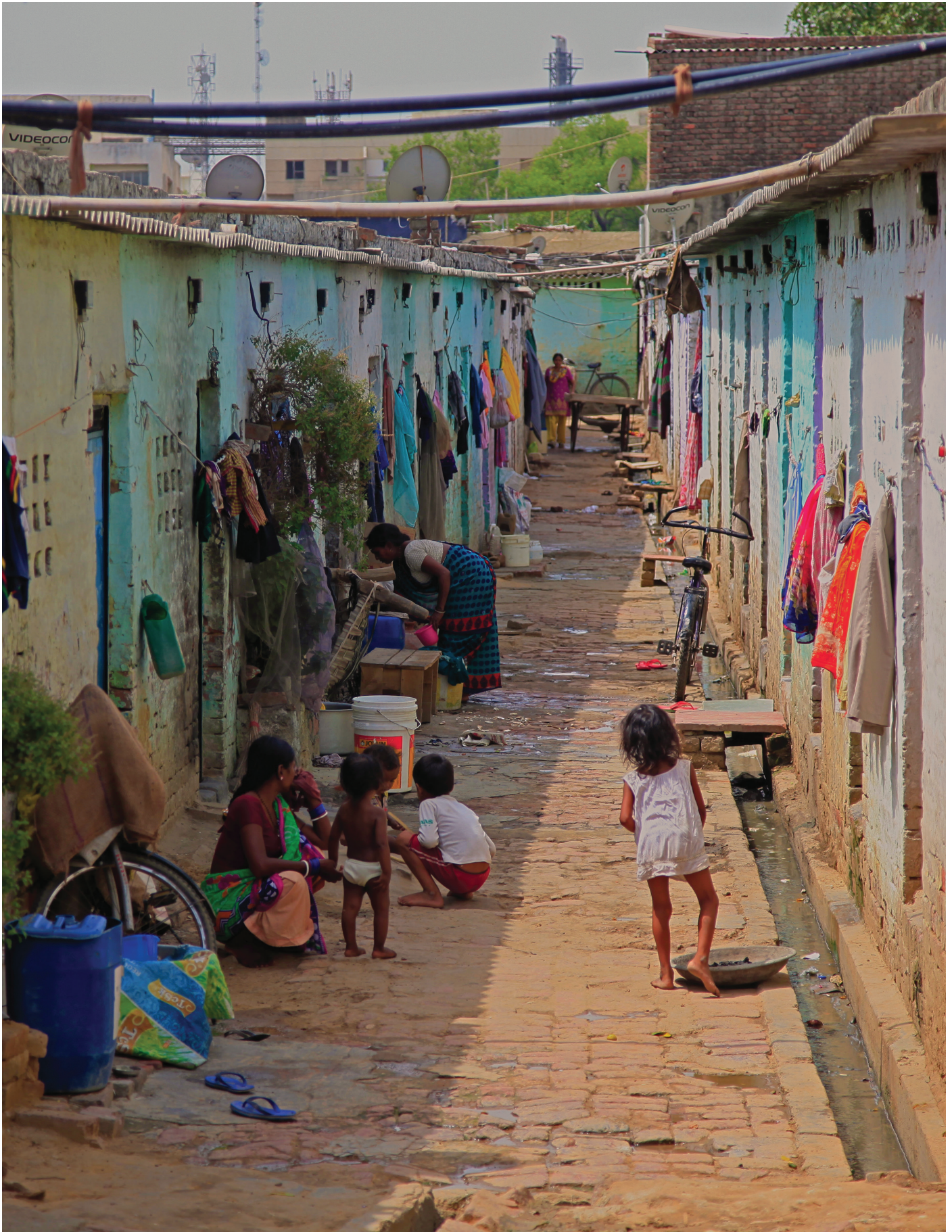


Issues Brief: Inter-State Migrant Workers and Access to Entitlements



About the Interstate Migration Alliance

In the last two decades, the Indian economy has been transformed by declining employment in the agricultural sector and growth strategies that facilitate global labour extraction concentrated in urban industrial hubs. Internal migration has increased manifold. In 2008, India's National Sample Survey Organisation (NSSO) estimated that nearly 30 percent of India's total population is comprised of internal migrants. Facing multiple, intersecting forms of violence and discrimination, including on the basis of class, gender and social identity, migrant workers are remarkable in their ability to adapt, survive and organize.

Linking high migration sending and destination areas through a network of Migrant Rights Centres (MRCs), by 2016, the Interstate Migration Alliance established MRCs in Gurgaon, Haryana; Katihar, Bihar; Ranchi, Jharkhand; and Kanpur, Uttar Pradesh. With the MRCs as their nodal hubs, the Interstate Migration Alliance facilitates cross learning between partners; and collaboration on the local, state and national-level to inform just migration policy and practices. This integrated rural-urban approach provides a unique opportunity to address rights abuses associated with uneven development, rural displacement, rising migration, urban poverty and concentration of migrant workers in the informal labour sector where they are particularly vulnerable to abuses of rights at work.

To join this collaboration or seek further information on the Interstate Migration Alliance, please contact the Society for Labour and Development.

Delhi-NCR contact information:



+91-11-26525806



+91-11-46179959



info@sld-india.org



www.sld-india.org

About the Society for Labour and Development

The Society for Labour and Development (SLD), founded in 2006, is a Delhi-based labour rights organisation. SLD promotes equitable development by advocating for the social and economic well-being of workers with a particular emphasis on women's and migrants rights and cultural renewal among disenfranchised people. Today SLD works in the National Capital Region Territory, Haryana, Uttar Pradesh, Bihar, and Jharkhand. It has associate organizations in a number of other states such as Rajasthan, Maharashtra, Tamil Nadu, Kerala, and West Bengal.

About Rosa Luxemburg Stiftung

The Rosa Luxemburg Stiftung (RLS) is a German-based foundation working in South Asia and other parts of the world on the subjects of critical social analysis and civic education. It promotes a sovereign, socialist, secular, and democratic social order, and aims to present members of society and decision-makers with alternative approaches to such an order. Research organisations, groups working for social emancipation, and social activists are supported in their initiatives to develop models that have the potential to deliver social and economic justice.

Acknowledgements

Desk research, writing and data analysis for this report was completed by Atiya Gopinath, a consultant with the Society for Labour and Development. This document was edited and reviewed by Anannya Bhattacharjee and Shikha Silliman Bhattacharjee.

Field research was conducted by Abhinandan Kumar, Jalalludin Ansari, Hareram Mishra and Tauqeer Warsi, Migrant Rights Centre Coordinators for the Interstate Migration Alliance.

Table of contents

About the Interstate Migration Alliance	2
About the Society for Labour and Development	3
About Rosa Luxemburg Stiftung	3
Acknowledgements	3
Context	6
Inter-state migration from Bihar, Jharkhand and Uttar Pradesh	8
Parameters and challenges in accessing rights and entitlements for inter-state migrant workers	9
Rights and Entitlements	11
Access to rights and entitlements: reports from high migration source and destination areas	15
Conclusion	19
Appendix1: State-specific procedures for obtaining a ration card	20
Appendix 2: Universal procedures for obtaining identity proof (uniform across states), accessing bank accounts and RSBY health insurance	22



Context

In the last two decades, employment in agricultural sectors in India has declined and the Indian economy has transformed to facilitate global labour extraction concentrated in urban industrial hubs. The emergence of megacities has been attributed to the success of municipal corporations in economically developed urban areas in drawing global investment capital, facilitating industrial production and creating a need for attendant labour. Parallel to the explosive development of urban economic hubs since the mid-1980s, India has also witnessed the inability of smaller towns and cities to attract investment, stymying growth in these areas. The imbalance in economic growth, fuelled by concentration of economic activity in megacities has been understood as a form of regionally exclusionary urbanization. Across India, the commercial and financial viability of urban agglomerations has taken precedence over all other considerations, including India's constitutionally grounded fundamental principles of equity and redistribution.¹

These uneven development patterns precipitate increasing levels of migration from rural to urban areas. In 2008, India's National Sample Survey Organisation (NSSO) estimated that nearly 30 percent of India's total population is comprised of internal migrants.² By 2011, India's Census reported that urban population growth exceeded rural population growth for the first time since independence.³ Due to shortcomings in accounting for internal migrants in the official data for destination areas, these figures are likely to be gross underestimates.⁴ Due to the systematic erosion of labour standards and promotion of trade liberalization, international competition and privatization, workers who migrate for employment enter markets where formal employment models are in rapid decline. Upon arrival in destination areas, workers from marginalized communities most typically find employment in the informal or unorganized sector.

Objectives

Against this backdrop of high migration, this issues brief considers access to entitlements and social welfare schemes for migrant workers and their families. Structural impediments to accessing rights and entitlements can emerge from a range of sources, including: policy failures in recognizing and facilitating access to the basic needs of migrant workers; gaps in protection as migrants traverse multiple state and administrative jurisdictions governed by distinct laws, policies and eligibility criteria; and social norms exacerbating marginalization of certain social groups like dalits, adivasis, women and religious minorities. Difficulties in establishing their identity and residency status in urban migration destination areas due to withholding of formal lease agreements make migrant workers particularly vulnerable to exclusion.

An initiative of the Interstate Migration Alliance, this issues brief has three interrelated objectives:

- **Objective 1:** Provide up to date guidance for migrant workers and their allies on how to access entitlements and social welfare schemes;
- **Objective 2:** Gather field-based insight into barriers to accessing rights and entitlements;
- **Objective 3:** Identify areas for further investigation to inform Interstate Migration Alliance research on access to entitlements and social welfare schemes for migrant workers and their families in 2017.



Data on access to entitlements and social welfare schemes was compiled through 31 focus group discussions held in Katihar in Bihar, Ranchi in Jharkhand, Kanpur in Uttar Pradesh and Gurgaon in Haryana, conducted in November 2016. Field research aimed to highlight challenges associated with portability of social welfare measures and public services for migrant workers. Focus group discussions included a total of 1251 participants across all four states, out of which 865 were migrants and 386 were members of households including migrants.

1. Kundu, A. (2003, July 19). Urbanisation and Urban Governance: Search for a Perspective beyond Neo-Liberalism. Economic and Political Weekly, pp. 3079-3087.

2. National Sample Survey Organisation, Migration in India 2007-2008 (64th round) New Delhi, Ministry of Statistics and Programme Implementation, Government of India, 2010.

3. Rural Urban Distribution of Population (Provisional population totals) Census 2011. Ministry of Home Affairs.

4. United Nations Educational, Scientific and Cultural Organization, Social Inclusion of Internal Migrants in India, June 2013, p. 4

Inter-state migration from Bihar, Jharkhand and Uttar Pradesh

In high migration sending areas, factors precipitating migration may include conflict-related displacement, development driven displacement, agricultural decline, natural resource erosion, natural disasters and household-level economic distress. The following section includes brief state profiles of Bihar, Jharkhand and Uttar Pradesh, including factors precipitating migration from these areas.

Jharkhand

The state of Jharkhand, located in the eastern part of India, was carved out of Bihar in the year 2000. The state shares its borders with West Bengal in the east, Uttar Pradesh and Chhattisgarh in the west, Bihar in the north and Odisha in the south. Jharkhand is one of the richest mineral zones in the world and boasts of 40% and 29% of India's mineral and coal reserves respectively. Due to its large mineral reserves, mining and mineral extraction are the major industries in the state. The state is also known for its forest cover. Due to the accelerated process of urbanisation the forest cover is fast vanishing, and affecting the lives of tribal communities which make up 8.2% of its total population of 3.3 crores.⁵ The tribal communities such as the Mundas, Santhals, Ho, and Oraon have depended on the forests and its produce for their livelihood. Urbanisation and deforestation have robbed them of their self-sustenance sources such as firewood and food sources. This has forced many to migrate to other areas to find employment. Landless labourers are the worst affected as they have no livelihood options in non-agricultural periods and are forced to migrate.⁶

5. 2011 Census. <http://tribal.nic.in/WriteReadData/user-files/file/Demographic.pdf>

6. Tanvi Jha, "How can Jharkhand fight distress migration?" Down to Earth. 15 February 2016 <http://www.downtoearth.org.in/news/distress-call-52702>

Bihar

Bihar with a total population of 104,099,452 is the third most populous state in the country according to the 2011 Census. 89% of the population lives in rural Bihar and 80% of the population are employed in agriculture which is higher than the country's average.⁷ At 11.3%, Bihar has the second lowest urbanisation rate in India and the lowest GDP per capita in India.⁸ With the agrarian crisis looming large in the country and the state, people migrate to other states to find work since they get diminishing remuneration from the agrarian sector.

Uttar Pradesh

Uttar Pradesh is the most populous state in India with a population of 19.98 crores, as per the 2011 Census. It has the highest number of Scheduled Castes in the country which comprise 20.7% of the total population of the state. Uttar Pradesh shares its borders with Nepal on the north, the Indian states of Uttarakhand and Himachal Pradesh towards the northwest, Haryana, Delhi and Rajasthan on the west, Madhya Pradesh on the south, Chhattisgarh and Jharkhand to the southeast and Bihar in the east.

Uttar Pradesh is the largest producer of food grains in India and accounted for about 18.39 per cent share in the country's total food grain output in 2015-16. Major food grains produced in the state include rice, wheat, maize, millet (bajra), gram, pea and lentils.⁹ Uttar Pradesh is a primarily agrarian state; therefore, people migrate during the lean period when there is no harvest.

7. Government of Bihar, Department of Industries. <http://industries.bih.nic.in/Slides01/Presentation.pdf>

8. "Business and Economy of Patna". Patna Online. <http://www.patnaonline.in/city-guide/business-and-economy-in-patna#>

9. Indian Council of Agricultural Research. <http://www.icar.org.in/files/state-specific/chapter/119.htm>

Parameters and challenges in accessing rights and entitlements for inter-state migrant workers

Eligibility conditions for accessing rights and entitlements: identity and address proof

Identity and address proof are required for access to a range of rights and entitlements. Migrant workers face particular challenges in producing adequate identity and residence proof due to patterns of migration including multiple and shifting residences; and the routine practice of withholding formal lease agreements by landlords in urban destination areas.

While acknowledging these challenges, this section details current and available forms of identity and address proof.

1. Identity and Address Proof

Proof of (1) identity and (2) residence are required to access many rights and entitlements. Currently available forms of identity and address proof include Aadhaar Cards and Voter Identification cards. Both of these forms of identity proof also include documentation of residency. However, since access to many rights and entitlements is conditioned upon showing residence in the state where an individual is currently located, these forms of identity and residence proof are not portable for the purpose of accessing rights and entitlements.

Aadhaar Cards

The Aadhaar Card was introduced by the Unique Identification Authority of India (UIDAI), established in 2009. The stated objective of this central government agency is to collect biometric and demographic data of all Indian residents. This information is stored in a centralized database that assigns each registered citizen with a unique 12-digit number called the Aadhaar. In 2016, the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Bill, 2016 was introduced and passed as a money bill—thereby requiring passage in only the Lok Sabha

The Aadhaar Card has been promoted as a portable mechanism which can be used by a resident in any part of the country to verify their identity on the basis of his/her biometric and demographic information in order to access various services and subsidies by the government.

While the Aadhaar Card is recognized across state jurisdictions, it does not effectively secure access to citizenship rights and entitlements that require proof of in-state residence. The Aadhaar Card requires the applicant to provide only one residential address. Accordingly, it can be used to access entitlements in only one state, presenting barriers to access for workers who migrate for employment.¹⁰

Voter Identification Cards

Like the Aadhaar Card, the Voter Identification card includes both proof of identity and proof of residence. However, like the Aadhaar Card, the Voter Identification card includes only one residential address.

2. Poverty Level Classification

The main purpose of Below Poverty Line census classification is to identify households eligible for social support, including through the Public Distribution System (PDS) and other services. This mode of identification for access to rights and entitlements has been criticized for massive errors of inclusion and exclusion that do not recognise the multi-dimensional character or poverty.¹¹

10. In 2010, a Memorandum of Understanding was signed between the UIDAI and the National Coalition of Organisations for the Security of Migrant Workers to "take special measures to ensure that the Aadhaar cards are made available to the poor and marginalised which include migrants so that it can enable them to access various government schemes and banking services. Aajeevika Bureau was authorised as the signatory by the Coalition for the inclusion and enrolment of migrants in Aadhaar. The Coalition comprised of 28 civil society organisations.

11. Jean Dreze, Poverty estimates vs. food entitlements, The Hindu, February 24, 2010, <http://www.thehindu.com/todays-paper/tp-opinion/Poverty-estimates-vs-food-entitlements/article15991279.ece>.

Rights and Entitlements

Identification of poverty levels is a contentious issue, complicated by government incentives to show decreases in poverty levels. The current methodology for poverty estimation is based on the recommendations of an Expert Group to Review the Methodology for Estimation of Poverty (Tendulkar Committee). The Tendulkar Committee was established in 2005. The Committee calculated poverty levels for the year 2004-05. Poverty levels for subsequent years have been calculated on the basis of the same methodology, after adjusting for the difference in prices due to inflation.

Ultimately, however, BPL classification is carried out at the state level. This classification is not portable across state jurisdictions. Accordingly, while inter-state migrants may establish BPL status in one state, this status does not carry to other states. The Tendulkar Committee report has argued for the adoption of a national, official poverty line as an anchor.

State-level criteria for identifying the poverty line is not easily accessible online for all states. State-level identification schemes do, however, have significant differences. For instance:

- In 2013, the Jharkhand government established new criteria for the poverty line, setting the cut-off for BPL status at Rs. 10,000 per month or less. This classification scheme has allowed for inclusion of a range of vulnerable households as BPL, including Maha Dalit groups, households headed by single women and minors; households including disabled persons as earners; destitute households; homeless households and families including workers engaged in bonded labour.
- By contrast, in Haryana, the limit of annual income of BPL families living in rural areas has been increased from Rs. 20,000 to Rs. 40,500 (Rs. 3375 per month) and those living in urban areas from Rs. 27,500 to Rs. 51,500 (approximately Rs. 4290 per month).

State-Wise Proportion Below Poverty Line (BPL) (%) based on the Tendulkar Committee

State	Rural	Urban	Rural and urban combined
1. Bihar	34.06	31.23	33.73
2. Haryana	11.64	10.28	11.16
3. Jharkhand	40.84	24.83	36.96

Source: Press Note on Poverty Estimates, 2011-12, 2013. Poverty Estimates 2011-2012, Planning Commission, Government of India

1. Right to food

The National Food Security Act, 2013 sets forth the right to food as a legal entitlement. The right to food is operationalised by providing grains at subsidised rates through the Targeted Public Distribution System (TPDS). The Centre and State governments share responsibility to maintain TPDS functioning.

- The Centre is responsible for procuring food grains from farmers and allocating food grains to all states on the basis of the number of poor in each state. The Centre then transports the grains to the central depots in every state.
- States are responsible for identifying the number of poor households and delivering grains to fair price ration shops.

Ration cards

The possession of a ration card entitles the beneficiary to essential commodities at subsidised rates from designated public distribution system (PDS) fair price shops. State governments issue ration cards according to per capita or monthly income. There are three types of ration cards available.

- Antyodaya Ration Cards are available to households who have an income of less than Rs. 250 per capita per month;
- Below Poverty Line (BPL) Ration Cards are available to households that fulfil the eligibility criteria for being classified as being below the poverty line;
- Above Poverty Line Ration (APL) Cards are available to all households regardless of monthly income.

Common criteria for attaining ration cards across India include (1) surrender and cancellation of any previous ration card issued in that person's name in any other state; and (2) residence proof in the area where rations are pursued.

Consequently, inter-state migrants who may travel for employment between and among states at seasonal or other intervals are only able to access ration entitlements face two challenges to maintaining access to ration cards: (1) they are only eligible to hold a ration card in one state; and (2)

they are only able to hold a ration card the state where they can establish proof of residence.

2. Citizenship rights: Right to Vote

Voting in elections allows residents to voice their dissatisfaction or satisfaction with elected government officials. According to Article 326 of the Indian Constitution, a citizen can exercise his/her right to vote only in his/her constituency. Since a person can only vote in the constituency where their voter identity card is registered, many migrants who travel to different parts of the country in search of employment do not get to exercise their constitutional right to vote.

In 2015, the Supreme Court, accepting Union government recommendations, authorise and Non-Resident Indians (NRIs) from outside India to cast their vote in elections. NRI votes can be cast either through electronic ballots or by nominees residing in India. Corresponding with this decision, the Registration of Electors Rules, 1960 were amended to include NRI or "Overseas electors."

The Communist Party of India (Marxist) in their recommendations to the Committee for Exploring Feasibility of Alternative Options for Voting by Overseas Electors stated that "Any special facilities to overseas electors will have to be extended to domestic electors who may temporarily migrate other parts of the country in search of work. Denying this to domestic electors would amount to discrimination which should be avoided."¹²

Despite Public Interest Litigation (PIL) filed in January 2015 calling for the extension of similar privileges to interstate migrants, such initiatives have been opposed by the Election Commission.¹³

12. Election Commission of India. "Report of Committee for Exploring Feasibility of Alternative Options for Voting by Overseas Electors" (2014) http://eci.nic.in/eci_main1/current/NRI%20Voting_Final%20draft23012015.pdf

13. Krishnadas Gopal. "Election Commission sets up committee to allow migrants to vote". The Hindu, 13 April 2015. <http://www.thehindu.com/todays-paper/tp-national/election-commission-sets-up-committee-to-allow-migrants-to-vote/article7096453.ece>; Amit Anand Choudhary "Migrants can't vote in native place, Election Commission tells

3. Right to Health

While the right to health is not included as a Fundamental Right under the Constitution of India, the Directive Principles of State Policy include directives calling upon the states to improve health conditions: Article 39(e) pertains to protecting the health and strength of workers, men and women; Article 41 calls for the state, within the limits of its economic capacity and development, to make effective provisions public assistance, including securing the right to public assistance in cases of old age, sickness and disablement; and Article 42 calls upon the states to ensure maternity relief.

According to World Health Organisation (WHO) Global Health Expenditure estimates, India’s central health expenditure as percentage of GDP is 1%. The government’s health expenditure as percentage of total health expenditure in India is only 30% while private health expenditure of total health expenditure is 70%. The out-of-pocket expenditure (expenses incurred by the patient) in a public hospital is 62% while the out -of-pocket expenditure of private hospitals is 89%.

Due to the high level of private expenditure required to secure health services, healthcare remains unaffordable for a vast majority of Indians. According to the 71st household survey on “Key Indicators of Social Consumption in India: Health” by the National Sample Survey Organisation (NSSO), 72% of ailments in rural areas and 79% of ailments in urban areas are treated in private health facilities. 86% of the rural population and 82% of the urban population were still not covered under any scheme of health expenditure support.¹⁴

In 2015, the Ministry of Health and Family Welfare introduced a draft of the National Health Policy (NHP) into the public domain for consultation and suggestions. The draft identifies the causes and reasons behind poor access to and quality of health

Supreme Court”. The Times of India. April 13,2015.<http://timesofindia.indiatimes.com/india/Migrants-cant-vote-in-native-place-Election-Commission-tells-Supreme-Court/articleshow/46901395.cms>
14. Draft of the National Policy on Health, 2015.

facilities. The NHP 2015 aims to strengthen the role of the government in all areas of health and healthcare, including the finance of healthcare services, prevention of disease, access to technologies and health regulation.

While acknowledging shortcomings in the current healthcare delivery system, the NHP 2015 characterises the growth of the private sector as a positive trend: “The second important change in context is the emergence of a robust health care industry growing at 15% compound annual growth rate.” The NHP also, however, acknowledges that common people cannot afford access to basic health insurance schemes. The NHP prioritises purchase of services from public and not-for-profit private facilities, but also anticipates purchasing services from for-profit private facilities.

Due to decline in public investments and growing subsidies to the private sector, India currently has the largest - and one of the least regulated - private health care industries in the world. The private sector already provides near 80% of out-patient treatment and about 60% of in-patient care in India.

Health Insurance for BPL families and unorganised sector workers

In 2008, the Ministry of Labour and Employment launched the Rashtriya Swasthya Bima Yojana (RSBY). This scheme was transferred to the Ministry of Health and Family Welfare in 2015.

The aim of RSBY is to provide BPL families and a defined list of workers from the unorganised sector with health insurance. The unique feature of this scheme is the portability of health insurance. The only criterion for portability is that the beneficiary family has to be enrolled in the scheme in any one place in India. A beneficiary who is enrolled in a particular district can use his/ her smart card in any RSBY empanelled hospital across India, including public and private hospitals. Cards can also be split for migrant workers to carry a share of the coverage with them separately.

RSBY is centrally sponsored scheme, with a sharing pattern between the Central and State governments

RSBY Beneficiaries in each study area

District/state	Total Target families	Enrolled total target families	Empanelled private hospitals	Empanelled public hospitals
Katihar, Bihar	424752	201968	22	0
Gurgaon, Haryana	38201	10556	19	0
Ranchi, Jharkhand	237979	117316	52	16
Kanpur dehat, Uttar Pradesh	216302	11460	2	8

Source: Data corroborated from RSBY Tables. of 75%:25% respectively. In the case of Jammu and Kashmir and the states of the North-East, sharing between the central and state governments is 90%:10% respectively.

4. Right to Education: Access to Schools

In an effort to address chronic child malnourishment and encourage school enrollment and attendance, the central government started the Mid-Day Meal scheme in 1995. Under this plan, every child enrolled in grades I to VIII in a government or government-aided school is provided free cooked lunch. In 2001 the government of India launched the Sarva Shiksha Abhiyan, a scheme meaning “Education for All.” The program includes provisions for building new schools and additional classrooms, providing toilets and drinking water, and conducting regular teacher trainings. In 2009, India enacted the Right of Children to Free and Compulsory Education Act, which provides for free and compulsory education to all children aged 6 to 14 based on principles of equity and non-discrimination. Despite these initiatives, India has a long way to go in

achieving universal education. The mean years of schooling in India is 5.12 years—almost two years below the 7.09 year average among developing countries.¹⁵

Children of inter-state migrants face unique challenges in accessing education. Children of seasonal migrants, who often migrate for employment between November and June—timing determined by crop cycles—may be unable to maintain consistent school attendance since the academic period in India begins in June and ends in April.¹⁶ These discontinuities frequently lead to drop out among children of migrant workers. Government assessment of enrollment numbers also typically take place between November and June, resulting in exclusion of migrant children from rosters and fewer schools than are required to meet educational needs. ¹⁷

15. Government of India. “Twelfth Five Year Plan (2012–2017) Social Sectors Volume III.” New Delhi: Planning Commission. 2013
16. Smita, Locked Homes, Empty Schools: The Impact of Distress Seasonal Migration on the Rural Poor.(New Delhi, Zubaan, 2007);
17. Jayshree, Bajoria. “Millions of Indian children are being denied school education due to discrimination”.Scroll (2015) <http://scroll.in/article/728103/millions-of-indian-children-are-being-denied-school-education-due-to-discrimination>

Access To Rights And Entitlements: Reports From High Migration Source And Destination Areas

Brief scope and methodology

Data on access to entitlements and social welfare schemes was compiled through 31 focus group discussions held in Katihar in Bihar, Ranchi in Jharkhand, Kanpur in Uttar Pradesh and Gurgaon in Haryana, conducted in November 2016. Field research aimed to highlight challenges associated with portability of social welfare measures and public services for migrant workers. Focus group discussions included a total of 1251 participants across all four states, out of which 865 were migrants and 386 were members of households including migrants.

Qualitative and quantitative data was collected for a range of variables relating to the duration of migration, household size, religion, social group, occupation, factors precipitating migration, eligibility documents, and access to entitlements and welfare facilities. The sample for this study was not randomized and therefore cannot be considered statistically significant. Instead, the conversations with migrant workers and their families recorded in this study aim to lend insight into the experiences of workers who migrate for employment within India.

Information pertaining to the socio-economic background of respondents

- Out of the 1251 respondents covered by the study, 41% self-reported Below Poverty Line (BPL) status.

• Social identity

1. Most participants from Jharkhand self-reported belonging to Scheduled Caste, followed by some from Backward Castes and a few from Scheduled Tribes.
2. Participants in Bihar included both Hindus and Muslims. Most of the Muslims were categorized as Extremely Backward Castes along with a few belonging to Scheduled Castes.

3. Respondents in Uttar Pradesh included respondents who self-reported being from Forward and Backward Castes and Scheduled Castes. However, those belonging to Forward Castes were much fewer compared to migrants from disadvantaged social groups.
4. Across study areas, migrant respondents were predominantly Hindu but also included Muslims and a few Christians from the state of Jharkhand.
 - While participants from Jharkhand and Uttar Pradesh were largely either illiterate or received only primary education, some respondents from Uttar Pradesh reported receiving secondary education.
 - Migrant respondents largely reported being between 20 and 30 years old. However, in Uttar Pradesh where migrants were mostly intra-State migrants, ages varied from 18 to 50 years.
 - Migrant respondents belonged to households that were slightly bigger than the mean household size for each of the sending states [Census, 2011]. Some studies have indicated a correlation between household size and income.¹⁹ Accordingly, household size among study respondents suggests that study respondents may be slightly above the median income among households.
 - Migrant workers reported migrating without their children.
 - The majority of respondents reported being short term migrants. Those migrated for employment to more distant areas reported visiting their homes less frequently. Respondents from Uttar Pradesh reported being inter-block or inter-district migrants. They described returning home frequently between work cycles for as long as three years.
 - Migrants consistently reported being in debt. The amount of debt reported was less than half a lakh of rupees. Main reported causes of debt included consumption loans relating to marriage, health and construction of houses; and loans for sustaining agricultural activity.

19. J.V. Meenakshi and Ranjan Ray. "Impact of Household Size and Family Composition on Poverty in Rural India". Journal of Policy Modeling (2002) Vol.II, Issue 6. https://socialpolicy.crawford.anu.edu.au/acde/asarc/pdf/papers/2000/WP2000_02.pdf



In migration destination areas, migrant children may face difficulty in comprehension due to language differences, misalignment between curriculum and discrimination.

5. Formal Financial Inclusion

Most migrants remain outside of the formal banking system since they do not have the required identification poof and documentation to access banking facilities. On the evening of 8 November, 2016 the Prime Minister of India, Modi announced an initiative to demonetize the economy of India by banning notes of Rs.500 and Rs.1000 with the stated aim of brining black money out of circulation.

Migrant workers have been deeply affected by this initiative since many are paid in cash and do not possess bank accounts. Others have lost their jobs due to the removal of high volumes of cash from circulation. Suhasini Ali, of the All India Democratic Women's' Association (AIDWA) has described the

impact of demonetization upon migrant workers as "reverse migration" as significant numbers of workers return to migration source areas.¹⁸

18. "AIDWA Chief Sees Reverse Migration" The Hindu. (2016) Retrieved from <http://www.thehindu.com/news/national/AIDWA-chief-sees-reverse-migration/article16801735.ece>

Ownership of cultivable land and agricultural work

Ownership of agricultural land varied significantly across research areas. For instance, among respondents interviewed in Ranchi, Jharkhand, 74 out of 86 reported possessing agricultural land. By contrast, among respondents interviewed in Kanpur, Uttar Pradesh, approximately 50 out of 596 migrants reported owning agricultural land.

Reported size of land holdings also differed widely among respondents. Respondents interviewed in Katihar, Bihar and Ranchi, Jharkhand reported owning less than one acre of land. Among all migrant respondents who reported holding agricultural land across all areas, land holding sizes varied from less than one acre to two acres. Respondents reported that these marginal landholdings do not provide sufficient agricultural yield to provide a viable means of household livelihood.

Migrants from all three states reported growing crops on agricultural land belonging to either themselves or others. Among respondents interviewed in Ranchi, Jharkhand, some respondents reported engaging in agricultural work on their land by themselves. Among respondents interviewed in Kanpur, Uttar Pradesh and Katihar, Bihar respondents also reported working on land leased to others and as share croppers.

Factors precipitating migration

The majority of migrant respondents (868) said that they migrated because of unemployment. 139 migrants reported natural calamities such as floods as a cause of migration. Migrants from Jharkhand also stated hunger and police brutality in the wake of anti-Maoist operations as reasons for migration. 99.7% of migrant respondents identified seeking basic employment as a pull factor for migration.

Reported patterns of employment and unemployment

Out of the 51 migrants interviewed in the destination district of Gurugram, only two owned shops (both of which failed). The rest reported being unemployed prior to migration. These respondents reported finding employment in Gurugram as construction workers, in garment industries or as security guards.

All 596 respondents interviewed in Kanpur, Uttar Pradesh reported that they were either unemployed or employed as construction workers prior to migrating. At the time of interview, many migrant respondents reported working in the leather and garment manufacturing industries. Respondents interviewed in Ranchi, Jharkhand and Katihar, Bihar, by contrast, reported working in daily wage agricultural labour and migrating to work in brick kilns, construction and factories.

Across states, migrants used the services of intermediaries to find employment in the destination centres and were not aware of any governmental support for migrants. They also added that migration was not monitored by the panchayats.

Access to eligibility documents, rights and entitlements

Ration Cards and access to food through public distribution systems

Only two migrant respondents of the 51 migrant respondents interviewed in the destination area of Gurugram had a ration card registered in this migration destination areas. All other migrant respondents who reported holding ration cards—including those interviewed in Katihar, Bihar, Kanpur, Uttar Pradesh and Ranch, Jharkhand—reported holding ration cards registered in migration sending areas (home states).

Despite having ration cards, most of the migrant

respondents said that they do not get ration throughout the year because of corruption. Among migrant respondents, the common reason for not having ration cards in the destination areas was because the ration card cannot be registered at two places under one person's name. When asked why they did not transfer the ration card in the place of origin to a non-migrant family member's name, most responded that they feared that their families at home might stop receiving rations. This suggests that respondents do not have a clear understanding of how to transfer ration cards to another household member and to another state. Reluctance to transfer ration cards among those who do understand procedures may reflect fear that any change might result in complete exclusion. Yet, despite having ration cards in the origin states most of the migrants said that they do not get ration throughout the year because of corruption.

Voter Identity Cards and exercise of the right to vote

The following percentages of migrants had voter identity cards registered in their origin states:

- 98.5% of respondents interviewed in Katihar, Bihar
- 86.7% of respondents interviewed in Ranchi, Jharkhand
- 89% of respondents interviewed in Kanpur, Uttar Pradesh
- 76.47 % of respondents interviewed in Gurugram, Haryana

Respondents interviewed in the districts of Kanpur Nagar and Unnao, Uttar Pradesh included mostly intra-state and inter-district migrants. Many of these respondents stated that they intentionally make it a point not to travel outside the state to work because they did not want to be far from their homes. These intra-state and inter-district migrants all reported returning to their villages to vote.

None of the migrant respondents, across target areas, who migrated across state borders reported traveling back to their origin states to vote.

Neither did they apply for the transfer of their Voter ID to the destination state. Respondents presented a variety of reasons for deciding not to transfer their Voter ID:

- Some said that the formalities to complete the transfer would take almost a year and they could not afford to waste time in this lengthy procedure since they lose their daily wages if they have to take leave to take care of all this paper work.
- Some said that transferring their Voter ID was not useful since the voter ID makes them eligible for the Indira Awas Yojana housing scheme and serves as identity proof to get a ration card in the source/origin state. Consequently, they fear that their names will get struck off the ration card list.
- A few did not know that transfer of the Voter ID card to the destination state was possible, because they had no information on this procedure. These respondents either did not know fully or did not want to take chances making changes, for fear of losing whatever benefit they were getting.

MGNREGA Job Cards

The following percentages of migrants reported holding MGNREGA job cards

- 71% of respondents interviewed in Katihar, Bihar
- approximately 80% of respondents interviewed in Ranchi, Jharkhand
- 5% of respondents interviewed in Kanpur, Uttar Pradesh
- 76.47 % of respondents interviewed in Gurugram, Haryana

Some respondents reported that they did not get paid for the work that they had done, indicating that either the income from MGNREGA was insufficient or that it is not being implemented properly.

Classification as Below Poverty Line (BPL)

The following percentages of migrants reported holding BPL cards:

- 78% of respondents interviewed in Katihar, Bihar
- 6% of respondents interviewed in Ranchi, Jharkhand
- 28% of respondents interviewed in Kanpur, Uttar Pradesh

However, many of the respondents across states claimed they were eligible for BPL status but reported that their applications were rejected either by the Village Headman or the government. For example, among migrant respondents in Kanpur, Uttar Pradesh, 225 migrants stated that they were unsuccessful in claiming BPL status even though they were eligible.

RSBY Health insurance for Below Poverty Line families

The RSBY entitles Below Poverty Line (BPL) families to health insurance. Only a minuscule number of respondents (6 out of 1251) had the smart card issued under this scheme. The overwhelming majority had no information about the existence of such a scheme and did not receive information on this scheme at the Panchayat level. The very few who had these cards said that they had never used them.

Access to education

Migrant respondents in FGDs across all areas largely reported migrating without their families. Brick kiln workers in Jharkhand, however, took their children along with them.

Most of the children of migrant workers, who stayed back went to government schools; and some attended madrasas (Muslim charitable schools) or missionary-run schools. Children who migrate with their parents face problems of securing admission because the time of admission (July) coincides with rice sowing in

the home state, when many of the migrant workers return home. Further during the rainy season, the demand for brick kiln work goes down in Jharkhand forcing migrants to return home. The difficulties in obtaining Transfer Certificates presents another obstacle in migrants' children securing admission in schools at their destination. Respondents reported that children continue to remain without schooling even when their parents come home.

Access to essential Public Services: LPG, Government Supplied Drinking Water and Electricity

Most of the migrants could not have access to Liquefied Petroleum Gas (LPG) in their origin states as they could not afford it, while a few had LPG in the destination state because the owners of their rented accommodation had gas connections.

Most of the migrants said that they did not have electricity in their home states as electricity connections were either not available or was in the process of being set up. Respondents from Jharkhand and Bihar mentioned that they either stole electricity or used kerosene lamps. None of them received government supplied drinking water in their home states while some did at the point of destination. Hand-pumps were the chief source of drinking water in their states of origin.

The responses unequivocally suggest that essential public infrastructure such as clean and efficient fuel, potable water and electricity are either not available in the home states or when available they are not within the economic reach of migrant families.

This study, despite being carried out on a small scale and not being based on a statistically significant sample, is important as our conversations with migrant workers across four states elicited information that overwhelmingly challenges the dominant narrative of inclusive development. The bulk of the migrants are victims of poverty and unemployment and belong to socially disadvantaged sections of the population. Migration is a coping mechanism for survival for the rural poor of India.

It is imperative that the government develop survey and census methodologies that accurately record migration flows and patterns as well as migrant populations in detail. This is particularly important for inter-state migration. As this study indicates, without proper enumeration, states have no record of its migrant population and its needs.

Migrants fall between the cracks and are almost invisible, even though they are citizens and residents of India. Proof of identity and residency are non-negotiable eligibility requirements for accessing entitlements and yet for migrants, this proof is made irrelevant by crossing of state borders. The new Aadhar card even does not solve this problem. Therefore, the government must develop portable and transferrable documentation proof mechanisms.

Entitlements, many of which are fundamental rights, need to be accessible without cumbersome entitlements that are impossible to obtain for migrants. Transferability of eligibility documentation proofs and the portability of entitlements across state borders is critical to ensure that fundamental rights of migrant workers and their families are not violated.

Disadvantaged and poor communities have little understanding of the entitlements system. On top of that they have little trust in a system that appears opaque, arbitrary and often unaccountable. It is telling that only a tiny fraction of the participants had RSBY cards and many did not know about it.

Migrants across the states did not know how to continue to have ration be delivered to family in source state and obtain ration for family in

destination state. As a result, we have huge numbers of poor families who suffer from extreme poverty and malnutrition, excluded from the PDS.

Migrants found the transfer of Voter ID to be impossible; and at the same time, without any mechanism for voting in their constituency from another state, they are disenfranchised completely. Our study of out-migrants from three of the very poor states of India - Bihar, Jharkhand, Uttar Pradesh and interviews with in-migrant workers in Gurugram in the suburb of the national capital clearly shows that migrant labour receives practically no state support. Either migrants and their families are not aware of these schemes or are not empowered to demand access to them. The study shows short-term labour migrants in circular migration patterns to be the most vulnerable section of the working poor, who have escaped governmental recognition and consequently stand denied of the most basic welfare benefits of the modern state.

Appendix 1: State-Specific Procedures For Obtaining A Ration Card

Haryana

Ration card procedure

- Applicant will apply in the prescribed form D-1 in the office of District Food and Supplies Controller/Assistant Food and Supplies Officer/ Inspector Food and Supplies in the jurisdiction in which the applicant's residence falls. These application forms are available in the office of District Food and Supplies Controller/ AFSO/IFS and on the official web-site of the department.
- Fee for APL ration card is Rs.10. BPL families are exempted from fee payment.
- The applicant will give an affidavit declaring that he has not got prepared any ration card anywhere in India earlier and name of the members of his family are not included in any of the ration cards.
- He/she will also declare his permanent address and also disclose his place/places of residence during the last five years.
- The Sub-Inspector/Inspector will verify the particulars by visiting the residence of the applicant and making necessary enquiries and he will also consult voter list/census record while making recommendation. After considering the recommendation, the DFSC/ AFSO/IFS will issue the ration card and paste one copy of family photograph on the same.

Time period

- 15 days for issuance of a new ration card.

Required documents

- Two attested group photographs of the applicant's family.
- Address Proof (Any One): Electricity bill, bank pass book, driving license, PAN card, Voter ID Card, Landline phone bill or Aadhar Card.
- Age Proof: Birth Certificate or Educational qualification certificate.
- Colour Code: APL- Green, BPL- Yellow, Antyodaya families- Pink.

Bihar

Ration card procedure

- The application form for making a new Ration Card can be obtained from any Circle Office/ S.D.O. Office. In the case where the applicant is unable to provide proof of residence, the Circle FSO/S.I./M.O. will conduct spot inquiries by recording the statements of two independent witnesses in the applicants neighbourhood.

Required documents

- Passport-sized photographs of the head of your family attested by a gazetted officer/MLA/MP/ Municipal Councillor.
- Address Proof (Any one): Voter ID card, recent electricity or water bill, receipt of property tax paid in the current year, LPG connection which should be in the name of the head of the family, PAN card, passport
- Proof of Date of Birth: Birth Certificate or Class 10 Pass Certificate
- Time Period: 15 days from date of submission.
- Colour Code: APL- Pink, BPL- Green and Antyodaya families- Yellow.

Jharkhand

Procedure

- The application for obtaining a ration card should be made to the Panchayat Pradhan or Block Supply Officer in rural areas, Assistant District Supply Officer / Marketing officer in Urban Slums and Rationing Officer/ Marketing Officer in rationing areas.
- The Food, Public Distribution & Consumer Affairs, Government of Jharkhand is the concerned department.
- The applicant shall submit the application for issuance of Ration card along with the required documents to Block Level Supply Officers in rural areas and Sub Divisional / District Level Supply Officer in urban areas.
- The applicant will be given a receipt for the application form and the date on which the applicant should collect the Ration Card.
- An inquiry officer will also verify other information regarding members, etc. given in

the application form. If everything is found in order, the Ration Card will be Alternately, the application will be rejected with reasons, and the information will be given to the applicant on the given date.

- For cards relating to BPL families the application is to be placed before the Gram Sabha. On the recommendation of Gram Sabha the application is to be sent to the concerned officer who will verify the contents of the application. The BPL ration card will then be issued under the limit fixed by the government.
- In the event of death and migration of any family member out of Union Territory for more than 3 months the name of the person should be deleted from the ration card.
- No fees is charged for ration cards irrespective of the category.

Documents Required

- Age Proof : Birth certificate or class 10 school certificate or school leaving certificate.
- Address Proof (Any two) : Electricity bill, bank pass book, driving license, PAN card, Voter ID Card or Landline phone bill, passport, driving license, Khatian and current rent receipt of land or Nagar Nigam House Hold tax receipt current.
- Colour Code: APL- Pink , BPL- Green , Antyodaya families- Yellow.

Uttar Pradesh

Procedure

- The applicant who is to be the head of the family should obtain the D1 form from the District Food and Supply /C.S.C Centre department. The applicant must disclose where he/she has been residing for the past 5 years. An inspector S.I/ J.V.PA/ A.R.O/ B.D.O will check and confirm the details provided by the applicant at by visiting his/her place of residence.

Documents Required

- An attested passport sized photograph of the applicant.
- Address Proof (any one) Water Bill, Electricity

Bill, Telephone Bill, Voter ID Card, Aadhar Card, Driving License, Passport, Bank Passbook.

- Time Period: Issuance from 12 days after submission of application form. The 12 days include the time taken for verification.
- Colour Code: Yellow for APL, White for BPL and Pink for Antyodaya families.

Appendix 2: Universal Procedures For Obtaining Identity Proof (Uniform Across States), Accessing Bank Accounts And RSBY Health Insurance

The Aadhar Card

Eligibility: Any person of the country who has resided for 182 days, one year prior to the date of application. Therefore, only a resident of India can apply.

Procedure: Biometric details of the applicant- photograph, finger print and an iris scan along with demographic details which include name, address and date of birth.

Uses of the Aadhar card: The 12 digit Aadhar number is used to verify the identity of the individual or used to verify identity when he/she procures subsidies or any government schemes service. The Aadhar card can be used in any part of the country.

Voter Identification Card

Eligibility: Any citizen of India above the age of 18 years.

Procedure: Applicant has to file the application for the purpose, in prescribed Form 6, before the Electoral Registration Officer / Assistant Electoral Registration Officer of the constituency within which the place of ordinary residence of the applicant falls.

Documents Required:

- One recent coloured passport size photograph.
- Proof of Age - Birth certificate, Class 5, 8 or 10 Mark sheet.
- Proof of Residence (Any One): Bank Passbook, Ration Card, Driving License, Passport, Income Tax Return, Electricity, Water, Telephone or Gas Connection Bill.

Know Your Customer Policy for Creating Bank Accounts

Documents Required:

- Recent Photograph
- Identity and Residential Proof: Aadhar Card, Driving License, Passport or MNREGA Card. A PAN Card acts only as an identity proof.
- If the applicant's present address differs from that given in the residential proof then the applicant has to provide valid proof of the new address.

Rashtriya Swasthya Bima Yojana Beneficiaries

- Below Poverty Line families (State governments prepare BPL lists from all the districts)
- Building and other construction workers registered with Welfare Boards
- MNREGA workers who have worked for more than 15 days during the preceding financial year
- Licensed Railway Porters
- Street Vendors
- Beedi Workers
- Domestic Workers
- Sanitation Workers
- Mine Workers
- Rickshaw Pullers
- Rag Pickers
- Taxi/ Auto Drivers

Procedure

- Eligible family has to visit the enrolment station which are set up at local centres i.e government schools in each village.
- An enrolment schedule for each village along with dates is prepared by the insurance company with the help of the district level officials. As per the schedule, the BPL list is posted in each village at enrolment station and prominent places prior to the enrolment and the date and location of the enrolment in the village is to be publicised in advance.
- The identity of the household is confirmed by

the authorised official.

- The applicant at the enrolment station has to provide one photograph of the head of the household, one photograph of the family and finger print of each of five members of a listed beneficiary household at the enrolment centres.
- Biometric smart cards are then given to the beneficiary family.
- Registration fee is of Rs. 30.

Features

- RSBY extends to five members of a family: Head of the household, spouse and up to 3 dependents.
- Beneficiaries are entitled to upto to Rs. 30,000 if their illness requires hospitalization.
- The benefits available are part of a defined disease package list.
- Transport expenses of Rs. 100/- per hospitalisation will also be paid to the beneficiary subject to a maximum of Rs. 1000/- per year per family.
- A beneficiary who has been enrolled in a particular district will be able to use his/ her smart card in any RSBY empanelled hospital across India.
- Cards can also be split for migrant workers to carry a share of the coverage with them separately.
- Central and State Governments pay the premium as per their sharing ratio to the insurer selected by the State Government on the basis of a competitive bidding.
- State Government sets up a State Nodal Agency (SNA) that is responsible for implementing, monitoring supervision and part-financing of the scheme by coordinating with Insurance Company, Hospital, District Authorities and other local stake holders.
- State Governments through a competitive public bidding process selects a public or private insurance company licensed to provide health insurance by the Insurance Regulatory Development Authority (IRDA) or enabled by a Central legislation.
- After the insurance company is selected, they need to empanel both public and private

health care providers in the project and nearby districts.

- It is the responsibility of the insurer to empanel enough hospitals in the district so that beneficiaries do not have to travel long distances to get health care services.
- For empanelment of the public hospitals, the insurer has to coordinate with the respective health department of the state.
- The insurer must also provide a list of RSBY empanelled hospitals, to the beneficiaries at the time of enrolment.



Society for Labour & Development

www.sld-india.org

Migrant Rights Centre - UP

249/3 Shastri Nagar,
Kanpur - 208005
9336782707
9305674035

Migrant Rights Centre - Bihar

Opposite PWIB,
Near Women's Police Station,
Mirchaibari, Katihar
Bihar
9973643001

**Migrant Rights Centre -
Jharkhand**

Office No. 2, Suneet Ghosh
Mansion,
7 Jagat Pal Street, Near
Civil Court
Ranchi, Jharkhand 834001
9532651532
7379393876

**Migrant Rights Centre -
Haryana**

Plot no. 417
Near Vishal Mart (Hanuman
Mandir)
Dundahera, Old Delhi-Gur-
gaon Road
Gurgaon, Haryana
9654766904
9716000704