



A Brif Study of Migrant Labour In India

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Abstract—In a developing country like India with exploding population, increasing urbanization rate & regional disparities in development, the availability of adequate housing has been of great concern in the past few decades. Various housing policies, schemes & programmes were formulated in the past, but these policies & programmes never addressed housing issues of floating population who has a short period of stay at their destination, which worsened their situation creating unhygienic living conditions. Every individual has the right to adequate housing which is a basic requirement for one's survival, hence issues regarding rising housing demands in the country is a matter to ponder on. The floating population as mentioned refers to the migrant labourers belonging to Low Income Group (LIG) or Economically Weaker Section (EWS) of the society who migrate from one state to the other in search of better jobs, facilities & better quality of life. The following paper discusses on socio- economic background & housing issues faced by low income Inter- State Migrant (ISM) labourers working in construction sector in India.

Key words- India, regional, population, labourers, socio- economic

Introduction- India, a collaboration of 29 states and 7 union territories is known for its great unity in diversity. But that unity bears certain loop holes in maintaining the same in reality. Each state in India has a uniqueness of its own whether it is in culture, geographic pattern, community settlements, economic or natural resources. There is indeed a wide disparity in development which makes rich more rich & poor becomes poorer. As such, people living in rural part (poor regions) of India often transit between places either for a social or an economic cause. Migration between states is an outcome of social, economic and cultural diversity in India. Migration is a “process of movement of an individual from his place of birth to a new place of residence”- S.K Das . The Inter-State Migrant Workmen Act, 1979 defines an inter-state migrant workman/ labour as “any person who is recruited by or through a contractor in any state under an agreement or other arrangement for employment in an establishment in another state, whether with or without the knowledge of the principal employer of such establishment.” With the advent of industrial revolution in Europe, in the 18th and 19th centuries, a new class of factory workers was emerged in the world economy. Capital and labour were main factors of production in the production processes of industrial revolution. Consequently, producers or owners and workers were emerged in the private economy. .So far as welfare of the society is concerned, it was necessary to maintain labour standards for workers and provide them welfare facilities as per labour standards. Therefore, the International Labour Organization was established in 1919, under the treaty of Versailles. After the second war period, the United Nations General Assembly adopted the Universal Declaration of Human Rights. India is a developing country. India adopted new economic policy in 1991, which is known as liberalization, Privatization and Globalizations (LPG).

Objectives of study:

- The objectives of the study are:
- To know policy of decent work adopted by ILO for workers in the world economy.
- To discuss about rights of labour for development of working class.

- To examine relevant aspects of labour standards in order to improve the living and the working conditions of migrant workers and others
- To study about labour rights and standards for migrant labour in India
- To suggest measures in order to protect the migrant labour in India

Concept of decent work:

The word decent means accepted moral standards, decent work; it shows an acceptable quality of work. let us say, workers are pleasant at work places and they are satisfied from any type of work due to decent conditions of life as well as decent working conditions of labour. It shows various types of freedoms and rights for men, women and children in order to maintain dignity of human life in the society, in other words, development of society, workers, as per labour standards.

According to Reddy,(2005), Decent work refers to work wider than job or employment including wage employment ,self employment and home working and is based on the core enabling labour standards viz, freedom of association, collective bargaining, freedom from discrimination and child labour. Besides, Rodgers (2001) observes that the word decent too involves some notion of the normal standards of society, lack of decent work therefore has something common with concepts of deprivation or exclusion, but of which concerned with social and economic situations, which do not meet social standards. Decent work is a broad concept which is related to overall development of the society and workers. Rodgers (2001) says that decent work is a way of capturing interrelated social and economic goals of development. Development involves the removal of unfreedoms such as poverty, lack of access to public infrastructures or the denial of civil rights. Decent work brings together different types of freedoms. such as labour rights, social security, employment opportunities etc. Therefore , there are four dimensions of decent work,(i)work and employment itself (ii) rights at work (iii) security (iv) reprehensive at work dialogue. The goal of decent work is based on sound ethical principles of ILO.The main goal of decent work is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security, and human dignity.Mishra (2001) pointed out position of the population in the global economy, about three billion people today live on less than 2 dollars a day. It means that half of the global population is not even close to a decent standard of living. More than a billion people do not have enough to eat every day.

Labour Rights:

Let us discuss aspect of labour rights, which is concerned with decent work. Social security is a fundamental right of labour, which is guaranteed by law to all human beings, who live their own labour and who find themselves unable to work temporarily or permanently for their control. In terms of social security, the first beginnings were made at the time of French Revolution when a Declaration of the Rights of man was proclaimed. It served as a preamble to the French Constitution of 1793. Which stated; inter-alia public assistance is a sacred duty (Singh, 1997). According to Article 22 of the Universal Declaration of Human Rights, every member of society has a right to social security. The ILO declaration on fundamental principles and rights at work is a major step in this direction. Development must bring about an improvement in the living conditions of people. It should, therefore, ensure the provision of basic human needs at all. (Nayar, 2003).

The international covenant on economic social and cultural Rights of the United Nations is another international instrument bestowing workers with economic social and cultural rights. So that they enjoying these rights of self-determination can freely pursue their economic, social and cultural development (Shyamsundhar, 2004). The Indian Constitution (GOI, 1991) provides for citizenship rights in part II. Citizenship rights are regarded as fundamental, because they are most essential for the attainment by the individual of his full intellectual moral and spiritual status. The guarantee of the minimum rights at the workplace will enable people to claim and realize a fair share of the wealth. The guarantee of these rights will ensure a process of translating economic growth into social equality. The development thus becomes synonymous with the agenda of integrated development. (Mishra, 2001).

However, citizenship rights are essential for the development of the citizens of the country. According to Thorat, (2008), in complete citizenship or denial of civil rights (freedom of expression, rule of law, right to justice) political rights (right and means to participation in the exercise of political power), and socio-economic rights (right to property, employment, and education) are key dimensions of an impoverished life. Besides, Mishra (2001), states that we need to recognize that the right to move freely from one part of the territory of a country to another or one part of the globe to another is a basic right which should not be denied to workers.

Labour standards:

The International Labour Organization (ILO) has played a significant role in promoting International Labour Standards. (ILS's).The ILO has formulated international labour standards at various conferences. In 1944,the conference of Philadelphia adopted the Declaration of Philadelphia , which restated the fundamental aims and purposes of the ILO.Several acronyms have been used to describe labour standards such as fair labour standards, minimum labour standards, basic or core labour standards etc.Several factors have also been attributed to non-observance of labour standards such as unfair trade and labour practice, state of underdevelopment, absence of work place co-operation and so on (Mishra,2001).With a view to improve labour conditions through the forum of tripartite committees, the international labour organization passed the convention on June 1976.The preamble of the last ACP-EEC(African Caribbean and Pacific States) convention signed at lome in 1984.Besides,the world summit on social development held at Copenhagen in March 1995 had tried to establish the basis for such a minimum level of social protection by creating an international consensus on fundamental minimum labour standards. Since its inception the international labour organization has adopted 181 legally binding conventions and 188 recommendations aimed at improving labour standards across the globe. There are eight core labour standards.

There are four categories such as:

- i) Right to freedom of Association and collective bargaining
- ii) Elimination of forced labour
- iii) Elimination of child labour
- iv) Elimination of discrimination in matter of occupation and wages. (Mishra, 2008).

However, there are important seven conventions.(convention No's 29, 87, 98, 100, 105, 111, and 138) (Mitra, Kaushal,1998).These Conventions are also known as social clause, labour clause ,social concerns etc.These are the instruments in the hands of ILO in to improve the living and working conditions of working class in the third world.(Nath,1998).

Labour standards for workers in India:

Now, we are going to discuss relevant aspects of international labour standards and the position of India regarding labour standards. India is a founder member of the ILO. India has ratified 37 of the 181 conventions. The constitution of India upholds all the fundamental principles envisaged in the seven core international labour standards. Out of the seven core labour conventions, India has ratified three, they are (i) forced labour No.29, equal remuneration No.100. and discrimination No.111. The Indian Constitution, (GOI, 1991) upholds the principle equality between men and women. Laws have enacted fixing the hours and minimum wages of labourers and to improve their living conditions. Various security schemes have been framed. Besides, there are various labour laws, like Trade Union Act 1926, The Minimum Wages Act 1948, Employees State Insurance Act 1948, Industrial Disputes Act 1949, Industrial Disputes Decision Act 1955, Payment of Bonus Act 1955, Personal Injuries, (compensation insurance) Act 1963, Maternity Benefits Act 1967, Contract Labour (Regulation and Abolition) Act 1970, Bonded labour Systems (Abolition) Act 1976, Equal Remuneration Act 1976, Interstate Migrant Workmen (Regulation of Employment) Conditions of Service Act 1979, The Child Labour (prohibition and Regulation) Act 1986 etc. However, these labour laws and policies are applicable for workers in the organized sector only. What is the present position of unorganized workers in India? Have they got basic rights of labour as per labour standards in India? Have they protected by various labour laws in India? What is status of migrant workers in India? These are main issues of unorganized workers in India. They constitute 92 percent of the total workforce in the country. As against this an estimated 8 percent of the labour force in India falls in the formal or organized sector, which is protected by compressive labour laws covering Industrial Disputes, Unfair dismissal trade union rights, wage and working conditions , health, insurance, security schemes etc.

Determinants of Migration:

Now, we can discuss about the concept of migration. 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. (Gill, 1998). Generally, there are two basic factors of migration: i) Distance ii) Duration.

From the distance point of view, migration can be classified under four categories:

i) Rural to Rural ii) Rural to Urban iii) Urban to Rural iv) Urban to Urban.

Besides, migration can be divided into following categories:

i) Intra-district, ii) Inter-district iii) Intra-state iv) Inter-state v) National and International.

From the duration point of view migration can be studied under three categories:

i) Casual-temporary ii) Periodic- seasonal iii) Permanent.

Todaro (1969), tried to explain migration in developing countries in terms of push and pull factors, respectively. Therefore, the motives of migration are classified as push factors (which emphasize on the situation at the origin, that is, place from which migration started) and pull factors (which emphasize on the situation at the destination). Unemployment, flood, earthquake, drought, (i.e., natural calamities) etc, are the push factors. Pull factors that determine migration such as attraction of city life, for education, health, development of backward community, job opportunities and training facilities and so on. The push and pull factors of migration among a tribal and lower income group's of population are categorized under the following heads

(i) Ecological factor (ii) Demographic factor (iii) Social and Cultural factors.

Migration of labour in India:

The problem of seasonalisation in agro-based industries can be found in a large number of countries. Firstly, we have to define seasonal factory, seasonal factory is one which normally works for more than half the days of the year. The main feature of nearly all the seasonal factories is that the workers are still agriculturists and the great majority live in their village homes. The workers are generally quite unorganized and wages tend to be low. (GOI, 1931). There are some of the important key questions, we need to seek answers like, (i) who are the migrant workers? (ii) Why do they migrate from their native places? (i) Where do they migrate? What is the status of migrant labour in respect of labour standards in India? Do they know about their labour rights? For the purpose of migration, some studies and reports have tried to seek answers of these questions, and they have discussed the problem of migrant workers in

India. Agriculture is the main source of the population of India. The agriculture on which the bulk of the rural population in our country has to depend for the main source of livelihood. Which is itself largely dependent on the precipitation and distribution of rainfall; failure of rain and consequent failure of agriculture greatly reduce the purchasing power of this large segment of population, recurrence of such situation called as drought.

In India, droughts occur once in every five years in some parts of India.(MEDC,1974), viz., West Bengal, Madhya Pradesh, Kerala, Coastal parts of Andhrash Pradesh, some parts of Maharashtra state, like Marathwada, east and west parts of Maharashtra, inferior of south Karnataka, Bihar, Orissa, Rajasthan and other parts of India. At present, Cultivators, small and marginal farmers, agricultural labourers, landless labourers etc, have to face the problems of natural calamities in India. According to Desarda (1987), drought is not caused by niggardliness of nature, but failure of the system properly plan and use the resources of land and water, he further emphatically stressed that water resources of India are colossal but they are seasonally, regionally distributed and very compressive water resources, planning is reduced to combat recurrent droughts and raving floods. however, the problem of chronic under employment in rural areas is thus essentially due to the event of a failure of seasons and lack of resources.(Gadgil,1972). At present, about 27.5 percent of the population is below the poverty line in India, (in which section of the society is unable to fulfill its basic necessities of life like food, cloths and shelter etc) The planning Commission of India in its Approach to the 11th Five year Plan, 2006 estimated that 27.8 percent of population was below the poverty line in 2004-05. Datt and Sundharam (2008) have shown state level data on poverty ratios during 2004-0. States with poverty of less than 15 percent were Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh, Delhi, Andhra Pradesh. As against them. States with poverty ratios above 30 percent were Maharashtra, Uttar Pradesh, Bihar, Jharkhand, Madhya Pradesh, Chattisgarh, Uttarakhand, and Orissa. The problem of poverty is directly related to the existence of unemployment, underemployment and low productivity.(NIRD,1984). Agriculture is a seasonal occupation, which can not open job opportunities round the year to all (powar,1983). In the absence of irrigation facilities permitting multiple cropping, the monsoon agriculture enjoins on a majority of the rural labour force on an extended period of seasonal unemployment (Myradal,1970). These helplessness dispirited unemployed labour leave their village homes and join to swell the already

over populated areas not only in India but also in other parts of the developing and developed countries, whose agricultural labourers are shifting to industrial sector(ILO.1960). Dantwala (1963) emphasizes the feature of seasonability and disguised nature of unemployment in the agricultural sector, seasonability arises from the problem of in elasticities of the time pattern of primary production. According to Nigeria (1963), we are not short of land quantitatively but we are short of land qualitatively, that is to say, arable lands are not as fertile and productive as we would want, the result is that, people move from these poor soil areas to the urban and agro-based industrial areas and create more problems for the government. Similarly Myrdal (1958) observes that in many underdeveloped countries, a part of the labour force does not engage in any form of workers at all. Most of these workers, who work only short periods in agricultural sector. These countries have to face the problem of disguised unemployment; the term disguised unemployment is used to refer to the mass unemployment. Disguised unemployment prevails especially in agricultural sector of an underdeveloped and over populated countries.(Nurkse 1960).Unemployment is associated with all types of workers from the small, owner cultivators down to migratory agricultural labourers for periods of time even during the agricultural season (Sundram,1947).

Status of Migrant labour in India:

The National Commission on Rural Labour in India (NCRL, 1991} estimates more than 10million circular migrants in the rural areas alone. These include an estimated 4.5 million inter-state migrants and 6 million intra-state migrants. The Commission pointed out that there are large number of seasonally migrant workers in the agriculture and plantations, brick kilns, quarries, construction sites and fish processing. The problem of seasonal migrant workers in the sugar industry and other agro-based industries is not a new phenomenon in India. There are more than 500 sugar factories in India. (Datt, Sundharam, 2008)The average crushing season of the sugar factories varies from 116 to 165 days. In the country, Agricultural workers migrate from drought prone areas of Maharashtra state to irrigated areas or industrially developed areas of the state for seasonal work in the sugar factories. There are about 12 lakh sugar cane cutters, transporters, sugarcane harvesting seasonal migrant workers in the Maharashtra state. The majority of seasonal workers or poorer live in the rural areas and belong to the categories of landless labourers,small and marginal farmers, scheduled castes and scheduled tribes and other backward classes.(Salve,1990).These people have either no assets with very productivity, a few relevant skills and no regular time or very low paid jobs seasonal.Besides,migrant workers are engaged in different types of jobs such as brick kilns, salt pans, stone quarries, construction

(irrigation,cannals,dams,road building) in agri-business like harvesting of sugarcane. Large numbers of bonded labourers nowadays are seasonal migrants (Bremar, 2008).

Srivastava's study(1998)shows state wise data of migrant workers in different sectors of India.Haryana state provides employment to a large number of migrant workers from Uttar Pradesh and Bihar,. Some workers migrate to Tea and coffee plantations in Karnataka states, West Bengal and Assam states employ migrant labourers from Tamilnadu, Andhra Pradesh and Bihar.Besides, and more than 12 lakh inter-state migrant workers work in the agricultural sector. Brick kilns provide temporary employment to around 10 lakh. Seasonal migrant workers. Various construction workers, road, railway, buildings, dams. Canals etc seem to employ nearly 20 lakh inter-state migrants. Around 45 lakh inter-state migrant workers work for temporary periods in different sectors.Besides, large numbers of seasonal migrants work in the urban informal manufacturing, construction services or transport sectors as casual labourers and so on. In Maharashtra state, there are 10 lakh handloom and power loom workers, 8 lakh workers who are engaged in building and construction sectors. In the Western Maharashtra state, sugar factories engage near about six lakh seasonal migrant workers from drought prone areas of the state. Agriculturally developed regions in West Bengal and Madhya Pradesh draws labourers from other districts within the state or other states. (NCRL,1991).So far as recruitment process is concerned, in the agricultural sector, migrant workers are recruited directly by the farmers themselves or through a chain of middlemen like contractors or mukkadams or thekeddar etc.The recruitment process in the non-agricultural sector is also organized through contractors or middlemen in a number of industries. Loans and advances to migrant workers are adjusted through them. Expenses and transportation or other costs etc are deducted from their payments in the few months.

Quality of life and labour standards for migrant labour:

After independence, many labour laws have enacted by the government of India. Besides, the government also adopted various labour policies in order to improve wages and working conditions of workers in the organized and unorganized sectors. We need to discuss about the quality of life and labour standards for the migrant workers in India. In terms of wage policy in India, it has been observed that male and female migrant workers get lower wages than minimum wages. They do not get minimum, wages stipulated under the minimum wages Act, 1948.Long

and flexible working hours, combined with low wages are reported in the case of most seasonally migrant workers in India. (Singh and Iyer 1995, Krishnaiah, 1977, Salve, 1990). There is no fixed time of work for migrant workers; they work more than 12 hours a day instead of 8 hours a day. Harvesting of sugarcane migrant workers, sugarcane cutters, transporters and brick kiln workers work for 12 or more hours per day (Srivastav 1998, Salve 1990). So far as wage rates of women workers are concerned, it has been observed that migrant women workers are paid lower wages than male workers in certain operations. Therefore, it should be noted that 'the principle of equal pay for equal work' is not also strictly adhered to the fixation of wage rates for contract basis male and female seasonal migrant workers as per the Equal Remuneration Act of 1976. Most of the migrant workers are illiterate, ignorant and belong to scheduled castes, scheduled tribes and others socially, economically, weaker sections of the society. The Disadvantaged Groups of the Society, Handicapped people, who can not earn a decent living as other normal people. (Mishra, 2001). Bremen (2008) shows that recruitment for work in brick kilns, stone quarries or salt pans takes place in the off season, when workers are offered an advance payment for making their labour power available later on. This is most clearly demonstrated in the case of seasonal migration.

It has been observed that migrant workers are not aware of their rights or labour rights, like right to equality, right to work, right to secure work, a living wage and a decent standard of life, security scheme, health, right to form association, right to freedom, cultural and educational rights, etc. There are various workers in the unorganized sectors such as bamboo cutters, salseed collectors in Orissa state, the fisherman and women, the leather flayers and tunners, the salt workers, the beedi workers, the hand loom weavers, the hand crafts men and women, the workers in brick kilns and stone quarries etc, All these workers.

Social security for migrant labour:

The ILO is constitutionally bound to promote social security programmes and measures providing basic income to all in need of protection. Social security systems provide nine types of benefits as defined in the International Social Security (Minimum Standards) Convention, 1952 (102) namely, medical care, sickness and maternity, medical care, sickness and maternity benefits, family benefits, unemployment benefits, employment injury, invalidity and survivor's benefits, old-age benefits. Therefore, social security is the very foundation of a decent society, it is

the primary source of social legitimacy.(Mishra,2001). Singh(1997) observes that in most of the developing countries there are no bilateral agreements and no national legislation, specifying the rights of migrant workers, who do not therefore, enjoy the benefits of social security schemes in the countries to which they have migrated countries. In the era of globalization, there has been growing casualisation of workers, therefore, workers are struggling for their labour rights and their dignity of life.Generally, unorganized workers, have been suffered from the problem of unemployment, lack of social security. The ILO estimates suggest that 150 million people are fully unemployed. Many more are forced to eke out a living in casual or occasional jobs, low productivity self, self employment or other forms of unemployment. Unemployment has growing millions as a result of the financial crisis in Asia and other parts of the world; more than 50 percent of the world's population is excluded today from any form of social security. (Mishra, 2001). Bremen's study(2008) shows that ,the employers are only interested in maximizing their material profits, which they do by paying low and piece- rated wages without accepting any responsibility for the basic security. Most of the migrant workers do not have adequate shelter, drinking water or toilet facilities. It has been observed that seasonal migrant workers in sugar factories in the Maharashtra and other states, they have to stay in make shift shacks, huts or in the open and have no access to safe drinking water. The Factories Act of1948 makes it obligatory on the employers to provide drinking water, washing, bathing facilities for workers and latrines and urinals for workers etc. Construction and brick kiln migrant workers suffer from a number of diseases which are a result of their occupation or working conditions.

The incidence of child workers in the unorganized sector is much higher than those in the formal organized sector. (Nath, 1998).

Among four core labour standards the deplorable violation in India is practice of child labour. Uniform labour standards in the context of child labour can not be implemented in rural and urban areas of India Unevenness of economic development makes it difficult to apply uniform labour standards. (Kothari, 1998).

In terms of bondage labour system, bondage and servitude has been reported in the brick kilns, store quarries, building and road constructions, agriculture and plantations, and other unorganized sectors in different forms (Nath,1998,).The proportion of bonded labour is more among migrant workers, who belong to backward community i.e. Scheduled castes and

scheduled tribes. (Daily Samarath, 10th may, 2009,) According to Bremen's study (2008), the new forms of labour bondage can also be found in rural or urban based industries like rice mills, small-scale carpet workshop, gem processing ateliers etc. In all these cases, labour bondage is a feature of the employment modalities of vulnerable segments of the workforce in the informal sector of the economy. So far, action taken by the state to end labour bondage has remained ineffective(Breman,2008).It should be noted that Child labour Prohibition and Abolition Act 1986,Bonded labour system (Abolition) Act 1976,Maternity Benefits Act,1967,Equal RemunerationAct,and other labour laws have not been implemented effectively in order to improve working conditions of migrant workers ,these labour laws have not also covered workers in the unorganized sectors in the country. Bremen (2008) found that certainly the abolition of Bonded labour Act (1976) was introduced to fight strictures on the freedom to work as a legal right. The enactment failed to release this objective because it did not go beyond addressing forms of agrarian bondage, which still lingered on the different parts of India. Besides, the maternity benefits are not available for contract based migrant women workers and employed in agriculture, construction, brick kilns and other temporary,seasonal,part time work, because they come under the unorganized sector.

In the sugar factories of Maharashtra state, it was observed that pregnant migrant women workers were found to be suffering from sickness like toxemia, nutritional anemia, trichomoniasis etc.In the case of illness arising out of pregnancy, miscarriage migrant women workers, none of the served sugar factories had provided medical facilities to seasonal migrant women workers in pre natal and post natal stages. (Salve, 1990).There is significant disparities in the provision of maternity benefits. The violation of the Maternity Act goes unchallenged because there is no strong organization of contract basis seasonal migrant workers in India.

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