Migration of workers is a human phenomenon which has historical roots and wider implications. The search for the source of survival or quest for Eldorado, the blissful life, has ever remained the inspiring and the dovetailing force of migrations within countries or of trans-migration. Migrations have economic genesis but resulting socio-political cultural ramifications. Indeed, mingling of different cultures has had positive consequences as well as placing strain on the culture and life of the upcoming society affected in either way by migration.

In economic parlance, migration is perceived as when a person is engaged or likely to engage in a remunerative activity in a place of which he is not a native or national.

Migration is an important feature of human civilization. It reflects, human endeavour to survive in the most testing conditions both natural and man-made. Migration in India has existed historically, but, in the context of globalization and opening up of the world economy it has assumed special significance for the country and the society. As a consequence of historical and economic factors, there are serious income disparities, agrarian distress, inadequate employment generation, vast growth of informal economy and the resultant migration from rural areas to urban, urban to urban and backward to comparatively advanced regions in the most appalling conditions.

Causes of Migration

Migration in India is mostly influenced by social structures and patterns of development. The development policies by all the governments since Independence have accelerated the process of migration. Uneven development is the main cause of migration. Added to it, are the disparities, inter regional and amongst different socio-economic classes. The landless poor who mostly belong to lower castes, indigenous communities and economically backward regions constitute the major portion of migrants. In the very large tribal regions of India intrusion of outsiders, settlements by the outsiders displacing the local tribal people and deforestation also played a major role in migration. According to a study 77% of the population i.e. nearly 840 million Indians live on less than Rs.20 (40 cents) a day. Indian agriculture became non remunerative, taking the lives of 100,000 peasants during the period from 1996 to 2003, i.e. a suicide of an Indian peasant every 45 minutes. Hence, the rural people from the downtrodden and backward communities and backward regions such as Bihar, Orissa, Uttar Pradesh travel far afield seeking employment at the lowest rungs in construction of roads, irrigation projects, commercial and residential complexes, in short, building the "shining" India. The pull factors of higher wages caused external migration to the Middle-East countries by skilled and semiskilled workers. Migration of professionals such as engineers, medical practitioners, teachers, managers etc. to developed countries constitutes another dimension of migration which we call “brain-drain”.
Magnitude of Migration

Migration in India is predominantly short distance with around 60% of migrants changing their residences within their district of birth and 20% within their State (province), while the rest move across the state boundaries. The total migrants as per the census of 1971 are 167 million persons, 1981 census 213 million, 1991 census 232 million and 2001 census 315 million. As per the census of the year 1991, nearly 20 million people migrated to other states seeking livelihood. Within a decade, the number of interstate migrants doubled to 41,166,265 persons as per the census figures of 2001. It is estimated that there are at present around 80 million migrants of which, 40 million are in the construction industry, 20 million are domestic workers, 2 million are sex workers, 5 million are call girls and somewhere from half a million to 12 million work in illegal mines otherwise called “small scale mines”. It is estimated that at present around five and a half million Indians are working in the oil exporting countries of the Middle-East and another 2 million are working in the developed world.

92% of the domestic workers are women, girls and children and 20% of these females are under 14 years of age, as per a study conducted by the organization “Social Alert”. There is a perceptible phenomenon in this migration, that is, the tremendous increase of women workers migrating either individually or in groups to find work. They are travelling very long distances even for short-term employment, in the absence of any prospect or promise of employment, still they are migrating. This is a disturbing trend, as in the event of not getting employment, they end up as victims of sexual abuse. Even if they get employment, they have to work under inhuman conditions.

Conditions of Migrant Labour

In terms of employment, construction is the largest employment sector in India after agriculture. Most of the employees in construction are migrants. The working hours are from sunrise to sunset. The working day for women often stretches from 14 to 16 hours, combining house work and work on site where women are paid Rs. 60-70 a day while men are paid Rs.100-175. Masons earn up to Rs.175-250 a day. Work places are unsafe. Workers have no social security, compensation for injuries, access to drinking water and health care. India has the world’s highest accident rate among construction workers. A recent study by the International Labour Organization shows that 165 out of every 1,000 workers are injured on the job.

There are 20 million domestic workers mostly migrants from rural India. Regular streams of new migrants leave behind scorched fields and emaciated families in the tribal belts of Bihar, Orissa, Chattisgarh, Jharkhand, Assam, and Mizoram for Mumbai, Delhi and other Metros. They are desperate to join the army of domestic workers. They are willing to work for much less than those who are already working. They are victims of constant verbal and sexual abuse and work without any grievance mechanisms. Their situation is made worse by local governments’ brutal eviction drives – dislocating and destabilizing the lives of the very people without whom the cities would come to a crippling halt. Further, they have to live in make-shift tents with plastic covers. They are forced to bathe and defecate out in the open.
migrant workers, they do not possess Public Distribution System (PDS) Cards and hence are forced to buy food grains and kerosene at higher than market prices. The ruling elite which consider child labour a menace little realize that it is a natural consequence of migrations.

**Gender discrimination**

Women form more than half of the interstate migrant workforce. As stated above, 92% of the 20 million domestic workers are women and children and 20% of these females are under 14 years of age. Women constitute more than one third in the construction industry. Yet the division of labour is gendered. Masonry is a male-dominated skill as are carpentry and other skilled jobs. Women carry loads of brick, sand, stone, cement and water to the masons. Their wages are less than those paid to men. In the mining sector women do unskilled jobs above ground. They lose wages and also may lose employment for taking leave. They are subjected to sexual harassment. By conservative estimates only 15% of the cases of sexual assault are reported. Women are not provided with any extra facilities to take care of their children while they are working. Notwithstanding, women migration is the highest in the period from 1991 to 2000 due to the agrarian crisis. 73% of these migrant women workers are from rural areas.

**Legal Provisions**

The Government of India made an enactment in 1979 of the “Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979”. Though the act covers only interstate migrants, it lays down that contractors must pay timely wages equal or higher than the minimum wage, provide suitable residential accommodation, prescribed medical facilities, protective clothing, notify accidents and causalities to specified authorities and kin. The Act provides for the right to raise industrial disputes in the provincial jurisdiction where they work or in their home province. The act sets penalties including imprisonment for non-compliance. At the same time the act provides an escape route to principal employers if they can show that transgressions were committed without their knowledge. Needless to say, the Act exists only on paper and not in reality. The record of prosecutions or dispute settlement is almost nil. The migrant labourers face additional problems and constraints as they are both labourers and migrants. Hence, there is no improvement in the working and living conditions for migrant workers. There are no structures to adequately address the basic issues concerning migrant labour relations, leave aside, addressing the whole gamut of labour relations. The reasons are obvious. The Indian Judiciary occasionally comes to the rescue of migrant labour and makes pronouncements and observations to fill the gap in the justice delivery system. It seems regulatory mechanisms are over stretched, inadequately structured, manpower deficient and resource crunched.

One noteworthy enactment to address seasonal migration is the National Rural Employment Guarantee Act (NREGA), which guarantees 100 days of employment in a year. The rate of daily wages is, as per the minimum wage applicable to that territory. It is implemented successfully only in a very few places which is a miniscule response. In most cases the funds are channelled to vested interests.
First step on a long journey

Some trade unions and non-governmental organizations though very small in number make sincere efforts to alleviate the problems of migrant workers. IMF initiated an effort to organize the migrant workers at the ship-breaking yard at Mumbai and Alang through Steel, Metal & Engineering Workers' Federation of India (SMEFI). These migrant workers were organized in the existing union Mumbai, Port Trust, Dock and General Employees' Union (MPTDGEU) by amending the constitution and reducing the rates of subscription. Non-economic demands like civic amenities, occupational health and safety (OHS) and social problems were taken up. The beginning was to provide safe drinking water at the workplace. As a next step, first aid boxes were provided and blood donation camps were organised with the help of St. Johns Ambulance. Identity badges/membership cards were issued. Mohalla Committees (neighbourhood committees) were set up to integrate these migrant workers to bridge the language and cultural gaps. NGO’s were involved and collaboration with them really helped to organise the workers. The union encountered stiff resistance from employers, money lenders and local mafias. The Supreme Court of India appointed a Monitoring Committee, while disposing a Public Interest Litigation (PIL) in the famous Clemenceau case. The Migrant Workers Union submitted a memorandum on socio-economic conditions of the migrant workers and it is considered by the Apex Court as a source of reference. This effort spread to Alang which is the largest shipbreaking yard in the state of Gujarat. The Alang shipbreaking workers came into the fold of this initiative and registered the first ever union of shipbreaking workers in India. To date union membership stands at 5,705. As part of this initiative, training programmes and workshops were conducted exclusively for migrant workers. It is an amazing experience that the migrant workers spoke for themselves in their language and took active part in decision making effort for redressal of their grievances.

There are some efforts like these, but they are not strong enough to build pressure in the corridor of powers to represent the legitimate and genuine issues of migrant labour. Some voluntary groups and non-governmental organizations also have taken up the issues of migrant workers.

The Employees State Insurance Act, 1948 and the Employees Provident Fund Miscellaneous Provision Act, 1952 can be considered as landmark legislations. Such enactments have targeted the fundamental problems of labour including migrant labour by such provisions which take care of the workers in the exigencies of sickness, ill-health and other contingencies of life including old age. The latest initiative of ESI Scheme 'Any Time Any Where' services through proposed IT Roll Out should go a long way in making available both medical and cash benefit related facilities to migrant workers.
The road ahead

The problem of migrant labour is huge and requires cooperation and coordination between the government and other social actors including the trade unions. NGO’s having skilled manpower and resources can provide research and background. Trade unions with their organizational structures, organizing skills can take on the employers, policy makers and governments for a better deal for migrant workers and contribute for social harmony and sustainable growth.

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