

MIGRATION IN INDIA TRADE UNION PERSPECTIVE IN THE CONTEXT OF NEO-LIBERAL GLOBALISATION

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Migration is an important feature of human civilization. It reflects, human endeavour to survive in the most testing conditions both natural and man made. Migration in India is in existence historically, but, in the context of Neo Liberal Globalisation assumes special significance, for Trade Unions and Civil Society.

As a consequence of the neo-liberal policies followed by the successive governments, there are serious income disparities, agrarian distress, inadequate employment generation, vast growth of informal economy and the resultant migration from rural areas to urban, urban to urban and backward to comparatively advanced regions in the most appalling conditions. Under the pressure from the International Finance Capital, Governments both Central & Provincial are further de-regulating the labour markets and further enlargement of the informal sector. In the given context Migrant Labour poses a serious threat and challenge to Civil Society in general and Trade Unions in particular.

Causes of Migration

Migration in India is mostly influenced by Social Structures and pattern of development. The development policies by all the governments since Independence have accelerated the process of migration. Uneven development is the main cause of Migration. Added to it, are the disparities, Inter regional and amongst different socio-economic classes. The landless poor who mostly belong to lower castes, indigenous communities and economically backward regions constitute the major portion of Migrants. In the very large Tribal Regions of India intrusion of outsiders, settlements by the outsiders displacing the local tribal people and deforestation also played a major role in Migration.

The Indian daily Hindustan Times on 14th October 2007, revealed that according to a study by a Government Institute, 77% of the population i.e. nearly 840 million

Indians live on less than Rs.20 (40 cents) a day. Indian agriculture became non remunerative, taking the lives of 100,000 peasants during the period from 1996 to 2003, i.e. a suicide of an Indian peasant every 45 minutes. Hence, the rural people from the downtrodden and backward communities and backward regions such as Bihar, Orissa, Uttar Pradesh travel to far distances seeking employment at the lowest rungs in construction of roads, irrigation projects, commercial and residential complexes, in short, building the “Shining” India.

The pull factors of higher wages caused external migration to the middle-east countries by skilled and semiskilled workers. Migration of professionals such as Engineers, Medical Practitioners, Teachers and Managers to developed countries constitute a small fraction of the total migrants

Magnitude of Migration

Migration in India is predominantly short distance with around 60% of migrants changing their residences within their district of birth and 20% within their state (province), while the rest move across the state boundaries. The total migrants as per the census of 1971 are 167 million persons, 1981 census 213 millions, 1991 census 232 million and 2001 census 315 millions. As per the census of the year 1991, nearly 20 million people migrated to other states seeking livelihood. Within a decade, the number of inter state migration doubled to 41,166,265 persons as per the census figures of 2001. It is estimated that, the present strength of inter state migrants is around 80 million persons of which, 40 million are in the construction industry, 20 million as domestic workers, 2 million as sex workers, 5 million as call girls and somewhere from half a million to 12 million in the illegal mines otherwise called as “small scale mines”.

It is estimated that at present around five and a half million Indians are working in the oil exporting countries of middle-east and another 2 millions in the developed world.

92% of the domestic workers are women, girls and children and 20% of these females are under 14 years of age, as per a study conducted by an organization called “Social Alert”. There is a perceptible phenomenon in this migration, that is, the tremendous increase of women workers migrating either individually or in groups to find work. They are travelling very long distances even for short-term employment, in the absence of any prospect or promise of employment, still they are migrating. This is a disturbing trend, as in the event of not getting employment, they end up as victims of sexual abuse. Even if they get employment, they have to work under inhuman conditions.

Conditions of Migrant Labour

In terms of employment, Construction is the largest sector in India after agriculture. Most of the employment in construction is migrant labour. The working hours are from sunrise to sunset. The working day of women often stretches from 14 to 16 hours, combining house work and work at site. On the site, women are paid Rs. 60-70 a day while men are paid Rs.100-175. Masons earn up to Rs.175-250 a day. The work place is unsafe. The workers have no social security, compensation to injuries, access to drinking water, and health care. India has the world's highest accident rate among construction workers. A recent study by the International Labor Organization, shows that 165 out of every 1,000 workers are injured on the job.

There are 20 million domestic workers mostly migrants from rural India. Regular streams of new migrants, leaving behind, scorched fields and emaciated families in the tribal belts of Bihar, Orissa, Chattisgarh, Jharkhand, Assam, and Mizoram for Mumbai, Delhi and other Metros. They are desperate to join the army of domestic workers. They are willing to work for much less than those who are already working. They are victims of constant verbal and sexual abuse, working without any grievance redressal mechanism. Worsening their situation are the local Governments' brutal eviction drives – dislocating and destabilizing the lives of the very people without whom the cities would come to a crippling halt.

Further, they have to live in make shift tents with plastic covers. They are forced to bathe and defecate out in the open. As they are migrant workers, they do not possess Public Distribution System (PDS) Cards and hence forced to buy food grains and kerosene at higher market prices. The ruling elite which considers Child Labour as a menace, little realize that it is a natural consequence of migrations.

The next large group of migrant workers consists of sex workers whose earnings get shared among seven heads like pimp, landlady, police, protector, money lender, medical practitioner and groceries supplier.

In mining sector, adult miners are paid Rs.100/- rupees per day. Teenagers get Rs.9/- for every *puttu* (iron basin). Small scale mining notorious for massive

employment is highly productive and profitable to the employers. In fact it is polluting, unsafe, disruptive, and in many cases, outside regulatory regimes. In addition, rampant corruption, lack of safety standards, medical care, protective gear and appropriate technologies make small-scale mining a hazardous occupation. Workers often pay for their food, fuel, water and medical expenses if they are injured at work.

Gender discrimination

Women form more than half of the inter state migrant workforce. As stated earlier, 92% of the 20 million domestic workers are women and children and 20% of these females are under 14 years of age. Women constitute more than one third, in the construction. Yet, the division of labour is gendered. Masonry is a male-dominated skill as are carpentry and other skilled jobs. Women carry headloads of brick, sand, stone, cement and water to the masons, and also sift sand. Their wages are less compared to men.

In the mining sector women do unskilled jobs above the ground. They are not allowed to enter in to the mine due to popular myth that “If, women enter into the mine, it will collapse”. They loose wages and also may lose employment for taking leave. They are subjected to sexual harassment. By conservative estimates only 15% of the cases of sexual assault are reported. Women are not provided with any extra facilities to take care of their children while they are on work. Notwithstanding, women migration is the highest in the period from 1991 to 2000 due to Agrarian crisis. 73% of these Migrant Women workers belong to rural areas.

Legal Provisions

The Government of India made an enactment in 1979 in the name of “Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979”. Though the act covers only inter state migrants, it lays down that contractors must pay timely wages equal or higher than the minimum wage, provide suitable residential accommodation, prescribed medical facilities,

protective clothing, notify accidents and causalities to specified Authorities and kin. The Act provides right to raise Industrial Disputes in the provincial jurisdiction where they work or in their home province. The act sets penalties including imprisonment for non-compliance. At the same time the act provides an escape route to principal employers if they can show that transgressions were committed without their knowledge. Needless to say, that the Act remained only on the paper. The record of prosecutions or dispute settlement is almost nil. ***The Migrant Labourers face additional problems and constraints as they are both labourers and migrants.***

Hence, there is no improvement in the working and living conditions of the migrant workers. There is lack of sincerity on the part of the Rulers and Policy Makers in ensuring compliance of the barest minimum of the so called legislation. There are no structures to adequately address the basic issues concerning migrant labour relations, leave aside, addressing the whole gamut of labour relations. The reasons are obvious. The Government desires large pool of cheap migrant labour, be made available to the capital, both Domestic and Foreign. The Indian Judiciary occasionally comes to the rescue of the Migrant Labour and makes pronouncements and observations to fill the gap in the justice delivery system. In spite, the Rulers and Policy makers conveniently ignore and bypass with impunity. Legislation failed, because, Regulatory mechanisms are over stretched, inadequately structured, manpower deficient and resource crunched. State lacks sincerity, yet, Migrant workers are not organised sufficiently to lobby and form a pressure group. There is lack of support from civil society.

One noteworthy enactment to address seasonal migration is National Rural Employment Guarantee Act (NREGA), which guarantees 100 days of employment in a year. The rate of daily wages is, as per the Minimum Wage applicable to that territory. Though the Act was announced with much fanfare, it did not really take-off the ground, as there is neither political will nor social commitment and hence it largely remains on paper. It is implemented successfully only in a very few places which is a miniscule. In most cases the funds are canalised to vested interests.

Lack of organisational structures, awareness, desire on the part of the trade unions and Civil Society Organisations permit such deprivation and exploitation. It is a sad commentary upon the conduct of the Trade Unions and Civil Society Organisations in the cause of the Migrant Labour.

First step on a long journey

Some Trade unions and Non-Governmental organizations though very small in number made sincere efforts to alleviate the problems of the migrant workers. IMF initiated an effort to organize the Migrant Workers at the Shipbreaking Yard at Mumbai and Alang through Steel, Metal & Engineeringworkers' Federation of India (SMEFI). These Migrant Workers were organized in the existing union Mumbai, Port Trust, Dock and General Employees' Union (MPTDGEU) by amending the constitution and reducing the rates of subscription. Non-economic demands like civic amenities, Occupational, Health and Safety (OHS) and social problems were taken up. The beginning was to provide safe drinking water at the workplace. As a next step, First Aid Boxes were provided and Blood Donation Camps were organised with the help of St. Johns Ambulance. Identity badges / Membership Cards were issued. Mohalla Committee (Neighbourhood Committee) were set up to integrate these Migrant Workers to bridge the language and cultural gaps. NGO's were involved and collaboration with them really helped in organizing the workers. The union encountered stiff resistance from employers, money lenders, local mafias and apathy from Government agencies. The Supreme Court of India appointed a Monitoring Committee, while disposing a Public Interest Litigation (PIL) in the famous Clemenceau case. The Migrant Workers Union submitted a memorandum on socio-economic conditions of the Migrant Workers and it is considered by the Apex Court as a source of reference. This effort spread to Alang which is the largest Shipbreaking Yard in the state of Gujarat. The Alang Shipbreaking workers came into the fold of this initiative and registered the first ever union of Shipbreaking workers in India. As on date the union membership stands at 5,705.

As part of this initiative, training programmes and workshops were conducted exclusively for Migrant workers. It is an amazing experience that the Migrant Workers spoke about themselves in their language and took active part in decision making effort for redressal of their grievances.

There are some efforts like these, but they are not strong enough to build pressure in the corridor of powers to represent the legitimate and genuine issues of Migrant Labour. Some voluntary groups and non governmental organizations also have taken up the issues of migrant workers.

The road ahead

Migration will be much larger phenomenon encompassing half of the workforce in informal sector. The Governments are encouraging external migration for remittances and internal migration for cheap labour to meet the profits of finance capital. The problem of Migrant Labour is too huge and requires cooperation and coordination between trade unions and other social actors. Trade Unions being a dynamic and vibrant social institution can contribute to social change in a big way, provided, they absorb migrant workers in their rank and file and make them equal partners for sustainable development and social justice. The NGO's having skilled manpower and resources can provide the trade unions with research and background. Trade unions with their organisational structures, organizing skills can take on the employers, Policy makers and governments for a better deal to the Migrant Workers and contribute for social harmony and sustainable growth.

Trade Unions have been working for defending and promoting Trade Union Rights and Human Rights, but it is high time, that, they take up the Migrant Workers Rights and address the causal aspects of the "cause and effect relationship" of migration, so that, the conditions which create migrant labour are addressed and necessary policy shifts and alternatives are created. The trade unions in general and GUFs in particular should fight against violations of trade union and human rights and abuses against Migrant workers. Eventually, there would be decent jobs both in the Exporting and Recipient countries and the "race to the bottom thus checked".

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