

Protection of Migrant's Rights and Improved Accessibility to Government Schemes: Exploring the Process of Seasonal Labour Migration in Rural India

By

Shilpi Smita Panda¹

Abstract

Seasonal labour migration is a complex phenomenon, which involves long working hours, poor living and working conditions, social isolation and poor accessibility to basic amenities. Most of the migration goes undocumented, and the lack of regulation compounds vulnerability. This exploratory study aimed to examine various social networks which promote seasonal migration every year from the districts. It also explored the working and living conditions of migrant workers at the destination and the role of various stakeholders in the protection of migrant's rights and their access to various government sponsored schemes in origin and destination. The paper draws heavily on primary data collected from three migration prone districts of India. The paper is based on in-depth interviews with the migrant workers, government officials, migration brokers and owners of brick manufacturing industries and representatives of civil society working among the migrant labourers. The extensive field work reveals that the structural poverty, impoverished livelihood, geo-climatic conditions and seasonal cultivation and unavailability of alternative livelihood sources led to large scale seasonal migration from the districts to the brick manufacturing industries every year. This form of undocumented migration takes place through a social network comprising of the migration brokers either from same locality or from neighboring locality. Migration brokers distribute advances among the migrants before the start of the migration cycle. In return, they receive commission from the owners of the establishment. The migrant workers migrated with their family members who are capable to earn and work in the brick kilns till the advances are settled. In this process, migrants lack the access to the benefits of the government sponsored schemes in the origin. They can't claim the

¹Research Scholar, Department of Humanities and Social Sciences, National Institute of Technology, Rourkela, Orissa-769008, India, Email: shilpi.niki.panda@gmail.com

same benefits at the destination Seasonal migrants have a different set of needs, which requires provision of special schemes for protecting their rights and accessibility to benefits.

Keywords: Migrant's Rights, Government Schemes, Exploitative Working Conditions, Seasonal Labour Migration

Introduction

A key dimension of globalization is the rapid increase in cross-border flows of all sorts, starting with finance and trade, ideas, ideology, knowledge about economic growth, governance, cultural and media products and people (Castles and Miller, 2009). The growing social, economic, and cultural interconnectedness epitomized by the concept of globalization has facilitated migration in greater numbers between origin and destination (Czaika and Haos, 2014). On one hand, new economic opportunities for some have expanded the aspirations of many and there has been a desire for economic betterment that has induced many to migrate. On the other hand, there have been new barriers, vulnerabilities and anxieties for the migrants.

Migration either from rural to urban areas or vice versa developing country like India with a traditional social order and agricultural economy is of paramount significance. Migration has a vital role in balancing process of development through population redistribution, more particularly in a country where development process is very slow. But the population mobility also leads to maladjustments. The extent, nature, features and pattern of migration in India has been evolving over time. In fact, seasonal or circular labour migration has been emerging as a dominant form of mobility for the poor and backward communities. Though, seasonal migration is certainly not a new phenomenon in Indian context. However, the large magnitude of circulation of rural labour force is of recent origin and is the direct consequence of structural changes in the economy. Seasonal labour migration is largely distress driven and stimulated by the partial or complete collapse of rural employment generation, economic difficulties of cultivation and absence of alternative employment opportunities in underdeveloped regions of the country. Thus, it has become an irresistible part of the livelihood strategies pursued by large number of poor people living in the agriculturally underdeveloped areas. Seasonal migration is a win-win model for human development. It maximizes return and minimizes cost for both sending

and receiving economies. For receiving economies, it is a way for importing low-skilled labour, while for sending economies; it is a way for providing regular source of remittance without permanent loss of skill. Though seasonal migration strikes high personal cost for the migrants (Ghosh, 2011). The total number of internal migrants stands at 139 million in India (Census Report, 2011). These numbers only reflect the permanent and semi-permanent migrants, but don't provide information on circular, seasonal and temporal flow.

Short duration migration was first explained and defined in the 55th round of NSS as the persons staying away from the usual place of residence for 60 days or more for the purpose of employment. It estimated that nearly 10 million people migrated temporarily (NSSO, 2001). The recent NSS round revealed the number of short duration migration has increased to 15.2 million migrants. In contrast to the government figures on the short duration migrants, other micro level studies indicates a larger percentage of short term undocumented migrants. Bardhaman district of West Bengal receives 500,000 migrant agricultural labourers for at least 20 days in the season (Rogaly et al. 2001). The sugarcane fields in Southern Gujarat is estimated to receive around 1,50,000 migrant labourers from Maharashtra and other parts of Gujarat (Teerink, 1995, Breman, 2007). The rates of migration from Southern Rajasthan to Gujarat to work in seed cotton farms and textile markets are also higher ((Katiyar, 2006). About 300,000 migrant labourers from drought prone areas of Balangir district in Western Odisha migrate to different states (Deshingkar, 2003). More than 2,00,000 migrants from Western Odisha migrate to the brick kilns of Andhra Pradesh every winter after the harvesting season (Mishra, 2015). Ahmedabad is a home to 1.3 to 1.7 million labour migrants coming from Madhya Pradesh, Rajasthan, Bihar, Uttar Pradesh, Saurashtra and Odisha for construction, cart pulling, head loading, factory work, drivers, diamond cutting and plumbing work (Sharma, 2017).

Seasonal and circular migration from different parts of the country has formed various channels for exploitation. Recruitment through an extensive network of contractors and sub-contractors makes the migrant workers trapped in a subjugated and exploitative life. This system of recruitment has become abusive and brutal yet the migrants find it easier and better to find work in other states rather than their own. The recruitment based on contract along with lenient monitoring and regulating state apparatus has strengthened these unfair models and practices in the migrant job market (Breman, 2010, Sharma, 2017).

Improving the social rights of the migrant workers is now largely focusing on extending social security schemes to the migrant workers. Social security policies mitigate the costs for social problems and risks at some time in life span. Social security is defined as the protection provided by the society for its members through a series of public measures against the economic and social distress that would be caused by stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, invalidity and death, the provision of medical care and the provision of subsidies for families with children (ILO, 1984). The newly arrived migrants face various challenges and vulnerability in the host country as they are away from their village and community. And at the same time they lack access to formal social protection in the new destination due to various factors such as employer monopsony and delayed access to basic facilities in the destination after arrival. The migrants are also excluded from the schemes and policies in the source country after they depart to the destination due to the non-portability of the schemes. The undocumented low skilled migrants face severe challenges in the destination related to the cross border recruitment, information asymmetries between the employers, agents and migrants (Avato et al. 2009).

The present paper highlights the problems faced by the migrant workers in the origin and destination related to work and livelihood. It also presents the issues related to inaccessibility of government schemes by the workers and points out towards the development of special schemes for protecting their rights and accessibility to the benefits.

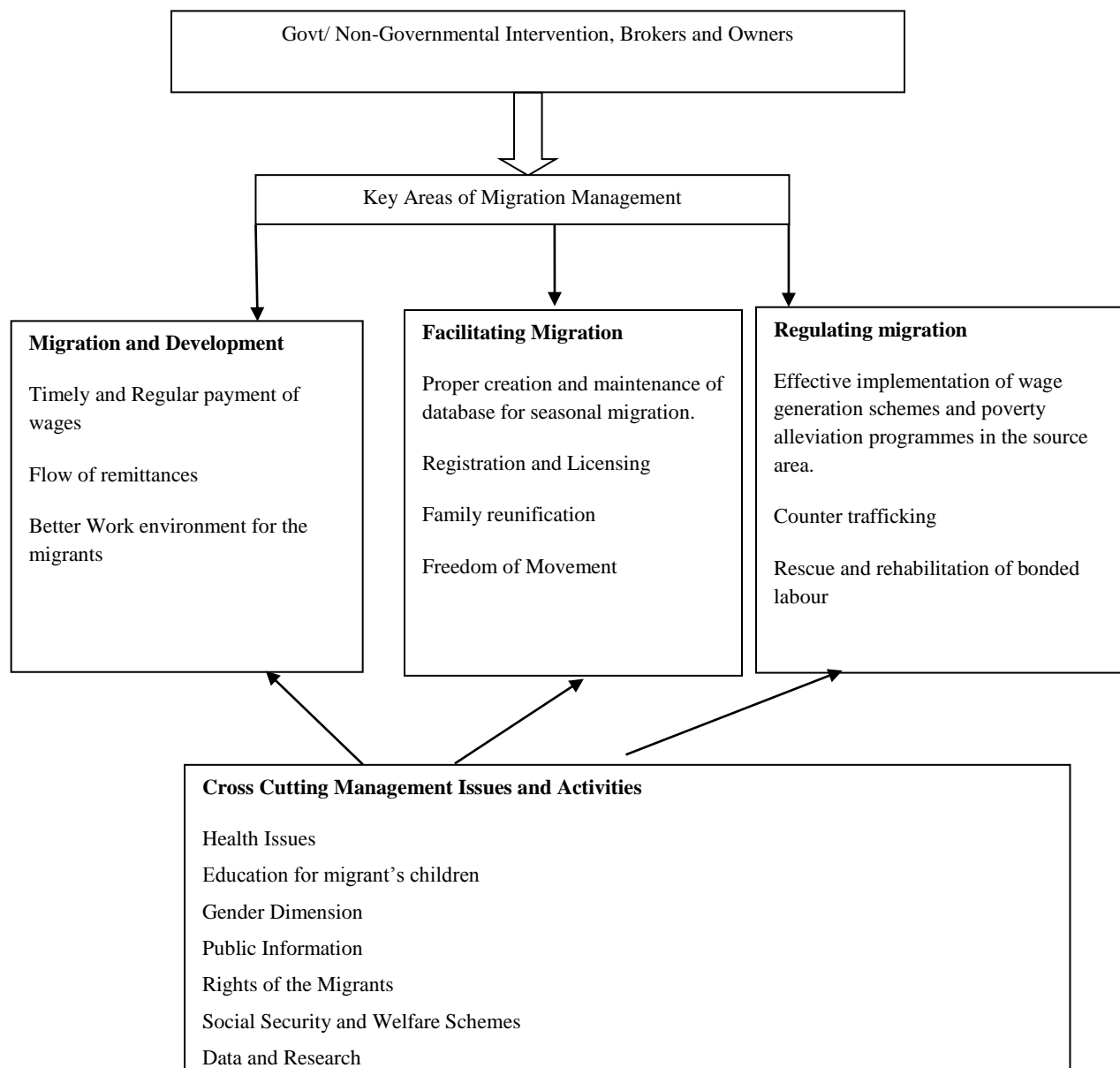
Conceptual Framework

In a country like India, which is economically and socially stratified, the resources are not allocated equally to all strata of the society. The lack of resources and absence of alternative livelihood opportunities in the source area force the people to migrate in search of livelihood elsewhere. The existing resource inequality would never stop the process of migration. Despite government's initiative to introduce poverty alleviation programmes and wage generation programmes in the source area, people still migrate in huge numbers for their survival. It is thus not feasible to control and stop the process, rather there is need for a better strategy to provide healthy and safe work place for the migrants and save them from the clutches of exploitative brokers and owners when required. Migration as a process includes various actors and agents.

The relationship among those agents involved in the migration is a major factor governing the entire process.

Despite different legal enactments on labour and migration, government policies and programmes, the issue of migration remains unsolved because of the lack of coordination among various stakeholders involved in it. Each stakeholder has its own set of interests whose fulfillment depends upon the conduct of the other stakeholders. If any one of the stakeholders starts dominating and influencing other, it creates imbalances in the relationship and intensifies the conflict. The emphasis of the future migration policies should be to achieve this coordination. Most of the policies have been meant for reducing and controlling seasonal migration, but it has failed to readdress the issues emerging due to seasonal migration. Thus, there is an urgent need to formulate policies and programmes that can help to manage migration.

Figure 1: Managing Migration: A Conceptual Framework



Source: Partially derived from the conceptual model of International Organization for Migration

Methodology of the Study

Study Design and Research Questions

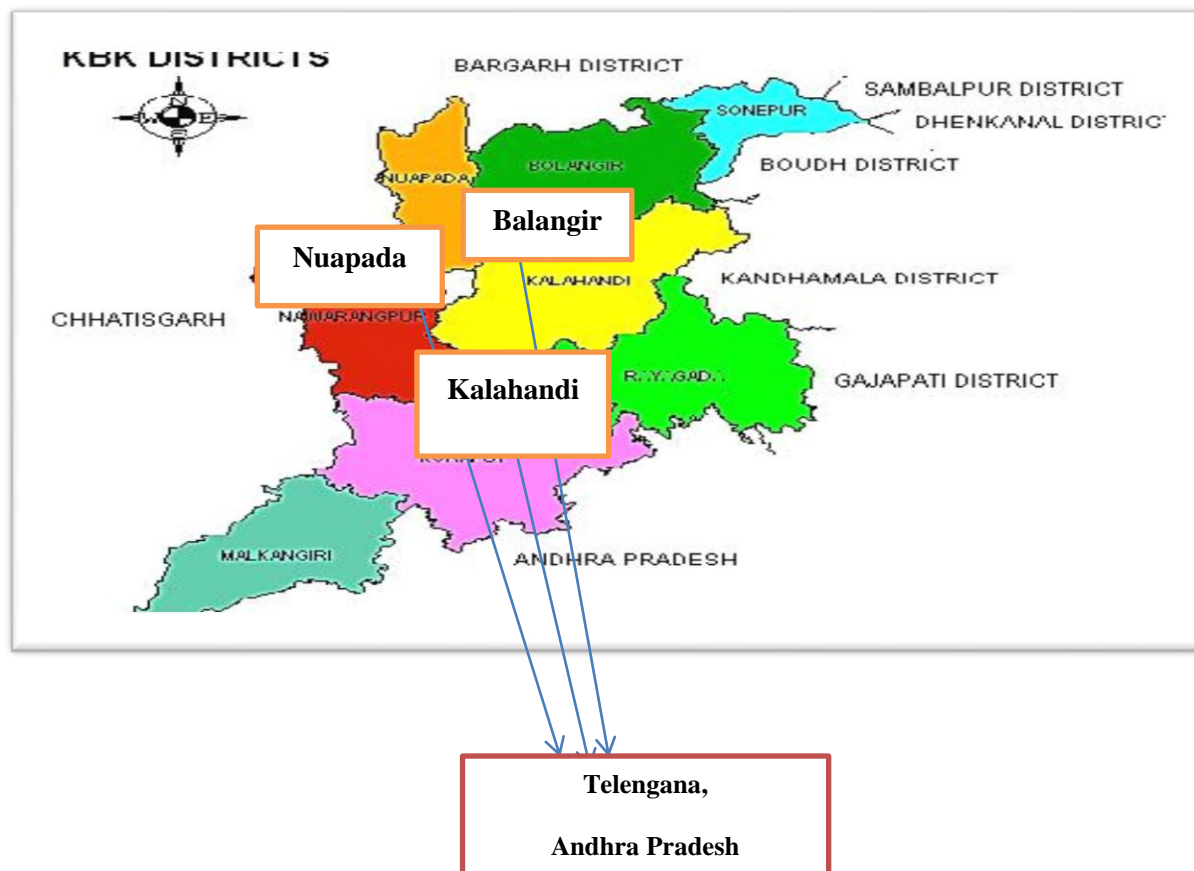
The exploratory research design is adopted to identify the operationalization and accessibility of various social security schemes for the migrant workers. The exploratory design relies heavily on techniques like review of secondary literature, formal and informal qualitative data collection techniques such as in-depth interviews, Focus Group Discussion (FGD), case studies and informal discussions with the subjects. The study design hints to ‘why’, ‘how’ and ‘when’ a social phenomenon occurs. The study is guided by the following research questions: how are living and working conditions of the migrants in the destination? What are the schemes that are functional in the origin and destination for the migrant’s welfare and well-being? How many migrants are beneficiaries in the schemes? To what extent the migrants are aware of the schemes? What happens to the benefits of a scheme, if a migrant move to the destination? To what extent, the schemes have been able to control or manage migration?

Study Context

The analysis presented in this paper draws heavily on the information collected from the field study conducted from July 2015 to January 2016. The study was conducted in three districts of Kalahandi, Balangir and Koraput (KBK) region of Odisha. As compared to other parts of Odisha, KBK region was selected as the universe of study because of its chronic poverty, lack of infrastructure, crop failure, joblessness and distress migration. The KBK region has been declared by the Planning Commission as the most backward region of Odisha. Three districts: Balangir, Kalahandi and Nuapada were selected for the study because these districts were known for sending large number of migrant workers every season, the districts were drought prone and were driven by chronic poverty.

According to South Asia Disaster Report (SADR, 2011) Kalahandi, Nuapada and Balangir received 40 percent less rainfall than the average. Various Government programmes and schemes like Drought Prone Area Programme (DPAP), Long Term Action Plan (LTAP), Integrated Watershed Management Project (IWDP), and Western Odisha Rural livelihood Project (WORLP) are working actively in the selected districts for reducing poverty, migration and enhancing livelihood of the people. More than 60 percent of the households in these three selected districts are below poverty line (BPL). In Nuapada the percentage of BPL households exceed 80 percent (BPL survey, 1997). To eradicate poverty and to reduce migration, these three districts were also selected in the first phase of implementation of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in the year 2006. The seasonal migration from Balangir, Kalahandi and Nuapada to the brick kilns located in Andhra Pradesh, Karnataka, Tamil Nadu and Kerala is more prominent form of migration. The number of licenses issued and the number of migrant workers registered under the Inter-state Migrant Workmen Act, 1979 also revealed that Balangir (490 licences, 44075 migrant labourers), Nuapada (186, 10905) and Kalahandi (66, 3809) have high rate of inter-state labour out-migration (Labour Directorate Odisha, 2014). Some micro level studies conducted by the civil societies and NGO's also claimed a huge exodus of workers from these three districts during the lean season to the brick kilns in southern India (Sharma and Zaineb, 2014; MIRC, 2012).

Figure 2: Map of KBK districts indicating the Study Area and the Interstate Migration Flow



Data and Method

Data was collected from 300 seasonal migrant households who migrated to brick kilns every year. Seasonal migrant households are defined as the households who migrate to other districts or states every lean season for finding work in the construction sites, manufacturing industries or textile industries. This study focuses only on the migrants who move every lean season to the brick kilns. The decision for migrating is either taken by the head of the household or taken collectively. Migrants include men, women, children and elderly. The form of migration is circular in nature; it starts after the crop harvesting festival in the month of November. And return migration takes place with the onset of monsoon. The migration takes place through a network including brokers, sub-contractors and owners of the establishment. The migrants don't receive wages, they receive advances before migration at the place of origin and after completion of work in the destination, and they negotiate the remaining wages.

Table 1: Study Area and Sample Migrant Households

Districts	Block	Gram Panchayat	Villages	Sample Migrant Households
Balangir	Belpada	Sarmuhan	Sarmuhan, Kharkhara	174
Kalahandi	Golamunda	Chaparia	Chaparia, Tingirpadar	41
Nuapada	Sinapali	Bharuamunda	Bharuamunda, Chacharabata	85

Given the complexity of the process of seasonal migration, the data was collected through various methods and from various sources. Both primary and secondary data were collected as per the objectives of the study. Some secondary information was collected from different government departments in the state, districts blocks and villages. The State Labour Office, and Census Office were also visited to gather information regarding the selected districts. The DLO, DRDA, District Collectorate Office were visited in the three selected districts to collect some secondary information relating to seasonal migration. Some non-governmental organizations were also contacted and consulted in the state and district for collecting some secondary information on brick kiln migration. The Panchayat office, ICDS centres, primary and secondary schools were visited in the study villages to interact with different grassroot level workers. A village schedule was structured and information regarding the village infrastructure and development was documented by interacting with different officials at the grassroots, local representatives and village elderly population.

For collection of primary data, a semi-structured interview schedule was designed after reviewing the literature. Both qualitative and quantitative information were gathered through the schedule. The interview schedule covered all information regarding both the place of origin and destination. For the present study, two Focus Group Discussion (FGD's) were conducted in each study village. One FGD in each village included only women migrants. Thus, there were 12 FGD's for the study in the origin area. Techniques like case study and narratives were used for collection of data. The present study includes some key stakeholders, so an interaction with different stakeholders was required to understand the problem from different perspective. The key stakeholders in the study are: migrant workers, contractors, owner, and local representatives at the Panchayat level, block level, government officials, and non-governmental organizations. Interview guide was structured for each stakeholder, and accordingly the information was documented. In order to understand the process of migration, the brick industries were visited in the destination state. The owners (Seth) and contractors (Sardar) involved in the process of

migration were interviewed in the destination. The living and working conditions of the migrant labourers were observed in the destination.

All interviews and FGD's were undertaken in regional Odiya language, and the key informant interviews were done in Odiya, Hindi and English. FGD and interview guides were open ended in nature, and the interviewer probed into the discussion to gain more detailed insights into the issue. With the permission of the respondent, interviews and FGD were recorded digitally or via detailed note-making. In-depth Interviews and FGD were transcribed and stored electronically. Case studies were documented in form of in-depth notes without any digital aid to keep the identity of the respondents protected.

Data Management and Analysis

After conducting interviews, it was found that very little new information was obtained. So FGD's were conducted to meet the research objectives. Field notes were made after each interview. FGD's were audio recorded and were described in form of notes and diagrams. The recordings were transcribed after every session. Major themes and sub-themes were identified in collaboration with a theoretical framework. Verbatim quotes were used when necessary to highlight specific issues. The data obtained were coded through a consensus process. The checklist for interview guides was developed prior to the beginning of the study, but most major and minor themes were later extracted from the study. Data were verified for avoiding theme repetition. Thematic Content Analysis (TCA) was used as tool for analysis of qualitative data. Axial coding was used to examine the interrelationships between key concepts to identify cross-cutting themes. Data were represented in form of diagrams, charts and simple frequency and percentage tables. The case studies were also documented to make the information more valid and reliable to the context.

Findings of the Study

This section is divided into three subsections. The first section describes the process of seasonal migration in Odisha based on field study. The second section describes the working and living conditions of the migrant workers in the brick kilns. And the last section highlights the role of government and non-government agencies to control or manage migration. The findings of the study have been cross checked or supplemented with other micro-level information such as the

migration register maintained by the local NGO's and the information by the DRDA in different districts.

Drivers of Seasonal Migration: Evidence from the Field Study

The impoverished livelihood conditions in the villages, poor geo-climatic conditions and non-availability of alternative employment opportunities are vital factors that affect the seasonal labour out-migration process. The process of migration works in a continuum, and the process start much before the actual migration takes place. The religious festival plays a pivotal role in the migration journey, in the month of September and October, during the agricultural (*Nuakhai*) festival labour contractors (*Sardars*), and their agents start distributing the advance to the labour households. The advance is received by the household group (*pathuria*), consisting of man, his wife and a young child. The advance amount ranges from Rs 20,000 to Rs 22,000 per individual member. The advance amount is increasing since the last year. The advance amount received is spent on paying off the old debts of the money lenders (*Sahukars*) in the villages, social and religious ceremonies like marriage, birth and death rituals, festivals, repairing and renovation of the houses. Very few cases, the advance are spent for the health needs of the family. Rarely, there are also evidence of money being spent in acquiring new productive assets like land and livestock.

The field evidence indicated the prevalence of social networks among the actors in the migration process. Earlier literature also hailed that the choice of destination by the migrants depended on the social networks (Choldin, 1973, Banerjee, 1983). In the present study it was found that though there were various streams of migration to different sectors at different places. But the migration for brick kiln generally followed to the southern India. Telengana is the most sorted destination for the migrants. After the crop harvesting is done, the contractors take the migrants through the cheapest possible route to the destination. Most of them go to Kantabanji railway station and board the train with a general ticket to the destination. Each labourer is granted Rs 200/- as food and journey allowances. A number of actors are involved in this chain of migration. The role of every actor is equally significant in the process. There are four major actors involved in the process of migration.

Owner of the Kiln (*Seth*): He is the owner of the establishment. He provides capital for all raw materials and resources required for the production process. He provides money for pulling in cheap labour into the establishment. He hires the *Sardar* from the origin or destination to find and pull cheap labour for his establishment, in return pays them some commission. Some owners operate their establishments in their own land and some do it in a leased land and have to pay back some interest to the landlord. The profit of the business in the last season determines the number of workers they would hire in the upcoming season.

Contractor and Subcontractor (*Sardar*): They are generally the intermediaries who are sometimes related to the labourers through kinship ties and sometimes they are unknown persons. They may be from the same village or neighbouring village in the source and sometimes they are from the destination. Their role is significant in the process. They are the negotiator of contract in the process. They are sometimes also called *Dalals* or *Thikkedars* in local vocabulary. These *Sardar* receives advances from the owner to whom he will supply the labour. And circulate these advances among the migrant villagers and negotiates the contract. When the *Sardar* is from the same kin ties, the labourers trust him more and expect a better life in the kiln. While a new *Sardar* has to add some experience to his job for earning the trust of the labourers as well as the owners. Being the middleman, this person has a dual role, he has to balance his responsibilities, he has to entrust cheap reliable hardworking labour force to the owners and he has to ascertain the migrant labourers for a good life in the destination.

Non-migrating Villagers: They act as key informant in the village, and inform the contractors from neighbouring villages about the availability of labour and need for money by those labourer. These non-migrating villagers are again of two categories, one group who help the contractors to find cheap labour in their village and in turn take some commission. And the other who help to save the migrant labourers from the exploitation of the *Seth and Sardar*. The second group help government and civil societies in rescue and rehabilitation operations for the bonded labourers. An interesting finding came out during the study; these non-migrating villagers were once migrant labour or contractor in the past. The past experience makes them aware of the process.

Migrant labourer (*Dadan*): They are the migrant labourers who accept the advances from the contractors in order to pay off the outstanding debts of the village money lenders, to purchase

agricultural implements, to spend on education, health and socio-religious functions. These category are the most vulnerable, their impoverished living conditions impels them to migrate with family and relatives to the brick kilns during the non-agricultural season. Without an identity of migrants, they have to shift their living twice every year. They have to lose the subsidies in the villages which are hardly provided in the destination because of the interstate nature of migration. They have to live in the temporary shelters made up of broken bricks and plastic without basic facilities for sanitation and clean drinking water. They mould 1000 bricks daily per household, in total they have to produce 2,50,000 bricks approximately per household in every season. They receive Rs 22,000/- to Rs 25,000/- per individual in the source as advance amount before migration. Bearing the physical and mental pain of work, these migrants have to face physical violence and verbal abuse in the kilns for not working. They have no leave for illness. They are not covered under any social security schemes for protecting their rights and promoting their welfare.

This form of network has been observed earlier among the construction site workers in Western India (Mosse et al. 2002). In the present study similar networks were observed but the actors were different and the role of non-migrating villagers was a new observation. The relationship which develops beyond the geographical territory, is not always exploitative, sometimes the relationship is reciprocal. The bonding and trust among the four actors indicate the smooth running of the production process. There are instances when a group of households always commuted under the same contractor and owner; this has been for years together. When the migrants were asked the reason, they said the working conditions were favorable and not much coercive under the owner; the recruiter trusts them and helps them when needed. For these workers, migration is a positive experience, a livelihood diversification strategy helping them to enhance their skills, and exposing them towards a better life.

Destination of the Seasonal Migrants

The seasonal migrants from these villages go to work in different locations and work in different industries. Some significant streams of migration were noticed during field study. Brick Kilns Migration takes place to the brick kilns in the outskirts of Hyderabad, Secunderabad and Karimnagar. There are evidences of brick kiln migration from Nuapada to Uttar Pradesh (Mishra, 2015), but the cases reported were low as compared to the Southern States. Some

workers have also started to migrate to Chennai and Bangalore. This form of migration has started after the severe drought of 1996-97. The migrants return within six months. Recently, intra-state migration to the brick kilns in Coastal Odisha like Bhubaneswar, Cuttack, Jagatsinghpur and Puri have gained importance. The return migration takes place from one to six months. Migrants work till their money need is fulfilled. For the purpose of transplantation, weeding and harvesting in districts of Bargarh and Sambalpur, agricultural labourers are pulled from the villages. Chattishgarh pulls migrant labour to work as rickshaw pullers and serve in the hotel industries. The construction sector in cities like Chennai, Mumbai, Delhi, Bangalore and Thiruvananthapuram recruits migrant labourers from the villages. But all forms of migration except brick kiln are individual migration.

Elements of Neobondage: Working and Living Conditions of the Migrants

All the seasonal migrant households expressed migration as a 'choice under distress'. They are aware of the exploitation and harsh living conditions in the kilns, but they prefer to migrate every year to escape unemployment and starvation in the village. And for some it is the urgent need for money to repay the outstanding old debts.

The form of wage payment in term of piece rate payments either in cash or kind has replaced the daily fixed wages. The piecemeal wage rate is common in brick making, well-digging, slab working and other types of agricultural labour (Mosse et al. 2002). This form of payment makes the system more exploitative as the workers face unpaid days because of illness, poor working conditions or mechanical failure. The working conditions in the brick kilns are harsh and vulnerable. The men and women have to work together, there are long working hours (10- 16 hours) of work. The brick industries have well defined division of labour: brick moulders, loaders, stackers, unloaders, firemen, drivers, *Munshis* and *Thikedars* (Gupta, 2003). The migrants of the villages were engaged in brick moulding and loading and unloading work.

Working hours are between 10 to 16 for all workers. There is one rest day every fifteen days for which no payment is made. The fireman can avail no holiday. There is no bonus or no provident fund, no gratuity; no medical benefits no maternity leave, no protective gear for the workers, in fact, none of the acts pertaining to work place standards applied; be it social, economic, health, or safety. They are not compensated for days when work stops because of rain. All implements

are provided by the owners except lights required by the moulders to work at night. The moulders live in the open under a temporary tent made of bamboo and plastic. Temporary brick structures are provided for the other workers - a room size of 8 x 6 ft. There is no drainage facility; no open space for cooking, the workers and their children are exposed to the fumes the whole day and at night. Interestingly, liquor shops selling locally brewed liquor are conveniently located and easily accessible to the workers.

The day starts early for the kiln workers especially the moulders. The woman has to complete the cooking and washing by 6 am so that she can join her husband in the process of brick-making. While she is completing her housework, the man sprinkles water on the earth prepared the last evening into a dough. He kneads it with his feet to make it more pliable. If there is a young daughter she may help the mother in cooking and the mother can help in breaking the clods of earth too. After the dough is ready the woman hands over the rounds (lumps) of mud and the man shapes them into bricks with the help of a wooden mould provided by the kiln owner. He keeps the prepared bricks on the wooden planks also provided by the owners. The women and the children work alongside and that is how the children too learn their work and grow up to be moulders themselves. Then the women and the children take the moulded bricks to spread in the sun while the man continues to mould. The bricks have to be turned on all sides for even drying. Women and children too do this work. The morning shift is up to 2 pm. With a break for lunch the work is resumed in the afternoon. Before retiring for the day the earth is dug and dough is prepared for the next day's work. Women and children supervise the water channel while the men dig the earth with a shovel. At 6 pm the man relaxes, smoking and talking to his friends or just sitting on the cot in front of his hut, while the woman gets busy with the cooking of the evening meal and sleeps only after she has served the food and washed the utensils. Fieldwork shows that very often the workers carry on till 10 to 10-30 in the night having started at 5 a.m in the morning, with an hour's rest around 2 pm.

The migration contracts are limited to the period of work. The workers are taken to the place of destination by the agents. The workers are not aware about the destination. They reach specific railway stations in a group and they are received by the agents or supervisors in the destination who guide them to the brick kilns. Workers have no information about the place of work,

employers and the rates that have been fixed by negotiation between labour contractors and employers. The brick kilns are located in the rural areas and outskirts away from the habitation area so it has no health and education facilities nearby. There were instances of death cases due to accidents in the brick kilns, where the person died due to lack of proper medical facilities and fast aid in the kiln. Injury is too common in the kilns, almost every migrant household's faces injury during work.

Apart from work related risks, living on insufficient allowances, eating an extremely limited and poor diet, living in the open, exposed to contaminated water and lacking sanitation, it is leading that migrant workers suffer ill-health for which they have to cover a high cost. Employers rarely contribute to medical expenses, and have offered very limited compensation in the case of severe injury or death (merely Rs 10,000 in one case). Women face many migration-induced health problems. Reproductive tract infections, miscarriages and pregnancy complications are some of the problems women discussed during fieldwork. They also have less access to treatment or the cash to pay for it. Moreover, women are at a disadvantage in relation to the work environment. They face segregation, lower wages, and fewer work opportunities. They also face sexual and physical abuse in the kilns by the supervisors and contractors. Equally, child care is always a problem for poor migrant families. Occasionally a migrant group brings an 'older' child (eight to ten years) to take care of younger children and infants in return for Rs 100–150 per month, but usually children accompany adults to the work-site. Children spend an increasing amount of their childhood in the unfamiliar and insecure migrant work-sites. From seven years or younger they begin to work on construction or brick work-sites, and are deprived of play, leisure and schooling.

In case the worker is not willing to work for reasons of illness, they are subjected to worst form of coercion and violence. Such forms of bondage are reported primarily by the migrant workers. There were stories of struggle and collective resistance and also cases of individual resistance. Access to mobile phones has been a catalyst for communication and workers to be in touch with their left behind family members in the origin. They can also contact the local police station in the origin and report about their exploitation if any.

Legal enactments for Seasonal Migration

According to the human rights framework, all migrants are entitled to the basic human rights. But the migrants face barrier to human rights in policy and practice. For instance, they are always reluctant to approach public services, access health care services, send their children for education and report crime because of the fear of getting fired from the job (Global Migration Group, 2014). Undocumented migration keeps on rising despite control and checks designed by the state and other national and international entities. Any policy on migration depends on three factors, they are: factors arising from the social dynamics of the migration process, factors related to globalization and relationship between origin and destination and the factors within political system (Castles, 2004).

The GO's facilitate and ensure safe migration by implementing different schemes and policies and linking the policies at state and central level as well as at the inter-state level. They work for the welfare of the migrants by linking various schemes of the different departments like health, education and housing. They also work with the NGO and trade unions for the rescue and rehabilitation of the migrants. The process of labour registration at the panchayat level is the first step for the recognition and documentation of the migrants.

For understanding the schemes related to the rescue and rehabilitation, some information were collected from the DLO and DRDA. The schemes for the rehabilitation are framed only for the migrants who are registered. If the migrant labour is rescued from the clutches of the contractors, he is issued a release certificate from the competent authority. He will be given an ex-gratia amount of 1000/- along with the bonded labour certificate as subsistence allowance. The bonded labourer can claim 19000/- from the SDM of the respective district, the funds for the rehabilitation of the bonded labour will be borne from the funds available with the DRDA. Besides this, the freed labourers are given houses under Indira Awas Yojana (IAY) or Biju Pucca Ghar (BPG) in the district as per the eligibility norms. Even job cards and work on demand will be provided to the household under the MGNREGA to sustain livelihood in the distress condition.²

² The information stated is based on the official letter from the MOLE dated 22.11.2014 written to the DRDA, Balangir for the release of the compensation funds to the freed bonded labourer. A copy of the letter was retrieved from the DRDA office.

“The Inter-State Migrant Workmen Act was enacted to regulate the employment of inter-state migrant workmen and to provide for their conditions of service and for matters connected therewith” (Ministry of Labour and Employment,1979).The major highlights of the act are: registration of the establishment, licensing of the contractors, duties and obligations of the contractors, wages, welfare and other facilities provided to the workmen and other laws of prosecutions to deal with the offences and contravention of the provisions. The act found its root in Odisha, the state practised an exploitative system of employment of *Dadan* through *sardars* in large construction sites located in other states. This act was passed in 1975 in the state and termed as The Orissa Dadan Labour (Control and Regulation) Act which remained nullified after ISMWA was passed in 1979.

After identifying the vulnerable situation of the brick kiln migrants due to non-recognition of their rights in the SA and DA, a Memorandum of Understanding (MoU) was signed between the state labour departments of government of Odisha and undivided Andhra Pradesh with the facilitation of the ILO. An Inter-state Coordination Committee was constituted at the centre on 6th July 2012, for dealing with the issues of inter-state migration across India. Forms for data collection were circulated to the DLO’s in the month of October to capture the data at the G.P level. To ensure good and healthy living condition for the migrants in the brick kilns, semi-pucca houses for the migrants will be provided at the DA, the expenditure for it will be borne collectively by the both the states. The provision of smart card under Rastriya Swasthya Bima Yojana (RSBY) will cover the health problems of the migrants at the DA. Seasonal hostels are constructed in the migration prone districts by the School and Mass Education Department of Odisha for the children of the migrants who stay behind in the SA. And there is another provision for the education of the migrant children in the DA, the Odisha Primary Education Programme Authority (OPEPA) requested to send odiya teachers and text books to at least 100 schools at Andhra Pradesh (Labour Directorate, Govt of Odisha, 2013).

Despite several schemes and policies, exploitative migration cycles are not checked. Still a large number of migrants cross their state boundaries every year illegally. The Universal registration process (URP) is the only way to identify these migrants and make migration a safe process for them. There is a need for collective and constructive interface among the government

departments working at different administrative levels in both the sending and receiving states and the national and international agencies working at the SA and DA.

NGO intervention for Seasonal Migration (SM)

Two organizations were visited for the purpose of the study, one which is working in SA and DA both and the other is functioning at the SA to find solution for the distress condition during the lean season. A South Asian organization named as Aide et Action has been working actively on the issues of distress migration, it is managed through seven regional offices located in India and is supported by Migration Information and Education Unit (MiRC) located in Hyderabad, Bhubaneswar and Chennai. Their major focus area in Odisha is inclusive education, improved health conditions, migration, and livelihood enhancement in the SA. The rights of the children are their prime focus, ensuring continued education to the children of the migrants and providing them proper health and nutrition in the work site is their basic concern. Apart from these, they have conducted micro-level household surveys in the migration prone districts in Odisha and the worksites in Andhra Pradesh for the critical assessment of internal migration. MiRC with the help of AeA has worked for the reschooling, child care supports at the worksites in Andhra Pradesh, Tamil Nadu and Odisha. They have also taken an initiative for providing house to the migrant households. Their volunteers have been involved in the rescue operation and are involved in extending help to the freed bonded labourers in the migration prone districts in Odisha to access government rehabilitation schemes. The education of the children has been adversely affected due to the seasonality nature of work and migration. In our study, 37.8 percent of the child migrants were from Sarmuhan and 33.7 percent were from Kharkhara. In order to address the issue, the concept of transit schools were introduced in the DA, and the Odiya teachers were recruited and the syllabi was designed in Odiya language to make education accessibility easier for the children of the migrants. Some brick kilns also had small bridge schools for the children of the migrants. At the end of the session, the class promotion certificates are issued by the schools in the DA, which helps in the promotion to the higher class in the SA. Another regional organization named as Balangir Vikash Parishad, was also visited and their contribution towards the process of SM in the block was documented. They generally conduct public awareness programmes through poster campaigns, announcements on the new government schemes and programmes in the village.

Shramik Adhikar Maanch (SAM), a trade union is working in the migration prone villages in the Belpada block in collaboration with the DLO and they are registering the migrant labourers and providing them a labour card prior to migration. They also help in registration of the contractors in the villages. But as per the migrants opinion, the registration process is also having loopholes, most of the time the volunteers don't reach the people in time and the poor migrants have to visit the DLO for the registration process. The registration process involves a cost of Rs 300/- per individual, which becomes a huge amount if all the household members migrating are registered. Thus some discrepancies in the URP makes the migration from the villages go undocumented, most of the people prefer to migrate without registering to save the cost of registration.

Discussion and Conclusion

The debate over the nature of seasonal migration can be addressed in two ways. Migration is a distress strategy for those who are unable to have access to the basic entitlements, rights in the destination. While migration is a livelihood diversification strategy for those, who undergo safe migration and avail the basic entitlements and welfare measures in the source and destination. The experiences of migration are shaped by the class, gender and existing relationship of reciprocity, obligation or dependency (Mosse et al. 2002). In the study factors like age, caste, gender, occupation, poverty and indebtedness acted as push factors for migration. Thus Breman (1996:33) argued that the predominant pattern of temporary labour mobility is not migration but circulation of labour. They were the footloose proletariat who found only temporary and seasonal employment on low pay without any skills or training. The brick kiln seemed to be an open system, but it is guarded by heavy restrictions on the movements of the migrant labourers and the entry of the strangers (Majumdar, 2015). The vulnerability of the migrants is not always due to the exploitative behaviour of the recruiters and employers, it is mostly because of their lack of membership to the destination in which they are legally or illegally employed (Kaur, ----).

Two FGD's were arranged in the villages including 12 participants in each group. And some topics were discussed and responses were recorded. The questions in FGD included the factors for economic steadiness in the origin , seasonal agriculture and cropping pattern in origin, implementation of government schemes, social and political problems faced in the village, the working and living environment in the brick kilns, reasons for choosing brick kiln migration, and

the type of relationship with the owner and contractor. Following are the responses from the participants. The phenomenon of migration to the brick kilns is a story being continued since more than a decade in the villages. The rates of migration are increasing and so are the cases of exploitation. The drought conditions, lack of irrigation facilities in the area, failure to find right price for the agricultural produce, lack of subsidies for agriculture, fragmentation of land are the reasons for economic steadiness in the villages. The villagers generally grow Khariff crops like paddy, cotton, maize and groundnut. Schemes like MGNREGA and PDS are active in the villages for overcoming the distress of the people in the lean season. But wages under MGNREGA are received after 6 months of completing the wage work. The indicator for PDS are full of loopholes, the villagers claimed that even after fulfilling the criteria to get BPL card, they were not issued the BPL card. Earlier the migration was an individual process, but now the entire household along with children and old aged parents migrate. The migrants lose the sense of belongingness to their origin, they miss the socio-cultural rituals at the villages, and they miss their closed ones, but can't move beyond the kiln ties until the debt is paid off. This form of migration is inherited to generations, because of the unavailability of alternative employment opportunities and lack of irrigation facilities for agriculture in the slack season. Even if the migrants are rescued from the bondage, sometimes they are bullied by the government departments and the civil societies, which force them to continue migration illegally. Conflict in the villages generally takes place on issues related to land, and inter-caste marriages. When the issues are minor they are solved at the panchayat level otherwise it is reported to the nearest police station. Brick kiln is chosen as the destination for work because it helps to meet their immediate needs at the source but in turn exposes them to severe exploitations. From the migrant's perspective, the relationship with the contractor and owner is a mixture of both exploitation and reciprocity.

The process of migration is facilitated by the government and non-government bodies. The ISMW act (1976) promotes the migration by putting a restriction on the exploitation of the migrants and by introducing the system of registration of labourers and contractors. The non-governmental organizations help in the process of rescue and rehabilitation of the labourers and create awareness for compulsory registration. The process of migration is also supported by the other institutions in the area, like the health and educational institutions. There has to be a frequent interface between the labour sending and receiving states for overcoming the disruption

of such services. Due to unavailability of macro level data set on seasonal and temporary migration, it is difficult to enumerate the seasonal migrants. Thus there are some acts which regulate the migration through the process of registration. There are some government initiatives in the migration prone villages like introduction of wage employment under MGNREGA and provision of subsidized food under the Public Distribution System PDS. All these plans are aimed at checking the rate of migration during slack season. Rather than controlling migration, policies for regulating and managing the process of migration is the need of the hour. So that the process becomes feasible and the rights of the workers are protected. Migration has a potential to promote sustainable livelihood if the process is well managed. The management of the process would require the collective effort of the government and NGO's. For making migration a safe affair, there has to be (URP) of the labourers, contractors and owners. This URP has to be conducted in collaboration with the two states involved. The register for URP has to be kept in the GP office making it easier for the migrants to register themselves. Money should not be charged for the registration of the migrants.

Low productivity of agriculture, landlessness, drought conditions, low level of education, limited access to alternative livelihoods and food and employment insecurity during lean season have been vital determinants of seasonal migration. However the key element of distress and form of coercion that drives the desire to migrate is the loans advanced by the contractors. The changes in the informal credit markets have to be introduced in the migration areas. Improved communications networks, civil society interventions and rising labour demand in urban areas have resulted in improved bargaining power of the rural labour. Any venture into the complex networks of migrant labour have to be tentative and sensitive. At the same time, however, it is no longer possible for a rural development project to dismiss seasonal labour migration as a marginal side-effect of environmental decline. New policies and schemes should be formulated specifically for internal migration, which includes the intra state migrants too. In order to reduce the social exclusion of the migrants, the government should also consider these populations while formulating any social security and welfare schemes. They shouldn't be ignored just because of their migrant status.

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