Chapter I

Introduction
CHAPTER - I

INTRODUCTION

“All human beings, irrespective of race, creed or sex, have the right to pursue both their material well – being and their spiritual development in conditions of freedom and dignity of economic security and equal opportunity”

- Declaration of Philadelphia 1944.

Man is constantly on move. Movement of living beings in search of better environments is a natural phenomenon and man is no exception to it. Migration from one area to another in search of improved livelihood is a key feature of human history. Migrations have significantly influenced human history. 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 makers of the Indian Constitution gave sanctity to such movements by guaranteeing freedom of movement and freedom to settle in any part of the territory of India as a fundamental right of all citizens. This freedom helps to integrate the country and secure its unity by removing internal barriers against movement and settlement.

1 Declaration of Philadelphia concerning the Aims and purposes of the International Labour Organisation (ILO), Sections I(a) and II(a) respectively. The Declaration was adopted by the International Labour Conference in 1944 and incorporated as an annex into the revised ILO Constitution of 1946 (when the ILO also became the first specialized agency of the UN). For the Constitution and Declaration, see ILO Constitution and Declaration and Philadelphia, online available at: http://www.ilo.org visited on 05.01.2015

2 Article 19(1) (d) and (e), Constitution of India, 1950
The word ‘Migration’ is derived from the Latin word ‘Migrate’³, which means to change one’s residence. Migration is a vague concept and different definitions and concepts of migration are used in different parts of the world. The term ‘migration’ is so broad that it lends itself to various connotations and interpretations which are due to the differences in the nature, scope or purpose of the study or discussions. The term ‘migration’ connotes a change of residence, journey to work, type of boundaries crossed etc. Sociologists have emphasized social and cultural consequences of migration. While geographers have laid stress on the time and distance, significance of migration, economists give importance to the economic aspect of migration. Dictionaries generally refer to migration as a change of residence from one place to another.

According to the Oxford Advanced Learner’s Dictionary of current English, “to migrate” means to “move from one place to another (to live there)”. According to the Webster’s new World Dictionary, it means “move from one place to another, especially to another country” or “to move from place to place to harvest seasonal crops”. According to U.N. Multilingual Demographic Dictionary (1958), “migration is a form of geographical mobility or spatial mobility between one geographical unit and another, generally involving a change in residence from place of origin or place of departure to the place of destination or place of arrival”. According to the definition of Census India 2011⁴ a person is considered to be migrant if his / her place of enumeration (village / town) is different from the last (previous) usual residence. Migration in India is mostly influenced by social structures and patterns of development.

⁴ Report on Census of India (2011)
Migration is a complex phenomenon said to be caused by a multiplicity of factors, sometimes bifurcated in ‘push’ and ‘pull’ aspects. The present study’s aim is not to deal with all such multifarious aspects of migration but to deal only with inter-state migration. There is a need to differentiate ‘migration’ from ‘displacement’. ‘Migration’ may include both voluntary and forced movement of people. ‘Displacement’ implies the use of force or generation of conditions that displaces people from their source of origin. Political crisis and ethnic clashes, reasons of development or natural or man-made disasters, people are forced to flee their homes to new destinations. So, while migration implies both voluntary and forced migrants and includes the element of ‘choice’ or pull factors alongside the possibility of ‘force’ or push factors, displacement is solely dependent on the push factors. It takes away the voluntarism from the individual and the collective.

It is also necessary and inevitable in this study to differentiate ‘Labour Migration’ from the General concept of migration. Migration is ‘any movement of people from one permanent residence to another more or less permanent residence for a substantial period of time’. The crossing of administrative boundaries, socio-cultural boundaries and socio-economic boundaries are normally involved in migration. In its most general sense ‘migration’ is ordinarily defined as the relatively permanent movement of persons over a significant distance”\(^5\), Change of residence is one criterion of migration, but every change of residence cannot be called migration. A forced change of residence is evacuation and not migration. ‘Nomadism’ involves change of residence but it is of nomadic nature and not permanent. Statisticians, demographers, geographers and administrators stick to the criterion of crossing of

administrative boundaries. All types of migration like international, Inter-State, Intra-State, etc refers to administrative boundaries.

Labour migration may be defined as form of Labour mobility towards districts or states or outside where industry and employment are expanding. The term ‘mobility’ is perhaps the most general concept in migration studies. It includes all kinds of territorial movements, whether temporary or permanent. “Workers, who move about systematically, seeking and engaging in seasonal temporary employment without becoming residents of the areas in which they work, are called ‘Migrant Labourers’.6

In international scenario, Labour migration is generally defined as a cross-border movement for the purposes of employment in a foreign country. However, there is no universally accepted definition of labour migration. The term “economic migrant” is sometimes used as an equivalent to the term labour migrant or migrant worker. 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 broader sense that includes persons entering a State to perform other types of economic activities such as investors or business travelers. India has two broad groups of migrant labourers – one that migrates to temporarily work overseas and another that migrates domestically on a seasonal and employment available basis.

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Migration of workers has become a social, economic and universal phenomenon in modern times. Due to the expansion of transport and communication, it has become a part of worldwide process of urbanization and industrialization. Industrialization widens the gap between rural and urban areas, including a shift of the work force towards industrializing areas. The collapse of rural livelihood in many parts of India also forces the workers to migrate from their native places in search of employment.

Migration of workers can be classified into two types: ‘In-Migration’ and ‘Out-Migration’. ‘In-Migration’ means migration within a country whereas ‘Out-Migration’ means migrating out of the country. While the former is for livelihood the later is for economic development. ‘In-Migration’ is also called as internal migration. Again ‘In-Migration’ is sub classified into ‘Inter-State Migration’ and Intra-State Migration’. Inter-State Migration refers to migration from one State to another State for earning livelihood. Intra-State Migration refers to migration within a State. ‘Out-Migration’ is also called as International Migration or Cross Border Migration. ‘Immigration’ and ‘Emigration’ are to characteristic features of ‘Out-Migration’. They mean, ‘Moving out of the place of origin and entering the place of destination’.

The factors causing migration can be divided into two groups of factors; push and pull factors. Push factors are things that are unfavorable about the area that one lives in and pull factors are things that attract one to another area. The Inter – State migration of workers is a serious problem for any developing country like India.

In India, the Inter – State Migrant Workmen (Regulation of Employment and Conditions of Service) Act\(^7\) (herein referred to as ISMW Act) is a significant

\(^7\) Act 30 of 1979.
legislation on Inter – State migrant workmen. According to this Act “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”.\(^8\) The migrant workers are recruited from various parts of a particular state through contractors or agents for work outside that state. This system lends itself to various abuses. Low wages, No working hours are fixed for the migrant workers and they have to work on all the days in a week under extremely bad working conditions and the provisions of the various labour laws are not being observed in their case.

When Inter-State migration is taken into account, employment emerges as the main reason for migration. During the 2001 census period, 14.4 million people migrated within the country for employment purposes either to cities or areas with higher expected economic gains. The Inter – State migration in search of employment particularly among the working class has become a serious issue in recent years. The table 1.1 exhibits the reasons for migration, excluding marriage, moved after birth and moved with households in India in the year 2001.\(^9\)

\(^8\) Section 2(e), Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

\(^9\) The 2011 Census on Employment Oriented Migration, Reasons for Migration and related data so far not yet published. Therefore the study relies on the data of 2001 census.
Table 1.1

Reasons for Migration (Excluding Marriage, Moved after birth, and Moved with households) with duration 0-9 years, India, 2001

<table>
<thead>
<tr>
<th>Reason for migration</th>
<th>Number of Migrants (in million)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Persons</td>
</tr>
<tr>
<td>Total Migrants</td>
<td>98.3</td>
</tr>
<tr>
<td>Work / Employment</td>
<td>14.4</td>
</tr>
<tr>
<td>Business</td>
<td>1.1</td>
</tr>
<tr>
<td>Education</td>
<td>2.9</td>
</tr>
<tr>
<td>Other</td>
<td>9.5</td>
</tr>
</tbody>
</table>

Source: Census of India 2001, Table D3

1.1 Statement of the Problem

Indian Constitution provides basic freedom to move to any part of the country\textsuperscript{10}, right to reside\textsuperscript{11} and to earn livelihood\textsuperscript{12} of their choice. A number of economic, social, cultural and political factors play an important role in the decision to move. The Indian Constitution is also contains basic provisions relating to non–discrimination\textsuperscript{13} equal pay for equal work\textsuperscript{14}, health and strength of workers\textsuperscript{15}, economic necessity\textsuperscript{16}, protection against abuse and exploitation of workers\textsuperscript{17}, Right to work\textsuperscript{18}, Humane conditions of work\textsuperscript{19}, living wage, conditions of work and decent standard of life\textsuperscript{20}, participation of workers in management\textsuperscript{21} etc.,.
India is also a member of the International Labour organization (ILO) and has ratified many of the International Labour Organisation Conventions. These provisions and commitments along with pressure from the employers and workers organization have found expression in labour laws and policies.

In pursuance of the directives, parliament has enacted many labour laws particularly for the workers in the unorganized sector. These laws include Payment of Wages Act, 1936, Minimum Wages Act, 1948 (MWA), Employee’s Compensation Act, 1923, Industrial Disputes Act, 1947 (IDA), Contract Labour (Regulation & Abolition) Act, 1970 (CLRA), Bonded Labour Systems (Abolition) Act, 1976, Equal Remuneration Act, 1976, The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (herein referred to as BOCW Act), The Employees State Insurance Act, 1948 (ESI), The Employees Provident Fund Act, 1952 (EPF) and the Maternity Benefit Act, 1961. The last three Acts cover mainly organized sector and thus preclude temporary workers. In addition to the above laws, Parliament passed the Inter – State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, which regulates the recruitment and employment of workers who migrate across state boundaries. Inspite of this legislation, the problem still persists. In a report, it is stated that the “Inter – State Migrant Workmen Act, 1979 in its present form is nothing more than a paper tiger which does not protect the interests of the intended beneficiaries.”

The problems faced by Inter – State Migrant Workers have many facets to deal with sociological, psychological, economical, political and legal. The activities in which migrant workers are involved require physical strength and call for much

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22 Act 30 of 1979.
bending and reaching. Therefore, migrant worker is also called “stoop worker.” They stoop not to conquer, but not to be exploited. The important feature of migrant worker is that they are not the sons of the soil. The migrant workers particularly the inter-state migrants are dispersed, unorganized and have poor bargaining power in general. Migrant worker is also seasonal worker. Such seasonal work is a feature of the unorganised sector. They suffers from seasonality of employment and lack of sustainable employment. Migrant workers are the greatest sufferers because they are unorganized, illiterate and hence not capable of taking advantage of the provisions of various labour laws applicable to them. Poor legislative protection, ineffective legislation and ineffective mechanism is another major issue. The migrant workers don’t always enjoy formal employer – employee relationship in their workplace.

The employment emerges as the main reason for inter-state migration and in terms of employment, construction is the largest sector in India after agriculture. Modernization, Industrialization and globalization has paved the good way to the construction industry. Construction workers are engaged in huge industrial construction, residential flat construction, roads, bridges and canals etc. The construction workers constitute one of the largest categories of workers in the unorganized sector. There are 14 core migrant workers in our country as per the 2001 census.24 Most of the workers in construction industry are migrant workers. There are several major accidents25 in construction sector that claimed several lives of

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25 To name a few incidents:
(i) in June 2014, in Mouliavakkam near Chennai, Tamilnadu, the collapse of a 15 floor building under construction that claimed around 61 lives, majority of them were interstate migrant workmen. (The Hindu, June 29, 2014, Tiruchirappalli edition.)
(ii) 11 were died after a compound wall collapsed near Oppiripalayam in Thiruvallur District, Tamilnadu. They were all from families of migrant Labourers working at the Construction site. (The Hindu, 7th July 2014, Chennai edition.) (iii) In January 2015, around 4 interstate migrant workmen were died in the collapse of water tank on their shelters in a private industry in Ranipet near Vellore in Tamilnadu. (The Hindu 23rd January 2015, Tiruchirappalli edition.)
(iii) In January 2015, around 4 interstate migrant workmen were died in the collapse of water tank on their shelters in a private industry in Ranipet near Vellore in Tamilnadu. (The Hindu 23rd January 2015, Tiruchirappalli edition.)
migrant workers. No adequate compensation could be ensured legally due to absence of formal registration under the relevant labour laws. According to media reports, even trade unions and authorities of appropriate Governments are indifferent to the conditions of migrant workers who neither have any political clout in the state where they work nor any lobby to voice their grievances. The Construction workers are one of the most vulnerable segments of the unorganized sector workers in India. These construction workers as a part of unorganized work force remain the most exploited ones even after six decades of our Independence.

India is geographically divided into 29 States and 7 Union Territories. Among the States, Tamilnadu has rich variety and diversity in its geography and climate. Tamilnadu is the 11\textsuperscript{th} largest State in India by area. It is the 2\textsuperscript{nd} largest State in economy as on 2012. Tamilnadu is also the most urbanized state in India. The total population is 7.21 million as per 2011 census in this, the urban population is 3.49 million and rural population is 3.71 million. Tamilnadu population represents about 5.96\% of the population of India. The total number of districts in Tamilnadu are 30. Among them, Chennai (formerly known as Madras) is the capital city of Tamilnadu. Chennai is popularly regarded as ‘The Gateway to the South India’. Chennai is the 5\textsuperscript{th} largest city and fourth most populated metropolitan city in the country. The most significant feature of Chennai is massive urbanization. Chennai is a city of migrants like any other metropolitan city in India. The cosmopolitan nature of Chennai is a result of its attractiveness to migrant groups all over India. Off late, Chennai have witnessed a boom in the construction Industry. This tremendous growth has also attracted many problems with it.
The plight and problems of inter-state migrant workers have in recent years caught the attention of researchers, social workers, media personalities and judiciary and of course the Government. The Indian judiciary occasionally comes to the rescue of migrant workers and makes pronouncements and observation to fill the gap in the justice delivery system. In spite of this, the rulers and policy makers conveniently ignore and bypass with impunity.

In India, migration being an inter-disciplinary field of research involving various disciplines such as Geography, Economics, Demography, Sociology and Legal Studies, has attracted mostly the socio-economic scholars to conduct research studies in the last six decades and not sufficient number of studies have been conducted by scholars from the legal stand points. A study of inter-state migrants particularly in reference to construction industry in a metropolitan city like Chennai is essential and inevitable to evaluate and assess the effectiveness of the protective mechanisms provided under various relevant Labour laws.

1.2 Significance of the Study

Inter-State migration in India was in existence historically but in the context of urbanization, Industrialization and globalization it assumes special significance. Inter-State migration of workers has drawn considerable attention after the initiation of economic reforms. Economic, Social, Political and Geographical push and pull factors are responsible for the movement of workers within the nation and across the nations. In modern age, in order to earn more and improve the standard of living, the importance of migration of workers within the country is increasing day by day. The development policies by all the governments on one side and lack of sincerity on the
part of the rulers and policy makers, lack of effective legislations on the other since independence have accelerated the problem of migrant workers.

The policy makers have brought out much labour legislations including the legislation pertaining to Inter – State migrant workers conscientiously to improve the conditions of Inter – State migrant workers. The Inter – State Migrant Workmen Legislation aims at protecting the rights and interests of migrant workers who though moves from their ‘home state’ to ‘host state’ to seek conducive employment, yet they suffer continuously. The provisions of the various labour laws are not being observed in their case and they are subjected to various malpractices. Majority of the Inter – State migrant have not been benefited by the protective legislation framed by the policy makers. The policy makers, the government failed to prevent and eliminate all forms of malpractices and exploitation prevailing on Inter – State migrant workers. The issues and problems relating to law on inter – State migrant workers have not gained much attention.

Migration being an Inter – disciplinary field of research involving various disciplines such as Geography, Economics, Demography, Sociology and law, has attracted mostly the Socio – Economic scholars to conduct research studies in the last six decades. Sufficient number of legal studies has not been conducted by the scholars from the legal fraternity to address the issues and problems relating to migrant workers, the law applicable to them and identify the loopholes and the lacunae in the existing protective mechanism. Due to the loopholes existing in the implementation, Labour laws aiming to protect migrant workers have remained largely on paper. Inter - State Migrant Workmen Act only regulates the condition of service of such workers who are migrating through contractors. But the workers migrating without such
contractors are not coming under the purview of Act and they are subjected to numerous exploitations. It is assumed that the number of these workers will be very high. Many workers who enter the state through the Contractor may leave the principal employer or may change the employer or workplace.

No adequate statistical information on migrant workers, their issues, level of access to legal rights and protection and information with regard to their socio-economic background are available. If they are not registered they cannot access anything provided in the respective protective legislation. Hence, the present study in these regards is considered important to estimate and assess the inter-state migrants and their socio-demographic information in the context of legal background under various laws pertaining to inter-state migrant workers in India with special reference to construction industry in Chennai in Tamilnadu State. In this backdrop, the present study will make an useful attempt to address the legal issues and identify the problems of inter-state migrant workers comprehensively by making a special reference to construction industry with legal remedial measures and suitable recommendations.

- The study has exhaustively covered the literature on migration from the past to the present.
- The study is an attempt to identify and understand the issues and problems of inter-state migrant workers and will analyse the effectiveness of protective legislation and other labour legislations applicable to them in tackling the issues and problems.
- The study makes an attempt to plug loopholes in the legislations pertaining to Inter-State migration and suggest measures to rectify the lacunae in the existing law.
• The study highlights the findings which are identified through the empirical study in the construction industry. The findings presented in the study indeed present effective guidelines for the policy conceivers, policy makers and policy executors and all those who are interested in this field of research.

• The empirical generalization made out in the study shall go a long way in strengthening the legal literature.

• The study would provide valuable input to the policy makers for tuning the policies to bring attention on the government for the better governance and to launch legal remedial measures to curb the issues and problems of inter-state migrant workers particularly working in construction industry.

• The outcome of the study will assist the legal fraternity in interpreting the application of existing laws pertaining to Inter-State migrant.

• The study may bring the attention of judiciary to rescue the migrant workers and make steps to fill the gap in the justice delivery system.

• The study provides a valuable insight into the issues involved. It will be extremely helpful for the research scholars for the extensive and intensive study on inter-state migrant workers problems and to suggest suitable policy implications for the further improvement of them lot.

The study will add to the existing body of knowledge and literature in field of study and will incite thought and discussion among all stakeholders for future course of action.

1.3 Review of Literature

Literature on migrant workers is available in Indian context from the past to recent years. The study makes a useful attempt to review the available studies on
migrant workers in India to get a better insight into the issues and problems of inter – state migration of workers. A brief review of available studies on migration of workers has been presented in the present study. The review intends to identify the research gaps on the topic which would help to raise some issues for detailed discussion in the present study.

**Dadabhai Naoroji** (1888) have pointed out various causes of migration of labour like agricultural poverty, the decline of village and cotton industries, poverty of the people, drought affected villages in which absentee of work for about six months per annum and the existence of a large size of small cultivators whose holidays are extremely inadequate and landless labour in economically weaker sections of the community and lower caste people.26

As early as in 1929-1931, the **Royal Commission on Labour** highlighted the existence of migrant labour in Indian States.27

A systematic attempt to examine the mobility of population in India through census statistics was made by **Davis** (1951). He has studied the immobile nature of Indian population due to the factors like dominance of agriculture, caste system, early marriage, joint family, language barriers and illiteracy.28 He is probably the first scholar to study in detail migration pattern in India.

**Prabhu** (1956) attempted to study the social effects of urbanization on Industrial labourers migrating from rural areas to the city of Bombay.29

27 Royal Commission on Labour (1929 – 1931)
28 Davis, Kingstey *The population of India and Pakistan*, (Priceton University Press, Newyork 1951)
29 Prabhu.P.N.A ., *Study on the social effects of urbanization of Industrial workers migrating from rural areas to the city of Bombay* (UNESCO Research Centre, Calcutta, 1956)
Karl Marx (1958) pointed out the problem of migrants in the agricultural and Industrial fields he says that this class of people, who migrate to industrial areas for seven months, they live with camp, the contractor himself generally provides his army and he exploits the labourers in two – fold fashion as soldiers of Industry, and he works with the help of labour gang system which is cheaper than other work. Karl Marx, further states that labour gang system is decidedly the cheapest for the land and factory owners and decidedly worst for the children and migrant workers.30

George (1964) confined his study to two states West Bengal and Assam and dealt with the estimation of volume of migration at the district level in a historical perspective form 1901 – to 1961.31

Vaid (1968) has studied the migrant status of the industrial labourers at Kota region.32

An indispensable source is the report of the first National Commission on Labour (1969) which brings together a large amount of historical and statistical information and industrial and other labour, with a good critical discussion of issues like the relation between the “Organised” and “Unorgainsed” sectors; political obstacles to labour migration between Indian states, Choice of techniques and their social outcome etc.33

Todaro (1969) tried to explain migration in developing countries in terms of push and pull factors respectively. Therefore, the motives of migration are classified as push factors and pull factors. Unemployment, flood, earthquake, drought (ie,

32 Vaid, K.N., The New Worker (Sri Ram Centre for industrial relations, New Delhi, 1968)
natural calamities) etc, are the push factors. Pull factors that determine migration such as attraction of city life for education, health, development of backward community, job opportunities and training facilities and so on.34

Richardson (1973) has observed that migrant tend to move from low wage to high wage areas and from areas of labour surplus to those with labour shortages.35

Jayaraman (1979) brought out that variations in land holding alone do not determine the migration response. He observed that agriculture at the place of origin was dependent chiefly on rain and that agricultural activities were at a peak only during the monsoon months. Once the monsoon crop was harvested, agricultural activities nearly came to an end and the incidence of migration became more marked. The households did not have other activities to discourage migration in search of jobs.36

Kamble (1983) examined the problem of labour migration in the state of kerala on the basis of primary data and simple statistical tools. The study has covered both in and out migration, their volume, type, direction of movement, educational levels, occupations etc. to find out who were out-migrating and who were in migrating people.37

International Labour Organisation in its report on safety and health of migrant workers – International Symposium38 (1983) has examined in depth the problems of occupational safety and health of migrant workers throughout the globe.

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It examined the causes of occupational accidents of migrant workers and observed that the migrant workers have a higher incidence of occupational accidents. It also noticed the causes regarding the occupational diseases caused to the migrant workers due to particular sensitive nature of jobs, thus resulting into skin sensitivity, increase in anthracosilicosis. It asserts that since migrant workers are often new comers, given comparable working condition as new comers have more slight accidents and fewer serious accidents than experienced workers. It opined that adequate safeguards be incorporated in the labour laws to improving the working environment of migrant workers; employers must have obligations to protect the safety and health of migrant workers failing which penalties are to be imposed; and, the rights of migrant workers be developed in case they become ill as well as incapacitated on account on unhygienic environment at the working place. It concluding recommended for sickness allowance under the national insurance scheme as well as rehabilitation allowance in case of permanent ill or disablement.

Vidut Joshi (1987) focused the horrible plights of migrants workmen employed in Government projects in Uttar-Kashi, Uttar Pradesh (Tehri Garhwal Project). Labourers from Orissa, Bihar including women and children were employed in such project works violating all labour laws, like Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

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40 Id. at. p.20.
41 Id. at. pp.37 and 41 – 42.
42 Id. at. pp. 197 – 202.
43 Id. at. p.202.
Subramanya (1987) in his article, ‘Policy and Administrative aspects of labour migration’ has remarked that migrant labourers were mainly seasonal character and generally, associated with the features of contract labour or bonded labour.\(^ {45}\)

An ICSSR Project study (1987) mainly examined the socio-economic conditions of dadan out-migrant labourers of Ganjam district (Orissa). Such out migrants (dadan labourers) reportedly suffer exploitation and harassment at the hands of the agents who recruit them and also the principal employers who provide their employment.\(^ {46}\)

B.R.K. Raju (1989) conducted a study in the state of Andhra Pradesh in the district of West Godavari, where migrant labourers employed in Tungabhadara Project in Karnataka State. The author focused on the migration adjustment process at destination and upon return migration are noteworthy aspects.\(^ {47}\)

Joshi (1989) has made a research study on the basis of field work carried out in the city of Raichur of Karnataka State from the 300 sample families, relating to occupational mobility of migrant labourers. The findings of the study revealed that the middle caste and middle class respondents are more mobile than the other caste and class respondents.\(^ {48}\)

Labour Directorate, Orissa (now Odisha) (1989) have studied rather, surveyed the magnitude of out migrants confining to ‘Dadan’ labourers in two


\(^ {47}\) Raju, B.R.K Development Migration: A professional Analysis of Inter-State Rural –Rural Migration. (Concept Publishing Co. New Delhi, 1989)

\(^ {48}\) Joshi, K.G.Migration and Mobility, (Himalaya Publishing House, Bombay 1989).
districts, viz. Ganjam and Puri. But no adequate light has been shed on the basis of empirical studies on socio-economic profile of such families which form the basis of such dadan labourers.49

**Gupta** (1990) in his study examined the migratory process of farm labourers in the context of their socio-economic characteristics factors of migration, method of recruitment and relative deprivation in the agriculturally advanced state of Punjab.50

**The National Commission on Rural Labour** (NCRL) (1991) in India estimates more than 10 million circular migrants in the rural areas alone. These include an estimated 4.5 million inter-state migrants and 6 million intra-state migrants. The commission pointed out that there are large number of seasonally migrant workers in the agriculture and plantations, brick kilns, quarries, construction sites and fish processing.51

**The National Commission on Rural Labour** (NCRL) (1991) examined indepth the working of the migrant workmen legislation, plugging loop – holes, and suggesting remedial measures in improving the safety, living and working conditions of migrant labourers.52 The Committee while making an assessment of the inter-state migrant workmen who are covered by the Minimum Wages Act, Contract Labour Act, Bonded Labour Act, Inter – State Migrant Workmen Act, Workmen’s Compensation Act (Now Employees Compensation Act) and some of the social

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50 Gupta, A.K. *Sociological Implication of Rural to Rural Migration: A Case Study of Rural Immigrants in Punjab,* (Vohra Publishers and Distributors, Allahabad 1990)


security’s Acts, the migrant labourer worked and lived in de–humanising conditions.\textsuperscript{53}

In Indian Council of Social Science Research (ICSSR) study conducted by Dr. Damodar Panda (1992) has focused light in inter-country colonial migration. Intra–country colonial migration and Inter-state migration in India with reference to Orissa. The study has critically examined the legal provision protecting the migrant workmen. But no in–depth study of socio–economic problems of migrant workmen has been attempted with statistical technique nor a strategy for combating the problem of inter–state migrant workmen has been advanced.\textsuperscript{54}

Das (1992) in his study of migrant construction workers in Bombay indicated that as many as 47 per cent of them had come from within Maharashtra and about 24 per cent of them from neighboring states of Karnataka, with Andhra Pradesh and Uttar Pradesh contributing about eight per cent each. Bihar, West Bengal, Tamil Nadu, Kerala, Rajasthan, Orissa, Gujarat and Punjab provided the rest. It was also substantiated in another study of construction industry at Ahmedabad which found that in this city as high as 61 per cent migrant workers in this sector had come from within Gujarat followed by 15 and 12 per cent of them from the neighboring states of Rajasthan and Maharashtra.\textsuperscript{55}

ICSSR (1993) supported institution (Centre for Development Studies, Bhubaneswar) conducted a study on dadan migrants basing on the theme “the Socio–economic study of migrant labour (dadan) from Orissa and the reasons for their migration covering two coastal districts viz Ganjam and Puri. This study has ignored

\textsuperscript{53} Id. at p.120.

\textsuperscript{54} Panda, Damodar \textit{Migrant Workmen: A Socio-Legal Study}, (ICSSR Project, 1992)

in presenting a total picture of various types of migrant workmen manifested in the state of Orissa.\textsuperscript{56}

Barik (1994) has attempted to confine his study on the conditions of Surat Oriya migrants, working in the textile factories. The study on the basis of questionnaire and interview method endeavored to present the structure of art silk industries, working environment and working conditions of Oriya migrants in Surat.\textsuperscript{57}

Breman John (1994) state that employers prefer to employ migrant labour with lower wages and they are steadily replacing local labourers.\textsuperscript{58}

Srivastava (1998) stated in his study that health hazards are serious problem for the migrant workers in various sectors. Construction and brick kiln migrant workers suffer from a number of diseases which are a result of their occupation or working conditions. Accidents and lung diseases are common among construction workers.\textsuperscript{59}

Silvia M.De mendoncae Noronha (1998) in his study examined the Socio – economic profile of migrant workers engaged in construction activity in Goa and analyses the impact of those workers on the Goan economy.\textsuperscript{60}

Sucha Singh Gill (1998) examines the different theories of migration and discusses migration flows into India in the post colonial period while highlighting the

\textsuperscript{56} (ICSSR Project, NIIC Centre for Development Studies, Bhubaneswar, 1993) Socio – Economic study of Migrant Labour (Dadan) from Orissa.
\textsuperscript{57} Barik, B.C. Rural Migrants in an Urban Setting: A Case Study (Classical Publishing House, Delhi 1994)
\textsuperscript{58} Breman Jan, Wage Hunters and Gatherers: Search for Work in the Urban and Rural Economy of Gujarat, (Oxford University Press, Delhi. 1994)
\textsuperscript{59} Srivastva, Ravi.S. ’Migration and the Labour Market in India”, Vol.41, No.4 October – December, \textit{The Indian Journals of Labour Economics}, (IJLE) (1998)
\textsuperscript{60} Silvia M.De Mendoncae Noronha ‘ “Migrant Construction Workers in Goa,” , vol. 41, No.4 The \textit{Indian Journal of Labour Economics} (1998)
problems of migrant labour in the country, resulting from discrimination and exploitation of labour. His study recommends various measures for improving the social and economic conditions of the migrants.\textsuperscript{61}

Subash C.Bajaj (2004) has analysed the effectiveness of legislation in tackling the problems of the Inter – State Migrant labour. He also refers to various central labour laws applicable to the Inter – State migrant workers and has come to the conclusion that inter-state migrant law has by and large remained on paper.\textsuperscript{62}

Das (2004) states that the migrant labours in Punjab are subjected to bondage, payment of less than the minimum wages and are left totally unprotected. He has also advocated for a fundamental change in the existing labour legislations to provide protection to migrant workers.\textsuperscript{63}

Sanjay Kumar (2004) has highlighted the role of Punjab Government in extending welfare measures to mitigate migrant labour problems. The two significant steps taken by government of Punjab to holding of Lok Adalat to expedite the decisions of pending labour problems and holding health camps to tackle their health problems.\textsuperscript{64}

Gopal Iyer, K. (2004) has examined the factors responsible for the distress migration at the place of origin, particularly those from Bihar and Eastern Uttar Pradesh. The article comes out with the conclusion that the decision to move out of

\begin{itemize}
\item Sucha Singh Gill, “Migration of Labour in India”, vol.41, No.4 ,\textit{The Indian Journal of Labour Economics}, (1998)
\item Subash C.Bajaj, “Inter – State Migrant Labour and the Law” in K.Gopal Iyer (Ed) \textit{Distressed Migrant Labour in India}, (Kanishka Publishers & Distributors, New Delhi, 2004)
\item Das, S.K, “Inter-State Migrant Workers in India; Problems and Remedial Measures in Gopal Iyer (Ed) \textit{Distressed Migrant Labour in India},(Kanishka Publishers & Distributors, New Delhi, 2004)
\item Sanjay Kumar, “Implementation of Labour Laws in Punjab” in Gopal Iyer (Ed) \textit{Distressed Migrant Labour in India} (Kanishka Publishers & Distributors, New Delhi, 2004)
\end{itemize}
their homes in search of relatively more gainful employment is primarily survival strategy by moving from a state of starvation to substance.\textsuperscript{65}

Naresh Kumar and A.S.Sidhu (2005) in their study identify the push and pull factors which influence workers ‘Inter – state migration on the basis of perceptions of workers. Their study found that economic factors have emerged more significant as compared to non – economic factors in the process of migration.\textsuperscript{66}

Dr. Veenu Nirmal (2007) conducted a study on migrant labour in unorganized sector in Varanasi city (U.P). This study gives an overview of recent migration patterns in Varanasi during 1999 – 2001. This study provided some valuable insights into migration patterns in Varanasi. The work is based on census data.\textsuperscript{67}

Sundari (2007) explores gender related issues involved in migration such as the causes that induce women to migrate, the trend and patterns of female migration, its impact on the economic status of migrant families and work pattern of migrant women. In her work macro analysis relates to all India data on migration with special reference to Tamilnadu state and micro investigation is confined to a sample of 955 migrant women selected from three areas in Tamilnadu, Chennai city, Coimbatore city and Tirupur town have been conducted.\textsuperscript{68}

Prakasam,S (2009) focuses very emphatically on the socio-economic problems that are being faced by migrant labour in the extreme north and southern


\textsuperscript{67} Veenu Nirmal, Migrant Labour in India (An Explorative Study), (Universal Voice, Delhi, 2007).

\textsuperscript{68} Sundari, S., Migrant Women and Urban Labour Market – Concepts and Case Studies of Problems, Gains and Losses, (Deep & Deep Publications Pvt Ltd, New Delhi,2007)
cities (Jammu and Vishakhapatnam) of India, not only that he has made a comparative analysis of socio economic status of the migrants of those regions. They are being exploited by the contractors and employers yet they are contributing much for the growth of urban economy. Sadly neither the government nor the voluntary organisation comes to their rescue.69

**Dileep Kumar** (2010) in his study indicates the plight of the construction labourers in Pune district, Maharashtra State.70

**Madhu Nagla** (2011) analysed the situation of migrant construction labour in India, their working pattern and particularly about their leisure activities, which ultimately affect the overall life of people. Leisure is indispensable from the life of human being, therefore it is necessary to understand the leisure activities of migrant construction labour group, so that the some policies and programs can be made to address leisure issues.71

**Denzil Fernandes and Bindpaul** (2011) traces the social networks among migrant construction workers showing different phases of the labour market, including the flow of labour market related information, entry into the labour force, allocation of work at construction sites, friendly relation among them and the flow of the credit among the migrant workers in order to meet their financial requirements.72

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69 Prakasham,S., *Migrant Labour in India (Issues and Concerns)* (Alfa Publications, New Delhi, 2009)
Madhava Menon (2011) examines the scheme of the Inter – State Migrant Law to find out whether it is sufficient to protect the rights of Inter – State Migrant workmen in the changed scenario of the polity and the economy.  

Ritesh Drivedi (2012) discusses how migration is continuing in different parts of India and how it is becoming more and more crucial towards improving livelihood status. His study urged the policy makers to explore ways and means to re-establish the important of agriculture in terms of livelihood, because major migration is due to failure of agriculture. His study indicates that migration never can be totally stopped as it is under the process of development.

1.4 Research Gaps

The Review of literature reveals that there is no paucity of research studies on the problems of labour migration by various authors, researchers and others. These studies through light on various aspects of migration labourers in various parts of India particularly in northern states. A very few studies are conducted in the state of Tamilnadu. Unfortunately, most of the studies confined its scope into Socio – Economic aspect. It is pertinent to mention that only a very few studies are conducted in legal aspect and that also not in the State of Tamilnadu. Thus, no studies has been conducted in a metropolitan city on inter – state migrant workers employed in the state of Tamilnadu, particularly in construction Industry in legal aspect with empirical method.

73 Madhava Menon “Can the Licensing – Inspection Mechanism Deliver Justice to Inter – State Migrant Workmen?” In Irudaya Rajan S., (Ed), Migration, Identity and Conflict, India Migration Report 2011, (Routledge, New Delhi, 2011)

It is also pertinent to note and evident that the authorities of the state of Tamilnadu had no database on inter-state migrant workers in Tamilnadu till July 2014. In view of the above consideration, a socio-legal study on inter-state migrant workers employed in construction industry in Chennai, a metropolitan city of Tamilnadu is imperative. Therefore, the present study throw light in legal aspect on inter-state migrant workers employed particularly in construction industry in Chennai, Tamilnadu.

1.5 Objectives

The objectives of the study are set out as under:

1. To trace out and examine the historical background of Inter-State Migration of workers in India.

2. To analyse the Inter-State Migrant Workmen legislation and to examine the functional process involved in the administration of the legislation in India.

3. To examine the effectiveness of various labour laws applicable to Inter-State Migrant workers.

4. To throw light on the functional approach of the labour legislations relating to Inter-State Migrant Workers.

5. To examine and identify the discrepancies between the law in the statute books and the law in actual implementation.

6. To identify the contours and to understand the relevant legal issues and the magnitude of the problems of Inter-State Migrant Workers.

7. To examine and analyse the contemporary status of Inter-State Migrant Workers in Construction Industry.

8. To examine the sectoral approaches with special reference to construction industry in Chennai.

9. To suggest the legal remedial measures to combat the problems of Inter-State Migrant Workers.

1.6 Hypotheses

Based on the review of available literature and the objectives set out for the study, the following hypotheses are developed in the Socio – Legal context of the present study:

- Socio – Economic conditions of workers is a key factor for Inter – State migration.

- Law of Inter – State migration is not adequate enough to protect the Inter – State migrant workers.

- Inter – State migrant workers have no awareness / knowledge about other labour laws applicable to them.

- Principal Employers, Contractors and the Inter – State Migrant Workers have no awareness / knowledge about the Laws specifically concerning to construction industry.

- Inter – State migrant workers are exploited by every persons involved in the process of their employment and the Inter – State migrant Law has failed to prevent exploitations.
Principal Employers, Contractors do not have awareness about their obligations, responsibilities and duties under the laws applicable to Inter – State Migrant Workers.

1.7 Key Research Questions

To test the hypotheses, the study makes an attempt to answer the following research questions:

1. What were the essential “push & pull” factors that contributed to the phenomenon of inter-state migration in Chennai?

2. How and why did these Migrant Workers prefer Chennai as their destination?

3. What were the processes of bringing and employing these workers in their present employment?

4. Are the rights of the inter-state migrant workers protected by the existing laws?

5. Are the conditions, duties, and responsibilities enlisted in the Inter State Migrant Workmen Act, 1979 fully followed by the Principal employers, Contractors and Enforcement Authorities?

6. How far the conditions, duties, and responsibilities as described in the Inter - State Migrant Workmen Act, 1979 are being followed by Principal employers, Contractors and Enforcement Authorities?

7. Are the provisions pertaining to penalising the concerned Principal Employers, Contractors in case of violations, adequate and effective on ground?
8. What is the level of knowledge, awareness and access to the rights and benefits of migrant workers entitled under various Acts/Schemes in Tamil Nadu?

9. What are the principal reasons for migration among inter-state migrants employed in construction sector?

10. What is the level of knowledge, awareness and access to rights and benefits entitled under various Acts among the inter-state migrant workers employed in the construction industry?

11. What are the specific problems encountered by migrant worker?

12. Has migration augmented the quality of life of migrant workers?

13. What are the ways to develop effective channels to increase the accessibility to migrant workers?

14. Is there any gap in the existing legal and policy framework and practical approaches for protecting the welfare of the migrant workers?

### 1.8 Scope and Limitation of the Study

The study first attempts at a macro analysis of inter – state migrant workers in India, the laws applicable to them and the specific segment of the inter – State Migrant Workers working in construction industry and a micro analysis of inter – State Migrant Workers working in construction industry situated in Chennai, and its metropolitan areas, Tamilnadu. There are innumerable construction Industries operating in Chennai and its metropolitan area comprises the city of Chennai, part of Thiruvallur District (Ambattur, Thiruvallur, Ponneri and Ponamallee Taluks) and part

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76 ‘Inter-State’ refers to Migration of Workers who move from any other States of India excluding Puducherry to Chennai in Tamilnadu for Employment, especially in Construction. The Place of Last Residence (POLR) of these Migrant Workers is a State other than the State of Tamilnadu though their Place of Birth (POB) may or may not be the State of Tamilnadu.
of Kancheepuram District (Tambaram, Sripurumbudur and Chengalpattu Taluks) and its municipal corporation area such as Tondiarpet, Perambur, Purasavakkam, Egmore, Mambalam, Guindy, Mylapore, Velachery, Aminjikarai and Ayanavaram\(^{77}\) employing some 2.5 lakh migrant workers. Construction Industry has been selected because the preliminary investigation revealed that the Inter-State Migrant Workers constituted a very high proportion of the workers working in this Industry in Chennai and its metropolitan areas. The scope of the present study is limited to construction industry only and with respect to Chennai and its metropolitan areas only. As regard to the period of limitations, the period of study is limited from October 2013 to October 2014.

1.9 Geographical area of the Study

The universe of the study is all the inter-state migrant workers working in construction industry in Chennai and its metropolitan areas. The proposed study relates to inter-state migrant workers, both male and female, who had moved to Chennai from outside the state of Tamilnadu and were working in construction sector at the time of the survey.

Chennai is a city of migrants like any other metropolitan city in India. The cosmopolitan nature of Chennai is a result of its attractiveness to migrant groups from all over India. Migrants came not only from the surrounding neighboring southern states, but also predominantly from Northern, Eastern, Central and North-eastern parts of India. According to 2001 Census, the total number of migrants in Chennai city is 2.23 lakh from other states.\(^{78}\) As a natural consequence there would be rise in

\(^{77}\) Chennai Metropolitan Development Authority, Government of Tamilnadu available at http://www.cmdachennai.gov.in

\(^{78}\) Census India Tamilnadu Migration Table (2001)
consumption expectations and standard of living, putting pressure on urban infrastructure, and a significant growth of entertainment, housing, and hospitality related services, as well as retail and consumption expenditures. Pressure on infrastructure would manifest in rising demand for power, water, waste management and transportation. It is pertinent to mention here that no study or survey has been conducted on inter – state migrant workers employed in Tamilnadu, particularly in construction industry. Hence, Chennai and its metropolitan areas have been chosen as the target location for the study.

1.10 Methodology

The study is combination of both Doctrinal and Non-Doctrinal. In order to get information and materials for the study more effectively various research methods such as historical method, evaluative method, analytical method and statistical method are used. Historical method is used to trace out the origin and concept of Inter – State migration of workers in India. Evaluative method is used to find out the effective implementation of various labour laws pertaining to Inter – State Migrant. Analytical method is used to analyse the data and information collected from primary and secondary sources. The data collected will be analysed by using statistical method.

1.10.1 Sources of Data

The present study is mainly based on the primary data collected from the inter- state migrant construction workers employed in Chennai and its metropolitan areas, Tamilnadu state with the help of well drafted, pre – tested structured and semi structured interview schedule. However the secondary data have also been used wherever necessary. The primary data was collected from the 600 sampled respondents who were inter-state migrants working in construction industries in

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Chennai and its metropolitan areas. Addition to this, semi-structured interviews were conducted with 50 employers/contractors, 29 principal employers and 21 contractors / agents who employed inter-state migrant workers in Chennai and its metropolitan areas.


1.10.2 Sample Selection

Considering the enormity of the population size, 600 inter – state migrant workers employed in various occupations from 14 construction industries in various size and nature at Chennai and its metropolitan areas were selected for data collection. Random sampling method has been used to select the sample for the present study. It is pertinent to mention that Random sampling is justified for exploratory study. Table
1.2 indicate the nature, size of the construction industry and the number of sample achieved in the study.

Table 1.2
Nature of the Construction Industry, its size and Number of Sample Achieved

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Nature / Size</th>
<th>No. of Samples</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Private – Small*</td>
<td>111</td>
</tr>
<tr>
<td>2</td>
<td>Private – Medium**</td>
<td>103</td>
</tr>
<tr>
<td>3</td>
<td>Private – Large***</td>
<td>322</td>
</tr>
<tr>
<td>4</td>
<td>Government – Large (Metro Rail Project)</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>600</strong></td>
</tr>
</tbody>
</table>

Source: Field survey.

*Up to 100 workers **100 to 500 workers ***500 workers and above

Adequate measures were taken to ensure that representation from various industry types within construction sector, such as small, medium and large scale construction works of private and Government are achieved while sampling. The 600 inter – state migrant construction workers from Chennai and its metropolitan areas were interviewed from the four geographical locations such as east, west, north and south and semi-structured interview were also conducted with 50 principal employers / contractors (29 principal Employers and 21 Contractors) of construction industry who employed inter – state migrant construction workers in Chennai and its metropolitan areas Table 1.3 shows the number of samples achieved in the study region.
Table 1.3

Number of Samples achieved in Chennai (Region wise)

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of Samples</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>106</td>
<td>17.7</td>
</tr>
<tr>
<td>South</td>
<td>188</td>
<td>31.3</td>
</tr>
<tr>
<td>West</td>
<td>238</td>
<td>39.7</td>
</tr>
<tr>
<td>East</td>
<td>68</td>
<td>11.3</td>
</tr>
<tr>
<td>Total</td>
<td>600</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Survey

In order to carry out the study effectively, well drafted structured and semi-structured interview schedule specially designed for the purpose. The schedule was very carefully and systematically designed according to the objectives of the study. The questions are prepared in English language but in the course of field visit, these questions are translated to Hindi, Bengali, Telugu and other languages. The investigators, who had fluency in Hindi, Bengali, Telugu and other languages were employed in the data collection. In order to avoid redundancy of some of the question in the interview schedule, the schedule was pre-tested well in advance. After the field work, all the schedules are checked and some of the information written here and there on the schedules is re-written against the appropriate choices of a particular question so as to facilitate subsequent analysis of the data.

The present study has employed descriptive research design using “Ex post-facto” method to describe the present knowledge in relevant law and other socio-economic details of the Inter-State Migrant Construction Workers. The main characteristics of the ‘ex – post – facto’ method is that the researcher has no control over the variable studied and can only report what has happened or what is happening
and their existing knowledge. The “ex-post facto” method is also used for descriptive studies by means of which the study seeks to measure the variables.

The pilot study was conducted among 13 percent (N=80) of the sample size who have been randomly selected across various industry types in the construction Industry. Through the pilot study, the validity and reliability of the data collection tools were established. To test the validity of what the respondent said, the study cross checked the results derived from one respondent with the other people who are expected to have knowledge about the person. Validity was also tested through primary observation.

The data collected have been coded and tabulated in terms of dependent and independent variables in statistical tables. The Statistical Package for Social Sciences (SPSS) has been used for analyzing the generated data by using simple frequency Percentage table, Chi-square tests, Correlation coefficient, ‘t’ test and ANOVA . Further, Pie Chart, Bar Diagram, Area Chart etc., have been used wherever necessary to demonstrate the data presented in the table. Whenever statistical analysis has not been possible the study has resorted descriptive analysis.

1.11 Methods of Data Collection

1.11.1 Desk Review

As the first step, the study accessed and reviewed all the existing literature on migration of workers. The secondary data collected for the present study assessed and reviewed in desk review. Based on the Desk review the researcher developed an exhaustive list of study indicators and validate them consulting with field experts. The outcome of the discussion formed the basis for formulating questionnaire, sampling, tools, field work logistics and tabulation plan.
1.11.2 Interview with Primary Respondents

There are two tools that are used in the study.

- Interview Schedule for inter-state migrants
- Semi-structured interview tool for principal employers and Contractors/Agents under whom the inter-state migrant construction workers are employed.

1.12 Field Experience

During the course of study the investigator went to different places of Chennai and its metropolitan areas (Manali, Red Hills, Pallavaram, Sirucher, Old Mahabalipuram Road, Koyambedu, Poonamalle High Road, Velachery and other places where Metro Rail Project and construction work going on) where the inter-state migrant workers were employed in the construction industry.

During the course of field visit a lot of difficulties were faced by the researcher of the present study. The most important among these difficulties is the apprehension and suspicion expressed by the respondent regarding the real identity of the researcher. The principal employers and contractors were very suspicious and were not ready to give any information regarding their industry and particulars of workers employed by them. They could not believe that investigator was not related to any government organization and could not make out the genuine purpose of visit. The other difficulty faced by the researcher is objections raised by the principal employers and contractors who feared of any legal action as a consequence of data collection. Besides these, language barrier is faced during the data collection with respondents who were coming from Jharkand, Assam, Odisha, Andhra Pradesh, Bihar, Uttar Pradesh and West Bengal. But this was overcome by translation of the investigators. The research observed that some of the migrant workers were
indifferent towards their responses to the question. The behavior of some workers, principal employers and contractors are not co-operative. Researcher faced lot of difficulties to convince such type of peoples. The scholar had to convince the respondent by explaining about the academic nature of the study. The another aspect of experience was that few employers were very good and co-operative in behavior and helped a lot in present study.

1.13 The structure of the Thesis

The study has been systematically arranged into seven chapters besides bibliography.

Chapter 1 – Introduction

This chapter introduces the subject of the study, significance of the study, statement of the problem, explains objectives, hypotheses, scope, presents a review of relevant available literature in the subject and the methodology adopted.

Chapter 2: Migrant Workers in India – In Retrospect

This Chapter presents a detailed account on retrospective analysis of inter–State Migration of Workers in India with mode of recruitment of migrant workers. It also classifies the types of migration and cites the reasons for migration of workers under various heads. This Chapter also focuses the International scenario on Labour Migration.

Chapter 3: Inter – State Migrant Construction Workers in India

This chapter deals with review on specific segment of the Inter–State migrant workers working in the construction industry in India. This Chapter points out the significance of construction Industry, Meaning of Construction work and Building
worker with classification of Construction Industry. This Chapter focuses on the specific legal provisions applicable to construction workers. This Chapter also brings the Legal Frame work in Tamilnadu.

Chapter 4: Inter State Migrant - The Law and Judiciary

This chapter makes an attempt to study and analyse the various protective legislations viz., Law on Contract Labour and Bonded Labour. It mainly focuses in detail the Inter-State Migrant Law, a Special Protective Law on Inter-State Migrant. The Chapter discusses the leading cases pertaining to Inter – State migrant and the role of Judiciary in the protection of migrant workers.

Chapter 5: Inter – State migrant construction workers in Chennai.

This chapter focuses on the Inter – State Migrant Construction Workers at Chennai. It points out the Pull factors and Labour Migration trends in Chennai. It summarises the various studies conducted on Inter-State Migrant Workers in Chennai. This Chapter highlights the plights of the Migrants. At the end, this Chapter presents the data with empirical analysis obtained from the field survey pertaining to Socio- Economic conditions of Migrant Construction Workers of Chennai with the aid of methodology adopted in this study.

Chapter 6: Data analysis, Interpretation and findings on Inter–State Migrant Construction Workers in Chennai.

This chapter presents the data collected from the field relevant to awareness and knowledge of the Targeted Groups about the migrant Law and various other Laws applicable to them. This Chapter presents the generated data, its analysis with findings by using simple frequency percentage Table, Chi-Square tests, Correlation Co-Efficient, ‘t’ test, Anova with Pie-Chart, Bar Diagram, Area Chart etc.,
Chapter 7: Conclusion and Suggestions

This Chapter summarises the major findings, tests the hypotheses formulated and also suggests few legal remedial measures for the betterment of Inter – State Migrant Workers.