Chapter-2
HISTORICAL PERSPECTIVE AND IDENTIFICATION
OF PROBLEMS

The world has seen quite remarkable economic progress in the second half of the twentieth century. In the present day, migration is characterized by growing complexity, significant stocks, consistently rising flows, new modes, multi-dimensional pathways, and global networks. The result is that there scarcely is any geography in the world untouched by the phenomenon of labour migration. The defining features of labour migration is the rapid pace at which socio-economic forces drive and are driven by migration, making it a phenomenon well beyond the realms of national governments and placing responsibility squarely in the domain of the global governance between countries and across regions. As we begin our journey into the third millennium, it is clear neo-liberalism cannot address the problems that confront a globalizing world. Globalization is changing hitherto held notions of citizenship; it is challenging the concept of sovereignty and is eroding the territoriality principle and the idea of mono cultural societies. Rapid progress in information and communication technologies, the unprecedented spread of interconnectivity in virtual space, and the growth of transnational networks of diasporas and migrants alike have resulted in the rise of a new class, i.e. global citizen, unfettered by national boundaries. These social, economic relationships that transcend borders are rapidly changing the way in which economic, political, and social relations are conducted. While in the conventional lexicon, national might yet see migrants as 'the other' and thus differently entitled, there is an unstoppable process at work by which citizenship as the basis for access to economic, social, and welfare opportunities is increasingly under question.

International labour migration is of more than strategic importance to the world and cannot be left uninformed debate or populist oratory. The public discourse on international labour migration has acquired a sense of urgency in the recent years. There is growing recognition that labour migration is an inherently transnational issue requiring cooperation between States at the sub-regional, regional and global levels.

International migration has gained policy attention simply because of the large populations and the number of the countries involved in the process. The opportunity before the comity of nations is to move to a rule-based, global migration regime and governance structure that is non-discriminatory, democratic, and can best serve the world over the medium to long term. For this to come about, the international community will have to resolve the contradictions between industry and government, and in between global concerns and national priorities. The political economy of migration will be the crux of discourse. Liberalizing economic migration can catalyze technological innovation, entrepreneurial risk taking, higher rates of savings and investment and drive humongous consumption. Both supply and demand sides of the market will be driven by the demographic dynamics of mobility besides meeting the global imperative of attracting the best and the brightest. No doubt labour mobility will strengthen the global economic fabric. There are also issues of a growing shadow market of irregular workers and the emergence of international cartels of human smugglers and traffickers.

There is a need for rebalancing power at global level, not just in international trade and international capital but also equally in the policy of international labour migration. To foster competitive, efficient, and equitable economic migration, there is need for a new, innovative, and forward looking global governance structure for international migration based on a framework that will be rule-based, non-discriminatory, and democratic. This will have to be through national governments willingly ceding some sovereignty to a global organization on matters relating to economic migration. Global governance of migration should be circumscribed by establishing normative standards, international dialogue, multilateral cooperation, and building strong capacities for governance.

It is widely believed that development in poor countries will be a disincentive for poor people to migrate. The rhetoric that follows is that development will lead to a decrease in mobility of people. It is based on the popular notion that the poorest, 'the hungry and desperate' (King and Schneider, 1991) have the greatest propensity to migrate (de Haas, 2007). In fact, the justification for sending aid (and gathering

68 Global Commission on International Migration Report, October 2005 and also see www.gcim.org
popular support for it) to developing countries is often that it will reduce the burden of people immigrating to the developed parts of the world. There is an assumption of an inversely proportional relationship between income and other opportunity differentials and migration rates. The fear that liberalizing migration would open the floodgates for the poor from the developing world is counterfactual. The supposed inverse relationship between development and migration based on the assumption that the two are substitutes; that development would stop people from moving altogether. Theories attempting explanations of migration give us a peek into the thinking on migration over the years and the resultant conventional wisdom on migration that has come about. The roots may be discovered in the late nineteenth century, when Ravenstein (1885, 1889) formulated the ‘laws on migration’, which are described as the ‘starting point for work in migration theory. Lee (1966) contributed to migration literature by formulating the ‘plus’ and ‘minus’ factors that cause people to move across geographies. This later came to be known as ‘push’ and ‘pull’ factors of migration (de Hass, 2010a). The ‘common’ sense understanding of migration; the ubiquity of the push and pull framework in the policy circles; and the rhetoric flowing from the framework is testament to its powerful message.70 Let’s discuss about the historical perspectives of labour migration in different countries.

2.1. Labour migration in different Countries

Labour migration becomes an important issue before the world. Almost all the developed and developing countries witness the labour migration process. The workers have the liberty to move from one country to another country for economic needs. The maximum numbers of them engaged in the un-organized sectors. In pursuance to the study it is very meaningful to discuss about the labour migration occurs in various countries.

2.1.1. Labour Migration in USA

It’s easy for this discussion (on immigration reform)….. to assume a feeling of ‘us’ versus ‘them’ but what we may be forgetting is that most of ‘us’ used be ‘them’ before we become ‘us’.

--- Former U.S. President Barack Obama, 2013

The Immigration Reform Act in the United States has generated a lot of heat and dust. Analysts have been busy at work trying to generate numbers for what the effects of the new policy may look like. The underlying principles are simple: increasing border enforcement to keep out illegal migrants but at the same time opening up avenues for low-skilled and unskilled migration (through the W visas); giving illegal immigrants a chance to earn United States citizenship; and providing better opportunities to high skilled economic migrants to enable the country to achieve a more competitive edge in the global economy. The refrain has been ‘for our economy and our society’. What is more, the immigration reform is driven by popular demand as well as bipartisan support. However, the public acknowledgement of the history of the United States of America—of it being a country of immigrants and the recognition of their contribution to its economic, social, cultural, and political success—is in itself a big step forward. The United States has come a long from denying certain ethnicities rights of admission since in the years (1882, 1888, 1892, and 1917) to quota-based system (1924) graduating to a seven-category preference system (1965). However, for a nation of immigrants and immigration, it has rarely adjusted its immigration policy to the economic realities of time (Hipsman and Meissner, 2013). There are still an estimated of more than 11 million illegal migrants in the United States but the number is steadily declining. The two major attempts at Immigration Reform (Immigration Reform and Control Act, 1986 and Immigration Act, 1990) before the one in 2013 have been perceived as having failed to achieve their objectives especially to meet labour market needs during the economic boom of the last decade of the twentieth century. However, immigration reform in the United States is timely and encouraging. The United States remains one of the most important countries in the new century and countries to attract the best and the brightest from around the world.71

2.1.2. Labour migration in Canada

Canada has been credited with being one of the frontrunners in the global hunt for talent, for skilled human capital. Since its inception, it has been a country of net immigration. More than 20 percent of its population is foreign-born permanent residents. However, in the recent past, its policies have increasingly focused on high-

71 Ibid. Pp.143-144
skilled migration. The Immigration Act of 1976 marked Canada as an official destination for migrants from all countries. In a revised law in 2001, the Immigration and Refugee Protection Act (IRPA), the emphasis for welcoming migrants shifted for humanitarian concerns and family reunification to the skill sets- language ability, education, adaptability of the immigrants. It came into force in June 2002 and is the main piece of legislation on immigration in Canada. Near about sixty percent of immigrants were admitted in Canada by the year 2003 (Mayda and Patel, 2004). Since 2013, there has been pressure to attract only those migrants who are high-skilled as well as fluent in English and French language because public opinion is increasingly against those migrants who do not seen like a ‘good fit’ in Canadian society (MacDonald, 2013). One of the biggest concerns in Canada today is the systematic barrier that immigrants face in the labour market. There is a significant amount of brain wash because high-skilled migrants are not able to find employment commensurate with their education and experience. This has resulted high employment among migrants. A part of this may be the inability of the government to engage employers. It is need to assess on urgent basis about the ability of the Canadian economy to absorb all the foreign born workers who migrate to a country that emphasizes the importance of human capital. However, the Canadian government trying to encourage, facilitate family reunification, better ease of skilled migration and health of the workers, as well as more ease of mobility in general.

2.1.3. Labour Migration in Australia

Australia is comes under the purview of the three traditional countries of immigration, and rest of the two being United States and Canada. This is because Australia has had a relatively more open immigration systems- twenty seven percent of Australia’s population in 2013 was made up of immigrants (MPI tabulation from UNDESA, 2013). Immigration has been central to nation building in Australia (Collins, 2013). In order to build a knowledge based society, Australia has welcomed high-skilled migrants since the beginning of the new century. In Canada, Business sector and the hospitality sector have been more forthcoming about the benefits of

migration and welcomed easy access to temporary movement for skilled migrants and as well as tourists (Inglis, 2004). However, the large number of mass opinion of migration in Australia is driven by the imperatives of security, culture, and sustainability. This may be attributed to incidents in the recent past that have increased apprehensions of irregular migrants or ‘boat people’. Subsequently, there has been a marked shift in overemphasizing and increasingly prioritizing skilled and highly qualified immigrants over other immigrants in past few years (Collins, 2013). The Government has been taken initiative to build a strong Australia through welcoming the contribution of immigrants to the Australian economy (Australian Department of Immigration and Border Protection).

2.1.4. Labour Migration in France

Migrant workers are being employed in “slave-like” conditions in France according to the country’s biggest labour union the Confederation General Travail (CGT). Officials alerted police after discovering Polish and Romanian women, harvesting asparagus and strawberries in the Alsace region, earned a few euro cents for each kilogram harvested. They were housed in fenced buildings which the union describes as reminiscent of scenes “from another era”. The view of CGT spokesman Andre Hemmerle expressed as: “We know that one worker, who had been working for 10 days, received only six euro’s because she was charged for transportation, accommodation and food costs.” The employer, of German origin, is said to have a history of imposing “improper” conditions on workers. Local labour inspectors are carrying out an investigation at the behest of the Mayor of the town of Brumath.

France and Spain have worked over the last 10 years to improve transportation, housing and working conditions for the 50,000 Spaniards who migrate each year from their homes in southern Spain to the wine-producing areas of the Midi. Both these short-term workers and longer-term workers in other agricultural commodities enjoy free, safe transportation by train or bus and free medical exams and contracts. In addition, Spanish union representatives accompany the migrants on the grape harvest trains to the border, visit them in France, work with French unions to improve

74 Mayda, Anna Maria and Patel, Krishna (2004), ‘OECD Countries Migration Policy Changes’ (Appendix to International Migration: A Panel Data Analysis of Economic and Non-Economic Determination, by Anna Maria Mayda).
conditions each year and negotiate with both the Spanish and French governments in their behalf. In adopting an amnesty and employer sanctions, the United States is following France's policy changes of 1981-82. Washington has failed, however, to adopt a third tenet of the revised French policy, namely, increased dialogue with their labor-sending partners. While the working and living conditions of foreign agricultural workers in France still leave room for improvement, the successes and even the failures of French immigration policy can provide some lessons for the United States. In its legalization the French Government tried to avoid sending mixed messages to potential applicants by announcing a suspension of deportations almost simultaneously with announcement of amnesty. It sought to reduce confusion among employers by implementing stiffer sanctions at the conclusion of the amnesty. It extended the legalization and broadened criteria for eligibility when few turned out to be qualifying. Despite generous criteria permitting immigrants with less than a year of residence in some cases to apply fewer than half of the country's illegal foreigners, estimated at 300,000, were legalized. Despite stiff employer sanctions, France has in 1987 close to that number of undocumented immigrants.76

2.1.5. Labour Migration in Germany

In contrast to other developed economies, the German economy managed to recover rather swiftly and vigorously from the global economic downturn of 2008. Germany's remarkable economic resilience was not fortuitous. The two contributing factors to the new German miracle were: (i) that the economic crisis was not indigenous, but touched Germany through its exports and (ii) that labor market reforms and other drastic measures in the country mitigated unemployment.

In spite of the global recession, Germany remains Europe's largest economy that displays dynamism and a secure future. Currently, Germany's problems are related to labour supply shortages. Policymakers, scholars, trade unions, and businesses alike debate whether these labor shortages are due to genuine labour supply shortages, or to skill mismatches. Back in the late 1990s, however, Germany was confronted by high levels of social benefits expenditures and a grim future. The then Social Democrat Chancellor Schroder launched a comprehensive package of reforms, 'Agenda 2010.'

The labour market reforms, also known as Hartz reforms, aimed at reducing unemployment and welfare benefits as well as integrating the immigrants who live in Germany.

Germany, like other developed western countries is facing growing demographic problems; mainly low fertility rates, low mortality rates, and increasing life expectancy. Naturally, an ageing population that retires early cannot be supported by its young; immigrants are often viewed as a solution to this problem. While many immigrants have been living in Germany for decades, Germany did not have an immigration policy until the new century. A brief description of Germany's economic immigrants is that the immigrants of the 1950s and 1960s were labor migrants earmarked to work in blue collar jobs (guest workers) and fill the gaps of the labor market. While the guest worker policy worked well initially in terms of the labor market, it backfired when the needs of the labor market changed. With the gradual disappearance of manufacturing jobs the guest workers found themselves on the wrong side of the labour market. As a result of which they became unemployed. On the other hand, the resolute policy of the Schroder government in the year 2000 to bring in needed high skilled professional migrants did not work. In a new decade now, Germany needs to take a firm stance vis-a-vis economic migration and address the needs of its labour markets. Germany should re-orient its immigration policy toward a demand or labour driven immigration.

From January 2005 until the end of 2008, there were several types of labor migration policies were implemented in Germany. These were in addition to the different sections of the Residence Act77 enumerated earlier. One policy stemmed from bilateral agreements and applied to seasonal workers. These agreements allowed companies in partner countries to send their workers to Germany for a limited period of time for the purpose of completing work in cooperation with a German company (BMI, 2010; Parusel and Schneider, 2010). Another type of policy practice was addressing the need for skilled workers. It specifically targeted individuals from third countries who had obtained a university degree or another comparable qualification in the field of information and communication technology. These immigrants were

77 The provisions in Section 21 of the Residence Act regarding self-employment required, as of January 1, 2005, that the minimum investment be €1,000,000(Euro) and the creation of at least ten jobs.
granted a temporary residence permit with the approval of the Federal Employment Agency. Furthermore, there were some provisions for family members. The new act allowed dependents, who came to Germany for the purposes of family reunification, to pursue an economic activity. On January 2009 Labour Migration Control Act instituted several legal amendments. These changes referred to regulations that were intended to facilitate the admission of highly qualified migrants, students, and researchers. One of the changes also addressed the access to labour market for persons whose deportation has been temporarily suspended, the so-called 'tolerated stay' (Parusel and Schneider, 2010).^78

2.1.6. Labour Migration in Russia

Since the collapse of the Soviet Union in the year 1991, Russia has been at the very centre of an influx of migration from the entire Region, with the first wave of migrants at the beginning of the 1990s mainly being refugees, while those who have been migrating to Russia since the late 1990s have primarily been coming for employment. The number of labour migrants is estimated at between 3 and 5 million people every year, with seasonal fluctuations, although precise figures are difficult to obtain in as far as the bulk of these migrants are illegal migrants.\(^79\)

The problem of the illegal situation of migrants was already highlighted by the Committee on the Elimination of Racial Discrimination (CERD) in 2003, as well as the problem of racism, with migrants from Central Asia and the Caucasus increasingly becoming victims, including by the police and by the administration. Thus, in its conclusions of 2003, the CERD deplored the fact that a large number of former Soviet citizens who previously resided legally in the Russian Federation have been considered illegal migrants since the entry into force in 2002 of the Federal Laws on Russian Citizenship and on the Legal Status of Foreign Citizens in the Russian Federation, and it was concerned about numerous reports that residence registration is used as a means of discriminating against certain ethnic groups. It also notes with concern the absence of a definition of racial discrimination in domestic


\(^79\) According to the report of the Federal Department of Migration, there were 10 illegal migrants for every foreigner working legally in mid of the year 2000.
legislation, stated that it was concerned at reports of racially selective inspections and identity checks targeting members of specific minorities, including those from the Caucasus and Central Asia and recommended that the State party strengthen its efforts to prevent racist violence and protect members of ethnic minorities and foreigners, including refugees and asylum-seekers. However, this racial violence has rather dramatically increased over the last few years, with the Movement against Illegal Immigration having become particularly known for its targeting of migrants, following the model of other neo-Nazi or skinhead youth organisations. In this regard an investigation has been opened, following the broadcasting of a video of the execution of two migrants on the Internet.

The situation of migrant workers, whether they come from the former Soviet Union or from some "far-distant land", is all the more precarious as they are isolated, victims of xenophobia, and they meet with major difficulties trying to find accommodation and legal employment. The new measures taken in 2006, i.e. the "Law on the census of immigrants", and the amendments to the "Law on the legal status of foreigners” were aimed at facilitating the legalization of foreign workers, mainly with regards to employment. Yet, this new regulation has at the same time introduced further measures of discrimination, such as, for instance, prohibiting migrant access to certain professional activities, e.g. working on markets.

In March 2007, International Federation for Human Rights and the Civic Assistance Committee has issued a joint report about the new rules and regulations for migrants, as well as the crisis between Georgia and Russia of autumn 2006. The report concluded that the situation of migrants was extremely precarious and that migrants were extremely vulnerable, and highlighted the responsibility of the Russian authorities in the persecutions against certain minorities. Twelve months after the adoption of new immigration laws, the Civic Assistance Committee and the FIDH draw a conclusion on the situation, and point to one situation which is particularly problematic, i.e. the fact that migrant workers become victims of forced labour.

80 In June 2008, the Russian public prosecutor's office opened an investigation, following the authentication of a video broadcast in 2007, showing the assassination of a Tajik and Daghestani by a neo-Nazi group named, “Combatant Detachment of the Russian National Socialists”, in front of a flag with swastika.

81 http://www.osce.org/odihr/338207?download=true
2.1.7. Labour Migration in Vietnam

The number of migrants pouring into Vietnam's cities as the nation rapidly industrializes and modernizes is staggering. The Vietnamese government estimates that in 2009 there were 1.99 million migrants in Ho Chi Minh City, nearly 30 percent of the population. The majority of migrants are young and, increasingly, women. Migrants represent both Vietnam's greatest advantages and greatest challenges. Their 14 to 15 hour work days have helped fuel the economic miracle that has rocketed Vietnam from one of the five poorest countries in the world in 1985 to an average per capita income of over $1,000(dollar) in 2010. Economic reform, combined with cheap, flexible labour has led to a surge in foreign investment. Booming consumerism is visible in the adverts on every street corner and the accessories hanging off Vietnam’s newly wealthy youth. A young and vibrant population provides the continued promise of future economic expansion and innovation. With low incomes, poor benefits, unstable employment, and far from traditional family support systems, migrants are particularly vulnerable – a situation worsened by the global economic crisis. In Ha Noi (populous city of Vietnam), the government estimates that only 11 percent of newly resident laborers have work contracts compared with 90 percent of local residents. Ministry of Health statistics show only 30 percent of private companies pay health insurance fees for their workers and 90 percent of new residents from the countryside have no social insurance. Migrants also struggle to access state support. Their permanent registration documents, or their ho khau, and with it their rights to access government services, remain tied to their homes in the countryside.

Historically, the ho khau system was used as part of the public administration system both to control the movement of the population but also to allocate scarce resources and public services during the war years. As Vietnam has opened up since the doi moi reforms in the late 1980s, the system has loosened. Increasing numbers of people have moved away from the places where they are registered. In theory, migrants can get official permission to change their registration. In practice, large numbers of migrants

cannot do so, unable to fulfill the conditions required. This state of limbo means even seemingly simple tasks such as registering a birth can become complex and fraught. The expense and bureaucratic convolutions of accessing basic health and education services put them beyond the reach of many.

The immediate challenges of dealing with such a massive population shift are huge. Binh Chieu, like most of the industrial zones that ring Ho Chi Minh City, is dominated by row upon row of anonymous looking factories churning out textile, footwear, and electrical products for export. The local government there estimates that 65 percent of the populations are migrant laborers. The vast majority of migrants arrived over the last decade and has created a huge strain on infrastructure and services. Far from traditional familial restraints and forced to adapt rapidly to an urban lifestyle, migrant communities have increased incidence of social problems such as prostitution, drugs, and HIV/AIDS infection. Government approaches to migrant worker issues have often come from the point of view of managing migration flows and social problems rather than supporting a dynamic labor source and providing protection. No one department is responsible for migrant social policy which means that their specific challenges frequently fall between the cracks. Non-governmental support for migrant workers in Vietnam is increasing, but it is often viewed with suspicion both by companies and local governments concerned about potential labor unrest and uncertain about NGO’s intentions. This resistance can make it very challenging for NGOs to develop projects to support migrant workers. The few NGO programs that do exist are limited in size and scope.

2.1.8. Labour Migration in United Arab Emirates

Basically, Dubai is the main attractive and working places for the migrant workers due to availability of jobs. And it is situated on the Persian Gulf coast of United Arab Emirates. The workers, who are largely from South East Asia, are paid well below the prices charged in the city’s expensive boutiques and glamorous hotels. The migrant workers are not only at greater risk of exploitation, but are often housed in filthy conditions, with little down time. In short they are the hidden slaves of a rich city.

According to Human Rights Watch, foreigners make up 88.5 per cent of United Arab Emirates citizens, with low-paid migrant workers being “subjected to abuses that about to forced labour”. While exact figures are not known, it is estimated that there are three million of these workers in the UAE alone. In its World Report 2016, HRW said domestic workers were particularly vulnerable to abuse as they don’t have the minimal protection afforded by UAE labour law. The human rights group said the kafala sponsorship system, which tied migrants to their employers who acted as their sponsors, meant workers were at an even greater risk of exploitation because they could “revoke sponsorship at will, making them liable to deportation”.

It is estimated that around 1, 50,000 migrant female workers are employed under this scheme. International Trade Union Confederation (ITUC) president Sharan Burrow last year labelled the migrant workers situation as a form of “modern slavery”, Reuters reported. The UAE is one of the 10 richest countries in the world with GDP of more than $430 billion a year. However, HRW found part of that wealth was funded by contract workers from some of the world’s poorest countries including Indonesia, India, Philippines, Bangladesh, Sri Lanka and Nepal.

In 2012, BBC reporter Ben Anderson travelled to Dubai to film a documentary which detailed the plight of foreign workers. In a three-month investigation, Anderson interviewed workers and witnessed the shocking conditions the men were exposed to. He also found the men had been approached by agents in their villages in Bangladesh, telling the men they will be paid $580 a month. But in reality they are paid half that with the agents taking a $4000 cut in the process. Anderson also found the men were then in debt and too poor to return home, with many working 12 hour shifts six days a week. The shocking conditions were further highlighted in March, 2011 when hundreds of migrant workers staged a protest over pay. Public protests are banned in the UAE, but angry workers defied the law to demand fair pay for their

88 http://www.youtube.com/watch?V=gMh-vIQwrmU
work on the 202ha Fountain Views development site in central Dubai, the BBC
reported.90

2.1.9. Labour Migration in Nepal

The gradual weakening of traditional forms of attached and caste-based division of
labour is one the significant transformations in the political rural economy of rural
Nepal. Not only has there been a diversification of rural livelihoods from land and
agriculture-based to non-land and non-agriculture based sources, there is also a
growing and widespread mobility of labour within and outside the country. The
mobility of labour has not necessarily meant for more freedom for poorer migrants,
although the idea of freedom appears to be driving much of the out-migration of rural
Nepal. For marginal migrants, the circulatory nature of migration does not appear to
be as transformative as might have been expected: while life in the destination may
well be urban and modern, their identity remains marginal, reflecting their luminal
position. Despite known risks and suffering attached to work, a large number of
migrants continue to be attracted to work in a exploitative working conditions within
Nepal or across the border in India.91

Migration for foreign employment has become a major source of income for a many
Nepali households. A recent report92 shows that the number of migrants leaving Nepal
for work is increasing every year. During the last fiscal year 2014, more than 520,000
labour permits were issued to Nepali’s planning to work abroad. Malaysia is now the
number one destination country for Nepali migrants, closely followed by Qatar, Saudi
Arabia, UAE and Kuwait. The same report concluded that overseas employment is
heavily male dominated: roughly 95 per cent of all labour permits are given to men.
However, other data that captures those working in India (where labour permits are
not required) or those leaving to work abroad through informal channels indicate that
female migration might be as high as 12 per cent of the total workforce abroad.
Remittances have become a major contributing factor to increasing household income

behind-glamour-city/news-story/b3997ed5b013870424e84d78a561946c
91 Sharma. R.J, “Changing Rural Political Economy and Nepal’s Marginal Migrants Bodies In Search
of Freedom”, Published in Economic and Political Weekly, Vol.51, Issue No.21, 21 May,2016
and also See http.7/www.epw.in/joumal/2016/21/special-articles/bodies-search-freedom.html
92 Labour Migration for Employment: A Status Report for Nepal 2013/14
as well as to the national GDP. In 2013, remittance inflows topped US$5 billion, or 25 per cent of the national GDP. This placed Nepal third among the countries receiving the highest proportion of remittances in terms of GDP.

Nepali migrant workers make an enormous development contribution to their home country but also to the destination countries where they fill labour market niches by doing jobs that nationals are unable or unwilling to fill. But their contributions do not lessen their vulnerability to labour exploitation and abuse. Studies of recruitment processes and working conditions for low-skilled migrants consistently reveal indicators of abuse commonly associated with exploitation including forced labour and trafficking.93

2.1.10. Labour migration in Sri Lanka

Sri Lanka’s migrant population is estimated to be approximately 8,58,00094. This number is questionable due to discrepancies in statistics even within Government institutions and the practical difficulties of maintaining accurate and dependable statistics. It is possible that the actual number of migrant workers is more than the recorded number due to workers leaving the country through unauthorized sources and personal contacts and the non-identification of the large numbers who have secured employment prior to the formalization of the registration procedures. This discrepancy in statistics is a serious issue, not only in ascertaining the numbers of Sri Lankan migrant workers and employment locations, but also in holding the State accountable for the safety and well-being of these workers.

Out of the estimated 8,58,000 migrants, 5,90,420 are women migrant workers and 78 per cent of placements, are in the unskilled labour category, which includes housemaids. Nearly 90 per cent of these workers are employed in the Middle East and, whilst the Middle East is considered the most favored destination for women, recent reports in the media reveal that countries such as Italy, Greece and Cyprus offer employment to domestic workers. Italy permits the entry of wives of male workers and it is known that such persons are able to secure employment as

housemaids. The number of skilled workers rose from zero in 1975 to 1,913 in 1985, to 18,652 in 1995 but the increase is not as drastic as that of unskilled workers. The number of unskilled workers shows a tremendous increase from 1975, when no unskilled migrant workers were recorded, to 9,024 in 1985 and to nearly hundred thousand in 1995. The increase over the period 1991–1995 also shows a continuous rise with the 1995 number being 96,129.⁹⁵

The number of Sri Lankan workers annually leaving the country for employment abroad through all channels is over 100’000. In 1992, 124’494 persons left for employment in ten countries, while in 1993, the destinations increased to twelve countries taking in 1, 29,075 Sri Lankan workers. In 1994, the number of destinations increased dramatically to 46 countries taking in 1, 30,027 workers. Of this number, only a percentage traveled through the official channels of the Sri Lanka Foreign Employment Bureau and through licensed employment agents. In 1992, only 35.8 per cent of migrant workers traveled through official channels, while in 1993, 38 per cent were sent through official channels.⁹⁶

2.1.11. Labour Migration in Bangladesh

Each year, more than 4 Lakhs workers leave the Bangladesh for overseas employment. Problems faced by Bangladeshi migrants includes: high fees for migration charged by recruitment agencies, especially for low skilled jobs; low wages, lack of information on migration opportunities and risks; discrimination, exploitation and abuse while overseas; and insufficient services to protect the rights of workers.

In this regard the International Labour Organization is working with the government of Bangladesh to improve the overall management of labour migration and to ensure protection and decent employment conditions to the Bangladeshi migrant workers. The ILO is working to reduce the incidence of trafficking of women and girls from India, Bangladesh and Nepal through economic, social, and legal empowerment. These activities seek to ensure decent working conditions at destination countries,

⁹⁵ In 1975, none or very few recorded Sri Lankans migrated due to the closed economic policies of the Government at that time and the insufficient data collection on migration.
increasing benefits of migration for workers and their families through regular remittances and enhancing knowledge, skills, and employability of migrant women.

Economic globalization has internationalized labour markets substantially (ILO, 1999). It has been argued that this has had a profound effect as a macro factor on international labour migration, which has grown considerably in recent years. At present, most countries of the world are affected by international labour mobility, as either receiving, sending or transit countries. According to the United Nations, an estimated 175 million people are currently living outside their country of origin (Abela, 2003). While migration has enabled a large amount of people to obtain productive, self-actualizing and creative employment, it has also failed to provide work of an acceptable standard for many others. At the same time the country like Bangladesh can be linked to the development processes which are an outcome of the economic growth and increased post-migration capabilities such as remittances, skills, networks, and experiences. The result of success in migration, in part, can lead to how the migration experience can bring about change in the social, economic, and political spheres of the migrant’s life. However, this is limited to the successful migration cycle which adheres to the definition of right based approach and income generation (Siddiqui & Farah, 2011). Both globalization and local factors fueled with inadequate policies and lack of a rights-based approach have hampered the safety and protection of migrant rights.

2.1.12. Labour Migration in India

Labour migration is not a new concept, from the literature and available records it has been ascertained with agricultural labourers existed in ancient and medieval India. But there is dearth of data with regard to numbers or magnitude of such labours was created during the British rule in India. During the British regime, the flooding of India with foreign manufacturers, destroyed domestic industries, and so drove the artisan on to the land. The British introduced a system under which land revenue was assessed at high rates and was payable in cash which held individuals responsible for payment. However the prominent economic historian Mr. Sukomal

98 https://asiafoundation.org/resources/pdfs/LabourMigrationTrendsandPatternsBangladeshIndiaandNepal2013.pdf
Sen has remarked that, “in the constructions of railways in India, first germinated the modern working class.” Landless poverty issue is one of the vital factors for migration and these landless poverty stricken labourers began to migrate in various countries like British Guiana, West Indies, Mauritius, as a result of abolition of slave trade and slave system in 1807 and 1834 respectively. There was acute shortage of labour in British Colonies and it was the Indian labourers who were sought to be introduced in the plantation of these colonies. Poverty stricken Indian labourers were exported to these Colonies. Thus, the emigrant Indian labour was another victim of brutal colonial exploitation.

Throughout the 19th century the British India witnessed a formidably growing unemployment in the ranks of the landless poor masses with the steady decline of traditional economy along with rapid growth of population. It was those destitute masses who migrated from India to overseas British Colonies as indentured labour. Available data indicate that during 1870 more than half a million labours, men, women, and children collected from various parts of India were thus exported to British Colonies.

In the years 1830-1840, the recruiting ground mainly from tribal areas. Most of the emigrants were so called “hill coolies” who were recruited mainly from Chotanagpur Division, Shahabad, Bankura, Birbhum and Bardhaman districts of Bengal Presidency. After 1840s the number going to the Colonies gradually declined partly because of heavy mortality at sea among the class of emigrants and partly due to the competition of the tea districts of Assam. It was reported that in South India, the largest number is drawn from Godavari, Vizag, Ganjam districts and from Madras and Chingleput. Whenever there was any scarcity or famine in Bengal presidency, the arkatis could recruit a sufficient number of labourers Bengal presidency. Thus, in the seasons of 1867-68 and 1869, the greatest proportion of recruits were drawn from

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100 Ibid. p.30
101 Ibid. p.53
102 Saha. Panchanan, " Emigration of Indian Labour (1834-1900), Peoples Publication House Pvt. Ltd, New Delhi, 1970, p.29
103 Ibid. p.31
Bengal and chiefly from its South-Western frontier Cuttack, Midnapore, Bankura etc. where scarcity and famine occurred.\textsuperscript{104}

The origin of debt among the landed classes was traceable to various causes, among which the most prominent were the failure of crops from droughts, expenditure on marriage or other ceremonies, general thriftlessness, and improvident use of sudden inflation of credit, unsuitable revenue settlements.\textsuperscript{105} An increase in the number of members of the family, a rise in the rent, the growth of debt, all contribute to force the agricultural labourers to abandon his ancestral occupation. Poverty though a significant factors is not the only disability which drives the villagers to the factory. Suffered from serious social disabilities the lower castes long for migration to individual centres.\textsuperscript{106} Their growing realization of their humiliated position and the prospects of freedom in industrial centres insist them to migrate to escape from the sufferings of social disabilities.

In India, droughts occur once in every five years in some parts of India, viz; West Bengal, Madhya Pradesh ,Kerala, Costal parts of Andhra Pradesh ,some parts of Maharashtra State, like Marathwada,east and west parts of Maharashtra, inferior of south Karnataka, Bihar, Orissa, Rajasthan and other parts of India (MEDC, 1974). At present, Cultivators, small and marginal farmers, agricultural labourers, landless labourers etc, have to face the problems of natural calamities in India. According to Desarda (1987 ), drought is not caused by niggardliness of nature, but failure of the system properly plan and use the resources of land and water, he further emphatically stressed that water resources of India are colossal but they are seasonally, regionally distributed and very compressive water resources, planning is reduced to combat recurrent droughts and raving floods, however, the problem of chronic under employment in rural areas is thus essentially due to the event of a failure of seasons and lack of resources (Gadgil,1972 ).At present, about 27.5 percent of the population is below the poverty line in India( in which section of the society is unable to fulfill its basic necessities of life like food, clothes and shelter etc ). The planning Commission of India in its approach to the 11th Five year Plan, 2006 estimated that 27.8 percent of

\textsuperscript{104} The Famine Commission (1880) and the Census Report 1901, P. 85
\textsuperscript{105} Ray. S.C, 'Agricultural indebtedness in India and its remedies' Calcutta University, 1918
population was below the poverty line in 2004-05. Datt and Sundharam (2008) have shown state level data on poverty ratios during 2004-0. States with poverty of less than 15 percent were Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh, Delhi, Andhra Pradesh. As against them States with poverty ratios above 30 percent were Maharashtra, Uttar Pradesh, Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Uttarakhand, and Orissa. The problem of poverty is directly related to the existence of unemployment, underemployment and low productivity. Agriculture is a seasonal occupation, which cannot open job opportunities round the year to all.

In the absence of irrigation facilities permitting multiple cropping, the monsoon agriculture enjoins on a majority of the rural labour force on a extended period of seasonal unemployment (Myrdal, 1970). These helpess dispirited unemployed labour leave their village homes and join to swell the already over populated areas not only in India but also in other parts of the developing and developed countries, whose agricultural labours are shifting to industrial sector (ILO, 1960).

Dantwala (1963) emphasizes the feature of seasonability and disguised nature of unemployment in the agricultural sector, seasonability arises from the problem of in elasticities of the time pattern of primary production. According to Nigeria (1963), we are not short of land quantitatively but we are short of land qualitatively, that is to say, arable lands are not as fertile and productive as we would want, the result is that, people move from these poor soil areas to the urban and agro-based industrial areas and create more problems for the government. Similarly Myrdal (1958) observes that in many underdeveloped countries, a part of the labour force does not engage in any form of workers at all. Most of these workers, who work only short periods in agricultural sector. These countries have to face the problem of disguised unemployment; the term disguised unemployment is used to refer to the mass unemployment. Disguised unemployment prevails especially in agricultural sector of un underdeveloped and over populated countries (Nurkse, 1960).

Unemployment is associated with all types of workers from the small, owner cultivators down to migratory agricultural labourers for periods of time even during the agricultural season (Sundram, 1947). The marginal productivity of the members of the family is negligible or zero from agriculture, their continuance in agriculture would add no food to the total (Singh, 1965). The majority of the agricultural labourers, small and marginal farmers do not get enough work during the

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107 National Institute of Research and Dairying Report, 1984
off season; consequently, they migrate from insufficient food and limited sources of geographical areas to job opportunities areas (Galbraith, 1958 and Vakil 1978).

Therefore, we can say that agricultural labourers and other workers are migrating from drought prone areas to irrigated and industrially developed areas for part time work or seasonal types of jobs. Especially Workers migrate from their native places to urban areas or other places of work due to various reasons. Dadabhi Naoroji (1888) and Lewis (1956) have pointed out various causes of migration of labour, like agricultural poverty, the decline of village and cottage industries, poverty of the people, drought affected villages in which absentee of work 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. The 1991 Census of India, includes two other reasons for migration of people namely (i) business and (ii) natural calamities like drought, floods, and others. However, Karl Marx (1958) also pointed out the problem of migrants in the agricultural and industrial fields, he says that this class of people, who migrate to industrial areas for several months, they live with camp, the contractor himself generally provides his army and he exploits the labourers in two-fold fashion as soldiers of industry, and he works with the help of labour gang system, which is cheaper than other work. Karl Marx further states that labour gang system is decidedly the cheapest for the land and factory owners and decidedly worst for the children and migrant workers. The Royal Commission of Agriculture Report (GOI, 1927), pointed out that about 75 percent of the labour employed in large sugar mills in Bihar and Orissa states, was composed of such type of migratory labour. This seasonal trend of labour force also found in other plantation areas in different parts of India (Gadgil, 1948 and Dasgupta, 1979).108

The nineteenth century globalization involved increasing transfers of commodities, people, capital and ideas between and within continents. The most straightforward measure of integration is simply the growing volume of these international flows.109 India itself has historically been home to what is termed “surplus labour” (that is, a large swath of the population which, because of the inability of the land to

108 Salve Dr. W.N, Labour Rights and Labour Standards for Migrant Labour in India, Pp. 7-9
accommodate more people") requires their literal outflow in the form of migration and economic operationalization. The latter point refers to the lack of an ability to compete agriculturally within the nexus of capitalist accumulation against capital-intensive foreign goods (such as British textile outputs in the 19th century). Hence, a once agrarian population is pressured onto the labour market to satisfy the demands of industrial production elsewhere off of the hinterland. Although indebtedness was prevalent during the time of indentureship with “the ownership of land passed to money-lenders; and as the traditional cultivators lost their land, the number of landless peasants increased,” contemporary India also suffers the ills of indebtedness as a tool of economic, and in turn, social control.

Migrant labour may at a glance seem to imply a type of “freeness” due to its spatial dimension; however “neo-bondage” compels workers into an equally subaltern state as the historicized indentured worker since they are not in a position to bargain in favour of what they deem reasonable payment for their work. Neo-bondage specifically refers to the practice of a jobber “tying in prospective labourers through loans or advances given during the lean season before the start of the seasonal employment relation.” This effectively means that throughout the actual period of work, labourers are paid a minimal amount with the promise of the full amount to be doled out at the end of the campaign.

There is an obvious problem can be anticipated: that is in practice, labourers often do not receive accurate payment for their productive output, specifically through employers consciously manipulating the numbers to be paid to workers. Moreover this veiled practice leads to another problem – since only a minimum amount is paid during the period of seasonal employment, indebtedness may, and often does accrue without the workers knowledge, forcing him or her to stay on even longer in order to simply pay off their debt. Walter Look Lai notes a central push factor for migratory indentureship from 1860 to 1879 was geographic as well as environmental, that is, “intense famine caused by crop failures or the ravages of nature (drought or

111 Ibid. P 39.
floods). These events seem, wrongly of course, relegated to the historical sphere, yet noting the continuing harshness of the Indian landscape becomes imperative to understand the phenomenon of migrant labour today. The historical record notes famines in regions such as Bengal, Bihar, and Orissa, places which contemporarily are persisting sites for mass droughts, occurring as often as once every five years.

2.2. Labour Migration in Odisha

The labour migration in Odisha starts during the period of British regime in India. The term ‘labour migration’ in this State is popularly known as ‘Dadan Shramik’. The Royal Commission on Labour (1929-1931) further observed that Oria labourers used to go to Rangoon, Assam, Bengal, and Bombay since 1830 in order to work in plantations, earth work dams, roads, railways, jute mills, textiles mills etc. To eke out a living, the labourers of Orissa migrate to distant parts of the Country being forced by natural calamities like famine and high pressure of population on land, absence of alternative avenues of employment etc. The exploitation by the feudal Lords by the Princely States of Orissa had worked as push factor for search out migration.

During the British regime a large group of indigenous people was reduced to the status of bond slaves or acrostic serfs of money lenders, zamindars and contractors. This section emerged in Indian society as a result of political and economic policies pursued by the Britishers. Another section was reduced to the category of near slave labourers or dadan labourers, laboring on plantations, mines, road constructions and other projects. In this State different tribes have different migrant histories. The Santals and Munda community from the various district of Odisha were migrating to the Assam tea gardens in the year 1840s and they started the trend. They used to become regular migrant workers in the Assam tea garden by the year 1930. The tea District Labour Association was formed for the sole purpose of recruitment from Bengal, Bihar and Odisha and the central provinces like Uttar Pradesh and Madras. In Odisha the initial recruitment was primarily from Mayurbhanj and other districts near

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the Bihar border inhabited mainly by the Santals and Mundas\textsuperscript{116}. At that time the British Government brought drastic changes in the zamindars tenant for respite from taxes in lean year’s small loans but justice were denied even such poor concessions by the creation of absentee lords. Moreover, the implementation of land revenue policy, followed by the deliberate neglect of agricultural development with meager degree of intensification of cash crop production, over crowdedness in agriculture due to increase in population and all resulted in growing indebtedness in rural India. These factors contributed for the transfer of land from the poor peasants to the village sow cars. The economic condition of peasants was deteriorating due to frequent occurrence of famines and vagarious of nature. As a result, the peasants groaned under severe ruthless exploitation. Thus the regions like Odisha, Bihar and Madras presidency became supplier of mass scale indebted labour which mushroomed on the ashes of slavery. The licensed recruiters and agents carried on the labour recruitment.

In Odisha a large segment of migrant workers belongs to the category of agricultural labourers and very often from scheduled, backward or tribal castes. In few cases those who have limited land didn’t possess the needed resource to develop the same and as a result, the barred land is left uncultivated for years. Therefore, they are compelled to work as agricultural labourers in the land of the big landlords and zamindars of the same village or adjoining villages. The employment being the seasonal and the wages being low, they find it hard to make both ends meet. Thus, the insufficiency of such labourer’s income to cover the living expenses even on a subsistence level seems to be the basic underlying factor of their indebtedness.\textsuperscript{117} Further, the social customs and obligations like births, marriages, death in the families and drinking habit play an important role in forcing the poor to resort the borrowings. The money lenders use to take advantages of the deteriorating economic conditions of the poor. They advance small loan from time to time in exchange of binding them to work as agricultural labourers till the final payment is made. Thus, indebtedness has been generally believed to have emerged as a factor challenging the economic self-sufficiency of such labourers who find it difficult to repay. Their dues accumulate very fast under exorbitantly high rates of interest. They find it impossible to extinguish their debts and begin to work for the creditor at extremely low wages and venture to repay the


\textsuperscript{117} Tripathy. S.N, “Bonded Labour in India”, Discovery Publishing House, New Delhi, 1989, p.15.
debt by their hard labour. At this critical time, the Sardars or Khatadars and the recruiting agents of brick-kiln owners or stone quarry lessees or construction project contractors approach such labourers to the distant land. As each labourer is paid a part of his due for the labour he would render before he goes to the worksite in advance and rest after the period of contract is over the practice followed is well named after the Dadan labour. The recruitment procedures of Dadan workers are summarized below:

118 Supra note 44, Pp.3-4

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118 Supra note 44, Pp.3-4
2.2.1. Causes of Labour Migration

The National Commission on Rural Labour, focusing on seasonal migration, concluded that uneven development was the main cause of seasonal migration. Along with inter regional disparity, disparity between different socioeconomic classes and the development policy adopted since independence has accelerated the process of seasonal migration. In tribal regions, intrusion of outsiders, the pattern of settlement, displacement and deforestation has played a significant role for growing labour migration. Most migration literature makes a distinction between 'pull' and 'push' factors, which, however, do not operate in isolation of one another. Mobility occurs when workers in source areas lack suitable options for employment or livelihood, and there is some expectation of improvement in circumstances through migration.

The improvement sought may be better employment or higher wages, but also maximization of family employment or smoothing of employment, income and consumption over the year. During the course of migration spectrum, workers could be locked into a debt-migration cycle, where earnings from migration are used to repay debts incurred at home or in the destination areas, thereby cementing the migration cycle. In most of the time labour migration occur voluntary in nature, although shaped by their limited choices. The National Commission on Rural Labour has recognized the existence of this continuum for poor migrants by distinguishing between rural labour migration for survival and for subsistence. The landless poor, who mostly belong to lower caste, indigenous communities, from economically backward regions, migrate for survival and constitute a significant proportion of seasonal labour flow (Study Group on Migrant Labour, 1990). The growth of intensive agriculture and commercialization of agriculture since the late 1960s has led to peak periods of labour demand, often also coinciding with a decline in local labour deployment. In the case of labour flows to the rice producing belt of West Bengal, wage differentials between the source and destination have been considered as the main reason for migration. Moreover, absence of non-farm employment, low agricultural production has resulted in a growth of seasonal migration (Rogaly et al, 2001). Migration decisions are influenced by both individual and household characteristics as well as the social matrix, which is best captured in social-anthropological studies. Factors such as age, education level, wealth, land owned,
productivity and job opportunities influence the participation of individuals and households in migration, but so do social attitudes and supporting social networks.

Where migration is essentially involuntary, it makes little sense to use voluntaristic models to explain the phenomenon. In Dhule region (Maharashtra) sugarcane cultivation leads to high demand for labour, but landowners recruit labourers from other districts for harvesting as they can have effective control over the labour. Local labourers are thus forced to migrate with their households to South Gujarat (Teerink 1995). Odisha is termed as the surplus zone of labours. Accordingly the landlords of other states visit in the state of Odisha particularly the rural areas and having well contacted with local agents for recruitment of the workers. The poor workers of the state migrated to other states due following reasons such as:

**a) Poverty**

It is observed that most of the rural poor households are landless and a few have the minimum land holding, which can barely manage the households for two or three months in a year. So migration is the best alternative for income for the households. They get food to eat at least for six months of migration with some amount of advance money. It is very hard for the workers to save some pittance at the end of the migration period. So through migration, the migrant households are assured of food for six months in a year and another six months can be managed from the local available sources and own land in the village. So, poverty is termed as one of the important reason for labour migration in Odisha.

**b) Unavailability of wage labour**

The work availability is very limited in the two sources i.e. agricultural activities and non-agricultural activities like construction work by panchayats or brick making, private house construction etc. The poor workers from rural and remote villages did not get the job on regular basis in their local places or urban areas. In the age of technology the demands for the skilled workers are very high but the poor villagers are not technically sound and in that regards they have no demands at large. So they

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need to depend upon the seasonal agricultural works and domestic works outside their own village. Sometimes it becomes very difficult for them to find the job and then they no option left but to remain starve. In this situation the poor workers have no option left to survive or run the family and decided to migrate out to the other states for suitable jobs.

c) Irregular Government facilities

Work allotment under NREGA is still not fully operational in the villages. Some villagers have got job cards and some households have applied but have not received the card yet. According to the women, the availability of work through job card is quite irregular and not in proper time. They also face problems for getting work. Whatever opportunities are available in the village, it is first given to the men, and very few females get chance to work.

No facilities are available from the Govt. side to give work during the lean period. All the BPL households do not have the BPL cards and hence are not able to get rice regularly. The households’, whose members migrate, are cheated and exploited by the Panchayat officials in distribution of facilities. The woman headed households are denied basic benefits as they are unable to go the Panchayat office even. Ignorance and low information level are also hindrances.

d) Exploitation by Landlords

To meet the family expenditure of the households during the lean period, the households take loans from the landlords and the Jamindars in the villages. Mostly, they give land as mortgage for taking loan. The loans are taken to meet the expenditure on fooding, clothing, marriages, cultivation, and expenses for relatives & festivals, funeral ceremony, medical expenses, repayment of old loans, education etc. The landlords and Jamindars charge high rate of interest which is an overburden to repay.

e) Drought

Drought is another reason for migration in both the districts. Drought is seen to be the underlying cause of a number of related severe problems including debt,
impoverishment, starvation and migration. The marginal farmers and landless agricultural workers faced with low agricultural yields and lack of alternative employment opportunities within the villages are forced to look for alternatives elsewhere. Their position is further compromised by loans from the exploitive, non-institutional money lending system. The conditions of these loans are stringent and non-negotiable. If drought takes place in a particular year, then the households are bound to take loan in order to meet the basic necessities of the households. In order to repay the loans and to avoid the wrath of the moneylenders, they take advance from the Dalals or labour contractors. It makes them more vulnerable as they sink further into the vicious cycle of debt. Finally they are forced to migrate to repay the Dalal. In the process they lose their bargaining power both in terms of official wage rates and better working conditions at the worksites.

f) Influenced by the village level middlemen

The village level middle men are the main actors in the labour migration process. During the lean period, they contact the poor households and give a lump-sum amount of money to tackle the problems according to their requirements. In lieu, they motivate them to migrate. As the households are already in debt, they migrate to repay the loan and advances. In that the households are always in contact with the village level contractors to tackle the financial crisis occurs due to marriages, deaths, festivals etc. It is real truth that the poor workers have had no cash capital out which they will mitigate the huge amount of financial expenditure in needs so in that regards they need to depends upon the local contractors for financial assistance. This policy leads to increase the rural labour migration in Odisha.

g) Facilities for advance money

In various districts, advance payment given by the Dalals is main cause for the households to migrate, keeping in view the low production, scarcity of work, irregular work, low and irregular payment and heavy debt burden, repayment of loan. The provision of advance money varies from Rs.3000/- to Rs.10,000/- or more depending on the number of working family members, and the households cannot get such a big amount of money at a time from any other sources. The informal money lending system is too heavy for repayment and there is no provision for the villagers to avail
loan from any formal sector for personal consumption needs. In this situation, the Dalals of the brick kiln factories give them chance to take advance money before work. This appears as a great opportunity for repaying the loan taken from the money lenders, releasing the mortgaged land, purchasing bullocks, and to sustain their families. The households then migrate to repay the advance.

2.2.2. Destination of Migrant Workers

The seasonal migrants from this State used to go to few specific locations and work in particular industries, although, in the past five years or so there has been a significant increases in the destination as well as the number of occupations in which the migrants works. Some of the significant streams of seasonal migration have been noted below:

a) Brick kilns of outside the State

The figure is presumed that more than two lakhs migrant workers from Kalahandi, Bolangir, Nuapada and Koraput districts used to go for works at brick-kiln of Andhra Pradesh, Chhattisgarh and Uttar Pradesh, immediately after harvesting seasons. The history of this migration is at least two decades old, but it was the severe drought of 1996-97 that was the turning point in the history of this migration. This migration starts during November-December and continues up to May-June. Another group of migrants, who mostly intend to find work in the brick kiln as loaders, start late, this is around late December and stay until July. These migration contracts are negotiated through contractors and often the workers do not have any idea about the destination in which they are going to work. Most of the migrants return within six months. There are migrants who go to different towns of Uttar Pradesh as well.

b) Brick kilns within Odisha

Inside the State the movements of migrant workers are also significantly growing, they have started going to brick kilns in various urban centres of coastal Odisha, such as Bhubaneswar, Cuttack, Jagatsinghpur and Puri. In most of the cases, the workers find work through dalals and contractors, but in some cases, they search for work independently. Here, the period of works varies from one to six months.
c) Agricultural worker in the irrigated zone of Odisha

The migrant workers also engaged in the agricultural sectors of various parts of the States. In the neighbouring districts of Bargarh and Sambalpur, irrigation from Hirakud Dam project has facilitated intensive wet rice cultivation. The demand of labour picks up during the periods of transplantation, weeding and harvesting. Groups of relatively young men and women move together to work under piece-rate contracts for specific types of farm work. At times, farmers visit their villages, pay an advance and seal a contract before the group travels to the destination, and at times, the workers travel to key points like Bargarh bus stand where prospective employers or contractors negotiate to deal with them.

d) Rickshaw-pulling, Hotels and Agricultural Farms in Chhattisgarh

The migrant workers from various districts of Odisha used to go for works in Chhattisgarh and engaged as rickshaw puller, waiter and cook in the hotels and restaurant. Apart from this a comparatively new phenomenon is the creation of large horticultural and agricultural farms in Chhattisgarh by farmers from Rajasthan, Gujrat, Punjab and Haryana. These farms mostly supply the vegetables to different cities like Nagpur and Raipur. Seasonal migrants, particularly those belonging to the Mali caste have used to go these farms for work.

e) Construction work

It is evident that many of the seasonal migrant workers have started working in the construction sectors in cities like Chennai, Mumbai, Delhi, Bangalore etc. Some of them are attached to specific labour contractors or employers and they keep on working whenever they are sent to work. Some of these mobile workers have moved to interior areas of Jammu and Kashmir, Himachal Pradesh and Arunachal Pradesh, particularly to work in the road construction sector. Those who are migrating alone or with families have a distinct advantage over those who have migrated under contracts with labour agents or Sardars. Those negotiating the terms of employment directly with prospective employers have a chance of getting better wages and more freedom in terms of leaves.
f) Urban informal service sectors

In recent years, there has been a significant rise in the number of seasonal migrants who work in the urban informal sector in various cities in India. Although their numbers are still very small in comparison with those who are going for works in the brick kilns, this group of relatively young and better-educated seasonal migrants mostly work in the hotels and restaurants, transports, catering and private security services, in the major cities of India. Many of them aspire to the long-term migrants, have better earnings than other seasonal migrants and have been able to save and remit more than other categories of seasonal migrants.120

2.2.3. Nature of Migration Flows

The nature of labour migration flows in this State is depends upon the availability of works within the State and as well as outside the State. Basically in this State the nature of inflow labour migration identified as Permanent and semi-permanent. In case of permanent migration the workforce moves for three to five years or more on contract basis and on the contrary semi-permanent migration the movement is for three to six months with or without the control of the contractors and that is called as seasonal migration and become very popular in this State. The movement of labour force varies with rural to urban areas, urban to metro-city areas, on the basis of availability of jobs.

2.2.4. Reasons of increasing migration in Odisha

In the present study the researcher has given importance to the migrant workers with special reference to the State of Odisha. Though Odisha is economically sound with mines and minerals, but the prevalence of small farmers having small sized land holdings, seasonal unemployment, the non-application of modern technology in agriculture in Odisha had forced the people to search for alternate sources of livelihood. People of rural areas migrate to urban areas within and outside their districts and also to neighboring States. Migration is an outcome due to the repeated disasters that strike Odisha at regular intervals. There have been near about 40 natural disasters that strike Odisha at regular intervals. There have been near about 40 natural

120 Mishra, Deepak K. (Edited Book), “Internal Migration in Contemporary India”, and also see Seasonal migration from Odisha: A view from the field, Sage Publication India Pvt. Ltd.
disasters during the period of 1963-2013. The coastal region is more prone to cyclones, floods where as the western districts and southern region are vulnerable to droughts and famines and have created a vacuum in livelihoods. The manifestations of disasters are seen in the poverty, malnutrition, and distress sale of paddy, property and even children. Landlessness, indebtedness and lack of livelihood, low rate of PDS system, and improper utilization of MGNREGA force the people to seek survival options in other far away places. Displacement is another major cause of migration in Odisha. Endowed with natural resources, Odisha is the hot destination of multinational and transnational companies for mining leases and industry based on them. Mostly located in the adivasi districts, these so called developmental projects have caused large scale displacement of indigenous population. The protests to o have been strong and successful in many cases where by the project have been stopped or stalled. Only negligible affected persons are absorbed in well established projects, and the other thousands displaced have no other alternative but migrate out in search of making their livelihood proper.

Migrant population s overwhelmingly belongs to the category of Scheduled Castes (SC), Scheduled Tribes (ST) and other backward classes (OBC). The above mentioned categories come under the purview of the poor and landless people who possess the least amount of assets, skills or education. The seasonal migrant is often linked to debt cycles and the need for money for repaying debts, through which the people are exploited and are rendered into forced labour conditions and had to migrate on seasonal basis to different states for wage employment with a contractual process at hand. Many industrial and agro industrial sectors like brick making, salt manufacturing, stone crushing, construction, fisheries, rice mills etc. run mostly on “migrant labour” or “dadan sramik” and require contribution of family labour. Especially a family consists of father; mother and children work as a labour unit. The children who work with their family either engaged as non paid child labours or lowly paid workers. Thus, the children of migrant households get into the unrecognized labour market from an early age and get excluded from education, child protection, nutrition, and child development and participation opportunities. The recent report
showed that over one lakh workers from the State of Odisha have been sent through middlemen to work in other States in 2014.  

2.2.5. Socio-economic conditions of migrant workers

Socio-economic and demographic background of the migrants to a large extent decides the factors responsible for their migration. Many times migration takes place under pressure to earn more money for survival of family members as the migrant happens to be the sole bread earner of the family and there are not enough savings to pay for loans taken, building of houses, business, dowry, medical expenses, rearing of children and above all maintenance of family to fulfill their basic needs. In the case of women migrants, either the husband takes care of children himself or shifts to his native place for the children to be looked after by the extended family members. This clearly shows the existence of patriarchy in Indian society and also corroborates to the fact that as most men migrants came from joint families, it is likely that another male family member replaced the male head of the households most likely their fathers or elder brothers. While the numbers of female family members are higher in men migrants’ family, the numbers of boy children are higher also.

The nature of the work and the payment of migrant labourers vary according to the activity. In charcoal making, salt making and brick making, the work is overwhelmingly piece-rate; in loading and unloading, 56 per cent of the workers were employed on a piece-rate basis, and in port-related loading and unloading 40 per cent of the workers were paid on a piece-rate basis. The remaining workers in the above-referenced activities were working as day labourers. In construction, three out of every five workers and in other (casual) work, one out of every two workers were day labourers and the rest on a monthly basis. Only in transport and hotel services were the migrants employed exclusively on a monthly basis. Trade and commerce workers were solely self-employed, and in personal services there were equal proportions of self-employed and salaried workers. Among the inter-state migrants, more than one-third were employed as day labourers and another third received monthly wages, while among the intra-state migrants, 42 per cent were employed on a piece-rate basis

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121 A Research Study On “Impact of increasing migration on Women in Orissa” By Sansristi, Bhubaneswar. Pp,4-5
and one-quarter worked as day labourers. In short, among the low-income labour migrants in the state, the large majority were generally employed either on a piece-rate or a daily basis and thus constantly under pressure to work whenever there was work available, while simultaneously unable to demand either higher wages or the respect of applicable labour laws. The piece-rate wages vary depending on the category of work. For example, for loading and unloading of salt bags, a wage of 40 paise per bag is paid. Migrant labourers, both inter-state and intra-state, are employed on all of these construction sites and live on the premises, moving from one site to another with the labour contractors.

The socio-economic conditions of migrant workers mostly suffer from poverty and illiteracy. Maintenance of family with low per capita income compels them to incur loan from money lenders. Under these situations, for maintenance of family and repayment of family borrowings, they are forced to go on dadan. The labourers are mostly self motivated to go on dadan and it is continuous process for them. They usually migrate on dadan for 3 to 5 month a year. This dadan helps them in two ways. Firstly, they get some advance from the agents that help them to maintain their families during a slack season, and their period of absence. Secondly, from three to five months continuous wage is assured.

The emergence of labour migration owes its origin due to non availability of assets and cultivated land, distressed living conditions, indebtedness and bondage etc. Unequal wealth and income distribution, scanty resource flow to rural areas for employment generation and agricultural development etc. have added fuel to the fire of the problem of migration. Changes in socio-economic scenario like rapid urbanization, disintegration of joint family and community structure have exerted influence for accelerating the migration process. Rapid growth of population, increased pressure and over crowdedness in agriculture, decline in cottage industries and handicrafts etc. resulted in uneconomic holdings, unemployment, and migration of labourers.

2.2.6. Problems of migrant workers

Migrant workers belong to vulnerable group. Vulnerability is shaped by many factors, including political and social marginalization and a lack of socio-economic and societal resources. In maximum number of cases it has to be observed that the migrant workers are engaged in the un-organized sectors for work. The conditions of the women migrant workers are more miserable in the working places. Most move from rural to urban and industrial areas for economic reasons and most leave their children behind. Their working conditions vary enormously. While some are treated as members of the employer's family, others are subjected to conditions which may amount to virtual slavery and forced labour. The large force of the workers migrated from Odisha to other States every year. They face lots of trouble from start to end of their journey for work. The migrant workers face troubles in their respective work places as because they were unknown to their employer when they engaged in their duty. They face multiple levels of discrimination and lack of protections in place of the worksite where they engaged, as because the workers are totally unaware about the rules and regulation of the work place and the availability of protection for them under international level. The women migrant workers were felt in troubles by way of sexual abused, and when they sexually exploited by the employers or others workers then in return the victims were forced to send back to their native place rather to provide any legal assistance, and in maximum time the matter is trying to concealed by the employers, and the above fact also clear about of lack of awareness. Sometimes the women workers were not get the benefit of maternity relief. The workers were not get the equal payment for their equal work, and in case when their health condition seriously in danger then in maximum cases they were not provided with the proper medical treatment by the employer and even they were force to take leave without payment. Besides these there are various factors that contribute to systemic patterns of human rights violations against migrant workers, and where they suffer from less effective redress for victims, such as lower public attitudes, language barriers, and restrictive immigration regimes, poor quality of legal protection, very less figure of awareness, weak rule of law and impunity. While the human rights issues that affect the growing number of migrant workers are facing, there is a general absence of

knowledge of relevant international legal Conventions and Treaties, and in many instances a lack of political propaganda or institutional capacity to apply these standards to the practical aspects of laws, policy and practice.

The problems of migrant workers are different from other workers who are rendering their services under the direct supervision of the employer. It is not a problem of our country rather it is the global issues. The workers are migrated from one place to another place for searching of livelihoods and other means. Even the history witnessed that the peoples moving from one place to another place for their choice. Sometimes the peoples are forced to change their native working places due to non-availability of basic amenities. The researcher started his research study on the specific hypothetical subject that ‘Inter-state migration involves socio-economic factors’. The above discussion in this chapter has been proved in an application of analytical method.

The history is the foundation stone of the new creation. The history in the research study is an essential to go ahead to arrive a logical end. So, international horizon and documents has the same importance which will be discussed vividly in the next chapter. International labour migration has emerged as a global issue in the last century. The issues relating to labour migration are vulnerable in the present context. In this regard, various International Conventions and Declaration has been convened to minimize the problems of migrant workers.