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# **Integrating Migration and Development Policy in India: A Case Study of Three Indian States**

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# Integrating Migration and Development Policy in India: A Case Study of Three Indian States<sup>1</sup>

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*Although labour migration has been an important factor in the changing demographics in India with multi-faceted implications for the pace and pattern of development, there is no integrated policy framework addressing these implications. This paper reviews migration related initiatives in three Indian states viz. Kerala, Jharkhand, and Odisha. Although all states both send out and receive populations/workers, Kerala, which was earlier considered to be a sending out state (both for internal and well as international migrants) is now considered to be a major recipient state, while Jharkhand and Odisha are both considered to be predominantly sending-out states. The experience of these three states is used to highlight the basic tenets of migration policy in India from the perspective of Indian states.*

## 1. INTRODUCTION

Although migration has been an important factor in the changing demographics in India with multi-faceted implications, there is no integrated policy framework addressing these implications. It is, therefore, not surprising that policy and administrative responses are often *ad hoc kneejerk reactions restricting migration without taking into account the inexorable development history and large benefits which accrue from migration*. The World Bank has consistently recommended encouraging migration based on its understanding of its beneficial impact on the growth of

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1. This paper is based on a chapter on migration policy prepared as a UNFPA (2019) study report titled “Internal Migration in India and the Impact of Uneven Regional Development and Demographic Transition across States: A study for evidence based policy recommendations” authored by Ravi Srivastava, Kunal Keshri, Kirti Gaur, Balakrushna Padhi and Ajit Kumar Jha. Support provided by the UFPA, Delhi office for carrying out this study is gratefully acknowledged.

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sending and receiving regions as well as the migrating households (World Bank 2009). In a recent paper (Kone et. al. 2017), it has been argued that the low level of inter-state migration is due to the barriers constituted by state specific policies restricting entitlements to social protection, education and jobs to state residents. In a different vein, Kundu (2009) and Kundu and Saraswati (2016) have argued that rural-urban migration in India has been restricted due to what is considered to be “exclusionary” urban policies, by which they refer to urban policies raising the costs of urban-relocation for migrants, especially poor migrants.

Freedom of movement and the right to take up employment anywhere in the country is guaranteed to all citizens under the Indian constitution. However, migratory movements may be considered costly in relation to benefits by potential migrants, on account of social, political, and economic considerations and these costs can depend on a number of variables, including availability of infrastructure and communication, policies instituted by the sending and host regions which curb guaranteed rights, degree of hostility or accommodation by the host communities, presence of the migrant community and social networks at the destinations, and so on.

As Srivastava (2011a, 2012,) and Srivastava and Pandey (2017) have shown, there is no integrated policy on (internal) migration in India. But various Commissions and committees have gone into the question. These include the National Commission on Rural Labour (1991), the National Commission on Enterprises in the Unorganised Sector (NCEUS 2007), and the more recent Working Group on Migration (GoI 2017) constituted by the Ministry of Housing and Urban Poverty Alleviation (MHUPA 2017).

The recent Working Group (WG) on Migration report (MHUPA 2017) is probably the most comprehensive policy treatment of the issue of internal migration in India by an official committee. Apart from building a comprehensive profile of migration in the country, the report has analysed three major dimensions of internal migration. The first is the location of migrants in the labour market structure. Second, the issue of social protection and social services. The third is the issue of housing.

The Working Group on Migration has emphasised the fact that in addition to general protection under Part III of the Constitution, migrants have specific protection under Articles 15, 16, and 19. Article 19(1) of the Constitution guarantees all citizens the right to move freely throughout the territory of the country, and

reside and settle in any part of the country. Article 15 prohibits discrimination on the basis of place of birth, while Article 16 guarantees equality of opportunity for all citizens in matters of public employment, and in particular prohibits the denial of access to public employment on the grounds of place of birth or residence. However administrative requirements in terms of period of residence, language etc. places migrants at a disadvantage in terms of a range of local entitlements including jobs, social protection, and admission to educational institutions.

The report also notes that on matters of social protection, most schemes place the migrants, particularly short duration ones, at a disadvantage. The National Food Security Act, for example, functions through state level identification and local delivery, effectively barring migrants, particularly inter-state ones.

There have indeed been some path-breaking initiatives and efforts taken up by governments as well as civil society organisations alike for the migrant children in India (Srivastava and Dasgupta, 2010). Some of these are also discussed in the WG report. For example the Sarva Siksha Abhiyan, Govt. of India, came up with guidelines to set up ‘seasonal hostels’ wherein they are provided special training and education, both at the source and the destination states. The RTE Act ensures that children may ensure in any school in their neighbourhood, irrespective of where they reside. Several state governments have used the flexibility and resources provided by the SSA to ensure models of school education for children of migrant families at source, or migrating children at destination (WG 2017). Other examples include the ICDS Program has a mandate to include the migrant children in urban locations and the initiatives of the Ministry of Labour & Employment, Government of India, to promote inter-State MOUs etc. The RSBY benefits were also made portable across jurisdictions by introducing a smart family card and by making benefits accessible through empanelled hospitals anywhere (Srivastava 2012b).

The Working Group on Migration has also outlined some state level initiatives on migration. As mentioned by Srivastava (2011a, 2012b), labour policy and regulation in India is in the domain of concurrent legislation, and social protection policies are in the domain of all three levels of government – central, state and local. In the case of inter-state migration, in most cases, effective policies require coordinated action between the centre and states, and among states, as well as local bodies. This makes migration policy a complex task.

This paper reviews migration related initiatives in three Indian states viz. Kerala, Jharkhand, and Odisha. Although all states both send out and receive populations/

workers, Kerala, which was earlier considered to be a sending out state (both for internal and well as international migrants) is now considered to be a major recipient state, while Jharkhand and Odisha are both considered to be predominantly sending-out states. The experience of these three states is used to highlight the basic tenets of migration policy in India.

## **2. KERALA**

Migration has been an important lifeline for Kerala's economy, with large-scale international and outmigration. Internal migration to Kerala was mainly from the neighbouring states of Tamil Nadu and Karnataka (Peter and Narendran 2017). Since the 1990s, Kerala has been experiencing long-distant migration from Eastern and North-eastern states, stretching to cross-border migration from Bangladesh and Nepal (ibid.)

Migrant workers have become pervasive in all sectors of Kerala's economy, and unlike the past, these workers come mainly from far-off eastern states – Chhattisgarh, Jharkhand, Bihar, West Bengal, Odisha, Assam and the North-east. Increased migration to Kerala is mainly a result of changing demographics out-migration from Kerala, along with scarcity of workers in many sectors of the state's economy and high wages. The social acceptability of migrant workers is also quite high in the state. On the other, wages and employment are low in the source states.

A study by GIFT (2013) estimated that there were 25 lakh internal migrant workers in the state (approximately 7-8 percent of the state's population). Approximately, 75 percent from five states viz. West Bengal, Bihar, Assam, UP, and Odisha, with West Bengal contributing the largest share (20 %), followed by Bihar (18.1%), Assam (17.28%), UP (14.8%) and Odisha (6.67 %). The Government of Kerala Economic Review finds that out of the total inter-state migrant workers, 41 per cent are from West Bengal followed by Assam (14 per cent) and Odisha (11 per cent). According to the Review, the distribution of district-wise migrant worker in the State shows that Ernakulam has the highest proportion of 21 per cent followed by Kozhikode and Thrissur.

The GIFT study estimates approximately 2,35,000 fresh arrivals each year, and after taking account of returnees, net arrivals each year worked out to 1,82,000. Since of the 87 lakh population in the age group 20-64 years, only about 43 lakh were in the workforce, migrant workers were about 35 percent of the workforce.

Construction was the dominant sector, absorbing 60 percent of migrants, followed by manufacturing (8.3 %) and hotels (6.94 %).

The same study (GIFT 2013) found that overall 28.12 percent workers were recruited by contractors while the rest came through social networks. But irrespective of how they were sourced, within Kerala, two-third of the workers were employed by contractors. Several other studies also report that most migrants were recruited through informal channels and arrived in Kerala through information provided by friends and relatives. On the other hand, John (2015) found that in his study 14.5 percent workers were recruited through agents and 27.3 percent through contractors. These conclusions are similar to those reported by Narayana et al. (2013). Agents were active in recruitment from the states of West Bengal and Assam, while contractor recruitment took place mainly from West Bengal and Bihar. The GIFT study also reports an average annual remittance of Rs 70,000 per worker, and a gross total remittance of about Rs 17,500 crores by migrant workers in Kerala, mostly through formal banking channels.

Peter and Narendran (2017), based on extensive qualitative study report that Kerala receives workers mainly from 195 districts across eight states of the country. Apart from the two neighbouring states of Tamil Nadu and Karnataka, these include Jharkhand, Bihar, West Bengal, Odisha, Assam and Uttar Pradesh. Immigrant workers were spread across a number of industries, including construction, hotels, furniture-making, iron and steel, marine fishing, plywood industry, textiles and garments, and fish processing. Industries like hotels, garments and apparel, and sea-food processing preferred female workers while family migration was common in some sectors and some destinations. In the plantations of Munnar, tribal workers from Jharkhand, Odisha and Chhatisgarh, and Muslim workers from Assam were replacing the (Tamil) workers in the tea plantations and similar changes were occurring across several other industries.

Migrants could not readily access mechanisms to redress their grievances in the absence of legal literacy, and organisational support, and for fear of reprisals (ibid.). Most of the migrant workers did not benefit from the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 due to nominal implementation of the Act and as many of them were recruited from Kerala by their employer or contractor. Besides, the enforcement of the Act has by and large been nominal across Indian states (Peter and Narendra 2017).

John (2015) notes that most migrant workers had no access to health services, welfare schemes and social security schemes. No ID or registration was issued to the workers by the Government of Kerala. Housing conditions were poor and congested, although most migrants had access to shared toilets.

While several positive measures have been taken for migrants, migrant workers continue to be stigmatised. A heinous crime committed by a migrant worker was specifically mentioned by the Chief Minister as an example of the lawlessness associated with migrants and the need for the police to keep them under close watch. Raids by the Excise Department under the code name, Operation *Bhai*, during 2016 portrayed a negative image of migrant workers. Ad hoc attempts to register workers and issue them identity cards are being undertaken by the police in several districts (Peter and Narendranath 2017).

Migrants have limited access to banking. Without local address proof, banks are known to have hesitated to open new accounts at the destination. Migrants who did not have bank accounts have had challenges in keeping wages in safe custody. Workers used money transfer facilities available through shops. There were informal mechanisms also. Agents collected money at the destination and delivered it at the native place taking a commission. Money was also transferred using someone else's account. Workers in remote location had to forego a day's wages to deposit money through distantly located banks or Cash Deposit Machines, which were also difficult to operate. Workers from Bangladesh transferred the money to West Bengal or Assam through informal channels and then from there to Bangladesh.

Although workers received wages which were higher than those in the source areas, Sarga (2017) notes that in the construction industry, these were lower than the average wages received by local workers and there was also evidence of labour market segmentation, with migrant workers predominantly in less skilled manual jobs.

### **Policies Addressing Migrants in Kerala**

Kerala is the first State in the country to enact a social security scheme for the migrant workers coming to the state (Migrant Workers' Welfare Scheme 2010). The Scheme has been created under the Building and Construction Workers Welfare Board with an initial corpus created by the Board. Interstate migrant workers (whether self-employed or wage worker) between the ages of 18 and 60 years and

with a monthly income of less than Rs 7500 per month are eligible for enrolment under the scheme. To avail the benefit, a worker needs to register with the scheme. The membership has to be renewed every year by April of that year with an annual contribution of ₹ 30. The government contributes three times the member's contribution each year.

The scheme provides a registered migrant four benefits: accident/ medical care for up to ₹ 25,000; in case of death, ₹ 1 lakh to the family; children's education allowance to members enrolled for more than one year, covering up to two children enrolled in higher classes (beyond Class 10) in government institutions; and terminal benefits of ₹ 25,000 after five years of work. The scheme also provides for accident/ death insurance. When a worker dies, the welfare fund provides for the embalming of the body and air transportation. But the off-take from the scheme has been low. In the first five years, only about 50,000 out of an estimated more than 25 lakh migrants had registered (Basheer 2015). In Ernakulam district which has the largest migrant population in the State, only 8000 workers had joined the scheme and about 500 of them have renewed their membership regularly, which was essential for getting the terminal benefits (ibid.). Apart from the complexity of registering membership and obtaining renewal, the scheme was only open to workers with a monthly income of Rs 7500.

Migrant workers were also eligible for enrolment under the Small Plantation Workers' Welfare Fund, but only 16,000 workers had enrolled (Anandan, 2018).

The State launched the Awaz Health Insurance Scheme for Migrant workers which allows medical care up to Rs. 15,000 and accidental/death insurance of Rs.2.5 lakh. Anandan (2018) reports that approximately 2.5 lakh workers had been registered under the scheme against a migrant worker population of 25 to 30 lakh.

In another initiative, the Kerala government in partnership with Bhavanam, a non-profit public sector company has also taken up the construction of dormitory hostels for migrant workers with kitchens and mess facilities. The facility will be available to migrant workers at a monthly rent of Rs 750 o 1000 per month. The first such facility was opened in February 2017 in Palakkad district.

In 2016, the Kerala State Planning Board constituted a working group to formulate recommendations for the welfare of migrant workers under the thirteenth five-year plan (2017-2022). Consultations are under way to formulate a policy to introduce portability of social security benefits.

The state has also introduced interventions in AIDS control, children's education, and other areas, focussed on migrant workers. Targeted Interventions under the Kerala State AIDS Control Society reached out to a segment of the migrant workers with HIV prevention, care and support services in most of the districts. There have been ad hoc efforts by the health systems to reach out to migrant workers given their vulnerability. The Valapattanam Primary Health Centre in Kannur district had a sign board in Hindi. Several public health facilities in Ernakulam district also attempted to reach out to migrants through multilingual messages. In Kozhikode and Ernakulam, the District Medical Offices have been leading such initiatives (Peter and Narendranath 2017). The Department of Labour and Skills also organises health camps at major migrant pockets.

The State Literacy Mission is piloting a programme in Perumbavoor with the aim of making the migrant workers in the state literate in Malayalam and Hindi. A few schools in the state have resource teachers, who speak the mother tongue of migrant children, appointed by Sarva Shiksha Abhiyan (SSA). Anandan (2018) reports one of the educated tribal immigrant workers being appointed as a Hindi teacher under the SSA programme. However, getting qualified teachers has been a challenge, especially as they are not paid well. Efforts were also on for sourcing textbooks in Bengali and other languages. The language of instruction is a bigger barrier for older children who have to enrolled beyond primary classes.

Some non-state initiatives are available to migrant workers. Workers in the construction sector can take work through labour co-operatives (although as non-members) and enjoy comparatively better working and living conditions compared to workers employed under contractors (Sarga 2017).

To conclude: Long-distance migration to Kerala has increased rapidly in the last few decades. Kerala's demographic structure, its labour market situation, and relatively high wages serve as important pull factors, along with the fact that the workers face less discrimination inside and outside the labour market. The State has taken a number of steps to ease the situation for labour migrants by launching a welfare scheme, a health insurance scheme, and a housing/hostel scheme, and also targeted steps to provide educational and health facilities. However, most labour migrants are still outside the umbrella of these schemes as well as social security and social protection schemes available to citizens of the state.

### 3. JHARKHAND<sup>2</sup>

Jharkhand state was carved out of the erstwhile Bihar state in order to preserve its distinct tribal identity. The ST population of the State is 7.08 million (26.3 % out of a total population of 26.95 million) and 91.6 percent of the ST population is rural. The indigenous population was alienated from lands and forests over centuries and incorporated in the plantation and mining economy of North-eastern and Central India, thus setting up migration streams. Poverty, rain-fed agriculture, and lack of adequate livelihood has pushed the tribal and non-tribal poor to migrate to other states and to urban areas. The state has also experienced the migration of children and single women, often trafficked, sexually exploited, and in conditions of bondage. In recent decades, large numbers of girl children and women migrate to distant states and urban centres through intermediaries and placement agencies. Although the primary impetus for this migration is economic, the children and women are often trafficked and sexually exploited (UNODC 2013, ATSEC 2010, Shakti Vahini 2015).

Discussion with development NGOs has revealed a very complex pattern of outmigration, varying across districts, and even Blocks, with migration to diverse sectors – agriculture, mining, construction, plantations, diamond polishing, domestic work, brick-kilns and so on; to varied destinations – from Bihar and West Bengal to the East, to Kerala, Karnataka and Tamil Nadu in the South, and Gujarat and Haryana in the West. Migration, while predominantly male, is also family-based, single women as well as single boy or girl child. Reasons for outmigration are also complex – ranging – in the case of the girl child – to Naxalism and conflict, to domestic violence, and poverty. As already mentioned, trafficking situations co-exist with labour migration, and the former particularly target children and young women.

Being an industrial and mining centre, Jharkhand is also a destination for migrants and some of the larger cities are also expanding rapidly due to migration. There is labour influx in the construction and mining sector from the states of West Bengal and Odisha.

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2. The section on Jharkhand relies on secondary sources, data provided by the State government, and interviews with members of civil society organisations and development NGOs, as well as officials, including a workshop in which several civil society organisations participated organized by the Institute for Human Development, Ranchi, and another meeting with key Government of Jharkhand officials organized by the then Chief Secretary, Jharkhand, held between December 7 to 10, 2018.

As discussed above, Jharkhand is a sending state for single women and child migrants (both girls and boys), who are vulnerable and are often trafficked into exploitative conditions, including sexual trafficking. Jharkhand also acts as a hub for trafficked women from other states. The Government of Jharkhand, in collaboration with multilateral and other agencies, and NGOs have been taking steps to encourage safe migration and to curb the migration and trafficking of children. Many steps have also been taken on the direction of the courts. Under the direction of the court, the responsibility of various departments (Home, Social Welfare, Women and Child, Rural Development, Labour, education, and Health) have been laid down by the government and coordinated by the DCs at the district level, and Chief Secretary and Chief Minister at the State level. Anti-Human Trafficking Units have been set up in eight districts, Juvenile Police Units (under the Juvenile Justice Act), Child Welfare Committees, and Child Protection Units (under the ICPS) have been set up in all units. Shelter homes are functioning under the government as well as NGOs. However, issues exist regarding proper staffing and infrastructure, sensitization of the staff etc.

Under the Department of Labour, since 2015, a scheme for the identification of inter-state migrant workers, with a focus on migrant women workers, is under way. Migrant workers are issued red and green cards, with personal details, details of employer (if known), and details of contractor (for red card holders). The migration register is also expected to be maintained at the panchayat level. “Labour Mitras” are offered an incentive of Rs100 for the registration of such workers. Under the Scheme migrant workers can received an assistance of up to Rs 150,000 in the case of death or disability. The district administration will also make arrangements for the transportation of the mortal remains of such workers.

Women inter-state migrant workers who are identified are encouraged to return and a rehabilitation package is offered to them. If the women workers are trafficked or are working as forced/bonded labour then the appropriate provisions of law are invoked with the assistance of the authorities in the destination areas. The rehabilitation comprises skill training, linking with employment assistance and self-help groups (for women workers) as well as other schemes for housing, land, ration card, pension etc. There is a provision for tracking the status of the returnee women workers. A standard operating procedure (SOP) and a livelihood package has been developed for such workers. A special survey of migrant workers was carried out in Gumla, Khunti, Dumka, Lohardega and Simdega districts with the help of Anganwadi workers and 78,730 interstate migrant workers were identified

(67,651 male and 10,879 female). Data provided by the government for eight districts showed that 938 families had been rehabilitated in three districts (Khunti, Gumla, and Ranchi).

The construction sector involves a very large number of intra-state and inter-state migrant workers. The Building & Construction Workers Welfare Act and the counterpart Cess Act is the most important legislation implemented at the State level for regulating the conditions of work and safety in the sector and for providing social security to Building and Construction Workers. The Welfare Board provides fifteen benefits to its members. These include toolkit assistance, cycle assistance, an integrated life-cum-accidents-cum-education insurance benefit scheme providing cover up to 4 lakhs and education expenses for students in Class 9 to 12; wedding assistance; pension of Rs 1000 per month (minimum three years contribution); disability pension ; family pension (Rs 500 per month); safety kit assistance; assistance for sewing machines; maternity benefit; skill training; and medical assistance.

The registration fee for a worker is Rs. 10 and the annual contribution is Rs 100. The Welfare Board reported a registration of 750,845 workers up to March 2018, and 78,655 registrations during the first seven months of 2018-19. Between 2014 and October 2018, total cess of Rs. 452.19 crores was collected and a total benefit of 236.82 crores had been received by 19.57 lakh beneficiaries.<sup>3</sup>

*Schemes for Unorganised Workers.* In a modification of earlier orders issued in 2015, the state has issued a fresh notification in July 2018, and has provided for the registration of unorganized workers and the benefit of the following schemes under the Unorganised Workers Social Security Act, 2008: (i) the Unorganised Workers Insurance Scheme (Prime Minister's Suraksha Bima Yojana and the Prime Minister's Jeevan Jyoti Yojana); (ii) Funeral Scheme (assistance of Rs 15,000 and Rs 25,000 for occupation disease related death); (iii) CM Scholarship Scheme; (iv) Skill Enhancement Scheme; (v) Maternity Benefit Scheme. A total of 9,11,073 workers had registered till March 2018 and an additional 3,52,586 workers registered during April 2018 to October 2018.

#### 4. ODISHA

Like other states, Odisha experiences both in- and out-migration, and rural-urban migration contributes to the growth of its urban population. A comparison of the

3. Data provided by the Department of Labour, Government of Jharkhand.

2001 and the provisional 2011 migration rates shows an increase in (in)migration with the total and urban migration rates increasing from 30.03 and 42.41 in 2001 to 34.94 and 42.41 in 2011 respectively. The IHDS survey of 2011, analysed elsewhere in this study, reports that 15.2 percent households in Odisha had one or more non-resident members while the 2007-08 NSS survey reports that 1.7 percent of the population out-migrated seasonally for work.

More than anything else, the state is known to be an important source state for seasonal migrants, although large number of Odiya migrants also migrate for longer periods all over the country.

According to official figures of the State's Department of Labour, compared to 55,000 workers migrating from Odisha in 2007, 1.46 lakh left the state in 2015. While 87,000 seasonal migrant workers left Odisha to other states in 2008, which rose to 1.05 lakh in 2012, 1.2 lakh in 2013 and 1.35 lakh in 2014. Maximum migrants were from the Bolangir district all these years (45000 in 2015). These figures are for registered migrant workers reported by registered contractors under the ISMW, and are known to be gross underestimates.

However, estimates of the Migration Information and Resource Centre (MiRC), Aide et Action South Asia, a local non-government organisation, put the number of migrant labourers at five lakh, mainly drawn from the southern and western districts of the state. As per MiRC, more than 60,000 families, or two lakh people, from the districts of Bolangir, Nuapada, Kalahandi, Boudh, Sonepur and Bargarh go to Andhra Pradesh, Chhattisgarh, Tamil Nadu and Karnataka. Additionally, around 40,000 to 50,000 people find work at the 150 brick kiln units that are located within a 40- kilometre radius of the twin cities of Cuttack and Bhubaneswar. Yet, it's not easy keeping a track of these migrants.

A study of Bargarh district found that inter-state migrants are usually engaged in the secondary or tertiary sectors (Majhi et. al 2014). For example, in Tamil Nadu most of them are factory workers, security guards or brick-makers. In Andhra Pradesh their main occupation is brick making, factory work, masonry and industrial work. In Uttar Pradesh, they are mainly factory workers. Those who move to Chhattisgarh are primarily scrap workers, vegetable sellers or hotel boys and in Maharashtra, Gujarat and Madhya Pradesh the migrants are mainly factory workers. However, intra-state migrants who migrate to agricultural rich/ irrigated areas often work in agriculture. For example, migrants moving to Bargarh, Sonepur, Sambalpur

work as agricultural labourers while workers in Jharsuguda, Ganjam, Bolangir, Puri, Baleswar, Kordha are mainly employed in construction sector, brick makers and factory workers. In contrast, migrants in Nuapada and Kalahandi are scrap workers. The majority of these migrant families work in the construction sector and brick kilns as unskilled labour.

A large study in coastal and Western Odisha, coordinated by the Centre of Labour and Migration Studies, Ajeevika Bureau (2014) and carried by civil society organisations working with migrant workers, surveyed and analysed data from 99,523 households. It found that 30.83 per cent of the total households had one or more members migrating for work. This amounted to an estimated 1.53 million migrants from the region – 0.96 million for Coastal Odisha and 0.58 million for Western Odisha.

Within the coastal region, the districts of Kendrapada and Khorda showed a higher percentage of household migration, 47 and 42 percent respectively. The region is also well known for its skilled workers in the construction sector, namely plumbers and masons (*ibid.*).

Migration from the two study regions of Odisha is predominantly inter-state, though 21 per cent of the total migrants also move within the state to find work. The study found that the two regions show distinctive patterns of migration. For the coastal region, Kerala emerges as the most important destination state, receiving about 24 per cent of the inter-state migrants. One-sixth of the migrants from the region go to Gujarat. The Coastal region also sends sizeable number of migrants to Tamil Nadu, Jammu & Kashmir, Maharashtra and Andhra Pradesh. Small but not insignificant migration streams flow to West Bengal, Himachal Pradesh, Punjab, Karnataka and Delhi. A large number of inter-state migrants from Western Odisha, about 26 per cent, find employment in the neighbouring state of Chhattisgarh; Raipur and Durg districts. Other prominent destinations for inter-state migrants are Uttar Pradesh and Maharashtra, each receiving about one-fifth of the migrants from the region. About 8 per cent of the inter-state migrants from the western region travel to Hyderabad, Ranga Reddy and Vishakhapatnam districts of Andhra Pradesh, where they get employed as brick makers. Gujarat, Goa and Tamil Nadu are other important destinations.

For both the coastal and western regions, construction sector employs the largest number of migrants, i.e. 42 and 52 per cent respectively. In the construction sector,

a large majority of the migrants, about 80 per cent, find employment as unskilled construction workers. Other prominent work sectors for the coastal region are transportation, factories, and the textile sector. Brick-making occupies the second niche in the Western region.

Migration is thus one of the leitmotifs in modern Odisha (Abidi 2015). Young men leave the state's coastal districts like Ganjam to work in textile mills, shipyards and the diamond-polishing shops of Gujarat and Mumbai. Young girls from Sundargarh work as domestic labour in Delhi and elsewhere. People in western Odisha, especially the districts of Kalahandi, Koraput and Bolangir, travel to neighbouring Chhattisgarh to work in its farms, or migrate to the brick kilns in the South (sometimes to the ones in the North as well). Workers from Odisha go to Goa's fishing villages as much as Kerala's construction sites.

Migration for work in the brick-kilns constitutes an important migration sector, especially for workers in the erstwhile KBK (Kalahandi-Bolangir-Koraput region). The region dispatches more than 0.2 million brick-kiln workers to the Southern states alone (Daniel 2014). Migration begins immediately after the festival of Nuakhali and continues till June. Workers take advances from local labour contractors, known as Sardars, who are intermediaries for bigger contractors (usually called Seths). Most studies note that the number of contractors has continued to rise and the Government's efforts to register them has only driven the industry underground. Most seasonal workers recruited by agents are no better than bonded labourers (Daniel, *ibid.*).

The exploitation of young girls and women workers in family migration streams has been a cause of concern. A bigger cause of concern is the exploitation of single women migrants. Daniel (2014) notes that according to data available with the Home Department of Odisha, 3,578 women, mostly minor and young girls, remained untraced between 2000 and 2005. Most of the missing cases of women and girls were reported from Sundergarh district where large number of tribal women and adolescent girls are being trafficked to work as domestic worker and forced into sex trade (*ibid.*). With the growth of cities and emergence of the middle class, the domestic work sector has attracted women from backward regions (see the section on Jharkhand). Large number of tribal women and adolescent girls were recruited through placement agencies to work as domestic helpers in affluent and middle class families, notably in Delhi. Often the placement agencies forced them into illicit flesh trade and/or cheated or exploited them.

## **Policies for Labour Migration in Odisha**

The conditions under which seasonal migration takes place have been a focus of policy attention in Odisha for several decades. Odisha was the first state in India to formulate its own law – the Dadan Labour (Control and Regulation) Act (ORLA), 1975, an act to protect and safeguard the interests of dadan or ‘debt migrants’ in the state. The Act had provisions for creation of a ‘registering authority’ for registration of agents and workers, compliance with minimum wage and basic labour welfare facilities at the workplace, appointment of a Chief Inspector and other inspectors as well as the appointment of a ‘competent authority’ for dispute redressal. Taking a cue from the Odisha Dadan Labour Act of 1975, the Ministry of Labour and Employment, Government of India felt the need for a Central Act on similar lines as the ORLA and thus enacted the Inter-State Migrant Workmen Act (ISMWA) in 1979. As a result, the ORLA was nullified on the passage of the new Act.

Odisha has been one of the most active states in implementing the ISMW Act. However, although several thousand contractors and workers are registered each year, these are a fraction of the total contractor based labour migration. This is partly due to the lack of adequate enforcement, under-staffing and poor infrastructure of the District Labour Office in Odisha. More important, however, is the fact that the brunt of implementation of the Act is in the destination states, which have been very tardy in regulating the condition of work of the migrants.

In view of the high percentage of child migration in western districts of Odisha, the State Government initiated a unique programme called ‘Residential Care Centre’ for retaining and providing education to the seasonal migrant children accompanying their parents. The programme was initiated under the District Primary Education Programme (DPEP) in 2001-01, and resulted in the retention of 3000 children in the hostels. Later the programme was up-scaled and expanded to Nuapada and Bargarh district. The SSA has further built in support to cater to the education needs of migrant children both at source and destination. In recent years, with the involvement of civil society organisations, education of migrant children at destination has been initiated in Andhra Pradesh and Tamil Nadu.

In order to provide health insurance to the BPL and unorganised workers, the Government of India launched the Rashtriya Swasthya Bima Yojana (RSBY) in 2008. One of the provisions of the insurance programme is to cater to the health insurance of migrant households.

Being concerned about the prevalence of exploitative labour practices including bondage situations in brick manufacturing activities that engage poor and vulnerable migrant workers, the Government of Odisha being initiated discussions with the Government of Andhra Pradesh with facilitation from the Ministry of Labour and Employment (MoLE), Government of India and the ILO to develop a coordination mechanism between the sending and receiving states. The objective of the MoU was to improve access of the brick kiln workers to social security and other entitlements, facilitate safe migration, and make the migrants aware of their rights through coordinated efforts of the two states. A framework for such coordination in the form of a Memorandum of Understanding (MoU) was signed between GoI (MoLE) and State Labour Department of Governments of Odisha and Andhra Pradesh in 2012, with the facilitation of the ILO. Both states have formulated a time-bound and result oriented action plan to benefit migrant workers, especially those working in the brick kilns sector. Subsequent to the signing of MoU, an Inter State Coordination Committee was constituted at Central Level on July 6, 2012, to create a sustainable institutional mechanism to look into the issues of inter-state migration across India.

Following the signing of the MoU, The Department of Labour and ESI has already constituted the State Coordination Cell for Migrant Workers at the office of Labour Commissioner, Odisha and the District Level Facilitation Cells at the district level in the state to track distressed seasonal migrant workers.

In order to track the movement of migrant workers along with information on their employers / contractors / agents etc, Data Collection formats were circulated to the District Labour Officers (DLOs) in the month of October, 2012 to capture data at the G.P. level. The data has been shared with the Dept. of Labour, Andhra Pradesh for necessary action as per the Memorandum of Understanding (MoU) signed between GoI (MoLE) and State Labour Department of Governments of Odisha and Andhra Pradesh. Discussion with ILO, New Delhi has been underway to develop a Tracking Software to track the Migrant Workers on line who migrate to Andhra Pradesh every year to work in the Brick Kiln sectors.

The concern for hygienic living for the migrant workers of Odisha at Andhra Pradesh has been taken care of by taking initiative to build semi pucca houses for migrants. The Govt. of Andhra Pradesh has agreed to ensure the same and the expenditure for this shall be borne equally by the states of Odisha and Andhra Pradesh.

Seasonal hostels have been opened in the districts of Nuapada, Bolangir and Bargarh of Odisha by the School and Mass Education Dept. for education of the children of Migrant Workers during the seasonal migration.

The Orissa Primary Education Programme Authority (OPEPA) has been sending Odiya Teachers and Odiya Text Books, as per request, for schools in Andhra Pradesh to ensure education at the work sites for the children of Migrant Workers.

In December 2014, the Government of Odisha came out with a comprehensive state action plan for ensuring enforcement, welfare, entitlements and protection of rights of interstate migrant workers moving within and to various states as seasonal workers. A detailed advisory and action plan was issued by Dept of Panchayat Raj on December 17, 2014. The Action Plan details, and builds upon existing initiatives taken by the government.

The plan was laid out for 11 districts of Odisha which are considered as key migration prone district of Odisha. The targeted district includes, Bolangir, Bargarh, Subranapur, Kalahandi, Nuapada, Gajapati, Ganjam, Koraput, Nabarangpur, Rayagada and Khorda. The department of Panchayat Raj has also allocated a budget of Rs.7.5 crores to carry out wide range of initiatives both at the district and state level.

The action plan builds on coordinated action between several State departments. The labour and ESI department, Government of Odisha has been assigned the responsibilities to conduct periodic survey of migrant people in this district to understand various aspects and trend of migration. Voluntary registrations of migrants are proposed to carry out at the panchayat level by PEO, EO, GRS. The government has recommended computerizing the migrants' data and develop a separate software for the purpose of tracking. Strict implementation of the ISMW Act along with other labour laws has been emphasised. A helpline has been set up to provide support for rescue and repatriation of migrant labourers in crisis from other states. The ESI Department has also determined to provide financial resources for sending of rescue team to rescue of migrant labourers living in crisis in other states.

The Action plan emphasises the signing of MOU with destination States to protect the migrants workers rights, welfare and social security and establish contacts with various welfare organisation at the destination states to create contact points to reach out to migrant labourers.

Strengthening seasonal hostels for children of migrant workers which have been functioning in Odisha under the School and Mass Education department is part of the Action Plan and more such facilities in migration prone regions have been proposed. The Department of Labour & ESI, Govt of Odisha is willing to provide financial support for running of such seasonal hostels.

The action plan also goes on to suggest a range of initiative for the intra-district migrant workers access to basic services, entitlements and running of crèche at the worksite to be aided by the Odisha Labour Welfare Board.

Awareness creation and educating migrant workers about their rights and entitlement has been prioritized in the action plan. Partnership and collaboration with SHG, PRI institution trade unions, NGOs to spread the awareness and labour education has been strongly recommended.

All the eleven targeted districts are also mandated to create a district level monitoring committee under the chairmanship of District Collector has been planned. Other members of the committee includes, Superintendent of Police, PD, DRDA, CMO, DSWO, DEO, members from CWC, DLO (as convenor) and members from NGOs, trade union. The term of the committee has been fixed as two years.

At the state level, a State Level Migration Cell has been proposed to be set up with basic minimum infrastructure and financial allocation.

The State Action Plan on addressing the concerns and issues of intra and interstate migrant labourers in Odisha is a welcome step. The Government of Odisha has been under tremendous pressure from rights and legal bodies like NHRC and the Apex Court after number of cases of labour exploitation to act firmly towards reducing distress and protection of rights of inter state migrant workers in Odisha.

Skill training for migrant youth is a huge challenge. Given the large number of migrants of Kendrapada who are engaged in plumbing in destination states, , the Government of Odisha has set up the State Institute of Plumbing Technology (SIPT) in Patamudai in Kendrapada district of Odisha in 2010.

The State has been making efforts to improve livelihood security and food security in the source areas, particularly in tribal blocks in order to reduce distress migration. The PDS has been made universal and the grain is being made available to all households at NFSA prices in tribal blocks.. In 2012, the Department of

Panchayati Raj, Government of Odisha declared 150 days of entitlement under MGNREGA in the high migration pockets of Western Odisha.

The Government of Odisha constituted the Orissa Building and Other Construction Workers Welfare Board in 2004 under the BoCW Act, 1996. To be a beneficiary under the Building & Other Construction Worker (RE&CS) Act, 1996 the worker must be between 18 to 60 years of age, must have worked for at least 90 days in a calendar year, and must have been registered with the District Labour Officer of the area, who is authorized by the Board as the Registering Officer for the purpose. The registered workers and their families are entitled to eleven social security benefits including accident assistance, death benefit, medical expenses, loans and advances for house construction; financial assistance for house construction; educational assistance for children; assistance for purchase of tools; assistance for funeral expenses; maternity benefit; and marriage assistance. The Government has extended to migrant construction and brick kiln workers but the low enrolment of workers under the BOCW Act is certainly a huge challenge and concern.

There is no doubt that the Government of Odisha has taken a number of steps to reduce vulnerability in labour migration. However, lack of proper coordination between departments, and under-staffing of the District Labour Office, knee-jerk and counter-productive responses by district and police administration end up hurting migrant survival strategies and need to be avoided. The framework of inter-state coordination, of which Odisha and the erstwhile state of Andhra Pradesh have become pioneers, needs to be strengthened by the Centre. The BoCW Act is currently the most important welfare provision covering nearly 60 percent of inter-state seasonal migrants. Yet, its implementation is again flawed as it is unable to address issues of registration, mobility and portability.

## **5. CONCLUSION: URGENT NEED FOR INTEGRATING MIGRATION AND DEVELOPMENT POLICY IN INDIA**

Migration, which involves the movement of workers – and people – from low productivity and low growth areas/sectors to high growth / high productivity areas/sectors, thereby supporting higher levels of accumulation, has long been seen as concomitant of the development process. Growth is also driven by economic agglomeration and hence urbanisation. Hence the World Bank has long been an advocate of lowering the barriers to internal migration (World Bank 2009, Kone et. al. 2017). In a recent paper (Kone et. al. 2017), the existence of these barriers in the

form of state specific entitlements linked to long-term residential/domicile status in matters of public jobs, admissions to educational institutions, housing assistance for the poor, and other entitlements have been singled out as creating barriers to migration and consequently low rates of inter-state migration. The Working Group on Migration has also recommended pro-active removal of domicile provisions in state laws relating to work as well as other provisions restricting entitlements to migrants.

The above restrictive provisions apply to migrants whose transfer of residence has occurred within a specified period. However, as shown in this study and in several other papers substantial migration now occurs in the form of seasonal or circular migration which does not involve permanent or semi-permanent transfers of population. These migrants generally pre-dominantly belong to lower socio-economic groups, are situated in more adverse circumstances in the labour market. Seasonal and circular labour migrants need support and facilitation, better labour regulation, civic identity, improved living facilities at destination, and access to social security and social protection programmes of the Central and State government (Srivastava 2011a, 2012 a). Srivastava (2012b) has shown that social security falls within the concurrent domain and social protection is designed, funded, and implemented by governments at all levels – Central, State, and local and hence coordinated action between the various levels of government is involved in order to deal with the disadvantages faced by migrants, especially short duration and seasonal/circular ones.

As argued by the NCEUS (2007), the first prerequisite for access to, and portability of benefits, is a universal registration system for migrant workers and their families. The NCEUS had recommended a smart-card based social security card. The MoLE proposed and implemented a UAN based ID card but the UAN registrations have not been implemented in any vigorous manner. Meanwhile, states have introduced their own registration systems and IDs which has further complicated the issue of portability. For example, the Rajasthan government has introduced the Bhama Shah card which links social protection benefits to local domicile based registration. Under the latest decision by the honourable Supreme Court, benefits can be linked to Aadhar, which provides a unique ID number backed by bio-metric identification, but this has its own limitations because Aadhar is a system of individual registration prone to costly technical and biometric failures. In fact, the RSBY provided a robust smart card based registration model which was portable and this could have been up-scaled, but due to lack of political and administrative will, this has not been done.

Further, as argued in this paper (*ibid.*) and also the Working Group on Migration, programmes are more amenable to portability if entitlements of migrant workers are clearly recognised and portability is built in, and schemes are appropriately designed and funded by the Centre. The RSBY can be cited as an example of such portability. School enrolments for migrant children can be considered as an example where clear entitlements have been created for them under the Act which also makes it incumbent for the education system to design appropriately flexible rules to make this possible. The WG has given other examples of registration of migrant workers using unique and smart registration systems on the one hand, and designing of smart social protection systems, on the other.

However, most social protection programmes, even when they are legislated programmes, and principally funded by the Centre, still allow the States to choose beneficiaries, make add-ons and modify designs. Examples of important legislated programmes are the NFSA and the social security entitlements under the Building & Construction Workers' Welfare Act. The Working Group has recommended the route of inter-state MoUs to make benefits available under these programmes. But this route is administratively costly and will not ensure that benefits reach all the potential beneficiaries. It is the Centre's responsibility to step in and harmonise registrations and benefits under the Act by defining a core set of criteria across all states. Other examples of centrally funded social protection programmes which are non-legislated are housing for the poor and pensions. Here again it is the responsibility of the Centre to define eligibility criteria and a core set of benefits.

Another need of the migrants is ease of financial transfers and financial inclusion, so that need for cash savings and transactions can be reduced. Although financial inclusion has improved, migrants have to rely on the banking system and negotiating with the lean facilities available in remote destinations is not always easy. The WG has recommended the steam-lining of the postal money order system, given the wide availability of post offices. The use of the postal department to promote financial inclusion and financial transfers needs to be explored and expedited.

Since more than two decades, NGO supported Migrant Support Centres (with support from States and PRIs) have emerged as a major modality by which the delivery of services and access to social protection programmes in a convergent manner can be facilitated for seasonal / circular migrants. These support centres have worked in a number of areas including registration, issuing ID cards, legal support, access to social protection and social security, financial inclusion, education

of migrant children, health, and skill creation and jobs. The DDUGKY which is a skill creation and job placement programme for rural poor youth has developed a component of the programme based on the experience of Ajeevika Bureau, a NGO working primarily in Rajasthan and Gujarat to support these Centres (DDY-GKY, 2015). The WG has commended the Migrant Support model which needs to be studied and replicated outside the few states in which it is being implemented by some NGOs.

Since rural-urban migration is a core issue, and housing and shelter (along with related basic amenities) for migrant workers is an essential requirement, it is a matter of concern that only Kerala among the three study states had made a provision for rental housing for migrant workers, and that too, on a limited scale. The WG has noted that housing is a key area of concern and has recommended that models of rental housing and workers' dormitories, and working women's hostels be explored and built on a large scale with public or public-private resources. It has also recommended the use of the Building & Construction Workers Welfare Funds to make better quality accommodation available to migrant construction workers and the upgradation of basic formal services and upgradation of infrastructure in all settlements.

The case studies of states taken up in this paper were of two states (Jharkhand and Odisha) which are characterised as predominantly out-migrating states, and Kerala, which was earlier an out-migrating state, but is now also considered to be a major destination state. However, this characterisation, which is based on certain important features of migration, is not a complete characterisation. Each of these states has both in-migration and out-migration, of seasonal as well as permanent/semi-permanent migrants, and also substantial rural-urban migration. However, states have only put in a few policies and programmes in place to deal with some aspects of the dominant characteristics of migration, from, or to their states, there is no integrated policies. Thus, to give two examples, we did not find any evidence that urbanization policies/programmes have factored in rural-urban or inter-state migration. Similarly, the B&CWWA is the single most important welfare provision for construction workers, but none of the states have accommodated in-migrants in the registration and welfare provisions. States like Odisha and Jharkhand have a patchwork approach to register out-migrants but, apart from administrative difficulties, this is only partially workable since many of the benefits are linked to workplace conditions. Kerala, where migrants are an important component of the construction workforce seems to have limited registration to within-state workers

and has initiated a separate welfare scheme for migrant workers. It is important for the Centre and States to step in and create a fully coordinated mechanism which ensures portability of registration and benefits for construction workers (including brick kiln and unorganised mining workers.)

We have argued elsewhere that an integrated migration policy must be built on two pillars viz. an inclusive urbanization policy which addresses the needs of migrant workers, and more important, a regional development policy which can help build infrastructure, rural and urban livelihoods, and jobs in the poorer states (Srivastava 2011a, b,, 2012a). As discussed in the introductory section, the Bank (World Bank 2009, Kone et. al. 2017) has consistently advocated removal of inters-state barriers to migration so that economic agglomeration and growth can be the driver of population flows. While this is an important argument and removing barriers and reducing the costs of migration has to be an important part of policy, it must be recognised that technological changes, changes in the organisation of production, and reduction in the cost of transport and communication, decentralised production opportunities are far more feasible and agglomerated economies no longer work in the same fashion in the post-fordist world. Moreover, movements of large numbers of culturally, ethnically and socially diverse people across regional and state boundaries is associated with other costs, and hence efforts have to be made to strengthen development in regionally poor areas.

To conclude: a patchwork of policies and programmes has come into place in states attempting to deal with specific types of migration but these are weak and have restricted impact. An integrated policy framework has not been into place either at the Central level, or in the states. Further, for migration policies to work, a coordination plan of action will be required between the Centre and States. Given the importance of migration to the development process, and the achievement of development goals, this is a glaring omission.

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