Chapter 1

Introduction

Labour is an important and integral part of production. Any work whether manual or mental, which is undertaken for a monetary consideration is called labour in economics. Labour is the skill, efficiency and asset of a labourer. Labour is always and everywhere the largest factor of production and labour income always constitutes a large part of national income (Reynolds, 1978). Labourers are those who work for the sake of money and any other rewards. According to Oxford Dictionary, “Labourer is a man who performs heavy unskilled work: agricultural labourers, farm workers”. Worker is an individual who has entered into works (or has worked) under a contract of service, or apprenticeship and any other contract whereby the individual undertakes to do or perform personally any work or services for any other party the contract whose status is not by virtue of the contract that of a client or customer or any other profession of business carried out by the individual (Cruzon, 1997).

On the organizational respect, workers can be categorized as organized workers and unorganized workers. Organized workers work in organized sectors and they are well organized and able to live a much better protected life whereas the unorganized don’t possess these opportunities.

Labour refers to all human effort undertaken to secure monetary reward. It is used in a general sense to mean both mental and manual workers in fact the term is used to designate everyone from the top managing director of the company down to peon and the watchman. Labour, as a factor of production, has certain characteristics which are out of question for factor like land and capital, eg. i. This factor, i.e. , labour
will usually be found combining together in trade unions to urge wage and salary claims on entrepreneurs; ii. Such peoples are within limits, free to choose whether they will work on a particular day or not, though they will usually have less freedom of choice deciding how long they will work on a given day; iii. They can decide whether or not to perpetuate themselves by having children. All these choices are not available to the other factors. (Singh, 2004). Labour is more than an abstract factor of production. Workers are people who want good jobs with high wages so that they can buy the things they need and want. Labourers need to eat, but they also have feeling, so they worry about both the quantity and quality of jobs. (Samuelson, Nordhaus, 2006).

According to Indian Factories Act—Workers means a person (employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer whether for remuneration or not) in any manufacturing process, or in premises used for a manufacturing process, or in any other kind of work incidental to, or connected with the manufacturing process, or the subject of the manufacturing process. Similarly according to Contract Labour (Regulation and Abolition) Act, 1970: Workman means any person employed in or in connection with the work any establishment to do any skilled, or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied.

Unorganized labour system is not new to our society. Its origin can be traced from the Caste hierarchy and feudal structure. In the hindu Caste structure, out of four main castes or ‘Varna’ (Brahmin, kshetriya, Vaishya and Sudra) the sudras were always treated as lowest and were subjected to the atrocities by the higher castes. All the manual jobs were
done by them; the slaves belonged to this category. The original slaves were called ‘Dasas’ or Sewaks.

(Pandey 1976)

The word “Unorganized” labour has not been defined so far in its exact meaning anywhere in the labour legislations. But it does not mean that this system of unorganized labour is new to our Indian society. History shows that unorganized labour system has been in existence in our country from the times immemorial in one form or the other. Its origin could be traced out in powerful persons dominated the scene at the cost of exploitation of the less privileged and helpless persons by holding them in slavery or bondage.

In the early days unorganized labourers used to enter into an agreement with their employers under which they pledged their own property including their physic in the form of personal service to the employer for a very nominal remuneration or even without remuneration in lieu as the debt were repaid by the labourers to their employers. Not only the labours working under the system of bondage and slavery are unorganized labour but agricultural labour, contract labour, quarry labour and other unprotected labourers are also come under the purview of unorganized labour. These unorganized labourers are mostly working in rural areas in unorganized manners. (Majid, 2000)

The poor population, which is the majority of the population in developing countries, had been variously referred to as informal sector, unorganized sector, working poor. Marginal peripheral, third sector, lower circuit, residual, illegal, black economy, hidden economy and peoples’ economy in the literature of development. They are used interchangeably even though they mean different things. Of all these
terms, the terms in formal and unorganized are the two most critical ones when formulating a conceptual framework to explain the reality of the population in the developing countries.

They refer to different processes altogether, in an economy, even though they have been used interchangeably. Whereas the informal formal continuum of a system of work is indication of the extent of verbal written transactions the organized unorganized continuum is a function of the extent of collective action for common goal by people. When these two terms are juxtaposed, the working population can be viewed as organized and formal, organized and informal unorganized and formal or finally, unorganized informal. Any set of people can protect their interests only by organizing. This is even more true for the poor in any economy. Because the terms unorganized and informal are used interchangeably. (Jumani, 1991)

Unorganized labourers are working in unorganized sectors and they are living in country side. In our society unorganized sector workers remain in existence in its various forms and are facing numerous problems. The main problem of unorganized labourers is related to social and economic exploitation of the have nots by the haves of our society. The emphasis on industrialization and relative neglect of unorganized sector characterize not only in development plans but also in existing legislative enactment made for the purposes of social security and social welfare. The social protecting afforded to unorganized workers has been criticized in particular on the grounds that have been specially conceived for them. It merely reflects what has been done for industrial workers it is one of the reasons underlying the difficulties by social security development in unorganized sectors in India. (Srivastava, 1993)
In unorganized sector not only the adults but the women and children are also compelled to work due to various socio economic traits. Working women and children constitute a sizeable number in this sector, but their problems and difficulties do not receive adequate attention to policy makers, planners, legal luminaries and administrators. (Gangrade and Gathia, 1993)

A large number of children are employed in unorganized sector and they work as domestic servants or as workers in the hostels, restaurants, canteen, way side shops and establishments or as hawkers’ newspaper sellers, collies, shoeshine boys, vendors or helpers in repair shops for loading and unloading or braking of stones etc. they are employed in artisans. In circuses also a sizeable number of artists are children. (Shukla and Ali, 2000)

The proportion of women in the female workforce engaged in the unorganized sector is estimated to be 90%. The workers in these occupations suffer from a high incidence of casualization. Thus the incidence of casual wage workers and agricultural and construction workers and agricultural and construction workers among women ranges from 75% to 96% of the total female wage earners.

The major constraints observed in the unorganized sector are low wages, low capital, use of crude tools, and lack of access to markets. Lack of skills, basic poverty, lack of social legislation, lack of access to basic amenities such as housing a social conditions, indebtedness, poor health conditions and absence of regular wages exploitation and harassment by middlemen and lack of organization are some of the problems associated with workers in unorganized sector (Mohan, 2000)
Economically Nepal has been identified as one of the least developed countries in the world with a per capita income of $220. Nepal is surrounded by India on three on three sides and China to its North. Their landlocked geographical position has made its economy totally dependent on India for seaport facilities, even for the transportation of most goods and commodities coming from China.

Nepal is small landlocked country sandwiched between the two Asian giants - China and India - a geographical position that is hardly inevitable from the point of view of economic security and independence. Its geographical positions has been traditionally characterized as being analogous to "A yam caught between two rocks". It comprises a total of 1, 47,181 sq. km area of land. Despite its highly mountainous and hilly topography, about 20% of its total land area lies in the sub-tropical lowland called the Terai belt which stretches along the Nepal - India border. (Shrestha, 2001)

Migration between Nepal and India has been taking place since a long time ago due to various reasons. Even though it has great consequences in the lives of migrants of both countries, it is still undocumented and least understood. In fact it is difficult to document this phenomenon because of its immensity and complexity. As a result, the volume of migration between the two countries is still largely unknown. There are, however different estimates and they vary by a wide margin. Officially, i.e. based on census 2001, about 5,89,000 Nepali are working in India. On the other hand, Nepali Immigrant Association in India estimates that there could be 1.3 to 3 million Nepali working in India (Thieme, 2006)
Nepal and India are close neighbouring countries bound together on historical, geographical, social, cultural and economic ground from time immemorial. India and Nepal are two neighbouring closely related to each other in various ways. In fact the relationship is unique in many respects anywhere in the world. The closeness of two countries in terms of geography, economy, socio-cultural compositions etc has provided a special dimensions to their relations

Nepal's geographical situations has serious bearings upon India - Nepal relations. Situated in the southern slopes of the Himalayas, it separates the Tibetan plateau from the gangetic plains of India. On three sides, it is surrounded by India. What is more important is that the border between the two countries can easily be crossed without any natural and legal obstacles.

Socially and culturally, the two countries are inseparable. Most of the people of Nepal have migrated to that country and belong to the Indo Aryan racial stock. Their life styles, manners, customs, food habits have the same roots. Nepali, which is the national language, is written in Devnagari script. This apart, almost all the languages and dialects spoken in Uttar Pradesh and Bihar states are prevalent in Nepal, particularly in the terai region. Most of the Nepalese (86%) are Hindus. Their festivals, deities, epics, religious places etc. are similar to Indians. In the border regions, people of the two countries maintain even more extensive socio-cultural contacts.

The open border has further reinforced independence between them. A large number of Nepalese come to India to earn their living. In the border region economic interdependence of the people of the two
countries has been to such an extent that it gives safe to a parallel economy. (Bahadur and Lama, 1995)

The study of migration between India and Nepal is complicated due to various reasons. Its long history, diverse pattern of migration from Nepal to India and vice versa, undocumented nature of migration because of open borders and lack of registration process and cultural ties between people of Nepal, specially terai region, and of India make it difficult to comprehend the migration between these two countries. This nature of problem presents methodological challenges, and it is also one of the reasons for lack of study in this area. (Adhikari and Gurung, 2009)

The migration between India and Nepal has not been difficult. The compact geographical nature, socio-cultural continuity and the open border have made it always easy. It is believed that migration between India and Nepal started in the ancient times. At that time the much flow was believed to be from India to Nepal. After the Mughal intervention in India, lots of the ruling class Hindus flew away to the hills of Nepal and even some established the reign. At the same period of time or may be before, it is believed that there may have been flow of Nepalese to India. But these evidences are still not accounted.

The known evidence of migration starts from the period after Gorkha established rule in Kumaon and Garwal of current India in 1804. This was the time when first known flow of Nepal to India started as they started moving to Kumaon, Garwal and up to Sutlej. At the same period of time, Gorkha moved beyond Sikkim towards the east and the flow started there simultaneously.
During the expansion process in 1805, Gorkha had battle with Maharaja Ranjit Singh of Punjab, who was assisting King Sansar Chand of Kangra. Although Gorkha lost the battle, impressed by the immortal spirit, bravery and fighting skills of the Gurkhas, Maharaja of Punjab offered to recruit them in his army. That can be considered to be the first professional migration from Nepal to India. There is an evidence of one of the great Nepali army commander Balbhadra Kunwar being recruited by the Maharaja of Punjab and fighting in an Afgan war for Maharaja of Punjab.

After 1814 – 15 war with the British India, the formal entrance of Nepalese to India is believed to begin. 4656 Nepalese recruited in the British Gurkha regiment is the first accounted evidence of Nepalese employed in India. At the same time large number of Nepalese migrated to India for better employment opportunity in tea – estates of Darjeeling and wood works of Assam. Later on increasing number of migrants started working as watchman, porters, gate – man and some as sex workers. (Bhattarai, 2007)

Nepali workers are widely found working in the various vocations in Nainital district. Their involvement is apparently seen in the unorganized sector. Mostly belonging to poor and illiterate classes they are found to be working as coolies, rickshaw pullers, construction workers, domestic workers. Workers in hotel, restaurants and establishments. Guards, boatmen, vehicle helpers, agricultural workers and other types of unskilled and manual workers most of them are found daily wage earners who have to labour hard from early dawn to late night in order to earn bread. They're not benefitted by any kind of socio economic welfare packages.
There is a provision of several kinds of laws and enactments in India aiming at the welfare of labourers. But none of the protecting laws, such as workmen's compensation act, 1923, employees state insurance act, 1948, employees provided fund and miscellaneous act, 1952, maternity benefits act, 1961, the factories act 1948, the equal remuneration act 1976, the shops and establishment act 1984, the plantation act 1951, the mines act 1951, the child labour (Prohibition and regulation) act 1976 and so on are applicable with reference to Nepali workers. Not covered under any protection act and beneficiary programmes, the Nepali labourers are spilling their sweat in the workplaces of Nainital district scaling a long journey of uncertain future in order to meet their both ends.
References


