Chapter-1
INTRODUCTION

Labour migration is a human phenomenon. The workers enjoy liberty to move one place to another place for searching of employment. Mankind has witnessed it since time immemorial. The inherent tendency of human being is to get himself accustomed with the new and comparatively convenient circumstances. India is on the threshold of a great transformation that will witness over the next few decades, two significant historical processes unfolding in tandem i.e. demographic transition and migration transition. It is similar to a social transformation of a scale that will change social relationships so profoundly that it will affect all social interaction, and all individuals and communities simultaneously. It will impact that the way social and economic relations are organized and will dramatically alter conceptions of identity, community and society. This paradigm shift will also challenge hitherto-held notions of growth and welfare; of citizenship and community and the basis for access to economic and social opportunity.

The prime drivers of this 'step change' will be the twin dynamics of economic growth led by a young population and growing interconnectedness with the world outside resulting from globalization- integrated markets for goods and capital, reduced barriers to trade and investment across the world, and easier migration. With the remarkable advances in transport and communication lowering cost significantly and the emergence of transnational networks enhancing connectivity in unprecedented ways, the world will be a smaller place and societies diverse as never before. Globalization is not an unmixed blessing. Though, it generates its own contradictions-making high skilled migration easier but at the same time displacing unskilled workers in traditional economies.1

The process of labour migration has created a totally unfettered labour market where finance capital move to and fro over the complete range of thing of that kind of labour relations. In the age of technology all round attenuation of manpower severely reducing the job opportunities within the country, as a result of which the new

---

entrants in the labour market have to be in search for job opportunities outside the country. Migrant workers are a vital part of the global economy. It is true that the labour migration process provides valuable chances for many people who are unable to secure adequate means of work in their own countries or who have little choice but to leave their native land. This result also enhances the cultural, socio-economic, civil and political structures in both countries of origin and destination. Globalization of world economy has forced millions of people to migrate in other countries to make their livelihood proper.

Regarding the issue of Inter- State labour migration the research has laid emphasis on the State of Odisha. Where it was noticed that the very reasons for labour migration flow due to make improvement in the quality of the lifestyles and that includes; work, education, proper medical and communication facility etc. Here the term labour migration is very known or familiar to us as because the people belongs to below poverty line, or the farmer burdened with debt, it is very hard for them to manage their livelihood proper, that forced them to migrate out. The natures of labour migration are short duration or long-duration, permanent or semi-permanent. The places where very often the worker got engaged are the hotels, brick- kiln industry, road making project, construction sites, stone crusher industry, fireworks industry, company and office work etc. Generally there exists two types of labour migration viz; inter- state labour migration, intra- state labour migration. In every aspect of labour migration the workers face the lots of problems relating to variation of culture, language problem, uneasy feeling with work place environment, shelter, food, low rate of wages, improper medical facility, bonus, educational facility of their children, sexual exploitation of the women worker etc. and instead of that the people are move on a regular basis to make sure their livelihood. At the same time their rights also violated due to discrimination of wage rates and lack of implementation of social welfare schemes in the workplaces by the employer or the contractor.

The rights of the migrant workers are equivalent to their fundamental rights. Without enjoying the rights, existence of human being is in question. The migrant workers are very keen to the production and reproduction system of the world as a whole. They are working hard by which rest of world enjoyed some benefits. The workers are
more valuable than other prudent person as because if they produce then only the economy of any country runs smooth. So the rights of the migrant workers should be protected on priority basis. The real situation is that migrant workers engaged in various fields under the supervision of contractor, managers, or directly under the authorization of employer and in this regard they are not safe at all in the workplace and their rights also violated to and fro. In some cases the workers engaged in the workplace with their family and in this regard they are also not provided with family protection. The condition becomes more vulnerable when the workers engaged through the intermeddler. At this juncture the middlemen mange the workers with lump sum amount and make them engaged in various factories, industries, construction sites and mills etc. In this situation the workers get no direct opportunity to make bargaining with the employer regarding their rate of wages and they still remain in a dilemma to establish the linkage between intermeddler and employer. Even the workers tolerate the barbaric torture in the workplace and also sustained loss of their income. In most of the time the workers denied to lead a dignified life in the workplace. Unearth the truth of their lifestyle in the workplace makes the problem of their safeguards. Most of the time we are tried to catch their problem in a bird’ eyes view but in general they are taking lots of pain and agony in the working place.

The rights of the migrant workers derived from the Constitution of India. There are specific national legislations, international documents and International Labour Organization Declaration which are advocated for the protection of the rights of the migrant workers. The migrant workers are entitled with the following rights in the place of origin as well as in the place of destination:

- Right to chose suitable work
- Right to get registered
- Right to get humane condition of work
- Right to non-discrimination
- Right to get equal payment for equal work
- Right to get travelling allowances
- Right to shelter, food and medical allowances
- Right to get maternity relief
The present century also witnessed that the workers are remain unaware about their manifolds rights and shield of protection available for them under various mechanism. It is fundamental truth that rights and duties are co-relative to each other and whereas to demand the full wages is the right of the workers and then at the same time it is the foremost duties of the employers are to provide social security measures in the work places and make payment of the full wages to the workers. There are so many international mandate are in live to focus and deal with the issue of labour migration and policy concern for e.g. International Convention on Migrant workers and Their Families, 1980 and various Conventions framed by the ILO. Again in focus to rights of the workers the Constitution of India also provides so many provisions for protection of the rights and in addition to this parent law the issue relating to inter-state migration and gross violation of migrant workers rights are deal under the Statute of Inter-State Migrant Workmen (Conditions and Regulation) Act, 1979. Besides the prime Statute so many existing relevant legislation are there to deal with the issue of labour migration viz; Maternity Benefits Act, Minimum Wages Act, Contract Labour Abolition and Control Act, Unorganized Workers Social Security Act, etc. Besides these so many social welfare schemes are also in force in India to deal with issue of labour migration. Inspite of that the rate of migration flow increases day by day and the very reason for that is awareness, the workers are not well aware about the existing legislation and social beneficial schemes and on the contrary the administrative machineries are also not in a active mode to implement the schemes on urgency basis and in the workplace the employer show the lethargy to provide the social protection schemes. The research works is attempted to discuss about migrant workers and the rights of the workers in regards to the social protection floor and violation of their existing rights. Before going to the depth analysis of the study it is important to define various relevant terms related to the topic.
1.1 Definition

The ‘definition’ is a statement of the meaning of a word or phrase of words. The definition is not give an exact meaning of a word, but it only conveys the same meaning of the word. The purpose of the definition is to explain the meaning of a word which may be difficult to understand. Before discussion of the topic, a researcher must go through some definitions which are relevant to the topic. There are some important definitions which are relevant to the topic are discussed as follows:

1.1.1 Labour

The term ‘Labour’ is used in various senses. In the broad sense the term “labour”, may be defined as any work, whether manual or mental, which is undertaken for a monetary consideration. According to Marshall, Labour may be defined as “any exertion of mind or body undergone partly or wholly with a view to some good other than the pleasure derived directly from the work”. The terms, ‘Labour’, ‘Labourer’, ‘Worker’, ‘Workman’, and ‘Employee’ are practically synonymous in the discussions on labour problems meaning thereby. Labour which may be defined as workers who do not have any other ‘adequate’ source of livelihood except the sale of their labour power (i.e., capacity to work either physically or mentally) in return of which they get wages. The word ‘adequate’ implies that a major part (say, more than half of the income, money as well as real) of the worker or workers concerned is derived from wages or salaries, i.e., remuneration for services rendered. Thus, Labour today includes workers both of hand and head who work for others for a given payment in cash or kind. Therefore, highly trained or skilled technicians, supervisors, clerical and salaried staff are as much a part of labour as the unskilled or semi – skilled manual workers. Sometimes the term Labour is used in a very broad sense of total working force or labour force which includes all persons who work for a living as distinguished from those who do not or not expected to work for a living such as housewives, children, old persons etc. In this sense the term Labour is synonymous with human or manpower resources of any country. However, the sense in which the word ‘Labour’ is used is generally clear from its context. According to S.E.Thomas,

---

"Labour consists of all human effort of body or of mind, which is undertaken in the expectation of reward". Therefore, the term labour as is ‘generally’ used to refers either to those persons who live by selling their services directly to the employers or to the services that they sell.

1.1.2. Migration

The term ‘migration’ means movement of the people from one place to another place or one locality to another locality i.e. rural to urban area to find out better placement. It is continual process and non-stoppable. According to The Merriam-Webster Dictionary (2013), the word ‘Migration’ is derived from the Latin word ‘Migrate’, which means to change one’s residence. The concept migration is defined by various authors in their works viz; Zelinsky in his study defined migration as a change of residence for at least one year and involves crossing of an administrative boundary which is a prior defined. More unequivocally it may be said that a smallest administrative unit is a village in the rural areas and town in the urban areas. Take for instance a person who moves out from one village or town to another village or town is known as migrant provided his or her movement is not purely of temporary nature. Therefore, at any given time the total population of a place or a region may be dichotomized into two distinct groups as migrants and non-migrants. Sometimes a person despite of his or her willingness to migrate, fails to do so due to certain reasons such as lack of resources, lack of guidance or information about job opportunities, due to health reasons and so on and such person is called as potential migrant. In accordance thereto migration stream may be defined as a group of migrants having common origin with a place of destination. In this process the stream of migrants becomes a host to new society, new environment and as well as new culture. Hence migration may be defined as physical movement of an individual or a group of individual from one society to another and this involves learning one social setting and entering a different one. Here the concept of migration may be enlarge with the

definition of migration observed by Mangalam (1968)⁶ as “migration is relatively permanent moving away of a collectively, called migrants, from one geographical region to another, related by decision making on the part of the migrants on the basis of hierarchically ordered set of valued ends and resulting changes in the intersectional systems of the migrants.”⁷ Accordingly Weinberg (1961)⁷ also defines the concept of migration as “the change of place permanently or temporarily for an appreciable duration as in case of seasonal workers. It is used symbolically, in the transition from one surrounding to another in course of human life”.

1.1.3. Contractor

The term ‘contractor’ in relation to an establishment, means a person who undertakes (whether as an independent contractor, agent, employee or otherwise) to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, by the employment of workmen or to supply workmen to the establishment, and includes a sub-contractor, Khatadar, Sardar, agent or any other person, by whatever name called, who recruits or employs workmen [section 2(b) of the ISMW Act, 1979].

1.1.4. Workman

The term ‘workman’ means any person employed in or in connection with the establishment to do any skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person as employed mainly in a managerial or administration capacity; or being employed in supervisory capacity draws wages exceeding five hundred rupees per mensem, or exercises, either by the nature of duties attached to the office or by reason of the powers vested in him, function mainly of a managerial nature. [Section 2(1) (j) of Inter-State Migrant Workmen Act, 1979]

1.1.5. Appropriate Government

Appropriate Government means in relation to any establishment pertaining to any industry carried on by or under the authority of the Central Government or pertaining to any such controlled industry as may be specified in this behalf by the Central Government or any establishment of any railway, Cantonment Board, major port, mine or oil field or any establishment of Banking or insurance company the Central Government. [Section 2(1) (a) Inter-State Migrant Workmen Act, 1979]

1.1.6. Principal Employer

Principal Employer means in relation to any office or department of the Government or a local authority, the head of that office, department or authority or such other officer as the Government or local authority and in relation to factory, the owner or occupier of the factory and where a person has been named as the manager of the factory under the Factories Act, 1948, the person so named. [Section 2 (1) (g) of ISMW Act, 1979]

1.1.7. Migrant Workers

According to section 2(e) of the Inter-State Migrant Workmen Act, 1979 the term ‘inter-state migrant workmen’ means any person who is recruited by or through a contractor in one State under an agreement or other arrangement for employment in an establishment in another State, whether with or without the knowledge of the principal employer in relation to such establishment.

The most comprehensive definition of a migrant worker is provided in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (“the Convention on Migrant Workers”). Article 2(1) of the Convention on Migrant Workers defines a migrant worker as a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. Article 2 also distinguishes between particular categories of migrant. These include “frontier worker”, “Seasonal worker”, “project-tied worker”, “itinerant worker”, “seafarer” and “self-employed worker”; Categories which have been excluded from other international standards developed in the past,
including ILO conventions specific to the rights of migrant workers. In particular, the definition of "self-employed worker" recognizes the large number of migrant workers who operate a small family business by themselves or with other family members. These definitions apply across all regions of the world. In addition, the Convention recognizes migrant workers as social entities and extends recognition of rights to members of their families. Article 4 provides the following definition: The term "members of the family" refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.

1.2. Mobility concern to migrant workers

Movement of living beings in search of better environments is a natural trend and man is no exception to it. Migration of human beings is a complex phenomenon. In the present era of globalization and liberalization, the study of migration has become one of the most dynamic aspects of human beings. The World Development Report 1999-2000 (World Bank, 2000) estimates that more than 13 crores people now live outside the countries of their births. India as a nation has seen a high migration rate in recent years. Over 9.8 crores people migrated from one place to another in 1990s, the highest for any decades since independence (GoI, 2001). While freedom to migrate within the country is an enshrined right, uneven regional development, levels of desperation and other factors have created friction points. Most people migrate because of a combination of push and pull factors. Lack of rural employment, fragmentation of land holdings and declining public investment in agriculture create crisis of rural Indian. Urban areas and some rural areas with industrial development or high agricultural production offer better prospects for jobs or self-employment.

---


In the present scenario the flow of migration raised because of the liberalization, privatization, and globalization (LPG) of the world economy. Globalization has created a situation which generated a worldwide phenomenon of migration of millions of workers to other countries. In the age of globalization the market competition flows high, meanwhile the people are migrated to other Countries to search for better livelihood as result of which various construction companies and private companies step forward to bring the labourer as cheap rates. The migration of labour has created a totally unregulated labour market where finance capital swing over the complete range of thing of that kind of labour relations. With all round lessening of manpower drastically reducing the job opportunities within the country, as a result of which the new entrants in the labour market have to be in search for job opportunities outside the country. Migrant workers are the vital part of the global economy. The decent working and living conditions started with international movement of workers (both men and women), to seek out opportunities in their native countries. It is true that the labour migration process provides valuable chances for many people who are unable to secure adequate means of work in their own countries or who have little choice but to leave their native land. This result also enhances the cultural, socio-economic, civil and political structures in both countries of origin and destination. Globalization of world economy has forced millions of people to migrate in other countries to make their livelihood proper.

The reasons for migration are to make improvement in the quality of the lifestyles and that includes; work, education, proper medical and communication facility etc. Here the term labour migration is very known or familiar to us as because the people belongs to below poverty line, or the farmer burdened with debt, it is very hard for them to manage their livelihood proper, that forced them to migrate out. The natures of labour migration are short duration or long-duration, permanent or semi-permanent. The places where very often the worker got engaged are the hotels, brick-kiln industry, road making project, construction sites, stone crusher industry, fireworks industry, company etc. The maximum number of countries witnessed the circulation process of labour migration. Generally there are three types of labour migration exists such as inter-country labour migration, inter-state labour migration, intra-state labour migration. In every aspect of labour migration the workers face the lots of
problems relating to variation of culture, language problem, uneasy feeling with work
place environment, shelter, food, low rate of wages, improper medical facility, bonus,
educational facility of their children, visa problem, sexual exploitation of the women
worker etc. and instead of that the people are move on a regular basis to make sure
their livelihood.

The concept of migrant workers is as old as like the human civilization. Labour migration
denotes the movement of people with or without family from one
place to another place and searching for livelihood. Labour migration occurs due to
the scarcity of job and availability of surplus labour. Labour migration is an important
aspect of mankind from the beginning of mankind. Now it becomes the common
phenomenon of all over the world as migrants had been migrating from one area to
another area to finds their means of survival. Migration is as old as human history.
Migration is an inevitable element of human life since time immemorial. People have
been migrating since time immemorial for variety of reasons such as search of
livelihood, employment opportunities etc. Migration within the country and across the
borders is a facet of life which tends to expand opportunities for productive work and
wider interaction among people and cultures. The interrelationship between
migration and economic development is universally recognized. The process, patterns,
volume, trends and determinants of migration have contributed significantly to the
other processes of industrialization, urbanization, economic development, cultural
diffusion and social integration (Singh J.P: 1980).

The term ‘economic migrant’ is sometimes used as an equivalent to the term labour
migrant or migrant workers. However, the two concepts may cover different
categories. The term labour migrant can be used restrictively to only cover movement
for the purpose of employment, while ‘economic migrant’ can be used either in a
narrow sense, which includes only movement for the purpose of employment, or in a

---

10 http://shodhganga.inflibnet.ac.in/bitstream/10603/66830/8/08_chapter%201.pdf, visited on 5/01/2017
11 http://shodhganga.inflibnet.ac.in/bitstream/10603/76661/10/10_chapter%201.pdf, visited on
14/01/2017
12 See http://shodhganga.inflibnet.ac.in/bitstream/10603/92095/8/08_chapter%201.pdf and also see
broader sense that includes person entering a State to perform other types of economic activities such as investors or business travelers.

Classification of labour migration usually based on the duration of activities, as well as on the distinctions made by the receiving countries in their regulatory framework where conditions of administration and stay are established. Depending on the category and procedures of admission can be more or less cumbersome and the conditions of stay more or less generous. Persons entering a country for job training are included in some labour migrant classifications but excluded from others. Although the purpose of trainee’s movement is not employment, some considers that these schemes should be included; because they are employment- based and can have important labour market implications.13

1.3. Factors of Migration

The migration process mainly categorized with rural to urban migration, urban to urban migration and migration from one State to another State; and one countries to another countries and the nature of migration is ‘permanent’ and ‘semi-permanent’. There are two factor lead to labour migration in India, i.e. the ‘push’ and ‘pull’ factors. The push and pull attributes of place of origin and destination has been recognized. There are positive and as well as negative views of migration provoking situations. Sometimes people are attracted by job opportunities at a destination to improve their socio-economic conditions and in such a case the destination exerts a pull on migrants. But sometimes peoples are forced to move out from the place of origin due to social out-caste or undesirable social and economic conditions and such factors are considered as push factors. This is certain that migration takes place only when the positive pull factors at the place of destination are outnumbered by negative push factors at the place of origin14. George (1970) also considers geographical movement into two forms: moves caused by necessity or obligation and moves caused by need. It has been widely accepted by the theorists and practitioners that non-

---

13 See, http://www.rcmvs.org/documentos/IOM_EMM/v2/V2S06_CM.pdf Visited on 17/05/2017
14 Supra Note 2, page 19
agricultural activities have many advantages and amenities at the destination to pull migrants\textsuperscript{15}. Here need to analyze the matters involves in both the two factors:

1.3.1. Push Factors

i. Lack of regular employment
ii. Status consciousness
iii. Exploitation by landlords
iv. Repayment of debt
v. Obligation due to advance taken from the contractor
vi. Lack of amenities at the place of origin
vii. Non-availability of facilities such as better education, health and other infrastructure amenities
viii. To relieve from anxieties and worries
ix. Natural calamities

1.3.2. Pull Factors

i. Availability of employment opportunities
ii. Surplus labour
iii. Cheap labour rates
iv. Having interest to visit in the new places and recreational activities
v. Hope to get better payment and wage structure
vi. Access the better facilities for education, health and other infrastructural amenities
vii. Social linkages or relationship
viii. Demonstration effect acquisition of new habits, new dress, new articles, learning of new languages and cultures.

The process of migration thus has a constraining effect not only in structural terms, but also in the sense in which it may include abuse and exploitation, and mental agony. Poverty and search for employment have been the propellants of survival

migration of people. According to census 2001, the reasons for migration have been classified into seven broad groups, viz; work or employment, business profession, education of the children, marriage, moved at birth, moved with family and others are the “push” and “pull” factors. When inter-state migration is taken into account, employment emerges as the main reason for migration. Nearly 32% of all inter-state migrants during the intercensal period migrated due to searching for employment. Intention to migrate with family or household as a reason also emerges as an important cause for both male and female migration in all streams of migration during the intercensal period. Nearly one billion of the world's population is estimated to be 6.7 billion people are on migration. That means one in seven people are comes under the purview of a migrant. This information published in Human Development Report 2009 gives a picture that the numbers involved in migration are large and growing.\textsuperscript{16} The National Commission on Rural Labour in India (NCRL, 1991) estimates more than 10 million circular migrants in the country belongs to rural areas. The above estimation includes as figures of 4.5 million inter-state migrants and 6 million intra-state migrants. The report i.e. studies and field evidences suggest that children accompanying their parents in the 0-14 age group may constitute one third of the total migrant population and put the number of migrant children below 14 years close to 6-9 million.\textsuperscript{17}

1.4. Migration due to poverty

The relationship between migration, development and poverty occurs in a very complex situation which also varies with the forms of migration, namely, whether we are interested in temporary/seasonal migration or permanent/semi-permanent migration. The poor workers those with lower socio-economic background such as illiterates, scheduled castes and scheduled tribes are more prone to seasonal and temporary migration (Keshri and Bhagat, 2011; 2013). On the other hand, permanent and semi-permanent migration is dominated by the socio-economically better-off people (Bhagat, 2010). At the State level, there exists an insignificant relationship between rural poverty ratios and out-migration which indicates that push factors were


\textsuperscript{17} See [http://shodhganga.inflibnet.ac.in/bitstream/10603/76661/10/10_chapter%201.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/76661/10/10_chapter%201.pdf), visited on 14/06/2016
not very effective in accelerating out-migration from rural areas (Bhagat, 2010). This may be due to several factors, including the low level of education and skill among the rural population combined with the high cost of living in the cities, the lack of squatting places where the poor can encroach, particularly in large cities and hostile authorities who may pass eviction orders against those that they declare are illegal occupants of city spaces on public litigation petitions. The public opinion on migration in cities tends to be very hostile towards poor and unskilled migrants, who are often blamed for many cities woes, including those related to deteriorating transport facilities, environment and sanitation. In this situation, it is often difficult for poor and uneducated migrants to survive in the cities. Several studies have also pointed out that it is not the poor who move out of the rural areas, but those with some education and capital (Oberai and Singh, 1983; Skeldon, 1986).

1.5. Migration due to vulnerability

According to Ravi S. Srivastava there are two kinds of migrants basically who moves from rural area to urban areas and settled in urban area. There are the people who move from one place to another place in the same State or in other native States for work are called as seasonal and circulatory migrants and essentially in the last two decades the number and proportion of such migrants have been growing up significantly. The forces of the vulnerable migrants are the short term migrants, the people who are displaced from rural areas they are also very vulnerable and distress. But apart from them the short term migrants and seasonal migrants are the one who still have a foothold in the rural areas marked as really vulnerable and they need policy attention. In this regard the important challenge is to acquiring the civil identity for seasonal migrants and finds it very difficult to acquire the civic identity in the place of destination. Link to the fact that other major problem in concern is related to housing, shelter and social protection; they are getting their entitlements as citizen in the native place. This is relevant to the fact that entitlements must generally be portable, whether it is the entitlement of the children to education, entitlement to health, food security and there are core sets of entitlements which must be portable

---

18 Ravi S. Srivastava is renounced Professor of Economics, JNU and works since long time in the sectors of labour migration, social protection and policy concerns and his works also published in ILO working paper for labour migration in India and as well as abroad.
across in the place of origin as well as in the place of destination. If it is not so then vulnerable groups remain as it is and upliftment towards the progress is in big question. Migrant workers are inherently vulnerable as subjects of human rights from the time they leave home to initiate their migration. In other words, any human being is less vulnerable at home than right after he leaves it to become a migrant. The same applies to the sociological extension of the notion of home to a community of origin. The same person that migrates had more resources, both material and human, to defend and/or protect, himself, when he was at home, prior to moving elsewhere, than after the outward movement had taken place.\textsuperscript{19}

1.6. Migration due to urbanization and globalization

As migration into urban areas is an important component, it would be interesting to mention some of the broad features of India's urbanization in order to understand the linkages between migration and urbanization. The 2011 Census enumerated an urban population of 377 million, spread over about 8,000 cities and towns. These cities and towns are hierarchically linked with each other, but predominantly embedded in the spatial organization of national economy. The spatial structure of the Indian economy is shaped by three port cities namely Kolkata, Mumbai, and Chennai, planted during colonial rule (Raza and Habeeb, 1976). Delhi also played an important role after it became a capital city in 1911. Together these cities dominated urbanization process and the interregional flow of migration. The 2011 census shows that the urbanization process is vibrant in north, west and south India with the three latest cities, namely Delhi, Mumbai and Chennai forming a nucleus in their respective regions. Hyderabad, Bangalore and Ahmadabad are another group of big cities that shaped the regional pattern of urbanization. On the other hand, eastern and north-eastern India lagged behind with the declining importance of Kolkata due to the lack of any other megacity in the region. The next ranking city in east and north east India is Patna, which is about seven times smaller than Kolkata. The exclusion of eastern and north eastern India on the map of urbanization is also evident in the fact that the region as a whole is characterized by high inter-state out-migration, which is largely due to lack of vibrant cities in the region. The same is also true for the central region, consisting the

\textsuperscript{19} Bustamante. Jorge A (2010), 'Extreme Vulnerability of Migrants- The Cases of United States and Mexico. Also available at- http://scholarship.law.georgetown.edu/ visited on-30/01/2018
states of Uttar Pradesh, Madhya Pradesh, Orissa, Chhattisgarh, and Rajasthan which are not only having low level of urbanization but also have many pockets with high out-migration.

Migrants in cities and urban centres are predominantly engaged in the informal sector, working as construction workers, hawkers, and vendors, domestic servants, rickshaw pullers/ drivers, electricians, plumbers, masons, security personnel etc. The majority are either self-employed or casual workers. About 30 percent of migrant workers, working as casual workers, are quite vulnerable to the vagaries of the labour market and lack of social protection. Only 35 percent of migrant workers are employed as regular or salaried workers (NSSO, 2010). India has launched a policy of economic liberalization since 1991. During the post-liberalization phase, the importance of cities and urban centres has been growing in India’s economic development. For example, the contribution of urban areas to India’s GDP has increased from 29 percent in 1950-51 to 47 percent in 1980-81, to 62 to 63 percent by 2007, and expected to increase to 75 percent by 2021.20 It is also being emphasized that 9 to 10 percent of growth in GDP depends fundamentally on making Indian cities more livable and inclusive.21 However, with increasing economic growth, wealth is getting concentrated in cities and urban centres, and rural–urban gaps in income levels, wages and employment opportunities are widening. Further, increasing economic growth is also associated with growing regional disparity and lopsided urbanization. Many have argued that the process of urbanization during the post-liberalization phase has been exclusionary which is also evident in the decelerated trend of migration (Bhagat, 2010; Kundu, 2007).

Migration studies have a long tradition in many academic disciplines. Lewis (1954) in his theory emphasized uneven and dualistic nature of development as the main reason for labour mobility.22 Lee’s (1966) emphasis on push and pull factors and Todaro’s (Harris and Todaro, 1970; Todaro, 1969) explanation in terms of expected income differentials between rural and urban areas have remained influential for long.

20 Report from Planning Commission of India, 2008, p.394
21 Ibid, p.394
22 These models explain migration as an equilibrating mechanism, which, by transferring labour from the traditional labour surplus, low productive agricultural sector to the modern, labour-deficit, highly productive, industrial sector, brings about wage equality in the two sectors.
widespread experience of proliferation of low and semi-skilled migrant workers in the expanding urban informal sector in a number of developing countries has raised serious questions about the traditional view that explained migration in terms of smooth inter-sectoral labour flows. More recently, the New Economics of Labour Migration (NELM) School has attempted to explain migration as the outcome of different kinds of market failures including absent or underdeveloped capital and insurance market (Stark, 1980, 1991; Stark and Bloom, 1985). Such theorizations have broadened the scope of analysis to incorporate transaction costs, imperfect information along with market imperfections in explaining the decisions of households and individuals to migrate. More importantly, this school of thought has emphasized that migration decisions are not taken by isolated individuals, but by families or households collectively so as to maximize the expected income, minimize the risks and to partially circumvent incomplete and/or absent markets. The neoclassical theories of migration have typically emphasized the voluntary and self-interest, maximizing behavior of the agents as the underlying causes for decisions to migrate. Critics have pointed out the flaws in such assumptions both on theoretical and empirical grounds (Breman, 1985; Mc Dowell and de Haan, 1997; Sasikumar, 2004; Standing, 1985). Studies in the Marxist framework have typically emphasized the coercive nature of labour contracts through which the capitalists and intermediaries exploit migrant labourers. The role of wider structures in perpetuating such exploitation of migrant workers has received much attention in the literature (Breman, 1996). The presence of extra-economic coercion in such labour relations has been widely noted. Breman (1985) and Olsen (1998) have drawn attention to the elements of bondage and unfreedom involved in migration labour contracts negotiated through debt. The main criticism against the Marxian analysis of migration is that it takes a deterministic view of highly diverse phenomenon. With its stress on structural factors, it tends to underplay or ignore the agency of migrants. The studies on migration have analyzed on migration within the overall framework of livelihood diversification (Deshingkar and Farrington, 2009). Livelihood approach considers

---

23 Chandra (2004, p.28) notes “migration serves capital by providing cheap labour and it increases competition among workers putting downward pressure on wage level of indigenous workers”. Olsen and Murthy (2000) in their on the plight of Palamur labourers from Mahabubnagar district in Andhra Pradesh suggest that exploitation is both direct and indirect – wages are lower than market wages and there is extraction of overtime and child labour.
migration as a response to diversifying the earnings portfolio of the households. The multiplicity of casual mechanisms underlying the decision to migrate is perfectly compatible with this view on migration.\textsuperscript{24}

Several studies on migration in India have noted the relatively low levels of mobility in rural India. One possible reason\textsuperscript{25} could be the underestimation of migration as official statistics, with some notable recent exceptions ignore seasonal migrants. Although there have been very few attempts to theorize seasonal or circulatory migration, few recent studies have brought in a variety of perspectives to explain seasonal migration (de Haan and Rogaly, 2002; Deshingkar and Farrington, 2009).

\textbf{1.7. Theories of Labour Migration}

Several attempts have been made through researchers to explain migration in terms of various theories which are widely accepted. The theories of labour migration explain about the causes and impact of labour migration in view of national and as well international scenario. The theories of labour migration can be divided into following categories:

\textbf{1.7.1. Classical Theory of Migration}

The economic assessment of migration includes both the redistribution of labour and the search of opportunity. For instance Adam Smith, father of economics, viewed that labour migration is due to the imbalance in the labour market at different locations (Lebhart, 2005)\textsuperscript{26}. However, the oldest theoretical approach for explaining the phenomenon of labour migration is based on Ravenstein’s laws of migration in which he highlighted the concept of ‘search of opportunity’ as the main motive for migration (Ravenstein, 1889)\textsuperscript{27}. Subsequently, a variety of studies has been proposed to explain the commencement and causes of international migration.

\textsuperscript{24} De Haan et al., 2002
\textsuperscript{25} Munshi and Rosenzweig (2009) attribute this to the presence of sub-caste networks that provide mutual insurance to their members.
1.7.2. The Neo-Classical Theory

According to the neo-classical theory of migration, migration of labour is due to the differences in the real wages between the countries and migration of labour brings equilibrium in the international labour market which wipes away the wage differences between the countries. The neo-classical theory explains both the macro and micro aspects of migration. The neo-classical macro theory of migration dates back to Hicks (1932)\(^28\). According to this theory, the unbalanced distribution of capital and labour at the macro level causes inequality in wages and living conditions and leads to migration. The migrants move towards the places where employment, wages and other economic conditions are more favourable to them giving high chances of ending the differences in wages and living conditions between places. The neo-classical micro approach of migration (The Theory of the New Economics of Migration) considers not only the labour market but also the conditions of other markets such as the capital market or unemployment insurance market as reasons for migration. In addition, this theory also considers household strategy behind migration as the actual drive of migration is to change the source of income rather than maximize the income. This theory also emphasizes the importance of financial transfers of migration in the context of socio-cultural changes. Moreover, this theory also helps to understand why individuals of a particular community are potential migrants. It also observes that poor people are less inclined to migration compared to the rich due to the high costs of migration (International Labour Organization (IOM), 2003)\(^29\).

1.7.3. The Situation Oriented Approach (Push and Pull Hypothesis)

This approach was formulated by Lee\(^30\) (Lee, 1966) for explaining the unpredictable nature of migrants. According to him, the push-pull factors are the most important factor in migration. Here, the push factors are the negative factors in the place of origin while the pull factors are the positive ones in the destination place. In addition to this, he suggests that the decision to migrate and the process of migration are

influenced by factors associated with the area of origin, destination, intervening factors, personal factors and fluctuations in the economy.

1.7.4. The World System Theory

Wallerstein\(^{31}\) propounds the world system theory in which he attempted to link the development process of the countries with international migration. The theory asserts that the root cause of migration is the existence of unequal development between the central developed countries and the peripheral agricultural countries. According to his theory, the central countries will develop by exploiting the peripheral countries. Besides, this theory realizes that migration is the natural consequence of globalization and market penetration across national boundaries (Wallerstein, 1974). The theory also observes that globalization, cheap air transportation and growth of multinational companies etc. lead to the enhancement of migration (Joly, 2000)\(^{32}\)

1.7.5. The Dual Labour Market Theory

According to this theory, the labour markets of industrialized countries have a dualistic structure-skilled workers (primary segment) and unskilled workers (secondary segment). The skilled workers are well paid whereas the wages of unskilled workers in the secondary segment are low so that the local workers avoid secondary jobs. The employers do not pay higher wages to local workers to do the unpleasant jobs because they want to maintain wage differentials between the two segments of jobs. As a result of labour shortages at the bottom of the job hierarchy, employers are compelled to recruit the unskilled foreign workers, who do not plan to stay permanently, but accept the secondary job more easily since it pays them more income (Piore,\(^{33}\) 1979 and Stalker, 2000: "Workers without Frontiers", World Labour Report, ILO, Geneva, p.132)


1.7.6. Liberal Choice and Structural Theory

According to Ghosh\textsuperscript{34}, international movement of labour is caused by economic factors and he presents two models of migration theories. They are classical theories (liberal choice) and core-periphery conflict (structural) theories. According to the classical theories, workers move from low wage countries to high wage countries and this results in the efficient use of labour and narrows down the inter-country wage gaps. However, according to the structural theories, migration widens wage and income disparities as a result of the differences in the economic and political situations of countries (Ghosh, 1996).

1.7.7. Dual Economy Model of Development

As per the dual economy model labour migration has a key role in the economic development of a country. Thus, according to this theory, migration between countries is mainly due to differences in wages and employment opportunities. Moreover, this considers migration as an individual decision for income maximization. Hence, the flow of migration over a long period of time is due to the prolonged disequilibrium that exists between the countries (Lewis\textsuperscript{35}, 1953 and Todaro\textsuperscript{36}, 1980).

1.7.8. Perpetuation Theories of Migration

The perpetuation theories of migration emphasize kin and friendship networks as important factors in migration. The interpersonal ties connect migrants, former migrants and non-migrants in origin and destination that encourage circular migration and reduce migration risk (Tilly and Brown,\textsuperscript{37} 1967). There are a few theories that explain the continuation of migration out of which the two most relevant theories from the point of view of the present study are the Migration Networks Theory and the Theory of Cumulative Causation.

1.7.9. The Migration Networks Theory

This theory considers migration as a network process in which migrants help each other by communicating with the close friends and family members. They exchange information, provide financial assistance and even help to find a job for the migrant. It is asserted that such interaction facilitates migration by reducing the costs and risks. However, there are instances of migration through illegal means by friends and relatives that results in hardships and migrants become victims of violence and exploitation (IOM, 2003)\textsuperscript{38}.

1.7.10. The Cumulative Causation Theory of Migration

The cumulative causation theory of migration is propounded by Massey and this theory states that continuance of migration is due to the intermingling of migrants with other persons of the origin. The theory also asserts that migration is sustained itself by creating more migration (Massey\textsuperscript{39}, 1990).

On the basis of the discussion of aforesaid labour migration theories it can be noted that, there is not a common theory or principle that can explain different types of migration. However, these theories establish diverse factors, instincts and causes behind migration.

1.8. Importance of the Study

The study relating to labour migration is overcome as the major issue in the world at large. The population explosion and poverty are the main reason for labour migration. In the present day context the people can easily moves out and find their jobs in the Gulf countries and in the Europe. India also becomes the important labour migration sending country before the present world though the country is known for the fastest growing economy. Within India inter-state and intra-State migration becomes as a usual facts. Especially the State of Odisha is also known for the place of origin at on of labour migration. The migrant workers in this State are popularly known as ‘Dadan

\textsuperscript{38} IOM, (2003): op.cit.p.14
Shramika' and practiced there since long back. Although the State is rich with cultural heritage but not economically sound as well. The poor workers belong to the State always suffered due to drought, floods and other natural calamities. The availability of jobs and government policies are not reach in remote area as full-fledged. Due to drought and floods the poor farmers does not cultivate their lands properly. In that time they have no works in their and become option less. On the other hand the landless farmers not to manage their work in the regular basis and also not get the minimum wages for the daily basis work. For the aforesaid reasons they are heavy burdened with advanced debt taken from the landlords. So the poor farmers have no option left but to migrate out in the nearby State or within urban and industrial area of their home State. In this regard the role of the agents and contractors become very vital. They manage the poor workers with the lump-sum amount and make them engaged in the work places. The workers are not secured in the work places. They have not provided with the social security measures. Sometimes the workers face the ill-treatment by the labour contractors if they are not following the instructions. The workers have no liberty in the work places.

On the other hand urbanization and globalization of the world economy force the peoples to migrate from rural area to urban area. Availability of jobs and proper facilities motivate the workers to migrate. Simultaneously, the rights of the migrant workers are violated in day by day. So many incidents are comes out in the local and national daily news papers. The migrant workers are becomes very vulnerable. Very often it was observed that the workers remain un-document ed in their working places. Meanwhile the workers are deprived from their basic rights. The labour agents and contractors in the rural area illegally practicing their business. The administrative authority also not paved their concern seriously on this matter. The social security measures are not properly implemented in the rural area. It is very hard for the workers to get the jobs in their local places on the regular basis. So inthis regard the research study has the importance to highlights the problems and protection of the rights of the migrant workers.
1.9. Objectives of the Study

Objective of the studies is the vital part to fulfill the research. Formulation of several objectives has provided the clear ideas about the research study. It is one the fundamental part to conduct the legal research. Without frame out any objectives the research work is not fulfilled as well. The present study is based on the rights of migrant workers—with special reference to the State of Odisha. In this study the researcher has taken the sample from various labour migration prone districts belongs to Coastal parts of Odisha and the Western part. The coastal part of the State is very prone as regard to floods, storm and natural calamities as well. The western part of State is affected by droughts as a regular interval. So for the aforesaid situations the people belong to those areas have no other option left but to migrate out. The people belongs to the coastal part migrated to Surat, Gujrat and Maharashtra and some moves out towards the industrial sectors within the State to make their livelihood proper. On the other hand the poor people who reside in the western parts of the State have basically moves towards the nearby States as such Andhra Pradesh, Chhattisgarh, Tamil Nadu and within the Urban area of the respective State. The people moves towards the other States not as because they have the sufficient means of livelihood within the States, but they moves due to the agony of starvation and depression due to the job availability. Due to family burden and along with the huge pressure of repayment of debt, the poor workers choose to migrate in the nearby States with or without family.

The present research work is focused on to identify the context of labour migration and the way they lead their lifestyle, to investigate migration and it’s causes in the study area i.e. the rural to urban migration, urban to urban migration and inter-State migration. There is also need to assess the impact of migrant workers security in the context of work, food, health, violence etc. and to undertake the methodological approaches relating to the question of human migration. It is also meaningful to undertake a critique on the existing laws and mechanism to prevent migration and to review the different legislative measures to protect the rights of the migrant workers. The research work has to fulfill the following research objectives:

1. To identify the problems of migrant workers.
2. To investigate the factors of migration.
3. To analysis of the methodological approaches relating to the question of labour migration.
4. To identify the socio-economic impact of labour migration.
5. To assess the impact of social security concern to the migrant workers.
6. To review the different legislative measures to protect the rights of the migrant workers.
7. To evaluate the existing plan, policy and schemes to prevent the inter-state labour migration.
8. To suggest for model agreement between the employer and workers to restrict the violation of the rights of the migrant workers.

1.10. Significance of the Study

Labour migration prevails as one of the important issue in India and the process is continuing since time immemorial. The concentrations of labour force are upgraded in the industrial sectors placed in the urban area. In the era of globalization and urbanization the rate of the work force increases significantly. The labour mobility in India also witnessed that the large number of the migrant workers engaged in the unorganized sectors. In the State of Odisha the issue is accordingly prevailed. The worker moves towards the urban places of the State as well as outside of the State. In that sense the rights of the workers are also violated by way of wage discrimination and lack of social protection. The gap between the law and its application is overcome as one of the major problems to protect the right of the migrant workers. Due to that reason so many workers were mentally as well as physically tortured in the work places and accordingly their rights also violated. In this regard very few instances are there, where the victims got proper justice and the news regarding instances of violation of rights rarely expose to the common being.

1.11. Impact of the Study

In the era of globalised economy the rights of the migrant’s workers are very much affected. It is very necessary for the overall development of the nation to provide
social security measures viz. minimum wages, safety, health and hygiene, humane condition in work place etc. to migrant workers as their lawful right being the citizens of India. So the successful completion of the study must have the following impacts:

(i) Social, economic and political justice was the cherished dreams of the Constitutional makers enlisted in the Preamble are need to proper and beneficial implementation for the protection of the rights of migrant workers.

(ii) Assuring the food security, proper rehabilitation, and living wages, and education of the children of the migrant workers especially who engaged in the brick kilns, stone crusher, building and constructions and road making etc.

(iii) Thereafter the study proposed to make amendment of the ISMW Act and direct employment contract between employer and workers to reducing the problems faced by the workers in the working places.

(iv) The study further advocated for proper implementation of governmental policy and schemes reduce the inter-state migration and to sign more MoU between Odisha and other States.

(v) The study must have the direct and positive impact on the socio- economic development of rural as well as urban Odisha.

(vi) The study is to establish the unrevealed facts and vulnerability of the migrant workers of Odisha.

(vii) The study rendered the conclusions about manifolds rights of the migrant workers and as well as the duty of the contractors, agents and employer.

1.12. Magnitude of the Study

In common parlance the term magnitude means the greatness of size, position, extent, mark, importance and significance which makes the study more notable and meaningful. The researcher must go through the magnitude of the study to understand and materialize the depth of the study. The large portion of migrants workers in India are engaged in unorganized sectors and the same condition in respect of the State of Odisha. It is essential to study the area of social security and rights of the migrant workers in the State of Odisha. The rights of the migrant workers are violated in the place of work in regular interval of time; they are not united but remain silence in the
fear of termination by the employer or even they are totally unaware about the existing legal provisions. The labour migration system in Odisha is not a new concept it is continuing since long time back. In the present day context the study has the greatness in its position, extent and significance. The study may provide some proposal, suggestions for the solution of the labour migration in India and especially focus to the State of Odisha. According to the Odisha Government data 1.5 lakh workers migrated from Odisha to other States in the year 2012 and 1.7 lakh migrated in the year 2013, the figure raised 1.35 lakh in 2014 and in 2015 a total figure of 1.46 lakh workers migrated, in 2016 the figure increased up to 1.58 lakh. They are migrated basically from the prone districts of the State. The labour migration prone areas of this State are Bolangir, Nuapada, Khurda, Ganjam and so many other, the workers on that area are used to go for work in Andhra Pradesh, Chhattisgarh, Tamil Nadu, Gujrat, Kolkata, and Mumbai. The Government of the State has taken some policy and programme to reduce the percentage of migration but due to improper implementation by the administrative machinery it remains as paper works. So the area of the research study and the need of the time & situation makes the study signifies in its magnitude.

1.13. Coverage of the Study

The research study is covered the various districts of the State of Odisha wherefrom the poor farmers and workers are migrated to the other State. The study also cover the two basic parts of the migration i.e. the inter-state and intra-state as well. In case of migration study basically the State of Odisha is divided into the two parts i.e. coastal zone and the western zone, which also known for migration prone area. Lots of people from those areas are migrated in the other States for searching of their livelihood. In western parts of the State Angul, Bolangir, Kalahandi, Nuapada, Jharsuguda and to some extent Sambalpur districts are known for the migration prone area and on the other hands in Coastal zone of the State i.e.Bhadrak,Cuttack, Khorda, Ganjam, are also known for large number of labour migration and also covered those parts accordingly. The District Labour Office and State Labour Directorate and Labour Welfare Board are very important for utilization of data relating to migrant workers are collected and other information gathered. The researcher also visited various NGO
Offices across the State as because the report and data gathered by various NGO's are also very useful for materialized the data and information relating to inter-state labour migration.

Further the researcher has also covered the libraries of several colleges and universities such as, Library of Tripura University, Lajpat Rai Law College of Sambalpur, Tripura Government Law College of Tripura, Bhubaneswar Behera Central Library of Sambalpur University, Law Department of Tripura University, ICFAI University (Law Department) of Tripura, Bir Bikram Central Library of Tripura for literature survey. For the collection of judgments relating to rights of the migrant workers the researcher also access the AIR and make consult with advocates of various High Courts.

1.14. Scope of the Study

After seventy years of India’s Independence the inflow rate of labour migration goes high in day by day. The condition of workers becomes more miserable in the place of origin as well as in the places of destination. The workers are regularly fought with starvation and devote their cent percent to manage the feed for their children’s and family members. The social protection schemes are not properly implemented in the area of work and in the native places too. In that sense the workers also not aware about manifold schemes which they get entitled. In the course of research special reference is given to the migrant workers, who are on the regular basis migrated from Odisha to other States and vice-versa, special attention also given to the rural to urban migration and urban to urban migration within the State.

1.15. Limitations of the Study

The researcher has set the following limitations in regard to the research study:

➢ The research study is not confine only to the doctrinal research, viz; articles, book, journals, magazine, newspaper, expert views, internet sources etc. but also rely on the empirical research i.e. field survey.
All most all the districts of Odisha have in and out migration, but the research extended to the surrounding area of Sambalpur, Bolangir, Bargarh, Sonepur, Nuapada, Khurda and Ganjam of the Odisha.

The field study is only limited to the brick kiln, construction sites, stone crusher units and garments industry etc.

During the curse of interview with the migrant workers, and the labour contractor and agent the researcher has been faced with difficulties to some extent that the worker are not well aware about the legal protection under ISMW Act, 1979 and the Government schemes and policy. Accordingly the less percentage of labour contractor and agent are well known about the legal provisions and schemes.

1.16. Hypothesis

Hypothesis is the statement of tentative assumption or generalization which needs to be tested in the course of research. A hypothesis may be proved or disproved on the basis of collection and analysis of data. The hypotheses projected for the present study are as follows:

1. Inter- State migration involves socio-economic factors.
2. The flow of labour migration increases due to urbanization and globalization.
3. Existing Government policies and schemes are not adequate to provide better conditions to migrant workers to reach the ambit of human rights.

1.17. Research Methodology

According to Merriam Webster Dictionary the term research means careful and diligent search. It also includes studious inquiry or examination; especially: investigation or experimentation aimed at the discovery and interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories or laws and the collecting of information about a particular subject. The term research methodology is the process used to collect information and data for the purpose of making business decisions. The methodology

https://www.merriam-webster.com/dictionary/research
may include publication research, interviews, surveys, and other research techniques, and could include both present and historical information\textsuperscript{41}. There are six types of research methodology, i.e. Descriptive-Qualitative (Ethnography/Case Study), Descriptive-Quantitative, Correlational/ Regression Analysis, Quasi-experimental, Experimental and Meta-analysis and these are used to undergo with the two types of research such as doctrinal and empirical research\textsuperscript{42}. The empirical research is based on through mailing questionnaire, interviews, field survey, observation, and discussion group on the other hand the non-empirical or doctrinal research based on book, magazines, news paper, court libraries, published articles in various academic journals etc.

1.17.1. Legal Research Methodology

The term ‘legal research’ is the process of identifying and retrieving information necessary to support legal decision-making. In its broadest sense, legal research includes each step of a course of action that begins with an analysis of the facts of a problem and concludes with the application and communication of the results of the investigation\textsuperscript{43}.

The Process of legal research varies according to the legal system of a country. However, the legal research generally involves the task as:

(i) To finding primary sources of law or primary authority in a given jurisdiction, i.e. cases, statutes, regulation etc.

(ii) Searching secondary authority as for e.g. law reviews, legal dictionaries, legal treaties for a background information on legal topic

(iii) Searching non-legal sources for investigative or supporting information\textsuperscript{44}.

\textsuperscript{41} http://www.businessdictionary.com/definition/research-methodology.html
\textsuperscript{44} https://en.wikipedia.org/wiki/Legal_research
The legal research is essential for systematic investigation of problems of law or any matter connected with the law. Therefore, legal research is pursued to obtain a better knowledge of law and understanding of any existing legal problem that may be integral to better and more effective legislation connected with the area which may be for example having socio-economic importance.\footnote{Mishra, Yogesh on Relevance of Legal Research in the Development of Legal Service Guj. LH (2003) 2}

The objective of legal research is therefore, to investigate and find out lacunae or deficiencies in the existing laws and to suggest suitable measures to eliminate them. If there is an area for which there is no law at all the objective of legal research would be to suggest suitable legislation for that area; but if there is a law for that area, but due to one reason or the other, it did not work, its aim would be to suggest reform in the existing law so as to make it workable.\footnote{http://shodhganga.inflibnet.ac.ir/bitstream/10603/9793/8/08_chapter%201.pdf}

1.17.2. Methodology adopted

The method adopted in the course of research study is based on empirical and non-doctrinal research and it includes group discussion, prepare questionnaire, interview schedule of the respondent, field survey. During the course of research about 460 respondents from ten districts has been taken into consideration to analyze and interpret the data. The study also adopted the historical method to discover the past and as well as doctrinal method is adopted through the review of books, journals, magazines, case study and data interpretation relating to the research work. In this regard the governmental schemes and policies, legislative provisions and the judicial approach are also reviewed.

\footnote{http://shodhganga.inflibnet.ac.ir/bitstream/10603/9793/8/08_chapter%201.pdf}
Methodology adopted for research

Projection of action plan

Empirical method

Primary data (field survey)

Preparation of questionnaire

Pre-assessment

Modification of questionnaire

Selection of units, i.e. migrant workers from 10 districts of Odisha

Collection of data on the basis of prepared questionnaire

Tabulation of collected data

Analysis of information & development report

Doctrinal method

Secondary data (literature survey)

Text books

Journals / magazines

Local & national newspaper

Court decision

Interaction with experts

Web surfing / internet
1.17.3. Research tools

Regarding the review of literature of the study various texts, journal, magazines, newspapers, website, etc. is to be used. In case of analysis and interpretation of data the statistical analysis of quantitative method is adopted. In case of comparative study the computer application like ‘Google docs’, ‘Microsoft Excel Sheet’ for pie chart were used for formulating and placement of data.

1.18. Research Questions

It is very essential to prepare the research question based on the objectives and importance of the study, accordingly the researcher has framed the following research questions:

1) What is the nature and context of labour migration?
2) What are the forms and factors behind Inter-State labour migration?
3) Is it possible to reduce the growth rate of migration only to frame various social welfare schemes?
4) Whether the government policy and schemes are properly implemented in the rural area to check the labour migration?
5) What are the socio-economic impacts of labour migration?
6) How to check the growth rate of Inter-State labour migration in Odisha?
7) How the incidence of gross violation of rights of the migrant workers will be reduced in the place of origin as well as in the places of destination?
8) Is the existing legislations are sufficient to protect the rights of Inter-State as well as Intra- State migrant workers prevail in Odisha?
9) Whether there is require to sign more MoU between Odisha and other States to reduce the violation of the rights of migrant workers?
10) Whether the roles of NGO’s are appreciable in the course of organizing awareness campaign and shelter the victim’s workers?
1.19. Review of Literature

Literature review is one of the basic and fundamental elements to conduct legal research on a specific area. Through review of various books, articles and magazine, the researcher can gain the knowledge and idea on a related topic and without which a research work can’t be completed. Literature review is a text of scholarly paper, which includes substantive findings, as well as theoretical and methodological contribution to a particular topic. It is termed as secondary sources, and do not report new or original experimental work\textsuperscript{47}.

In the course of present study the researcher has gone through a number of literatures related to labour migration in India and for doing so various books, articles are thoroughly analyzed. Now let’s discuss about the various literature survey conducted for the fulfillment of the research. The relevance of a review of the literature on labour migration is hardly needs emphasizing a work this kind helps a researcher to know the past trend, locate research gaps, identify the pertinent and profound lines of enquiry needed for the construction of the theory of migration and avoid the mistake of sterile repetition of an old work.

An ICSSR Project study (1987)\textsuperscript{48} mainly examined the socio-economic conditions of dadan out-migrant labourers of Ganjam district of Orissa. Such out migrants (dadan sramik) reportedly suffer exploitation and harassment at the hands of agents who recruit them and also the principal employers who provide them employment. Though a very old system, the dadan out- migration was portaged as an institution of exploitation by the press in early 70’s with the help of survey method, the study had been conducted to collect information pertaining to the socio-economic conditions of the migrant labourer’s households and blocks. The study has observed the individual workers out-migration on their own without the agents support on bondage of advance may minimize the evils of dadan system but cannot substitute it. The push factors are stranger than the pull factors in causing out-migration. Whatever little role of pull factors play they are observable as motivations only for the first experience of the dadan labourers. The study has further, remarked that the legal measures taken by the

\textsuperscript{47} http://en.m.wikipedia.org
Government to regulate the dadan system so as to bring relief to the out-migrants in the event of exploitation could not be realized because of in-build snags in the law which has given rise to the clandestine drafting and trafficking of dadan labourers.

Shanti (1991) discussed some issues relating to economic migration of females. The author pointed out that women also played a crucial role in getting job opportunities, but female migration is thought to be secondary and contingent upon the movement. The study analyzed some international issues on female migration and found that inter-country differences were high with regard to female migration. In the case of India, female migration is short distance and seasonal in character. It was mentioned that most of the women's work in India is invisible in official statistics because of non-reporting and under valuation of women's economic contributions. The study analyzed the 1981 census data on female economic migration and indicated that migration was higher among illiterates and they were employed in marginal occupation.

The author J.P. Singh in his work has highlighted about the data on migration according to census of India and NSSO report, and simultaneously he also given stress on the international migration, and it stems it origin due to the surplus labour and poverty. The author further discussed about the volume of migration and spatial pattern of migration in India and as well as the characteristic and causes of migration. The author in his article also tries to examine the extent to which socio-cultural differences between states account for the differing patterns of selectivity in rural-urban migration. Similarly, the pattern of selectivity for other streams of migration like rural-rural, urban-urban, urban-rural can also be compared and contrasted.

Regarding the human rights of the migrant workers, Penna L.Rao has discussed about the origin of the modern Magna Charta of migrant workers and where the author tries to reflect about migration for employment has always been a matter of concern for the community of nations. Part XIII of the Treaty of Versailles signed at


the end of the First World War by the Allies and Germany established the International Labour Organization (ILO). The caveat in the preamble, stating that ‘conditions of the labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled; and an improvement of those conditions is urgently required: as for e.g. by ...protection of workers when employed in countries other than their own’, remains viable even to this day. The author also discussed about the protected persons as documented and non-documentèd migrant workers and their existing human rights under various UN Conventions and also mentioned about the rights of the migrant workers during armed conflicts. In the concluding observation the author also remark that the Convention on Migrant Workers consists of many laudable provisions for the migrant workers. It has recognized right not only in regular but also irregular situations. It is further mentioned that the architects of the Convention anticipated prompt ratification and incorporation into domestic law by major labour importing countries. Yet on a positive note, the Convention illustrates the awareness by the international community of hazards and hardship encountered by migrant workers and its aspirations to find effective solutions.

Regarding protection of the rights of the migrant workers, Ved P. Nanda\textsuperscript{52} observed that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families replicate a compromise between guaranteeing migrants international human rights and acknowledging state sovereignty. Here the author also observed that a laudable attempt to provide in the Convention a comprehensive international regime for the protection of the migrant workers, the Convention is not an unmixed blessing. To exemplify, while the Convention creates new rights, it also limits some rights migrant workers already had under existing international human rights instruments. The Convention’s terminology and the language also suffer from ambiguities and are likely to cause uncertainty due to varying interpretation.

The another study by Carmelo C. Noriel discussed about the ILO concerns regarding the protection and promotion of the rights of migrant workers and legal protection that they enjoy in selected Asian Countries, particularly in the fields of working conditions and industrial relations. National situation and latest trends and development concerning labour rights are described for the ASEAN and South Asian countries including the Asian NICs. The ASEAN consists of both sending and receiving countries of migrant workers. The protective labour legislation in these countries generally covers hours of work, weekly rest days, paid leave/holidays, health and safety, social security, wage fixing, anti-union discrimination and termination of employment. ILO’s guiding principle is that migrant workers in foreign lands ought to be entitled to the protection and benefits of national laws and that national law, in turn, should be adequate to protect and promote the basic rights and welfare of all workers whether national or foreign. In particular, the author also cites the limitations of national laws and their implementation as well as the latest progress made to reform or improve local legislation.

Meher (1994) made a study to highlight the contribution of women migrant workers employed in the informal sector of Rourkela in Orissa. It was found that most of these women workers employed in the informal secondary sector of Rourkela have entered in the labour market soon after their marriage due to economic necessity. The analysis showed that women workers play an important role for earning subsistence for the family among poor migrants in the city. Many of such households were unable to make both ends meet without the support of female earners. For many respondents, their contribution of work in the informal sector economy is a must for the subsistence of the household and also to improve their socio-economic condition. It was further noted that in a particular region people with different languages, religions, castes or tribal migrants lived together in distinct neighborhoods. They formed ethnic groups on the basis of shared elements of culture and ideology, merging lower levels of differences based on sub-caste of region so that they help the fresh ones in getting jobs and houses and initiate them in to urban way of life. The study found that a wide variety of activities in the informal manufacturing sector hold good promise of

---

employment generation for poor women and it was proposed a technological and financial support of the government and non-governmental organizations to this sector so that the proliferation of low productive informal service activities is checked to a large extent.

Tripathy and Dash (1997)\(^5\) in their book reflects about the vital streams of labour migration are rural-rural, rural-urban, and urban-rural. Since the principal current of modern migration all over the world is towards urban areas, the present work addresses itself to the problem of rural-urban migration in Orissa. Rural-urban migration reduces population pressure in rural areas, but economic problems remain unsolved as simply transferred to urban areas. The illiterate, less educated, unskilled landless, agricultural migrant labourers only aggravate the pressure on informal employment sector. The authors attempted to confine their study in Ganjam District of Orissa, where migration is of paramount significance to national development. The study focuses on the volume and direction of inter-state migrant workers like dadan out migrants, Surat migrants and all other types of labour migrants along with their demographic and socio-economic features.

Samal and Mishra\(^6\) highlighted that pull factors have been mainly responsible for inducing migration. The paper focused on the determinants of migration among informal workers in formal sector (coal mine), informal workers in the informal sector and entrepreneurs in Orissa and distribution of income among them. It was indicated that the potentialities of inducing migrants ought to be strong in the industrial conglomerate of Talcher (coal mine). The workers who migrated from their native places certainly have a notion of gaining some economic advantage in the industrial centre or mining area compared to their place of origin. The pull factors further reinforced by the fact that most of them have their jobs pre-arranged by their friends, relatives and contractors. In case of entrepreneurs, they have moved out of their origin not due to 'push' factors but to earn money for starting a business.

Gupta and Prajapati\textsuperscript{57} attempted to study the reasons for migration of seasonal agricultural labourers in Chhattisgarh region of Madhya Pradesh. Based on primary data collected from 140 farmer respondents in two villages of Raipur district, the study revealed that the existence of a larger number of small and marginal farmers, low agricultural productivity, dearth of irrigational facilities and lack of job opportunities during the ‘Rabi’ season in the study area were the main reasons for migration. The second important reason initiated by the study was lower wages in the study area where the announcement of Government with regard to increment in the wage rates was not implemented. As a result, the farmers were either forced to go to work at very low wages or to look for job opportunities outside the region. The larger size of the family with small land holding was also the main reason for migration. Some of the sample respondents were took a decision to migrate to earn additional money also since they wanted to keep their social customs prevailing in their natives.

Kundu (1999)\textsuperscript{58} in his study indicated that a rural labourer will be ready to take the risk of migration to the urban area if the distance between the rural and the urban area is small, because, the probability of getting a job in the urban informal sector with higher wages and the travelling cost will also be minimum. But, with an increase in the distance, the worker becomes less interested in migration due to the lower probability of getting a job in the urban informal sector due to lack of information about the jobs and also due to higher travelling expenses.

Zachariah and Rajan\textsuperscript{59} also examined the employment, wage and working conditions of Indian workers in UAE on the basis of primary data collected from 361 Indian emigrant workers in Abudabi, Dubai and Sharja. The study also examined the nature of contract migration, the demand for migrant labour and the wage and working conditions of the return emigrants. They found that changes in UAE government’s immigration policy, economic recession and completion of major infrastructural


projects have substantially reduced the demand for unskilled and semi-skilled labourers since 1996. The study revealed that the largest share of Indian emigrant workers (36.0 percent) with primary and below secondary level of education are engaged in unskilled, semiskilled categories in construction, production and transport activities whereas about one fifth of them with degree worked in professional, technical and clerical related work. Three-fourth of the workers were employed on regular employment with monthly wage. According to the study, nearly one-third of the Indian emigrants were living in worker camps and in majority of cases, the number of persons per room ranges from four to six. The study observed that in future, the UAE needs certain categories of skilled workers, technicians, computer workers, heavy equipment operators, electrical workers and professionals such as doctors, nurses, engineers, teachers, accountants etc.

Jha (2005)\textsuperscript{60} in his study explained the streams of migration of tribal women workers in Orissa. Poverty stricken in the tribal areas of the study area caused the younger women towards the urban centres in search of work. During the period 1950 to 1980, tribal people had migrated to the rural Bihar and West Bengal mainly to work as agricultural labourers. But, from 1980 onwards they had started migrating to bigger cities also in search of employment. This was obvious from the large concentration of the tribal people in metropolitan cities like Delhi, Kolkata and Mumbai. The tribal families sent their unmarried girls to cities in search of work due to poverty. Migration is not a matter of choice of them but it is more often a matter of compulsion to avoid death due to starvation.

Singh (2007)\textsuperscript{61} attempted to understand the migration pattern in Greater Mumbai over a period of fifty years, 1961-2001. Based on census data, it has been found that the share of migration in inter-censal population growth has declined from about 50 per cent in 1961 to about 40 per cent in 2001. The analysis revealed that flow of migration has increased significantly from the north Indian states particularly from Uttar Pradesh, Bihar, Rajasthan, and Madhya Pradesh. The share of southern states


showed a little change in the inflow of migration to Mumbai. Over fifty years, the migration from rural areas has increased considerably from other states compared to migrants from Maharashtra. While discussing the pattern of inter district migration flows, the study found that the influx of migrants from backward districts of the states has increased. The study further explained that the data of census 2001 indicates a large number of the flow of out-migrants from Mumbai to Thane district due to development of new townships known as Navi Mumbai.

B.N Sethi (2007)\textsuperscript{62} in his study highlights about labour out migration in Orissa with special reference to Ganjam district. The study portrays about the genesis of labour migration in India, evaluating the caused and consequences of labour out migration with a historical perspective. The author also stated that the vital streams of labour migration are rural-rural, rural-urban, and urban-rural. Since the principal current of modern migration all over the world is urban centres and the work addresses itself to the problem of rural-urban migration in the tribal district of Orissa. In rural scenario, seasonal migration occurs very frequently but has not received much priority. Migration of rural labour from the district of Ganjam during 19\textsuperscript{th} Century was encouraged due to the neglect of agriculture by British Government. Rural inequality within a village and between causes migration. Villages with a high degree of landlessness and concentration of land holding invariably show a relatively higher level of migration.

Rao, Subrahmanyam, Murthy and Babu (2010)\textsuperscript{63} in their study discuss about impact of MGNREGA to reducing labour migration in the Schedule Tribes Community of Orissa. In their study it was also reflected about awareness, participation of Schedule Tribes and other Communities in MGNREGS and implementation, outcome impact of the scheme. The study also highlighted that SC and STs are the most backward sections with very high incidence of poverty. Though schedule tribes own land, productivity of their land is very low leading to low income. They cannot get substantial income from wage labour because of the low wages. Geographical isolation also keeps them socially backward. The MGNREGA is an unprecedented


intervention in the labour market with 100 days of guaranteed employment at stipulated minimum wages. The programme benefits tribal area in two ways i.e. livelihood security is provided immediately and the natural resource base is strengthened to improve the productivity of agricultural land. The proper implementation of the scheme also helps to reduce the labour migration.

Centre for migration and labour solutions (CMLS)\textsuperscript{64} sponsored by Aajeevika bureau in its study discuss about seasonal labour migration and migrant workers from Odisha. The study attempted to map seasonal migration trends from two large regions of Odisha i.e. Coastal and Western. The study also leverages primary field level data, collected by civil society organizations in course of serving migrant communities. The aggregation and analysis of this data across regions offers rich insights into the incidence and patterns of labor mobility from and within Odisha. The methodology pursued in the study is an outcome of rich and extended discussions within civil society organizations working on migration and the authors expect that the endeavor could well contribute to an alternate approach for assessment of seasonal migration in India. The aforesaid study also focus on health and well-being of migrant workers unravels the under-researched area of health concerns of the working poor, engaged in hard, manual labor caught in highly repressive living settings. It is observed that the study justifiably articulates how any exploration of, or response to health concerns for migrant workers will need to be located in their social life and work context, and cannot be limited to an analysis of ailments alone. It does a firsthand diagnosis of the case of Odiya workers employed in the power looms of Surat and suggests further steps for remedial action, both at policy and implementation levels.

Mishra, D.K (2016)\textsuperscript{65} in his work discussed about seasonal migration from Odisha. According to his study report seasonal migration in India has long been seen as a response of the poor to extreme poverty, lack of employment and limited livelihood options. The author also stated that with expansion of communication networks and rising demand for casual labour in the expanding informal sector in urban India, seasonal migration has expanded into new areas and more and more labour,
particularly ecological fragile and poor regions, has been joining the circuits of circular migration. The study also investigate the status of landless and poor migrant workers of the Odisha, particularly those are migrated to the other states and also assess the reason and cause of labour migration. The author made the base and framework of his study within the Bolangir and Nuapada districts of Odisha.

In addition to the various articles and books, so many local and national newspapers and magazine (for e.g. The Sambad, Samaja, Dharitri, Times of India, The Hindu, Orissa Post, and Orissa Review etc.) has been reviewed time and after for the information of inter-state labour migration and various incidents thereof.

The numbers of literature reveals that the rights of migrant workers violated regular interval of time. The workers are not well aware about their existing rights. In case of inter-state migration socio-economic and environmental factors are deeply involved and globalization creates a gap between the existing laws. The lack of employment opportunity, poverty, drought, improper implementation of the government policies is the main reasons for labour migration. The migrant worker faces problems in the work site. Before going to the depth analysis it very much required to discuss about the history of labour migration and the identification of their problems.