Chapter – VII

Conclusion and Suggestions
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CONCLUSION AND SUGGESTIONS

Every human being aspires for a decent life and better living. These requirements and wishes are human nature and inevitable in a civilized modern society. These things are required not only for themselves but also for their generation. The expectation of decent life and better living can’t be achieved without having enough purchasing power. This purchasing power is possible only through gainful employment. Where the opportunities of gainful employment, at least for minimum livelihood are not brought at the place of their origin, the workers migrated where employment opportunities are comparatively bright. Taking advantage of their struggle for likelihood, the intermediaries, in various names, for their economic gain, usually on certain promises, send or bring the ‘Livelihood Seekers’ as workers to the regions or states where better employment or better wages are available. Sometimes the Livelihood Seekers migrate on their own without any intermediaries. However, migration of workers for employment to another State are almost always as a rule engaged through contractors.

The Constitution of India guarantees all citizens the right to reside and settle anywhere in India. This freedom of movement is considered ideal for the development of any free and liberal Economy. However such movements themselves create stresses and strains in the economic System.

Inter-State migration of workers being the movement of human beings takes place for certain cherished objectives such as better employment, better wages, better working and living conditions and better livelihood. There is nothing wrong or

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1 Article 19(1)(d)
objectionable due to freedom of movement. Right will become objectionable or an issue only when it leads to exploitation culminating in human suffering and deprivation of the barest minimum to which every worker as a human being is entitled. The tragic fact is that no sooner they reach at the worksite, then all the hopes disappear and promises made to them undermined. Moreover, they are subjected to a chain of merciless exploitation in the hands of contractors. They are made to work pretty long hours not being provided with any entitlements and benefits. Illiterates and ignorant of any other language except their mother tongue and other social disabilities they fail to put forth their legitimate grievances before the authorities of the host state and therefore, the latter in all possible manner fail to come to the former’s rescue.

Taking into account the peculiar problems and hardships faced by the migrant workers, a specific law dealing with their issues namely Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was enacted with the fundamental objective of improving the conditions of migrant workers.

In recent years the issues relating to Inter-State migrant workers have gained much attention Nationwide. The plight and problems of migrant workers in Tamilnadu have caught the attention of the researchers particularly in Socio-Economic field. Social activists have raised their concern about the exploitation and miserable plight of the migrant workers working in construction Industry. Despite deep concern over the issue of migrant workers, no reliable data are available with regard to magnitude and size of the migrant workers in the State of Tamilnadu. So far, no Socio-Legal study highlighting the problems of migrant workers in legal aspect particularly with respect to construction Industry in Tamilnadu has been conducted. Therefore the present Socio-Legal study was carried out in Chennai, the
Capital city of Tamilnadu with special reference to construction Industry to address
the Socio-Economic conditions of Migrant Workers and examine the effectiveness of
migrant law and various labour laws, identify the relevant legal issues, analyse the
contemporary status of Inter-State Migrant workers and to suggest legal remedial
measures to combat the problems faced by Inter-State migrant workers.

The study was carried out to profile the interstate migrant workers employed
in the construction Industry in order to ascertain the benefits, entitlements provided
under various legal frame works and suggest legal remedial measures for better
application of existing laws on ground. It was also aimed to study the impact of
relevant legal provisions meant to safeguard the rights of Inter-State migrant workers.

In this study, the researcher has extensively reviewed the studies related to
Inter-State migrant workers based on which the objectives and hypotheses were
formulated. The present study was carried out among the Inter-State migrant workers
employed in Construction Industry in Chennai and its Metropolitan areas in
Tamilnadu. A total of 600 samples from Inter-State migrant workers working in
construction industries and 50 samples (29 Principal Employers and 21 Contractors)
of principal employers and contractors who are employing migrant workers in
construction industries were collected across north, south, east and west zones of
Chennai and its metropolitan area. The researcher individually approached the
respondents in their respective places during their leisure hours. They were also
briefed about the purpose of the study. The collected questionnaire along with the
personal data were subjected to appropriate statistical analysis namely, Bi-variate
cross tables, Chi-Square Test, Correlatives’t’ test and Anova. The data presented in
the table are demonstrated in various charts namely Pie chart, Bar diagram, Area
Chart etc.
In the previous two chapters (Chapter V and Chapter VI) of the present study, the data has presented and analysed in tabular forms, figures and the results are interpreted with the help of above statistical techniques. This chapter provides an overall summary of findings and general conclusion of the entire study with legal remedial measures.

7.1 **Summary of findings**

The present study summarises the findings under the following headings.

7.2 **Socio-Economic Profile of Migrant Workers**

1. **More Migrants from Jharkhand State:** Majority of the migrant workers are from the states of Jharkhand (26.3%), West Bengal (23%), Odhisha (15.5%), Andhra Pradesh (12.5%), Bihar (6.7%), Assam (6%) and other State (10%) (Table 5.2 and Figure 5.2).

2. **Maximum Preference to Large Size Industries:** More than half of the migrant workers (58.2%) are working in ‘Large Size’ (above 500 workers) construction Industries, while 26.7% in ‘Medium Size’ (100 to 500 workers) construction Industries and 15.2 percent preferred to work in ‘Small Size’ (below 100 workers) construction Industries. In all the size of Industries, majority of the Migrant Workers were from the state of Jharkhand (26.3%), the second State is West Bengal (23%) followed by Odisha (15.5%) and Andhra Pradesh (12.5%). It can be concluded that majority of the Inter-State migrants in Construction Industries preferred to work in ‘Large size’ Industries. (Table 5.3).
3. **Males Migrating more:** A majority of Migrant Workers (93.2%) interviewed are male and the remaining 6.8 percent are female. It indicates that males are migrating more for employment than females. (Table 5.4 and Figure 5.3).

4. **Married are Migrating more:** A majority of migrant workers (55%) interviewed are married and the remaining 45 percent are unmarried. It can be concluded that married workers migrate more in search of better employment. (Table 5.5 and Figure 5.4).

5. **Potential Age Group:** About 65 percent of the total migrant workers are aged between 18-27 years. It reveals that workers between 18 – 27 years are one of the most potential age group of work force that has travelled out of their home states for working in the construction Industries in Chennai. (Table 5.6 and Figure 5.5). Among this age groups (18 – 27) it can be noted that across the State a near equal distribution of migrant workers except in Assam where 91.7 percent of the total migrant workers belonged to this age category. (Table 5.7)

6. **Illiterates are Less:** About one fourth (25%) of the total workers are not educated, about 37.5 percent of the workers are educated up to secondary level of education’ that is up to 10th Standard and 28.3 percent of the workers are educated up to primary level of education (Table 5.8 and Figure 5.6). A majority of migrant workers (38.7%) who belonged to ‘uneducated’ category are from Andhra Pradesh. (Table 5.9).

7. **Durations of Stay Ranges from Less than 3 Months to more than 12 Months:** Duration of stay of migrant in Chennai, about 39.2 percent of migrants stayed in Chennai for less than three months during the current visit at the time to the study. About 20% of migrants stayed in Chennai beyond 12
months. Among the migrants who stayed beyond twelve months continuously in Chennai, majority of the workers (26.3%) are from Jharkhand. (Table 5.10).

8. **More Number of Migrants are either First or Second time Visitors:** About 28 percent of the migrants are first time visitors to Chennai. A similar portion i.e., 28.3 percent of them had visited Chennai once, while around 24.2 percent visited twice earlier to their present visit. Around 19.5 percent of them had visited Chennai more than twice. (Table 5.11).

9. **Migrant Workers Often Migrate:** Majority of the workers (61.7%) had migrated to one other State earlier for work. Around 27.5 percent of them had never migrated to other States earlier. It shows the frequency of their migration. It also shows that majority of the migrant workers often migrate to different state for employment. (Table 5.12).

10. **Agricultural Labourers are Migrating in Large Numbers:** The study reveals that agricultural labourers are migrating in large numbers to Chennai for employment in construction industries. About 64.7 percent of them were agricultural labourers in their Home States. Further, in all the states more than 50 percent of the migrants were agricultural labourers. Only about 14.5 percent of the migrants were employed in the Construction Industries in their Home-State, About 14.8 percent of migrants were not employed in any occupation in their Home-State. (Table 5.13)

7.3 **Migration Process and Reasons**

The study reveals that three major Socio-Economical factors are the main reasons for the migration of the workers.
1. The following are the ‘push factors’ listed by them which induced the workers to leave their home-state to Chennai.

**Poverty:** Majority of the migrant workers (56.8%) cited that poverty in their home-state was the main reason that brought them to Chennai. (Table 5.14)

**Low Wages:** Next to the poverty, 23.2 percent of the Migrant Workers attributed that low wages is one of the factors for their decision to migrate to Chennai. (Table 5.14).

**Lake of Employment:** The remaining 19.2 percent of migrant workers responded that lack of employment in their home-state attributed their decision to migrate to Chennai. (Table 5.14).

2. The following are the ‘pull factors’ listed by the migrant workers which attracted them towards Chennai for employment.

**Better Wages:** About 55.8 percent of the migrant workers responded that better wages in Chennai as the reason for their migration. (Table 5.15)

**Better Working Conditions:** Better working conditions are cited as a factor which motivated 23.8 percent of the migrant workers to migrate to Chennai. (Table 5.15)

**Higher Demand for Job:** 19.8 percent of the migrant workers cited high demand for job in Chennai motivating them to migrate to Chennai. (Table 5.15)

3. **Migration Influenced by Contractors / Agents:** 69 percent of the Migrant Workers cited that their decision to move to Chennai was made by
Contractors / Agents. Next major influencing factor in their decision to move was “Persuasion of friends / relatives”. 25.3 percent of the migrant workers responded for it. Only 5.7 percent of workers decided to move to Chennai by their own will. (Table 5.16)

4. **Contractors / Agents play Key Role:** The study reveals that Contractors / Agents played a key role in getting the present work for majority of the migrants (66.3%). About 29 percent of them cited friends and relatives as source of help through which they got their present work. (Table 5.17)

5. **More Migrants Engaged in ‘Skilled Work’:** More than half of the migrant workers (57.7%) are engaged in skilled work while the remaining are unskilled workers. It can also be noted that more than half of the migrant workers engaged in unskilled work are from the state of Bihar followed by Andhra Pradesh. (Table 5.18)

6. **‘Bar-Bender’ – Majority among Skilled Workers:** The Study reveals that among the skilled workers majority of them are Bar-Benders (19.2%) followed by Masons (18%), Carpenters (9.5%), Supervisors (5.2%) and others. (Table 5.19)

7. **‘ Helpers’ – Majority among Unskilled Workers:** It can also be noted that ‘Helpers’ form the majority among Unskilled Workers (42.2%) followed by others. (Table 5.19)

8. **Satisfied with the Present Work:** Majority of the Migrant Workers (93.2%) expressed that they are satisfied with their present work in
Chennai. While only 6.8 percent of them are not satisfied with their present work. (Table 5.20)

9. **Satisfaction with the Present Work for Adequate Income:** The majority of the migrant workers cited that enough income (59.7%) and security of working condition (29.4%) as the single most reason for satisfaction with the present work. (Table 5.21)

10. **Insufficient Income Reason for Dissatisfaction:** Among the dissatisfied Migrant Workers in the present work nearly 90.2 percent cited poor and insufficient income for their dissatisfaction while 9.8 percent cited hard nature of work for their dissatisfaction. (Table 5.22)

### 7.4 Registration and Licensing

1. **No Contract of Employment:** About 88.2 percent of the migrant workers said their employments are not governed by any formal contract of employment / services, but in contradiction to it all the principal employers (100%) and Contractors (100%) responded that migrant workers are governed by contract of employment / services. But the field survey conducted by the researcher revealed that the responses of the migrant workers are correct. (Table 6.1 and Figure 6.1)

2. **Contract with Contractors:** Migrant workers who have contract of employment / services admitted (79%) that they have contracted of employment with their contractor. Only about 21 percent of them have contract of employment with their principal employers. (Table 6.2 and Figure 6.2)
3. **Nature of Contract - Oral:** About 64 percent of migrant workers who had a contract of employment, revealed they have only oral contract for their employment with the contractors and the remaining 36 percent of them said they have written contract. All the principal employers and the contractors (100%) responded that the migrant workers have written contract. (Table 6.3 and Figure 6.3)

4. **Recruitment on Oral Understanding:** The study finds that all the contractors interviewed have recruited the migrant workers for employment under an oral understanding / agreement. (Table 6.4). The responses of the Contractor in Table 6.4 contradict the findings in Table 6.3. Therefore it can be concluded that majority of migrant workers are given only on oral agreement and no written agreement. Hence the findings – Responses of the migrant Workers in Table 6.3 is confirmed.

5. **Large number of Establishment Registered:** Majority of the principal employers (62%) has registered their establishment under the law and about 38 percent of them have not registered their establishment. (Table 6.5 and Figure 6.4).

6. **Lack of Interest in Registration:** The Principal Employers who have not registered their establishment under the law, majority of them (54.5%) responded that they are not interested in registration and the remaining 45.5 percent of them are not aware of registration. (Table 6.6 and Figure 6.5)

7. **No Revocation of Registration:** The principal employers (100%) cited that the registration of their establishment has never been revoked for any reason specified under the migrant law. (Table 6.7)
8. **No Knowledge about Recruitment of Migrants by the Principal Employer:** The study finds that about 57 percent of the Principal employers had no knowledge about the recruitment of migrant workers by the Contractors. Only 43 percent of them have knowledge about it. It shows that majority of the Principal Employer are not aware of the recruitment process of migrant workers. (Table 6.8 and Figure 6.6)

9. **Large Number of Licensed Contractors:** Majority of the contractors (52%) have obtained license for the recruitment of migrant workers. Only 48 percent of them have not obtained license. (Table 6.9 and Figure 6.7).

10. **Reason for not Obtaining License:** Among the Contractors who have not obtained license, 70 percent of them are not making application for obtaining license to avoid complications and the remaining 30 percent of them not interested in obtaining license. (Table 6.10 and Figure 6.8).

11. **No Suspension or Revocation of License:** The license of all the contractors / agent under the study has never been suspended or revoked for any reasons specified under the migrant law. (Table 6.11).

12. **Awareness of the Conditions of the License:** Among the contractors who have obtained license, about 54.5 percent of them are aware of the conditions contained in the license. Remaining 45 percent of them are not aware of the conditions contained in the license even though they have obtained license. (Table 6.12 and Figure 6.9)
13. **No Security:** No security has been furnished by the licensed Contractors as required by migrant law for special reasons for the due performance of the conditions of the license. (Table 6.13)

14. **Failed to Display License:** The Contractors who are obtained license, does not display the licenses at the working premises as mandated by law. (Table 6.14).

15. **Migratory in Character:** All the principal employers and contractors interviewed under the study cited that the migrant workers will not remain the same place of employment till the completion of work. (Table 6.15)

7.5 **Awareness about Laws Concerning Migrant Workers**

1. **Unaware of Migrant Law:** About 87 percent of the migrant workers are not aware of the Inter-State Migrant Workmen Act. Only 13 percent of them are aware of the law. Majority of the Principal Employers (62%) and Contractors (52%) are aware of the migrant law. (Table 6.16 and Figure 6.10).

2. **Awareness through Contractors:** The migrant workers who are aware of migrant law. About 91 percent of them got awareness by the contractors / Agents. Very less number of them (9%) knew the law on their own. (Table 6.17 and Figure 6.11).

3. **Unaware of Rights:** Majority of the migrant workers (87%) are not aware of their rights under the migrant law. Majority of the migrant workers responded for their ignorance about the migrant law. Therefore, naturally they were ignorant about their rights under the migrant law. Only 13 percent of them are aware of their rights. (Table 6.18 and Figure 6.12)
4. **Awareness of Rights through Contractors:** Migrant workers who are aware of their rights under the migrant law, 79.5 percent of them got awareness about their rights through the contractors / Agents. 11.5 percent of them got information on their own, insignificant number of them (5.1%) knew their rights by the principal employers and 3.8 percent of them got awareness of their rights by co-workers. (Table 6.19 and Figure 6.13)

5. **Awareness by themselves:** All the Principal Employers who are aware of migrant law got awareness themselves by registering their establishments (Table 6.20). Contractors who are aware of migrant law, 55 percent of them got awareness themselves by obtaining license, 45 percent of them got awareness through fellow contractor / Agent. (Table 6.21 and Figure 6.14).

6. **Aware of Obligations / Duties:** About 62 percent of the principal employers who are aware of the migrant law also know their obligations / duties under the migrant law. Likewise, about 52 percent of the contractors / Agent who are aware of the migrant law also know their obligations / duties under the Migration Law. Remaining 38 percent of principal employers and 48 percent of contractors are not aware of their obligations / duties. It can be found that the principal employers and contractors who know the migrant law also know their obligations and duties under the law. (Table 6.22 and Figure 6.15).

7. **Aware of their Obligation by themselves:** Principal Employers who know their obligations / duties got knowledge about them by themselves (Table 6.23). Likewise, the contractors who know their obligations / duties, 55 percent of them got knowledge by themselves and 45 percent of them got knowledge by the principal employers. (Table 6.24 and Figure 6.16).
8. **Unaware of Various Labour Laws Concerning Migrant Workers:** Seven various Labour Laws such as Employees Compensation Act, Industrial Disputes Act, Payment of Wages Act, Employees State Insurance Act, Employees Provident Fund Act, Maternity Benefit Act, Equal Remuneration Act are listed in the field to assess the awareness of the targeted groups. More than 90 percent of migrant workers are not aware of the seven labour Laws which are relevant to them. Among the principal employers more than 65 percent of them are not aware of Employees Compensation Act, Industrial Disputes Act and Payment of Wages Act. More than 60 percent of the principal employers are aware of Employees State Insurance Act, Employees Provident Fund Act and Maternity Benefit Act. Among the Contractors, more than 65 percent of the contractors / agents are not aware of such labour laws. None of the principal employers and contractors are aware of the Equal Remuneration Act. (Table 6.25 and Figures 6.17, 6.18 and 6.19).

9. **Highest Awareness on Payment of Wages Act:** About 8 percent of migrant workers or the highest proportion of responses are aware of the Payment of Wages Act, 1936. All the other Acts are known by lesser number of migrant workers. (Table 6.26).

10. **No Significance Change in Awareness Level:** Majority of the Migrant Workers are not aware of the Inter-State Migrant Law. Even the different demographic variables tested on the samples does not have any significant change in the awareness level. (Table 6.27)
11. Not aware of BOCW Act: All the respondents (Migrant Workers, Principal Employers and Contractors) are not aware of the BOCW Act, 1996 and BOCW Welfare Cess Act, 1996. (Table 6.28)

12. Unaware of Unorganized Workers Social Security Act: Majority of the migrant workers (79%), principal employers (65.5%) and contractors (66.7%) are not aware of the Unorganized Workers Social Security Act, 2006. Remaining migrant workers (21%), principal employers (34.5%) and contractors (33.3%) are aware of this law. (Table 6.29 and Figure 6.20)

7.6 Rights and Entitlements

1. No Pass Book: Pass book has not been issued to the migrant workers (100%) as mandated by law. The same has been supported by all the principal employers and contractors who are interviewed in the study. (Table 6.30 and Figure 6.21)

2. Not Aware of Hours of Work, Wage Rates and Conditions of Service: About 80 percent of migrant workers are not aware of hours of work, prevailing rates of wages. None of the migrant workers are aware of their conditions of service. Majority of the migrant workers (85.2%) are aware of holidays. However, contrast to this all the principal employers and contractors interviewed are aware of the wage rates, holidays, hours of work and conditions of service of the migrant workers. (Table 6.31 and Figures 6.22, 6.23 and 6.24).

3. Cash in Hand / Deposit in Bank: Wages are paid in cash in hand. It is supported by majority of the migrant workers (98.3%) and principal employers (86.2%). Contractors (66.7%) said that payments of wages are
made by deposit in bank. Less number of migrant workers (1%) and principal employers (13.8%) admitted the same. Only 33.3 percent of contractors have responded for cash in hand. (Table 6.32 and Figures 6.25, 6.26 and 6.27).

4. **Different Types of Wage Period**: Wages are paid on weekly basis monthly basis and daily basis. Majority of the migrant workers (45.2%) and all the principal employers interviewed expressed that wages are paid on weekly basis. 33.3 percent of contractors responded that wages are paid on weekly basis. Next to weekly payment, 38.5 percent of migrant workers responded that wages are paid in monthly basis. Less number of migrant workers (15.2%) and large number of contractors (66.7%) responded that wages are paid on daily basis. (Table 6.33 and Figure 6.28)

5. **Mixed Responses on Deductions from Wages**: Deductions are made in the payment of wages to migrant workers as mentioned by majority of the principal employers (58.6%) and contractors (66.7%). In contrast to this, majority of the migrant workers (89.3%) denied such deductions and only 10.7 percent of the migrant workers said that deductions are made. (Table 6.34 and Figure 6.29)

6. **Deductions for Advances and Fine**: The principal employers (58.6%) and contractors (66.7%) who made deductions responded that deductions are made for advances. 28 percent of the migrant workers also said that deductions are made for advances. Majority of the migrant workers (72%) responded that deductions are made for fine. (Table 6.35 and Figure 6.30)

7. **Agents distribute Wages instead of Contractors**: About 68 percentage of migrant workers stated that agent of the contractor’s distribute the wages. 30
percent of the migrant workers responded that contractors distributed wages to
them. Majority of the principal employers (86.2%) and all the contractors
interviewed expressed that wages are distributed by the contractors. (Table
6.36 and Figure 6.31)

8. No Payment is made in the Presence of the Representative of the Principal
Employer as Mandated by Law: Majority of the principal employers
(86.2%) and the migrant workers (81.5%) responded that payments of wages
to the migrant workers are not made in the presence of the representative of
the principal employer as mandated by migrant law. All the contractors
interviewed and 18.5 percent of the migrant workers agreed that the payments
are made in the presence of the representative of the principal employer.(Table
6.37 and Figure 6.32)

9. No Delay in Payment of Wages: About 96.5 percentage of migrant workers,
all the employers and contractors interviewed have responded that there is no
delay in payment of wages. (Table 6.38 and Figure 6.33)

10. No Equal Pay for Equal Work: Equal pay for Equal work has not been paid
as per the responses of the majority of the migrant workers (88.2%). In
contrast to this, all the principal employers and contractors said that they are
paying equal pay for equal work. Only 11.8 percent of the migrant workers
supported for the responses of the principal employers and contractors.(Table
6.39 and Figure 6.34)

11. No Paid Weekly Holidays: Majority of the migrant workers are not paid for
their weekly holidays as mandated by Migrant Law. Only 4.5 percent of
workers have paid weekly holidays. (Table 6.40 and Figure 6.35)
12. **Not Aware of Displacement Allowance:** About 90 percent of the migrant workers are not aware of displacement allowance which is to be paid by the contractors as mandated by Law. Only 9.5 percent of them are aware of it. (Table 6.41 and Figure 6.36)

13. **No Displacement Allowance:** All the contractors (100%) interviewed agreed that they have not paid the displacement allowance to the migrant workers at the time of recruitment through it is mandatory in Law. (Table 6.42)

14. **No Displacement Allowance as per Law:** Migrant workers who are aware of the displacement allowance, only 42 percent of the migrant workers got the displacement allowance as per the law. About 58 percent of them did not get displacement allowance as per the law. (Table 6.43 and Figure 6.37)

15. **Not Aware of Journey Allowance:** About 56.3 percent of the migrant workers are not aware of the journey allowance which is prescribed as mandatory in Law. Remaining 43.7 percent of them aware of it. (Table 6.44 and Figure 6.38)

16. **Journey Allowance as per Law:** Among the migrant workers who are aware of the journey allowance, the majority of them (95%) received the journey allowance as per the migrant law. In contrast to this, all the contractors interviewed responded that they did not pay any such allowance. Less number of migrant workers who are aware of such allowance has not received the journey allowance along with the migrant workers (56.3%) who are not aware of such allowance. (Table 6.45 and Figure 6.39)
17. Received Actual Journey Allowance: About 98 percent of the migrant workers cited that they received the actual journey fare as journey allowance as prescribed by the Migrant Law. (Table 6.46 and Figure 6.40)

18. Data as to facilities provided to migrant workers by the contractors / principal employers is as follows. (Table 6.47 and Figures 6.41, 6.42 and 6.43)

i) Suitable Working Condition Provided: Majority of the migrant workers (52%) principal employers (83%) and contractors (66.7%) cited that suitable working conditions are provided. Only (48%, 17% and 33.3%) of them said that suitable working conditions are not provided.

ii) No Suitable Residential Accommodation: Majority of the migrant workers (64%) Principal employers (86.2%) and contractors (81%) responded that suitable residential accommodations are not provided. Only (36%, 13.8% and 19%) of them expressed that suitable residential accommodation are provided.

iii) No Medical Facility is provided Free of Charge: About 55 percent of migrant workers, principal employers (86%) and contractors (81%) responded that there is no medical facility available to the worker free of charge. Only (45%, 13.8% and 19%) of them said that it has been provided.

iv) Protective Clothing Provided: More than 65 percent of the targeted groups stated that protective clothing is provided.
v) **No Educational Facilities to the Wards of Migrants:** Educational facilities for the wards of migrant are not provided. It is evident from the responses of the majority of the migrant workers (54%) principal employers (100%) and contractors (100%) only 46 percent of the migrant workers responded that it has been provided.

vi) **No Safety Measures:** As per the majority of the responses of migrant workers (60.5%), principal employers (69%) and contractors (66.7%), safety measures are not provided in the work place. Only (39.5%, 31%) and 33.3%) of them cited that it has been provided.

vii) **Drinking Water Facilities Available:** More than 55 percent of the targeted groups in all responded that drinking water facilities are provided in the work place. Only (13%, 44.8% and 33.3%) of them said that such facilities are not available.

viii) **No Latrines and Urinals:** Latrines and urinals facilities are not provided in the work place as per the responses of majority workers (55%) principal employers (58.6%) and contractors (66.7%). Migrant workers (45%) principal employers (41.1%) and contractors (33.3%) cited that these facilities are provided in the work place.

ix) **No Washing Facilities:** An average percentage of the targeted groups in all (55%) said that washing facilities are not provided. Migrant workers (45%), principal employers (44.8%) and contractors (33.3%) have responded that these facilities are provided.
x) **No Rest Rooms:** Majority of the migrant workers (55%), Principal Employers (86.2%) and contractors (66.7%) expressed that rest room facilities are not provided. Only 45%, 13.8% and 33.3% of them said that such facilities are provided.

xi) **No Creche:** Majority of the migrant workers (74.5%), all the employers and contractors interviewed have said that crèches are not provided in the work place. Only 25.5 percent of migrant workers responded that it has been provided.

xii) **Availability of Canteen:** About 92 percent of migrant workers, principal employers (86.2%) and contractors (100%) responded that canteen facilities are provided.

7.7 **Accidents and Claims**

1. **Percentage of Accident High:** About 69 percent of the migrant workers, 55 percent of principal employers and 66 percent of contractors responded that migrant workers met with accident. Only 31 percent of migrant workers, 44.8 percent of principal employers and 33.3 percent of contractors denied it. (Table 4.8 and Figure 6.44)

2. **High Number of Minor Injuries followed by temporary / partial Disablement:** About 55.3 percent of the migrant workers, principal employers (12.5%) and contractors (7%) responded that migrant workers suffered minor injuries. The responses of the migrant workers as to death (2.4%) permanent partial disablement (7.3%) and permanent total disablement (4%). Migrant workers (31%) principal employers (81.5%) and contractors (86%) responded
that migrant workers suffered temporary partial disablement. (Table 6.49 and Figure 6.45)

3. No Information on Fatal accidents or Serious Bodily Injury to the Authorities: The majority of the migrant workers (76.8%) principal employers (65.5%) and contractors (57%) responded that in case of fatal accident or serious bodily injury to migrant workers the contractors have failed to inform the authority of both the states and next of the kins of the migrant. In contrast to this less number of migrant workers (23.2%) principal employers (34.5%) and contractors (43%) said that they are informing. (Table 6.50 and Figure 6.46)

4. Unawareness of Claims and Entitlements: About 92 percent of the migrant workers, 69 percent of principal employers and 66 percent of contractors are not aware of claims and entitlement of the migrant workers under the law. Only 7.8 percent of Migrant workers, 31 percent of principal employers and (33.3%) of contractors are aware of it. (Table 6.51 and Figure 6.47)

5. Claims not Settled as per Law: The Accident claims of the migrant workers are not settled as per the law. It is evident from majority of the migrant workers (55%), principal employers (75%) and of the contractors (64%). Only 45 percent of migrant workers, 25 percent principal employers and 36 percent of contractors responded that the claims are settled as per the law. (Table 6.52 and Figure 6.48)

6. No Claims with the Authorities: About 62 percent of the migrant workers stated that they have not filed their claims with the concerned authority in case of refusal of payment of compensation. Majority of the principal employers
(62.5%) and the contractors (64%) supported for the same. Remaining migrant workers (38%), principal employers (37.5%) and contractors (36%) cited that the migrant workers are filing their claim with the concerned authority in case of refusal of payment of compensations. (Table 6.53 and Figure 6.49)

7. **Ignorance of Law and Economic Constraints - the Reasons for not Filing Claims:** The data for not filing the claims for compensation with the concerned authority are (i) Ignorance of Law - Migrant workers (39%) Principal Employer (40%) and Contractor (67%), (ii) Economic Constrain - Migrant workers (35%) Principal Employer (60%) and Contractor (33%), (iii) Fear of losing the work - Migrant workers (26%). (Table 6.54 and Figure 6.50)

8. **Claim is Time Consuming:** About 60 percent of the migrant workers, Principal Employers (67%) and Contractors (60%) cited that it takes up to three years to decide the claims of compensation of the migrant workers. An average of 30% and above of the migrant workers, principal employers and contractors responded that it takes three years to six years for deciding the claims. Only 4.4% of the migrant workers responded for less than 1 year in deciding the claims of compensation of migrant workers. (Table 6.5 and Figure 6.51)

9. **Compensation as per Law:** Majority of the Migrant workers (70%) principal employer (67%) and contractors (60%) responded that compensation is decided as per the law. Remaining 30 percent of the migrant workers, 33 percent of the principal employers and 40 percent of the contractors cited that the amount of compensation is less than prescribed by law. (Table 6.56 and Figure 6.52)
10. Preference to Out-of-Court Settlement: Majority of the Migrant workers (70%) principal employers (62%) and contractors (64%) are preferred to settle the claim outside the court. The remaining 30 percent of migrant workers, 37.5 percent of principal employers and 36 percent of contractors are interested to prefer to settle the claims in the court of Law. (Table 6.57 and Figure 6.53)

7.8 Dispute and Settlement

1. Existence of Disputes: About 56.3 percent of the migrant workers have disputes / differences with the principal employers / contractors. Remaining 43.7 percent of them cited that they have no disputes with the principal employers / contractors. All the principal employers and contractors interviewed responded that they have no disputes / difference with the migrant workers. (Table 6.58 and Figure 6.54)

2. Majority of the Disputes Settled Amicably: The migrant workers who have disputes / difference, majority of them (53%) responded that their disputes / difference has been settled amicably. Only 47 percent of them responded that their disputes / difference has not been settled. (Table 6.59 and Figure 6.55)

3. Majority of the Disputes Settled by Contractors: About 44 percent of the migrant workers responded that disputes are settled by the contractors. 31 percent of them cited that their disputes are settled by the concerning authorities (Inspectors). About 25 percent of them said that their dispute was settled through the court. (Table 6.60 and Figure 6.56)

4. Huge Number of Disputes regarding ‘Terms of Employment’: The Maximum Number of disputes is connected with ‘terms of employment’ as it
is responded by majority of the migrant workers (67%). Remaining 22 percent of them cited that the dispute is connected with the employment and less number of them (11%) responded that the dispute in connected with non-employment. (Table 6.61 and Figure 6.57)

5. Preference for Home-State to Resolve Disputes: Majority of the migrant workers (97%) prefer to resolve their industrial disputes in their home state only and not in the host state. Only (3%) of them prefer host-state. (Table 6.62 and Figure 6.58)

6. No Free Legal Service: Majority of the migrant workers (78.5%), all the principal employers and contractors interviewed responded that both home state and host state does not provid any free legal service to the migrant workers in the matter of disputes. (Table 6.63 and Figure 6.59)

7.9 Inspection and Prosecution

1. Mixed Response on Inspector’s Visit: Majority of the migrant workers (52.2%) responded that the inspectors are not visiting to the work place. (41.4%) of principal employers are also supporting for the same. Only 47.8 percent of the migrant workers, majority of the principal employers (58.6%) and all the contractors interviewed responded that the inspectors are visiting the work place. (Table 6.64 and Figure 6.60)

2. Visit once in a Month / Fort-night: Among the migrant workers who have responded for the visit of the inspectors, about 91 percent of them stated that the inspectors are visiting to the work place once in a month. The principal employers and contractors, who have responded for inspection of visit,
responded that the inspectors are visiting once in fort night. (Table 6.65 and Figure 6.61)

3. **Migrants don’t know about Inspection Details:** Almost 99 percent of the migrant workers, who have knowledge about the inspectors visit, don’t know whether the inspectors ensure that the facilities provided for the migrant workers under the law are carried out faithfully. Principal employers and contractors who have responded for the inspector’s visit cited that the inspectors are ensuring the facilities provided for the migrant workers under the law are carried out faithfully. (Table 6.66 and Figure 6.62)

4. **Migrants don’t know about Verification of Registers and Records:** About 99 percent of the migrant workers who have knowledge about the visit of the inspectors don’t know about the verification of registers and records by the inspectors which is to be maintained under the migrant law. All the principal employers who have responded for the inspector’s visit cited that the inspectors are verifying the registers and records. 66.7 percent of the contractors responded that the inspectors are verifying the registers and records. Remaining 33.3 percent of them cited that the inspectors are not verifying the registers and records. (Table 6.67 and Figure 6.63)

5. **No Prosecutions:** All the principal employers and contractors interviewed have responded that they were not prosecuted by the inspectors for violation of different laws applicable to inter-state migrant workers. (Table 6.68)

6. **Exhibited notice contains only hours of work details:** Principal employers and contractors are exhibiting notices containing information about hours of
work only and not all other particulars within the premises of the establishment. (Table 6.69 and Figure 6.64)

7. **Limited Particulars Available in the Registers and Records**: All the principal employers and contractors are maintaining registers and records which about the particulars of the inter-state migrant workers and not about other details contains only limited such as nature of work performed by the migrant workers and wages paid to them, etc. (Table 6.70 and Figure 6.65)

8. **Visit of Inspectors insignificant in Awareness Level**: Majority of the Migrant Workers are not aware of the Inter-State Migrant Law. This fact does not change significantly even after the visit of the Inspectors. So the Inspectors creating the awareness on Migrant Law to the Migrant Workers is ruled out. (Table 6.71)

7.10 **Exploitation and Satisfaction**

1. **Mixed Responses on Exploitation**: About 64.8 percent of the migrant workers opined that inter-state migrant law does not prevent their exploitation. In contrast to this, all the principal employers and contractors interviewed in the study responded that the inter-state migrant law preventing the exploitation of migrant workers. About 35.2 percent of migrant workers have also supported for the same. (Table 6.72 and Figure 6.66)

2. **Mixed Feelings regarding Effectiveness of Migrant Law**: About 87 percent of the migrant workers who are aware of inter-state migrant law expressed that they are not satisfied with the working of the migrant law. Very less number of them (13%) is satisfied with the working of the migrant law. Majority of the
principal employers (61%) and contractors (82%) are satisfied with the working of the migrant law and the remaining 39 percent of principal employer and 18 percent of contractors are not satisfied with the working of the law. (Table 6.73 and Figure 6.67)

3. **Unsatisfactory Working Conditions:** Poor working conditions is the main problem faced by the migrant workers at the work place as responded by majority of the migrant workers (54.5%) and all the principal employers and contractors interviewed admitted the same. The other problem faced by the migrant workers at the work place is no medical benefit as responded by 27.6 percent of the migrant workers. No paid weekly holiday is a problem at the work place for 11.5 percent of the migrant workers. (Table 6.74 and Figure 6.68)

7.11 **Testing of Hypotheses**

**Hypothesis - 1**

_Socio-Economic conditions of workers are a key factor for Inter- State migration._

The study finds that three major Socio–Economic factors play a key role in inter-state migration of workers especially in the construction Industries in Chennai.

Poverty is one of the major factors for migration. As the study reveals, nearly 56.8 percent of the migrant workers migrate from their home – state because of abject poverty.

Lack of employment is another major factor in migration of workers. The study points out nearly 19.2 percent of the workers attribute their decision to migrate citing lack of employment in their Home-state.
Nearly 23.2 percent of the workers cited that though there is employment in their state, the wages are very low which induces them to migrate to other states in search of better wages.

Therefore, the study reveals that poverty, Lack of employment and low wages are the three major socio-economic key factors leading to migration of workers from their Home-state. The above findings of the study receive strong statistical support to the hypothesis ‘Socio-Economic conditions of workers are a key factor for Inter-State migration’ and therefore it is answered in the affirmative.

Hypothesis - 2

Law of Inter-state migration is not adequate enough to protect the inter-state migrant workers.

The study after examining and analysing the inter-state migrant law in depth find the following flaws in the Inter-State migrant Law.

The Migrant Act does not apply to all individual migrant workers. The Act leaving a sizable number of migrant workers out of its purview by applying its provisions to every industrial establishment/contractor into which five or more migrant workmen are employed.

The migrant Act does not safeguard the interest of all migrant workers who leave their state on his own and take shelter of employer directly without contractors in another state to earn their livelihood. Therefore, the definition of Inter-state migrant workmen in the Act is discriminatory in terms of extending the benefits.
The responsibility for enforcement of the migrant Act lies with both the Home-State and Host-State. In actual practice in such cases one state government does not want to interfere in the Jurisdiction of the other state.

The Act encouraging ‘contracting system’ by making the recruitment of migrant workers by or through a contractor. It is interesting to note as recorded and discussed in Chapter IV of the study the Royal Commission on Labour, National Commission on Labour and the Judiciary discouraged the practice of employment of workers through or by contractors. However the system of contract labour remains intact in the migrant law even after passing a special Act for its abolition. The Act failed to protect the workers against the evils of contracting system and also to eradicate the evils of contracting system.

The migrant Act states that recruitment of migrant workers by or through contractor may be made with or without the knowledge of the principal employer. Thus this Act does not bring contractors and migrant workers directly under the principal employer. Therefore in the absence of direct relationship between migrant workers and principal employers, the migrant workers cannot enjoy the formal employer-employee relationship in their workplace. As a consequence of this, the principal employers do not consider the migrant workers as their workers, as they recruited. As a result of this, the principal employers do not consider the migrant workers as their workers as they are recruited and brought by contractors. It looks anomalous that migrant workers can receive the limited benefits of the existing labour laws only if there is an Employer – Employee relationship.
An Inter – State Migrant Workman who is recruited by or through a contractor under an agreement, switches his work to another employer is not entitled to the protection admissible under the Act.

There is no provision in this protective legislation to provide security for employment. In the absence of security for employment, migration of workers is likely to persist with all its attendant consequences.

No contractor shall recruit or employ migrant workmen except with valid license. But there is no corresponding provision for the obligation of the principal employer that not to get work through unlicensed contractor.

There is no provision in the Act for specifying the duties and obligations of principal employers. The liabilities of the principal employer are also not specifically specified.

The Act does not hold the contractor responsible for any breach of the provisions of the Act because there is no provision in this Act for specifying the liabilities of the contractor.

The Act provides that the state from which migrant workmen are recruited may appoint inspectors for the purposes of satisfying itself that the provisions of the Act are being complied with respect of such workmen who are employed in another state. However, the appointment of such inspector is dependent upon the concurrence of the Government of the receiving states in which such workmen are employed.\(^2\) Concurrence has been hard to come by whatever may be the reasons. Generally, the

\(^2\) Section 20(3).
State Government does not want inspectors from another state to operate within their jurisdiction for whatever reasons.

Sections 22 of the Act permit the Inter – State Migrant Workman to raise an industrial dispute arising out of his employment either in the host state or in the home state after his return to the state after the completion of the contract of employment. He will also be permitted to apply for the transfer of proceedings. The formal request for transferring the proceedings to their home state must be made within a period of 6 months from their return from the host state in which they were employed. This is also again subject to the concurrence of the host state in which the migrant workers were employed and such concurrence is not be easily possible in practice.

Everybody is responsible for the effective implementation of any law. In this aspect the Act providing penalties for the offences committed by the principal employer and contractor. But this Act is silent regarding the penalties to the inspectors who do not perform or exercise their duties diligently for the effective implementation of the Act.

Section 27 Act of the gives a loophole to a company or every person for escaping from prosecution by pleading that the offence was committed without his knowledge. This seems to be the defective proposition.

The penalties provided for violation of the provisions of the Act are not sufficiently stringent. Moreover the Act does not provide for making the violation of the Act a cognizable offence. The offence is Non – Cognizable.

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3 Section 28
The Act gives protection in suit, prosecution or legal proceedings to registering officer, licensing officer or any other employee of the government from prosecution for acts done in good faith and also gives protection on the Government from claiming damages\(^4\). The Act is silent on permitting the third parties to file complaints against defaulter for violation of the Act.

Therefore the above flaws identified by the study in the migrant Act receive strong support to the Hypothesis ‘**Law of Inter-state migration is not adequate enough to protect the inter-state migrant workers**’ and therefore it is answered in the affirmative.

**Hypothesis - 3**

**Inter-state migrant workers have no awareness / knowledge about labour laws applicable to them.**

Awareness of law alone can bring awakening about the functional aspect of the Law. Awareness of law includes awareness of the rights and entitlements available under the Law. Assessing the awareness of the Beneficiaries (migrant workers) of the Law will help to evaluate the functional aspect of the particular Law on the ground. Thus, the study attempted to assess the awareness of the migrant workers about the inter-state migrant law, the protective special Law applicable to them. The study finds that 87 percent of the migrant workers are not aware and quite ignorant of the migrant Law.

The study also listed seven key Labour Laws to assess the awareness of the migrant workers. The seven Labour Laws listed in the study are; Employees Compensation Act,1923.Industrial Disputes Act,1947, Payment of Wages Act,1936,

\(^4\) Section 32
Employees State Insurance Act, 1948, Employees Provident Funds Act, 1952, Maternity Benefit Act, 1961 and Equal Remuneration Act, 1976. The study finds from the data presented and demonstrated that more than 92 percent of the migrant workers are not aware of all the seven Labour Laws.

Another data of the study relating to awareness of Unorganized Workers Social Security Act, 2008 reveals that majority of the migrant workers (79%), principal employers (65.5%) and contractors (66.7%) are not aware of this Act.

The study reveals that majority of the migrant workers have shown their unawareness about the migrant Law naturally they are unaware of their rights (87%) also. The study find that no Pass Book has been issued to the migrant workers (100%), they are not aware of displacement allowance (90%), there are un aware of journey allowance (56.3%), no awareness on Wage rates (85.7%) are clearly supporting the above formulated hypothesis.

The study also reveals that even different demographic variables tested on the samples (Migrant Workers) does not have any significant change in the awareness level. Even the visit of Inspectors does not have a significant impact on the awareness level of the Labour Laws among Migrant Workers.

The above findings of the study as to awareness of Law receive strong statistical support to the hypothesis ‘Inter-state migrant workers have no awareness / knowledge about labour laws applicable to them’ and therefore it is answered in the affirmative.
**Hypothesis - 4**

Principal Employers, contractors and the inter-state migrant workers have no awareness /knowledge about Laws specifically concerning to construction Industry.

Since the study concentrates on the Construction Industry, The researcher was keen to find about the awareness of two specific Laws. The specific laws are (i) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, (ii) The Building and Other Construction Workers Welfare Cess Act, 1996. The study throws some shocking revelations. None of the Employers (100%) Contractors (100%) and Inter- state Migrant Workers (100%) in the construction industry are aware of the above said two Laws.

The findings of the study as to awareness on specific law relating to construction industry receive strong statistical support to the Hypothesis ‘Principal Employers, contractors and the inter-state migrant workers have no awareness /knowledge about Laws specifically concerning to construction Industry’ and therefore it is answered in the affirmative.

**Hypothesis - 5**

Inter – state migrants workers are exploited by every person involved in the process of their employment and the inter-state migrant laws failed to prevent exploitations.

The study reveals that poverty, low wages and Lack of employment was the key factors in migration especially to Chennai. The statistics show that about 69% of
the migrant workers are enticed by the contractors / agents to migrate to Chennai promising them a better standard of living.

The data shows that the Contractors are not paid the ‘displacement allowance’ and the ‘journey allowances’ as prescribed by the Law. In fact, majority of the migrant workers (90% and 56.3% respectively) are not even aware of these two types of allowances made mandatory by the Act. Therefore, the exploitation of these workers begin in the recruitment stage itself by the contractors/ agents.

The migrant workers lured by the promises of these contractors migrate to Chennai thinking that it is an Eldorado. But the study shockingly reveals that the majority of the migrant workers in the construction industry in Chennai are in state of dismay and disbelief seeing the promises made by the contractors /agents disappear in to their air except arrangement of employment.

It is also pertinent to note that the Act provides for certain facilities to the migrant workers to be provided by the contractors. The facilities are listed in section 16 of the Inter-state migrant workmen Act. The data shows that majority of the migrant workers are not provided suitable Residential accommodation (64%), Free Medical facility (55%), Educational facilities for the ward (54%), Safety measures (60.5%), Latrine and Urinals (55%), Washing Facilities (55%), Rest Room (55%) and Creche (74.5%) facilities by the contractors though the Act makes it mandatory. The study ignore the positive responses of the migrant workers (52%) principal employers (83%) and Contractor (66.7%) as to suitable working conditions for a simple reason for not providing the above required facilities at the work place as mandated by law.

Section 17 (2) of the Inter-state migrant workers Act provides that the wages of the migrant workmen shall be paid by the contractor in the presence of the
representative of the principal employer. The data reveals that in 80 percent of responses (migrant workers 81.5%, and Principal Employers 86.2%) no payment was made in the presence of the representatives of the principal employer. Therefore there is every possibility that a contractor may pay a lesser wages than the minimum wage as fixed by the Minimum wages Act because the another data show that huge number of migrant workers (85.7%) are not aware of their wage rates.

Again section 18 of the Inter-state migrant workers Act provides that if the contractors fail to provide the allowances and facilities mandated in section 14, 15, 16, of the said Act\(^5\), It is the liability of the principal employer to provide the allowances and facilities provided in the above said sections.

Another data of the study shows that nearly 57 percent of the principal employer had no knowledge about the recruitment of migrant workers by the contractors. The above data reveals that there is no direct link or formal employer – employee relationship between the principal employer and the migrant workers.

As stated earlier that the study reveals that most of the migrant workers are not provided with the allowances and facilities provided under the Act, by the contractors. Therefore there is every possibility that the principal employer may not also provide them with these allowances and facilities as there is no formal Employer- Employee relationship between the principal employer and the migrant workers. Because when there is no formal employer –employee relationship, naturally there is no liability on part of the principal employer.

Further, the study shows that from the available data that nearly 64.8% of the migrant workers opined that the Inter –state migrant Law has failed to prevent

\(^5\) Displacement allowance, Journey Allowance and other facilities respectively.
exploitation of them. However, the principal employers and the contractors have opined that the existing migrant Law in its present form is adequate enough in preventing exploitation of the migrant workers.

Again about 87% of the migrant workers have expressed their dissatisfaction about the working of Inter State migrant workmen Act in its present form. Naturally, by the Law of inverse proportion, 82 percent of the Contractors and 61 percent of the principal employer are quite happy and satisfied with the Inter State migrant Act in its present form.

Finally independent analysis of the above statistics by this researcher concludes that the responses made by the principal employers and the contractors can be ignored as the other data strongly support the plight of the migrant workers. Therefore the study finds that the migrant workers in huge number of cases they are exploited by the contractors and principal employers. However in few cases (No delay in payment of wages (96.5%), Protective clothing (65%), Drinking Water Facilities (55%) and Canteen Facilities (92%)) they are not exploited by the contractors and principal employers.

Therefore considering the majority percentage of the responses made by the target groups in major cases, the study conclude that the above statistical analysis receives strong support to the hypothesis ‘Inter – state migrants workers are exploited by every person involved in the process of their employment and the inter-state migrant laws failed to prevent exploitations’ and therefore it is answered in the affirmative.
Hypothesis - 6

Principal Employers, Contractors do not have awareness about their Obligations, responsibilities and duties under the laws applicable to Inter-State Migrant Workers.

The success of any law on ground is depending upon the performance of the providers of protection and satisfaction of the beneficiaries. Therefore, the study attempted to assess the awareness about the obligations, responsibilities and duties of the principal employers and contractors under the laws.

The study finds that the principal employers and the contractors who know the migrant law (62% and 52%) naturally also know their obligations, duties and responsibilities (62% and 52%).

The data of the study shows that majority of the Principal Employers (62%) has registered their establishment under the law. Likewise, majority of the contractors (52%) has obtained license for recruitment of migrant workers. But they are not displayed the license at the working premises where the migrants are employed which is mandated by law.

The data of the study reveals that the Contractors (100%) are not issued pass book, majority of the principal employers (86.2%) responded that wages are not paid to the migrants in the presence of the representative of the principal employers, the Contractors (100%) under this study did not paid the displacement allowance to the migrant workers at the time of recruitment, like wise they (100%) did not paid the journey allowance to the migrant workers, majority of the migrant workers (58%) also confirmed that they did not get displacement allowance though they aware of such allowance.
The data as to facilities provided by the contractors and principal employers in the work place under the migrant law, shows that majority of the principal employers (86.2%) and Contractors (81%) admitting that they are not provided suitable residential accommodation to the migrant workers.

Again, the study reveals that the Principal Employers (86.2%) and the Contractors (81%) admitted that they are not provided any medical facilities in free of charge to the migrant workers.

All the Principal Employers and Contractors under the study stated that they are not provided educational facilities for the wards of migrant.

The another data of the study shows that safety measures at work place are not provided the majority of the Principal Employers (69%) and Contractors (66.7%).

The study reveals that majority of the Principal Employers (58.6%) and Contractors (66.7%) are not provided latrines and urinals at the work place as per the law. Washing facilities are also not provided by the majority of the Principal Employers (55.2%) and Contractors (66.7%).

There was no rest room at the work places as responded by the majority of the Principal Employers (86.2%) and Contractors (66.7%). All the Principal Employers and Contractors responded that crèches are not provided at the work place.

However, the Principal Employers and the Contractors provided the following facilities at the work place, Suitable conditions for work (Principal Employers (83%) and the Contractors (66.7%)), protective clothing (Principal Employers (69%) and the Contractors (66.7%)), Drinking Water (Principal Employers (55.2%) and the
Contractors (66.7%) and Canteen (Principal Employers (86.2%) and the Contractors (100%).

It is irony to note from the above statistical data though the Principal Employers and Contractors are relatively aware of inter-state migrant law, but they did not execute or comply the provisions relating with their obligations, duties and responsibilities relating to benefits, entitlement of migrant workers and facilities to be provided to them.

Therefore, the study receives strong statistical support for the awareness of the Principal Employers and Contractors as to their obligations, duties and responsibilities. However in respect to the compliances of the provisions relating to their obligations, duties and responsibilities, in major cases considering the frequency of the responses as to the performance of their obligation, duties and responsibilities and non-compliances the study does not receive strong statistical support. Therefore, the study conclude that this Hypothesis ‘Principal Employers, Contractors do not have awareness about their Obligations, responsibilities and duties under the laws applicable to Inter- State Migrant Workers’ is partly answered in affirmative and partly in negative.

7.12 Legal Remedial Measures – Suggestions

No doubt that the main object behind labour laws is to administer justice not merely by interpreting the existing law but also by enacting new law by considering current social climate. Enacting more and more laws without rectifying the loopholes or flaws in the existing law or in the existing system will give nothing but it will be a over burden to the Governments and the enforcing authorities.
However, the study after examining and analyzing the effectiveness of migrant law and after a careful consideration of the empirical generalization presented in Chapters V and VI, the study leads the researcher to present some legal remedial measures in the form of suggestions to improve the inter-state migrant law, protect the migrant workers and to combat the problems of migrant workers.

The legal remedial measures suggested in the study are humble, therefore the study leave it to the concerned Governments, Authorities and the policy makers to take some concrete steps for preventing and eliminating all forms of exploitations by improving the status of migrant workers and by improving the migrant Act from its present form. The suggested legal remedial measures are as follows;

1. The inter-state Migrant Act does not apply to all individual migrant labour. The Act leaves a huge number of migrant workers out of its purview by applying its provisions to only Industrial Establishment / Contractor in which five or more migrant workmen are employed. These huge numbers of migrant workers out of its purview are deprived of various Rights, Benefits and Entitlements by the principal employers taking the plea that they are not under the purview of the Act. Therefore, the Act shall be suitably amended in order to apply it to every establishment in which one or more inter-state migrant workmen is / are employed.

2. The inter-state migrant Act recognizes only those workers who are recruited by or through contractors as inter-state migrant worker, Thus workers migrating on their own are clearly out of the Act. In this aspect, the Act failed to safeguard the interest of all the migrant workers who leave their state on his own and take shelter of principal employer directly without such contractors in
another state. The Principal Employers again taking the plea in another way that they are not inter-state migrant workman as defined under the Act. Therefore, the definition of inter-state migrant workman in the Act is discriminatory in terms of extending the benefits. Therefore, the definition of inter-state migrant workman as given in Section 2(1) (e) shall be suitably expanded.

3. The inter-state Migrant Act state that recruitment of migrant workers by the contractors may be made with or without the knowledge of the principal employers. Therefore, the Act does not bring the migrant workers directly under the principal Employer. Hence, the Principal Employers do not consider them as their workers as they are brought by contractors. In the absence of direct relationship between them, there is no formal employer-employee relationship at the workplace and therefore, in real sense, the liabilities will not arise among the principal employer. Therefore, to protect the workers against the evils of contracting system, eradicate the evils of contracting system and to enlarge the responsibility and liabilities of the principal employer the Act need modification in its present form.

4. There is no provision in this Act for specifying the liabilities of the contractor or making the contractor liable for any breach of the Act. Hence, the Act does not hold the contractor responsible for any breach of the provisions of the Act. Therefore, the Act needs a suitable amendment to insert a new section to make the contractor liable for any breach of the Act, whether committed by him or by the sub-contractors.

5. The success of any law lie upon the strong, effective and proper implementation of the particular law. Many studies shows that even after thirty
five years of its enactment, the performance of the inter-state migrant Act is not successful due to the existing flaws and inadequate system that helps the authorities, Principal Employers and Contractors to escape from their obligations, duties and responsibilities. Therefore, the existing system of inspection in the Act shall be modified with a penal provision for them to perform their duties diligently and honestly.

6. The penalties provided for violation of the provisions of the Act are not sufficiently stringent. Section 28 of the Act does not provide for making the violation of the Act a cognizable offence. Therefore, the penal provisions and Section 28 of the Act shall be suitably amended for stringent action and for making the violation a non-cognizable offence.

7. Establish a statutory ‘Migrant Labour Board’ as envisaged in the Sixth five year plan with advisory as well as executive powers to look after the interest of the migrant workers. The study observed that any such Board has not been setup. The study suggest that the Board may be constituted with wide powers to exercise all the matters like registration of establishment by the Principal Employers, Licensing of Contractors, issue of pass book (like passport) to the migrant with the entry of journey allowance, Displacement allowance, issue of an Identity card, Name of the Host-State, Name and address of the Principal Employers and their Establishment details, Particulars of the Contractor (if the migration is made by or through contractors) and may send all the above to the ‘Migrant Labour Board’ of the Host-state. The migrants after reaching the Host-State may approach the migrant board to collect their pass-book etc., and thereafter they may start to work in the establishment. The same procedure may be adopted when the migrant returning to home-State after completion of
the work. A legal services / grievance cell may be constituted within the board
to resolve the grievances, disputes or differences of the migrant with their
principal employers and contractors.

8. Tamilnadu Government should take appropriate steps by some effective policy
decision after receiving the survey report on migrant workers from the 32
districts of the State to protect the migrant construction workers and to prevent
the huge number of accident in the construction site.

9. The present study observes that there is an urgent need of implementation of
amendments suggested in 2013 in ‘Building and Other Construction Workers
Related Laws (Amendment) Bill 2013 which is highlighted in Box No: 3.5.3
of Chapter III. Construction Industry has some unique characteristic and
therefore it is not possible to cover all the aspects of the industry by the
present forms of many existing labour laws. Hence it is the right time to
improve the status of construction workers by implementing the above said
2013 amendments.

10. The Government must take concrete steps to implement the measures (Pointed
out in Chapter IV of the study) laid down by the Hon’ble Supreme Court in
‘National Campaign Committee Case’\(^6\) to protect the Construction Workers.

11. Law related Educational Institutions, Universities and Colleges may be
utilized to make awareness to the Migrant Workers about Laws applicable to
them.

After seeing the wide sweep of history, the study observed that migration of
workers is an integral and vital part of human development. Inter-State migration is an

\(^6\) National Campaign Committee for Central Legislation on Construction Labour V Union of India and
others (2011) 4 SCC 655
important process that has contributed significantly to other process of Urbanization, Industrialization, Economic development as well. It is an inevitable phenomenon arising out of economic development. Migration protected under the Indian Constitution. It plays a significant role in livelihood strategies of the poor. Inter-State Migrant Workers belong to the lower strata of the society. The concept of migration ‘here today and there tomorrow’ makes difficult to regulate their working and living conditions. Migration is likely to increase in the future, not decrease. The issue is how to manage – and not how to stop.

The Study, after examining the Migrant Law, finds that even after half a Century of Independence the State has failed to protect Migrant Workers and to enforce the law to any successful extent. The Migrant Law examined in this study has not been successful for a variety of reasons. Loopholes exist both in the Laws and in the System that help Employers and Contractors to escape from their responsibility and obligations. To mitigate these problems, the Government has to modify the law to protect the migrant workers.

The Government and the Policy Makers take some concrete steps for ameliorating the Socio-Economic life of Migrant Workers. The Government must amend or Modify the existing Law as an exhaustive and comprehensive legislation the could streamline the Employment Procedures, Working Conditions, Wages and other Welfare Facilities.

The revelations of this study points to some disturbing trends. The Law seems to be observed more in violation than in compliance. Migration of workers is for their livelihood. Right to livelihood is a fundamental right enshrined under Article 21 of the Constitution. People marvel at the imposing buildings constructed by these migrant
workers but unfortunately these unsung heroes are not paid their due. Plethora of labour legislations will not / cannot migrate their plight, only effective implementation will. The Government should Act as a model employer and should also urge the private industrial establishments to abide by the law. These internally displaced persons rights can be enforced from the human rights perspective if the labour laws failed to protect them. It is time we recognize these migrant workers as one of the nation builders and institutionalise their rights.