

MAHARASHTRA

STATE-LEVEL
CONSULTATION
on the Implementation
of the Global Compact
for Safe, Orderly and
Regular Migration
(GCM)

Tata Institute of Social Sciences
Maharashtra, India
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**MAHARASHTRA
GCM
CONSULTATION
REPORT**



Background

The Global Compact for Safe, Orderly and Regular Migration (GCM) was adopted by United Nations member countries in Marakkesh, Morocco in December 2018. Even though it is a non-binding agreement, it is an inter-governmentally negotiated instrument covering all aspects of international migration. GCM aims to better manage migration at local, national, regional and global levels, including reducing the risks and vulnerabilities migrants or refugees face at different stages of their journey. Out of 193-member states, 164 countries have adopted the compact.

The adoption of the compact has led to a wide range of discussions in and outside parliaments, especially in receiving states. There are 23 objectives and commitments list in the agreement which includes collecting and using accurate data to develop evidence-based migration policy, ensuring that all migrants have proof of identity, enhancing availability and flexibility for regular migration, encouraging cooperation for tracking missing migrants, ensuring migrants access to basic services, and provisions for their full inclusion and social cohesion. It lists actions for governments and calls for inclusive treatment for migrants irrespective of their status.

As a signatory of the compact and being one of the important sending countries, India is expected to play a pro-active role in the implementation of the 23 objectives. The government-level disseminations about the content and discussions on the implications of it have not taken place. It is already an year since the passing of the compact and is high time to bring different actors in the migration process together, towards materializing the objectives.

Objectives

International organizations like International Labour Organization, Migrant Forum Asia (MFA) and Solidarity Centre, who have played key role in the drafting and negotiations of the document have started to link different state and non-state agencies in the process internationally, regionally and nationally to take this compact forward. These consultations bring together various stakeholders including various actors including ministries, government officials, trade Unions, civil society organizations, media, academicians and others for synthesizing the diverse aspects of this complex phenomenon.

A South Asia Regional consultation took place in Kathmandu, Nepal in July 2019. Following these four state-level consultations have been organized in Telangana, Andhra Pradesh, Tamil Nadu and Kerala and the first National Level Consultation. All these consultations led towards a national consultation at New Delhi on 8th and 9th November 2019.

Centre for Indian Migrant Studies (CIMS), a migrant rights NGO based in Kerala had played an important role in all three state level consultations and the national level consultation. As a major partner of Migrant Forum in Asia (MFA), an international migrant advocacy organization based in Asia-Pacific region, CIMS provided technical partnership with MFA in three state level consultations and organised one state level consultation and the national level consultation with the support of trade unions, MFA and ILO. Apart from the interventions within the country, CIMS had an active role in the preparation of GCM document and represented civil society from the country at the global arena a number of occasions. CIMS is the only organisation which conducted a national level preparatory meeting of GCM in New Delhi along with other organisations including ILO on Jan 9, 2018. CIMS remains committed to

the implementation of the global compact at the state and national level. As an organisation that is committed to the GCM implementation CIMS took the lead to organise the Maharashtra state level consultation with the financial support from Migrant Forum in Asia (MFA). Mumbai is still the largest gateway for Emigration from India. However, there are hardly any involvement in the migration management by the state government and civil society in the state. Since Maharashtra is an important part of the emigration process from the country, an effective intervention from various stakeholders including state government, recruitment agents, Civil Society Organisations, academia and so on is necessary to develop a sustainable migration management not only at the state level but also in the national level.



The Maharashtra state-level consultation happened on 26th February at Tata Institute of Social Science (TISS), Mumbai. As a program with immediate relevance the request for partnership in Maharashtra attracted interest from many. As a premier social science research institute in the state, the CIMS has decided to partner with TISS to organise the one-day consultation with the financial support from MFA. The partnership managed to bring together various actors including ministries,

government officials, trade Unions, civil society organizations, media, academicians and other stakeholders at the local level. The Centre for Labour Studies in TISS co-hosted the event and provided logistic support.

The objectives of the consultation are the following:

1. To identify the GCM objectives which are important to the state and country and develop an understanding on the challenges for the implementation in Indian context.
2. To lobby with the state and national government for inclusive participation of non-state actors in the implementation and review process of GCM.
3. To prepare a matrix which consists the details of policies and programs by stakeholders and suggestions to improve the existing initiatives related to 23 GCM objectives.
4. To develop a set of recommendations for the Government of India and Maharashtra state government on the overall GCM implementation process.

Nature of Participants

The program witnessed participations from a diverse set of stakeholders include CSOs, Academia, State government, national-level bureaucrats, media, Trade unions (central and state trade unions), returnee migrants and students. Representatives from Centre of Indian Trade Unions (CITU), ITF, Ajeevika Bureau, CIMS, Actionaid, academicians from IIT Delhi, IIPS, TISS and NMIMs and other independent activist and researchers were participated in the consultation.

Inaugural Session

After the registration, the consultation had begun with an Inaugural session consists of Inaugural speech by Mr. Jayan Kumar Sao, Protector of Emigrants, Mumbai and Key note address by Prof. Ram B. Bhagat, International Institute of Population Studies (IIPS), Mumbai. Mr. C S Akhil, CIMS welcomed the dignitaries and participants to the consultation and introduced the speakers. He spoke on the need and



importance of organising a state-level consultation in Maharashtra and briefly explained on the previous consultations. The inaugural address focused on the existing programs by the Government of India and its recent pro-migrant approaches. The speaker identified GCM as an important initiative and appreciated the efforts by Civil Society Organisations such as CIMS and TISS in organising such a timely event. The Key focus was given to the eMigrate scheme in his speech and stressed the importance of Pre-departure Orientation Trainings (PDOT) in ensuring

safe, orderly and regular migration. The speech was concluded by demanding more efforts from non-state stakeholders in disseminating the information on existing programs. Followed by the Inaugural address, Prof. Ram B. Bhagat delivered the Keynote address. He provided a detailed introduction about the concept of GCM and the four-year long process. In his speech, Dr. Bhagat brought in the importance of achieving Sustainable Development Goals (SDGs) and narrated the importance of goal 10.7 which led to the formation of Global Compact for Migration. Then, he explained the importance of the compact in Indian context and highlighted the role of the country as a sending and receiving state. He criticised the compact for ignoring the internal migration and shared that understanding the interlinkages between internal and international migration will be the key to the future of migration governance. He congratulated CIMS and MFA for choosing Maharashtra as an important state on international migration. He concluded his speech by emphasising that the consultation would be a first step towards the change in approach to migrants by the Maharashtra state government and he further urged CSOs and Trade Unions to focus more on Maharashtra context. As part of the organising team Dr. Rahul Sapkal, Assistant Professor, Centre for Labour studies, TISS delivered the vote of thanks. He felicitated both chief guests with a memento and thanked CIMS and TISS for organising such an important event in the institute. After the tea break, all the participants introduced themselves and briefly shared their experience and expertise in the field of migration.



As the representative of CIMS, Mr. C S akhil, spoke about the involvement of CIMS and MFA in the whole GCM negotiations and explained the fundamentals of the compact in brief. He went on to explain 23 objectives using examples from within and outside the country. The presentation was focused on conveying the idea of GCM to various stakeholders who might not have had much knowledge about the compact. Then, Mr. Akhil explained the detailed agenda of the consultation. After the

session, the participants had been divided into three groups for break-out sessions and matrix preparations.

Breakout Sessions and Matrix Preparation

The break-out sessions were divided in to four based on the pre-identified priorities.

Session 1 - Migration and Vulnerabilities

Session 2 – Decent work

Session 3 – Role of State and other stakeholders

Session 4 – Inclusion, Social security and sustainable integration

The objectives were placed in these four priority areas. After considering the number of participants, three groups had been formed in order to discuss the priority areas. All groups consisted of minimum ten participants and three facilitators/Presenters were allotted to each group to co-ordinate the discussions. Each group had trade unionists, academicians, CSO activists, government officials, advocates and returnee migrants as members. The diversity of the participants was reflected in the vibrant discussions. The discussion was followed by the presentation of matrix from each group. A panel of experts evaluated the outputs and responded after the presentations.

Session 1 discussed objectives 2,7,8,10 and 17. Due to time constraints each group were allotted with three objectives each to develop focussed interactions. The group one discussed objectives 2,7 and 8, the group two discussed the objectives 10 and 17 and the third group discussed objectives 7,8 and 10. The panel of experts were Prof. Ram Bhagat from IIPS and Ms. Mansi from Ajeevika Bureau. After the discussions, three assigned facilitators presented the prepared matrix.

Session 1

All groups were managed to identify the existing issues, current government programs even though the current state of governance in the state is nearly invisible. Ms. Vidya Balan presented the matrix from



group one, Ms. Praseetha from group two and Mr. Chandraprakash from group 3. They identified Natural calamities such as flood and drought in Marathwada regions, Crop failure and poor pricing for agricultural produces, concentration of development in the urban areas and the increasing economic inequalities as major drivers of migration from the region. The participants were mostly identified centrally-sponsored schemes for skill development and self-

employment. However, the participants were able to identify a number of the suggestions for improving the existing government programs such as the need for providing awareness about the dignity of labour among the prospective migrants, minimum wages for people, especially women and the need to curb wage differentials in the organised and unorganized sector. A few good practices by CSOs and Trade Unions were also identified. Both group one and three discussed objective 7 and 8 on vulnerabilities and missing migrants.

The discussion focused on various types of exploitation in the host country, lack of understanding about migration procedure and the poor government support during migration and at the country of destinations. The presenters discussed about the lack of data on missing migrants and the absence of coordinated efforts to rescue missing migrants. Both groups criticized the present approach of government to reduce the vulnerabilities in migration and stated that the much celebrated eMigrate is not an effective solution yet. They demanded that education of stakeholders and migrants as the immediate remedy and urged the state government to develop programs to influence the migrant's decision making. Regarding the missing migrants, the groups highlighted the need to build a standard response mechanism to deal the cases of missing migrants along with the formation of data bank on missing migrants. They further identified a few good practices by CSOs to reduce the vulnerabilities of all sets of migrants in Maharashtra. The issue of trafficking and discrimination faced by migrants were also discussed with utmost importance. The state's geographical importance makes the migrants vulnerable to trafficking along with the massive concentration of registered and unregistered RAs in the city of Mumbai. The issues such as corruption at ports and absence of strong judicial responses were also raised. The issue of discrimination also brought out well by group three. The discrimination at COO based on skills, caste and income and the discrimination at host country based on race, ethnicity, job, skill set and religion etc were mentioned. The ineffectiveness of PDOT and anti-trafficking bill were identified as weakness in the government programs. The participants demanded that there should be an increase in the jail term and penalty for traffickers. They further urged the government to co-ordinate with the host country governments to prevent trafficking. All groups unanimously demanded creation of platforms for information dissemination from the grassroot level and the need to develop regular PDOT and PAO programs at the COO and COD.

After the group presentation both panelists responded to the feedbacks. Ms. Maansi from Ajeevika Bureau focused on vulnerabilities. She attempted to brought out the interlinkages between internal and international migration. She added that use of the term vulnerabilities may create the atmosphere of protectionism. Ms. Mansi stressed the importance of gathering the data on employers, RAs and



subagents for effective governance. She added that the governments should be ready to use the CSOs' ground knowledge for better management of migration and she urged the CSOs to study Mumbai's activities as a transit destination for international migrants. On behalf of Ajeevika she offered all the support to co-ordinate the efforts of CSOs to reduce the vulnerabilities of migrants in the state. Prof. Bhagat also began with the internal-international migration linkages and stated that the role of the state in international migration is not clear yet. So,

the non-state actors have a major role to play. He narrated the role of social networks which has its own pros and cons. It could either reduce or increase the vulnerabilities of migrants. He urged the state government to immediately define its role in the international migration and bring together actors such as CSOs and local governments. The session altogether made an attempt to understand the current

issues and avenues of engagements, especially for academia and CSOs. Then the consultation disbursed for lunch and the post-lunch session discussed the second priority area on decent work

Session 2

The consultation reconvened after lunch and two groups were formed in order to diversify the discussions. The first group discussed objectives 1,4 and 6 and the second group discussed objectives 13,15 and 18. The discussants for the session were Prof. D.P. Singh, Dr. Rahul Sapkal and Dr. Nisha Bharti. Apart from the Dr. Deshpande, the head of Maharashtra Institute of labour studies as a representative of labour commissioner agreed to comment on the inputs from the group discussions. The facilitator for the first group was Ms. Bamdrita and that of second group was Mr. Imran Khan.

Second session on the objectives related to decent work was exciting in terms of the discussions and the presence of experts on the area. The foremost concern of the group one was lack of comparable data on international migrants. They identified that the existing data provided by the national government through eMigrate scheme is incomplete and demanded that the national government should share the ECNR data with the state government and other stakeholders. They added that the state government can think about conducting surveys to have an understanding about the migration pattern. A number of micro-data collection models have been identified by the group as well. Regarding the importance of legal identity and documentation, group one identified a number of concerns such as the failure of migrants to gather the required documents on time in the host countries, migration with incomplete documents and information asymmetry. The e-locker facility provided by the eMigrate portal was mentioned as a recent attempt by government of India and the presenter criticised the lack of effectiveness in existing PDOT trainings. The group demanded that the government should make good use of the local governments and CSOs to disseminate information on adequate documents required. Apart from that a mandatory verification of all documents at the ports was also discussed.



The group one discussed the most important concern in the state in detail. i.e, facilitation of fair and ethical recruitment. The massive presence of illegal recruiters and middle men in Mumbai and increase in the reported cases of trafficking were brought in during the presentation. Another crucial concern raised by the participants was the lack of information about RAs with the state governments. The matters regarding RAs are completely regulated and controlled by the central government and state governments hardly have any role. Even though they mentioned about the recent attempts such as eMigrate scheme, RA rating and the recruitment by the state run RAs as the changes in the right direction, the lack of involvement of Maharashtra state government in the recruitment remained as the vital concern. The group suggested that it is important to legalise the sub-agents and added that the data on RAs should be shared between the state and central governments. They urged the state government to form a new state-run recruitment agency in the state similar to other states. Everyone unanimously agreed on the need of provincial state's involvement in the recruitment during the discussion. After the inputs from group one, the facilitator for group 2 Dr. Imran Khan presented the matrix for objectives 13, 18 and 15.

Regarding alternatives to detention, the major focus was on the importance of promoting amnesty provisions. The group two identified that there are many Indians in jail, especially in ECR countries. They appreciated the government's intervention in recent amnesties and efforts to promote amnesties and urged the national government to encourage the major CODs to conduct amnesties once in six months. The most important recommendation regarding objective 13 was the signing of bilateral agreements for sharing the irregular migrants without jail sentence.

The group discussed objective 18 on skill development in detail. They identified that absence of skill sharing, lack of skill-training programs and international certification issues as the major concerns. The group discussed couple of central and state government skill training initiatives. They wanted the government to establish state-level skill training institutes with special focus on new opportunities and sign MoUs with major countries and employers to train and certify the migrants. In total, the group argued that COO should have an understanding about the skills required and future of work in general. They identified a few good practices in the rural areas and urged the CSOs to develop more skill-training initiatives with the support of governments to match the skill requirements abroad. In addition, the group discussed objective 15 on the access to basic services for migrants as apart of the decent work session. They reported that the unskilled labour migrants could not access the basic services at the destination country. Language barriers and lack of understanding about the socio-cultural and legal norms in the destination country were other major concerns raises. They recognized the attempts through the PDOT manual to educate migrants. However, the group two demanded that the government should provide skills to access the basic services at the host country and prepare individual PDOT module for different countries. They identified that the trade unions demanded a portability of basic services to the destination in the recent labour code discussions and reported that Ajeevika Bureau conducted surveys to understand the issues in accessing the services in various industries.



After the presentations from the two groups, the representative of the Maharashtra government Dr. Deshpande responded to the comments. He reaffirmed that fact the state government has only a limited role till now. But he ensured that government is looking forward to expand its operations to ensure the welfare of the migrants. He spoke about the role of labour commissioner and his recent interventions such as visits from Nepal and Malaysia. He added that the state government do not have any information on

the agents and employers in the host countries. He promised the consultation that the government and labour commissioner will be pro-active on issues of both internal and international migrants. From the panel Prof. D. P. Singh spoke about the importance of promoting decent work agenda in the international migration discourse. He stated that the freedom of mobility for work should be protected and supported by both state and non-state actors in order to achieve the aim of decent work for all. The policy makers should not be seen the political and work rights separately. He urged the government to focus more on bilateral agreements to solve the mounting concerns and demanded that a fruitful cooperation between state and center is crucial. After the comments from the panellists, the session broke for tea. The participants reconvened to discuss rest of the sessions.

Session 3 & 4

Due to the time constraints, the sessions 3 and 4 merged together and conducted a plenary session which was facilitated by Mr. Akhil C S. Each objective was discussed among the participants and most of them contributed to the matrix. The objectives under the session on the role of state and non-state actors and the session on inclusion, social security and reintegration were discussed in the final session.

The lack of information on migration was treated with real importance during the discussion. The participants argued that irregular migration is the result of lack of information at the grassroots level about employment opportunities and migration processes. A demand for country specific PDOT programs was emerged during the discussion. The demand for language training on foreign languages, association with local self-governments and dissemination of information pamphlets should be in regional languages. The discussion on the objective 5 also focused on information asymmetry and lack of transparency in the recruitment system. But the participants managed to recognise the existing MoUs and bilateral agreement with Denmark during the discussion. It shows that the stakeholders in Maharashtra observe the activities keenly. To ensure regular pathways of migration, they made policy suggestions such as lift of ban on pregnant and women below the age 30, provision of job contract in the local language, publish the MoUs and distribute among public and introduce toll free number for certificate validation. Ms. Divya spoke about the need for university employment cell for student to enhance new pathways of migration. The participants demanded that immigration should be spread to the union list from the concurrent list to ensure the effective intervention of state governments in managing the borders. Since Maharashtra is a crucial hub of mobility through sea and air, the state government's intervention is somewhat necessary.

A wide range of concerns were brought in regarding the consular services. The participants had been critical on the lack of staff in the Indian missions, unfriendliness of embassy staff and absence of regional language support in general and lack of people centered approach in particular. Another concern was the lack of consulates in proportionate to the Indian population in host countries. They demanded a formation of a Standard Operating Procedures (SOP) for the embassy staffs and urged the Indian missions to appoint staffs in accordance with the population from respective states. The other major suggestions were the increase in number of labour attaches, issuance of migrant id cards and formation of immediate grievance redressal cell. They sought the possibility of linking up with the CSOs in home and host countries to ensure the welfare of migrants by citing a few good practices. The discussion on objective 23 on the international cooperation brought out the general concerns of labour migrants internationally. The concerns were stringent policies in the destination countries, looming economic crisis, nationalisation of jobs in the Gulf countries and lack of effective bilateral and regional agreements on mobility. The forum demanded that it is important to promote regional platforms which includes both COO and COD. The participants further asked the government and policy makers to provide freedom for non-state actors to operate across borders, especially human rights organisations. The discussion on the role of state and other actors was a perfect cross-section of the current migration governance scenario. The need for bilateral and multilateral agreement, the importance of involving CSOs and other actors in the policy making and need to redefine the role of provincial states in the migration governance in the country were discussed and debated.

Then the session moved on to the final session. The facilitator coordinated the discussion and participants shared their individual responses. The language barriers, discrimination based on race and ethnicity and wage inequality among the migrant workers were identified as factors which prevent the inclusion of migrants in the host country. The participants commented that the state government

should seek help from Marathi diaspora to coordinate the integration of new workers in every city. Apart from conducting PDOT at the grassroot level with focus on host country socio-cultural aspects, distribution of comprehensive pamphlets at the airports would work in favour of the migrant workers. Another area which drag the attention of the participants was the contribution of diaspora and migrant to the sustainable development of the state. The participants reported that there are no attempts from the state government to bring investment from diaspora and migrants. The attempts by the central governments are not reflecting in the state and the existing efforts such as Pravasi Bhartiya Divas and incentives in Special Economic Zones (SEZ) are not sustainable in nature. They demanded that the state government should provide subsidies for the long-run sustainable initiatives by NRIs and proposed an exclusive SEZ for Non-Resident Maharashtrians (NRM) in newly emerging cities such as Pune. They further added that the state government should encourage the investors to invest in large-scale farming and cash crops. Regarding the smooth transfer of remittances, everyone unanimously sought for an incentive from the central government for transfer beyond a limit. They wanted the government to promote the co-operative bank networks to attract the remittances from NRMs. The lack of programs for the reintegration of migrants at the national and state level was a concern for the participants. The increase in the rate of return of migrants amidst the nationalization policies in major CODs and absence of support mechanism to bring back the migrants in distress were brought into the discussion. Ms. Anu Abraham, an expert of return migration urged the government of Maharashtra to form comprehensive reintegration policies at the state level. The consultation generally demanded the government to allocate fund to ensure dignified return of migrants. The formation of returnee network and returnee co-operative societies were also suggested. The discussion on final session was concluded with the comments on the importance of social security portability. The forum stated that portability of social security is completely absent in the case of temporary labour emigrants and there are no bilateral agreements on portability of SSE with ECR countries. The state of Maharashtra witnesses increasing number of cases on the rejection of social security benefits after retirement from CODs. The respondents wanted the government to sign MoUs with all ECR countries on social security portability. They further demanded a mechanism to monitor and review the situation of workers who approach the period of retirement along with the free legal aid for securing SSE from CODs. The discussions were focused on the important roles of migrants in the host country and the respondents came up with feasible suggestions to both national and state governments. After the plenary session, Ms. Aswathy from CIMS delivered the vote of thanks and appreciated the efforts from all the participants and the organising team consists of Dr. Rahul Sapkal, Ms. Anu Abraham, Mr. Akhil and MS. Aswathy. She acknowledged the Migrant Forum in Asia and TISS, Mumbai for the financial and technical support.

Notable Observations from the consultation

- *First ever CSO initiated consultation on international migration in Maharashtra*

The consultation was undoubtedly the first stakeholder's meeting that discusses the Maharashtra state context. Previously, all discussions related to migration was focussed on internal migration to the state. However, conducting an event which is unfamiliar for majority of the stakeholders was one of the most successful aspect of the program

- *Developed an understanding about GCM and its importance*

The participants and major stakeholders in the state got familiarised with the GCM document and objectives. They have managed to develop an understanding on the application of each objectives at the state level. The interaction would surely contribute to the implementation of GCM objectives at the state and national level.

- *Diversity among the participants*

The consultation had witnessed a vibrant discussion through-out. The in-depth knowledge of the participants on ground realities and policies was vital in those interactions. The participants include Civil Society activists, Trade union representatives, advocates, academicians, Bureaucrats, media persons and students. The diversity among the participants had contributed immensely to the matrix preparation and the discussions.

- *Created a network of non-state actors*

The non-state actors on international migration in Maharashtra never managed to sit together and discuss the concerns. This lack of attempts from non-state actors to influence the policy making is a major reason behind the poor state responses on international migration in the state. The consultation managed to bring together these players and formed an informal network which would act as a pressure group in the near future.

- *Direct interaction with the state-government*

The labour commissioner is the sole authority of migration management in the state. The organisers managed to bring the director of Maharashtra Institute of Labour Studies (a government entity with ministry of labour) as a representative of labour commissioner. The representatives' comments and eagerness to interact with the stakeholders was a positive sign. He identified CSOs as a major player in bringing change to the existing system.