

Ensuring Rights of Migrant Children in Gujarat



Centre for Labour Research and Action

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Acknowledgements

The Study Team met different stakeholders who are concerned with migrant children. This includes Government functionaries, civil society representatives, academics, employers, and representatives of the migrant workers. Annexure 4 of the report carries a list of all the persons who contributed to the study. We would like to thank all the persons listed there for providing their valuable time.

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Abbreviations:

BSC: Behavioural Science Centre located in Ahmedabad. Now known as Human Development Research Centre (HDRC)

CPS: Child Protection Scheme

ICDS: Integrated Child Development Scheme

NGO: Non-Government Organization

NSSO: National Sample Survey Office

MGNREGA: Mahatma Gandhi National Rural Employment Guarantee Act

RTE Act: Right to Education Act, 2008

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Executive Summary

This study documents incidence of child migration and violation of rights of such children in the state of Gujarat, followed by development of a Protective Environment Framework to address such violations. The study draws critically from the secondary literature available. This was re-enforced by discussions in multi stakeholder consultations organized in three different regions of Gujarat – Central North Gujarat, South Gujarat, and Saurashtra.

From our survey of literature, we have come to a realization that literature on child migrants is almost non-existent. While seasonal migration is on the rise and plays a major role in Gujarat's growth story, the phenomenon has rarely been acknowledged in state policies. Seasonal migration is now beginning to capture attention of the academics and there are some studies available on specific migration streams. However, these remain focused on adult migrants as workers and violation of their human and labour rights. There are no large-scale surveys that fully document the magnitude of seasonal migrants – both out migrants as well as in migrants. A number of NGOs, however, have taken up work with migrant workers in different locations.

Child migrants can broadly be classified into two categories – (i) children who migrate on their own primarily as child labour, (although, almost always these are trafficked by contractors, relatives, family and friends, with or without the knowledge of their parents) and (ii) children who accompany their families who migrate in search of work. The first category is acknowledged as child labour and is subject of state policy that seeks to eradicate child labour. The second category is more problematic as it remains hidden and seldom finds acknowledgement in official discourse. While study seeks to document both the categories of children who are mobile, the recommendations are it focused more on the latter category. This section of children has so far not attracted the attention of the policy planners and makers in spite of its larger incidence except for couple of instances that are documented in the study.

Children are employed directly as workers in a host of industries that are labour intensive and involve tasks and processes that can be performed easily by children. The major industries that employ migrant child labour are cotton seed plots, cotton ginning, textile industry in Surat, jardozi/ jari work in Surat, imitation jewellery in Rajkot, industrial processes in Rajkot, rice mills in Dholera, and hotel industry across the state. Children also find employment in a host of agricultural operations like cotton picking, potato cultivation, and orchards. The major challenge in case of such children remains locating them and rescuing them from employers who try hard to keep them under cover, and who may be mostly connected to the rich and powerful in social and political circles. Thus, they get protection from prosecution and harsh punishment.

The major migration streams/ sectors where the entire family migrates for work accompanied by children are brick kilns found across Gujarat, sugarcane harvesting in South Gujarat, construction all over Gujarat, wage share cropping (*bhaagiya*) in Saurashtra, salt making around Rann of Kutch, and charcoal making in Kutch and North Gujarat. The study estimates the total number of child migrants in the categories listed above, to be 300,000. Migration by pastoralist (Maldharis) and nomadic tribes (classified as Notified Tribe/ Denotified Tribe) is another

category where migration is intricately woven into the livelihood patterns of these communities.

Migrant children suffer from a variety of violations of their rights. Loss of schooling is the first major violation suffered by such children. While destination areas may have schools nearby, due to the seasonal and cyclical nature of migration - their enrolment for short durations is not possible due to many reasons. Migration means displacement from home threatening survival and development of children. The seasonal family migrants live in temporary accommodations that are particularly unsafe for children. Children invariably get pulled into work – either by assisting their parents in their work or by caring for younger siblings. The health remains a concern for migrant children since they do not have access to public ICDS and health facilities in destination of migration. Migrant children are vulnerable to violence of all kinds, particularly sexual violence. Besides all these, they also lose out on leisure and playful activities since worksites often have no scope and space for such activities. Overall, these children lose out on the care from their parents (the primary caregivers), who themselves live and work in challenging situations as migrant labourers.

Gujarat receives both intra state and inter-state migrants in large numbers. There are two major clusters within Gujarat from where migrants come. The North Gujarat cluster around Dahod district and the South Gujarat cluster around the Dang district. Both of which are tribal areas. The interstate migrant children are found in brick kilns, agriculture, and construction. In agriculture and construction, the large majority is from Madhya Pradesh and Rajasthan districts, contiguous to the Dahod cluster. In brick kilns, migrants are mostly from Chhattisgarh, Uttar Pradesh, Rajasthan, and Maharashtra.

The study makes a number of recommendations to ensure protection of rights of migrant children aligned along the eight-point framework developed by Prof. Karin Landgren. These include a comprehensive enumeration of migrant children, strengthening and modifying RTE Act to bring 18 year olds into its fold, strengthening MGNREGA, ensuring decent shelter for migrant workers, strengthening anti trafficking laws, making employers liable for presence of children at their worksites, sensitize community and labour contractors to the issue of child migration and child labour, promoting village based fora with participation of children for protection of children, making basic services like health, education, and early childhood care portable, and social audits to monitor the changes proposed. A major recommendation relates to extension of Paalak Mata Pita scheme to migrant children. The study recommends that Child Protection Scheme be oriented to include migrant children as *child in need* and develop a programmatic agenda to ensure protection of rights of migrant children. This can be best initiated through district-based pilot programs in five districts with high migration intensity to ensure protection of migrant children under the overall coordination by Child Protection Scheme.

Chapter 1

Introduction



Centre for Labour Research and Action is a Gujarat based NGO working to protect rights of migrant workers in Gujarat. CLRA has undertaken this research to study violation of rights of migrant children in Gujarat and develop an intervention matrix to address these. The increasing incidence of seasonal migration accompanied by child migration provided the context for undertaking the study.

Methodology adopted

The study was based on secondary sources re-enforced by stakeholder consultations and interviews.

Secondary Data Research: The study team undertook secondary desk research to map incidence of child migration and analyse all child rights' violations pertaining to migrant communities in Gujarat (intra and inter- state distress migration for all purposes) following the framework of UNCRC (Article 1 to 41, particularly). (An overview of UNCRC: https://www.unicef.org/crc/files/Rights_overview.pdf). In view of paucity of published material on the subject,

Key Informant Interviews: Where required key informant were interviewed in person or on phone.

Multi stakeholder Consultation: Three multi stakeholder consultations were held in the three major regions of Gujarat to generate a discussion and get insights, which have fed the outputs. The reports of the three consultations are attached as Annexure 2.

Structure of the report

The report is divided into three chapters following the introduction. The second chapter looks at the definitional issues around migration to understand the type of migration that the study

focuses on and reasons for the same. This is followed by a tabulated list of works (published and unpublished) that capture the phenomenon of child migration in Gujarat.

The third chapter documents the incidence of child migration in Gujarat and violation of rights faced by migrant children. It is primarily based on the reports of civil society agencies that have been working on the issue and academic publications.

The third chapter provides recommendation for addressing the violations of the rights of migrant children. It is divided into two sections. The first section provides the recommendations aligned along the eight pillared Protective Environment Framework developed by Landgren (2005). The second section is a note arguing that Child Protection Scheme should include migrant children its definition of ‘child in need’ and then monitor the situation of migrant children.

The bibliography that follows the text is divided into two sections – one that is Gujarat specific and one that is generic.

The reports of the three consultations are given in Annexure 2. The annotated bibliography is given in Annexure 3. The list of persons consulted for the study is given in Annexure 4.

Understanding Seasonal Migration: Definition and Situation in Gujarat



Considering the diversity of internal migration, it is best to arrive at a definition that would identify the type of migration the report addresses in the very beginning. The first section of the second chapter focuses on this important aspect. This is followed by estimates of the seasonal migrant population and its profile. The estimates are available at the national level only. The last section is an is a table that lists the works that capture child migration in Gujarat.

Definitional issues: What type of migration does this study deal with?

Migration occurs for a variety of reasons for different groups of people, and migrants are involved in different kinds of migration streams over diverse periods. Migration is also characterized by enormous economic and social diversity spanning across socioeconomic variables such as caste, landholding size, age, sex, education, family size and composition, activity, consumption levels and more. It is therefore necessary that it be made clear in the beginning as to what type of migration is this study dealing with?

One of the leading scholars on migration studies Prof. Ravi Srivastava has defined three types of migration (Srivastava 2011) – permanent, semi-permanent, or long-term circular, and seasonal or circular.

Migration can result in the permanent relocation of an individual or household, which we may term permanent migration. But if individuals migrate leaving their families and land and property in the area of origin, they may do so with the intention of reverting back to the area of origin. This is more likely to happen if the individuals have precarious jobs in the destination areas or if the cost of permanent relocation is high relative to its benefits. In such a case, although individuals may find a toehold in the destination areas, we may term such migration as semi-permanent or long-term circular. If individuals, or groups of individuals, migrate for temporary periods, either moving from place to place or to a fixed destination, such migrants

are seasonal or circular migrants. Usually, these three types of migrants have different modal characteristics (Srivastava 2011 p10).

This study is concerned primarily with the migrants in the last category – the short term seasonal circular migrants. The reason being that this is the category that is referred to when the term distress migration or unsafe migration is used. This category of migrants comprises of the most deprived communities. This is not to say that other migrants – especially the semi-permanent migrants do not face problems in destination areas. However, the assumption here is that the development interventions should focus on the most deprived category first.

Both macro-data and field studies show that seasonally migrant labour belong to the most poor and deprived sections of society such as the Scheduled Castes (SCs) and Scheduled Tribes (STs) and Other Backward Classes (OBCs). These migrants are a product of individual and household livelihood deficits (generally due to absence of assets) and regional resource and livelihood deficits. Migration provides subsistence to the workers and their families, but exposes them to a harsh and vulnerable existence, in which working and living conditions are poor (ibid page 21).

While it is easy to distinguish between permanent migration and seasonal migration, the difference between the remaining two categories – the semi-permanent and seasonal – is more nuanced. While the three categories are distinct enough to be classified as separate categories, there may also be a continuum in certain cases. This can best be explained with live examples. The migration of power loom workers from coastal Odisha to Surat city needs to be placed in the semi-permanent category with workers living in Surat round the year but still traversing between home and destination as they find it difficult to rent / own a house in Surat. However, some workers have begun to settle down and bring their families to Surat thus moving into the first category of permanent workers. On the other hand, movement of sugarcane harvesting workers to farms in South Gujarat that takes place every year post monsoon is an example of the third category. Even though it takes place every year and workers come with their families, there is no chance in the short term of this migration converting into permanent migration.

The migration of tribal construction workers from Dahod cluster to Surat offers another interesting category. It falls in the third category. However, some of the workers who stand at the *nakas* (labour stands) that serve the inner-city market, have been based in the city for up to a decade or more. In a survey, 20 percent workers reported having lived for more than a decade in the city. They mostly stay with their families by the roadside in untenable slums that are periodically razed by the Municipal Corporation. In this case it could be said, migration by these workers is of semi-permanent category.

Magnitude of seasonal migration

Most of the migration data on migration comes from Census and National Sample Survey Organization (NSSO). However, both these data sets do not capture adequately the category of seasonal migration. These data sets capture permanent migration and to some extent the second category of semi-permanent migrants. NSSO has made attempts to capture information on different aspects of migration including its seasonality through its 55th and 64th round. NSSO

captured data on short term migration during 2007-08 in its 64th round. Report No. 533 presents findings of this round. Short term migration was defined as migration for 30 days to six months during the previous 365 days. At the all-India level the rate of short-term migration was 1.7 per cent in the rural areas and almost negligible (much less than 1 per cent) in the urban areas. Moreover, in the rural areas, the rate was nearly 3 per cent for the males and less than 1 per cent for females (NSSO 2008). There were an estimated 15.2 million short-duration out-migrants, of whom 12.9 million (85.1 per cent) were male, and 13.9 million (71 per cent) were rural out-migrants (that is, census-adjusted figures). The report has been critiqued by independent researchers as not capturing the phenomenon of seasonal migration completely. The duration of seasonal migration in some cases may be more than six months. Further many times the whole family migrates together. Seasonal migration in brick kilns exhibits both these characteristics.

Srivastava made an estimate of nearly 45-50 million short term seasonal migrants as given below

The recent nationwide employment data show that in 2009–2010, there were an estimated 91.4 million casual workers in agriculture and 58.6 million casual workers in non-agriculture. Of the latter, 32 million were employed in the construction industry alone. Casual workers in construction work in and around large urban centres are principally migrants. Some studies have estimated that 90–95 per cent of casual workers are migrants. But the figure may be lower in small towns and rural areas. Rough estimates by the authors show that about 35–40 million labourers – almost half the number of casual labourers outside agriculture – and 10 per cent of agricultural labourers (about 9 million) could be seasonal migrants. It is more difficult to put a figure on circulatory migrants who are self-employed or work on regular wages. But several million circulatory migrants work either as self-employed in the informal sector or as informal regular workers on piece rates or wages. These numbers constitute a very large segment of workers and a large proportion of waged and self-employed workers in the non-agricultural informal economy (Srivastav 2011page 26)

Further studies show that this is on the rise. The NSSO data of 64th round shows an increase in seasonal migrants over its 55th round, even though there was a slight change in definition. Deshingkar et al. (2008) in their study of villages in Andhra Pradesh and Madhya Pradesh between 2000–2001 and 2006–2007 indicate an increase in seasonal migration. The percentage of households involved in seasonal migration grew from 40 per cent to 52 per cent over the survey periods. Mosse et al. (1997) also report an increase in seasonal migration in the Bhil villages studied by them.

Profile of seasonal migrants

The NSSO report on seasonal migration has some interesting findings. The phenomenon of short-term migration is closely related with the economic status of the population. Incidence of short-term migration is highest for the lowest economic class and then reduces with increase in income. Another interesting finding is that Gujarat in spite of being a developed state has very high rate of short-term migration when compared to other states. In fact, for rural population, the incidence of short-term migration is highest for Gujarat. Further Gujarat has

also the highest short-term migration rate for rural females. It is highly likely that the high rates of short-term migration are based on the high incidence of seasonal migration from the tribal belt of Gujarat.

It may be noted that construction, agriculture, and manufacturing together absorbed nearly 80 per cent of all male and 93 per cent of female short-term migrant workers from rural areas. Of all the rural male short-term migrant workers, nearly 43 per cent were engaged in construction while agriculture and manufacturing employed nearly 20 per cent and 17 per cent of male short-term migrant workers, respectively. Nearly 45 per cent of female short-term migrant workers were engaged in agriculture, while construction and manufacturing employed 34 per cent and 14 per cent of female short-term migrant workers, respectively (NSSO 2008).

Most seasonal/short-duration out-migrants were young. Half of them were in the age group 15 to 29 years and more than a quarter in the age group 30 to 44 years. Fifty-two per cent were either illiterate or had not even completed primary education and 55.4 per cent were casual workers.

Annotated Bibliography

The study team came across 21 reports that had some references to child migration in Gujarat. These have been annotated and attached in the annexure. The list of these reports and the migration stream dealt with is given in Table 1 below. The detailed annotated bibliography is given in Annexure 3.

Table 1: List of reports that have information on migrant child labour in Gujarat

<i>S.no</i>	<i>Title of the work</i>	<i>Migration Stream</i>
1.	Understanding the contours of child labour among migrant communities working as cotton farm labour in Morbi and Maliya, Gujarat.	Sharecroppers of Maliya and Morbi
2	Development's Forgotten Children – Child Labor in Cottonseed Production in North Gujarat and South Rajasthan.	Condition of children working Bt. Cotton seed Production in North Gujarat
3	Situation of Tribal Migrant Labourers of Sabarkantha and Banaskantha Districts of North Gujarat	Children who work as agricultural laborers from tribal communities of Banaskantha and Sabarkantha
4	A study on the Children living on streets in Gujarat.	Street children across Ahmedabad, Sura, Rajkot, Jamnagar, Vadodara, and Bhavnagar
5	Child Labour in Informal Sector: A sociological Study.	Chapter on child workers in diamond polishing industry of Surat

6	Migrant Construction Naka Workers in Ahmedabad: A Study of Housing Conditions, Migrants' Perspectives, And Future Directions.	Living conditions of Naka workers and their families in Ahmedabad
7	They Leave Their Homes to Build Ours- Issues and Perspectives of migrant construction workers in Surat, a study	Living and working conditions of the migrant construction workers and their families in the city of Surat
8	Dahod District Migrant Adivasi: Study of problems.	Household survey of 14 talukas of Dahod to understand migration among the tribal families
9	Socio-Economic Status and Educational Attainment and Challenges of Denotified, Nomadic and Semi-Nomadic Tribes: A study of (a) Western & Northern States –Maharashtra, Goa, Gujarat, Madhya Pradesh & Chhattisgarh (b) Southern States-Andhra Pradesh& Telangana, Karnataka, Tamil Nadu& Puducherry.	The study offers details of the communities (and their families) of Nomadic and Denotified tribes in the state of Gujarat along with their geographic locations
10	Legal primer: Child labour in cottonseed farming.	authors examine the ground reality vis-à-vis the legal framework within the country as well as ILO labour standards
11	Education and Maldhari children in Vagad, Rapar (Kutch District, Gujarat) in the context of migration. (unpublished report)	Status of education among the children of Maldhari community in Vagad (Kutch District)
12	The Diamond Industry in Surat City (Gujarat), Child Labour in India	Conditions of child labour in the diamond industry of Surat
13.	Wage share croppers in Saurashtra.	Children of sharecroppers in Saurashtra
14.	Wage Labour Atlas of Brick Kiln Workers	Listing of all the brick kilns of Gujarat, and children present in them
15.	Caught in a perpetual cycle of indebtedness: Sugarcane Harvesters of South Gujarat.	Living and working conditions of sugarcane harvesters and their families including children, of South Gujarat in 2014-15.

16.	A Bitter Harvest: Seasonal Migrant Sugarcane Harvesting Workers of South Gujarat (Finding of a Research Study)	The study maps 6596 workers, their families, children who migrate to work in the sugarcane fields of South Gujarat in 2016-2017.
17.	Surat District NCLP Survey by PRATHAM	Survey conducted (in 2016) was to develop comprehensive understanding about the issue of Child Labour in South zone of Surat city
18.	Police in Gujarat rescue child workers in major crackdown on imitation jewellery, article in Reuters	Rescue operations that revealed the condition of child workers in the imitation jewellery sector in Rajkot
19.	Potato Chips and Child Exploitation: A Story of Innocence Lost in Labour	Children working in the potato farmlands of Gujarat
20.	Cotton's Forgotten Children: Child Labour and Below Minimum Wages in Hybrid Cottonseed Production in India	Trends in the employment of children and the issue of below minimum wages in hybrid cottonseed production in Gujarat, India.
21.	Trapped: A cycle of Poverty, Migration, and Exploitation.	Condition of sugarcane harvesters' households and their children migrating from the Dangs

Chapter 3

The Universe of Migrant Children in Gujarat

Incidence of Child Migration, Violation of Rights, and State Initiatives



The overwhelming number of migrant children can be divided into two categories – those who migrate for work without their parents and those that migrate with their parents. The first category of children normally gets classified as child labour and are recognized as such by the state. The second category of children poses more problems in definitional terms. These children who have not been hired by employers but accompany their parents.

Children who migrate to work unaccompanied by their parents can be considered to be under neo bondage as their parents have been given advances in most cases. Child labour in most cases being illegal, the mode of recruitment and transport of children to Gujarat may be considered to attract provisions of human trafficking.

Children who are not hired by employers but accompany their parents who migrate for work also often end up working. However, they are rarely recognized as such by the state and are not the subject of state action.

This chapter is divided into two main sections dealing with these two types of migrant children. In each section, the migration streams where child migrants are found are described in some detail to capture the particular conditions of each sector. An attempt is made to guesstimate the number of child migrants in each of the stream. This is followed by a description of the violation of rights of children for each of the broad category. Finally, an assessment of the state action to address violation of child rights is done.

Migrant Child Labour in Gujarat

Though it has been reducing over the years, Gujarat still has significant number of child labourers. A presentation estimated the number of child laborers in 2011 to be 2.9 lakh. However, this figure being based on census data is not likely to include seasonal migrants. A high proportion of child labour in Gujarat is likely to comprise of migrant children. Data on rescued child labour shows that during the five years 2012-16, 75 percent of the children rescued through state Task Force were from outside the state (Labour Department presentation 2017). It is highly likely that a large proportion of child labour from within Gujarat were also intra state migrants.

Child labour is employed across a variety of occupations and employments. These include agriculture, brick kilns, construction and industries. Children are employed for work / processes that are labour intensive and can be undertaken by children easily. Some of these sectors/ migration streams have attracted wide media coverage and stringent response as is the case with cottonseed plots and sari cutting/ folding in Surat textile market. However newer streams keep emerging as is the case with imitation jewellery in Rajkot and potato digging in North Gujarat. The major sectors that employ migrant child labour are described below.

Cottonseed plots of North Gujarat

Cottonseed production in North Gujarat districts of Banaskantha, Sabarkantha, Patan, and Mehsana is infamous for child labour. A number of studies have documented high incidence of child labour in cottonseed production since 2008 when the issue first came to light (Khandelwal, Katiyar and Vaishnav 2008). The most recent one is published by PCLRA in 2019 (Banday and Chakravorty 2019).

The 2019 study reveals following trends:

- There has been a shift in cottonseed cultivation from non-tribal plots of Banaskantha and Sabarkantha to tribal plots of Sabarkantha and Bodeli in Gujarat and Udaipur and Dungarpur in Rajasthan.
- Overall there is a declining trend in incidence of child labour. However, it still remains significant. What has happened that the migrant child labour has converted to household child labour as production has shifted from non-tribal plots to tribal plots.

Number of migrant children in cottonseed production: This can be calculated from the cottonseed production area in Gujarat and average number of children per acre. The 2019 study estimates the total acreage in 2017 to be 65,000 acres that can be broken further into tribal and non-tribal plots. The tribal plots controlled by Sabarkantha organizers are spread in Rajasthan and Gujarat in a contiguous belt. Assuming these to be equally divided between the two states, it can be surmised from the study that there is 17,000 acres of production in non-tribal plots of Sabarkantha and Banaskantha of Gujarat while another 27,000 acres is under production in tribal parts of North Gujarat and Chhota Udepur. Assuming 10 workers per acre, and incidence of child labour and adolescent labour to be 12 percent and 20 percent respectively, we get 20,400 migrant children (6-14 years) and 34,000 migrant adolescent children (15-18 years) engaged in cottonseed production in non-tribal plots. The sex ratio is given as 44 percent for

children, 32 percent for adolescents, and 37 percent overall. Nearly all these children are likely to be tribal. It is to be noted that an even higher number of children are likely to be employed in tribal plots of North Gujarat and Bodeli in Chhota Udepur. However, these are being discounted as they do not constitute migrant children. These children are likely to be from within the household or from within the same village.

Table 2: Migrant Child Labour in Cottonseed Production

<i>Age group</i>	<i>6-14 years</i>	<i>15-18 years</i>	<i>Total</i>
Migrant children	20,400	34,000	54,400
Child labour but not migrant	32,400	54,000	86,400

Cotton Ginning

This is an industrial process where cotton fibre is separated from lint. The industry is concentrated in North Gujarat and Rajkot-Junagadh region of Saurashtra. Kadi town in Mehsana was the hub of industry with more than 100 ginning factories. It was also infamous for child labour. Tribal children and adolescents were recruited from South Rajasthan districts of Udaipur and Dungarpur. Children were employed to look after the automated machinery and cleaning and sweeping. The industry was infamous for high incidence of both fatal and non-fatal accidents that led to loss of limbs (Patel 2011). Concerted civil society action and mechanization has led to significant reduction in child labour. However, it has not disappeared completely.

Sari Cutting and Folding in Surat Textile Market

Surat is a huge textile market with all processes from cloth production to dyeing and printing to wholesale represented in the city. The textile wholesale market employs children to cut, fold, and package saris. Child labour comprises of both local and migrant children. The migrant children used to come from tribal block of Gogunda in Udaipur district of Rajasthan. There have been a number of rescues and attempts at rehabilitation. However, incidence of child labour continues as evidenced by a recent rescue in Rajasthan (Dainik Bhaskar 2019) and the Pratham report for NCLP Surat (Pratham 2016).

Zardozy Embroidery Work

Zardozy is a form of embroidery with metallic thread, chiefly gold and silver. Surat has a huge demand for this type of embroidery. The process of doing Zardozi embroidery starts with the craftsmen sitting cross-legged around the Addaa, the wooden framework, with their tools. The tools include curved hooks, needles, salmaa pieces (gold wires), sitaaras (metal stars), round-sequins, glass & plastic beads, dabkaa (thread) and kasab (thread). The second step in the process is to trace out the design on the cloth, if possible, fabrics like silk, satin, velvet, etc. The fabric is then stretched over the wooden frame and the embroidery work begins. Needle is used to pull out each zardozi element and then, it is integrated into the basic design by pushing the needle into the fabric. This work is outsourced as home-based work. There are reports of both local and inter-state children employed in the work. While local children are part of the

family unit, it is reported that migrant children are brought in from Bihar and Bengal for this work.

Imitation Jewellery Work in Rajkot

Rajkot is a major centre for production of imitation jewellery in India. The industry employs up to two lakh workers with a turnover of Rs. 1000 crores (TOI 2016). There is significant home-based production. There are reports of significant child labour in the industry. In April 2018, Rajkot police rescued over 70 children and arrested about 25 people. The operation was undertaken after two children escaped from an employer and reported abuse and harsh working conditions. Most of the rescued children were from poor families in West Bengal who were brought to the city by contractors promising to pay them a monthly salary of 6,000 rupees. Children worked day and night, about 10 to 12 of them shared a room, and in some cases, they lived where they worked. After a rescue of children in one of the units, it was reported that the children were only paid half the amount that was promised to them at the time they were brought to work in Rajkot (Shrivastava 2018).

Industrial units in Rajkot

Rajkot is a hub of many industries like kitchen utensils, diesel operated water pumps, small electronic items. The industry employs migrant workers who come with their families and live around the industry where they find employment. Tribal workers from Dahod and surrounding regions are also beginning to get employed in the industrial cluster. Children of these families find employment in industries in jobs that they can perform like packaging. A rapid appraisal indicated that there could be 3000 children employed in just one such cluster of Chhapar Veraval (Bahujan Samajik Trust 2019).

Hotel industry

The hotel industry is infamous for its employment of children. Normally the practice is associated with road side *dhaabas* that employ children for back end operations in kitchen and as serving staff. However, in a recent case, children were rescued from a well know restaurant in Ahmedabad, indicating the lure of child labour for bigger operators as well information shared by Labour Department shows that more than one third child labourers rescued in 2018-19 came from this sector.

Agriculture

Agriculture is a labour-intensive sector. Children are employed in a large number of operations that are doable by children easily. Cottonseed cultivation has been discussed earlier. Listed below are some other agriculture operations where presence of child labour has been reported:

- Cotton picking: Gujarat is a major producer of cotton. There are reports of children being employed in picking cotton that is a manual labour-intensive operation (ANANDI nd).

- Potato farming: There are recent reports of tribal children from Rajasthan being ferried to work on potato farms of Gujarat (Swami 2019).
- Orchards in North Gujarat: Tribal children from South Gujarat are recruited to work in orchards of North Gujarat for a number of operations that they can undertake easily.

These are just some sample agriculture operations where there have been reports of migrant tribal children from South Rajasthan being employed. There could be many more such operations where children are employed.

An overview of child labour

The table below sums up the situation of child labour across major sectors that are identified above.

Table 3: Overview of Child Labour in Gujarat

<i>Migration stream - sector</i>	<i>Social profile</i>	<i>Source area – state, district, taluka</i>	<i>Destination area District/ taluka/city</i>	<i>Number of migrant child workers (10-18 years)</i>
Cottonseed plots	Tribal	Rajasthan – Udaipur, Dungarpur	Banaskantha - Diyodar Sabarkantha - Idar	54,400
Cotton ginning	Tribal	Rajasthan – Udaipur, Dungarpur	Mehsana, Sabarkantha	
Sari cutting folding	Tribal	Rajasthan - Udaipur	Surat	
Zardozi work		West Bengal	Surat	
Imitation jewellery		West Bengal	Rajkot	
Industrial area	Tribal	Gujarat, MP - Dahod cluster	Rajkot	3000
Rice mills			Ahmedabad	
Hotel industry			All over	
Agriculture – cotton picking,	Tribal			

Violation of rights of migrant child labour

The migrant children employed directly by employers are likely to be denied following rights due to them according to CRC.

Article 6 (Survival and development): Children have the right to live. This right is in danger because the children are forced to live at work place/ in confined spaces in a very unsafe

environment. At cottonseed farms there have been many fatal accidents because of inadvertent ingestion of pesticides by children, snake bites, and other causes.

Article 9 (Separation from parents): All the children are separated from their parents, sometimes by a huge distance. In cottonseed farms, where the distance was not so huge, every year there would be stories of children running away back to their homes.

Article 19 (Protection from all forms of violence): Young children working on their own have a high chance of suffering frequent abuse and violence at the hands of the employers. This happens frequently at cottonseed plots and came out vividly in the paintings made by children at their homes in the study sponsored by CLRA (Banday and Chakraborty 2019). The raid at imitation jewellery producers in Rajkot in 2018 cited earlier happened because children skipped and reported abuse at work place.

Article 24 (Health and health services): The child labour referred to above is illegal. It is kept hidden from public eye by employers and contractors. Therefore, there is no outreach of Government health services for these children.

Article 28 (Right to Education): The working children are denied the right to education as they miss out on school while working.

Article 31 (Leisure, play and culture): There is no space or time for leisure and play. Work hours are long. And because of the hidden nature of work, it is not possible for children to come out openly.

Article 32 (Child Labour): Children below 14 years are working at cottonseed plots in violation of Child and Adolescent Labour (Protection and Regulation) Act. While some of these sectors do not come under the prohibited list for adolescent workers, but even in such cases the regulations are violated.

Article 34 (Sexual exploitation): Migrant child labourers live at work site or in confined spaces under the supervision of their supervisor. They have high chance of being sexually exploited. A number of such cases have been reported from cottonseed plots¹.

Article 35 (Abduction, sale and trafficking): Children are recruited in trafficking like conditions from their homes. Sometimes the traffickers recruit children and traffic them without even the consent of their parents.

Children Migrating with Their Parents

There are a number of migration streams where the whole family migrates. Prominent examples of such migration streams are brick kilns, sugarcane harvesting, wage share cropping (*bhaagiya*), construction, and salt making. In these streams, family is the unit of deployment. To illustrate, in brick kilns, moulding of bricks is a group activity where more than one person is required. Similarly, in sugarcane harvesting, a unit of two persons – called *koyta* – is the unit

¹ Dakshini Rajasthan Majdoor Union, a trade union of cotton seed workers, registered three cases in Gujarat related to sexual harassment of young girls in cottonseed plots during 2007-10.

of deployment. In such cases, where both husband and wife migrate, children often accompany their parents. It is not possible to leave behind young infants below a certain age at home. Older children who are studying in school, are often left behind if there is some family support at home. However, when the same is not possible, then these also accompany their parents to the work site. Children are also needed at work place. Slightly older children contribute to family income and they may also be needed.

Children who migrate with their parents who are seasonal migrants are also very vulnerable in many respects. When migration takes place as a family unit, each member of the family unit, excluding infants, contributes to family subsistence in one way or another: in work or as part of the household 'care' economy. For children, the work environment means unusual harshness and deprivations. All studies show that seasonal migrants are generally in the prime working ages (18–45 years). Since these migrants come from the poorest and economically the most vulnerable sections of the working population, their own educational attainment is negligible. A majority of those who are married in this age group have young children. Migration of either one or both the parents has the potential of reducing the child's probability of being educated. Whenever both men and women migrate, more often than not, migration takes place as a family unit also involving children (Srivastava 2011b, p 29).

The major migration streams where family migration takes place, the number of migrant children in these streams, and the violation of child rights taking place are described in sections below. It needs to be noted that there is no systematic data available that would detail the number of children in these migration streams. What is available are studies by academics and civil society agencies that engage with the workers for various development objectives. Therefore, number of children are in the nature of guesstimates and need further verification.

Brick kilns

Fire baked mud bricks are the basic building block in Indian construction industry. Always dominant in the Indo Gangetic plains, in recent years, fire baked mud bricks have emerged as construction material of choice in Gujarat as well. The brick industry is characterized by small scale, decentralized production units mainly situated in rural and peri-urban areas catering to construction industry. One of the defining characteristics of the brick kiln production in India including Gujarat has been its manual nature. The major tasks of making bricks, carriage of bricks to the kilns, removal of baked bricks from the kiln, and firing of kiln are all manual. The labour for the brick kilns is sourced through a vast network of contractors from remote rural pockets with concentration of poverty. For Gujrat, the major source states are Chhattisgarh, UP, and Rajasthan for Central-North Gujrat and MP and Maharashtra for South Gujarat. The workers are recruited against advances and then bound for the whole season. Workers migrate with their whole family including children and stay at the worksite for the duration of the season that may last six months or more. Children work alongside their parents to ensure that the production quota is met. The work conditions fall under the legal definition of bondage as described under The Bonded Labour (Abolition) Act 1976. Every year many workers are released from bondage in brick kilns and sent back home (Prayas Centre for Labor Research and Action 2012).

The study undertakes a listing of all the brick kilns in Gujarat. It undertakes a social demographic study of brick kiln workers using a variety of data sources – primary survey conducted at different time by PCLRA and Government ICDS survey. The total number of brick kilns in Gujarat is estimated to be 1637 of which 1199 are masonry chimney, 150 moveable chimney, and 288 stacks. Total workforce is estimated to be 2,15,360.

Number of children at brick kilns: The study uses sample data collected by ICDS to estimate 33 children below 6 years of age at every kiln. It estimates 20 children at every brick kiln in the 6 to 14 years age group based on primary sample survey by PCLRA. The difference between the two figures also arises from the fact that almost one third children in the age group 6-14 years are left behind in source villages, more than double the proportion for the lower age group. The ICDS data also gives the number of adolescent girls at every brick kiln to be six. Doubling this figure to account for male adolescents as well, we estimate 12 children in the age group 15-18 per kiln. Extrapolating these figures for the total number of brick kilns in Gujarat, and assuming a 10% reduction in total number of brick kilns since year 2012, we get following figures for total number of children at brick kilns in Gujarat.

Table 4: Number of Migrant Children at Brick Kilns

<i>0-5 year</i>	<i>6-14 years</i>	<i>15-18 years</i>	<i>Total</i>
39,979	24,228	14,796	79,003

Wage share cropping

This is a major migration stream where tribal workers undertake contracts for supply of labour on farms in plains of Gujarat for specific crop cycles. The duration of the contract may vary from a single crop season to the whole year. Most medium and large size farm holdings of peasant communities will have at least one permanent farm hand. Earlier the workers would come from local *dalit* communities who were mostly landless. However, the trend in many parts of Gujarat is now to hire tribal families who undertake farm work in lieu of a share of the harvest and are known in local parlance as *bhaagiya*. The most prominent such movement happens from Dahod and surrounding districts to Saurashtra region. However, there are similar movements in other regions of Gujarat. South Gujarat receives agriculture laborers from Alirajpur district in Madhya Pradesh and local Dubla tribal communities in Tapi district. Tribal workers from around Nandurbar in Maharashtra and Sendhwa in Madhya Pradesh are also beginning to migrate for wage share cropping to Saurashtra. In Sabarkantha district bordering Rajasthan, majority of the share croppers come from Kotda block of Udaipur district in Rajasthan.

The Saurashtra study carried out in the year 2010 covered 876 respondents in three districts of Saurashtra – Jamnagar, Rajkot, and Amreli. The study shows that share croppers were almost equally divided between Gujarat and MP as their source state. More than 80 percent came from contiguous districts of Dahod, Panchmahal, Jhabua, and Dhar. In 82 percent of the cases, children migrated with their family. Of the children who migrated, only 20 percent were enrolled in schools in destination. Rest remained out of school. The study noted

Education of children of migrants is highly affected during migration. Even though a few children who stays nearer to the villages, continue schooling since they get mid-day-meal. Otherwise parents have least concern about education of their children. They are not much optimistic about education and wishes that their children should start work as labourer from the age of thirteen to fourteen. No children are found studying beyond primary level. The children of migrants of Madhya Pradesh are found not continuing school since they face language barrier (PCLRA 2010).

It was reported that *bhaagiya* families will sometimes even bring a child from outside the family to look after the infants and do household chores (ANANDI nd).

Another paper by Bannerjee (2010) reports that, ‘*Care of children is a problem and they have to be taken along to places of work where they sometimes meet with accidents*’. This study notes a case of wage share croppers in Nandurbar district of Maharashtra who got held back for a month as they were to be issued Unique Identity Cards by the Prime Minister Manmohan Singh himself. As soon as they received their cards, they left for Saurashtra.

ANANDI has been working with tribal migrant wage share croppers in Maliya and Morbi blocks of Morbi district in Saurashtra. In a study, it documented 227 wage share cropper families in 15 project villages. Of these 70 percent were from MP and 24 percent from Gujarat. The study enumerated children in the age group 6-14 years. Only 29 percent were attending school. Rest were engaged in child labor (ANANDI nd). The study noted:

Typically, cotton's child labourers – some as young as five – rise in the early morning to face a day of demanding work, manually picking the cotton, and carrying the harvest in heavy loads on their backs. They sow; weed the fields; remove cotton pests; and in some cases, spray the crops with hazardous pesticides

SSA Rajkot reported 3000 migrant children in agriculture fields of Rajkot district during the multi stakeholder consultation at Rajkot.

Number of children: There are a total of 650,013 medium and large agriculture holdings in Gujarat according to the report The State of Gujarat Agriculture 2011-12 (Swain and Kalpana 2012 p 20). If it is assumed that at least 10 percent of these holdings have a tribal migrant wage share cropper, then we get 65,000 wage share cropper families in all of Gujarat. If 80 percent of these families have at least one child with them, then we get a total of 52,000 migrant children at farms of Gujarat.

Construction

Construction is another industry that thrives on migrant labor. The construction workers market can be split into two segments – one that caters to new large projects and one that caters to the repair, maintenance, and small construction needs of the existing building stock of the city. For large projects, workers are hired directly from their villages through labor contractors. The repair market for existing stock is fed by the *naakas* in the city where workers come to find work on almost a daily basis.

While the construction market is dominated by single male workers, there is significant presence of workers who migrate with the family. In Gujarat, the single largest source of construction workers is the trijunction of three states – Gujarat, MP, and Rajasthan – contiguous to Dahod district in North Gujarat. The main districts in this cluster are Dahod and Mahisagar in Gujarat, Banswara in Rajasthan, and Jhabua, Alirajpur and Dhar in Madhya Pradesh. Workers from this cluster prefer to migrate with their families. These workers serve both the inner-city market for repairs and the site works, especially the smaller sites. On the larger sites, construction work is undertaken by national level construction companies who source their workers from the eastern and northern states. Majority of these workers are single male. However even here the tribal workers may be recruited for some work, mostly earth digging that cannot be carried out by machines. The tribal families that serve local inner-city repair market live in squatter settlements all over the city. The site workers live near the site in housing colonies provided by builders at large sites and in makeshift settlements at smaller sites.

Extracts from a number of studies are quoted to show that there is significant family migration in the construction sector in both inner city markets served by nakas and the big site market where workers are brought in directly from their homes.

CFDA study on migration: The study is based on a sample of 100 plus workers from each of the three migration streams of construction (Ahmedabad), textile (Surat), and diamond cutting (Ahmedabad). The findings show that

The data show that 28.57 % construction workers, 49.04 % textile workers and 49.07 % diamond workers have migrated with their families, and overall 43 % workers have migrated with families. The conditions of the construction workers are the worst of all. Only 16.67 % of these families live in pucca houses, 37 % live in makeshift houses and 47 % live in pucca houses, usually tin sheds provided on worksites by the employers. 67 % of these families do not have access to electricity, 57 % have no water supply nearby, 74 % have no toilet facility and 74 % do not have any bathroom facility. 74 % families do not have an easy access to medical facilities. It is important to note that 90 % of their children do not go to school. In other words, they live a tough life in the city mainly to be able to survive (Hirway, Singh, and Sharma 2014).

Ahmedabad BSC (now known as HDRC) study: The study covers total 19 places for primary data collection, of which 14 are labour *naka* (8 from Eastern and 6 from Western regions) and 5 are construction / work sites. In all 970 labourers have been covered, of which 780 labourers from *naka* and 190 from work sites under the study. It estimated a total of 84,682 workers divided roughly equally between nakas and work sites. The seasonal migrants comprised of 60 percent of the total workers (BSC 2009).

Surat study: Proportionate sampling was done and each Naka was covered to get representation from each Naka. Major construction sites were visited to get representation of onsite workers. In total 938 construction workers were covered during the study, 18% of these were on site workers. Among the family members of the construction workers in the age group 7 – 14 years, nearly half (49%) did not have any formal education, higher than two fifth (45%) are continuing their studies while 7% reported being enrolled but discontinued their studies. Cross tabulation

of education status variable with place of residence reflects that among the children of age group 7 – 14 years residing in Surat, three fourth (70%) did not have any formal education while only one fifth (21%) reported continuing their studies (PCLRA 2012).

Aajeevika Bureau has been running creches at construction sites in Ahmedabad since last two years. The agency enrolled 767 children between 0 to 12 years at six sites of Ahmedabad. The approximate number of workers at these sites was 1800. This shows the presence of a large number of family migrants at brick kilns with their children (Jagjit Singh e mail message to author on 2nd July 2019).

Prayas CLRA has been working with the settlements of tribal construction workers in cities of Ahmedabad and Surat for almost one decade. Nearly all these workers come from the Dahod tri junction area referred to above with their families and stand at the city nakas for work. Prayas has carried out mapping of these settlements. The results of such an exercise in 29 settlements in Ahmedabad in the year 2015-16 showed that these households had 1112 resident households while another 726 households were not present at the time of survey. The exercise mapped 833 children in the age group below 6 years and 831 children in the age group 6 to 14 years. Thus, every resident family had 1.5 children in the age group 0-14 years. PCLRA mapped a total of 49 such settlements in Ahmedabad (as conveyed to author on 3rd July 2019).

In Surat city, PCLRA mapped 1869 families of construction workers across 30 settlements. More than 93 percent families were tribal. Forty seven percent came from MP, 24 percent from Gujarat, 20 percent from Rajasthan, and nine percent from Maharashtra. There were 694 children in these settlements in the age group 0 to 14 years. Thus, every third family had a child in this age group.

Number of migrant children: The studies mostly focus on metro cities like Ahmedabad and Surat. However, construction work is carried out all over the state. The CAG report in the year 2014 estimated a total workforce of 12 lakh construction workers in Gujarat (CAG 2014). If it is assumed that 10 percent of these workers have migrated to work with their families, then we get 1.2 lakh family workers in construction. Assuming each family to have two workers, we get 60,000 families working in the construction sector in Gujarat. If it is further assumed that at least 80 percent of these families have at least one child with them, then there are 48,000 migrant children in the construction sector in Gujarat.

Sugarcane harvesting

It is estimated that between 1.5 to 2 lakh workers migrate from tribal hinterland to undertake harvesting of sugarcane in South Gujarat every year (PCLRA 2017). Workers mostly come from Dang and Tapi districts of Gujarat and Nandurbar and Dhule districts of Maharashtra. They are primarily tribal. The workers migrate with their families. While some children of school going age are left behind, majority accompany their parents to sugarcane fields.

The 2015 study by Prayas estimated that enrolment rate for 6-14 age group was 42 percent while it fell to 10 percent for 15-18 age group indicating that these adolescents has joined the workforce. Almost 16 percent household members are left behind. Majority of those left behind – a little more than three quarters are children studying in schools. Of the children left behind,

majority are left with their family or relatives. Only 17 percent (52 children) were reported being left behind in hostels (PCLRA 2015). The Swapath study of 2018 has very similar findings. The study reports that 60 percent families reported leaving behind some or all of their children. However, of the children left behind, only 20 percent were enrolled in residential schools. Rest were with their relatives or on their own (Visaria and Joshi 2018).

The age group distribution of 18820 persons present at labour camps of sugar factories undertaken in the 2017 PCLRA study shows that 61.2 percent were adults above 18 years while 10.1 percent were between 15 to 18 years of age, 11.3 between 7 to 14 years, and 17.4 were 6 years and below (PCLRA 2017). Assuming the workforce to be 1.75 lakhs and 15 to 18 years to be included in this workforce, we get following estimates for presence of migrant children at sugarcane camps in South Gujarat

Table 5: Number of Migrant Children in Sugarcane Harvesting

<i>0-5 year</i>	<i>6-14 years</i>	<i>15-18 years</i>	<i>Total</i>
43,000	28,000	25,000	96,000

Salt production

The saltpan workers, one of the most backward sections of Gujarat society, migrate towards the Little Rann of Kutch after the monsoons in order to produce salt to eke a living in a harsh atmosphere. About 75 per cent of them belong what is called Nomadic and De-Notified Tribes (NDNT) in government registers, followed by scheduled castes or SCs (10 per cent) and scheduled tribes or STs (10 per cent). Belonging to 107 villages in the districts around the periphery of the Little Rann – Kutch, Banaskantha, Mehsana, Patan, Surendranagar and Rajkot — every year they move to the Rann to produce salt in October. According to Bachu Ahir, president of Indian Salt Manufacturer's Association (ISMA) there are over 25,000 Agarias working on the fields used for salt farming (Shah 2018 a). Agariya Hit Rakshak Manch (AHRM) is an NGO which works among the saltpan workers, seeking to link them with public services like health and education.

An experiment which began several years ago – under which Rann Shalas as extensions of the regular schools were set up to take care of education of the kids who moved to the Little Rann – has come to a grinding halt. While lower primary children were to get regular schooling in these Rann Shalas, village hostels would cater to children to go to schools at the upper primary level. This was somewhat successful, especially in the Rann area next to Surendranagar district. However, local social workers confirm, the experiment, though remaining on paper, is “as good as dead”. The Rann Shalas have virtually stopped functioning, while the village hostels are in a poor shape (Shah 2018b).

It has not been possible to access any study that would give the number of children that migrate. However, activists have estimated that 14,000 families migrate to salt pans every year to make salt. If it is assumed that 80 percent of the families migrate with at least one child, number of migrant children would be 11,200.

Pastoral communities (Maldhari)

A significant section of the population in rural Gujarat undertakes pastoralism as livelihood. Called Maldhari (holder of cattle), a striking feature among Maldhari communities is their low educational levels with female education at almost nil among them. Loss of pasturelands and their fragile livelihood options has compelled large sections of pastoral communities to migrate to other districts and regions in search of pastures for their livestock. Pastoralism is labor intensive and children's contribution to livelihood and household work is significant. Girls, for example, perform varied domestic roles including fetching water, care of siblings and their work contributes towards household economic survival. Maldhari male children, from the tender age of seven or eight onwards, are co-opted into the traditional job of livestock and small ruminant rearing. With a stick in their hands, these small boys lead the cattle and sheep to the grazing land away from their homes. From morning till evening, they remain with the cattle in the pastures, giving them no opportunity to pursue formal education.

A survey of 655 families in 32 villages of Rapar taluka in Kutch district in the year 2007 showed that 70 percent communities undertook migration. A survey of children showed that only 27 percent children in the migrant households were enrolled in school. Another 12 percent had dropped out while more than 60 percent had never been to school (MARAG 2007).

The marital practices amongst the community also lead to child labor. There is practice of bride price amongst the community. The boy may have to get engaged in labor at an early age to collect bride price if there is no girl in the family to offer in exchange.

Child labour among Maldhari children: *Karsan* (Bhutakia village) 21 year old boy was sent as *ghar jamai* (a son-in-law that will stay with the bride's family) with his in laws at age 9 when he was married. As his in laws did not possess any livestock, he was sent by them as labour to another village in Bachau. He worked for them for 12 years. Karsan had four other brothers and no sisters. His brothers too were married early and the two youngest ones were working as casual labour as the family had no finances to pay the brides' families.

Nomadic Tribes (NT) and De Notified Tribes (DNT) communities

The Nomadic and De Notified tribes refer to a set of communities who led a nomadic existence under their traditional livelihoods. Their population is about 60 million all over India. Renke Commission listed 12 DNT and 29 NT in the year 2008 in Gujarat. Due to the wandering traditions over hundreds of years without any ostensible means of livelihood under the influence of the caste system, they are forced to live under sub human conditions. The large section of these tribes is known as "Vimukta jaatis" or the Ex-Criminal Tribes because they were branded as criminals by birth under the "Criminal Tribes Act 1871", enacted by the British Government. In spite of the repeal of the act in 1952, they are still treated as Criminals by birth and subjected to harassment and persecution at the hands of the police and the state machinery. However, most of them have been deprived of the status of Scheduled Tribes provided by the

constitution due to certain historical circumstances and the acts of omission and commission on part of the Government and the society.

A field survey of 7 DNTs and 3 NTs was conducted covering 15 districts across Gujarat under a comprehensive report prepared on the status of NT/DNT communities in India (CSD 2017). Except Turi, which is an NT that is listed as SC, rest of the communities canvassed fall under the social category of OBC. It is however interesting to note that many of the households from across communities identified themselves under Others category than OBC. In terms of duration of stay at the residence, an overwhelming majority indicated the present stay as place of birth. Almost 10 percent of the families surveyed undertook seasonal migration. Educational attainment is low. One third of the children in 6-18 age group were not enrolled in school.

Livelihood indicators reveal that non-agricultural labour is the main occupation for more than half of the households but a significant proportion, one quarter reported traditional work as main occupation. Land was possessed by only ten per cent of households and the share was high among DNT1 and NT communities. Majority of the households live in own houses while temporary shelters were reported by Salat Ghera and Vanjara households.

Status of education reveals disappointing levels of education – one third was never enrolled, more than a quarter was drop outs and a low proportion reported education as completed. More than three-fourths of currently studying was enrolled in primary which is an encouraging picture.

Overview of Children who Migrate with their Family:

The table below provides a summary of the children who migrate with their family.

Table 6: Children migrating with their family

<i>Migration stream - sector</i>	<i>Number of families</i>	<i>Social profile of migrants</i>	<i>Source area – state, district, taluka</i>	<i>Destination area District/ taluka/city</i>	<i>Number of children (0-18 years) in migrants</i>
Brick kiln	46,242	SC (79%), ST (8%)	Chhattisgarh (Bilaspur, Janjgir), Rajasthan (Nagaur, Dungarpur), Uttar Pradesh (Kasganj), Gujarat (Dahod)	Ahmedabad, Gandhinagar, Mehsana, Patan, Kheda, Anand, Vadodara, Bharuch, Surat	79,003
Wage share cropping	65,000	Tribal	Gujarat – Dahod,	Saurashtra, all over Gujarat	52,000

			Madhya Pradesh –Jhabua, Alirajpur Rajasthan– Banswara, Udaipur Maharashtra– Nandurbar		
Construction	60,000	Tribal	Gujarat – Dahod, Madhya Pradesh –Jhabua, Alirajpur Rajasthan– Banswara, Maharashtra– Nandurbar	Ahmedabad, Surat, Vadodara, Rajkot, project construction sites elsewhere	48,000
Sugarcane harvesting	87,500	Tribal	Gujarat – Dang, Tapi Maharashtra – Dhule, Nandurbar	South Gujarat – Surat, Navsari, Valsad, Bharuch	96,000
Salt making	14,000			Kutch, Rajkot, Surendra Nagar	11,200
Pastoral nomads (Maldharis)		OBC	Kutch, Surendranagar, Rajkot		
NT/ DNT		SC/ ST/ DNT			

Violation of child rights suffered by children migrating with their families: The children who migrate with their families are likely to be denied following rights due to them according to CRC.

Article 6 (Survival and development): Children have the right to live. This right is in danger because the migrant families are forced to live in very unsafe environment at the destination where they work. Most of the time families live in temporary structures. Brick kilns are like a factory There have been fatal accidents like children falling inside the kiln, getting trampled by tractors. In sugarcane labour camps, the workers in hutments made of highly inflammable material like polythene. Construction workers at sites live at the site where heavy machinery work goes on.

Article 9 (Separation from parents): A significant number of children, especially of the school going age are left behind so that they can continue their studies. In brick kilns, almost one third children of school going age are left behind by the migrating parents at their homes so that they can continue their studies.

Article 19 (Protection from all forms of violence): Children who start working with their parents from an early age are exposed to violence. Children at brick kilns are prone to violence at the hands of the employer and his associates. In one such incident, family of a young girl 16-year-old working at a brick kiln in Ahmedabad complained that their daughter had been abducted by the manager of the kiln.

Article 24 (Health and health services): There is no outreach of Government health services at camps of migrant workers. Children at these camps are denied basic health services like immunization.

Article 28 (Right to Education): Children who migrate with their parents are denied the right to education as it is very rare that there are schools at work sites that will admit them. There may be local schools but small children find it difficult to commute. The local schools are reluctant to admit children who are present for only a part of the school year. The migrant children may not have identity proof like Aadhar that is increasingly a requirement for admission.

Article 31 (Leisure, play and culture): There is no space or time for leisure and play at camp sites where migrant workers stay. Children will often accompany their parents to work place. Work hours are long.

Article 32 (Child Labour): Children end up working at brick kiln along with their parents in violation of Child and Adolescent Labour (Prohibition and Regulation) Act. Adolescent workers undertake long duration work in violation of rules that required adolescent to work a maximum of 6 hours under the Factories Act.

Article 34 (Sexual exploitation): Brick kiln workers are a highly vulnerable community because they are bonded. In such a situation, children especially girls face high likelihood of sexual exploitation as is shown by the number of such cases.

State Initiatives

This section documents state initiatives that seek to secure protection of rights of migrant children.

State Action Plan to Eliminate Child Labour

Gujarat Government has taken stringent action against child labour. It developed a State level Action Plan to Eliminate Child Labour in the year 2009 that sought to eliminate child labour progressively. The main features of the Action Plan were

- Five new posts of Assistant Commissioner of Labour (Class-1)
- Special budgetary provision for release, rescue, rehabilitation and Awareness
- Progressive elimination of child labour
- Educational rehabilitation of child labour
- Economical rehabilitation of parents of child labour
- Committees to ensure effective monitoring: Task Force headed by District Collector in all Districts Monitoring Cell headed by Labour Commissioner of Gujarat State Monitoring Committee headed by Principal Secretary, L & E Department Core Committee headed by the Chief Secretary, Gujarat State

The state has undertaken two large campaigns against child labour

- Campaign against child labour in Bt. cottonseed plots
- Sahiyari Kooch: A state wide one-month campaign against child labour

The responsibility of the anti-child labour campaign has been shifted to district level now. It is proposed to prepare District level Action Plans and make districts child labour free.

The National Child Labour Project

This is the flagship program of the Central Government to eliminate child labour from the country.

A. To eliminate all forms of child labour through

- Identification and withdrawal of all children in the Project Area from child labour,
- Preparing children withdrawn from work for mainstream education along with vocational training;
- Ensuring convergence of services provided by different government departments/agencies for the benefit of child and their family;

B. To contribute to the withdrawal of all adolescent workers from Hazardous Occupations / Processes and their skilling and integration in appropriate occupations through

- Identification and withdrawal of all adolescent workers from hazardous occupations / processes,
- Facilitating vocational training opportunities for such adolescents through existing scheme of skill developments;

C. Raising awareness amongst stakeholders and target communities, and orientation of NCLP and other functionaries on the issues of 'child labour' and 'employment of adolescent workers in hazardous occupations/processes'; and

D. Creation of a Child Labour Monitoring, Tracking and Reporting System.

The scheme focuses on: (i) All child workers below the age of 14 years in the identified target area (ii) Adolescent workers below the age of 18 years in the target area engaged in hazardous occupations / processes (iii) Families of Child workers in the identified target area

The overall approach of the project is to create an enabling environment in the target area, where children are motivated and empowered through various measures to enrol in schools and refrain from working, and households are provided with alternatives to improve their income levels. In Gujarat, NCLP is operating in nine districts. These are Ahmedabad, Surat, Vadodara, Rajkot, Bhavnagar, Banaskantha, Dahod, Panchamahar, Kutch. The main intervention under NCLP has been survey to estimate child labour in the district followed by setting up of NCLP schools to rehabilitate child labour with the mainstream education system. Under the project, a survey of child labour is undertaken in the District and presented to the district NCLP society headed by District Collector.

Experience shows that normally the survey is undertaken in settled locations and is not able to capture migrant child labour that may be mobile.

The Migration Card Initiative of Samagra Shiksha Abhiyan (SSA) Gujarat

The Education Department of Gujarat has come out with an innovative scheme to ensure continued schooling for migrant children. The outmigrant child has to get a Migration Card from the local school where s/he is studying. This card is carried with the child and submitted to the school in the destination. The destination school will then enrol the child. The data is entered in computer and is available publicly. This makes it easier to monitor the status of migrant children at any point of time. The destination schools can make a Migration Card even if a child approaches without a Migration Card from a source area. The scheme has been commended by NITI Aayog also as a good innovation. Intra state and inter-state migrants are documented separately. The migration captured for the current year 2018-19 is analysed to assess coverage achieved by the initiative.

Intra state migrants: The table below gives the status of the scheme in terms of number of intra state children it enrolled as in migrants and out migrants. It can be seen that in the year 2019, the initiative documented 35,054 out migrants from all the districts of Gujarat. While impressive, this figure covers only a small proportion of total out migrants in Gujarat documented in this report elsewhere. It would be better to look at specific district figures to understand the coverage. Two of the districts with the highest out migration rates for which data on out migrants is available from alternate sources is also available are taken up for analysis. These districts are Dahod in North Gujarat and Dang in South Gujarat. Dahod is widely recognized as a district with very high out migration rate. Dang is a major source for sugarcane harvesting workers in South Gujarat. The table reports outmigrants from Dang district to be 8354. This covers only a small proportion of total outmigrants for sugarcane harvesting. A PCLRA report documented that there were 28,000 children in the age group 6-14 years in labour camps at sugar cane fields in the year 2016 (PCLRA 2017). Of these 38.3 percent, that is 12,000 children, were from Dang. Further a large proportion of children were reported left behind. However, of those left behind, less than a fifth were enrolled in migratory hostels. Looking at Dahod, probably the largest source of migrant workers in Gujarat, 7630 children were reported as out migrants. However, a 100 percent household mapping by Gujarat Vidyapeeth in the year 2010 in Dahod district showed that 22,407 children in the 6-14 age group migrated out with their parents in the year 2010 (Gujarat Vidyapeeth 2010). There is

every likelihood of this number having increased by now. Both these instances show that Migration Card Initiative has captured only a small proportion of the total number of intra state migrant children.

Table 7: Intra state migrant children in Gujarat captured by migration portal of SSA

District Name	IN Migrant	Directly received	Enrolled	Feedback Pending	OUT Migrant	Enrolled	Feedback Pending	Untraced
AHMADABAD	140	11	128	1	313	158	155	150
AMRELI	331	325	1	5	599	389	210	238
ANAND	165	77	88	0	76	15	61	190
ARAVALLI	6	0	0	6	24	22	2	2
BANAS KANTHA	617	554	58	5	632	628	4	1
BHARUCH	179	179	0	0	116	69	47	51
BHAVNAGAR	466	8	417	41	1317	478	839	812
BOTAD	11	7	2	2	13	6	7	6
CHHOTAUDEPUR	660	1	659	0	1271	682	590	588
DEVBHOO MI DWARKA	0	0	0	0	3	3	0	0
DOHAD	751	361	390	0	7630	935	6694	6921
GANDHINAGAR	60	60	0	0	43	16	27	27
GIR SOMNATH	2	1	1	0	42	36	6	6
JAMNAGAR	5	2	0	3	75	16	59	61
JUNAGADH	521	272	247	2	412	344	68	63
KACHCHH	748	304	442	2	967	746	221	224
KHEDA	35	34	1	0	34	27	7	67
MAHESANA	10	7	0	3	19	11	8	8
MAHISAGAR	150	52	98	0	169	168	1	1
MORBI	17	7	0	10	97	36	61	65
NARMADA	1276	984	292	0	2537	866	1669	1706
NAVSARI	424	317	107	0	280	169	110	113
PANCH MAHALS	1125	124	999	2	1303	1018	285	257
PATAN	550	26	524	0	837	550	287	288
PORBANDAR	0	0	0	0	2	2	0	0
RAJKOT	29	15	13	1	131	48	83	83
SABAR KANTHA	10	5	1	4	1087	5	1082	1083
SURAT	1372	668	701	3	1090	1090	0	0
SURENDRANAGAR	606	604	0	2	934	628	306	306
TAPI	1653	997	656	0	2954	1941	1016	1100
THE DANGS	7298	7291	7	0	8354	7988	361	464
VADODARA	11	11	0	0	50	34	16	15
VALSAD	1451	0	1451	0	1643	1463	180	364
Total	20679	13304	7283	92	35054	20587	14462	15260

Source:

http://mms.ssagujarat.org.ssagujarat.wwhnetwork.net/Reports/District_report.aspx?Id=1

Inter-state migrants: The table below gives inter-state migrants captured by the initiative. A total of 6,345 children are documented as in migrants. However, in brick kilns alone there are expected to be 24,228 children. Majority of these are inter-state migrants. In sugarcane harvesting, there are estimated to be 13,000 inter-state children. There are likely to be significant inter-state migrants in construction and agriculture (wage share cropping). Even after discounting these, coverage is low. Coverage of inter – state migrants is poorer than intra state migrants.

Table 8: Inter- State Migrant Children in Gujarat captured by Migration Portal of SSA

District Name	in migrant	out migrant
Ahmedabad	389	0
Amreli	0	31
Anand	1253	129
Aravalli	0	0
Banaskantha	0	0
Bharuch	450	5
Bhavnagar	0	11
Botad	0	0
Chhota Udaipur	0	15
Devbhoomi Dwarka	0	0
Dahod	0	375
Gandhinagar	1116	0
Gir Somnath	0	0
Jamnagar	0	2
Junagadh	31	0
Kutch	0	11
Kheda	207	61
Mehsana	0	0
Mahisagar	149	0
Morbi	0	4
Narmada	1	140
Navsari	442	4
PanchMahal	650	17
Patan	0	140
Porbandar	0	0
Rajkot	1	0
Sabarkantha	0	1
Surat	1318	0
Surendranagar	0	0
Tapi	62	90
the Dangs	0	98
Vadodara	276	0
Valsad	0	186
Total	6345	1320

Source: figures obtained from SSA office, Gandhinagar.

In spite of being a well-designed scheme, coverage is low. A number of factors may be responsible for this:

- Low awareness level: The scheme requires the migrating family to be proactive in seeking migration cards. Most of the migrant families belong to the lowest socio-economic strata of society. The migrating parents are likely to be illiterate themselves. Therefore, awareness levels are likely to be low.
- Pressure on primary teachers to show high enrolment rates: Typically, the school teachers in source areas are not happy to report out migration from their schools. Primary school teachers are under pressure to report 100 percent enrolment rates. Reporting of migration will lower their enrolment rates.
- Leakages: There may also be issues of leakages from the system in the form of provision for mid-day meals. As migrant children continue to be reported as enrolled, their mid-day meal allocation represent significant saving for management.

Education for Migrant Children

The purpose of developing the Migration portal is to get information to ensure schooling of migrant children. SSA runs two types of programs for education of migrant children. Migratory hostels in source areas and Short-term Training Program (STP) in destination. For migratory communities in particular. Gujarat SSA has developed the concept of tent schools. The table below shows achievements under these schemes in the year 2018-19.

Table 9: Schemes to ensure education of migrant children

2018-19					
Facility	Targets	Centres	Males	Females	Total
STPs	36942	1634	16857	16440	33297
Seasonal Migrant Hostels	29027	1074	19058	13212	32270
Tent STPs	12551	568	6102	5613	11715

Source: figures obtained from SSA office, Gandhinagar

One of the migration streams where there has been focused effort by both the CSOs and the state to provide schooling for migrant children has been the salt workers around Rann of Kutch. After the Gujarat earthquake, attention was focused on the miserable conditions faced by these salt workers and denial of education to their children. The CSOs came together to form Agariya Hit Rakshak Manch – Salt Workers Protection Front. The Front has undertaken constant advocacy with the state to ensure that migrant children who accompany their families to the Rann receive proper schooling. The efforts led to release of a number of buses to ensure schooling for children of salt workers this year.

- The initiative represents an innovative response to ensure education for migrant children in Gujarat
- The coverage of out migrants remains patchy.
- Couple of efforts stand out at the state level. These are the migrant hostels in Dang, the tent schools for brick kiln workers in Gandhi Nagar, and the efforts made for children of salt workers around Rann of Kutch.

Protective Environment Framework for Migrant Children in Gujarat



After the mapping of migrant children carried out in the previous chapter, this section presents the recommendation to address the violation of rights of migrant children. It is divided into two sections. The first section presents recommendations aligned across the eight -point framework developed by Karin Landgren. The second section presents an action plan to orient the Child Protection Scheme to include the migrant children in its definition of child in need and develop plans to ensure that this child right violations are addressed.

Recommendation for the Eight Pillared Framework

The section follows the eight pillared frame work developed by Karin Landgren (Landgren 2005) to ensure a protective environment for children to nurture and thrive. The framework builds on an understanding that the responsibility to respect and ensure the rights of children extend in practice beyond the state and state controlled and sponsored services, state functionaries, and institutions to include children, parents, and wider families, community, other adults, and nonstate services and organizations. Landgren rightly suggests that in order to strengthen a protective environment for children, requires engagement at multiple levels demanding dialogue, partnerships, and coordination based on a shared analysis among stakeholders across the board. Many of its components correspond to traditional development activities and approaches, such as improving basic services, monitoring results, and recognizing individual actors in their own development. The factors that prevent or contribute to protection also lend themselves to measurement more readily than do the prevalence or incidence of many forms of violence, exploitation, and abuse.

A. Government Commitment to, and Capacity for, Fulfilling Protection Rights:

Improved protection and sustaining multi-pronged efforts to ensure protection of rights of children, requires both commitment and capacity on the part of the government. Official

acknowledgment of protection failures and publicly expressed intent to address them give these issues a place on the national agenda and pave the way toward a range of other protective elements, including the provision of necessary services and open discussion of the issues. A lack of government commitment will make it harder to address most other elements of a protective environment.

Gujarat Government has shown its commitment to child protection by setting up the Child Protection Scheme and undertaking various other measures to ensure child protection. There remains a need to further strengthen this commitment for migrant children in the state who continue to suffer from multiple violations of their rights as described in previous sections.

- **A government sponsored and sanctioned enumeration of children who migrate either by themselves or with their families:** It was realised during the preparation of the present document, that there is no reliable data base on the number of migrant children. Even though seasonal migration takes place on a large scale and is the main mode of labour deployment in many sectors, it is completely unregulated and there is no data base on numbers migrating. When there is no information on adults/ families migrating, it would be unrealistic to expect information on number of children migrating. It is therefore proposed that the Government sponsors an enumeration of migrant children across the state. Such an exercise in enumeration would serve critically to inform various policy and programmatic decisions to at various levels of the state that work to cater to the needs and welfare of the migrant children.
- **Civil registration system:** A major problem faced by migrant children when they seek access to public entitlements like schooling is lack of identity documents. Aadhar has become mandatory for many public services. The state needs to strengthen civil registration system so that migrant children can have required identity proofs.
- **Implementing Right to Education:** Loss of schooling is a major violation of rights faced by migrant children. A school environment, however primitive, gives children a constructive focus for their energy. Right to compulsory and free education Act offers children in India to be in such an environment. However, in its present form, there is an acute need to strengthen RTE. In case of migrant children, there are two aspects that need to be taken note of
 - Ensure quality education in Government Schools: Migrant families try their utmost to leave behind the elder children going to school. However, the quality of schooling in Government schools is such that even after many years of schooling, the children do not learn much and drop out to join the work their parents are doing.
 - Commitment to special schemes for migrant children: Recognizing the inherent biases that migrant children are subjected to due to their subjective positions, the Education Department and SSA has come out with a number of special schemes for migrant children. These include (ii) migratory hostels and tent

schools for seasonally migrant children and (ii) schools in the mother tongue of migrant children for more permanent migrants like Odiya schools in Surat. However, the implementation of these measures does not match the intent behind the policy. It has been reported that the school for the children of Oriya migrants working in the power loom sector experienced drop out – largely due to inadequacy of the infrastructure. For instance, the Oriya schools of Surat neither had books in Oriya nor did they have teachers who could speak in Oriya. Due to difference in the medium of instructions many of the children dropped out of the school since they had to read texts in Gujarati and are being taught in Gujarati by Gujarati teachers.

- **Strengthening MGNREGA:** It is widely known that absence of economically viable alternatives of sustainability in source areas is one the critical push factors that drive families and individuals to undertake seasonal migration. If programmes such as the MGNREGA could be strengthened , its efficacy improved, and newer programmes could be introduced that can offer a better alternative than undertaking migration by improving the economic condition of the family while in the source can help in reducing the number of children who have to move with their families in search of work. It has been the experience that there is a high preponderance of female workers in MGNREGA while males migrate out. Effective implementation of MGNREGA will provide parents with an alternative where one of them can stay back to take care of children at home.
- **Housing, shelter homes and rental accommodation for the migrant families and their children in destination:** Safe and secured living conditions is the first step towards ensuring a secured environment for the children. Due to precarity of working in the unorganized sector, the migrant families are often unable to afford place on rent. This forces them to stay in untenable slums or in the open settlements, often on the footpaths, under the bridges, open grounds. For children who move without their families, they can be provided with free of cost shelter homes. Ensuring low-cost and affordable housing can be an important step towards providing a safe and secured environment from the vagaries of living on the streets. As of now the state schemes targeting the poor in urban areas have provisions only for ownership-based models. This is unsuitable and unaffordable for the seasonal migrants. There is need to bring in models like workers’ hostels and rental housing that migrant workers can access.

B. Legislation and enforcement:

Strong and adequate legislative framework, its stringent implementation, accountability and redressal mechanisms form as essential indicators of the governments’ commitment towards providing a protective environment for the rights of children on mobility. While India has promulgated a number of laws to protect labour rights and child rights, these laws have not

factored in the aspect of mobility. There is need of amendments in existing legislation and frame new legislation to ensure protection of rights of migrant children.

- **Stronger trafficking laws and stricter enforcement of such laws:** Even though internationally laws concerning trafficking of children for sex and labour are well defined; in India, however – the law remains silent on children who are being trafficked to work as labour across distances in factories, workshops, construction sites, shops, hotels, restaurants, tea and food stalls, agricultural activities, herding, brick making, so on and so forth.
- **Make the employers and contractors in various sectors responsible and liable for the condition of children who are found on their worksite through relevant legislations:** In sectors such as brick kilns and sugarcane harvesting, the employers or owners are always aware of the number of families that would migrate to work in their establishment. As of now they have no responsibility for the children even though they benefit from the cheap labour of their parents and in many cases even the children. There is need to develop legislation that will make it compulsory for such owners to declare the number of children present at their site of work and ensure that these children receive entitlements due to them.
- **Extending the upper age limit under the present provisions of RTE Act from 14 years to 18:** A large proportion of working children are in the age group of 15 to 18 years. The list of hazardous industries where their employment is banned has been drastically curtailed in the amended Child Labour Act. There is need to extend the age for school education to 18 years in the RTE Act to keep up with humanitarian norms and international protocols.
- **Extend the scheme of Palak Yojana for children of the migrant workers:** The Palak scheme provides Rs. 3000/- to relatives of an orphan child who give undertaking for upkeep of the child and ensure continued education. It is an excellent example of promoting community-based rehabilitation. It is proposed that this scheme should be extended for migrant children. As of now the state has the facility of migrant hostels for migrant children. However even in areas where scheme is functional, it covers only a small proportion of total migrants. There are a number of reasons for this state of affairs. Palak scheme offers a community-based option where relatives of the children who stay back in the village receive an incentive to retain the child and ensure continued education of child.
- **Legislate sector specific board for the welfare of the workers:** Nearly all migrant children belong to families that are engaged in informal sector under very precarious work conditions and are highly vulnerable. This vulnerability arises from lack of implementation of labour laws and social security provisions. Formation of tri partite Boards is a proven model to reduce vulnerability of workers and ensure social

protection to them in the informal sector. A very good example of functioning of such Boards is the Mathadi Board in Maharashtra formed to regulate head loading workers. It is proposed that such Boards be formed in sectors that employ workers who migrate with their families, such as sugarcane and brick kilns, with provisions for the welfare and benefits of the children of the registered members.

- **Review minimum wages:** Raising and bringing minimum wages in accordance with the revised standard of living index, and consumer price index and their implementation will help migrant families economically secure themselves. If the families are able to earn incomes which would sustain them – it can result in reduction of children who work to supplement household incomes.

C. Culture and Custom (Attitudes, Traditions, Behaviour, and Practices):

Traditional knowledge and ritual practices play a critical role in defining and shaping a child's identity and strengthen communal ties. However, with time, certain traditional practices have gained prominence due to the changing fabric of the labour market that is becoming increasingly dependent on migrant labour. For instance, the need for a team of two people in sugarcane harvesting in south Gujarat often means that a heteronormative couple form such a team. This has led to a rise in early marriages – so that adolescent children can find form teams by the virtue of being married and assist the family in harvesting sugar. Landgren strongly makes a case that for the right to child protection to be respected, abusive practices must lose their traditional protection (2005). As many organizations working closely with migrant communities would agree that a momentous change in customs and cultural practise 'requires strong social consensus, and this is the single greatest challenge in establishing a protective environment'. Particular difficulties attach to changing behaviours closely associated with cultural and religious values. Following are certain ways that could help in working through constraints born out of existing culture and customary practices:

- Labour market trends are becoming drivers that are forcing communities to encourage child marriages. DCPU representative from Valsad shared that an increasing number of tribal girls are being forced to marry men twice their age, due to the prevalent practice of bride price. DCPU, Valsad reported that it was found that young girls in Kaprada block, under the age 18 years were being forced to migrate to north Gujarat on the pretext of marriage. Rather it would not be wrong to perceive that these girls were being sold in the name of bride price of Rs. 25000 to 50000 to men of twice their age in communities of north and central Gujarat. Such cases where adolescent girls being sold either for marriage or to work in households are found more often than what is believed to be. This creates a critical need to work with the community of workers to make them aware that such regressive practices not only hamper the growth of their future generations but grossly violates the right of a child to secure and safe environment to grow and thrive.

- Sensitize community of contractors and employers about the rights of the children who are mobile and the violation of such rights thereof. The community of principle or contractual employers can be made aware about how they can ensure that the children receive or have access to benefits accrued to them such as access to free and compulsory education, access to nutrition and health care in addition to safe space to play, creche facility for the children of the workers, immunization drives, and health campaigns in the spaces of the work, clean drinking water, sanitation facility.
- Foster community responsibility to take care of children: With modernity and increasing isolation, there is a change in the moral fabric of certain communities. For instance, till about a decade ago – there would hardly be children from tribal communities who would end up on the streets. Since the ethos of the tribal community ensured that a child in the absence of his/her parents are the responsibility of the community members. This prevented children from migrating with their families or alone to support themselves. However increasingly, many organizations reported that they were coming across children who were from tribal communities. Organizations that work closely with communities can work to foster and embed such community driven ethos, where the members recognize their responsibility towards the children of their community.
- Discourage family migration: When both the parents migrate in search of work, children have to accompany their parents because there is no one to take care of them in the absence of their parents. Family migration inadvertently results in some form of labour that the children are to perform to help their parents – which could be both paid and unpaid labour. It is seen in the preceding section that it is communities from specific clusters that undertake family migration. While majority of the distress migrants are tribal, within tribal areas there is high incidence of family migration in select clusters. Two main such pockets are Dahod in Gujarat and adjacent districts in North West Gujarat and Daang in South Gujarat. Social campaign can be initiated to discourage family migration in these select pockets.

D. Open Discussion (Including the Engagement of Media and Civil Society):

Discussions around violence, abuse, harassment, and exploitation often fall victim to a culture of silence. There are innumerable instances where children are unable to confide or articulate the violence they are being subjected to, due to lack of conducive and protective spaces in community, schools, media, also within the family too. Furthermore, open discussion forums should be able to respect confidentiality, and critically reflects or reinforces protective practices.

- Spaces for open discussions should be not confined either to families or communities: A space needs to be created for discussions, so that children can confide into. However, this space may not be limited only to community. There are

instances where in the incidence of violation and abuse of the children is higher and perpetrators are from within the community. Bal Panchayats or local level organizations formed by the children can be one avenue that can offer a platform to children.

- Spread awareness about Childline: Child line provides a forum where any issue related to child protection can be shared. However, there is still limited awareness about this facility. There is a need to further promote Child Line especially in clusters where there is high seasonal migration.

E. Children’s Life Skills, Knowledge, and Participation:

With the support of the community of non-parental care givers, children can be nurtured and strengthened to become agents of their own protection by becoming aware of their rights and ways of minimizing risks that would help them reduce their exposure to vulnerabilities.

- Village based child protection committees – There is provision to form Bal Adhikar Samitis across all panchayats in Gujarat under Child protection Scheme of the state. This forum provides for representation of children also and needs to be activated in high migration intensity areas.
- SSA has a provision to form Bal Panchayats at the school level. The Baal Panchayat can be a very good means of monitoring child migration and checking it also. Children immediately come to know when their friends and colleagues migrate. They can report on impending migration and even be helpful in stopping it.

F. Capacities of family and communities:

Distress migration that we are concerned with in this report is undertaken by poor and vulnerable communities. To illustrate in the catchment area of sugarcane harvesting in Tapi district, the poorest tribe Kathaudi has a high incidence of migration while better off tribal communities like Rathwa do not undertake this type of migration. Building economic capacities of the families who undertake migration is a critical need.

- Where parents undertake migration, they should be counselled and encouraged to ensure that the child is immediately enrolled in the nearest school with help of the migration card.
- Financial support for migrant families to ensure continued education of the children: It is proposed that the migrant families receive financial support to continue education of their children in source area. This can be done by extending Paalak scheme to migrant children, that has been discussed already.

- Strengthening village level School Managing Committees: School Management Committee is formed to manage the village school and comprises of parents of children studying in school and school teachers. It can play an important role in both monitoring out migration in source areas and in migration in destination areas. The members of the committee would be responsible to maintain a record and ensure the registration of the children in school (under the SSA migration monitoring system) who are migrating with the parents, or by themselves, to plan the budget of the school to provide for the children who either stay behind in seasonal migrant hostel or the ones who undertake migration.

G. Essential services: Basic and targeted

The Essential services, from basic health, nutrition, education - where extra efforts may be required to reach children on the margins of society; to more specialized facilities for children at particular kind of risk of or those who have been subjected to violence, exploitation, or abuse, can contribute significantly in strengthening child protection. The accessibility and adequacy of such service therefore needs to be scrutinized from this perspective. Basic services contribute to protection in a number of ways. A major violation of rights suffered by migrant children relates to denial of access to basic services like early childhood care (ICDS), schooling, and immunisation in destination areas. Some of the basic services are based on domicile status while in other cases where service in question is universal, practical considerations ensure that the migrant children are deprived. Following are certain measures that can contribute towards provision of basic services to a greater number of children

- Convergence of state departments that offer services and entitlements for the children: Health and Education Departments have so far have had the maximum outreach when it comes to coverage. While Education Department has developed the migration portal to track movement of children of school going age, Health department has developed a TECHO+ app² that tracks migrant communities. If these two departments at various levels work closely together – then a large number of children will not be left outside the purview of free education and health and nutrition services.
- Portability of entitlements: In view of the increasing incidence of seasonal migration, there is need to make the basic entitlements like schooling, health, early childhood care, and Public Distribution System (PDS) for cheap food grains portable within and across states.

² to track Reproductive and Child Health, the health department has now developed a software which runs through the application TECHO+ and has operationalised in parts of the state since April 2018. This application requires grassroot health workers to upload information regarding pregnant and lactating mothers. This means that such information is to be collected both urban and rural areas and uploaded. The software makes the data on RCH accessible to all the health officials and health workers across the state. Furthermore, the application also tracks the population that is on the move. This makes the application useful to track women and young children (0-5) who migrate across the state for work

- It has been reported that often children fall prey to various kinds of substance abuse in the destination of migration. Detoxification and rehabilitation centres for children in destinations where there is known to high incidence of substance abuse by among the children – some of whom are employed in various industries and are found on the streets. There is a need for State sponsored detoxification and rehabilitation centres for children and adolescents who are battling substance abuse. For a greater impact- such centres need to be which are free of cost and be residential in nature. So far, such centres exist only for adults. Certain cities that do have detoxification centre for children – like in Surat – are either non-residential or they charge a fee. Children affected by mobility often do so due to economic distress – thus most of them will not be able afford the user fee for such centres. Secondly unless the centre is not residential the child will be exposed to the threat of re-lapsing in to conditions that first led him/her into substance abuse.

H. Monitoring, Reporting, and Oversight:

Ensuring and strengthening Protective Environment, requires rigorous monitoring of implementation which should be built into various processes of government at all levels along with independent monitoring by civil society, members of the community, NGOs and others. Following are few measures that can contribute to ensure the rights of children within the rubric of protective environment.

- Social Audits carried out by the village-based Child Protection Committees (as suggested above) with focus on health and nutrition in the villages
- Collection of data – data on children who migrate to be generated at the source through their registration. School Managing Committee can ensure that the identification takes place at the level of schools and the data base is maintained both at the level of the school and panchayat office.
- The members of School Management Committee and Child Protection Committees can use RTI to the best effort to monitor the state sponsored programmes, delivery of essential services, and other markers – to ensure that the children from their villages receives entitlements that the child

Orienting Child Protection Scheme (CPS) to focus on migrant children

India has made significant progress in the area of child protection since ratification of the CRC in 1993 and passage of Juvenile Justice Act. There is now a dedicated infrastructure of Child Protection set up under the Child Protection Scheme (earlier known as Integrated Child Protection Scheme). However, the focus remains on children in conflict/ contact with law and

children in institutional care. The preventive aspects of the child protection and non-institutional care have not attracted adequate state attention.

The CPS is the primary state initiative to support children in need of care and protection and children in conflict and contact with the law. As of now it does not focus on migrant children. It is proposed to orient the Scheme to correct this anomaly through pilot projects in select districts that have high incidence of child migration.

Section five of chapter two of the Government document (Annexure II ICPS Act) describes the target groups for the scheme. Migrant children are included as a part of the children in need of care and protection.

The ICPS will also provide preventive, statutory and care and rehabilitation services to any other vulnerable child including, but not limited, to: children of potentially vulnerable families and families at risk, children of socially excluded groups like migrant families,

Existing programs of ICPS do not cater to migrant children specifically. The focus of ICPS seems more on institutional care of children in need. The aspects of Non-Institutional Care and Prevention do not seem to be getting adequate focus. Focus on migrant children will correct this anomaly as they represent probably the largest number of children in need. As these children migrate with their parents, they need to be dealt with under the provisions of Non-Institutional Care.

The Scheme has flexibility to accommodate new interventions. Chapter 3 of the Project Document describes ICPS programs and activities. Sub section 5 of the Care and Rehabilitation Services section provides for general grant in aid for need based/ innovative interventions.

While an attempt has been made to incorporate all major interventions/services for all children in difficult circumstance into the ICPS, the Ministry recognizes the importance of supporting need based/innovative intervention programmes. Such programmes shall depend on the specific needs of a district/city and may be initiated as pilot projects:... The scheme shall provide flexibility to the State Governments to initiate innovative projects on issues/risks/vulnerabilities, which are not covered by the existing programs of this scheme. The State Child Protection Society shall have a general grant-in-aid fund under which such projects can be supported.

A major need to ensure protection of rights of migrant children is to generate information on their numbers and situation. Migrant communities are not enumerated in official records. Generating information will draw attention to their situation. The project document provides for undertaking research into new areas. Migration is listed as one of the areas of potential research.

The scheme would also support research in areas of potential or new threats to child protection to build knowledge, evidence and integrate the learning into policies and programmes. These would include issues related to livelihood and security, migration, internal displacement, child abuse and exploitation, child pornography and other emerging issues and their relationship to child rights. (page 23, sub section 3.1 of section 3 Other Services of Chapter 3).

It is proposed that ICPS be supported to launch pilot schemes in select districts that have high incidence of migrant children. Keeping in mind the diversity of migration scenario as described in preceding sections, pilots are proposed in five districts. These between them seek to cover the diversity of sectors, both inter-state and intra-state migration, and source and destination areas. Five districts proposed are Daang, Dahod, Surat, Ahmedabad, and Rajkot/ Amreli. The migration profile of these districts is shown below

Table 10: Migration profile of districts selected for pilot on protection of migrant children

<i>Sl.</i>	<i>District</i>	<i>Source/ destination</i>	<i>Sector</i>	<i>Inter-state/ intra state</i>
1	Dahod	Source	Agriculture, construction, brick kilns	Intra state
2	The Dang	Source	Agriculture (sugarcane harvesting)	Intra state
3	Surat	Destination	Agriculture (sugarcane harvesting), construction, brick kilns	Intra state, Inter- state
4	Ahmedabad	Destination	Brick kilns	Inter state
5	Rajkot/ Amreli	Destination	Agriculture (wage share cropping)	Intra state, Inter- state

The pilot could comprise of assessment of number of migrants and their particular conditions followed by a plan for suitable rehabilitation of migrant children. Components of the pilot will include

- Assessment of number of migrants and their conditions
- Multi stakeholder consultations to spread awareness and build commitment on child protection – migrant communities, children, labour contractors, employers, Government departments
- Development of Action Plan
- Setting up and Strengthening of Village level Child Protection Committees and Bal Panchayats
- Implementation of the plan
- Convergence across departments – Health, Education, ICDS, PDS, Social Justice

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