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# **Vulnerable Internal Migrants in India and Portability of Social Security and Entitlements**

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# Vulnerable Internal Migrants in India and Portability of Social Security and Entitlements<sup>1</sup>

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*The focus of this paper is on strengthening social protection measures for internal migrants in India, particularly seasonal and circular migrants, who have weak civic entitlements not only at destination but also at source. They are therefore are hard to reach in most development and social protection programmes. Social protection is mostly in the concurrent domain of centre, states, and local governments which makes it particularly harder to reach inter-state seasonal and circular migrants. This paper analyses several sectoral and social protection programmes to examine how advances can be made to strengthen the claim of migrants over entitlements. It also examines the impact of the latest moves of the government of India to provide all citizens with a unique identity number based registration and to put into place a comprehensive Code on Social Security which ostensibly aims at universalising social security.*

## Introduction and Background

The focus of this paper is on the strengthening of social protection measures for internal migrants in India. The Population census of India estimates that there were 450 m. internal migrants in India in 2011. These migrants changed their location (“Usual Place of residence”) at various times in the past and for various locations. However, the Census and the NSS undercount poorer migrants in the informal sector, and short duration seasonal and circulatory migrants. (Srivastava 2011, 2012b). Being among the most vulnerable sections of the working poor, these migrants and their families require special focus.

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<sup>1</sup> This paper is a fully revised and updated version of an earlier paper written by this author (Srivastava 2012a). It was initially prepared for the Tata Trust Migration Initiative. Feedback received from Shikha Srivastava and the Tata Trust Migration team is gratefully acknowledged.

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Migrants differ from non-migrants in the fact that they have experienced mobility and change in location. Analysis shows that streams of internal migrants are those with high skills, education, or other resource endowments. These migrants face few, and that too, temporary difficulties, as a result of migration. But this is not the case with migrants who have meagre means and networks and who are at the lower end of the labour market.

Among these migrants we further distinguish between semi-permanent migrants or long term circular migrants, and seasonal or short term circular migrants. *Semi-permanent or long term circular migrants* are usually rural-urban migrants although, in industries like quarrying, agriculture and rice mills, they could also be rural-rural migrants. These migrants enter the labour market through contractors, or on their own, or through networks. In the urban areas, they are principally employed in the informal sector as casual or “regular” wage workers, but gradually they could be self-employed, using hired or owned assets, or take up informal employment in the organised sector. We have estimated that nearly *half the rural-urban migrants are in the bottom six consumption deciles and work mainly as casual wage employed or as self-employed in the informal sector* (Srivastava 2011). The characteristics of these migrants include absence of civic identity and citizenship at destination, poor access to housing and basic amenities, poorer entitlements, poor working conditions and labour market discrimination. But unemployment risks are lower in cases where recruitment happens through middlemen. In many cases, these middlemen are known to the job seekers and may belong to the source area. In many cases, migrants move to the destination areas on their own. This is generally the case where ‘bridgeheads’ have been established. Among women migrants, outsourced petty manufacturing and domestic household services provide two large avenues of employment. Jobs in the urban informal sector are highly segmented based along lines of caste, religion and kinship. (Gupta and Mitra, 2002).

These migrants face special handicaps for the following reasons:<sup>2</sup>

- They lack civic identity and civic citizenship in the destination areas and are poorly placed to exercise their citizenship rights even at source.

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2. Sabates-Wheeler and Waites (2003) have adopted a different framework for analyzing migrant vulnerability. They distinguish between vulnerability at three stages (origin, transit, and destination) and three types (spatial-environmental, socio-political and socio-cultural). This paper does not deal with vulnerabilities during transit and adopts a different framework for analyzing migrant vulnerabilities, following its entitlement or rights based approach.

- They are incorporated into the labour market in less favourable ways than non-migrants. This could be because of debt-interlocking, involvement in sub-contracting chains, greater isolation, fragmentation, and segmentation. This could lead to poorer working conditions, lower wages, exploitation, harassment, and other aspects of labour market of labour market discrimination.
- They have much weaker social networks than non-migrants, although these are usually the most important resource that they do have. Those at the bottom of the run are predominantly from discriminated social groups i.e. Scheduled Castes and Scheduled Tribes.
- Poor rural-urban migrants face formidable difficulties in establishing claims and entitlements and, in particular, in acquiring shelter.

*Seasonal or Short duration migrants* return to their place of origin after brief periods, at the most, after a few months. They resume migration, but not necessarily to same workplace or destination. Seasonal migrants are usually poorer, more likely to belong to the Scheduled Caste or Scheduled Tribes and a large proportion work in seasonal industries such as agriculture, manufacture of bricks, quarrying, construction and so on. Construction, manufacturing and agriculture employ the largest percentage of seasonal migrants. But there are a large number of other industries which employ large numbers of seasonal migrants. The total number of such migrants is likely to be close to 50 million (Srivastava 2011).

Seasonal migrants are much more likely to enter the migrant labour market through contractor/middlemen from whom they have taken an advance and are therefore more likely to be involved in debt-interlocked migration cycles. These migrants participate in very diverse migration streams. Migration could take place for a few days or for a few months each time. They could participate in several short migration cycles or just one in a year. Migrants could migrate to diverse locations, relatively distant or close, rural or urban. The migration streams could consist of men only, women only, or men and women with children and even the elderly.<sup>3</sup> Each of the more vulnerable participants in migration (women, children, and the elderly) requires special social protection measures, both when they migrate and when they are left behind. Several million children migrate alone or with their parents to harsh

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3. For a review of the diversity of seasonal migration and involvement of these migrants in the labour market, see Srivastava (1998), Srivastava and Sasikumar (2005), Deshingkar and Akter (2009), Srivastava (2011), Srivastava (2012b).

environments, are deprived of developmental opportunities, and get involved in child labour (Smita, 2007, 2008, and Srivastava 2012b). These children require focused social protection measures to protect their health, prevent exploitation, and to provide education.

The constraints faced by seasonal migrants in accessing social protection measures are more severe:

- Their conditions of work severely constrain their ability to access social protection.
- They find it much more difficult to establish their bonafides and identity in the destination areas. Not only that, their entitlements and claims even in their areas of origin are much weaker.

It is also much harder for providing agencies to tailor schemes and programmes to suit the requirements of the diverse streams of migrants and the individuals (women, children, the elderly) within the migrant streams.

The institutional structure of social protection schemes in India creates formidable difficulties in designing suitable schemes for migrants. There is a huge array of social protection schemes, designed, financed and delivered by various levels of government. These include food-based schemes for distribution of subsidised food items (TPDS); schemes for mid-day meals for children; nutritional supplemental schemes such as the Integrated Child Development Scheme (ICDS); social security schemes for the poor and informal sector workers; social assistance schemes including pension schemes for the old-aged, physically challenged, and widows; public employment schemes; elementary education; health care; health insurance for the poor and so on. The role of the different levels of government in the different kinds of social protection arrangements is laid down in the Indian Constitution.

As pointed out by Srivastava (2012a), in the Indian Constitution, subjects which are covered under social protection can be in either (a) in the exclusive domain of states - these include: (a) public health and sanitation, hospitals and dispensaries; (b) relief of the disabled and unemployables; (b) in the concurrent domain of Centre and States – these subjects include vagrancy, nomadic and migratory tribes; social security and social insurance; employment and unemployment; welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits);

and education; or (c) in the concurrent domain of Centre, States and local bodies through Schedule 11 and 12 of the Constitution. Schedule 11 for rural local bodies includes rural housing and poverty alleviation programmes, health and sanitation, including hospitals, primary health centres and dispensaries; family welfare; women and child development; social welfare, including welfare of the handicapped and mentally retarded; welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes; public distribution system. Schedule 12 for urban local bodies includes public health; safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded; slum improvement and upgradation; and urban poverty alleviation.

It is noteworthy that the Central government has a very small exclusive domain in areas related to social protection. It is the states, or the states and the centre together, who are responsible for social protection. In addition, the urban and local bodies have to play a very important role in social protection programmes.

This has the following important implications:

- (a) To the extent that it is government domains below the Central level that are responsible for the design, financing and delivery of the social protection programmes, these programmes can differ from state to state and even between local bodies in the nature and pattern of financing, coverage, benefits, and manner of implementation.
- (b) Typically, these programmes will be designed to benefit certain groups of persons recognized as citizens in that domain of government. As a corollary, they will exclude those persons who have primary citizenship in other domains.
- (c) Higher levels of government can play a moderating role by supporting the design and financing of programmes which may have some uniformity across domains and may reduce the levels of exclusion. But this moderating role would depend upon several factors including the level and nature of financing, and the design of the programmes which the higher level government supports.

Given these diversities, when a person migrates from one jurisdiction to another, (s)he can claim benefits in the destination, subject to one of the following: (a) (s) he can establish a claim on the local domicile which the host jurisdiction accepts, and thereby become entitled; (b) the two jurisdictions can enter into an agreement of some kind till condition (a) becomes tenable; (c) the higher government either plays such a large role in the scheme, or is prepared to offset the costs of the

lower jurisdiction, so that the second lower jurisdiction becomes indifferent and is prepared to give the benefit of social protection to the migrants; or finally (d) the new jurisdiction is legally obliged to grant the entitlement to the social protection to the migrants; or in other words, the migrant has a right to the social protection arrangement such that it can also be legally enforced. The first condition can only be applicable to semi-permanent migrants and cannot apply to seasonal migrants.

As a matter of fact, conditions (c) and (d) are becoming more applicable now than before. In the recent decades, the Central government has increased in share in funding social protection programmes or programmes with a social protection component both at the state and local government level. These include the Centre's share in elementary education, basic health, public employment programmes and so on. Some areas, like elementary education now invoke a constitutional guarantee, and so migrant children's right to education cannot be denied by host jurisdictions but appropriate inter-governmental funding arrangements still need to be in place. But while in some cases, as in subsidized food distribution, there is now a national legislation, states have introduced additional coverage or subsidies and governments *have not put in place any concerted strategy to ensure the portability of migrants' entitlements, especially those of inter-state seasonal migrants.*

### **Identity, Registration, and Portability**

From the migrants' perspective, claiming entitlements goes beyond the provision (supply) of social protection. The migrant needs to establish a claim to the entitlement. (S)he can do so if she is recognised as a person who is a potential claimant, is considered to be eligible under the norms of the scheme (for which a process of registering may be mandated), and the institutional mechanism through which the scheme is delivered is able to reach the migrant.

It is in this context that issuance of identity cards and registration and has been part and parcel of many schemes and programmes for informal sector workers. Many non-governmental organisations include issuance of identity cards as part of their migrant support initiatives (Deshingkar, Khandelwal, and Farrington, 2008). This gives the migrant workers an identity and some dignity. This has also been recommended by the National Commission for Rural Labourers as well as the Second National Labour Commission. A large number of social security and social protection schemes of central and state governments require registration of eligible beneficiaries and in some cases, issuance of beneficiary cards to them (see Report of the Second NCL, 2002, Registration is an important component of the

Construction Workers Welfare Fund Act, but this is done at the local level). But the registration and identity cards do not ensure portability of benefits. In other words, earlier initiatives had limited objectives, and where implemented led to specific and/or limited outcomes.

The detailed recommendations of National Commission for Enterprises in the Unorganised Sector on social security for informal workers took full cognizance of the issues arising out of the structure of migrant mobility and the structure of social security schemes at the Central/State levels, as also their variations between sectors. It then recommended a National Minimum Social Security Scheme which could be fully portable in three main senses.

First, the Scheme consisted of a National Minimum Social Security Package for all workers consisting of a retirement benefit, a life cover, and a family health cover, with a common pattern of financing by the Centre and States. *This was to ensure that this package would be portable across locations and sectors.* Beyond this, additional benefits could accrue to workers depending upon location and sector, but these benefits were not automatically portable.

*Second, registration was a mandatory part of the Scheme and all unorganised workers were to be mandatory registered under the scheme. Each registered worker was to receive a smart identity card with a unique social security identifier. Smart cards would also be issued to family members of the worker so that they could avail of family benefits even in the absence of the worker.*

Third, workers could pay their contributions (if any) anywhere in the country, and they or their families could receive benefits anywhere on the basis of the single registration.

An organisational and institutional structure was proposed which was to ensure the portability of the scheme through a backbone of an integrated IT structure and network of financial institutions (post offices and banks), Workers Facilitation Centres set up by trade unions, CSOs, or local bodies were to facilitate the registration of the worker and her/his family, as well as the disbursement of benefits to her.

The NCEUS proposals were made for a single component of social protection viz protective social security but they were carefully built on all premises which could ensure portability. Unfortunately, the NCEUS proposals were accepted and implemented in partial, piecemeal and fragmented fashion, which did not factor in portability. Unique and portable ID cards have been introduced for recipients of the organised sector social security schemes (UAN for the EPFO) and there has

been discussion on issuing a unique ID number to unorganised sector workers but this scheme has not taken off.

Meanwhile, the move to provide a citizen's identity card has gained impetus since 2003 with the New Citizenship Rules notified by the Home Ministry. Under the rules, the Registrar General of India which profiles the population and carries out a population census has now been mandated to develop a National Population Register. The Register will keep the full details, including biometrics of Indian citizen's (for those above 15 years) and issue a national citizen's identity card which will carry an UID number.<sup>4</sup> However, the Act has been amended in 2019 with more new provisions for citizenship for religious minorities in three neighbouring countries viz. Bangladesh, Pakistan, and Afghanistan. Simultaneously restrictions on movement and residence have been introduced in large areas in the North-east with the ostensible purpose of protecting indigenous populations in these areas. The new provisions could have grave implications for migrants and vulnerable populations and reinforce socio-political exclusion.

Subsequently, the Unique Identification Authority of India (UIDAI) came into existence in 2009. As per the Registrar General of India, the UIDAI is expected to carry out deduplication of the UID number, after which the cards will carry the number.<sup>5</sup> The UID is a smart card on which the person's detail, including beneficiary status and benefits received could be stored. It has also been claimed that the *Aadhar* will not be a citizenship card and only an identity card (RGI, *ibid.*). However, the UIDAI has taken upon itself the role of enrolling persons and issuing unique identity cards to them with data being collected through bodies appointed as "Registrar" of whom the RGI is only one. The UIDAI has made large claims for its project, particularly on behalf of the poor, and programmes meant for them, such as the PDS, MGNREGA, and access to health services.<sup>6</sup> The main claim is that the UIDAI will give the marginalised poor person (including migrants) an identity and facilitate the correct targeting of benefits, thereby eliminating leakages.

There are presently a number of issues relating to the overlap between the proposed activities of the Registrar General of India (RGI) for the National Population Register (NPR) and UIDAI and (lack of convergence) with the NPR-

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4. [http://www.censusindia.gov.in/2011-Act&Rules/notifications/citizenship\\_rules2003.pdf](http://www.censusindia.gov.in/2011-Act&Rules/notifications/citizenship_rules2003.pdf)

5. <http://www.censusindia.gov.in/2011-FAQ/FAQ-Public.html#L>

6. See the working papers on the UIDAI website (<http://uidai.gov.in/>). The site also contains information on other aspects of the functioning of the UIDAI.

-the costs of the two exercises, their objectives, technical viability; generation and use of privacy data; Similar exercises have either failed or given up, or have not been accepted even in technologically advanced countries such as the UK or the US. These issues have been considered by the Parliamentary Standing Committee on Finance recently which has rejected the UIDAI Draft Bill introduced by the Ministry of Planning in its present form (Standing Committee on Finance, 2011). Subsequently, the government of India introduced the Aadhar Bill as a Money Bill which was approved. In a landmark judgment, the Supreme Court has dealt with the privacy issues around Aadhar. The Aadhar Act is still under challenge. These issues are undoubtedly very important but are not central to this paper and are not discussed here any further except to note that the Supreme Court has allowed use of Aadhar linkage in social security schemes which involve government subsidy.

From our point of view, what is important here is the UIDAI claims that on the basis of the UID card, which will contain information on the individual's biometric details and her/his state, poor individuals, including migrants, will receive an "identity". Moreover, on that basis, they will be able to claim financial inclusion and various other entitlements. These claims are important since the UIDAI claims to resolve in one stroke three issues central to migrants' social protection – providing them with identity, *claim* to an entitlement, and an actual entitlement.

*However, it seems to us that the claims made by the UIDAI on behalf of, or for, migrants, are not well grounded.*

First, while a large number of semi-permanent migrants "belong" to at least two locations, and seasonal migrants are multi-locational, the UIDAI links each individual with *only one* address, i.e. it assumes only one type of (permanent) movement. If the UIDAI indeed becomes the *only* source by which banks or other entities ascribe addresses then the Aadhar could become a significant source of exclusion of migrants, and not their inclusion. At present, semi-permanent migrants are able to use their informality, social networks, and take recourse to other means to build an identity staircase. With a UIDAI card, these routes are closed for them till they are able to transfer their claims to the destination area.

Second, however, it is not clear that the UIDAI is as inclusive in its registration process as it has repeatedly claimed (Ramanathan, 2011).

Third, and most important, in claiming that issuance of ID card alone will ensure entitlements; the UIDAI is putting the cart before the horse and also ignoring

political realities. Entitlements can only accrue to *migrants* if they are portable, as discussed earlier in this paper and if administrative structures and institutions find the information on Aadhar as both valid and sufficient. To give one example, the Reserve Bank of India, while accepting *Aadhar* as one of the identity proofs had asked the banks at one stage to independently verify address (cited in Ramakumar, 2011, p.10). Further, it is unlikely that political and social factors will expediently allow migrants to be treated as non-migrants.

The UIDAI and the government have wished to load too many objectives on the *Aadhar*. But as Richard Whitley, research coordinator of the LSE Identity Project states, “evidence from other national identity systems showed that such schemes performed best when established for clear and focused purposes”.(Interview in *Frontline*, Dec. 2, 2011, p. 30). A large number of claims have been made on the efficacy of the Aadhar in weeding out ineligible beneficiaries through the unique identification process that it bestows. But the other side of this is the exclusion of the poorest eligible beneficiaries due to non-registration, failure of the biometric identification system, and failure of devices meant to carry out the authentication (Khera 2019, Sagar 2017, Das 2019, Sen 2019, Munjuluri et. al 2019, Chhetri and Bharadwaj 2019). Moreover, a number of studies have shown that Aadhar and biometric identification have not been able to route out intermediaries and commissions in schemes such as PMAY, MGNREGA, and Swachh Bharat (Sagar 2017, Das 2019, Khera 2019). Indeed, while Aadhar-linkage is (mostly) able to assist in weeding out duplication, exclusion of the poorest and in the poorest regions due to technical errors, and quantity exclusion due to corruption and local power equations continue to abound. All of these affect migrants who are vulnerable. The other types of errors, such as targeting errors, are discussed later in this paper.

The Ministry of Labour and Employment has introduced, in December 2020, a Bill on the Code on Social Security. The Bill (Clause 113) speaks of every unorganised workers being registered by a registering authority “by assigning a distinguishable number to his application or by linking the application to the Aadhaar number.” Thus, the Bill in its present form does not seem to view Aadhar-linked registration as mandatory.

Indeed, the registration of each and every worker along with her/his family members, and providing her/him with a universal and unique social security card/number is a sine qua nom of a social security system which seeks to ensure portability. Location/address need not be foregrounded and Aadhar linkage and/or biometric

identification need not be mandatory. The RSBY card provided a good example of a family based ID card which was portable with benefit entitlements for both the worker and her/his family who were insured under the scheme. Details of the RSBY model could be used to create a portable family based social security card across schemes with a common IT architecture and shared data base across states. The Trust with its vast experience at the ground level, and with the IT expertise available in partner organisations could facilitate a suitable design of a universal social security card and advocate the same with the governments.

### Targeting and Eligibility

*Identification* through UID or any other way is independent of determining the eligibility of the person for any entitlement under any programme. Most programmes have independent methods of determining eligibility. Till 2014-15, Below Poverty Line identification, income or/and other criteria were used to determine eligibility. The lack of clarity on the application of these criteria gave flexibility to lower level elected or bureaucratic officials to determine eligibility. In 2012, the Socio-economic Census was carried out to collect supplementary information on objective indicators for data on households in the Census list. The SECC was a once-in-a-decade exercise and is not updated periodically except in exceptional circumstances.

#### Type of Eligibility Criteria

<i>S. No.</i>	<i>Programme</i>	<i>Criteria</i>
1	MGNREGA	Self-selection. Households can apply for Job-cards and demand jobs. Available only to local workers
2	National Social Assistance Programme	Poverty (BPL) with Age or Other Criterion (Widowhood, Disability). State schemes use Household income
3	PM Awas Yojana	SECC based indicators – Condition of Housing with indicators such as caste
4	Ayushman Bharat	SECC Based indicators for inclusion and exclusion
5	National Food Security Act	In principle SECC based criteria. However, in practice states have mostly updated or revised older lists
6	PM Ujjwala Scheme	Women in the eligible age group in BPL households
7	BoCW	Employment in the Construction Industry establishments or in MGNREGA for 90 days in a year. In practice, most states practically bar inter-state seasonal migrants or the migrants find it difficult to establish employment credentials in the destination states.

Both in the BPL lists and in the SECC, short term migrants would figure, if at all, at origin, while long term migrants should ordinarily figure in the lists at destination. This is also the case with UID. As a matter of fact, migrants, particularly short-term migrants do not figure in any list, and if they do, a high proportion of semi-permanent vulnerable migrants continue to be on some lists at the origin. *Thus ID based exclusion is reinforced by eligibility-exclusion and location-exclusion. The SECC, being a decadal exercise, if excluded from it, it is more difficult for migrants to be reincluded in it.*

Thus, if migrants are able to overcome identity- based exclusion, then they, or those supporting their inclusion need to overcome their eligibility exclusion. Civil society organisations have to continuously deal with exclusion of eligible migrants from schemes due to lack of enumeration in the concerned lists. Location-exclusion is the third step and the remaining part of this paper addresses this issue.

### **Access to the PDS**

Seasonal migration decisions often take place at the beginning of a lean season during which migrant households are also likely to face food shortages. Advances taken from the contractor help to tide over these shortages and to meet other requirements. At destination, both seasonal migrants and semi-permanent migrants purchase food. In some migration cycles, seasonal migrants also receive small advances at destination from the contractors to meet their cash requirements which are eventually adjusted against wages, and food purchases have to be made from designated shops. Even in the case of permanent migrants living in sub-contracted tenements, food purchases may have to be made from designated shops. In both cases, migrants are deprived of the entitlement to purchase subsidised food available through the Public Distribution System.

Urban migrants cannot establish their local entitlements and a ration-card is usually their first step towards acquiring any urban entitlement. But a ration card requires a proof of residence which they are unable to provide for their temporary abodes. This is where intermediaries step in and may facilitate this acquisition, at a cost. Getting a Below Poverty Line or BPL card is a much more difficult enterprise since the number of such cards is limited and very few urban migrants eventually acquire one.

Seasonal migrants have even less locus standi in the destination areas and hence no possibility of acquiring a local ration card. But one may ask why migrants need to acquire a local entitlement for a programme for which the major costs are borne

by the national government? This is because the system works through a system of local registration (at the PDS shop) on the basis of a more generalised list, and on the basis of differentiated entitlements which vary from state to state.

The national PDS under the NFSA currently creates three categories of entitlements: the very poor are placed in the Antyodaya category, the poor in the Priority category, and the non-poor in the non-priority category. These three categories are identified by the Food and Civil Supplies department on the basis of certain criteria. The grain allocation (or the allocation of sugar or kerosene) from the buffer stock and warehouses is based on these numbers. The difference between the cost of supplying grain to the warehouses and the price received for them (which varies across the three categories) is the food subsidy borne by the Central government. The aggregate numbers in the highly subsidised categories is limited by the Central government based on the State's poverty estimates. If a poor person migrates temporarily from place A to place B, the Central subsidy remains the same, but the local calculations (at the ration shop upwards) may not add up. Hence a ration card of place A will not work in place B. This will hold for both inter-state and intra-state migrants.

The problem is compounded if place A and place B are different states and have different ways of entitling a person to receive subsidised ration, and local subsidies are added to the Central subsidy. In many states, the number of those entitled to subsidised ration is much larger than the limit placed by the Centre. For example, in Tamil Nadu every person is entitled to receive subsidised food, In Andhra and Chhattisgarh, more than 70 per cent of the population is entitled to subsidised ration. The additional people have to then receive a state subsidy, and in this context, a migrant from place A to place B, will receive a state and a central subsidy. This is also the case because several states give subsidised ration at prices below the level designated by the Central government. In Tamil Nadu, every person is entitled to purchase the rationed quantity of rice from a PDS shop at Rupee 1 per kilo, while some states such as Chhattisgarh have fixed the price at Rupee 2. In both cases, the state government bears the cost of part of the food subsidy, and is not willing to share this subsidy with a person from another state.

These problems are clearly not insurmountable. Given the vulnerable status of the seasonal migrants, the host state could take a policy decision to place them in the highest food subsidy category and to designate an agency to give them temporary registration and entitlement, solely on the basis of their ration card from

the origin. The state can also have to make it obligatory on the employers to apply for temporary registration to the workers at the time of employment.

Civil Society Organisations/Unions working with migrants in urban destinations have advocated this, and some states have implemented policies to give temporary food entitlements. But the numbers of migrants who have been able to avail of such entitlements is limited.<sup>7</sup> This is where a national policy could play an important role.

A significant lacuna in the NFSA *which it must address* is that does not provide for portability of benefits. The WGM has lauded states such as Chhattisgarh (more recently Gujarat) which have introduced intra-state portability. It has also recommended inter-state agreements between states which have large migration streams to introduce PDS portability. However, these are limited measures. *Every state should accept to offer all migrant workers and their families, if in residence, the same food entitlements that they offer their own residents on the principle that these workers live and contribute to the destination state's economy during their residence in the state.* Presently, ration entitlements are assigned to a particular PDS shop. But with a common data architecture within and across states, ration card design, and digitally mapped withdrawals, it should be possible for any resident to draw a ration claim from any PDS shop located in any state, and for the state and centre to dynamically adjust quotas based on actual drawal data from the PDS shops. The technological and logistical difficulties in doing this do not appear to be insurmountable and could be implemented if there is proper policy direction. If need is felt then the NFSA can be amended with a clear-cut portability clause introduced in it. The government of India has announced a “One India one ration card” scheme making the scheme within, and across, states. By January 2019, the scheme had been made functional across nine states. For the states to be functional, ration card holders need to have a common card design which identifies their origin state and a two digit identifier for each family member.<sup>8</sup> Technical wherewithal, such as epos machines being available and functional at each ration shop also have to be fulfilled (Srinivasan 2020). Beneficiary response from the implementation of the scheme will help assess the actual bottlenecks.

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7. Borhade (2007) analyses the experience of an intervention project by the NGO Disha working with migrants in Nashik district in Maharashtra. Maharashtra has authorized issuance of temporary ration cards to migrants, but the procedure is cumbersome and despite Disha's support, only 25 out of 351 migrants had been able to obtain temporary ration cards.

8. <https://www.livemint.com/news/india/-one-nation-one-ration-card-centre-makes-standard-format-asks-states-to-follow-it-for-issuing-fresh-cards-11576742200045.html>

## **Access to Affordable Housing and Shelter**

Shelter is a basic human right and the government of India has an ambitious programme for providing housing for all by 2022. The rural housing programme for the houseless is the PM Awas Yojana. The urban counterpart is the PMAY (Urban) which aims to address the housing shortage in slums and non-slum urban poor areas through assistance to urban local bodies for in-situ rehabilitation, credit-linked subsidy, affordable housing ownership, and subsidy of beneficiary led house construction/enhancement. The Atal Mission for Rejuvenation and Urban Transformation (AMRUT) launched in 2015 has the aim of providing basic civic amenities like water supply, sewerage, urban transport, parks as to improve the quality of life for all especially the poor and the disadvantaged. The rural PMAY is based on an SECC identification of houselessness or dilapidated housing. The urban counterpart programme uses kutchra housing and an income ceiling as criteria. Many states have also introduced ambitious housing programmes.

However, claimants to housing subsidy have to satisfy the criteria for the subsidy based on local and pan-India criteria. The national criteria can be tested if the potential claimants have been covered by the SECC, which is a national data base. But local governments often also introduce further criteria such as previous ownership or length of residence which create further obstacles.

The urban situation has been reviewed in Srivastava (2011). Urban policy regimes and urban governance systems have moved sharply in favour of urban elites (builder lobbies, corporate interests, and middle/upper class “resident welfare associations”). Urban land prices have witnessed a sharp secular trend due to demand and speculative pressures driving the urban poor out of these markets as well as formal markets for urban housing (Mahadevia, 2009). The government and/or employers have virtually no responsibility of providing shelter to migrants in India. Due to shortage of housing of any kind, migrants find shelter in unauthorised slums or shanties, often on public lands, from where they are repeatedly displaced. Migrant labourers live in the open, in makeshift shelters covered with a plastic sheet, or under bridges and so on.

The schemes mentioned above have been able to provide shelter security to a minuscule proportion of urban dwellers living in slums, shanties and squatter settlements (Mahadevia 2009). A high proportion of such dwellers are rural-urban migrants. The situation in India is in poorer than in China, where not only 20 to 40 per cent of migrant workers were provided dormitory accommodation by

employers. Moreover, since 2005, local governments in China had shifted stance towards provision of residential rights and housing to migrant workers. (Mahadevia et. al., 2010) In India, despite policy pronouncements and programmes, poor migrants face greater barriers, and higher insecurity in meeting shelter and other basic amenity requirements. This is combined with a more hostile socio-political environment in host environments, and less secure job environments. All this leads to the kind of urban exclusionary process referred to by Kundu (2009).

As pointed out earlier, the Government of India has a stated goal of housing for all by 2022 and the thrust is on affordable housing for the EWS and LIG segments. There are limited options for migrant housing at destination. Migrants face exclusions from subsidised public sector housing. Allocations of EWS houses are done—even when built by the private sector—by many States on the basis of BPL cards and inter-State migrants who may have BPL cards issued in their State of origin are not considered. These eligibility criteria are common in affordable housing schemes across States. In slum rehabilitation projects as well, mechanisms like cut-off dates and caste certificates –the problems of losing benefits due to differences in SC/ST lists across States has been mentioned before—result in the exclusion of migrants from being eligible for rehabilitation housing. The Building and Construction Workers Welfare Boards also have provision for housing of construction workers but few workers avail of this assistance. Since housing assistance is being provided on the basis of a national data base (the SECC), barriers to such assistance should be reduced if migrant workers have been enumerated at destination, with the clear conditionality that each family will be entitled to such assistance only once. Since migrant workers settle in slums and informal settlements, the MWG has recommended the upgradation of these settlements along with the provision of basic amenities.

Most short term migrants need temporary accommodation due to the nature of their jobs which are seasonal, temporary, and informal. There is a provision under the ISMWA and the BoCWA to provide temporary housing and basic amenities for workers. Under these Acts, it is the responsibility of the contractor / employer to make arrangements for housing. A much larger focus on provision of dormitory type accommodation, hostels by women, housing by employers and rental housing arrangements for workers under the auspices of governments is required as a part and parcel of housing policy (MWG). These will meet the need of seasonal and temporary migrants. The MWG has also recommended the provision of varieties of rental accommodation. This could large scale provision of dormitory type

accommodation for migrant workers including women workers. *Policies which lower the barriers to housing for migrants, and increase the focus on rental and temporary housing and accommodation should be supported on a large scale.*

### **Access to Health Protection**

India has a universal three tier public health structure, which in principle should be able to provide free health care to all. But as a matter of fact, due to a low level of public expenditure and poor quality of public health services, out of pocket private expenditure is very high. The organised public and private sector is covered by contributory health schemes, of which the ESIC is the most extensive and is portable for workers registered under the scheme. In recent years, there has been a growth in health insurance schemes intermediated by States, Central government and NGOs.

Various surveys and studies have shown that migrants are disadvantaged relative to the native population regarding health. The degree of vulnerability of migrants varies, depending upon a number of factors. In addition to the health environment in the place of origin, transit and destination (including disease prevalence), factors include patterns of mobility (regular, circular, seasonal, etc) that define the conditions of journey and their impact on health; the status of migrants in destination areas including the poor working and living conditions, their access to health and social services; and familiarity with the culture and language of the host community determines the extent of their vulnerability (Chatterjee, 2006). Additional factors include their isolation and separation from families, lack of disposable cash incomes, and strong hierarchical and exploitative work relationships.

Any strategy to improve the health status of migrants has to take into account the multiple determinants of health status, including their very poor living and working conditions, lack of access to potable drinking water and sanitation, low food and nutritional intake, and lack of access to health facilities.<sup>9</sup> This would lead us to the other aspects of social protection which are discussed elsewhere in this section. Chatterjee (2006) distinguishes between three types of factors that migrant vulnerability in case of health. These are motivational factors (reasons for migration), occupation related factors, and environment-related factors. These factors are more likely to result in occupational and non-occupational, as well as sexually transmitted diseases. In many industries where typically there is strong labour market segmentation,

9. Unnithan-Kumar, McNay and Costaldo (2008) provide an account of these interrelationships in their ethnographical study of poor urban migrants in Jaipur city. They also provide a number of specific suggestions on health interventions for migrants.

migrant labourers work in the most hazardous segments, as in dyeing in Tirrupur (Tamil Nadu). In quarrying and mining, diseases such as silicosis and TB are common. Chatterjee (ibid.) provides a detailed listing of diseases which are more likely to be prevalent among migrants due to the three types of factors mentioned above.

An approach to improving health outcomes for migrants has naturally to deal with all the above-mentioned causes which impact on migrants' health. It must also recognize that not dealing with the health problems of any one section can lead to wider public health problems and it must avoid an excessive focus on any one group as the possible cause of these problems which could lead to stigmatization. It must also not focus exclusively on one single aspect of ill-health which can lead to a stigmatisation of migrants without influencing the general context.<sup>10</sup>

We deal in this section only with migrants' access to health facilities and health care. As Chaterjee (ibid.) points out, factors impacting on migrants' health at the destination can be attributed to the following:

- *Government-related factors* such as national policies, public service system, community development, development and housing;
- *Employer-related factors* such as work site safety, living conditions, insurance coverage, women worker's maternal and reproductive health benefit, etc;
- *Health-sector related factors* such as health/preventive network, service coverage and approaches, service items and prices; and
- *Individual-related factors* like social support at the destination, health awareness, health beliefs, health behaviour and help seeking behaviour, impacts the individual and collective health risk of migrants.

This schema suggests possible points of intervention in a health strategy. Migrants access to health services is crucially determined by their availability and affordability, their working conditions, degrees of isolation, and low cash incomes, as also the other factors mentioned above. Any health strategy for migrants must target all of the above.

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10. This has happened, for example, with the focus of the National Aids Control Programme focus on migrants. The NACP-III documents states that: "To stop the virus from entering into the general population, interventions with bridge populations need greater focus. There are an estimated 2.5-3 million long distance truck drivers in the country with an estimated HIV prevalence of about 11-16 per cent. There are also more than 8 million temporary and short duration migrants amongst whom prevalence is unknown. Socio-economic and situational pressures make these groups vulnerable.' We have to begin by recognizing the wider context of migrant vulnerability to ill health and to adopt measures to deal with it.

A migrant-focussed strategy has to take into account the wider context of general deterioration in public health facilities and the lack of access to affordable health facilities by the poor. IOM (2005) has suggested a framework within which the provision of health services for the host and migrant population can be visualised:

Table 1  
**Integrating Health and Migration- Achieving a Balance**

<i>Receiving Population</i>	<i>Migrant Population</i>
Improved disease protection	Timely and safe movement
Better resource utilization	Targeted health intervention
Infrastructure support	Reduced morbidity and mortality
Improved health and productivity	Better health care access, reduced stigma

*Source:* International Organisation for Migration (2005)

Migrant workers are excluded from whatever public health facilities that exist since free access to them may be restricted to local residents, or those among them, belonging to a particular category, as is the case in some states. Providing access to migrants will require that local authorities provide access irrespective of their proof of residence, treat all seasonal migrants as eligible for the same treatment as the local poor, and treat all other migrants on the basis of their determined economic category at origin. In addition, since ill-health should be treated as a negative externality, authorities and civic society organisations should arrange for mobile clinics and health camps in, or in proximity, to the labour camps.

The BoCW State Boards provide health schemes for registered construction workers and their families. But both registrations and benefits accrue to few workers. Many states have introduced insurance based health schemes for the poor, with contributions being paid by the government. The Central government had earlier introduced the RSBY on a similar principle, with contributions being paid by Central and State governments, and a nominal registration charge on the worker. The RSBY provided hospitalisation cover of up to Rs 35,000 on a cashless basis through empanelled hospitals. *One of the major advantages of the RSBY was its portability, i.e., a beneficiary who has been enrolled in a particular district could smart card in any RSBY empanelled hospital across India. This rendered the scheme particularly relevant for internal migrants.* The MWG noted that the rudiments of a portable architecture for the provision of healthcare was in place, with the portability of RSBY, and even ESI. It recommended that migrants should be provided with portable health care and basic social protection through a self-registration process, delinked from employment status.

The Central government has recently introduced a publicly funded health insurance scheme, called Ayushman Bharat, which aims at providing cashless health insurance benefits with an insurance cover of Rs. Five lakh to 50 percent of the poorer population. Details regarding criteria of identification of the eligible households indicate that these are based on the Socio-economic Census and membership of the predecessor schemes such as the RSBY. Portability criteria in the scheme are not clear. Being a successor to RSBY which had already reached thirty million poor households, the Ayushman Bharat could easily use a similar architecture to ensure portability and access to migrants.

As with other entitlements, the main challenge before a migration support intervention is first to ensure that the vulnerable migrant labourers are enumerated either at source or destination, and are considered eligible to receive the health entitlements. The second challenge is to ensure that benefits are delivered to them and their families and source and destination. However, other approaches also need to be considered. One is to broaden the access of health facilities available to other workers – including ESIC facilities and public health facilities to these migrants. The other is to take health screening and health camps to concentrations of migrant workers through a public-private initiative, given that the ill health of the workers is a significant negative externality.

### **Health Protection and Nutritional Support to Pregnant and Lactating Working Mothers and Pre-school Children**

The ICDS provides a range of services including nutritional support and health care to pregnant and lactating women, and children under six (and adolescent girls). maternal and child health). The health component of the scheme is administered through community- based anganwadi workers at the Anganwadi centres. The “umbrella” role of the ICDS / Anganwadi extends to important programmes such as the nutrition support programme “Poshan” for pregnant and lactating women, infants and young children , scheme for nutritional support and health screening of adolescent girls “Sabla”, a Maternity Benefit Scheme: “Pradhan Mantri Matru Vandana Yojana” which is conditional on the women taking ante-natal care etc. The Scheme was given its present form in January 2017. Under the scheme, pregnant women and lactating mothers receive a cash benefit of Rs. 5,000 in three instalments which are conditional on early registration of pregnancy, ante-natal check-up and registration of the birth of the child and completion of first cycle of vaccination for the first living child of the family. The eligible beneficiaries also receive cash incentive under Janani Suraksha Yojana (JSY). Thus, on an average, a woman gets Rs. 6,000. The Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers provides

day care facilities to the children in the age group of 6 months to 6 years from families with monthly income of less than Rs.12,000/-. The scheme also provides development services i.e. supplementary nutrition, health care inputs like immunization, polio drops, basic growth monitoring and recreation to such children.

The WGM has noted that s no bar of domicile or residency in the scheme and it was possible for the scheme to cover migrating women and their children with better planning and additional resources. The WGM further notes that the provision of health support to children below the age of six and pregnant/lactating women involves a convergence of two schemes operated by different Ministries – the ICDS (Ministry of Women and Child Development) and the NHM (Ministry of Health and Family Welfare). This takes place through coordination at the local level between anganwadi workers (appointed under ICDS) and ASHA workers (appointed under NHM), where services such as provision of supplementary nutrition, immunisation and health check-ups are carried out jointly. Since ICDS and NHM are universal schemes, there is no identification of beneficiaries. Mobilisation of beneficiaries for the schemes and registration of women and children for scheme-related services including health check-ups, immunization, etc. is carried out jointly by the Anganwadi worker along with the ASHA worker (*NIPCCD*). The working group recommended that ICDS AW and ANMs be instructed to expand their outreach to include migrant women and children in the scheme.

While it is correct that there is no bar on domicile or residency, the delivery of the schemes is tied to the human and financial resources and physical infrastructure available for each of the schemes. Since the schemes are Central Sector Schemes or Centrally sponsored schemes, the Central government has to develop specific guidelines to extend these services to migrant women and children, many of whom require these services. The PM Matru Vandana Scheme is a conditional scheme and installation payments is subject to the pregnant and lactating mothers being able to fulfil the conditionalities even after migration. The Implementation of the scheme is closely monitored by the central and state governments through a web based software application, PMMVY-CAS. The application is interoperable with UIDAI and Public Financial Management System (PFMS) for authentication of unique beneficiaries and their Bank Accounts. The Scheme is said to be hundred percent Local Government Directory (LGD) compliant with a uniform master data of all villages/towns/cities throughout the Country on one platform, i.e. PMMVY-CAS. Thus it seems that scheme can be portable provide specific directions are issued to extend government services at destination to migrant women communities.

There is no doubt that these umbrella schemes are extremely critical for in provide health, nutritional support, and early learning to the vulnerable migrant women, adolescent girls, infants and young children. But access to the schemes by migrants will depend on clear directives, support in terms of resources, and outreach programmes. In case, these schemes are not flexible enough to cover the migrant worker and their families, separate schemes need to considered and approved. For younger children the MWG has recommended mobile crèches at worksites. Such facilities can also be provided near places of residence. However, while once in a while interventions can be provided through sporadic but regular interventions such as health camps, others would require more regular support through an anganwadi type facility and trained personnel.

### **Education of Migrant School Age Children**

The provision of universal elementary education (UEE) has been a salient feature of the national policy, in accordance with the Constitutional commitment to “ensure free and compulsory education for all children up to the age of 14 years”, since Independence, Education (UEE) was declared as a fundamental right (Article 21-A) in 2005 and following this the Right to Education Act was passed by parliament in 2009.

The government of India’s efforts have led to increased enrolments in school but the key issues of universal access, retention and quality still remain important especially with respect to “hard-to-reach” or “left out children”. Universal elementary education is being critically impacted upon by seasonal migration to a much greater extent than is realised in policy discourses. Quite often, children accompany their seasonally migrant parents not only because there is no option to leave them behind in their villages (which may hold for infants), but more significantly because the school aged children are a vital part of the household’s survival strategy in the destination work places where they work as hard as their parents, bartering away their future for a miserable present. In the entire process, children’s life is adversely affected. They are forced to drop out from school, or never enrol in one. One has to remember that a child out of school is an important indicator of child labour in the country.

The diversity of migration situations needs to be reiterated as interventions need to confront the specific contexts. But all studies show that seasonal migrants are in the prime working ages (18-45 years). Since migrants come from the poorest and economically the most vulnerable sections of the working population, their own educational attainment is nil or negligible. A majority of those who are married in

this age group have young children. Migration of either one or both the parents has the potential of reducing the child's probability of being educated, hampers her development, and the possibilities of the child growing out of poverty.

At any point of time, school-age children of migrants fall into two categories – those who are out of school (these children may never have enrolled, or may have enrolled and dropped out), and those who are *nominally* enrolled. Due to continuous interruptions in schooling, the latter eventually drop out at some stage or another.<sup>11</sup> If account is taken of dropped out children (including both the nominally enrolled and the non-enrolled), one would find that the access to education of children of an overwhelming proportion of seasonal family migrants would be adversely affected. Negative but less severe impacts can also be expected for children of migrant households with single adult migrants.

Two main strategies are followed to bring the children of seasonal migrants to schools. These are of setting up site schools or seasonal hostels and of providing bridge courses.

Site schools are a mechanism through which migrant children can be educated in the migrants' destinations. But running these schools involves a number of challenges. The setting up of the site schools has to be preceded by a need assessment based on surveys or other mechanisms, which can establish the need for the site school. Second, persistent advocacy is needed, both with employers and the parents of the children. These schools can rarely succeed without employer support for land and facilities. Their remoteness and poor facilities in these schools may make it difficult to recruit adequately qualified teachers. An institutional arrangement has to develop in conjunction with the government department, so that the site schools are treated either as schools or adjunct schools (with the children's attendance being transferred to the local schools). This requires a large measure of coordination with the local schools and the formal system. Moreover, for the children who are enrolled in schools in the areas of origin, a modality has to be developed by which their enrolment and attendance records can be transferred between the schools in

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11. In Gujarat, in the destination areas especially in the salt pans, a number of children were nominally enrolled during the government-sponsored enrolment drive but their schooling was disrupted for several months during the migration cycle. In Maharashtra, in the villages that we visited, most of the children were nominally enrolled but were compelled to accompany their parents to the cane fields in the cutting season, which could last from November to April. During exam time, if distance permitted, these children were shepherded to their villages to appear in the examinations, which would be no more than a farce for them; farce because they are out of touch with studies in the worksites.

which they are enrolled in the areas of origin and the local formal schools near their destinations. This is quite a complex procedure, more so when the students are inter-district or even inter-state migrants. Finally, adequate systems need to be in place to provide a proper-teaching-learning environment. This involves, training, monitoring, hand holding, provision of teaching-learning material etc.

It needs to be noted that site schools do not necessarily deal with the same set of children year after year as parents change sites and the pattern of migration varies. Dealing with new children at different stages of education can make the task of teachers quite difficult. Given also the harshness of the environment at destination, seasonal Hostels provide a familiar and hospitable terrain to the migrant children. These schools are set up in the areas of migrants' origin, to provide staying facilities for migrants' school-age - children during the period that the parents migrate for work. Seasonal hostels provide continuity to the children's education (as well as to the schools since they deal with the same cohort) and keep them away from the work site environments which are not only harsh, but also where they are constantly faced with the alternative of being involved in domestic work or employment, if not exposure to sexual abuse for girls. Seasonal hostels, however, impose higher opportunity cost on the parents and require a much greater degree of understanding by the NGOs of local social structures as well as a high level of community support. Bridge schools serve the purpose of easing the re-entry of migrated children into schools.

As in the case of the work site schools, the first phase has to be a needs assessment combined with patient advocacy amongst the stake holders (migrants and local community) which can ensure that migrants are willing to leave their children behind in the hostels, and they and/or the local community would be willing to support the hostels in multiple ways Unlike the site schools, the seasonal hostels require 24 hours support and heavier administrative responsibilities. They also require greater cooperation from the local community.

The national flagship programme for elementary education in India, Sarva Shiksha Abhiyan (SSA), has recognised the need to have focused initiatives to educate migrant children. It has asked states to identify and include children whose education is affected due to migration and has suggested parameters under some of its existing programme such as the Education Guarantee Scheme (EGS) and the Scheme for Alternative & Innovative Education (AIE) by which states could assist in setting up seasonal hostels or site schools. The guidelines for the AIE (which is

more relevant for migrant situations) provides for support to site schools, resident hostels, bridge courses for dropped out children, and mobile teachers to accompany migrant families. The guidelines also provide for supporting AIE initiatives through voluntary agencies apart from being directly implemented by state agencies or local governments. The WGM has recommended expansion of these facilities and a careful integration of the educational needs of migrant children in major out-migrating and in-migrating areas in SSA planning.

Despite this general framework, the uptake in states has been low, leaving as discussed earlier, a large gap between interventions on the ground (whether government financed and supported or not). Although state governments have set out parameters for supporting NGOs, the process of working together is not easy and financial cycles particularly troublesome for dedicated NGOs.

A number of NGOs are, however, working in the field to support the education of migrants' children.<sup>12</sup> But our own assessment is that there is a huge implementation gap at present relating to the children of migrating families.

The government's SSA programme too, as we have seen earlier in this report, does take the needs of migrant children on board and addresses these both through support to voluntary agencies as well as more directly. But, effective coverage under direct government delivery systems is still small. We also do not think it likely that coverage would improve dramatically under existing governmental initiatives. This is primarily because the visibility of migrants is low both overall and even within local communities (they belong to the most marginalised communities) and drawing the migrants' children into education requires heavy social mobilisation and multifaceted initiatives.

This is one of the areas where an effective partnership between the government and the NGOs can yield results, but where financial and administrative procedures discourage result oriented NGOs, and require the government and the other stakeholders to take a hard look at the way forward. *The Right to Education Act now makes it mandatory for schools to admit children who are moving from one area or state to another*

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12. Through America India's LAMP, its partners in Gujarat, Maharashtra and Orissa directly educated more than 30,000 children every year in four states and their concerted advocacy efforts have moved the state governments to support and scale- up these models of education. These include CARE, Banyan Tree Foundation (BTF) and Action Aid. In Orissa, AIF has worked with its partners and with Action Aid, Andhra Pradesh, as well as the governments of the two states to provide schooling to migrating children at brick kiln sites in Andhra Pradesh.

*for any reason, and for schools at origin to grant transfer certificates expeditiously (Clause 5(2) and 5(3) of the Act.<sup>13</sup>. Thus no child can be denied education at destination under the Act and it is for the jurisdictions to evolve a suitable modality.* As a next step, these modalities should be worked out by the Central and state governments so that the right of the migrant child to education can be protected.

In inter-state migration, the MWG has recommended that the MoU of Andhra and Odisha to be used as a working model and improved upon to provide for education in the home state's language and syllabi in destination areas where migrant workers live in clusters such as in construction worker camps and brick kilns, etc. The working group also recommends a re-examination of the guidelines of the schemes for hostels for targeted groups. In instances where the capacity may not be fully utilised, they could be allowed to accommodate students who do not belong to the identified group. For example, in the case of vacancies in hostels built for SC/ST students, inter-state migrants who belong to such categories in the source state but not necessarily in the destination state, could be given priority. In the absence of clarity in guidelines, such use may attract audit objections.

The SSA and the RTE have provided a framework by which the education needs of the migrant children can be protected, but much more needs to be done in partnership with civil society organisations to ensure that the constitutional goals of education are realised.

### **Access to Labour Market Related Social Security Measures**

The social security/protection entitlements discussed in the earlier sections are available to workers and non-workers and are not specifically linked to worker status. Workers in the organized sector have access to social security measures (Srivastava 2012c, 2013). The main issue is extending a modicum of social security to informal workers (who have de jure entitlement) and to informal sector workers. A small percentage of these workers have access to some form of social security through Welfare Boards (ibid.). Since the recommendations of the Second National Labour (NCL 2002), the extension of social security to unorganized workers has been debated. A review of the proposals can be found in Srivastava (2012c). Among the proposals that have been made from time to time, the NCEUS recommendations specifically took into account issues of three-dimensional portability (registration, contributions, benefits) on an anywhere basis.

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13. <http://www.education.nic.in/elementary/free%20and%20compulsory.pdf>

Since 2015, the Government of India has embarked on consolidating a large number of Central legislations into four Codes, including a Code on Social Security. Three drafts of the Code have been put in public domain in June 2017, June 2018, and September 2019. Initially the code was meant to amalgamate 15 Central legislations but the most recent draft aims to amalgamate eight legislations which include the Unorganised Workers Social Security Act 2008 and the Building and Construction Workers Welfare Cess Act 1996. While the earlier drafts aimed at a framework of universal social security, the Bill that has been introduced in parliament in December 2019 has stepped back from this objective. It also does not address issues of inter-state portability. The draft compartmentalizes social security for organized sector workers from unorganized workers and building and construction workers, thereby also impeding formalization of the workforce.

The Directive Principles of the Indian Constitution recognize dimensions of social security as basic rights (Articles 41, 43, 45 etc.) and Global conventions also recognize social security as a human right. Advances in the framework for social security should therefore include the principle of universalization within a definite time frame, and must provide for portability so that the ever increasing number of labour migrants are not excluded from social security entitlements.

It is unfortunate that the Code on Social Security does not offer any road map for universal social security for unorganized workers and has no definite framework for portability. These issues should be taken up by all those who are concerned with providing a modicum of social security to migrant workers and a strong advocacy plank should be built for universal and portable social security on an urgent basis.

### **Conclusion and Recommendations**

Seasonally migrant and circulatory labourers, and the lower categories of rural-urban migrants clearly suffer from vulnerabilities due to their status as migrants. Their numbers are very large and unless social protection programmes are designed and implemented so as to deal with their specific vulnerabilities, it will be very difficult for the country to reach its development goals or its commitment to the international community. Being vulnerable, weak and dispersed, migrants are not able to exercise a pressure on policy making, and India does not have a coherent policy framework for migrants.

Fortunately, many social protection programmes in India are evolving in a rights based direction which makes it incumbent upon governments to provide

entitlements to their citizens. This is a huge positive. In the case of migrants, the notion of local citizenship is complex and the rights legislations must provide clear responsibilities to governments to give entitlements to migrants.

Clear and simple financial and administrative arrangements need to be coordinated by higher level governments. In general, host governments should accept the principle that the destination government should be responsible for providing social protection arrangements to workers who work in their areas. But policy direction and financing arrangements by higher governments can help and incentivise the process.

An identity or a smart card can help in migrants establishing identity and claims, provided the arrangements mentioned above exist. But any such process must recognise the multi-locational nature of the citizenry. If these identity cards become the sole basis for establishing identity, they will become highly exclusionary. Moreover, till the technical efficacy, cost issues, and transaction costs are not established for a country like India, one should be wary of loading them with too many functions and objectives.

Support for labour migrants need to be built up at three interrelated levels.

- At the local level, organisations should map the existing situation to entitlements, identify the gaps and the constraints, and build a strong case for access to entitlements through pressure locally and up to the state level. As pointed out in this paper, migrant workers face three kinds of exclusion – an identity exclusion, an eligibility exclusion, and a location exclusion. Each of these need to be mapped on what can or needs to be done at local, state, and national levels. Many organisations have been quite successful in doing this in the local contexts. But more needs to be done to clarify these exclusions and their sources, along with the policy, resource, and implementation gaps which need to be taken up at the higher level.
- The state is powerful actor in making policy and implementing social protection programmes. Many schemes give state level structures considerable autonomy to shape policy and implementation. It can be seen that different states have taken a range of initiatives to improve the access to entitlements of both out-migrating workers and in-migrants. But these initiatives are still at a margin and are mostly exclusionary as far as in-migrating workers are concerned. Identification of the issues involved and persistent advocacy at the highest level, in coordination with

all potential stake-holders needs to be taken up.

- A large proportion of seasonal migrants are inter-state migrants. Their entitlements need to be protected and transferred across locations and across states. Strong advocacy needs to be built along the following principles:
  - (a) Consensus between states on the basic principles of portability of social protection entitlements to migrant workers.
  - (b) Ensuring that all Central Sector and Centrally sponsored schemes are guided by policies and an implementation framework which supports mobility and portability.
  - (c) This would mean that there is an IT based national data information network (which already exists for several schemes) for each scheme and that social security entitlements and benefits are mapped for each worker and details are shared across states.
  - (d) All Central Schemes must also support portability through availability of persons and transfer of resources. Schemes can be designed which are flexible enough to address the needs of migrants at workplaces and clusters. Given that migrants are hard to reach, the government must incorporate partnerships with civil society organisations. There are large number of examples in the delivery of health services, education and other areas where these partnerships have given excellent results.
  - (e) As pointed out here and in the companion paper on the Building and Construction Workers, the Central government is moving rapidly towards a single code on social security. The Code will provide an overarching framework for social security. It is important that this Code is built on the principle of universality and that it fully provides of portability in all its dimensions.
  - (f) The system that should emerge should ensure that the most vulnerable (migrant) workers are not excluded from identification, and access in all entitlements. This issue should be taken up programme by programme, building on ground level information from local teams and partners.
  - (g) A social security number which maps the worker and her/his family to entitlement and benefits remains work in progress. As discussed earlier in this paper, the RSBY provided a good example of a smart card which links the worker and her family to portable benefits across locations.

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