



Annexure 5

Workshop on Promoting Rights and Entitlements of Seasonal Migrants in an Enabling Policy Framework: An Abridged Report

Organised by: West Bengal Commission for Protection of Child Rights (WBCPCR)

Venue: ICMARD, 3rd Floor, Block 14/2, CIT Scheme VIII, Ultadanga, Kolkata 700064

Date: 28th March 2015

Background and introduction :

Migration and human mobility within the country is one of the rights accorded by the constitution of India. Migration from one area to another in search of improved livelihoods is a key feature of human history (Srivastava and Sasikumar, 2003). The rapid economic growth, globalisation and urbanisation have impacted the pattern and pace of migration in India. But in absence of a coherent policy framework and strategy, migration imposes a heavy impact on human development indicators. Migrants from poorest of the poor families constitute the major portion of this uncounted and invisible section of the population and they remain unheard in the policy decisions. Constraints faced by migrants are many- they lack access to basic amenities; formal local residency documents; local identity proof; political support and face limited access to state-provided services. Unplanned migrations also take the shape of human trafficking! Children are the worst sufferer of this unequal migration-development equation and they become the worst victim of this socio-legal-political equation.

There is no separate department to deal with the issue of migration and therefore West Bengal State Commission for Protection of Child Rights (WBSCPCR) felt the responsibility to drive the agenda to ensure rights of children of migrant's families through Promoting Rights and Entitlements of Seasonal Migrants in an Enabling Policy Framework.

About the workshop (28th March 2015): West Bengal Commission for Protection of Child Rights (WBCPCR) commissioned its first workshop on 28th March 2015 at ICMARD. The commission collaborated with Jayaprakash Institute of Social Change (JPISC) for technical support and GOAL India for technical and financial support to conduct the first workshop. The workshop aimed at sensitizing delegates through deliberating different aspects of migration, strategic bottlenecks and possible solutions. The commission has also planned to form a working committee to facilitate state level policy preparation process Promoting Rights and Entitlements of Seasonal Migrants in an Enabling Policy Framework.

Participation: Chief functionaries of Government and Civil Society Organisations, academicians, research scholars, social activists, implementing NGOs, students participated actively in the workshop and deliberated different aspects of migration. Eminent speakers and panelists included academicians, research scholars and key officials of important departments like Health, Education, Social Welfare and Labour of the Government of West Bengal.

Inaugural session: The workshop was inaugurated by Prof. Asokendu Sengupta, Chairperson, WBCPCR. Mr. D. P. Banerjee, Secretary WBCPCR, Mr. Somnath Mukherjee, Commissioner, Social Welfare, Govt. of W.B., Mr. N.C. Saha, DPI, Dept. of Higher Education, Govt. of WB, Mr. S. Pal, Addl. Director of Social Welfare, Govt. of W.B. and Prof. R.P. Banerjee, Director, EILM contributed in the inaugural session and agreed to take active role in deliberating the issue further to support a strategic direction.

Summary of the deliberations:



Key note address: The key note address was delivered by Prof. Achin Chakraborty, Director, Institute of Development Studies, Kolkata. He emphasized that Migration is an issue, not simply a problem and it must be viewed in various enabling perspectives. He emphasized movement of people is a natural and normal phenomenon which cannot be or should not be restricted as people's aspiration for seeking greener pastures is a fundamental right. Prof. Chakraborty illuminated on the thought of preventive vs. enabling policy framework to promote rights of migrants. He explained through the example of employment generation programmes. Employment generation programmes can be supported to enhance the average per capita income not as means to stop migration. He took the

example of Prof. Amartya Sen who migrated (Officially immigrated) to USA and could contribute because of enabling policy framework. He summarized that Migration is an issue which cannot be prevented but an enabling policy framework and institutional mechanism can ensure social security and safeguard sanctity of migrants and their families.

Deliberation by GOAL:

Dr. Swati Chakraborty, representative from GOAL India explained that migration and human mobility is a global issue and will accord due importance in the International forum. She thanked West Bengal Commission for Protection of Child Rights (WBCPCR) for taking the responsibility to drive the agenda of migration in West Bengal. She elaborated GOAL India's experience of working with seasonal migrants as they are the worst among migrant populace. She highlighted that there is a serious data gap on the magnitude of in-and-out internal migration in India. The data gap is much wider in case of seasonal migrants. Through her presentation she highlighted their experience of working with seasonal migrants work in Brick Kilns. From GOAL's experience they estimated that on an average 1,34,750 people migrate seasonally in brick kilns of north 24 Parganas and remained out of preview of health, education and other rights and entitlements related services.

She very briefly highlighted the structural bottlenecks that migrants face and several initiatives GOAL India adopted that resulted in more than 77% success in ensuring children's rights to safe birth facilities; birth registration and creating access to ICDS services. These were possible through active support of district authorities and responsive line departments. She mentioned that GOAL along with its partner agencies (NMCS, BUP and CLPOA) has gained institutional knowledge, identified policy level/implementation gaps and also eager to contribute state authorities in designing a coherent policy framework to ensure basic human rights of seasonal migrants.

Panel discussion:

Participants deliberated the issues of structural barriers and policy level bottlenecks for ensuring rights of migrants. There was a detail discussion on preventive vs. enabling policy framework to promote rights of migrants. Eminent speakers and panelists felt the need forming a separate policy framework for effective inclusion of seasonal migrants in policy decisions.



The panelists included Dr. Pallav Bhattacharya, Zonal Health Officer, K MUHO, Govt. of W.B., Mrs. Sumita Mukerjee, DLC, Dept. of Labour, Govt. of W.B., Mr. Mechbahar Saikh, Sr. Consultant on Education, UNICEF, Mr. I.S. Chatterjee, Asst. Director of Social Welfare, Govt. of WB, Mr. Surojit Neogi, Action Aid.

Summary on Health Provisions:

- * No data available at the Sub centre/PHC level on In-&-Out migration.
- * The National Health Mission 2012-2017 has suggested states to ensure universal access to health care through strengthening of health systems. NHM has suggested states to accord focused attention and adopt strategies appropriate to the local situation. It can be summarised that provisions have been made under RMNCH+A to include migrants but implementation requires more attention.
- * Presently migrants are covered under Pulse Polio Immunization and Special Immunization week.
- * There is problem in transferring cash under JSY to the in-migrants if they do not possess bank accounts.
- * Migrants have been included in the mother and child tracking system but it is in early stage.
- * The Urban Health Mission and NACO have also included migrants in its service delivery mechanism.
- * The key words in policy formulation for migrants are equity, convergence and universal assurance.

Summary on Educational Provisions:

- * There are many types of support those gurantee migrant-children's RtE.
- * Under Sarva Shiksha Mission, Stay Homes, Girls Hostels, Kasturba Gandhi Balika Vidyalaya etc. are some of the hostel facilities available for children of migrant families.
- * Education department has some comprehensive data like DISE, Child Register. However, children of migrant families are not incorporated. Initiatives are required to include them.
- * Cross-cutting plans and data sharing are necessary.
- * There are several issues specific to migrants that thwart education like language barrier of both teachers and students, difference in curricula, different text books etc.
- * The WBCPCR should take responsibility as per Rules / Acts to ensure implementation of Rte.

Summary on Social Securities:

- * The basic problem is that the brick kilns absorbing so much migrant workers are not under the purview of the Factory Act and hence remain outside the domain of the Labour Department.
- * There are some policies for the migrants to ensure safe migration. For inter-state migration, the workers originating from the source states are required to register there and they should be provided with a licence in the destination states where they would be working.
- * There is also a need to include the work in the brick kilns under the enlisted jobs within the unorganised sector by the Labour Department.
- * There are certain schemes introduced by the Labour Department like the State Assisted Provident Fund Scheme for Unorganised Workers and Rashtriya Swasthya Bima Yojana. These scheme are to be fully operationalized.



- * Data deficiency is a major problem in migration and there is a need to form a common data bank to be accessed by all the line departments of the government.
- * Under Social Welfare there are several schemes and provisions like ICDS benefit; SABALA for life skill education; Open shelter under ICPS; Centre for the urban homeless; Kanyashree Scheme.

Summary of Policy Gaps and Solutions:

- * There is serious data gap on the magnitude of migration.
- * Migrants specially seasonal migrants remain out of the purview of health, education and social security related schemes because of structural and implementation related bottlenecks.
- * The Labour Dept. has enlisted only 93 trades under the unorganised labour sector. However, there is no Workers Welfare Board for the enlisted trades which diminishes the hope for registration in RSBY and State Assisted Provident Fund Scheme for Unorganised Workers.
- * Inter-state migration is covered under the Union List; their protection is covered under the State List and ensuring better working condition at their work places is included under the Concurrent List of the Indian Constitution. However, these workers are left alone owing to the conflict between the Union and State governments.

Conclusion:

Prof. Asokendu Sengupta concluded the panel discussion and announced that **West Bengal Commission for Protection of Child Rights (WBCPCR) decided to form a state level working group to pursue the agenda of migration and GOAL agreed to provide secretarial support for initial few months to make the group functional.**



There would be two bodies in this committee: core group or task force and advisory group consisting of stakeholders, duty-bearers, social activists and other interested groups.



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