NGOs, the steady supply of migrant labour gave rise to a new form of bondage. (Labour Rights and Labour Standards, Status of Migrant Labour in India)

The entire operations of distress migration starts from mobilisation of workforce by labour contractors in villages, continuing into their transportation to distant work sites, and the production process at work sites fall in the realm of the illegal. Living and working conditions of migrant labour at work sites are sub-minimal in every respect, be it shelter, nutrition, health or security. Payment levels are way below the legal minimum; work extracted out of them excessive. Women are also forced to take up physically arduous and exploitative work. Women and girls cope additionally with home responsibilities as well as the psychological insecurity of living in such unprotected environments. There are no redressal mechanisms. The basic clauses of all acts related to labour and child rights are flouted, raising exploitation levels to the extreme. Employers maximize their profits by maintaining their producers at barely survival level. The legislation governing migration is grossly inadequate and poorly implemented.

There is a stark absence of policy debate on the peculiar situation of migrant labour, which belongs neither to their villages nor destination areas. They have to forego all the government welfare benefits in their villages, and cannot access these at the migration sites either. Migrant labour often cannot even participate in elections and census, thus becoming thoroughly disenfranchised. This labour force is largely "invisible" as migration sites are operating outside the legal purview both at source and destination level.

According to ActionAid estimates approximately 2 million people migrate from predominantly tribal Western Orissa districts to brick kilns on the periphery of some major cities of Andhra Pradesh, which are reportedly illegal. From Bolangir and Nuapada district alone 100 thousand to 150 thousand people migrate every year. A child is an essential part of the work unit that the contractors hire for brick work in Orissa. A study of 300 brick kilns around Hyderabad by Action Aid revealed that as much as 35% of the total migrants comprised children, of which 22% were in the school going age of 6-14 yrs. While bulk of this migration is to Andhra Pradesh, some people also go to Mumbai, Surat, Varanasi, Raipur and other cities to work in construction, weaving and hotels and as rickshaw pullers.

After almost a decade, Unorganised Workers Social Security Bill seeking to provide social security to workers in the vast unorganized sector was finally passed by Parliament. The Bill seeks to make a beginning in providing social security to some sections of the vast 94% of the total 45.9 crore working population of the country who have remained outside the purview of the facilities. The scheme relates to provide life and disability cover, health and maternity benefits; old age protection; and any other benefits as may be determined by the Central Government. It provides setting up of a National Social Security Advisory Board which has been re-named as National Social Security Board with the Union labour minister as its chairperson. The bill has a provision for registering all the 400 million unorganized workers engaged in various informal sectors and will



be provided with a unique national identification number. As per the provision, along with the worker (except BPL families) the employer, Union government and respective state government will contribute 1 rupee a day to be used for the social security benefit for the workers. This means, every day around 1600 million rupees will be collected and will be deposited with some designated banks or insurance agency. Annually the scheme aspires to collect 584,000 million rupees which may be used for the social security coverage of 400 odd million workers.

In relation to the coverage of migrant workers; administering the Act will be a massive and complex task for the government to first register and keep track of each of the migrant workers who will be earning their wages from different location and different employees. By now, it is evident that, the building and construction workers Act is struggling hard to register the migrant workers to avail the existing social security benefit under its purview, the proposed Un-organized workers bill will face daunting task to bring the migrant workers under its coverage and provide meaningful social security benefits. Already there are concerns and worry has been expressed by large number of labour unions working with agriculture workers, forest workers, domestic and other marginalized workers about its coverage and benefit. Similarly, the large chunk of migrant workers who are into undefined sectors and field may face difficulty in accessing the benefit of the scheme.

The children of migrant workers are the silent sufferers. Caught in the cycle of splitting their lives for equal periods in two different locations each year, children of school-going age are deprived of their rights to education. In addition they turn as child labourers in the harsh working conditions of brick kilns. While a fraction of boy children are left in the care of grand parents or other relatives to continue their education in the villages, girl children invariably migrate along with parents either to take care of younger siblings or for biological and social security concerns. Most parents are aware of the advantages of ensuring education to their children including girls, but the existing conditions do not permit them to do so.

Some of the important aspects that would be tried to be answered through the study, primarily in the findings and observations avenue, to understand the various facets of dynamics involved in child migration are complex, to say the least. The questions that come to mind are: how do children decide to move to work in case of independent migration; what types of social networks do they rely on; and what type of work and destination conditions do the children encounter. Also, there is a need to understand the contrast between the migration of boys and girls and younger and older children in the above respects. It becomes imperative to understand that apart from wages, the benefits that the households gain from child labour migration and how these benefits vary with the characteristics of the migrants and the type of employment. It also becomes important to understand the factors that impact on children's agency in migration through the social institutions of caste and gender. Thus, what becomes imperative is to formulate a sensible conceptual framework for analysing dimensions of intergenerational cooperation and conflict in labour migration involving children. Thus, through the study we would try to understand the implications of migration on child welfare and how the welfare effects vary with the characteristics with regards to children and their type of migration and type of employment.



## **Government Legislation and Policies**

In India the employment conditions and rights of migrant workers are theoretically protected and regulated, both as part of the general workforce and in recognition of their special characteristics as migrants. However, the implementation of the same is still questionable. There are basic provisions in the Indian Constitution relating to the conditions of employment, non-discrimination, and right to work (e.g. Articles 23(1), 39, 42 and 43). India, as a member of the UN and ILO and has ratified and are signatory to the UN and ILO declarations and conventions. The constitutional provisions and international commitments, along with strong pressure from workers' organizations, have found expression in labour laws and policies, but are still in wanting for their implementation.

Many of the labour problems faced by migrant labourers come under laws that concern all labourers in a particular sector or industry. In addition to these laws, the Inter-State Migrant Workmen (Regulation and Conditions of Service) Act, 1979 (ISMW), deals specifically with malpractices associated with the recruitment and employment of workers who migrate across state boundaries. This act should be able to guide the improper practices of children being recruited for hazardous labour and the aspect that they can be considered to be bonded in nature, as already identified by the ILO report of 2005.

The labour laws aimed at protecting migrant workers have remained largely on paper, with hardly anyone recognizing that children could be protected under the law through the use of the office of the inspector. In the case of the ISMW, the Act became effective after initial hiccups, but few contractors have taken out licenses, and very few enterprises employing interstate migrant workers have been registered under the Act. Even in cases, where contractors have licenses, it needs to be noted that it has not prevented them from involving children along with their parents. The main reasons for the weak implementation of this legislation is that there is a lack of commitment by the state, the regulatory authorities are over-stretched and migrant workers are extremely weak and vulnerable and lack support from civil society. Most migrant labourers are also employed in the non-organized sectors, which further increases their vulnerability because of the lack of proper labour regulations.

Following the recommendations of the National Commission of Labour (NCL, 2002), the central government has mooted new legislation (the Unorganized Sector Workers Act, 2004) in order to identify workers employed in the unorganized sector and to provide them with basic social security. The Bill builds on the experience of tripartite welfare funds already in existence for a few industries in some states. For the first time that GoI has conceived of a comprehensive law to cover all unorganized sector workers, including migrants, and its scope and content need to be debated in all fora concerned with the welfare of such workers.



### **CHAPTER-III**

#### **METHODOLOGICAL PERSPECTIVE OF THE STUDY**

**T**he study captures the trend of migration in 2008-09 and before. The study was conducted through the twin methodological approaches of quantitative and qualitative research so that an appropriate understanding of the various trends in migration amongst children could be generated, along with insights into the ongoing and proposed intervention that may or may not have been achieved owing to a variety of factors.

The findings have been presented here in two sets. One, the demographic profile and trend of migration from Western Odisha and two, socio-economic profile of households where children migrate.

With a special focus on the condition of migrant children and its various facets, which have been captured through direct method of collecting information by filling up questionnaires, the overall trend of migration in western Odisha has also been captured from the village registers maintained by the local NGOs which to collect data on the migrant workers. Village registers on migration are the registers maintained in the villages in western Odisha districts like Balangir, Nuapada and Bargarh by the Civil Society Organizations for collecting the information on the migrant workers when they go out and when they come back to the village after completing the seasonal migration. Names and numbers of persons including children migrating, the place of migration, the name of the middlemen who is taking them, the timing of migration etc are captured.

As part of the study to capture the status of children, questionnaire were administered in 55 revenue villages across 10 gram Panchayats in 5 blocks of 3 districts of Western Odisha. In the 55 revenue villages, a total of 1184 households were covered in which information were gathered with regards to 2806 children. The list of which is given below. On the other hand secondary data from the registers maintained in 10 selected villages (moderately migrating villages) from 10 Panchayats were taken to draw the overall aspects of migration. It may be pointed out that the sample size for getting the overall trend of migration is small. This may be a limitation of the study. However enough care has been taken to select the villages which give a proportionate picture of migration trend of the total 55 villages studied. The list of the villages is given below.

**For capturing the overall trend of migration following villages are taken :**

Sl. no	Name of the Block/ District	Name of Panchayat	Name of village
1.	Tureikala (Balangir Dist)	Kandei	Jubamal
2.	do	Badbanki	Badbanki
3.	Muribahal (Balangir Dist)	Gudighat	Babejori
4.	do	Ichhapada	Badhuabahal
5.	Belpada (Balangir Dist)	Debripali	Debripali
6.	do	Tentulimunda	Tentulimunda
7.	Paikmal (Bargarh Dist)	Jharbandh	Temirimal
8.	do	Bartunda	Mariadapali
9.	Komna (Nuapada Dist)	Nuagaon	Nuagaon
10.	do	Thikpali	Sukulimundi



**For capturing the child migration aspects the following list of villages are taken:**

Sl. No.	Block/Dist	Gram Panchayat	Village	Sl. No.	Block/Dist	Gram Panchayat	Village
1.	Tureikela (Balangir)	Badbanki	Muribahal	29	Paikmal (Bargarh)	Jharbandh	Jharbandh
2.			Badbanki	30			Jalgarh
3.			Jamki	31			Patraguda
4.			Mundkani	32			Ganjadabar
5.			Sanbanki	33			Temrimal
6.		Kandei	Kandei	34		Bartunda	Bartunda
7.			Jubamal	35			Marjadapali
8.			Tikdapada	36			Budibahal
9.	Muribahal (Balangir)	Gudighat	Bijamal	37			Brahmantal
10.			Babejuri	38	Komna (Nuapada)	Nuagaon	Nuagaon
11.			Barbandh	39			Thutibara
12.			Balikhamar	40			Kamkeda
13.			Ghusanamunda	41			Salebhata
14.		Ichhapada	Antarla	42		Thagpali	Thagpali
15.			Bhaguabahal	43			Babupali
16.			Sargul	44			Semeltali
17.			Jharakhamar	45			Sukulimunda
18.			Katarlaga	46	Muribahal (Balangir)	Gudighat	Bijamal
19.	Belpada (Balangir)	Tetulimunda	Sanchua	47			Babejuri
20.			Debripali	48			Barbandh
21.			Bagudar	49			Balikhamar
22.			Mundodarha	50			Ghusanamunda
23.			Tetulimunda	51		Ichhapada	Antarla
24.		Kapani	Chhuinara	52			Bhaguabahal
25.			Tara	53			Sargul
26.			Buddhamunda	54			Jharakhamar
27.			Patrapali	55			Katarlaga
28.			Balikhamar				



The questionnaire was developed in consultation with people who are working with the migrating population and then, it was field tested before finalization. The field surveyors were then imparted orientation on the survey aspects and collection of qualitative data wherever available in the field. For the study, both probability and non-probability sampling techniques were used with reference to the various stages of selection of the various units of districts, blocks, gram panchayats, villages, and households with children and finally the children within the villages. The following table will illustrate the various sampling techniques used with reference to the various selected units stated above.

<b>Selected Units</b>	<b>Sampling Techniques</b>
Districts	Purposive Sampling
Block	Purposive Sampling
Gram Panchayat	Purposive Sampling
Villages	Purposive Sampling
Households	Purposive Sampling
Children	Random Sampling

For all the stakeholders, a structured questionnaire was developed. Along with that, a guideline as an interview schedule for case studies and a schedule for focus group discussion (henceforth FGD) had also been used.

For this study, it was necessary to understand the current scenario of each of the respective fields (quantitatively) and to understand the status of migration in a holistic manner (qualitative). The data sets of the various fields on the basis of the units were put in comparison to help us reach a conclusive and holistic understanding. The status of the children involved in migration in the Western Odisha were gathered through interactions with children (upto the age 18 who had migrated) along with responses elicited from their parents. Graphical representations have been provided to throw light to inter-connectivity between various aspects which have been tried to be delved upon.

To gather a holistic understanding on the study it was required to use qualitative methodological approaches. Qualitative research helps us to understand the reasons behind various aspects and investigates the why and how of decision-making and the intricacies which underlie the processes visible at the surface. For this study, the qualitative aspect was focused on pertinent samples rather than large samples and the data generated have been analysed into patterns as the primary basis for and reporting results. Methods of data gathering used for the qualitative part were: (a) direct observation, (b) in-depth interviews, (c) key informant interviews, and (d) focus group discussions. The primary aim of this process was to identify the interlinkages to help us understand the forward and backward linkages of migration and roles and responsibilities of the various groups of people involved in the entire process of migration as a whole. The case studied collected has sharpened the overall understanding developed during the course of the study.

It also needs to be mentioned here that field work has been further corroborated by desk research on the reports of various organizations working on the issue of migration, issue of child protection and the various legislatures and policies that fall within the purview of the study.

As it was a study focusing on the future of thousands of children, critical lenses have been applied to review each of the aspects. Findings from data sets generated by both quantitative and qualitative aspects have been intertwined in the study report.



## CHAPTER-IV

### FINDINGS AND OBSERVATIONS

In this part of the report, we have presented the observations based on the responses to the questionnaires, and intertwined them with the understanding developed and the insights generated through the qualitative techniques used, as also by the experiences gathered in conducting the study. Some information has also been presented based on secondary data. No attempt has been made to create any hierarchy in presenting the information. However, it is to be noted that information in its own right has internal hierarchies, which often get expressed during presentation. In this study, our sole attempt is to understand the position of the children of the migrating families with regard to the indicators that have been developed to help us understand various aspects of child protection. The multiple axis points, built in order to capture the nuances of child protection in the case of children migrating with their families, have been structured into categories and sub-categories to substantiate the study.

The quantitative aspects of study are primarily based on the objectives of the study, which have been formulated through the purpose of the study. Thus the various categories represented are interspersed with the objectives that have been stated in Chapter 1 of the study.

#### **The demographic profile and trend of migration from Western Odisha**

Balangir, Bargarh and Nuapada districts together consist of 32 lakh people as per 2001 census. Out of which the STs constitute 22.5 percent and SCs constitute 17 percent and the rest are other caste people (including general caste). From the registers maintained in the villages, (collected from 10 GPs in 5 Blocks in 3 Districts) it is found that about 22% HH migrate out of which STs are 50%, SCs are 28% and rest 22% are other caste people. Whereas in terms of population, about 17% out of the total population migrate out of which STs are 47%, SCs 31% and others 22%.

Out of the total migrating population, 37% are children; whereas in terms of HH, from 61% of HH, children migrate.

The details of the child migration and child labour aspects are discussed in detail in the following section.

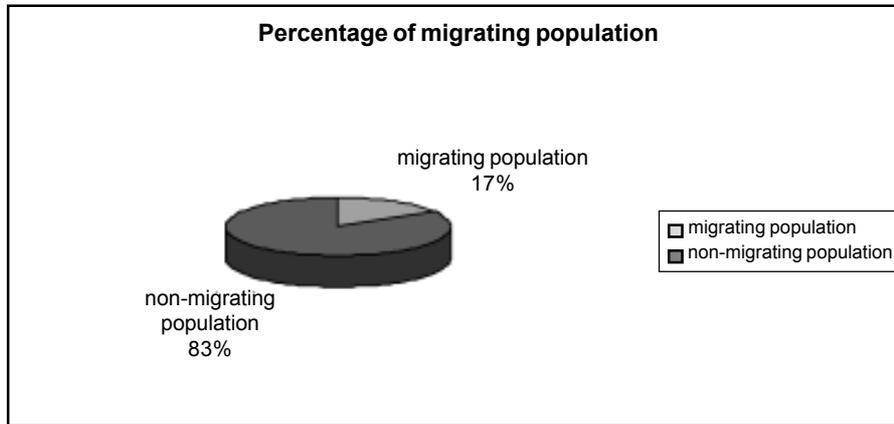
**Table-1: Percentage of migrating population**

	Number	Percentage
Migrating population	1858	17
Non migrating population	9263	83
Total population	11121	100

*Source : Village Migration Registers*



**Graph-1: Percentage of migrating population**

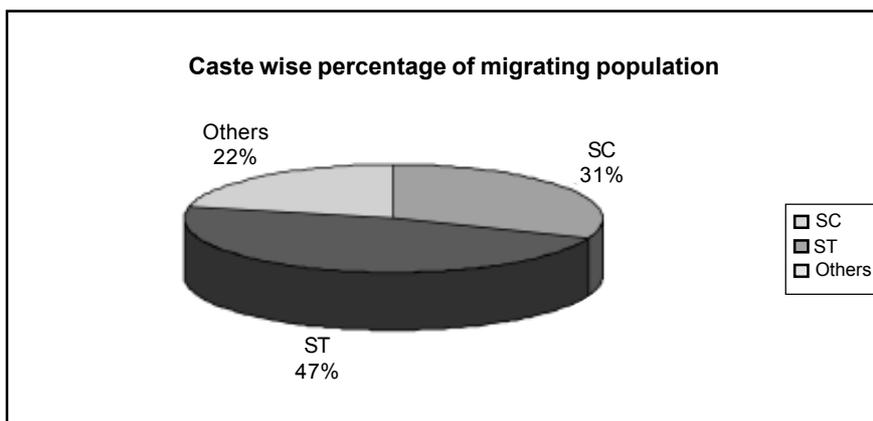


**Table 2: Caste wise break up of migrating population**

Caste	Number	Percentage
STs	881	47
SCs	572	31
Others	405	22
Total	1858	100

*Source : Village Migration Registers*

**Graph 2: Caste wise break up of migrating population**



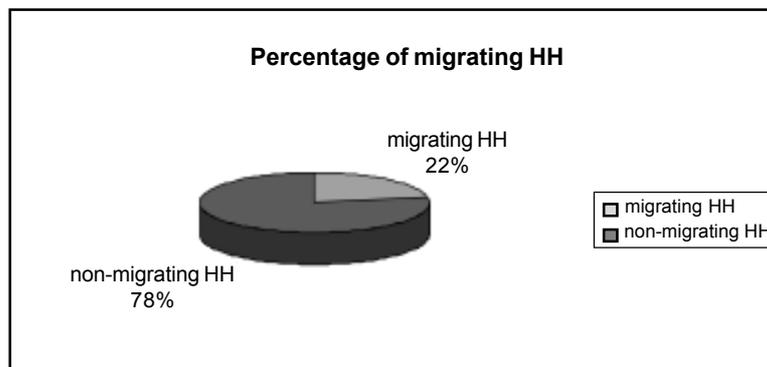
**Table 3-Number and percentage of migrating House Holds**

	Numbers	Percentage
Number of HH migrating	525	22
Number of HH non-migrating	1847	78
Total	2372	100

*Source : Village Migration Registers*



**Graph-3: Percentage of migrating House Holds**



About one fifth of population/HH migrates out, which is quite alarming. The caste break ups shows highest vulnerability of the scheduled tribe community followed by the scheduled caste people. Generally the land ownership and dependence on agriculture in case of both these communities is less in comparison to the other caste and community people. What is observed in Balangir like districts, where the land is categorized as undulated plain land, the upper caste/class generally own the low land where the water concentration is better than the upper lands which mostly belong to STs and SCs. But drought in fact has taken real tools in western Odisha as a result of which even people with good land have started migrating.

**Ruination of traditional occupation leaves migration as only option for survival**

Almost all the members of Bacha Bidhani's joint family have arthritis. The family is from Bichhubahali village in Pandrijore GP under Belpada block of Balangir district. They have only 50 cents of land. But they were not migrating out to work and earn as their traditional occupation of blacksmith provided them the food. However, with weakening of the village economic system, his expertise had no takers as gradually many families from the village started migrating out to other states to work in brick kilns, reducing their customers' base. The village has about 250 families out of which about 80 families have migrated to Andhra Pradesh to work in brick kilns in 2008. To repay the loan, the family members started migrating to Andhra Pradesh. In 2009 Bacha Bindhani passed away at the age of 58 from effect of arthritis. Despite migration, it has become difficult for the big family to sustain itself. Though NREGA work is available in the village, it was no meaning to them as during rainy season when they are in village, NREGA work does not take off.

The family has two PDS cards, one BPL and one APL. Those fetch them 50 kg of rice in a month at the rate of Rupees two. But a major part of the rice is sold to foot the medical expenses of arthritis afflicted members.

Bhagbana, a family member got an advance of Rs.25,000 to migrate in October 2009. Rs.15, 000 went towards repayment of the interest of the loan. The present loan burden of the family is more than Rs.50, 000. About six children below 14 years are not going to schools.

Tularam Bindhani, a member of the family says "Because of loan burden, I cannot feed my children properly, future looks bleak" .

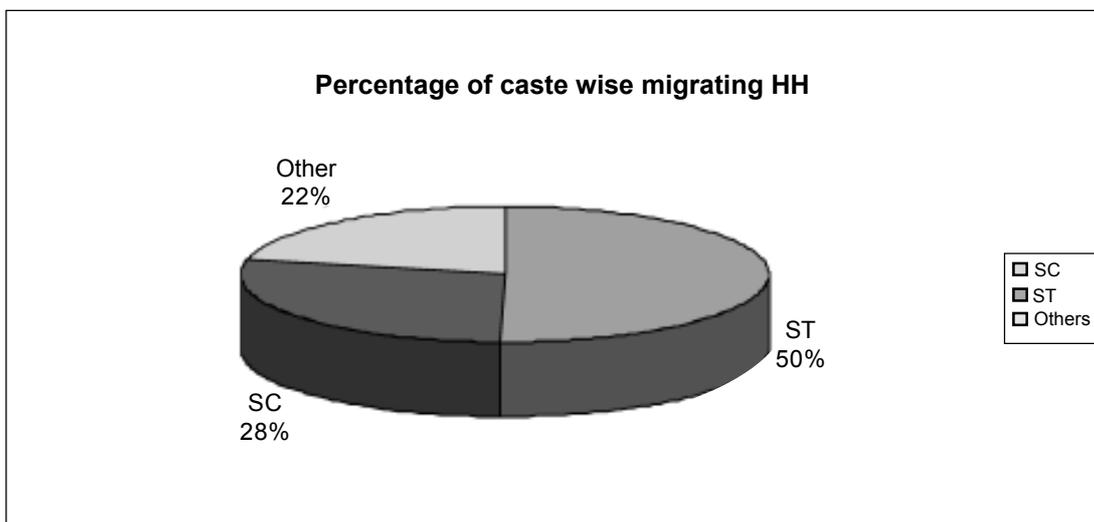


**Table 4: Caste wise division of migrating HH**

Caste	Number	Percentage
STs	264	50
SCs	148	28
Others	113	22
<b>Total</b>	<b>525</b>	<b>100</b>

*Source : Village Migration Registers*

**Graph 4: Percentage of caste wise division of migrating HH**

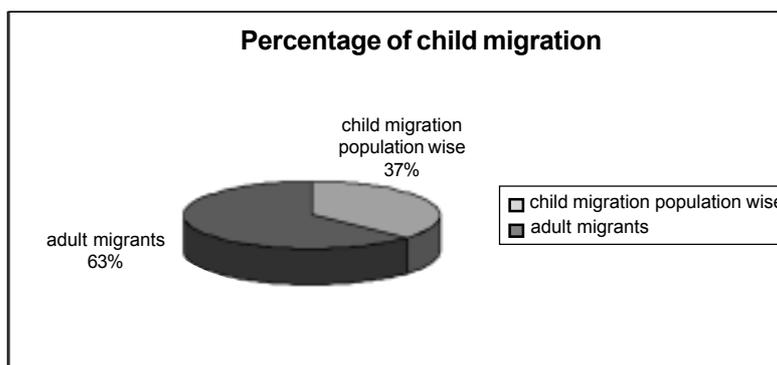


**Table 5: Percentage of child migration**

	Number	Percentage
Child migrating population	680	37
Adult migrating population	1178	63
Total migrating population	1858	100

*Source : Village Migration Registers*

**Graph 5: Percentage of child migration**

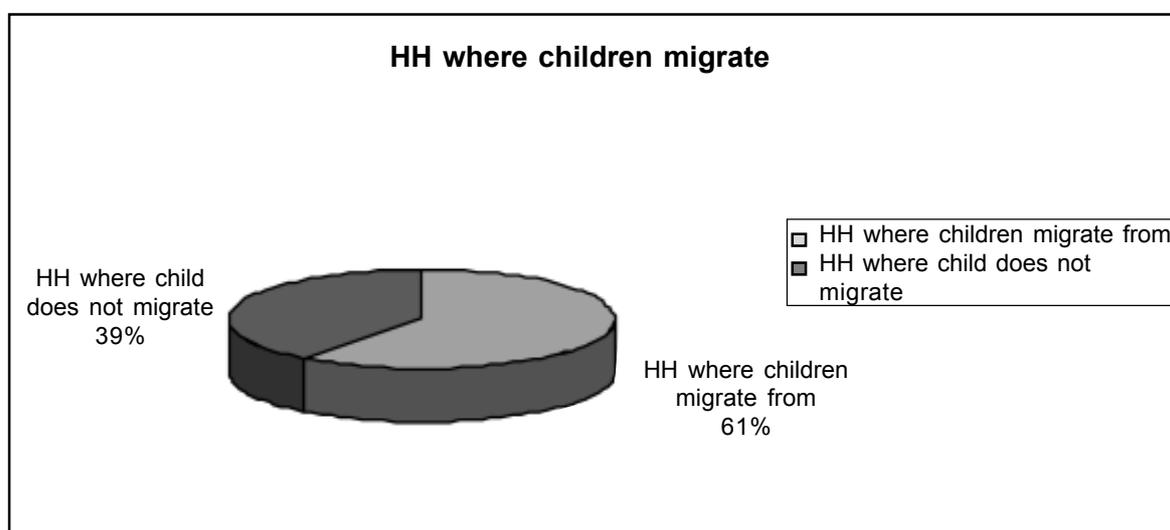


**Table 6: Percentage of HH where children migrates out**

HH where children migrate from	318	61
HH where children do not migrate from	207	39
<b>Total HH</b>	<b>525</b>	<b>100</b>

Source : Village Migration Registers

**Graph 6: Percentage of HH where children migrates out**



Out of the total migrating population, 37 percent are children below 18 years. This is little above 1/3rd of the total migrating people. And in terms of House holds where from child migrates, the percentage is as high as 69%. These trends of high child migration are reflective of two phenomenon. One, as the migration to the brick kiln is family migration, so by default the small children have to accompany the parents. Two, in case of Pathuria, the basic work unit in the brick kiln, a child is taken as the labourer who moulds the brick, turns them while drying under sun so on and so forth. One aspect stands that in case of Western Odisha the child migration and child labour is too rampant. Observations suggest that a child suits to the work demand of turning the bricks form upside down. Since the weight of the child is less than an adult, s/he can easily step over the layer of bricks and turn them one after another without causing damage to the bricks. It is therefore suggested that till the mechanism of brick drying is changed, stopping child labour in the brick kilns cannot be done. And changing the mechanism will depend only upon the will of the employer.

The attention of the government to the aspects of child labour in the brick kilns is an urgent requirement.



## Socio-economic profile of households from which children migrate

The socio-economic profile of the families that have been covered gives us an insight into the family and their conditions from which the children migrate, either along with their families, or alone. The average annual income of the families is approximately Rs.16, 000/- (Rupees Sixteen Thousand only), which accounts to an average monthly income of Rs.1, 250/- approx. (Rupees One Thousand Two Hundred and Fifty only).

The place of dwelling is one of the fundamental points of understanding of the socio-economic condition of the families covered under the study.

### Bad monsoon forced family to migrate; children drop out of school

Puine Majhi and wife Nile Majhi with their seven children were somehow managing their family with the income from the 5 acres of land they own. But a bad monsoon in 2003 that led to almost complete loss of crops left them penny less. Finding no way out, they also joined their villagers and migrated to Andhra Pradesh to work in brick kilns to eke out their living. In almost the same year they got their elder son Sadasiba married to a lady namely, Tulsa. As family income was not enough to manage the marriage expenditures, they borrowed 15,000 rupees from money lender at the interest of 10 percent per month. The loan burden was shouldered by the newly married Sadasiba and Tulsa who migrated to AP to work in brick kiln the next year by taking some advance, which was used to pay back the loan.

Life was back to normal as the subsequent years did not have any bad rainfall resulting in better agricultural yield. But again in 2007 the rain God punished the family; a result Sadasiba and Tulsa migrated out for work. But in the work place gross inadequate and less nutritional food intake took heavy toll on the health of Tulsa who fell ill. In 2009, the couple took an advance money of 21,000 from a middlemen and promised to work in brick kiln in AP; but failed to show up in work due to deteriorating health of Tulsa. Out of the advance money, family spent on Tulsa to cure her but to no avail. Tulsa succumbed at the age of 20! As Sadasiba owe money to the middlemen, he has promised to migrate and work in the kiln next year without taking any advance money as part of agreement with the latter.

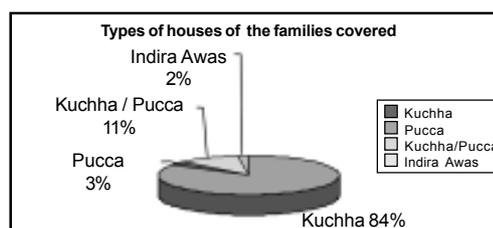
There are other small sources of income for the family from selling of mahula. It gets subsidized rice under Antodaya scheme. But all of them put together, do not provide the family full meals. "Loan burden has taken toll on the family's economy and food bill was the first casualty. We mostly remain on 'only-rice' diet" laments Nile Majhi. They have never attempted to work under NREGA as delay payment has become the regular feature for the scheme. In the mean time, due to deteriorating economic condition of the family, the children's education has also suffered. The younger members of the family, Sitaram Majhi, 13 and Kishore Majhi, 9 have dropped out of class 7 and class 3 respectively.

**Table 7: Number & % of Type of Houses**

Type of houses	Number of houses	% of total households
Kuchha	995	84
Kuchha & Pucca	130	11
Pucca	35	3
Indira Awas Yojana	24	2

*Source : Data collected through questionnaire*

**Graph 7: Percentage of types of houses**



84% of the households covered live in kuchha houses and 11% of the houses are a mix of kuchha and pucca mix, whereas only 3% of the houses were pucca and 2% of the houses were built under the Indira Awas Yojana. The percentile of kuchha houses are an indication of the low socio-economic status of the families who have been involved in migrating for work.

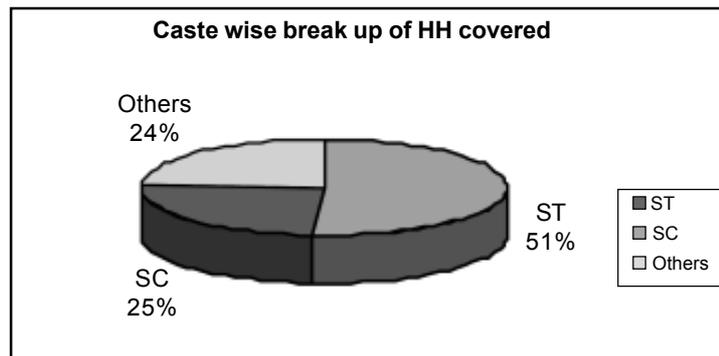
The caste wise breakup of the households is another important component of the socio-economic scenario of the families migrating for work.

**Table 8: Caste wise break up of house covered**

Caste wise break up of households covered	Number of households	% of total households
ST	604	51
SC	296	25
Others	284	24

Source : Data collected through questionnaire

**Graph 8: Caste wise break up of house covered**



It is quite evident from the graph that a majority (51%) of the households covered belong to the ST caste, with an equal division for SC (24%) and other communities (25%).

Another important aspect to gauge the socio-economic status of the families, covered under the study, is their entitlement status under the various PDS schemes. The various PDS schemes available are the BPL cards, APL cards, and Antodaya cards. A basic structure of the percentile of the families falling under each category has been enumerated below in graphical form.

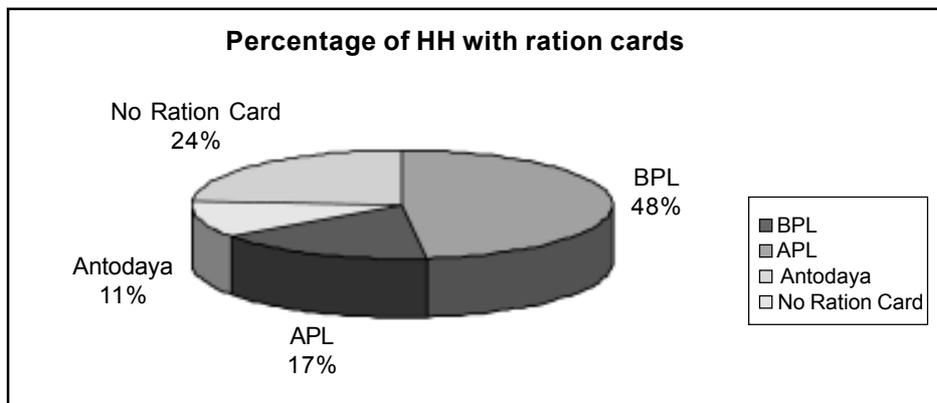
**Table 9: Percentage of HH having ration cards**

Types of ration cards	Number of households	% of total households
BPL	569	48
APL	201	17
Antodaya	130	11
No ration card	284	24

Source : Data collected through questionnaire



**Graph 9: Percentage of HH having ration cards**



From the survey, it was found that 48% of the households covered fall under the BPL scheme, 17% comes under the APL scheme and 11% under the Antyodaya scheme. However, it is interesting to note that 24% of the households covered are not in possession of any cards or schemes under the PDS. It is to be noted that people who do not possess cards are not affluent, but have become victims of a corrupt and non-functional administrative system. This aspect was clarified during group discussions with the respondents.

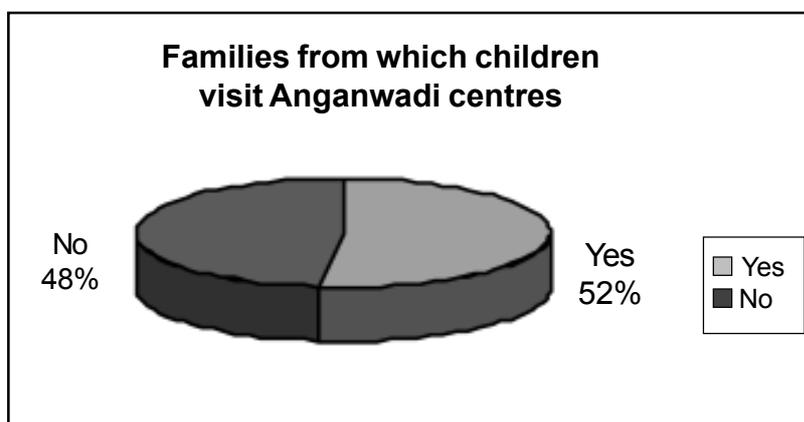
Also, an important aspect which needs to be taken into consideration is the number of families who visit the *Anganwadi* centre.

**Table-10: Percentage of children visiting Anganwadi centers**

	Households from which children visit Anganwadi centres	% of total households covered
Yes	616	52
No	568	48

Source : Data collected through questionnaire

**Graph-10: Percentage of children visiting Anganwadi centers**



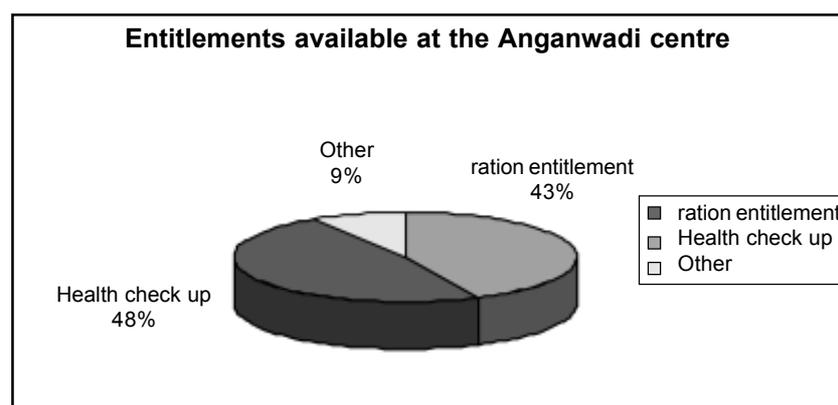
The large percentile of families who do not visit the *Anganwadi* centre, do not do so for various purposes. In certain cases, the villages do not have *Anganwadi* centre within the village premise and the Anganwadi worker visits the village once a month. In other cases, there are no children below the age group of five years and hence the families do not visit the centre.

**Table 11: Entitlements under Anganwadis**

Entitlements at Angaanwadi	Number of households	% of total households
Health check up	568	48
Ration entitlements	509	43
Others	107	9

*Source : Data collected through questionnaire*

**Graph 11: Entitlements under Anganwadis**



The families who visit the *anganwadi* centre avail ration and milk entitlements for the child, new mothers and expecting mothers. Another avenue which is available from the centres is the opportunity of medical checkup, for the various categories stated above. 43% of the families who visit the *Anganwadi* centre avail the ration/food entitlements, while 48% avail the centre for health checkup and 9% avail other services from the centre.

Even children below the age of five, who are supposed to get meals under the Anganwadi scheme, are not able to get their entitlements. This aspect becomes important because the child loses its food security the moment the parents migrate away with them. Similar is the case for children who are above the age of five years, who avail mid-day meals in their schools as a form of food-security. These forms of food security directly affect the children. The earlier points, though it also affects the children, it is because the family is affected that the child is affected being a part of it.

In the case of a girl, who died owing to diarrhea, which primarily owed to lack of food security which both children and their families suffer. The girl started suffering from diarrhea from constant consumption of *kanki* (which is primarily cattle or chicken feed) and thereafter from lack of medical provisions.



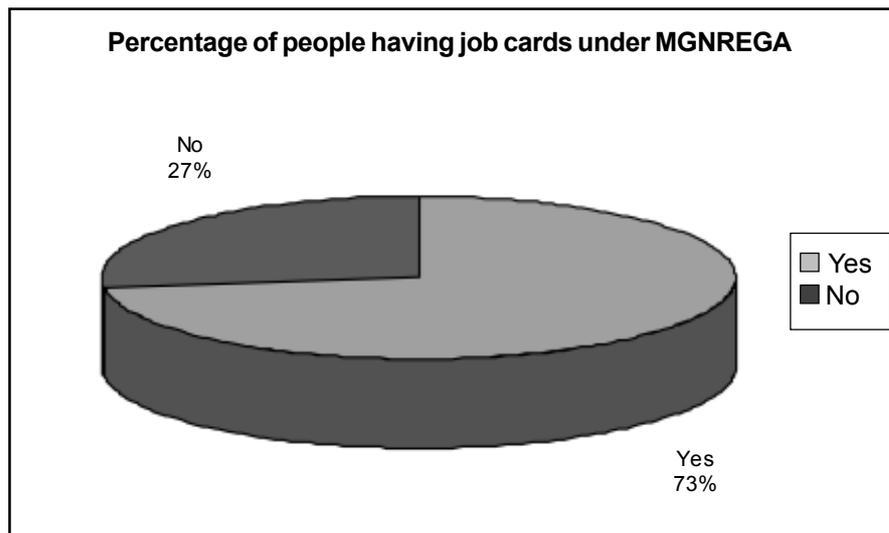
One of the most important characteristic for sustainability is the aspect of livelihood. The important consideration that needs to be made in this case is that the households surveyed migrate owing to lack of employment opportunities. However, keeping in mind the situation of migration and the condition under which it occur, the government of India, since 2006 has in place the NREGA scheme, under which each family is supposed to have a job card and get a minimum of 100 days job.

**Table 12: Percentage of people having Job Cards under NREGS**

	<b>Households which have job cards</b>	<b>% of total households covered</b>
Yes	864	73
No	320	27

*Source : Data collected through questionnaire*

**Table 12: Percentage of people having Job Cards under NREGS**



The important aspect that needs to be understood is that majority (73%) of the households covered had received their job cards. However, what is of prime importance is the fact that most of the households have not received jobs, since the inception of the scheme. In cases, where people have received jobs, it is only for a meager 15 - 20 days, and in many cases they have not received the money for their jobs. This aspect of the NREGA has been one of the primary reasons why the NREGA programme has not been successful in preventing people from migrating in lieu of the advance that they receive.



### Trends of Child Migration in Western Odisha

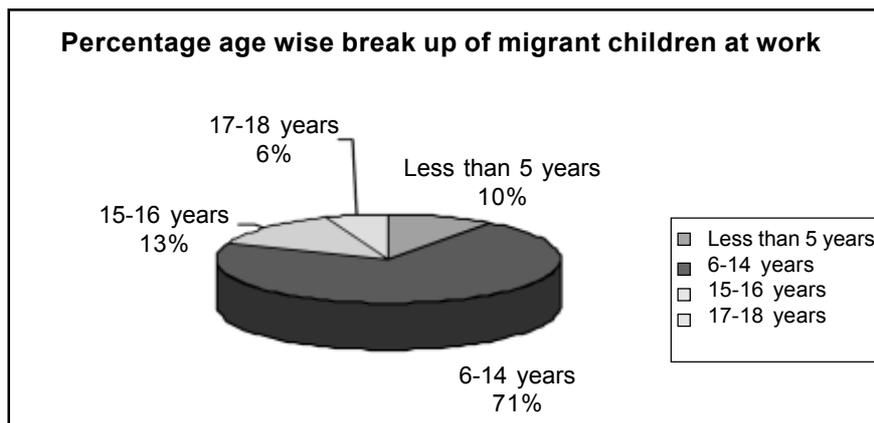
Children migrating along with their parents, relatives or with other members of the village belong to various age groups. The older children, i.e. children above the age of fourteen are counted as full time workers and not as children accompanying their parents.

**Table 13: Age wise break up of children migrating for work**

Age	Number of children	% of total children covered
Less than 5	1992	71
5- 14 years	281	10
15- 16	365	13
17 - 18	168	6

*Source : Data collected through questionnaire*

**Graph 13: Age wise break up of children migrating for work**



Of the total number of children migrating to work, 10% fall below the age group of 5 years, while majority (71%) fall within the age group of 5 and 14 years, 13% in the age group of 14 to 16 years and only 6% fall in the age group of 16 to 18 years. This aspect needs to be noted that the children within the age group of 5 to 14 years form the chunk of the migrating population. It should also be noted that this is the age group when the children are most vulnerable and the Constitution of India stipulates that they should not be involved in any form of labour. The educational policy mandates that any child out of school should be treated as one who is being involved in labour. Thus, we can conclude that 81% of the children migrating are child labourers.

**81% of the children migrating are child labourers**

Also, it must be noted that working in brick kilns is treated as a hazardous job under the National Child Labour Policy (NCLP). The NCLP states that children between the age group of 14 to 16 years can be employed only in non-hazardous employment and that also they can be made to work only for 6 hours in a day with a one hour break in between. From experience of work in brick kilns we know that the working hours are far more than 6 hours and can often be as arduous as 14 to 16 hours. Thus, from the age



group classification, we can state that 94% of the children are being made to work in the brick kilns. Therefore, we can conclude that 94% of the children are involved in hazardous jobs and can be treated as child labourers. .

It must also be noted that the bonded labour act in force in India states that any work taken from people in lieu of debt peonage is to be termed as bonded labour. It must be taken into consideration that the work that is derived from the children are in lieu of the advance paid, thus making them bonded child labourers, which is illegal to say the least. Not only is the aspect of bonded child labour illegal, but extremely inhuman. This inhuman form of treating children is completely unacceptable to any human society.

Some of the children above 5 years and below 14 years travel for a variety of tasks - even other than work. These children have the responsibility of taking care of their younger siblings, taking care of the household cooking etc.

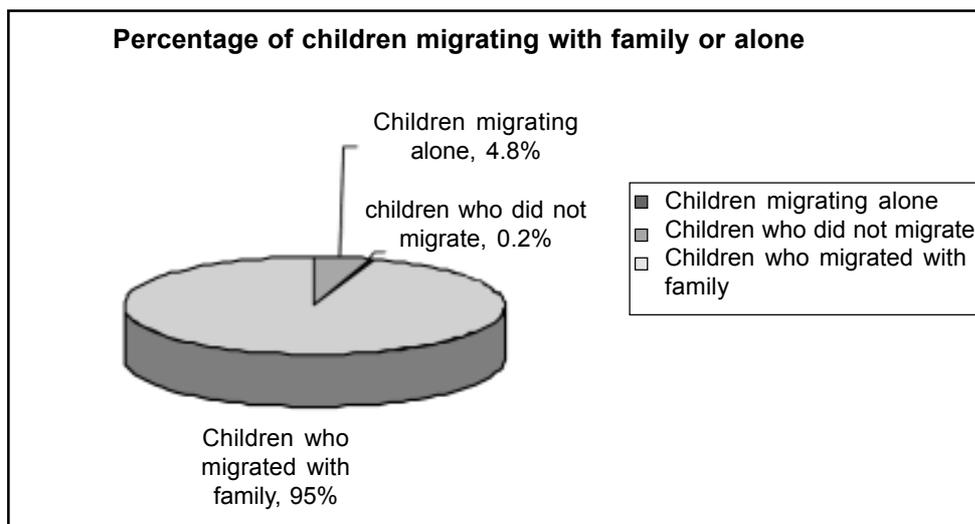
For the study, a total of 1184 households have been covered, thus covering a total of 2806 children. Amongst the 2806 children, 2665 children, which is a phenomenal 95%, migrate with their families; where as only a miniscule population of 0.2% of the children covered were not traveling.

**Table 14: Trends of Children Migrating-migrating with family or alone**

Trends of children's migration	Number of children	% of total children covered
Migrating with family	2665	95
Migrating alone	135	4.8
Not migrating	6	2

*Source : Data collected through questionnaire*

**Graph 14: Trends of Children Migrating-migrating with family or alone**



It should be noted that the statistics is with reference to families which participate in seasonal migration.



From the above graph it becomes evident that 95% (maximum majority) of the children migrate with their families. In a later part of the study, it will become still clear the role of the parents in helping in constricting the lives of their children. What is even more crucial is the fact that of the total number of children surveyed, only 0.2% of the children did not migrate to work, whereas 4.8% of the children migrated alone in search of employment. When it is stated that they migrated alone, what is meant is the aspect that they migrated with some other family and not with their own family.

**Education of Migrant Children**

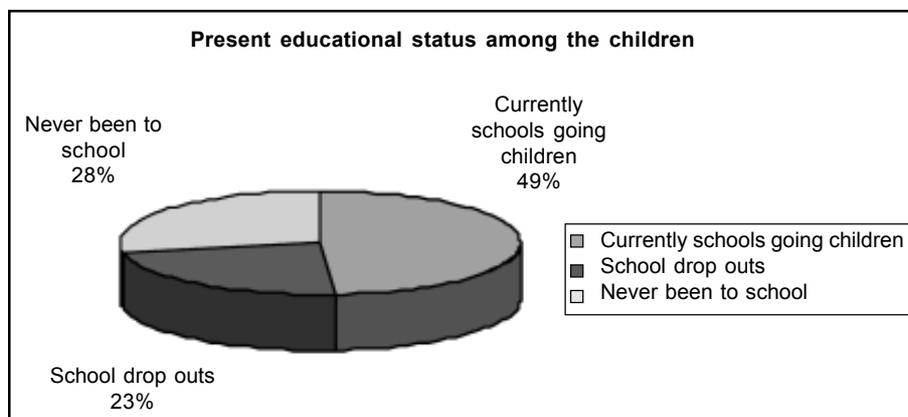
In order to understand the situation education amongst of the migrating children, it is imperative to understand the present standard of education. Though the graph shows that 49% of the children are going to school, it still leaves with a consolidated percentile of 51% who have never been to school and are school drop outs.

**Table 15: School Going Status of Children**

School going status	Number of children	% of total children covered
Currently going to school	1375	49
School dropout	786	23
Never been to school	645	28

Source : Data collected through questionnaire

**Graph 16: School Going Status of Children**



The trends of child migration in Western Odisha have their own dynamics, where there are more than one stakeholder are involved. Since the primary focus of the study is the child and its protection, the primary stakeholder for the study is primary the child. The finding of the study brings a very interesting point to highlight, which was derived through personal interviews during, case studies and FGDs that if the children were given an opportunity to take decisions, 100% of the children would like to stay back in their own villages. The

**If the children were given freedom to choose between migrating out and staying back in the village and read, almost 100 % children would prefer to stay back.**



purpose that the children have stated during the course of the study was that they would not like to migrate with their parents because they feel that their education is hampered.

Children, owing to migration, do not attend schools for the period of six to eight months, during seasonal migration. This does not allow them to appear for their annual examinations, forcing them to repeat their earlier classes in the next academic year. This has an extremely grave impact on the psycho-social upbringing of the child. Many children stated that they would not like to go back to school because they find that their friends are in senior classes in comparison to them.

The above stated phenomenon was observed primarily amongst children who are above the age of twelve and below the age of 16. We thus find that though 64% of the children who migrate get re-enrolled into schools in their native place. However, what becomes predominantly important to understand is that owing to the fact that the children migrate, they are not able to sit for the annual examination, thus losing out on the opportunity to get promoted.

There are individual cases of children who should have pursuing their standard X classes but are presently enrolled in class five because they have been migrating with their parents for the last five years and have not had the opportunity of appearing for the final examinations, thus forcing them to repeat the standard where they had left. In particular cases, in Debripali, one boy, whose physical appearance suggests that he should be in standard nine or standard ten is currently pursuing his studies in standard five only. When the child was enquired about how long he has been traveling as a migrant he stated that he has been doing so for the last four years. For the last four years the boy has been migrating to brick kilns of Tamil Nadu with his parents. The school headmaster stated that the boy has been repeating class five for the last four years, but the education system/ policy has not ensured to mandate the appraisal system. When asked whether the boy had the opportunity of schooling at the brick kilns, as thought required by the Indian government under its SSA programme, he stated that there was no such provision in the kiln that he working in. When asked about what he was missing the most while he was away from his native place, he stated that he did not have the opportunity to go to school and missed the fun of playing with his friends.

**Many migrant children suggest that they would not like to go back to school as their friends would have to be promoted to the higher class and they will remain in the same class where they were**

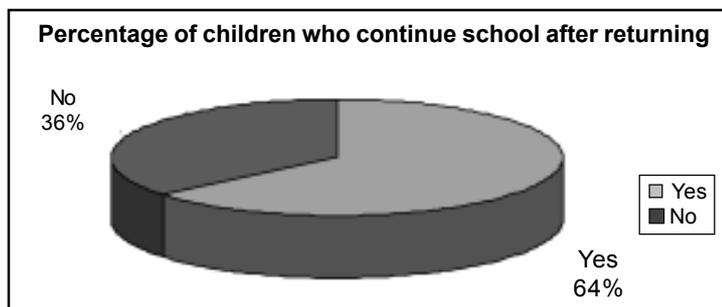
**Table 17: Children pursuing education after returning from migration**

	<b>Number of children</b>	<b>% of total children covered</b>
Yes	1796	64
No	1010	36

*Source : Data collected through questionnaire*



**Graph 17: Children pursuing education after returning from migration**



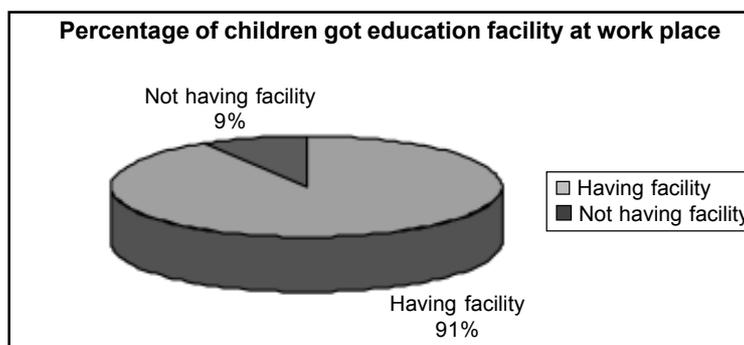
Amongst the children involved in the study only a small percentage (9%) of children have stated that they have had the opportunity of schooling at the place where their parents had migrated.

**Table 18: Children Availing Education Facility at Workplace**

	Number of children	% of total children covered
Having education facility	253	9
No education facility	2553	91

Source : Data collected through questionnaire

**Graph 18: Children Availing Education Facility at Workplace**



Even the ones who have had the opportunity, they stated that it was more of fun and games and not much of studies. The children who responded positively of having educational facility stated that they were educated in the brick kiln schools, which were initiated by the Odisha government in an attempt to provide make-shift arrangements for the migrating children. However, the point that came across from the people who had traveled to the brick kilns as teachers was that only certain aspects of non-formal education could be conducted. The reason they cited was that the children are busy working with their parents and their parents' quantity of work is also dependent on the children.

Moreover, when the children get free time, they prefer playing to recreate themselves. Thus, the teachers primarily engage with the children in counting numbers etc. in game



form. It should also be noted that the teachers are not trained adequately in non-formal education mechanisms to help the children participate in learning methods through games.

However, the point which cannot be neglected that whether or not the children had the opportunity of schooling at the place of work where their parents had migrated, they were involved in the process of brick making, which is considered a hazardous job. However, the children stated that they do it because their parents ask them to do so and they feel that in that way they are helping their parents.

### **Residential Care Centre (RCC) Provision and their Functioning**

When the question of RCC schools was brought into the forefront, the parents stated that they were not always able to leave their children because the RCC schools would only accommodate children who are not lower than 5 years of age and not more than 14 years of age. This is one of the primary reasons that the parents' state even during the years that RCC were functional they were not able to leave their children while they were migrating to work. However, there was trend observed that the RCC schools on an average had 25 to 30 children only. While talking to villagers it was understood that if the numbers could be increased then more children would have stayed back.

In a particular case study of a Bijamal village, it was observed that given the opportunity of RCC schools and migrating parents being aware of their children's education prefer to leave the children in the RCC schools. In the case of the RCC at Bijamal it was found that the children staying at the RCC were academically more progressive than the children going to the regular government school.

It is indeed an individual case of point. However, the point that needs to be made here is that given the opportunity and if the RCC teacher is sincere in his/her efforts, then the children are benefited in both ways - they get an opportunity of better education and they would not have to work as bonded child labourers.

**In case of Residential Care centre (RCC) at Bijamal, it was found that the children staying there were academically more progressive than children going to regular schools**

#### **Seasonal hostel model**

In 2004-2005, seasonal hostel model was experimented by the NGOs Vikalpa and Lok Drishti. Approximately 400 children were retained in 16 hostels in 8 villages each in Bolangir and Nuapada districts. In 2005-2006, the coverage in sending areas was scaled up to include 60 villages and approximately 1,700 children. This included programmes from Vilakpa and Lok Drishti which expanded to cover 20 villages each. Two more local NGOs in Bolangir - Adhikar and Jan Mukti Anushthan - also started work in 13 and 12 villages, respectively. The mobilization of more local NGOs for work on migration issues has, in this way, helped to expand coverage as well as to build advocacy strength.

NGOs in Odisha also run bridge courses in villages during the summer months for children who migrate to work sites without a school during the normal school year. Vikalpa, for example, ran bridge courses for 250 returning migrant children in its first year, and for even more in the second year. The NGO's engagement with the state government has resulted in the SSA's growing awareness of the problems of migrant children and education.



One important point that needs to be noted is that in the present year the RCC schools have not been actively in vogue. Also, the government has now put forward a clause that any NGO wanting to start a RCC school, would be given the option only if they have Rs.1 0,00,000 (Rupees Ten Lacs) in their account. During the course of the study, it was learnt that government was not prompt in providing the NGOs with the financial disbursement of the expenditure of the previous financial year. Moreover, the NGOs who showed interest in continuing the RCC schools, despite the lack of financial disbursement, have been informed by the government that they should incur the expenditure and then they would be reimbursed. Owing to previous year's experience, NGOs are not inclined to believe the governmental promise of providing the finances later, promptly. NGOs who have been able to convince their funding organizations are still continuing with the RCC schools.

### **Children Migrate along with their Parents**

Other than the aspects of the children, the secondary stakeholders for the study, the parents of the children and the employers/contractors also have a huge role to play. One of the aspects that the parents state is the fact that they are unable to leave the children because they are not sure about who is going to take care of them. They state that owing to lack of livelihood opportunities that families are migrating to other places (whether within the state or outside the state) and there is no ensuring that their children would be taken care by the others in the village. This becomes even more prominent when it is a girl child, as the parents often feel that it is a threat to leave the girl child behind owing to social conditioning. Thus, it can be understood that if parents are comfortable in leaving the boy child owing to reasons of 'security', then it becomes even more structurally difficult to leave the girl child behind.

**When the option of leaving the child in the village comes, the parents may think of leaving the boy child, but not a grown up girl child owing to (in) security reasons.**

In a particular case, a girl, who has been traveling to Tamil Nadu with her parents for the last three years stated that she would give up her chance anymore, even her parents would like her to travel with them. She stated that she knows how important education is for life and to establish that she would like to become a teacher. However, though she has the realization today, she also, like the previous boy, has lost three years of her academic life and is currently pursuing her education standard six. The fact that needs to be noted in both the cases are that the parents are interested in their children's education and are willing to further it in future. However, though the boy's parents are confident that now they would try and work out something even while they were traveling, the girl's parents are skeptical owing to security reasons, which crop up owing to social reasons.

Another aspect that the parents stated was owing to the reason that the employers/contractors pay each family unit on the basis of pathuria. Each pathuria consists of three workers - two adults and one child. This is with particular reference because there are certain activities which require nimble hands and can only be done by children. In cases, where the children are grown up, i.e. above the age of twelve, they are considered as



adults as hence are always useful for the employers/ contractors and the parents do not have too much to complain about.

Carrying on from the above stated point of the parents, the employers/ contractors are too happy to engage units as a *pathuria* - because that helps them to get children involved and at a much lower cost. The reason for the same is that the *pathuria* is involved in producing the particular number of bricks during their stay there and thus the payment of the child is nullified. In other words, it becomes employment of child labour at nearly no cost, thus also converting it into bonded labour, as cited above. Another aspect that can found is that is a migrating couple has more than one child, then children are also influential in taking care of basic household chores like, taking care of younger siblings, doing initial cooking, etc.

Other than traveling with parents, the children also travel on their own with other families. In these cases, the families earn a rent for the services of the child. In most cases where families have more than one child to carry along with them, they follow this method. There are two purposes which are resolved through this process. One is that the family earns some extra money through the one more helping hand that they have. On the other side, the family without children would need a child to complete their *pathuria* to enable them to demand the advance from the contractors. In a particular case in Sanbanki, a child stated that though his family would not be migrating this year, he would be migrating with his newly wedded elder sister and brother-in-law.

In the earlier section we have drawn a little on the effect that migration has on the children involved in seasonal migration. The most extraordinary perspective, according to children, is the aspect that if they were given the opportunity to make a decision, they would not like to migrate seasonally with their parents because they realize that it affects their education. This was aired not only by children who were ten years and above, but also by children who were approximately seven and eight years old. This becomes an extremely important aspect under the purview of child protection, because their views are not taken into account when it is lives which are at stake. Most of the parents cited reasons for not being able to keep their children at their native places, to help the children continue with their education, but there were certain parents who were comfortable with the idea that their children have now learnt the art of brick making and they would be able to sustain 'this' profession for their sustenance.

**Though most parents lamented their inability to keep the child back in villages for continuity of their study, a few parents were also comfortable with the idea that their children have now learnt the art of brick making and they are able to sustain themselves due to this skill**

However, one very important aspect of the lives of the children is the fact of 'realisation of money'. One child stated that he is happier to be away from his village, migrating with his parents, because at the end of the week his father used to give him Rupees Ten, which he never received while he was at his native village. For most children in the field, the immediate money is more important to them than what they can do about their future. Understanding from the field suggests that the parents are responsible for this kind of attitude.

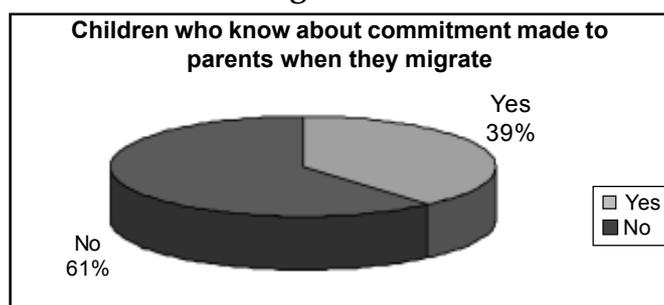


**Table 19: Children's awareness with regards to commitments made by parents**

	Number of children	% of total children covered
Yes	1094	39
No	1712	61

*Source : Data collected through questionnaire*

**Graph 19: Children's awareness with regards to commitments made by parents**



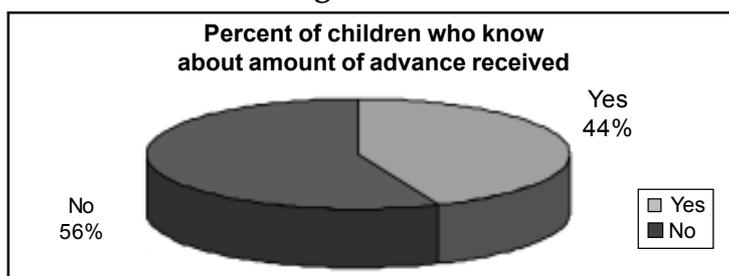
To understand the perception the children migrating for work, it is important to understand their awareness of the various aspects to conform as to whether or not the parents have their consensus. Amongst the total number of children who migrate only 39% of the children are aware of any commitments that their parents have made to the contractors for the migrating period. The 61% of the children who are not aware of the commitments made by their parents prove the point that their consensus is not considered important. This is primarily owing to the reason that they are considered to be children and are assumed to be treated as and how their parents want to take care of them, even if it is against the benefit of the child.

**Table 20: Children's awareness with regards to advance**

	Number of children	% of total children covered
Yes	1235	44
No	1571	56

*Source : Data collected through questionnaire*

**Table 20: Children's awareness with regards to advance**



The aspect of importance not being given to the child can also be noticed from the awareness that children exhibit with regards to the amount of advance that the parents



of the children receive. The children not only are not aware of the amount of money that they have earned, but in the process also sacrifice their future by not being able to regularly continue with their education. The sacrifices that the children make and the labour that they put in are not respected as the parents take it for granted that the children need to work along with them to help them earn bread and butter.

### **Effect of distress migration on health**

It needs to be noted that children's health of rural India is still not in the best shape. In that, as stated in the report, Western Odisha has not had the opportunity to get much benefit as development packages have not quite reached these parts. However, it can be understood that if a person is in their native place, they still have some opportunity of accessing the health facilities. With lack of proper nutrition, health becomes even more imperative. However, the aspect of health has been found wanting. Most of the parents of the children have only the awareness to provide their children with the basic polio immunization, that also at the behest of the Anganwadi worker.

One particular things needs to be mentioned that health in India, though theoretically it encompasses the psycho-social aspects, in practice they are yet to be properly implemented. The lack of proper implementation is visible even in regular rural scenario, even through NRHM. Thus, it is evident that in cases of vulnerable situations, the implementation is even worse. This vulnerable group in question can thus be defined so owing to its lacking of accessing power of health facilities even while they are in their native places. However, the moment they migrate from their native places, their ability to access health services is reduced drastically. (Refer Graph 11)

**Table 21: Entitlements at Anganwadis**

Entitlements at Aanganwadi	Number of households	% of total households
Health check up	568	48
Ration entitlements	509	43
Others	107	9

*Source : Data collected through questionnaire*

From the above graph it is evident that Anganwadi centres are a major source of health facility for expecting mothers, new-borns and the recent mothers. However, what becomes contentious is the aspect that the newly born child and the new mother, once they migrate out of their native place, do not have the privilege of the Anganwadi centre at the work site. This makes, both, the mother and the child, vulnerable. (Refer graph 10)

**Table 22: HH from which child goes to Anganwadis in village**

	Households from which children visit Anganwadi centres	% of total households covered
Yes	616	52
No	568	48

*Source : Data collected through questionnaire*



An important aspect which comes to light is the aspect of the number of children visiting the *Anganwadi* centre. It needs to be noted that from amongst the children covered across the study, 52% visit the *Anganwadi* centre. Thus, what becomes evident is the aspect that if the children migrate, they do not have the benefit of the *Anganwadi* centre, which invariably makes them vulnerable, not only from the aspect of health, but also from the aspect of food security (which we will see later).

Even more than being capable of accessing health services, what is more important in cases where people are shifted to brick kilns is the aspect that many a times they are not allowed to access the basic health services. The primary reason for this is that the owners need to pay for the medical facilities that the migrant labourers need. However, a point needs to be mentioned here that at the end the owners do deduct the amount from what the labourers would have been paid. Thus, what can be understood is the fact that the employers do not want them to leave the site owing to the fact that labour hours/ days would be deducted if they are not available at the kilns.

A case might be stated here with reference to a fifteen year old girl from Badabanki village, who died out of continuous consumption of *kanki*. *Kanki* is broken rice, which is actually used as chicken/ fodder feed. However, owing to the lack of income people resort to consuming *kanki*, instead of rice, as it allows them to buy more quantity. According to the migrant labourers, they ask in rhetoric that what should they prefer, quality or quantity. In this particular case, when the girl fell ill, the employer refused her leave to allow her to have medical facilities citing that money has already been paid for her labour and that if she leaves the worksite then her quantity of work would left incomplete.

Another aspect needs to be noted is that very often there are psycho-social aspects have been attached to the matter of health. In another case in Badabanki, a mother, was tortured to death by the employers. Though it was not possible during the course of the study to elucidate the process of torture, from secondary sources it was found that there was a possibility of sexual exploitation. Today, she is survived by her husband and two sons, one eight years old and another four years old. The psycho-social trauma and the lack of motherly care that the children are facing cannot be negated, to say the least.

### **Impact on food security for the children migrating with their families**

It is quite needless to say that there is not sufficient food security available with the families who are migrating from their native places in search of better livelihoods. This aspect of food security is not a linear event or action. As stated earlier, there are frequent droughts in the region of Western Odisha, which prevents from people gaining employment on agriculture based activities. More so, owing to years of disintegration of land between siblings and their children there is widespread issue of land alienation.

The average annual income of the families is approximately Rs.16, 000/- (Rupees Sixteen Thousand only), which accounts to an average monthly income of Rs.1, 250/- approx. (Rupees One Thousand Two Hundred and Fifty only). These average incomes of the households are not specified and the heads of the family are not sure of the source of income. Also, many a times the head of the households are dependent on the money lenders of the village, who charge an exorbitant rate, and then they are reliant upon the advance that they receive for migrating to the brick kilns. The villagers welcome the advance, which is Rs.22, 000/- (Rupees Twenty Two Thousand only) on an average, as that is the only source of lump sum money that they can avail. The reason that this is the only source of income is owing to the reason that most of the families are alienated from their lands and



thus do not have much income from agricultural lands. The only direct source of income is perennial and primarily based out of working on the fields of other people.

Owing to the lack of food security the villagers are forced to lend money from money lenders at as exorbitant rates as 120% annually. Owing to this, they have to resort to some option through which they would be able to repay the loan that they have already acknowledged. The aspect of land alienation is aggravated owing to the loan structure existing in the villages. This lack of food security is the primal reason for distressed seasonal migration. Parents have stated that it is possible for them to go to sleep hungry, but it becomes difficult for them to see their children go to bed on empty stomachs. This is one of the primary reasons why the villagers state that they migrate along with their families, including their children.

Another important aspect that can be cited here is the aspect of PDS and their availability through the APL/BPL/Antodaya cards. In their native villages, the people are able to avail these facilities, but they state that these can only be availed if they have, which they state they do not have. Thus, migrating families even go to the extent of mortgaging their PDS cards, while they plan to seasonally migrate. The point which becomes most relevant here is that after migrating the families are unable to avail any form of PDS and thus purchasing of basic necessities become a costly affair.

### **Chronic hunger kills the migrant worker**

Rahasa Bhoi, (ST community) from Chhuinnara village under Patnagarh block of Balangir district died in January 2009 at the age of 45. He has been a seasonal migrant worker for last so many years; used to go to Bangalore and Cuttack district of Odisha along with his family. During work in Bangalore in 2009, he suffered from fever and severe head ache. He was treated there but as things did not improve, he was brought back to the village. He was admitted in Patnagarh government hospital for one and half month but the health gradually deteriorated. His case was referred to Burla hospital, which is among the best government hospitals of the state. But by then the family had already sold its two acres of land, gold etc for his treatment and nothing was left to sell. In total, more than sixty thousand rupees were spent by the family in several medical tests done and in medicines. He could not be treated further and died. At the time of death he was unable to lift his head, move his legs and hands and speak. "The doctor could not tell what the disease is" tells Brindavan Bhoi, nephew of Rahasa who used to attend him in the hospital.

Rahasa is survived by wife Ms Padmani Bhoi, four daughters and a minor son. When asked about their dietary practices, the elder and only married daughter of Bhoi Ms Sumitra says "During when we are in the worksite we get food as weekly 'Kharchi' (weekly expenditure) is given by the owner. But when we are in the village in off seasons we do not get much work. Whenever we get work we take food, otherwise ...". The family did not have a ration card till the other day. They did not have any ration card before. Only recently an APL card has been given by the Panchayat. After the death of Rahasa and almost all the assets being sold, the family has slipped into the zone of high vulnerability. Three of his daughters are now migrating to Cuttack district of the state to work in brick kilns and his wife does some work in village whenever available. The food intake of the family currently has been worse than before, said the elder daughter. When asked how she will marry her three daughters off, Ms Bhoi had no answers. One road work under MNREGA, which began in November 2009, was eventually stopped as people did not continue work due to very delayed payment. They got payment after 3 months.

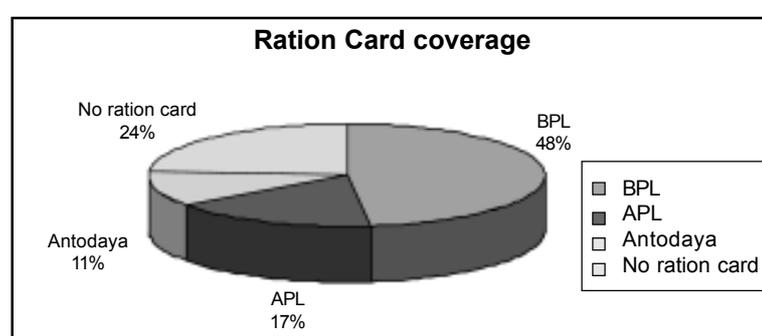


**Table 23: Types of ration cards people have**

Types of ration cards	Number of households	% of total households
BPL	569	48
APL	201	17
Antodaya	130	11
No ration card	284	24

*Source : Data collected through questionnaire*

**Graph 21: Types of ration cards people have**



The aspect of food security of the households becomes an interesting aspect of study as majorities (76%) of the families are dependent on their everyday food on PDS schemes. It is interesting to note that 24% of the households do not have ration cards. Owing to certain limitation of the study it was not possible to confirm as to what were the reasons that they do not possess ration cards of any sort, but it can be safely diagnosed that these families would benefit if they had ration card in either of the PDS schemes.

In conversation to government officials they stated that there are job opportunities through the NREGA and that people are not interested in availing it. An important aspect that came to light was that people are not interested in NREGA because of various reasons. Some have cited the fact that the payment scheme is not regular under the scheme and hence they would prefer to 'bond' themselves at the behest of the contractor, and thus employer, and get the hefty amount to take care of social occasions, mortgages, etc. (Refer graph 12)

**Table 22: Coverage of NREGA job cards**

	Households which have job cards	% of total households covered
Yes	864	73
No	320	27

*Source : Data collected through questionnaire*



It is interesting to note that though 73% of the households have job cards, for the last four years, their job patterns have been extremely irregular. The irregularity of their jobs under NREGA is such drastic that in the last four years there are only 5 to 6 households on an average in each village, who have got jobs, only for 20 to 25 days on an average. On conversation with the villagers, it came to light that their disinterest in NREGA is owing to fact that even for the few days that people have worked the payment has not been regular. The head of the household states it to be an aspect major threat for their food security and thus they are forced to migrate along with their children. Thus, the aspect of NREGA having a direct effect on the children can very easily be comprehended when direct and indirect connections are drawn. Unfortunately, our nation suffers, as stated earlier, from the norm that, till date children's voice has never been given importance.

### **Youth Migration**

Presently, there has been a regular trend where the youth refuse to travel to Andhra Pradesh or any other place to work in brick kilns in lieu of advances. This youth primarily comprise of young boys from 16 years onwards. However, majority of the youth who migrate in search of better opportunity are currently around the age group of 17 to 18 years. The young boys state that they have faced the life in the brick kilns and they do not appreciate the aspect that there is no liberty at all there. They state that even if they want to take a break, they have to be at the mercy of the kiln manager or the owner. Thus, these youth nowadays find their employment in places like Ahmedabad, Surat, Mumbai etc., where they work as construction workers.

The youth states that though they do not get a lump sum, like they used to get when they use to travel to the brick kilns, but they prefer their life as construction workers, where they get paid on

### **NREGA fails to save life of migrant labourer**

Nidhi Biswal from Tara village of Kapani GP under Belpara block has a small patch of low yielding agriculture land (in a joint family set up). That was not enough to sustain his livelihood need. He did not have any BPL card of his own. Therefore he used to migrate out to Hyderabad with family to eke out his living or while in home, he used to depend on the rarely available daily wage work. In 2006, while in Odisha he fell ill to diabetes and sickle cell disease (as the doctors told the family members) and consulted a private clinic in Belpada. But he could not spend much money for proper treatment due to acute poverty. For two years he suffered and finally became bed ridden for a full year and succumbed to death in January 2009 at the age of 50. Nidhi has a Job Card under NREGA whose columns inside run completely empty. Tulsa Dharua, the secretary of the village SHG says "In the village, we live mostly on daily wage works whenever available in the village. NREGA has been discouraging here due to non availability of sufficient work and much delayed payment". She claimed that the family of Nidhi has been living half stomach most of time which is true with many of the villagers.

Nidhi's wife Ms Bhumi and the only three year old son have now migrated to Cuttack district of the state to work in brick kilns. Her wife had to borrow heavily for treatment of his husband and now working in brick kiln she is trying to repay her debts. She has been given an APL card only recently much after the death of his husband and she has not got the NFBC benefits yet.



a regular basis. They are candid in saying that they are able to decide whether they want to work with a particular employer and they want to celebrate that liberty. Also, in case there are days when they do not want to work, they are aware that would not get paid their wage for that day, but they are more comfortable with the decision making power that they have.

Thus, in a nutshell, the youth in the villages, mostly, prefer to travel to the cities in search of labour on a daily wage basis, where they have the option of making their own choice. Unlike their forefathers, they are not keen on the lump sum advance that they would receive and then lose their freedom. The youth, it seems, respect and celebrate the idea of freedom rather than bonding their labour to employer and thus get exploited.

However, there is a dark side to the youth migration. The youth have monetary power in the cities, which make them vulnerable to various issues. In talking with the organizations, it came to light that there have been initiatives with regards to HIV/AIDS amongst the youth, in keeping with the aspect of vulnerability. However, as this aspect was not the focus of study, the vulnerability of the youth has only been sighted and details with regards to this matter have not been gathered. In conversation with the youth, it was found that they agree with the aspect of vulnerability but details about whether they had faced such situation did not come to light.

### **Legal Perspective and the Involvement of the State Agencies**

The entire aspect of children involved in migration has not had too many positive aspects. The Interstate Migrant Workmen Act of 1979 does have nearly all the avenues, which would help and protect migrant workers. However, it is unfortunate that the act does not have any particular reference to children. However, an important perspective involved in the course of the study is the fact that the way the migrant workers are hired falls under the Bonded Labour Act of 1976. However, what needs to be realized is the fact that institutions working on the aspect have taken the point softly.

Also, with reference to children, Child Labour Prohibition and Regulation Act of 1986 is one of the primary acts are yet to be enacted. Under this act, certain improvisations have been attempted to make an effort to reduce the incidence of child labour and take concerted initiatives towards children's education through bridge courses, kiln schools, and Residential Care Centres. However, the concept of RCC had seen the light of temporary success, which is presently under a lot of ambiguity. The bridge courses and the kiln schools have not been able to impact the education standard of the children. These efforts are also concerted towards the child's rights towards education being one of the fundamental rights for children.

The fact that the children migrate with their families owing to the lack of opportunity of livelihood, thus giving rise to the condition of shortage of food or threatening food security



In conversation with government agencies, what came to light was the fact that they are unsure as to how distress migration should be dealt. They were slightly confused as to whether the matter should be delved under the Migrating Workmen's Act or under Trafficking. However, there was no response elicited on the aspect of the children, who can possibly be bonded labourers or child labourers. This aspect of non-understanding gravely affects the aspect of child protection, with particular reference to child migrant labourers.

Thus, it needs to be kept in mind that at the grass root level the legal aspects/ governmental agency services should be more pro-active. In other words, the migrating population should be in a position to acknowledge and access all possible services, which till date are not available with them.

### **Pregnant woman dies in AP brick kilns**

Aile Parabhue never thought that she won't be able to be mother. She was saddled with seven months of pregnancy when she went with her family to AP to work in the brick kiln in 2008. She couldn't give birth to her first child and died in the kiln. She hailed from Tureikela village under Bangomunda block, a migration-prone zone of the district.

What was pathetic about Aile's story was that despite being pregnant she had to leave home for AP brick kiln. Reason: She was pawn in the hands of labour agents. Her husband Bhodeba Parabhue had taken Rs 7000 as advance from an agent. Although her wife decided to skip the AP trip this time because she was to give birth to her first child, her husband compelled her fearing the wrath of agent. Aile left with her husband after Dussehra.

Aile's husband said that Aile complained of stomach pain. She was taken to a nearby hospital, where doctors confirmed that the baby died in the womb. A few minutes later, Aile, who then unconscious, was reported dead.

Confirming Aile's death due to delivery complicacies, Bangomunda Block Development officer (BDO) R Kerketa said that she had gone with her husband despite being pregnant. "I was informed that she died in AP and her dead was brought to Balangir. I will visit the village to get the detail as to how it all happened and then do something", said the BDO.

Report of Vikalp, an organization dealing with migration, said that brick kilns in AP are 100Km away from the town. There is no facility for immediate health attention. Secondly it said that stale vegetables (left over) come to kilns, which the labourers eat. The rice quality is also very poor. Broken rice called Kanki is only available there.

*Source: Ryan Ramnath, Balangir*

## **Migration and Drought: A framework of Rights of Children**

Laws and Rights	Reducing Distress in Migration	Reducing Distress Migration
Equal treatment and welfare of scheduled castes and tribes	Empowerment of minorities	Empowerment of minorities



**Incidence of Child Migration in Western Odisha**

<p><b>Children's rights and the elimination of child labour</b></p> <p>Child Migration Act 1986 (Ministry of Labour)</p> <p>Early childhood care (Department of Women and Child Development)</p>	<p>Education- Bridge courses, Kiln schools, Residential Care Centres</p> <p>Creches- Mini Anganwadis</p>	<p>Education- Residential Care Centres</p>
<p><b>Education rights and Rights in education</b></p>	<p>Education- Bridge courses, Kiln schools, Residential Care Centres</p>	<p>Education-Residential Care Centres</p> <p>Community involvement in School management (SHGs, VECs)</p>
<p><b>Food rights and Food security</b></p>	<p>Creches- Mini Anganwadis</p> <p>Increasing access to the PDS/BDL</p> <p>Minimum wage</p> <p>Midday meal Programme</p>	<p>Increasing access to PDS/BDL</p> <p>Land Rights</p> <p>Minimum wage</p> <p>See - employment guarantees</p> <p>Midday meal programme</p> <p>Household food security</p>
<p><b>Enforcing Labour laws and Employment rights</b></p> <p>The interstate Migrant Workman Act 1976</p> <p>Minimum wages Act 1948</p> <p>Factories Act</p> <p>National Rural Employment Guarantee Act (NREGA)</p>	<p>Registration and licensing of migrant workers by contractors and kiln owners</p> <p>Minimum wage</p> <p>Employment allowances</p> <p>Interstate mechanisms for Rescue and Rehabilitation of Bonded labourers</p> <p>Union membership</p>	<p>100 days employment per household on minimum</p> <p>Food and cash for work in drought mitigation programmes</p> <p>Labour societies</p>
<p><b>Social security and insurance</b></p>	<p><b>Accidental insurance</b></p>	<p><b>Pensions</b></p>
<p><b>Land Rights and equitable access to livelihood resources</b></p>		<p>Preventing eviction from forest lands. Land rights for minor forest produce. Revival of land reform. Right to land, water, mineral</p>
<p><b>Rights to Information</b></p>	<p><b>Legal literacy for migrants</b></p>	<p>Social Audits. ICT for Development</p> <p>Knowledge of wage employment</p>
<p><b>Citizenship rights</b></p>	<p><b>Union membership Participation in local governance School governance</b></p>	<p>Social Audit</p> <p>Participation in local governance (for example Local Area Development Schemes and Institutionalising micro level planning</p> <p>School governance</p> <p>Voice and political space for peoples' organisations</p>

Reference: Actionaid International Report "Bolangir to Hyderabad and the Politics of Poverty-The Choice of Death in Paradise or Life in Hell" by Koy Thomson and many friends in India in October 2005



### **Role of Civil Society Organizations**

The civil society intervention with respect to migration has been really encouraging. International, national and local NGOs have taken proactive role in the dealing with the issue. Most significant among them has been the maintaining migration registers in the areas where migration takes place. The CSOs have been involved in the awareness of the migrants on their rights and legal provisions through meetings, developing awareness posters and materials, conducting seminars, workshops etc. They have been involved in rescue operation of the trapped migrant people at destination areas, establish inter state linkages for better coordination among states to address migration issue and the children education.

#### **Sexual exploitation of minor girl**

Justice delayed but not denied for Sunita Deep (name changed), a poor Dalit woman from Bolangir District of Odisha, who had been fighting a seven year long legal battle in Additional Metropolitan Sessions Judge Court and Additional District and Sessions Judge Court in Ranga Reddy district of Andhra Pradesh against his rapist who was finally convicted for ten years of rigorous imprisonment. Thanks to the courage of Sunita, now married, who defied all restrictions imposed by her in laws and displayed the audacity to face the possible ostracisation of the society by travelling to the court in Andhra Pradesh to record her statement in camera. The language barrier (Sunita could speak odia language only, not english or telugu), the game plan of the defence lawyer to defer the dates of hearing and the visible apathy of the Public Prosecutor to argue the case for the victim proved futile before the determination of the Sunita accompanied by sustained endeavour of some social activists and organisations.

Sunita Deep, about 15 to 16 years (as the medical examination report suggested) had gone in 2002 after Dussehra along with her parents and elder brother to work in the brick kiln in Kowkur area of Bharat Nagar in Ranga Reddy district by taking some advance money from a middleman. They, along with some people from their area, worked in the brick kiln of the accused Feroz Khan and brother Ayub Khan. In August 2003, by when all the labourers should have come back to their native after finishing their work, were instead kept in captivity by the owners by force. Three minor girls (one from dalit and other two from tribal communities) were allegedly regularly raped by the Khan brothers and a labour contractor Sanju Sagareya. Local and national media carried the story, following which some social activists from Bolangir district rushed to Bharat Nagar and contacted a voluntary organisation-Action Aid for help. Matter was reported to the Hyderabad Police Commissionerate and the Alwal police released all 83 labourers along with the three rape victims, arrested the Khan brothers and sent them to Judicial custody. Case of rape, cases under SC/ST (Prevention of Atrocities) Act 1989 and Bonded Labour (Abolition) Act 1976 were clamped by the police against the accused.

Hearing of the case started after five years, toward the end of 2008. None of the girls initially were interested to go to give their statement before the court as all were married by then and had their own family and society. Only Sunita mustered the courage to go to Ranga Reddy district and record her statement. Hearing to all the parties- to the victim Sunita, to about a dozen of witness, key among whom are the elder brother of the Sunita, Sudhir Deep (name changed), Umi Daniel, Ms Soma Sundaray, both former staff of Action Aid and Jatin Patra, social activist and to the defence lawyer, Additional Dist and Sessions Judge Smt A Bharathi pronounced the judgment on 22nd January 2010 in favour of the victim. The owner of the kiln, Feroz Khan was found to be guilty of rape, wrongful restraint and criminal intimidation of Sunita under U/s 376, 341, & 506 of IPC and is convicted as per the provisions of U/s 235 (2) of CrPC and was handed down RI of ten years.



Some CSOS influenced the district administration of Balangir and other adjacent districts to start seasonal hostels for retaining the children of the migrant children whose parents go to other states to work. This model of residential schools at the source worked miracles for some years. At one point of time the seasonal hostels retained about 5000 children. At the same time, they started work site schools to provide primary education to the children who accompany their parents and worker. These initiatives has built a solid platform and set examples to address the issue of migration and children's education.

Example of the migration register maintained by one of the organization working in Nuapada district

**Profile of the Migration in Nuagaon Gram Panchayat in the year 2008-09**

Gram Panchayat	Name of the village	HH	Male	Female	Pop	No. of HH Migrated	Male	Female	Pop Migrated	Type of work taken up for migration
Nuagaon	Nuagaon	304	654	666	1320	55	114	116	230	Brick making
	Thutibara	181	462	466	928	43	95	75	170	Do
	Kamkeda	201	474	500	974	83	124	110	234	
	Tuklapada	113	310	316	626	31	76	75	151	
	Salebhata	125	252	298	550	28	59	73	132	
	Thagpali	175	432	436	868	48	105	96	201	
Thagpali	Babupali	248	587	574	1161	37	90	75	165	
	Semelpali	301	613	684	1297	86	162	143	305	
	Sukulimundi	234	858	657	1515	111	154	163	317	



### **Worksite school-a new ray of hope for Sunita**

Sunita Tandi, the eight year girl from Jharani village under Tureikala block of Balangir district in Odisha migrated to Bomalaramaro area of Nalgonda district in Andhra Pradesh in 2009 along with her parents who have gone to work in the brick kilns there. Sunita is from ST community. Like any other migrant child, she also would have discontinued her study and joined back in same class three when she comes back to her village school in June/July 2010. But thanks to the initiative taken by Aide et Action to run worksite schools at brick kilns in Andhra, she is now continuing her study. Sanu Behera, the Odia teacher who teaches about sixty students in the school there said says "Sunita will appear her annual tests here in Odia language and will be elevated to class four after returning to her village school". Necessary orders have been passed by the SSA, Odisha for acknowledging the exams conducted in the brick kiln schools in Andhra Pradesh.

As part of its intervention on issue of migration, Migration Information and Resource Centre (MiRC), AeA decided to run schools for the migrating children at the destination areas in Andhra Pradesh and Tamil Nadu where lakhs of people migrate with their children from Western Odisha to work in brick kilns there. It conducted surveys in the limited brick kilns and opened some schools for providing education to these migrant children in Odia languages there. Odia teachers have been recruited to teach the children and necessary arrangements have been made to supply text books from Odisha for the children. In total, 5 schools in AP are run teaching 264 children by 7 teachers and 8 schools for teaching 279 children in Chennai by 9 teachers. The children are from class one to class seven. Once the annual test is completed by the students in work site schools, they will be mainstreamed back in their source area schools by the same teachers.

The school in Bomalaramaro is running in the primary school premises situated in Panchayat head quarter. About sixty Odia children from class one to seven are studying under the guidance of three teachers. 40 boy and 20 girl students are studying in this school. Says Sunita "We are getting adequate amount of rice, dal and sabji during noon time; and sometimes we also take some food to our family which stays in the nearest brick kiln."

Other students like Mahesh Sahu from Kantabanji, Balangir district reading in class 3, Majumdar Bhoi from Lakhna, Balangir reading in class 7 express pleasure on the continuity of their study and the mid day meals they get.



## CHAPTER-V

### RECOMMENDATIONS

**D**istressed migration, its nature, trend and patterns across the social classes and age groups have been widely researched upon. While the economic analysis has focused on the aspects of labour migration, social analysis has discussed about the social dynamics like contractors involved, relation between various players and so on and political analysis had been an area of less studied upon. Likewise the legal aspects leading to exemplary action taken up by the state with respect to ensuring the fundamental rights of the migrating people has been a weak link as well. More so, the child angle in this entire process has been taken side by side the family at stake. The pattern in the intergenerational migration shows that the new generation is no more the conformist to their earlier generation. Though globalization has approached them with diverse opportunities, however, the brick kiln industry has been a main stay for migration in this particular region. The significant part of the social life of this area is enculturation of the migration to brick kiln. A situation has come where there is no dearth of information, awareness except for the fact that they can change the way things are happening to them. What is required is to sensitize people and bring in the mass conscientisation process among the people backed by a strong socio political movement along with creative spaces of effective intervention by government and civil society organizations. The change needs to come from within. The very people who have gone through those experiences should be capacitated to take the grass root leadership with solidarity from the well meaning activists and development professionals working with them.

While the attempt should be to take a non-negotiable stand in this respect to protect the child rights to education, nutrition, health and parental care, the state should streamline the policy to provide the entitlements of these people.

#### **i. Areas of Government Intervention and Policy**

Apart from labour laws, a range of government interventions and policies in favour of the poor also impinge on migrant workers, who are less well positioned to receive the benefits of such programmes and interventions. Studies show that migrant labourers are not able to participate in the gram sabha (village assembly) meetings that identify beneficiaries for government programmes. This is particularly true in cases where entire families migrate out of the area. The Lok Jumbish programme in Rajasthan became the forerunner of education programmes intended for migrants' children through boarding schools. Alternative models are now being applied in the District Primary Education Programme in several states (Madhya Pradesh, Orissa, Uttar Pradesh and among others).

The issue of migrant children's' vulnerability to health problems and communicable diseases remains largely unaddressed, although seasonal migrants to rice fields in West



Bengal have some access to doctors through their employers. In our study it is revealed that more than 85% children migrated with their family and in all cases, it is because of the contractors force the family to take additional work force in the form of the child migrants. Apart from that, in case of small kids and nuclear family, the need for parental care force those to take their children while migrating.

The overall picture, however, is one of neglect, unwitting or otherwise. Thus, as with labour policies, few other government strategies have begun to accord adequate visibility to migration, and to include issues of migration in the design and implementation of their respective programmes.

### **ii. Intervention In Support of Migrants: Role of Non-Governmental Organizations**

As with governmental policy, migrants get only low visibility in the work of political organizations, trade unions and non-governmental/voluntary organizations. Regional political parties and organizations often ascribe economic and social problems to the presence of migrants. Trade unions often emphasize the negative role of migrant workers (for depressing wages or being instrumental in strike breaking) and are less active in organizing these workers to protect their own rights.

Nevertheless, various agencies and organizations are actively working to improve the wages and working and living conditions of migrant labourers and to improve the flow of information and credit to migrant workers in the source areas, protect their claims and entitlements and to develop these areas so as to curb distress migration.

### **iii. Policy Issues and Recommendations**

Migration policy not only concerns the support to be given to migrants, but also the linkages between migration and development. Some of the major issues in this context are summarized below.

- a. Pro-poor development in backward areas- Acknowledging that poverty is the root cause for child labour and child migration, appropriate it is to work on the poverty and child rights together. It need not be one after another or in isolation with each other. One major set of policy initiatives is therefore to aim for a more vigorous pro-poor development strategy in the backward areas. These could take the form of land and water management through the watershed approach, public investment in the source area, such as better irrigational facilities, improved infrastructure and the creation of non-farm employment where land is scarce. These strategies need to be accompanied by changes that improve the access for the poor to land, to common property resources, social and physical infrastructure, and to governance institutions. The latter set of changes will require strong organizational intervention by, and on behalf of, the poor. In the rain-fed areas, the Employment Guarantee Act, which proposes to dovetail employment with the need for the building of



physical and social infrastructure, could have important implications for pro-poor development.

- b. Food and credit-based interventions- It is quite likely that a successful focus on development in the poor regions will remedy some of the highly negative features of labour migration. Further steps can be taken to strengthen the position of the poor who resort to survival migration. This involves helping the poor overcome two major constraints they face, viz. food and credit. The poor's access to food can be improved through a more effective public distribution system, through grain bank schemes, or through "food for work" schemes that have now been proposed under the Employment Guarantee Act. Organizing the poor into self-help or savings groups, which are specifically tailored to the requirements of migrants, could help increase the access to credit at comparatively low cost.
- c. Ensuring basic entitlements in other schemes- A major policy focus has to be on ensuring that migrant households have citizenship rights in the destination areas, and are able to access basic facilities and benefits of public programmes meant for poor households. A special focus has to be to ensure access of migrant labourers' children to schooling (and that they are not pushed into labour).
- d. Improving the information base and bargaining strength of migrant workers- As described earlier, being economically extremely vulnerable, poor migrant workers lack bargaining strength. Further, their sense of vulnerability and social isolation is exacerbated by their ignorance, illiteracy and the alien environment in which they have to work. Some of the NGO strategies have been discussed in the preceding section. In Balangir district, district authorities have formed more than 125 labour societies that take up the execution of public works, issue identity cards to workers, and negotiate with contractors. Such steps, if done with true spirit would enhance the bargaining power of the migrant workers
- e. Role of Panchayats- Panchayats (rural local councils) should emerge as the focus of the resource pool for migrant workers residing in their area. They should maintain a register of migrant workers and issue identity cards and pass books to them. Further, it should be mandatory for recruiters to deposit with the panchayats a list of the labourers recruited by them, along with other employment details. With growing IT-based communication it may become possible for panchayats or NGOs to maintain a record of potential employers and employees.
- f. Enforcement of labour laws- At the work places, stricter enforcement of labour laws is essential. This may, however, also call for the closer scrutiny and simplification of some of these laws. The subjection of contractors and employers to the rule of law requires commitment on the part of the government.
- g. Enlarge the scope of discussion on the Unorganized Sector Workers Act and the National Commission on Unorganized Workers to cover issues pertinent to migrant



workers. The Act for unorganized workers and the National Commission for Unorganized Workers cover many issues that are potentially beneficial to migrant workers. Particular emphasis has to be laid on creating modalities by which migrant workers can access existing or future entitlements and benefits. Thus, the thrust of our suggestions is that both governmental and non-governmental intervention needs to support migrant labourers and pro-poor development as vigorously as possible. This would not only influence the condition of migrants and the pattern of migration, but also the patterns of development, which underlie and sustain the migration.

In keeping with the above stated aspects, the practical issues involving migrating children can be stated as:

- ☞ The laws safeguarding the exploitation of migrant workers in general, and with the focus on children in particular, involved in these areas, needs convergence of policy and acts dealing with the issues of migration separately.
- ☞ There is need for single window administrative mechanism to address issues of violence, denial of justice, while migrant workers are at the site.
- ☞ A joint platform for administration, civil society players like PRI members, lawyers, journalists, NGOs and local leaders are required to facilitate the process of better livelihood options for the migrant labourers. In other words, what needs to be catered to be the aspect of taking care of the basic and fundamental rights of child?
- ☞ Innovation fund under SSA should address locally relevant models like RCC and financial assistance should be adequate to meet the demand so as to facilitate children's lives and enforce the element of child protection.
- ☞ There is a need for Panchayat level presence of paralegals to work with the migrants' workers groups and their children on a long term basis.
- ☞ The central government programmes, which need to be streamlines, can be adopted so as to facilitate the process of advocacy to access food security initiatives like PDS, AWC, and MDM both at the source and destination points.
- ☞ There is need for special attention for brining in the migrant children in the purview of the RTEA rule framing
- ☞ Working systematically between the government, NGOs, and CBOs for reducing distressed migration in rural areas
- ☞ There is need for representation before the census authorities so also NSS for reckoning with the seasonal migration aspect
- ☞ Panchayat officials in KBK districts of Orissa (Undivided Kalahandi-Bolangir and Koraput districts) should be directed to collect data on the migrant people and this practice can be replicated elsewhere



### *Incidence of Child Migration in Western Odisha*

- ☞ The government authorities should not miss to issue national Identity Card to the migrant workers
- ☞ Labour migration of the children (below 18) should be treated as trafficking
- ☞ Enthusiastic training programme on Employment, Entrepreneurial skill development skill and Capacity building process to be undertaken for the migrant youths.
- ☞ The whole agency of the contractors/Dalals cannot be wished away. Its therefore necessary to sensitizing them on the issue of child migration
- ☞ Necessary it is to sensitise the political class, bureaucracy and the media basing on proper data and analysis
- ☞ There is need of bringing small video documentations for better advocacy with various stake holders
- ☞ The social character of the state should acknowledge and accommodate the right of a child to live with dignity
- ☞ Convergence is the buzz word in government and elsewhere. Therefore it is vital for keeping proper coordination among various government department to prevent child labour and distressed child migration
- ☞ The concerned government depts should develop strategies for an integrated approach to protect child rights
- ☞ The budget allocation for proper implementation of the laws relating to protection of child right should be made adequate
- ☞ Children with disability needs special attention
- ☞ Transit schools, temporary schools which are visualized for migrant children are alright from one angle. But necessary it is to maintain quality in them





## **Migration Information and Resource Centre (MiRC)**

Under the aegis of Alde et Acton, Asia, MiRC addresses migration and its impact in some high migration source states like Odisha, Chhatisgarh, Jharkhand, parts of Bihar, West Bengal, Andhra Pradesh among other migration centric locations in India and south Asia. We act as a catalyst in research, information sharing, micro-level experimentations, networking and influencing policies at the national level and in various migration destination areas.

### **The key initiatives of MiRC are:**

- We work closely with academic institutions, government departments, and civil society organisations dealing with labour, education and rural development to engage in research and advocacy on social and economic, child rights and education issues surrounding migration.
- We educate facilitating agencies, civil society organisations, government and donor agencies to understand, plan and manage migration intervention focussing on child rights and education, labour rights and entitlements.
- We coordinate and collaborate with various stake holders for facilitating inter state management and coordination of migration.
- We employ various media –electronic and print- to provide voice to migrants and document successful child education, migration reduction, safe practices and protection of labour rights.



## **Aide et Action**

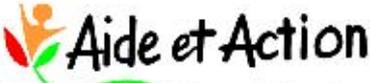
Aide et Action (AeA) is an International development organization working for the cause of education since 1981. Head quartered in Geneva, Aide et Action works in 26 countries worldwide with a vision of "a world where dignity is ensured for all men, women and children through education - lever for human development." Aide et Action is presently working in Vietnam, Laos, Cambodia, Niger, Burkina Faso, Mali, Togo, Benin, Guinea, Senegal, Tanzania, Madagascar, Morocco, Niger, Malawi, Rwanda, Haiti, Dominican Republic, France, Switzerland, Sri Lanka, Nepal, India and has presence in the US, Canada and China.

In India, AeA operates through its regional offices located at Chennai, Hyderabad, Bhopal, Delhi, Patna, Gauwahati and Jaipur.

### **Aide et Action India and its work:**

Aide et Action started its interventions in India in 1981 to help the children from marginalized communities to gain improved access to education. Aide et Action's work in India is influenced by its country strategy and focuses on thematic areas that include early child care and education, quality education, livelihood education, inclusive education, women's empowerment and education, HIV/AIDS, migration and disaster response, mitigation and preparedness. These thematic areas represent core of Aide et Action's work in the region and the activities are carried out through its direct implementation projects and partnership projects. Partnerships with governments, corporate, technical inputs to stakeholders, capacity building events, research and advocacy - formed some of the major modes of interventions carried out within the thematic areas across the country.

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Aide et Action - South Asia  
No. 16/20, Gilchrist Avenue,  
Harrington Road,  
Chepet, Chennai - 600 031  
Tel/Fax: +91 44 2836 5516 / 17/19/20  
[www.aea-southasia.org](http://www.aea-southasia.org)

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**Migration Information  
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Aide et Action, South Asia**

3 Subhadra Villa, Jagamara,  
Khanadagiri, Bhubaneswar  
Ph: 0674-6570455,  
E-mail: [mircbbsr@gmail.com](mailto:mircbbsr@gmail.com)