



Studies, Stories and a Canvas

Seasonal Labor Migration and Migrant Workers from Odisha

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July, 2014

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Center for Migration and Labor Solutions (CMLS)



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As grasshoppers spread over the canvas of India's vast informal labor economy, what we hear and see on the ground working with migrant millions, and what touches the core of our souls must be told, must be shared.

Putting together this report has been an immensely enriching and important task for those involved in researching, scripting and finalizing its contents. In their scope, these studies will probably just manage to nudge ajar the door to the arduous world of Odisha migrant workers. However in their intent the studies will serve to inform direct work with migrant workers, policy support for improved state response and several future research agendas.

With inputs from Odisha's field organisations and researchers, the CMLS team has put together three study reports and a guest article in this collection.

The first study is an attempt to map seasonal migration trends from two large regions of Odisha – Coastal and Western. The study leverages primary field level data, collected by civil society organizations in course of serving migrant communities. The aggregation and analysis of this data across regions offers rich insights into the incidence and patterns of labor mobility from and within Odisha. The methodology pursued in the study is an outcome of rich and extended discussions within civil society organizations working on migration and the authors expect that the endeavor could well contribute to an alternate approach for assessment of seasonal migration in India.

The second study is an ethnographic exploration of the nature of work disputes and vagaries faced by seasonal migrant workers from Odisha. With the help of stories of individuals in distress, condemned to a life of indigence and 'inverted dreams', it brings to us the failings of the migrant labor markets and the inability of the legislative systems to provide redress. The study also documents the impact that NGO interventions meant to provide legal aid and spread awareness on work entitlements are having on ground and calls for an expansion of this work.

The third study on health and well-being of migrant workers unravels the under-researched area of health concerns of the working poor, engaged in hard, manual labor caught in highly repressive living settings. As a first, the study justifiably articulates how any exploration of, or response to health concerns for migrant workers will need to be located in their social life and work context, and cannot be limited to an analysis of ailments alone. The study does a firsthand diagnosis of the case of Odiya workers employed in the power looms of Surat and suggests further steps for remedial action, both at policy and implementation levels.

The last article is a guest contribution, from Mr. Umi Daniel, Regional Head – Migration, Aide et Action, and it skillfully analyses the current state of the labor market and governmental response to migration from Odisha. Mr. Umi Daniel has been a forceful voice for migrants of Odisha and has contributed immensely to the growing migration discourse at the state and national level. Using his wide experience of working with the civil society and government agencies across states in Odisha and Andhra Pradesh, the article proposes a framework for moving forward in creating a solid policy response.

As such research on seasonal migration of labor in India continues to be limited. Research that balances hard evidence with rich qualitative insights and that brings out workers' vulnerability and informs both policy and action is rarer. The string of studies presented in this compilation by the CMLS (Center for Migration and Labor Solutions) team hopes to provide a wealth of information on seasonal migration from Odisha, one of the largest labor exporters within India. It is an outcome of a year-long effort by a collective of civil society organizations and aims to add to a richer narrative on migration.

We would like to thank sir Dorabji Tata Trust for their generous support in implementation of these studies. The active participation of the Urban Poverty Portfolio team especially Ms. Poornima Dore and Mr. Pradyut Bag has been valuable in the successful completion of these studies. The CMLS team is particularly grateful to all the civil society organizations in Odisha who were active participants in these studies. The accounts presented here have benefited appreciably from their grounded presence in different geographies of Odisha – Adhikar in Surat, Gram-Utthan in Kendrapada, Pratikar in Bhubaneswar, PARDA in Nuapada, Debadatta Club in Bargarh, Youth Council for Development Alternatives (YCDA) in Boudh, Madhyam Foundation in Nayagarh, Udyama in Balangir, KARMI in Kalahandi, and Darbar Sahitya Sansad in Puri. To aid the development of this profile, two consultations were organized on 22nd February and 22nd March, 2013 in Bhubaneswar, Odisha with these organizations. These workshops were instrumental in selection of research topics, design of the research methodology and the course of research implementation.

The research team is thankful to Aide et action, in particular Mr. Umi Daniel for his valuable comments and insights in preparations of the study reports. Special thanks are due to SOVA in Koraput for sharing their experiences with the research team in course of the study. The finalization of the reports has also benefitted considerably from inputs of Mr. Benoy Peter, Migration Specialist, Elon Gilbert and Dr. Pavitra Mohan, Director (Health Services) Aajeevika Bureau.

The exercise, however, is far from complete. This synthesis of field observations and thematic studies is meant to serve as building blocks of a comprehensive account on Odisha's seasonal migration. We hope that these studies will inspire further research both from the civil society and the academia and lend the required impetus for drafting of suitable institutional responses, services and solutions for the migrant labor communities in Odisha and in the many states that its people contribute their hard labour.



Rajiv Khandelwal
Director, Aajeevika Bureau
Udaipur
July, 2014

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Migration Trends from Coastal and Western Odisha

A Study of Migration Incidence and Issues



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KARMI


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1.1 Background

“In the first half of the 1990s, there were just around three or four buses a day from Khariar in Nuapada district of Orissa to Raipur in Chhattisgarh. Now there are 11. Earlier, these buses mostly set out from Bhawanipatna (Kalahandi district headquarters) and went via Khariar to Raipur. Today they start out from more towns and reach much smaller places en route to pick up work-seekers”

P. Sainath, The Hindu (2011)

In the decade of the 1990s, as the agrarian crisis in India intensified, migration of rural populations for work rapidly emerged as a major source of rural livelihood. The rising inequality across regions gave rise to new migration corridors and *“the human flow became a flood”* (The Hindu, 2011). Odisha, counted among one of the most backward states in the country has emerged as a key labour sending region with migrant streams spreading across all parts of India. *“What is there to stay for? In this region you migrate when you're weaned off breast milk”*, (Sainath, 2009) says an Odiya worker from Lathipada who has been working in the power looms of Surat. However, the nature of migration and its outcomes are far from rewarding for the rural households. This new stream of migrants is dominated by unskilled, casual labour devoid of social protection, recruited through informal channels, and works in the informal economy under highly exploitative contracts; several of which reportedly end up in bondage.

The contribution of migration in sustaining rural livelihoods in Odisha, cannot be denied. With declining agricultural incomes and inability of rural households to sustain with farming alone, the countryside in Odisha is witnessing an emergence of what one can term “migrarian” livelihoods – where migration and agriculture form the major providers, accounting for more than 55-60 per cent of the annual incomes. NSS data shows that the dependence on domestic remittances has risen most strikingly in Odisha since the 1990s (Tumbe, 2010). In 2007-08, rural Odisha received 14.25 billion dollar in domestic remittances, 6th highest in the country (ibid). The policy prescriptions on livelihoods, on the contrary, do not account for migration as a significant contributor to rural incomes. If anything, lack of a policy stand on internal migration and poor safeguards for labor interests have given way to a perverse migrant labor economy thriving on abundant and unregulated access to cheap rural labour from Odisha, easily recruited, circulated and cast away at will.

An informed response to the failures of the migrant labor economy would require an estimate of the total numbers affected by migration and its patterns, particularly during instances of severe distress. Several Odiya families in the villages surveyed during this study lament the loss of their young men who went “missing” after having migrated to Kerala, Karnataka and Tamil Nadu. Families with migrant workers who perished or suffered extensive damage during the Gujarat earthquake of 2001 were hardly covered by relief efforts (Mahadevia, 2002) in the absence of any concrete record of their movement to Gujarat. Several of the affected families had no choice but to return to their villages leaving behind their livelihood and possessions (ibid). Unfortunately, there is no account of seasonal labor movement at any level of governance in India. Even the smallest unit of administration – the village Panchayats or the city municipalities – does not have records on the number of migrants they send or receive. India's statistical systems informed by the Census and the NSS are also unable to provide a reasonable estimate of number

of seasonal migrants. Notably, a wide variation in migration cycles, corridors and an ever-changing nature of labor circulation makes the task of defining seasonal migration difficult in India.

In the last few years some dedicated attempts have been made by civil society organizations in Odisha to frame a suitable response to the rising labor migration from the state. As an endeavor to put together a systematic response to internal migration, these NGOs have undertaken extensive primary data collection on migration patterns in their operational areas. This report is a synthesis of this primary evidence on seasonal migration collected by a group of 8 civil society organizations from Odisha. It aims to initiate an alternative narrative on labor migration, based on hard facts and rooted insights of field based organizations. It needs to be noted that these interventions are focused on serving the more vulnerable among the migrant communities, and the data primarily pertains to migrants undertaking short term jobs in the informal economy without any social protection. We shall elaborate more on the methodological aspects in the later sections.

The report is divided into seven sections. In the background, the report looks at the livelihood scenario of Odisha and the socio-demographic context laying a ground for increasing rates of migration, the secondary statistics on migration, as captured by NSS and rationale behind the report. Section II elaborates on the research methodology pursued for data collection and analysis. Section III, IV, V and VI form the main body of the report elaborating on the findings from the primary survey on rate of migration, trends in labor movement across major corridors and key work sectors employing migrant workers. Section VII briefly mentions the issues faced by migrant workers. Section VIII states the need for future research on the subject to arrive at a comprehensive migration profile for Odisha State.

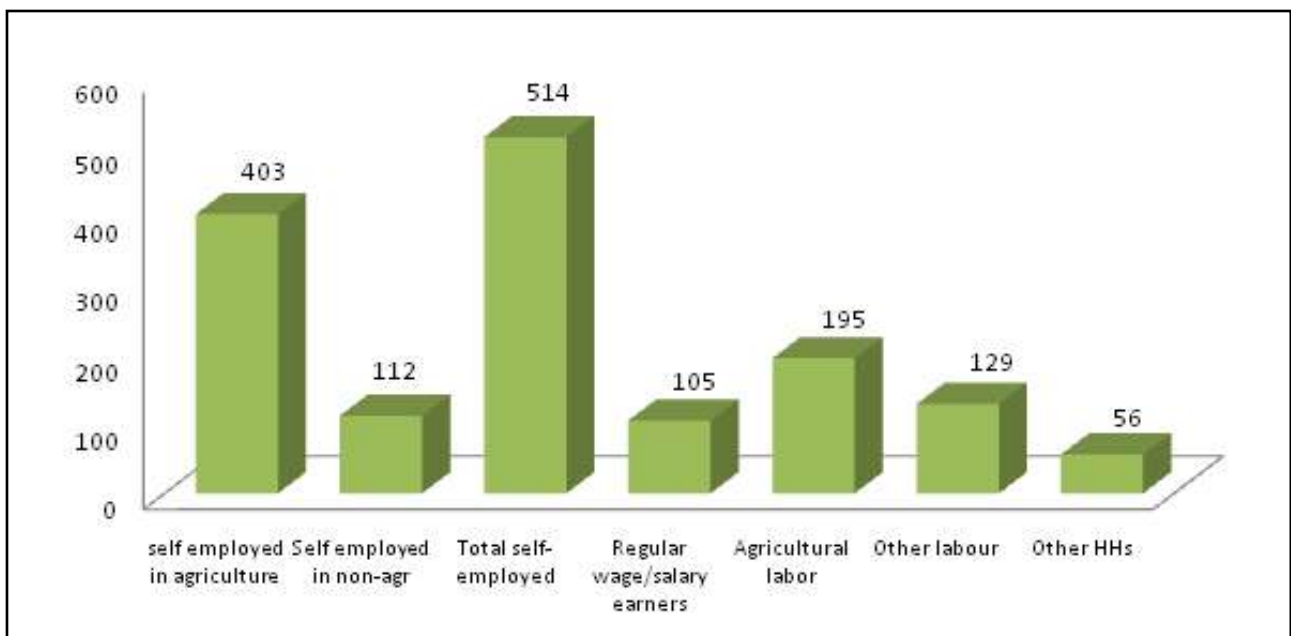
1.1.1 Odisha Economy, Livelihoods and Changes in Labor Force

Odisha is among the poorest states of India, with a real per capita income of Rs. 24,275 (72 per cent of the national average, 2011). In terms of HDI, it ranks 22nd out of 23 major states in India. The monthly per capita expenditure, a commonly used socio-economic indicator is among the lowest in the country at Rs. 716; next only to Bihar and 41 per cent of Kerala, the state with highest MPCE (NSS 66th round, cited in Government of Odisha, 2012-13).

Much of the state population resides in the rural areas, where agriculture forms the mainstay of the economy, driving incomes. The value addition by agriculture, however, is low and declining, as it accounts for 17 per cent of the state economy (Government of Odisha, 2012-13) and is marred with poor irrigation facilities, minimal groundwater development, low technological inputs and poor crop yields. Agriculture in Odisha is largely of subsistence nature and as per NSS estimates generates an income worth Rs. 336 per month, which is 35 per cent of the national average (cited in NCEUS, 2007). Close to half of the farmers (47.8 per cent) are indebted with the average debt size amounting to Rs. 12,275 (NSS 59th round cited in NCEUS, 2007). Lately, Odisha has been in news for rising instances of farmer suicides. On the other hand, there has been little growth in the manufacturing sector; and mining, a highly politicized and contentious sector for Odisha has done more harm than good, with tensions around “debates on people versus projects” and reportedly affected agricultural productivity in certain areas as well (Mishra, 2010).

The state, nevertheless, has a large human capital base with a labour force of the size 15.9 million (Government of Odisha, 2012). Odisha has among the highest unemployment rates in India. The total number of unemployed persons as reported by the Economic Survey 2007-08 came to more than 14 lakh persons (Government of Odisha, 2005). The quality of labour force is also a reason for concern. Only 1.9 per cent youth are reported to have received formal training (Teamlease and IIJT, 2009). Much of the labour force is self-employed (514/1000) and agricultural and other labour comprises 20 per cent and 13 per cent of the labour force respectively (GOI, 2012). The Planning Commission Vision 2020 document says that post the 9th Plan the unemployment rates in the state have experienced a decline but the conditions of work are far from ideal. There is minimal employment generation in the organized sector – the number of workers employed in the organized sector in Odisha has actually fallen from 7.98 lakh to 7.22 lakh in 2011 (Government of Odisha, 2013). An overwhelming 94.5 percent of the work force is engaged in the unorganized sector (NCEUS, 2007).

Figure 1.1: Nature of Employment in Rural Odisha - Distribution per 1000 Hhs



Source: Government of India, 2012

The employment situation grows much worse with low wages and poor working conditions available to workers within the state. As per an estimate, 89.2 per cent workers in rural non-agricultural casual work in Odisha receive less than minimum wages and struggle for subsistence (NCEUS, 2007). This figure stands at 64.5 per cent for all India. Workers in the unorganized sector fare much worse in Odisha, as the poverty ratio among them is 43.4 (percentage below poverty line), more than double of the national average (20.6). Against a poor and stagnant economy is the paradox created by a rapidly growing labour force. As per an estimate, the annualized growth rate of labour force (Age 20-60 years) in Odisha is posited at 2.1 per cent and by 2020 the labour force is expected to grow to a size of 24.55 million (Teamlease and IIJT, 2009). Given that there is limited job creation locally, it can be argued that much of this labour force is migrating or likely to migrate in larger numbers in the near future.

Table 1.1: Odisha Economy, Livelihoods, Labor Force – Key Indicators

	Odisha	India
Population (million, 2011)	42	1210
State NDP (Rs. Crores , 2009-10, GDP for India)	97359	4493743
Per Capita NSDP (Rs. 2009-10, NDP for India)	24098	33731
HDI (rank, 2007-08)	0.362 (22/23)	0.467
Poverty Ratio (per cent, 2009-10)	37	29.8
Number of Poor (millions, 2009-10)	15.32	354.68
Multi-dimensional Poverty Ratio (per cent, 2005)	63.2	53.7
Number of Multidimensional Poor (millions, 2005)	26.5	612
Literacy Rate (per cent, 2011)	73.45	74.04
Contribution of Agriculture to State GDP (per cent, 2012-13)	17.49	13.7
Average Monthly Income per Farmer HH (Rs. 2,003)	336	969
Labor Force Participation Rate ¹¹ (per 1000, 20011-12)	503	529
Unemployment Rate among Rural Males ¹² (per 1000, 2011-12)	28	27
Unorganized Work Force (per cent, 2004-05)	94.5	92.4
Poverty Ratio among Unorganized Workers (% , 2004-05)	43.4	20.5

Source(s): UNDP (no date), NCEUS (2007) and Government of Odisha (2013), Report on Employment and Unemployment Survey (2011-12).

1.1.2 Odisha as a Migrant Sending Region - What Does Secondary Data Say?

The secondary estimates on the number of migrants from Odisha are largely informed by the Census and NSS, the two large data collection exercises pursued by the Government of India. The Census 2001 figures are now dated and 2011 migration information is still to be published. So, we examine the NSS 64th round, conducted in 2007-08 to capture migration in India. NSS defines migrants based on usual place of residence which in turn is defined as a place (village/town) where the person had stayed continuously for a period of six months or more. In other words, a migrant is defined if he or she had stayed continuously for at least six months or more in a place (village/town) other than the village/town where he or she was enumerated. As per this definition, 94,495 rural households and 25,590 urban households report themselves as having migrated. In rural areas alone, the total number of migrants comes to 88 lakh persons, 92 per cent of them are female migrants. In terms of migration rate - number of migrants per 1000

¹¹Labour Force Participation Rate (per 1000) for persons of age 15 years & above according to usual principal status approach (ps) – Rural + Urban

¹²Unemployment Rate (per 1000) for persons of age 15 years & above according to usual principal status approach (ps) – Rural Males

persons - from rural areas, 218 persons reported migrating. The further sub-division of migration rates among men and women was 43(per 1000) and 514(per 1000) respectively. The dominance of women in the migration estimates is largely explained by large scale movement of women for marriage purposes, though there are scholars who argue that NSS definitions tends to 'camouflage' some labor movement as within the large category of marriage migration (Mazumdar et al, 2013).

In the last round, NSS introduced a special typology of migrants called short-term migrants defined as a person who had stayed away from the village/town for a period of 1 month or more but less than 6 months during the last 365 days for employment or in search of employment. Calculations on number of short-term migrants show that there are a total of 4.17 lakh short term migrants from rural Odisha^{1.3}. Eighty-two percent of the short-term migrants are men. Only 72,000 women workers are reported to have migrated as short-term migrants. Notably, there is a stark difference in migration numbers across northern, southern and western regions of Odisha. Majority of the short-term migrants (71 per cent) are from the southern region, followed by northern (19 per cent) and coastal (10 per cent).

The latter category of short term migrants comes close to the nature of migration being profiled in this report. However, there are serious limitations with this definition as well, which leaves a large group of workers moving for a period longer than 6 months. These figures are serious underestimates. Especially, when we look at number of women migrants in the short-term category, the discrepancies become apparent. Odisha is known for sending a large number of women (with family as a unit) to brick kilns, a fact that is well documented. The above numbers do not support this observation well. Further, women are also known to feature more in short-term migrant streams; however, the NSS estimates again do not corroborate this.

^{1.3}The authors would like to acknowledge the support provided by researchers at IGIDR and CPR especially Dr. S. Chandrasekhar and Dr. Kanhu Charan Pradhan for generating the NSS estimates for Odisha.



1.1.3 About the Study

In the absence of a well-grounded and nuanced approach to defining migration, the policy formulations continue to be plagued by poor information. The secondary estimates on migration are unable to capture and reflect the real magnitudes and diversity in migration streams, as experienced today. There is a need to devise a new methodology, which would inform a superior policy-making and migration initiatives in Odisha, also drawing from rooted insights that field based organizations command. This study is a first step attempted in this direction. It synthesizes field level knowledge generated by meticulous data collection by a collective of civil society organizations, committed to the cause of strengthening migrants' livelihoods in Odisha. This report is first of its kind, based on primary evidence collected in the course of serving migrant communities. The study is part of a larger initiative on building a better knowledge base on Odisha migration. It aims to pave the way for more rigorous research on capturing migration trends and numbers from Odisha.

1.2 Methodology

There is no precedence of generating a macro-account on migration rates based on primary and micro-level data. Without a randomly drawn sample which is also representative of the purported Universe, in this case the state of Odisha, it would be an impossible task. However, the micro-studies done by NGOs hold a wealth of information and can help create a sound meso-picture, and pave way for further analysis. This study, as a first, attempts to synthesize information emerging from NGO databases and uses it to project a regional/meso-level figures on migration from Odisha. The research methods followed in the study include both primary data collection through household Census on migration in Panchayats (covering 1,05,540^{1.4} rural households), and secondary/archival data analysis based on registration of migrant workers from the state, carried out by a network of civil society organizations (covering 43,123^{1.5} migrant workers). Two consultations were also organized with NGOs and migration experts to discuss the flaws in the definition and classification of NSS regions, as pursued by NSSO. The research team also tried to put together a definition and classification, which they thought to be more representative of seasonal migration patterns. This study comprises the first step of the synthesis exercise, which involved compilation, and analysis of the existing dataset available. This section describes the research objectives leading the investigation, definition of a seasonal migrant worker used under the study, and the study locations.

1.2.1 Research Objectives

The broader goal of the said exercise is to contribute towards formulation of a more robust methodology for capturing seasonal migration from Odisha. For this study, there were three basic objectives guiding the process of data analysis –

^{1.4}This Census, based on house-listing method captured primary information on incidence of migration (percentage HHs from which at least one person is migrating), social group, age of the migrant, sex, key work destination, key work sector and type of work performed.

^{1.5}The civil society organizations have been carrying out registration of migrant workers through a wide network of 20 Shramik Sahayata evam Sandarbha Kendras across 10 districts of Odisha. This registration is carried out with the help of the PRI head, the Sarpanches.

- 1) What is the incidence of migration from rural Odisha^{1.6} i.e. what percentage of households report migrating for livelihood and what is the total number of migrants sent by the study regions?
- 2) What are the main migration streams, in terms of key migrant destinations and key work sectors, emerging from the state of Odisha^{1.7}?
- 3) What does an average seasonal migrant worker from Odisha look like i.e. what is his/her socio-economic and demographic profile?

1.2.2 Defining a Seasonal Migrant Worker

The definition used for identification of a seasonal migrant worker was arrived at in the process of a brainstorming session comprising of the collective of 10 organizations. Given the focus of the organizations on the more vulnerable and seasonal/circular migrant streams a definition was attempted which would not only characterize the nature of work and period of movement, but would also be easy to administer. The final definition that was determined was as follows: “A worker employed in the unorganized, informal labor market, engaged for 3 months or more at a work destination, away from his/her native rural district^{1.8}.”

1.2.3 Study Locations

The NSS divides Odisha state into three regions – coastal, southern and northern. The migration patterns thus arrived at assumes relative homogeneity across the districts clustered in one region. The methodology consultation organized by the CMLS team, however, found that the NSS classification did not suitably depict the diversity of migrant stream across the state. A need was felt to identify cluster of districts showing homogenous migration trends and attempt a fresh classification of regions. Table 1.2 shows the re-classification of Odisha districts based on grassroots insights.

As per the new classification, Odisha can be segregated into four relatively homogenous clusters/regions to study migration patterns. Out of the four regions, the NGO network had extensive information for only two regions – coastal and western Odisha. The data presented here, thus, focuses on these two regions. Within Coastal Odisha, the districts for which information is used are Nayagarh, Khorda, Puri and Kendrapada. For Western Odisha, Kalahandi, Nuapada, and Balangir constitute the study districts^{1.9}. In total, data from 103 Panchayats comprising 99, 523 households is being used for the study.

^{1.6}This study does not look into magnitude and status of migration into Odisha - the focus is on movement of workers from Odisha both outside and within the state. Further, the site of data collection is rural Odisha only.

^{1.7}The nature of occupation and destinations differ significantly within the region. Therefore, the researchers found it unsuitable to generalize trends for the state, based on the given sample. The patterns thus generated, especially for the occupations and migration destinations refer to the select locations alone.

^{1.8}The Census carried out did not include data on students leaving their native villages to pursue their studies, migrant workers engaged in the organized sector (government services, army etc.) and international migrants crossing the international boundary of India are not included as part of this study. Further, this study does not capture movement from urban areas. The focus of the study is on rural Odisha and so is the site of data collection. The study does not capture urban-urban or urban-rural movement.

^{1.9}Within a district, a block is selected for data collection and within the selected block(s) a number of Panchayats are selected for migration census. The data used for this analysis represents migration figures for a total of 103 GPs across these seven districts and two regions – 53 from coastal Odisha and 50 from western Odisha.

Table 1.2: Classification of Districts for Assessment of Diverse Migration Patterns^{1.10}

Coastal Odisha	Balasore	Western Odisha	Kalahandi
	Jajpur		Nuapada
	Bhadrak		Boudh
	Nayagarh		Balangir
	Khorda		Sonepur
	Jagatsinghpur		Bargarh
	Puri		Sambalpur
Southern Odisha	Kendrapada	Northern Odisha	Phulbani
	Cuttack		Sundargarh
	Ganjam		Mayurbhanj
	Malkangiri		Keonjhar
	Koraput		Dhenkanal
	Nabarangpur		Angul
	Gajapati		Jharsuguda
Rayagada	Deogarh		

Note: Based on a classification attempted by a group of 10 NGOs.

Table 1.3: Study Districts and Study Blocks – Coastal and Western Odisha

Total Districts	Districts	Study Blocks	Total Districts	Study Districts	Study Blocks
	Coastal Odisha			Western Odisha	
Balasore	Nayagarh	Ranpur	Kalahandi	Kalahandi	Golamunda, M. Rampur
Jajpur	Khorda	Balipatna	Nuapada	Nuapada	Nuapada
Bhadrak	Puri	Nimapara	Boudh	Balangir	Bangamunda, Titlagarh
Nayagarh	Kendrapada	Rajkanika	Balangir		
Khurda			Sonepur		
Jagatsinghpur			Bargarh		
Puri			Sambalpur		
Kendrapada			Phulbani		
Cuttack					

Note: Based on a classification attempted by a group of 10 NGOs.

^{1.10}This classification was arrived at with help of a consultation. Extensive discussions were held with NGO representatives on – first, mapping of the variety of migrant streams originating from Odisha and two, identification of homogenous clusters among the districts. The participating NGOs had a long term experience of working on migration and rural livelihoods in the state. They challenged the three-part classification of the state and argued that there are actually four clusters emerging. Districts were then put into each cluster based on homogeneity of livelihood resources and migration patterns. Notably, even within these four clusters, there were districts which were said to have special migrant streams for eg. Ganjam-Gajapati, Jharsuguda were found to be sending unique migrant streams, which the participants argued needed to be looked into separately.

1.3 Incidence of Migration

Migration for employment, though undertaken by only a few members, is a livelihood strategy for the household. It impacts the entire household, including the migrant and the family left at the source. Therefore, it seems apt to understand how many households are impacted by migration. Or, how many households have one or more members migrating for work? Henceforth, we refer to this parameter as 'Household (HH) migration'.

An analysis of 99, 523 households covered under the study reveals that 30, 682 i.e. 30.83 per cent of the total households have one or more members migrating for work. Table 1.4 gives a location wise break-up of migration incidence for the seven districts spread across the two regions in Odisha, namely Coastal and Western regions. The regions have fairly homogeneous migration trends and one could arrive at a credible estimation of migration incidence by extrapolating the data obtained from Panchayat Census in selected districts. The estimated number for the two regions of the state totals up to 1.53 million – 0.96 million for Coastal Odisha and 0.58 million for Western Odisha.

Notably the trends of migration differ significantly across the two regions. The percentage of household migration is higher in coastal, suggesting that a larger number of households have one or more members migrating from the region. However, the average number of migrants per Panchayat is higher for the western region. The average number of migrants from a family for western region is 1.78 as compared to 1.27 of the coastal region. This data concurs with the field observations that there is a higher incidence of family migration from the western region.

Table 1.4: Estimated Seasonal Migration Incidence and Number of Seasonal Migrants – Coastal and Western Odisha

District	HHs Covered	Migrant HHs	HH Migration rate (%)	Migrants/ Panchayat	Number of Migrants
Khorda	6128	2610	42.6	474	79688
Puri	7820	2099	26.8	348	79982
Kendrapada	6870	3226	47.0	625	143782
Nayagarh	33406	11025	33.0	442	79538
Coastal Region (A)	54,224	18,960	35.0	456	959,382
Balangir	9783	2821	28.8	543	154787
Kalahandi	23675	6930	29.3	366	99827
Nuapada	11841	1971	16.6	439	47882
Western Region (B)	45,299	11,722	25.9	418	575,053
Total (A+B)	105,540	34,126			1,534,435

Source: Panchayat Census Data, 2010 – 2013

Within the coastal region, the districts of Kendrapada and Khorda have a higher percentage of household migration, 47 and 42 percent respectively. The region is prone to natural disasters and cyclones are regular phenomena, which hampers the regularity of local employment in the region every couple of years. A large number of households from the region thus undertake migration as a coping strategy. The region is also well known for its skilled workers in the construction sector, namely plumbers and masons, a pattern that we shall elaborate in the following sections.

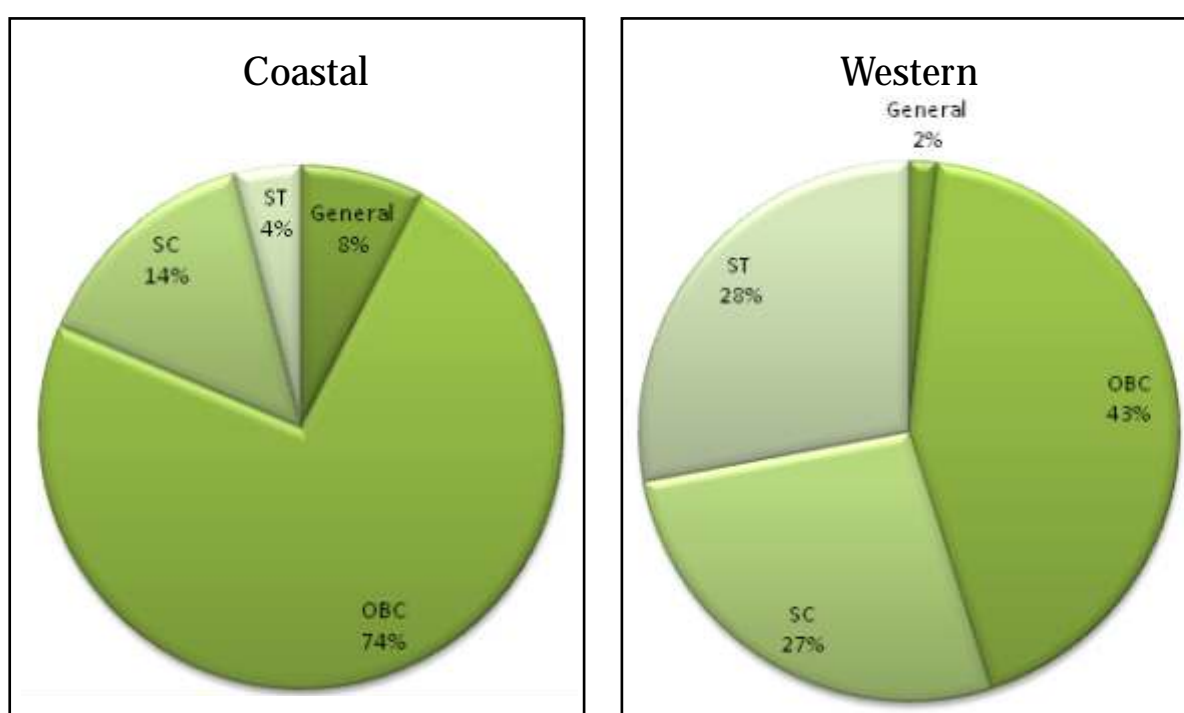
In the Western region, the high number of average migrant per household suggests a higher incidence of family migration. The number is highest (3.1) in the district of Nuapada. This can be attributed to men, women and children migrating as a unit, both to long distance destinations for brick kiln work or short distance migration to neighbouring Chhattisgarh. The other two districts, Kalahandi and Balangir indicate a lower number of migrants per family, i.e. 1.4 and 1.7 respectively. Field observations indicate an increasing trend of single male migration from the latter two districts, especially in the construction sector.



1.4 Migrant Workers and their Socio-demographic Profile

Majority of the migrants, 74 per cent in coastal and 43 per cent in Western Odisha, come from the OBC category. This is followed by SC community, which comprise of 14 and 27 per cent of the migrant population, in coastal and western regions respectively. The share of scheduled tribe varies between the regions substantially. In Coastal Odisha, only four per cent of migrants are reported from ST community. In contrast, the western region has about 28 percent of its migrants coming from the ST community. This social composition of seasonal migrant streams is more or less similar to the social make-up of these regions as well, save the exception of general caste communities, who do not feature significantly with equal intensity. What this analysis indicates is that the incidence of seasonal/circular migration from the socially backward communities is higher; more so from the western region.

Figure 1.2: Social Composition of Seasonal Migrant Workers – Coastal and Western Odisha

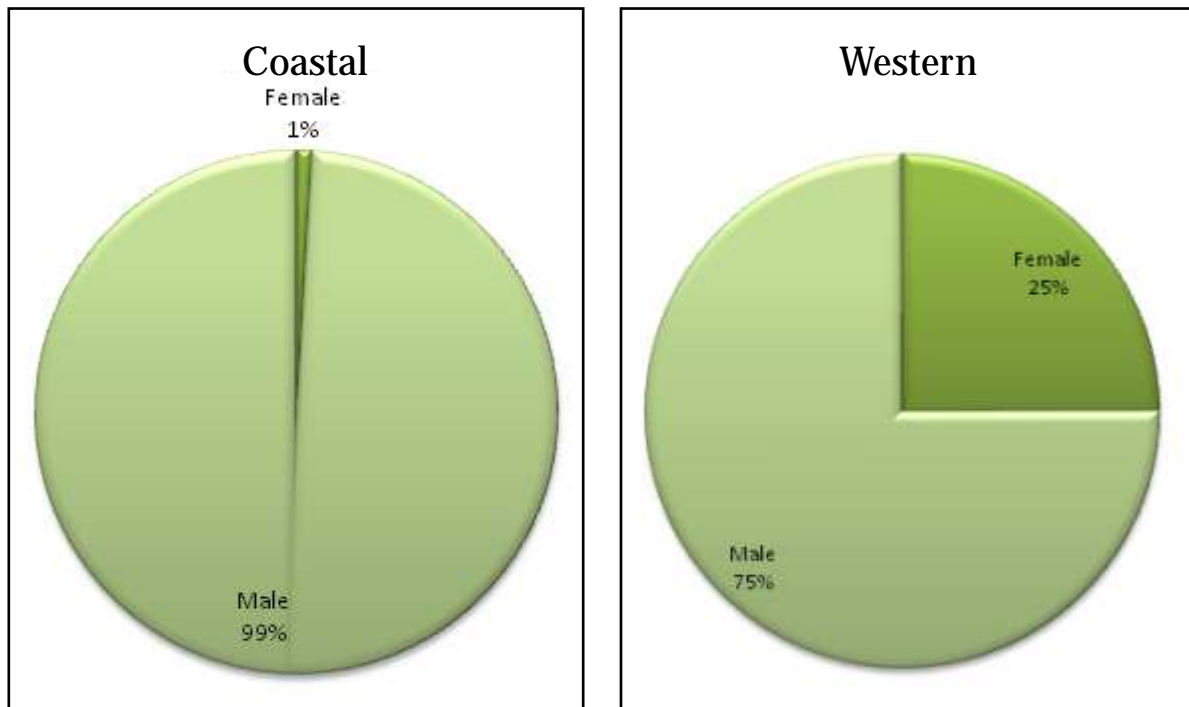


Source: Panchayat Census Data, 2010 – 2013 (n = 44,987) (response rate = 100%)

A look at the gender composition of the migrant streams suggests that migration from Coastal Odisha is dominated by individual males; only 1 per cent of female migrants feature in the analysis. In comparison, Western Odisha has a much higher percentage of female migrants. For every three male migrants from the western region, there is one female migrant.

A specific stream of vegetable farmers originates from Kalahandi district of Western Odisha. These farmers migrate to the neighbouring state of Chhattisgarh, especially to Raipur and Durg in search of employment. Coming from the ST and OBC communities, this migration is undertaken by men and women alike. About 11 per cent of the migrants in this stream are under the age of 14.

Figure 1.3: Gender Composition of Seasonal Migrant Workers – Coastal and Western Odisha



Source: Panchayat Census Data, 2010 - 2013 (n = 25,645) (Not including data from Nayagarh)

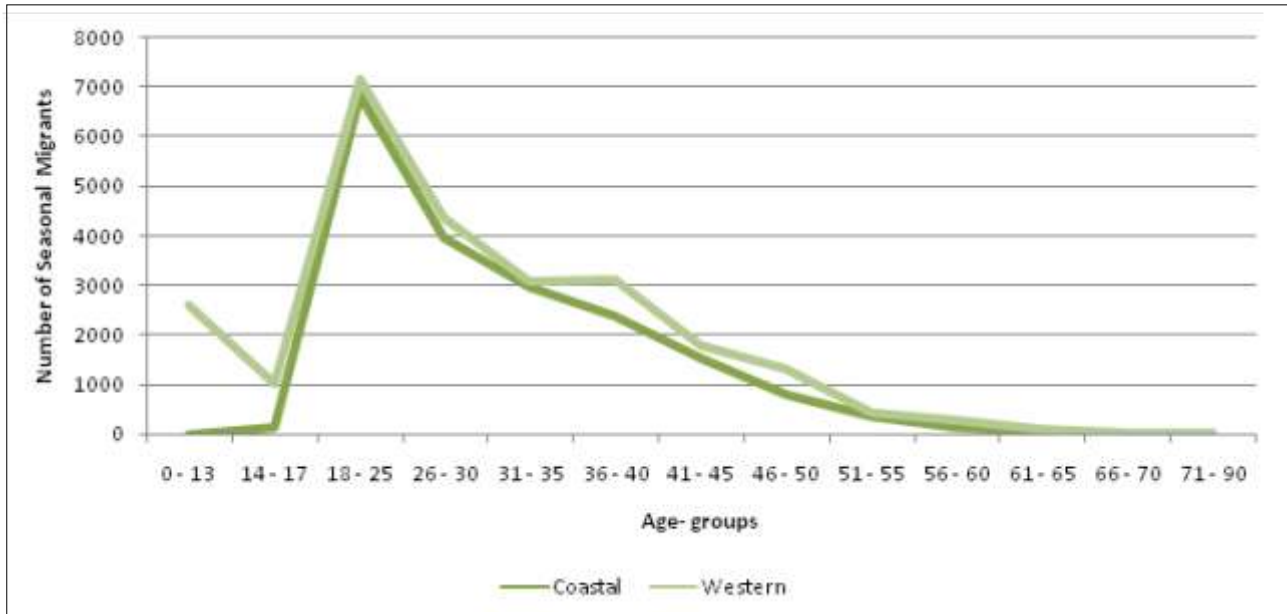
Recent years have seen a shift in migration trends in some pockets of Odisha as young women from tribal families are increasingly migrating towards urban centers in search of work. According to a survey, nearly 63 per cent of Odisha's migrant tribal girls in Delhi are from Sundergarh (Jha, 2005). However, their dreams of earning money for sustenance of their poor families soon turn into despair as they fall in the hands of the unregulated and highly exploitative chain of middle-men and contractors. Several of the tribal women and adolescent girls report living under unhygienic work conditions with poor remuneration; some also falling prey to sexual exploitation. Ajit Topo, a social activist from Sundergarh district reported that many tribal girls are duped by relatives and agents and sold to brothels in Delhi and Mumbai. There has been an increasing cases of HIV positive being recorded among these tribal girls from Odisha.

The average age of migrant from Odisha is 29.80 years. The median of the age distribution falls at 30 years for Coastal Odisha and 28 years for Western Odisha. Most migrants, from both coastal and western regions, fall in the age group of 18 to 25 years of age, suggesting that this is the prime age for youth to migrate. About 92 per cent of the migrants are below the age of 46 years. Field observations suggest that by this age the migrants tend to retire and return to their villages.

A closer look at the age distribution suggests that there are a significant number of migrants below the age of 18 years. This is more pronounced in Western Odisha as compared to coastal – 10 per cent of the migrants from western region are in the age group of 0 – 13 years of age. Another 4 per cent of migrants from Western Odisha are in the ages of 14 – 18. The western region also has relatively higher number of

migrants with age 45 and above, implying that the migrants from western region tend to have a longer migration cycle. Figure 1.4 is the graphical representation of the age distribution of the migrants surveyed.

Figure 1.4: Age Distribution of Migrants – Coastal and Western Odisha

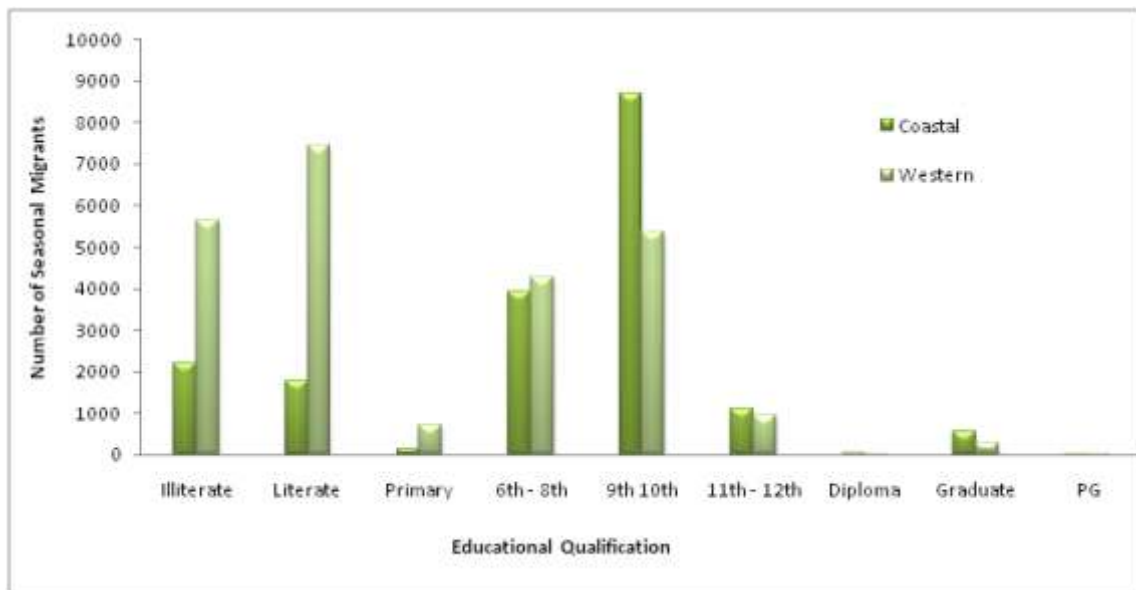


Source: Panchayat Census Data, (n = 44,539) (response rate = 99%)



Lack of literacy is a persistent issue for migrants, compromising their employment prospects at the destination, also forcing them to take up mostly manual, unskilled jobs in the lowest niches of the labor economy. Data from migrant registration suggests that about 40 per cent of the migrants across both regions are either illiterate or can barely sign their names. Only 7 per cent of the migrants have received any education above the 10th standard. 826 out of the 43,123 registered migrants were found to be qualified graduates and above. Data from the western region shows a grimmer picture (Figure 1.5). Over half of the registered migrants have not received primary school education, and an overwhelming 23 per cent are illiterate. The contrast between the nature of migrant work force across the two regions becomes evident with this analysis – more than 50 per cent of the work force in coastal region report having higher secondary education (9th – 12th Std.) against a dismal 26 per cent in Western Odisha. Poor education does translate into the nature of occupations pursued by the migrants from the two regions, an aspect further elaborated in section 1.6.

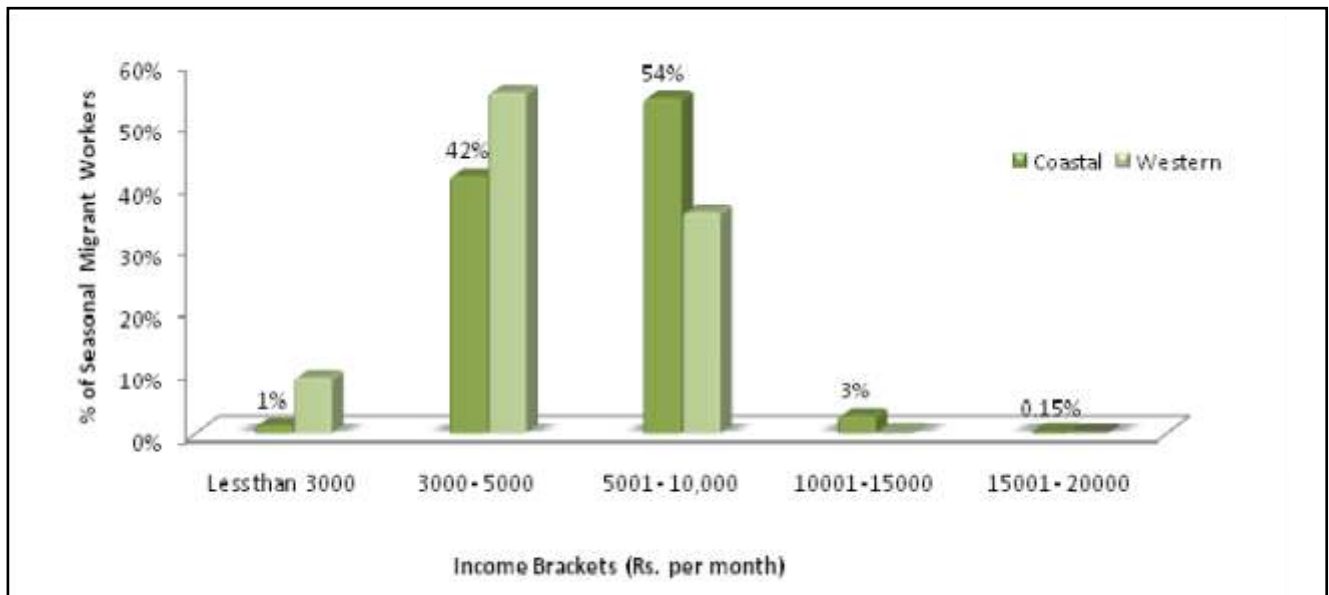
Figure 1.5: Education Profile of Migrant Workers – Coastal and Western Odisha



Source: Migrant Worker Registration Database, (n = 43,153)



Figure 1.6: Income Distribution of Seasonal Migrant Workers – Coastal and Western Odisha



Source: Migrant Worker Registration Database, (n = 43,153)

The income levels again vary between the migrants of the two regions. The average income of migrants from coastal region is Rs. 6,118 while that of western is lower at Rs. 4,816. The differences become more pronounced with the analysis of income distribution (Figure 1.6). Migrants from Western Odisha tend to concentrate towards the lower end of the income distribution – close to 10 per cent of the workers report earning less than Rs. 3,000 a month, against one per cent workers in coastal region. Further, 57 per cent of coastal migrants report an income more than Rs. 5,000 a month, while the share of western region migrants in this bracket is 36 per cent. The average expenses incurred per month differ from Rs. 2,770 in Coastal Odisha to Rs. 2,211 for the western part of the state. It is found that workers from western region often get employed in low skilled, heavy physical work with low pay-offs. This resonates with the education levels of the migrants of the two regions, discussed above.





1.5 Migrant Destinations – Where are Workers from Odisha Headed?

1.5.1 Inter-state Migration

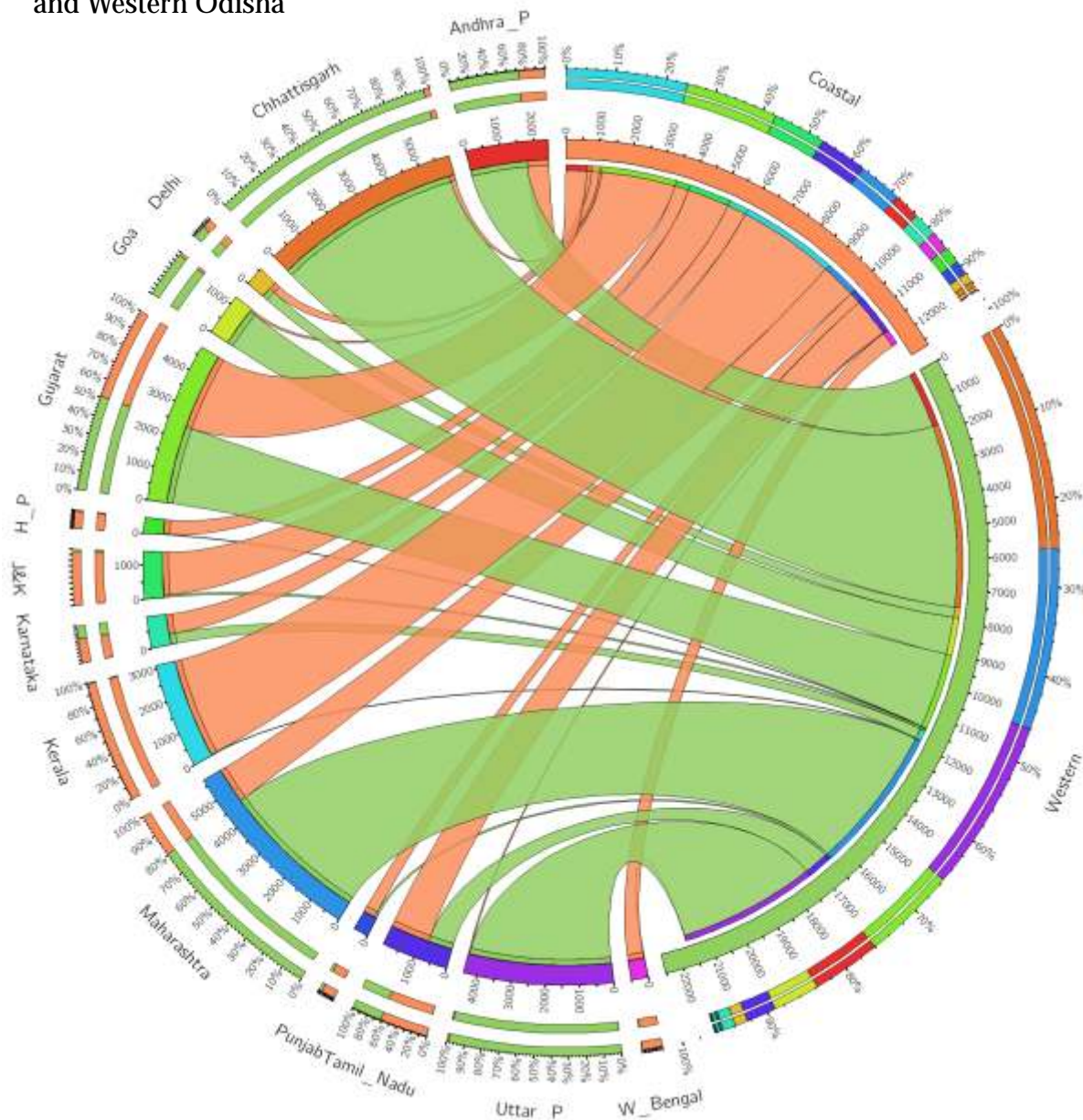
The workers from Odisha are reportedly migrating mostly outside the state in search of employment. About 66 per cent of workers from Coastal region travel across state boundaries to find work in neighbouring as well as far off states of India. This increases further to 88 per cent in case of Western Odisha.

Table 1.5: Distribution of Migrants with respect to Destination

	Migrants from Coastal Region		Migrants from Western Region		Grand Total
	Number	Percentage	Number	Percentage	
Intra-state	6617	34.3	3116	12.1	9733
Inter-state	12698	65.7	22534	87.9	35232
	19315	100	25650	100	44965

Source: Panchayat Census Data, (n= 44965) (response rate = 99.95%)

Figure 1.7: Prominent Inter-state Destinations for Seasonal Migrant Workers – Coastal and Western Odisha



Source: Panchayat Census Data, (n= 44965) (response rate = 99.95%)

Figure 1.7 (also see Table 1.6) shows prominent corridors of inter-state migration from Odisha. The green and orange bands provided in the figure represent the migration flows from Western and Coastal Odisha respectively. The thickness of the bands is indicative of the magnitude of migration flow to the destination state. The outermost ring is colour coded as per the destination state, arranged in decreasing order of the magnitude of migrants.

The two regions show distinctive patterns of migration. For the coastal region, Kerala emerges as the most important destination state, receiving about 24 per cent of the inter-state migrants. The migrants to Kerala find work as unskilled labor in work sectors such as construction, transportation and in factories. One-sixth of the inter-state migrants from the region find employment in Gujarat, making it the second most popular destination for the region. Within Gujarat, Surat is the major destination district, employing workers in the spinning mills and the construction sector. The Coastal region also sends sizeable number of migrants to Tamil Nadu, Jammu & Kashmir, Maharashtra and Andhra Pradesh. Jammu & Kashmir has a special stream employed in the warehouses as head loaders. These workers specially come from the Ranpur block of the Nayagarh district. Certain small but not insignificant migration streams flow to West Bengal, Himachal Pradesh, Punjab, Karnataka and Delhi.

Table 1.6: Prominent Destination States for Seasonal Inter-state Migrants from Coastal and Western Odisha

Destination States	Coastal Migrants		Western Migrants		Grand Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Chhattisgarh	149	1.2	5785	25.7	5934	16.8
Maharashtra	1115	8.8	4588	20.4	5703	16.2
Gujarat	2350	18.5	2396	10.6	4746	13.5
Uttar Pradesh	38	0.3	4364	19.4	4402	12.5
Kerala	3073	24.2	31	0.1	3104	8.8
Andhra Pradesh	662	5.2	1754	7.8	2416	6.9
Tamil Nadu	1217	9.6	756	3.4	1973	5.6
Jammu & Kashmir	1331	10.5	74	0.3	1405	4.0
Goa	77	0.6	1181	5.2	1258	3.6
Karnataka	613	4.8	320	1.4	933	2.6
Delhi	244	1.9	326	1.4	570	1.6
West Bengal	490	3.9	14	0.1	504	1.4
Himachal Pradesh	441	3.5	20	0.1	461	1.3
Punjab	360	2.8	78	0.3	438	1.2
Rajasthan	153	1.2	109	0.5	262	0.7
Jharkhand	61	0.5	159	0.7	220	0.6
Madhya Pradesh	150	1.2	62	0.3	212	0.6
Haryana	45	0.4	164	0.7	209	0.6
Chandigarh	9	0.1	182	0.8	191	0.5
Assam	47	0.4	74	0.3	121	0.3
Bihar	18	0.1	87	0.4	105	0.3
Others	55	0.4	10	0.0	65	0.2
Grand Total	12698	100	22534	100.0	35232	100.0

Source: Panchayat Census Data, (n= 44965) (response rate = 99.95%)

A large number of inter-state migrants from Western Odisha, about 26 per cent, find employment in the neighbouring state of Chhattisgarh; Raipur and Durg districts being the primary destinations. The migrants going to Chhattisgarh get employed in the construction sector, brick kilns, agriculture and transportation. Other prominent destinations for inter-state migrants are Uttar Pradesh and Maharashtra, each receiving about one-fifth of the migrants from the region. The workers in Maharashtra are concentrated in the construction sector of Greater Mumbai Region of Mumbai, Thane and Navi Mumbai. On the contrary, the workers in Uttar Pradesh are spread across multiple districts, with Ambedkar Nagar, Sultanpur, Basti, Faizabad and Pratapgarh being the top five destination districts. Majority of these workers, 90 per cent, are employed in the brick makers. About 8 per cent of the inter-state migrants from the western region travel long distances to find work in Hyderabad, Ranga Reddy and Vishakhapatnam districts of Andhra Pradesh, where they get employed as brick makers. One-tenth of migrants from the region migrate to work in the construction sector of Gujarat, primarily Rajkot. Another stream comprising of five per cent of the inter-state migrants from the west, mostly from Kalahandi district, work in construction sector in Goa. Tamil Nadu receives about 3.5 percent of the migrants from the region, working in brick kilns, transportation and garment industries.

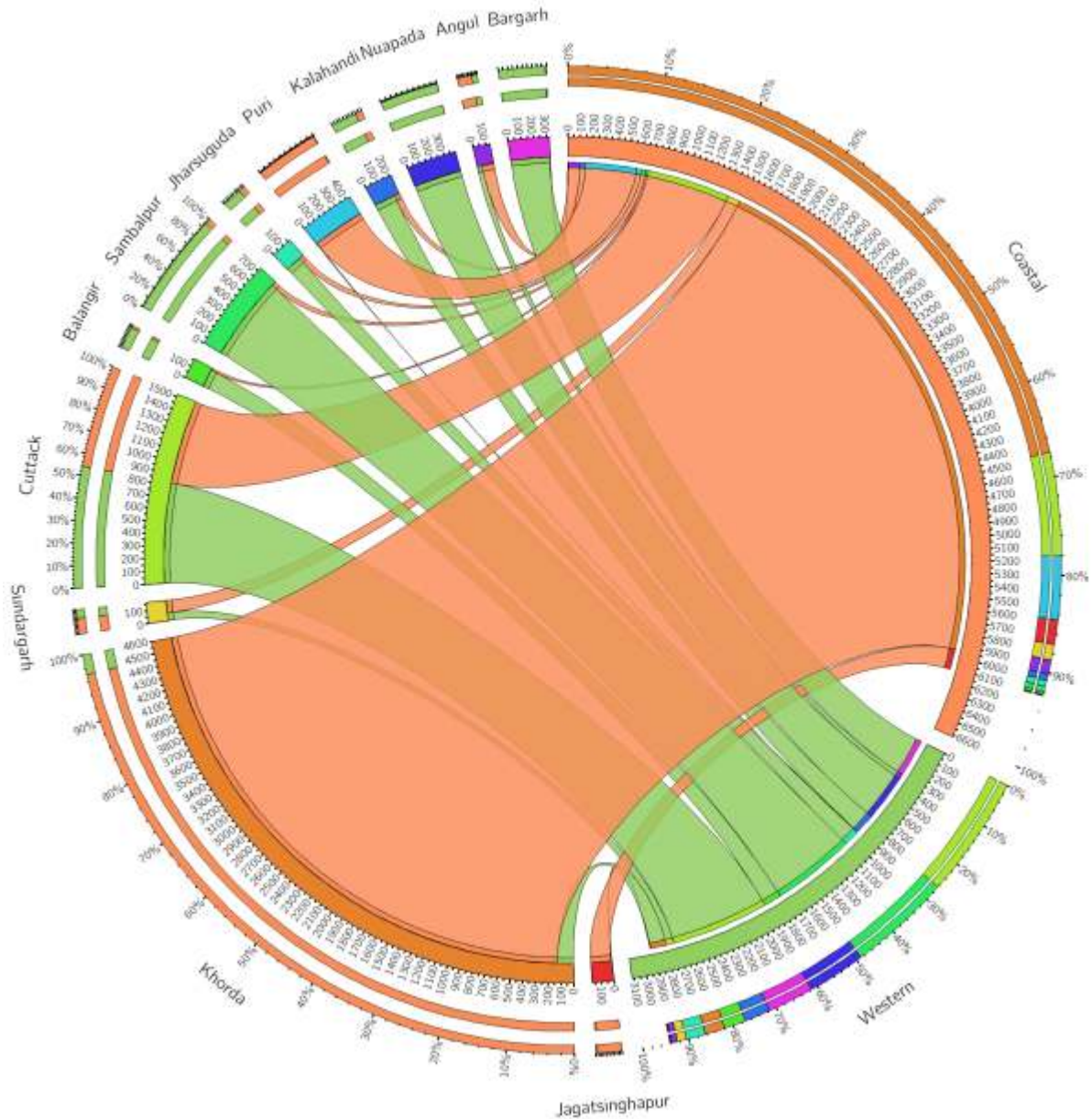
1.5.2 Intra-state Migration

Migration from the two study regions of Odisha is predominantly inter-state, though 21 per cent of the total migrants also move within the state to find work. Again, the two regions show distinct patterns of labour movement which has been depicted with the help of Figure 1.8.

The single most important destination for the Coastal region is the Khorda district which houses the capital city of Bhubaneswar. This along with the adjoining cities of Cuttack and Puri comprise of 84 per cent of the intra-state migration from the region. These migrants are mostly working in the construction sector as unskilled labor and masons. The next major employer is the transportation industry, where the workers engage in driving, ferry operation and loading. In Khorda especially, many migrants work as daily wage labor, picking up odd jobs at Nakas (labour congregation points) in construction, transportation, hospitality and domestic sectors. Small streams of migrants head northwards to Sundargarh and Angul districts to work in factories. Kendujhar and Jagatsinghpur employ workers in construction sector. Workers from coastal region also find work in transportation sector in Koraput.

For the western region, Cuttack is the most pronounced destination, receiving 26 per cent of the intra-state migrants. The workers primarily engage in brick making in the periphery of the city. The second most popular destination is Sambalpur, employing 22 per cent of migrants from western region. The district along with parts of Bargarh, Sonapur (Subarnpur) and Balangir falls in the command area of Hirakud dam, and has fertile, irrigated land available for agriculture. The workers here find employment in the agriculture sector, around the time of sowing and harvesting of the Rabi and Kharif crop. Both men and women, undertake multiple migration cycles for short durations to work as daily wage farm labor. These four adjoining districts also employ large number of workers in the construction and mining sector. About 13 per cent of the intra-state migrants from western region find employment in Nuapada, mostly as stone crushing labor.

Figure 1.8: Prominent Intra-state Destination for Seasonal Migrant Workers – Coastal and Western Odisha



Source: Panchayat Census Data, (n= 44965) (response rate = 99.95%)

Table 1.7: Prominent Intra-state Destinations for Seasonal Migrants from Coastal and Western Region

Destination States	Coastal Migrants		Western Migrants		Grand Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Khorda	4466	67.5	134	4.3	4600	47.3
Cuttack	697	10.5	824	26.4	1521	15.6
Sambalpur	38	0.6	698	22.4	736	7.6
Puri	431	6.5	5	0.2	436	4.5
Nuapada	0	0.0	394	12.6	394	4.0
Bargarh	7	0.1	317	10.2	324	3.3
Kalahandi	45	0.7	173	5.6	218	2.2
Jagatsinghapur	168	2.5	7	0.2	175	1.8

Destination States	Coastal Migrants		Western Migrants		Grand Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Jharsuguda	42	0.6	133	4.3	175	1.8
Balangir	18	0.3	147	4.7	165	1.7
Sundargarh	103	1.6	62	2.0	165	1.7
Angul	97	1.5	39	1.3	136	1.4
Ganjam	76	1.1	59	1.9	135	1.4
Koraput	95	1.4	19	0.6	114	1.2
Kendujhar	98	1.5	0	0.0	98	1.0
Others	236	3.6	105	3.4	341	3.5
Grand Total	6617	100.0	3116	100.0	9733	100.0

Source: Panchayat Census Data, (n= 44965) (response rate = 99.95%)

1.6 Employment Trends – In Which Sectors are Migrants Employed?

Majority of the migrant workers are employed in the lowest niches of the unorganized economy at the destination. These are sectors requiring a large number of manual labour, with low and sometimes no entry barriers, for instance, construction, head-loading, mining, agriculture and similar. The employment trends differ significantly for Coastal and Western Odisha as seen in Figure 1.9 which gives a visual representation of the major occupational sectors. Together these sectors cover more than 98 per cent of the workers from the two regions.

For both the coastal and western regions, construction sector employs the largest number of migrants, i.e. 42 and 52 per cent respectively. In the construction sector, a large majority of the migrants, about 80 per cent, find employment as unskilled construction workers. This is more prominent, 12 per cent point more, among the Western Odisha workers as compared to Coastal Odisha. Another 16 per cent of the migrants get employed as masons, while the remaining find work as painters, supervisors, and centering workers. The average monthly income of unskilled workers in construction is Rs. 5,272 while the skilled workers earn Rs. 6,980 per month.

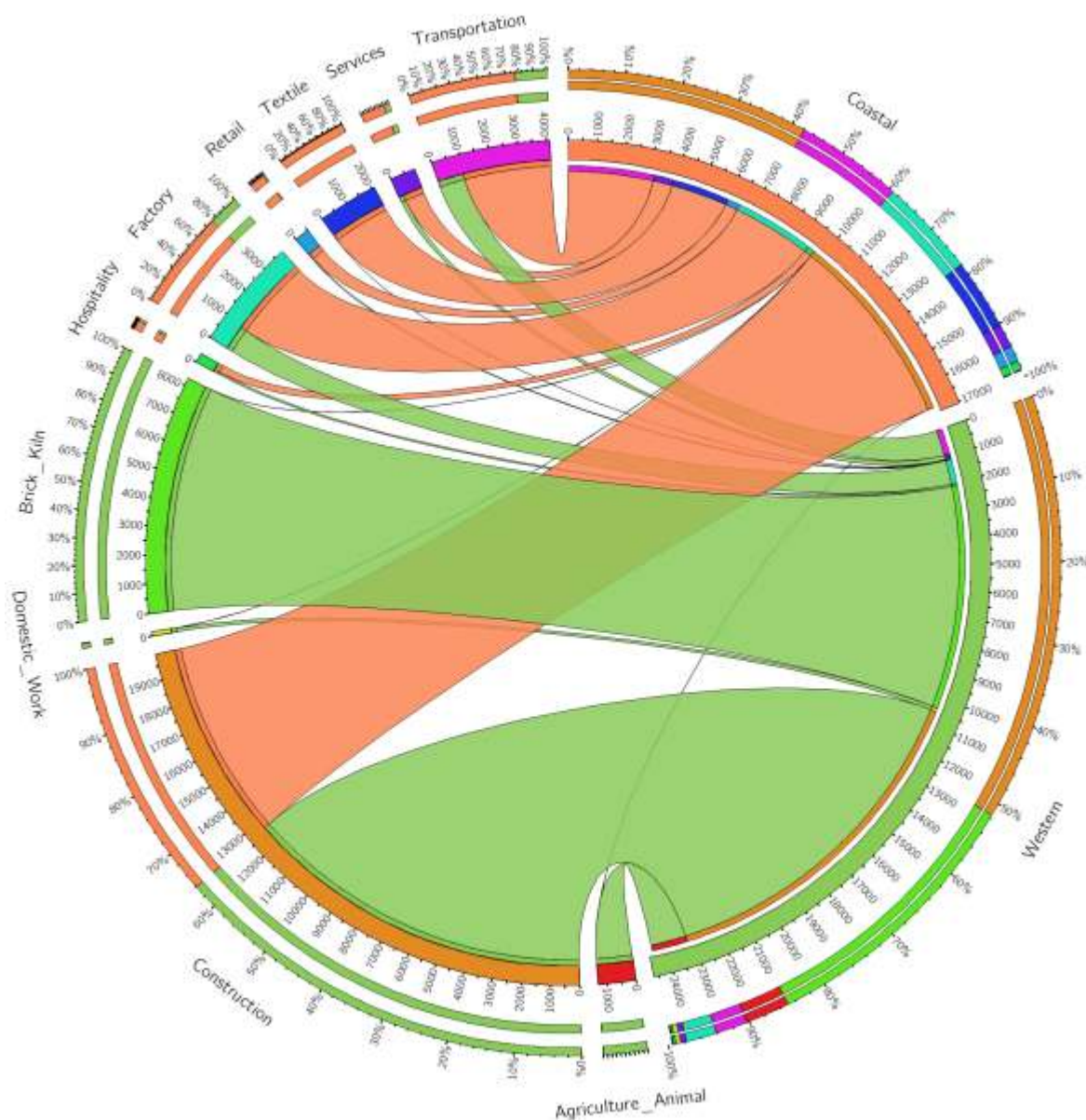
Other prominent work sectors for the coastal region are transportation, factories, and the textile sector. Retail and hospitality receive 4 per cent of the migrants from the region. The hospitality industry and factories have a roughly equal distribution of workers at varied skill levels. The share of unskilled workers in textile sector is higher at 68 percent. Most of the workers, 72 per cent, in transportation sector from the coastal region are employed as drivers. There is a smaller stream of migrants engaged in services. This comprises of plumbers, electricians, peons, and gardeners from the region.

The district of Kendrapada in Coastal Odisha is well known for its plumbers. These workers find work in all parts of the country, especially in the mega cities such as Mumbai, Delhi, Bangalore, Hyderabad, Ahmedabad, and Kolkata. With the average age of 29 years and secondary education, the workers report a monthly income of Rs. 7,100.

The western region has a different story to tell. Apart from construction, brick kilns employ one-third of the total workers from the region. Another 5 per cent of the workers are employed in agriculture and animal

husbandry. Both the sectors do not require special skills and neither pay in accordance to the number of years of experience. There is little scope of advancement in the sectors and even as the workers from Odisha are well known for their expertise in brick making, they do not get the benefits due to them. The workers in agriculture and brick kilns reported earning a monthly income of 3,370 and 3,779 respectively. It is important to note that both the sectors employ workers seasonally, thus not ensuring sustained income throughout the year. These along with domestic work are the least paying work sectors for migrants from Odisha. Transportation and factories employ about 4 per cent each of the workers from the western region. The migrants in the transportation sector find themselves engaged mostly in rickshaw pulling or loading in the state of Chhattisgarh.

Figure 1.9: Occupational Sectors Employing Seasonal Migrant Workers – Coastal and Western Odisha



Source: Panchayat Census Data, (n = 41731) (response rate = 92.8%)

Table 1.8 Occupational Sectors Employing Seasonal Migrants from Coastal and Western Odisha

Occupation Sectors	Coastal Migrants		Western Migrants		Grand Total	
	Number	Percent	Number	Percent	Number	Percent
Building Construction	7205	42.2	12711	51.5	19916	47.7
Brick Kiln	5	0.0	8250	33.4	8255	19.8
Transportation	3167	18.6	951	3.9	4118	9.9
Factory	2934	17.2	902	3.7	3836	9.2
Textile	2089	12.2	3	0.0	2092	5.0
Agriculture & Animal Husbandry	3	0.0	1306	5.3	1309	3.1
Services	714	4.2	168	0.7	882	2.1
Retail	469	2.7	34	0.1	503	1.2
Hotel & hospitality	266	1.6	76	0.3	342	0.8
Domestic Work	10	0.1	142	0.6	152	0.4
microenterprise	91	0.5	24	0.1	115	0.3
Mining	19	0.1	81	0.3	100	0.2
Automobile	55	0.3	3	0.0	58	0.1
Art & Culture	26	0.2	2	0.0	28	0.1
Furniture work	3	0.0	13	0.1	16	0.0
others	9	0.1	0	0.0	9	0.0
Grand Total	17065	100.0	24666	100.0	41731	100.0

Source: Panchayat Census Data, (n = 41731) (response rate = 92.8%)



1.7 The Plight of Seasonal Migrants from Coastal and Western Odisha

Inter-state movement to places as far as Gujarat, Kerala, Tamil Nadu, Jammu and Kashmir and more, without requisite documentation, job security and social protection presents unique challenges for seasonal migrants from Odisha. Quite often, migrants find themselves losing out on access to basic amenities and public welfare schemes with a change in location. The way public welfare delivery is structured in India, it makes it difficult for the poor to access subsidized food (through PDS), health and education, as they change their work place. Absence of identity and address documentation becomes a source of frequent harassment by civic authorities and police in the cities. Workers also face abuse at the hands of railway police, and thugs in transit in long distance travel. There is minimal or no documentation of this large scale movement of workers with the public administration, either with the sending or the receiving states, making it further difficult to design and dispense basic amenities.

The workers, especially from Western Odisha, migrate at a young age, without acquiring much skills and education. They get employed in the lowest niches of the informal and unorganized labor market where they engage in heavy physical labor at lower wages and limited scope of further advancement. The work arrangements are highly exploitative; more so in sectors such as brick kilns where the workers raise advances against labor, and often end up in bondage. Experiences of the local organizations suggest that the migrants in other sectors too face high incidence of work related disputes, such as non-payment of wages, lack of compensation in case of accident or death, physical and sexual harassment at work place and inhuman working and living conditions. Several families, both from the western and the coastal regions, report cases of sudden disappearance of their young sons and husbands; often difficult to trace. The conditions are made worse due to absence of accessible, worker friendly and efficient mechanisms for redress.

Overall registration data from a sample of over 43,000 migrants shows that while just over three fourths of them have a voter ID, less than a third of them have access to banking services and only 17.7 per cent have insurance.

Breaking the migrants down into western and coastal regions it is seen that penetration of voter ID among Western Odisha migrants is higher at 85 per cent as compared to 62 per cent for Coastal Odisha. In the case of banking services, 37.5 per cent of migrants from Coastal Odisha have access to them compared to 25.9 per cent from Western Odisha. The difference in insurance is more drastic with only 8.5 per cent of Western Odisha migrants having insurance while the fraction is more than 3 times as high in Coastal Odisha at 30 per cent.

Migrant workers receive few benefits from the employers or the market which draws on their services and labour. The response of the welfare state is grimmer. An informal status and absence of documentary evidence denies them access to minimal social security measures such as insurance, pension, linkages to the construction welfare board, EPF and more. The government aims at complete financial inclusion of its citizens and yet this large economically active segment of the society is left out. They miss out on reliable options of safe keeping, saving, investment, credit and remittance. Their access to basic civic amenities such as sanitation, clean drinking water, electricity and shelter are severely compromised.

Some of the adverse consequences that such exclusion has on health and well-being of the workers are discussed in the third chapter.

The families of migrant workers also face significant issues. Where the family is staying back in the village, the absence of male member is hard to manage. Women from the migrant households, with their revised gender roles, endure double the work load and suffer regular loss of entitlements. It is frequently reported that migrant families' access to government welfare schemes and their relationship with the market, local administration and Panchayat is compromised in absence of the male head of the household. The families at the destination also face a range of issues. Apart from being workers themselves and facing the work related issues discussed above, the women and children face additional vulnerabilities related to safety, nutrition, hygiene and health. The adverse impact on education of migrant children is another cause of serious concern. These children, who migrate seasonally, are out of school for an extended period. This lack of education and early exposure to hazardous work environments significantly limits the overall development and livelihood options of the next generation; denying them a future any better than their parents. Unfortunately, despite the scale and pervasiveness of the phenomenon and visibly heightened vulnerabilities of migrant populations, the State response continues to be poor and ridden with strong biases against seasonal migration of labor.

1.8 Scope for Further Investigation

The study is one of the few attempts to estimate the number of seasonal migrants based on primary data, from the state of Odisha. Its mandate included conception of a methodology, alternate to the one followed by NSS/Census, an approach which offers a more nuanced understanding of labor migration streams. It attempts a re-classification of regions in the state, which would be representative of the present diversity in migration streams and defines migration in a way which helps maintain focus on the more vulnerable groups, where concerted policy attention is required. It shows that the two regions of Coastal and Western Odisha send more than 1.5 million seasonal migrants and there is a distinctive pattern in movement of labor from the given regions.

The next steps could include a more precise estimation of state level migration rates, accounting for the other two regions of Southern and Northern Odisha. This study offers a good roadmap for such estimation and interested researchers may draw upon the approach pursued herein. There are certain aspects that one would need to pay greater attention to. This study attempts a broadly linear extrapolation to arrive at the total numbers of migrant population. In the next step, more variables which can have a potential impact on migration from a region can be factored in for analyses. For example, the research team attempted drawing up an index based on pressure on local resources (population density), local livelihood options (district domestic product), social profile of a region's demography (SC-ST population), labor force availability (size of labor force) and overall development (district HDI). This could be developed further to arrive at a comprehensive sampling and extrapolation technique. Further, as an exercise rooted in a thorough diversity mapping of migration streams, due care would have to be taken to profile the regions or migrant communities which do not fall under the district wise classification pursued above. For instance, labor movement from the Ganjam-Gajpati cluster, Jharsuguda, Sundergarh and such deserved special

attention. Finally, the authors perceive this exercise to be a building block in creation of an alternate approach to estimation of seasonal migration and call for more researchers and interested organizations to contribute to a more rooted and dynamic knowledge building exercise on migration in India.



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Annexure 1.1 – Panchayat-wise Incidence of Migration

Region	District	Panchayat	Total Number of Households	Migrant Households	Number of Migrants	Number of migrants > 14 yrs of age	Number of migrants <14yrs of age	Percentage of Migration	Average Number of Migrants per Panchayat
Coastal	Khorda	Balipatna	6128	2610	2846	2846	2846	42.6	474
		Amanakuda	872	353	385	385	NA	40.5	
		Bhapur	791	244	255	255	NA	30.8	
		Deulidharpur	1264	546	588	588	NA	43.2	
		Guapur	767	304	331	331	NA	39.6	
		Marthapur	1252	515	566	566	NA	41.1	
		Narisho	1182	648	721	721	NA	54.8	
		Nimapara	7820	2099	2782	2782	2782	26.8	348
		Antuara	641	182	244	244	NA	28.4	
		Badasiribila	707	202	259	259	NA	28.6	
Coastal	Puri	Bamanal	1333	321	413	413	NA	24.1	
		Chanarapada	1166	190	218	218	NA	16.3	
		Dhanua	976	277	375	375	NA	28.4	
		Kothakusanga	278	76	96	96	NA	27.3	
		Sagada	1872	584	837	837	NA	31.2	
		Salanga	847	267	340	340	NA	31.5	
		Kendrapada	6870	3226	4376	4376	4376	47.0	625
		Rajkanika	680	307	410	410	NA	45.1	
		Olaver	710	294	415	415	NA	41.4	
		Barunadiha	1065	597	835	835	NA	56.1	
Coastal	Kendrapada	Bharigada	1023	250	343	343	NA	24.4	
		Jagulaipada	915	315	404	404	NA	34.4	
		Baghabuda	1039	662	898	898	NA	63.7	
		Kollipur	1438	801	1071	1071	NA	55.7	
		Katanabania	33406	11025	14140	14137	3	33.0	442
		Ranpur*	NA	492	647	646	1	NA	
		Balabhadrapur	NA	228	236	236	0	NA	
		Bandhamunda	NA	NA	NA	NA	NA	NA	
		Bandhamunda	NA	NA	NA	NA	NA	NA	
		Bandhamunda	NA	NA	NA	NA	NA	NA	

Region	District	Panchayat	Total Number of Households	Migrant Households	Number of Migrants	Number of migrants > 14 yrs of age	Number of migrants <14yrs of age	Percentage of Household Migration	Average Number of Migrants per Panchayat
		Baungada	NA	450	671	671	0	NA	
		Brajarajpur	NA	382	504	504	0	NA	
		Brundabanpur	NA	332	442	442	0	NA	
		Champagada	NA	257	320	320	0	NA	
		Champapedi	NA	462	468	468	0	NA	
		Chandapur	NA	155	169	169	0	NA	
		Damasahi	NA	295	386	386	0	NA	
		Darpanarayanapur	NA	353	486	486	0	NA	
		Gopalpur	NA	369	380	380	0	NA	
		Gourangpur	NA	482	634	634	0	NA	
		Jankia	NA	315	360	360	0	NA	
		Kandha Nayagarh	NA	249	279	278	1	NA	
		Kasanda	NA	435	549	549	0	NA	
		Kerandatangi	NA	367	418	418	0	NA	
		Khairapalli	NA	515	680	680	0	NA	
		Khatia	NA	460	661	661	0	NA	
		Kulsar	NA	225	330	330	0	NA	
		Lodhachua	NA	550	682	682	0	NA	
		Mahatpalla	NA	257	310	310	0	NA	
		Majhiakhanda	NA	503	661	661	0	NA	
		Mayurajhalia	NA	498	542	542	0	NA	
		Narsinghpur	NA	297	429	429	0	NA	
		Narendrapur	NA	214	280	280	0	NA	
		Pimala	NA	276	432	432	0	NA	
		Raipada	NA	223	260	260	0	NA	
		Raj Rampur	NA	325	434	434	0	NA	
		Rajsunakhala	NA	275	353	353	0	NA	
		Rankadeuli	NA	252	392	391	1	NA	
		Surukabadi	NA	287	414	414	0	NA	
		Talakani	NA	245	331	331	0	NA	
		Coastal Region Total	54224	18960	24144	24141	3	35.0	456

Region	District	Panchayat	Total Number of Households	Migrant Households	Number of Migrants	Number of migrants > 14 yrs of age	Number of migrants < 14yrs of age	Percentage of Household Migration	Average Number of Migrants per Panchayat
Western	Balangir		9783	2821	4888	4346	542	28.8	543
Western	Balangir	Bangamunda	6899	1865	3211	2875	336	27.0	642
		Alanda	1273	313	573	514	59	24.6	
		Arssatula	905	224	391	349	42	24.8	
		Jharial	1356	286	432	403	29	21.1	
		Mudipadar	1809	691	1277	1109	168	38.2	
		Themara	1556	351	538	500	38	22.6	
Western	Balangir	Titlagarh	2884	956	1677	1471	206	33.1	419
		Ghodar	857	178	337	290	47	20.8	
		Kholan	880	445	669	629	40	50.6	
		Naren	526	228	469	392	77	43.3	
		Shihimi	621	105	202	160	42	16.9	
Western	Kalahandi		23675	6930	9873	9039	834	29.3	366
Western	Kalahandi	Golamunda	14798	4740	7254	6501	753	32.0	518
		Badchergaon	1409	376	508	483	25	26.7	
		Borguda	1242	351	423	405	18	28.3	
		Chahaka	802	285	426	373	53	35.5	
		Chapria	1186	345	620	519	101	29.1	
		Chichia	1272	454	597	594	3	35.7	
		Funda	821	194	231	223	8	23.6	
		Gandamer	553	107	200	171	29	19.3	
		Golamunda	781	139	250	209	41	17.8	
		Khaliakani	516	167	305	271	34	32.4	
		Khalipali	873	388	587	514	73	44.4	
		Khamarhaldi	1823	490	512	507	5	26.9	
		Kuhura	1422	679	1244	1054	190	47.7	
		Mahaling	2078	759	1339	1167	172	36.5	
		Naktikani	20	6	12	11	1	30.0	
Western	Kalahandi	M.Rampur	8877	2190	2619	2538	81	24.7	201
		Alatara	960	293	371	356	15	30.5	
		Bamak	961	151	190	181	9	15.7	

Region	District	Panchayat	Total Number of Households	Migrant Households	Number of Migrants	Number of migrants > 14 yrs of age	Number of migrants <14yrs of age	Percentage of Household Migration	Average Number of Migrants per Panchayat
		Barabandha	238	100	100	100	0	42.0	
		Dam Kariakhunta	1025	281	334	320	14	27.4	
		Gochhadengen	578	136	182	173	9	23.5	
		M.Rampur	285	77	101	95	6	27.0	
		Madanpur	477	126	145	145	0	26.4	
		Manikera	791	266	325	318	7	33.6	
		Mohangiri	327	99	116	114	2	30.3	
		Nunpur	795	257	302	288	14	32.3	
		Pandakamal	643	85	105	105	0	13.2	
		Saidalanga	959	201	213	213	0	21.0	
		Salepali	838	118	135	130	5	14.1	
Western	Nuapada	Nuapada	11841	1971	6150	4382	1768	16.6	439
		Amsena	847	143	333	284	49	16.9	
		Beltukuri	759	195	762	495	267	25.7	
		Biromal	420	71	202	169	33	16.9	
		Bisora	909	151	516	376	140	16.6	
		Boirbhadi	587	76	279	187	92	12.9	
		Budhipali	650	74	240	159	81	11.4	
		Darimunda	445	105	233	187	46	23.6	
		Godfula	970	112	270	232	38	11.5	
		Jampani	1018	172	605	321	284	16.9	
		Kodomeri	810	94	360	241	119	11.6	
		Kotenchuan	1023	147	275	246	29	14.4	
		Kuliabandha	1735	389	1336	925	411	22.4	
		Parkod	1365	211	642	484	158	15.5	
		Saliha	303	31	97	76	21	10.2	
		Western Region Total	45299	11722	20911	17767	3144	25.9	418

Annexure 1.2 – Estimation of the Incidence of Migration in Western and Coastal Odisha

District	Total Number of Households Surveyed	Migrant Households	Percentage of Household Migration	Total Number of Rural Households*	Estimated Number of Migrant Households	Average Number of Migrants per Panchayat	Number of Panchayats**	Estimated Number of Migrants
Khorda	6128	2610	42.6	246945	105177	474.3	168	79688.0
Puri	7820	2099	26.8	312855	83975	347.8	230	79982.5
Kendrapada	6870	3226	47.0	305348	143385	625.1	230	143782.9
Nayagarh	33406	11025	33.0	210498	69471	441.9	180	79537.5
Coastal Region (A)	54224	18960	35.0	2862622	1000946	455.5	2106	959382.3
Balangir	9783	2821	28.8	368542	106272	543.1	285	154786.7
Kalahandi	23675	6930	29.3	372518	109041	365.7	273	99827.0
Nuapada	11841	1971	16.6	143887	23951	439.3	109	47882.1
Western Region (B)	45299	11722	25.9	1795003	464492	418.2	1375	575053
Total (A+B)	99523	30682	30.83	4657625	1465438.4		3481	1534435
* As per census 2011								
** As per panchayat directory								

IN PURSUIT OF INVERTED DREAMS



Ethnographic Engagement with Legal Disputes
Faced by Migrant Workers of Odisha

A Working Paper

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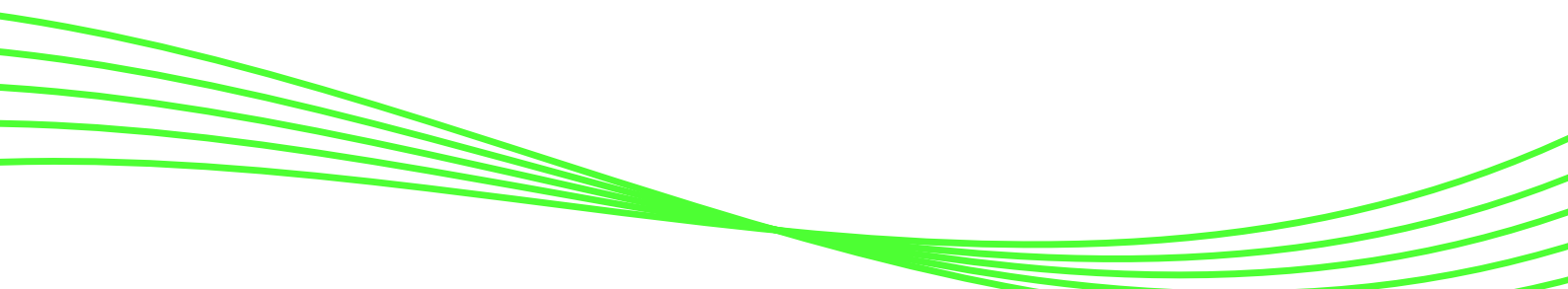
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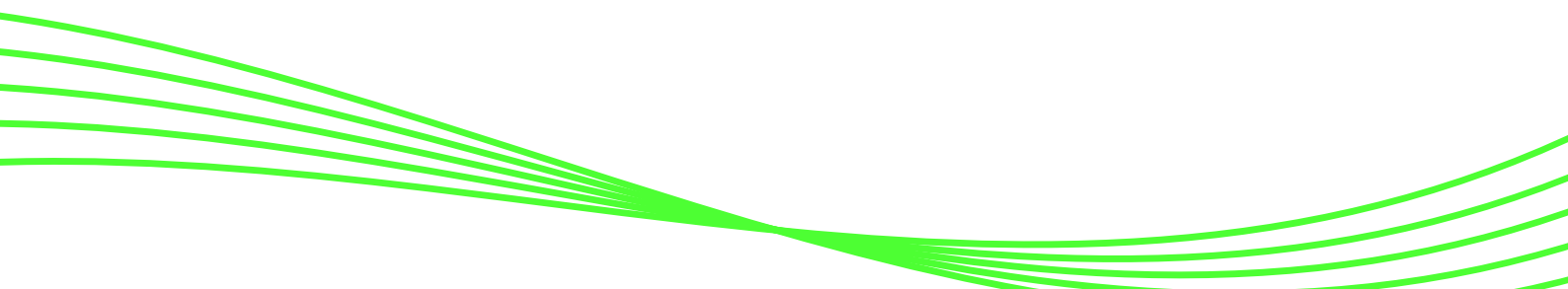
India

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2.1 Introduction

The Constitution of India was conceived with the vision to guarantee all citizens equality before law (Article 14), ensure their freedom of speech and expression (Article 19[1]) and enable them to exercise their right to liberty and lead a life of dignity (Article 21). It mandates the State to universalize elementary education and ensure a minimum of 100 days of employment to those in need. For restorative justice, it secures the right of the poor to access equal justice through provision of free legal aid (Article 39 A). Its approach thus ranges from guarantees to equality, dignity and free speech, to assured education and employment, and access to legal justice and equality before law. And yet, a fleeting glimpse into the lives of Gashi, Sanjay, Phalguni and Dashrath, as described below, presents a picture vastly removed from what the Indian Constitution promises to deliver.

Gashi Nandi Nane was 14 years old when he ran away from his family in pursuit of what the local contractor promised to be 'a comfort filled city life' in Bangalore. The city offered Gashi anything but that in its construction sector. Long hours at work, poor nutrition, and physical abuse culminated with Gashi losing his thumb in a work-site accident. His compensation package of Rs. 50, 000 was stolen by the contractor and Gashi sent back to his village. Enrolled out of school, today he works in the CRPF's Cobra battalion construction site near his hamlet in Koraput district and earns Rs. 140 a day.

Initial celebration at receiving a grant for a house under the Indira Awaas Yojana (IAY) soon turned awry when Hari Kumbhar realized that he fell short of the required money to complete construction by a considerable margin. His only option was to migrate to Chennai and work as a construction laborer. His wife recalls that Hari telephoned home regularly for three months until he fell ill, following which the calls stopped. Eight months later, the family is yet to hear from him. They do not know the name or address of the local contractor or the employer in Chennai. Hari's wife and two young children say they have no alternative but to wait for his return to them in Baligaon village in Jaypore.

Rescued from bondage in 2013, Phalguni Suna recalls her days at the brick kiln in undivided Andhra Pradesh as being filled with abuse and violence. She watched her three young children battle starvation and toil under the sun for hours even as they were repeatedly denied food and safe water. Under continuous supervision of her employer, Phalguni remembers losing all hope of returning home. Rescue from bondage and consequent return to her village in Balangir district brought huge relief, however that too was short-lived. Unemployed at home, with delayed government compensation for relief, increasing loans and not enough to feed her children, she finds herself under the threat of bondage again.

Sanjay Mathan from Gajarajpur village in Kendrapada district migrated to Kerala at the age of 18 to work as a plywood factory worker. After a few months of work, Sanjay was refused his income and physically abused by the local contractor. He returned to his native village unemployed and unpaid. Mediation support from NGO Gram-Utthan sought by Sanjay however not only led to the recovery of his entire income but also provided future security in the form of an identity card and an orientation on entitlements of migrant workers.

Dashrath Pradhani suffered greatly at the hands of his employers in a brick kiln in undivided Andhra Pradesh. He was eventually rescued out of bondage by the NGO, Aide-et-Action and brought back to his village. The NGO in collaboration with its local partner agencies helped him receive compensation worth Rs. 20,000 from the Government and also followed up to ensure that he received a NREGA job card and opened a bank account to save the rehabilitation money.

The stories of Gashi, Sanjay, Phalguni and Dashrath portray despair, helplessness and loss of a kind that is neither unique nor rare in rural and tribal heartlands of Odisha. On the surface even as their stories appear similar in them being stories of loss faced by rural migrant workers, a critical difference separates the life trajectories of Gashi and Phalguni from that of Sanjay and Dashrath. This difference is given shape through interventions of grassroot non-government organisations (NGOs) which by virtue of their existence on the ground and their vision to protect legal rights of rural migrant workers are able to provide them with an opportunity to register legal grievances and provide legal aid and rehabilitation support within the limits of their capacities. The juxtaposition of cases such as that of Gashi, Phalguni- i.e. those who suffered legal disputes without NGO interventions and Sanjay and Dashrath- i.e. the ones who overcame adversity with NGO support presents an opportunity to investigate the role of NGOs as grassroot legal aid providers in a terrain which has become embedded with contractor mafia groups and poorly endowed government labor systems. The cases also call for investigation of the underlying socio-political causes for the likes of Gashi, Phalguni, Sanjay and Dashrath to get caught in a web of poverty mired with structural inequalities.

Inspiration from the above mentioned cases have led to the current paper, the primary thrust of which is to use tools of ethnography to capture voices of rural migrant workers who are caught in legal disputes and use these voices to document experiences of legal disputes faced by migrant workers for an audience of policy makers in the government and policy advisors in the development sector. The approach is to follow a descriptive case study method which presents a phenomenon (legal dispute) within its context (Parthasarthy, 2008). The case study methodology aims to enable a holistic assessment of the migrant worker's life, aspirations, and vulnerabilities that lead to the dispute; the medium used to access justice, if any; effects that the dispute in question have had on the worker's present conditions and the overall implications posed by the political economy of the region. The second objective of the study is to capture the various innovative ways in which non-government and non-profit organisations fill the gaps in legal service provision to migrant workers, focusing on the strategies and the challenges faced. Identification of gaps and structural limitations in government policy designs and socio-political contexts of migrants comprises the underlying theme of the paper.

2.1.1 Methodology

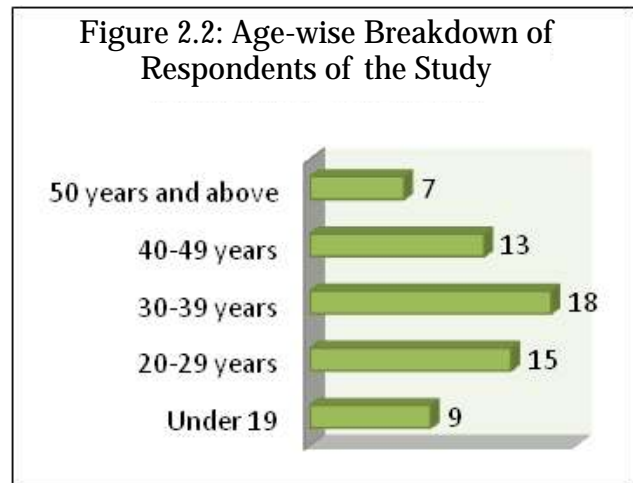
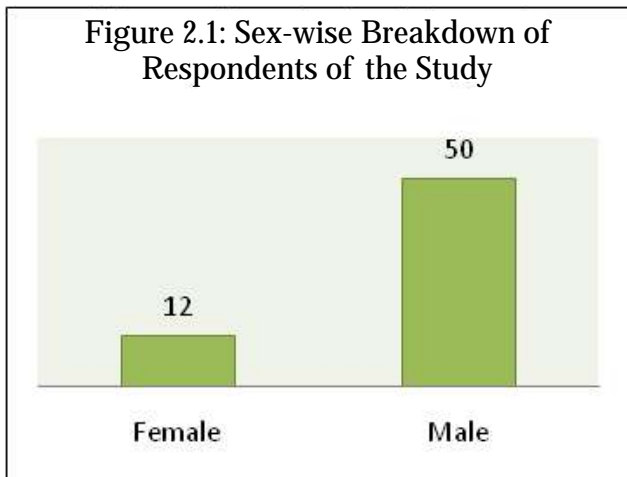
The study relies on qualitative data that was collected through oral interviews with 62 participants from Khorda, Kendrapada, Koraput, Balangir, Bargarh and Nuapada districts of Odisha over a period of 14 days in February, 2014. A purposive sampling technique was employed to identify cases of migrants from an existing database of NGOs (see Annexure 2.1 for details) which include PRATIKAR in Bhubaneswar, Gram-Utthan in Kendrapada, SOVA in Koraput, Aide-et-Action in Balangir, Debadatta Club in Bargarh and PARDA in Nuapada. The said database of the afore-mentioned NGOs was collated based on the number of legal disputes that each of them has been responsible for resolving. From within each database, the most contrasting examples were selected for in-depth case study analysis in order to collate the widest possible range of legal disputes faced by poor rural workers who migrate out of Odisha in search of livelihoods.

The broad categories of disputes that emerged after this preliminary analysis of secondary data comprised those related to payment of wages; accidents at workplace; loss of life; forced labor through bondage; and cases of missing persons.

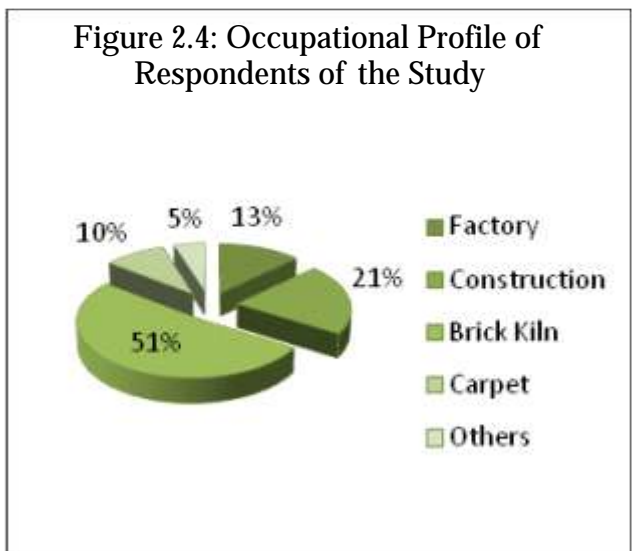
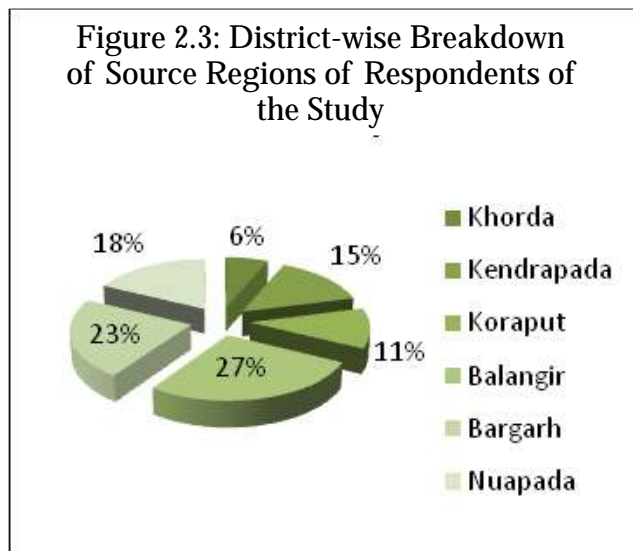


2.1.2 Profile of Participants of the Study

A brief profile of respondents of the study and the regions of the study is presented through Figures 2.1-2.5. Majority of the respondents were male (80 per cent). A conscious effort was made to speak to and capture the views of female migrants, however while on the one hand very few women were part of the database of NGOs which facilitated the study; on the other hand, it was also shared by respondents that women in a majority of cases migrated with their families to brick kilns whereas single male migration was dominant in other occupational profiles such as construction and factory work. With regard to the age-wise breakdown of respondents, 54 per cent were between 21 and 39 years. Minors in the study included children as young as eight and ten.



A balanced breakdown between the six different districts of the study was attempted with approximately the same amount of research time dedicated to every district. Figure 2.3 provides the district-wise breakdown of respondents.



A distinct regional variation in the occupational profiles of migrant workers emerged in the study. For example, the majority of respondents who had suffered a legal dispute and originally hailed from Kendrapada were plywood factory workers. Migrants native of Khorda and Koraput districts were largely construction workers whereas west Odisha comprising Balangir, Bargarh and Nuapada typically provided voices of rescued bonded laborers. As a result 51 per cent of the total number of participants were those who had faced legal disputes in brick kilns (Figures 2.4 and 2.5).

Furthermore, majority of respondents were either circular migrants who had returned to their village for a break or were seasonal migrants (factory and construction workers comprising 34 per cent of the sample) or were rescued bonded laborers who had been rehabilitated or had escaped bondage (51 per cent of the respondents). Ten per cent of the sample comprised of carpet weavers and a small number were agricultural laborers and home based workers.

With regards to the types of legal disputes faced by migrant workers, it was observed that a majority of cases that were covered concerned with bondage and wage related disputes. There were also significant number of cases of workers missing from their place of occupation, workers who had suffered occupational accidents and others who had lost their lives (Figure 2.5). From among the total cases mapped in the study, 56 per cent remain unresolved.

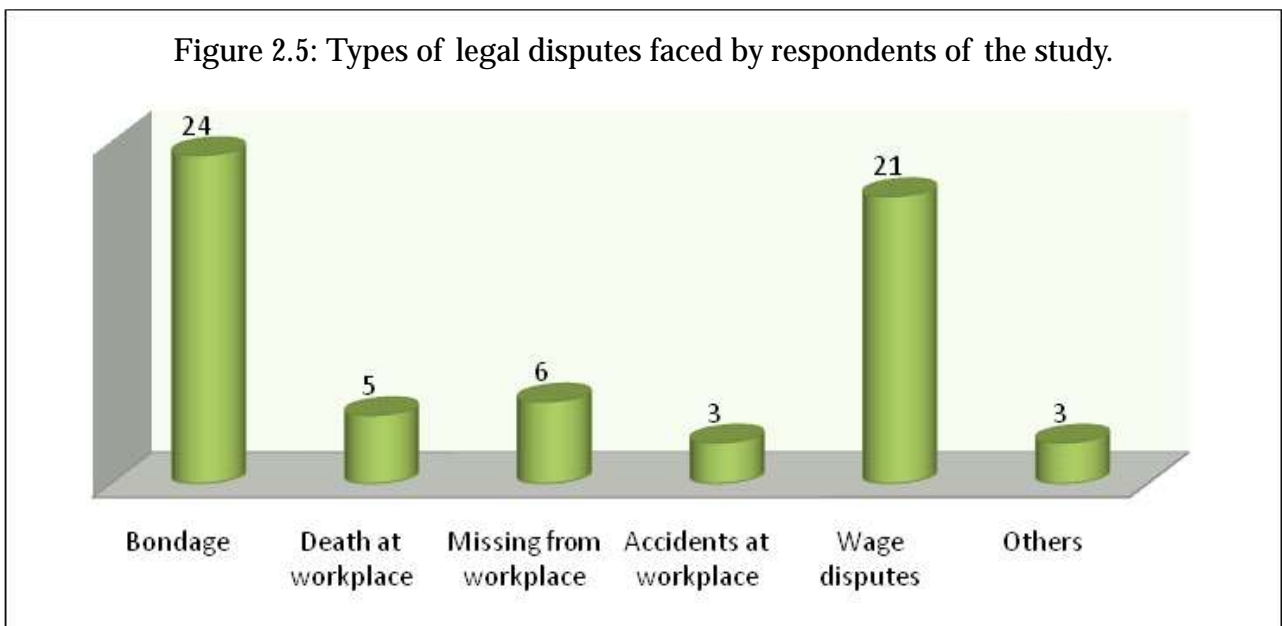


Figure 2.6: Regional Variations in the Nature of Migration; Figure Based on Occupational Profiles of Respondents of the Study

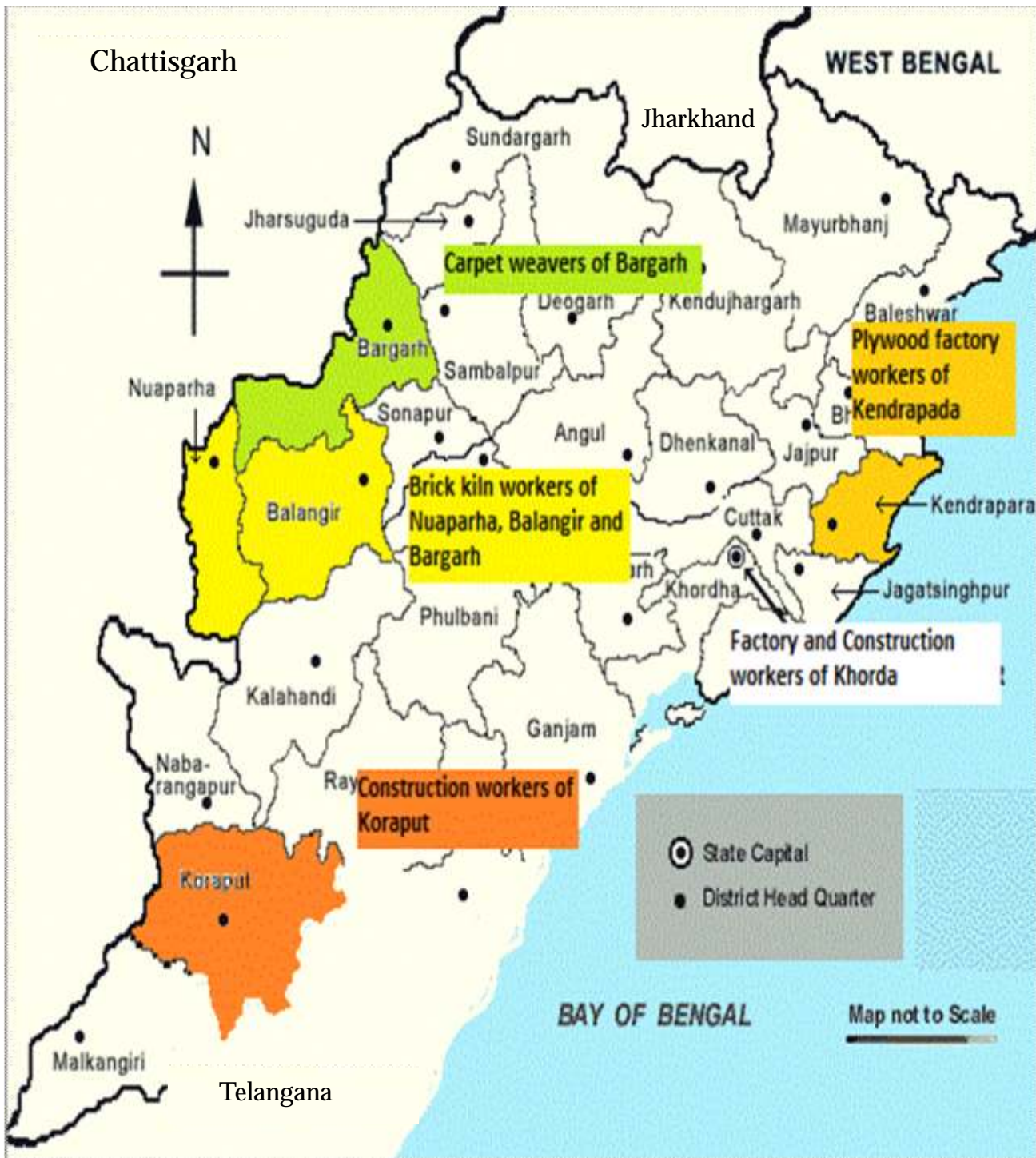
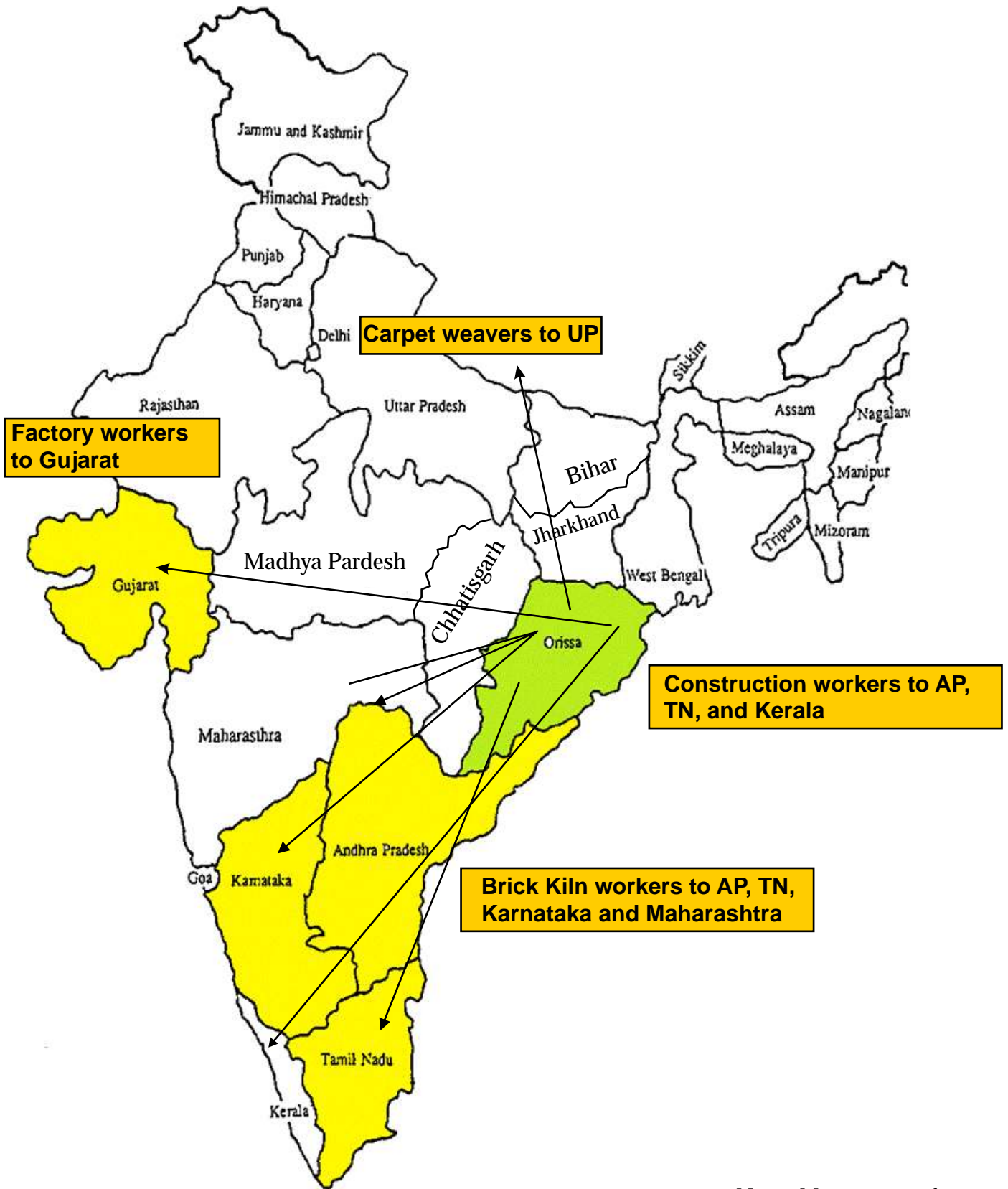


Figure 2.7: Major Corridors of Inter- state Migration from Odisha; Figure Based on Mobility Patterns of Respondents of the Study



Note:- Map not to scale

2.1.3 Theoretical Frame: Migration, Informality, Flexible Labor and the Global Structure of Labor Market

The increasingly sharp turn towards informality and flexible labor in recent history can be traced to the Washington Consensus (1989). Summarised in the World Development Report 1990 (World Bank, 1990, p. 63), the Consensus presents among other things the argument that: *“Labor-market policies—minimum wages, job security regulations, and social security—are usually intended to raise welfare or reduce exploitation. But they actually work to raise the cost of labor in the formal sector and reduce labor demand”* (as quoted in UN Publication, 2010). According to this argument, removal of labor regulations would increase labor market efficiency and create greater employment. In other words, a flexible labor market was deemed as a pre-condition for private sector investment from within and outside the country. What this widely practised theory led to, however, was a dramatic increase in informalisation of work, greater vulnerability to poverty, insecure incomes and status of employment (Standing, 2007). So, while the theory was proven correct in terms of the sheer number of jobs created, it was noticed world-wide and especially in the context of developing countries that the majority of jobs were created in the informal sector and that these jobs primarily entailed low skill and low productivity, offered no social security or legal protection and offered poor work conditions. Given the poor investment in work conditions, these jobs typically attracted laborers from marginalised and vulnerable communities and migrants from distant lands. A parallel policy position of poor investment in rural development has further pushed vulnerable migrants into growing industries with no option to get committed to an “industrial way of living” (Papola, 1968). Numbers returning to agricultural activities from urban industrial employment is negligible compared to those settling down in cities with their families (Ibid.) and becoming a part of an ever expanding unorganised sector.

It comes as no surprise then that the unorganized sector in India comprises 92 per cent of the total workforce in the country and a vast majority are reported to neither have access to decent work conditions nor get remunerated with minimum wages (National Commission for Enterprises in the Unorganised Sector, 2007). As per the current norm, workers across major unorganized sectors toil under strenuous conditions for anywhere between 12 and 16 hours a day and despite numerous government schemes, they largely remain outside the coverage of social security. Evidently, their real wages are never commensurate with profits made in the agriculture and non-farm sectors. In fact, a majority of them belong to depressed social groups and have inter-generationally faced indebtedness, in agriculture as well as in modern industry (Breman, 2013).

Within the unorganized workforce there is a significant section of those who are forced to repeatedly shift from one job to another and migrate from one region to another in search of employment (Breman, 2013). In a scenario where the current neo-liberal political economy gives precedence to market forces and limits the role of public governance and control, it is this section of migrant laborers in the unorganized sectors which are denied even the “minimum forms of labor protection and security” (Breman, 2013:39).

The government on its part has put in place a legislation called the Inter-State Migrant Workers (Regulation of Employment and Conditions of Service) Act, 1979^{2.1} which seeks to regulate work conditions for one of the most vulnerable sections of workers in the country.

The Inter-State Migrant Workers (Regulation of Employment and Conditions of Service) Act, 1979 is applicable to all establishments and contractors that engage the services of five or more inter-state migrant workers. Principal employers^{2.2} of inter-state workers are under the Act required to register with an officer assigned by the state, in the absence of which they are prohibited from hiring the services of workers from outside the state.

The Act also directs contractors to obtain licenses from designate officers of the state government. No contractor is legally permitted to employ a worker in a state other than her domicile without the said license. State governments are mandated to outline the terms and conditions of the agreement between the employer and the worker, which may also include the terms of recruitment, details of remuneration payable, hours of work, entitlement to basic amenities and fixation of wages. Among the duties assigned to contractors by the state are furnishing of details of movement of inter-state workers to state authorities, issuing photo-passbooks to all workers with information about name, address, and period of employment, proposed remuneration, displacement allowance (calculated to be 50 per cent of the monthly wages), return fare and details of deductions made, if any. Workers are entitled to a journey allowance for both outward and return travels. This allowance cannot be less than the fare of travel. The wage rates and conditions of services are prescribed to be the same for all workers irrespective of their domicile state and under no circumstance can wages be below the amounts fixed under the Minimum Wages Act, 1948.

The onus of regular payment of wages, equal pay for equal work, decent conditions of work, provision of residential accommodation, medical facilities, and protective gear for occupational safety falls onto the contractors. In the event of occupation accidents, the state designates the contractor to notify next of kin. In the event that the contractors are found to not comply with their mandate, the responsibility to provide wages and other amenities shifts to the principal employer. All state governments have to assign inspectors to ensure the implementation of the Act.

Other Acts that promise to provide security to workers in general include the Equal Remuneration Act, 1976 which is mandated to ensure that there is equal pay to men and women for work that is either same or of similar nature. The Minimum Wages Act, 1948^{2.3} directs the central and state governments to “fix, review and revise the minimum wages” of workers employed in listed employments.

^{2.1} For details, see:

[http://labour.gov.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/The%20Inter-State%20Migrant%20Workmen%20\(Regulation%20of%20Employment%20and%20Conditions%20of%20Service\)%20Act,%201979.pdf](http://labour.gov.in/upload/uploadfiles/files/ActsandRules/Service_and_Employment/The%20Inter-State%20Migrant%20Workmen%20(Regulation%20of%20Employment%20and%20Conditions%20of%20Service)%20Act,%201979.pdf); accessed on March 25, 2014.

^{2.2} Under the Act, principal employers in relation to a mine or factory or any other establishment include the owner or agent or a person named as the manager under the Factories Act, 1948 or any person responsible for the supervision or control of the establishment.

^{2.3} For further details, see:

http://labour.nic.in/upload/uploadfiles/files/Divisions/wage_cell/4fd9bebab42a0mwact.pdf; accessed on March 25, 2014.

Wage rates are to be revised within a period of less than five years based on recommendations of committees that formed to assess wage rates. Discrimination on the grounds of sex is strictly prohibited in wage distributions. The Act is enforced by inspecting officers of the Chief Labor Commissioner at the central level and by state machineries in their respective jurisdictions. The Payment of Wages Act, 1936 has been put in place to ensure regular flow of wages to workers and protect them from illegal deductions in wages by employers. It provides for remedial measures in the event of illegal deductions and/or unjust delays in payment. Under the Act, wage ceilings are fixed to enforce minimum earnings. State governments are responsible for the enforcement of the Act in all factory and industrial establishments. The Child Labour (Prohibition & Regulation) Act, 1986, has been enacted to prohibit all forms of labor in activities identified as hazardous by any person who has not completed fourteen years of age. The objective of the Act is to prohibit engagement of children in certain establishments and to ensure that wherever employed, children have access to regulated conditions of work.

Taking cues from Breman's theory on migration, informality and the global structure of labor market, this study seeks to provide an analytical review of case studies in a manner that they throw light on existing legislations as well as the global labor market scenario. Accounts of interventions by non-governmental organizations as service providers in legal aid for migrants is built in the case studies to highlight the growing role of NGOs in filling what is a huge gap in public sector provision of services.



2.2 Stories from the Field

The following sections attempt to piece together stories of legal disputes faced by migrant workers hailing from Khorda, Kendrapada, Koraput, Balangir, Bargarh and Nuapada districts of Odisha and working in medium and small scale factories of plywood and carpet weaving, the construction industry and brick kilns that are spread across the states of Andhra Pradesh, Tamil Nadu, Kerala, Gujarat, Karnataka, Uttar Pradesh and West Bengal. As discussed in the profile of the respondents, plywood factory workers were predominantly from the coastal district of Kendrapada, carpet weavers from Bargarh, construction workers from Koraput and Khorda, and brick kiln workers from Balangir, Bargarh and Nuapada. This section is divided into underlying causes of legal disputes faced by migrant workers.

2.2.1 Illegal Recruitment and Disputes therein

Returning to the stories of Gashi, Hari and Phalguni would reveal that not only were their legal disputes starkly diverse, their reasons for migrating in search of work differed widely as well. While Phalguni left her village in the hope of earning enough to provide for her children, Hari migrated with the expectation to return as soon as his earnings permitted the construction of his house. Gashi on the other hand, a young boy of 14 years aspired for a life of comfort in the city. Their unique reasons for migration resulted in bondage, a state of loss or possible death, and permanent disability, respectively. Their disparate stories can be tied together to present the point that be it livelihood security at source or labor security at destination, migrant laborers remain at the bottom of development aid in the current context.

To begin with, there is the issue of illegal recruitment of workers from rural areas to distant urban or semi-urban centres of employment and the corresponding desperation of villagers to seek livelihood opportunities no matter what the risks may be.

The model that works most popularly in rural sources of migrant laborers is based on sub-contraction. The principal employer in distant destinations usually pays an advance to a contractor who in turn hires petty contractors to do the actual recruitment of laborers. In many cases there may be one or more levels of petty contractors that link up the recruitment process. The first point of contact for migrant villagers is therefore often a petty contractor, locally known as *sardar* or someone hired by the *sardar* who is usually a fellow villager who has himself been or continues to be a migrant worker. The *sardar* and/or the hired individual enjoy information advantage vis-à-vis recruitment costs, legal entitlements and security risks in inter-state transfers of people. Arrangement of travel journey to the destination is made by the *sardar* after verbal agreements. The multiple levels at which recruitment of an inter-state informal worker then result not only in migrant workers being unable to establish a relationship with their principal employers but also substantially decreases the possibility of the local *sardar* being a registered license holder.

The experience of Subhash Chandra Sahu, aged 31 years, from Kendrapada district provides a case in point. He first migrated to Gujarat some ten years ago with a petty contractor from an adjoining village. He was married at the time and had one child. His ancestral land of seven *bigha* had begun to prove insufficient for his extended family of eight people and migrating in search of work in his words was “the only option available for survival”.

Unaware of the risks involved in inter-state migration and resting his faith on the verbal assurance made by the contractor, Subhash left for the destination sans a signed contract, identity papers or documentation of the promised remuneration. Unfortunately for him, his reliance on a verbal agreement with a man from a neighbouring village backfired. Not only did he labor for two months without pay, losing almost Rs. 5,500 worth remuneration, but also returned empty handed and unemployed. Without any documentary proof or identity papers and unwilling to approach the police for fear of being forced to pay a bribe in return of services, Subhash let go of the case as an unfortunate learning experience.

The enormity of the limitations facing Subhash in his village becomes obvious when it is learned that despite facing deceit as a migrant the first time, he decided to risk travelling in search of employment for a second time. And yet again, he followed a petty contractor to a destination on the basis of a verbal agreement. Fortunately for him, the next time around, his dues were paid to him. For the following ten years until present, he worked as seasonal migrant, cutting plywood for a livelihood.

The core question that presents itself through the case of Subhash is how a complex network of illegal recruiters that are the backbone of inter-state migration of poor rural youth are countered not by government legislations but by scattered and under resources interventions by non-government organizations.



It is three years ago that Subhash learned about Gram-Utthan, an NGO that works on labor disputes, among other things in district Kendrapada. After a formal orientation on processes to be followed, a formal complaint was lodged by Subhash with the NGO whose officials then contacted the petty contractor. The mediation expert at Gram-Utthan, Mr. Abhaya Maharaj explains that most petty contractors in the region are not registered with the District Labor Office and fail to provide migrants with the required documentary proof, brazenly flouting the Inter-State Migrant Workers Act, 1979. Migrants in turn are unable to approach the government without any documentary or identity proof, enabling the petty contractors to operate as though they are above the law. The contractors thus rarely face organized threat. Summons from an institutionalized set up such as an NGO, therefore proves adequate intimidation. Further, a general policy such as that of Gram-Utthan's of not advertising about the felonious *sardar* and preferring mediation makes it worthwhile for the latter to resolve the case in question amicably as opposed to risk being identified by the district labour office or by other migrating workers. Although word travels and there have been instances of villagers openly rejecting indicted *sardar*, in a significant number of cases, numerous other *sardar* continue their business of illegal recruitment without adhering to registration drills.

Correspondingly in the above case, the contractor in question, on sensing further trouble with the police and district administration, quickly settled Subhash's accounts from ten years ago. Witnesses from the first verbal agreement helped strengthen Subhash's case. Today, Subhash earns Rs. 4,000 in the village and Rs. 7,000 from his work as a migrant laborer on a monthly basis. He has now received an identity card from the NGO and maintains a work related notebook to document that number of hours per day that he spends doing professional work.

2.2.2 Hazardous Work Conditions

Kherdonayak migrated to Gujarat in the year 1999 to work in a plywood factory. He was 16 years old then. After completing his first eight years as a factory worker, he was promoted to the rank of supervisor for which he received a monthly wage of Rs. 10,000. In the 15 odd years as a migrant worker, Kherdonayak became well acquainted with fellow workers and with the ways of life in Gujarat. His income was higher than what he could have earned in Odisha and enabled him to remit money on a monthly basis to his mother and three sisters who continued to stay in the village and work as agricultural laborers in neighbouring fields.

Kherdonayak's life as a migrant worker was "pleasant" as per his own description. His factory provided him with a dorm to stay in, facility to cook food and clean drinking water. In the 15 years of service he neither felt the need for an identity card nor did he ever seek social security. Through his earnings he was able to get his younger sisters married and contribute a substantial amount for improving the standard of living of his family. His experiences in fact encouraged other young boys to migrate from his native village as well.

The description of his work life as "pleasant" represents the awfully low expectations that migrant workers or workers in the unorganized sector in general have from the places of employment. A detailed discussion with Kherdonayak soon revealed that dangerous engagement with wood cutting was allowed to take place without provision of any protective gear. When asked whether he ever found this to be a problem,

Kherdonayak defended his work place by explaining that “*there was no protective gear in the market which allowed plywood cutting to continue without hindrance*”. Another glaring gap in safety measures was the lack of training provided to employees. Kherdonayak had himself learnt to operate machines on the job. As a supervisor, he was expected to ensure that work did not ever stall and to this end he was often expected to take over the responsibilities of fellow workers. It was one such encounter which cost Kherdonayak three of his fingers and a possible amputation of the arm, when the sudden absence of a colleague threatened work to be stalled and prompted him to operate a machine that he had never been formally trained to work on. With no knowledge about safety measures, none of the workers around Kherdonayak at the time of the incident were able to provide him with immediate aid.

Kherdonayak received monetary aid from his employer which compensated his medical expenses. He was released from the hospital after ten days; however, he was advised rest for the following two months. Unable to afford to remain idle and without pay, he decided to return to his village. He was paid an amount of Rs. 35,000 to facilitate his travel and stay in the village.

Kherdonayak was not aware that an injury at workplace entitled him to a bigger compensation. It is only when he returned to his village and came across the NGO Gram-Utthan that he found out about his entitlements. Consequently, he went to the NGO office and filed a complaint. The NGO staff then spoke to the employer in Gujarat and after a series of negotiations compensatory damages amounting to Rs. 50,000 were transferred to Kherdonayak.

The additional money made Kherdonayak pleasantly surprised and he used the same for paying for his daily expenses during the initial months after return. He agrees that his lack of awareness made him vulnerable to losing out on his entitlements and had it not been for the intervention of the NGO, he would not have been able to access it. However, in the same breath he also conjectures that “*if workers knew about their entitlement to compensation in the event of accidents at workplace, then they would get injured on purpose*”. He is in fact aware of other colleagues who met with accidents. There had been a death at his factory and fingers were amputated in accidents that took place with a frequency of at least two per month. In all cases, the factory paid for its employees' medical expenses but no compensation was awarded. In the absence of a Union or an NGO, workers in Gujarat had no mechanism to increase their awareness or access their entitlements. “*Work always resumed almost immediately after cases of injury or death.*”

Back in his village, Kherdonayak now works as a share cropper and ploughs paddy on his small farm. At the time of the study, he expressed his desire to continue to live in the village. However, he also shared that given the dearth of opportunities at home he may eventually have to migrate again.

It is important to highlight at this point that Kherdonayak's case is an example of the violation of primarily the Factories Act, 1948, the Workmen's Compensation Act, 1923 and the Contract Labour (Regulation and Abolition) Act, 1970. The multiple levels of failure of different legal provisions combined together to ensure in Kherdonayak's case that neither were there ever any timely inspection at his worksite to ensure use of protective gear, nor was there provision of compensation as guaranteed under the Indian Constitution. Furthermore, the contractor responsible for Kherdonayak's employment was not a registered licensee.

The Factories Act, 1948 was introduced to regulate the premises where ten or more workers were involved in activities that use power or where twenty or more workers were involved in a manufacturing process that did not necessarily involve the use of power. Workers under the Act included those employed directly or through a contractor. Among its numerous regulations and provisions, the Act makes inspection of factories a mandatory feature for state governments and directs for supervision of those factories to take place by certified surgeons which are categorized as involving dangerous work. Sections 11 to 20 of the Act specify measures that need to be taken to ensure good health of workers and include guidelines such as availability of drinking water, safe sanitation facilities, lighting, etc. Sections 21 to 41 of the Act lay down provisions for safety at workplace and include the use of protective gear for operation of dangerous machines. In addition, special rules may be made by state governments for factories which expose workers to the risk of physical injury; Section 87 specifies directives for payment for medical examination. It is also stipulated that the manager of a factory must inform authorities each time an accident takes place at worksite which must then be followed by an inspection by the concerned authorities. Safety and occupational health surveys are to be undertaken regularly by the state government.

Workmen's Compensation Act, 1923 guarantees social security to workers by ensuring compensation in the event of a workplace accident or death. The Act is applicable to all situations irrespective of the number of people employed and whether the establishment is categorized as a factory or not. The amount of compensation as stipulated under the Act is a minimum amount of Rs. 80,000 in the event of death and a minimum of Rs. 90,000 in the case of permanent total disablement. The expenditure made by the employer for treatment of the injured worker is not considered a part of the compensation package. The Workmen's Compensation Act, 1923 does not apply only in the event when workers are covered under the Employees State Insurance Act, 1948^{2.4}.

Contract Labour (Regulation and Abolition) Act, 1970^{2.5} is applicable to all establishments (government and non-government) which engage 20 workers or more as contract labor. It also applies to contractors who employ/employed 20 or more workers. All establishments covered under the Act are treated as principal employer and are directed to register with designated government authorities and contractors under the Act are to procure a license, the terms and conditions of which are binding to all interactions between workers and employers. However, establishments which engage workers in an intermittent or casual manner are not covered under the Act. Workers are entitled to regular payment of wages and access to canteens, restrooms, first aid, and safe drinking water. The primary responsibility of delivery of the above rests with contractors whose failure to perform transfers the onus on to the principal employer. Contract laborers who perform work that is similar to that of regular workers are entitled to the same wage rates. It is the responsibility of the respective state governments to appoint appropriate inspecting staffs that have the onus to maintain records and award penalties for defaults.

^{2.4}The Employees State Insurance Act, 1948 makes available benefits to workers in cases of sickness, maternity and employment injury. For further details, see: <http://www.esic.nic.in/Tender/ESIAct1948Amendedupto010610.pdf>

^{2.5} For further details, see: <http://labour.nic.in/content/dglw/Schemes/ContractLabour.html>; accessed on March 25, 2014.

2.2.3 Absence of Wage Regulations

While occupational safety is an important concern of migrant workers, the majority of legal disputes that were documented in this research study comprised violations of wage payment. From within the sample, these disputes affected migrants who had wilfully left their villages in pursuit of upward economic mobility and those who had relocated themselves out of sheer desperation in equal measure. Ownership of land and monetary resources did not necessarily decrease the chances of a migrant from being denied his wages in another state. What it did do, however, was cushion the negative impact of the dispute and enable the better resourced migrant to continue work elsewhere.

The cases of Sukhdev, Neelkanth and Lakhandar from village Kola, Rajkanika block in Kendrapada district present a scenario wherein workers became inter-state migrants following their desire to improve their respective economic fortunes, and travel around to see the country. The three migrant workers during an interaction for the study shared that “*being migrants gives us the flexibility to select work at our will. City life is enticing. We return to our village only when the need so arises.*” However, in their ten odd years of life as migrants, they have faced their share of trouble. Recently, in the year 2011, all three were recruited to work in a plywood factory in Visakhapatnam. The contractor was from a neighbouring village and had promised them Rs. 5,000 per month. Sukhdev, Neelkanth and Lakhandar received payment for two months, following which for the next two months, their remuneration stopped. The three returned to their villagers after suffering a monetary loss. Despite regular visits to the contractor they failed to get their dues. They narrate how they then found out about Gram-Utthan and approached the NGO to lodge a formal complaint. The mediation process that followed concluded in a mere month's time and all three received their dues. In their four months at Vishakapatnam, the three never formally met the owner of the plywood factory. They now possess identity and documentary proof and are aware about the benefits of accompanying registered contractors for work related migration. Yet, they confess that they know enough people who continue to travel with unregistered contractors on the promise of lucrative remuneration and are themselves often enticed to follow the same path given the value of the deal on offer.

Tapan Das Sahu from village Gadagadhimal in Bargarh district provides another case in point. He migrated to Mirzapur in Uttar Pradesh at the young age of 16 when a casual conversation with a petty contractor encouraged him to quit education and run away from his family with two other youth from his village. He began work in a carpet factory where he was trained in carpet weaving for three months. Tapan remembers his initial days as filled with enthusiasm as he would often visit the cinema and enjoy a life that he feels was denied to him in the village. It was on one such visit to a cinema house which turned things around for him. In his absence, ten of his colleagues escaped with the money of the employer. Tapan was thereafter captured and kept in a locked room, threatened first for information and later told to continue work without pay until such time that the employer's losses were nullified. His pleas of innocence fell on deaf ears and the employer accused him of collaboration with the thieves based on their common domicile in Odisha. For the next three months, Tapan remained in captivity and worked without pay. An opportunity in the form of a window break finally enabled his escape and he then managed to get on to a bus to Bhadohi.

Tapan narrates that “*Bhadohi is filled with weavers from Odisha. I had to only stand near a tea shop to find employment at a carpet factory.*” He resumed work and continued for three years. He was given food and a stipend for other needs. At the end of three years when he approached the employer to clear his dues, Tapan was handed Rs. 1,800 for three years of hard labor! Disheartened, he used the money to return to his village.

“*Village life appeared lifeless and slow after years in the city and so I decided to try my luck at a carpet factory again*”, Tapan recounted. This time around, he travelled to Lohta, Varanasi where he earned almost Rs. 5,000 a month and saved a substantial amount of money with which he was able to buy a plot of land in his village. Thereafter he tried to work in an oil factory in Mumbai. However a minor accident at workplace which resulted in no compensation from employers made him decide to return to his village. His medical bills were not reimbursed and his small savings were spent on paying medical bills.

At the time of the study, Tapan worked with an NGO called Debadatta Club which provides assistance and legal aid to migrants caught in disputes. He realized how his experiences amounted to flouting of laws by his previous employers; however, he did not feel the need to seek justice as many years had passed. He now wished to spread awareness among young people who like him are enticed to work in small factories in distant lands to ensure that they are aware of their entitlements and rights.

Sukhdev, Bimal, Manchun, Govinda, Baadal and Prem are all young weavers from Bargarh who had returned from carpet factories in Bhadohi for a break. They fall in the age group of 18 to 30 years. A conversation with them revealed that much like Tapan, they too had travelled to Uttar Pradesh after being contacted by a middle man in the village. The pattern was similar. None received payment during the apprenticeship or period of learning, following which they would get between Rs. 80 and 100 per metre of weaving which took about four hours of continuous work. On an average, they managed to weave 2-3 metres in 12 hours for which they were paid Rs. 200- 250.

The group recounted that they would often not get paid their dues and that there were instances of wrongful confinement similar to that of Tapan's captivity that they had experienced and escaped from. They understood that the absence of formal unionization made it impossible for them to protest against unfair wage rates or make demands for better working conditions. They add that “*There are enough people from Bihar, Jharkhand and other parts of Odisha who are constantly present to replace us and this further discouraged us to demand better amenities*”. However, despite the obvious discomforts they appreciate the flexibility associated with the nature of work; the informal nature allows them to return when they wish to. Moreover with the distribution of identification cards by the NGO, they feel that employers in Uttar Pradesh have become more regular with their system of payment.

While it is city life that enticed them to leave their homes at first, they all harbour desires to find remunerative work in their villages. They are not in favour of NREGS which they allege neither pays in time nor provides enough money and partaking in agriculture is not a priority either with poor irrigation facilities in the village. They would ideally want weaving opportunities of the kind in Uttar Pradesh to be made available for them in their native regions.



2.2.4 Specificities in Vulnerabilities Faced by Adolescent Migrant Workers

Much like Gashi's story referred to in the first section, Sukhdev, Neelkanth and Lakhandar from Kendrapada and the young carpet weavers of Bargarh, this study documented numerous other young men and women who migrated for better economic opportunities and an improved standard of living; all legitimate dreams that are common to people from across social groups. What makes the likes of Gashi and others different is their absolute lack of awareness regarding regulatory and security measures, legal provisions and support systems. This lack of awareness presents grave consequences especially for those involved in the construction industry.

The experience of Pramod Negi from Gashi's neighbouring village Gundaputh in Block Simliguda in Koraput district provides a case in point. Pramod, aged 16, decided to take a break from his studies in ninth standard in the village government school to pursue the life of a construction laborer in Hyderabad. He believed that the city would help him earn extra money that he would save up for his future. While in the village, he often took up part-time construction work and earned Rs. 140 per day, the city promised him a slightly higher deal at Rs. 200 per day. Pramod's expectations were far from met in Hyderabad where he was made to fend for his subsistence. At the end of two months of hard, physical labor, Pramod returned to his village with Rs. 8,000 as against the Rs. 12,000 that he had bargained for. Unable to resume studies in ninth standard, he was forced to repeat the year in school, making the opportunity cost of migrating higher than the money earned. Pramod today regrets his decision to drop a year in the hope of earning money and living in the city. He never attempted to fight for the lost remuneration because he neither had any documentary proof of his employment nor was he aware of supportive institutional mechanisms to help him. He now studies in the local school and takes up construction work on a part time basis as earlier.

Not all cases conclude with the loss of one academic year. Sometimes the cost is far higher. For Hari Om, the 48 year old father of 16 year old Aujju, loss stems from the absence of knowledge about his son's whereabouts. Aujju left for Chennai without informing his family. Enticed by a contractor who misinformed the boy about remuneration prospects in the city, Aujju decided to quit school and run away with a group of eight teenagers and young adults who planned to make a living in the city. Six out of the eight adolescents returned to their village within five months of hard labor in the construction sector of Chennai. Mandal Nayak, aged 25, is among the six who could return. He too had run away from home and aspired for a better life in the city. He shared that although all laborers were provided with adequate food and water; the work itself was very dangerous and required them to partake in construction activities on floors as high as the eighteenth. Moreover, instead of receiving the promised Rs. 6,000 a month, the group was paid only Rs. 3,300. Fear for their safety and pay that did not match with what was initially promised led the six to attempt their escape. Their return was a clandestine mission as the owners would not allow workers to leave the construction premises without completing the promised duration of work.

After the escape of the six individuals, the two, including Aujju who could not escape were kept under tight security. This was confirmed by Hari Om who had received calls from his son until seven days before the interview. In the calls, Aujju would promise that he would try and return at the earliest but also confided that he was forbidden from leaving the construction work. Having spent seven days without hearing from his

son at the time of the interview, Hari Om worried for Aujju's safety and yet refused to lodge a missing person's complaint at the local police station in district Koraput. The NGO representative from SOVA on attempting to encourage Hari Om was politely informed that lodging an FIR would put him under risk of being seen as a police informer, a possibility he was highly wary of in a region with high Naxal mobility. The Naxal activity in Koraput presented a peculiar situation where villagers refused to file complaints for being seen as government supporters and because of their inability to bribe them. In the meantime, lives of young boys like Aujju hang precariously, with no hope of help from family, police or the NGO establishment.

The Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 and other related Acts^{2.6} mandates registration of all workers as beneficiaries in Building and Other Construction Welfare Boards. It entitles workers to welfare, safety, health, insurance and other measures and stipulates the number of permissible hours of work, conditions of work, guidelines for payment of wages and compensation packages in the event of accidents, etc. Under the Act, Central and State Advisory Committees are directed to be formed by the Central and State Governments respectively. Contravention of safety and health related provisions by employers is punishable with imprisonment and/or fine.

The Building and other Construction Workers Welfare Cess Act, 1996 enables to augment the resources of State Welfare Boards. It mandates the levying of a cess on costs of construction incurred by employers to help fund the Boards. Under this Act, the Central Government is obligated to frame model safety rules, appoint a Director General who is vested with the authority to lay down standards of inspection and notify employers regarding collection of cess. Among the duties of the Building and Other Construction Workers Welfare Boards are provision of assistance to registered workers in case of accident; payment of pension after the age of 60; sanction of loans and advances for home constructions; enabling workers' access to insurance by paying premium; provision of financial assistance for expenditure on education of children, medical expenses, maternity benefits, and any other specified welfare measures.

The Building and other Construction Workers (RECS) Central Rules, 1998 were framed to make the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Building and other Construction Workers Welfare Cess Act, 1996 operational. The rules specify the terms of levy of cess, the time and manner of collection of cess, the process of transfer of proceeds of the cess to the board, penalty for non-payment, among other administrative directions.

^{2.6} For further details, see:

<http://labour.nic.in/content/dglw/Schemes/BuildingConstructionWorkers.html>; accessed on March 25, 2014.



Another case from Koraput district of adolescents running away from their families in search of work highlights the peculiar threat that young girls face when they decide to migrate in search of work. While no cases of young or married girls migrating for work emerged from Kendrapada or Khorda, that state-wide trend appeared to be undergoing a change in Koraput. Mr. Lambobdar, an official at the SOVA network of NGOs which is based out of Koraput affirmed that parents were not only increasingly accepting the fact that their girl children were as capable of earning money in the construction industry as their male offspring, but in fact preferred the former to migrate. This was because they believed that girls showed greater responsibility towards their families and rarely spent their earnings on leisure, whereas numerous instances of sons failing to save money had emerged in the past. On the one hand, this change in opinion, whatever its reason, may be seen as a step towards the economic empowerment and greater freedom of mobility for young women, it also puts greater risks on their safety. The case of young Sunanda who left her village to work at a construction site in Hyderabad along with ten other boys and girls elaborates this point further. Sunanda's parents recount how their daughter was kidnapped by the supervisor of the construction site where she worked and sexually assaulted in confinement for over two months. When the other ten returned to their village, they refused to give details that would have led Sunanda's parents to her because of severe threats meted out to them by the supervisor. Eventually the parents decided to face the

risk of being considered police informers in the Naxal dominated Koraput district and lodged an FIR and a complaint at the District Labor Office after being advised to do the same by a local NGO. Upon questioning by the police, one of the ten migrants who had returned to the village shared the telephone number of another source at the construction site. The police mediated and the supervisor sensing trouble put Sunanda on a bus to Koraput. The formal complaint against the supervisor was thereafter dropped and he remains at large. Sunanda returned home with no pay for her work and after two months of wrongful confinement and repeated sexual assault.

Sunanda's is not a story in isolation. What stands out is the sheer lack of safety provisions at work sites in urban centres for rural migrants, especially women. All returnees narrated the absence of services for legal disputes at destinations. No inspections at worksites were known to have been observed by any of those interviewed and in the absence of legal awareness and support measures at destination sites, all complaints related to payment cases, assaults, cases of missing people, etc. were made from the source regions.

The experiences of Pramod, Aujju, Mandal, Sunanda, Sukhdev, Neelkandh and Lakhandar above provide a range of examples of the different kinds of risks that are faced by migrant workers. It is important to note that these migrants left their villages in search of better opportunities. The freedom to do so is guaranteed by the Indian Constitution, wherein all citizens possess the right to move to any part of the country, build residences where they wish and practise trade or business in any state^{2.7}. Where these individuals lost out was their poor awareness regarding entitlements and the lack of social and economic support systems which in turn stemmed from flouting of existing laws and the absence of law enforcement agencies and institutionalised public support systems.

2.2.5 Families of Migrant Workers

While migrating to fulfil one's aspirations comprises one set of workers, there are numerous others which include those who leave their homes and families behind because they have no source of remuneration back in the village. Either under heavy debt, or sans any resources, these rural folk rely entirely on their earnings as migrant workers and have no income at the village level. Their problems and disputes are therefore more complex and include the range of vulnerabilities faced by family members who are left behind in villages. These consist of wives and children, and often aged parents who rely on irregular remittances, intermittent earnings from agricultural labor or sometimes the charity of neighbours for survival. Mamata Behra's ordeal is one among many. Her husband had been a migrant laborer and worked in the plywood industry prior to their marriage. She has two sons who study in the village government school. The family possessed no land of their own; neither a BPL card nor a NREGS job card. Their subsistence depended entirely on the remittances sent by Mamta's husband, Ranjan Behra who would remit between Rs. 4,000- 5,000 every month. In 2011, a fire gutted Mamata's home where she lost the grains saved for annual consumption, her monetary savings and all her other resources. At the time, Ranjan was in

^{2.7} Restrictions are applicable to the state of Jammu & Kashmir and to other specified areas.

Gujarat and took nearly a month to return. In the meantime, Mamata and her two young sons were at the mercy of relatives and neighbours for food and shelter. Recounting the ordeal, Mamta shares that “we are yet to recover from our losses in the fire. Had my husband been around, we would have saved some of our resources. In his absence, I was left to mendicancy.”

Mamta's ordeal presents critical questions for laws meant for protection and safety of migrant workers. While legislative efforts have been made to improve the work and living conditions of workers who leave their villages in search of work, a glaring gap exists when it comes to protection and social security measures for families of migrant workers who are left behind. Rural development schemes aside, the single point focus of laws for migrants and workers in general reeks of an institutional bias against the safe keep of their families. The general discourse too is silent on demands for social security, including life, home and health insurance for families of workers which should ideally be provided by employers as a universal policy.



2.2.6 Of Barren Homes and Bondage

On the one hand, there are instances of desperate migration in search of livelihood options where families are left behind; on the other hand, there are cases of entire families migrating to distant lands because getting left behind is simply not an option for anyone. Phalguni's story shared earlier provided a backdrop to what pushed men and women into taking young children to brick kilns and subjecting themselves and their loved ones to torture, hard physical labor and muted existence.

Narendra Banchur's is another example. Sitting in the company of his family in Bagmunda village in Nuapada district, he recounted that “*it was the desperation of not being able to feed my children that compelled us to migrate to a brick kiln*”.

Narendra's parents died when he was eight years old and left him without any ancestral property. As a child, he was taken care of by relatives who also paid for his wedding expenses. After the birth of his third child, Narendra realized that agriculture labor, goat rearing and a BPL card did not suffice to make ends meet. It was in 2009 that he was met by a local contractor who promised him a weekly sum of Rs. 700 if he agreed to take his family to work in a brick kiln in Thane region of Maharashtra. Narendra wasn't accompanied by anyone from his village and neither did he know the contractor from earlier. Three other families travelled with his and were put in a van from Nuapada to Maharashtra.

Work began at the brick kiln a day after the family arrived. They were given a small hut to live in. In the first month, the family was paid a sum of Rs. 200 a week against the promised Rs. 700. Upon initial enquiry by Narendra, he was informed that all dues would be cleared at the end of the brick making season. However, at the end of the first season, when Narendra approached the employer and asked for the remainder of his wages, all he received was abuse and the threat of violence against his family. Narendra recounted that a few of the other workers who had not been paid their wages managed to escape. Narendra however had young children with him and could not risk escaping with them or leaving them behind.

In the months after the first season, the weekly instalment of Rs. 200 stopped as well. The family was given two meals a day and moved from their hut to the third floor of the employer's house. Thereafter they were kept under lock and key. All household chores were forced upon them. Narendra and his wife cleaned the three floored house and ended their days with massaging the feet of their employer. Narendra's two daughters, then aged ten and eight, and son aged four, washed all the clothes of the family. His elder daughter cleaned the cowshed, took care of the employer's agricultural fields and helped with other domestic activities. The children were denied school education, daily beaten and verbally abused.

Supervision was strict to say the least. The entire family was never allowed to leave the compound as a group and were always accompanied by a supervisor. Ill fed, the family was soon reduced to a state of malnutrition.

Narendra fought back tears while recounting that “*the employer changed my name to Laxman. He threatened my wife and daughter with rape and put my family through four long years of abuse. Had the NGO not saved me, even our bones would have never been found*”.

It was only at the end of four years of captivity that Narendra found an opportunity to telephone his brother and narrate his ordeal. The brother informed NGO PARDA from his village which planned an elaborate rescue operation with the help of other NGOs – Sankalp and Aajeevika Bureau. Upon reaching the brick kiln site, the house of the employer had to be visited thrice along with police personnel before Narendra was located. Mr. Rudra Pattnaik, official at PARDA explained how rescue operations are terribly delicate because brick kiln owners are almost always politically well- connected leading to fractured cooperation with the local police. During Narendra's rescue, numerous other workers pleaded to the police to rescue them along with Narendra, however as Mr. Rudra from PARDA put it “*nothing could be done to bring relief to other laborers since the local police refused to cooperate*” .

Even Narendra's rescue was full of risk and difficulty. Despite police escort, the PARDA team was followed by a trail of cars filled with the employer's goons. As a result, Narendra and his family were driven until the Odiya border, hidden from outside view.

Owing largely to his political connections, the employer was never jailed for the crimes he committed against Narendra and his family. Neither was Narendra given a bonded labor certificate by the Government of Maharashtra. As a result, he was not entitled to Rs. 20, 000 in cash given to rescued bonded laborers. The credit for saving his life and rescuing his family goes solely to the NGO which later also arranged for Rs. 30,000 under Indira Aawas Yojana and for Rs. 80,000 under an Odisha state government scheme (Kuhpudia scheme).

At the time of this study, Narendra worked on the land of a relative and made bricks for a living. His house is not yet complete, but he had enough to eat. His children regularly attended a nearby school.

Narendra's case differs from others on many counts. To begin with, his four years spent in the Maharashtra brick kiln exemplify nothing short of modern slavery. His family was forced to work at the whims of the employer, with no stipulation of working hours or adherence to labor laws. They were not paid a penny for their labor, were abused and tortured for display of any defiance. The changing of their names demonstrated the sheer extent of control that was exerted on their beings. Equally importantly, there was no payment of an 'advance' in Narendra's case which otherwise typically plays an instrumental role in tying workers to lifelong debt or bondage.

The system wherein workers can avail a hefty advance, usually for non-productive purposes such as paying off a mortgage, a wedding in the family or a funeral in lieu of unpaid labor for a pre-negotiated duration has been in operation for centuries. It continues to this day where a large number of families take advances for personal expenses and travel to brick kilns to work for a season spanning a minimum of four to six months. They are promised a weekly sum called *kharchi* for food and other expenses. Upon completion of the season, the families usually return to their native villages and spend the remainder of the year working as agricultural labor or in other rural industries. It is not unknown for families to take to this system repeatedly year after year. It is only in the event when families/individuals are forced to work without their consent i.e. with the objective of keeping them in bondage that employers can be booked under the Bonded Labour System (Abolition) Act, 1976 and rescued laborers can access the relief specified for them.

It must be highlighted at this point that bondage or bonded labor was made illegal under the Indian Constitution with the enactment of the Bonded Labour System (Abolition) Act, 1976.

The Bonded Labour System (Abolition) Act, 1976 declared all persons hitherto working under bondage as free of any obligation to perform bonded labor. The Act made it a criminal offence to offer advance to persons in pursuit of restricting them to bondage in future and specified that nobody can be compelled to perform forced labor. All customary or traditional forms of bondage thereafter stood nullified.

Implementation mechanism: All District Magistrates are authorized by state governments to ensure the implementation of this Act, including the taking up of responsibility for the welfare of freed bonded laborers and preventive action against future cases of bondage. To facilitate prevention of bonded labor, vigilance committees are to be formed at the district or the sub-district levels. These are tasked with providing social and economic relief measures to rescued laborers, carrying out surveys on whether persons are being misled into bondage, coordinating with rural banking and cooperative societies to ensure credit services to freed laborers and periodically advise District Magistrates on the implementation outcomes of the Act. Two years after the Act was passed, the Indian Government announced a centrally sponsored scheme for the rehabilitation of released bonded laborers. Under the revised package of rehabilitation, all freed bonded laborers are guaranteed a sum of Rs. 20, 000 in addition of a relief and rehabilitation package.

A scheme titled "Grants in Aid to Voluntary Agencies in the Identification and Rehabilitation of Bonded Labourers" was launched by the Union Government in the year 1987 to involve NGOs in the eradication of bonded labor.

The Act, introduced 27 years after India's independence rests on Article 23 of the Indian Constitution, wherein trafficking in human beings and forced labor stands prohibited. Further, the Act is also influenced by international definitions of slavery and forced labor, in particular the UN Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery, and the ILO Forced Labour Convention, 1930 (John, 2006). Both international definitions qualify a bonded laborer to be a person who is forced to work in an underpaid capacity until such time that his/ her debt is paid off. This work is exacted from the person with the use of threat or penalty (John, 2006).

It is suggested by scholars that although the Bonded Labour System (Abolition) Act, 1976 is concomitant with international conventions such as that of the UN and the ILO, it fails to address the complexities presented by links between current forms of bondage and the capitalist mode of production.

Analysis of how labor intensive industries have historically perpetuated indentured labor and bonded labor provides evidence for linkages between bondage and modern forms of capitalism. 'Indebtedness', it is suggested, has played an instrumental role in arranging for and controlling workers in destination regions across centuries in different countries. Be it the use of indentured labor for colonial plantation agriculture in the Americas (University of Utrecht, 2006 in John, 2006) or the export of indebted workers from South Asia to British plantations in Africa and Central America (Thaigaraja, 1917 in *ibid.*), legalised debt-bondage provided fuel for a number of labor intensive capitalist industries. Debt in the above cases could take the

forms of cash disbursed prior to recruitment in the form of an 'advance', goods bought by the recruited laborer or money lent out for purposes of illness, etc. by the creditor. This lends credence to the argument that debt-bondage was indeed a propeller for labor intensive capitalist industries and that the unique advance based labor recruitment system played its role in arranging for a large number of workers to be made part of the bonded labor system (Wikramasinghe et al, 2002). As a result, even when indentured labor and bonded labor were legally abolished in 1915 and 1979 respectively, the latter in particular remained widely prevalent across the country^{2.8} because the advance based system of labor recruitment continued^{2.9}.

The contemporary form of debt bondage in modern India must therefore be seen as a “monetised form of slavery” which fuels the growth of capitalist production and not as a residue of an economy in transition from feudalism to capitalism (Patnaik, 1985). It is important to underscore that bondage in a globalized Indian economy survives as part of the country's “commodity production for global markets” wherein laborers are forced to work without minimum wages in lieu of the advances paid to them (John, 2006). Unique vulnerabilities along the axis of caste, sex, poverty and ethnicity are exploited by employers to produce the cheapest goods in an increasingly competitive market. Violence, curtailment of mobility, non-adherence to minimum wages and excessive hours of work are used as instruments to maximise profits.

Case studies from Balangir, Bargarh and Nuapada districts of Odisha present stories of families that in the year 2014 continue to be forced into bondage because of the continued existence of the historical advance based payment system. While those who are 'rescued' from their destinations receive government relief, others who form part of a network of circular migration and 'wilfully' subject themselves to strenuous hours of work which violate human rights for less than minimum wages in lieu of an advance payment are rendered voiceless by India's legal apparatus^{2.10}. The in-depth cases described below capture some of the struggles of rescued bonded laborers. These range from loss of life, non-payment of wages, child labor, physical and sexual violence at workplace and inhuman conditions of work, etc.

^{2.8}It may also be highlighted that legal protection provided by the British administration throughout the nineteenth century played a significant role in strengthening the debt- bondage system. For example, while the Labour Codes of Colonies Act of 1837 made the indentured labor system legal, the Workman's Breach of Contract Act, 1859 aimed at preventing violation of contracts by workers in tea estates. The 1863 Act enabled estate owners to arrest workers who ran away and the Inland Immigration Act of 1882 sanctioned licence-free recruitments of workers (Tanika Sarkar, 1985 in John, 2006).

^{2.9}It is important to highlight that under Indian law all forms of unpaid work comprise forced labor. A Supreme Court order (People's Union for Democratic Rights and Others vs Union of India and Others (Writ Petition No. 8143 of 1981, decided on 18 September 1982) observed that: “The word 'force' must be construed to include not only physical or legal force but also force arising from the compulsion of economic circumstances which leaves no choice of alternatives to a person in want and compels him to provide labour or service even though the remuneration received for it is less than the minimum wage. Therefore, where a person provides labor or service to another for remuneration, which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words 'forced labour' under Article 23.” The same judgement underscored that the definition of forced labor does not change even if it is based on a voluntary contract and/or if the contract is based on the liquidation of a debt or remuneration.

^{2.10}Data collated by three organizations working in the districts that were studied show that between 2011 and 2013, 1139 people were rescued from brick kilns in Karnataka, Andhra Pradesh and Tamil Nadu.

The family of Sujan had been migrating to work as brick kiln workers since more than a decade. They travelled in 2004, then again in 2012 and most recently in 2013. Their initial experiences were comfortable. The advance they were paid came handy at a time of need and their employers treated them with care. While working hours were strenuous, the weekly *kharchi* was adequate for daily nourishment. Water and sanitation facilities were not worthy of complaint and there was never an instance of abuse or ill treatment during work. Their experiences encouraged them to return to brick kiln work in 2013. However, their last visit to Hyderabad in 2013 turned things around for the family. The advance of Rs. 1,05,000 paid to the family of seven people at Rs. 15,000 per person was commensurate with local rates being paid for brick kiln work. This money was used to pay for the family's youngest son's wedding the same year. The regularity of the advance was perhaps the only standard occurrence in their experience.

Physical violence at the brick kiln near Hyderabad was rampant against both men and women. Any laxity during work, including failure to wake up on time, excessive time spent on breast feeding infant children, or cooking for the family and indulging in conversation in big groups almost always invited a rain of abuses and sometimes physical assault with wooden sticks and leather belts. Sexual violence against women was common in the compound and Sujan narrated how more than one woman had been forcefully kept by the brick kiln owner. There was no facility for medical emergencies near the compound and the only remedy for any illness comprised common painkillers that the owners handed out to those in need.

It was a small request for medicines for his infant son who was running high fever that cost Sujan's son in-law his life. He was beaten mercilessly by the employer's mob of goons for demanding 'too many favours and not working enough to deserve them'. Such was the arbitrariness of the justice system in operation on the brick kiln compound whose guiding factors comprised only the whims of the employer and his goons. After the beating, the son in-law was taken away by the goons, never to be found again. No other family in the compound came to Sujan's son-in-law's rescue for fear of retribution for display of defiance.

The family was packed off to their village after the incident. As a result, they were not entitled to bonded labor certificates. Unable to lodge an FIR at the destination the family filed a complaint in Balangir upon their return. During the interview, they alleged that nobody from the government had visited them to pursue the case. The only people who had documented their struggle were officials from different NGOs.

After the family's return, the ordeal of Sujan's daughter who lost her husband in the incident took a different hue. She was blamed by her in-laws for the disappearance of their son and beaten up repeatedly. Her own parents refused to take care of her or her three young children. At the time of the interview, she continued to live with her in-laws and suffer domestic violence.

At the time of this study, the family had no source of regular income. They did not possess a BPL card, and neither did they have a NREGS card. Although hesitant to work on a brick kiln again, the head of the family conceded that given their situation, that may well be their only option.

Not everyone in the study sample returned without a bonded labor certificate. Krushna Raj Hasia from village Saragul in Balangir district was rescued from Medak district in 2011. Krushna belonged to a family of

migrants. His grandparents had travelled to Odisha from Chhattisgarh, where they worked as agricultural laborers. His parents left Odisha to live in Nagpur, Maharashtra where they worked as construction laborers. Krushna was brought up in Nagpur and married in the city. However, after saving some money he decided to return to his parent's village in Odisha along with his family. That decision was temporary for the absence of remunerative employment in the village soon forced him to migrate to a brick kiln in Hyderabad. He spent one season in Hyderabad with his family and returned to the village until his savings expired. Soon after, he met a contractor who gave him Rs. 40,000 as advance and took him along with his family to Medak district in Andhra Pradesh.

Krushna recounted that in that brick kiln, he found people who had been in captivity for 22 years. Some others had been denied freedom for eight years and numerous for a minimum of two years. In all cases of captivity, children of bonded laborers would be kept under watch of the owner to ensure that parents would continue to work and not flee. Krushna and his family too were forcibly made to toil in the brick kiln for two years until their rescue in 2011.

Krushna and others escaped in 2011 when he managed to telephone the *police patil* (traditional village leader who assumed responsibility for maintaining law and order) of his village who then informed a local NGO which involved Aide-et-Action in the rescue operation. All family members received the bonded labor certificates and were compensated with Rs. 20,000. However, in the three years that passed by, Krushna's family saw further financial troubles. At the time of the interview, his wife and children were back in a brick kiln in undivided Andhra Pradesh and had once again left without proper registration. This time around, the advance money offered by the petty contractor was required for the completion of their house getting constructed under Indira Awaas Yojana.

Other stories from the study corroborate the importance of a system based on the disbursal of advances. There is no scope for loans for marriages, deaths and mortgages. The only option comprises a loan from a money lender or advance from a petty contractor in exchange for the promise of labor in a brick kiln. Many villagers prefer the latter because there is often no means to repay loans from money lenders due to the sheer absence of opportunities to work in villages. Interactions with villager after villager highlighted the deplorable condition of rural development schemes and their disdainful failure at providing landless rural labor with opportunities to generate income in their villages.

The system of advance, established to lead to situations of bondage is also known to be a cause for suicides among rural labor. In the event that the advance paid is used in the time spent between date of payment and date of departure and the consequent inability to travel for work, villagers are left to be faced with violence of undefined proportions. It is fear of such retribution which led Pila Majhi to commit suicide a few days before his scheduled departure.

Pila Majhi lived with his wife and three children in Balangir district. Unable to find work in his village, he took an advance from a petty contractor and decided to migrate to a brick kiln. However, he spent all the money that he received on consumption of alcohol. Upon learning about their proposed travel to a brick kiln, his wife demanded where the money was and consequently refused to travel with him. Thereafter, she

left him and his three children. Left with no option and unable to find his wife, Pila Majhi committed suicide. His three children had nobody to look after them and his wife had not returned at the time of this study. Unfortunately for this region, this was not the first case of suicide. In Muribhal block, another man had taken an advance of Rs. 40,000 and spent the same on alcohol. His wife too refused to live with him and left with no other alternative, he committed suicide.

Kranti, a young girl of 15 years should ideally be in school. However, her family's decision to migrate to a brick kiln to fight poverty forced her to quit education. During the interview she recounted how living in the village had become increasingly difficult with many days spent without a proper meal, no source for work and no resources to develop. At the time, she preferred abandoning her studies for a life where a filled stomach was guaranteed at the end of every day. To this end, she joined her parents in making bricks. Sixteen other people from her village who travelled with Kranti's family to the brick kiln had a similar story.

Food, the primary reason for Kranti's decision to quit studies remained a point of contention throughout her stay in the brick kiln. *"There was simply never enough to eat"*, she complained. With only one meal a day, she became malnourished and repeatedly fell ill with fever and diarrhoea and yet she was forced to work for 18 hours a day. Furthermore, there was no clean drinking water in the compound. Kranti's hut would routinely get flooded during rain and the workers would remain under strict watch, forbidden to assemble in groups for conversation. Any defiance or laxity at work would invite physical and verbal abuse. Men, women and children regularly fell victim to beatings. Their employer and his guards spoke Kannada and they interacted with each other in the broken Hindi that everyone knew.

Unable to bear humiliation any longer, Kranti's father escaped to his village to help plan his family's rescue. He managed to contact an NGO which then raided the premises and rescued the stranded workers. The price of rescue was however borne most of all by Kranti. Upon finding out that her father had disappeared, she was beaten with iron rods, threatened with rape and warned of being sold out to brothels. *"I didn't think I would see another day alive outside the brick kiln"*, she summed up.

Back in her village, she remained out of school at the time of the study. She said that the money she brought in through agricultural labor and *tendu* leaf collection was necessary for her family to survive. Their days are not so different from when they had left their home. However, when asked whether she would want to travel again in search for employment, she replied resolutely, *"I would rather starve and die in my own village than migrate again"*.

Mansi from village Dhamira in Nuapada district provides an example of those who belong to the other end of the spectrum. She has never left her district and at age 75 is unlikely to do so for the remainder of her life. At the time of the interview she was left behind by her two sons who worked in brick kilns with their families. She lived alone in a two room hut and in the absence of remittances from her sons survived on old age and widow pension from the government. She shared that *"my sons call me once in ten days to check whether I am alive or dead. The pensions are my saviours without which I would have turned into a mendicant. However, Rs. 300 a month is also not enough and there are days when I have to rely on my neighbours for charity. I have to fetch water, cook and clean at this age and there have been many occasions"*

when my safety has been put at risk by late night encounters with stray animals. I worked all my life as an agricultural laborer and raised six children through the income that I made along with my husband, however I can no longer work now.” Mansi has been living this life for ten years and is well aware that she will continue to do so until her death.



2.3 Towards a Conclusion

The range of irregularities in migrants' access to entitlements covered in the paper include stories of illegal recruitment, negligible occupational safety and compensatory measures, poor wage regulatory mechanisms, weak protection systems for adolescent and single women migrants, bondage and a complete lack of social security for migrants and their families that are left behind in villages. While each of the stories briefly narrated the substance of the legal dispute, the condition that led to it and what it resulted in for the persons involved, it also brought to fore interventions by grassroot organisations in rescuing migrants through the means available, wherever possible. In describing the gaps that NGOs fill, the paper also attempts to dwell into what more NGOs can do in contributing to making rural migrants' journeys in search of work a safe experience.

The commonalities in interventions made by NGOs in offering remedial services that have been discussed in the paper comprise issuing of identity cards to migrating persons and registering the movement of people through documentation. The documentation consisted of details about migrants' destination, names of accompanying people, sector of employment, contact details, etc. This intervention not only enabled families and the local administration to keep a tab on migrating individuals but also prevented unregistered petty contractors from taking advantage of vulnerable rural folk. In particular, it proved to be a useful weapon against wage related disputes. Another intervention by NGOs comprised skill development and capacity building of migrants through functional *Shramik Kendra* (labor resource centres), which helped migrants get trained and certified for a skill set and thereby access more remunerative jobs. This approach offers much needed respite to unskilled rural folk who are at a far greater risk of exploitation and employed in the most unsafe and least remunerative jobs.

While record keeping and training and capacity building of migrants are both useful strategies to monitor migration as well as facilitate transfer of skilled labor from rural to urban centres of employment, respectively, what remained uncovered by NGOs studied in the state was an attempt to create a thorough database of licensed and petty contractors. Although the government has registration facilities for contractors and makes it compulsory for recruiting individuals to have a valid license, it is seen that in the majority of cases this particular rule is flouted. What *Shramik Kendra* can perhaps explore and intervene in is enrolment of petty contractors and license holders in their database, which upon publicising can be used by potential migrants as a reliable forum for accessing employment. *Shramik Kendra* as rural employment exchange forums where both petty contractors/licensed contractors and potential migrant employees can connect through a registered database is within the realm of the possible and should be targeted on a pilot basis in habitations which are possible to map.

With regards to the cause of another major sphere of legal disputes, viz. absence of occupational safety, NGOs were found to intervene through mediation between the contractor and the migrant workers in what could be termed as a problem solving approach. The common problems found at work sites, as narrated by returnees, was the absence of safeguards, protective gear, no mechanism to give compensation in case of injury, no rehabilitative offers, etc. Besides registering rural persons about to migrate and giving them identity cards, another important role for NGOs in the region is the distribution of IEC material on

entitlements and rights of migrant workers. A number of the NGOs actively promote awareness on the theme in the villages where they work but coverage of public areas such as train and bus stations with information kiosks and booths remains limited. Additionally, resource material with a directory of relevant NGOs in destination cities and contact details of sources of aid such as public hospitals, shelter homes, etc. can also be made available for workers.

A big gap in the current scenario vis-à-vis migration which can be filled by NGOs is a lack of special emphasis on women migrants. Not only did the registered database currently in use by the NGOs lack details of migration trends of women (Annexure 1 for details), there were also no special provisions in place to document the specifics of female migration patterns and legal disputes faced by them. A significant intervention can be made by NGOs in preventing violence against migrant women, especially single women migrants by installing women friendly documentation services to capture migrants' experiences of migration. A disproportionately high male to female ratio of NGO staff in the field automatically dissuaded women returnees to share experiences of violence that they may have faced making it impossible to account for legal disputes and crimes against women in destinations. Neither was there any focus on developing skills to be able to capture sensitive information from the field. Making available special counselling services at source regions, and support services to address needs of survivors of violence is one area which can be put on the agenda of NGOs.

Another gap that the government has failed to plug despite floating numerous insurance based schemes, is the limited attention given to social security of migrant workers. Be it insurance from accidents, death, fire, crop failure etc. there is no cushion for disintegration of source of income of migrant workers. NGOs in regions can and should act as a bridge in extending government insurance based schemes to rural migrants and their families. Lastly, one area where the role of NGOs can and should strictly remain in the realm of prevention is in the case of adolescent and child migrants who travel in search of work and more often than not get caught in a web of deceit at a steep cost of their education and future. While NGOs in the field study had set up schools in destination as well as source regions for the children of migrant workers, a sustained effort to prevent migration of adolescents was missing. The extremely high levels of vulnerability that unaccompanied children and adolescent migrants are susceptible to - demands dedicated efforts to be put into preventive measures such as greater vigil on petty contractors, investment in schooling and vocational training, community awareness, etc. by grassroot NGOs already engaged in migration and labor issues.

The above narrative of problems associated with labor migration and interventions by local NGOs as service providers presents only half the story. The other half comprises a synthesis of legislative shortfalls and national and global labor market imperfection - ignorance of which can only result in continuation of stopgap measures by NGOs that certainly improve migrants' access to entitlements but fail to assist in migrants' occupational and social mobility or fundamentally transform their conditions. In an economy where state policy is increasingly supporting national labor market flexibility, it comes as no surprise that productive employment and decent work for all are reduced to rhetoric. The case studies presented in this paper have on the one hand conclusively demonstrated how scenarios constructed as a result of India's flexible labor market policies have forced millions of migrant laborers into lives of hazardous work, replete with vulnerability vis-à-vis the law, they have also shown how small and dedicated interventions by

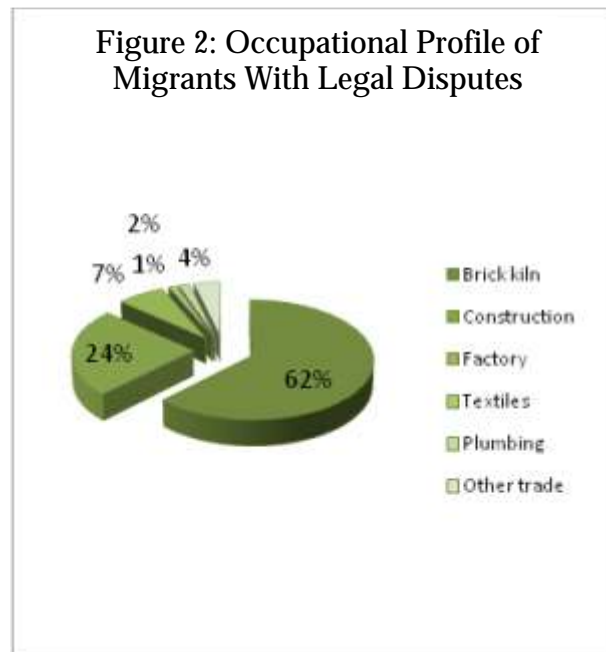
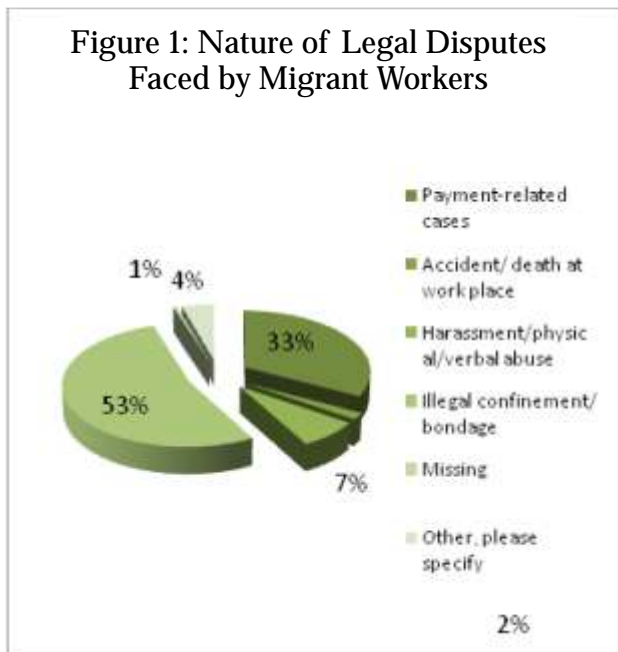
grassroot organisations are protecting the rights of workers in the face of growing informalisation of labor. NGOs ensure minimum wages when disputes arise, rescue from bondage, and support workers in their fight for occupational safety and compensation. In other words, they play the role of service providers in a policy created situation of heightened vulnerability of migrant workers. While their work has greater scope for impact, their current interventions are much needed and perhaps the only dedicated source of support for a highly marginalised and floating population. However, in a larger context, where global policy has thus far led to keeping labor force flexible and devoid of access to entitlements, the overall impact of NGOs remains highly limited as far as positively impacting absolute numbers of migrants affected by legal disputes is concerned. Nevertheless, NGOs' role of service providers in an economy perennially pegged against the interests of its migrant working classes can be maximised only through concerted state and private support for up scaling of community driven grassroot initiatives for legal justice. In this regard, legal aid and dispute resolution models implemented by NGOs in Odisha provide an important window into understanding and mainstreaming steps for legal empowerment of migrant workers. These should be recognised by the District Legal Services Authority^{2.11} which is mandated to support para legal workers at the grassroot level, and made use of as implementing partners in a collective endeavour to explore and institutionalised community oriented, community led and civil society supported mode to dispense justice.



^{2.11}A District Legal Services Authority is constituted under the Legal Services Authorities Act, 1987. According to the Act, every district has a District Legal Services Authority to implement Legal Services Programmes in the District. The Authority is situated in the District Courts Complex in the district and is chaired by the District Judge.

Annexure 2.1: Note on the Database of NGOs Working on Migration in Odisha

The database used for the study consisted of a compilation of data collected by NGOs working on migration in Odisha. The organisations included PRATIKAR, Gram-Utthan, Aide-et-Action, Debadatta Club, PARDA, Madhyam Foundation, KARMI, DSS and YCDA. The database covered 2216 cases of legal disputes faced by migrant workers, collected as on May 1, 2014. Field sites of the latter were not covered in the study, but disputes documented by them were compiled as part of secondary analysis to attempt a more holistic understanding of the nature of legal disputes faced by migrant workers in Odisha.



As per Figures 1 and 2, majority of cases in the database of the above mentioned organizations were related to illegal confinement or bondage (53 per cent) followed by payment related disputes (33 per cent). It is important to highlight that this may be representative of the occupational profiles¹ of migrants covered in the database, 62 per cent of which were migrants working in brick kilns (who registered cases of bondage) and nearly 31 per cent worked in the construction and factory sectors (a majority of who reflected payment related disputes). Equally importantly, the sex-disaggregated profile of registered cases is significantly skewed with 80 per cent being registered by males and only 20 per cent being filed by women². 30 per cent of the cases filed by women belonged to the construction sector, while 17 per cent were from the brick kiln sector. The extremely low representation of women in registration of legal cases can under no circumstances be construed as fewer disputes being faced by them. It however may be interpreted as glaringly reflective of the lack of mobility and autonomy that they are able to exercise.

¹Figure 2 does not include the legal disputes covered by Debadatta Club.

²The sex disaggregated profile covers data from the organizations: PRATIKAR, Gram-Utthan, Aide-et-Action, Debadatta Club, PARDA, Madhyam Foundation, KARMI, DSS and YCDA.

Figure 3: Sex-disaggregated Profile of Migrant Workers Facing Legal Disputes

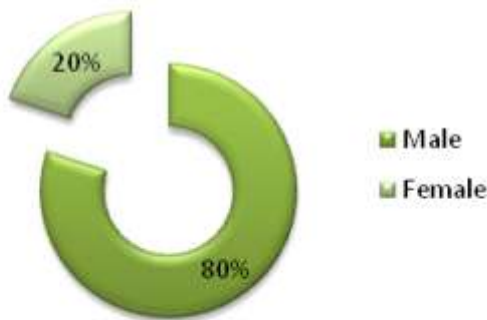
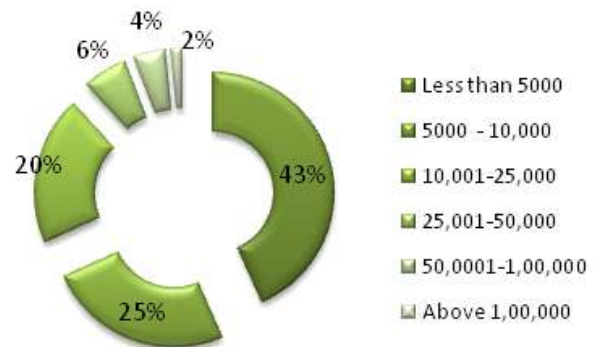


Figure 4: Range of Amounts Under Payment Related Legal Disputes (INR)



A deeper assessment of the range of amounts under dispute in payment related cases (Figure 4) reveals the majority falling under Rs. 10,000 (68 per cent). This was corroborated later in the field study undertaken for this research. Village level contractors would often mislead migrants for petty amounts ranging between Rs. 3,000 and Rs. 10,000. This usually amounted to a couple of months- worth of a workers' pay. Disputes with larger amounts that ranged between Rs. 50,000 and Rs. 1,50,000 mostly pertained to non-payment of compensation in cases of accidents or disputes faced by middle men or contractors themselves. The data across organizations on the opposing party in legal disputes pointed in the direction of contractors, with 83 per cent of cases being filed against contractors (Figure 5). The trend is also reflective of the structure of recruitment of migrant workers, wherein block-district level petty contractors are often the first and only point of contact for migrant workers who are rarely given the opportunity to interact directly with their principal employers.

Figure 5: Profile of Opposing Parties in Legal Disputes Faced by Migrant Workers

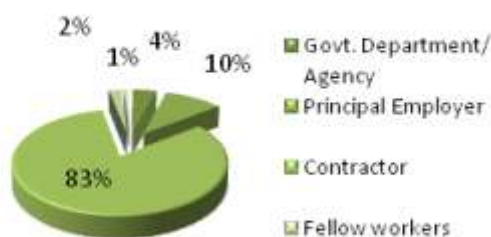


Figure 6: Place of Occurrence of Legal Disputes Faced by Migrant Workers

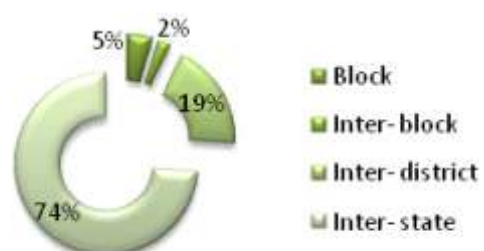


Figure 6 provides data on the place of occurrence of disputes. 74 per cent of disputes that were recorded by organizations in Odisha took place at the inter-state level. Although the sample is not exhaustive and captured only those disputes that the organizations were able to document, it is nevertheless broadly reflective of one aspect of the nature of migration that takes place in the state. It suggests the fact that inter-state migration (and disputes faced therein) is significantly greater than intra-state migration at the block and district level.

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Of Hope, Health and Survival in Surat

A Scoping Study on Health Status of Odiya Migrants in Surat Power Looms



“The atmosphere, the wild hum of the machine, the jig-jig-jigging of its pistons, the tick-tick-ticking of its knobs, the furious motion of the broad conveyor belts across its wheels, the clanking of chains, the heat they all generated, and the heavy, greasy odour of oil mixed with the taste of the fresh cotton thread, not offensive by itself, but sickening like bile in the mouth – from all this seemed to rise a black shadow, strangling one at the throat with its powerful invisible fingers”


- Mulk Raj Anand, Coolie

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3.1 Introduction

“You are eligible to work here only if you are healthy. Earlier I used to work on four machines and earn for basic survival, nowadays the younger ones are working on 12-16 machines and earning the same amount. It is pure exploitation and this is not a good environment for work. I have kept my son away from this city of Surat”, says Praful Paidav Mehra who is an Odiya Migrant, living in Surat for the past 35 years.

Praful Mehra hails from Ganjam district of Odisha. He worked as a machine operator in a power loom in Surat for 30 years and is currently employed as a helper in the same loom for the past five years. He lives with his wife and grandchild in Surat, while his son and daughter-in-law are living in Odisha. He says that managing 12 machines for 12 hours at a stretch is very tiresome and affects one's health adversely. He suffers breathlessness quite often and complains of poor quality of health services and neglect by the Surat health administration.

Shankar Sahu, 52, a Ganjam resident from Odisha lost his left eye after a bobbin popped up and hit him. He was paid a compensation of Rs. 23,000. An FIR was filed in the local police station but the case has not moved ever since. When Shankar's son went to the police station, he was advised not to pursue the case any further. After all it was just an accident and the employer has no role in this, the police said. The police also put pressure on him to withdraw the case. Shankar's eldest son is also working as a machine operator in another textile factory and is visibly shaken after his father's accident. He says that he is worried about his own safety in the factory now. There have been several such cases when workers have been seriously injured but they have found it very difficult to hold the employers accountable. Instead, what is often observed is swift removal of the injured worker with another worker, ready to be employed.

These two stories are few among millions populating the subaltern narrative on Surat, stories which do not find their way into mainstream development thinking and dialogue. Given their poor representation in contemporary development debates despite their large numbers, it becomes critical to examine the hidden costs of unregulated, rapid economic growth, particularly with respect to the health and well being of migrant workers. What are the working and living conditions in Surat for Odiya Migrants? How do these conditions affect their health? What health services do they seek for their treatment? And, how do they miss out on accessing basic health services working in the midst of one of the rapidly growing cities of India, with an enviable health infrastructure? These are some of the questions that the study aims to answer.

The study report is divided into six sections. The first section provides an introduction to the study and establishes its rationale. The second section outlines the main research questions, the research design and the limitations of the study. Section three reviews existing literature on the subject of health and migration and tries to draw important insights. Section four draws the profile of the respondents – their socio-economic background and migration pattern. Section five delves into details of the world of work which has a significant impact on their lives and health situation. Section six recounts the health conditions of migrants as observed by the study team and popular practices around seeking healthcare. The report ends with a small section on future steps for action and research.

3.1.1 Surat as a Major Destination for Odiya Workers

Surat is among the ten largest cities of India with a population of 4.5 million (Census 2011). In the last decade it experienced a growth rate of 88 per cent, with the population almost doubling from 2.4 million in 2001. The entrepreneurial spirits of the much celebrated Gujarati community displays here in full splendour with a booming industry and galloping city economy. In 2006, Surat was declared to be the 131st richest city globally with a GDP of 22 billion USD (ACCRN, 2011). The same is expected to rise to 57 billion in 2020.

The city economy is primarily fuelled by its diamond processing units, textiles, chemical and petrochemical industries. Surat has also emerged as the “synthetic capital” of India with over 65,000 power looms (GOI, no date). It produces 30 million meters of raw fabric and 25 million meters of processed fabric on a daily basis. It is the largest manufacturer of clothes in India, and notably accounts for 90 per cent of polyester and 10 per cent of synthetic *sarees* produced in the country (ACCRN, 2011). The textile industry is said to employ 1.2 million workers and has an annual turnover of Rs. 30-35 billion (ibid).

A large part of the city's economy rests on the cheap labor brought in by a broad spectrum of migrant workers. A rapid growth in its economic activities since 1970s has not only attracted a substantial amount of capital, but also a large number of workers from within Gujarat, the neighbouring state of Rajasthan and Maharashtra as well as farther regions of Odisha, Uttar Pradesh, Bihar, Andhra Pradesh and Tamil Nadu. In 2001, workers accounted for 38 per cent of the total population, and the proportion has only risen since then (ACCRN, 2011).

Odiya workers assume a special place in building Surat as a dominant textile hub. As per informal assessments, the number of Odiya migrants in Surat is around six lakhs or more (Sainath, 2009). Some scholars claim the number to be much higher, around nine lakhs. Notably, majority of the Odiya migrants (~ 80 percent) are from Ganjam district, and the rest come from pockets within Baleshwar, Cuttack, Puri, Kendrapara and Nayagarh districts (Das and Sahu, 2013). Odiya migrants have been able to create a niche for themselves in the power loom sector, which, in the early eighties began to attract a large number of younger male workers from Ganjam district. The looms, however, offer harsh work conditions and non-commensurate wages. Most workers are engaged in small, unregistered units, where the terms of work contract are dictated by the employer. A surplus of labor has ensured minimal rise in wages in the last few years; workers are known to work 12 hour shifts as a norm and service higher number of looms to keep up their incomes (ibid). Slums, small rented houses and informal settlements in Surat with limited or no public facilities such as water or clean toilets are home to an overwhelming majority of Odiya migrants.

3.1.2 Why this Study?

“Sometimes the most important things in life are least talked about. For instance, it is hard to think of anything more important than health for human well being and the quality of life. And yet, health is virtually absent from public debates and democratic politics in India”

- Dreze and Sen, 2013, p. 143

In migration literature very little attention has been paid to the health of workers and documentation of the health situation of this community. This study aims to address this gap with the help of a focused account of the health issues faced by migrant workers from Odisha in Surat's power looms and their access to healthcare. It looks into the commonly experienced health problems among migrant communities, the prevalent practices around seeking health services and if there is a scope for intervention therein – both in terms of advocacy, and health linkages or healthcare provision.

3.1.3 About Aajeevika Bureau

Aajeevika Bureau is a not-for-profit public service organisation headquartered at Udaipur in south Rajasthan. It is a specialised agency that provides services and solutions to rural migrants in an attempt to improve their migration outcomes and strengthen their livelihoods. Aajeevika has been operating a walk-in resource centre in Surat since 2011, offering a wide range of services to migrants mainly from South Rajasthan working in the textile industry. This study is part of Aajeevika's deeper engagement with the lives of migrants in the city, especially in the textile sector.

3.1.4 About Adhikar

Adhikar is an Odisha based NGO working for more than one and half decades on issues of inequitable growth. Migrants are a special constituency of work as they are left out not only from the mainstream of economic development but face separation from their families and their culture. Adhikar's association with Odisha migrant workers in Gujarat is from the post earth quake period i.e. 2001 where it provided legal counseling and hand holding support to the disaster victims. It has recently set up a migration resource center for Odiya workers in Surat and expects to engage on the wide range of issues facing the community, including health. Adhikar is a partner in this study.

3.1.5 About CMLS

The Center for Migration and Labor Solutions is a technical support and knowledge body leading the expansion of livelihood services for seasonal migrants across India. It is a joint initiative of Aajeevika Bureau and Sir Dorabji Tata Trust. This study is an initiative primarily led by CMLS, in partnership with Adhikar.

3.2 Literature Review: What Other Studies Say?

Health concerns of workers and in particular migrant workers is an under-researched area in India. There is very little attention to the unique vulnerabilities mobile populations face with respect to their health, other than the exception of the scare around HIV/AIDS and migrants as a high-risk group (viz. *Bombay Bimari in UP*, Vemuri, 2004). A search of literature reveals that migrants' health issues are commonly diagnosed as related to sexual health (not to discount its importance) and there is a serious bias in understanding of the overall health-related needs of this population. This bias becomes quite visible in the design of public health service delivery to migrant communities, limited to distribution of condoms, diagnostic facilities for STI/HIV and its public health messages focused on safe sex alone.

Analysis on how the excruciating work environment, abysmal living conditions and an individual's own health practices and immunity play a role is extremely scarce. Furthermore, how a migrant loses out on healthcare benefits offered by the State is poorly considered or understood.

Any investigation into the state of health of a worker, however, needs to be far more comprehensive and consider a range of variables beyond what is visible. One of the early studies done on migration and health called "Identities in Motion" identified this very well. The author (Chatterjee, 2006) argued that the health risks faced by migrants are predetermined by a combination of four factors – 1) government related factors covering national policies related to health, housing, community development etc; 2) Employer related factors covering work and living conditions, social security and other employment benefits; 3) Health sector related factors covering the nature and outreach of health services; and 4) Individual related factors covering personal beliefs around health, healthcare seeking practices and such.

For a poor worker engaged in the unorganized sector of the urban economy, the *peripheral socio-economic environment...predetermined by their standard of living and their choice of occupation...* becomes an important determinant of his/her health situation (Chatterjee, 2006, p. 17). Work conditions in cities are harsh involving long hours of work, meagre earnings with little or no job security. Migrants also get to pick up the more physically straining and risky jobs in sectors vacated by the local labor. In most cases they exist as undocumented workers and fall out of the purview of labor welfare schemes, receiving no protection or benefits. Crowded living spaces, lack of access to basic amenities such as safe drinking water, sanitation, and electricity expose the community to a range of health risks. Further, living on the margins, they find it difficult to access good quality health services. All of these factors coupled together make them more prone to infections and diseases.

Factors Aggravating Health Problems of Migrants

- Overcrowded living conditions which facilitate increased transmission of infectious diseases
- Poor nutritional status (and consequent lowered immunity) due to lack of food before, during and after displacement
- Inadequate quantities and quality of water to sustain health and allow personal hygiene
- Poor environmental sanitation
- Inadequate shelter

Source: CEHAT, Chatterjee, 2006

A study done by Aajeevika in 2008 on the health of migrants from Rajasthan employed in different work sectors of Ahmedabad, found high prevalence of musculoskeletal disorders, tuberculosis, skin lesions, dehydration, headache, stomach ache, weakening eye sight and recurrent fever within this community (Bhushan, 2008). A study done on power loom workers in Meerut, Uttar Pradesh also showed up similar results – where workers were found to be suffering from respiratory disorders, muscular-skeletal problems, mental health issues, stress, eye diseases, skin and gastric problems (Goel et al, 2012). The prevalence of

respiratory problems and musculoskeletal problems were found to be at alarming levels (ibid). Chatterjee (2006) also reports that malaria, hepatitis, typhoid fever and respiratory infections were found in higher frequency among migrants. Notably, a range of these diseases can be associated with their occupation and workplace conditions, though in the absence of rigorous analysis, it becomes difficult to separate the effects of poor nutrition and dire living conditions.

Literature on tuberculosis identifies migrants as a high-risk group, which is found difficult to service due to their high mobility (Engel and Bijker, 2012). Increasing population movement is identified as a serious challenge facing public health experts dealing with the TB menace. Lately, instances of co-infection with HIV/AIDS are said to be rising, adding to the complexity further (ibid). It is well known that migrants are highly susceptible to AIDS due to their risky sexual behaviour, and prevalence of multiple partners (Vemuri, 2004). The co-occurrence of AIDS with TB has exacerbated the vulnerability of these populations, especially when access to quality health care is severely compromised. In several cases, the diseases assume lethal proportions due to poor diagnosis, faulty medication and delayed medical attention.

Within the broader group of migrants, women and children are known to suffer more. The adverse fall out on women and children has been captured in some field studies done by Aajeevika Bureau. Women working in farm fields, brick kilns face both physical and social isolation, losing access to institutional health care. A survey done by Aajeevika in the farms of Idar, north Gujarat reveals that out of 100 migrant families surveyed, 30 women had delivery in the last one year. None of them had sought antenatal care. For lack of documents, they are unable to access benefits under the Janani Suraksha Yojana (JSY) and institutional delivery facilities, and mostly return to their villages for delivery in a precarious state. Children face serious malnutrition and become susceptible to diseases due to lowered access to immunization (Sundar et al, 2000 cited in Chatterjee, 2006).

All the above evidence points towards the need to develop a more comprehensive understanding of the social and contextual conditions faced by migrants and their households, while explaining their healthcare needs or designing a suitable response. Chatterjee (2006) argues that the vulnerability of migrants needs to be assessed in a framework which pays emphasis on accessibility and quality of available health services and the prior conditions of health like right to safe and healthy working conditions, right to adequate food, physical accessibility of health services, culturally sensitive and good quality health services, and the right to seek and receive health related information (p.4). Despite this wisdom, empirical work which would help in resolution of this problem and help offer better healthcare to scores of migrant households is highly limited. This study is an attempt (though small) to address this gap.

3.3 Research Design

There are not many studies that have looked at the health conditions of migrant workers in India. This study, through an exploratory design, aims to address this void and is based on a systematic collection of evidence from both primary and secondary sources. This section provides an overview of the research design – questions leading the investigation, sources of data, research tools and finally the limitations of the research method followed.

3.3.1 Objective of the Study

The field investigation carried out by the researchers was meant to capture a broad overview of the health situation faced by Odiya migrant workers employed in the power looms of Surat. The main research questions that led the course of the investigation can be summarised as follows –

- What are the common health related problems faced by Odiya loom workers in Surat?
- What are their working and living conditions?
- What are the prevalent practices around seeking healthcare within this community?
- What is the state of access to government health services and health benefits? What are the barriers, if any?

3.3.2 Research Methodology

The researchers used a combination of quantitative and qualitative methods for this study with a focus on capturing narratives, life stories, perspectives of important stakeholders and range of illnesses and injuries faced by the migrant respondents in course of their work life in Surat.

Given that there is no existing account or single source of data available on the subject, a wide range of research methods and tools were put to use. The primary research methods included focus group discussions (FGDs - 10), health camps (3), work space and habitation observations, case studies, and interviews with key stakeholders/informants. Overall, the team interacted with over 250 workers in the course of its investigation. Data collection was carried out in three rounds between 14th February and 27th March 2014, altogether for 14 days. The researchers also spent time as observers at a local pharmacy. A number of clinics and doctors (10) practicing in the study area were visited to inquire about commonly occurring illnesses in the community. The health camps were beneficial in capturing anthropometric data, understanding history of illnesses and current health problems being faced by migrants. The camps were organized in the evening with the help of doctors from the Surat Municipal Institute of Medical Education and Research (SMIMER). Workers were mobilized by the research team with help of local NGOs. Information was provided a day in advance after mapping of nearby residential areas – messes, rented accommodations, through door to door outreach. The local ration (kirana) shops were also contacted to spread the word. A local school, a shop, and a temple were used as a venue for the three camps which lasted for 2.5-3 hours. Arrangements were made to capture weight and height data of all migrants coming for a check-up. Further, a semi-structured interview schedule was employed to capture basic information related to their work, migration and health ailments. Around 150 migrants were personally contacted for each camp. Information was recorded for 120 migrants during the health camp.

Secondary data was collected from local NGOs working in the target areas, the Urban Health Centres and the Municipal Corporation. Among the government officials, the research team specifically met with the Municipal Commissioner, SMC, District Program Coordinator of District AIDS Prevention and Control Unit (DAPCU), and the Project Coordinator, Targeted Intervention (TI) funded by NACO. RTI application was also filed to obtain information on incidence of diseases (such as malaria, typhoid, TB, and AIDS) and the health facilities offered by the civic administration. The research team filed RTI petitions on the number of power looms, reported accidents and work safety norms followed for the looms.

Table 3.1: Research Objectives and Research Methods

Research Objectives	Research Methods
What are the common health related problems faced by Odiya loom workers in Surat?	<ul style="list-style-type: none"> • Key informant/stakeholder interviews (Doctors, Pharmacists, NGOs, Government officers) • Health camps • FGDs • Observation at Pharmacist shops • Gathering secondary evidence through RTI petitions • Case study
What are their working and living conditions?	<ul style="list-style-type: none"> • Work space (loom) and habitation (mess, rented accommodation) visit and observations • Key informant interviews
What are the prevalent practices around seeking healthcare within this community	<ul style="list-style-type: none"> • FGDs • Personal Interviews • Key informant/stakeholder interviews (doctors, pharmacists, NGOs)
What is the state of access to government health services and health benefits? What are the barriers, if any?	<ul style="list-style-type: none"> • Key informant/stakeholder interviews (doctors, pharmacists, NGOs) • Health camps

Study Location – The primary field work for the study was carried out in Ved road of Surat city, a major destination of Odiya migrants, especially from coastal Odisha. The selection of the location was arrived at through an iterative process – the research team carried out a reconnaissance visit to the city and mapped the major locations inhabited by Odiya migrants, with the help of Adhikar and local resource persons (refer Annexure 3.1). A work profiling of the migrants was also carried out which helped understand the major work sectors they were employed in. First, the team zeroed down on loom workers, primarily as a strategy to gain a good understanding of one sector and also because it is the largest sector employing Odiya workers. Of the residential and work areas mapped, the research team first short-listed three locations capturing diversity in living conditions – Jagannath Nagar (a residential area with semi-settled populations living in housing societies), Sanjay Nagar (residential and largely slum area) and Ved road (with migrants living in messes and shared rented accommodation). The final selection of Ved road was based on a mix of both strategic and operational factors. Ved road offered requisite diversity – it had both residential settlements and a high density of looms, size of migrant concentration was large, there was diversity in occupational roles performed and finally workers were more readily available (compared to the other two locations) providing relative access to information within the community.

The first reconnaissance visit by the research team was helpful in sharpening the research methods and tools and ascertaining the scope of the study. In addition to identification of the study location, it helped the research team map the occupational profile of Odiya workers. The team found that migrants are largely engaged in power looms as machine operators, bobbin masters and helpers. There was a small number engaged in dyeing and printing of textiles. Given the high concentration of Odiya workers in power looms and with an intention to focus on one sector for a deeper contextual understanding, power loom workers were selected as the focus of the study.

Research Team and Research Support – The CMLS team including Ashok Jha, Justin Johnson, Santosh Poonia and Amrita Sharma were involved in conceptualization and execution of the study. A research consultant Biswajit Daspattanayak was hired to facilitate the process of data collection and provide language translation support to the research team. The team benefitted from inputs of Dr. Pavitra Mohan (AMRIT-Aajeevika) and Mr. Benoy Peter (Population Services International) in the research design. The process of data collection was extensively supported by the Adhikar team, in particular Mr. Ramesh Das and Mr. Kaviraj Sahu. Health camps were organized with the help of doctors at the Surat Municipal Institute of Medical Education and Research (SMIMER). The research team also received support from three local NGOs in particular – Lokdrusti Charitable Trust, Ekta Trust and Harihar Smarak Trust.

3.3 Limitations and Challenges

The study was carried out at one end of the migration corridor, the destination; As a result, the acute cases of illnesses or serious injuries which often lead to return of migrants were missed out. Ideally, the study should have included an inquiry at the source end as well; however, due to time and resource constraints, one could not incorporate that component. In the course of the investigation, access to workers (due to long tiring work hours, festival season, restrictions by employers and language) was a constraint. The team faced difficulty in accessing secondary data from government officials and the information obtained through RTI applications was mostly redundant and not usable.

3.4 The World of Work in Power Looms

3.4.1 Industry and Nature of Work

The textile industry in Surat encompasses a range of sub-industries. Yarn production, which is primarily carried out through the power looms is the biggest constituent, employing the largest number of workers. Other constituents include a printing and dyeing industry, embroidery work and a dynamic textile market. The industry is supported by a well established transportation network responsible for movement of yarn across the different sub-industries.



The power looms, as the names suggest are highly mechanized and employ workers in a set of well defined functions – machine operation, bobbin^{3.1} operation, and TFO (Two for One) operation. Majority of the workers, approximately, 65-70 per cent are engaged in operation of machines, followed by bobbins (10-12 per cent) and TFO operation (4-5 per cent). The job of machine operators is to oversee the smooth running of the looms, which run 24 hours a day, and 7 days a week. Bobbin operation is an auxiliary activity, meant to prepare rolls of thread for supply to the looms. Workers employed in this activity are mostly children. Bobbin operation is also known to be an entry activity into the sector. All youngsters go through a phase of working as bobbin operators, before they move on, taking the more tedious and technical task of machine operation^{3.2}. TFO operation is a more specialized job, meant for maintenance of the loom machines. It employs a smaller number of workers.

The looms also include a small pool (12-15 per cent) of helpers, known locally as Begar. Notably, the Begars are older workers, in the age group of 45-50 years who are no longer physically fit to supervise machine operations. However, for the fear of losing their livelihoods altogether they assume less skilled and low paying roles. This is a unique attribute of this sector, where a worker after toiling for 20-25 years regresses and earns lesser with time.

An RTI inquiry done by the research team at the office of the Joint Director, Industrial safety and health revealed that there are only 275 registered power looms in Surat. This sharply contrasts from the figure of 65-70,000 commonly cited in other publications. The total number of registered workers in looms, dyeing & printing industries is 46,350, again a serious under-estimation of the reality.

Wages are determined on a daily basis and vary across different roles (see Table 3.2). Payment settlement is done every 15 days. As the looms never shut down, work happens throughout the month. There are no declared holidays. If a worker is absent for 2-3 days, he has to leave work invariably and look for a job elsewhere. Work availability, however, is not a constraint. An out-of-job machine operator can find work elsewhere within 1-2 days of being unemployed. Notably, whenever workers return from holidays from their villages, they look for work in another loom and do not go back to the previous employer.

It is notable that despite the large volumes of cloth manufactured, looms in Surat continue to use old and dated technology. Shuttle-less machines, which are considered to be much safer and less polluting are hardly

^{3.1}Bobbin is a wooden stick with thread wrapped on it and it is fitted inside a shuttle that runs horizontally on the machine's one end to the other end with ferocious speed. There have been cases when shuttle popped up and injured machine operator's eye.

^{3.2}In bobbin operation, most of those working are boys of age 14 and above. Though, we could not ascertain their exact number or percentage in our study, we found a number of boys employed in that function. Government figures put child labour in Surat's textile industry at 5000. But statistics available with civil society put this number closer to 50,000. Of this number, 68 per cent are between the age of 15 and 18, implying that nearly a third are younger than 15.

used. In fact, the entire Indian textile industry has not made any significant attempts towards modernization. Technology Information, for Casting and Assessment Council (TIFAC) shows how 'shuttle-less' looms account for only 1.6 per cent of the total looms in India, much lower than the developed countries. During the study, we heard of instances where the shuttles popped out injuring a machine operator's eyes. Non-adoption of modern technology has also meant that the industry is more polluting and the issue of worker safety is definitely unaddressed.

Table 3.2 : Occupation Wise Monthly Income

Type of Workers	Monthly Wages (In Rs.)
Machine Operator	10000 to 13000
TFO Operator	8000 to 10000
Bobbin Operator	7000 to 8000
Helper (Begar)	5000 to 7000

Source: Health camp data, 2014

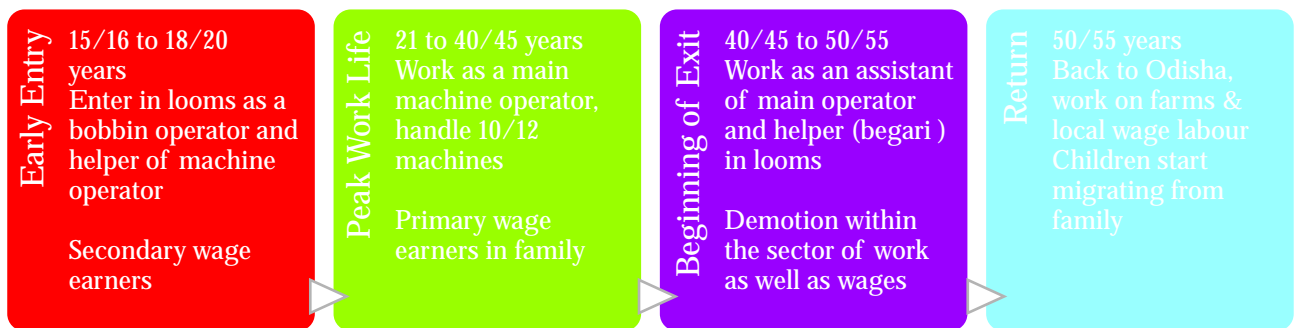
Another striking feature of the power looms is the dominance of Odiya workers. All the four types of workers present in the power looms are invariably from Odisha and in particular from Ganjam district. There is a well functioning recruitment system that runs on tapping of social capital and family networks. Young migrants at the age of 15-16 enter the city and the textile industry with the help of their relatives or acquaintances. The early introductions are made by the said relatives/family members to the employers. In most cases, the younger workers are immediately inducted in the task of bobbin operation. Figure 3.1 describes the trajectory of movement of a regular Odiya worker within the power looms - how they start at an early age of 15-16 years, work for 20-25 years as machine operators in their prime; how the strenuous work takes its toll and workers start to either move out or assume low paying jobs as Begars. It is frequently observed that by the age of 40-45, illnesses become highly pronounced and take a toll on their work life. The case of Rajan Behera is illustrative –

Rajan Behera (name changed) is 45 years old and lives in Surat with his wife and youngest daughter. He is suffering from an advanced case of TB and cancer, which recently claimed his right leg. Rajan is originally from Behrampur block of Ganjam district. Thirty years ago, he came for work to Surat along with his father and elder brother-in-law. The family had several relatives working in the power looms. Like an average Odiya youth, Rajan started work as a bobbin operator. With hard work and dedication, he became a machine operator soon. After 8-10 years of work and feeling relatively settled, he brought his family to Surat and started to live in a Siddharth Nagar slum. Rajan started work on 6 machines, which increased to 8-12 with time, without commensurate increase in relative incomes. One shift meant 12 hours of work at a stretch and there were hardly any holidays. Rajan says that excessive work load and tiredness made him resort to drinking. His health soon started to deteriorate and he would complain of exhaustion and breathlessness. After 20 years of work as a machine operator, recurrent health problems and weakness forced him to take the job of a helper (Begar) in the looms, which came with a drastic wage cut.

Three years ago, Rajan started to face chronic fever and cough for which he took treatment from traditional healers, local pharmacist shops and private clinics. The medicines would alleviate the symptoms for some time but soon the problem would crop up again. This process continued for one and half years. When the cough got worse and his body grew weaker, his family insisted on visiting a big doctor. He visited the civil hospital where he was diagnosed with an advanced case of TB. Delay in proper treatment had also caused the disease to worsen. Soon after, Rajan's leg contracted a sore which refused to heal. The family soon found out that it was cancer and his leg needed to be severed, else the infection would grow.

Rajan is the only earning member of the family. His poor health has taken a great toll on the well-being of his family. Both his wife and daughter have picked up small odd jobs but with meagre incomes, they are unable to keep their household finances afloat. The family has spent over Rs. 80-85,000 in his treatment thus far. They had to take a loan at exorbitantly high rates (at 5 per cent per month) to finance the treatment costs. The family is reeling under extreme difficulty. Rajan sometimes contemplates if he should return home to Odisha.

Figure 3.1: Economic Life Cycle of an Odiya Migrant in Power looms of Surat



3.4.2 Conditions at Work Place

A loom operator supervises as many as 8-12 machines at a time during a 12 hours shift, depending on the size of the loom. The job of a machine operator includes constant movement across rows of machines, checking threads and ensuring that shuttles are changed in time. This translates into non-stop walking/movement across the room and constant vigil. A shift for a worker lasts for 12 hours. There is little scope for rest in this period, except a lunch break. While not officially sanctioned, workers do take 2-3 tea breaks to catch some much-needed rest. However, they have to ensure that they have someone to fill in for their absence, as the machines never shut down.

Workload on machine operators has doubled in the last 20 years. As per regulation, a worker can supervise a maximum of six machines. Older workers recount that earlier they worked on 4-5 machines and earned almost similar wages. In the present system, there is an excessive stretch on human capacities to fuel the machine operations. During an interview, the Assistant Commissioner of Labor in Surat shared that Surat's textile industry is deficient of 5 lakh workers and within that the power looms are short of 1.5-2 lakh workers. This, however, does not halt the operations of the power loom industry. This also implies that existing workers are doing extra work of at least 40 lakh man hours.

The halls that house power looms are frequently ill-lit. The floors are slippery and black with oil and grease spread all over the floor. The rooms are crowded spaces, accommodating far more than their capacity. The space between two rows of machines is narrow and movement across them requires dexterity. Overcrowding, ill-ventilation, and low roofs also increased the noise levels to excruciating proportions. Of the several looms visited, none had a first aid kit or a fire extinguisher. Almost all had just one exit and lacked proper exhaust facilities.

Notably, few workers considered the noise in the looms to be hazardous for their health. Non-availability of ear plugs as a safety measure again was not a problem of much significance. When asked if they have ever been injured at work, the sense of resignation was common – *“Chot to kahin bhi lag sakti hai... machinery kaa kaam hai to chot to lagaa hi. Ismen kaun see badee baat hai?”* (One can get hurt anywhere, we have to deal with machines and injuries are expected, what is the big deal in this?).

None of the looms visited in Ved Road or Pandesara area had a toilet facility and none of the factory owners provided drinking water on site. Though in our interactions with loom workers, many claimed drinking water was available at their factory but the research team frequently found them purchasing drinking water from nearby tea shops and storing them in plastic cans. In absence of toilets, open defecation was common – workers mostly used the backyard of the looms. It was also clear that these localities did not receive much attention from the Surat Municipal Corporation. As reported, the frequency of cleaning was low and use of disinfectants such as bleaching powder was scarce. The area where power loom units were located stood out with a characteristic abundance of filth, garbage and non-existence of public conveniences in the vicinity.



3.5 Migrant Habitations and Living Conditions

The abject work conditions in the power looms are only a part of the narrative. The living conditions faced by the community are equally abysmal. To save on living expenses, migrants often huddle up in groups and live close to their work place. We found a range of habitations – including independent shacks in slums, shared rented accommodation in slums and living in messes, run by local entrepreneurs. The more seasonal workers – young males living without their families – were concentrated in shared rented accommodation and in the messes.

The rented accommodations were usually tiny crowded rooms, housing more than its carrying capacity. In a visit to Navagaon slum in Dindoli, the researchers found five workers living in a room that measured 8X5 feet, with a ceiling as low as 6.5 feet. There was no ventilation and occupants of the room shared a common toilet, which served eight people. There was no space for a kitchen; however, cooking was done inside the room itself. The floor on which they slept was also damp. The room rent was in the range of Rs. 1,000 - 1,500 shared by all occupants. In addition to this, workers incurred expenditure on food amounting to Rs. 1,500-2,000 per person. Municipal water supply was available but lasted 2-3 hours in a day. Workers had found a solution to tide over the uncertainty of water supply and stored water in plastic cans.

A larger number of Odiya migrants were found to be living in messes located in the Ved road area. The mess owners provided both food and accommodation for a monthly payment of Rs. 1,700. Workers preferred this arrangement as it included an eating facility and came cheap. All the messes had the ground floor dedicated to cooking and running the eatery; the other floors housed workers in small rooms/halls, depending on the size of the mess. An average size room of 20-25 feet X 12-14 feet X 8 feet usually housed 60 workers. As loom work is done in shifts, at a time a room accommodated 30 workers. Again, the basic facilities in these messes were excessively stretched. In a mess at Ved road the researchers found there were three toilets shared by 200 people in a day. During one of the visits, researchers found themselves virtually walking on human defecation that was spread all over the ground near the staircase up to the top floor.

Most workers skipped breakfast. Sometime they ate biscuits and tea in the morning but none of the migrants reported preparing breakfast at home. Those staying in the mess too didn't get any breakfast. Skipping breakfast meant that they have to work without eating anything till noon. Most of the migrants who stay in rented rooms, took turns in preparation of meals – as workers were employed in shifts the group returning from the 7 am-7 pm shift prepared dinner and the ones undertaking night shifts prepared lunch. Food was prepared using kerosene stoves and kerosene was bought from the black market at Rs. 50-60/ litre, much higher than PDS rates. In the mess, workers were served two meals which included fish/non-vegetarian food served twice a week. They were reportedly well fed. However, during the visits to some of the messes, the researchers found the kitchens to be commonly infested with rats.

Movies are a common source of entertainment for this community. Notably, there is a thriving Odiya movie business in Surat and it is common to find posters of Odiya films on walls in all the Odiya dominated areas. Apart from this, as outsiders, they have very limited scope of socialization. Many of them have

relatives or friends from the same village whom they visit on weekends. However, their interaction or rather lack of it with local milieu and culture is a major source of stress and many a time respondents echoed these sentiments during FGDs. The community doesn't feel integrated even after several decades of work and living in the city. Their stay is never free from stress and despite the long years spent in the city, they are still outsiders to its society. The isolated ghettos, pushed to the degenerated peripheries of the city confine their existence, lending little space for engagement with public authorities or for demanding a better deal from the city which thrives on their cheap labor.



3.6 Health Situation of Migrant Workers

A good analysis of the health issues of Odiya migrants in Surat's power looms would involve a multifaceted investigation that looks into the interplay of factors such as working conditions, living conditions, general immunity or health conditions of workers prior to migration and quality of available health facilities. As an exploratory exercise, the study attempted to profile the nature and variety of health issues faced by the given community, understand their healthcare seeking behaviour and document access or usage of government health facilities. This section describes the findings across these three elements of the investigation.

3.6.1 Commonly Occurring Health Problems

The health camp^{3.3} carried out during the research investigation revealed certain important facts related to workers' health. In addition to a diagnosis of current health issues, workers were also asked to share their medical history and illnesses experienced in the last one year. The findings are tabulated in Table 3.3 Several migrants complained of suffering from gastro-intestinal problems, upset stomach and abdominal pain, back ache, joint pains and recurrent body ache, cough and cold, fever, itching in hands and legs (eczema), frequent weakness, and lethargy. There were cases reported of malaria, jaundice, chest pain, frequent head ache and more. Migrants were also found to be highly susceptible to tuberculosis, STIs and AIDS^{3.4}, a fact that was not visible in the health camp data but was shared by workers during FGDs quite frequently. This was also corroborated by local health practitioners, NGOs carrying out health interventions and local chemists. These diseases received special attention from the government establishments and civil society. While much of these ailments were found to be a result of their poor living conditions, the work environment and nature of work also took a serious toll. Some workers reported deafness or lowered hearing ability, lack of sleep, swelling and pain in the foot, pain in the waist and neck. However workers were unable to clearly identify the links between their symptoms and their respective occupations.

^{3.3} The health camps conducted during the study provided data for 120 migrants. Out of total respondents, one third of the migrants worked as machine operators in powerlooms, 13 per cent worked as Bobbin Operators, 11 per cent as Helpers which is called "Begar", and the rest as TFO Operators and loaders. Less than 1/5th of the respondents were in Surat for 5 years or less, more than half fell in the segment of 6 to 20 years and close to one-third were in the city for more than 20 years. Most of migrants who attended the camps came from Ganjam district of Odisha. They return home once or twice a year especially during festivals or marriages. More than half the respondents fell in the age group of 25-45 years; one-fifth were 25 years or below, and one fourth were 45 years and more.

^{3.4} The research team found the results of the health camp were an underestimation of the health problems faced by workers. The understanding garnered through FGDs and personal interviews revealed the frequency of the diseases to be higher. Some diseases such as tuberculosis, breathlessness, jaundice, reduced hearing ability etc. which were reported frequently during discussions also did not feature well in the camp data. This contrasts with the assumption that health camp attendance would be dominated by persons facing or perceiving to face some kind of illness. It is likely that the health camp respondents did not feel comfortable sharing all their health problems, given the lack of rapport. According to the researchers incomplete diagnosis from the doctors-in-charge and problems in administering questions were could also cause the underestimation.



Table 3.3: Health Issues Reported by Workers in the Health Camp (Figures in per cent)

	Current health problem	Problems faced in last one year
Cough/Cold	28	25
Fever	13	19
Back-ache	31	11
Lethargy/weakness	27	12
Diarrhoea	16	4
Gastric + abdominal pain	39	37
Joint pain	34	23
Itching	5	7
Malaria	-	11
Jaundice	-	4
Body pain	-	13
Chest pain	-	7
Head ache	-	8
Problems in Foot	-	8
Other Problems	9	17

Source: Health camp data, 2014

The health camp data also looked at certain key indicators of health such as BMI and found that 37 per cent of the workers were under-weight (Table 3.4). Alcoholism and consumption of tobacco was common – 53 per cent consumed tobacco/pan masala and *mawa* (mixture of areca nut, processed tobacco and slaked lime), 46 per cent reported consuming alcohol, 38 per cent took cigarettes. 81 per cent workers had no medical insurance and 93 per cent had no accidental insurance.

Table 3.4: Body Mass Index of Workers

Body-Mass Index (BMI)	No. of workers	Per cent
Underweight (<18.5)	37	36.63
Normal (18.5-24.9)	60	59.41
Overweight (25.0-29.9)	4	3.96
Obesity (>30)	0	0.00

Source: Health camp data, 2014

During discussions, workers reported falling sick 2-3 times a year, on an average. Doctors/health professionals practicing in the area reported a distinct pattern in the ailments that Odiya workers came with to the clinics. On an average, a small clinic received 3-4 Odiya patients every day. There was a seasonality in common complaints such as malaria, typhoid, gastric problems, food poisoning, body aches, pneumonia, cough and cold as the frequency rose in May, June, July and August. Some doctors argued that adulteration of spices and oil was a key reason behind gastro-intestinal disorders; while some found high consumption of poor quality liquor combined with irregular eating habits and insufficient nutrition to be a major reason. A doctor from a popular hospital in the Ved road area, found the living conditions to be a key explanation to frequent illnesses among migrants. He commented – *“workers keep water stored in plastic cans for long periods without proper cleaning. They often use the same utensil for cooking, toilets, bathing and drinking purposes, which increases the scope of infection.”*

While health was not among vocally expressed concerns, there was a common perception that life in Surat city had an adverse impact on their health. In an interview a worker playfully remarked how his weight would reduce from 60 kilos after a visit to home to 50-55 kilos in the course of his stay and work in Surat. Then he added *“par kaam to yahin karna hai”* (but work is here, where else can we go). Workers often sought express solutions to health problems and stretched themselves to keep their work commitments. There was a serious rejection of government health facilities. Almost all the 250 workers that the research team interacted with posed greater faith in private health facilities. The healthcare seeking behaviour of migrant workers is elaborated upon in the later sub-sections.

3.6.2 Tuberculosis and Migrant Workers

Tuberculosis among workers was a pervasive and commonly occurring health problem. Data from the government authorities and local health practitioners also corroborated this observation. In Udana, the Urban Health Centre (UHC) data revealed that more than 15 cases of TB were documented every month and more than 80 per cent of the cases were of Odiya migrant workers. This was the statistic from just one centre serving a population of 1,70,000 workers. The local clinics and health practitioners, which were much more popular among the migrants did not document this information but reported it to be a common occurrence. In their experience however, an Odiya worker once diagnosed with TB preferred to return to his native village. Ironically, many of them also came back to the city and the same work-life setting for lack of any other option. The case of Kartik Pradhan is illustrative –

Kartik Pradhan (name changed), aged 40 years lives in a slum along with his 12 year old son. He is from Palasra village of Ganjam district, Odisha. He has been working in Surat in the textile industry for more than 20 years. Kartik started with a salary of Rs. 2,000 per month and now earns Rs. 9,000 for managing 12 machines. He works more than 12 hours in a day and lives in a cramped room (5 feet X 8 feet) where he sleeps, cooks, and has a small corner to bathe. Seven years ago Kartik contracted acute tuberculosis which continued for two years. The disease was detected very late and thus treatment was delayed. He started his treatment in Surat but soon realized that life in the city would be difficult in such a state, with mounting expenses and no income. He moved back to his native village and continued treatment there for a year. He has come back to the city now and started work again in the looms. The disease has taken a serious toll on his body but the needs of his family have forced him back into the same setting

The common occurrence of TB among migrants, as per some health practitioners is a combination of strenuous work conditions; living in cramped and ill-ventilated spaces; poor nutrition and smoking. This issue has also received attention from government health authorities and civil society organizations, which have identified migrant workers as a target group and made efforts to reach out to them. However, delivering medical attention and care to migrant groups suffering from TB has been a serious challenge. At the government DOTS (Directly Observed Treatment, Short course) centres, the officials often complain of their inability to continue treatment of TB among migrants. While attempts were made to follow up on each registered case, they often ended up losing contact once a worker moved out of the city. There was also no mechanism for inter-state coordination on such cases of TB.

3.6.3 High Susceptibility to STI and AIDS

The high incidence of sexually transmitted diseases and of AIDS among this community was another characteristic of the vulnerable health situation of migrants in the city. Notably, this unique vulnerability faced by single male migrant populations has received attention from both the government and civil society. There are several NGOs working on HIV/AIDS and STIs. The government hospitals are also active in pursuing such cases. Lok Drushti, MLP Charitable Trust and Manav Seva Charitable Trust were among the few NGOs that the research team interacted with. The team also spoke to the local health practitioners on the subject.

Most of the workers in the looms stayed away from their partners for long periods of time. Fulfilment of sexual needs was either sought through sex workers or among co-workers. In the interactions with some health practitioners and health workers from NGOs, the research team came across frequent mention of same-sex relationships. Dr. Biswas (name changed) from a popular hospital shared that a number of workers come to him with STIs and during counselling he found that they either had same-sex partners or reached out to sex workers. There was a serious taboo associated with the disease and workers often preferred not to go to doctors and instead sought remedies from quacks and pharmacists. There were also cases where workers got married without informing their partners of the infection and did not take regular treatment as advised by their doctors, thereby infecting their partners and children –

Leena Padhiary (name changed), is a thin, pale looking 21 years old lady from Khalikot, Ganjam district of Odisha. She lives with her parents in a very small house in Bamroli road, Pandesara, southern Surat. Soon after coming to Surat she was married to Hari Swain (name changed), who worked in the same looms as her father. The family was very happy as Hari earned well and came from the same community from Ganjam. After a month of marriage Leena observed that Hari would fall sick very often. She was worried and wanted to consult a good doctor for his quick recovery. In the meanwhile she got pregnant and started her antenatal care from the hospital during which she was found to be HIV positive. The counsellor at the UHC advised that her husband should also get an HIV test done. However, before the tests could be done, Hari confessed of his knowledge about his HIV infection. He had known about it for two years but hadn't revealed it to anyone. He contracted the infection during unprotected sex with a lady sweeper who had multiple partners. In a state of shock and disbelief Leena left Hari's house to move in with her parents. She underwent an abortion and also filed for a divorce. Within a year of the divorce Hari died of AIDS. Leena is under medical supervision now and takes her Antiretroviral Therapy (ART) from a government hospital. She is working in an embroidery factory and is supporting her family. She rues the day when she got married and wonders what her fault was.

In cases where the infection/disease was diagnosed, the officials again found it difficult to service the population. A counsellor at the Ved road UHC reported that from 2011 to Dec 2013, a total of 6 cases of infection were diagnosed. The patients were in the age group of 26-36 years and were found to have multiple sexual partners. All of them worked at the textile mills. Three patients had returned to their native place and were nearly impossible to trace. It is commonly observed that once a patient is diagnosed as HIV-positive he leaves for his native place and no follow-up on medication and treatment is possible thereafter.

3.6.4 Occupational Health Hazards and Proneness to Accidents

The impact of work conditions though not sufficiently articulated and analyzed in local discourses did have a bearing on workers' health. In the focus group discussions, workers complained of chronic and growing joint and back pains, lowered hearing ability, and sleeplessness. However, not much association was made of these symptoms with the nature of work they had to carry out. When inquired on the risk associated with loom operation, few accepted it to be of any significant order. The research team was met with a standard reply - "Khatraa kahaan nahin hai? Jaan to kahin bhi jaa sakti hai" (Risk is everywhere, one may lose life anywhere). There have however been several cases where a shuttle popped out and hit a machine operator's eye, leading to permanent loss of eyesight.

Mr Vinod Sahoo (name changed), a 52 years old Odiya worker from Ganjam district came to Surat for work 20 years ago. In the last two decades he has worked in various textile manufacturing factories in Surat as a machine operator. Four years ago he joined a saree producing industry owned by Hitesh and Jignesh Patel, an enterprising duo owning number of such units in the city. He was earning Rs 10,000 to 11,000 in a month for a 12 hour shift but had no social security. On 4th January, 2014, a wooden shuttle fixed in the weaving machine suddenly darted out and hit Vinod's forehead close to the left eye. He lost consciousness and his co-workers had to take him to the Civil Hospital for treatment. He underwent a surgery but it couldn't save his left eye. Vinod and his son reached out to his employer seeking compensation for the accident, but were turned away. Vinod is now at home without work and has developed a great fear of looms. He has reached out to many community leaders, the labor department and police for help. As he slowly recovers, he hopes that he would find some compensation so that he can return home to Odisha. He prays that no worker should ever suffer a similar fate.

Accidents are more visible and exhibit more extreme forms of vulnerability faced by the worker community. It is however difficult to trace accident related cases methodologically as the victims usually withdraw from the labor market and are no more available for a research inquiry. There are also more pervasive occupation related ailments which go unnoticed. They require a much higher order of labor practices supervision and medical care which is totally missing from India's labor markets.

Some of the ailments as understood by local health practitioners for loom workers included the following –

- Loom workers standing for 12 hours every day without rest, face high risk of developing 'varicose veins' – a condition in which veins in the legs become large and swollen. They can be painful, especially when standing, cause swollen ankles and cramps in sudden movements.
- Excessive noise emanating from the looms and non-usage of ear-plugs is known to cause hearing impairment. Several workers reported lowering of hearing ability. However, no verification could be carried out.

- Lack of access to toilets and clean drinking water may lead to gastro-intestinal disorders.
- Lack of sufficient lighting may affect their eye sight, and
- Absence of proper ventilation and presence of fine threads and fumes in the air has the potential to cause respiratory problems.

The study did not entail any confirmatory diagnostic test to establish the association between working and living conditions and reported ailments. This is, however, an area requiring further investigation and action.

3.6.5 Practices around Seeking Health Care

There is a heavy reliance on private local practitioners and pharmacists for quick redress of health problems. For ailments perceived to be “small”, workers either reached out to medical shops, often without a medical prescription or went to small neighbourhood clinics, perceived to be more approachable and quick in their response. For a health problem that took longer and appeared serious, workers were found to be heading home to Odisha. Approachability and immediate relief were often the driving factors in their healthcare decisions. During an interview a worker remarked – “Whoever is near and visible, we go to him.” Seeking remedies from local private practitioners was popular as they could be found everywhere. Unfortunately, most of these clinics were run by doctors with no proper credentials. Few doctors had an MBBS degree. Most clinics were run by BHMS, DHMS or Ayurveda doctors, who practiced allopathy, but with no requisite qualifications.

Data from the health camp on health expenses incurred by workers in the last one year shows a sizeable expenditure. The average health expense incurred by a worker is Rs. 3754 a year. There are cases where workers have spent an amount as high as Rs. 1,00,000-2,00,000 on health in a year. The average monthly expense indicated by workers through the health camp is supported by the figures provided in the FGDs, where workers said that they spend Rs. 200-300 on health monthly. On an average, a visit to a doctor and medicines cost them Rs. 300-500. In case of hospitalization, the minimum expenses ranged from Rs. 4,000-5,000.

Table 3.5: Reported Health Expenses by Workers in the Health Camp

Health Expenses Incurred in last One Year (in Rs.)	Per cent of workers
Less than 500	26
500 – 1000	33
1001-5000	21
5001 to 10000	8
10000 plus	12

Source: Health camp data, 2014

Sinking Health but a Roaring Healthcare Business in Ved Road

The study location of Ved road was dotted with several health clinics run by BHMS, DHMS and Ayurveda doctors. There are nursing homes run by MBBS doctors but they are few in number. In a visit to a clinic run by a BHMS, the research team found the doctor to be offering all allopathic treatment, allopathic medicines and administering IV fluids. The research team found used disposable syringes lying on the table. On inquiring, the doctor suggested that they would be thrown later. In another clinic run by a DHMS, the research team found IV fluid bottles hanging from the ceiling. The doctor explained that IV is always kept ready as workers require it (ask for it) commonly. At the pathology labs, some workers reported that it is common practice among local doctors to prescribe too many (often unnecessary) tests and medicines. Poor and illiterate workers often gauged a treatment by how expensive the diagnostic tests were. Injections for quick relief and IV fluids made them feel better. This was often leveraged by the doctors, generating profitable revenues for all – doctors, diagnostic centres and the pharmacists.

In contrast, the trust on government health facilities was quite low – long queues, odd timings and loss of wages were articulated as common reasons for not using government facilities. Any delay meant loss of wages or loss of jobs, a price the workers were not ready to pay. Some workers also felt that doctors in government hospitals did not attend to patients properly. Notably, the aversion to public health service did not have an immediate basis or personal reason. Most of the workers the team interacted with had never visited a government facility and their behaviour and perception was largely moulded by what they had heard from others.

Health officials at the DOTS centre at Ved Road as well as at the UHC, Phulwadiya, shared that many patients suffering from TB left Surat after taking the first dose of medicines. Efforts to track them and bring them back to the hospital for continued medication bore minimal results. Many workers had little faith that they could be cured there – *“Many, often did not even wait for the sputum results to come and headed back to their native place”* – a medical staff at the UHC added.

3.6.6 States of Access to Government Health Services and Health Benefits

There is a serious disconnect between migrant workers and the government hospitals and the facilities they offer. Many migrants that the research team spoke to were not aware of the existence of the Surat Municipal Corporation hospital in their locality. In addition to some of the arguments mentioned above regarding the inaccessibility of the government facilities, workers found the timing of the government facilities to be problematic. Some also argued that communicating with doctors was a problem as language created a barrier. While some doctors at government hospitals refuted the argument, some acknowledged it to be true, especially, in cases involving women migrants.

Government hospitals were open only in morning hours when OPD facilities were available. Doctors at the DOTS centre, Ved Road, accepted that there was need for greater outreach, both among local as well as migrant communities. One of the government officers explained that some efforts have been made towards this end. For example, information material on AIDS, TB, STI, use of condoms and family planning was published in Odiya language, especially for the Odiya migrant community. However, these

measures were not sufficient in reaching out to them. Some doctors explained that no discrimination was practiced between locals and migrants and all government facilities were open to both communities. However, the common perception against government facilities was negative. There was almost complete reliance on private practitioners. There were cases where if a private doctor referred a worker to a government hospital, they shifted to another private hospital.

While there was an invisible barrier between migrant workers and state-run health facilities, the access to government-offered health insurance benefits was equally dismal. The health camp data covering 120 workers showed that 81 per cent of the workers did not have RSBY cards, and 93 per cent had no accidental insurance. The ones who had the RSBY card left it back home, not knowing that the card can be used at the destination as well. Few were aware of the provisions under the RSBY scheme and none of the workers that the team interacted with, reported using the card.



3.7 The Next Steps – Some Actionable and Future Areas of Research

This study builds a strong case for attention to the health needs of migrant workers employed in the power looms. As a scoping exercise, it characterizes the commonly faced health problems and establishes that the social and contextual conditions of migrant workers' lives are likely to have a serious impact on workers' health and well-being. A good response to the multifarious health problems would require a combination of informed advocacy measures and focused health interventions, supported by an active involvement of government and civil society organizations.

To start with, a better regulation of work conditions and provision of basic amenities emerge as critical areas of intervention, needing an immediate response. Much of the reported ailments signal a strong linkage with the harsh working and living conditions experienced by the migrants. The concerned NGOs would thus need to work towards an intervention which advocates for improved supervision of looms and implementation of work safety measures and enables decent living conditions offering clean drinking water, sanitation and hygiene. Unless these basics are in place, a health intervention focused on treatment of symptoms may fall short of having lasting impact. Curative health services would also need to be complemented by a strong intervention in the area of preventive health literacy (encompassing topics such as occupational safety, nutrition, hygiene and safe sex practices) at both ends of the migration corridor.

Secondly, the alienation of migrants from state health facilities is another area of work that calls for focused attention. Most of the Odiya migrant population working in the looms is outside the purview of the government health infrastructure. There is a need for pro-active outreach and facilitation of health linkages among migrant communities, which face several barriers related to information access, language and more. Government hospitals and health institutes can step in with health camps especially meant for migrant populated areas, or set up special health desks run by non-profits/NGOs, catering to migrant communities. Efforts need to be made for awareness generation on the provisions under RSBY and how they can be availed. Workers are largely ignorant of its migrant friendly provision viz. the split-cards, which allows workers to carry medical insurance even when they travel. The findings of the study also highlight the need for a systematic health information sharing mechanism between migrant sending and receiving states, particularly in case of illnesses like TB and HIV infections that require frequent follow-up and longer term treatment.

Further, this study paves way for a more focused action research exercise which delves deeper into the health issues of this community, establishes reasons and offers corrective measures/action. Some possible research questions and actionable points for intervention that both Aajeevika Bureau and Adhikar may look at are as follows –

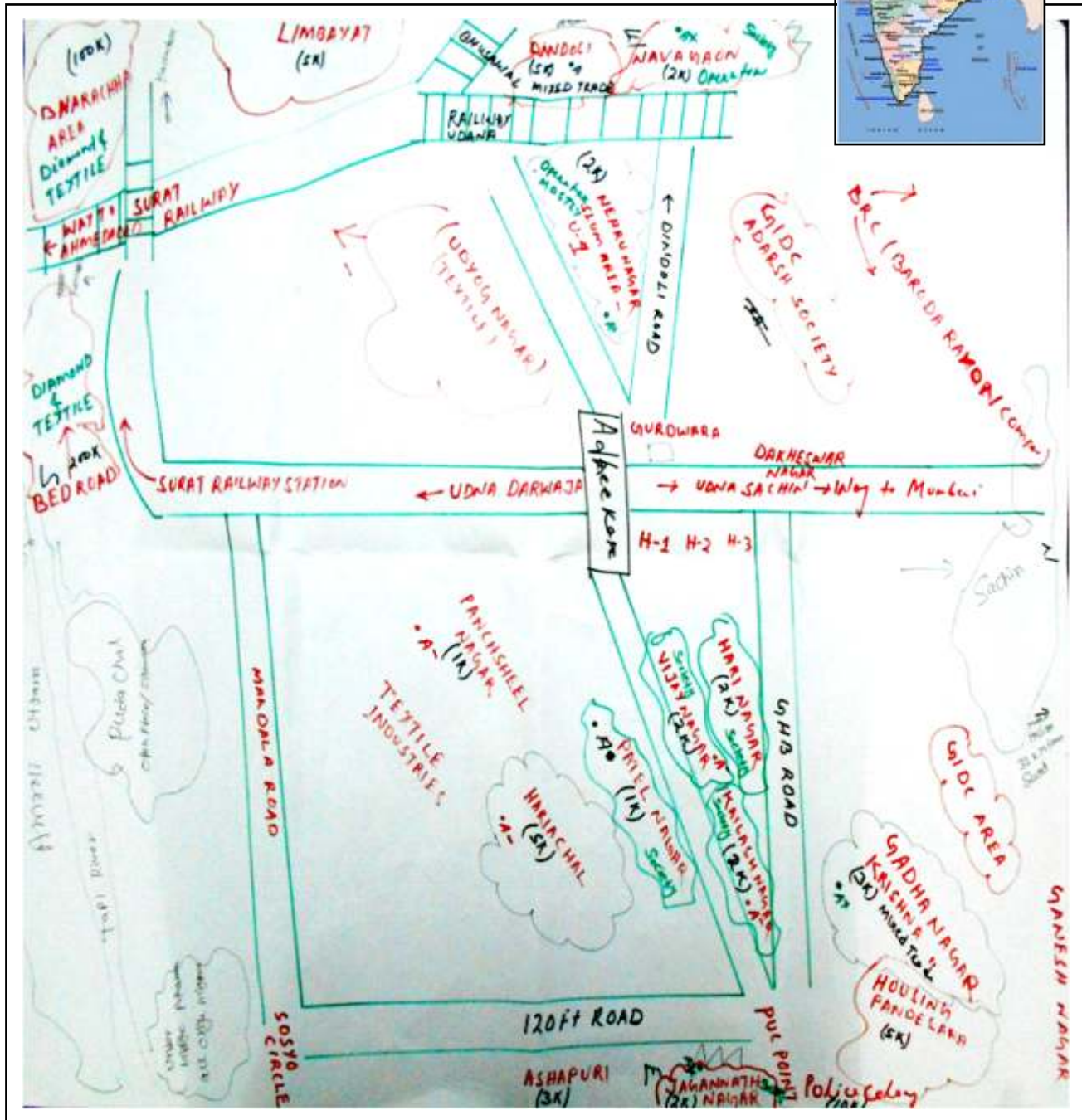
- A rigorous estimation of the incidence of diseases, their severity and number of workers facing serious health related challenges
- The causal factors studying the relationship between the working-living conditions, healthcare practices and the current state of health
- A review of Surat's health infrastructure, health policies and health related welfare schemes (both state and central), which helps understand what are the systemic or design related challenges which makes public health inaccessible to the more vulnerable groups such as migrants
- Investigation at the source end to capture narratives of workers forced to return due to serious health related challenges

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ANNEXURE 3.1

Hand drawn map of Odiya migrant concentrations in Surat City





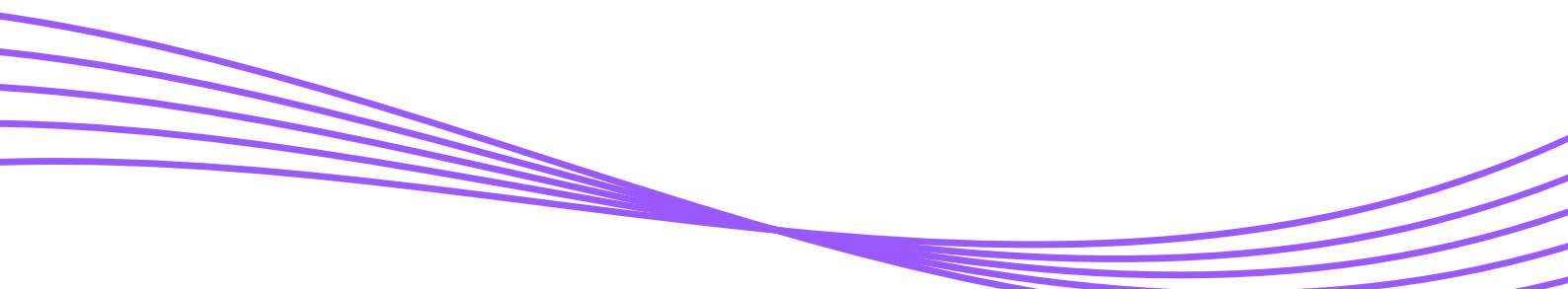
Analytical Review of Market, State and Civil Society Response to Seasonal Migration from Odisha



Umi Daniel

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Analytical Review of Market, State and Civil Society Response to Seasonal Migration from Odisha

As per the Census 2011, the total population of Odisha stands at 41 million, of which 22 per cent people belong to the Scheduled Tribe community while 16 per cent belong to the Scheduled Caste community. Considered as one of the poorest states in India, 47 per cent of Odisha's population is living below the poverty line (BPL survey, 1997). According to the Tendulkar Committee however, the estimated BPL figure of Odisha is 57.2 per cent, while the N.C Saxena Committee suggests it is 84.5 per cent. The 2001 Census describes Odisha as a key migrant sending state with 9,37,148 inter-state migrants. However, according to an informal estimate, 2.5 million people migrate from Odisha every year. Out of this, the coastal region accounts for 45 per cent of the total migration while the southern, western and northern districts account for the remaining 55 per cent. As per the data presented by the UNDP-HDR report, 0.9 million Odiya migrants are found in Surat (Gujarat). Then again there are studies conducted by civil society organizations according to which, around 0.4 million people migrate from the Kalahandi, Balangir and Koraput (KBK) districts of Odisha of which the western Odisha region tops the list with 0.2-0.3 million people migrating to other states. The migration in the state varies from rural to rural, rural to urban and inter-state migration. The inter-state and inter-district migration is considered as the largest chunk of labor migration. The NSSO survey conducted as part of the 55th round suggests migration in Odisha to be 10.4 per cent of the total population out of which women migrants are 7 per cent and men 14 per cent while the all India figure is stated to be 12 per cent. Further during the 64th round of NSSO survey undertaken during 2007-08, Odisha's share was 18.2 per cent which is a rise of 7.8 per cent from the earlier round, while the national figure was 29 per cent. The NSSO data is a clear indication of the increasing migration trend in Odisha to various destinations within and outside the state.

4.1 Migration and Labor Markets

Migration in Odisha is mostly understood as 'Dadan'. The dadan system (migrant workers recruited through a system of advance) has been in practice since a long time. People from tribal and rural Odisha were often recruited by labor contractors and taken to various states of India to work in tea gardens, construction sites, brick kilns etc. The Inter-State Migrant Workers Act, 1979⁴¹ explains the Dadan system of Odisha as - *“In Orissa and in some other States the system of employment of Inter-State migrant labour known as Dadan Labour is in vogue. In Orissa, Dadan Labor is recruited from various parts of the State through contractors or agents called Sardar or Khatadar for work outside the State in large construction projects. At the time of recruitment, Sardar or Khatadar promise that wages calculated on piece-rate basis would be settled every month but usually this promise is never kept. Once the worker comes under the clutches of the contractor, he takes him to a far-off place on payment of railway fare only. No working hours are fixed for these workers and they have to work throughout the week under extremely bad working conditions^{4.1}.”*

⁴¹ Inter-State Migrant Workers Act, 1979

Historically, distress migration in Odisha dates back to the pre-independent time when in the year 1866, the coastal region of Odisha had experienced severe famine due to scanty rainfall followed by mismanagement of famine relief by the British rulers. Millions of people were affected, died or migrated for survival. Indentured laborers were recruited by the British Raj and despatched to various plantation sites, tea gardens and tropical colonies as coolies. Today, the coastal region affected by natural disasters like flood and cyclone; and migration of skilled youth, small farmers are still being reported of heading towards different destinations to work as migrant laborers.

During the year 1860, The East India Company under the British rule had started one of the largest tree plantations in Assam. Thousands of tribals from Odisha and present state of Jharkhand were recruited as migrant indentured laborers to work in the tea plantation work in Assam. Today, there are more than 2 million workers who are engaged in the tea industry. It is estimated that around 25-30 per cent of the tribal migrant workers engaged in the tea gardens are from Odisha.

During the pre-independence era, the jute mills on the river banks of Hooghly had attracted large number of laborers from the Bengal province which also included Odisha. Mass migrant laborers from the coastal region had moved to Kolkata to work in the jute industries. Census information during 1921 reveals that out of 280,000 mill workers, 24 per cent were Bengalis, 33 per cent were from Bihar and 10 per cent workers were from Odisha^{4.2}. Arjan de Haan in his book says that in a jute mill in Titlagarh, he found migrant workers from various regions. *“The mill is divided in departments, and some of these are 'dominated' by different groups: Muslims being weavers, Madrasi spinners, Oriya being coolies and women confined to all the departments^{4.3}”*. This suggests that the unskilled poor peasants from Odisha were working as unskilled laborers in the jute mills.

By 1970, prolonged lockouts and strikes in the jute mills of Kolkata had resulted in loss of employment of the workers. However, at the same time a new avenue opened up in Surat where the textile industry was opening up its factories. Many of the Odiya migrant workers who used to work in jute mills and particularly migrants from Ganjam district of Odisha re-migrated to the city of Surat.

Undoubtedly, Surat has become a favourite destination for the migrant workers of Odisha. Surat is to an Odiya what Dubai is perhaps to a Keralite or New Jersey to a Gujarati. Informal estimates suggest that Odiya migrant workers in Surat constitute one of the largest groups i.e. 0.9 million migrants of which 0.6 million are from Ganjam district alone^{4.4}. The annual remittance from Surat by migrant workers is estimated to be Rs. 17 billion that is mostly done through informal money remittance mechanisms.

Since the last two decades, the coastal region of Odisha has been witnessing large scale migration of men and youth to various parts of India to work in catering, hospitality, plumbing, construction, textile, and other allied sectors. The skilled migration from Kendrapada speaks of its own success story of how people from this district have inherited the skill from one generation to another and is today dominating the sector all over India and abroad.

^{4.2}Chakraborty, Dipesh-Rethinking working class history 1890-1940

^{4.3}Unsettled settlers: migrant workers and industrial capitalism in Calcutta

^{4.4}UNDP 2009

The Kalahandi, Bolangir and Koraput (KBK) region of Odisha which has a dubious distinction of being the most backward region of the State, tells a gloomy story of distress migration. The western Odisha districts today despatch more than 0.2 million laborers mostly to the southern states of India to work as brick kiln workers. Historically, the migration in this region is triggered due to chronic drought, destitution and social discrimination. The landless wage earners from dalit and tribal communities migrate through labor contractors as 'debt migrants'. While the coastal region accounts for incidence of single and male migration, the KBK and western Odisha regions mostly witness family migration^{4.5}. The workers of this region are known for their fine skill of brick making but they hardly get a good remuneration, entitlements and live a life of bonded labor at the worksite. Recently, the hand of two laborers from Kalahandi were chopped off by a labour contractor due to a dispute arising because of misinformation about the place of work. The 'debt migrants' of this region do resemble the infamous dadan labour of Odisha. The informal estimate of the labor exchange market for the western Odisha dadan labor is anywhere between Rs. 700-800 million per year^{4.6}. The brick kiln markets in the southern states of undivided Andhra Pradesh, Tamil Nadu, Karnataka and Kerala have been hugely growing and the brick kiln workers of Western Odisha are the key workers who produce quality bricks. On the other hand, the south Odisha part of the KBK region is fast becoming a key labor sending area, particularly of unskilled tribal workers to the construction sector in various parts of southern India. The southern states like Kerala and Tamil Nadu are emerging as key migration destinations for tribals living in the southern tribal districts of Odisha.

Data available with the Home Department, the Government of Odisha said that as many as 3,578 women, mostly minor and young girls, remained untraced between 2000 and 2005. Most of the missing cases of women and girls were reported from Sundergarh district where large number of tribal women and adolescent girls are being trafficked to work as domestic worker and forced into sex trade. With the growth of cities and emergence of the middle class, the domestic work sector has attracted women from backward regions. Large number of tribal women and adolescent girls were recruited through placement agencies to work as domestic helpers in affluent and middle class families, notably in Delhi. Often the placement agencies forced them into illicit flesh trade and/or cheated or exploited them.

In the last decade, the mining and industrial growth in Odisha's mineral rich area and semi-urban industrial region has increased unabatedly. As a result, the sector has created enormous opportunities for manual wage employment in mining activities, construction, transportation and small scale peripheral manufacturing units. Migrants from tribal districts as well as the adjoining states like Jharkhand, Chhattisgarh and West Bengal throng this region in large numbers for work. The workers are recruited by middlemen and employed in hazardous mining work in remote and inaccessible areas with limited safety and exploitative wage systems.

^{4.5} ILO Aide et Action Study, 2011

^{4.6} Harvesting of Hunger-Action Aid documentary film, 2002

4.2 Government Policy and Programmes for Migrant Laborers

Odisha was the first state in India to formulate its own law – the Dadan Labor (Control and Regulation) Act (ORLA), 1975, an act to protect and safeguard the interests of dadan or 'debt migrants' in the state. The Act had provisions for creation of a 'registering authority' for registration of agents and workers, compliance with minimum wage and basic labor welfare facilities at the workplace, appointment of a Chief Inspector and other inspectors as well as the appointment of a 'competent authority' for dispute redressal. Taking a cue from the Odisha Dadan Labor Act of 1975, the Ministry of Labor and Employment, Government of India felt the need for a Central Act on similar lines as the ORLA and thus enacted the Inter-State Migrant Workmen Act (ISMWA) in 1979. As a result, the ORLA was nullified on the passage of the new Act.

Despite the enactment of ISMWA, there wasn't any visible impact noticed on the ground in Odisha. The government data^{4.7} suggests that under the Inter-State Migrant Workmen Act, 1979, a total of 1954 middlemen have been given the license to take labourers to other states. These middlemen took 92,808 people from the state. The poor implementation of the ISMWA is mainly due to the lack of adequate enforcement, under-staffing and poor infrastructure of the District Labor Office in Odisha.

In view of the high percentage of child migration in western districts of Odisha, the State Government has initiated a unique programme called 'Residential Care Centre' for retaining and providing education to the seasonal migrant children accompanying their parents. In 2001-02, the District Primary Education Programme (DPEP) initiated the programme and retained more than 3000 children. Later the programme was up-scaled and expanded to Nuapada and Bargarh district. Today, the Government of India has made Sarva Shiksha Abhiyan (SSA) a programme all over India to cater to the education needs of migrant children both at source and destination. In later years, due to the involvement of civil society organisations, education of migrant children at destination was initiated in Andhra Pradesh and Tamil Nadu.

In order to provide health insurance to the BPL and unorganised workers, the Government of India launched the Rashtriya Swasthya Bima Yojana (RSBY) in 2008. One of the provisions of the insurance programme is to cater to the health insurance of migrant households. The RSBY coverage in Odisha has 38,98,477 families^{4.8} which is roughly 50 per cent of the total targeted families. The impact of the insurance programme on migrant workers is yet to be ascertained.

The Government of Odisha in 2004 constituted the Orissa Building and Other Construction Workers Welfare Board under the BoCW Act, 1996. So far the welfare board has collected more than Rs. 6 billions of cess and started registering the construction workers for providing insurance, health safety and other welfare services. According to figures, in Odisha, 0.35 million workers till date have been registered under the BoCW Act. The 2001 Census, however, has identified both main and marginal workers of Odisha as 9.6 million and 4.7 million respectively with 6 million households who have registered themselves under

^{4.7} Assembly question answered by Minister for Labor and Employment on 25th August, 2011

^{4.8} <http://www.rsby.gov.in/statewise>

MGNREGA to avail wage employment. The low enrolment of workers under the BOCW Act is certainly a huge challenge and concern.

A historic tripartite Memorandum of Understanding (MoU) has been signed between the Department of Labor, Government of Odisha; the Department of Labor, Government of Andhra Pradesh and the Ministry of Labor and Employment, Government of India towards safeguarding and enforcing labor welfare measures for inter-state migrant workers of Odisha working in the brick kilns of undivided Andhra Pradesh. The International Labor Organisation (ILO) with the help of other civil society organisations has advocated for the need of inter-state MoUs for protection and promotion of migrant labor rights. Post the MoU phase, the Government of Andhra Pradesh has taken up a number of progressive initiatives such as education, health, RSBY enrolment, housing and PDS for the incoming migrant brick kiln workers in Ranga Reddy district. However, the Government of Odisha's work at the source districts of Balangir, Nuapada and Kalahandi has failed to commence.

Acknowledging the huge potential of migrants of Kendrapada who are engaged in plumbing and have made it an alternative livelihood option, the Government of Odisha has set up the State Institute of Plumbing Technology (SIPT) in Patamudai in Kendrapada district of Odisha in 2010. The institute has been imparting training to budding plumbers. Skill enhancement for migrant youth has been a huge challenge for the government. Also in the coming days, the State Employment Mission which was set up in 2005 may get into planned skill development programmes in Odisha.

The MGNREGA which was enacted as an Act in 2005 has a special component to reduce unemployment and vulnerability of rural households. It also has the necessary ingredient to arrest distress migration. The implementation of MGNREGA in Odisha, however, is not very satisfactory. It is yet to show its full impact on arresting distress migration. In 2012, the Department of Panchayati Raj, Government of Odisha declared 150 days of entitlement under MGNREGA in the high migration pockets of Western Odisha. Although there are some initiatives that have been taken to realize the 150 days of employment, the programme is yet to show any significant impact.

And finally, the migrants who are outside of the realm of social security, food security and various labor welfare measures should be adequately addressed. Both the sending states and the receiving states need to have proper coordination to create a win-win situation for migrant laborers.

The issues of migrant labor are perennially in headlines for all wrong reasons in Odisha. These include migrant workers stranded in foreign lands due to conflict; or being cheated and harassed; cases of inter-state migrant workers being kept as hostage; migrants involved in accidents or being tortured in other states; migrant laborers have been reported in all such circumstances. Back home, non-compliance of the Inter-State Migrant Workmen Act by the labor recruiter and illegal transportation of laborers to the other cities too are a cause for concern for the government. On many occasions the government has responded to the issue, taking it up on priority and in most of the cases, the government found it difficult to initiate adequate action to rescue or rehabilitate the workers and punish the culprits. The District Labor Office under the Department of Labor, Government of Odisha is a key department dealing with migrant workers' issues. The office is reported to be hugely understaffed and lack proper infrastructure and

coordination with other wings of the government to streamline a proper enforcement mechanism for registering, monitoring and regulating labor migration in Odisha. Secondly, the state is yet to devise a policy framework for bringing inter-governmental convergence strategies to create employment and alternative livelihoods for distress migrants. Most importantly, it is time that inter-state coordination with the destination states by the government, which is also a major challenge, needs to be given priority for safeguarding the rights, entitlements and welfare of migrant workers working in various states in India.

4.3 Civil Society and NGO Response

Small but significant interventions by NGOs and activists in addressing migration issues at the source as well as in destination areas are quite indicative. In the last decade, various national and international development agencies have played a pivotal role by working extensively on the issue of migration and have highlighted it.

Village level registration and tracking, awareness on safe and protected migration, education of migrant children at source and destination, mobilization of migrants to access MGNREGA, social security, alternative livelihoods, imparting skill development to migrant youth, advocating for the rights of migrant laborers, remittance management, conducting rescue and facilitating rehabilitation of migrant bonded laborers are some of the cutting edge works being undertaken by the civil society and NGOs in Odisha.

On the policy front, some of the active local, national and international NGOs have highlighted the plight of migrant laborers and contributed immensely in bringing out notifications, government circulars and guidelines for education of migrant children both within and outside the state. NGOs have played a pivotal role in pursuing the Government of Odisha for inter-state coordination. The International Labor Organisation(ILO) with the help of the labor unions and NGOs have created inter-state platforms, capacity building and working out the modalities for inter-state collaboration between the sending and receiving states.

The role of media in highlighting issues of migration and women's trafficking in Odisha is quite encouraging. Often both the print and electronic media have been quite vocal about the plight of migrant workers and creating public opinion in Odisha.

Moreover, much more needs to be done by the civil society in engaging both at the micro and policy level to bring in quality changes to the lives of poor and marginalised people who are increasingly becoming invisible.

4.4 Conclusion and Key Recommendations

Migration in Odisha can be classified as both distress and opportunity driven. While it is imperative to address the destitution and distress involved in migration, there are also ample opportunities to spearhead a planned and organised migration management programme to safeguard and protect the interest of migrant workers. Broadening the scope for portability of socio-economic and democratic rights of the migrant is crucial. Some of the key recommendations are presented below.

4.4.1 Tracking and Registration of Migrant Workers:

1. The ISMWA, 1979, mandates for registration of inter-state migrant workers and has a provision for issuance of licences to labor contractors. However, only a small number of people are registered under the Act. It is advised to create a special plan to register the migrant workers at the Panchayat level and a policy should be made to empower Panchayat to issue licences under the ISMWA, 1979
2. The Government should also appoint more labor inspectors at the block level to monitor and enforce the implementation of the Act
3. As proposed under the Inter-state MoU between Odisha and undivided Andhra Pradesh, the District Migration Facilitation Centre (DMFC) should be operationalized to take up a wide range of issues pertaining to migrants' education and welfare at the district level

4.4.2 Distress Migration, Employment, Social Security and Alternative Livelihood:

1. The government should identify the vulnerable and high migration pockets and target creation of gainful employment during the lean period. The employment under MGNREGA should be augmented to prevent people from getting into debt traps leading to distress migration
2. Sustainable livelihood promotion through development of farm and non-farm activities, markets and cooperatives should be promoted for the vulnerable people to regain their lost livelihood
3. Skill building training to the rural and urban youth, job placements, safe and planned migration will reduce the vulnerability of people while migrating for work to other states
4. Strategy to prevent migration of school going children by availing the services of seasonal hostels should be operationalized by Sarva Shiksha Abhiyan(SSA), Odisha
5. The left behind family members of migrants particularly women, the elderly, disabled, diseased and children often undergo multiple levels of vulnerability which need to be addressed at the source villages
6. Natural disaster prone areas should have contingent plans for effective rehabilitation and resettlement measures to prevent people from migrating and getting trafficked
7. Special programmes should be envisaged to provide care and support to the migrants affected and infected by HIV and AIDS

4.4.3 Portability of Basic Services and Entitlements:

1. Both inter-state and intra-state migrant workers face a variety of hardships to avail basic services and government entitlements at the destination. In India, we are yet to devise a policy and programme to make the basic services and entitlements portable for a migrant. To start with, the Government of Odisha should initiate a policy for intra-district migrant workers to access a number of services like, PDS, health care, ICDS services and other benefits at the destination areas
2. The State government at the source area and in the destination states, and district administration at the district should take steps to provide subsidized rice, mid day meal, benefits under ICDS and other social security entitlements to the migrants at the worksites.

3. Inclusion of migrants in the Rashtriya Swasthya Bima Yojana (RSBY) and registration under the Odisha Building and Other Construction Workers Welfare Board, (BOCW)

4.4.4 Inter-state Coordination and Inter-state Migrant Workers Policy:

1. The ILO initiated MoU between the sending and receiving states under 'Decent Work Country Programme', is a welcome step for ensuring welfare and social security of migrant workers. Creation of the Inter-State Government Migration Coordination cell between the host and source state should be envisaged to monitor, regulate and facilitate safe and protected migration
2. Revision of the Inter-state Migrant Workmen Act in the light of current mobility, protection of rights and entitlements of migrant workers should be initiated
3. Special monitoring cell to prevent women and child trafficking in the states should be taken up as a priority. Adequate social and economic rehabilitation should be done for all trafficked women, men and children who have been rescued.
4. Setting up of the Odisha Migrant Workers Labor Welfare Board (OMWLWB) may be given priority to safeguard the rights and entitlements of unorganised migrant workers
5. Effective disaster management response and mitigation to arrest exodus of people should be done. Special plans for mitigating and adapting to climate change related disasters induced migration are also needed.

The writer is working as Head Migration Thematic Work in Aide-et-Action South Asia.
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Contributors

1. Sir Dorabji Tata Trust and Allied Trusts

Established in 1932 by sir Dorabji Tata, the elder son of group founder Jamsetji Tata, the Sir Dorabji Tata Trust and the Allied Trusts are one of India's oldest and largest philanthropic foundations. The trusts offer monetary assistance to students and economically disadvantaged patients, make financial contributions to institutions and provide financial support to more than 600 non-governmental organisations (NGOs) in the country. Their vision of constructive philanthropy has been sensitive to the fast-growing needs of a developing nation, and the projects and programmes they support bear contemporary relevance.

For details, visit www.dorabjitatatrust.org.

2. Darbar Sahitya Sansad

Darbar Sahitya Sansad (DSS) is a people's court for social justice, on a platform of young and literary people. DSS has focused on livelihood promotion for poor women, farmers and youth in coastal parts of Orissa. Besides that, Disaster management has been another area of intervention in the recent past. In Khorda and Puri, frequent cyclones and floods destabilize the livelihood of the local community, leading to heavy out-migration. This is primarily single male migration to metro cities in the sectors of construction, factories and transportation. Vulnerability is high due to long distance, long duration unskilled migration. DSS has been a part of the migration program since February 2010.

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3. Gram-Utthan

Established in 1990 for the development of rural areas, 'Gram-Utthan' literally means 'raising of the village', which is the sole motto of the organization. Its mission is to enable the poor and the disadvantaged for qualitative changes in their lives through an empowerment process. Today it has become one of the major developmental agencies recognized by other development partners. Gram-Utthan has been extending migration services in Kendrapada district of Coastal Odisha since February 2010.

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4. Kalahandi Organisation for Agriculture and Rural Marketing Initiative (KARMI)

The organization, established in 1997, works in Kalahandi district of Western Odisha. It is one of the most backward districts of the state. Ninety three per cent of its population lives in rural areas, deriving income from agriculture, forest produce, wage labour and migration. KARMI has been a part of the migration initiative since February 2011. It also works on issues related to agricultural labourers, disaster management and relief, provision of education & Literacy, environment protection, microfinance, health and family welfare.

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5. Madhyam Foundation

The Foundation aims for a society where economic development is truly people centered, sustainable and equitable so that no citizen however deprived is oriented and sensitized to assert his/her economic rights and entitlements on an empowered mode. The organization work focuses primarily on finding innovative ways to improve the livelihoods of rural residents. Their main areas of work include livelihoods promotion with a sub-sector approach (dairy, poultry, vegetable cultivation, turmeric and leaf plate), promotion and strengthening of producer cooperatives, support services for migrants and diversion-based irrigation system. Madhyam Foundation works in Nayagarh district of coastal Odisha. Madhyam Foundation has been associated with the migration initiative since February 2010.

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6. PARDA

PARDA was started by a self-motivated group of intellectuals to work in Nuapada District in the year 1999, with the spirit of volunteerism and Gandhian ideology and spirit. It has been working with the migration initiative since April 2011 in Nuapada district. It is one of the most backward districts of the state with about 85% of the population below the poverty line. The region sees heavy out-migration, particularly in a highly vulnerable migrant stream of brick kiln workers, who seasonally migrate with family to work in Uttar Pradesh and Andhra Pradesh. Lately, youth migration to Raipur into unskilled work as rickshaw pullers, construction workers and gardeners has been on rise too.

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7. PRATIKAR

PRATIKAR recognizes that development efforts call for active involvement of individuals, groups and communities. In this process non-government organization play a vital role and render essential service in mitigating widespread poverty, destitution and deprivation, especially among the vulnerable groups – women, children and youth in the developing countries. As a step towards the cherished goal of participation, peace and development, PRATIKAR started working in the city of Bhubaneswar in the year 1998. The organization primarily aims at sustainable development of the vulnerable population with people's participation through participatory planning, action, research initiatives, training programmes etc. It has been a part of the migration program since February 2010 and strives towards providing destination services to primarily construction workers.

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8. Udyama

Udyama is a food security and sustainable rural livelihoods focused action and advocacy oriented organization primarily working in the state of Orissa. It was founded in 1997 with the aim of strengthening food security and livelihoods through restoration and sustainable management of natural resources, capacity building of local communities. Udyama works in 2 blocks: Titlagarh and Bangamunda of Bolangir district. Udyama is running the migration program from January 2011.

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9. Youth Council for Development Alternatives (YCDA)

Youth Council for Development Alternatives (YCDA) is a non - governmental organization established in 1993 with the objective to bring sustainable change in the socio-economic conditions of disadvantaged and oppressed masses. The head office of the organization is in Baunsuni village of Boudh district. YCDA is working in 2 districts in the western part of Orissa - Boudh and Sonepur, which are at the border of Chhattisgarh and Jharkhand. Major thrust of YCDA has been community based interventions focusing on children's education, community health care and livelihood. YCDA has started the initiative on migration issues through the project called "Empowerment of Migrant Workers for sustainable Livelihood and Good Governance" in February 2010. YCDA works in 2 blocks Kantamal and Charichak of Boudh district of Western Odisha under migration program.

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10. Debadatta Club

Debadatta Club works in Bargarh district of Western Odisha. There is chronic poverty in the district with 70% of its population living below the poverty line. The district is drought affected and experiences high out migration. Migration, mainly to brick kilns in Andhra Pradesh, construction in Maharashtra and carpet industry in Uttar Pradesh. There is some short distance migration to nearby areas in agriculture. Debadatta Club is in migration program covering one block in Bargarh district from February 2011. Debadatta Club envisions a society where everyone contributes according to best of her & his abilities and gets according to her or his basic needs through participation contribution ownership & with a life full of dignity.

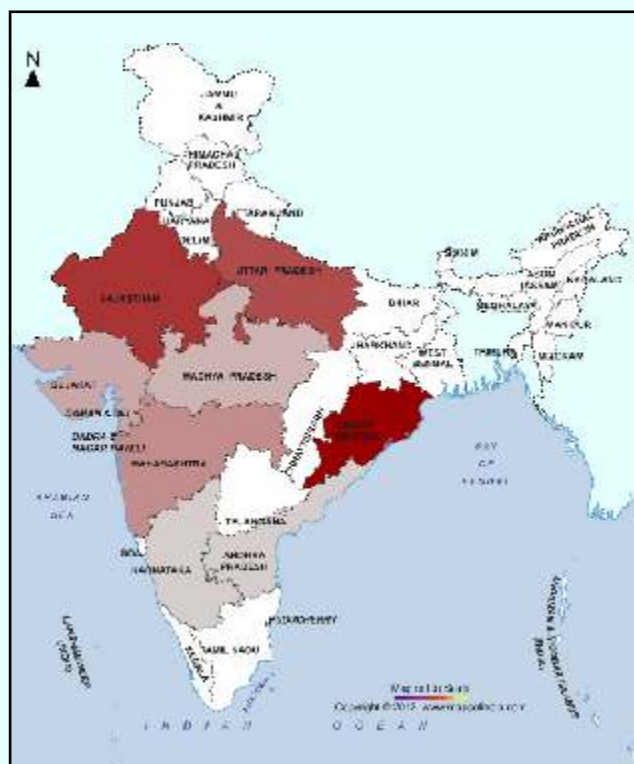
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11. Adhikar

Adhikar works in quest of exploitation free and balanced society based on human value of love peace freedom equality where social and economic justice are ensured and each human being regardless of cast creed religion can exercise his/her basic and fundamental rights with a dignified manner and feels himself / herself to be instrumental for his/her socio-economic development in an atmosphere of social harmony. Adhikar's work mainly focuses on forming self-help cooperatives, extending a unique remittance system for the migrant workers of Orissa working in industrial cities of Surat and Ahmedabad, extending micro-finance services to the poor and needy, and promoting livelihood & food security programme for creating effective & sustainable employment opportunities through agriculture & allied agricultural interventions. Adhikar has been a part of migration program since November 2013.

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About CMLS

The Center for Migration and Labor Solutions (CMLS) is a joint initiative of Aajeevika Bureau and Sir Dorabji Tata Trust (SDTT), with a mandate to spearhead expansion of migration services across high migration regions in India. The centre has facilitated design of migration programmes with 32 civil society organizations spread across ten states of India – Odisha, Rajasthan, Uttar Pradesh, Maharashtra, Andhra Pradesh, Madhya Pradesh, Karnataka, Gujarat, Delhi and Haryana. The center combines program design, capacity building, field research, and best practices exchange around the theme of seasonal labour migration.

This report is an outcome of CMLS' knowledge building and synthesis work on internal seasonal migration in India, based on primary evidence and field level fact-finding. Contact: cmls@aajeevika.org

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