



Social security and welfare of migrant workers in India: a situational analysis

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Received 21 Nov 2022; Accepted 2 Jan 2023; Published 11 Jan 2023

Abstract

In India as per the Census 2011 around 90% of the workforce is in the unorganized sector and most of them are the migrant workers. Census 2011 estimates that 456 million migrants exist in the country out of which 41.4 million migrant workers work as the reason for migration. The Labour migration is an important factor in these changing demographics in India. Migration is not new in India whether it is Internal or international. But unfortunately, there is no integrated and inclusive policy for addressing the issues of migrant workers especially security and welfare. However, the COVID-19 and its effects on migrant workers across the country have stressed the realization of the migrants and their contribution to the Indian economy. Social security and welfare of this productive population of the country is totally neglected especially during pandemic as well. Absence of basic amenities and lack of social security of migrant workers are the serious concerns about their vulnerability. There is Lack of awareness about the existing legislative, welfare and social security measures among the migrant workers. Therefore, there is an urgent need to take a serious call on the issues and welfare of migrant workers since they are major contributors for the nation's development. This manuscript is based on secondary data, analyse the situation of migrant workers and examines the government initiatives in terms of social security and welfare programmes and elaborates the roles of local stakeholders in addressing the issues of social security and welfare of the migrant workers in the constitutional framework.

Keywords: social security, welfare, migrant workers, covid-19, situational analysis

Introduction

The Indian constitution has given fundamental rights and guarantees of freedom and movement for all its citizens. The main fundamental principles of the constitution under Article 19(1) d & e says that free migration for all citizens is the constitutional right to move one place to another across India and settle down any part of the country. Constitutional Article 15 clearly says that there should be no discrimination on the ground of place of birth and Article 16 indicates that everyone should have right to get equal opportunity for all citizens in terms of public employment and prohibits the denial access to public employment on the ground of place of birth or residence. Labour migration is a significance aspect that leads to the economic development of a nation. Migrant workers are the backbone of the Indian economy and contribute to development of Indian infrastructure in terms of roads, buildings, basic amenities etc. These population consists of 456 million 41.1 migrant workers as the reason for migration. Migrant workers help the nation to lead human development and contributes to the Indian economy indirectly. But unfortunately, these valuable human treasures of the nation face many problems and difficulties in getting basic fundamental needs of life and also social security and welfare is one of the issues of migrant workers need to address on priority basis since these assets of the nation are a significance contributor for development of our nation.

The existence scenario of migrants in terms of welfare and social protection seen to be inappropriate and negligible. Most of the unorganized workers come from the various parts of the

nation as a migrant for livelihood and stay in unsafe conditions without having proper accommodation, basic necessities and limited access to public services which leads to social exclusion of migrant workers across the country since they are major stakeholders of building the nation. Social Security and Welfare of the migrant workers are negligible part of respective state and central governments. Most of the migrant workers do not have knowledge about the government efforts about social protection and welfare schemes made for them. It is a prime responsibility of both government system at state and central level to pay serious attention to this concern with proper and hurdle free access of public welfare services, schemes and social security. Social Security and Wellbeing is a human right of every citizen including migrant workers who are excluded from equal access to this provisions. These is the collective responsibility of all functionaries to integration of these nation assets on priority basis by providing them their fundamental rights as per constitutional framework as an Indian citizen.

Review of migrant workers in India

According to ILO, Social Security is a fundamental social right legally guaranteed to all human beings who are works as organized as well as unorganized sector. Preamble of the constitution of ILO promotes the protection of all kinds of worker whether its seasonable, daily labour, permanent, temporary and migrant workers in terms of their employment, pension, sickness, injury out of employment or within the employment and protection of workers interest who are employed in various parts of country. Therefore, the right to

social security was recognized by UN General Assembly during adoption of United Declaration of Human Rights. Its fundamental right of every member of the society to get proper access of social security and wellbeing.

As per the ILO- World Labour Report-2000, the expenditure on Social Security in India was 1.8% in 1996. In other countries it was more than India like Sri Lanka expenditure on social security was 4.7%, Malaysia 2.9% and China 3.6%, Argentina 12.4% and Brazil it was 12.2% in the year 1996. In comparison to other countries our expenditure on social security is very less.

According to Asian Development Bank Report 2013, Expenditure on Social Security in India was 1.7% of GDP which excluding health aspect. For lower middle-income countries of Asia was 3.4% in 2015 it was fallen to 1.3%. Comparison to India with Vietnam expenditure on Social Security was 2%, Sri Lanka 5.6% and China spent 5.7%.

According to Economic Survey 2017, indicates that less developed state has high level of out migration and states more developed have high level of In-Migration. As per census 2011 Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh states are near by 50% of the total out-migration in country. Other major out-migrating states are Jharkhand, Uttarakhand, J&K, and West Bengal.

UNDP 2018, indicates the migrate sending states and Poverty index. It is observed that in India some states having double percentage of pollution comes under severe poverty states. This states includes Assam 12.1%, Bihar 22.1%, Madhya Pradesh 12.8%, Jharkhand 15.1%, Meghalaya 11.1%, Rajasthan 11.1%, and Uttar Pradesh 13.8%. All these states are migrant sending states.

Bhagat 2012, states that in India migrant workers are not consider as an economic backbones of country and they are not treated as an important asset and policies and programmes are no on place to inclusiveness of migrant workers in the process of holistic development.

Manas 2018, Migrant works in our country are far behind from the social security and welfare programmes. Lack political will welfare and development of migrant workers remained challenge in our country. It is necessary to design innovative strategies that can strengthen the participation of migrant workers in social protection programmes.

S.N Roy 2017, stated that social protection and benefits are not extended properly to migrant and constructed workers in many states in India.

As per the Government of India’s Report of the Working Group on Migration 2017 [7], migrants are exposed to health risks including communicable diseases like malaria and 14 tuberculosis. They are also exposed to occupational health hazards such as respiratory problems, lung diseases, allergies, kidney and bladder infections, back problems and malnutrition. According to policy response report of Social And Economic Integration Of Migrant Labour, social security measures for interstate migrant workers in India is limited While many countries across the world have introduced social security programmes to assist the vulnerable transnational and internal migrants.

Report by Ursula Kulke, ILO, Geneva, entitled “Filling the Gap

of Social Security for Migrant Workers: ILO’s Strategy” stated that the necessity of ensuring social security protection to migrant workers. Social security benefits can form an important part of the remittances which are sent to migrant workers’ countries of origin and which have been recognized by the world community as significant tools for development, emphasises the significance of social security rights for migrant workers from an economic perspective.

Data and method

The present manuscript is analytical and descriptive in nature based on secondary sources of information. Secondary data of migrant workers and social security have been gathered from the various sources like, census, NSSO, government reports, ministry of labour and employment, research papers, articles and related literature. The main aim of this manuscript is to analyse the situation of migrant workers and examines the government initiatives in terms of social security and welfare programmes and elaborates the roles of local stakeholders in addressing the issues of social security and welfare of the migrant workers in the constitutional framework.

Sustainable Development Goals (SDGS) and migration

Sustainable Development in relation to migration emphasised on SGDs in Goal 8 and Goal 17 as per given table.

Table 1: SDG Indicators of migration

Target Indicators	Description
Target Indicator Goal 8	Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work
Target Indicator 8.8	Protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment ratification and implementation of fundamental ILO labour standard and compliance in law and practice.
SDG -17	Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.
Target 17.3	Mobilize additional financial resources for developing countries from multiple sources.

Constitutional and legal safeguard for migrants

The rights of migrant workers have been protected in the Indian constitution and there is legal safeguard to protect the interest of the migrant workers which leads the dignified life of the migrant workers. Millions of migrant workers move from one place to another place within India, but unfortunately the safety net which has been given by the constitution goes missing. Government has taken many initiatives and made the legal framework to protect migrant interests in terms of their quality of life, social security, welfare and decent work but due to lack of coordination between state and central migrants left behind all these fundamental rights which they deserve in the constitutional framework. Detailed constitutional provisions have been given in the table.

Table 2: Constitutional Safe Guard for Migrants in India

Article 14	Indian constitution clearly indicates under article 14 is that everyone is equal before the law
Article 15	No discrimination of any Indian Citizen on the ground of race, religion, caste, class, colour and place of birth.
Article 16	Everyone has right of equal opportunity right of equal opportunity for employment.
Article 19 1 (c)	Right to form associations and unions.
Article 21	Protection of Life and Personal Liberty
Article 21 A	Free and Compulsory education to all children under the age group of 6-14.
Article 23	Prohibition of Human Trafficking and forced labour
Article 24	Prohibition of child labour in any establishment, factory or mining or any other hazardous work.
Article 38(1)	Welfare of the people by securing and protecting social order for the wellbeing of all people.
Article 39(d)	Indian constitution provides that the state should strive to ensure equal pay for equal work for both genders.
Article 41	Indian Constitution ensure the right to work for its citizens through MGNREGA.
Article 42	Indian constitution secure just and human working conditions and for maternity provision for women workers.
Article 43	Right to a living wage and good working conditions and standard of life.
Article 43 A	Right to participation of workers in the management or other organizations.
Legal Safe Guard for Migrant Workers	
ISMWA-1979	Interstate Migrant Workmen Act 1979 was amendment in 2017 and now it's known as Inter-State Migrant Workmen (Regulation of Employment and Condition of Services) Act 2017 which provides the mandatory provisions for labour contractor to register migrant workers with government authority, get licence, provide passbook to migrant workers, provide appropriate wage, accommodation, medical facility and other social security to be provide by concern contractor.
Unorganized Workers Social Security Act-2008	Provides for social security and welfare of unorganized workers.
Maternity (Amendment) Bill 2017	26 weeks of paid maternity leave to women employees who have worked in an establishment for at least 80 days in past 12 months
MGNREGA	100 days of guaranteed employment in every financial year to unskilled workers of rural India.

COVID and migrant workers

The COVID-19 has highlighted specific attention on the situation and condition of migrant workers in India very closely. During the pandemic India knew the real problems and situation of migrant workers. As per the census nearby 454 million migrant workers exist in India. Since 2001-2011 around 140 million migrants have been increased around the nation. During 1991-2001 this number was just 82 million, it raised up to 232 million in 1991 and 314 million in 2001. Trends of migrant workers have been changing since 1991-2011, it is observed that the number of migrant workers will be increased to 600 million in 2020. Out of which one third of internal migrants are interdistrict and interstate its numbers go around 200 million. 140 million migrant workers are involved in temporary, casual and informal employment and this leads them to be vulnerable and exploited.

The pandemic and lockdown have badly impacted on migrant workers. Large number of migrant workers have been pushed

into unsafe and insecure situations by our system. With no any alternative arrangement, transport to reach their local towns, many of migrant workers preferred to go by walking to reach their native places. During the journey they faced many difficulties from local administration even though they were not allowed to walk from main roads and cross the borders. Many of migrant workers took railway tracks to reach their destination and lost their lives. We witnessed it was really very terrible and inhuman to migrant workers during this pandemic. The lack of planning and ineffective response from the central and state authority the migrant workers suffered much. One of the fast-growing sectors known as the construction sector was worst hit during the pandemic. According to NSSO 2016-2017 there are 74 million workers in the construction sector and almost all these workers are migrant from different parts of the country. There are some Social Security and Welfare measures have been initiated by government during COVID-19:

Table 3: Government Initiatives

Schemes	Benefits
Atmanirbhar Bharat Rozgar Yojana (ABRY),	Crediting Rs.2583 cores in EPF accounts
Pradhan Mantri Garib Kalyan Yojana (PMGKY)	Rs.2567 cores to retain 38.91 lakh low wage employees
Building & other Construction Workers (BOCW)	Financial assistance of Rs.7413 cores
Atal Beemit Vyakti Kalyan Yojana (ABVKY)	Unemployment benefit
Targeted Public Distribution System (TPDS)	Free food grain of 5 kg per person per month
Pradhan Mantri Kaushal Vikas Yojana (PMKVY)	As a part of Garib Kalyan Rojgar Abhiyaan (GKRA) in the districts having high concentration of returnee migrants.

Table 4: Return migration in their home state during pandemic

Sr. No.	Name of the State	Number of migrants who returned their Home Town State
1	Andhra Pradesh	32,571
2	Andaman and Nicobar	4,960
3	Arunachal Pradesh	2,871
4	Assam	4,26,441

5	Bihar	15,00,612
6	Chandigarh	39,230
7	Chhattisgarh	5,26,900
8	Dara Nagar Haveli	43,747
9	Delhi	2,047
10	Goa	85,620
11	Gujarat	0
12	Haryana	1,289
13	Himachal Pradesh	18,652
14	Jammu and Kashmir	48,780
15	Jharkhand	5,30,047
16	Karnataka	1,34,438
17	Kerala	3,11,124
18	Ladakh	50
19	Lakshadweep	456
20	Madhya Pradesh	7,53,581
21	Maharashtra	182,990
22	Manipur	12,338
23	Meghalaya	4,266
24	Mizoram	8,446
25	Nagaland	11,750
26	Odisha	8,53,777
27	Pondicherry	1,694
28	Punjab	5,15,642
29	Rajasthan	13,08,130
30	Sikkim	33,015
31	Tamilnadu	72,145
32	Telangana	37,050
33	Tripura	34,247
34	Uttar Pradesh	32,49,638
35	Uttarakhand	1,97,128
36	West Bengal	13,84,693
	Total	1,14,30,968

Source: Ministry of State for Labour and Employment

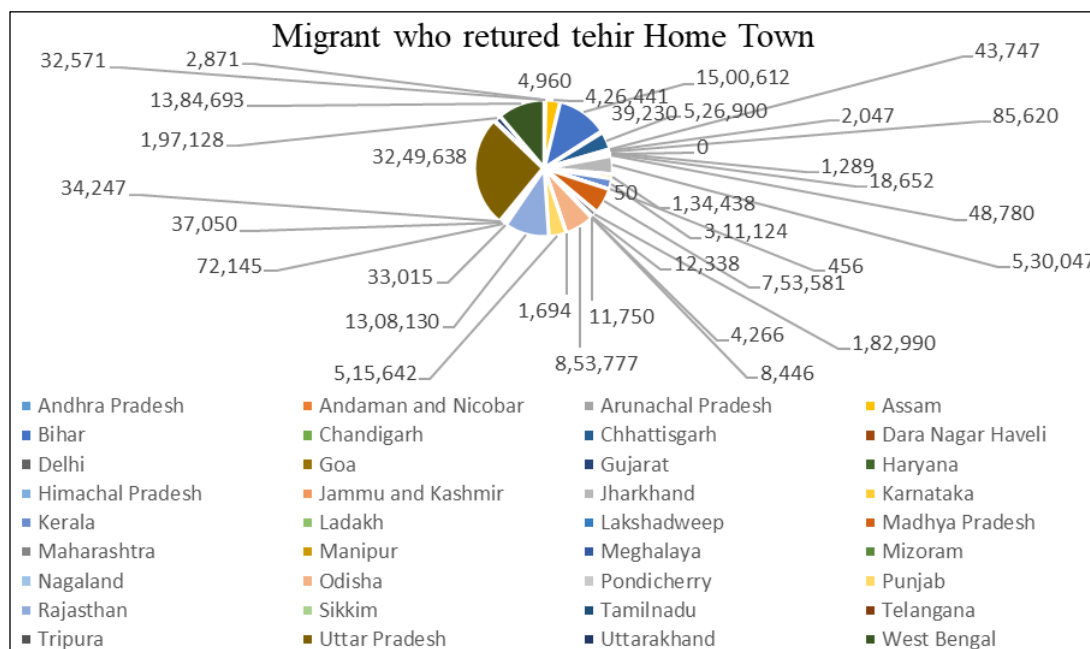


Fig 1

Legal safeguard for construction workers

The Building and Other Construction Workers Cess Act and the Building and other construction workers (Regulation of Employment and Conditions of Service) Act, were constituted in 1996 to address the issues of welfare and development of construction workers. This legislation provides safeguard in www.dzarc.com/social

employment and condition of service, safety and health measures for the construction workers through state welfare boards constituted at the state level. Under section 22 of this legislation provides provisions of medical assistance, maternity benefits for women workers, accident cover, and pension, educational assistance for

children, assistance of family members in case of death, group insurance, loans, funeral assistance and marriage assistance for children of construction workers. For this purpose every state has to raise capital under the worker welfare board as per the legislative provisions and it has to use for overall welfare of construction workers and their families. But there are many

issues and shortcomings in terms of collecting cess and spending money on welfare of workers. Even there are many loopholes to registration of workers there is mismatch figures of total numbers of construction workers registered in the state worker welfare board.

Table 6: Statistical details of construction workers registration

States	Construction workers (in million) 2017-2018	Number of registered workers (million)		Ratio %	Difference	% Change
		2017	2019			
Andhra Pradesh	4.15	1.73	1.82	41.7	0.1	5.0
Assam	1.08	0.12	0.25	10.8	0.1	114.5
Bihar	4.47	0.83	1.24	18.5	0.4	49.6
Chhattisgarh	1.25	1.38	1.94	110.3	0.6	40.7
Gujarat	1.50	0.60	0.65	39.9	0.1	9.3
Haryana	1.10	0.73	0.86	66.1	0.1	17.3
Jharkhand	1.95	0.71	0.80	36.4	0.1	12.0
Karnataka	2.08	1.16	1.54	55.6	0.4	33.5
Kerala	2.53	1.46	1.53	62.3	0.1	4.2
Madhya Pradesh	3.69	2.92	3.10	79.1	0.2	6.1
Maharashtra	2.84	0.66	1.61	23.4	0.9	142.5
Odisha	2.66	1.85	2.72	69.4	0.9	47.1
Punjab	1.35	0.64	0.87	47.0	0.2	36.5
Rajasthan	3.76	1.81	2.22	48.3	0.4	22.6
Tamil Nadu	4.43	2.79	2.83	63.0	0.0	13
Uttar Pradesh	8.67	3.61	4.86	41.6	1.2	34.6
Uttarakhand	0.35	0.16	0.23	46.9	0.1	42.2
West Bengal	4.27	3.08	3.10	72.2	0.0	0.7
Delhi	0.44	0.50	0.54	113.4	0.0	7.7
All India	54.48	28.6	34.86	52.5	6.2	21.8

Source: Ministry of Labour and Employment 2017 and Lok Sabha Untarred Question No.1284, November 2019

The above table depicts state wise construction worker registration from 2017 to 2019. It is observed that most of the construction workers are unable to avail welfare benefits because of non-registration and its figures goes to around 20 million construction workers. The registration rate is also very low as per data reflected in above table it shows that hardly 52.5% of construction workers were registered in 2017. In Maharashtra, Gujarat, Jharkhand and Uttar Pradesh states registration rates of construction workers is lower than national average. Delhi and Chhattisgarh reported higher percentage of registration of Construction workers. It is essential to take serious calls on registration of construction workers with the welfare board in respective states by concern authority to make avail of welfare and social security measures for these workers.

Table 7: Details of cess collected and spent on workers

Sr. No.	Name of the State	Amount of Cess Collected (in crore)	Amount Spent (in crore)
1	Andhra Pradesh	2374.71	519.17
2	Arunachal Pradesh	120.36	115.16
3	Assam	874.78	188.62
4	Bihar	1608	229.41
5	Chhattisgarh	1133.9	949.46
6	Goa	147.46	1.22
7	Gujarat	2097.62	197.19
8	Haryana	2462.76	606.01
9	Himachal Pradesh	692.01	96.33
10	Jammu and Kashmir	711.53	301.97

11	Jharkhand	444.91	236.81
12	Karnataka	5071.04	4519.52
13	Kerala	1942.27	2341.02
14	Madhya Pradesh	2705.95	1554.69
15	Maharashtra	7402.15	402.57
16	Manipur	89.19	74.35
17	Meghalaya	131.79	3.38
18	Mizoram	85.19	39.51
19	Nagaland	42.8	13.17
20	Odisha	1830.88	1418.44
21	Punjab	1318.77	708.75
22	Rajasthan	2250.02	1253.71
23	Sikkim	100.21	29.27
24	Tamil Nadu	2957.3	787.04
25	Telangana	1210.12	262.92
26	Tripura	170.72	22.618
27	Uttar Pradesh	4762	1289.35
28	Uttarakhand	251.11	68.39
29	West Bengal	2138.53	956.75
30	Delhi	2189.74	206.38
31	Andaman and N Iceland	70.23	11.63
32	Chandigarh	110.51	9.95
33	Dadra and Nagar Haveli	29.61	0.0044
34	Daman and Diu	37.17	0.57
35	Lakshadweep	9.02	0
36	Puduchery	100.16	63.92
	Total	49674.52	19379.25

Source: Ministry of Labour and Employment (2019): Lok Sabha unstirred question 278 Lok Sabha, New Delhi <http://164.100.24.220/loksabhaquestions/annex/171/AU278.pdf>

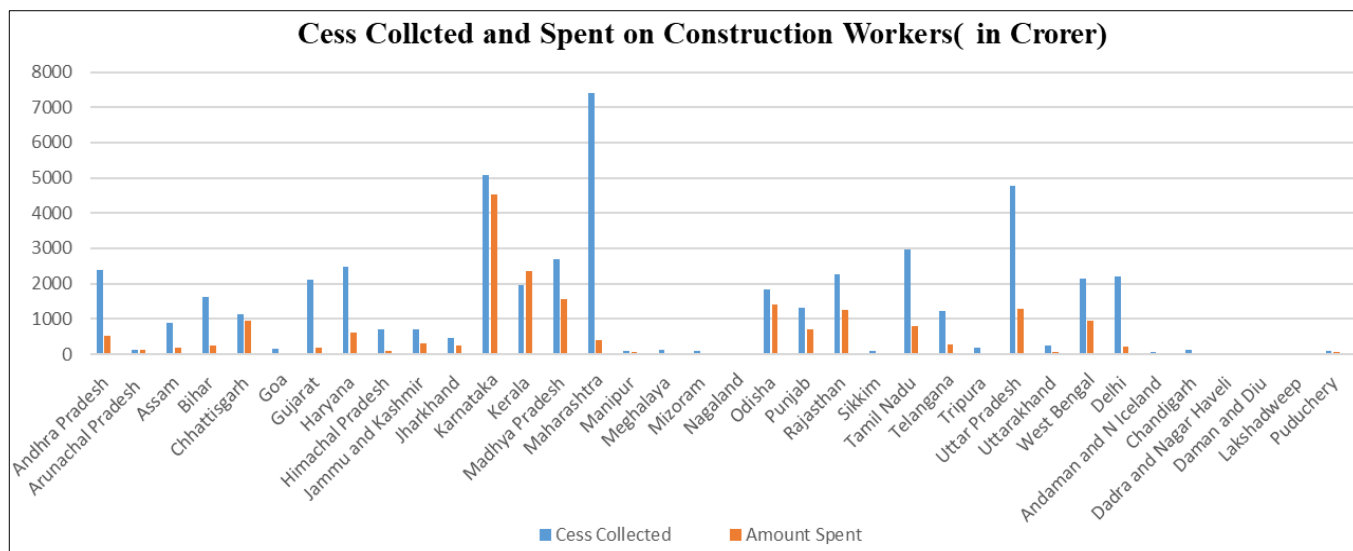


Fig 2

Above table and chart indicates that most of the states have collected cess amount but not spent the entire amount on construction workers. In 2019, the states of Kerala and Bihar have collected 3.9% and 3.24 % of the cess amount. Karnataka and Maharashtra have collected cess amount around 10% and 15% respectively. In spite of the collection of large amounts of cess, the state of Maharashtra spent only 5.4%. Kerala spent 120%, Karnataka 89%, Chhattisgarh 84%, Madhya Pradesh 54%, Rajasthan 55%, Odisha 77%, Punjab 54% and West Bengal 45 % are the highest spending amount of cess on construction workers and which is more than the national average.

Therefore, it's a responsibility of concern to the state government to make sure that the collected amount of cess is properly and timely spent on workers welfare. This is the need of hours to see proper utilization of collected amounts for welfare of the workers through respective CWWB.

Need to develop micro and macro approach

Migrants are the important asset of a nation and need to be protected their fundamental rights by providing them welfare and social security. Therefore, there is an urgent need to develop a micro to macro level approach to address the issues and concerns of migrants. Micro intervention strategy can lead to identifying the local migrant workers to provide and link them with various welfare and development programmes. Comprehensive micro and macro approach can be helpful to strengthening the migrants with appropriate access of the services in terms of welfare and social protection. It also helps to provide assistance to migrant workers in order to establish a supportive network system. Through this approach family related issues, their children's issues, amenities and fundamental rights can be addressed and can be resolved on priority basis in consultation with respective local administration and service organizations. Macro approach for migrant workers can help to create the supportive and accessible network which can lead development of social programmes and policies for the migrant workers. Various barriers also can be reviewed at policy and departmental level to address the day today problems of the migrant workers. Migrant status, security, social protection and human rights can

be addressed comprehensively with a macro approach for inclusive and holistic development of the migrant workers.

Conclusion

The side line of migrant workers in order to their development and welfare has been continuing since long time. Still our government system hasn't proper data of migrant workers that how many migrant workers exist and work out form their origin place of birth. Almost all the authority in urban contexts and owner and employer of establishments takes migrant workers very causally without bothering about their quality of life and social protection of their families and children. Migrants get minimum facilities and security for their restless work since its legislative mandate to protect interest of migrant workers but still migrants are left behind from all the constitutional entitlements. Negligence of migrant workers we have seen during the pandemic. The COVID-19 has given real picture and view how the migrants were neglected from their fundamental rights. How they have done compromising with their dignity and life. We as a society and our system have failed to protect the right and dignity of this valuable asset of the nation which works and contributes tirelessly for nation building. It's time to rethink about migrants and their development. We need to develop a collective and Working Together Approach towards inclusiveness of migrant workers across the country. We have to consider the migrants as the important asset of our nation and boast of the Indian Economy. Let's talk about Integration of Migrants with Proper Welfare and Security.

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