State Consultative Meeting
on
Labour Migration from Bihar

-October 12th, 2017-

Draft Policy Framework for Improving the Conditions of Labour Migrants from Bihar

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Summary

Bihar has a long history of labour migration, and its pace has quickened over the the past few decades. A lack of non-farm employment opportunities in rural Bihar, coupled with increasing demand for labour in other parts of the country has substantially increased the rate of labour migration from the state. However, a large number of migrant workers from Bihar are engaged in short term, casual and precarious employment at the destinations. They live and work in unsafe and unhygienic conditions. In the villages, households of migrant workers suffer from low and irregular remittances, semi-feudal systems, lack of access to social protection and basic services, as well as political exclusion. These issues are aggravated by the disproportionate burden on women to manage the household in the absence of men. In this scenario, it is essential for all stakeholders, including the source and destination governments, as well as workers' organisations, to understand and collectively respond to the issues and challenges of labour migrants and their families.

I. MIGRATION FROM BIHAR: AN OVERVIEW

Historical Perspective

Bihar has a long history of migration, dating back to pre-colonial times, when the Mughal empire recruited warrior castes from western Bihar as foot soliders. This tradition was followed by the East India Company as well.

This trend changed swiftly by the end of nineteenth century, when labour from Bihar was mainly recruited for Assam's tea gardens; for Bengal's factories and mills; for construction works in Bihar and Bengal; and also for the sugar and coffee plantations of British foreign colonies. Bihar – a densely populated fertile region, also known for diversified industrial production-- was devastated as a result of the Permanent Settlement Act (1793) and other colonial policies (Mitra, 1998). De-industrialization and recurrent famine left many with no option but to migrate. The colonial administration induced migration through policies for ensuring sustenance of labour supply in production and plantations, and promoted migration as a famine control strategy (Pushpendra and Jha, nd). By the late nineteenth century, Bihar had become the prime labour supplier state for industrializing Bengal.

This uneven model of development continued post independence. Initiatives taken for reforming and reviving partition-hit Punjab made the state became a hub of investments for development after independence. The green revolution accelerated the pace of development creating a demand for labour in northwestern India. At the same time, the poor implementation of land reforms, as well as a lack of industrial investments in Bihar, left the state under-developed. Low growth, high levels of poverty and the 'semi-feudal' systems of agricultural production, where the upper castes controlled land and power, encouraged outmigration. From the mid-1960s onwards, Punjab and Haryana emerged as the prime destination for the migrant labour from Bihar. The roots of labour outflow from post-independence Bihar can be traced to this era.

Changing cropping pattern, mechanization of agriculture, long phase of terrorism and violence against migrant labour affected Punjab's image as a popular migration destination. Besides, Maharashtra, Gujarat, Karnataka and National Capital Region (NCR-Delhi) were emerging as hubs of industrial growth and subsequently also of the service sector (IIPA, 2010). By the mid-1990s, these states had become preferred destinations for Bihar's migrant labour.

Labour migration has historically been an important livelihood strategy for rural households in Bihar

Pre-colonial:	***Colonial – late 19th c.***	***Post independence***	***New destinations***
Warrior castes from Western Bihar recruited by the Mughal army and later by East India company	Prime supplier of labour to tea gardens of Assam, factories and mills in Bengal, construction in Bengal and Bihar and overseas plantations	In the '60s, Punjab and Haryana emerged as important destinations due to green revolution and accelarated investments	In the '90s, Maharashtra, Gujarat, Karnataka and National Capital Region emerged as hubs of industrial growth and new, preferred destinations

Contemporary Trends

Work remains the main reason for outmigration from Bihar. There are an estimated 4.4 to 5 million labour migrants from Bihar working in the other parts of the country (IIPA, 2010). However, this trend appears to have risen sharply in the last few years. The IHD study, based on repeated surveys conducted in 7 districts of Bihar[1] notes that 58 percent households in these districts report at least one migrant worker (Rodgers et al, 2013). The third most populous state in India, 55.3 percent of rural Bihar lives below the poverty line (Datta, 2016). The state witnessed rapid economic growth in the last decade, however, this growth was confined to the secondary and tertiary sectors, thereby surpassing the disproportionate majority, who reside in rural areas and are dependent on the agricultural sector, as small and marginal farmers. Outmigration has assumed greater significance due to the '(de)-agrarianising and highly mobile' nature of rural Bihar, where a lack of employment opportunities is combined with a rising demand for labour in other parts of the country (ibid). Therefore, a longitudinal survey conducted by Datta (2016) between 1999 and 2011, shows that there was a 17 percent increase in migration from rural households in 7 districts surveyed. According to Rodgers et al. (2013), in these regions, the proportion of migrant workers to total workers rose from 16 percent in 1998-99 to 25 percent in 2009-10. In other words, 1 out of 4 workers are labour migrants.

Labour migration has risen sharply in rural Bihar...

- 4.4 to 5 million Bihari labourers work in other parts of the country
- According to the IHD study 58% households in 7 sample districts report at least one migrant worker.
- The proportion of migrant workers to total workers rose from 16 percent in 1998-99 to 25% in 2009-10. 1 in 4 workers are migrants.

(Source: IIPA, 2010; Rodgers et al, 2013)

[1] The survey was conducted repeatedly in 36 villages, across 7 districts of Bihar: Gaya, Gopalganj, Madhubani, Nalanda, Purnia, Araria and Rohtas

Major Destinations and Work Sectors

Where do labour migrants from Bihar go?

- Popular destinations: Delhi, Punjab and Maharashtra
- Prominent work sectors: Construction, Industry and Agriculture

Rural to rural migration comprise over 79 percent of the total migrants of the state (NSS, 2008). Only about 12 percent of Bihar's migrants fall in the category of rural to urban migrants. The IHD study however reports that in the last decade, the trend of labour migration has shifted to urban destinations. 90 percent of households surveyed in 7 districts of Bihar report migration to urban areas.

According to Census 2001, about 19 percent of total Bihari migrants living outside Bihar for less than 9 years were hosted by Delhi, followed by West Bengal (13.76 percent) and Jharkhand (13.30 percent). Maharashtra and UP also hosted over 20 percent of total migrants living outside Bihar for a duration ranging between 0 and 9 years. With about 14 percent, Punjab and Haryana were states with fourth and fifth largest number of Bihari migrants in this category.

IHD study reveals that Delhi is the most popular destination for labour migrants from the state, accounting for 28 percent migrant workers from these districts. Another important destination is Punjab, where 20 percent of migrants from Bihar are engaged in both rural and urban areas in districts such as Jalandhar and Ludhiana. 9 percent of Bihari migrants are found in Maharashtra, particularly in Mumbai, Bhiwandi, Pune. Other important destinations are Haryana, Gujarat and West Bengal, the southern states of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu. The neighbouring states of Jharkhand and Chhattisgarh are also destinations.

It was observed that in 7 sample districts, there has been a substantial shift from agricultural to non-agricultural occupations. Migrant workers from these regions are largely engaged in the construction sector, which accounts for 22 percent of this group. A significant 20 percent are also engaged in industry (Rodgers et al, 2013). However, agricultural sector continues to engage 16 percent of all migrant workers, who largely come from the poorer districts of northern Bihar such as Purnia and Araria. Work sectors are highly variant depending upon the source district, as well as the socio-economic status of the migrant worker (ibid).

Which are the top sending districts of labour migrants?

- Of the seven study districts, the IHD study recorded maximum proportion of households with migrants in Gopalganj (71.8 percent) and Madhubani (71.8 percent).
- In a Gram Panchayat survey conducted across 17 districts by IIPA (2010), Araria had the maximum households (53.2 percent) with migrants, followed by Purnia (48.2 percent), Seohar (47.1 percent), Munger (44.2 percent) and Gaya (44.2 percent).
- The flood affected Kosi region has been also known for labour outflow. This region mainly includes the districts of Saharsa, Madhepura, Supaul, Darbhanga, Sitamarhi, Araria, Kishanganj, Forbesganj, Purnia and Katihar.

(Source: Rodgers et al, 2013; IIPA, 2010; Pushpendra and Jha, 2010)

Gender and Migration

- Long distance migration for work is undertaken largely by men. IHD study conducted in 7 districts show that 98 percent of all those who migrate for work are men. Only 1-3 percent of female migrants report work as the reason for migration. (Rodgers et al, 2013)
- Women largely engage in family based migration, and perform a variety of tasks and destination that are not adequately captured. Among 7 study districts, Gaya reported the highest rate of family based migration, with women working in brick making work at the destination. (ibid)
- Although marriage is recorded as the reason behind migration for over 94 percent women, the micro level data reveals higher proportion of female headed households when compared to the aggregate female migrant population (Shanthi, 2006)
- Women are more likely to migrate within the district or state for work. When they migrate to rural areas, they usually engage in casual or own account work. (ibid)

Nature of migration from Bihar

Internal remittances have been cited as an important contributor to economic growth in Bihar, often referred to as a 'remittance economy'. Approximately 5 percent of Bihar's NSDP comes from internal remittances (Datta, 2015). This view of migration often obscures the diverse experiences of labour migrants from the state. According to the IHD study, among 7 districts of Bihar, 50 percent of respondents were short term migrants who remain at destination for less than 8 months in a year. In these regions, 55 percent of all migrants workers are casual wage earners. Datta (2015) notes that the experience of migration varies based on the socio-economic profile of the migrant workers, mainly on the parameters of source district, caste, class and landownership.

According to the IHD study, among 7 districts of Bihar, poorer districts such as Purnia and Araria have the largest number of migrants engaged in short term migration for casual and insecure work. Furthermore, the more vulnerable rural to rural migrants, who work in agricultural labour at the destination, largely come from the most impoverished districts of Purnia and Araria, as compared to migrants from better off districts such as Nalanda and Rohtas, who have a better representation in education and professional services.

In these representative districts, the largest proportion of migrants comes from the upper caste, landed Hindu and Muslim communities. However, migration is also popular among lower class Muslims, and Other Backward Classes (OBC) I belonging to a lower income quintile and owning minimal land. In fact, the greatest rate of increase in migration, over 20 percent between 1999 and 2011 was observed among the Scheduled Castes (SC), as well as landless and agricultural labouring communities (Datta, 2016). These also constitute the groups who migrate for a short term to work in casual and irregular employment at the destination. This signals towards the fact that vulnerable communities from Bihar are increasingly relying on migration to undertake precarious work as a strategy to cope with the falling productivity of agriculture and lack of employment opportunities in rural regions of the state.

IHD's (2010) study on Bihari migrants in Delhi found that migration is more common among disadvantageous groups of Bihar. Over one-third of participants were SC and nearly half were OBC. Nearly 96 percent respondents were either landless or marginal land holders.

For large numbers of labour migrants from Bihar, the nature of migration is precarious, and their integration into the labour market is exploitative...

II. Issues and Challenges faced by Migrant Households

Labour migration is increasingly viewed as a positive phenomenon to allow impoverished, rural households to exit poverty and escape oppressive caste hierarchies in the villages. However, migrant communities face a number of challenges at source in rural Bihar, and at destination, which decrease potential poverty alleviation effects.

At source

Rural Bihar is fraught with challenges, including widespread poverty and economic stagnation due to low agricultural productivity, coupled with lack of investments in industrial development. Economic growth has been concentrated in the tertiary sector and largely confined to Patna, the state capital.

Three-quarters of rural Bihar is employed in the agricultural sector as marginal farmers or agricultural labourers, with very low returns (Rodgers et al, 2013). It has been argued that 'semi-feudal' systems of production continue in these regions, where power and land is concentrated in the hands of the upper castes. Caste, class and land ownership remain determinants of social, economic and political power. Migrant households, in particular, remain politically excluded, as they are away making a livelihood, rendering them unable to seek reform or entitlements.

Rural Bihar is poorly governed, with the vast majority of households having low access to basic social protection such as PDS, NREGA or various government pension schemes. A lack of investment in basic services and infrastructure has also affected rural households, who face barriers in accessing education or primary healthcare.

Migration largely takes place between the ages of 15-40 (Rodgers et al, 2013). After the age of 40, returnee migrants struggle with the lack of livelihood opportunities. Hard physical labour, unsafe worksites and bad living conditions have detrimental impacts on the migrant labourers' health. They often return with disabilities or crippling diseases, often causing the household to slip back into poverty. This also leads to a cycle of migration, where young children, around 14 to 15 years of age, migrate in order to supplement the family's income.

Prevailing systems of patriarchy make it exceptionally difficult for women to manage their households in the absence of men. Evidence from 7 sample districts show that remittances from migration make up 43 percent of the household's total income. (Datta, 2015). Due to the high reliance on remittances, which are irregular and unreliable, women struggle to manage household finances. Women, particularly those from lower castes, face considerable barriers in accessing credit, frequently borrowing from moneylenders at high rates of interest (Datta and Mishra, 2011). This becomes especially problematic when the family members are faced with sudden health issues or other emergencies.

The average amount of remittances is a low as Rs. 15,000 per annum, more than two-thirds of which are spent on food and subsistence consumption, as well as on servicing debts (IIPA, 2010). Migration in these cases is more likely to just marginally pull the family out of absolute poverty and some degree of relief from total starvation (Pushpendra and Jha, n.d.)

Households in rural Bihar face a large number of challenges...

- Semi-feudal systems, where power is in the hands of upper caste households
- High dependence on agriculture as marginal farmers or agricultural labour
- Lack of access to social protection, basic services and infrastructure, such as social security schemes, health and education
- Prevailing systems of patriarchy make women struggle to manage the household in the absence of men

At Destination

Labour migrants face a large number of challenges at destination, both in navigating their lives in a distant and unknown region, as well as at their workplaces, which are largely in the informal and unorganised sector.

During Transit

Migrant workers face extreme hardship during transit between the source and destination. There are countless accounts of Bihari migrants facing harassment, looting and exploitation while travelling on trains across long distances.

This is particularly prevalent when migrant workers return home with their earnings during festivals. Such events are most common in trains from Delhi, Punjab, Gujarat and Mumbai.

Informal and poor recruitment practices

Throughout India, internal migration has been marked by informal and poor recruitment practices. Migration flows are mediated by an elaborate chain of contractors and middlemen who perform the function of sourcing and recruiting workers in far off destinations. The lowest links in this chain are most often older migrants who are part of the same regional or caste-based social network in the rural areas. The chain, then progresses toward destination-based contractors who aggregate workers from different geographies and link them finally with the principal employers.

While these networks are important in providing employment opportunities, they are largely informal, trust based networks. The worker seeks, and receives, very little information regarding rights and entitlements. The basic terms and conditions of work are not negotiated. This is further aggravated by the lack of written contracts, enforcable agreements regarding wages or other benefits, and commitments for regular provision of work. Dense networks of sub-contractors, poor information seeking and lack of documentation makes it difficult to fix accountability at the workplace.

Such recruitment practices paves the way for workplace disputes, such as denial of wages and enables highly exploitative arrangements of work, including bonded labour or child trafficking.

Work Conditions

A significant 85 percent of Bihari migrants earn less than Rs. 5000 a month (IIPA, 2010). Further, an early entry in to the labour market, and a lack of skills prevents them from achieving occupational mobility over the lifetime (Rodgers et al, 2013).

Often structural inequalities at the source villages are reproduced in the destination, confining migrants from lower castes to the most menial, low-end jobs, and increasing their susceptibility to harassment at the workplace. They are paid less than minimum wages, receive no overtime pay or leaves. Additionally, complex contractual chains at the destination lead to a large number of labour disputes including the non-payment of wages. However, the lack of employment opportunities elsewhere and absence of avenues for seeking redressal forces migrants to remain silent. (Pushpendra and Jha, n.d.).

Work sites in the construction and industrial sectors which engage casual, migrant labour tends to be highly unsafe, leading to a large number of workplace accidents and occupational health issues.

In such scenarios, receiving compensation, assistance and support from the state and employer is particularly difficult for a labour migrant.

Life at Destination

The lack of identity documents at destination increases their vulnerability to harassment, and limits access to basic entitlements and services.

Faced with the compulsion to save and remit money, migrants invest very little in their living conditions at the destination. The large majority of migrants live in cramped and unhygienic quarters. In Delhi, migrants from Bihar rely on unauthorised and non-regularised slum clusters, dominated by one-room tenemant. Typically, 6-8 people live in one small room (Pushpendra and Jha, n.d.).

Such living arrangements often have adverse impacts on their health. The lack of proper nutrition further aggravates this problem. At the same time, the accessibility and affordability of healthcare for migrants at the remains low.

Hard physical labour, coupled with bad living conditions forces migrants to exit the labour market early, often with crippling diseases or disabilities.

Urgent Need for a Powerful Policy Response…

Labour migration is an important factor in the socio-economic and political transformations currently underway in Bihar, and has led to a number of positive changes in its rural areas. While it is well established that migration plays an important in the state's economic growth, much remains to be done in order to address the precarious nature of labour migration from Bihar. Migrants need well-designed interventions and support. This calls for collaborative efforts between source and destinations governments, and other stakeholders such as worker and labour organisations. This will allow migration to realize its potential as a productive livelihood strategy for poor, vulnerable communities.

III. Policy Framework

The framework provided here is based upon proven, high impact interventions that can be adapted to the context of Bihar.

1. Ensuring Universal Access to Social Protection

Access to universal social protection is the need of migrants, as well as other households in the impoverished, high migration regions. Enhancing and strengthening public delivery systems for basic entitlements such as PDS, NREGA and social security schemes can have a significant impact on the wellbeing of rural households. Furthermore, access to affordable and quality healthcare can help many households avoid financial shocks posed by health emergencies. Access to child care facilities, such as *Anganwadis*, will reduce the burden of work on women and young girls. It is necessary to ensure that the capacities of public delivery systems are enhanced to be inclusive of migrant households, where women face restrictions on their mobility, and in interacting with the public sphere. This can be achieved by sensitising the local administration officials to specifically target and reach out to both remote and high migration communities. Enabling portability of these entitlements is also important in the context of seasonal migrant households, where members are highly mobile between source and destination regions.

2. Improving Support Systems for Migrant and Informal Workers

- **Increasing security of migrant workers during transit:** Creating awareness among migrant workers regarding the security threats during transit, and sensitising and deploying railway police on routes where frequent harassment and exploitation of workers takes place will reduce hardships during transit.

- **Establishing Worker Resource Centres (WRCs):** The rationale behind establishing WRCs is to create a safe and enabling environment for migrant and casual workers, as well as their families to put forth their issues. These centres can be established in select high migration regions, to offer pre-departure counselling, create awareness around good practices during and after recruitment, information and support for migrant households. A large number of households in Bihar report missing cases of migrant workers at destination. In this context, pre-departure trainings must necessarily include a component on seeking information from employers prior to joining work, and the importance of sharing and updating the family regarding the whereabouts of the worker.

- **Providing Legal Aid and Education:** Unfair labour practices and fraudulence are characteristic of the informal, unorganised sector, where majority of

workers are employed. Short term migrants who work in unskilled, casual jobs are often the most vulnerable groups, who find it difficult to address and resolve workplace disputes. Therefore, it is necessary to provide a safe and sensitive environment for all workers to seek redress for work related disputes. This can be achieved through a platform for legal mediation where both workers and their contractors and employers are given an objective hearing and settlement. At the same time, legal literacy and education among labourers can empower them, and reduce their vulnerability to workplace disputes by creating awareness around good work practices. This is being undertaken by existing state systems such as the District Legal Services Authority and the Labour Department's *Lok Adalats*. Capacity of these systems to reach out to highly mobile and vulnerable migrant workers, and also to respond to multi-location, interstate cases that are characteristic of disputes faced by labour migrants.

- **Phone-Based Helpline for Workers in Distress:** Establishing a phone based helpline service can help open up the gateway to distressed workers in need of counselling, support and urgent action, especially in scenarios such as death, workplace accidents or bondage. Experiences from other high migration contexts in the country suggest that this forum for redress of grievances and guidance is highly impactful. The call centre may be set up in one central location ensuring state level coverage.

3. Cooperation with Major Destination States

Concerted efforts by the source and destination states are imperative for improving the work and living conditions of labour migrants. A large proportion of Bihari workers are concentrated in the Delhi-NCR region, where they perform casual and unskilled labour in the construction and transportation sectors.

This provides an opportunity to establish channels for cooperation between the governments of Bihar and Delhi in the form of an agreement, which can form the basis for providing support and services to migrant workers at the destination. Such an agreement can cover the following aspects:

- **Dedicated Workers Facilitation Centres:** On account of their frequent mobility, migrant workers require structures that they can easily access in their usual migration corridors. Facilitation centres for workers in key destination hotspots are very useful in this regard, as they can offer a range of services to all workers, and create important synergies with the WRCs set up at source.

- **Sensitisation of police for the protection of workers' rights:** Oftentimes, fear of the contractor, and hostility from authorities forces migrant workers to remain silent during a violation of their rights. The police system is the first link in the chain towards grievance redressal during criminal violations, but also the most difficult to access for migrant workers.

- **Activating existing mechanisms for legal aid:** It is necessary that existing legal aid mechanisms such as the DLSA at the destination is made sensitive towards the large number of workplace disputes in the unorganised sector. Furthermore, such systems need to be inclusive of migrant workers form the large majority of informal sector workers. Putting in place systems for the legal aid mechanisms at source and destination to cooperate and coordinate their work across state borders is imperative.

- **Ensuring financial inclusion and social security linkages:** While financial inclusion is low throughout the country, it is particularly so for migrant communities, due to their high mobility and low credit

worthiness. These are also the communities that are dependent on remittances, and tend to be highly indebted. Linkages to social protection available at the workplace, such as the ESIC, are very low. However, existing state schemes, the private sector and microfinance institutions continue to exclude migrant communities. Innovations in product design and delivery in order to ensure the access of migrants to banking and insurance, as well as linkages to social security, at par with local workers, is a necessity.

- **Access to affordable health care services:** Migrant workers are exposed to multiple health risks, including communicable diseases, as well as occupational health hazards such as accidents and injuries at the workplace. They often defer seeking care when they are ill due to limited ability to spend on health, as well as a lack of familiarity with the city and its healthcare systems. Providing access to affordable health care services, at key migration hotspots in the destination city, can have a significant impact on the health of migrant workers.

- **Dignified living arrangements for migrant workers:** The vast majority of migrant workers live in sub-optimal rented rooms in slums and unauthorised colonies. In this scenario, low cost rented accommodation or workers hostels for migrant workers on a sharing basis in high migrant density clusters can make a large difference. These can include mess services or community kitchens to provide cheap and healthy food to workers.

4. Engaging Employers at Major Destinations

The main reasons for the vulnerabilities faced by migrant workers at the destination, as well as all casual, informal workers is the precarious nature of their work and living conditions. In order to create a strong and sustainable institutional response, it is necessary to engage with employers in the construction and industrial sectors at major destinations.

A large component of precarity faced by all workers is due to the lack of basic amenities and unsafe environment at both the work and living spaces, leading to workplace accidents and occupational health issues. Therefore, dialogue with employers can include:

- Promoting safe practices at the work place through rigorous safety trainings and use of appropriate safety equipments at the worksite.
- Improving the ergonomic design of the workplace to include basic amenities and reduce exposure to workplace hazards.
- Ensuring compensations, treatment and support to workers affected by workplace accidents or occupational diseases.
- Linkages to social security schemes of the state such as ESIC, BoCW etc.
- Provision of hygienic and dignified living arrangements.

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