CHAPTER IV

ANALYSIS AND INTERPRETATION OF DATA

4.1 Introductory

In this chapter the researcher has made an attempt to analyse and interpret the data collected from the migrant workman and from the labour department of Government of Haryana. The objective of this part of research work is to bring to surface the actual realities and the practices, which are going on regarding the implementation and enforcement of law relating to migrant workman. This part also contains the practical problems being faced by the migrant workmen during the course of their work.

The State of Haryana comprises of twenty four districts having a large industrial area situated in most of the districts. It is also necessary to highlight here that a lot of migrant workmen are working in State of Haryana. These migrant workmen have been migrated from different States of India. Keeping in view the financial resources and the time factor, it is not possible for the researcher to widen the scope of the study upto all the twenty four districts of Haryana. Therefore, the scope of the study has been delimited upto Kurukshetra district only.
In order to conduct empirical study relating to the legal protection available to inter-state migrant workmen working in Kurukshetra district a questionnaire in Hindi language framed and it was used as a tool of research for the purpose. This questionnaire in Hindi language was circulated to the sample subjects for seeking their responses. The sample subjects consisted of male and female migrant workmen in different age groups. Eighty sample subjects were identified for this purpose. Out of these eighty sample subjects there were forty males and forty females. So far as the age group is concerned sixty sample subjects were below forty years of age and the remaining twenty sample subjects were above the age of forty. The sample subjects also consisted of both the rural and urban areas of Kurukshetra district. As such forty sample subjects were selected from urban area and remaining forty sample subjects were taken from rural area. This questionnaire contains eighteen questions relating to all the aspects of migrant workmen.

In addition to above, one questionnaire has been prepared for the labour department, Government of Haryana, situated in Kurukshetra district. In this way, the structured interview schedule for the labour department has been used as the research tool.
4.2 Analysis of Data

The data so collected has been analyzed and evaluated in the following pages.

Graph 1

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(A) Number of migrant workmen who came through contractors.

(B) Number of migrant workmen who came directly.

Graph 1 reveals that eighty five percent of the sample subjects admitted that they have come directly to Kurukshetra district. Whereas, only fifteen percent of the sample subjects admitted that they have come through their contractors.
Graph 2

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(A) Number of migrant workmen who received journey allowance from their contractors.

(B) Number of migrant workmen who did not receive journey allowance from their contractors.

Graph 2 reveals that out of total eighty migrant workmen only four migrant workmen received journey allowance from their contractors. So, the total percentage of beneficiaries amounts to five percent within the target group. However, comparison of Graph 1 and Graph 2 reveals that only four migrant workmen out of twelve have received the journey allowance from their contractors. Therefore, it can be concluded that only thirty three percent of the migrant workmen have received journey allowance from their contractors.
Graph 3

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(A) Number of migrant workmen who did not receive bank pass books in their names from their contractors.

Graph 3 reveals that hundred percent of the sample subjects did not receive bank pass books in their names from their contractors. So, the total percent of beneficiaries amounts to zero within the target group. It implies that the contractors are clearly violating the provisions of the Act.

Graph 4
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(A) Number of migrant workmen who did not disclose names of their principal employers.

(B) Number of migrant workmen who did not know the name of their principal employers.

(C) Migrant workmen who knew the name of their principal employers.

Graph 4 reveals that fifteen percent of the sample subjects did not disclose names of their principal employers, twenty percent of the sample subjects did not know the names of their principal employers and sixty five percent of the sample subjects knew the names of their principal employers.

![Graph 5]

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(A) Number of migrant workmen who did not disclose that whether they received minimum wages or not.
(B) Number of migrant workmen who did not receive minimum wages.

Graph 5 reveals that total twenty percent of sample subjects did not disclose that whether they received minimum wages or not, however, total eighty percent of sample subjects disclosed that they didn't receive minimum wages.

Graph 6

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(A) Number of migrant workmen who accepted that they get regular payment of wages.

(B) Number of migrant workmen who accepted that they do not get regular payment of wages.

Graph 6 clearly indicates that forty one percent of the migrant workmen have accepted that they are getting regular payment of wages. However, fifty nine percent of
the migrant workmen have said that they are not getting regular payment of the wages.

**Graph 7**

**Index**

(A) Number of migrant workmen who revealed that they are not getting free of cost medical facilities from their contactors or the principal employers.

Graph 7 reveals that none of the migrant workmen out of the target group had received free of cost medical facilities from the contractor or the principal employer.

**Graph 8**
Index

(A) Number of migrant workmen who accepted that they received payment in cash.

Graph 8 highlights that hundred percent of migrant workmen have accepted the fact that they are getting their wages in cash.

Graph 9

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(A) Number of female migrant workmen who accepted that their husbands are receiving wages on their behalf.

(B) Number of migrant workmen who admitted that they themselves are getting their wages.

Graph 9 clearly indicates that eighty two percent of the migrant workmen are getting their wages themselves, however, it is interesting to highlight here that eighteen percent of the migrant workmen have stated that their husbands are receiving wages on their behalf. Therefore,
the need of the hour is to stop such practices going on in the establishments as such practices are not intended by the Act in question.

Graph 10

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(A) Percentage of migrant workmen who accepted that they are getting their wages without any deduction.

(B) Percentage of migrant workmen who accepted that they are getting their wages after deduction.

Graph 10 reveals that eighty seven percent of the migrant workmen accepted the fact that they are getting their wages only after some deductions. However, thirteen percent of the migrant workmen revealed that they are getting their wages without any deduction.
(A) Percentage of migrant workmen who accepted that their contractors helped them in case of physical injury caused to them.

(B) Percentage of migrant workmen who have said that their contractors did not help them in case they suffered with physical injury.

Graph 11 indicates that twenty five percent of the migrant workmen out of the target group have admitted that their contractors helped them in case of physical injury caused to them. However, seventy five percent of the migrant workmen out of the target group stated that their contractors did not help them in case they suffered with physical injury.
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(A) Percentage of migrant workmen who revealed that their contractors did not provide them safe clothings as per the nature of work.

Graph 12 reveals that hundred percent of migrant workmen have accepted the fact that their contractors did not provide them safe clothings as per the nature of work. It implies that the contractors are violating the provisions of the Act.
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(A) Percentage of migrant workmen who disclosed that they were not getting the facility of clean water, toilets, bathrooms and place to wash clothes from their principal employers.

Graph 13 reveals that hundred percent of migrant workmen have admitted the fact that they were not getting the facility of clean water, toilets, bathrooms and place to wash clothes from their principal employers. It implies that this provision has been clearly violated by the principle employers.
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(A) Percentage of migrant workmen who disclosed that there were no rest rooms in their respective establishments, in case they had to stay at night hours at the establishments.

Graph 14 highlights that hundred percent of migrant workmen have stated the fact that they had no facility of rest rooms at their respective establishments, in case they had to stay at night hours at the establishments. Therefore, it means that the provision relating to rest rooms for night stay of migrant workmen at the establishments have not been complied with by the principal employers.
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(A) Percentage of migrant workmen who disclosed that facility of canteen had not been provided to them at their establishment.

Graph 15 reveals that hundred percent of migrant workmen did not have the facility of canteen at their establishments.
Percentage of migrant workmen who never made complaint against their respective principal employer or contractors.

Graph 16 reveals that hundred percent of migrant workmen never made any complaint against their respective principal employers or contractors.

Graph 17

Percentage of migrant workmen who stated that they did not receive displacement allowance from their contractors.

Graph 17 reveals that hundred percent of migrant workmen did not receive displacement allowance from their contractors.
Graph 18

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(A) Percentage of female migrant workmen who accepted that they were not getting equal pay for equal work.

Graph 18 reveals that hundred percent of the female migrant workmen have admitted that they were not getting equal pay for equal work.

4.3 Observations

The empirical study conducted on migrant workmen of Kurukshetra district has revealed that eighty five percent of the sample subjects have came directly to Kurukshetra district without taking the help of contractors for the purpose. Rest of the fifteen percent came to Kurukshetra district through the contractors. It necessarily implies that eighty five percent migrant workmen came to Kurukshetra district at their own level without bothering about the provision of ISMW Act. They also manifested the
fact that they are quite ignorant about any law for the purpose of their welfare. It is further highlighted by the study that only thirty-three percent of the migrant workmen have received journey allowance from their contractors. Therefore, it is clear that section 15 of ISMW Act is frequently related by the contractors. It is also painful to highlight here that hundred percent of the sample subjects did not receive bank passbooks in their names from their contractors. It implies that the total percent of the beneficiaries amounts to zero within the target group. This is an utter violation of the provisions of the Act by the contractor. In addition to above the study also reveals that twenty percent of the subject samples did not know the names of their principal employers, whereas, the Act makes it mandatory for the contractor to disclose the names of the principal employers to the migrant workmen. Migrant workmen are also included within the scope and ambit of the Minimum Wages Act. But, it is clearly highlighted by the study that eighty percent of the migrant workmen admitted that they did not receive minimum wages from the principal employer. Therefore, section 13 of the Minimum Wages Act is quite irrelevant for them. Similarly, a majority of the migrant workmen have admitted that they are not getting regular payment of wages, which is a necessary requirement according to
Payment of Wages Act. Therefore, the protection available under Payment of Wages Act is meaningless for them.

The Act makes it mandatory for the principal employer or the contractor to provide free of cost medical facilities to the migrant workmen. The study reveals that none of the migrant workmen had received free of cost medical facilities from the contractor or the principal employer. It is quite satisfactory that hundred percent of the migrant workmen had admitted that they are getting their wages in cash and not in kind. It has been clearly indicated by the study that eighteen percent of the migrant workmen have stated that their husbands are receiving wages on their behalf, such types of practices are violating the human rights of female migrant workmen clearly. Eighty seven percent of the sample subjects have also stated that they are getting their wages only after some deductions. But they do not know, what type of deductions these are. Therefore, the principal employer should disclose each and every detail regarding the deductions to the migrant workers. The Act makes it mandatory for the contractor to help the migrant workmen in case of physical injury cause to them. But, seventy five percent, of the migrant workmen stated that the contractor did not help them in case they suffered with physical injury. Section 16 of the Act confers a duty upon the contractor to provide
protective clothing to the workmen as per the nature of work. But the study reveals that hundred percent of migrant workmen have accepted the fact that their contractors did not provide them safe clothings as per the nature of work. It implies that the contractors are violating the provisions of the Act. It is also highlighted here that hundred percent of migrant workmen have admitted that they were not getting clean water, toilets bathrooms and place to wash clothes from their principal employer. Therefore, the provisions of the Act are not followed by the principal employer. Similarly, hundred percent of the migrant workmen have admitted that they had no facility of rest rooms at their respective establishment in case they had to stay at night hours at the establishments. This is a mandatory requirement under section 16 of the Act. The study further highlights that hundred percent of migrant workmen did not have the facility of canteen at their establishments. It is interesting to highlight here that hundred percent of migrant workmen had never made any complaint against their respective principal employer or the contractor. Although, the Act contains certain provisions for the redressal of the grievances of the migrant workmen, yet these provisions are meaningless for the workers because of the fact that they are too poor to make both ends meet. Further, if they do so they have the fear of
loosing their job and it may render them jobless. Moreover, the grievance redressal mechanisms provided under the Act is so complex that the workmen can hardly get any remedy out of it. Therefore, the need of the hour is to simplify the grievance redressal mechanism so that the workmen may get speedy remedy. Section 14 of the Act provides that every inter-state migrant workmen is entitled to a displacement allowance at the time of recruitment, which may be either seventy five rupees or half of the monthly wages payable to him, whichever is higher. But the study reveals that hundred percent of migrant workmen did not receive displacement allowance from their contractors. It necessarily implies that there is a wide gap between theory and practice. Likewise, according to section 16(b) of the Act it shall be the duty of every contractor employing inter-state migrant workmen in connection with the work of an establishment to which this Act applies to ensure equal pay for equal work irrespective of sex. But study reveals that hundred percent of the female migrant workmen have admitted that they are not getting equal pay for equal work. Discrimination in terms of wages on the basis of sex is a common phenomenon in all establishments employing migrant workmen. Hundred percent of the sample subjects accepted the fact that male migrant workmen are getting
more wages as compared to female migrant workmen for doing the same or similar nature of work.

4.4 Observations Regarding Implementation of the Act

During the course of empirical study the researcher has obtained certain responses from the labour department situated at Kurukshetra district headquarter. The responses sought from the labour department relate to the implementation and enforcement of the laws relating to migrant workmen working in Kurukshetra district of Haryana. The study has revealed certain surprising results. It was informed by the labour department that not even a single establishment has been registered in Kurukshetra district during the last three years for the purpose of ISMW Act, 1979. However the Act contains a provision for the registration of the establishment where migrant workmen are working. It implies that certain establishments employing migrant workmen are clearly violating the provisions of the Act. It has also been revealed by the labour department that not even a single contractor has obtained license for the purpose mentioned under ISMW Act. It is also pertinent to mention here that not even a single suit has been instituted in pursuance of the sanction granted by the Inspector. The labour department has admitted that the Inspectors visit the establishments for the purpose of the Act. The enforcement authorities
have admitted that the provisions of Minimum Wages Act, Payment of Wages Act, Maternity Benefit Act, Employees' Provident Fund Act, Employees' Compensation Act, Inter-State Migrant Workmen Act and The Unorganized Workers' Social Security Act are very rarely implemented by principal employer and contractor. It necessarily implies that the enforcement mechanism provided under ISMW Act is very weak, consequently the principal employer and the contractor are clearly violating the provisions of the above stated laws. Inspite of the fact that the laws relating to migrant workmen are not implemented even to a small extent, no sanction has been granted for the institution of the suit against those persons who violate the provisions of the above stated Act. It has also been revealed by the officials of the department that generally the provisions contained in Employees' Provident Fund Act are not implemented except in the case of migrant workmen working in brick kiln sites. The provident fund of the migrant workers working in brick kiln industries is deducted but it was also revealed by the officers of the labour department of Kurukshetra district that this deduction is not delivered to the migrant workmen when they leaves the job. Consequently, a huge unclaimed amount has accumulated in the name of provident fund. This happens because of the fact that the migrant
workman does not contact the labour department before he leaves for his native place. Therefore, the workers should be made aware about their provident fund accumulation periodically. The empirical study also reveals that no record is maintained by the establishments employing migrant workmen. Regarding the implementation of Unorganized Workers Social Security Act it has been revealed by the labour department of Kurukshetra district that all the ten social security schemes mentioned in the Act were in force before the enactment of this Act. Therefore, it can be concluded that this Act has provided nothing new to the unorganized workers and therefore, it is merely an eyewash. In view of the above, it is evidently clear that the enforcement mechanism provided under the Act is not fulfilling its obligations as per the intent of the legislature. In addition to it, a comprehensive legislation providing safety, security and other things to migrant workmen should be enacted.