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Draft National Migrant Labour Policy

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Why in News

Recently, **NITI Aayog**, along with a working subgroup of officials and members of civil society, has prepared a **draft National Migrant Labour policy**.

Earlier in December 2020, the Indian government decided to create a **database of migrant** workers, including workers in the **informal economy**.

Key Points

- **Migration:**
 - **Migration** is the **movement of people away from their usual place of residence**, across either internal (within country) or international (across countries) borders.
 - The latest government data on migration comes from the 2011 **Census**. As per the Census, India had **45.6 crore migrants in 2011** (38% of the population) compared to **31.5 crore migrants in 2001** (31% of the population).
- **Current Issues with Migrants:**
 - **Independent Migrants:**

The **Inter State Migrant Workers Act, 1979** covers only labourers migrating through a contractor, and **leaves out independent migrants**.
 - **Community Building Organisations (CBO):**

The absence of CBO and administrative staff in the source states has hindered access to development programmes, **pushing tribals towards migration**.
 - **Lack of Engagement by State Governments:**

State labour departments have little engagement with migration issues, and are in **halting human trafficking mode**.
 - **Middlemen:**

The local administration, given the usual constraints of manpower, is not in a position to monitor, making the way **for middlemen** to thrive on the situation and entrap migrants.

- **NITI Aayog's Draft Approach:**

The draft describes two approaches to policy design:

- Focus on **cash transfers, special quotas, and reservations.**
- **Enhance the agency and capability** of the community and thereby remove aspects that come in the way of an individual's own natural ability to thrive.

- **Draft Recommendations:**

- **Facilitate Migration:**

Migration should be acknowledged as an **integral part of development**, and government policies should not hinder but seek to **facilitate internal migration**.

- **Increase Wages:**

However, the draft asks source states to **raise minimum wages** to bring major shifts in local livelihood of tribals which may result in stemming migration to some extent.

- **Central Database:**

- There should be a **central database to help employers “fill the gap between demand and supply”** and ensure **“maximum benefit of social welfare schemes”**.
- It asks the Ministries and the Census office to be **consistent with the definitions of migrants and subpopulations**, capture seasonal and circular migrants, and **incorporate migrant-specific variables in existing surveys**.

- **Migration Resource Centres:**

- The Ministries of Panchayati Raj, Rural Development, and Housing and Urban Affairs should use Tribal Affairs migration data to **help create migration resource centres in high migration zones**.
- The Ministry of Skill Development and Entrepreneurship should focus on **skill-building** at these centres.

- **Education:**

The Ministry of Education should take measures under the **Right to Education Act 2009** to **mainstream migrant children’s education**, to map migrant children, and to provide local-language teachers in migrant destinations.

- **Shelter and Accommodation:**

The Ministry of Housing and Urban Affairs should address issues of **night shelters, short-stay homes, and seasonal accommodation** for migrants in cities.

- **Grievance Handling Cells:**

The **National Legal Services authority (NALSA)** and Ministry of Labour should set up **grievance handling cells and fast track legal responses** for trafficking, minimum wage violations, and workplace abuses and accidents for migrant workers.

- **Previous Recommendations:**

Report of the Working Group on Migration, released in January 2017 by the then Ministry of Housing and Urban Poverty Alleviation **recommended a comprehensive law for these workers**, which would form the legal basis for an architecture of social protection.

This was in line with the recommendations of a **2007 report by the National Commission for Enterprises in the Unorganised Sector** under the Ministry of Micro, Small and Medium Enterprises.

Way Forward

- A rights-based approach to welfare and social security would **work only if the workers have agency, politicisation, unionisation and mobilisation** as workers in the past have forced parties and governments to see welfare as an essential aspect of industrial development.
- The government has taken steps to ensure portability of welfare schemes, especially access to the **public distribution system**, beyond state borders. **More needs to be done on that front.**
- The NITI Aayog draft is a **prompt to reimagine labour-capital relations** while integrating the migrant workers within the formal workforce. This is **necessary to build a compassionate society and a competitive economy.**

Source:IE