

**Right to Education (2009) and Children of Migrant Sugarcane Harvesting Labourers in Kolhapur**

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*As, it is wisely said by Plato, a Greek philosopher, that “if education of a person is neglected then that person walks lame till the end of life, so the priority should be accorded to the education at primary level has become need of the day. The education is considered as mechanism of creation of a future generation. It makes them capable of facing the challenges of the present and future. Since the Independence, successive governments in India have been addressing a number of key issues and challenges with regard to education policy at national and state level, which has always formed as crucial part of its inclusive development agenda. However, there are still key challenges before Indian education system as on today such as, improving access and quality at all levels of education, increasing government funding, with regard to primary education and improving literacy rates among most vulnerable sections/ weaker sections. In the light of this background the government of India has passed the Right of Children to Free and Compulsory Education Act, 2009 popularly known as Right to Education recently. This is supposed to be enabling all children to go to school and acquire skills essential for individual and Social betterment, hoping future of India in the world would be promising. In this paper attempt is being made to study the evolution of India’s education system over a period of time, and current issues with regard to the education of weaker section such as migrant labourers and problems of their education in a historical and present context.*

**[Key words:** Right to education; weaker section; Children of Migrant Labourers; Access and quality]

Like all other societies Indian Society has its own evolved education system. Education, in its broadest, general sense, is the means through which individual and society sustain. The aims and habits of a group of people transmitted from one generation to the next. It occurs through any experience that has a formative effect on the way one thinks, feels, or acts. In its narrow, technical sense, education is the formal process by which society deliberately transmits its accumulated knowledge, skills, customs and values from one generation to another Dewey John (1944). In this way education is considered as one of the mechanism of developing competent human resource for social and economic development of a nation. Informal and formal education has been the part of life of human being since its existence. In India since the independence, successive Indian governments have had to address a number of key challenges and issues with regard to education policy, which has always formed a crucial part of its inclusive development agenda. However, there are key challenges before Indian education system as on today such as, improving access and quality at all levels of education, increasing government funding, with regard to primary education and improving literacy rates among most vulnerable sections/ weaker sections such as Scheduled Castes (hence forth SC), Scheduled Tribes (ST), Denotified and Nomadic Tribes (hence forth DNTs), Other Backward Classes (hence forth OBCs), Women and poor in Indian society. Currently, though we have world class institutes in India such as Indian Institutes of Management (hence forth IIM) and Indian Institute of Technology (hence forth IIT), but the primary and secondary schools, particularly in rural and backward areas and schools under local government jurisdiction in urban areas, face severe challenges of access and quality. It is the experience new governments commonly pledge to increase spending on education and bring in structural reforms; this has rarely impacted on quality in practice.

### **Evolution of Education System in India**

As a part of inclusive development agenda in this regard the Government of India (hence forth GoI) has seen education as a tool of social and economic development. The first part of this provides a historical perspective on the development of the education system in India, highlighting the changing emphases within government policy. Since the independence, the education policies of

successive governments have built on the substantial legacies of the Nehruvian period, targeting the core themes of plurality and secularism and inclusiveness at all levels. In recent times government has also enacted Children's Right to Free and Compulsory Education Act 2009<sup>1</sup> (hence forth the RTE) which aims to provide free and compulsory education to all in the age group of 6 to 14. In reaching these goals, the issue of funding has become problematic; governments have promised to increase state spending through special provisions such as imposing more educational cess on taxpayers and so on. However, an attempt is being made in this paper to examine the grass root level reality in terms of its implementation or execution in view of seasonal migration of sugarcane harvesting labourers, whose educational background is already dismal. Socio-economic background of these workers is also poor, and access of primary education is a main concern.

The development of the education system has religious and historical perspective in India. Though the trajectory of development of Indian education system has long history, the traditional education system in India was considered closed and non-secular because it has served the interests of few factions in society. This indicates that the partiality at structural level because traditional Hindu system of education served the needs and purpose of particular groups and communities. After independence education for all and industrial development were seen as crucial tools to unite a country divided on the basis of wealth, caste and religion, and formed the cornerstones of the colonial struggle. The school curricula were, thus, imbued with the twin themes of inclusiveness and national pride, placing emphasis on the fact that India's different communities could live peacefully side by side as one nation. The legacies of this Nehruvian approach to education are considerable; perhaps most notable is the entrenchment of the pluralist/secularist perspective in the minds of the Indian people. Subsidized quality higher education through institutions such as the IITs and IIMs formed a major contribution to the Nehruvian vision of a self-reliant and modern Indian state, and they now rank amongst the best higher education institutions in the world. In addition, policies of positive discrimination in education and employment furthered the case for access by hitherto unprivileged social groups to quality education. It has been argued that while

access for some marginalized communities continues to be limited the upward mobility of a few households from marginalized groups resulting, from positive discrimination in educational institutions and state patronage has created role models that helping the social justice in India.

### **The Kothari Commission**

The Kothari Commission was appointed by the government of India by a resolution, dated 14 July 1964, to advise the government on the national pattern of education and on the general principles and policies for the development of education at all stages and in all aspects. In 1966, the Kothari Commission on education submitted a progressive report (Education Commission 1966). The Kothari Commission was the sixth commission in the history of education commission and was most comprehensive in nature. It reviewed almost all aspects of the education system without limiting itself to any one particular aspect, unlike the commissions that came before and after it. After independence the government of India first time appointed national commission on education. Drawing on Nehru's vision, and articulating most of his key themes, the Kothari Commission (1964-66) formulated a coherent education policy for India. According to the recommendations of commission, education was intended to increase productivity, develop social and national unity, consolidate democracy, modernize the country and develop social, moral and spiritual values. To achieve these objectives the main pillar of Indian education policy was to be free and compulsory education for all children up to the age of 14. Other features included the development of languages equality of educational opportunities and the development and prioritization of scientific education and research. The commission also emphasized the need to eradicate illiteracy and provide adult education.

For some scholars (Tilak 2010) the Education Commission 1966 report was a landmark in the history of Indian education and very much relevant even today. Because several important suggestions, which even after almost 50 years are still relevant for development of education because they are relevant today for their intrinsic value, essentially because the commission had looked into the distant future, adopted a visionary approach, built its recommendations on strong empirical evidence and knowledge

with a strong conviction on the role of education in development, and above all with a strong commitment to national development. However, it is worth recalling, for instance, that the commission laid great stress on education for agriculture and its improvement, yet nothing significant happened. The Kothari Commission, which argued that India's development needs were better met by engineers and scientists than historians. The perception has remained that students only study social science or arts subjects as a last resort, though recently commerce and economics have risen in stature.

### **Magnitude of Child Labour in India**

To understand contemporary realities of child labour in India enough information and data is available in public domain. As per the statistics available from the government of India, the magnitude of child labour in India has been witnessing enormous decline in the last two decades, both in terms of magnitude and workforce participation rates in the government surveys. Such as evidence drawn from the National Sample Survey data (6) suggest that India's child workforce during 2004-05 was estimated at little over nine million (9.07 million) as against twenty-one and half million (21.55 million) in 1983(GoI –NSSO-2006). However, in absolute numbers, the problem is large. These are the official figures which are deceptive in nature with regard to the magnitude of child has been declined. Despite several proactive legislations the problem persists as a challenge to the country. In consonance with the above approach, a National Policy on Child Labour (NPCL) was formulated in 1987, setting out objectives and priorities to eradicate child labour and protect all children from exploitation. In this regard the constitutional guarantees of child welfare in India are reflected in the policies, plans, laws and schemes on child labour. As per Article 24 of the Constitution, no child below the age of 14 years is to be employed in any factory, mine or any hazardous employment. Further, Article 39 requires the States to direct its policy towards ensuring that the tender age of children is not abused and that they are not forced by economic necessity to enter avocations unsuited to their age or strength. Recently, with the insertion of Article 21A, the State has been entrusted with the task of providing free and compulsory education to all the children in the age group of 6-14 years. In this regard the situation is not

satisfactory so the Bombay high court in its verdict has observed the grim picture of deprivation of educational facilities, “The Bombay high court (2011) has asked the Maharashtra government to open schools in rural areas to provide free primary education to the children of migrant labourers who work in sugarcane fields”. Hearing a petition filed by the Maharashtra Sugarcane Growers and Transporters Association (MSGTA).

### **Right of Children to Free and Compulsory Education**

It seems that the RTE in its origin and form it is the landmark decision in the field of education in India as at the very outset it has been mentioned by the Minister of Human Resource Development (hence forth HRD) that ‘The Right to Education (RTE) is an opportunity to break gender, caste, class and community barriers that threaten to damage the social fabric of our democracy and create fissures that could be ruinous to the country’. And Phrases like “building up child’s knowledge, potentiality and talent and development of physical and mental abilities to the fullest extent” are used. In many ways, it seems that the RTE continues the tradition of focusing on inputs rather than outcomes. Inputs are necessary and are easier to target and monitor. But if we believe that ‘education’ entails more than just being enrolled in school, then at some level we have to have a set of outcomes that we expect the education process to lead to. Unless children and teachers attend school and instruction takes place. Learning, however defined, will not take place no matter how many classrooms and playgrounds are built.

### **Background**

Almost after 60 years of the independence the government of India made education as fundamental right of every Indian citizen through the *Constitution (Eighty-sixth Amendments) Act, 2002*. The Act deals with insertion of a new article 21A after article 21. The new article 21A deals with RTE-“The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine” Substitution of new Article for Article 45. For Article 45 of the Constitution, the following article shall be substituted, namely, Provision for early childhood care and education to children below the age of six years. Article 45: “The State shall endeavor to provide early childhood care and education for all children until

they complete the age of six years.” Article 51A of the Constitution was amended and a new clause (k) was added after clause (j), namely, “(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years” (Government of India 2008). As a result it has been two years since the RTE came into force (April 1, 2010). As per RTE, every child in the age group of 6-14 years would be provided eight years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood. All schools have been given three years (2013) to prescribe to norms and standards laid out in the Act. This act is an attempt to make overall changes in the system of education India. Precisely, present act prudently incorporate changes in educational policy, planning, administration, management of information system, equity and inclusion in elementary education sector in India.

#### **Major Provisions of the RTE**

1. The RTE act covers all children within the age range from 6 to 14 who will be entitled to free and compulsory education in a neighborhood school and act will be applicable to whole India.
2. The central and the state governments will share responsibility for providing funds necessary to meet the expenses under the RTE Act. The government as well as the local authorities defined in the Act will also be responsible for availability of a neighboring school for admission.
3. It will be mandatory for all schools (excluding some minority unaided) to admit children belonging to weaker sections such as Scheduled caste, Scheduled Tribe and disadvantaged groups, to the extent of 25 per cent of the strength of the class, in the class-1.
4. It is also seems discouraging for some that no admitted child can be held back in a class or expelled until completion of the elementary education. The Act specifically bans any type of capitation fees or any screening procedure for admission to a school. The RTE Act also makes it compulsory for the parents of the children in the given age range to admit their children in the neighboring schools provided in the act.
5. The RTE Act specifies various standards & norms including infrastructure, teaching standards, students teacher ratio, and formation of school management committee among others. It also

talks about improving the quality of teachers as well as developing a national curriculum for elementary education.

6. The RTE Act provides for monitoring the rights of the children under the RTE Act by the National Commission for Protection of Child Rights or the concerned State Commission.
7. The RTE Act also makes it mandatory for all schools to follow the guidelines of the RTE Act to be eligible for continuity of operation or for start of a new school.
8. There are several stringent penal provisions are also prescribed in the RTE Act towards non-compliance of this act.

Thus, the clauses of the RTE Act have far-reaching implications on the way the schools are being established and their operations run in the country, for elementary education in the country. The provisions of the Act are seems to be altruistic in their aim in creating an inclusive social system.

#### **Critical view of RTE**

1. The scope of the RTE Act is limited to elementary education i.e. education from class-1 to class-8.
2. Some of the quality standards such as teacher and student ratio and infrastructure are just not practically feasible particularly in the rural areas.
3. The stated directive of mandatory requirement of admitting 25 per cent of children in class-1 from among the children of underprivileged people will ever be adhered to is doubtful because most of the underprivileged communities are not residing in urban areas, where quality schools are more in numbers.
4. The constitution of the school management committee prescribing minimum 75 per cent from parents it is apprehended that this might result into undue interference in managing the schools in a professional manner.
5. For some schools it is more embarrassing that the children once admitted cannot be held back in class or expelled might result into unhealthy practices among children or their parents who would like to take protection under the provision. This will also burden teacher to make formal record of students who do not attend school regularly.

No legislation is foolproof and ultimate fine. Finally, how far the RTE succeeds in creating an inclusive society in the long-run will be the acid test of its effective implementation of the same.

### **Research Methodology**

Looking at RTE as mean of transformation of Indian society has to be understood from different perspectives simply because the nature Indian society is unique and ironical in its formation. Education is considered as mechanism of ‘cultural reproduction’<sup>2</sup> and ‘reproduction of labour’<sup>3</sup> in sociology. Present study aims to investigate the nature social relations in terms of work and occupation pattern in Indian society which was and some extent is now decided by the caste system (mechanism of social stratification) not allowing some groups to change their tradition occupations through social sanctions. However, after independence we have adopted constitution of India which ensures fundamental rights of individual are not violated because of social background. Discrimination on the basis of caste gender and religion is not permitted in the constitution of India. Preamble of constitution of India gives new vision for ideal Indian society where justice, liberty equality and fraternity are considered as basic rights. This can be meet only through the scientific and moral education. However, large section of our society do not get access and quality education because of poverty and social discrimination. Present paper deals with children of migrant labourers and their education so that attempt is made to study situation of child labour in India in general and migrant labourers in the sugarcane field in particular. Data is collected through the interview schedule, observation method with the help of non probability sampling (snowball sampling). Researcher has personally visited purposively 30 cases (children in the age of 6 to 14) to know test the applicability, practicability of RTE to the children of migrant labourers in Kolhapur district.

### **Objectives of the Present Study**

1. To study the socio-psychological background of the children’s of migrant labourers.
2. To study present situation of education at destination
3. To understand the difficulties of children to get access to education at destination.

### **Data Collection**

Primary data regarding the socio-economic and psychological background and condition of education is directly collected from the representative respondents (children) through the help of interview schedule and observation and personal discussion by the researcher. These respondents (30) consist of two different backgrounds at destination i.e. Bullock Cart Workers (BCW) and Cane Cutters (CC) in four sugar factories in Kolhapur district which are purposively selected. Secondary data has been collected from different sources such as relevant books, journals, research reports, government reports, and websites and so on. Convenience sampling which is also known as accidental sampling is employed. Eventually data was processed through the help of SPSS subsequently interpretations and conclusions are made out of it these are as follow.

### **Socio-psychological Background and Education at Destination**

Socio-psychological backgrounds of children of migrant sugarcane harvesting labourers have many dimensions. The parents of children bring them along for not education but as additional support during work process. Though some parents wish to send their ward to available school at destination situation does not permit them to do so. Because working process is very tedious and tight. The BCW migrant labourers have to leave their camps at 4.am early in the morning for cutting the sugarcane. Then there is question that who will take care of their children if they left behind for school. Though local school teacher of '*Sakhar Shala*' tries to play an important role to motivate parents to send their older children to school this does not yield expected result because uncertainty in the mind of labourers about the safety of their children. Another aspect of psychology of children i.e. related to their adjustability with new environment social and geographical areas. Keeping in mind this situation Sakhar Shalas schools run by the government education department endeavour on the sites of sugar cane cutters, which intend to provide primary education to children of sugarcane laborers who are deprived of education because of their parent's migration to the factory areas on a seasonal basis, for long periods. Since there is no special provision for migrant children to continue their education at factory sites, they usually drop out from the educational process. Sakhar Shalas

try to solve problems in continuing education by opening schools and providing adequate educational services in settlements of migrant laborers. But it functions only during the second part of the educational year. Existing schools like Zilla Parishad (ZP) schools do not have the capacity or equal sympathy towards the children's of migrant labourers. Sugar factories do not look upon this as their responsibility since they employ the labour through the middleman.

### **Schooling at Destination**

In Maharashtra sugar belt of western Maharashtra attract more than 5 lakh seasonal labourers from backward areas of Marathwada and western Maharashtra too, for harvesting for almost 6 month period every year. Thousands of the labourers carry their children and women folk along with them to help their poor parent at work place. Some of them who have slightly better socio-economic background they send their children to school available at destination. Many of them discontinue their education and continue their vulnerable life as additional hand in work processes such cutting, bundling and transporting sugarcane. The migration period is around 6 months i.e. November to April/May usually. This coincides with the second semester of the school in the State. As the first semester normally, ends with the winter vacation and the second semester starts after the vacation. Children of migrant labourers discontinue studies and prefer to be with their parents. In some cases, elder children who are studying and can look after themselves are left in the native villages. Younger children accompany parents since there is nobody at home to look after them. Due to long absences from school they fail to cope with the studies. When they are back in their villages by the end of the sugar-harvesting season, either they appear for the final examinations and fail or do not appear and are therefore not promoted. Because of this situation their interest level also goes down. Gradually they get dissociated from the education process and end up working as child laborers alongside their parents. Table 1 gives details about educational background and social background of the children interviewed during field work.

**Table 1 Educational Background and Caste Category**

Educational Background		Caste Category					Total
		Open	SC	ST	DT/NT	OBC	
No School, Actual Classes	0.00	0	0	3	0	0	3
	1.00	1	1	2	2	0	6
	2.00	2	0	0	3	2	7
	3.00	0	1	0	0	1	2
	4.00	0	0	0	0	2	2
	5.00	1	0	0	1	0	2
	6.00	0	0	1	2	2	5
	7.00	1	1	0	0	0	2
	8.00	0	0	0	1	0	1
<b>Total</b>		5	3	6	9	7	30

(Source: Field data of author)

**Difficulties to get Access to Education at Destination**

There are other problems at work sites of most places of sugarcane harvesting in remote areas, away from habitations and major roads. The majority of work sites, therefore, do not provide access to schools. Schools can sometimes be found near sugar factory sites as these are more likely to be located near factory or village areas, but local authorities are not generally aware of the needs of migrant children and do not believe it is their job to ensure they are in school. For their part, parents have no mental space to think or act on these concerns, at least partly due to the poor conditions of the work site, so the most logical thing to do is to put their children to work. In the absence of any systemic mechanism to bridge this gap, the disconnect remains between migrant children and schools around work sites. Some migrants in this sector, however, do not have access to schools at all. This includes, for example, migrants who shift constantly from one work site to another. There are also work sites which have only a few families and a handful of children, and therefore a school may not be feasible. For such children there is no possibility of schooling

during periods of migration. Although it is said that the solution for these children is mobile teachers, the limitations of this are clear and as of yet there are no examples of this having been carried out successfully anywhere in the country.

**Table 2 Education at Work and Category of Work**

Education at Work		Category of Work		Total	
		BCW	CC		
Go to Factory School	Caste Category	OPEN	3		3
		SC	1		1
		DT/NT	1		1
		OBC	6		6
		Total	11		11
No School	Caste Category	ST		2	2
		Total		2	2
Do not go to School	Caste Category	OPEN	1	1	2
		SC	0	2	2
		ST	0	4	4
		DT/NT	3	5	8
		OBC	0	1	1
		Total	4	13	17

(Source: Field data of author)

Table 2 shows and highlight the factual reality of the children's schooling system at the destination. 11 children's have access to the school at factory site those who are belong to BCW category of work and their socio-economic background is slightly better. Two children's from Scheduled Tribe category do not have school facility at all because they work as CC and they have to shift their location as and when plot of sugarcane is over. Almost 70 per cent children do not go to school though school may be available at some distance because of their category as CC who is always on move as per the need of factory administration and poverty and family problems.

## **Conclusion and Suggestions**

As it has been said the education is a process of creation of future generation, which makes them capable of facing the challenges of the future, and also is indeed an investment for future development of society. And as it is wisely said by Plato, a Greek philosopher that, “if education of a person is neglected then that person walks lame till the end of life”. There is need of the hour to make existing monitoring mechanisms mentioned in act should be strengthened keeping in mind the situation or working conditions of migrant labourers. So there is need to develop separate independent institutional arrangements. At present monitoring mechanisms lack an overarching coordination framework or an explicit reporting and governance structure. So that it should be ensured that implementation level monitoring processes are comprehensive, rigorous and timely and that they promote the overall coherence and functional consistency of implementation of RTE Act 2009. The motivation for having such a framework is ultimately to ensure that the agreed financial provisions are effectively implemented.

## **Notes**

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<sup>1</sup> See. The Gazette of India. Extraordinary. Part –II Section –I. No 39 New Delhi. Thursday, August 27 /2009 BHARDA.1931. Published by Government of India,

<sup>2</sup> See. The concept is discussed in detail by Pierre Bourdieu, education as Cultural reproduction and social reproduction explained by M Haralambos with R.M.Heald.

<sup>3</sup> See. Karl Marks contribution in terms of reproduction of labour power and system of education analysis explained by Louis Althusser.

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