

Towards a National Policy on Migration

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The recommendations of the Working Group considered together with the existing acts pertaining to interstate and construction workers provide a starting point for a national policy on internal migration in India and safe guarding the interests of migrant workers

India does not have a national policy on internal migration. Such a policy would address among other issues domicile requirements, portability of benefits within and across states etc. If at all India has a policy, it pertains to migrant workers, dating back to 1979 and called Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act. Beyond this Act there is little by way of a coherent policy. Not surprisingly, at the moment, given the multifaceted nature of migration and the resultant complexities, it is a case of horses for courses strategy. This is evident from piecemeal measures taken by various state governments including the bilateral memorandum of understanding between unified Andhra Pradesh and Odisha protecting the rights of inter-state migrant workers, and in particular those working in the brick kiln sector.

Even in the absence of a coherent policy, millions of Indians are migrating from one destination to another either permanently or for short duration within a year. While a large proportion of individuals migrate within their state of residence, others move across state boundaries. There are large variations in inter and intra state migrants across the districts of

India. Their motives for migrating are varied: movement from place of birth, following marriage, in pursuit of education, seeking work opportunities etc. While women primarily move on account of marriage, men are more likely to report migrating for reasons related to work. In addition, from a policy perspective, a distinction needs to be made between those who move permanently versus those who stay away from home for short duration during the course of the year.

Ahead of the release of numbers from Census of India 2011, there was great interest in estimating the contribution of rural-urban migration in the increase in urban population. The expectations that an overwhelmingly large number of individuals would permanently migrate to urban India for work related reasons was belied. Kanhu Charan Pradhan, a researcher at Centre for Policy Research, estimated that the contribution of rural-urban migration to urban population growth remained relatively unchanged between 20 to 22 percent over the decades 1991-2001 and 2001-11. Irrespective of the reasons for migration, as per Census of India 2011, nearly 38 percent of Indians had permanently migrated at some point of time during the lives.

In the decade 2001-11, on an average 1.5 million men and 0.3

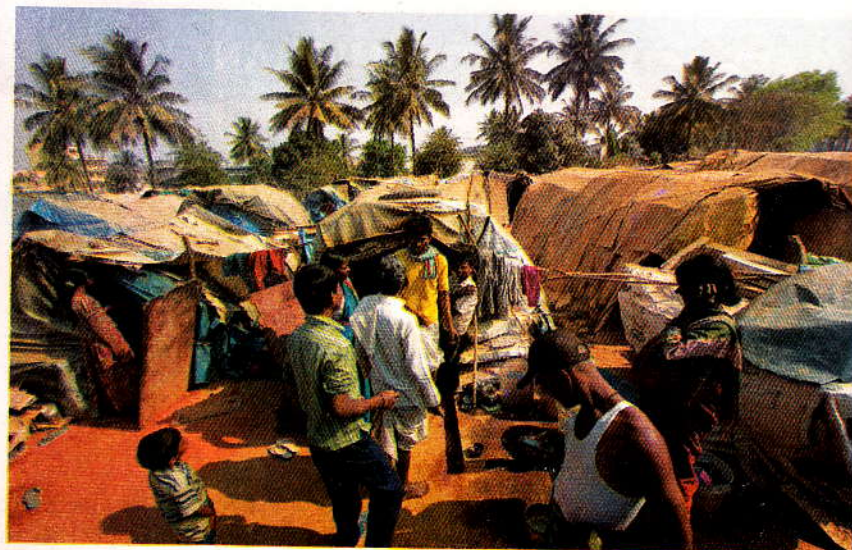
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million women moved every year, i.e. they permanently changed their usual place of residence. At the same time, there are many who migrate for short periods without changing their place of residence. They are overwhelmingly from rural India. They stay away from their homes on account of work for short periods of time during the course of the year. It is estimated that in 10 million rural households an individual stays away from home for more than 15 days but less than 6 months in a year. Assuming that at least one person stays away from each of these households, it means that there are 10 million workers who can be characterized as short term or seasonal migrant workers who reside in rural India.

As evident the number of short term migrant workers is over 5.5 times the number of people who move permanently on account of work in any given year. Once again, they are more likely to be men rather than women. They are likely to be the young rather than the aged. Being part of a migrant network helps them in job search. They migrate due to lack of opportunities where they live. They fill seasonal shortages in the destination labour markets. They do not stay on in the destination if they cannot find work. This explains why they stay away from home for short periods of time.

Many a seasonal migrant works in agriculture, mining and services sector. Given the nature of work in the construction industry, which varies from very large infrastructure or housing projects to small road works, it should not come as a surprise that there are large number of short term migrants among those who work in the construction sector. According to one estimate, among those who work in the primary sector and undertake seasonal migration, nearly 36 percent work in construction sector and 15 percent work in the secondary sector.

While the Inter-State Migrant Workers Act specifies the role and responsibilities of contractors,



employers and the state government, there are two other acts that pertain to workers in the construction sector, viz. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 and Building and Other Construction Workers' Welfare Cess Act 1996. Valid concerns have been raised on whether the respective state governments have

issues which are not addressed in the policy discourse.

Conversations on 'Make in India' often veers towards 'What to make in India' and 'Where to make in India' rather than the 'who' makes 'what' and 'where' in India. In reality, migrant workers are a sizable proportion of the 'who'. They are integral to 'Make in India' initiative and this point is glossed over in most discussions. In its report, the working group to study on the impact of migration on housing, infrastructure and livelihood, highlights that migrant workers make substantial contribution to the Indian economy. The working group which was constituted by the Ministry of Housing and Urban Poverty Alleviation, in 2015, was tasked with identifying and developing strategic interventions. The Working Group submitted its report to the ministry in March 2017. The Working Group noted the underutilization of Construction Workers Welfare Cess Fund. The recommendation is that the funds can be used to promote rental housing, hostels etc. It is important that migrants benefit from a decline in the cost of financial intermediation since they remit large sums of money, upwards of Rs 50,000 crores a year, to their families.

The Report also focuses on the need to ensure that benefits and

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religiously implemented all aspects of this act. The High Courts and Supreme Court has heard many cases pertaining to the lackadaisical implementation of the provision of these two acts. These three acts address aspects related to work conditions of migrant workers and those working in the construction sector. However, there are many other

rights of migrants are protected. There are certain benefits that need to be made portable. Among this includes making access to the public distribution system portable. To start with it should be possible to make the access to the public distribution system within a state boundary portable. States like Chhattisgarh have demonstrated such a possibility. The state government linked the beneficiary to all the shops as part of public distribution system in Raipur. The beneficiary was given the option of purchasing the foods from any of the shops. This idea has been extended to other cities of the state. In a recent article in Economic and Political Weekly, A Joshi, D Sinha and B Patnaik, argue that there is still much that needs to be done to ensure that the system works. They argue that the "issues of power

imbalances between shop owners and cardholders which continue to shape interactions between them" need to be addressed.

Another area where the state governments need to be proactive is to ensure that children migrating with their parents are able to enroll in schools. Some children do not stay back when their parents migrate seasonally for work. For these children, Government of Odisha, is running seasons hostels for children of parents who migrate. The UNICEF, Maharashtra in partnership with Government of Maharashtra has designed interventions to ensure that safety of children of who migrate and the provision of safe and secure community based care options for children who decide to stay behind.

The working group recognized that the Indian Constitution provides the right of freedom of movement within the country. However, it is not uncommon to observe that in some states there is a domicile quota wherein residents of the state are preferred for admission to educational institutions or in government jobs. The working group has recommended that "states should be encouraged to proactively eliminate the requirement of domicile status to prevent any discrimination in work and employment". The recommendations of the Working Group considered together with the existing acts pertaining to interstate and construction workers provide a starting point for a national policy on internal migration in India and safe guarding the interests of migrant workers. □

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Reforms in Labour Laws

Ministry of Labour & Employment have taken several reform initiatives, both legislative reforms as well as Governance reforms through use of technology, to reduce the complexity in compliance and bringing transparency and accountability leading to better enforcement of the Labour Laws. These initiatives, inter-alia, include:

- (i) Enhancing the ceiling of wage limit for the purpose of eligibility for Bonus and for the purpose of calculation of Bonus as Rs. 21,000/- per month and Rs. 7,000/- per month respectively by amending the Payment of Bonus Act 1965.
- (ii) Prohibition of employment of children below 14 years in all occupations and processes through amendment in the Child Labour (Prohibition & Regulation) Act, 1986.
- (iii) Extending the coverage of Employees State Insurance by increase in the wage ceiling from Rs. 15000/- per month to Rs. 21000/- per month.
- (iv) Enabling provision under the Payment of Wages Act 1936 for payment of wages through Bank accounts.
- (v) Launching of unified Shram Suvidha Portal for allotment of a Unique Labour Identification Number (LIN) for establishments, filing of self-certified and simplified Online Annual Return and a transparent Labour Inspection Scheme through computerized system
- (vi) Portability of Employees Provident Fund accounts through Universal Account Number (UAN)

The process of Legislative reforms includes consultations with stakeholders including Central Trade Unions, Employers' Association and State Governments in the form of tripartite consultation. During recent months, several such tripartite meetings have been held for considering suggestions on various legislative reform proposals where the representatives of all stake holders/State Governments participated and gave their suggestions on the legislative proposals.