



Arrest The Exodus In Gujarat

(The editorial is based on the article “Arrest the exodus in Gujarat” which appeared in The Hindu on 10th October 2018. It analyses the problem of migrants in India.)

Migrant workers are indispensable to the Indian economy. Migrants play a vital role in greasing the wheels of growth in states, including states like Gujarat, by providing cheap labour in the many small and medium enterprises in the manufacturing and construction sectors. The mobility of labour pushes the economy forward. **Economic Survey (2016-17)** covers a whole chapter on migration. According to it, annually inter-state labor mobility averaged 5-6 million people between 2001 and 2011, yielding an inter-state migrant population of about 60 million and an inter-district migration as high as 80 million.

Recently thousands of migrants fled north Gujarat’s industrial areas following violence triggered by the rape of a 14-year-old in Sabarkantha district by one such migrant worker. Many industries got affected, such as auto-ancillaries, pharma, ceramics, cotton ginning, fertilizers and chemicals, and construction, in regions around Sanand, Sabarkantha, Patan, and Aravali. No industrial economy, more so Gujarat which depends heavily on migrant workers, can thrive in an atmosphere of fear and insecurity. The situation has now cooled off a bit after State government interference in “confidence-building” steps.

Why Do People Migrate?

- The agricultural base of rural areas does not provide employment to all the people living there. Regional development disparity compels people to migrate from rural to urban areas.
- Lack of educational facilities, especially those of higher education influences the rural people to migrate to urban centers for this purpose.
- Political disturbances and inter-ethnic conflicts drive people away from their homes. For example, a large number of people has migrated out of Jammu and Kashmir and Assam during the last few years due to disturbed conditions there.
- Poverty and lack of employment opportunity drive people to move from one place to one another.
- People also migrate on a short-term basis in search of better medical facilities, for availing better tertiary health and financial services.
- Some of the other push factors such as lack of food, climate change, religious oppression, civil wars lead to internal migration.
- Pull factors which include peace and safety, a chance of a better standard of living in general as well as political and religious freedom also encourage people to move from one place to another.

Issues Related With Migrants

- **Political Issues**
 - Migrants lack political agency vis-a-vis the local government machinery. As the political class ignores migrant workers because they don’t count as votes, especially in the case of inter-state migrants.
 - Due to their mobile nature, they don’t find any place in the manifestos of trade unions.
 - Lack of proper documents makes them vulnerable to harassment by the police and other local authorities.

▪ **Socio-cultural issues**

- Lakhs of unskilled and migrant workers live on worksites in makeshift huts (usually made of tin sheets) or on roads, slums and in illegal settlements not served by municipalities.
- They are neither able to save much to improve their conditions back in their home States nor save enough to live comfortably in a place where they work.
- Cultural differences, language barriers, isolation from the society, lack of accessibility for quality education in mother tongue are some of the other issues faced.
- Very few migrants are aware of their entitlements, legal and economic. Similarly, citizens who are in the majority remain apathetic to the plight of victims.
- Because of limiting job opportunities migrants are becoming victims of resentment, as people of the state see them as encroachers of present jobs.

▪ **Economic issues**

- Seasonal migrants dominate the low-paying, hazardous and informal market jobs which are key sectors in urban destinations, such as construction, hotel, textile, manufacturing, transportation, services, domestic work etc.
- They have poor access to health services, which results in very poor occupational health. Since they cannot afford private hospitals, they often go back to their villages once they fall sick. This affects their employment opportunities, as well as the loss of wages.
- A large number of migrants find work as unskilled labourers since they enter the job market at a very early age, experience no upward mobility and remain stuck in the most unskilled, poorly paid and hazardous jobs for their whole work-life span.
- In an unorganized and chaotic labour market, migrant workers regularly face conflicts and disputes at worksites.
- The common issues they face are non-payment of wages, physical abuse, and accidents.
- Many informal sector disputes never make their way to labour courts or keep languishing in courts for lack of proof. The existing legal machinery is not sensitive to the nature of legal disputes in the unorganized sector.

Way Forward

- If the migrant workforce in the state is forced to leave, industries will lose their competitiveness as there will be a significant rise in labour costs.
- The State must follow a more holistic policy of creating incentives for firms leading to greater employment, instead of merely dictating higher recruitment of locals.
- Enforcement of labour laws and enactment of a comprehensive law should be done at the workplaces, stricter enforcement of existing labour laws, including the Interstate Migrant Workmen Act, is essential.
- Segmenting the labour market and creating a separate labour market for migrant workers with security of tenure should be developed across India.
- Identity cards can be issued by governments to make them avail essential basic facilities.
- There should be development in small and medium industries such as village and cottage industries, handlooms, handicrafts and food processing and agro-industries to reduce rural-urban migration.
- The focus should be on ensuring basic entitlements and social security. A major policy focus has to be on ensuring that migrant households have citizenship rights in the destination areas and are able to access basic facilities, benefits of public programmes, and social security schemes meant for poor households.
- Special policy focus should be made under the Right to Education (RTE) Act to ensure educational access of migrant labourers. Skill development should also be a priority to include them in organized sectors.
- Information base and bargaining strength of migrant workers should be improved to protect them from vulnerability.
- Panchayats should emerge as the focus of the resource pool for migrant workers residing in their area. They should maintain a register of migrant workers and issue identity cards and passbooks to them.
- Making the migrant workers aware of their rights is the first thing to do by authorities.
- Diversity and free interaction between various groups make states and the country economically, socially and culturally stronger. According to Dr. B.R. Ambedkar, "An ideal society should be mobile, should be full of channels for conveying a change taking place in one part to other parts."

- The challenges are still complex and the lack of recognition for migrants is still to be fully addressed. Unless we view migrant workers as a dynamic part of a changing India, we will not be able to solve the problem of migrant workers.

Laws in support of migrant workers

- Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act (1979)
- Child Labour (Prohibition and Regulation) Act (1986)
- Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act (1996)
- Unorganized Workers Social Security Act (2008)
- Contract Labour (Regulation and Abolition) Act (1970)

Constitutional provisions

- The Constitution of India guarantees freedom of movement for all citizens. The foundational principles of free migration are enshrined in clauses (d) and (e) of Article 19(1) of the Constitution, which guarantee all citizens the right to move freely throughout the territory of India, and reside and settle in any part of the territory of India.
- Article 15 prohibits discrimination on the basis of place of birth, among other grounds.
- 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.
- The Supreme Court's decision in Charu Khurana v. Union of India and Others case clearly renders restrictions based on residence for the purposes of employment unconstitutional.

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