

## CHAPTER I

### INTRODUCTION

1.1 Rural migrant labour has, over the last two decades, come to constitute a major and critical section of rural labour. In order to understand the nature of the problems of this strata of labourers socio-economic condition, and the factors responsible for migration in the context of development processes, the NCRL appointed a Study Group on migrant labour. The group was assigned to inquire into the implementation of the Inter-State Migrant Workmen Act of 1979 and other Acts related to migrant labour. The study group consisted of the following members :

1. Prof. Ghanshyam Shah (Centre for Social Studies, Surat) (Chairperson),
2. Prof. Pradipkumar Bose (Centre for Studies in Social Sciences, CALCUTTA),
3. Prof. G. Hargopal (University of Hyderabad, HYDERABAD),
4. Prof. K. P. Kannan (Centre for Development Studies, TRIVANDRUM),
5. Shri Jagdish Joshi, Director General, (Labour Welfare) (Ex-officio Member), Ministry of Labour,
6. Secretary, Ministry of Steel and Mines, Nagpur,
7. Shri R. Thandekar, Deputy Secretary, NCRL.

### Rural Labour & Migrant Labour

1.2 All those labouring poor in rural areas, whether partly or fully employed in 'wage work'—paid as well as underpaid—either as artisans or working in their own farms are rural labourers. We have followed such a broad definition of rural labour because, apart from landless labourers and artisans, small and marginal farmers also migrate in search of work to other rural or urban areas.

1.3 Generally the term migrant is used in a broad sense that includes all those who move from their place of origin, to seek work irrespective of the nature of their work and the period of migration. Migration indicates mobility of people, generating dynamism in society, which is conducive to social change. But all migrants do not belong to the same category enjoying similar economic opportunities and security. The term migrant labour does include those migrants who are engaged in white or blue collar jobs or are engaged in business and have more or less almost settled at their place of work for several years. But it also includes those migrants who in order to sell their labour move for a few months during a year and return to their place of origin. They are poor and do not enjoy the security of a job. For the present enquiry, we have taken up the latter category of migrant labour, who face the problems of poverty and unemployment. Hence for the present study

a migrant labourer is one who works as part of a temporary work force in different sectors and returns to her/his place of origin.

1.4 The study is confined only to internal migration (i.e. within the country) and not international migration.

### Method

1.5 Neither visits to all the states nor an all-India survey to gauge the problems of migrant labour was possible within the given constraints of time and resources. In order to get a broad pattern of migration, we depended on available analysis of NSS (National Sample Survey) data of 1973-74, and the 1981 Census. Both the sources are not only dated, they have several conceptual and methodological limitations which we shall discuss in the next chapter. But in the absence of other surveys covering the country, we have no option but to depend on these sources. In order to understand the condition and problems of the migrant labourers closely, the Study Group decided to focus on five states which attract a large number of migrant labourers. The states are : Punjab, Gujarat, Karnataka, Andhra Pradesh and Assam. We also commissioned two other studies, viz. one on the migrant workers in urban areas and another on migrant labourers in Bihar, which has a large number of out-migrants.

1.6 These studies were commissioned to scholars working in different universities and research institutes. The scholars, whose names are listed below, have collected data for the study through primary and secondary sources:

Author	Status Report
1. Dr. Biswaroop Das, Centre for Social Studies, SURAT	Migrant Workers in Urban Areas
2. Dr. Sucha Singh Gill, Punjabi University, PATIALA	Punjab
3. Dr. P.P. Ghosh and Dr. Alakh N. Sharma, A.N.S. Institute of Social Studies, PATNA	Bihar
4. Dr. M.A. Kalam, University of Madras, MADRAS	Karnataka
5. Dr. Arjun Patel and Mr. Kiran D'sai Centre for Social Studies SURAT	Gujarat
6. Dr. Narsimha Reddy University of Hyderabad, HYDERABAD	Andhra Pradesh
7. Dr. Virginius Xaxa, North-Eastern Hill University, SHILLONG	Assam

1.7 The primary sources include quick surveys, interviews of the workers and employers and personal observations. The secondary sources include published and unpublished micro studies, Census data and information provided by the labour department. The study on Bihar is based on the sample survey of 56 villages spread over 6 districts. Three of them (Purnea, Saran and Samastipur) are from north Bihar, from where rural labour migration is high; two (Gumla and Dumka) are from the southern plateau region, with a high tribal population who migrate for work. One of the districts is in the south Bihar plains (Patna), where agriculture is relatively prosperous and where out-migration is less than in-migration. The study covers 480 rural labour seasonal migrants.

1.8 Besides this, two members of the Study Group (Shah and Bose) spent a week in Orissa to collect relevant information on outmigrating labourers. They visited ten villages and collected information from labourers and their family members, agents and labour officers. Moreover, one scholar (B. D. Desai, K. P. Commerce College, Surat) made a short visit

of eight days to Madhya Pradesh and Rajasthan for the study group. He visited work sites and interviewed labourers, social activists and government officers. The present study is based on these reports and also on other published and unpublished studies.

### Chapters

1.9 Besides this first chapter, the report is divided into seven chapters. The second chapter lays down our theoretical framework and approach for understanding rural labour migration. We have studied rural labour in the context of overall economic development in the country. A brief historical account of rural labour migration is also given. Chapter three, based on the NSS and Census data give, macro level patterns and magnitudes of rural labour migration. The next three chapters deal with various aspects of migrant labourers and their problems. Chapter seven examines policy, perspective, and legislations dealing with migrant labour. The last chapter offers a summary and recommendations.

## CHAPTER II

### UNEVEN DEVELOPMENT AND RURAL MIGRATION

#### A Framework for Understanding Rural Labour Migration

2.1 There are two paradigms which seek to provide theoretical explanations for the phenomenon of population migration in general and labour migration in particular. The first one is within the framework of neo-classical economics, emphasizing the individual as a decision maker on a rational calculation of costs and returns. Based on these premises, theories have been refined further, to take into account several variables such as nature, character and extent of migration, the utility significance of costs and returns to the decision maker and long-term or 'lifetime' income. An influential theory has been the one associated with Harris and Todaro (1970), where they have incorporated the segmented nature of the urban labour market and the probability of obtaining the expected income and employment in the formal sector.

2.2 In these theories it is generally assumed that mobility is always from 'traditional' to the 'modern' sector, and those who migrate from villages to urban areas are less traditional and they also act as 'change agents' when they return to their villages and introduce 'modernity' to the countryside. In this scheme of things, migration is equated with urbanization and modernization, which produce socio-economic development, which in its turn results in rural development. So the concept of people's 'willingness' or 'preference' to leave the village is favoured by such theories which assume a static, passive and 'backward' rural population. It would be hard to argue that such theories reflect the reality of the Indian countryside.

2.3 It is also sometimes assumed that unskilled workers who migrate to urban areas are first absorbed into the traditional sector and then gradually move on to the modern sector. How far is the assumption behind such a model—that small scale labour intensive activity acts as a buffer zone and is carried out by a floating labour force—true? We find it hard to reduce the rural labour migrants to a uniform type whose mobility can be tied down to a mechanistic pattern.

#### A holistic approach

2.4 The other paradigm is the one which emphasizes the historical-structural perspective. Here the approach seeks to explicitly spell out the mechanism by which social, economic and political forces directly or indirectly affect the demand for labour. It also seeks to articulate the demand for labour in terms of the forms of labour recruitment and remuneration. Migrant labour is one mechanism by which the labour

force can be replenished or enlarged to serve capital. Migration of labour is a 'structural necessity not only for western capitalist development at one point of time; it is so today for capitalist development in certain pockets and sectors within Third World countries too. Migrant labour is advantageous for capital: it is cheap, and can be had without paying for the reproduction of families and working facilities (Castles 1975; Castles and Kosack 1980).

2.5 In such analysis, migration is viewed as a class phenomenon, where the unit of analysis is the stream, in contrast to the atomistic approach of neo-classicists viewing migration as the sum of individual decisions. The historical-structural approach has much relevance in the context of rural India with its uneven development across regions and classes, economic inequality and the segmentation of the market for labour. Thus the 'push' factor need to be emphasized not only in itself but also in terms of its manifestation in terms of regional and group differentiations.

2.6 In case of rural to rural migration, the significant question would be as to how, with the development of capitalist relations in agriculture, a mechanism that regulates the seasonal and annual movement of labour over considerable distances has been emerging. Both the social differentiation of the peasantry and the migration of labour could be linked to this overall process of development. The conventional and rather simplistic explanation of labour migration in terms of demand and supply not only assumes shortage of labour supply because of the phenomenon of migration but also neglects the social relations and relations of power operating in rural areas, in addition to the mechanism controlling the labour market. For instance, studies have shown that labour from elsewhere is rendered mobile not to counter the shortage in the area of destination but to create a surplus so that the labour market gets fragmented and a greater control can be exercised over local labour. Thus migration could result in cost-cutting and depressed local wages by weakening the bargaining position of the local landless.

2.7 There is a need to develop a perspective which is holistic. Migration as a socio-economic phenomenon needs to be placed within the larger perspective of historical and structural factors. At the same time, households—not individuals—vary in their behaviour depending on their socio-economic location. The phenomenon of rural labour migration needs to be viewed in a dynamic sense—the behaviour of households of the labouring poor in rural areas must be seen within the larger milieu: socio-economic,

political and ecological factors impose their own constraints. In the Indian context, the decision-making units are more likely to be households than individuals, and these households are in turn influenced by the experience of the socio-cultural strata that give them an identity. In the context of an economy experiencing a steady, if tortuous, penetration of capitalist relations in production, certain strata of rural labour households become more vulnerable than the others. In the face of a surplus-extracting strategy of rural capital, these households will have to work out 'survival' or 'subsistence' strategies depending on their economic strength and social positions. Migration thus becomes part of an overall strategy of sustenance.

2.8 Such a framework for understanding rural labour migration emphasizes the structural features of the overall economy and in particular the rural sector. Given this, the 'push' factors take precedence over 'pull' factors, for the problem is sought to be posed within the perspective of rural labour migrants and not within that of the sector or employer to which these migrants move.

### Historical Experience in Rural Labour Migration

2.9 Rural labour migration in India is rooted in the pattern of development and underdevelopment established during the Colonial period. The emergence of an industrial labour force during the period since the last quarter of the 19th century has been conditioned by the character and pattern of rural labour migration, coolie migration and the migration of pauperized peasantry. The first type of migration was essentially for survival, with the absence of any productive means of livelihood and the subsistence nature of agriculture that could not support the peasantry, especially during a period of recurring droughts and famines. The second type of migrants were those who had some means of livelihood and moved to areas where subsistence agriculture was more hospitable because of land fertility, availability of water and other overheads. Both these types of rural labour migrants moved overseas, mainly in the plantation sector as well as to urban areas and plantations within the country. Thus large number of 'indentured labour' from India ended up in Ceylon (now Sri Lanka), Burma, Mauritius, Fiji, Africa and the Caribbean countries. Sourcing of coolie labour through the institution of 'labour lords' (jobbers) created and nurtured by the colonial capital and state was a characteristic feature. Some non-coolie labour also migrated under somewhat less oppressive conditions. Both indentured coolie labour and other labour also ended up in different parts of the country, such as the plantations located in the Western Ghats (Kerala, Tamil Nadu and Karnataka) and the North Eastern hills (such as Assam). The mechanism of labour supply and labour control were similar to the recruitment of labour for overseas jobs. Urban areas such as Calcutta and Bombay attracted rural labourers but wages and conditions of work differed depending on the overall conditions of labour supply. The documentation of this historical experience (e.g. Chakravarty 1983) has demonstrated the existence of

Labour Catchment Areas (LCA) characterized by high agrarian density, lower subsistence wages, and a less hospitable agriculture.

2.10 This brief account of the historical experience suggests that while labour surplus may exist in rural areas, all areas do not respond in a correspondingly uniform manner. The response tends to get concentrated in areas which are economically backward in terms of inability to support the population at times of distress and are characterized by higher proportions of economically vulnerable groups. Historically the LCAs were the regions in Eastern and Southern India (east U.P., Bihar, Orissa, Andhra Pradesh, Tamil Nadu and parts of Karnataka and Kerala).

2.11 This historical experience seems to have persisted even after Independence. For, the highest concentration of areas of rural labour migration to date are eastern UP, Bihar, Orissa, Andhra Pradesh and Tamil Nadu. Evidently, in overall terms, the overall nature of uneven development initiated and conditioned during the colonial period has continued. There is evidence to suggest that such uneven development, especially in rural areas, seems to have been further accentuated. This, we would say, is the root of the problem of rural labour migration.

### Uneven Development and Migration

2.12 Even after four decades of Independence, the proportion of workers engaged in agriculture has remained more or less the same. In 1951 as well as in 1981 it was 70 per cent. Land distribution in India is skewed. As many as 75 per cent of the cultivators have small or marginal holdings with two or less hectares of land area. They operate 26 million hectares of land. As against this, 12 per cent of the cultivators have more than four hectares of land. They operate 53 million hectares of land. Despite land reforms, people with larger holdings have consolidated land and improved their position by using the inputs provided by the state. They are the main beneficiaries of the Green Revolution. In contrast most of the small and marginal farmers do not have even a pair of bullocks or any other necessary agricultural implements. They do not have the required capital to buy improved varieties of seeds, fertilizers and insecticides. They hardly produce marketable surplus, though they are compelled to sell their products in the market to buy essential commodities for survival. Overall market forces are not favourable to them. They mainly use their family labour. Some of their family members also work as agricultural labourers on other's farms in and outside the village. Besides working as farm labourers they also work as manual labourers in the informal sector. In addition 27 per cent of rural households are those of landless agricultural labourers. The small and marginal farmers and the landless labourers constitute India's rural poor.

2.13 The Scheduled Castes and Scheduled Tribes together constitute 21 per cent (7 and 14 per cent respectively) of India's population. The Other

Backward Castes constitute about 40 per cent. A large majority of the small and marginal farmers, artisans, and landless labourers belong to these deprived communities. The tribals who have traditionally been depending on forest resources are being increasingly alienated from their land and jungle. Large-scale deforestation to serve the needs of industries and the urban rich, and 'development' programmes like the erection of industrial complexes and dams are major causes of land alienation in tribal areas. The displaced tribals are not rehabilitated properly. They are also not absorbed in the industries located in the tribal areas. They are uprooted from their cultural milieu and forced to migrate long distances for survival (Shah 1989; Roy 1982).

2.14 According to the 1983-84 estimates of the Planning Commission, 40 per cent of the rural population, or 222.20 million persons, live below the poverty line in rural India. Bihar has the highest proportion of rural poor, followed by Madhya Pradesh, Uttar Pradesh and Orissa, whereas Punjab has the lowest proportion of rural poor (Table 2.1). "As high as 70 per cent of the nation's rural poor are located in states with low or moderate rates of agricultural growth. The regions experiencing high or medium growth with low instability account for only 27 per cent of the poor and 25 per cent of ultra poor" (Kakwani and Subbarao 1990: A 10).

2.15 By now, the government has launched a number of anti-poverty programmes. A number of evaluation studies of these programmes point out that they have not made a significant impact. Only a very small percentage of the poorer groups that received assistance under various programmes could cross the poverty line. As a result, seasonal migration has not

been checked. In fact, the studies carried out by us tend to strengthen the view that rural labour migration continues unabated.

2.16 This is not to say that there has not been any economic development in the country. Agricultural production has increased two to three times. The overall production of all crops increased at the average rate of 2.8 per cent per annum between 1950-51 and 1984-85. Industrial production between 1951 and 1984 went up nearly six-fold. But what has been achieved by the Indian economy has not been accompanied by a commensurate growth in employment. Even when the economy has grown by more than 5 per cent, as in recent times, employment growth has not kept pace. Our economic development, as some economists argue, is so far sluggish. To an extent it is retarded and lopsided (Chandra, 1988; Sau, 1986). As a result, the pattern of growth has been highly uneven, resulting in slow growth in some regions and high growth in others.

2.17 From the point of rural labour migration, uneven development within the country has two major dimensions. One is inter-regional disparity in economic growth and the other is the disparity between different socio-economic classes. While such unevenness has its historical roots, trends in economic growth since Independence seem to have accelerated such a phenomenon. A telling example is the process of agricultural growth which is the mainstay of an overwhelming majority of households in rural areas. Recent evidence, given in Table 2.1, shows that the growth of output in the agricultural sector ranges from -1.35 per cent to +4.21 per cent. Some states, such as Maharashtra, Punjab and Gujarat, with high rates of growth, are those in which per capita income is also high.

Table 2.1 States by Some Development Indicators

	Urbanisation	Literacy	Per capita Income ₹	Rate of Growth in agr	Rural Population below poverty line
	1981	1981	1980-81	1979-81	1983-84
Andhra Pradesh	23	21	1,313	2.13	39
Assam	10*	24*	1,221	2.44	@
Bihar	12	14	870	1.03	51
Gujarat	31	32	1,896	3.83	28
Haryana	22	22	2,335	2.87	15
Himachal Pradesh	8	31	1,458	1.89	@
Jammu and Kashmir	21	11	1,439	@	@
Karnataka	29	28	1,352	2.48	37
Kerala	19	64	1,312	0.05	26
Madhya Pradesh	20	16	1,134	1.47	50
Maharashtra	35	35	2,277	4.21	42
Orissa	12	21	1,147	3.12	45
Punjab	28	34	2,768	3.97	11
Rajasthan	21	11	1,277	3.51	37
Tamil Nadu	33	34	1,269	-1.35	44
Uttar Pradesh	18	14	1,272	2.79	46
West Bengal	26	30	1,545	2.54	44

₹Net Domestic Product at constant prices, rose (1988)

@ Data not available.

\* 1971 data.

2.18 Some of the strategies for agricultural development have contributed to this process of uneven growth. State policies in prices support, input subsidies and availability of credit have benefited disproportionately the already prosperous regions. The relatively prosperous regions have had the benefits of massive amounts of public resources which could have been utilized for strengthening the foundations of agricultural development, such as investment in irrigation, water management, flood control and land development works, especially in areas with low social capital formation in agriculture. This could also have created employment for landless in these regions.

2.19 There are different dimensions of inequality between socio-economic classes in these regions. Here we merely point out some of them. Table 2.2 gives the percentage of agricultural labourers out of total workers in the context of the density of population and the average size of operational holdings. There are also differences in earnings of the rural labourers across regions, which is a function of a number of factors including productivity and bargaining capacity. These are given in Table 2.3

Table 2.2 : Intra-State Variability in Selected Socio-Economic Indicators, 1981

District Level Characteristics	No. of dists.	Density of Population			Agricultural Labourers as % of total workers			Average size of operational holdings		
		State Avg	Weighted Avg	Coefficient of variation	State Avg	Weighted Avg	Coefficient of variation	State Avg	Weighted Avg	Coefficient of variation
Andhra Pradesh	23	195	647.26	319 01	17	35 43	27 64	2 3	2 23	49 21
Assam		186	183 40	49 92	10	9 13	55 21	1 4	1 55	19 19
Bihar	31	402	537 29	41 77	35	35 42	33 40	1 1	1 09	45 10
Gujarat	19	173	226 63	54 85	23	22 84	30 24	3 7	4 07	39 61
Haryana	12	291	308 50	26 33	16	16 08	32 15	3 6	3 73	41 27
Himachal Pradesh	12	76	124 33	67 74	3	2 78	66 48	1 6	1 73	27 71
Jammu & Kashmir	14	27	353 43	109 31	3	3 67	52 47	0 9	0 92	72 01
Karnataka	19	193	202 05	54 50	27	26 63	38 80	3 0	2 94	45 31
Kerala	12	654	729 33	44 39	28	28 42	29 46	0 5	0 56	79 58
Madhya Pradesh	45	118	134 27	44 91	24	23 53	35 14	3 6	4 08	32 81
Maharashtra	26	204	703 77	367 83	27	30 22	46 06	3 7	3 67	31 09
Orissa	13	169	184 54	54 68	28	27 69	17 02	1 6	1 68	26 33
Punjab	12	331	344 17	26 12	23	22 58	12 45	2 7	2 93	30 79
Rajasthan	26	100	125 96	46 83	7	7 62	56 08	4 7	5 95	87 46
Tamil Nadu	16	371	1889 69	317 56	31	28 94	39 01	1 3	1 13	53 84
Uttar Pradesh	56	377	409 04	46 24	16	14 91	54 31	1 0	1 18	40 88
West Bengal	16	614	2591 38	289 97	25	25 21	39 81	1 0	1 09	53 21

Notes: (1) The data on density of population and agricultural labourers for Assam relate to the 1971 Census.

Source District Level Data for Key Economic Indicators, The Economic Intelligence Service, Centre for Monitoring the Indian Economy, 1982, Reproduced from Mukhopadhyaya (1987).

Table 2.3 : Average annual household income of rural labour households from all sources (Rs.)

State	1956-57	1963-64	1974-75
All India . . . . .	437 (100)	695 (100)	1882 (100)
Andhra Pradesh . . . . .	426 (97)	695 (94)	1523 (81)
Bihar . . . . .	420 (96)	654 (94)	1966 (104)
Gujarat . . . . .	477 (109)	997 (143)	2266 (120)
Karnataka . . . . .	486 (111)	715 (103)	1790 (95)
Kerala . . . . .	437 (100)	891 (128)	2171 (115)
Maharashtra . . . . .	436 (100)	816 (117)	1863 (99)
Madhya Pradesh . . . . .	336 (77)	496 (71)	1592 (85)
Orissa . . . . .	319 (73)	616 (89)	1300 (69)
Punjab Haryana . . . . .	731 (167)	896 (130)	2970 (158)
Rajasthan . . . . .	336 (77)	1158 (167)	2367 (126)
Tamil Nadu . . . . .	375 (86)	597 (86)	1721 (91)
Uttar Pradesh . . . . .	373 (85)	585 (84)	1970 (105)
West Bengal . . . . .	657 (150)	..	1935 (103)

Source: Unni (1988).

Note: Figures in brackets indicate earnings in individual states as proportion of all India earnings.

2.20 All districts within the developed states are not developed. There are backward districts in developed and developed districts in backward states. The map shows that Banaskantha, Sabarkantha, Panchmahals and Dangs are somewhat backward districts in Gujarat. Similarly, Mahabubnagar, Nalgonda, Warangal, and Karimnagar are backward districts in Andhra Pradesh. These backward districts often act as labour reserves for developed districts in the state and other such regions.

### Reasons for Rural Labour Migration

2.21 Having identified our concern as that of rural labour migration (to other rural areas and urban areas) we may conceptualize the reasons for migration based on our understanding of the socio-economic reality in rural India. We shall first discuss the reasons from the point of rural labourers. Here two sets of reasons may be identified. We may denote them as (i) migration for survival, and (ii) migration for subsistence. The first one denotes

the extreme economic, and often social, hardships faced by labourers in rural India, and migration becomes an outlet as part of their strategy for survival. They are mostly landless or land-poor, unskilled and illiterate. Over 50 per cent belong to the depressed or indigenous communities officially referred to as Scheduled Castes and Tribes. Most, if not all, would be from economically backward regions of the country characterized by inadequate irrigation or other water control systems in agriculture, low employment and low productivity in both dry and wet regions.

2.22 The second reason, i.e. migration for subsistence, would denote a relatively better situation for rural labourers. Their survival may be worked out within the matrix of the local socio-economic-ecological environment, but they are vulnerable in terms of seasonal unemployment and poverty. Hence their compulsion to migrate, often for shorter periods than the former group, and to near regions.

2.23 Certain aspects related to the demand for labour must be highlighted here. The demand may be from rural and/or urban areas. In rural areas this is usually due to sustained growth in agriculture and related activities often accompanied by construction and other industrial activities. Rural economic growth is usually induced by technical or organizational innovations. But in areas where there is overall growth and which does not call for any specific skill requirements, the response is often from migrants in the survival category. Wherever the increased demand is for specific skills as a result of, say changes in cropping pattern or crop processing, it is likely that migrants in the subsistence category would respond to it.

2.24 We must however emphasize here that we do not view rural labour migration as an equilibrating mechanism in the context of regional differences in demand and supply of labour. In the Indian

rural context, as in any other situation, labour supply is only one of the concerns of the employers. Equally important is the strategy of labour control. Therefore, it may not be paradoxical to find migrant rural labourers in regions where there is a shortage of local labour as well as in places with its abundance. Further, regions with excess supply of rural labour do not uniformly respond to the demand for labour. There are clear patterns of migration in terms of their origins and destination and this is conditioned by historical experience as well as specific strategies of labour sourcing, giving rise to particular types of labour institutions. Thus all the economically backward areas in rural India together do not constitute a single source of migrant labour. The extreme variations suggest that there are some regions or areas which may be characterized as labour catchment areas, a term used in the context of the experience of labour migration during the Colonial period (Chakravarty 1983).



## CHAPTER III

### RURAL LABOUR MIGRATION: MAGNITUDES AND TRENDS

3.1 At the macro level, i.e., the country, as well as in individual states, there are two sources of information on rural labour migration. They are a part of the overall information on population migration. One is the various rounds of the National Sample Survey (NSS) and the other is the decennial Census population. Since the two sources have used different definitions, they are not strictly comparable. Therefore they are examined here separately. Specifically, the 18th (1963-64) and 28th NSS round (1973-74) have used comparable concepts and definitions and we will confine ourselves here mainly to the last round of 1973-74. From the overall migration we examine the migration in search of work or for employment reasons from rural areas. This is the closest that we can get to our requirement of identifying rural labour migration.

#### (a) NSS Information on Labour Migration:

3.2 According to the NSS 28th round data (1973-74), a normally resident member of the household was regarded as a migrant if he or she had a normal residence one year ago at a place other than the place of enumeration. Change of place meant at least change of a village or town, as the case may be.

3.3 Table 3.1 gives a picture of migrants according to four flows of rural and urban in-migration. R-R and R-U together constitute 68 per cent of total migration, whereas U-R and U-U taken together is only 32 per cent of the total migration flows. The latter is less than half of the former combination. R-R constitutes 52 per cent of total migration and R-U is 16 per cent of total. When it comes to intra-state migration alone, the dominance of R-R becomes somewhat sharper. It is 48 per cent and R-U is 13 per cent. Intra-State R-U migration in itself is lower than U-U. Both R-R and R-U constitute 61 per cent of intra-state in-migration, which in turn is 87 per cent of total migration. In terms of inter-state migration, there is not much of difference

among all these four flows. R-R is 4 per cent; R-U is 3 per cent; U-U is 3 per cent; and U-R is 3 per cent.

Table 3.1 : Percentage distribution of total migrants into four flows of migration (1973-74)

Migration flows	Percentage distribution of in-migrants		
	Within state	Between states	Total
R—R . . .	48	4	52
R—U . . .	13	3	16
sub total . . .	61	7	68
U—U . . .	16	3	19
U—R . . .	10	3	13
All India . . .	87	13	100

Source: Mukherjee and Banerjee (1978).

3.4 Migration may be examined for the states in terms of the place of residence (rural) one year ago indicating the direction relevant to our study i.e., rural-rural and rural-urban. From Table 3.2 we observe that the percentage of R-R migrants from outside the state was highest for Haryana. 34.38 per cent of total R-R migrants of Haryana came from other states. Himachal Pradesh was the second in the list with a percentage of 22 per cent. Tamil Nadu (1.55 per cent), Bihar (3.15 per cent) and Maharashtra (3.04 per cent) were the states where inter-state R-R migration was negligible. Intra-state R-R migration was always higher than inter-state for each state.

Table 3.2 : Percentage distribution of R—R migrants by place of residence one year ago for each state (1973-74)

State	Rural to Rural Migrants	
	Within state	From other state
	1	2
Andhra Pradesh . . .	93.03	6.97
Assam . . .	89.86	10.14
Bihar . . .	96.85	3.15
Gujarat . . .	84.87	15.13
Haryana . . .	65.62	34.38

1	2	3
Himachal Pradesh . . . .	77 81	22 19
Jammu and Kashmir . . . .	89 78	10 22
Karnataka . . . . .	93 29	6 71
Kerala . . . . .	90 83	9 17
Madhya Pradesh . . . . .	95 90	4 10
Maharashtra . . . . .	96 96	3 04
Orissa . . . . .	96 04	3 96
Punjab . . . . .	91 46	8 54
Rajasthan . . . . .	83 97	16 03
Tamil Nadu . . . . .	98 45	1 55
Uttar Pradesh . . . . .	92 59	7 41
West Bengal . . . . .	94 48	5 50

Source: Mukherjee and Banerjee (1978)

3.5 From table 3.3, we see that R-U migration is higher within the states. Haryana (50.72 per cent) and Punjab (53.92 per cent) are two states where inter-state R-U migration was higher than intra-state migration. Assam and West Bengal were the other two states with a fairly high percentage of inter-state R-U immigration—41.98 per cent and 38.66 per cent respectively. Himachal Pradesh was the only state where R-U within state was 100 per cent. One might point out here that in Himachal Pradesh, inter-state R-R migration was quite high (22.19 per cent and second only to Haryana). It implies that people from rural areas outside Himachal Pradesh were migrating to rural areas of Himachal Pradesh rather than to its urban areas.

Table 3.3 : Percentage distribution of R-U migrants by place of residence one year ago for each state (1973-74)

State	Rural to Urban Migrants	
	Within state	From other states
1	2	3
Andhra Pradesh . . . . .	91 84	8 16
Assam . . . . .	58.02	41.98
Bihar . . . . .	94 38	5 62
Gujarat . . . . .	90 58	9 42
Haryana . . . . .	49 28	50 72
Himachal Pradesh . . . . .	100 00	0.00
Jammu and Kashmir . . . . .	82 41	17 59
Karnataka . . . . .	88 25	11 75

1	2	3
Kerala . . . . .	82 48	17 52
Madhya Pradesh . . . . .	74 10	25 90
Maharashtra . . . . .	85 60	14 40
Orissa . . . . .	87 89	12 11
Punjab . . . . .	46 08	53 92
Rajasthan . . . . .	87 81	12 19
Tamil Nadu . . . . .	90 62	9 38
Uttar Pradesh . . . . .	99 05	0 95
West Bengal . . . . .	61 34	38 66
All India . . . . .	80 78	19 22

Source : Mukherjee and Banerjee (1978)

### Migration in search of work

3.6 From the point of view of our study on labour migration, it is necessary to highlight the number of migrants moving in search of work and their characteristics with particular reference to their educational standard.

3.7 According to the 28th round NSS data, for male in-migrants both in rural and urban areas, the most important reason for migration was search of work—the respective percentage were 35 and 31. Contrary to this, the important reasons for female migrants was marriage. Females in search of work constituted 15 and 11 per cent of rural and urban female in-migrants respectively. Thus, more of the males migrated for employment. Unfortunately, we do not have data on reasons for migration classified by four flows. Thus we cannot exactly spell out how many of R-R and R-U migrants were in search of work.

3.8 The educational standard of migrants in search of work is given in Table 3.4. It shows that 99 per cent of rural male in-migrants had an education less than or equal to the secondary level; 78 per cent of these were educated below primary level. Among the urban male in-migrants, the picture is somewhat different—50 per cent of the total male in-migrants had an education below primary level. But, if we take the higher educational level into consideration, the picture that emerges is not different from that of their rural counterparts—99 per cent of them had less than or equal to primary and secondary level education.

Table 3-4 : Percentage distribution of in-migrants in search of work by educational standard (1973-74)

Educational Standard	Rural		Urban	
	male	female	male	female
Below primary	78	92	50	79
Primary and Secondary	21	8	44	20
Graduate and above	1	0	6	1
Total	100	100	100	100

3.9 Though employment was not the predominant reason for female in-migrants, those in search of work had a very low level education. All the rural female in-migrants had an education below or equal to secondary level; 92 per cent of them were educated below the primary level. Similarly, 79 per cent of urban female in-migrants were educated below the primary level.

3.10 Thus we may say that illiteracy and semi-literacy dominated among migrants in search of work in the case of males as well as females. In an economy where the unemployment rate is very high and disguised unemployment dominates, an overwhelming percentage of migrants in search of work with a low level of educational attainment get absorbed only in the unskilled and/or semi-skilled labour force.

3.11 What was the share of R-R and R-U migrants in search of work in the whole migration flow and what was the educational level for them? To answer this we can go only through an indirect process and say that since the percentage of R-R and R-U together was quite high among the four flows, the picture, if not worse, is at least the same for them.

3.12 The NSS 28th round gives the intra-state and inter-state balance of migration rate in search of work for each state. Unfortunately it gives information on in-migration into rural urban areas and out-migration from rural or urban areas to places within or outside the state. Thus, to find how many migrate from rural areas only to different destinations will be difficult. Nevertheless, if we take into account the out-migration from rural areas of each state (intra-state and inter-state), that will take care of both R-R and R-U migration. Table 3.5 shows the migration rate per 10,000 population from rural areas at intra as well as inter-state levels.

3.13 From the table we find that for Andhra Pradesh 48.24 persons per 10,000 population were migrating from rural Andhra to different destinations within Andhra and 2.26 persons were migrating to places outside Andhra Pradesh. This kind of classification in terms of out-migration takes care of R-R and R-U migration from each state in search of work.

3.14 Given the above explanation, the R-R and R-U migration within the state was found to be highest for Andhra Pradesh. The other states which showed fairly high percentage rates were Tamil Nadu (45.14 per cent) and Orissa (41.82 per cent). Similarly, inter-state R-R and R-U out-migration rate was highest for rural Punjab (7.30 per cent). It was 6.59 and 5.50 per 10,000 population for Haryana and UP respectively.

Table 3-5 : Out-migration in search of work from rural areas (migration rate per 10,000 persons)

States	Intra-state	Inter-state
Andhra Pradesh	48.24	2.26
Assam	9.30	1.25
Bihar	4.84	4.23
Gujarat	5.90	1.10
Haryana	23.05	6.59
Himachal Pradesh	10.42	1.28
Jammu and Kashmir	11.46	1.67
Karnataka	38.27	5.28
Kerala	25.71	3.45
Madhya Pradesh	15.85	2.29
Maharashtra	40.12	6.61
Orissa	41.82	2.79
Punjab	9.75	7.30
Rajasthan	13.28	3.82
Tamil Nadu	45.14	3.25
Uttar Pradesh	10.70	5.50
West Bengal	19.39	0.53

Compiled from tables (13) and (14), Some aspects of Internal Annual Migration in India, S.R. Mukherjee and S.K. Banerjee (1978).

3.15 The results of the 28th round showed that in Haryana, Orissa and West Bengal rates of in-migration were in excess of rates of out-migration in both rural and urban areas. In Bihar, Uttar Pradesh and Karnataka, the rate of out-migration in search of work was higher than the rate of in-migration, both in rural and urban areas. For certain states such as Bihar, Andhra Pradesh, Tamil Nadu and Maharashtra, out-migration, from rural areas was higher than from their urban areas.

3.16 The states with positive inter-state net rural migration were Himachal Pradesh (12.56%), Haryana (10.7%), Jammu and Kashmir (7.0 per cent), Andhra Pradesh (3.7%), Orissa (2.9%), West Bengal (0.6 per cent), Gujarat (0.6%), and Kerala (0.3 per cent), while the ones with negative net migration were Punjab (4.9 per cent), Uttar Pradesh (4.5 per cent), Maharashtra (4.4 per cent),

Rajasthan (19 per cent) Madhya Pradesh (16 per cent), Karnataka (14 per cent), Tamil Nadu (0.9%) and Assam

3.17 Comparing the in-migration between the 28th and 18th NSS rounds, we find that R-R population movement fell from 81 per cent in the 18th round to 74 per cent in the 28th round. On the other hand, U-R movement increased from 14 per cent to 20 per cent in the 28th round. Nonetheless, R-R was dominant in both the rounds. R-U movement within the state was 37 per cent and between the states was 8 per cent. Total R-U migration accounted for 55 per cent. It was 58 per cent in the 18th round. The fall in the proportion of R-U movement was chiefly noticed for the population within the state. This percentage fell from 50 per cent in (1963-64) to 37 per cent in (1973-74).

### (b) Census Information on Labour Migration:

3.18 From 1951 onwards Census reports have been providing systematic information on migration. Till 1961, migration data was presented with reference to place of birth. However this data did not account for the intermittent movement of people between various places. Hence the major limitation of this definition is that a person moving from place to place would not be considered as migrant if he/she happens to be at the place of birth at the time of Census.

3.19 In 1971, migration data was collected for the first time on the basis of last residence in addition to place of birth.

Table 3.6 Percentage Distribution of Birth Place Migrants

Migration Stream	1961			1971			1981		
	Total	M	F	Total	M	F	Total	M	F
R-R	73.7	56.7	81.3	71.3	53.5	78.8	65.13	45.47	73.23
R-U	14.5	25.7	9.7	15.0	26.1	10.8	17.57	29.97	12.45
U-U	8.1	13.0	5.8	8.8	14.3	6.5	11.18	17.33	8.64
U-R	3.6	4.6	3.2	4.9	6.1	4.4	5.95	6.97	5.53
Intra-dist	67.82	54.44	73.78	66.47	53.33	72.06	61.66	48.87	66.94
R-R	57.67	40.15	65.49	55.63	38.3	63.02	48.79	31.25	56.02
R-U	6.12	9.02	4.82	6.47	9.55	5.15	7.23	10.65	5.82
U-U	2.06	2.97	1.65	1.84	2.61	1.51	2.56	3.61	2.13
U-R	1.97	2.3	1.82	2.53	2.81	2.38	3.08	3.36	2.96
Inter-dist	21.41	26.78	19.01	22.13	27.47	19.88	25.97	30.91	23.93
R-R	12.09	11.28	12.45	11.17	10.33	12.32	12.71	10.05	13.80
R-U	4.89	8.8	3.15	4.98	8.98	3.7	6.18	10.79	4.27
U-U	3.31	5.22	2.45	3.84	6.09	2.88	5.07	7.68	3.99
U-R	1.12	1.48	0.96	1.59	2.03	1.41	2.02	2.40	1.86
Inter-state	10.77	18.78	7.21	11.4	19.23	8.06	12.20	19.95	9.00
R-R	3.97	5.31	3.38	3.91	4.81	3.52	3.63	4.17	3.41
R-U	3.63	7.84	1.76	3.55	7.58	1.84	4.16	8.53	2.36
U-U	2.69	4.87	1.71	3.14	5.63	2.08	3.55	6.05	2.52
U-R	0.48	0.6	0.36	0.8	1.21	0.62	0.85	1.21	0.70

Source: Percentage of 1981 and 1971 are taken from Naidu, K. Munirathnam and G.V.K. Rao (1985)

The 1981 data is computed from the Census Report, 1981, Table D (1) Population classified by place of birth, part (v), A & B (i)

tion to migration from the birth place. In 1981, information was further expanded by collecting data on reasons for migration for all the migrants by place of last residence. Census reports give information on all the four flows of migrants by distance i.e. intra-district, inter-district and inter-state.

3.20 As far as labour migration is concerned, we are again constrained by the limitations of these reports. However, we will concentrate on the 1981 Census report as it provides more information on labour migration than any other report. A comparison of all the Census reports below would give us a total picture of migration over the last 30 years.

3.21 From Table 3.6 we find that by the birth place criterion, R-R migration has dominated all the compositions for three decades. But it has decreased from 73.7 per cent in 1961 to 65.13 per cent in 1981. R-U share has increased from 14.5 per cent in 1961 to 15 in 1971 and then to 17.57 per cent in 1981. U-U percentage has increased from 8.1 per cent in 1961 to 11.18 per cent in 1981. Dividing the entire migration into intra-district, inter-district and inter-state migration flows, we find that intra-district migration dominates the scene. Among each of these classifications, R-R and R-U that dominates. Table 3.6 shows that intra-district migration has been steadily decreasing—from 67.82 per cent in 1961 to 66.47 per cent in 1971 and to 61.66 per cent in 1981 whereas both inter-district and inter-state migration have steadily increased over time—the former has increased from 21 per cent in 1961 to 26 per cent in 1981 and the latter has increased from 10.77 per cent in 1961 to 12.20 per cent in 1981.

3.22 The pattern of male and female migration under the four flows is more or less same for intra-district and inter-district migration. Inter-state R-R female migration decreased from 3.52 per cent in 1971 to 3.41 per cent in 1981. Inter-state R-U male migration decreased from 7.84 per cent in 1961 to 7.58 per cent in 1971, but shot up to 8.53 per cent in 1981. Intra-district and inter-district R-R migration is highest among the four flows for male as well as female except in 1981, whereas the male R-R migrants constituted 10.05 per cent less than their R-U counterparts (10.79 per cent).

3.23 Inter-state male migration is higher than female migration for all the four flows in all the Census years. Female R-R migration is higher than that of male under intra-district and inter-district categories for all the Census years. The NSS data also reveals the same pattern. On the basis of the analysis of the 18th round of NSS data, Kalpana Bardhan observes: "It is worth noting that, among the women workers who migrated 'recently' into rural areas, the proportion of agricultural labourers was even larger than the corresponding proportion in the case of male migrant workers. On closer look, it appears that the proportion of agricultural labourers was particularly high among the women migrating from other rural areas within the same district. Much of the short distance rural-to-rural migration of women workers thus consists of those in search of agricultural wage employment. The phenomenon of tribal and scheduled caste women in paddy areas migrating in the busy season to take up agricultural work like transplantation in prosperous villages seems to be not an isolated one, but rather of some general validity" (1977:A43).

3.24 Let us now examine the 1981 Census data on migration for employment. Here we will confine ourselves to two flows of employment migration viz. (i) rural-rural and (ii) rural-urban

3.25 We have computed the percentage distribution of migrants giving employment as a reason from the relevant tables of the 1981 Census report. Table 3.7 is on R-R migrants by sex and reason for migration. The table 3.7 reveals that the composition of total R-R migrants goes in favour of females except in states like Assam (53 per cent for male), Tripura (52 per cent), Manipur (51 per cent), and Kerala (51 per cent). The relatively low percentage of female migration in these states could be due to the influence of the matrilineal system under which women need not go out of their parental homes on marriage. The share of male migrants in inter-state migration is highest if we compare all the three modes of distance travelled. As far as employment is concerned, the picture is slightly different. Nearly 20 per cent of total male R-R migrants state employment as the reason for migration. It is a meagre 1 per cent for females. 38 per cent of inter-state R-R male migrants cite employment as the reason for migration, which is highest among the three modes of distance travelled. Thus we can say that there is a monotonic relationship between distance travelled and employment. In other words, migrants do not mind travelling longer distances for employment. In a break up of the inter state migration in terms of employment it is UP which heads the list —56 per cent of migrants going outside UP give employment as the reason for migration. It is fairly high for Bihar (52%), Jammu and Kashmir (50 per cent), Rajasthan (47 per cent), Tamil Nadu (45%) and Orissa (45 per cent). For female migrants, employment is not a significant reason for migration.

Table 3.7: Rural to Rural Migrants for Employment by Sex (All duration)

Percentage of	(percentages)				
	Total		Employment as the reason		
	Male	Female	Male	Female	Both Total
1	2	3	4	5	6
Total R—R Migrants in India	20.44	79.56	19.72	1.14	4.94
Intra dist	19.14	80.86	15.89	0.85	3.73
Inter dist	22.41	77.59	25.72	1.73	7.10
Inter state	32.28	67.72	37.77	3.67	14.68
Andhra Pradesh	33.21	66.79	23.88	3.08	9.98
Assam	52.74	47.26	21.12	2.43	12.29
Bihar	37.48	62.52	52.21	4.71	22.51
Gujarat	30.02	69.98	29.08	2.56	10.52
Haryana	19.70	80.30	32.01	1.52	7.52

1	2	3	4	5	6
Himachal Pradesh . . . . .	33.46	66.54	39.00	2.53	14.73
Jammu and Kashmir . . . . .	44.84	55.16	49.70	4.86	24.96
Karnataka . . . . .	31.67	68.33	19.54	2.84	8.13
Kerala . . . . .	50.56	49.44	39.07	8.76	24.09
Madhya Pradesh . . . . .	27.56	72.44	23.47	3.39	8.93
Maharashtra . . . . .	30.10	69.90	29.89	5.09	12.56
Manipur . . . . .	50.93	49.07	18.44	3.12	10.92
Meghalaya . . . . .	41.14	58.86	23.57	7.22	13.94
Nagaland . . . . .	47.46	52.54	28.31	3.84	15.45
Orissa . . . . .	33.12	66.88	44.76	3.65	17.27
Punjab . . . . .	43.73	56.27	33.55	3.88	16.85
Rajasthan . . . . .	23.87	76.13	46.95	4.09	14.32
Sikkim . . . . .	41.87	58.13	19.29	1.45	8.92
Tamil Nadu . . . . .	43.26	56.74	45.20	11.02	25.81
Tripura . . . . .	51.60	48.40	10.55	1.05	5.95
Uttar Pradesh . . . . .	31.23	68.77	56.08	2.83	19.45
West Bengal . . . . .	27.73	72.27	24.38	1.53	7.87

Source: Census of India 1981.

3.26 The number of total R-U migrants in India was 334 lakh in 1981. There were 163 lakh males and 171 lakh females as R-U migrants. A total of 80 lakh males reported employment as the reason for migration whereas only 7 lakh female migrants did so. Table 3.8 gives the percentage distribution of R-U migrants for employment by sex and states.

3.27 Table 3.8 indicates that percentage of R-U male is 49 per cent compared to 51 per cent of female migrants. Here the difference between the two is negligible, unlike that of the R-R migration

where the female percentage was about 80 per cent (Table 3.7); 48 per cent of the male as against only 4 per cent of females R-U migrants reported employment as the reason for migration. Inter-state male migrants were 20 per cent higher than their female counter parts. In the state-wise distribution, Bihar had the highest percentage of inter-state male migration (69.10%), followed by UP (66.73 per cent) and Nagaland (64.82%). The percentage of male R-U migrants citing employment as the reason was highest for Orissa (69.70%). The other states where this percentage was quite high were UP (68.76%), Jammu and Kashmir (65.95 per cent) Kerala (65.57%) and Himachal Pradesh (65.25%).

(Percentages)

Table 3.8: Percentage Distribution of R-U Migrants for Employment (All Duration) (1981 Census)

Percentage of	Total		Employment as the reason	
	Male	Female	Male	Female
Total R - U Migrants in India . . . . .	48.98	51.02	47.62	4.25
Intra dist . . . . .	42.66	57.34	35.42	3.49
Inter dist . . . . .	50.25	49.75	50.41	4.68
Interstate . . . . .	59.65	40.35	61.41	5.62
Andhra . . . . .	52.15	47.85	55.11	5.39
Assam . . . . .	55.88	44.12	41.04	5.37

1	2	3	4	5
Bihar . . . . .	69.10	30.90	64.89	5.77
Gujarat . . . . .	53.83	46.17	49.89	2.91
Haryana . . . . .	50.41	49.59	53.54	3.13
Himachal Pradesh . . . . .	61.60	38.40	65.25	4.16
Jammu and Kashmir . . . . .	64.55	35.45	65.95	3.35
Karnataka . . . . .	52.53	47.47	51.01	5.14
Kerala . . . . .	58.92	41.08	65.57	12.19
Madhya Pradesh . . . . .	46.22	53.78	46.82	7.05
Maharashtra . . . . .	48.65	51.35	55.01	7.70
Manipur . . . . .	64.81	35.19	45.50	6.23
Meghalaya . . . . .	49.88	50.12	43.14	7.99
Nagaland . . . . .	64.82	35.18	42.39	5.31
Orissa . . . . .	64.41	35.59	69.70	10.03
Punjab . . . . .	53.36	46.64	52.94	3.70
Rajasthan . . . . .	56.85	43.15	55.38	5.71
Sikkim . . . . .	53.62	46.38	43.51	5.41
Tamil Nadu . . . . .	55.06	44.94	58.55	6.35
Tripura . . . . .	56.40	43.60	33.14	3.74
Uttar Pradesh . . . . .	66.73	33.27	68.76	4.80
West Bengal . . . . .	52.53	47.47	58.44	6.07
Union Territories . . . . .	44.06	55.94	51.15	5.65

Source: Census of India 1981.

3.28 Given below are two tables (3.9 and 3.10), which analyze R-R and R-U migration by duration of residence. For all types of rural to rural migration, the share of above 10 years was the highest, followed closely by 1-4 years. Duration of less than one year shows the lowest share. This pattern seems to hold good even if we separate the

intra and inter-district as well as inter-state migration. This holds true for rural to urban migration too. However, it must be kept in mind that a good part of circular migration might have escaped the Census enumeration and hence the share of the 'less than 1 year', which mostly accounts for the circular migration, may not reflect the actual situation.

Table 3.9 : R-R migration for employment by duration of residence and sex.

Duration	Migration for Employment						
	M	% of total	F	% of total	Total	% distribution	% distn of total
1	2	3	4	5	6	7	8
<b>Intra-district</b>							
<1 year . . . . .	333710	78.6	91102	21.5	424812	11.7	43.7
1-4 . . . . .	1005502	80.3	246917	19.7	1252419	34.3	60.8
5-9 . . . . .	508542	80.5	123104	19.5	631646	17.3	60.5
>10 . . . . .	1130127	84.4	209008	15.6	1339135	36.7	59.0
All-duration . . . . .	2977881	81.6	670131	18.4	3648012	100.0	57.5

1	2	3	4	5	6	7	8
<b>Inter-district</b>							
<1 year	237233	75.5	77201	24.6	314434	18.4	32.3
1-4	430840	80.9	101569	19.1	532409	31.2	25.8
5-9	223909	82.1	48689	17.9	272598	16.0	26.1
>10	496423	84.4	91629	15.6	588052	34.4	25.9
All-duration	1388405	81.3	319088	18.7	1707493	100.0	26.9
<b>Inter-state</b>							
<1 year	180409	77.5	52507	22.5	232916	23.5	24.0
1-4	232735	84.5	42833	15.5	275568	27.8	13.4
5-9	118888	85.0	20916	15.0	139804	14.1	13.4
>10	293050	85.6	49480	14.5	342530	34.6	15.1
All-duration	825082	83.3	165736	16.7	990818	100.0	15.6
<b>Total</b>							
<1 year	751352	77.3	220810	22.7	972162	15.3	100.0
1-4	1669077	81.0	391319	19.0	2060396	32.5	100.0
5-9	851339	81.5	192709	18.5	1044048	16.5	100.0
>10	1919600	84.6	350117	15.4	2269717	35.8	100.0
All-duration	5191368	81.8	1154955	18.2	6346323	100.0	100.0

Source : Census of India 1981.

Table 3 10 : R-U migration for Employment by duration of residence and sex.

Duration	Migration for Employment						
	M	%	F	%	Total	% distribution	% distribution of Total
<b>Intra-district</b>							
<1 year	128303	83.90	24607	16.10	152910	6.1	34.1
1-4	600388	85.72	100043	14.28	700431	28.0	33.6
5-9	400973	87.88	55320	12.12	456293	18.3	30.1
>10	1079068	90.82	109010	9.18	1188078	47.6	27.3
All-duration	2208732	88.43	288930	11.57	2497712	100.00	29.7
<b>Inter-district</b>							
<1 year	131019	85.46	22289	14.54	153308	5.0	34.2
1-4	662912	88.97	82152	11.03	745064	24.4	35.7
5-9	513705	91.30	48976	8.70	562681	18.4	37.1
>10	1489847	93.74	99457	6.26	1589304	52.1	36.5
All-duration	2797483	91.71	252874	8.29	3050357	100.00	36.3
<b>Inter-state</b>							
<1 year	127156	89.23	15352	10.77	142508	5.0	31.8
1-4	592309	92.52	47863	7.48	640172	22.4	30.7
5-9	468052	94.02	29757	5.98	497809	17.4	32.8
>10	1507308	95.52	70761	4.18	1578069	55.2	36.2
All-duration	2694825	94.27	163733	5.73	2858558	100.00	34.0
<b>Total</b>							
<1 year	386478	86.13	62248	13.87	448726	5.3	100.0
1-4	1855609	88.97	230058	11.03	2085667	24.8	100.0
5-9	1382730	91.16	134053	8.84	1516783	18.1	100.0
>10	4076223	93.59	279228	6.41	4355451	51.8	100.0
All-duration	7701040	91.61	705587	8.39	8406627	100.0	100.0

Source : Census of India 1981.



3.29 In terms of sectors of employment, the Census data gives figures related to those working in the broad occupational groups and who are identified as migrants in terms of their birth place. This is not the same as rural labour migrants who have come in search of work, because a good part of the former are residents of the area. This is the case especially with women who have settled in places other than their place of birth for reasons of marriage as well as others who have moved out of their place of origin for reasons other than employment.

3.30 Given the existing state of information on the subject, we may identify the following as the important sectors where migrants are employed. These are, crop cultivation (such as rice, wheat, sugarcane, cotton, tobacco, tea, coffee), cattle rearing, fishing, crop processing such as tobacco curing, agro processing industries such as rice milling, other rural industries such as brick making, salt making, quarrying, fish processing and construction such as irrigation works, land development, house construction and construction of public irrigation systems. In urban areas the sectors are: construction of buildings, roads, etc., brick making, quarrying, small unorganized industries, and petty trading and other wage employment in service occupations.

#### Limitations and Main Findings of the NSS and Census Data

3.31 The major limitation of the NSS and Census data, as pointed out earlier, is the inadequate recording of circular migration. Going by various studies it appears that circular migration is much higher than what can be discerned from the NSS and Census data. Moreover, both the NSS and Census data is dated; the developments since the mid-seventies, such as the Green Revolution, are not reflected. For instance, the presence of migrant workers from Maharashtra who speak Khandeshi seems to have been ignored by the 1981 Census in three taluks of Surat district—Kamraj, Bardoli and Palsana—where according to micro in-depth studies, around 60,000—70,000 migrant workers during that period worked in sugarcane farms. But the Census reports only 11,373 Marathi and only 6 Khandeshi speaking persons. And the Marathi speaking persons reported by the Census seem to be non-farm employees. It seems the enumerators might not have collected information from those who were living on farms or outside villages.

3.32 That employment is the single-most important characteristic of total migration is an important outcome of these estimates. It is, predictably, much higher for men than women. A decline in the share of rural to rural migration out of the total migration and an increase in rural to urban migration is also seen between 1971 and 1981. Even if this reflects the process of migration for employment as well, it is difficult to place much faith on this finding because of the highly inadequate coverage of circular migration, which has obviously increased between rural to rural areas.

3.33 Though the Census data has its limitations, such data has been used to test the meaning of short duration migration. An important study by Mukhopadhyaya (1987) has sought to test the hypothesis that "apart from general levels of relative impoverishment and under-employment that may propel more or less circulation from any particular state, a primary factor that may generate circulation, ceteris paribus, is a lot of intra-state variability in economic conditions". On the basis of a careful statistical exercise she has come to the conclusion that is in consonance with our a priori understanding of the causes of migration. What Mukhopadhyaya says merits an emphasis here :

"...one would like to cite two distinct but inter-related features of intra-rural labour circulation in India that emerged in the course of the (preceding) analysis. One, the somewhat curious feature that was thrown up by the analysis of 1981 Census data to the effect that short duration migrants tend to travel over longer distances relative to longer-duration migrants; and two, the results of the econometric exercise carried out suggest that large variations in agrarian growth experience at source tend to be associated with a high incidence of labour circulation. In some fundamental sense, both the features go to emphasize the neo-structuralist view of labour circulation which argue that circulation as a form of migration is more a symptom of persistent mal-adjustments in the system rather than an equilibrating mechanism smoothing out labour market disparities in spatially separated markets".

## CHAPTER IV

### PROFILE OF RURAL MIGRANT LABOUR

4.1 In this chapter, we shall analyze the socio-economic and demographic profile of the migrants. Besides the studies commissioned by the Study Group, we shall use the recent study by Oberoi, Pradhan and Saldhana on internal migration in India studying Bihar, Kerala and Uttar Pradesh. It covers a large sample size of out-migrants from each state. For Orissa, the study conducted by Bureau of Statistics and Economics, Orissa (BSEO) in 1982 is our major source of information. Studies on Punjab's in-migration give us a broad socio-demographic profile of the migrants. Village studies and large sample studies reinforce some broad findings, albeit with variations at places. But since these studies have been carried out at different periods, the data is comparable only to a limited extent. Some scholars take into account certain variables which others ignore. The categories too vary. Another limitation of this data is that a majority of the studies cover all migrants—temporary and also those who have settled for more than a year at the place of work. Whereas our emphasis, as mentioned earlier, is on seasonal migrations for survival or out of distress conditions at the place of origin.

#### Sex

4.2 A large number of migrants in the three states of Bihar, Kerala and Uttar Pradesh are males. The proportion varies from state to state—91 per cent of the out-migrants from Bihar as against 85 per cent in Kerala are male (see Table 4.1). Such differences in figures are partly because of sample bias. But they also reflect the differences in social milieu and occupation of the migrants at the destination points. In Bihar and Orissa, even members of so-called Backward Castes, thanks to the process of Sanskritization, believe that it is below their dignity if their women work on other's farms and factories. But tribals of the same states do not share this notion. Christians in Kerala also do not subscribe to this view to the same extent as do the caste-Hindus. Moreover, the occupations which migrant labourers are engaged in do not prefer women workers. Hence, it is mainly individual and not family migration. However, this is not the case in certain agricultural and non-agricultural sectors in which family migration is cheaper for the employer. Sugarcane is a case in point. Brick kiln and construction work are other examples which attract family labour. It may also be noted that the proportion of women migrant workers seems to have increased during the last two decades. According to the 1981 Census, there were only 6.6 per cent women migrants for durations between one to nine years. But the percentage for female migrants of less than one year duration was higher—14.5 per cent. Migration among tribals and Scheduled Castes whose

women do not suffer from inhibition to participate in economic activities has increased during the last two decades. In tobacco processing in Andhra Pradesh and Gujarat, most of the labourers are females belonging to ST and SC groups.

Table 4.1 : Percentage distribution of out-migrants by demographic and social characteristics

	Bihar	Kerala	Uttar Pradesh
1	2	3	4
<b>Sex</b>			
Male . . . . .	91	85	87
Female . . . . .	9	15	13
<b>Age (Years)</b>			
10—14 . . . . .	6	1	4
15—19 . . . . .	20	10	30
20—24 . . . . .	27	33	41
25—29 . . . . .	21	27	14
30—39 . . . . .	19	23	7
40— . . . . .	6	6	4
<b>Marital Status</b>			
Never married . . . . .	35	58	51
Married . . . . .	63	42	47
<b>Relation to Head</b>			
Head/spouse . . . . .	25	12	1
Son/daughter . . . . .	57	67	67
Others . . . . .	18	21	32
<b>Religion/Caste</b>			
SC/ST . . . . .	40	5	18
Hindu other than SC/ST . . . . .	52	51	81
Muslim . . . . .	7	13	1
Christian . . . . .	£	31	..
Others . . . . .	1	£	£
N . . . . .	1290	1192	1196

£ Less than one per cent.

Source : Based on Oberoi *et al* (1990).

## Age

4.3 Table 4.1 shows that a large number of migrants are in their twenties. Children between 10 and 14 years from Bihar also migrate, but their number is not very large, and the proportion is much less among the Kerala and Uttar Pradesh migrants. The number of migrants in the age group above 40 years is strikingly negligible, as physical energy after hard work declines. The study of Orissa, southern Maharashtra and the hill regions of Uttar Pradesh also reveal similar patterns. (Bora 1987; Barik 1988). Various studies of in-migrants in Punjab confirm the pattern. These studies show that hardly one per cent of the migrants are in the age group of below 16 years, and between 3 and 16 per cent of the migrants are above 40 years. No study has reported any migrant of above 50 years. It is evident that 83 to 96 per cent of the migrants fall in the age group of 16-40 years. A further break-up of this age group shows that nearly 69 per cent of the total migrants belong to the age group of 20-40 years (Sindhu and Grewal 1984; Gupta 1988.) Most of the Keralite migrant female workers in the fish processing industry in Gujarat are between 13-20 years of age. About 8 per cent of them are below 18 years (Patel H. 1987: 180; NCSEW 1988: xiv).

## Marital Status

4.4 There is no uniform pattern across the states as far as the marital status of the migrants is concerned. Table 4.1 shows that a majority of the migrants from Bihar are married but this is not the case with Kerala and UP migrants. A majority of the migrants in Punjab who belong to Bihar and Orissa are married. The studies show that the proportion of married migrants varies between 60 to 80 per cent. Data on marital status by sex is not available. But the study of the fish processing industry in Gujarat reveals that 80 per cent of women migrant workers from Kerala are unmarried. But this should not be taken as a generalization for all states and sectors.

## Size of the Family

4.5 A majority of the studies do not give information on the size of the migrant family in the place of origin. Based on the data given in Table 4.1, however, one can safely assume that in the case of individual migrants, they belong to a relatively large family that can spare one or two members to migrate, and the rest can look after home and land. Table 4.1 shows that a majority of the migrants are not only married but are also not the household heads. The average size of a household of a worker from Orissa is 6.14 (BSEO, 1982). Studies on Punjab migrants reveal that more than 80 per cent of them reported family size above 5

and more than 50 per cent of them belonged to the family size group of 5-10.

4.6 The large family size of the migrants is reflected in the number of earners per family. A majority of the migrants have more than one earner per family. Most of the studies report that between 4.28 per cent to 14.60 per cent of migrants are the sole earning members of their families. This means between 83.40 per cent and 95.72 per cent of the migrants have more than one earner in the family. Such families can send one member outside to earn a living and other members at home can look after normal economic activities.

## Religion

4.7 There is no distinct predilection of any religious group to migrate or not to migrate. Overall religious distribution in the respective state is reflected among the migrants too. The study by Oberoi *et al* shows that, predictably, the largest proportion of the migrants are Hindus, followed by Muslims and Christians in Bihar, UP and Kerala. A large number of Kerala Christians migrate, so also the caste-Hindus other than the SCs and STs.

4.8 Four studies of in-migrants engaged as agricultural labourers in Punjab (Table 4.2) show that between 84 to 95.24 per cent of migrants are Hindus while Muslims were between 4.76 per cent and 16 per cent. In one of the studies Christian migrants were also reported, their share being 5.60 per cent. In the fish processing industry in Gujarat, 56 per cent are Hindus, 37 per cent are Christians and 7 per cent are Muslims (Patel H. 1987: 180).

## Castes

4.9 Among the caste-Hindu migrants, an overwhelming majority belong to Backward and Scheduled Castes as well as Scheduled Tribes (Tables 4.1, 4.2 and 4.3). Members of the upper caste Hindus also migrate, though their number is relatively small and are region-specific. For instance, the studies by Oza (1987) and Khan (1986) of the hill region and eastern part of Uttar Pradesh show that more than 20 per cent of the migrants are from upper castes. Though these studies also reveal that these upper caste migrants are educated and occupy white collar jobs, they are also represented in agricultural work. The study by Sidhu and Grewal of the migrants in Punjab shows that 34 per cent of them belong to upper castes.

Table 4.2: Caste-wise Distribution of Migrants as Given by Different Studies

Caste	(Percentage)			
	Sidhu and Grewal (1984)	Sharma (1982)	Gupta (1988)	Singh N. (1983)
High <sup>1</sup>	34.29	7.14	6.40	12.00
Backward <sup>2</sup>	19.00	80.00	40.60	18.00
Lower <sup>3</sup>	41.95	12.86	25.80	54.00
Tribals <sup>4</sup>			22.40	
Muslim	4.76		4.80	16.00
Total	100.00	100.00	100.00	100.00

1. Brahmin, Rajput, Kshatriya, etc.
2. Yadav, Ahir, Gwala, Teli, Nai, Bahal, Kumhar, Mandal, Mullah, Kurmi, etc.
3. Paswan, Chamar, Weaver, Raïdas, Balmiki, Jheor, Machhera.
4. Oraon, Santhal, Munda, Bhoyar, Kharia, Tanti, Kori, Bhand, etc.

4.10. Since Oberoi *et al* have clubbed together the data on SCs and STs, we do not have separate figures for them. The micro studies of quarry workers in Haryana and brick kiln workers in Delhi and Gujarat reveal that a vast majority of them belong to SCs, followed by Backward Castes. In Muzaffarpur, 75.4 per cent of brick kiln workers are found to be of the Chamar caste, followed by the weaver constituting 22.2 per cent (Chopra 1982). The brick kilns of Gujarat also draw

workers from the SCs of UP as well as lower castes and tribes within the state. Our study of Bihar shows that a larger number of SCs compared with STs migrate (Table 4.3). Poor SC workers subjected to the oppressive social situation of their villages prefer to leave their native villages as soon as opportunities are available. This is why a large workforce in the textile industry in Bombay, Madras, Ahmedabad and Kanpur is from among the SCs (*see* Morris D. Morris 1965).

Table 4.3: Percentage distribution of temporary out-migrants from different districts of Bihar by their caste/religion

Caste/religion	Purnea	Saran	Samastipur	Gumla	Dumka	All districts
Forward Caste	5.0	7.5	1.3	0.0	2.5	2.9
Backward castes I	27.5	7.5	15.0	0.0	0.0	10.8
Backward Castes II	32.5	55.0	21.4	25.0	7.5	27.2
Scheduled Castes	15.0	20.0	61.3	7.5	17.5	30.4
Scheduled Tribes	0.0	0.0	0.0	67.5	72.5	23.3
Muslims	20.0	10.0	1.3	0.0	0.0	5.4
Total	100.0	100.0	100.0	100.0	100.0	100.0

4.11 As a consequence of following the practices of shifting cultivation, the tribals have a migratory character. Traditionally, their migration had been confined within forests and mountains. Thanks to the availability of forest resources till the last century they had no compulsion to move to the plains to a strange milieu. However, by the mid-nineteenth century, Chhotanagpur, Santhal Paragana

and other tribal belts of eastern India turned out to be the main catchment areas for the recruitment of labour for tea plantation zones in Assam. Many of them lost land to caste-Hindu *zamindars* and their forest resources disappeared (Badgariyan 1986: 33). However, for the tribals from Madhya Pradesh, Orissa, Andhra Pradesh, Gujarat, Rajasthan and Maharashtra, migration to the plains is a

relatively recent phenomena. It has slowly increased with the rise of deforestation by contractors, intrusion of large scale industries and construction of small and large irrigation dams and thermal power plants. With deforestation, their resource became narrow, and with the industries and dams, they lost forest as well as their land. Such a situation compelled them increasingly to migrate. For instance, in the Panchamahals district in Gujarat, out-migration of tribals increased by 7 per cent in seven years — from 45 per cent to 52 per cent between 1975 and 1981 (Patel 1988: 90). Similarly, the tribals of Dangs, who till recently did not go outside their districts, have begun to migrate as forest resources shrink.

### Landholding

4.12 Migration is not only confined to particular landholding strata of rural society. Landless, poor and marginal farmers as well as rich farmer households migrate. But their share in out-migration is not in proportion with their population in every

state. Findings of various studies given in Table 4.4 reveal that the landless and poor farmers together constitute the largest group. Two sample surveys of Bihar done by Oberoi *et al* and another by us show that different proportions 77 and 95 per cent — of migrants come from these categories. Such variations are likely to be due to a sample bias. More importantly, our study focussed on temporary migrants whereas the study done by Oberoi *et al* takes into account all migrants. However, based on the evidence of present data, it is difficult to establish whether the landless tend to migrate more than the poor peasants. There are geographical specificities. For instance, the landless from Kerala are not prone to migration as much as the poor and middle peasants. Nonetheless, there is no substantial difference in economic condition of both the strata. Some micro-level sociological studies of Gujarat, Orissa and Maharashtra reveal that the poor-landless and small peasants are engaged in manual work at the place of migration whereas the migrants from rich and middle peasant households get white collar jobs (Punalekar 1982; Barik 1988, Sathe 1989).

Table 4.4 : Percentage distribution of out-migrants by landholding status in different states

Land holding Status <sup>1</sup>	Orissa <sup>1</sup>	Bihar <sup>2</sup>	Bihar <sup>3</sup>	Kerala <sup>3</sup>	Utta. Pradesh <sup>3</sup>
Landless . . . . .	18	89	39	8	32
Upto 2.5 acres . . . . .	69	6	38	85	49
More than 2.5 acres. . . . .	13	6	23	7	19
Total . . . . .	100	100	100	100	100
N . . . . .	5561	480	1290	1192	1196

Source : 1 Bureau of Statistics and Economics, Orissa, (1982).

2 Ghosh and Sharma (1990).

3 Oberoi, *et. al.* (1990)

4.13 The largest number of migrants in Punjab are reported to be landless. The proportion of landless workers varies between 50 to 64 per cent. The proportion of migrants holding land in their native places varies between 36 and 50 per cent. A majority of the landholders belong to the category of those with marginal holdings, below two acres. No case has been reported with a holding size of 5 acres and above. The same studies also point out that a majority (60 per cent) of them were agricultural labourers in their native villages. And, between 22 to 36.67 per cent of migrant workers were small and marginal farmers also working as agricultural labourers.

4.14 The migrant workers in the urban informal sector provide a more or less similar picture. The study of quarry workers in Haryana shows that as high as 30 per cent of the workers were casual labourers, 27 per cent share-croppers and 18 per cent were small and marginal farmers in their native

village. Brick kiln migrant workers reveal the same pattern. About 79 per cent are landless and 1.5 per cent belong to households cultivating 5 or more acres of land.

### Education

4.15 Table 4.5 shows that the single largest group of out-migrant workers from Orissa and Bihar have no formal education. But their proportion is smaller compared with the illiterate population in their home state. Illiteracy in Bihar and Orissa is 64 and 66 per cent respectively, but among the migrant workers, the illiterate are 43 and 59 per cent respectively. In case of Kerala, the rate of literacy is very high (70 per cent), with a majority of migrants being literate. The data on UP migrants reveals that there is a higher tendency among literates to migrate compared to that of the illiterate. College educated people from

all states tend to migrate, but they are not seasonal migrants.

Table 4.5 : Percentage distribution of out-migrants by education in different states

Education	Orissa <sup>1</sup>	Bihar <sup>2</sup>	Kerala <sup>2</sup>	Uttar Pradesh <sup>2</sup>
No formal education	59	43	1	9
Less than secondary	40	39	62	56
Secondary and above	1	18	37	35
Total	100	100	100	100
N	7601	1290	1192	1196

Source : 1. Bureau of Statistics and Economics, Orissa (1982).

2. Oberoi, *et. al.* (1990).

4.16 Various studies on the Punjab migrant workers belonging to different states together have reported that between 72 and 86 per cent are illiterate. Literate migrants comprise between 14.28 and 28 per cent of the total. Among the literate migrants nearly 60 per cent are educated up to primary school level.

4.17 The study of brick kiln workers in Muzaffarnagar in Uttar Pradesh, shows that more than three fourths of the workers are illiterate and less than one per cent have studied up to tenth standard or above (Chopra 1982). The same pattern is seen in quarry and construction migrant workers. A majority of them are illiterate. This confirms our earlier argument that well-off and educated migrants get better positions and they are not seasonal workers, whereas the illiterate and poor constitute a large proportion of casual labour force in agriculture and other informal rural as well as urban sectors.

4.18 To sum up, on the whole, a majority of seasonal inter-state migrants are males. The proportion of female workers is relatively large as far as intra and inter-district migration is concerned. Their proportion varies from sector to sector. They appear in large numbers in sugarcane, tobacco, rice, fish processing and brick kiln sectors. Social customs and norms in Bihar and Orissa prevent migration of women belonging to middle and low castes for work. The migrant workers are young, in their twenties and thirties. They belong to all religions, low and backward castes, and tribals. They are landless and small marginal farmers. A majority of them are illiterate or educated up to the primary level. Thus the workers who migrate for survival are poor and come from the socially lower strata of the society.



## Harrowing Journey

5.4 Labourers going from Maharashtra to Gujarat travel by train or bus. Those who have their own carts come by cart, so that they use it for transporting sugarcane from farm to factory. They have a long journey (eight to twenty four hours), depending on the distance. Labourers from Orissa and Bihar travel for more than two days to reach Punjab and Haryana.

5.5 A study by Singh and Iyer (1981) on the migration of labourers from Bihar to Punjab gives an account of the journeys. The trains by which the labourers travel are over-crowded and many of them find it difficult to enter compartment. A large number of them are forced to travel on the roof tops. This way they also avoid the harassment of railway staff, who extract money from them on flimsy grounds. This kind of travel is dangerous and the cause of many fatal accidents. As revealed in Table 5.2 in a period of less than four years, there were 573 reported deaths from train roof falls (1980—83). Deaths are reported from such accidents between Khanna and Ludhiana. Out of these 244, or 42.6 per cent, could not be identified: nobody knows who they were and from which place they came.

Overhead bridges, trees and electric wires over railway tracks cause accidents to tired workers travelling on the train roofs; these accidents usually occur when labourers travel on the second successive night and are very tired. In spite of such a large number of accidents, migrant labourers continue to travel in this risky way.

Table 5.2 : Death of migrants during their journey to Punjab between 1980 and 1983.

Year	Unidentified	Identified	Total
1980	67	79	146
1981	52	82	134
1982	73	99	173
1983 (upto 20-11-83)	52	69	121
<b>Total</b>	<b>244</b>	<b>329</b>	<b>573</b>

Source : Siddhu and Grewal (1984).

5.6 The migrants who manage to reach their destination safely are eagerly awaited by ticket checking railway staff, police and farmers at railway stations. Many studies have pointed out that the railway staff and police harass the migrants on one pretext or the other. This happens generally with those who visit Punjab for the first time and are all alone. After the initial harassment, farmers in connivance with railway officials and the police enter the scene on the pretext of helping the migrants. They offer to help the migrants if they agree to work with them. The migrants have no option but to accept the offer. The employers then pay the railway staff and the police on the migrants' behalf. This is how some of the migrants fall into the trap of greedy farmers, and work for some months without any wages except food and shelter.

## Recruitment Process and Labour Contractors

5.7 In the agriculture sectors there are broadly two distinct patterns of recruitment of migrant labour. The first is the direct recruitment, without any help of middle men, and the second is the recruitment with the help of contractors, middle men or jobbers, known variously in different parts of India as ardas, maistry, mukadam, thekedars, lambardars, jamadars, etc. In Punjab, during the peak seasons many farmers contact migrant labour at important railway stations, such as Rajpura, Sirhind, Mandi Gobindgarh, Khanna, Ludhiana, Phagwara, Jalandhar etc. Some farmers go to Ambala in Haryana and Saharanpur in UP, and some even to Bihar for procuring and transporting migrant labourers. In Andhra Pradesh also, in Guntur district, farmers contacting labourer gangs in the railway station was quite common, but the practice is gradually declining, as new channels of information are being opened through letters or personal visits by either the farmers or the maistry.

5.8 The jobbers play a very important role in the seasonal migration of labourers. They are either close relatives or belong to the same caste/community of the workers. In several cases they are the village headmen or musclemen who can control the workers. They are the ones who have built up the image of the outside world for the workers. In Andhra Pradesh, it is the maistry who is informed of the labour needed and period of requirement by the farmers personally or by letters. Sometimes the maistry visits the farmers, collects some advance payment, returns to the village and distributes it among the labourers of his group to enable them to meet transport expenses. The maistry is from among the labourers, but he does not actually work in the fields and gets wages and perquisites for his service. He gets payment in terms of wages or share in the contract, sometimes a token gift from the farmers in lieu of completing the work, and payment of an amount from each worker whenever he arranges for their migration. In Punjab too, since wages and payment of labour is negotiated through group leaders, they often retain a part of wages as their commission.



5.9 A third pattern exists in Tanda area of Hoshiarpur district, where a small number of commission agents or traders are active in recruitment of migrant labourers. These agents have links with agents in Bihar who bring migrants at the expense of Punjab agents, and the agents hand the labourers over to the farmers for a payment of Rs. 350 to Rs. 400 per labourer, with the understanding that the labourers will not get anything in terms of wages for the first two months.

5.10 In Karnataka, before the start of the coffee seed picking season, a maistry who is already in touch with the owner or manager of a plantation assesses the labour requirement and collects some advances to be paid to the labourers. Most often the maistry belongs to the kin-group of the labourers he recruits, or belongs to the same caste/community. Generally a labourer is paid some advance to buy basic provisions, and either one-way or two-way bus fare.

5.11 In the sugarcane plantations of Gujarat and in other states as well, the mukadam fulfills a double role: besides being the jobber he also acts as foreman of his gang. In Gujarat, there is usually no direct communication between gang members and the employer. All instructions from the employer come through the mukadam as intermediary, who divides up the work, gives instructions, and corrects mistakes when necessary. He also takes charge of the earnings, and divides them among his gang according to the amounts of money advanced earlier as loans. His role is that of an agent between two parties, when he has won the trust of both sides (Bremen 1985).

5.12 In a different environment, like quarrying, the contractor is the most important link between the labourer and employer. These contractors advance some amount of money to the workers prior to their departure, which may vary from case to case. In some cases higher advances are paid to get labourers to clear debts with local moneylenders so that they are free to migrate. A study of quarry workers around Tughlakabad near Delhi shows that 50 per cent of workers came through the contractors, 23 per cent through kinship networks, 19 per cent through acquaintances, 6 per cent through other persons and 1 per cent on their own (Talib 1988). Quarry is undertaken on government lands leased out to the highest bidders for a specific period, normally for three to four years. However, contractors with the help of their musclemen retain an effective control over the site (without any legal rights) and dissuade outsiders from entering the area without their permission. These contractors often sub-contract the work to others who then recruit labourers for a variety of work, thus creating a hierarchical system, where the lessee is never directly involved with the operation. The sub-contractors demarcate the areas within which a band of workers carry out the processes of quarrying. At times they themselves supervise the work, sometimes they delegate the responsibility to one of the trusted and experienced workers.

5.13 The payment of wage and actual measurement of the quantum of work carried out, however, is

always done by the contractors and sub-contractors. Loans and advances given to the workers are also adjusted through them. For keeping a continuous link with the labourers, these contractors are paid a commission by the lessee. In fact the amount of profit made by a sub-contractor is always related to his credibility and power of negotiations with the contractors on the one hand and the labourers on the other. His success in the business hence always depends on how much he can appropriate by distributing less to the workers. Owing to the fact that these sub-contractors rent out the implements and machinery to workers, their control over them remains supreme. No records, receipt or acknowledgment slip are ever kept by the contractors on advances given to workers.

5.14 In a similar fashion the labourers working in brick kiln units are hired by jamadars, thekedars, their agents, or at times brought to site by people associated with this activity. The Jamadars in effect work as brokers to the owners and also as the most powerful intermediate 'masters' of the kiln workers. In Punjab brick kilns, the thekedar or lambardar performs a supervisory function as well, and wages and payments are settled through him. Part of the wages of the workers is retained by the thekedar as his commission. In the Assam brick kilns, the principal employer takes the help of sardars for procurement of labourers. Sardars have to obtain licences for this job, but this is not strictly observed.

5.15 In the construction industry, as high as 90 to 96 per cent of the workers enter the labour market through labour contractors. Workers with different type of skill as well as the ones who are unskilled are hired on a time basis that varies with the specific nature of jobs to be completed. None of these offer any continuance or security of employment since no records are maintained at the work site. The situation is even worse when workers assemble at one place every morning and the labour contractors recruit them for a daily wage. A worker remains completely dependent on the availability of work and at the mercy of the contractors. This is a very common phenomenon in the large cities like Delhi and Bombay, where a large group of workers come from rural areas in search of construction jobs.

5.16 In other project works too a similar system prevails. The project work contractors contact the labour contractors and pay them a certain amount to be disbursed as advances to the workers. In this process of providing advances, several layers of vested interests have developed. The labour contractor acts as the agent of the project contractor in ensuring labour supply to the project work at a commission. The sub-contractor or jobber who takes responsibility for mobilizing his quota of workers is not only ensuring his own work as gang leader at the project, but also increasing his chances for additional borrowing from the local moneylender. The local moneylenders in some cases strike a deal with the jobber and encourage him to take up sub-contracting, out of which they expect a share. The contractors also prefer sub-contracting to jobbers who directly supervise the work and ensures extraction of more work from the workers.

5.17 All contractors, under the Contract Labour (Regulation and Abolition) Act 1979; and the Inter-state Migrant Workmen (ISMW) Act 1979, have to be registered with the Labour Commissioner's Office in their respective states by paying stipulated fees. The number of licensed contractors varies from year to year. Table 5.3 gives information on contractors in Orissa and West Bengal.

Table 5.3: Number of licences taken by contractors in Orissa and West Bengal during different years.

Year	Orissa		West Bengal	
	No. of licences taken by the contractors	Maximum No. of workmen drafted by the contractor as per the licence	No. of licences taken by the contractors	Maximum No. of workmen drafted by contractor as per the licence
1981	—	—	—	—
1982	5	12,240	—	—
1983	74	15,050	—	—
1984	6	11,950	—	—
1985	—	—	—	—
1986	137	10,640	Nil	—
1987	110	11,600	44	N.A.
1988	24	853	88	N.A.
1989	56	1,530	220	N.A.

Source : Office of the Labour Commissioner, Orissa and West Bengal.

5.18 Though the ISMW Act came into existence in 1979, many of the state governments did not take it seriously. For instance, no licence was issued prior to 1986 in West Bengal because "the Heads of Account for depositing licence, registration and security money were not finalized". The table shows that the number of licensed contractors has declined from 110 in 1987 to only 24 in 1988. The number was also negligible before 1985. According to the Labour Commissioner of Orissa, the decline in a number of licensed contractors is due to the required security deposit. The Commissioner observes, "Initially the rules provided that a security deposit of an amount not exceeding 40 per cent of the total estimated amount needed for recruitment and employment of migrant workmen is to be made by a licensee. But as this amount was very heavy, the State Government granted exemption from security deposit for one year from 3-3-82 and for another year from 7-7-82. On 24-10-85 the quantum of security deposit was brought down from 40 per cent to 5 per cent for a period of one year. Again on 23-1-86 Government granted complete exemption from security deposit until further orders. Finally the question of security deposit had been fixed at Rs. 100 per worker with effect from

20-4-87. This liability to make the security deposit is to a large extent responsible for the omission of contractors/agents to take out the required licences".

5.19 The number of unlicensed contractors are many in all states. We found such contractors during our field visit in Orissa, Madhya Pradesh, Rajasthan and Gujarat. Study Teams 1 and 2 had similar observations.

5.20 As mentioned earlier, the rise in the number of migrant agricultural workers in the agricultural sector is attributed primarily to the expansion of irrigation facilities, changes in cropping patterns and modernization in agriculture on the one hand and growth of inequality and stratification on the other. In certain regions, as for instance in Gujarat, studies have shown that rise in circulation in recent times is also caused by the deliberate replacement by the landowners of local landless labourers by migrant tribal labourers, thus creating a surplus so that the labour market is fragmented and greater control is exercised, resulting in cost cutting and depressive effect on local wages (Bremner 1985). A contrasting situation is depicted in post Green Revolution Punjab, where landowners have been known to compete with one another for the services of migrant labourers under situations of emerging labour scarcity in the peak seasons. Local labour in Punjab, unlike in Gujarat, has been largely absorbed in the growing small industrial sectors in the rural and urban areas. In other words, the extent of isolation and segmentation of the market for unskilled farm labour is clearly much more pronounced in the Gujarat region (Mukhopadhyaya 1987).

### Wheat and Paddy Cultivation

5.21 In Punjab, agricultural operations that attract migrant labourers are harvesting and threshing of wheat and transplantation and harvesting of paddy. The periods of heavy influx of migrants are as below :

April—May	Mid—June	July	Harvesting and threshing of wheat
Mid September—October	Early November		Transplantation of paddy
			Harvesting of paddy

Thus, seasonal migrants in Punjab stay for a minimum of four months, viz. April to July, and a maximum of seven months i.e. from April to October. From early November, the lean season sets in for migrant labourers, as the tilling of land is mostly done with the help of tractors and the migrants do not have any expertise in sowing of wheat. Studies have shown that the average employment that a migrant labourer gets is : 41 days in wheat harvesting, 32 days in paddy transplantation and 30 days in paddy harvesting (Sharma 1982; Chandra & Talib 1982; Dhilon 1987).

5.22 While migrant labourers in Punjab come from outside the state, the seasonal migrants in the agricultural sector of Andhra Pradesh are mostly intra-state migrants. The uneven agricultural development in the state has given rise to two distinct patterns of

seasonal migrants: one specific to the better irrigated agriculturally developed region and the other specific to the dry and drought-prone region. As shown in Chapter II, the former can be referred to as the subsistence seasonal migration, while the latter can be termed as survival seasonal migration. In Andhra Pradesh, districts like East Godavari, West Godavari, Krishna, Guntur and Vellore have assured command areas under major irrigation works and it is this group of five districts which has earned for Andhra Pradesh the credit of being the 'rice bowl'. In the two peak seasons for paddy cultivation, namely the sowing-transplanting and harvesting seasons, the demand for labour is met from seasonal migrant labour, whereas the weeding operation to a considerable extent is done by local labourers. However, in the entire developed region, two rice crops, both *kharij* and *rabi*, are raised in a year, thus creating four peak seasons of demand for labourers.

5.23 Through a cycle of sequencing crop operations, the demand for labour in these peak seasons is adjusted, which facilitates the labour of a particular region to circulate from one region to other. In paddy cultivation there is a limited inter-regional migration from dry to wet areas as labourers from dry areas are not experienced enough to work in slushy conditions and are unable to compete with wet-land labourers. To meet the additional demand of labour in the four peak seasons, agricultural operations are staggered to a certain extent and the labour is circulated from one region to another. A schematic representation of the operational calendar would appear as follows :

East and West Godavari	June—July	November—December
Krishna	July—August	December—January
Guntur—Prakasam	August—Sept.	
Nellore	Sept.—Oct.	January—February

For instance, agricultural labourers of Reppalle in Guntur district first migrate to Krishna district, then return to their own area and afterwards proceed to Prakasam. The migration is in the form of groups, variously known as *mutahas*, *bantas* or *gangs* consisting of 30 to 40 workers of both sex. The duration of migration in Krishna district is for 20 days during transplantation period and 20 days during harvesting period. In Prakasam district, the average duration is one month for transplantation, 20 days for weeding and one month for crop cutting; some even migrate for another 20 days to carry on the threshing operations. On the whole they get additional employment for about four months.

5.24 There is considerable variation in the duration of migration depending upon the characteristics of the region from where migration originates. For instance, from the dry labour surplus areas of Chitkala-nipet taluka of Guntur district, seasonal migration takes place largely to Krishna, East Godavari, and West Godavari for harvesting of paddy for about 30 days. It is common among the labourers in the delta regions of Krishna and Godavari to organize themselves into gangs and execute jobs of transplantation and harvesting. After completing the job in one village they move to nearby places where transplanting and

harvesting operations are staggered. As a report notes: "Thus thousands of agricultural labourers in organized gangs camp at Guntur Railway Station after having completed the work in their home villages. The farmers from the neighbouring villages contact the leaders of the gangs and take them to their villages. The same gang will, in turn, be picked up by the farmers in other villages, after they have completed the contract. Thus in the harvesting season, the migrant gang labourers will have worked in four different villages involving a distance of about 100 to 150 miles before they return to their home villages" (Rao 1986).

5.25 In Gujarat, besides sugarcane, paddy, cotton, wheat and groundnut growing areas need seasonal migrant labourers within and outside the districts for sowing and harvesting. Seasonal out-migration of labour from districts of Panchmahals, Vadodara, Surendranagar, Banaskantha and Ahmedabad has become almost regular. According to a sample survey of Surendranagar district, "The mandays worked outside the village by these labourers have been in the range of 50 to 85 per cent of the total mandays of work which these workers, covered under the sample, obtained during the seasons. It may be mentioned that in the majority of cases, the work outside the village also meant work outside the district" (Patel B. 1987: 145). The labourers migrate to agriculturally developed regions of Surat, Kheda, Sabarkantha, Mehsana, Rajkot and Junagadh districts. From negligible proportion of total labour use in 1964, migrant labour use increased to 20 per cent in 1974 in Kheda district. Inter-district seasonal rural migration is mainly for six months from November to April towards the end of *Kharij*, beginning of *rabi* and harvesting of *rabi* seasons in the state. On an average, migrating households stay for work in the destination regions for a period of 60 to 120 days (Patel B. 1987: 144).

5.26 A similar pattern is witnessed in the irrigated rice growing regions of West Bengal, like Bardhaman district and parts of Birbhum district, which draw a large influx of seasonal labourers from Santhal Paraganas during sowing-transplanting and harvesting seasons.

### Sugarcane Cultivation

5.27 In Gujarat, in Surat district, the migrants carry out agricultural work spread out between transplanting and subsequent weeding of rice which takes place in July, but this is linked with other operations, mainly related to sugarcane plantation. The planting of sugarcane in December is followed by weeding, maintenance work in the sugarcane fields and banana gardens, the preparation of land for monsoon crops and in July transplanting of rice. As sometimes different tasks are linked, a work gang returns in order to complete the operations connected with cultivation of a crop—for example, the planting and some months later the harvesting of rice. In this region, within the relatively short time of October to January, the rice is harvested, grass on uncultivated land is cut, groundnuts are pulled from the soil and sugarcane

slowly ripens. The cutting of sugarcane reaches its peak in April-May and after this there is the harvesting of summer rice. For sugarcane cutting, labourers from Khandesh in Maharashtra are employed.

5.28 In Madhya Pradesh, Chittoor district, which has witnessed a steady expansion of sugarcane cultivation, there has been an increasing demand for labour in the cutting season, which lasts for one to two months, and this demand is met by migrant labourers. During the cane cutting season, seasonal migrants come to this region from as far as Pondicherry and South Arcot district of Tamil Nadu. They migrate in early December and work for 40 days till the middle of January when they return home to be in time for their major annual festival, Pongal.

5.29 Maharashtra holds a prominent place in sugarcane cultivation. Out of about 80 sugar co operative factories, nearly two-thirds are situated in Western Maharashtra, and a large number of rural labour is engaged in this activity for about six months in a year. About 84 per cent of labourers come from six districts within the state: Beed, Ahmednagar, Jalgaon, Sholapur, Aurangabad and Nasik. It is estimated that about six lakh labourers from these districts are engaged in this occupation (Sathe 1989). The two important aspects of sugarcane growing are harvesting and transportation of sugarcane. The labourers employed in this industry are also classified according to the activities undertaken by them. As mentioned earlier, *koyata/tota* are the labourers who cut the sugarcane and load it in the trucks. It is generally a team of two to three persons, normally a couple with other members of the family, major or minor. Then there are cart owners who do both the harvesting and transportation jobs. *Koyata* get employment for about four to six months, whereas the cart owners get employment for about five months.

5.30 In Karnataka, most of the sugar factories, particularly the older ones, draw labourers from states like Maharashtra, Bihar, UP, and at times from Tamil Nadu and Andhra also. In the *khand-sari* sugar units too, seasonal labour from UP and Bihar is found, particularly in Mandya district. In the sugar factories in Bellary, Belgaum and Raichur districts, for the last 30-50 years, it has been common for workers from outside the state to be engaged in the operations. In Belgaum district, which has a large number of sugar factories, a majority of the seasonal workers are from Maharashtra. Migrants from outside the state rarely bring their families to the sugar factories, whereas intra-state migrants do so. While the men work in the factories, the women and children are involved in the cane cutting and other sundry jobs.

### Tobacco Cultivation and Processing

5.31 The expansion of tobacco has set off certain migration paths. In Andhra Pradesh, the crop expanded from Guntur district to West Godavari, Nellore and Prakasam districts, and also in Mysore, Hassan, Shimoga, Chitradurga and Dhanwar districts of Karnataka. With the introduction of light

soil flue cured virginia tobacco (FCV), the traditional FCV grown on black cotton soil lost its market, and thousands of barns in the Guntur area fell in disuse. As a result, a demand area for labour became a supply area of labour equipped with the necessary skills of harvesting, grading and curing tobacco. Three types of migrant labourers are associated with cultivation and processing of FCV and light soil FCV tobacco. The harvesting gang (*banta*) labourers, the skilled curers, and the firemen and graders who grade tobacco at the farm and the factories. For tobacco harvesting and grading only women are employed, and only men are employed as curers and firemen.

5.32 The migration to tobacco growing regions follows a cyclical pattern. For instance, Guntur labourers first work in their own villages between May and July, then they move on to Karnataka, 500-700 miles away, where the tobacco season is from July to November. Then they return to Guntur and after a month go to the northern part of their state, the West Godavari area, and southern parts, the Khammam districts, where the tobacco season is between January and April. The maximum number of days a seasonal migrant can be employed is about 270 days. The graders get employment both in the farms as well as in the grading factories. Though farm-based grading is on the decline in Andhra Pradesh, there is a continuing demand from Karnataka farmers. The migrant female graders who work for tobacco farmers are at a much-disadvantaged position compared with those who work in the factories, as they are not governed by factory laws. The tobacco grading season in Karnataka begins in August and continues up to November. In any one season about 10,000-15,000 female graders from Guntur travel a distance of 700 miles to do this work. Though the grading operation is seasonal, lasting for four to six months in factories, security of job is assured. A curer is generally paid well by the farmer. Curers are males and curing is considered to be a highly skilled job. A curer has to keep a vigil in the night to maintain the required temperature in the barn.

5.33 Tobacco is the major commercial crop in Kheda and Vadodara districts of Gujarat. Rich farmers also process tobacco. There are 950 and 357 tobacco barnyards in Kheda and Vadodara districts respectively. Migrant labourers, mainly tribals from Panchmahals and Vadodara districts, are engaged in tobacco harvesting and processing. The processing involves drying the leaves, cutting or grinding, grading, mixing oil etc. Around 40,000 women workers are engaged in the tobacco processing work. They work for six to eight months in a year.

### Coffee Plantation

5.34 In the southern districts of Karnataka, viz, Coorg, Chikmagalur and Hassan, about 250 to 300 per cent extra labour is required on the plantations during the coffee seed picking season, from Decem-

ber to April. The migrant labourers come from Ansikere in Hassan and Davangere in Chitradurga district, also from Gulbarga, Dharwad, and Bijapur districts—all *maidan* areas. In Coorg district, most plantations have paddy fields too, and labour is alternated from paddy fields to plantations.

### Charcoal Making

5.35 Charcoal making is an activity which draws quite a substantial number of seasonal migrants in states like Maharashtra, Gujarat, Madhya Pradesh, Orissa and Bihar. In Maharashtra, two districts where this activity is undertaken are Raigadh and Ratnagiri. About 4,000—5,000 rural migrant families are engaged in charcoal making in this region, of which 80 per cent belong to the Katkari tribe. The range of activity which these workers have to attend to is: cutting of trees, making small pieces out of wood lots, collecting of firewood and carrying over to the kilns, arranging the kiln, plastering, setting fire to the wood, cooling of the kiln when coal is ready and finally packing of coal in gunny bags. Normally, the charcoal making activity starts around the end of November and continues till May.

### Brick kilns

5.36 Brick kilns form an important segment of rural industry and employ a large number of seasonal migrants. Brick kilns are a feature in almost all the states, and total employment is estimated to be more than 10 lakh. In Assam, the brick kiln industry employs about 13,000 migrant labourers. They come from both Bihar and Orissa, especially from districts like Ranchi, Khagaria, Begusarai, Muzaffarpur, Sitamarhi, Siwan, Dharbhanga in Bihar, and Puri and Ganjam in Orissa. The brick kiln workers come in two phases. Those who mix soil and mould bricks come towards the end of November. After the required quantity of bricks are ready, a second group of labourers are brought to arrange them in the furnace and carry them. The work at brick kilns spreads over about five to six months and ends at the onset of the monsoon, i.e. in May. In Punjab, brick kiln operations continue from September to mid June. In Gujarat, it is between November and June. The brick making industry involves four distinct activities: (1) moulding, which involves cleaning of the plot, dough making and brick moulding in specified shapes; (2) filling or loading, which involves carting of moulded bricks to the kilns; (3) firing the hearth and (4) extracting ready bricks from the kilns. At any site, roughly about 50 per cent of the workers are engaged in moulding, 25 per cent in extracting, 15 per cent in loading and 10 per cent in firing. The working unit in the kilns is often the nuclear family with the addition of a major or minor.

### Quarrying

5.37 Activities in the quarries are mostly carried out by migrant workmen from underdeveloped regions. For instance, in the quarries of Madhya

Pradesh, labourers come from Tamil Nadu, while in the quarries of Haryana, the labourers are mainly from the underdeveloped regions of Madhya Pradesh, Rajasthan, Maharashtra and Bihar. Work at quarries generally slackens during the summer and monsoon months, when most of the migrants go back to their native places. The workers are employed in various tasks, and time wages are given to workers for (1) cleaning the mud before beginning the quarry work; (2) loading of stones in the trucks at quarry sites to be transported to stone crushers and (3) unloading stones at the sites of stone crushers.

### Construction

5.38 Construction activity is considered to be the second largest economic activity, next only to agriculture. According to the 1981 Census, 36 lakh workers are engaged in construction work. Of them, 10 per cent are women. According to NSS estimates in 1983, there are 65 lakh construction workers, of whom 15 per cent are women. A significant part of this labour force is floating and moves to these sectors seasonally. A study of migrant construction workers in Bombay indicates that 47 per cent of them come from within Maharashtra, about 24 per cent from the neighbouring state of Karnataka, and 8 per cent each from Andhra Pradesh and UP. The regions of the state from which the workers come are all backward regions and some of them are drought-prone pockets (Mobile Creches, 1987). In another study of the construction industry in Ahmedabad, it was found that 61 per cent of the migrant workers are from Gujarat, 15 per cent from Rajasthan and 12 per cent from Maharashtra.

5.39 Besides the building industry, construction workers are also employed in irrigation, dam building, road construction, power houses, railway works, etc. In Assam, for instance, about 40,000 migrants are employed in construction and maintenance of roads, stone breaking and stone crushing jobs. In Gujarat, around 30,000 migrant workers are employed in construction work by one company for the Narmada Project alone. Palamuri workers of Andhra Pradesh, coming from drought-prone Mahbubnagar (Palamur) district are hired in various large-scale construction projects as well as in laying of railway tracks in different parts of the country. It is claimed that there is hardly any major irrigation project in India which has not attracted labour from Palamur (Mahbubnagar district). There are migrant workers in this district whose migration experience if mapped out, coincides with major projects in India. According to the officers of the Public Works Department of the Andhra Pradesh state government, the total labour force of Palamuri origin in 1982 was estimated to be about 60,000 as compared to a mere 5,000, 30 years ago (Mani Sastry, 1982).

5.40 Migrant women workers form an important segment of construction sectors, their proportion varying from 10 to 20 per cent at different work sites. A large majority of construction workers are married and migrate with their families to various construction sites where the women work to supplement the wage income and also carry out necessary household tasks. Within the structure of this sector, women workers are employed only in the unskilled category. They are mostly found to be engaged in work like earth excavation, loading and unloading of bricks, carrying cement mixes, soil, stones, mortar, etc.

#### **Fish Processing**

5.41 Fish processing units in Gujarat are dominated by the female labour force, constituting roughly about 62 per cent of the total workers. A majority of them (84 per cent) are female migrants from Kerala. The work involved is fish washing, peeling, grading and packing. It provides employment for 10 months between August and May.

#### **Other Activities**

5.42 Besides the main agricultural and non agricultural sectors, there are various other categories of migrants which can be seen in almost all parts of India. In Gujarat, for instance, there are pastoral nomads from north Gujarat, donkey drivers from the same area, navvies from Saurashtra, rice mill workers from Rajasthan, etc. In Karnataka, one finds hotels employing migrant workers for splitting firewood, rag pickers from rural areas are seen in the cities, labour for gardening and digging work in the towns, ship breaking workers in Thanerbadi, etc. In Andhra Pradesh there are migrant Vaddra stone breakers of Palamur, who have been traditionally engaged in this profession. Over

and above this, in many parts of India there are very short distance migrants, who travel in and around this village in small groups seeking work, returning again to their home base after a span of a few weeks. The relatively short distance facilitates such a movement back and forth and consequently many make journeys several times a year. Though this group is much less conspicuous than migrants coming from far away, they are also seasonal migrants.

#### **Overview**

5.43 Because of historical precedents, roads and transport facilities and availability of work, the labourers of certain regions generally tend to migrate to particular regions and sectors. A majority of labourers from the backward regions of Bihar migrate to West Bengal, Assam and Punjab. And labourers from Maharashtra and Rajasthan migrate to Gujarat. At the same time, tribals and other labourers from drought-prone regions in Gujarat migrate to Madhya Pradesh, Bombay and Karnataka. These labourers get work directly or through agents or contractors. Recruitment through contractors is still widespread. The contractors are musclemen or influential persons or of the same caste or clan as the labourers, and control the migrants. A few of them also work as sub-contractors, and perform supervisory functions too. Most of the contractors are unregistered. Labourers live on their mercy. Migrant labourers are employed in agriculture and non-agriculture sectors. Paddy, wheat, coffee and tea, sugarcane and tobacco cultivation attract migrant labourers. In some regions, they have replaced local labourers. The non-agriculture activities which attract migrants include brick kiln, construction, quarry, fish processing and small industries.

## CHAPTER VI

### WAGES AND WORKING CONDITIONS

6.1 Since our study is largely based on secondary sources, the information on wages is likely to be dated. It is based on sample surveys and observations made by various scholars at different points of time. Hence we do not claim that the data given is up-to-date. Nevertheless, it will certainly give, we hope, some idea of the prevailing situation.

6.2 It is obvious that wage rate and duration of employment are relatively higher for migrant workers at the place of work than their place of origin. Without that, one would not expect a labourer to migrate. The important question is how much more they should get. Enough to improve their standard of living or just adequate for survival? All studies of wages of migrant labourers in agriculture and non-agriculture sectors show that labourers by and large do not get minimum wages as stipulated by the Minimum Wages Act, 1948. The Joint Study Team No. 1 of the Ministry of Labour highlights violation of the Minimum Wages Act in the non-agricultural sector including public works carried out by the state and central governments.

6.3 Migrant labourers get less wages than local labourers. A study of Punjab by Sidhu and Grewal (1984) points out that in 1983-84 migrant labourers worked at lower wages compared with local labourers. In 93 per cent of the villages migrants received wages below Rs. 3,500 per annum whereas local labourers worked at these wages in only 57 per cent of the villages. In 36 per cent of villages local labourers worked at wages between Rs. 3,500 and Rs. 4,000 and in 7 per cent of the villages they worked at wages above Rs. 4,000 per annum. Similarly, migrants worked at a casual wage rate below Rs. 12 in all the villages whereas local labourers worked at this wage rate in only 79 per cent of the villages; in the remaining villages they earned wages between Rs. 12 and Rs. 16 per day.

6.4 Such differences are found in Gujarat too. Breman (1985), in his study on agricultural workers in south Gujarat, points out that migrants are cheaper than local labourers. This has a depressive effect on local wages, forcing local labourers either to accept lower wages or change occupation. Between 87 to 94 per cent of respondents in the study conducted by Arora and Kumar (1980) stated that because of migrants their wages and employment opportunities had declined and working hours increased. Studies of migrant female labourers in

fish processing, construction works, quarrying, etc. also reveal the same pattern (NCSEW 1988).

6.5 The employers prefer migrants not only because they are cheaper but they are also kept under control as they work in an alien milieu. This works as a check on any militancy of local labourers and also serves to create a conflict between the local and migrant labourers. Regional and caste stereotypes get reinforced among the workers. In Karnataka it has been observed that the migrant labourers do not take part in any of the union activities. They balk at such activities because of the control exercised by the *maistry*.

6.6 Moreover, because of short duration work and the sense of insecurity prevailing among migrants, the employers extract more labour from them. Migrant labourers, having no social relationship at the place of destination, work for longer periods and at odd hours for the masters.

6.7 Also, the migrants' circumstances reduce the social responsibility of the employer towards the employee. Breman observes:

“Farmers (employers) can limit the relationship with the strangers to the actual sphere of work alone, much more easily than they can in the case of the local landless. The relationship concerns — literally — a work arrangement i.e. a commitment embracing nothing more than the performance of labour and the payment for it. The reduction of labour to a community means that it is deprived of all social significance. The farmer is not interested in the agricultural labourer's personal qualities and prefers to ignore his background and burden of dependent family members. It is obvious that the employment of outsiders suits to perfection this desire for a contractual relationship” (1985:336).

#### Gujarat

6.8 In Gujarat, the wage rate and the manner of payment is fixed unilaterally by the farmers, on the basis of their need and availability of labour. The migrants have little scope to determine wages. In order to avoid the payment of minimum wages and to extract more work in short time, farmers in Gujarat have begun to introduce the piece rate system, particularly when a great deal of work must be carried out in a short space of time, as with harvest operations. The amount varies with the crops. As a rule, working days are long for those who work by the piece work rate.

6.9 In the whole process there are hardly any formal negotiations over the price of labour. The *mukadun* is just told what the landowner will give him for a particular operation. By accepting an advance the gang leader makes an arrangement; thereafter he is no longer a free agent and is bound to give priority to the employer. The farmer takes one or several of the labourers to the field, indicates what has to be done and names his price. The migrants can react to this by trying to obtain a somewhat higher remuneration—saying that they have obtained more elsewhere, that living has become dearer, that they will make great efforts, etc.—but there is no real question of haggling and arguing. Occasionally, labourers can extract a higher rate while actually on the job, complaining about the heavy nature of the work and unforeseen difficulties. An appeal to the landowner's generosity is one possibility; when this produces no results, negative tactics can be more successful—grumbling, quarreling, going slow or damaging the crop. By hard work the labourers indeed manage to earn more by the piece rate than by daily wage. But this does not increase their overall income as the number of days for employment reduce.

6.10 Sugarcane operations include harvesting, cutting the long shoots into pieces of suitable size, cleaning the fields. A *koyata* consisting of three tying of the sugarcane bundles, head-loading the bundles on to the vehicles provided by the factory, tying the loaded vehicles with a rope and finally cleaning the fields. A *koyata* consisting of three members, forms a work team which performs all the above operations. The cutter who cuts through the stalk close to the ground with a long knife is usually a man. His first helper, who stands immediately behind him and strips the stalk of the leaves, is generally a woman (wife, sister or daughter of the cutter). The third member of the team is generally a child between 7 and 14 years old—another close relative of the cutter. "The helpers task is to bind the cleaned stalks into bundles with some leaves and to lay them in rows behind the advancing line of work" (Breman 1978: 1333). In some cases, more than one child works as helper. In 1986, Rs. 22 per tonne of sugarcane harvested was fixed by sugar factories for all the above mentioned operations. Assuming that a *koyata* cuts sugarcane and performs all related functions for one tonne of sugarcane in a day, it would come to less than Rs. 8 per person per day. And for a *koyata*, it is a twelve-hour day.

6.11 This was below the minimum wages stipulated by the legislation. Consequently, human rights activists of the Lok Adhikar Sangh filed a public interest litigation in the Gujarat High Court, demanding the implementation of existing labour legislation. A compromise was reached in 1987 in which sugar factory owners agreed to pay Rs. 29 per tonne instead of Rs. 22 per tonne. Consequently, the workers received total of around Rs. 8 crores more. This was distributed among 50,802 *koyatas*.

which comes to Rs. 1,543 per *koyata* or Rs. 514 per worker. But all *koyata* did not benefit. Some did not get the amount due to them. The factory management used various tactics to evade the implementation of the agreement. Teerink cites several examples to illustrate that "in spite of the court case filed against the factories, the situation of the workers did not change and the factories found new tricks to evade the law and not to pay the minimum wages" (1989:71). It may be mentioned that even the enhanced figure of Rs. 29 per tonne comes to less than Rs. 10 per worker for twelve hours of work, whereas the minimum wage for agricultural work is Rs. 11.50 for eight hours work.

6.12 The wages are not paid daily or monthly. They are paid at the end of the season. But to help the workers survive, they are paid Rs. 30 per fortnight in advance to each working unit and 30 kilogram of jowar every fortnight. The Committee appointed by the High Court of Gujarat to inquire into the conditions of the workmen (HCGS Committee) engaged in sugar factories observed: "The workers are retained in a kind of bondage by making them survive on a below subsistence level of payment of less than rupee one and less than one kilogram of jowar per person per day. The Committee received complaints from almost all the workmen contacted that it was extremely difficult and practically impossible for them to meet all other requirements of a family except *jowar* within 30 rupees paid every fortnight. We did come across certain instances where the workers had to sell a part of the *jowar* (out of 30 kg received) to the shopkeepers especially near Bardoli Factory. Sometimes workers are found to face difficulty even in paying the grinding charges to the flour mills" (1987:20).

### Maharashtra

6.13 Wages of sugarcane workers in Maharashtra are lower than those in Gujarat. According to the sample survey carried out by Sathe in 1985-86, the average season's income of a *koyata* family working in sugar cutting in Maharashtra was Rs. 2,669 per season, whereas their counterparts in Gujarat earned Rs. 6,439. Such a difference is partly due to the difference in rate per tonne, and partly because sugar factories in Gujarat provide longer periods of employment than in Maharashtra. On an average, a *koyata* gets 10.4 weeks employment in Maharashtra, whereas it is 10.8 weeks in Gujarat. Moreover, a *koyata* in Gujarat consists of more members than in Maharashtra.

### Andhra Pradesh

6.14 In the Krishna district, Andhra Pradesh, when paying wages, two family members—wife and husband, or brother and sister or father and son—are treated as a unit and each unit is paid a daily wage of Rs. 28 to Rs. 30. In addition, each person is paid a measure (more than 1 kg) of rice per day. Firewood for cooking is provided free. In Prakasam, wages are fixed in the form of a contract. The contract is in



terms of wages for work in relation to an acre of land. The contract rates are as follows: (a) For gathering seedling and transplanting of an acre of land. Rs. 140 to Rs. 150. This task is completed by seven or eight persons a day, which implies an average daily wage of about Rs. 20. (b) For weeding an acre of land the rate contract ranges between Rs 80 to Rs. 100. Five or six labourers normally complete the task in a day. The average works out to Rs. 16. (c) Cutting an acre of rice crop is contracted out for Rs. 100 to Rs. 120. Seven or eight persons can perform this task. The average daily wage would work out to Rs. 14 to Rs. 15. (d) For bundling and gathering of the crop cut from an acre of land, Rs. 70 to Rs 80 is paid. This task is completed by four or five persons and the average daily wage works out to Rs. 16 to Rs. 17. The threshing and winnowing are carried out through daily wagers; the wage ranges from Rs. 20 to Rs 25 per day.

6.15 The wage rates are decided by the big landlords through consultations among themselves. There is no role for the workers or their maistry. However, one ground rule is that wages fixed cannot be less than those prevailing in the preceding season. An interesting difference in the determination of wage rate between Krishna and Prakasam districts is that while in Krishna the rate is decided before the agricultural operations begin, in Prakasam district it is decided after the work is completed.

6.16. The experience of migrant labourers in certain areas shows that they get additional employment for four months because of migration. Some workers may, each time, return with a net savings of Rs. 300 to Rs 400. The money thus saved is invariably used to clear small debts incurred during the previous lean season or to meet the expenses of the household during the current lean season. This is true in the case of almost all the migrant labourers in different parts of coastal Andhra. By and large, the labourers are contended; the feeling is that but for migration their conditions would have been worse.

6.17 Tobacco workers work on contract basis and earn about Rs. 1,500 to Rs 2,000 each for two months. The work relates largely to plucking. The wages are fixed on contract basis. The rate for plucking and threshing two yards of tobacco is fixed at about 70 to 80 paise. There is no sex discrimination in wages and each worker gets Rs 30 to Rs. 40 per day. Rao in one of his studies conducted in 1979 observed: "The wages the migrant labourers earn though higher than the normal, are low for the 12 to 16 hours of work they put in per day". This observation becomes all the more valid as they are deprived of many of the other basic and minimum needs. However, it has been noticed that the working hours have reduced, although there is no improvement in other conditions.

6.18 In the case of sugarcane, the rate is about Rs. 20 to Rs 30 per tonne of cutting and loading. The labourers work for ten hours. They are paid 1 kg of rice and Rs. 10 per head. At the end of the

season of 40 days, they manage to have on an average Rs. 1,000 per head.

### Non-Agricultural Rural and Urban Sector

6.19 Charcoal making is an important activity in tribal regions, where tribal migrant labourers are employed. In Maharashtra, according to the sample survey carried out by Sathe in 1985, on an average, the total annual income of migrant families was Rs. 3,183; of this, the income from charcoal making was Rs. 1,400. Of the sample, 74 per cent reported that at least two persons were fully engaged in this activity; in the case of 78 per cent of the families the entire family migrates to the place of work. The majority of the respondents were engaged in charcoal making for 13 to 25 weeks of work. All the sample reported that they resort to seasonal migration every year for this activity.

6.20 Keralite female labourers working in the fish processing industries in Gujarat work for 14 to 16 hours a day. Their wages in 1985 varied between Rs. 215 and Rs. 325 per month (Patel H. 1987: 181; Joint Study Team 1985).

6.21 A study of labour migrating to the cities of Madras, Hyderabad and Bombay indicates that on an average these labourers earn Rs. 15 to Rs. 20 a day depending on the chances of getting work. They are largely employed in earth work, loading and unloading of building materials at construction sites, carting and filling of dung into trucks and unloading in grape orchards, or small repairing jobs. At quarry sites, wages are of differential rates. Talib in his study records that a worker cleaning up the rock surface and preparing the area for quarrying gets not more than Rs. 9 for eight hours of work, and women received a rupee less than their male colleagues. The leaders get about Rs. 9.50. The sub-contractor deducts his commission of 5 to 10 per cent rate. The actual quarry labourer is paid on a piece rate basis. This works out to Rs. 10 to Rs. 20 per day.

6.22 The condition of the brick kiln workers is very much the same. At most brick kiln sites, the hours of work are extremely long. Most workers work, on an average, for 12 hours a day. The payment is on a piece rate basis, except for the workers firing the kilns, who are paid on a monthly basis. During 1982-83, moulders generally received Rs. 18-20 per thousand bricks with the loaders and unloaders getting approximately half the amount for loading and unloading the same amount of bricks. The workers are not paid their wages regularly at the full rates. They are paid some amount every fortnight. This part payment is made on the plea that all due wages will be adjusted and the balance paid before the worker returns home during the rainy season after the kiln is shut down. Quite often, as he gets neck deep in debt, it is the workman who has to pay back which is called toot. In that case, the owner detains him and his family and forces him to clear the debt be-

fore they are allowed to leave the kiln. Also, a substantial proportion of wages that they receive are very often appropriated by jamadars or munshis on some pretext—that the sum is for the tools and implements that they hired out, or that some worker had not worked on certain days.

6.23 In Assam, the wages paid in the brick kilns to the migrant labourers are higher than at their place of origin. This brick kiln owners prefer migrant labourers as the local labourers report to work at 8 a.m. whereas the migrant workers come by 6 a.m. to attend to the furnace. The rest of the situation is no different from elsewhere. The wages are not uniform. They are, however, based on a piece rate system. For carrying bricks the rate is Rs. 16 to 20 per 1,000 bricks. On the whole the migrant labourers here may earn slightly more than the minimum wage although in terms of working hours they put in considerably more work. The owners do not make full payment after the end of the week. They are given an advance of Rs. 50. This amount varies depending upon the quality and quantity of work the labourer performs. The total amount is adjusted after the work is completed.

6.24 In the construction industry, the wages paid depend on a multitude of factors that include (i) instability of demand, (ii) segmented groups of different labour types, (iii) seasonal nature of employment, (iv) invisibility of the principal employer, (v) unregulated nature of contractual relations; (vi) the control and dominance of labour contractors; (vii) vulnerability of the workers; (viii) mobility from one sector to the other.

6.25 The contractor raises money from the principal employer and disburses wages on a day-to-day or a piece rate basis. Some among the skilled groups are also paid on a monthly or a fortnightly basis. According to a 1979 study of the construction industry in Ahmedabad, the sector is characterized by a rather low wage rate. The study records that the average wage rate prevailing in building construction activity is around Rs 9 per day. Skilled workers are paid an average wage of Rs. 10 per day; unskilled workers are paid Rs 6 and the semi-skilled Rs. 8 (Subramanian et al 1979, 16). Another study of some sites in Bombay reports in 1984 that the lowest wage, received by 14 per cent of all male workers, was between Rs. 6—8. The highest was between Rs 15—17, received by about 10 per cent of all male workers. Most of the workers in this industry are not paid minimum wages. They are also never paid wages for one extra day in a week. In 1987 as many as 64 per cent of the workers in this sector received wages that were less than Rs 20, and as many as 40 per cent fell in the category of wages of Rs 11—20. Other surveys of the workers in other construction works also reveal that they were not paid minimum wages. A large number of people interviewed at buildings and construction sites in Bombay, Madras and Hyderabad said they worked over nine hours a day. The Ahmedabad study reports that the majority of workers (94 per cent) do work about 9-10 hours

daily. Unskilled labourers, particularly, are made to work for much longer than nine hours at most of these sites. In Bombay, it was found that only 5 per cent of workers did eight hours. (Nalini Chauhan: 53). Another study notes that weekly holiday without wages is a characteristic feature of this industry. This study covered construction workers in Delhi, Poona, Madras, and Kavaraj towns in UP (Mathur n.d.: 5).

6.26 Another category of migrants are the stone breakers of Palampur who work about 10 hours starting in the early morning at 6 a.m. up to 6 p.m., with breaks from 10 a.m.—11 a.m. and 1 p.m.—2 p.m. In two days, a couple along with one or two 8—11 year-old children are able to earn about Rs 140. However, the earning depends upon many factors, especially the nature of the rock and the blasting. Sometimes blasting fails to break the rock. This is a frequent occurrence in the rainy season.

6.27 In stone quarrying, the workers break stones to the required sizes and stack them. They are paid by a piece rate, per truck load. In 1982, they were paid Rs. 40—43 per truck load of stone broken and stacked. The workers meet the expenses of explosive and about 50 per cent of the expenses for drilling holes, the remaining 50 per cent is usually met by the contractor. With the hard and hazardous work, labourers can work only for 20 days in a month. A gang of three to five on an average is able to produce 20—24 truck loads of quarries and broken stones in a month. They spend between Rs 12—16 per truck load for explosives and drills. Thus the three workers were able to earn about Rs 550 to Rs 650 per month in 1982, under Rs. 250 per worker per month. Some wealth is associated with the stones. It is removed and thrown away from the site by women workers, who were paid about Rs 8—10 per day for the work in 1982 (Patwardhan and Mahajan 1982 4-5).

6.28 Wage structures for skilled and unskilled migrant labourers in the public sector vary from project to project. More often than not labour and/or work contracts are given to private contractors, with a condition that the contractor observe all labour laws including the Minimum Wages Act. But this part of the contract generally remains on paper and the principal contractor, that is the government, does not enforce the labour laws strictly. The wages vary from Rs. 10 to Rs. 30, depending on the skill of the labourers. Several examples of minimum wages prescribed by the government not being given to migrant labourers can be cited. In the Sardar Sarovar Project, canal and dam construction workers were compelled to work for more than eight hours without extra payment. Some of the workers were not paid minimum wages in 1989. Migrant labourers for the 1982 ASIAD constructions were paid less than minimum wages (Lin and Patnaik 1982) and women workers were paid less wages than male for the same work. The Joint Study Team No. 1 observed that at the National Thermal Power Corporation's Ramagundam site, in 1985 female labourers were paid Rs 10 per day as against Rs. 11.50 fixed as minimum rates of wages by the

government for such scheduled employment. The team also found at Panvel that migrant workers employed in the Central Railway were not paid for the period of their journey, though the workmen were entitled for the same under section 15 of ISMW Act, 1979. The Team observed: "The unskilled workmen working in a pair of husband and wife on the project work of Railway were found paid less wages than their male counterparts on similar job and in one case paid less than minimum wages fixed for such employment". The Joint Study Team No. 2 also found that all the workers in the Ropar Thermal Power Project in Punjab and the Western Yamuna Canal Hydel Project, Yamunanagar, Haryana were not getting minimum wages in 1983.

6.29 Some employers in Punjab, it is reported, feed the labourers drugs like opium or other intoxicants mixed in tea so that they do not feel tired and continue to do hard work. It is also reported in the press that some of the workers, as a result, return home drug addicts.

6.30 The condition of women labourers is far more alarming. Wages to be paid to them are decided by the contractors. In spite of the provision under the Equal Remuneration Act, which makes it obligatory for the contractor to pay equal wages to male and female labourers, more often than not the women labourers are paid lesser wages compared with the male workers. According to a report on the construction workers in Bombay only 26 per cent are paid Rs. 11—20 per day; and 629 females out of 769 people who earn Rs. 6—10 per day make up 81 per cent in this income group. It is clear from the break up that the female labourers are paid less than the males for the same work (Mobile Creches, 1987: 22). The study on women workers engaged in unskilled jobs in the Ganga Bridge Project and the Storm Drainage Scheme in and around Patna reports: "Wage differentials on sex basis were significantly marked on all three sites under study. While the daily wages of female workers on the northern side of the Ganga Bridge Project ranged between Rs. 3 and Rs. 4, the daily wages of male workers for doing the same kind of work on that site ranged between Rs. 4 and Rs. 5.50" (Sinha 1975: 28). The income of 81 per cent women construction workers during 1975 in Delhi was between Rs. 200—400; about 63 per cent had an income between Rs. 200—300 (Ranade 1975: 2). In 1979, the monthly earnings of an average building worker came to Rs. 195, which in the case of a female worker was Rs. 143 and in case of male workers Rs. 247 (Subramanian, et. al, 1979: 158).

6.31 A number of cases have been reported in the press highlighting the fact that wages were not paid for many months to migrants, or that they were paid less than what was agreed between the labourers and contractors or employers. During our brief visits to Orissa, Madhya Pradesh and Rajasthan, we came across a number of complaints of non-payment or underpayment. The Labour Commissioners in these and other states also receive such complaints every year. The NSCWE observes regarding women

workers in construction work: "Employers seldom pay them wages on time, the payments remain unsettled even when they are leaving the work site or leaving for their native place. Often they have to make a futile chase in locating their ex-employers on return from their native homes" (1988: 50). Migrant labourers not only receive less wages but some of them, if not all, experience harassment while asking for contracted amount at the end of the work. In Punjab, when some labourers demanded the contracted wage rate, farmers beat and chase them away (Singh M. 1983; Chopra 1981; Dass 1983; Nayar 1982; Sinha 1982).

6.32 The NCSWE cites the case of Julie, duped by contractors for a fish processing unit in Gujarat; she was promised Rs. 450 per month in Veraval, but only got Rs. 210. There have also been cases of virtual selling of the migrant labour in Punjab by agents for the meagre amount of Rs. 400—500. In such cases workers became bonded labourers until freed by someone; some managed to run away.

## II

### Working Conditions

#### Shelter and Water

6.33 In Punjab, the farmers make arrangements for workers to stay either in tubewell rooms in the fields or in the village dharmshalas. Sugarcane migrant workers in Gujarat are made to camp in the open on the outskirts of the village or near the farms where the sugarcane crop is to be harvested. The sugar factory gives three palas (cane mats) each measuring 5'x3' and two or three bamboos to a *koyata unit* to make some sort of shelter. Each unit makes hut-like shelters with this material provided by the factory. The approximate size of such a *kuchcha* structure is 5'x4'x3.5', which is expected to accommodate three to five members. The unit makes cooking arrangements outside the hut. Adults sleep out in the open under the sky as the hut does not accommodate them. "Their plight during the cold days of winter (for three-fourths of the harvesting season) and in the habitation found to be full of mosquitoes (due to sugarcane nearby) in the later part of the season is beyond imagination" (HCGS Committee 1987: 12).

6.34 As the migrant workers have to shift from one place to another as they finish work, their camps also move. They have to frequently remove and also erect structures from one camp to another. No drinking water facility is provided in these camps. They are not allowed to use village or farmers private wells. They are compelled to use water from nearby streams, canals, rivers, ponds or *khadis*, both for drinking and washing (Bremen 1985).

6.35. The situation in Andhra Pradesh is equally harsh. The migrant labourers are invariably put either in the cattle shed or farm houses. Sometimes

they are given accommodation in vacant houses if available. There are complaints of lack of drinking water facility and unhygienic conditions. In the tobacco grading operations, which are of longer duration, the management in certain cases provides material to put up unatched huts all along the side walks near the factory. Those who take to seasonal migration from dry areas for agricultural work stay under trees.

6.50 Sathe's study from Maharashtra reports that the *toda* migrant labourers have no accommodation and complained that they have no access to water and electricity, most often they live on the farms where they harvest sugarcane. The charcoal workers also live at their work sites, without any facilities.

6.37 The stone cutter migrant labourers live in make-shift tents which can be folded up quickly to facilitate their movement.

6.38 In Assam, Gujarat, Maharashtra, Delhi and other places, the conditions of housing of workers in the brick making industry are pathetic. They are housed in huts made of brick walls and thatched roofs. The huts are highly unhygienic; there is no ventilation; the height is hardly three feet. In a space sufficient for two or three, six to eight persons are put. Labourers who come together are jammed together in the same hut, as many as 12 to a hut. There are hardly any sanitary facilities provided.

6.39 Migrant labourers in the road construction and building sites of government projects live in highly uncomfortable dwellings. These houses—*kuchcha* tents, sheds, thatched or bamboo houses—are near the main road and the construction work sites. The houses are made by the workers themselves after they have reached the place of their work. In fact, until they put up these temporary shelters they stay, rest, sleep and cook in the open air. In Karnataka too, the migrant labourers live in temporary sheds or some flimsy enclosures. The young, married, the old, and children are crowded together. The sanitary conditions are deplorable.

6.40 The migrant labourers working in stone quarries live in scattered *jhuggis* on the site itself. Usually the materials for these make-shift dwellings are purchased by the workers themselves. The *jhuggis* are small and low. The Supreme Court commission for a socio-legal investigation into the condition of quarry workers (SCCQW) observed: "Whether away from the site or on it the *jhuggis* are an insult to human dignity. All of them are so low that a human being is almost reduced to a four legged creature. In some of the *jhuggis* entered by the Commissioners for having first hand accounts from the freshly injured as also to talk to the women folk, the injured could barely sit up on a cot without touching the roof. The women do their chores bent almost half or in a sitting posture. Almost as a mark of their economic bondage no miner can stand up erect in these *jhuggis* to say I am a human being" (1982:46).

6.41 The commission found that there was no supply of tap water to the workers. "In the Lakarpur mines the Commissioners saw after a walk over a dangerously steep incline, water being taken by workers from a shallow rivulet covered with thick algae. The same situation was found in the Grukul area mines of Katan as also those in Anangpur. Quite often the upstream and the further downstream of a rivulet get blocked (due to mining of stone) and the water becomes stagnant. The miners have no other option but to use this water" (1982 : 31).

6.42 The Joint Study Team No. 1 in its visit of railway project work at Janvel observed that the residential accommodation provided to workers was "sub-standard and an apology for sheds. They were made of bamboos and leaves; even regular sheds were not provided". Team No. 2 observed that the living conditions of the migrant workmen at the Western Yamuna Canal Project, Yamunanagar and Roper Thermal Power Project were shocking. "The workmen have unhygienic dwelling places and they sleep on the ground; even a mat has not been provided. . . There is no washing and bathing facilities. Even facility of drinking water is not available". During our visit to Kolar dam site in Madhya Pradesh we found that the construction workers here too were staying in small huts in unhygienic condition. In 1989, workers at Sardar Sarovar in Gujarat were made to live "in a small tin hut and made to sleep on ground which is not even concreted" (PUCL, CPDR, BUJ 1989). It was reported that the workers were "huddled together in a labour colony reminiscent of the Nazi concentration camp due to the security ring erected by the gun-toting guards of the construction company and the police and because of the inhuman living conditions. The workers and their family members are packed like sardines in tin roofed sheds of 8 x 6 feet compartments" (Desai 1989).

6.43 The question of accommodation would assume more serious dimensions in the urban conglomerations where even the access that the rural migrants have to open nature and fresh air is denied. Those migrants who reach the cities in search of some livelihood end up in a miserable situation. Almost all such migrants have no shelter. With just a pair of clothes they continue to hang around the city in search of a job. They crave for a washing place of some kind, face chilly winter nights in the open and often fall sick during the rains by constantly getting drenched. With no real options, and extreme marginalization they are compelled to sleep on footpaths, staircases in public buildings, parks, gardens, in the vicinity of protected historical monuments, railway over-bridges, station or very sub-standard dwellings in city slums. They are often harassed by policemen and local *dadras*. Even the workers living in slums, who are evidently much better off compared with the pavement dwellers, continue to face deplorable conditions including highly inadequate supply of water, serious lack of drainage, etc.

6.44 Even in prestigious projects in Delhi where workers went from Orissa and Bihar to build hotels

and buildings for the ASIAD festival, they faced similar problems. Citing the case of Hotel Sidhaitha, Lin and Patnaik point out "nearly 1,500 migrant workers were lodged in twelve barracks of corrugated steel sheets, packed forty per barrack in each of the three sleeping shifts. Those coming from the milder climate of coastal Orissa have no winter clothing and almost freeze during the winter nights of Delhi" (1982).

6.45 In the construction sector, most make-shift hutments are built by the workers at project sites with the material supplied by the contractors. These huts are just a row of brick walls pile without mortar, old tin sheets or meagre thatch for roof, an opening slung with sacking for a door and the earth for flooring. "A man cannot stand to full height in a hut and space is hardly sufficient for one string cot, a fire place and a few utensils. Children are being reared in such unhygienic environment..." (Mathur. ND: 5).

6.46 These deplorable conditions of accommodation continue to persist in spite of Section 17 of the Contract Labour Act which stipulates that within 15 days of the commencement of the employment of the contract labourer, contractors are obliged to provide rest rooms or other suitable alternate accommodation at every place where contract labour is required to halt at night in connection with the work and in which employment is likely to continue for three months or more. The Act through rule 42 provides that where work regarding employment of contract labour is likely to continue for six months and where 100 or more labourers are employed, one or more canteens are to be provided by the contractor. Rule 51-56 of the Act makes it obligatory for the contractor to provide latrines and urinals at the sites. There are many such beautiful provisions but the beauty is that they are not enforced.

## Health

6.47 Health is another important component of life and labour. Migrant labourers are easily susceptible to various diseases en route to their destination and their new place of residence. A historical study of migrant labour in Assam covering the period 1865-1921 shows a very high rate of mortality among the migrants. The new recruits were most at risk of death. They were, on an average, Shomowitz et. al. argue, "in much poorer health than older residents. In a Darwinian process of the survival of the fittest, the weakest members of each cohort of recruits died first, so that the average health status of the surviving members of cohort improved over time, resulting in the death rate declining during each successive year of the indenture. The poor health of many new recruits can be attributed to a variety of factors, including their poor nutritional status; ... the often exhausting journey to Assam and their exposure to cholera in hyper-endemic Bengal on this journey; the stress associated with the process of migration; their low wages relative to that received by experienced workers and the need to cope with

new work demands and new living arrangements (such as having to learn about hygiene under the new circumstances)" (1900:99-100). Though we do not have recent data on the mortality rate of migrant workers, one can safely say, on the basis of the overall health situation, the health condition of the migrant workers has not improved from Colonial times.

6.48 In Punjab, it was observed that whenever the migrant labourer falls sick, routine medical facilities are provided. This is done particularly in those cases where the labourers are on regular employment with the farmers. However, since the migrant labourers are huddled together in small rooms without facilities, they face serious health hazards. The peak period of migrant labour arrival, mid June till end of October, is also known as the malaria season. The regularly employed labourers get medical treatment in case of routine illness requiring small medical expenses, and in such cases the burden is borne by the farmers. But in the case of serious and long term illness, the burden falls on the worker himself. Casual migrant labourers are not provided any medical facility by the employer farmers.

6.49 Diseases which frequently occur in the sugarcane workers' camps in south Gujarat are dysentery, diarrhoea, malaria, cough and cold, bronchitis, skin diseases, ulcers and infected wounds caused by the cutting knives. Such diseases are mainly due to the unhygienic living conditions including non-availability of pure drinking water. Teerink, who stayed in labour camps for a couple of days notes, "On every day of our stay in the camp we came across at least one man or woman too ill to go to work" (1989 : 40). There is no midwife service in the camp. Medical facilities are not available at the camp sites. Sick persons have to travel long distance to reach the dispensary. The HCGS Committee reports :

"It was also noted from the statement of the workers that they lose the wages for visiting dispensary as also many a times have to spend from their own pockets on travel to and fro. No appropriate and prompt transport arrangements are made for the sick at the expense of the factory. The medical facilities provided through a single Ayurvedic Practitioner (without even any paramedical cadre except 3 compounders), to not less than 36,000 workers, is obviously highly inadequate. This was quite evident from the long queues at the dispensary, with many of the sick being stranded for hours, losing their wages" (1987 : 15).

6.50 In Andhra Pradesh, if a worker falls sick during migration the medical expenses are to be borne by the family concerned. Neither the farmer nor the group as a whole meet such expenses. If a worker is seriously ill he/she is packed home to fend for himself or herself. The employers do not take any responsibility. The medical charges for treating any sickness of the workers or their children are deducted from their wages. If a worker falls sick and fails

to attend work for a day, two days' wages are deducted from the monthly wages—the logic is that one day's salary for not working and one more day's salary for free food consumed on that day.

6.51 Construction and brick kiln workers suffer from numbness of hands and fingers, loss of hearing, stress, gastroenteritis, asthma, silicosis, skin diseases etc. In Assam, the brick kiln labourers are provided with some medical facilities. They are also taken to doctors if the need arises. But the migrant labourers working in road construction are not extended any medical facility on the ground that they are temporary and move from place to place. Since they live far away from the towns, their health problems are never attended to properly.

6.52 It was observed in Karnataka road construction work that girls of 10-12 years of age were not provided footwear at road construction sites. The Highways Department engineer did not seem to be aware of the need to provide footwear and blithely blamed the contractor by pointing out that the work was allotted to contractors by the department. The contractors in turn blamed the workers and argued that the workers themselves were not in favour of using footwear.

6.53 The NCSWE observes about women construction workers in Jammu: "No maternity leave or creche is available. They pay their own medical expenses. They often get burned from tarring work. Women resume work one month after child birth" (1988 : xiviii).

6.54 The migrant labourers in the unorganized sector in the urban areas fall sick due to a serious lack of food; many of these labourers are continuously malnourished and suffer from various illnesses. Their living conditions make them more prone to diseases like tuberculosis, pneumonia, malaria, ulcers etc. Without any money, most are compelled to ignore sickness or visit government hospitals where treatment given to them is often inappropriate.

6.55 In the case of quarry and mine workers, their very occupation carries tremendous occupational health hazards, of which the most significant are diseases of the lungs with prolonged inhaling of stone dust. Tuberculosis and asthma are commonly found illnesses among the quarry workers. Justice Bhagwati in his judgement (1982) in the case filed by Banduba Mukti Morcha remarks, "The other matter in regard to which we find it necessary to give directions relates to the tremendous pollution of air by dust thrown out as a result of operation of the stone crushers. When the stone crushers are being operated they continually throw out large quantities of dust which not only pollute the air, but also affect the visibility and constitute a serious health hazard to the workmen. The entire air in the area where stone crushers are being operated is heavily laden with dust and it is this air which the workmen breathe day

in and day out and it is no wonder that they contract tuberculosis." Citing a case of one Bhanwarial, the *Indian Express* on March 7, 1982 reported "When Bhanwarial, 28, left his village in Bharatpur, Rajasthan, a few years back for a job in the stone quarries of Faridabad, near Delhi, his family rejoiced the occasion with a feast, unmindful of the fact that the eldest member of the family was heading for his death... And Bhanwarial died here less than three weeks ago when he vomitted blood on the chilly February evening after he returned from the quarry where he made less than Rs. 8 a day, working as a stone breaker. Surprisingly, his aged parents and young wife went to the *jamadar* to arrange money for his cremation and not for medical help as the young man gasped for breath. We knew that the end had come, his mother said, 'we know how death comes to mine workers and this was the signal'... the family is not crest fallen. They continue to work in quarries breathing in dust and heading for sure infection of the lungs. That is the life style of 50,000 men, women and children working in these quarries. They have learnt to live with tuberculosis, lung infection, death and the musclemen of the mine owners." The Supreme Court commission for a socio-legal investigation of condition of quarry workers regretfully noted the non-existence of water, toilet, bathing, medical, maternity, creche facilities. "A third generation of free Indians is born in the quarries, called by many workers as "Dilli ki Nishani", in complete violation of directive Principle 39 (f) even though Parliament has made laws/rules for their 'health, freedom and dignity'" (1982 : 41).

6.56 The conditions of work in the construction industry have been equally dehumanizing. This is work which entails a high degree of risk and danger. The work proceeds in most dangerous situations under sun, cold, heat, rain, dust etc. The accidents and occupational hazards associated with the work are appalling. Most of the operations are labour intensive, with inadequate safety measures, low quality of materials used, unawareness about risky actions, non-analysis of accidents and lack of training of workers on safety (Acharya 1987 : 9-10). Major causes of accidents in this sector are working during nights in poor lighting arrangements, failure or collapse of scaffolding and centering, handling of heavy loads, blasting and electrocution. An incredibly high 14 per cent or 297 of all surveyed households had at least one member injured in an accident on site either from a fall, electrocution or from falling debris. This means that on an average, one out of seven households had suffered accident injuries—a very grave and horrifying picture of lack of safety measures and protection to workers on most construction sites. (Mobile Creches, 1987 : 46). In addition to these dangers at work sites, continuous inhaling of cement dust causes irritation of lungs and eyes, plastering materials affect the skin, sand causes silicosis, working at higher elevations leads to blood pressure problems, excessive sound affects hearing causing stress, and repetitive work leads to sprains and rheumatism.

6.5/ Although there are Acts which require the employers to take necessary measures to extend the health facilities, no employer cares for these legislations, nor does the state enforce them. Thus a large section of the migrant labour continues to suffer.

### Education

6.58 As mentioned earlier, a sizable section of migrants are illiterate. As a result, they get manipulated and cheated. The problem is graver when it comes to their children. Satne's study from Maharashtra points out that only 25 per cent of the families from his sample could take care of their children's education. A large number of children below the age group of 18 take part in the labour process. For instance in Andhra Pradesh it is not only that almost all the migrant labourers are illiterate, but their children also continue to be illiterate. The young have always been on the move with their parents. Their parents who stayed in the villages when young, did not go to school. At present their children do not have steady access to a school since they have to move to other locations soon after the work is over. They never stay for more than one year in any place, and most of the time they stay near the work sites, which are usually away from the town or village. A voluntary group in Gujarat started *balwadis* for the young children of migrant sugarcane workers in 1988. The farmers and factory management objected to any such activity and harassed the workers who were running the *balwadis*.

6.59 In the case of migrants to urban areas and particularly the construction industry, it is noticed that even when the school facilities exist, the migrant labourers are not in a position to take advantage of facilities, as their children can earn their little bit. Few instances from different parts of India do indicate more powerful underlying processes. The illiteracy is advantageous to the employer, the middleman and other vested interests. From computing the wages to estimating the interest on loans, illiteracy is a major handicap to the workers, who become terribly vulnerable. Their children remaining illiterate is even more tragic, because they will be caught in the same vicious cycle as their parents. Migration, thus, would become a hereditary occupation—like the Indian caste system.

### Women Workers

6.60 The problems of women migrant labour in the construction industry are enormous. They put in more than nine hours of work. They have to bear the extra burden of cooking and taking care of the children prior to, during and after work. The lack of facilities for women like creches and maternity benefits often compel the women workers to work till the ninth month of their pregnancies and also rejoin the group as soon as possible, for absence from work means no wages. The amount of physical hardships and the consequent effects upon the health of women

are never realized. The strenuous work can cause major health hazards to pregnant women and lactating mothers. Carrying heavy loads up ladders and over uneven surfaces can cause miscarriages in pregnant women. The women workers continue to work as helpers throughout their lives since they are denied training on skilled work. Sexual exploitation of women workers in this industry is also quite widespread (Acharya 1987: 117). In early 1989, there were three incidents of gang rape of tribal brick kiln workers in Jehanabad district of Bihar. The rapists, 20—25 of them, ransacked the huts and took away the few belongings of these women.

6.61 Teerink describes the position of sugarcane migrant women labourers who work as part of a team in cutting sugarcane and also as house keepers, wives and mothers. The women are the first to rise, at about five a.m. They make small fires outside their huts to prepare *rotla*. Those who managed to buy some utensils prepare *dal* with a lot of chillies. Then they prepare *chutney* which is eaten with the *rotla*. In every camp there is usually a big flat stone. They join the *koyata* team for harvesting sugarcane at six o'clock in the morning and work till evening. After work, they must again start preparing the evening meal. Pregnant women continue to participate in the harvest work till the last day and resume after two or three days of delivery.

6.62 Keralite female labourers in fish processing, and tribal workers in tobacco processing in Gujarat are frequently called during odd hours for work. They are harassed by male supervisors. Instances of molestation and rape are also reported. Cases of death of young girls because of unwanted pregnancy have also appeared in newspapers.

### Resistance

6.63 All labourers are not able to withstand strenuous and torturous working hours, dehumanizing work conditions and repeated insult from the contractors or employers. The situation becomes unbearable when they do not get wages in time. Some labourers resist and revolt against the situation. But they are not allowed to form trade unions. Hence, their struggles are short-lived. Some try to run away to their native place. But that is not easy as the contractors create an iron curtain with the help of their musclemen who prevent workers from leaving the work without repaying the advances given to them. These musclemen keep watch on workers and their activities and if necessary beat the workers who defy the instruction of the contractors. This was the main complaint of the labourers at the Sardar Sarovar construction site. If all these fail and workers manage to escape, they are implicated in trumped-up criminal cases, arrested and then forced to return to work. A typical case is that of Manikkam, a 50-year-old Tamilnadu worker employed with four of his family members in Lehedra quarry. He left Lehedra to work in another quarry in Raisen district without repaying the loan that he had taken. After the family

left, their employer lodged a complaint with the police that they had stolen implements worth Rs. 800. The police went to Raisen, promptly arrested Manikkam and brought him back to Vidisha district where he was, interestingly, bailed out by a man who was his previous employer.

6.64 The Labour Commissioner of Orissa receives several letters of request every year from migrant labourers to come to their rescue. Some labourers are freed, but all labourers are not so fortunate. They are left at the mercy of the contractors.

#### **Violation of Human Rights**

6.65 Migrant workers both in agriculture and non-agriculture sectors live in dehumanizing conditions. They not only get less wages and work for longer hours but drinking water, accommodation, health care etc. are also absent. They are treated by employers as sub-human, only worth the labour they provide. This is true of the public sector too. Voluntary action groups in their public interest litigation case filed in the Gujarat High Court alleged that the workers of the Sardar Sarovar "are deprived of their basic rights under the Constitution of India and are

subjected to all forms of coercion, depression and intimidation by the Jay Prakash Associates and its men with the help of the police. The said workers are kept almost in the condition of a concentration camp. Most of the labour laws are totally ignored or openly defied and any workers who try to organise any trade union are forcibly driven out with the help of connivance of the police".

6.66 The HCGS Committee workers observe: "The general attitude of the management towards the workers in almost all the factories was not of the normal nature. These workers are not practically recognized as human beings with whom human relations are required to be maintained by the management. The way in which the management through its security staff tried to enforce the discipline on the workers; the way in which the management tried to organise workers in certain groups to receive payment and the way in which the workers were directed to form queue was really painful. The workers were given treatment as if herds of animals are being organised in certain groups to be carried away from one place to another. The security staff used to move with sticks in their hands and always used insulting, and sort of abusive language whenever they had to deal with the harvest workers" (1987 : 25).



## CHAPTER VII

### POLICY, PERSPECTIVE AND LEGISLATION

7.1 The Constitution of India aims to build an egalitarian, participatory and just social order by eradicating all kinds of oppression and exploitation. The Indian State is directed to protect and develop fundamental human rights and social, cultural and political rights enshrined in the United Nations Universal Declaration of Human Rights of 1948 and in the Directive Principles of the Indian Constitution.

7.2 Traffic in human beings and *begar* and other similar forms of forced labour are prohibited, under Article 23(1) of the Constitution and "any contravention of this provision shall be an offence punishable in accordance with law". Article 39 directs the State, whilst formulating policy, to secure :

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources and community are so distributed as best to observe the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age and strength;
- (f) that children and youth are protected against exploitation and against moral and material abandonment.

7.3 Article 41 recognizes, *inter alia*, every citizen's right to work, Article 42 requires the state to make provisions for securing just and humane conditions of work and for maternity relief. Article 43 imposes upon the state the obligation, *inter alia*, to secure by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.

7.4 India is a member of the International Labour Organisation (ILO), which has adopted, since 1919, 159 conventions and 168 recommendations. They deal with basic human rights, such as freedom of

association, freedom from forced labour and freedom from discrimination. They cover conditions of work, occupational safety and health, social security, migrant workers, employment of children and young persons, etc. India has ratified, till 1984, 34 conventions.

7.5 The approach of the Indian State to labour problems, since Independence, as spelt out in the First Five Year Plan, "rests on considerations which are related on the one hand to the requirements of the well being of the working class and on the other to its vital contribution to the economic stability and progress of the country" (Thomas 1988 : 11). The contribution of the working class in capital accumulation, which is vital for the economic progress of the country, has been recognized by the policy makers. In order to raise their efficiency and productivity, the necessity of fulfilling basic needs of the workers and provide congenial conditions of work has also been recognized. All the Five Year Plans express the desire of the Central and state governments to initiate protective and ameliorative measures for unorganized labour. A number of such measures have come since Independence.

7.6 Migrant labour is both labour as well as migrant. Therefore various laws related to labour apply to migrant labour too. There are a large number of laws that are supposed to protect these labourers against exploitation. These laws, however, have not entered the statute book with Independence. The Indian state took several years to provide legal protection to the exploited classes over and above the various provisions enshrined in the Constitution of India for providing social, economic and political justice, equality of status, and of opportunity, and ensure 'rights' against exploitation to all its citizens. As a result of mass movements of agricultural labourers and peasants in different parts of the country such as Andhra, Kerala, Maharashtra, Gujarat, and West Bengal, the Minimum Wages Act came into existence in 1948. It was recognized that wages cannot be determined entirely by market forces "Once the minimum rates of wages are fixed according to the procedure prescribed by law, it is the obligation of the employer to pay the said wages irrespective of their capacity to pay" (NCL, 1969 : 230). According to the Act, the state governments concerned have to fix minimum wage rates and revise these, if necessary. There are regional minimum wages according to zones, and there are sectoral minimum wages as well. These wages, though periodically revised, have not yet been linked with the

Consumer Price Index. They do not make for a "living wage" as promised in the Constitution (Article 43).

7.7 The Constitution directs the state to formulate and implement its policy towards securing "that there is equal pay for equal work for both men and women", and "that childhood and youth are protected against exploitation and against moral and material abandonment". Article 24 of the Constitution provides that children below the age of 14 years should not be engaged in any factory, mine, or other hazardous employment. But the Indian State took three decades to enact the Equal Remuneration Act, 1976 and the Bonded Labour System (Abolition) Act, 1976. It took four decades to pass the Child Labour (Prohibition and Regulation) Act, 1986. Besides these, there are a number of other Acts like the Workmen's Compensation Act, 1923; the Payment of Wages Act, 1936, The Industrial Disputes Act, 1947; The Employees' State Insurance Act, 1948; The Employees' Provident Fund Act and Miscellaneous Provisions Act, 1952; the Maternity Benefit Act, 1961; and the Contract Labour (Regulation and Abolition) Act, 1970.

7.8 The contract labour system works to the advantage of the employer. For the employer, it spells production at lower cost; he is not obliged to provide any fringe benefits such as leave with wages, provident fund etc., and this means low overhead cost. There have been repeated recommendations for the abolition of the contract labour system. The Whitley Commission recommended the abolition of contract labour by implication. The Bombay Textile Labour Enquiry Committee stated that "if the management of the mills" did not "assume responsibility for such labour", there was "every likelihood of its being sweated and exploited by the contractor"; it also recommended the abolition of the "contract system engaging labour" as soon as possible and "that workers for every department in a mill should be recruited and paid directly by the management". Similar views have been echoed in subsequent years. The National Commission on Labour recommended that "more vigorous steps should be taken towards protection of workers against exploitation by middlemen" (1969: 435). This led to the emergence of the Contract Labour (Regulation and Abolition) Act, 1970. However, the functioning of this Act, after two decades, is dismal. The use of contract labour has, in fact increased. Colin Gonsalves observes: "Paradoxically, it is not the small scale sector that is most guilty of the misuse of the system but the public sector and large scale industries. The bigger and richer, the more the use of contract workers in the place of the permanent workers. The performance of the government the Contract Labour Board and the officers of the Labour Commissioner's secretariats has been uniformly pathetic. Those appointed to protect contract workers have perhaps been instrumental in the deterioration of their lot, due to their hypertechanical and uncaring approach" (1988: i).

7.9 The most important Act relevant to migrant labour is the Interstate Migrant Workmen Act (Regulation of Employment And Condition of Service) Act, 1979 (ISMW). This Act came into existence partly because of international pressure (ILO recommendations, 1956), partly from the radical rhetoric of the government, and out of internal pressures. There are numerous conflicts between labourers and rich peasants increased thanks to the Green Revolution.

7.10 The Orissa Government was the first in the post-Independent period to pass the Orissa Dadan Labour Control and Regulation Act, 1975. Later, the 28th session of the Labour Minister's Conference in 1976 considered the question of protection and welfare of *dadan* labour and recommended the setting-up of a small committee to go into the whole question of migrant workers and suggest measures for eliminating abuses prevalent in the system. After deliberations, the Committee recommended the enactment of a separate legislation to regulate the employment of migrant workmen, for it felt that the provisions of Contract Labour (Regulation and Abolition) Act, 1970, even after necessary amendments, would not be enough to take care of the various malpractices of the contractors, *maistris*, *sardars*, etc. Following these recommendations, the Central Government, in consultation with state governments, enacted the ISMW Act in 1979, which came into force in 1980, on Mahatma Gandhi's birthday, 2nd October. But, as observed by the Supreme Court in the Salal Hydro Project case, "Unfortunately the bureaucratic apparatus for implementing the provisions contained in the Act and the Rules was not set-up by the Central Government for a period of more than 20 months and it was only in the month of June, 1982 that the Central Government notified various authorities such as Registering Officers, Licensing Officers and Inspectors" (Singh, 1987; 225-26). Most of the states formulated Rules under ISMW Act, 1979 in 1982. The Government of Maharashtra passed the Rules only in mid-1985.

7.11 Some of the salient features of the Act :

- (i) The Act does not apply to all individual migrant labour. It applies to (4 a) "every establishment in which five or more inter-state migrant workmen (whether or not in addition to other workmen) are employed or who were employed on any day of the preceding twelve months"; (4.b) "to every contractor who employs or who employed (whether or not in addition to other workmen) on any day of the preceding twelve months".
- (ii) Any migrant worker employed individually outside his/her own state is not covered under the Act. Only those who are employer through contractors/*khatadars*/*sardars* are treated as inter-state migrant labour. According to the Act (2.e), "inter-state migrant workmen" means any per-

- son who is recruited by or through a contractor in other than his/her "native" state under an agreement or other arrangement for employment in an establishment in the state other than his/her "home" state, whether with or without the knowledge of the principal employer.
- (iii) The Act prohibits any "principal employer" (head of the office or department, factory owner/manager; mine owner/manager from engaging migrant worker in his/her establishment "unless a certificate of registration in respect of such establishment issued under this Act is in force".
- (iv) Every contractor is required to obtain a licence from a licensing officer, appointed by the state government, for recruiting any person in a state for the purpose of employing him in any establishment in another state.
- (v) The contractor is required to issue (under section 12) to every inter-state migrant workman, a passbook affixed with a passport size photograph of the workman and indicate information about the worker, including payment, advances paid etc. in Hindi and English, and where the language of the workman is not Hindi or English, also in the language of the workman.
- (vi) An inter-state migrant workman shall in no case be paid less than the wages fixed under the Minimum Wages Act, 1948.
- (vii) The contractor is required to pay every migrant labourer at the time of recruitment a displacement allowance equal to 50 per cent of the monthly wages payable to him/her or Rs. 75, whichever is higher. Such amount is in addition to the wages and is non-refundable.
- (viii) A journey allowance of a sum of less than the fare from the place of residence of the inter-state migrant workman in his state to the place of work in the other state shall be payable by the contractor to the worker both for the outward and return journeys, and he/she will be entitled to payment of wages during the period of such journeys as if he were on duty.
- (ix) It is the duty of every contractor employing inter-state migrant workmen in connection with the work of an establishment to which this Act applies (a) to ensure regular payment of wages to such workmen; (b) to ensure suitable conditions of work to such workmen having regard to the fact that they are required to work in a state different from their own state; (c) to provide and maintain suitable residential accommodation to such workmen during the period of their employment; (d) to provide the prescribed medical facilities to the workmen free of charge; (e) to provide such protective clothing to the workmen as may be prescribed; (f) in cases of fatal accidents or serious injuries to any such workman, report to the specified authorities of both the states and also the next of kin of the workman.
- (x) The principal employer is responsible for payment of wages to the migrant workers and also for providing the welfare facilities as per the Act in the event of the failure of the contractor to do so.
- (xi) The Act contains special provision for dealing with industrial disputes of migrant workers. It empowers the Central Government, in case it is the appropriate government, to refer such a dispute to an Industrial Tribunal/Labour Court in the state within which the establishment is, situated or in the state where recruitment was made, provided the workman concerned makes an application on the ground that he has returned to that state after completion of his work. In case the Central Government is not the appropriate government, the Act similarly empowers the state government, wherein recruitment was made, to refer such a dispute to any of the authorities in that state if the migrant worker makes a request on the ground that he/she has returned to the state after completion of his/her work, provided that such an application is made within six months of his return to his state and the government of the state in which the establishment is situated concurs. After six months the worker loses his/her right to go to the court for redressing his/her grievances.
- (xii) If any person or company contravenes any of the provisions of this Act or of any rules of the provisions for which no other penalty is elsewhere provided, he/she shall be punishable with imprisonment for a term which may extend to two years, with fine which may extend to Rs. 2,000 or with both. But there is a provision which comes to the rescue of the principal employer. Section 27.1 reads, "provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all the diligence to prevent the commission of such offence".
- (xiii) However, the offence is non-cognizable. Section 28 of the Act states, "No court

shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of, an inspector or authorized person and no court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class try any offence punishable under this Act.

7.12. Moreover, there is a periodicity limit too. Section 29 states, "No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence comes to be known to the inspector or authorized person concerned. Provided that where the offence consists of disobeying a written order made by an inspector or authorized person, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed". After that the migrant worker has no recourse to justice.

7.13. The Act looks impressive, but it has several limitations. The first and foremost is that it excludes those workers who migrate to other states and get employed through their own efforts. The Assistant Labour Commissioner of Orissa told us that he could not collect information on those workers who would say, under the instruction of the contractor, that they were going for jobs on their own steam and not through the contractors. The employer—farmer, brick kiln owner, quarry owner etc—often splits the establishment in such a way that it does not show more than five migrant workers in its employ. Or they would, as was seen in Punjab, employ labourers directly at the railway station. The Joint Study Team of the Government of India observed in 1984 that "there was a tendency on the part of the principal Employer/Contractor to circumvent the provisions of the Act in many ways. Illustratively, the agents of the contractors bring the inter-state migrant workmen from different states, get them registered in the local employment exchange and the principal employer/contractor makes recruitments to the various unskilled, semi-skilled categories of workmen from out of these persons registered with the local employment exchange and makes the plea that since they have recruited the workmen through the local employment exchange, workmen are not inter-state migrant workmen and that the provisions of the Act are not applicable to them".

7.14 Interestingly enough, the Act also makes provision (Section 31) whereby the government can exempt in "special cases" any establishment, department, or contractor from "all or any of the provisions of this Act" by notification in the official gazette. In such a situation, inter-state migrant workers working in such an establishment who are unorganized, without the support of a trade union, are left at the mercy of employees and/or contractors.

7.15. The Act defines company as "anybody corporate and includes a firm or other association of individuals". Vasudha Dharamwar, a leading jurist-activist, argues that "this definition really lets out the public sector, government concerns, government pro-

jects, such as the dams, where these labourers are working. It also leaves out the top bosses of private firms, and only nabs the man on the spot, because any person who is charged with an offence under this Act can escape punishment by proving that the offence was committed without his knowledge. Where there is a section called offences by companies, as far as we can see, under these two Acts, no punishment is provided against defaulting or guilty Government servant employers. No prosecution, civil or criminal, shall lie against any registering officer, licensing officer or any other Government servant for anything which is done by them in good faith. Nor is the Government liable for damages caused by anything done in good faith. All this protection to the Government and its servants is clearly written in the two Acts. Section 197 of the Criminal Procedure Code already forbids prosecution of government servants without previous sanction of the government. When all these provisions are read together it is clear that the government servants are virtually immune from prosecution". (1987: 218-219).

7.16. The Joint Study Team of the Government of India found quite a few cases in which the contractor who recruited inter-state migrant labourers did not obtain a licence from the respective states. As mentioned earlier, in our inquiry in Gujarat, Rajasthan, Madhya Pradesh and Punjab, similar cases came to our notice. Very few such contractors recruiting inter-state migrant labourers without obtaining licences are prosecuted, by labour inspectors. And in the few instances that they are prosecuted, the court more often than not shows a soft attitude towards the offender. For instance, the court of the First Class Judicial Magistrate Salipur, Orissa, fined one such contractor Rs. 10 "for violation of seven sections and three rules" of the ISMW Act and "rules made thereunder". Such a judgement, as the Rural Labour Inspector of Choudwar rightly maintains in his letter to the Labour Commissioner, Bhubaneswar, "will be an indirect instigation to the contractors not to obtain licence under the said Act as the amount of penalty imposed by the court is as less as the Licence Fee specified in the Rules".

7.17. This is not an isolated instance. The Supreme Court in the case between PUDR and Union of India and others related with the Asian Games Project in 1982 observed: "...we are shocked to find that in cases of violations of labour laws enacted for the benefit of workmen, the Magistrates have been imposing only small fines of Rs. 200 or thereabouts. The Magistrates seem to view the violations of labour laws with great indifference and unconcern as if they are trifling offences undeserving of judicial severity. They seem to overlook the fact that labour laws are enacted for improving the conditions of workers and the employers cannot be allowed to buy off immunity against violations of labour laws by paying a paltry fine which they would not mind paying; because of violating the labour laws they would be making profit which would far exceed the amount of the fine. If violations of labour laws are going to be punished only by meagre fines, it would be impossible to ensure observance of the

labour laws and the labour laws would be reduced to nullity. They would remain merely paper tigers without teeth or claws”.

7.18. The Government of Bihar and Orissa receive a number of complaints every year regarding harassment and nonpayment of wages to the workers of their states in other states. These complaints also include instances of injury and death. Sometimes such instances appear in newspapers or are discussed in the state assemblies. The state governments make inquiries in a few of the cases. Since the officers of the migrant workers' states do not have their office in the states where offences take place, they do not have the infrastructure to carry out an in-depth inquiry on their own. They depend on the host states, which invariably limits their scope for carrying out independent inquiry. Moreover, complaints have to be filed at the place of the offence, and the labour department of the home state of the migrant workers is unable to prosecute the offenders. They depend on the host state to file the complaint. In many cases, the time limit lapses.

7.19. Although section 21 of the ISMW Act makes the Workmen's Compensation Act 1923 applicable to migrant workers, the victims rarely benefit by it. It is partly because the workers do not know the language of the state where they work and they do not have the contacts necessary to get legal advice and file their case in court. More often than not, they are left to their fate. In the event of death of any migrant worker while on work, his/her family comes to know about the tragedy only five-six months after the co-workers return home. Quite a few such cases came to our notice when we visited some villages of Orissa. The relatives of the deceased being poor and illiterate are unable to file or pursue the case in other states where they do not have contact with anybody except the co-workers. Hence their claims, if made, often lapse. For instance, an insurance company deposited Rs. 624,000 for 26 Oriya workers who died while working in the building of Shantinath Silk Mills in Surat which collapsed in 1982. The money was deposited in 1983, but neither the insurance company nor the employer, nor the labour officer could furnish information about the legal heirs and dependents of the deceased labourers. Though the labour department of the Orissa Government furnished the list of the deceased workers, the compensation money was not disbursed till 1989. In some cases injured workers return home and move again to other work. They are unable to take advantage of the Workmen's Compensation Act. The Joint Study Team No. 2, observes, in 1984, “with regard to the disposal of cases under the Workmen's Compensation Act, 1923 involving Inter State Migrant Workmen, it was found that those cases mostly go by default primarily on account of the default on the part of the contractors to report the accidents to the competent Authority as also due to the ignorance and illiteracy of the legal heirs of the dependents of the deceased or disabled workmen to file a complaint with the Commission under the Workmen's Compensation Act, 1923. It has been found in some states that even after the case of accident resulting in death or disability was reported and the

contractor deposited the compensation amount, there was difficulty in passing an award in favour of the person entitled to receive the compensation amount due to disputed claims amongst the legal heirs, dependents of the deceased/disabled. In such cases where the workmen's compensation amount has already been deposited, it was felt that the cases could be transferred to the state migrant workmen were recruited so that the Commissioner appointed under the Workmen's Compensation Act, 1923 in that state could pass an award and disburse the amount to the person legally competent to receive the amount”. This suggestion has yet to be implemented.

7.20 The ISMW Act mentioned above in respect to migrant workers by and large remain on paper. As mentioned in the last chapter, migrant workers do not get minimum wages, they stay in sub-standard huts without adequate toilet, water and cooking facilities. Virtually no medical facilities are provided to them. Most of the migrant workers are not provided displacement allowances. But hardly any contractor or principal employer is punished for violation of various provisions of the Acts. A number of the states have not yet appointed the requisite staff to see to the implementation of the Acts. And in the states which have established administrative machinery with labour officers and inspectors, they complain that their numbers are small and the infrastructure facilities, particularly jeeps and motorcycles, highly inadequate. Their complaints are justified, but one wonders why they do not use even the existing facilities to inspect at least a few of the companies and establishments employing migrant labourers, and why they do not prosecute even a few contractors and employers for the violation of the Acts.

7.21 Labour inspectors, by and large, it was found, are indifferent to the plight of labourers. They are callous and more concerned about their own status rather than helping the poor. They are often hand-in-glove with contractors and/or employers, who provide them and their relatives a number of facilities in the form of favours and gifts. On an average, three out of four inspectors look down upon the labourers and describe them as lazy, stupid and *kamchor*. Breman in his study of south Gujarat observes, “To my knowledge those bureaucrats seldom, if at all, exercise their right as law enforcement officers... out of every 10,000 agricultural labourers in south Gujarat, scarcely 250 are contacted each year. Only in 10 cases out of this number is there a decision to prosecute, and of these no more than a single case is finally brought before the local court. There is a good chance that even this will end without a verdict being brought or sentence being passed” (1985: 1046).

7.22 Contract labour functions in two ways. One is the work it does of the principal employers' business directly. The other is the

indirect but related work of the principal employer. Let us take an example given by Vasudha Dhagamwar. In order to make steel in the Bokaro plant, it must have limestone, coking coal and iron ore. If the contractor operates Bokaro's captive mines, those labourers are doing work which is part of the principal employer's business. But if the Bokaro steel plant gives a contract for a road, a building construction or whitewashing contract, these labourers are not engaged in the plant's business. Such a distinction, Dhagamwar rightly maintains, is artificial. She argues, 'If the plant, factory, power station or dam insists on constructing housing colonies, roads, theatres and hospitals for its employees and is prepared to spend time and money on its welfare activities, if it is prepared to acquire hundreds of acres of occupied land by ousting the villagers, then why should not the men and women who dig the roads, lay the pipes and construct the buildings claim employment under the principal employer? Is the principal employer prepared to tell its workmen and officers to find their own accommodation? Does it tell them that their children's schooling is not its concern? Then how can it tell the workmen who labour for years to construct those very buildings that they are not working in its business?' (1988 220).

7 23 The contractors find various ways and means to escape from their responsibility specified in the provisions of the Contract Labour Act, 1970. They transfer labourers to another contractor, or sub-contract the work. For instance, it is reported that Jayaprakash Associates, one of the main contractors of the Sardar Sarovar dam, has created companies like Jaypee and JP Ltd, and transfers workers from one to another, denying them the benefits of regular employment. Another ingenious ploy is the division of the work into several 'jobs', each of which is assigned to the sub-contractors or petty-contractors. Thus, the workers are directly employed by the petty-contractors and transferred from one sub-contractor to the other at convenience of the company". (*The Indian Post*, February 25, 1989) The principal contractor, in this case, the state remains indifferent to violation of labour laws. The Supreme Court directive in the Asian Games case is important to note. Justice Bhagwati observes

'The Union of India, the Delhi Administration and the Delhi Development Authority cannot fold their hands in despair and become silent spectators of the breach of a constitutional prohibition being committed by their own contractors. It cannot ignore such violation and sit quiet by adopting a non-interfering attitude and taking shelter under the excuse that the violation is being committed by the

contractors and not by it. It is obvious, therefore, that the Union of India, the Delhi Administration and Delhi Development Authority cannot escape their obligation to the workmen to ensure observance of these labour laws by the contractors and if these labour laws are not complied with the contractors, the workmen would clearly have a cause of action against the Union of India, the Delhi Administration and Delhi Development Authority.

7 24 Besides private companies and establishments, the government departments and public sector companies blatantly violate various labour laws including the ISMW Act. Not only that but when the labourers get organized and demand implementation of the Acts, the labour department behaves either like a helpless spectator or supports the contractor against the labourers. The case of the inter-state migrant labourers of the Sardar Sarovar Project highlights the ineffectiveness of labour laws, impotence of the labour officers and collusion of the state with the contractors against the labourers. One of the conditions among many others that the Government of Gujarat laid down with the contractors was the contractor shall furnish to the engineer in-charge information on the various categories of labour employed by him and at such intervals as may be specified. The Contractor shall in respect of labour employed by him comply with or cause to be complied with the provision of the various labour laws and rules and regulations as applicable to them in regard to all matters provided therein and shall indemnify the Government in respect of all claims that may be made against the Government for non-compliance thereof by the Contractor. On our inquiry we learnt that the contractor never supplied the list of labourers and the changes therein employed by him to the chief engineer. Neither the Sardar Sarovar Authority nor the Labour Commissioner had any list nor even a precise number of labourers employed by Jayaprakash Associates. Accommodation provided to workers was found to be unhygienic and crowded with inadequate medical facilities. No overtime was paid for extra work. The workers went on a strike in 1989 demanding implementation of labour laws. The strike continued for more than three months. During this period the Assistant Labour Commissioner failed to compel the contractor and principal employer to comply with the laws. In fact, he was taking instructions from the Chairman, Sardar Sarovar Corporation, who was the principal employer on whether to negotiate or not with the striking workers'. He did not prosecute the contractor or principal employer for blatant violation of the ISMW Act and other Acts. For the protection of the contractor,

the Government of Gujarat declared the area as protected under the Internal Security Act. The Labour Commissioner and the Sardar Sarovar Corporation saw to it that the strike fizzled out. They succeeded in their objective. Many of the workers were victimized by the contractor and they had to return to their states—Bihar and UP—at their own expense. Return fair as stipulated in the ISMW Act was not paid to them. Such instances lead the oppressed classes to lose their faith in the Acts and the authority.

7.25 Though there are a number of laws protecting labourers against exploitation and directing employers to provide welfare measures to improve the condition of labourers, they are hardly implemented. Negligence in implementing various measures on the part of the employers and the government is the

rule rather than the exception. In the case of sugarcane migrant workers in Gujarat, Justice Ahmadi and Shukla of Gujarat High Court observe.

We are constrained to observe that measures for the effective implementation of labour welfare legislation in this state need to be tightened because of late we have noticed increasing tendency to ignore and overlook such statutory provisions intended for the socio-economic uplift of the working class. This court has had, time and again in the recent past, occasion to impress upon the law enforcing agencies the need to promptly and effectively implement such welfare measures so that the state's commitment to the upliftment of the working class is translated into action and does not remain on paper (1987. 25-26).

## CHAPTER VIII

### CONCLUSIONS AND RECOMMENDATIONS

8.1 Though the term migrant labour is very broad, the present study focuses primarily on those rural labourers who migrate temporarily in distress, in search of livelihood for their subsistence or survival. Seasonal migrant labour is our concern. Labour migrates within and outside the district, within the state and also outside the state. The study is based on NSS and census data as well as micro studies and field visits. The former provide an overview and the micro studies of states and regions enrich our understanding of the nature and process of migration and the problems faced by migrant labourers. Besides visiting some parts of the country, the study group commissioned seven studies to comprehend the regional and sectoral specificities of the problem.

8.2 According to the 1981 Census, 51.9 lakh males and 11.5 lakh females were rural to rural migrants; and 80 lakh males and 7 lakh females were rural to urban migrants for employment. The duration of their migration varies from less than one year to more than ten years. If we combine R-R and R-U of one year duration, they come to 14 lakhs. However all of them are not migrant labourers. Some were moving to and from white and blue collar jobs. On the basis of regional studies one can say that the Census figures are a gross underestimation of the number of seasonal migrants. The Census did not take into account circular migration. Moreover, because of its methodology, enumerators' bias and vastness of the coverage, a large proportion of houseless seasonal migrants seem to have been left out from enumeration.

8.3 According to various studies on Gujarat, nearly four lakh seasonal migrants from Maharashtra work in sugarcane farms. The studies on Punjab estimate nearly five lakh migrant labourers from other states in the agricultural sector. Haryana also provides employment to a large number of migrant labourers from UP and Bihar. Sugarcane farms of Maharashtra get migrant labour from Karnataka. Besides them, tea and coffee plantations in Karnataka, West Bengal and Assam employ migrant labourers from Tamil Nadu, Andhra Pradesh and Bihar. Based on this, one could guess that around 12 lakh inter-state migrant workers work in the agricultural sector. Brick kilns provide temporary employment to around 10 lakh workers. Various construction works—road, railway, buildings, dams, canals, etc.

seem to employ nearly 20 lakh inter-state migrants. Besides these sectors, small scale industries and other allied activities employ migrant labourers from other states. According to our rough estimates, around 45 lakh inter-state migrant workers work for temporary periods in different sectors. The number of labourers migrating within the state is larger than inter-state workers. One could estimate that there are around 60 lakh intra-state workers, a majority of them migrating short distances in the vicinity of their native village. Thus, there are more than 10 million inter-state and intra-state rural migrant workers.

8.4 Uneven development in the country is one of the major causes of the large scale migration of workers from backward regions to developed regions. Besides metropolitan cities like Delhi, Bombay, Madras, Calcutta, Bangalore and Ahmedabad, Punjab, Haryana, Maharashtra, Gujarat, Karnataka and Andhra Pradesh which are the pockets of Green Revolution bounty, pull the agricultural labourers from relatively backward regions from within the state and also from other states. A large number of inter-state migrant labour belong to Bihar, Orissa and Andhra Pradesh. Major labour recipient states are: Punjab, Haryana, Gujarat, Maharashtra and Karnataka. The tribal districts which are economically backward are the places of origin of migrant labourers of Gujarat, Madhya Pradesh, Andhra Pradesh, Maharashtra and Rajasthan. They generally migrate to nearby areas-adjoining states or districts.

8.5 Bio-chemical technological developments in agriculture has accelerated the process of capitalist agriculture. Not only has the cropping pattern changed, the frequency of crop has also increased. The intensive cropping pattern, which has not yet been fully mechanized at T3 level (using power pump, mechanical thresher and tractor), requires more labour. Some scholars have estimated that 78.65 per cent more labour is required per acre in the Green Revolution cropping pattern. And, with the rise in prosperity participation of family labour among the rich and middle peasants thanks to the notion of status has declined. The tendency among the neo-rich to hire labour has increases. Family members have taken up supervisory roles and have diversified their occupations—some join business and others enter white collar jobs. The studies of Punjab suggest that the demand for



labour in agriculture has expanded at a greater rate in the seventies and eighties than the supply of labour.

8.6 On the other hand, agriculture in dry land areas has by and large remained stagnant, unable to provide work to the increased number of agricultural labourers. These are the areas which constantly experience either drought or flood. Anti-poverty programmes have not made much headway in providing employment to the poor nearer to their homes.

8.7 The intra-district, inter-district and inter-state migrant labourers belong to Scheduled Castes, Scheduled Tribes and Other Backward Castes. Migration of tribals has increased recently as their resource base has depleted. An overwhelming majority of them are either illiterate or have primary education. They are in their twenties. They are small and marginal or landless labourers. The proportion of women workers is higher among the intra-district and inter-district than inter-state migrant workers. The migrant workers from Bihar, UP and Orissa who work in Punjab and Haryana are predominantly males. This is partly due to cultural reasons among the Bihari and Oriya small farmers—their status and social standing is threatened if their women work on others' farms. Also, long distances between the place of origin and place of work discourage women from migrating. Moreover, a majority of migrants are small and marginal farmers, so someone is required back home to look after land and cattle. But this is not the case among the labourers migrating from Maharashtra to Gujarat working in sugarcane farms. The whole family migrates along with cart and bullocks. Women constitute a large number of migrants—about 10 per cent—in construction activities both in private and public sectors.

8.8 Migrant labourers are employed either directly by farmers themselves or indirectly through agents. Direct recruitment is practised in the case of intra and inter-district migrant workers. To some extent, the same system is preferred by the farmers in employing labour from other states. The rich farmers of Punjab and Andhra Pradesh contact migrant labourers at important railway stations where labourers come from distant places. Some farmers from Punjab and Gujarat even go to the villages of adjoining states to procure a large number of labourers. Another method is a recruitment through group leaders or agents called *mukadams*, *maistris* or contractors, who negotiate with employers on behalf of the labourers. In such a system transport is provided from the place of origin to the work place. Sometimes advance payment varying from Rs. 50 to Rs. 200 is paid to the workers, which is later recovered from the wages. The *mukadams* or commission agents are often traders or landlords or village musclemen who enjoy control over labour. This method of recruitment sometimes leads to harassment of migrants and creates conditions that lead to their bondedness.

8.9 The migrant labourers to Punjab from UP and Bihar travel long distances in overcrowded trains. Sometimes they are forced to travel on the roofs,

of the trains, and there are several cases of fatal accidents. The migrants who manage to reach safely are harassed by railway staff, police and farmers on the railway stations on one pretext or the other.

8.10 Urban and rural non-agricultural informal activities such as brick kiln, tobacco processing, coal making, construction of roads, buildings, dams, canals and other public works, railway, mines, quarries, small scale industries like fish and other food processing employ a very large number of inter and intra-state migrant workers.

8.11 A majority of migrant labourers do not have a fixed place of work. They shift from one place to another as most of the employers—except large scale public projects—are unable to offer them work throughout the season. They are not provided adequate accommodation. They live in either small huts, pump-rooms, public places or under the sky. Generally, there is no drinking water facility for labourers in farms, construction sites, and quarries. They have to travel long distances to get water from canals tanks or *khadis* for drinking and washing. Needless to say, there is no other facility like toilets, bathrooms, urinals, washing or bathing facilities, even for women. No first aid facility, leave alone medical care, is provided. The workers are prone to several diseases.

8.12 Wages for migrant labourers vary from sector to sector and region to region. They get lowest wages in agricultural operations and highest in construction work, particularly in large scale projects like dams, construction of roads and bridges under the department of defence in border areas. Except in a few sectors and regions at a particular period in a year, migrant labourers do not get minimum wages stipulated under the Minimum Wages Act.

8.13 In order to avoid supervision and at the same time extract maximum output, employers assign work both in agriculture and non-agriculture sectors on piece rates. This compels workers to put in hard labour and work for longer periods.

8.14 As a result of the influx of large scale migrant labour, wages of the local labour have not increased correspondent to the rise in prices of essential commodities. Migrant labourers work at lower wages than the local labourers. Because of the migrants, the local labourers are either forced to accept lower wages or shift to other occupations if available. This creates not only ill feeling but also leads to clashes between local and migrant workers. The rich peasants and landlords exploit the rift. This has been detrimental in the organization and struggles of the rural poor for justice.

8.15 Thanks to the Constitutional commitments to protect labour against exploitation and to take positive measures for providing social justice; thanks to ILO efforts in influencing the member states for protecting rights of labourers, and also thanks to increasing rural unrest and struggles of unorganized rural labour in the late sixties, the Government of India enacted several labour legislations in the

seventies to project unorganized labour. They are the Contract Labour (Regulation and Prohibition) Act, 1970; the Bonded Labour (Abolition) Act, 1976; and the Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979. The ISMW Act protects only that migrant worker who is required by the contractor and taken from one state to another. If the workers find their way across state boundaries on their own or if they change jobs after getting there the Act does not protect them.

8.16 This and other Acts have by and large remained on paper. Most of the states have not developed the machinery for the implementation of the ISMW Act. A few states such as Bihar, Orissa and Punjab have created machinery but it is inadequate to implement the Act effectively. The workers are still in the clutches of the contractors and rich farmers. The provisions of the various other labour laws are not being observed. The migrant labourers are unorganized and unable to go to the courts for justice. And the judiciary, by and large, is indifferent to the problems of unorganized labour. Exploitation of migrant labour continues unabated.

### Recommendations

8.17 On the basis of our framework of analysis and approach and empirical evidence, we offer two sets of recommendations. One is related to economic policy and nature of development; the second is related to administrative and legal measures. In our view, the plight and problems of migrant labour are closely related to the nature of economic development that India has followed since Independence. They cannot be eased to a significant extent without altering the economic path and strategies for growth and distribution. Without this, welfare programmes and administrative and legal measures have limited value.

### Economic Policy and Development

8.18 The problems of migrant labourers are related to the larger nature of economic development. A vast magnitude of seasonal rural migrant labourers attempt to seek work in agriculture and non-agricultural sectors to keep body and soul together. Essentially, it is a distress migration for survival and subsistence as regular employment throughout the year is not available near their homes. Uneven development during colonial and post-colonial period is the cause of distress migration. Resources have been allocated generously in certain sectors and areas while other areas are being neglected and exploited in contributing to the further growth of the developed areas. Terms of the trade are in favour of industry as against agriculture. More resources are allocated to the development of industries and urban areas than for the rural areas. Technology related to irrigation is developed while dry land farming is neglected. Natural resources from forests, hills and rivers are exploited to build dams, industries

and holiday resorts, depriving the poor and the tribals of their sources of livelihood. They are used as cheap labour for primitive capital accumulation in the name of development. This approach and strategy for development needs to be changed fundamentally. Otherwise the plight of migrant labourers, will continue. Priority should be given to the development of backward regions, to dry farming techniques and forests.

8.19 Poverty alleviation programmes have so far miserably failed to reduce poverty at a significant level. In absolute terms, the number of people living below the poverty line have increased. And a large section of small and marginal farmers who live at a subsistence level are close to those placed below the poverty line. They are vulnerable to fall below this line with the failure of one or two rains and/or rise in inflation. Land, which is the main productive asset in rural areas, has not been distributed to landless households under poverty alleviation programmes. Assets created under various poverty alleviation programmes are often used by the better off sections of rural society. Implementation of land reform legislations has been rather loose. They should be implemented vigorously and without loss of time. The poor should not only be given land but should be given, simultaneously, the necessary infrastructure including agricultural tools, fertilizer, water, credit and know-how. Arrangements should be made for the sale of their produce at remunerative prices. Land reform and agricultural development of the poor should not be delinked. They should go together as a part of the same programme.

8.20 After four decades of Independence, it is high time that the right to work is given as a just right. This should not remain just a rhetorical issue but should be implemented and each adult should be given work or enough land nearer to his/her home. They should be given minimum wages for eight hours of work. Programmes like the Employment Guarantee Scheme, which gives less than minimum wages cannot succeed. Once right to work is given, the State will have to change its development strategy. And, such right would develop a consciousness among the poor for their rights and would bring them together in a more organized way.

### Legal Measures

8.21 Besides the ISMW Act, there are a number of Acts such as the Minimum Wages Act, 1948; the Workmen's Compensation Act, 1923; the Payment of Wages Act, 1936; the Industrial Disputes Act, 1947; the Employees' State Insurance Act, 1948; the Employees Provident Fund and Miscellaneous Provisions Act, 1952; the Maternity Benefit Act, 1961; the Bonded Labour (Abolition) Act, 1976; the Child Labour (Abolition and Regulation) Act, 1986; the Mines Act, 1952; Mines

Creche Rules, 1966; Payment of Wages (Mines) Rules 1966, etc to protect the interests of labourers. But these Acts have largely remained on paper. They are implemented only in a few exceptional cases. Such a situation should be averted. All necessary administrative and legal measures should be taken for their enforcement both in spirit and letter. Justice Bhagwati rightly observed in his judgement in 1984 that, "it is no use having social welfare laws on the statute book if they are not going to be implemented. We must not be content with the law in books but we must have law in action. If we want our democracy to be a participatory one, it is necessary that law must not speak justice but must also deliver justice" (Bandhuwa Mukti Morcha *versus* Union of India and others, 1984). Public opinion should be created by various public media to protect the interests of labourers who create surplus in society.

8.22 There is a need for a comprehensive law for rural labour covering local and migrant labour regulating their terms and conditions of employment, providing adequate security (old age pension, provident fund and compensation in case of any eventuality, and pension for dependents) and welfare measures as they are available to labour in the organized sector of the economy.

8.23 The minimum wages in agriculture and other sectors should be revised every two years and they should be linked with the Consumer Price Index. The minimum wages should be fixed, as the sub-committee of the Parliamentary Consultative Committee (1988) recommended, on a rational basis, taking into account factors like poverty line, requirements of nutrition, shelter, clothing, fuel, light, medical and educational expenses, etc. The rates for piece work have to be fixed calculating hours of work, average output of an adult worker, minimum wages and one day leave in a week.

8.24 The ISMW Act, though a comprehensive Act for the benefit of inter-state migrant labourers, suffers from several limitations. We suggest the following changes:

- 8.24.1 Section 1.4 of the Act should be amended. It should apply to every establishment in which even one or more inter-state migrant workman is employed.
- 8.24.2 The definition of migrant workman as given in Sec. 2(1)(e) should be expanded. It should cover all migrant workmen, whether they come on their own, or change contractors after entering the recipient state.
- 8.24.3 Section 28 should be amended. Violation of the Act should be made a cognizable offence. Third parties should be allowed to file complaints. If the third party's complaint is found to be correct, the

labour inspector who has failed to act should be faced with dismissal and imprisonment.

- 8.24.4 A new section should be inserted to the effect that the contractor shall be held liable for any breach of the Act, whether committed by him or the sub-contractor. It is for the contractor to take any action he desires against the sub-contractor. In no case shall the chief contractor be treated as the principal employer.
- 8.24.5 Though the Act specifies that the principal employer is also responsible if the contractor or sub-contractor violates the Act, in practice only the contractor has been treated by the court as the principal employer. Consequently no principal employer is ever prosecuted. This position needs to be clarified, and the principal employer should be made liable.
- 8.24.6 Section 2(1)(G) should be enlarged. Where government is responsible for a project, the concerned minister should be made the principal employer.
- 8.24.7 The proviso to Section 27 should be deleted. At the moment the principal employer can escape prosecution by pleading that the offence was committed without his/her knowledge.
- 8.24.8 Section 32(1) confers immunity on government servants from prosecution for acts done in good faith. Section 32(23) confers immunity on the government from claims for damages. This section should be deleted in its entirety. Similarly, Section 197 of the Criminal Penal Code, which forbids prosecution of government servants, should also be deleted.
- 8.24.9 The cases related to claims of disabled workmen or heirs/deceased workmen should be transferred to the state from where the migrant workers were recruited.
- 8.24.10 Special courts should be appointed to hear disputes concerning migrant and contract labour. These cases should not go to the civil courts, which are already overburdened.
- 8.25 Some of the facilities specified in the Act such as medical treatment, cost of hospitalization of the worker, supply of clothing, should be provided to all workers—migrants as well as local.
- 8.26 The Workmen's Compensation Act 1923, should be so amended so as to provide full relief to migrant workmen and their families, in case

of accidents or deaths arising out of employment and in the course of employment. The enforcement of this legislation, as Joint Study Team No. 2 points out, has not been proper. In the Central sphere the officers have not been appointed as Compensation Commissioners. The Regional Labour Commissioner (Central) should be appointed as Compensation Commissioner, which may ensure quick relief to the workers in the Central sphere.

8.27 The draft model bill for construction workers prepared by the National Campaign Committee on Construction Labour in 1986 should be adopted by the government. The bill recommends the formation of a tripartite board with the participation of employers, workers and the government at national, state, district and local levels. Such a board would enable the extension of labour welfare legislation including provision of minimum wages, paid leave, provident fund, ESI, etc to the workers. Such bodies exist in the shape of Dock Labour Boards in a few major parts under the provisions of the Dock Workers (Regulation of Employment) Act, 1948.

8.28.1 Other salient features of the model Bill are: (a) compulsory registration of workers, category-wise, and employers; (b) regulation of recruitment by rotation; (c) co-ordinating inter-state, inter-district transfers etc. to maintain continuity of accounts, details of service; (d) making it obligatory for the employer to obtain consent for construction from the board after payment of welfare levy.

8.28.2 The board be empowered to determine wage structure as also management of welfare and to adjudicate in disputes. The Central and state governments should be covered under the purview of the Act as they are the major employers.

## Judiciary

8.29 Mobile courts should be set up consisting of a Senior High Court and a Senior District Judge to adjudicate cases related to violation of the ISMW Act 1979 and the Contract Labour Act, 1970.

8.30 The courts must realize, as Justice Bhagwati observes in his judgement on the ASIAD case, that, "The time has come when the courts must become the courts of the poor and struggling masses of this country. They must shed their character of upholders of the established order and the *status quo*. They must be sensitized to the need of doing justice to the large mass of people to whom justice has been denied by a cruel and heartless society for generations. The realization must come to them that social justice is the signature tune of our Constitution, and it is their solemn duty under the Constitution to en-

force the basic human rights of the poor and vulnerable sections of the community and actively help in the realization of the constitutional goals".

## Administrative Measures

8.31 The centrally sponsored scheme for posting of Inspectors for enforcement of minimum wages in agriculture is at present operating only in four states. It should also be extended to other states.

8.32 It should be made compulsory either through legislation or executive directions that the labour department of the Central or state government should pay prompt and adequate attention to the detection and identification of migrant workers. For this purpose the Labour Department of the home state should immediately inform the Labour Department of the host state or the Central Government's labour enforcement machinery after it has issued a licence under Section 8(1) (a) of the ISMW Act, together with the details of the project's work site, when the recruitment came to their notice, if inter-state migrant workers from the home state for the last state or work in a particular project of state or Central Government.

8.33 The Labour Department of the home state should under legal obligation or executive orders find out the places from where the migrant workers have moved and verify that they were not taken away by force or under coercion. In the event of any untoward situation coming to their notice, they should without loss of time apprise their counterpart in the host state of the position together with such action they deem fit.

8.34 The Labour Department of the host state on receipt of information of licence been granted under Section 8(i) (a) of the ISMW Act or movement of inter-state migrant workers should, without loss of time, process the matters under the ISMW Act to secure enforcement of various provisions under the Act in their state, and intimate their counterpart in the home state of the migrant workers.

8.35 An industrial dispute in the matter of employment, non-employment or terms of employment or the conditions of service could arise before a worker completes his employment. In fact, such a situation arises more often than not during the currency of employment. Under the normal situation, a directly employed worker could raise an industrial dispute at any period of time without any stipulation thereof. Hence, there should not be any discrimination against the inter-state migrant workers who labour under more adversities. The provisions of Section 22(i) (a) of the ISMW Act therefore require consideration for suitable amendment.

8.36 The labour department should be adequately staffed and fully equipped with infrastructural facilities so that it can implement the laws protecting labour effectively. A separate directorate of rural labour should be created to supervise the implementation of various provisions of the ISMW Act and other labour laws. Each labour inspector should be provided with a scooter/motorcycle and paid a fixed allowance to meet petrol and repairing charges. In case a scooter/motorcycle cannot be provided by the government, its cost can be recovered from the inspectors in easy instalments. At the same time, they should be held answerable when various rules and regulations under various labour Acts are not complied with.

8.37 The states with a large number of out-migrant labourers should establish their office with adequate staff and other facilities in the states where majority of their workers work. The officers from this office in co-operation with the Labour Commissioner of the state should periodically visit the work sites where inter-state migrant workmen from that state are employed, and enquire about wages, health and welfare of these workers. Reports of their visit should be submitted both to their parent organization's Labour Commissioner and the Labour Commissioner of the host state. Their consolidated report, every six months should be published in the labour gazette, giving not only statistics of visits and cases, but also names of establishment visited, dates of visits and action taken.

8.38 Unions of rural labourers, action groups and elected representatives must be involved in the process of implementation of various labour laws. A committee consisting of representatives of the Government, rural labour unions action groups and employers should be created at block or taluka level to evaluate the work of field staff entrusted with the task of implementation of labour laws for rural areas.

#### Others

8.39 Temporary ration cards should be issued to migrant workers so that they can get their ration from the fair price shops.

8.40 Children are worst affected by seasonal migration. They have to go without schooling, which means a permanent mortgaging of their future to manual labour. Primary schools and *anganwadis* should be started with the medium of instruction being that of the migrant workers in labour camps where migrant workers spend six to eight months and wherever more than 100 migrant workers are employed. For their elder children (above ten years), accommodation should be provided in welfare hostels cum schools. Alternatively, schools should be rescheduled in rural areas in such a way as to suit the seasonal calendar of the rural areas.

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ANNEXURE—I

TERMS OF REFERENCE OF THE STUDY GROUP ON MIGRANT LABOUR

- 1) To prepare a broad estimate of rural to rural migration within and outside the state.
- 2) To identify the reasons—pull and push factors for migration.
- 3) To inquire into (a) the duration of migration in terms of season and period; and (b) pattern of recruitment—kin or caste relationship, contract, open market etc.
- 4) To identify areas and cropping pattern which attract migrant labourers.
- 5) To study the socio-economic and working conditions of the migrant labourers—both in urban and rural areas. In urban areas, the study will focus on workers in 'Un-organised' sector, particularly building and road construction.
- (6) To study the relationship between migrant and local labourers; and the impact of migrant labourers on the wage structure and employee-employer relationships.
- (7) To inquire into the implementation of the inter-state Migrant Workmen (Regulation of Employment and Condition of Service) Act of 1979; and other Acts related to Migrant labour.