

## Global Compact for Migration Review: Youth Consultations

# INDIA Report

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## Introduction

As per the 2011 Census, India has 456 million migrants (38% of the population), with intra-state migration accounted for about 88% of all internal migration (396 million people). Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Andhra Pradesh, and Chattisgarh are the key source states whilst Delhi, Maharashtra, Gujarat, Haryana, Punjab, and Karnataka are the key destination states for migration.

Migration in India is mainly caused by four core factors: marriage; employment; education; and lack of security:

1. **Marriage:** The entire female population of India has to migrate over short or long distances after getting married. This factor constitutes about 70% of the total number of migrants, according to the recent Census.
2. **Employment:** People in rural areas don't have much access to better job opportunities. The agricultural activities or the small-scale industries cannot fulfill the demands of rural people. Contrary to this, urban areas provide employment opportunities in large-scale factories and firms. This factor contributes about 8.8% of the total migration.
3. **Education:** Rural areas provide secondary education opportunities, but people have to migrate to urban areas for higher studies. Many of them settle down in the cities to earn a livelihood after completing their education.
4. **Lack of Security:** There have been some instances where political disturbances and inter-ethnic conflicts have forced people to migrate to safer places. Hundreds of thousands of **Kashmiri Pandits** migrated out of Jammu and Kashmir during 1990-2010 due to disturbed conditions.

Though Article 19(1)(e) of the Indian Constitution gives the right to all Indian citizens to reside and settle in any territory of India, subject to reasonable restrictions in the interest of the general public or protection of any scheduled tribe, migrants face some key challenges:

1. **Poor implementation of minimum labour safety standard laws.**  
For example, the Factories Act of 1948 pegs the hours of work at 48 hours a week, spread over 10.5 hours (or 630 minutes) a day, which include intervals of 30 minutes every five hours. The law is not clear whether the working hours include lunch, tea, and wash-room breaks. This is because in factories, managers monitor and regulate every break from work using "movement sheets" and biometric machines. As a result, "hours of work" have become a collective bargaining issue.
2. **Exclusion from State provided benefits,** especially the food provided through the public distribution system (PDS).
3. **Lack of access to affordable housing and basic amenities** in rural areas.

As a result of the COVID-19 pandemic, a lockdown was imposed by the Indian Government, during which inter-state migrant workers tried to return to their home states. During this time, many of them were laid off their jobs, had no money for buying food or even for bus or train tickets. Special trains and buses were arranged by the Central government to help the migrant workers. Between May 1st and June 3rd, Indian Railways operated 4,197 Shramik trains transporting more than 58 hundred thousand migrants. Given the enormous magnitude of migration, such deprivation faced by migrants seriously compromises the prospects of such regions from meeting the Sustainable Developments Goals.

We consulted 6 organizations, consisting of migrant workers, researchers, and irregular migrants across the ages of 18-30, who had all been working for migrant wellbeing prior to COVID-19. We also organized panel discussions with lawyers and social activists to capture the actual reality of the migrants on the ground. The work of some organizations were specific, such as providing free legal help to the migrants, organizing weekly food drives, whilst some worked across all related issues. Over 20 organizations were contacted. However, the turnout rate for the consultations were low because most organizations focused heavily on Covid-19 relief, which made taking time out for consultations difficult.

## Overall Themes and Key Recommendations

### **Lack of Education, Worsening During Lockdown**

The Indian government has made laudable efforts in the past few years to help the migrants, but, according to the World Economic Forum 2017 report, inter-state migration rates have doubled between 2001 and 2011, which drastically affected the education of children of migrants. The highest proportion is of seasonal migrants who move from rural to urban areas and vice-versa due to lack of employment opportunities. Since these migrants move for at least four months annually, the majority of them do not send their children to schools. For example, migrants from Bihar, Madhya Pradesh, Rajasthan, and Uttar Pradesh migrate to Punjab during October and November and return home by July next year. Given that they cannot leave their children behind in villages due to safety and security concerns, they are not sent to school.

As per the Global Migration Report (GMR), 80 percent of children of seasonal workers never accessed education in India. The major reason being that, even if migrant workers enrol their children in schools, children immediately drop out due to linguistic barriers, differences in curriculum, and unfamiliar enrollment practices. This issue gives further rise to sexual exploitation, poor social and emotional capabilities, among other increased vulnerabilities and detrimental consequences.

### Access to Basic Facilities and Services

Migrant workers employed in construction sites, metro projects, mines and highway projects live in hazardous and polluted environments where they face many health problems. Despite the Contract Labour Act, which states that a contractor or employer should provide suitable accommodation to the migrant worker, in reality they live in open spaces. Since most of the migrants live in deplorable conditions in slums, hotspots for communicable diseases, this was the main concern for authorities during the COVID-19 pandemic.

In order to benefit from any State or Central government scheme, migrants have to show identity documents. However, migrant workers are usually unaware of these documents and, since authorities do not keep any database for migrants, they do not benefit from the social support schemes. Lack of identification means migrants are not able to access provisions such as subsidized food, fuel, health services, or education that are meant for economically vulnerable sections of the population.

Migrants also face political exclusion. Since they are not entitled to vote outside of their hometowns, many are not able to participate politically in elections. Around 22% of seasonal migrants do not have voter IDs, nor are they registered to vote. Therefore, migrants are unable to make political demands heard or exercise their political agency.

### Key Youth Initiatives

There are numerous organizations in India working with migrants. Some organizations work specifically to help the children of migrant workers receive education, some provide legal help to migrant workers, some work with the State and Central governments to make migrant laws, and the remaining organize support schemes such as food drives. Some key youth organizations include:

1. [India Migration Now](#)
2. [Disha Foundation NGO](#)
3. [SHRAM](#)
4. [Aajeevika Bureau](#)
5. [Sakonsa Organisation](#)

## Key Obstacles and Challenges

The key challenge faced by migrant workers is that they remain **unrecognized**, both at local and national levels. In the absence of any migrant-focused databases, it is difficult for local governments to include them in schemes and programmes. Migrant workers and their families have limited coverage and access

to social protection. During COVID-19, the government worked to implement the One Nation One Ration Card to provide access to the public distribution system, but hundreds of thousands of migrants were still left behind.

Migrants also suffer from poor access to Housing, Water, Sanitation and Hygiene facilities. Even if migrant workers become claimants, they do not possess the necessary documents to ensure eligibility for socially subsidized housing schemes. In India, one in three migrant workers do not receive minimum wage, with casual workers forming the large proportion of that group. While a significant proportion of migrant workers in the country work in the construction sector, they remain unaware of schemes such as the Building and Other Construction Workers Welfare Board (BOCW). Several government programmes exist to offer social security benefits to migrant workers and are implemented through banking systems. However, overburdened bank branches have little room to counsel migrants about the details of each scheme, or to enrol workers in them.

## Objective 2: Minimise the adverse drivers and structural factors that compel people to leave their country of origin

Climate change remains a key reason that individuals are driven from their country of origin. In 2018, the World Bank estimated that three regions (Latin America, sub-Saharan Africa, and Southeast Asia) will generate 143 million more climate migrants by 2050. In 2017, 68.5 million people were forcibly displaced, more than at any point in human history. In India, vulnerable groups both including and not including migrants, such as slum dwellers, are the most impacted by climate change.

Youth call on **governments to provide information about the sustainable use of resources, both at the local and regional level, with sensitivity to climate-induced displacement.**

## Objective 15: Provide access to basic services for migrants

There is no separate legislation for migration workers to solve issues related to pervasive starvation, homelessness and unemployment. The government should strengthen the Inter-State Migrant Workmen Act, as a minimum and baseline effort. The new labour codes completely exclude intra-state migrants, who are subject to continuous alienation based on class and ethnicity. Although the new codes talk about registration of migrant workers on a national portal, no mechanism has been clarified on how this would be operationalized and implemented. Further, there remains no clarity on how the database will accommodate the heterogeneity of internal labour migration.

About 95% of the migrants do not possess a ration card in the city and spend exorbitant amounts - more than 50% of their incomes - on securing food and fuel. Most migrant workers live in informal, 'illegal' open settlements, consisting of congested rented rooms in slums or on their worksites. All the schemes of the State governments that provide permanent housing to people is based on the Census data. As migrant workers are excluded from the Census, they do not benefit from any support schemes. For example, an analysis of AMRUT (Atal Mission for Rejuvenation and Urban Transformation), a key policy on urban infrastructure development, reveals that critical decisions related to the establishment of water and sewerage lines in the city is based on Census data.

Migrant workers are largely employed in urban peripheries outside the purview of Municipal Corporations, and in the absence of legal provisions of labour laws, leading to high rates of exploitation. Thus, the city offers migrant workers little in terms of work and living conditions. For example, in a 'chali' in Raipur, Ahmedabad, up to 15 male workers occupy a 10x10 sq ft windowless area, where they also store their belongings, water containers, and food vessels. These Adivasi construction workers from Rajasthan pay Rs 500 per month on rent, but their landlord has placed no cap on the number of workers who share a room in order to maximise profits. As a result, workers are crammed into rooms with no more than 7 sq ft per person, most of them forced to sleep on slanted tin roofs or on platforms outside the room. This, in effect, means that they are paying rent only for a space to store their belongings.

During the pandemic, the authorities clubbed homeless people and migrant workers in one group in providing shelter. The lack of infrastructure and health facilities led to an increase in the number of COVID-19 outbreaks. Migrant workers were not just stranded and hungry, they also suffered from outstanding, unpaid wages. The government must allot more funds to help slum dwellers build better quality houses, on the plots where they are currently located. India must create conditions by which its migrant workers actually enjoy living in cities.

Youth call on government authorities to **properly document the size of the migrant population** at panchayat level.

Youth call on governments and legal authorities to **set up humane and safeguarded migration facilitation centres.**

Youth call on state **government schemes to be expanded to include migrant workers.**

Youth call on employers with large migrant workforces to **invest in basic housing and WASH infrastructure**, and to ensure the **implementation of recognised safety standards** at their worksites.

Youth call on governments and private sector stakeholders to **implement gender-specific, needs-based services**, such as gender-friendly access to public provisioning for food, fuel, health and sanitation that

protects migrant women from physical, psychological, and sexual harassment. Maternity benefits should be extended to informal sector workers within the ambit of the Code on Social Security.

## Objective 17: Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration

To date, certain castes and tribes within social hierarchy are perceived 'lower', thus perpetuating common perceptions that members are born for manual labor. As per the Census 2011, 16% of intra-state migrants belong to those castes and 8% to those tribes. Due to the exclusionary government policies, migrant workers from these categories must deliberately live in areas with poor and limited civic infrastructure and municipal facilities. A key issue is that most migrants and displaced irregular migrants do not speak the same language as the country of the host state, and therefore have no means to exercise their voices.

There are specific reservations in jobs and education for these specific castes and tribes, but migrants remain ineligible. Due to social segregation and discrimination, they are the most disadvantaged in the labour market. Even on work sites, migrant workers from 'general category' and discriminated castes and tribes perform more skilled tasks while those from those castes and tribes work as masons and helpers. Migrants from the 'general' category have better qualifications for urban job centres, because of the historical advantage of education, and are therefore able to find higher-paying jobs in urban areas.

Youth call on state governments to **focus and expand education on combating misinformation both about migrants**, as well as any particular community.

Youth call on media conglomerates, as well as state media, to **accurately report on issues around migrants and migrant workers**, in order to convey accurate narratives.

Youth call on both government and media to **encourage evidence-based public discourse**, through the promotion of independent journalism and fact-checking practices.

## Objective 18: Invest in skills development and facilitate the mutual recognition of skills, qualifications, and competences

India's migrant workers (around 100 million) contribute to 10% of its GDP. Most of these migrant workers work in various sectors of MSMEs (Micro Small & Medium Enterprises) along with other informal sectors. However, their needs remain to be effectively met. The MNREGA (Mahatma Gandhi National Rural Employment) Act, 2005 is one such labour law that guarantees at least 100 days of work to every household whose adult wishes to do unskilled manual work. The number of beneficiaries provided employment under Mahatma Gandhi National Rural Employment Guarantee Act (Mahatma Gandhi NREGA) during the current FY 2020-21 as on September 12, 2020 is 82.9 million. These migrant workers often face humiliation and discrimination, do not receive any political support or commitments, and are often deprived of their rights. Their working conditions remain in the hands of contractors and, despite central and state governments schemes for their betterment- especially to provide skills and employment, their lack of documentation prevents them from benefiting.

Youth call on the government to **implement a scheme for migrant workers similar to the 'pand' India scheme Pradhan Mantri Kaushal Vikas Yojana (PMKVY) for upskilling the youth.** The Ministry of Skills Development and Entrepreneurship should roll out a scheme under which upskilling is provided based on industry requirements. These training programmes can be initiated with the help of the state governments and private sector. If India targets to upskill the 10 million migrant workers, it will push India towards self-reliance.

Youth call on the government to **implement minimum wage categories based upon a skills matrix of migrant workers.**

During the consultation process, many migrant workers complained that they did not receive payment after their work as the contractor suddenly disappeared. Under current legislation, the principal employer has no responsibility to pay contract workers. Youth call on the government to **immediately amend this piece of legislation so that migrant workers are protected from labour exploitation, and receive a fair wage.**

Youth call on the government to **create a fund for migrant workers similar to Provident Fund.** The deciding parameters can be skills, age, experience, etc, which will decide the amount to be fixed and can be deposited in their accounts. This will solve two issues: firstly it will protect migrant workers in situations of financial insecurity - such as during the COVID-19 pandemic and, secondly, it is the perfect opportunity to increase migrant financial inclusion by necessitating bank accounts for migrant workers.



## References and Acknowledgements

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