



A STUDY ON THE INTERNAL MIGRANT LABOUR - ISSUES AND POLICIES

KEYWORDS

Migrant Labour Definition, Challenges, Internal Migrant Labourers, Globalisation, Urbanisation, Migration policies..

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ABSTRACT

Migration of Labour in search of employment and improved livelihood is a common issue today. Labour Migration is both Internal and International. Internal Migration in search of employment, has an impact on the economic, social and political conditions of the region both at the sending and receiving ends. About two out of Ten Indians are internal migrants. The labour migration is mostly male dominated, and there is a significant increase in the female migrants with the spurring hypermarkets, showrooms and factories. The migration can be permanent, semi permanent, seasonal or circular. The challenges faced by the migrant labour includes their inability to cope up with the diversity of culture, language, access to identity documentation, social entitlements, social and political exclusion, housing and exploitation. Migrant Labourers are covered by laws and policies but some preclude the temporary migrants and unorganized sector. This paper is an attempt to study the challenges faced by the internal migrant Labourers in India and the Policies that have been formulated to deal with the problems associated with Migrant Labourers. The study is confined to internal Migrant Labourers and their issues.

INTRODUCTION

Globalisation, Urbanisation and the search for better livelihood has led to an increase of migrant labourers. In some regions of India, three out of four households include a migrant. About two out of Ten Indians are internal migrants. The impact of migration of labourers and their households, has a significant impact on the social, economic and political conditions of India. Studies on internal migration have indicated a decline in population mobility up to 1990's (Kundu, 1996, Singh 1998, Srivastava, 1998, Bhagat 2009). Conversely the post reform period confirms an increase in the internal population movement. The increase in the migration rate of labourers can be due to several factors that contrast themselves. Increasing unemployment conditions, lack of resources, environmental conditions, degradation of natural resources force the people to move. These push factors are in contrast with the pull factors like better employment opportunities, wages, good educational facilities, urbanization, better communication, commutation factors, life styles and economic factors.

There are two important reasons for rural labour migration: (1) migration for survival and (2) migration for subsistence. The first indicates the severe social and economic hardships faced by rural laborers, a situation where migration becomes necessary to stay alive. The second reason for migration is also rooted in subsistence and arises because of the need to supplement income in order to fill the gaps of seasonal employment. Such communities often migrate for shorter periods and do not ordinarily travel very far from their homes. (Ankit Kr Mishra, 2011). This paper reviews issues relating to internal labour migration in India. This paper relies on secondary data and analysis it with a new dimension.

DEFINITION

Encyclopaedia Britannica defines "labour, casual and unskilled workers who move about systematically from one region to another offering their services on a temporary, usually seasonal, basis".

CHALLENGES & ISSUES

Health and Living Conditions:

The migrant labourers working in unorganized sectors work and live in unhygienic and polluted environment are vulnerable to health problems and sickness. Migrant Labourers who are employed in construction sites, metro projects, quarries, mines and highway projects live in hazardous environment and are vulnerable to air and water pollution leading to kidney and lung disorders. Most live in open spaces or make shift shelters in spite of the Contract Labour Act which stipulates that the contractor or employer should provide suitable accommodation.

Apart from Seasonal Workers, workers who migrate to the cities for job live in parks and pavements. Slum dwellers who are mostly migrants, stay in deplorable conditions, with inadequate water and bad drainage. (Ravi Srivastava, S.K.Sasikumar, 2000). Inadequate safety measures and ignorance of safety gadgets lead to accidents which may be fatal.

Spread of communicable diseases

Each state has a unique epidemiological profile of communicable diseases. For example, Orissa is hyper-endemic to malaria. When labourers from Orissa migrate to some other state, such as Kerala, where the potential vector is available but the disease is not present, they introduce the disease in the state. Several new cases of malaria have been reported in regions where the disease was absent, and this has been attributed largely to migration (Pai et al, 1997).

Violence Against Women

In the past, women used to migrate along with their husbands to help them with the housework while they eked out a living. In recent years, there has been an increase in the number of women who migrate independently in search of work.

Women form more than half of the interstate migrant workforce. Ninety-two per cent of the 20 million domestic workers in the country are women and children, and 20% of these females are under 14 years of age (Banerjee et al, 2009).

Women constitute more than one-third of the labour in the construction industry. Female migrant labourers face several important gender-based problems, including gender-based discrimination at work and violence. Given the lack of a supportive environment and social system, this can have a significant impact on the physical and mental health of these women (Raj A, Silverman JG, 2002).

Child Labour

Children who migrate along with their families are deprived of the free and subsidised educational facilities offered by the state resulting in Child Labour. They are often engaged in occupations which are as dangerous as those in which the adults are engaged. Thus, the children are exposed to health problems and occupational hazards similar to those faced by the adults. This hampers the overall growth and development of the child. It also contributes to increased childhood morbidity and mortality (Mansuri G, 2006).

Psychosocial Disorders

Migrant labourers do not have social capital and social support structures in the place to which they have migrated. They uproot themselves from their native place and move to a totally new environment, and initially, they face problems adjusting to the new socio-cultural milieu. This gives rise to a good deal of psychological distress. The absence of strong social support perpetuates the psychosocial distress and has an adverse effect on the migrant labourers' mental health (Rogaly B et al, 2002).

Occupational diseases

Migrant labourers are usually employed in the 3-D jobs – dangerous, dirty and degrading. These are jobs which the local population of the developed state would not take up and hence, labour is brought in from outside the state for the same wages and sometimes for less. These jobs are invariably associated with more occupational hazards than other jobs. Migrant labourers working on construction sites commonly suffer from falls, injuries caused by machines, amputations and crush injuries (Schenker MB).

Migrants cannot access various health and family care programmes due to their temporary status. Free public health care facilities and programmes are not accessible to them. For women workers, there is no provision of maternity leave, forcing them to resume work almost immediately after childbirth. Workers, particularly those working in tile factories and brick kilns suffer from occupational health hazards such as body ache, sunstroke and skin irritation (NCRL, 1991).

As there are no crèche facilities, children often accompany their families to the workplace to be exposed to health hazards. They are also deprived of education: the schooling system at home does not take into account their migration pattern and their temporary status in the destination areas does not make them eligible for schooling there (Rogaly et al, 2001; 2002).

In the case of male-only migration, the impact on family relations and on women, children and the elderly left behind can be quite significant. The absence of men adds to material and psychological insecurity, leading to pressures and negotiations with wider family (Rogaly et al, 2001; 2002).

Documentation and Identity

Proving their identity is one of the core issues impoverished migrants face when they arrive in a new place, a problem that can persist for years or even decades after they migrate. Identity documentation that is authenticated by the state is indispensable for ensuring that a person has a secure citizenship status and can benefit from the rights and protections that

the state provides.

The basic problem of establishing identity results in a loss of access to entitlements and social services. Lack of identification means migrants are not able to access provisions such as subsidized food, fuel, health services, or education that are meant for the economically vulnerable sections of the population.

Limited Access to Formal Financial Services

Despite the economic imperatives that drive migration, migrant workers essentially remain an unbanked population. Since migrants do not possess permissible proofs of identity and residence, they fail to satisfy the Know Your Customer (KYC) norms as stipulated by the Indian banking regulations. They are thus unable to open bank accounts in cities. This has implications on the savings and remittance behaviors of migrant workers.

Political Exclusion

In a state of continuous drift, migrant workers are deprived of many opportunities to exercise their political rights. Because migrants are not entitled to vote outside of their place of origin, some are simply unable to cast their votes. A 2011 study on the political inclusion of seasonal migrant workers by Amrita Sharma and her coauthors found that 22 percent of seasonal migrant workers in India did not possess voter IDs or have their names in the voter list. Because of this, migrant workers are often left unable to make political demands for entitlements or seek reforms.

Exploitation By Agents

Migration flows are mediated by an elaborate chain of contractors and middlemen who perform the critical function of sourcing and recruiting workers. The lowest links in this chain are most often older migrants who are part of the same regional or caste-based social network in the rural areas.

While these networks do serve the purpose of providing migrants with information and subsequent access to work opportunities, they largely operate in the informal economy.

There are no written contracts, no enforceable agreements regarding wages or other benefits, and no commitments regarding regular provision of work. Migrants, completely dependent on the middlemen for information, end up working in low-end, low-value, hard, and risky manual labor and are constantly subject to exploitation with little or no opportunity for legal recourse. Their work lives are characterized by exploitative practices such as manipulation in wage rates and work records, nonpayment or withholding of wages, long work hours, abysmal work conditions, and verbal and physical abuse. Accidents and deaths at workplaces are also extremely common in the construction sector, which is aggravated by the absence of any kind of social protection.

GOVERNMENT LEGISLATION AND POLICIES

Labour laws and Policies

The Indian Constitution contains basic provisions relating to the conditions of employment, nondiscrimination, right to work etc. (e.g., Article 23(1), Article 39, Article 42, Article 43). India is also a member of the ILO and has ratified many of the ILO conventions. These provisions and commitments, along with pressure from workers' organisations, have found expression in labour laws and policies.

Migrant labourers face additional problems and constraints as they are both labourers and migrants. Many of the problems faced by migrant labourers are covered by laws and policies in as much as they cover all labourers in a particular sector or industry. These laws include the Minimum Wages Act, 1948; the Contract Labour (Regulation and Abolition) Act, 1970; the Equal Remuneration Act, 1976; the Building and Other Construction

Workers (Regulation of Employment and Conditions of Service), Act, 1996; the Workmen's Compensation Act 1923; the Payment of Wages Act 1936; the Child Labour (Prohibition & Regulation) Act, 1986; the Bonded Labour Act, 1976. Acts that preclude temporary migrants include The Employees State Insurance Act, 1952, The Employees Provident Fund Act, 1952 and The Maternity Benefit Act, 1961.

In addition to the above laws, Parliament passed the Inter State Migrant Workmen (Regulation and Conditions of Service) Act 1979 specifically to deal with malpractices associated with the recruitment and employment of workers who migrate across state boundaries. In practice, however, this act is overwhelmingly ignored by state governments. As such, it articulates ideal working conditions for interstate migrants, but lacking provisions for enforcement, it has not been used to create a better policy environment in practice.

Labour laws aiming to protect migrant workers have remained largely on paper. In the case of the 1979 Act, few contractors have taken licences and very few enterprises employing interstate migrant workers have registered under the Act. The record of prosecutions and dispute settlement has been very weak. Migrant workers do not possess pass books, prescribed by law, and forming the basic record of their identity and their transactions with the contractor and employers (NCRL 1991, GVT, 2003).

Following the recommendations of the Second National Commission of Labour (NCL, 2002), the central government has mooted a draft law (The Unorganised Sector Workers Bill, 2003) in order to identify workers employed in the unorganised sector and to provide them with basic social security. The Bill builds upon the experience of tri-partite welfare funds already in existence for a few industries in some states

CONCLUSION:

The challenges faced by the migrant labourers are more complex. An analysis of this migrating pattern makes it clear that though the migrant labourers contribute more to India's economy, they are not in a protective and prosperous zone. The Central and State Governments have to provide adequate measures to safeguard the interests of the migrant labourers, and derive context-specific solutions. A concerted national policy to facilitate and promote the wellbeing and a system that ensures access to entitlements and basic work conditions is highly recommended.

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