

A Study on Constitutional Validity on the Right to Education for the Migrant's Children in India

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ABSTRACT

Education plays a crucial role in the development of children who are the future of our nation and it fastens the growth of India. In India the migrant's children are hidden, whereas the right is protected under the constitution of India, where such rights include the right to education. Right to education is a mandatory one for all the children in India which eventually amounts to the growth of the Indian nation. The major objective of this study is to analyse the public opinion on the right to education for the Migrant's Children in India. The study is done through empirical research with more than 200 responses. Most of the respondents are not aware about, the migrant's children groups exist in India, and the effectiveness of the scheme "Samara shiksha abhiyan" which was brought in order to provide free elementary education, free textbooks etc, are not effective. Therefore the study suggests certain measures to prevent the loss of education among the migrant's children groups.

KEYWORDS

Migrant's Children, education, elementary education, effectiveness, schemes.

INTRODUCTION

India is a country with a huge population with a wide range of ethical, communal, religious, and with a wide range of languages practiced. The children in India are guaranteed with right to education under Article -21(A) of the constitution and Article-45 of the constitution which ensures the state to provide compulsory education under the age of 14 years in India. These measures and initiatives are taken in order to provide a rich growth in the wisdom of the Indian children. The education of undocumented or migrant children, however, continues to pose unique social, political, and educational problems for America's schools. Social and educational opportunities are typically hindered by frequent moves, poverty, gaps in previous schooling, and language barriers. Around the world there is a growing consensus that migrant children's rights must be protected, regardless of where they have emigrated from. One of these rights is the right to a public education of equal quality to that granted to non-migrant children regardless of where one's family is registered or pays taxes. They are: the inferior quality of migrant children's schools; the lack of access to a public school and the much higher costs of schooling; and the high mobility of migrant students. The major factors that affects the migrant's children education are, lack of attendance in the schools due to no continuity in the school and frequent migration of the children due to their parents, most of the children gets migrated because of the poverty that's faced by the family, languages practiced in the other regions and their usual practice of processing or functioning of the school. The scheme introduced by the central government "Samara shikha abhiyan" which intends to provide elementary education for the Migrant's Children along with free uniform, free hostels, free textbooks, free camps etc. But these measures don't have much impact on those children. The education rights of migrant children have become contingent on the wills of urban local governments, public attitudes, and available space in local public schools. Poverty, language, and cultural differences add to the challenges posed by mobility, the identifying characteristic of migrant students. Moving from place to place makes it difficult to attend school regularly, learn at grade level, accrue credits, and meet all graduation requirements. It

is also difficult to participate in socializing activities and create the social networks critical to social mobility. Mobility makes it harder to receive the adult support most young people need academically, socially, psychologically, and emotionally. Migrant students also confront serious societal and institutional barriers.

OBJECTIVES

- To analyse the factors that affect the right to education of the migrant's children.
- To determine the effectiveness of the "Samarga Sikhsa Abhiyaan".
- To examine the measure which will minimise the rate of loss in educational gain for the migrant's children.

REVIEW OF LITERATURE

Rajan, Vijitha. (2021), studied the Migrant childhoods and schooling in India. This paper problematizes the discriminatory ways in which such a system operates. The study is done through the ethnographic fieldwork in the southern Indian city of Bangalore, this paper foregrounds how migrant children's lives are spatio-temporally liminal and precarious in the city and later explored to the modesties of the migrant's children livelihood. **Chandrasekhar, S & Bhattacharya, Leena. (2018)**, studied the Education of Children from Migrant Rural Households in India. The paper sketches the broad contours of the measures taken in this regard. The findings that the migration is driven by poverty or distress then it is reasonable to expect that the underlying cause will indeed adversely affect educational attainment of children from these households. **Leena. (2018)**, studied the Education of Children from Migrant Rural Households in India. The paper sketches the broad contours of the measures taken in this regard. The findings that the migration is driven by poverty or distress. **Tracey Holland (2016)**, studied In search of educational equity for the migrant children of Shanghai. This article focuses on migrant children schooling in Shanghai. It will show that three main problems are still impeding migrant children. **Tseng, 2016**, Taiwan, big data has provided institutions with information on topics such as trends in enrollment rates, students' online learning performances, and research outputs measured by number of academic publications. **Holly H. Ming (2014)**, studied Migrant workers' children and china's future: The Educational divide. Many public schools now officially accept migrant children, but their enrollment in these schools is severely limited in practice by the documentation and financial requirements imposed by the local governments and local schools. Migrant children have the option of enrolling in private migrant schools, but these are of poorer quality. **S. Landale (2014)**, Academic Achievement of Legal Immigrants' Children: The Roles of Parents' Pre- and Post Migration Characteristics in Origin-Group Differences. Using data from the New Immigrant Survey, a study based on a nationally representative sample of legal immigrants, **Paula Louise Hamilton (2013)**, studied It's not all about academic achievement: supporting the social and emotional needs of migrant worker children. This paper pays particular attention to these issues, together with initial adjustment and changing family structures.

Paula Hamilton (2013), studying Including migrant worker children in the learning and social context of the rural primary school. This article arises out of a 3-year qualitative study (January 2008–December 2010), which focused on identifying the experiences of stake-holders (children and parents of Eastern European heritage and their teachers), where migrant children enter primary schools which have previously had limited exposure to cultural and linguistic diversity. **Suet-ling Pong, Nancy S. Landale (2012)**, Academic Achievement of Legal Immigrants' Children: The Roles of Parents' Pre- and Post Migration Characteristics in Origin-Group Differences. Using data from the New Immigrant Survey, a study based on a nationally representative sample of legal immigrants, the present study extends prior research on the academic outcomes of immigrants' children by examining the roles of pre- and post-migration parental characteristics and the home environment. An analysis of 2,147 children aged 6–12 shows that parents' pre-migration education is more strongly associated with children's academic achievement than any other pre- or post-migration attribute. **Lihua Wang & Tracey Holland (2011)**, studied In search of educational equity for the migrant children of Shanghai. This article focuses on migrant children schooling in Shanghai. It will show that three main problems are still impeding migrant children from getting a high-quality education. They are: the inferior quality of migrant children's schools; the lack of access to a public school and the much higher costs of schooling; and the high mobility of migrant students. **Dag Macleod (2011)**, studied Educating the second generation: Determinants of academic achievement among children of immigrants in the United States. examines patterns of educational achievement among

immigrant second-generation youths on the basis of a national sample of the American student population. **Altbach, 2011**, studied based on the assumption that the core functions of higher education institutions remain to be academic, i.e., teaching and learning, determining and understanding the quality of the teaching learning process with the aid of big data can be extremely useful. **Alejandro portes & Dag Macleod (2010)**, studied Educating the second generation: Determinants of academic achievement among children of immigrants in the United States. examines patterns of educational achievement among immigrant second-generation youths on the basis of a national sample of the American student population. Three hypotheses are tested in relation to the predicted effects of human capital, social capital, and modes of incorporation of immigrant groups. **Hu, B.Y., Szente (2010)**, studied J. Education of Young Chinese Migrant Children: Challenges and Prospects. Challenged by the national residency registration system in China, migrant children have always faced obstacles in accessing public education. Recent policy changes, however, have brought hope for these children.

Charlotte Goodburn (2009), studied Learning from migrant education: A case study of the schooling of rural migrant children in Beijing. On the basis of fieldwork conducted in migrant communities in 2004–2005. conclude that administrative and financial barriers, as well as discrimination, prevent migrant children from entering state schools.

Jill F. Kilanowski, Nancy

A. Ryan-Wenger (2007), studied the health status in an invisible population: carnival and migrant worker children. The purpose of this descriptive exploratory study was to evaluate health status indicators in the children of itinerant carnival and migrant farmworkers aged birth to 12 years. **Yao Lu and Hao Zhou (2006)**, studied The academic achievement and loneliness of migrant children in China: school segregation and segmented assimilation. This study uses theories of segmented assimilation and school segregation to measure the assimilation and well-being of migrant children who attend either Beijing's public schools or its informal migrant schools. **Paul E. Green (2003)**, studied The Undocumented: Educating the Children of Migrant Workers in America. Anti-immigrant fears are stoked by allegations that undocumented immigrants increase the costs of social services, including education. Whatever their circumstances, undocumented children are entitled to receive an education in the United States. **Anneka L, Kindler (1995)**, studied education of migrant children in the United States. their educational needs, the features of federally-funded programs under the Migrant Education Program (MEP) legislation reform, and suggestions for enhancing current migrant student performance.

METHODOLOGY

The aim of the study is to analyse the right to education for the migrant's children in India. The study is based on the secondary and primary data. The primary data for the study was collected from the employment status of the sample respondents, by using a well structured questionnaire. The sample method used in the studies is convenient sampling. The independent variables are age, gender, employment status, educational qualifications, and place of living. The dependent

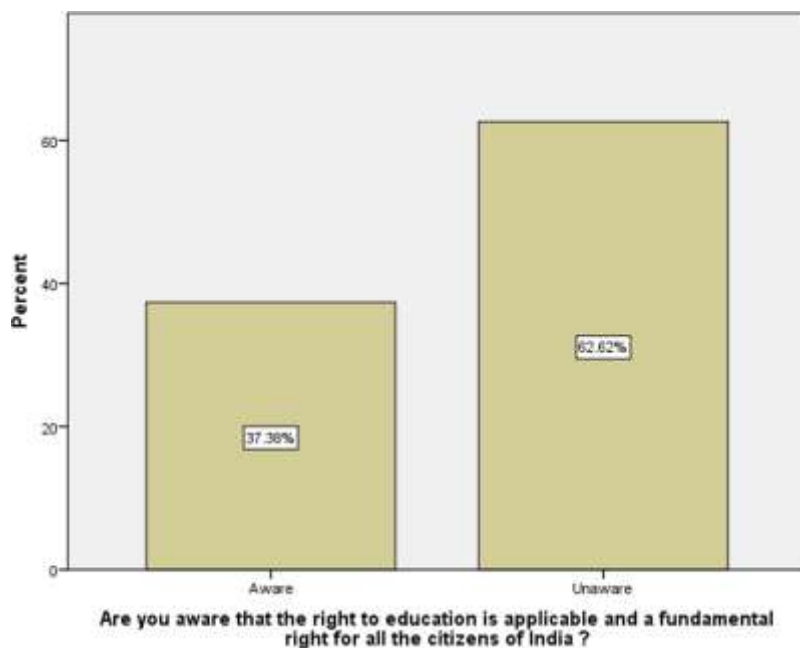
variable is public opinion on the right to education of the migrant's children. The tools of analysis used in the study are charts, graphs, and percentage for meaningful analysis.

HYPOTHESIS

Null hypothesis:- There is no significant relationship between the employment status of the respondents and their opinion on whether you frequently migrate from place to place and this migration affects the right to education of the migrant children.

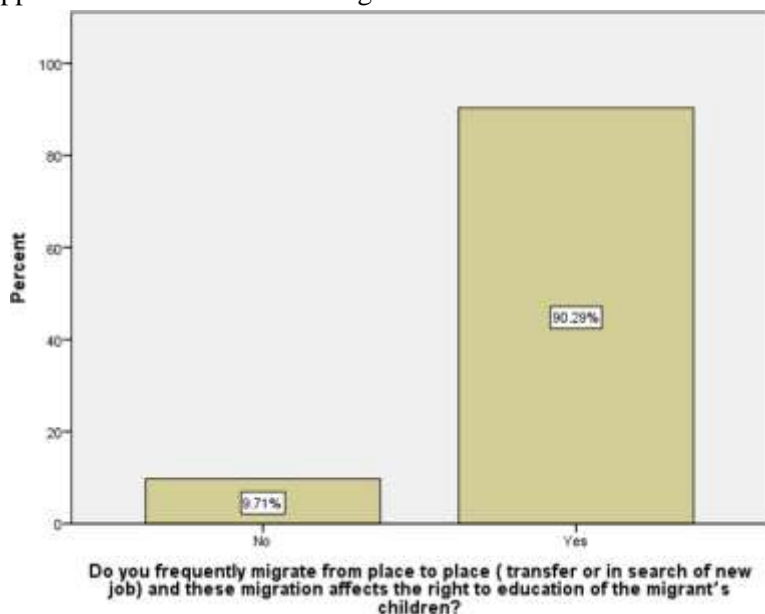
Alternate hypothesis:- There is a significant relationship between the employment status of the respondents and their opinion on whether you frequently migrate from place to place and this migration affects the right to education of the migrant children.

ANALYSIS



LEGEND

FIG:-1 represents the distribution of sample respondents with respect to are you aware that the right to education is applicable and a fundamental right for all citizens of India.



LEGEND

FIG:- 2 represents the distribution of sample respondents with respect to do you frequently migrate from place to place and this migration affects the right to education of the migrant children.

LEGEND

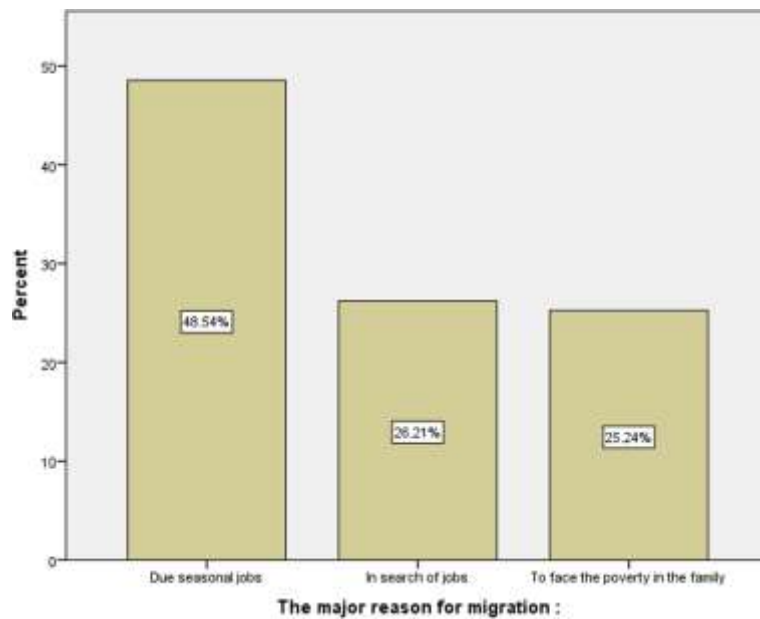
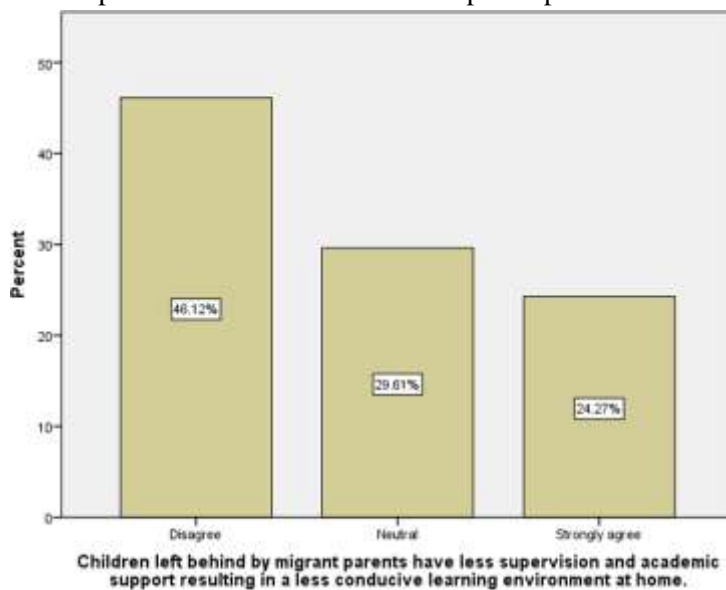


FIG:-3 represents the distribution of sample respondents with respect to the major reasons for migration.



LEGEND

FIG:-4 represents the distribution of sample respondents with respect to children left behind by migrant parents who have less supervision and academic support resulting in a less conducive learning environment at home.

LEGEND

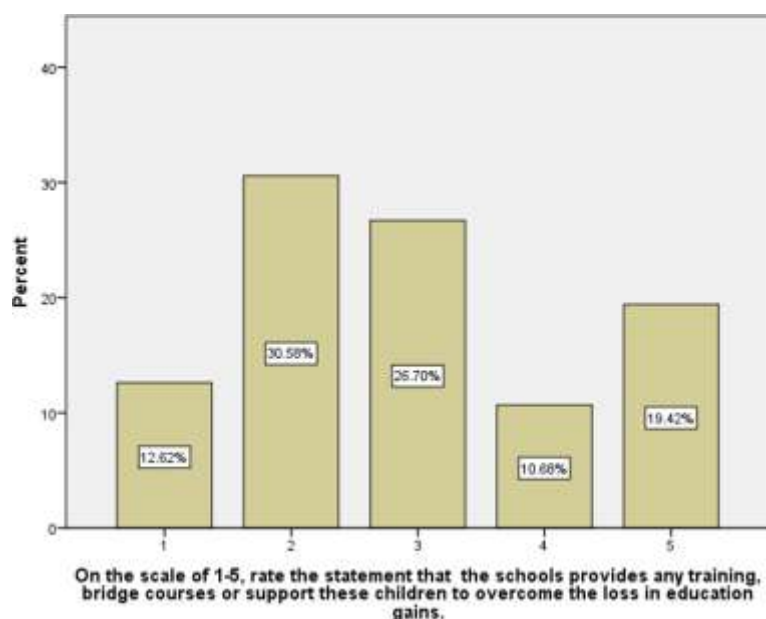
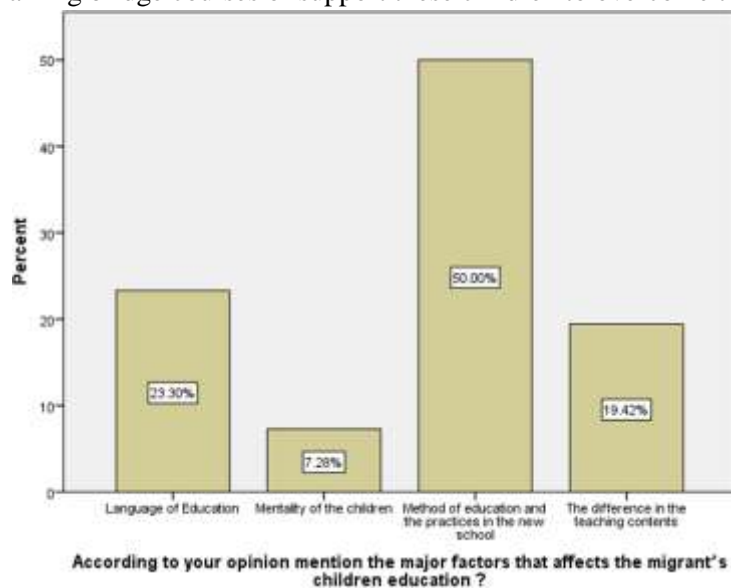
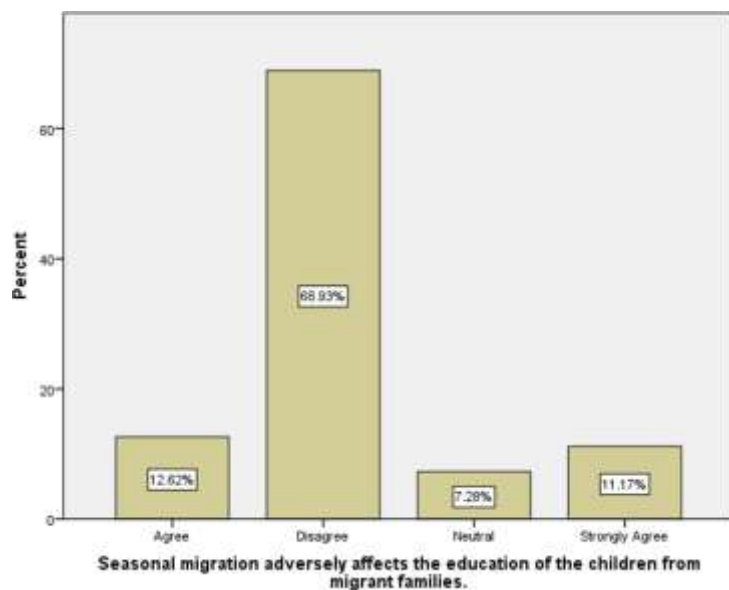


FIG:-5 represents the distribution of sample respondents with respect to the statement that the schools provide any training bridge courses or support these children to overcome the loss in education gains.



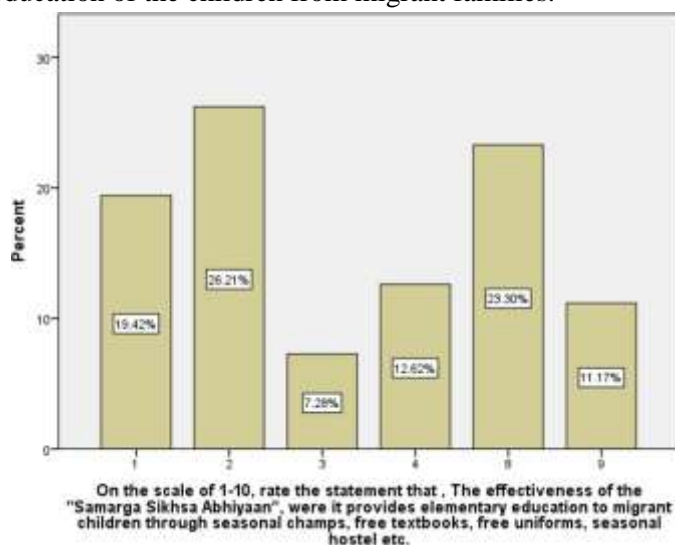
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FIG:-6 represents the distribution of sample respondents with respect to the opinion mentioning the major factors that affect the migrant children's education.



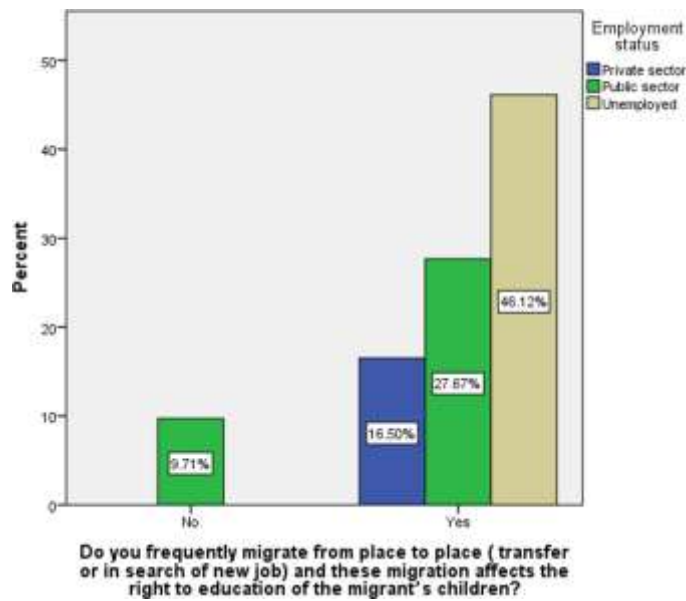
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FIG:-7 represents the distribution of sample respondents with respect to seasonal migration adversely affects the education of the children from migrant families.



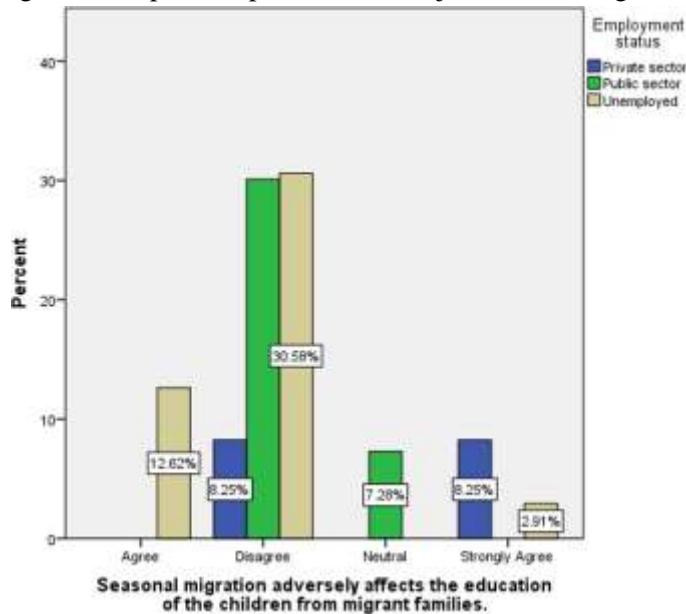
LEGEND

FIG:-8 represents the distribution of sample respondents with respect to the effectiveness of Samarth Shiksha abhiyan where it provides elementary education to migrant children through seasonal camps, free textbooks, free uniforms, seasonal hostels etc.



LEGEND

FIG:-9 represents the distribution of sample respondents with respect to employment status and do you frequently migrate from place to place in case of job and that migration affects the right to education of the migrant children.



LEGEND

FIG:-10 represents the distribution of sample respondents with respect to employment status and seasonal migration adversely affecting the education of children from migrant families.

Case Processing Summary						
	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Employment status - "Do you frequently migrate from place to place (transfer or in search of new job) and these migration affects the right to education of the migrant's children?"	268	100.0%	0	0.0%	268	100.0%

Employment status - "Do you frequently migrate from place to place (transfer or in search of new job) and these migration affects the right to education of the migrant's children?" Crosstabulation

		Do you frequently migrate from place to place (transfer or in search of new job) and these migration affects the right to education of the migrant's children?			
		No		Yes	
Count					
				Total	
Employment status		62	0	0	62
Private sector		0	0	34	34
Public sector		0	20	57	77
Unemployed		0	0	95	95
Total		62	20	186	268

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	316.279 ^a	6	.000
Likelihood Ratio	332.988	6	.000
N of Valid Cases	268		

LEGEND

FIG:-11 represents the distribution of sample respondents with respect to Chi Square analysis.

RESULTS

FIG:-1 represents the distribution of sample respondents with respect to are you aware that the right to education is applicable and a fundamental right for all citizens of India. Aware-37.38% and unaware-62.62%. **FIG:- 2** represents the distribution of sample respondents with respect to do you frequently migrate from place to place and this migration affects the right to education of the migrant children. No-9.71% and yes-90.29%. **FIG:-3** represents the distribution of sample respondents with respect to the major reasons for migration. Due seasonal jobs-48.54%, in search of jobs-26.21%, and to face the poverty in the family-25.24%. **FIG:-4** represents the distribution of sample respondents with respect to children left behind by migrant parents who have less supervision and academic support resulting in a less conducive learning environment at home. Disagree-46.12%, neutral-29.61%, strongly agree-24.27%. **FIG:-5** represents the distribution of sample respondents with respect to the statement that the schools provide any training bridge courses or support these children to overcome the loss in education gains. 1-12.62%, 2-30.58%, 3-26.7%, 4-10.68%, and 5-19.42%. **FIG:-6** represents the distribution of sample respondents with respect to the opinion mentioning the major factors that affect the migrant children's education. Method of education and the practices in the new school-50%, the difference in the teaching contents-19.42% and language of education-23.30%. **FIG:-7** represents the distribution of sample respondents with respect to seasonal migration adversely affects the education of the children from migrant families. Disagree-68.93%. **FIG:-8** represents the distribution of sample respondents with respect to the effectiveness of Samarth Shiksha abhiyan where it provides elementary education to migrant children through seasonal camps, free textbooks, free uniforms, seasonal hostels etc. 1-19.42%, 2-26.21%, 3-7.26%, 4-12.62%, 8-23.30%, and 9-11.17%. **FIG:-9**

represents the distribution of sample respondents with respect to employment status and do you frequently migrate from place to place in case of job and that migration affects the right to education of the migrant children. Unemployment-yes-46.12%, public sector -27.67% yes, no-9.71% and private sector-16.5% yes. **FIG:-10** represents the distribution of sample respondents with respect to employment status and seasonal migration adversely affecting the education of children from migrant families. Private sector- strongly agree-8.25%, unemployed- disagree-30.58% and public sector-29.05%. **FIG:-11** represents the distribution of sample respondents with respect to Chi Square analysis. It satisfies the null hypothesis.

DISCUSSION

FIG:-1 represents the distribution of sample respondents with respect to are you aware that the right to education is applicable and a fundamental right for all citizens of India. Aware-37.38%, unaware-62.62%, since this group of communities are not given much priority and highly unprotected in the ambit of law and society. **FIG:- 2** represents the distribution of sample respondents with respect to do you frequently migrate from place to place and this migration affects the right to education of the migrant children. No-9.71% and yes-90.29%, it may be due to the reason that they will lack parenthood, lack of focus on them or monitor them to guide them in a proper way. **FIG:-3** represents the distribution of sample respondents with respect to the major reasons for migration. Most of the respondents responded that the major reason for migration is due to their seasonal jobs. **FIG:-4** represents the distribution of sample respondents with respect to children left behind by migrant parents who have less supervision and academic support resulting in a less conducive learning environment at home. Most of the respondents disagree with the statement; it might be unawares among the respondents. **FIG:-5** represents the distribution of sample respondents with respect to the statement that the schools provide any training bridge courses or support these children to overcome the loss in education gains. Most of the respondents responded $\frac{2}{3}$ rating scale it might be due to the complexity among the private educational institutions. **FIG:-6** represents the distribution of sample respondents with respect to the opinion mentioning the major factors that affect the migrant children's education. Most of the respondents responded that the major factors that affect the migrant children's education is the method of education and the practices in the new school. **FIG:-7** represents the distribution of sample respondents with respect to seasonal migration adversely affects the education of the children from migrant families. Most of the respondents disagree with the statement. It might be due to the reason that not only family poverty affects them, but also the improper balance in the government initiatives. **FIG:-8** represents the distribution of sample respondents with respect to the effectiveness of Samarth Shiksha abhiyan where it provides elementary education to migrant children through seasonal camps, free textbooks, free uniforms, seasonal hostels etc. most of the respondents disagree it might be due to the lack of checks and balances from the sides of government. **FIG:- 9** represents the distribution of sample respondents with respect to employment status and do you frequently migrate from place to place in case of job and that migration affects the right to education of the migrant children. Most of the unemployed respondents stated that frequent migrate from place to place in case of job and the migration purely affects the right to education of those children. **FIG:-10** represents the distribution of sample respondents with respect to employment status and seasonal migration adversely affecting the education of children from migrant families. Most of the private sector employees responded that the seasonal migration adversely affects the education of the children due to their lack of attendance and no continuity due to the frequent migrations. **FIG:-11** - It satisfies the null hypothesis There is no significant relationship between the employment status of the respondents and their opinion on whether you frequently migrate from place to place and this migration affects the right to education of the migrant children.

LIMITATIONS

The sampling method followed in this study is convenient sampling. The study is unable to collect data through random sampling methods due to the reduced geographical arena. Since the study is restricted to the territory within Tamilnadu. Since the study collected responses from the general public at large, the findings are mostly based on generalised opinion rather than legal or scientific background.

SUGGESTION

There are steps to overcome any social or socio-economic challenge. The first being the acknowledgment of the existence of the social group or community, followed by the acknowledgment of the existence of challenges barring upliftment of the said group, since the prime motto of the Indian is to eradicate poverty. which would eventually lead to pinning down the remedial action in the right direction to overcome those hindrances. Unfortunately, the policies and laws in relation to the education of the migrant communities have been swinging between the first and second step.

CONCLUSION

In India the migrant's children are hidden, whereas the right is protected under the constitution of India, where such rights include the right to education. Right to education is a mandatory one for all the children in India which eventually amounts to the growth of the Indian nation. The major objective of this study is to analyse the public opinion on the right to education for the Migrant's Children in India. Therefore the study found that many of the respondents aren't aware of these migrant children in India whereas this community is a hidden and dominant society. Where the major factors that affect the right to education of the migrant children in India is due to the seasonal jobs which have been practised by their parents.

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