Chapter – II

Migrant Workers in India – In Retrospect
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MIGRANT WORKERS IN INDIA – IN RETROSPECT

2.1 Migration – Historical Evidence

Human life swings as it were between two poles; movement and settlement. As such, it chooses to be either sessile or mobile. Settlement seems to be symptomatic of security and contentment whereas mobility tends to signify development and welfare. Mobility thus leads humanity towards better standard of living and in turn towards a better lifestyle. That mobility is the psychic desire of man is apparent when one traces the path of the evolution of movement of man from the hunting stage to the pastoral then to agriculture and in turn to Industry and now from industry to post – Industrial Society. Man’s movement persists. In this fabric stage of movement of man, one continuing thread is the migration from place to place in search of the highest rewards and greener pastures\(^1\). Darwin’s ‘theory of evolution’ postulates that human progress is the consequences of movement.

The movement of human beings for the purpose of earning livelihood and settling down occupies a central place in the drama of human history as well as in the growth of civilization. The history of migration is the history of people’s struggle to survive and to prosper.

The concept of migration cannot fully understand without the reference to the historical phases. Each historical phase not only had its own pattern of migration but also its dominant Socio – Economic system. Every human civilization was characterized with the movement of human being from one region to another. At the beginning of human civilization, man was a hunter and food gatherer. He had to

\(^1\) Dharmaraj, *Migration and Development*, P.1 (Emerald Publishers, Madras 1993)
wander a lot in search of food. This form of migration was the oldest one and known as primitive migration.

The history of India is replete with stories of large scale movement of people beyond the country as well as within the country. The Aryans migrated to India as a pastoral tribe. In those days “Migration was often preceded by invasion, which sometimes took the form of culturally advanced people subduing a less advanced one. But occasionally Barbarians, such as the Mongol warriors, created and administrated great empires.” During this phase various pastoral tribes were trying to settle down as agriculturists. This was known as tribal migration because a tribe as a whole, and not few individuals or families, migrated. Vidyut Joshi observes; Right from the invasion of the Aryans to the invasion of moghuls, tribal migration has played an important role in the history of India. The whole history of British colonial rule in India can be traced back to the East India Company’s trading enterprise in India. A sort of adventure was also involved in this type of migratory movements. The phase of Industrialization has brought yet another type of migration. In the 20th century, a new type of mass migration has sprung up, in which the most powerful current is from rural to urban areas. After the advent of Industrialization, this is the most dominant pattern of migration. Therefore, every historical phase has its own pattern of migration. The modern migration or migration under capitalism has come to stay.

Migration of people contributes to the efficient use of human resources and to increased production from economic activity. Migration of people in general,

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‘artisans’ in particular has been a powerful force in human development and that has been evidenced by historians, economics, demographers, anthropologists, geographers, political scientists and sociologists of the countries concerned. Hence ‘migration is a multi-disciplinary’ subject and its studies are multi-dimensional in character. Economists are interested in the study of migration because it is related to business cycles, supply of skilled and unskilled workers and the income growth of industries, the occupational and employment status of the migrants. Geographers are largely concerned with movement of people in space. Their focus is not so much on the people who migrate, the reasons for their migration and the consequences of migration. Sociologists are interested to study the sociological problems such as age, sex, mother tongue, education, occupation and caste etc involved in migration. Planners and policy makers are concerned with migration, because it is associated with the Socio-economic development of the country.

2.2 **Meaning and Concept of 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 work⁴”. 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 / salaries. The word ‘adequate’ implies

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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 / salaries, ie, 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 sell⁵.

### 2.3 Migration of Industrial Labour

Migration of Labour is a universal phenomenon. Migration of Labour takes place both within and among the countries. The motive generally being search for livelihood or better employment opportunities. Labourers who generally move in groups from one place to another seeking employment on a temporary or seasonal basis, without becoming residents of the area where they seek or find such employment are known as migrant Labour. The general characteristics of migrant Labour are;

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(i) The availability of gainful employment in the destination area, and
(ii) The existence of wage – differentials between the origin and the destination area.

The importance of migrant labour in India is as old as the history of human existence itself. Migratory character is one of the main characteristics of Industrial Labour in India. There is a fundamental difference between the Indian factory workers and the corresponding class in the west. The latter is drawn mainly from persons brought up in the towns and partly from those who have abandoned the country for the towns, while the Indian factory operatives are nearly all migrants. In this context, the Royal Commission on Labour\textsuperscript{6} said that, “In India the migration from the rural areas to the factories is in the main not a permanent exodus, but a temporary transfer and the recruit to industry continues to regard as his home the place from which he has come\textsuperscript{7}”.

Migration of Labour started in India during the British Colonial rule, mostly of persons pauperized by economic and social processes operating in the country. Initially, the migration of labour was of the push – type, involving mainly the tribal’s whose lands were taken away either by the then Government or by the landlords and money – lenders by means often questionable with the advent of independence, such cases of push migration came down rapidly and migration for better employment opportunities increased.

\textsuperscript{6} Royal Commission on Labour was appointed in 1928 and submitted its report in 1931. It is also known as Whitely Commission.
\textsuperscript{7} Report of the Royal Commission on Labour in India, P.12, (Agricole Publishing Academy, New Delhi, 1983).
The first Tea garden was established in Assam in 1885 and subsequently in North Bengal. This stimulated the migration of labourers from Bihar, Orissa the eastern part of Uttar Pradesh and Madhya Pradesh. The movement from these areas constituted the main stream of long distance internal migration in India. The agricultural production is not sufficient to the labourers to fulfill their minimum needs. On the other side, as a result of the industrialization and technological development new types of causal and seasonal employment opportunities are emerging rapidly in areas where development has taken place. Such a situation is causing migration of labour within the country.

In the modern age, in order to earn more and improve the standard of living the importance of migration of labour is increasing day by day at micro and macro levels all over the globe. Now in the civilized society every worker aspires for a decent life. He wants better working conditions, better working environment, better housing, better wages, clothing, medical facilities and dietary etc. He needs certain things like education, medical facilities not only for himself but also for the generation. These things are not possible without gainful employment. Where the opportunities of gainful employment are not brought at the place of origin or if the place of origin is not worth living, the worker is forced to migrate to somewhere else, where employment opportunities are comparatively bright.

Industrialization on the one hand has contributed towards the progressive movement of labour; however on the other hand, it has brought magnitude of problems with it. The rapid industrialization has also attracted a major chunk of workers from rural to urban and thus not only causing the problems for urban growth

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8 Census of India, 1971 (Centenary monograph No.7) P.279
as well as development, but also for the workers. Migration of worker within the country is a facet of life which tends to expand opportunities for productive work and wider interaction among peoples and cultures. However migration of workers is not free from problems for them, their employers and the state sending them and receiving them.

Thus migration of worker is today a worldwide phenomenon and has become an important issue in our times. More developed states / regions that earlier might have welcomed a supply of cheap labour, now struggle to keep migrants out as the flow of migrants, both ‘proper’ and ‘improper’ increase. The system of employment of migrant worker in industry is prevalent in almost all the states in India since time immemorial.

2.4 Recruitment of Migrant Workers

The Labour Investigation Committee\(^9\) rightly observed that recruitment is the first step in the employment of labour and naturally, the methods and organization by means of which labour is brought into industry has a lot to do with ultimate success or failure of such employment\(^10\). If proper care is not taken through law in the recruitment of migrant labour, the employers, the migrants and the state sending and receiving them are bound to suffer. The employers suffer if he does not get the worker best suited for a particular work and the worker does not properly recruited and migrated; the migrant worker suffers lot if he is not recruited in proper manner, in accordance with the existing method mentioned in the relevant law, and the state sending and receiving them also suffers if it is not protecting the migrant. In this

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\(^9\) Labour investigating committee was appointed in 1944 under the chairmanship of Mr.Reg and submitted its report in 1946. It is also known as “Reg Committee”

\(^10\) Labour investigation Committee Report P.79(1946)
context, it is necessary in this study to explain the most prevalent recruitment method of migrant worker in India.

There are various methods in India for the recruitment of workers who are migrating from their native place / Home State to some other places or states. The most prevalent traditional method of recruitment is recruitment through intermediaries. In India migrant labour is almost always supplied by intermediaries. Every organized and unorganized Industry depends upon the intermediaries. These traditional methods of recruitment through intermediaries have still not lost their importance in India. The workers when fail to find the adequate means of livelihood in their home – state / native place they leave their home state or native place and go to other states, other places through the intermediaries for employment. In Modern age, the intermediaries are called as contractors / agents.

The Royal Commission on Labour in its report stated that, recruitment of migrant labour was done through intermediaries, and especially jobbers, who were known in different parts of India and different industries by different names such as Sardar, mistry, Mukaddam, tindal, choudhry, kangany, khatadars, etc\textsuperscript{11}. Intermediaries are primarily a charge man. They are responsible for the supervision of Labour while at work. They are not, however, merely responsible for the worker once he has obtained work; the worker has generally to approach them to secure a job, and is nearly always dependent on them for the security of job as well as for a transfer to a better one. Generally, a jobber is responsible for appointment, promotion, grant of leave, dismissal, punishment, housing etc., of the migrant workers and may finance them when they are in a debt. A jobber commands confidence of both the employer


48
and the employee. Moreover, he is a trusted man of the employer and the worker regarded him as the protector of their rights. He forms an important link between the workers and the employers. The employers ascertain workers views on disputed matters through him. He conveys the views of the employers to the workers. However, there are some evils associated with the method of engaging workers through intermediaries.

The Royal Commission on Labour highlighted the evils associated with the method of engaging workers through intermediaries in the following words.

The temptation of the jobbers position are manifold, and it would be surprising if these men failed to take advantage of their opportunities. There are few factories where a worker’s security is not to some extent, in the hands of the jobber; in a number of factories the later has in practice the power to engage and to dismiss a worker. We are satisfied that it is a fairly general practice for the jobber to profit financially by the exercise of this power. The evil varies in intensity from industry to industry and from centre to centre. It is usual for a fee to be exacted as the price of engagement, or of re – employment after a period of absence. In many cases a smaller regular payment has also to be made out of each month’s wages. In other cases the workers have to supply the jobber with drink or other periodical offerings in kind. The jobber himself has at times to subsidise the head jobber; and it is said that even member of the supervising staff sometimes receive a share of the bribe\textsuperscript{12}.

In modern age the nomenclature of sardar, mistry, Mukaddam, tindal, choudhry, kangany, khatadars are changed as ‘contractors’ or agents. But still in some

\textsuperscript{12} Report of the Royal Commission on Labour, P.24 (1931), (Agricole Publishing Academy, New Delhi, 1983).
states in India they are known as khatadars. Migrant workers are usually brought from their place of residence by a contractor or an agent. The contractor / Agent is usually from their region and sometimes even related to some of them. The contractor is given the responsibility for supplying labour to the employer who does not deal directly with the workers, but only through the contractor. The contractor is also supposed to look after the needs of the workers. For this service of providing labour he receives commission. He also supplements his commission by taking a part of the funds meant for the workers.

2.5 Types of Migration

Migration has been a regular phenomenon in recent times involving people within a given geographical area or beyond the boundaries of a State or Nation. Migration is a process of mankind since time immemorial. The nomadic moved from one place to another in search of pastures for their cattle and a good living condition for themselves. Migratory movements are product of the social, cultural, economic, political and / or physical circumstances in which individuals and societies find themselves. Today, throughout the world, migration is contributing to economic and social development by enabling man to overcome the priming policy objective of regional science. The role played by migration in socio – economic development requires one to view it historically, since its form and role have changed somewhat overtime.

Indian history is full of migratory movements within the country as well as outside it. Migration of labour started in India during the period of British Colonial rule. It was aimed at meeting the requirements of capitalist’s development both in India and abroad. The labour was moved from the hinterland to the sites of mining,
plantation and factories. The different migratory movements are qualitatively different.

The study of migration in India may be dealt with in two parts. The first part is migration in Pre-Independence India and the second part is Post-Independence migration. Pre-Independence migration in India consisted of immigration of foreigners, emigration of natives to other countries and internal migration. Post-Independence migration is largely inter-state and inter-district ‘Rural-Urban’ type\textsuperscript{13}. Migration consists of two sub processes; ‘emigration’ and ‘immigration’ meaning moving out of the place of origin and entering into the place of destination respectively. Besides, it can be of two types internal and international. The former is more concerned with economic development and latter refers to crossing the international boundaries. The various types of migration is as follows:

### 2.5.1. International Migration

International migration is the movement of people from one country to another country. This migration is also known as ‘cross border migration’ or ‘external migration’. The terms ‘immigration’ and ‘emigration’ are related to international migration. ‘Immigration’ refers to migration into one country from another country and ‘emigration’ refers to migration out of the country.

### 2.5.2 Internal Migration

Internal migration refers to migration from one place to another place within a country. The terms ‘in-migration’ and ‘out-migration’ are related to internal migration. ‘In-migration’ refers to migration into a place from another place within

\textsuperscript{13} Tamilnadu changing Population Structure, Directorate of Statistics, Government of Tamilnadu, Madras, P.38 (1977)
the same country and ‘out-migration’ refers to migration out of a place to another place within the same country. Thus the term ‘out-migration’ is used with reference to the area of origin (departure) of the migrant and the term ‘in-migration’ is used with reference to the area of destination (arrival) of the migrant.

However, sometimes the terms ‘immigration’ and ‘in-migration’ are used as synonymous. So are terms ‘emigration’ and ‘out-migration’.

The ‘Internal migration’ streams in India may be classified on the basis of (i) the administrative boundaries; and (ii) The rural or urban nature of the place of origin and destination.

On the basis of the administrative boundaries crossed or not crossed the internal migration streams may be classified as;

(i) **Inter - State migration**- Migration from one state to another state within the country.

(ii) **Intra- State migration** - Migration from one place to another place within a state. It consists of two streams, viz,

(a) **Inter- District migration**- migration from one district to another district within a state.

(b) **Intra- District migration**- Migration from one place to another within the district in a state.

On the basis of the rural or urban nature of the place of origin and destination there are four important internal migration streams in India. They are;

(i) Rural – to – Rural migration

(ii) Rural – to – Urban migration

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Within these different streams rural – to – rural and rural – to urban migration have been predominant patterns of migration.

With respect to destination, direction and duration migration can be classified as:

(i) **Circulation Migration**: This refers to cases where the migrant does not stay at the place of destination for all of his or her lifetime. Migrant moves back to their place of origin after a long period and then moves to another place again. In other words, it is not a one-way movement.

(ii) **Return Migration**: The migrant, after some time in the place of destination returns to their place of origin to settle there again, and does not move to another place.

(iii) **Counter Stream Migration**: When people move in the opposite direction compared to other migrants is known as counter stream migration. In this case urban citizens move to the rural areas. This trend is very rare.

(iv) **Step Migration**: The migrant moves in different stages upwards in the urban hierarchy. The first movement may be towards a small town, the second towards a city and the last to a metropolitan city.

(v) **Chain Migration**: This type describes individual and family migration in longitudinal perspective. It refers to the movement in which prospective migrant learn of opportunities, and one provided with transportation and employment arranged by means of primary social relationship with previous migrants.
In terms of size of migrants, migration can be described as

(i) Individual Migration: Persons migrate individually and not in groups.

(ii) Group Migration: People move in groups and in this case, mostly migration takes place under the agencies of professional labour contractors.

In terms of desires of migrants, migration can be classified into:

(i) Voluntary Migration: People are free to leave their place of origin and choose their destination in accordance with their self-interest of survival. They are free to choose their occupations and their place of residence.

(ii) Involuntary Migration: Historians view most migration as involuntary, where people are compelled to migrate against their own self-interest and who are not allowed to change their occupation or the location in which they live.

2.6 Reasons for Migration of Workers

Movement of living beings in search of better environments is a natural phenomenon and man is no exception to it. Migrations have significantly influenced human history. Industrial revolution all over the country accelerated the process of urbanization. The push and pull factors of Economic, demographic, socio – cultural, psychological, political and institutional are responsible for the migration of the workers within the nation and across the nation. 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. Uneven economic development, inter-regional disparity and differences in living standards between socio-economic groups are some of the important reasons responsible for migration. In this connection, it is necessary in this study to give the various views expressed by the scholars in their study regarding the causes of migration in India.
Kingsley Davis is of the opinion that some conditions in India have favoured migration. According to him religious festivals, commercial fairs, dire famines, general wars and ruthless taxation in the past accelerated the movement of population. Certain other conditions during the British rule in India favored migration. These are developments of the means of transport and communication, educational facilities, decline of caste and family solidarity, growth of large scale industries, development of cities, expansion of irrigation and increase in security\textsuperscript{15}.

D.N. Majumdar gives the following causes of migration\textsuperscript{16}. Insufficiency of cultivable land, disputes in the family, presence of friends and relatives which could help in getting a job, reunion of hereditary occupation and loss in business, attraction of the city life, absence of employment opportunities in accordance with their education at their native places, desire for investment, official transfer, search for employment, political reasons and accompanying other orderly migrants.

Dhekney in his study of Hubli city finds following causes of migration for securing employment, better prospects, better employment or better business, city-ward migration on account of factors such as famines, inadequacy of land, loss of land and low income etc.\textsuperscript{17}

Ganguli also lays stress on wider economic, political and cultural reasons which causes migration\textsuperscript{18}.

\textsuperscript{16} Majumdar, D.N.,\textit{Social Contours of an Industrial City}, P.73 (Asia Publishing House, Bombay, 1960)
\textsuperscript{17} Dhekney,B.R., \textit{Hubli City: A Study in Urban Economic Life}, pp.44-52, (Karnataka University, Dharwar, 1959.)
The important factors which cause migration may be classified into five broad groups, viz.,

- Economic factors
- Demographic factors
- Socio – Cultural and psychological factors
- Political and institutional factors; and
- Miscellaneous factors

### 2.6.1 Economic Factors

The major reasons for migration are economic factors. Despite the relevance of non-economic factors most of the studies indicate that migration is primarily motivated by economic factors. In large number of developing countries, low agricultural income, agricultural unemployment and underemployment are considered basic factors pushing the migrants towards prosperous or dynamic areas with greater employment opportunities. Almost all studies confirm that most of the migrants have moved in search of better economic opportunities. The basic economic factors which motive migration may be further classified as ‘push factors’ and ‘pull factors’. Most of the literature on migration speaks of two main causes of migration, namely, those related to the “push factors” and those related to the “pull factors”. Many of the empirical studies on the subject conclude that migration is undertaken primarily for economic reasons.

The push factors are those that compel a person, due to different reasons to leave that place and go to some other place. For instance, non-availability of employment opportunities, low productivity, unemployment and underemployment, poor economic conditions, lack of opportunities for advancement and exhaustion of
natural resources may compel people to leave their native place in search of better economic opportunities. The non-availability of alternative sources of income (other than agricultural activities) in rural areas is also an important factor for migration. An International Labour Organization (ILO) study has come to the conclusion that the main push factor causing the worker to leave agriculture is the lower level of incomes. In almost all countries, incomes in agriculture are lower than in other sectors of the economy.19"

The pull factors refer to those factors which attract the migrants to an area, such as opportunities for better employment, higher wages, facilities, better working conditions and amenities etc., opportunities for better employment, higher wages, facilities and amenities of modern life etc., attract people to certain areas. Aurora is of the opinion that in all types of migration these two factors – “Push” and “pull” are present20. The facilities, amenities and glamour of city life which lure migrants are termed as ‘City lights’. “The main factor determining the rate of outward movement is the expansion of employment in other occupations21”. Another economic factor that facilitates migration is an elaborate and efficient network of transport and communication system. One of the pioneering studies conducted by the U.S. Department of Labour points out that “a significant portion of labour mobility can be explained in terms of lack of alternative employment opportunities”22

20 Aurora, G.S. The New Frontier Man; A Sociological Study of Indian Immigrants in United Kingdom, P.11 (Popular Prakashan, Bombay,1967.)
2.6.2 Demographic Factors

The difference is in the rates of population increase between the different areas of a country having been found to be a stimulant to internal migration. Fertility and rate of natural increase in population are generally higher in rural areas than in urban areas. The reduction in the mortality rate and the concomitant high rates of population growth drift the rural population towards the city. Some other demographic factors like ‘marriage migration’ also play a prominent part in the internal migration. According to the National Sample Survey more than 46 percent of the female migration to urban areas is caused by marriage23.

2.6.3 Socio – Cultural and Psychological Factors

Social and cultural factors also play an important role in migration. The quest for independence, the desire to break away from traditional constraints of social organization, conflicts among the family members, exclusion from the community circles for one reason or other or a feeling of being isolated etc., may cause migration especially of those in the younger generation. Improved communication facilities such as transportation, Rural – Urban interactions, urban oriented education, the change in the social values and attitudes are also likely to promote migration. Cultural and linguistic ties and kinship chains significantly influence migration. A number of studies have found that cultural and psychological factors have importance role in migration.

2.6.4 Political and Institutional factors

Sometimes even political factors encourage or discourage migration from one region to another. For instance, the adoption of the ‘jobs for the sons of the soil

23 National Sample Survey No.53, Tables With Notes on Internal Migration.
policy’ by the State Governments in India will certainly trim the migration from other states. Institutional factors such as government policy towards migration may encourage or discourage the movement.

2.6.5 Miscellaneous Factor

In addition, a number of other important factors, which affect migration such as geographical factors like distance, topographical features; whether and climate factors etc.

Thus the motivating factors in migration have a direct relationship with the nature and type of migration, which varies from region to region and place to place. Generally the multiplicities of factors determine one’s motives for migration except in case of forced migration.

The factors influencing migration are not only numerous but they are also very complex and vary from place to place and from time to time. However it can be assumed that the regional disparities in economic activity are the basic factor which initiate migration. Various authors have presented their views regarding the factors responsible for migration. Some have laid more emphasis on economic factors. Zachariah seems to be supporting this point of view24.

B.N.Pal is of the opinion that relatively better conditions of living and better prospects in the city motivate the villagers to migrate25.


Brinley Thomas considers economic factors predominate in migration which supersedes other factors\(^{26}\).

Thus, despite the relevance of non-economic factors most of the studies indicate that migration is primarily motivated by economic factors, especially in labour migration. In respect to the economic factors, employment is the main reason in all types and streams of internal migration in India and the employment oriented migration is a predominant one. In recent years, emergence of big metropolitan, commercial and industrial centers has started exercising a major pull on potentially migrant labour in the rural areas. There are two obvious reasons for this. One, these places are continuously centers of employment and two, the Industrial completion of these metropolitan areas is dislodging small scale and cottage industries in villages and generating pools of unemployed people in the rural areas who are constantly looking for gainful employment.\(^{27}\) In census 2001, the reasons for migration has been classified into seven broad group work / employment, business, education, marriage, moved with family and others and according to it, about 14 million people had migrated citing work / employment as a reason of migration. Employment oriented migration is obtained by combining the migrants that have given work/employment and business as their reason for migration. The importance of employment as the reason for the migration assumes greater significance.


\(^{27}\) Donald, J., Bogue “Internal Migration” in Hansar and Duncan (Eds.), *The Study of Population*, P.499 (The University of Chicago Press, Chicago, 1969.)
Table 2.1

Employment Oriented Migration in India (in %)

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Rural</th>
<th>Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>31.1</td>
<td>39.8</td>
<td>36</td>
</tr>
<tr>
<td>Female</td>
<td>1.9</td>
<td>1.7</td>
<td>3.3</td>
</tr>
<tr>
<td>Total</td>
<td>10.4</td>
<td>10.3</td>
<td>17.2</td>
</tr>
</tbody>
</table>

Source: Census 2001

It is clear from the above mentioned data in the table 2.1 that migrations towards urban areas are still more likely to be associated with employment oriented reasons. It is also seen that the percentage of employment oriented migration for male are quite high, whether it is rural-bound or urban-bound migration. It is interesting to observe that out of the total rural-bound male migration, 40 percent have moved for work related reasons.

Table 2.2

Percentage of Employment Related reasons for Migration vis-à-vis the Labour Force Participation (% of Migrants)

<table>
<thead>
<tr>
<th>Employment Oriented*</th>
<th>Labour Force Participant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Male</td>
<td>45.5</td>
</tr>
<tr>
<td>Female</td>
<td>2.2</td>
</tr>
<tr>
<td>Total</td>
<td>13.6</td>
</tr>
</tbody>
</table>

Source: NSSO, 55th Round

Employment Oriented*: (a) in search of employment (b) in search of better employment (c) to take up Employment / better employment (d) transfer of service / contract (e) proximity to place of work.
The above table 2.2 is obtained from the NSSO 55th Round on Migration. In this Table, ‘Employment Oriented Migrants’ are the migrants who had given reasons (a) to (e) for their move. Labour force participants are the migrants who are currently (during the NSSO data collection) employed or are seeking or available for work. The above table gives the percentage of migrants who have given employment related reasons for migration vis-a-vis the labour force participation by sex and rural urban status. It shows the percentage of migrant giving employment and related reasons for migration vis-a-vis the labour force participation of the migrants. It is clearly seen from the table that nearly 46 percent of male migrants have reported employment related reasons as their motive behind migration.

2.7 Labour Migration – International Scenario.

Human history since the very ancient days is replete with migration movement across national borders due to economic, social – cultural and political reasons. Many of the migration streams are free or voluntary. Voluntary migration between nations is caused by economic reasons. Labour migration from India to other countries, though popular even in medieval times, started in the modern period during colonial rule and has continued even today and receiving major attention on policy makers both at national and international levels.

The International Labour Organization (ILO) defines migrant workers as “people who are economically active in a country of which, they are not nationals but excluding asylum seekers and refugees”.

A migrant worker is defined in the ILO instruments as a person who migrates from one country to another (or who has migrated from one country to another) with a
view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment.

An assortment of conventions and protocols has defined migrant labour over the last few decades. Thus, it is very essential to understand the exact connotation of the expression ‘migrant labour’. According to the United Nations convention on the protection of the rights of all migrant workers and members of their families, a migrant worker is 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.28

The General Agreement on Trade in Services (GATS) does not consider the movement of service provider as labour migration. The distinction made in this international agreement is based on the fact that service providers do not compete for job in the labour market and do not hold a worker-employer relationship with the service importer in the receiving countries. Indeed, their relations are defined not by an employment contract but by a contract to deliver specific services.29

It is assumed that approximately 60 to 65 million migrant workers are working in a state other than their own30. The International Labour Organization’s (ILO) website states that of the 80 to 97 million migrant workers and their dependants in the world today about 15 percent are estimated to be in an irregular situation.31

28 Article 2(1) of the United Nation International Convention on the Protection of the Rights of All Migrants and Members of their Families, Approved by the General Assembly in 1990 has not yet been brought into force because only four Countries have so far ratified. Minimum of 20 States need to ratify it.
29 Section 2.4, Migration and Trade, GATS.
30 International organization for Migration (IOM) ‘series’ Migration and Labour, section 2.6, essentials of Migration Management Volume Two: Developing Migration Policy available at www.remus.org/documents/IOM-Emm/vz/vz506-cm.pdf visited on 20.03.2015
For a long time, the International Labour Organization (ILO) is considered the principal organization concerned with the welfare of migrant workers. The ILO has adopted specific instruments concerning migrant workers. The two legally binding instruments relating to migrant workers are:

1. Migration for Employment Convention (revised), 1949, (No.97) and

These Conventions on Migrant Workers (CMW) are buttressed by non-binding recommendations.32

These conventions are concerned not only with the protection of migrant workers while in the country of employment but also apply to the whole labour migration continuum from entry to return. Convention No. 97 covers the conditions governing the orderly recruitment of migrant workers and also enunciates the principle of their equal treatment with national workers in respect of working conditions, trade union membership and enjoyment of the benefits of collective bargaining, accommodation, social security, employment taxes and legal proceedings relating to matters outlined in the convention. The scope of convention No. 143 is broader. Article 1 of convention 143 imposes an obligation on states parties “to respect the basic human rights of all migrant workers”. The box 2.1 exhibit the International legal provisions applicable to migrant labour.33

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Box 2.1

International Legal Provisions Applicable to Migrant Labour

- The International Convention on The Protection of The Rights of All Migrant Workers And Members of Their Families, 1990.
- The Migration for Employment Convention (Revised), 1949
- The Recommendation Concerning Migrant Workers, 1975.
- Migrant Workers (Supplementary Provisions) Convention, 1975.
- The Universal Declaration of Human Rights, 1948.

India has ratified many International Labour Organization conventions, but is neither a signatory or ratified the conventions on migrant workers (CMW).

The Geneva based International Organization for Migration (IOM) was established in 1951. This International Organization is the leading inter – governmental organization in the field of migration and works closely with governmental, inter-governmental and non-governmental partners. It has 127 member’s states and 92 observers. India has been an observer in this organization since 1991.34 International Organisation for Migration works in the four broad areas of migration management.

34 IOM available at: http://www.iom.int/Jahia/about-iom/lang/en assessed on 24.06.2010
- Migration and development
- Facilitating migration
- Regulating migration
- Forced migration

The IOM constitution recognises the link between migration and economic, social and cultural development as well as to the right of freedom of movement. IOM activities that cut across these areas include the promotion of international migration law, policy debate and guidance, protection of migrant’s rights etc. India’s membership in the international organization for migration will help the countries in “improving conditions for Indian workers abroad.”

International migrants are also not free from problems. They face two specific kinds of problems. The first is pertaining to the legal process of migration and the second related to their living and working conditions.

2.8 Inter – State Migration of Workers

The present study is primarily concerned with inter – state migration of workers in India and therefore it is essential to focus on it. Human Resources are very important. Labour is the single most important factor in determining national income of a country. Since the dawn of human civilization migration of worker has been motivated primarily by economic considerations. India has a long history of migration though internal migration was less in earlier periods. There is growing evidence in India to suggest that the country is moving fast in overall development. However, the failures and inequalities in our present system forced these workers to leave their native places and move too far off places. Although Indian economy is predominantly agricultural, the proportion of workforce engaged in agricultural activities has fallen
significantly. This reduction is perhaps, a sign of enhanced employment opportunities in other sectors. The failure of agriculture and rural economy, economic status of rural population and impact of development, advent of industrial development, and socio-economic discrimination are the principal factors governing their decision to migrate. India owing to its scope and scale witnesses all kinds of migration. In the streams of internal migration, the study of inter – state migration of workers assumes special importance in the process of development of the country.

Accelerated movement of workers mainly from the rural and economically backward areas in search of employment has been one of the most important features of labour market scenario in India during the post-independence period. Major development works and projects launched after the independence attracted all type of migrant workers from all parts of the country especially from the less developed regions or states.

The uneven development between the states has resulted in the large scale labour migration from one state to another. This type of migration causes movement of working force. Labourers whose income is not enough that they can have a respected life, they are opting for some other options. They are migrating towards places, cities to work in factories and construction project etc. Inter – State migration of labour has become a pioneer component of economic development in modern age especially in the context of industrialization. It helps to provide required labour to the states where there is labour shortage and employment opportunities are comparatively bright. It is now recognized that inter – state migration is a part of the normal livelihood strategy of the labour and has become an essential feature of modern society.

The practice of engaging migrant workers through contractors is old in India and still a wide spread practice in both organized and unorganized sectors.
The employment system of inter – state migrant labour is an exploitative system prevalent more or less in all the states of India. This system was rampanty institutionalized in Orissa and in some other states. In Odisha (earlier Orissa) Dadan labour is recruited from various parts of the state through contractor or agents called sardar / khatadars for work outside the state in large construction projects. Though the sardars at the time of recruitment promise that wages calculated on piece-rate basis would be settled every month, the promise is not usually kept.

Once the worker comes under the clutches of the contractor, he takes him to a far-off place on payment of railway fair only. The contractor makes the worker to work for unlimited period, without period of rest, under extremely bad working conditions on meger sum of wages. The provisions of the various labour laws are not being observed in their case and they are subjected to various malpractices. The system of employment of Dadan labour and the problems of the Dadan labour attracted the policy makers. The labour minister’s conference in its 28th session held at New Delhi on 26th October, 1976 decided to appoint a compact committee to go into the whole question and to suggest measures for eliminating the malpractices and abuses prevalent in this system.35 The committee conducted inspections in some states and examined the system. The committee observed that the characteristics of Dadan Labour system are that it resembles in some cases of the bonded labour system36.

Dadan labour is a form of contract labour and labourers are recruited from various parts of the state of Orissa for work mainly in large civil works / project

35 Government of India, Ministry of Labour, “Compact Committee Report,” P.1,1978,
36 Id. at P.2
Act. These sardars have their agents called Khatadars who are incharge of recruitment of each group of such workers, their placement in the projects, and some advance payment at the time of recruitment. The worker, thereafter sent to the place of work in a project at a far-off place by meeting the railway fare; the worker is generally not paid any wages in cash during the period of contract which usually extends to six months; sometimes the Khatadars arrange to remit some money to the house of the workers by money – order and that, too, only after half the period of contract is over; the Sardars engage mates who control the Dadan labour at the work site; the workers are thus at the mercy of Khatadar and Mates who provide them food and petty advances for bidi, etc., during the period of stay. Generally on the expiry of the contract period, the accounts are settled and the Dadan worker is repatriated at the cost of the contractor / agent; some time the Dadan labour have been arbitrarily shifted from one place to another without there being any specific provision in the agreement; sometimes the Dadan workers are not released from the work site on the expiry of the contract period. The committee rightly outlined the chain of relationship between the principal employer and the Dadan labour which is as follows:

Project Authority – Principal Employer

| Contractor
| Dadan Sardar or Agent
| Khatadar / Mates or Sardar
| Dadan Labour

In view of the circumstances explained above, the Compact Committee recommended for the enactment of a separate central legislation to regulate the employment of inter-state migrant workmen as it was felt that the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, even after necessary amendments would not adequately take care of the variety of malpractices indulged in by the contractors/ Sardars / Khatadars, etc., and the facilities required to be provided to these workmen in view of the peculiar circumstances in which they have to work. The recommendations of the compact committee have been examined in consultation with the State Governments and the ministries of the Government of India and the suggestions made by them have been taken into account in formulating the proposals for the legislation, The Inter – State Migrant Workmen (Regulation and Conditions of Service) Act, 1979.

2.9 Inter-State Migrants in Various Sectors

The Organised and unorganized sector are classified in to separate sectors, but there is no clear divide between them since often they are inter-dependent and provide services for each other. In India, there are several types of Industries in the Organised and unorganized sector. The Indian Economy is characterised by the existence of a vast majority of unorganized labour Employment. The unorganized sector has been the most ignored sector in India, but it holds inevitably a very important place in Indian Economy. The unorganised sector comprises of various categories of industries, services like fish processing industry, Sugar Industry, Brick-Kiln Industry, Agro-Industry, Agriculture, Construction and Domestic services etc.,

\[40\] Statement of objects and reasons of the Inter – State Migrant Workmen (Regulation and Conditions of Service) Act, 1979.
Over 90% of Labour force works in these sectors. The vast majority of workers in the unorganised sectors are migrant workers.

The aim of this part of this study is to focus the leading sectors such as Industries and Services employing migrant workers.

2.9.1 Agriculture Sector

Agriculture has been the base of Indian Economy. The Agriculture sector constitutes the largest segment of workers in the unorganized sector. Agricultural Labourers constitute the vital input in the Agricultural production. Agricultural labourers are migrating to different parts of the country for earning their livelihood. The increasing inflow of migrant labour in the agricultural sector has attracted the attention of social scientists in recent years.

Inadequacy of employment opportunities, poor security of tenure, low incomes and inadequate diversification of economic activities are the main problems for the workers in this sector. Agricultural labour gets employment for less than six months in a year, and they are often forced to migrate to other avenues of employment like construction and similar occupations.

2.9.2 Brick-Kiln Industry

Brick is one of the most important building materials in India. Bricks are still the preferred house construction material in most countries around the world. Brick making is still a traditional industry employing migrant workers and it is generally confined to rural and Peri-Urban areas. Almost all the brick-making units in India are in the unorganized sector employing traditional technology. Brick Kiln employs a large number of workers. Workers employed in brick kilns are mostly the migrant
labour brought from other areas either within or outside the state. The main reasons of migration are poverty, Indebtness, irregular availability of work, irregular wages and fewer wages.

2.9.3 Service Sector-Domestic Services

In India, the institution of domestic service is not of recent origin but with the advent of modern development process, there has been an increase in service sector employment and the maximum increase has been in domestic service. Domestic service as a category of employment has shown dramatic changes over the years emerging as one of the prominent sectors of employment. The term domestic service is difficult to define as the duties of the domestic workers are not so well defined. In common parlance, the term is defined as a person who is engaged on part time or full time basis in domestic service in return for remuneration payable in cash or kind for a fixed period. The terms of employment may be expressed or Implied.\(^\text{41}\)

Domestic service is becoming a major and growing informal sector activity in the urban areas, especially in big cities. Industrialisation and Urbanisation encourages the market for domestic workers. The Domestic workers are found in the Urban areas as well as Rural areas. Migration and domestic service are closely related. Migration for domestic work with a deep historical root has been reinvented in the past two decades. It is well known that many persons who are employed in domestic service are people who have migrated to the urban areas in search of employment. In fact, many studies have shown domestic work as an all-migrant occupation.\(^\text{42}\) The tasks

\(^{41}\) Neetha,N. “Closely Woven: Domestic Work and Internal Migration of Women in India” in Irudaya Rajan (Ed), Migration, Identity and Conflict, India Migration Report 2011, P.221 (Routledge, New Delhi, 2011)

\(^{42}\) Id. at. P.225
allocated to domestic workers normally associated with the regular and smooth functioning of a household.

The recent development in domestic service is emergence of ‘placement agencies’. There has been a visible growth in the number of agencies supplying domestic workers especially in metropolitan cities. The placement agencies play an important role of an intermediary (like contractor in Inter-State Migration) between the worker and the employer.

The decision to migrate is mostly associated in the context of the household as for many it is part of the family survival strategies, poverty, lack of food and scarce job opportunities at the place of origin are most important reason for migration.

2.9.4 Construction Sector

Construction workers constitute one of the largest categories of workers in the unorganized sector. Construction Industry is the single largest employer of migrant labourers. Construction Industry is creating new jobs and attracting several semi-skilled and unskilled workers to migrate from their native State where they find difficulties in getting works. The detailed discussion of migrant Construction Workers, the Legal safe guards available to them are presented in the next Chapter (III) of the present study.

2.10 Sources of Data on Migration

Census and National Sample Surveys (NSS) are two main sources of data on internal migration in India. Since independence, both census and national sample surveys collect data on the movement of individuals to examine the volume and structure of such mobility as it has macro implications on urbanization, urban growth and employment, economic growth for medium and million – plus cities. In the early
1950s, a study of internal migration in India was conducted by the national sample survey. Since the beginning of the 20\textsuperscript{th} century, data on migration on place of birth has been collected by Indian census. However, since 1971 migration data were also collected on the basis of place of last residence and duration of migration. The census of 1981 elicited, for the first time in the history of the Indian census, reasons for migration. There is a difference in defining migrants between census and National sample survey.

The census provides data on migrants based on the place of birth and place of last residence. In the census, if the place of birth or place of last residence is different from the place of enumeration, a person is defined as ‘migrant’. Several researchers work on internal migration using the data provided by the Indian census.

National Sample Survey Organization (NSSO) which is part of the ministry of Statistics and Programme Implementation of the Government of India adopted the ‘usual place of residence’, to define migrants. A ‘usual place of residence’ is defined as a place where the person has stayed continuously for a period of six months or more. According to NSS, a migrant is defined if he or she had stayed continuously for at least six months or more in a place other than the place where he or she was enumerated. NSS being a sample survey, the data has obvious limitations and is not helpful in knowing the district level pattern in the internal migration within each state. NSS has its own history of migration data collected through its various rounds. According to the available information, NSSO initiated collection of migration data since 9\textsuperscript{th} round (May – August 1955). However, very few researchers use the NSS data to assess migration trends in India. The Labour force data from NSSO is available once after 5 years. The limitation of the data is that the data does not capture
informal sector workers. Annual statistics relating to workforce by age and sex, level of literacy, state wise and sector wise migration is not available with NSSO. Apart from these two sources, more number of micro studies is conducted by the researchers to study the internal migration in India.

As already pointed out that employment emerges as the main reason for inter – state migration of labour. But it is obvious to note that most of the states in India do not have any data on inter – state migrant workers employed in various sectors due to the absence of an exclusive organization for collecting data on employment oriented inter – state migrant workers.