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Socio-Economic Conditions of Migrant Labourers -an Empirical Study in Kerala

KEYWORDS

Migrant Labour, Socio-economic conditions, Social security.

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ABSTRACT

Socio-economic conditions and living standards of are very discouraging in India, as per the available literature. Being in the unorganised sector, vast majority of them are devoid of minimum formal social security protection also. This situation prevails even if there are many statutory provisions for their welfare as per the Central and State level enactments. Though more and more employment is being generated, such employment is characterized by poor working conditions and lack of effective social protection. In the above context, this paper makes an empirical study of the socio-economic conditions of unorganised sector domestic migrant labourers (DML) in Ernakulam District of central Kerala and suggests strategies for improving the working and living conditions of the migrant labourers.

INTRODUCTION

Unorganised labour refers to those workers who have not been able to organise themselves in pursuit of their common interests due to certain constraints like casual nature of employment, ignorance and illiteracy, small and scattered size of establishments, etc. Such workers account for about 93 per cent of the total workforce and there has been a steady growth in their population in India over the years. Though India had a long tradition of informal social security and social assistance system directed particularly towards the more vulnerable sections of the society, the same underwent steady and inevitable erosion over the years. Various initiatives by the Central and State Governments in India and various NGOs in India have been inadequate to support the ever growing needs of such . This underscores the need scaling up the efforts many times and that too in a manner targeting the more deserving sections among such workers. As per the NSSO statistics (2000)[1] the total employment in both organized and unorganised sector in the country was of the order of 39.7 crore. Of this, about 2.8 crore were in the organized sector and the balance 36.9 crore in the unorganised sector. Out of 36.9 crore workers in the unorganised sector 23.7 crore workers were employed in agriculture sector, 1.7 crore in construction, 4.1 in manufacturing activities and 3.7 crore each in trade and transport, communication & services.

SIGNIFICANCE OF THE STUDY

Social security is a fundamental right of labour which is guaranteed by law to all human beings, who live with their own labour and who find themselves unable to work temporarily or permanently for their control. The first beginnings of social security were at the time of French Revolution when a Declaration of the Rights of man was proclaimed. It served as a preamble to the French Constitution of 1793 which stated, inter-alia, public assistance is a sacred duty. According to Article 22 of the Universal Declaration of Human Rights, every member of society has a right to social security. The ILO declaration on fundamental principles and rights at work is a major step in this direction. Development must bring about an improvement in the living conditions of people. It should, therefore,

ensure the provision of basic human needs at all. (Nayar, 2003). Social security issues of unorganized labour are of cardinal significance and such labour are much more vulnerable to exploitation than those in any organized sector.

Housing is a primary human need and hence a priority for the Government. It is widely recognized that housing development plays an important role in economic development of a nation and this is particularly relevant for a developing nation like India. In spite of the top priority accorded to the housing sector in India, the security measures of labour in the housing construction sector are reported to be grossly insufficient. In Kerala, the case of workers in housing construction projects deserve special mention as the vast majority of workers in this sector are unorganized. Moreover, over 60 percent of these workers are migrants from other states, like, Bihar, UP, West Bengal etc. Because of the cyclical and seasonal nature of the housing construction industry and acute lack of formal organisational set ups to ensure social security of construction workers, an empirical study to map the socio-economic profile of housing construction workers is quite relevant. This study is an effort in this direction, in the Kerala context where the share of informal is very high. Besides the welfare point of view, housing has got an economic development perspective also, because of the vast forward and backward linkages of this industry with over 250 ancillary industries, and also its high employment generation potential. However, long term sustainability of any industry depends on adequate welfare measures, particularly various social security initiatives, for its core labour. This aspect being grossly overlooked in the case of informal labour in India, especially those working in the housing construction industry, it follows that empirical studies are required to assess the exact quantum of the problem, to identify the areas for focused attention, and accordingly to suggest suitable strategies that can help meaningful policy decisions. In this context, the present study looks into the human rights issues and other social security issues with a focus on unorganized labour in housing construction sector in Ernakulam city in Kerala.

Objectives of the Study

- (i) To study the socio-economic conditions of the socio-economic features of unorganized sector in Ernakulam District of Kerala;
- (ii) To study the health conditions and living standards of the unorganized ;
- (iii) To make suitable suggestions for improving the socio-economic and health conditions and living standards of the unorganized sector .

LITERATURE REVIEW AND RESEARCH GAP

India is the most populous country in the world, next to China. Indian population is characterized by the existence of a very large share (91 per cent) of unorganized sector workers, as against just 9 per cent in the organized sector. This vast majority could not be properly covered under adequate social security measures initiated so far in the country. As per the 2001 Census, the total work force in India is 402 million, of which 313 million are main workers and 89 million are marginal workers. Out of the 313 million main workers, about 285 million is in the unorganised sector, accounting for 91 percent (Economic Survey: 2005-06). The NSSO estimates also reveal the similar pattern. The Indian Constitution upholds the principle equality between men and women. Laws have enacted fixing the hours and minimum wages of labourers and to improve their living conditions. Various security schemes have been framed. Besides, there are various labour laws, like Trade Union Act 1926, The Minimum Wages Act 1948, Employees State Insurance Act 1948, Industrial Disputes Act 1949, Industrial Disputes Decision Act 1955, Payment of Bonus Act 1955, Personal Injuries, (compensation insurance) Act 1963, Maternity Benefits Act 1967, Contract Labour (Regulation and Abolition) Act 1970, Bonded labour Systems (Abolition) Act 1976, Equal Remuneration Act 1976, Interstate Migrant Workmen (Regulation of Employment) Conditions of Service Act 1979, The Child Labour (prohibition and Regulation) Act 1986 etc. The Preamble of the Constitution of India guarantees its citizens justice- social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunities and fraternity, dignity of individual and dignity of nation. Part IV of the Constitution of India relating to Directive Principles of State Policy, inter-alia, call for provisions for right to work and education; public assistance in cases of unemployment and of social security; just and humane conditions of work; maternity relief; living wage and working conditions capable of ensuring decent standard of life (Articles 41 to 43); workers participation and management. In *Randhir Singh v. Union of India* (AIR 1982 SC 879), the Supreme Court has held that although the principle of 'equal pay for equal work' is not expressly declared by our Constitution to be a fundamental right, but it is certainly a constitutional goal under Articles 14, 16 and 39 (c) of the Constitution. This right can, therefore, be enforced in cases of unequal scales of pay based on irrational classification.

In the ongoing era of economic reforms (also called 'LPG' era to connote Liberalization, Privatization and Globalization; initiated in India in 1991) the study of labour standards and labour rights, and dimensions of decent work in respect of has assumed heightened significance. As a typical developing country passing through the reforms era (LPG era) the problems of unorganized labour which constitutes about 91 per cent of its total workforce need to be sorted out, and this vast majority be covered by adequate social security measures.

After independence, many labour laws have enacted by the government of India. Besides, the government also

adopted various labour policies in order to improve wages and working conditions of workers in the organized and unorganized sectors. We need to discuss about the quality of life and labour standards for the in India. In terms of wage policy in India, it has been observed that male and female get lower wages than minimum wages. The average daily wage for in Kerala is Rs 220. While male migrants get Rs 250, women are paid Rs.200. They do not get minimum, wages stipulated under the minimum wages Act, 1948. Long and flexible working hours, combined with low wages are reported in the case of most seasonally in India. (Singh and Iyer 1995, Krishnaiah, 1977, Salve, 1990). There is no fixed time of work for ; they work more than 12 hours a day instead of 8 hours a day. As the Report of the Working Group on Social Security (Govt. of India) (Eleventh Five Year Plan, 2007-2012) (NSSO, 2000)[1] points out regarding informal labour, "there is a dearth of formal security protection" and "this is a major challenge to the existing social security systems that have evolved in the last century". Accordingly, it is pointed out that "security and institutional support are required by all persons in order to face difficulties and to mitigate hardships in the event of losses due to sickness, injury, loss of income and inability to work" (Planning Commission, Plan Document on Social Security, Eleventh Five Year Plan, 2007-2012)[2].

Previous research in this area are very scarce. A macro level study by the second author (Manoj P K, 2004) [11] relating to the housing sector in India has pointed out the need for promoting housing construction sector for faster economic development of the nation, because of the vast forward and backward linkages of the housing sector. for A recent study by Neeraja James and Manoj P K (2014)[12] has pointed out the poor status of the migrant construction workers, human rights violations and lack of social security. This paper seeks to build upon this paper by focusing on their socio-economic conditions and social security issues.

MIGRANT LABOURERS IN KERALA

Migrant labourers in Kerala are some 1 - 1.3 million (expressed locally as 10-30 lakh) semi-skilled or non-skilled migrant labourers from other States of India, mostly from Tamil Nadu, Rajasthan, West Bengal, Orissa, Bihar, Jharkhand, Chhattisgarh, Assam and other north-eastern parts of India in search of employment and higher wages. The major reason for the influx of migrant labourers is attributed to the reluctance of the indigenous Malayali people to perform manual labour, as there is a social stigma attached to it and a prevalence of low wages.

In Kerala state in particular, though there has been a sudden upturn in housing construction activity in the state since the mid-1970s, this boom has failed to generate growth stimulus to the state's economy. Because long term sustainability of any industry depends on adequate welfare measures, particularly various social security initiatives, for its core labour. It is widely recognised that investment in housing has got tremendous potential for facilitating faster development of an economy. However, long term sustainability of any developmental initiative would require conducive labour market. Thus, social security of workers of housing construction sector in general and women workers in particular is of vital significance. The immense developmental potential of housing adds up to the above significance for a developing nation like India, and more so for a state like Kerala which is starving for investment and employment opportunities. "Due to limitations in portability of entitlements, the inter-State migrants in Kerala are not

able to enjoy some for the entitlements/benefits from the Central and State governments they had enjoyed before migration," the study notes. "The inter-State migrants lose their entitlements when they cross borders of their native States. For instance, migrant labourers from States like Bihar, Orissa, West Bengal or Assam who have been availing themselves of rice or wheat and other provisions at subsidised prices through the public distribution system (PDS) in their home States are unlikely to benefit from the PDS in Kerala." The Aadhaar unique identity cards might, to some extent, address this problem. The migration of labour from the north-eastern States to Kerala is akin to international migration. "The linguistic, social and cultural differences between the State of origin and Kerala and the large distances the migrant have to travel to reach Kerala make the inter-State migration to Kerala more similar to international migration." The language barrier makes them vulnerable and prevents them from accessing health care and protecting their rights. Poor language skills also prevent them from communicating well to doctors about their illnesses and symptoms. The Inter-State Welfare Scheme, launched by the State government last year, has not made much of an impact. The enrolment with the scheme is lower than two per cent of the estimated migrant labour force.

The Labour Department came into existence with the inception of the Kerala State. The Department is conferred with the primary duty to ensure enforcement of labour laws, providing services for prevention and settlement of industrial disputes and performing other related functions to promote all round industrial peace. It endures to maintain a peaceful and calm atmosphere in the industrial sector and to safeguard the interest of the working class. Peace and harmony prevail in the industrial sector due to the timely and able intervention of the Department. The aversion of Kerala Worker to such manual job and their non-availability as and when required are the main reasons for this. They are attracted to Kerala due to the reasonably high rate of wages existing here when compared to the poverty and misery they are subjected to in their native States.

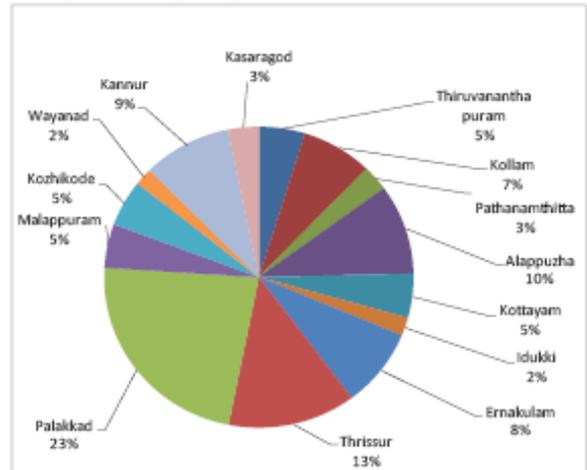
The relative distribution of inter-state migrant labourers in Kerala is shown in Table I and Figure I. It is noted that workers from West Bengal, Bihar, Assam, and UP dominate the total number of migrants coming to Kerala.

Table I: Share of Domestic Migrant Labourers (DML) in the Population in Kerala

State of Origin	Percentage
Uttar Pradesh	14.83
Assam	17.28
West Bengal	20.00
Bihar	18.10
Orissa	6.67
Others	23.13
Total	100

Source : Gulati Institute of Finance and Taxation

Figure I: Distribution of Domestic Migrant Labourers (DML) in Kerala (2011)



Source: *Economic Review 2012*, Govt. of Kerala.

SOCIO-ECONOMIC CONDITIONS OF MIGRANTS – FIELD STUDY AT ERNAKULAM

Totally there are 120 under field study. They are randomly selected from major housing construction sites at Ernakulam city of Kerala. They are of both semi-skilled and skilled in nature. Their preferred language is often Hindi, because most of them have their mother tongues more or less compatible with Hindi language. These migrant unskilled workers are broadly of two types viz., those working on contract basis and those seeking work in the labour market on a day to day basis. While the former works under a contractor or an agent for a fixed period of time, the latter waits for the employer almost every day in some of the centers in Kochi which have become literally "labour markets". Some of the centers are: Vathuruthy, Kadavanthra Junction, Kaloor Junction, and Market Junction in Banerjee Road, Edappally and Thrikakkara. One can also find spatial concentration of migrants' dwelling places in certain neighborhoods such as Vathuruthy, Vazhakkala, Edappally and Thrikakkara. Discussions with the employers and contractors indicate that there is a preference for over local labour because of the former's willingness to work for longer hours. There is also a feeling among them that they are more obedient and non-complaining than their Malayalee counterparts.

From the part of the labourers, the major reasons for their migration to Kerala are:

- ❖ Better employment opportunities and higher wages available at Kerala;
- ❖ Non-availability of employment opportunities and consequent hardships in the home states;
- ❖ The economic necessity, inter-regional disparity in economic growth due to uneven development and disparity between different socio-economic classes has been identified by the National Commission on Rural Labour as the most important reason for causing migration.

Major problem faced by the migrants are as follows:

- The majority of inter-district and inter state migrants are illiterate and belong to the poorest sections of the society.
- The intermediaries often exploit their helplessness by giving certain advance payments and forced them into a kind of bondage.
- Most of the do not have a fixed place of work and

keep shifting from one place to another.

- They lack bargaining power, forced to accept in-conducive working conditions and work for lesser wages.
- In the event of disputes, they have little strength to withstand and to wait for the dispute to be resolved to be resolved by the formal resolution machinery.

❑ Socio-Economic Conditions of Migrants:

- Out of 120 migrant construction workers under study, 33 (27.50 per cent) are from Assam, 36 (30 per cent) are from Bihar, 42 (35 per cent) are from West Bengal, 6 (5 per cent) are from Odisha, and the rest 3 (2.5 per cent) are from Tamil Nadu.
- Of the 120 migrant construction workers under study, 18 are of age above 46 years. The remaining 82 workers fall under three major age-groups (15-25, 26-35 and 36-45) in equal numbers.
- Almost half of the migrant construction workers (47.50 per cent) are Muslims. Next comes Hindus with a share of 42.50 per cent. The rest 10 per cent relates to those of Christian / other communities.
- Educational status of the migrant construction workers is very poor. Only 9 of them (7.50 per cent) have education upto 10 Standard or more while 27 of them (22.50 per cent) have High School level education and 45 (37 per cent) have UP School level education. Further, 18 (15 per cent) of them are illiterate while 21 (17.50 per cent) have LP School education.
- The source of getting employment for 39 (32.50 per cent) are through friends, while for 36 of them (30 per cent) it is through contractors and for 30 of them (25 per cent) it is through relatives. Only 6 of them (5 per cent) could manage to get the job out of their own efforts.
- As high as 33 of the migrant construction workers are engaged in Masonry (Brick layering, Plastering etc.) while 30 of them (25 per cent) work as helpers (unskilled work of general nature). Of the rest 24 (20 per cent), 21 (17.5 per cent) and 12 (10 per cent) work respectively as Carpenters, Bar venders and Welders.
- As high as 72 migrant construction workers (60 per cent) are getting payments on a weekly basis, while 30 of them are getting it on a daily basis and the rest 18 of them (15 per cent) only on a monthly basis.
- In case of lack of regular employment 39 of the workers (32.50 per cent) under study go for some other work while the rest of the workers either take rest or watch TV or have similar leisure activities.
- As high as 75 of the (62.50 per cent) stay at their owners' premises free of cost, while 9 of them (07.50 per cent) stay at owners' premises at nominal charges and the rest 36 of them (30 per cent) have to depend on outside accommodation like lodges.
- It is observed that 75 of the migrant construction workers (62.50 per cent) are sending money to their homes on monthly basis while 21 of them (17.50 per cent) do this on a weekly basis, 12 of them (10 per cent) do this only once in two months, and the rest 12 persons (10 per cent) at the time of returning home.
- It is noted that 111 of the workers (92.50 per cent) of the are satisfied with the present job because of higher wages offered here as against wages prevalent in their native places; and they are not concerned with or are unaware of social security measures. The rest 9 persons (07.50 per cent) are concerned with the lack of social security or safety measures, but they too are satisfied with wages.
- It is worth pointing out that vast majority (say, 80 per cent or more) of the are not even aware of their so-

cial security rights or similar rights relating to safety at work places and such other privileges. Only those workers who had faced some serious set-backs (say, 5 per cent) are concerned about such measures. Rather, all are driven by the higher wages available as against those in their home states.

❑ Living Conditions of Migrant Labourers

- The pattern and nature of the housing of the migrant workers and demanded by them, and their integration with local communities differ from place to place and profession to profession. The nature of housing of the migrant workers is largely determined by the sector of employment and level of wages and skill. Some live at the work site, in temporary shacks or sheds in common lands, in single room flats, one room tenements or one bed room houses and may of them live in open space or common lands in huts made of plastic or tin sheets.
- The migrant workers also stay in many semi-permanent tenements and huts. The lands in these cases belonged to local people, for which they paid rent. These hutments are either covered with tin or plastic sheets and did not have any facilities such as kitchen, or bathrooms and the toilets. Wherever they have facilities they are the barest minimum. There are instances of open defecation too. The hygiene around such settlements are pathetic and the settlements are littered with waste. Cooking, eating and sleeping are carried out in open spaces, and most of the occupants are unskilled workers with low wages. In most sites, the labourers reside and prepare food together at the site food together at the site. Generally a group consisting of 5 to 10 persons prepare the food including breakfast lunch and supper for everyone. Group members are from the same village and some of them are relatives and are led by a team leader. Each one contributes daily for the purchase of food articles. But the cost sharing and settlement of account are done in the weekend; probably because, in the construction sector wages are often settled at the weekend for the labourers engaged by them.
- Many of the migrant labours live in small houses or rooms where adequate toilet facilities are absent. While 80 per cent share the toilet with others and 20 per cent have individuals. The situation has implication not only on the health of the individual migrant but also on public health.
- Availability of water, access to drinking water and sewage facilities are common problem in most such settlements. It was found that most of the around 66 per cent does not have drinking water. The use public taps for sourcing drinking water and water for other purpose. 34 per cent have water facilities, they live in temporary sheds and living arrangement in construction site.
- Environmental hygiene is too poor, the passage and the premises are littered with pan masala folis, bedi, stubs and other waste. Most of the labours working in construction sector lived in small houses depending upon their income. There was not enough facility for sanitation only 80 per cent respondent that their have no sanitation facility. Only 20 per cent have sanitation facility. They live in rented houses.
- They cooking was common and in some places only 20 per cent different groups of workers, according to their place of origin and nature of work, lived in separate sheds with separate cooking facilities. Almost migrant around 80 per cent the small room is used as kitchen where food is prepared using the kerosene

stove placed on the ground.

- One major problem identified by the study is that the domestic waste from the migrants residence is dumped in public places. In most of the multi storied buildings, to soak pits, but in case of many of the sheeted buildings the outlet is into the open area without any arrangement for disposal
- Only 40 per cent of the dispose the domestic waste in the proper designated place. Some of them are dumping in open place and only 16 per cent are burning it. The practice of waste disposal followed by migrant works has seriously implications on the urban environment and public health.

❑ Health Conditions of Migrant Labourers

- It is well known that household environment plays a crucial role in determining the health of its occupant. Overcrowded living conditions of the migrant labourers result in increased transmission of infectious diseases. As noted earlier, in many cases, there are problems in the provision of sanitation facilities. In some cases, the sources of drinking water as well as water for other purposes are also not very good. Non-availability of adequate quantities of water and inadequate usage of water also pose health risks. Cooking food in the living rooms without proper ventilation particularly while using firewood and kerosene is hazardous to health. These unhygienic living conditions make the vulnerable to diseases. The unfavourable working conditions can also lead to serious occupational and other health problems.
- Many of the workers have bad habits which can lead to poor health in the long run. Majority of the workers around 44 percent and 32 per cent drink alcohol and smoke. Around 24 per cent of them use Pan parag and chewing tobacco.

MAJOR SUGGESTIONS

❑ Registration on Arrival in Kerala

- The issue of domestic migrant labourers concerns the domain areas and jurisdictions of many Departments of Government including the Labour, Health, Social Welfare, Police, Education and Local Self Governments. It is therefore important to link the provision of all government benefits to domestic migrant labourers through a common single point one-time voluntary registration system. It is therefore recommended that the government may expeditiously put in place a computerized common system of voluntary registration of the domestic migrant labourers in Kerala.
- The procedure for this voluntary registration would necessarily have to be a simple one with a registration form that can be filled up in a few minutes. Only the basic and necessary details including domestic migrant labourers place of origin, name of next kin to be contacted in an emergency, copy or details of any identity card they are carrying, the place of working in Kerala, name of contractor if any, nature of contract, nature of work etc. need to be filled
- Thereafter a unique Registration Number needs to be generated and given to the domestic migrant labourers along with the Registration Card.
- This voluntary registration would be valid for availing benefits of all the Schemes that the different Departments of the State Government has to offer the domestic migrant labourers including the benefits and services indicated in the Recommendations below. This would avoid publication of registration of domestic migrant labourers by different departments.

❑ Housing and Living Conditions

- Leaving the housing of domestic migrant labourers to vagaries of the local market forces has led to them to live in highly crowded and unhygienic conditions. It is important that the state Government initiates steps to provide affordable group housing and associated services (Provision of water, electricity, sanitation, toilets, washrooms, ensuring a green environment etc.) to the domestic migrant labourers in the state. It is also important that the Government provides subsidies in the State's Budget for such an Affordable Housing Scheme for domestic migrant labourers.
- It is suggested that the provision of affordable housing and associated services (water, Electricity, sanitation, toilets, washrooms, ensuring a green environment etc.) to the domestic migrant labourers may be done by the State Government through the formation of a company under section 25 of the Companies Act.

❑ Social Security and Health Schemes

- There being a total lack of Social Security for the migrant workers in Kerala, it is important for the State Government to have a Social Security Net for the migrant workers. It is therefore strongly recommended that the Government introduces appropriate Social Security Schemes for the migrant workers, taking into consideration the period of their stay in the State. The Social Security Schemes should include provision for payment to take care of cases of accidents and serious illness, death, loss of limbs etc.
- The Social Security Scheme may also consider the setting up of a provident fund migrant workers with contributions from the employers in the case of those who under a contractor, and a non-contributory scheme fully paid by the migrant workers in the case those who work on their own.
- While only isolated cases of exploitation of migrant workers by important that steps are taken to make employers and the migrant workers aware of the Labour Laws and their right sand responsibilities. Towards this it is suggested that the State Government undertake awareness programmes both amongst the migrant workers, the latter in their languages. The State Government may seek the support of the States of Origin of the migrant workers in these awareness campaigns.

❑ Help- line in Different Languages

It is recommended that the Government (either own or in partnership with voluntary agencies) set up a help- line for the migrant workers speaking different languages .help- line may be manned by person who understand and speak these different languages and are fully conversant and trained to respond to and guide the migrant workers on all matters including labour laws, health issues, social security, and emergency issues.

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