

RIGHT TO IDENTITY AND LEGAL RECOGNITION OF MIGRANT CHILDREN UNDER INDIAN CONSTITUTIONAL AND HUMAN RIGHTS LAW

DR. SWAPNA BIJAYINI

Assistant Professor
Capital Law College, Affiliated to Madhusudan Law University

ABSTRACT

Migration is a significant socio-economic reality in India, with millions of families relocating in search of employment and improved living conditions. Among those most affected are migrant children, who often face difficulties in obtaining birth certificates, identity documents, and educational records due to mobility, poverty, and administrative barriers. The absence of legal identity restricts their access to education, healthcare, welfare schemes, and legal protection, increasing their vulnerability to exploitation, child labour, and social exclusion. The Constitution of India guarantees rights relating to equality, dignity, life, and education, while international instruments such as the United Nations Convention on the Rights of the Child recognize every child's right to a name, nationality, and legal identity. This paper examines the constitutional and human rights dimensions of identity rights of migrant children in India, analyzes key legal and practical challenges, and proposes reforms to ensure universal registration, legal recognition, and inclusive access to essential services and child rights protections.

Keywords: Migrant Children, Right to Identity, Birth Registration, Constitutional Rights, Human Rights, Legal Recognition, Child Protection, Education Rights.

1. INTRODUCTION

1.1 Migration and Child Vulnerability in India

Migration has become an integral component of India's socio-economic landscape. Rapid urbanization, industrialization, regional disparities in development, environmental challenges, agricultural distress, and unemployment have compelled millions of individuals to migrate from rural areas to urban centers and from economically weaker states to more developed regions. According to various governmental and independent studies, India has one of the largest populations of internal migrants in the world, with migrant workers contributing significantly to sectors such as construction, manufacturing, transportation, domestic work, hospitality, and informal labour markets.

While migration often creates economic opportunities for adults, it simultaneously exposes children to numerous vulnerabilities. Migrant workers frequently travel with their families, including infants and school-age children, who are compelled to adapt to unstable living conditions. Many migrant families reside in temporary settlements, construction sites, roadside shelters, brick kilns, industrial clusters, and informal urban settlements where access to public services remains limited. These circumstances adversely affect children's physical, educational, and emotional development.

The challenges faced by migrant children are multidimensional. Frequent relocation disrupts access to education, healthcare, nutrition programs, and social security schemes. As families move across districts and states, children often lose continuity in schooling and become disconnected from administrative systems designed to protect their rights. Consequently,

migrant children are among the most marginalized groups within Indian society, facing a heightened risk of social exclusion, child labour, trafficking, and exploitation.

The vulnerability of migrant children became particularly visible during the COVID-19 pandemic when large-scale reverse migration exposed significant gaps in social protection mechanisms. Thousands of migrant children faced disruptions in education, food security, healthcare, and access to welfare benefits. These events highlighted the urgent need for stronger legal and administrative frameworks capable of ensuring continuity of rights and services regardless of geographic mobility.

1.2 Concept of Identity and Legal Recognition

Identity represents one of the most fundamental elements of human existence and legal personality. In legal terms, identity refers to the formal recognition of an individual by the State through mechanisms such as birth registration, nationality, citizenship records, educational documentation, and other official identification systems. Legal recognition enables individuals to establish their existence before governmental authorities and exercise their rights as members of society.

For children, legal identity begins with birth registration, which serves as the primary record establishing a child's name, date of birth, parentage, and nationality. Birth registration is not merely an administrative formality; it constitutes the gateway to numerous civil, social, economic, and political rights. Without legal identity, children may encounter significant difficulties in accessing education, healthcare services, welfare benefits, social protection programs, and legal remedies.

International human rights law recognizes the importance of legal identity as a prerequisite for the enjoyment of fundamental rights. The United Nations Convention on the Rights of the Child affirms that every child has the right to be registered immediately after birth and to acquire a name and nationality. Similarly, sustainable development initiatives emphasize universal legal identity as a critical objective for achieving inclusive and equitable development.

In the context of migration, legal identity assumes even greater significance because migrant families frequently move between jurisdictions and administrative boundaries. A reliable and portable identity framework enables children to maintain continuity in accessing educational opportunities, healthcare facilities, and welfare programs despite changes in residence. Thus, identity functions not only as proof of existence but also as an essential instrument for social inclusion and human dignity.

1.3 Challenges Faced by Migrant Children

Despite the existence of legal protections, migrant children continue to face substantial challenges in securing legal recognition and identity documentation. One of the most significant obstacles is the lack of birth registration. Children born in temporary settlements, construction sites, brick kilns, agricultural worksites, or informal urban communities often remain unregistered due to inadequate access to registration authorities and administrative services. As a result, many children grow up without official proof of age or identity.

Another major challenge relates to the absence of supporting documents such as residence certificates, ration cards, Aadhaar linkage, and school records. Since many government welfare schemes require documentary evidence of residence or identity, migrant children frequently find themselves excluded from social protection programs, healthcare services,

nutritional support schemes, and educational opportunities. The lack of documentation effectively renders them invisible within administrative systems.

Educational disruption represents an additional concern. Frequent migration often forces children to change schools repeatedly or discontinue education altogether. In many instances, educational institutions require transfer certificates, residence proof, or previous academic records that migrant families are unable to provide. Consequently, migrant children experience lower enrollment rates, irregular attendance, and higher dropout levels compared to non-migrant children.

Social exclusion and discrimination further aggravate these difficulties. Language barriers, cultural differences, economic deprivation, and undocumented status often contribute to stigmatization and unequal treatment. Children who lack legal identity are also more vulnerable to child labour, trafficking, forced labour, early marriage, and other forms of exploitation. Therefore, the absence of legal recognition not only restricts access to rights but also increases exposure to serious human rights violations.

1.4 Constitutional Protection of Migrant Children

The Constitution of India provides a comprehensive framework for protecting the rights and welfare of all children, including those belonging to migrant communities. Constitutional guarantees relating to equality, dignity, life, liberty, education, and social justice create a strong legal foundation for ensuring that migrant children are not deprived of their fundamental rights due to mobility or socio-economic disadvantage.

Article 14 guarantees equality before the law and equal protection of laws, ensuring that migrant children receive the same legal protections available to other citizens. Article 15 prohibits discrimination on grounds such as religion, race, caste, sex, or place of birth, thereby protecting migrant children from exclusion based on regional origin. Article 21 guarantees the right to life and personal liberty, which the Supreme Court has interpreted broadly to include the rights to dignity, health, shelter, education, and development. Furthermore, Article 21A guarantees free and compulsory education to all children between six and fourteen years of age.

The Directive Principles of State Policy also impose obligations upon the State to protect children from exploitation and ensure opportunities for healthy development. These constitutional provisions collectively establish that migration cannot be a valid ground for denying children access to fundamental rights and welfare protections.

1.4.1 Bandhua Mukti Morcha v. Union of India

In *Bandhua Mukti Morcha v. Union of India* (1984), the Supreme Court addressed the plight of bonded labourers and migrant workers living under exploitative conditions. The Court emphasized that Article 21 encompasses the right to live with human dignity and requires the State to protect vulnerable populations from exploitation. The judgment recognized that socio-economic rights are integral components of fundamental rights and highlighted the responsibility of public authorities to ensure access to health, education, and welfare services.

The decision holds particular significance for migrant children because it established that constitutional protections extend beyond formal legal rights and include conditions necessary for dignified human existence. The principles articulated in this case continue to guide judicial approaches toward the protection of marginalized and migrant communities.

1.4.2 Olga Tellis v. Bombay Municipal Corporation

In *Olga Tellis v. Bombay Municipal Corporation* (1985), the Supreme Court recognized the right to livelihood as an essential component of the right to life under Article 21. The Court observed that many migrant workers reside in informal settlements not by choice but out of economic necessity. Eviction without consideration of their livelihood would effectively deprive them of their means of survival.

The judgment has important implications for migrant children because it acknowledges the structural realities faced by migrant families. By linking livelihood with human dignity and constitutional protection, the Court indirectly reinforced the need to safeguard the welfare of children living in migrant households. The decision underscores the principle that constitutional rights must be interpreted in a manner that promotes social justice and protects vulnerable sections of society.

1.5 Scope and Significance of the Study

The present study examines the right to identity and legal recognition of migrant children within the framework of Indian constitutional law and international human rights standards. It focuses on the legal, social, and administrative challenges that hinder access to identity documentation and analyzes the consequences of such exclusion on education, healthcare, welfare, and child protection.

The significance of the study lies in its exploration of the relationship between legal identity and the realization of fundamental rights. In an era characterized by increasing mobility and urbanization, ensuring legal recognition for migrant children has become a critical governance challenge. By evaluating constitutional provisions, judicial decisions, international norms, and practical realities, the study seeks to contribute to policy discussions aimed at promoting inclusive development and social justice.

The research further highlights the urgent need for universal birth registration, portable identity systems, flexible educational frameworks, and stronger child protection mechanisms. Ensuring legal identity for migrant children is not merely an administrative objective but a constitutional and human rights imperative essential for achieving equitable and sustainable development in India.

2. OBJECTIVES OF THE STUDY

1. To examine the concept of legal identity and recognition of migrant children in India.
2. To analyze constitutional and human rights protections relating to identity rights.
3. To identify major challenges faced by migrant children in obtaining legal recognition.
4. To evaluate judicial approaches towards protection of migrant children.
5. To suggest policy and legal reforms for ensuring universal identity and inclusion.

3. RESEARCH METHODOLOGY

The present study adopts a doctrinal and analytical research methodology based primarily on secondary sources including constitutional provisions, statutory enactments, judicial decisions, international conventions, government reports, books, journal articles, and child rights studies. The research critically examines legal principles governing identity rights and evaluates their practical implementation among migrant communities in India.

4. CONSTITUTIONAL AND HUMAN RIGHTS FRAMEWORK FOR IDENTITY RIGHTS

4.1 Constitutional Protection of Migrant Children

The Constitution of India provides a comprehensive framework for safeguarding the rights of children, including those belonging to migrant communities. Although the Constitution does not specifically mention migrant children, various Fundamental Rights and Directive Principles collectively ensure their protection and development. These constitutional guarantees establish that all children, irrespective of their social or geographical background, are entitled to equality, dignity, education, and access to welfare services.

4.1.1 Equality and Protection Against Discrimination (Articles 14 and 15)

Article 14 guarantees equality before the law and equal protection of laws to every person within India. This provision requires state authorities to treat migrant children on an equal basis with resident populations. Migrant status cannot become a ground for denying access to education, healthcare, welfare schemes, or legal remedies. Article 15 further prohibits discrimination based on religion, race, caste, sex, or place of birth. Since migrant children often belong to different linguistic and cultural backgrounds, these constitutional protections become particularly significant in preventing exclusion and unequal treatment.

The principle of substantive equality embedded within Articles 14 and 15 imposes a positive obligation on the State to ensure that vulnerable groups are able to enjoy rights in practice rather than merely in theory. Therefore, government authorities must take affirmative measures to remove barriers that prevent migrant children from accessing public services.

4.1.2 Right to Life, Dignity and Identity (Article 21)

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Judicial interpretation has significantly expanded the scope of this provision to include the rights to dignity, shelter, health, nutrition, education, and personal development. Legal identity is closely linked with these rights because individuals without identity documents often face difficulties in accessing essential services.

For migrant children, the absence of legal recognition frequently results in exclusion from welfare schemes, educational institutions, and healthcare facilities. Consequently, identity becomes a necessary condition for realizing the broader guarantees of Article 21. Courts have repeatedly emphasized that constitutional rights must be interpreted in a manner that protects human dignity and social justice.

4.1.3 Right to Education and Child Development (Article 21A)

Article 21A guarantees free and compulsory education for children between six and fourteen years of age. Education plays a vital role in child development and social inclusion. However, migrant children often encounter administrative barriers in school admissions because of missing documents, transfer certificates, or residence proof.

The constitutional mandate of universal education requires educational authorities to adopt flexible admission policies that accommodate the unique circumstances of migrant families. The right to education cannot be made dependent upon the possession of documentation that migrant children may find difficult to obtain due to frequent relocation.

4.2 Judicial Interpretation of Children's Rights

The Indian judiciary has played a transformative role in expanding children's rights and recognizing education, dignity, and welfare as integral components of constitutional

protection. Through progressive interpretation, courts have strengthened the legal foundation for protecting vulnerable children, including migrants.

4.2.1 Unni Krishnan v. State of Andhra Pradesh

In *Unni Krishnan v. State of Andhra Pradesh* (1993), the Supreme Court held that the right to education is implicit within Article 21 of the Constitution. The Court recognized education as an essential prerequisite for human development and meaningful participation in society. This judgment significantly contributed to the eventual constitutional recognition of education as a fundamental right under Article 21A.

For migrant children, this decision highlights the State's obligation to ensure access to education regardless of economic or social circumstances. Educational exclusion resulting from migration-related barriers undermines constitutional guarantees and adversely affects child development.

4.2.2 Society for Un-aided Private Schools v. Union of India

In this landmark case, the Supreme Court upheld the constitutional validity of the Right of Children to Free and Compulsory Education Act, 2009. The Court emphasized that universal access to education is essential for achieving social justice and equality.

The judgment has particular relevance for migrant children because it reinforces the principle that educational opportunities should be available to all children irrespective of socio-economic background. The decision strengthens the constitutional commitment to inclusive education and equal opportunity.

4.2.3 Expanding Judicial Approach towards Child Welfare

Indian courts have increasingly adopted a child-centric approach while interpreting constitutional provisions. Judicial decisions consistently emphasize that children constitute a vulnerable group requiring special protection. Courts have recognized that socio-economic disadvantages should not become obstacles to the enjoyment of fundamental rights. This evolving jurisprudence provides important legal support for protecting migrant children and ensuring their inclusion within welfare and educational systems.

4.3 International Human Rights Framework

International human rights law recognizes identity as a fundamental aspect of human dignity and child protection. Various international instruments establish legal obligations requiring states to ensure registration, nationality, and legal recognition for every child.

4.3.1 United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC, adopted in 1989, is the most comprehensive international instrument relating to children's rights. It recognizes children as independent rights-holders and obligates states to ensure their survival, development, protection, and participation.

The Convention emphasizes that every child must enjoy rights without discrimination and that the best interests of the child should guide all decisions affecting children. These principles are particularly relevant to migrant children who frequently face exclusion from state services.

4.3.2 Right to Name, Nationality and Legal Identity

Articles 7 and 8 of the UNCRC specifically recognize the right of every child to be registered immediately after birth, acquire a name, and obtain a nationality. These provisions highlight that identity is not merely an administrative requirement but a fundamental human right.

Birth registration serves as the first official acknowledgment of a child's existence before the law. Without such recognition, children may encounter lifelong difficulties in accessing education, healthcare, employment, and legal protection. Therefore, identity rights constitute the foundation for the enjoyment of numerous other rights.

4.3.3 International Obligations of India

As a signatory to the UNCRC and several other human rights treaties, India has undertaken international obligations to protect children and ensure universal birth registration. These commitments require the State to establish effective legal and administrative mechanisms capable of reaching vulnerable groups, including migrant populations.

Compliance with international standards demands not only legal recognition of children's rights but also effective implementation. Consequently, India must continue strengthening its registration systems, child protection mechanisms, and welfare programs to ensure that migrant children receive equal recognition and protection under the law.

5. IDENTITY ISSUES FACED BY MIGRANT CHILDREN

5.1 Lack of Legal Identity and Documentation

One of the most significant challenges faced by migrant children is the absence of legal identity documentation. Birth certificates, Aadhaar cards, residence certificates, and school records constitute the foundation of legal recognition within modern governance systems. However, migrant families frequently relocate across districts and states, making it difficult to obtain and maintain such documents. Children born at construction sites, brick kilns, agricultural fields, and temporary settlements often remain outside formal registration systems.

Legal Importance of Birth Registration

Birth registration serves as the first official acknowledgment of a child's existence before the law. It establishes legal identity, age, parentage, nationality, and eligibility for various social welfare programs. Without birth registration, migrant children may face difficulties in school enrollment, healthcare access, and participation in government welfare schemes. The absence of legal identity may continue into adulthood, affecting employment opportunities, voting rights, and access to social security benefits.

Laxmi Kant Pandey v. Union of India

In *Laxmi Kant Pandey v. Union of India* (1984), the Supreme Court emphasized that children require adequate legal safeguards and protection mechanisms for their welfare and development. Although the case primarily concerned inter-country adoption, the Court highlighted the importance of legal recognition and state responsibility toward child protection. The principles established in this judgment underscore the necessity of ensuring proper documentation and legal identity for all children, including migrant populations.

5.2 Educational Exclusion and Social Marginalization

The absence of documentation frequently leads to exclusion from educational institutions and social welfare programs. Migrant children often experience repeated disruptions in schooling due to frequent relocation. Many schools require transfer certificates, residence proof, or previous academic records that migrant families are unable to provide. Consequently, children either enroll late, drop out, or remain completely outside formal education systems.

Residence Proof, Welfare Exclusion and Educational Mobility

Government welfare programs generally require documentary proof of residence and identity. Migrant families living in temporary settlements frequently lack such documentation and are therefore excluded from schemes relating to nutrition, healthcare, scholarships, and social protection. Educational mobility further complicates access because continuous migration disrupts academic progression and learning outcomes.

People's Union for Civil Liberties v. Union of India and Mohini Jain v. State of Karnataka

In *People's Union for Civil Liberties v. Union of India* (2001), the Supreme Court emphasized that welfare measures must effectively reach vulnerable populations. Similarly, in *Mohini Jain v. State of Karnataka* (1992), the Court recognized education as an essential component of human development and dignity. Together, these decisions reinforce the principle that administrative barriers should not prevent children from accessing education and welfare benefits.

5.3 Social Exclusion, Exploitation and Child Labour

Migrant children frequently encounter discrimination due to language differences, cultural barriers, economic disadvantage, and undocumented status. Such exclusion often creates conditions that increase vulnerability to exploitation and abuse.

Language Barriers and Human Dignity

Children migrating to unfamiliar regions frequently face communication difficulties and social isolation. These challenges affect their educational participation, social integration, and psychological well-being. In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981), the Supreme Court held that the right to life includes the right to live with human dignity. Denial of legal identity and social inclusion undermines this constitutional principle.

Child Labour, Trafficking and Exploitation Risks

Undocumented migrant children are particularly vulnerable to child labour, trafficking, bonded labour, and other exploitative practices. Economic hardship often compels children to accompany parents to worksites, resulting in school dropout and hazardous working conditions. In *M.C. Mehta v. State of Tamil Nadu* (1996), the Supreme Court issued extensive directions aimed at eliminating child labour and strengthening child protection measures. The judgment remains an important safeguard against exploitation of vulnerable children.

6. PRACTICAL ANALYSIS: MIGRANT CONSTRUCTION WORKERS' CHILDREN

6.1 Nature of Seasonal and Circular Migration

Construction workers constitute one of India's largest migrant labour populations. Workers frequently migrate from states such as Bihar, Uttar Pradesh, Jharkhand, Odisha, and West Bengal to metropolitan cities including Delhi, Mumbai, Bengaluru, Hyderabad, and Chennai. This migration is often seasonal or circular in nature, meaning that families repeatedly move between places of origin and employment destinations. Such mobility creates significant challenges for maintaining continuity in identity documentation and access to public services.

6.2 Living Conditions and Access to Essential Services

Most migrant construction workers reside in temporary shelters located at construction sites. These settlements often lack adequate sanitation, healthcare facilities, safe drinking water, childcare services, and educational infrastructure. Children living in such environments experience higher levels of health risks, malnutrition, and educational deprivation. Birth registration facilities are generally unavailable at construction sites, resulting in a substantial number of undocumented children.

6.3 Long-Term Impact on Child Development

The combined effects of educational disruption, inadequate healthcare, social exclusion, and absence of legal identity produce long-term developmental disadvantages. Children who remain outside formal education systems face reduced employment opportunities and increased poverty risks in adulthood. The lack of legal recognition perpetuates intergenerational cycles of exclusion and marginalization, thereby affecting broader goals of social justice and inclusive development.

7. JUDICIAL DEVELOPMENTS ON IDENTITY, CITIZENSHIP AND HUMAN DIGNITY

7.1 Maneka Gandhi v. Union of India: Expansion of Article 21

The landmark judgment in *Maneka Gandhi v. Union of India* (1978) significantly expanded the scope of Article 21 by holding that the right to life encompasses a wide range of rights necessary for human dignity and personal liberty. The Court emphasized that constitutional protections must be interpreted broadly to promote fairness, justice, and individual freedom. This decision laid the foundation for recognizing identity-related rights within the broader framework of human dignity.

7.2 National Legal Services Authority v. Union of India: Identity as a Constitutional Right

In *National Legal Services Authority (NALSA) v. Union of India* (2014), the Supreme Court explicitly recognized identity as a fundamental aspect of dignity, autonomy, and personal liberty. The Court affirmed that every individual possesses the right to self-identification and legal recognition. Although the case concerned gender identity, its principles have wider implications for identity rights generally, including those affecting migrant children.

7.3 Justice K.S. Puttaswamy v. Union of India and Emerging Jurisprudence

The Supreme Court in *Justice K.S. Puttaswamy v. Union of India* (2017) recognized privacy as a fundamental right under Article 21. The judgment emphasized that personal identity, autonomy, and informational self-determination form essential elements of human dignity. Contemporary constitutional jurisprudence increasingly acknowledges that identity is not merely an administrative matter but a fundamental human right connected with equality, liberty, privacy, and social inclusion.

8. ANALYSIS OF LEGAL AND ADMINISTRATIVE CHALLENGES

8.1 Documentation and Administrative Barriers

The process of obtaining birth certificates, residence proof, and identity documents often involves complex administrative procedures that migrant families find difficult to navigate. Frequent relocation, lack of awareness, language barriers, and bureaucratic requirements contribute to low registration rates among migrant populations.

8.2 Interstate Migration and Institutional Fragmentation

India's federal structure creates challenges in coordinating welfare delivery across states. Identity systems, educational records, and welfare databases are often managed separately by different authorities. Consequently, migrant families moving across state boundaries frequently encounter interruptions in access to essential services and benefits.

8.3 Digital Exclusion and Child Protection Gaps

While digital governance initiatives have improved service delivery, many migrant families lack access to smartphones, internet connectivity, or digital literacy. This digital divide limits their ability to access online registration systems and welfare platforms. Simultaneously, child protection mechanisms remain fragmented, resulting in inadequate monitoring of vulnerable migrant children and limited intervention in cases of exploitation, trafficking, or educational exclusion.

9. FINDINGS OF THE STUDY

9.1 Identity as a Foundation of Child Rights

The study finds that legal identity serves as the gateway for accessing education, healthcare, welfare programs, and legal protection. Without identity documentation, migrant children remain excluded from many rights guaranteed under the Constitution and international human rights law.

9.2 Persistent Exclusion and Vulnerability

The absence of birth registration, educational discontinuity, welfare exclusion, and social marginalization collectively increase the vulnerability of migrant children. These factors contribute to higher risks of child labour, trafficking, exploitation, and long-term socio-economic disadvantage.

9.3 Need for an Integrated Identity Framework

Although constitutional provisions and judicial decisions provide strong protection for children, implementation remains inadequate. There is an urgent need for integrated and portable identity systems capable of ensuring continuity of rights and services irrespective of migration status or geographical location.

10. PROPOSED SOLUTIONS AND POLICY RECOMMENDATIONS

10.1 Universal and Portable Identity Systems

Governments should establish universal birth registration mechanisms and develop portable identity systems that remain valid across states. Mobile registration units should be deployed in migrant-dominated areas such as construction sites, brick kilns, and informal settlements to ensure timely registration of children.

10.2 Inclusive Education and Welfare Access

Educational institutions should adopt flexible admission policies allowing enrollment without extensive documentation requirements. Temporary learning centers, bridge schools, and digital education initiatives should be established near migrant settlements. Welfare benefits must be made portable so that families can access services regardless of location.

10.3 Strengthening Awareness, Coordination and Child Protection

Government agencies, civil society organizations, and local communities should collaborate to increase awareness regarding birth registration and identity rights. Improved inter-state

coordination, stronger child protection mechanisms, and dedicated monitoring systems are essential for preventing exploitation and ensuring that migrant children receive equal protection under the law.

11. CONCLUSION

11.1 Summary of Key Findings

The present study examined the right to identity and legal recognition of migrant children within the framework of Indian constitutional law and international human rights standards. The analysis revealed that legal identity is fundamental to the realization of various child rights, including access to education, healthcare, social welfare, and legal protection. Despite constitutional guarantees and international obligations, a significant number of migrant children continue to face exclusion from essential services due to the absence of birth registration, identity documentation, and permanent residence records. The study further found that frequent migration disrupts educational continuity, limits access to welfare schemes, and increases vulnerability to social exclusion, child labour, trafficking, and exploitation. Judicial decisions of the Supreme Court have consistently emphasized the importance of dignity, equality, education, and child welfare; however, practical implementation of these principles remains inadequate in many migrant communities.

11.2 Constitutional Importance of Identity Rights

Identity rights occupy a central position within the constitutional framework of India. The guarantees provided under Articles 14, 15, 21, and 21A collectively establish that every child is entitled to equality, dignity, education, and protection irrespective of socio-economic status or geographical mobility. Judicial interpretation has expanded the scope of these provisions to include conditions necessary for meaningful human existence and social participation. Legal identity serves as the gateway through which individuals access these constitutional protections. Without recognition before the law, migrant children are often unable to fully exercise their fundamental rights. Therefore, ensuring legal identity is not merely an administrative requirement but a constitutional obligation that promotes human dignity, social justice, and equal citizenship.

11.3 Need for Inclusive Governance

The challenges faced by migrant children highlight the need for a more inclusive and responsive governance framework. Traditional administrative systems are often based on fixed residence patterns and fail to accommodate the realities of mobile populations. As a result, migrant families frequently encounter difficulties in accessing education, healthcare, welfare benefits, and child protection services. Inclusive governance requires the development of flexible institutional mechanisms capable of ensuring continuity of rights irrespective of migration status. Government agencies must adopt child-centric approaches that recognize migration as a structural feature of economic development rather than a temporary phenomenon. Effective coordination among central, state, and local authorities is essential to ensure that migrant children remain visible within administrative systems and are not excluded from public services due to mobility-related barriers.

11.4 Future Directions for Legal and Policy Reform

Addressing the identity challenges faced by migrant children requires comprehensive legal and policy reforms. Universal birth registration should be prioritized through simplified procedures and mobile registration facilities in migrant-dominated areas. Portable identity and welfare systems must be strengthened to enable continuous access to public services

across state boundaries. Educational institutions should adopt flexible admission policies that accommodate children lacking complete documentation. Greater investment in digital inclusion, awareness campaigns, and legal literacy programs is also necessary to improve access to identity-related services. Furthermore, child protection mechanisms should be strengthened to prevent exploitation, trafficking, and labour abuses affecting undocumented migrant children. Future policy initiatives must focus on creating an integrated and rights-based identity framework that ensures every migrant child receives legal recognition, equal protection, and meaningful access to opportunities for development. Ensuring the right to identity is essential for achieving inclusive growth, social justice, and the full realization of children's rights in India.

REFERENCES

A. Constitutional Provisions

- Constitution of India, 1950.

B. International Instruments

- United Nations Convention on the Rights of the Child, 1989.

C. Statutes

- Right of Children to Free and Compulsory Education Act, 2009.
- Registration of Births and Deaths Act, 1969.
- Juvenile Justice (Care and Protection of Children) Act, 2015.
- Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

D. Cases

- Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802.
- Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180.
- Unni Krishnan v. State of Andhra Pradesh, (1993) 1 SCC 645.
- Society for Un-aided Private Schools v. Union of India, (2012) 6 SCC 1.
- Laxmi Kant Pandey v. Union of India, AIR 1984 SC 469.
- People's Union for Civil Liberties v. Union of India, (2001) 5 SCC 577.
- Mohini Jain v. State of Karnataka, (1992) 3 SCC 666.
- Francis Coralie Mullin v. Administrator, Union Territory of Delhi, AIR 1981 SC 746.
- M.C. Mehta v. State of Tamil Nadu, (1996) 6 SCC 756.
- Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
- National Legal Services Authority v. Union of India, (2014) 5 SCC 438.
- Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

E. Books, Reports and Journal Articles

1. Agarwal, H. O. (2022). *Human rights* (24th ed.). Central Law Publications.

2. Bajpai, A. (2017). *Child rights in India: Law, policy and practice*. Oxford University Press.
3. Baxi, U. (2019). *The future of human rights* (4th ed.). Oxford University Press.
4. Bhattacharya, P. (2021). Migration, identity and access to education among children in India. *Indian Journal of Social Development*, 21(2), 145–162.
5. Census of India. (2011). *Migration tables: Census of India 2011*. Office of the Registrar General and Census Commissioner, India.
6. Desai, M., & Dubey, A. (2020). Internal migration and educational exclusion of children in India. *Journal of Development Policy and Practice*, 5(3), 284–301.
7. Government of India. (1969). *The Registration of Births and Deaths Act, 1969*. Ministry of Law and Justice.
8. Government of India. (2009). *The Right of Children to Free and Compulsory Education Act, 2009*. Ministry of Law and Justice.
9. Government of India. (2015). *Juvenile Justice (Care and Protection of Children) Act, 2015*. Ministry of Law and Justice.
10. Government of India. (2023). *Annual report of the Ministry of Women and Child Development 2022–23*. Government of India.
11. International Labour Organization. (2021). *Child labour: Global estimates 2020, trends and the road forward*. International Labour Office.
12. Jha, M., & Kumar, R. (2022). Migrant children and access to social protection schemes in India. *Indian Journal of Public Administration*, 68(4), 531–547.
13. Kaul, V. (2021). Legal identity and child protection in contemporary India. *Journal of Human Rights and Social Justice*, 13(1), 45–61.
14. Ministry of Education. (2023). *Unified District Information System for Education Plus (UDISE+) report 2022–23*. Government of India.
15. National Commission for Protection of Child Rights. (2021). *Report on migrant children and access to education in India*. NCPCR.
16. National Human Rights Commission. (2022). *Human rights of migrant workers and their families in India*. NHRC.
17. Nussbaum, M. C. (2011). *Creating capabilities: The human development approach*. Harvard University Press.
18. Registrar General of India. (2022). *Civil registration system report 2021*. Government of India.
19. Sen, A. (2009). *The idea of justice*. Harvard University Press.
20. Sharma, S., & Verma, P. (2020). Birth registration and identity rights of marginalized children in India. *Indian Journal of Human Rights*, 24(2), 89–108.
21. Sivakumar, M. (2021). Constitutional protection of vulnerable children in India: A rights-based approach. *Journal of Constitutional Studies*, 15(3), 201–223.
22. Srivastava, R. (2020). *Labour migration, vulnerability and social protection in India*. Institute for Human Development.

23. United Nations Children's Fund. (2019). *Every child's birth right: Inequities and trends in birth registration*. UNICEF.
24. United Nations Children's Fund. (2023). *The state of the world's children 2023: For every child, inclusion*. UNICEF.
25. United Nations Development Programme. (2022). *Human development report 2021–22*. UNDP.
26. United Nations. (1989). *Convention on the Rights of the Child*. United Nations.
27. World Bank. (2023). *World development report 2023: Migrants, refugees and societies*. World Bank.
28. Yadav, R., & Singh, A. (2022). Identity documentation and welfare accessibility among migrant populations in India. *International Journal of Law, Policy and Social Research*, 10(2), 112–129.