



CHILD RIGHTS AT CONSTRUCTION SITES IN INDIA: A CRITIQUE

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ABSTRACT

In the words of Mr. V Sashikumar, general secretary of the Construction Workers Federation of India (CWFI), there are 6 crore construction workers in India. Only 3.5 crore of them are registered with Welfare Boards. All these unregistered and even many of those who are registered, do not get benefit of all welfare schemes. Majority of construction workers and their families are languishing in poverty with no or very limited access to basic necessities like nutritious food, healthcare facility, potable water etc. This has adverse impact on the growth and development of children of construction workers. Often it results in blatant violation of human rights of children. Recent on foot migration of thousands of workers alongwith their children (on account of hasty and sudden lockdown) to their hometown due to lack of food and money is an example of how their rights are neglected.

This research paper is an attempt to critically analyse the law in India on prevention of child labour and offering welfare measures to the construction workers and their children's. It also contains an analysis of judicial trend on rights of children's in construction industry. Author has also suggested many reforms in current legal and administrative framework for improved protection of rights of children's of construction workers.

KEY WORDS: *Construction, Workers, Children, Rights, Welfare*

INTRODUCTION

Social Justice must begin with child unless tender plant is properly nourished; it has little chance of growing into strong and useful tree. So, first priority in the scale of social justice should be given to the welfare of children.

-Subba Rao, J.

The word 'child' is derived from the Latin word '*infans*' which means 'the one who does not speak.'¹ With the social development, the term child has evolved to include a new born baby to one attaining adulthood. Similarly, the rights and need of care for children has also evolved and today is ascertained

through recognition of various fundamental human rights of children including, right to health, education, family life, play and recreation, an adequate standard of living, protection from abuse etc. In spite of recognition of these rights, even today, many children across the world are languishing in poverty and struggling to meet their basic needs. Child labour and poor economic condition of parents are two major causes behind violation of child rights.

According to the 'National Institute of Public Cooperation and Child Development' in India, Child Labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful. It involves the use of labour at its points of lowest productivity and is there, an inefficient utilisation of labour power.

¹ *Rights of the Child*, available at, <https://www.humanium.org/en/child-rights/>



INDIAN LAWS ON CHILD LABOUR

The Constitution of India

According to Article 24 of the Indian Constitution, "No Child below the age of 14 (fourteen) years shall be employed to work in any factory or mine or engaged in any other hazardous employment."

Article 23 of the Indian Constitution expressly prohibits human trafficking, forced or bonded labour. Though Article 24 prohibit child employment the reality shows different picture. According to data from Census 2011, the number of child labourers in India is 10.1 million of which 5.6 million are boys and 4.5 million are girls.²

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986

Section 3. Prohibition of employment of children in any occupation and process. –

(1) No child shall be employed or permitted to work in any occupation or process.

The main object of the Child Labour Act, 1986 (hereinafter referred to as the CALPR Act) is to prohibit the engagement of children (below 14 years) in all occupations and to prohibit the engagement of adolescents (between 14 to 18 years) in hazardous occupations and processes. Though section 3 prohibits child labour, it allows help of child in family enterprise other than any hazardous occupations or processes listed in the schedule attached to the Act. Unfortunately the term hazardous occupations referred to u/s 3 has reference to schedule 1 of the Factories Act, 1948 which doesn't include construction as hazardous industry. Hence, the CALPR Act is of no use in prohibiting child labour at construction site. The recently enacted The Occupational Safety, Health and Working Conditions Code, 2020, which has replaced the Factories Act, 1948. However, the Code also in its schedule I (List of Industries involving hazardous processes) doesn't include construction as hazardous activity.

The Child Labour (Prohibition and Regulation) Act, 1986

Under this Act, there is total ban on Child Labour engagement in Building & Construction Industry. Section 3 read with Entry 2, Part A of schedule annexed to the Child Labour (Prohibition and Regulation) Act 1986 completely bans cinder picking, clearing of ash pit or building operation in railway premises by children under age of fourteen years. It

² *Child Labour and Exploitation*, UNICEF India, retrieved from <https://www.unicef.org/india/what-we-do/child-labour-exploitation>

also prohibits employment of children in construction of railway station.³

Moreover, Section 3 read with entry 114 Part B of the schedule annexed to the Act specifically prohibit employment of children in 'Building and construction industry including processing and polishing of granite stones.'

Act provides for minimum working hours for a child in a day to be 6 hours (section 7[3]) with an interval of 1 hour after continuous work for 3 hours.

Punishment for breach of said provision is prescribed under Section 14, which includes;

(1) ₹ 10,000/- to ₹ 20,000/- fine and

(2) One month to 12 month jail.

Section 17 of the Act provides for appointment of inspector for securing compliance with provisions of Act.

The Mines Act 1952

Section 40 of the Act prohibits employment of person below age of 18 years in any mines or any part thereof.

The Building and Other Construction Workers (Regulation of Employment and Condition of Services) Act, 1996 (hereafter referred to as the BOCW Act).

Section 12 (1) provides as follows;

Every building worker who has completed eighteen years of age, but has not completed sixty years of age, and who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months shall be eligible for registration as a beneficiary under this Act.

However, the BOCW Act 1996 has been recently replaced by the Code on Social Security, 2020 which does not contain a provision in line with Section 12 of the BOCW Act, 1996.

CHILD LABOUR IN CONSTRUCTION

Construction sector has two key segments⁵:

1. Buildings, falling into one of the following categories:

- residential,
- commercial,
- institutional and
- industrial;

AND

³ Entry 4, Part A, Schedule, the Child Labour (Prohibition and Regulation) Act, 1986

⁴ Substituted by Amendment of 2001

⁵ Twelfth Five Year Plan (2012–2017), Volume II, Planning Commission (Government of India) 2013, at pg. 362 available at, https://niti.gov.in/planningcommission.gov.in/docs/planrel/fiveyr/12th/pdf/12fyp_vol2.pdf



2. Infrastructure such as road, rail, dams, canals, airports, power systems, telecommunication systems, urban infrastructure including water supply, sewerage, and drainage and rural infrastructure.

Although more than 41 million people (as per Government estimate) are employed in this sector, less than 6 per cent has the benefit of structured training and skill building. Skill upgradation schemes launched by the state and Central Governments are not adequate and only a handful of large firms organise training programmes. Construction firms are regulated under multiple laws and there is no unified regulatory framework.⁶

A large proportion of workers (approximately 93%) in the construction sector undertake informal work, which implies the absence of social and legal protection.⁷ Every year at least 108,000 workers are killed on construction work sites worldwide. About 30 percent of all occupational fatal injuries occur in the construction sector. In developed countries, a construction worker is three to four times more likely to die on the job than workers in other sectors, while in developing countries, this likelihood increases to three to six times.⁸ In case of accidental death of parents working on construction sites⁹ and poor economic family conditions, often forces the children's of deceased to stop their education and search for a job. The ultimate result of all this is child labour.

Though the law has provided for a statutory deterrence towards child labour, the reality is quite different. As per national child labour survey of 2016, out of total child labour about 0.7% of children's are employed in construction sector.¹⁰ A report (2016) by NGO *Verité* identified bricks as one of 43 of the world's most important primary commodities. Its analysis, based on a range of globally recognised data, showed that bricks from 21 countries are produced with forced labour and/or child labour. These include two of

the top three countries that export bricks worldwide: China (first place) and India (third place).¹¹

Andrew Brady, director of Union Solidarity International, said: "The scale of forced and child labour in the brick kilns of India is of epidemic proportions. Simply put, cheap bricks means cheap office buildings on the back of blood bricks and slave labour."¹²

The International Justice Mission said about bonded labour in Indian brick kilns: "Children are working in hazardous conditions helping their parents load bricks into the furnace. They are also forced to turn the bricks throughout the day as the bricks are being dried in the sun. In one of the cases from 2015, a 5-year-old was asked to turn the bricks dried in the sun, every day, for which she was not paid anything at all."¹³

CHILDREN'S OF CONSTRUCTION WORKERS

The new Code on Social Security, 2020 (which has replaced the previous welfare legislation for construction workers i.e. the BOCW Act, 1996) u/s 67 provides for establishment of crèche facility.¹⁴ However, same is not sufficient enough. In said provision, the important aspects of ensuring hygiene, nutritious food and recreational facilities in crèche has been neglected by legislators.

Section 7 of the Code on Social Security, 2020 proposes to establish State Building Workers' Welfare Board which shall be a body corporate¹⁵ consisting of a chairperson to be nominated by the State Government, one member to be nominated by the Central

⁶ *Ibid*, at pg. 364

⁷ Singh GP. *Plights of migrant construction workers*. *Manag Labour Stud*. 2016; 41(3):181-98.

⁸ International Labour Organization (ILO), *Construction: a Hazardous Work*, 2009. Available at, http://www.ilo.org/safework/areasofwork/hazardous-work/WCMS_124597/lang--en/index.htm

⁹ On-site deaths is 20 times higher than those in Britain, 25% of the deaths result from falling from a height, and nearly 80% of the workers work in unsafe environment. See, <https://www.justiceneeds.co.in/indias-80-construction-sites-unsafe-deaths-20-times-higher-than-those-in-britain/>

¹⁰ *National Child Labour Survey of 2016*, ILO, available at, national child labour survey of 2016

¹¹ *Verité*. *Strengthening protections against trafficking in persons in federal and corporate supply chains*. 2016 *Verité*. Available at: <http://www.verite.org/sites/default/files/images/VeriteCommodityReports-2016%200229.pdf>.

¹² Hawksley, H., 2014. 'Why India's brick kiln workers live like slaves'. BBC, 2 January 2014.

¹³ Daniel, E., 2016. 'We Must Work Together to End Human Trafficking'. *New Indian Express*, 9 February 2016

¹⁴ Section 67. *Creche facility*. (1) Every establishment to which this Chapter applies, in which fifty employees or such number of employees as may be prescribed by the Central Government, are employed shall have the facility of crèche within such distance as may be prescribed by the Central Government, either separately or along with common facilities

¹⁵ Section 7 (2), the Code on Social Security, 2020



Government.¹⁶ The board has been entrusted with the function of providing death and disability benefits¹⁷ to a beneficiary or his dependents and pension.

In addition, Section 7 (6) also provides for the following benefits;

- d) frame educational schemes for the benefit of children of the beneficiaries as may be prescribed by the appropriate Government;
- e) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependent, as may be prescribed by the appropriate Government;
- f) make payment of maternity benefit to the beneficiaries;
- g) frame skill development and awareness schemes for the beneficiaries;
- h) provide transit accommodation or hostel facility to the beneficiaries;
- i) formulation of any other welfare scheme for the building worker beneficiaries by State Government in concurrence with the Central Government; and
- j) make provision and improvement of such other welfare measures and facilities as may be prescribed by the Central Government.

Though the aforementioned welfare measures are proposed by the Code, the law is silent as to how it will be implemented. Considering the temporary and migratory nature of work in construction industry, the clarity on source of funding and mechanism for dispersal of benefits by the board is required. The Central Government has simply asked the State Government to establish the board. Considering the current conflict between states and center over disbursement of money and pendency in payment of money by the Central Government to the State Governments, and the poor economic conditions of states, it would be inappropriate to hold only State Governments responsible for the financial burden of welfare measures to construction workers. Instead, a fund contributed in form of cess may be a solution as the conflict between state and center may render denial of welfare measures, as it had happened in the past.

The Building and Other Construction Workers' Welfare Cess Act, 1996

The Act was passed with an object to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augment the resources of the Building and Other Construction Workers' Welfare Boards. The fund so

gathered was supposed to have been utilized towards the welfare scheme for the construction workers. However, till 2020, around ₹ 52,000 crore has been collected as BOCW Welfare Cess, of which around ₹ 31,000 crore remains unutilized.¹⁸

Although the welfare schemes are proposed on paper, the practical reality shows a complete contrast. In India, young children running around sites where such work is in progress have become as common a sight as the stacks of bricks and cement. Apart from endangering their own lives, they also divert the attention of their parents from the labor-intensive work at the site.¹⁹

Poor economic and social condition of parents employed in construction sector also contribute to the violation of rights of children. The construction Industry in India absorbs almost 44 million workers, two third of whom (30 million including 4.5 million women) are unskilled and more than half of them live below the poverty line.²⁰

Ground level reports reveal that implementation of law for protection of construction workers has been unsatisfactory. They do not have access to clean drinking water, toilets, proper accommodation or even access to basic medical facilities. Such pitiable conditions make the construction workers and their family members, including children, vulnerable to health risks.²¹

A study of 131 migrant children living at various construction sites in Ahmedabad showed that half of the children surveyed were underweight (low weight for age), 41% were stunted (low height for age)

¹⁸ Ananda Jonathan, *1.5 crore unregistered construction workers in the lurch sans relief*, The Indian Express, 27th March 2020, accessed from, <https://www.newindianexpress.com/business/2020/mar/27/15-crore-unregistered-construction-workers-in-the-lurch-sans-relief-2122056.html#:~:text=However%2C%20the%20Government%20of%20India's,are%20registered%20with%20welfare%20boards.>

¹⁹ Varughese J.M., *Mobile creches: a safe haven for children of construction workers*, Mint, 2008, available at, <https://www.livemint.com/Companies/xJZi4T54aVyA8JX6ae9dLL/Mobile-creches-a-safe-haven-for-children-of-construction-wo.html>

²⁰ *Life Of A Construction Labourer's Child*, BW Businessworld, July 19, 2020, retrieved from, <http://www.businessworld.in/article/Life-Of-A-Construction-Labourer-s-Child/15-12-2017-134829/>,

²¹ *Id*

¹⁶ Section 7 (3), the Code on Social Security, 2020

¹⁷ Section 7 (6) (a), the Code on Social Security, 2020



and 22% were wasted (low weight for height).²² Children also were found to consume copious amounts of packaged food such as chips and biscuits, as with a laborious 12-hour workday, mothers weren't left with many alternatives in the absence of affordable, healthy packaged food.²³ Apart from this lack of proper and hygienic latrines, safe drinking water and access to appropriate healthcare facilities are also distant dreams for majority of construction workers and their children's in India.

The children living on construction sites often suffer from malnutrition, under nourishment, accidents, and innumerable health problems. According to a Mobile Crèche's study,²⁴ about 70 per cent of children living on construction sites suffer from malnutrition, compared with the national average of 21 per cent. The study also pointed out that in the absence of clean drinking water and flush latrines, cholera and other diseases spread quickly and many people suffer coughs caused by inhaled paint fumes and cement particles. Several parents working on construction sites are unaware that their children are malnourished. The breastfeeding mothers face many barriers at their worksites to feed their kids, including the lack of regular breaks. A very small number of construction sites have daycare facilities.²⁵

Majority of the workers in Indian construction sector are migrant workers. The general pattern of migration is that "women and children have always featured as 'associated' migrants with the main decision to migrate having been taken by the male of the household."²⁶ This often leaves away the other family members from the benefits assigned to migrants.

²² Divya Ravindranath, *How labour conditions at construction sites are leading to higher rates of child malnutrition*, Sep 27, 2019, retrieved from, <https://scroll.in/article/938248/how-labour-conditions-at-construction-sites-are-leading-to-higher-rates-of-child-malnutrition>,

²³ *Id*

²⁴ Retrieved from, <http://www.shram.org/uploadFiles/20121119051839.pdf>

²⁵ Ravichandran Vaishnavi, *Children of migrant construction workers face a disrupted quality of life*, Research Matters, Mar 10, 2020, available at, <https://researchmatters.in/news/children-migrant-construction-workers-face-disrupted-quality-life-0>

²⁶ Pandit, Niraj. Trivedi, Ashish & Das, Bidisha (2011). *A Study of Maternal and Child Health Issues Among Migratory Construction Workers*, Health line, July-December 2011, 2(2):

16 – 18, at p.16

This is particularly harmful in recent pandemic situations. Everyone in India has witnessed as to how the government failed in ensuring adequate facilities to migrant workers and their families at the place of work and how they were forced to walk hundreds of kilometers along with their children's. Most of these migrants were construction workers. The rampant human right violation of these workers and their families²⁷ could have been avoided by ensuring proper facilities at work place or prearranging adequate transportation prior to enforcing hasty lockdown.

JUDICIAL TREND IN INDIA

The judiciary in India had been the torch bearer in ensuring social justice as contemplated by the Constitution of India. Until the beginning of 21st Century, the judiciary in India was very proactive in recognizing and protecting various rights of Indian citizens. Even in field of child labour in construction industry, it has delivered some important verdicts. Some of them are as follows;

*People's Union for Democratic Rights v. Union of India*²⁸

Popularly known as *Asiad Workers Case*, wherein, children under fourteen were found to be among the migrant workers and contract laborers engaged in construction work for the Asian Games. In 1982, the case was taken to the Supreme Court by a democratic rights organization.

Drawing on the constitutional injunction against children being in hazardous employment, the Court held:

"...this is a constitutional prohibition which, even if not followed up by appropriate legislation, must operate *proprio vigore* and *construction work being plainly and indubitably a hazardous employment*, it is clear that by reason of this Constitutional prohibition, *no child*

²⁷ The National Human Rights Commission (NHRC) recorded over 2582 cases of human rights violation in the month of April, when the country was under a strict lockdown, indicating rampant violation of human rights which left millions of migrant labourers in the lurch. According to a Stranded Workers Action Network's report, published on 15 April, 2020, which surveyed more than 11,000 migrant workers, revealed that 50% of the respondents no rations left even for a single day; while 96% had not received rations, 70% had not received cooked food from the government; 78% or the respondents had less than ₹400 left. See, <https://www.livemint.com/news/india/how-coronavirus-turned-into-humanitarian-crisis-for-migrant-workers-11590401718622.html>

²⁸ AIR (1982) SC 1480; 1982 AIR 1473.



below the age of 14 years can be allowed to be engaged in construction work. Therefore, notwithstanding the absence of specification of construction industry in the schedule to Employment of Children Act 1938, no child below 14 years can be employed in construction work and the Union of India as also every State Government must ensure that this constitutional mandate is not violated in any part of the country.”

The aforementioned observation of court was made as there was no contemporary law prohibiting child labour at construction site. Court further held that,

“Article 24 of the Constitution embodies a Fundamental Right which is plainly and indubitably enforceable against every one and by reason of its compulsive mandate, no one can employ a child below the age of 14 years in a hazardous employment. Since, construction work is a hazardous employment, no child below the age of 14 years can be employed in constructions work and therefore, not only are the contractors under a constitutional mandate not to employ any child below the age of 14 years, but it is also the duty of the Union of India, the Delhi Administration and the Delhi Development Authority to ensure that this constitutional obligation is obeyed by the contractors to whom they have entrusted the construction work of the various Asiad Projects.”

The case is significant as for the first time construction industry was accepted to be a hazardous industry. Almost after 19 years, in 2001, the decision of Court was finally acted upon, when Part B of schedule annexed to the Child Labour (Prohibition and Regulation) Act, 1986 was amended to include construction industry as prohibited entity to employ child below 14 years.²⁹

The decision of honorable SC was reiterated in *Labourers Working on Salal Hydro Project v. State of Jammu and Kashmir*³⁰ when a letter was sent by the People's Union for Democratic Rights. It was addressed to Mr. Justice A. Desai, enclosing a copy of the news report published in the Indian Express, dated August 26, 1982, where it was written that a large number of migrant workmen from different states, including the State of Orissa were working on the Salal Hydroelectric Project in different conditions.

Court in this case casted a duty on the Central Government where it undertakes a construction project either itself directly or through a contractor to provide education to the children of the workers involved in the construction work. Court observed that,

“So long as there is poverty and destitution in this country, it would be difficult to eradicate child labour. But even so an attempt has to be made to reduce, if not eliminate, the incidence of child labour, because it is absolutely essential that a child should be able to receive proper education, with a view to equipping itself to become a useful member of the society and to play a constructive role in the socio-economic development of the country.”

In *Hydro Project...* case, Justice Bhagwati observed that construction work is a hazardous employment and therefore under Article 24 of the Constitution, no child below the age of 14 years can be employed in construction works by reason of the prohibition, enacted in Article 24 and this constitutional prohibition must be enforced by the Central Government.

*M.C. Mehta v. State of Tamil Nadu and others*³¹

The Court directed to withdraw the children who were working in hazardous industries, to ensure their education in appropriate institutions. Court also stated that, appropriate government will provide employment to one adult member of the family of the child withdrawn from work and if this is not possible, the government would contribute a sum of Rupees 5000 for each child to the welfare fund. The government would either provide a job to an adult member of the family *in lieu of* the child or deposit a sum of Rupees 25,000 in the Child Labour Rehabilitation-cum-Welfare Fund. In case of getting employment for an adult, the parent or guardian shall have to withdraw his child from the job. Even if no employment is provided the parent or guardian cannot allow the child to continue in the employment as an alternative source of income will be provided by the government to them from the fund.

In *M.C. Mehta v. State of Tamil Nadu*,³² SC held that, the problem of child labour in India has spread its fang far and wide and it had by now assumed the shape of an all India evil, holding that the offending employer must be asked to pay compensation for every child employed in contravention of the provisions of the Act a sum of ₹ 20,000. Court further stated that, the Inspector appointed u/s 17 would see that for each child employed in violation with provisions of the Act, the concerned employer pays ₹ 20000 which sum could be deposited in a fund to be known as Child Labour Rehabilitation Cum Welfare Fund.

SUGGESTIONS

- Schedule one of the Occupational Safety, Health and Working Conditions Code, 2020 and The Child and Adolescent Labour

²⁹ See, entry 11, PART B, SCHEDULE, the Child Labour (Prohibition and Regulation) Act, 1986

³⁰ (1983) 2 SCC 181 at 191.

³¹ AIR 1991 SC 417.

³² AIR 1997 SC 699 : 1996 (6) SCC 756



(Prohibition and Regulation) Act, 1986 may be amended to include Construction as hazardous process/industry in order to prohibit child labour in construction industry.

- Crèche facility provided for u/s 67 of the Code on Social Security, 2020 shall have adequate light and ventilation, cleanliness and sanitation facilities. A women, experienced and trained in the care of children and infants must be appointed as in charge of such facility, as required earlier u/s 35 of the BOCW Act, 1969.
- Such crèche facility shall ensure healthy, hygienic food, periodic healthcare checkup and recreational facility. It shall also have computer system with internet access to impart technology assisted education and skill sets.
- A separate breast feeding room shall be provided at construction site. Women's shall be provided with necessary breaks after intervals for breast feeding and complementary feeding of their kids.
- Mandatory insurance coverage shall be provided not only to the employees working on construction site, but also to their children. Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) & Pradhan Mantri Suraksha Bima Yojana (PMSBY) may be extended to all the construction workers and their family members. Contractors shall be held responsible for payment of premium (of all family members) that may become due during the employment of worker.
- Permanent residential schools in every district shall be established for the children's of all the parents employed in work of inconsistent nature. For e.g. children's of nomadic tribes, sugar cane workers, hawkers, construction workers etc. Minimum two percent seats in local schools shall be reserved for children's of migrant workers with easy enrollment, exit and/or transfer policy including midterm entry exit provision.
- Access to adequate and potable drinking water shall be ensured both at the construction site as well as at the shelter home provided to workers.
- Law shall ensure stringent penalties for default in maternity benefit payments.
- Section 11 (disclosures by promoters) of the Real Estate Regulation and Development Act, 2016 may be amended to include publication

of all social welfare facilities on the proposed site for the benefit of construction workers and their children.

- Real Estate Regulatory Authority (RERA) shall be empowered to prohibit and punish the employment of children on construction sites.
- For the overall development of a child, a safe and hygienic household with proper latrines and urinals must be ensured by the Code on Social Security. Strict deterrence in law requiring the contractor to provide for, and its proper implementation through stringent monitoring, safe and hygienic household with basic necessities of potable water, latrine and urinals shall be ensured. RERA shall be empowered to monitor such facilities and to take steps necessary for noncompliance, which may include blacklisting of contractor.
- Considering the fact that, mother's undernutrition contributes to child undernutrition and poor health outcomes,³³ mandatory free periodic health checkup of mothers employed at construction sites and having child below five years of age, shall be carried out by the contractor. In case a mother is found undernourished, appropriate medical care must be ensured by the contractor.
- *Poshan Abhiyan* (Nutrition Mission) launched by Government of India in early 2018, aimed at, food intake, dietary diversity, immunization, access to water and sanitation, maternal health, shall also focus on migrant families. Regional centers shall be established who in collaboration with NGOs may ensure that the migrants are benefited from the scheme.
- Considering the fact that, maternal education has an effect on child development, such that children of mothers who have achieved higher education experience better health outcomes than those with lower or no education,³⁴ provision of night/weekend school shall made

³³ Black RE, Victora CG, Walker SP, Bhutta ZA, Christian P, De Onis M, et al. *Maternal and child undernutrition and overweight in low-income and middle-income countries*. Lancet. 2013;382(9890):427–51.

³⁴ Devkota S, Panda B. *Socioeconomic gradients in early childhood health: evidence from Bangladesh and Nepal*. Int J Equity Health. 2016. <https://doi.org/10.1186/s12939-016-0364-2>.



for all the illiterate or less educated parents employed at construction sites.

- For full development of personality and upliftment from poor economic conditions, every child at construction site shall be ensured continuous access to education. Ministry of Labour and Employment shall ensure periodic training and monitoring of NGO's working for Construction workers and their families.
- In case of migrants, an Aadhaar database shall make a special entry of 'migrant' in address clause of such cardholders. This will enable them to access all governmental facilities, including public distribution facility (ration), across the country. A special provision for Aadhaar based or linked public distribution system may be created towards this end. This will avoid unnecessary migration and human right violation of migrants and their children as it happened in recent pandemic situation.
- In the words of Kofi Annan, '*Literacy is a bridge from misery to hope. It is a tool for daily life in modern society. It is a bulwark against poverty, and a building block of development...*' Children's are forced into labour due to poverty. Construction workers are mostly from the poor families. Hence, to break the vicious cycle of poverty, to make them aware about their rights and to ensure the bright future to their children, it is necessary to educate them.

in which it treats its children.' A child is the future of every nation. Being so, a social environment ensuring all round development of a child can only secure a good future to any nation. Hence, a society free of child labour, offering education, health and adequate nutritious food and socio-economic environment promising safe business and employment opportunities shall be the goal of every nation.

CONCLUSION

As per estimate, millions more children risk being pushed into child labour as a result of the COVID-19 crisis, which could lead to the first rise in child labour after 20 years of progress.³⁵ In a developing country like India, efforts must be directed towards ensuring deterrence for child labour. Considering the hazardous, inconsistent nature of work, low income and unawareness about rights of oneself and of children's, there is a need for ensuring all the aforementioned welfare benefits to the children's of construction workers.

In the words of Mr. Nelson Mandela, '*There can be no keener revelation of a society's soul than the way*

³⁵ International Labour Organization (ILO) and UNICEF, retrieved from https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_747583/lang--en/index.htm