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Kurukshetra

(Yadvender Singh)
India is a welfare State and therefore, the welfare of citizens is the paramount consideration of the State. Consequently, the State can not afford to ignore the health, safety and welfare of labour force. Therefore, labour legislation is one of the most important institution of the modern society. The origin and growth of labour legislation may be ascribed to several social forces, the most important of which is the development of organized industry, where a considerable number of men, women and children are employed. In addition to it, unorganized sector almost consists of 93% of the total workforce. Migrant labour is an important part of unorganized sector.

Migration is not new to the human race. Migration in India has largely been fueled by pull and push factors, the increasing regional disparities, rural urban disparities and urban bias in economic planning. Labour migration may be defined as a form of labour mobility towards districts or States or outside where industry and employment are expending. In other words migration may be a phenomenon of the flow of people over shorter or longer distances from one origin to a destination either for temporary or permanent settlement. The rapid industrialization has attracted a major chunk of labourers from rural to urban, and thus not only causing the problems for urban growth as well as development, but also for the labourers. The bulk of rural population in our country has to depend on the agriculture for the main source of their livelihood. Failure of rain and consequent failure of agriculture hits the main source of income of this large segment of
population. Therefore thousands of people from these places are forced to migrate towards urban areas in search of work. Besides drought there are some other factors also which play a major role in the seasonal migration of this class. Other various causes of migration of labour are agricultural poverty, the decline of village and cottage industries, poverty of the people, drought affected villages in which absentee of work are for about six months per annum and the existence of a large size of small cultivators, whose holdings are extremely inadequate and landless labour in economically weaker sections of the community and lower caste people.

A vast population of country’s workforce is migrant worker and consequently unprotected. It represents that section of the labour community who by the nature of their employment are casual, who do not get employment for all days in the year, whole wage rates and conditions of service are not determined by collective bargaining. For them, the fulfillment of the post independence socialistic Constitutional guarantee of equality of status and opportunity and the right to live with human dignity coupled with promises of adequate means of livelihood and social security is nowhere in sight. Migration becomes objectionable when the element of freedom in movement is replaced by coercion and all the normal hopes and expectations associated with migration are believed and the migrant workers are subjected to exploitation culminating in a lot of misery and deprivation of irreducible barest minimum of which every worker as a human being and a citizen is entitled. It becomes objectionable when human greed and aggressively selfish and acquisitive instincts overtake the final aspects of human
character such as kindness, compassion and where human beings are driven to a situation characterized by the denial of human dignity, decency, justice, equity and security.

Therefore, keeping in view the appalling conditions of migrant labour and the need on the part of welfare State to regulate their employment and other conditions of work and to take proper care of health, safety and security of migrant workers, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was enacted by the Parliament of India. In this background, it is essential and pertinent to find out as to what extent the migrant workers are being benefited by this law and other laws providing protection to them.

In the present study an attempt has been made to analyse and evaluate the provisions of ISMW Act, 1979 and other laws applicable to migrant workmen. In addition to above an attempt has been made to seek the responses of the migrant workers with the help of a questionnaire framed for the purpose. Since the scope of the study is confined to the Kurukshetra district of Haryana, therefore, certain questions were also posed to the labour department of Kurukshetra district by way of a questionnaire.

The entire study has been divided into five chapters. After introductory matter in Chapter I, the review of related literature has been discussed in Chapter II of the thesis. Chapter III contains the complete description of legislative protection available to migrant workers in India. The data collected through the migrant workers and the labour department of Kurukshetra district has been analyzed and evaluated in
Chapter IV of the thesis. Chapter V contains the conclusion and suggestions drawn from the study. Throughout the study the important judicial pronouncements of various High Courts and the Supreme Court of India have been referred to, analysed and evaluated at the appropriate places. It is hoped that the present study will prove to be a useful research for the students, researchers and the policy makers.

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