

Analysis Social Security Act 2008 to Mitigate on Migrant issues

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Abstract

Migration in India is mostly influenced by social structure and pattern of development. The development policies by all the government since independence have accelerated the process of migration. The state, Kerala is witnessing large inflow of migrant labourers from different parts of the country in recent years from states as far as West Bengal, Bihar ,Uttar Pradesh and Orissa now flock to Kerala, those from the neighboring state of Tamil Nadu out number others by a big margin. Higher wages for unskilled labour in the state, large opportunities for employment and shortage of local labour, paradoxically despite the high unemployment rate in the state, led to the massive influx of migrant labour to the state. With signs of rapid growth of state's economy and the increase in activities particularly in the infrastructure and construction sectors, the in-migration expected to grow faster in the coming years. The problems of migrant workers have become very important in many developing countries of the world. Poor living conditions, violence and armed conflicts, environmental problems, a lack of economic perspectives and the growing gap between rich and poor countries: all these factors effecting on current migration trends to Kerala. Migrant workers have certain rights by virtue of the fact that, they are simply because of human being. As a member of society, migrant workers has a right to social security by being the virtue of being human, regard less of one's race, colour, sex, language, religious, political or other opinion, national or social origin, economic, birth, cultural or other status. State should provide favorable situation for the migrant workers. Effective social security systems are powerful tools to provide income security, prevent and reduce poverty and inequality, and promote social inclusion and dignity. There are a number of important international human rights instruments pertaining to migrant workers and members of their family that have been promoted for adoption and implementation .

Key words: Migration, Human Rights violations, Social Security

Introduction

Migration is a social, economic and universal phenomenon in modern times, through which human being move from one place to another places in pursuit of certain cherished objectives like avenues of better employment, better wages, better working and living conditions, better quality of life and better livelihood[1]. Such movement being a normal and natural process. There is nothing wrong or objectionable in migration pears. Migration becomes objectionable only when the element of freedom in movement is replaced by coercion and all the normal hopes and expectations associated with migration are believed and the migrant workers are subjected to exploitation culminating in a lot of misery and clabbering and deprivation of the irreducible barest minimum to which every labour workers as a human being and a citizen is entitled [2]. It becomes objectionable when human greed, rapacity and aggressively selfish and

acquisitive instincts over take the finer aspects of human character such as kindness, compassion and commiseration and where human being are driven to a situation characterized by the denial of human dignity decency, justice, equity, security .

Such denial becomes all the more a matter of grave anxiety and concern when the person & affected come from the lowest strata of the society and are in need of social protection[3]. Most Migration take place due to regional difference in the population pressure on land, inequality of infrastructure, lack of industrial development, low productivity and acute scarcity conditions, so they leave their homes to fulfillment of their need of food, health, education, expenditure and an aspiration for better life, any person leaves his native state to other states in India to searching of employment and livelihood comes back to his native state or home after completion of requirement[4]. That is called interstate migration .

Review of Literature

The problems of migrant workers have become very important in many developing countries of the world. The process of theorization of migration began in the 19th century. It has been discussed by many researchers, who have emphasized social and cultural, distant and economic factors as causes of migration. Migration of labour started in India during the period of British colonial rule. It was aimed at meeting the requirements of capitalist's development both in India and abroad. The labour was moved from the hinterland to the sites of mining, plantation and manufactories. It was recruited from the rural areas and regulated in such a manner that women and children remained in the villages while males migrated to the modern sector [5].

Migration in India is mostly influenced by Social Structures and pattern of development. The development policies by all the governments since Independence have accelerated the process of migration [6]. Uneven development is the main cause of Migration. Added to it, are the disparities, Inter regional and amongst different socio-economic classes. The landless poor who mostly belong to lower castes, indigenous communities and economically backward regions constitute the major portion of Migrants[7]. In the very large Tribal Regions of India intrusion of outsiders, settlements by the outsiders displacing the local tribal people and deforestation also played a major role in Migration .

“The Indian daily Hindustan Times on 14th October 2007, revealed that according to a study by a Government Institute, 77% of the population i.e. nearly 840 million Indians live on less than Rs.20 (40 cents) a day. Indian agriculture became non remunerative, taking the lives of 100,000

peasants during the period from 1996 to 2003, i.e. a suicide of an Indian peasant every 45 minutes. Hence, the rural people from the downtrodden and backward communities and backward regions such as Bihar, Orissa, Uttar Pradesh travel to far distances seeking employment at the lowest rungs in construction of roads, irrigation projects, commercial and residential complexes, in short, building the Shining India” [8].

India is the most populous country in the world, next to China. If one looks at the characteristics of Indian population it reveals the interesting dimension about the existence of unorganized sector, which is the dominant sector and could not be properly attended to under the social security measures initiated so far. As per the 2001 census, the total work force in our country is 402 million, of which 313 million are main workers and 89 million are marginal workers. Out of the 313 million main workers, about 285 million is in the unorganised sector, accounting 91 per cent [9]. The estimates provided by the National Sample Survey Organisation also reveal the similar pattern. As per the NSSO estimates for the year 2004-05, India had population of 1093 million, with a workforce of about 385 million. Of these, about 7 per cent belong to organised and the rest 93 per cent of the workforce include those self employed and employed in unorganised sector [10].

Bustamante (2011) points out that “migrants are inherently vulnerable as subjects of human rights from the time they leave home to initiate their migration. In other words, any human being is less vulnerable at home than right after he leaves it to become a migrant. The same applies to the sociological extension of the notion of home to a community of origin [11]. The same person that migrates had more resources, both material and human, to defend and/or protect, himself, when he was at home, prior to moving elsewhere, than after the outward movement had taken place [12]. Thus, vulnerability of the migrants arise because of living in a place which is different in culture, language, social settings, legal protection, entitlements and consumption habits from their native places and the loss of the traditional support system they enjoyed before migration .

Need for Social Security measures

As a member of society, every person has a right to social security. Effective social security systems are powerful tools to provide income security, prevent and reduce poverty and inequality, and promote social inclusion and dignity [13]. As an important investment in the well-being of workers and the population at large, social security enhances productivity, employability and supports sustainable economic development, thereby contributing to a fair globalization with decent standards of living for all [14]. Social security is the protection which society provides for its members against the economic and social distress that otherwise would be caused by substantial

reduction or ceasing of earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age, and death; the provision of medical care; and the provision of subsidies for families and children [15]. The strategies for providing social security include the preventive, mitigating, and coping aspects .

Food Security: Food security is considered as an important component of social security. The rural workers and weaker sections of the community are badly affected during times of drought, flood and famine, and due to similar natural calamities. The DPAP largely confines itself in the provision of employment through rural works programme. What is required is to provide security for food in times of difficulty and during normal times. The Public Distribution System (PDS) implemented in Indian States stand as a model attempt in this direction [16]. It is through the PDS that the government endeavors to protect the real purchasing power of the poorer sections by providing them an uninterrupted supply of food grains at prices far below market prices. It is to be noted that the PDS was introduced only to the urban areas initially, but since 1970s rural areas are also covered .

Nutritional Security: It is not just 'food', but the nutrition is very important. The weaker sections of the community and the migrant workers are not conscious about the nutrient intake. Particularly, the children and women, pregnant women and aged do not receive adequate nutrient requirements. Lack of nutrient leads to poor growth, poor health and sickness, poor performance and shorter life [17]. There are certain initiatives by the states, local bodies and NGO's to create awareness on health and nutrition and to ensure adequate nutrient intake for the targeted groups, particularly to children and women .

Health Security: Health security can be described as ensuring low exposure to risk and providing access to health care services along with the ability to pay for medical care and medicine. Such health security should be made available to all citizens. Several studies that examined rural health conditions and health care needs highlight that the inadequate and poor rural health infrastructure, growing health care needs and health care expenses. Establishing hospitals with required infrastructure in all the villages is a question of feasibility, viability and availability of inputs and resources [18]. However, it is a matter of concern to consider the needs of the 70 per cent of the people living in villages. The poor do not treat for common illness and sometimes to major diseases that are unidentified by them, causing higher level of untreated morbidity. Similarly, the cost and burden of treatments are ever increasing and leading to difficulty for the poor and weaker sections of the community .

Housing Security: Housing is one of the basic needs of every individual and family. The housing needs of the migrant workers and the poor are ever increasing in the context of the decay of joint family system, migration and urbanisation. In urban areas, though housing is a major issue, the organised workers are supported by providing House Rent Allowances (HRA) or by providing houses through Housing Boards and by providing accommodation in the Quarters. There are several financing companies and commercial banks offering loans to organised workers to construct or purchase houses. These facilities are normally not available and could not be enjoyed by the unorganized workers. More over, the housing conditions of the rural poor are 'really poor' and there is scope for reconditioning, modification and reconstruction, in many .

Employment Security: Migrant workers are greatly affected by the seasonal nature of the employment opportunities. The problem of under-employment and unemployment persist to a large extent among unorganised sectors. There are several schemes such as Swarnajayanti Gram Swaeozgar Yojna (SGSY), Pradhan Manntri Gran Sadak Yojana (PMGSY), Sampoorana Gramin Rozgar Yojana (SGRY), National Food For Work Programme(NFFWP), Indra Awass Yojna (JAY), Integrated Wastelands (IWDP), Drought Prone Areas Programme (DPAP) and Desert Development Programme (DDP) initiated to generate employment opportunities in rural India. Further, the Government has recently enacted the National Rural Employment Guarantee Act to provide 100 days guaranteed employment to rural households. Though these initiatives have contributed in reducing the rural unemployment problem, the problem of employment insecurity needs to be addressed in a wider context and solved at .

Income Security: Though income and number of days of employment are positively related, this relationship holds good mainly for organised workers. As for as unorganised workers are concerned, their income is highly influenced by nature of job, nature and type of products produced quantum of value addition, market value, competition, etc. To protect from the crop loss, Crop Insurance Scheme is available. But for various other self-employed enterprises and other jobs, there is no security available to realise income for the efforts .

Life and Accident Security: The death of a worker in a family is a great loss to the entire family and it adds burden too. The death of a worker raises the question of survival of the family left behind due to the permanent loss of income to the family. Similarly, an accident is a major problem for an informal worker since it leads to loss of income and cost of treatment. If the accident leads to permanent or partial disability, the financial loss will be severe and unimaginable [19]. By covering the unorganized workers under the Insurance schemes of individual, family and group could alone provide security for life and accident .

Old Age Security: The workers of the unorganised sector face the problem of insecurity when they reach to the life stage of aged when they could not work for themselves. The question of dependency is a major threat to the old age unorganised workers in the context of disappearing joint family system [20].

Strategies to improve the condition of migrant laboures in Kerala

Kerala has made considerable progress in extending Social Security coverage through the mechanism of tripartite welfare fund boards. However, many of these schemes lack clear perspective, and need to be restructured. Their delivery mechanisms are often inefficient and expensive. A “Frame Legislation” will be enacted to bring in a degree of perspective and order for all Social Security initiatives, aimed at consolidating the current set of enactment’s, executive orders, provide guidelines for working out future schemes and obviate the need for individual legislation’s, apart from providing a standards set of basic operating polices and procedures .

(Ii) Extending the coverage of the social security net to cover vulnerable workers in the unorganised sector is one of the major priorities of the Government. New welfare schemes will be introduced for domestic workers, self-employed workers in the service sector and other unprotected categories. These new schemes will be introduced by utilizing existing administrative structures. The delivery system will be computerized to facilitate efficient disbursement; and Social Security cards will be introduced to facilitate universal access and to prevent leakage and malpractice .

(Iii) The fund management of the welfare fund boards will be improved by deploying professional expertise, keeping in view the twin objectives of fund security and income generation. An investment policy to maximise income and control expenditure that would be uniformly applicable to all Boards would be formulated. A comprehensive membership reverification drive will be conducted in all the welfare fund boards to identify and eliminate fraudulent registrations .

(Iv) The financial resources of Government available to support the Social Service system are limited. Government will endeavour to reprioritize the allocation of funds to ensure that vulnerable workers and essential schemes benefit the most. The welfare fund boards would also have to be self-sustaining, drawing upon the resources of community and non-governmental organisations .

“Trade unions also have to get involved in ensuring the labour rights of the migrant workers, to pressurise the government agencies to enforce the legal provisions and to make sure that the benefits of the welfare schemes reach them. Following strategies are very much useful for the welfare migrant workers in Kerala” [21].

1. **Registration on Arrival in Kerala:** The issue of Migrant Labour concerns the domain of many Departments of Government including Labour, Health, Social Welfare, Police, Education, Local Self Government etc. departments. It is therefore important to link the provision of all government benefits to the Migrant Labour through a common single point one-time voluntary registration system. It is therefore recommended that the Government may put in place a computerized common system of voluntary registration of the Migrant Labour in Kerala. Thereafter a unique Registration Number needs to be generated and the given to the migrant labour along with the Registration Card. This voluntary registration would be a valid for availing benefits of all the Schemes that the different Departments of the State Government has to offer the migrant labour including the benefits and services indicated in these Recommendations below. This would avoid duplication of registration of DML by different departments .
2. **Housing and Living Conditions:** Leaving the housing of migrant labour to local market forces has led to the migrant labour having to live in highly crowded and unhygienic conditions. It is important that the State Government initiate steps to provide affordable group housing and associated services (provision of water, electricity, sanitation, toilets, washrooms, ensuring a green environment etc.) to the migrant labour in the state. It is also important that the Government provide subsidies in the State's Budget for such an Affordable Housing Scheme for migrant labour. It is also suggested that the provision of affordable housing and associated services (water, electricity, sanitation, toilets, washrooms, ensuring a green environment etc.) to the migrant labour may be done by the State Government through the formation of a non-profit Company under section 25 of the Companies .
3. **Social Security and Health Schemes for the DML:** There being a total lack of Social Security for the migrant labour in Kerala, it is important for the State Government to have a Social Security Net for the migrant labour in the State. It is therefore strongly recommended that the Government introduce appropriate Social Security Schemes for the migrant labour, taking into consideration that the period of their stay in the State is usually

very long. The Social Security Schemes should include provision for payment of lump sum to take care of in cases of accidents and serious illness, death and loss of limbs .

4. **Employment Issues:** While there are only very isolated cases of exploitation of migrant labour by employers in the reported, it is yet important that steps are taken to make employers and the migrant labour aware of the Labour Laws and their rights and responsibilities. Towards this it is suggested that the State Government undertake awareness programmes both amongst the employers and amongst the migrant labour, the latter in their languages. The State Government may seek the support of the States of Origin of the migrant labour in these awareness campaigns .
5. **Sustaining Good Relationships between the Local Populations and the migrant labour:** While as noted in the Sections above, there is at the moment fairly good relations between the local population in Kerala and the migrant labour, it is important that this healthy relationship is sustained over time. Towards this it is important to integrate the migrant labour by developing common platforms of interaction, through cultural exchange programmes, specific schemes dedicated to the socio-educational and cultural development of DML population; this needs to be a participatory programme with the active involvement of peer leaders/activists from amongst them .
6. **Help-line in Different Languages:** It is recommended that the Government (either on its own or in partnership with Voluntary Agencies, NGOs etc.) set up a help-line for the migrant labour with different numbers for migrant labour speaking different languages (particularly Bengali, Hindi, Assamese and Oriya). The help-line may be manned by persons who understand and speak these different languages and are fully conversant and trained to respond to and guide the migrant labour on all matters including labour laws, health issues, social security and emergency issues .

Conclusion

Reaching out to migrant workers is problematic because of their temporary status in the destination state (Kerala) and the floating nature of migration. Therefore, strategies which are successful for the local labour may not be appropriate for migrants. The state agencies and the rural and urban local bodies in Kerala have to revamp their enforcement mechanism to make sure that the migrant workers are able to enjoy 'decent' living and working conditions as also to help them benefit from the public service providers. The problem of Migrant Labour is too huge and requires cooperation and coordination between trade unions and other social actors. Unorganized workers social security act 2008 provide various provisions for the improving the condition of the migrant

labours. This would contribute to a safer, secure and a healthy environment for migrant labourers in the state of Kerala. A rights based practice is essential for addressing the diverse problems of the migrant workers. This would help to ensure the quality of life and socio- economic wellbeing of this section of unorganized workers in Kerala .

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