

PROBLEMS & SOLUTIONS OF INTER STATE MIGRANT WORKERS OF BILASPUR DISTRICT (C.G.)



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November, 2010

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1. CONCEPT OF MIGRATION :- Migration is a social, economic and universal phenomenon in modern times, through which human being move from one place to another places in pursuit of certain cherished objectives like avenues of better employment, better wages, better working and living conditions, better quality of life and better livelihood. Such movement being a normal and natural process. There is nothing wrong or objectionable in migration pears. Migration becomes objectionable only when the element of freedom in movement is replaced by coercion and all the normal hopes and expectations associated with migration are believed and the migrant workers are subjected to exploitation culminating in a lot of misery and clabbering and deprivation of the irreducible barest minimum to which every labour workers as a human being and a citizen is entitled. It becomes objectionable when human greed, rapacity and aggressively selfish and acquisitive instincts over take the finer aspects of human character such as kindness, compassion and commiseration and where human being are driven to a situation characterized by the denial of human dignity decency, justice, equity, security.

Such denial becomes all the more a matter of grave anxiety and concern when the person & affected come from the lowest strata of the society and are in need of social protection. Most Migration take place due to regional difference in the population pressure on land, inequality of infrastructure, lack of industrial development, low productivity and acute scarcity conditions, so they leave their homes to fulfillment of their need of food, health, education, expenditure and an aspiration for better life, any person leaves his native state to other states in India to searching of employment and livelihood comes back to his native state or home after completion of requirement. That is called inter state migration.

2. CAUSES OF MIGRATION :- The main causes of migration from native place are give below:- i. Better employment & higher wages. ii. Skill in brick making. iii. Encouraged by a person from their native state. iv. Not payment of notified minimum wages. v.

Allured by middle men or contractors. vi. Low earnings, poor livelihood and poor quality of life. vii. Need for recoverage to loan /Debt./Advance for discharge of ceremonial obligations.

3. PROBLEMS OF MIGRANT WORKMEN :-

Main Problems of migrant workers are given below:-

i. Improper recruitment Process :- Migrant workmen are exploited by their agents (Dalal) because the recruitment process does not become

according to inter state migrant workmen Act 1979. **ii.**

Miserable journey Condition :- The migrant workmen

are recruited & sent to work places by trains & buses

without proper reservations but they are transported

like goods & cattle. **iii. Improper Wages and Service**

Condition :- No Proper accommodation facility is

provided to migrant workmen in working place. Neither

full wages, better wages nor medical facility is provided

to migrant workmen in working place according to

provisions of inter state migrant workman act 1979.

Employers compel to inter state workman to work

under their terms & conditions.

4. CONSTITUTIONAL AND LEGAL PROVISIONS

:- Freedom of movement in any part of territory of

India and freedom to pursue any avocation of ones

choice is a fundamental right guaranteed by article 19

of the constitution of India. Every citizen of India has

got constitutional fundamental right that he can live any

part of India and can do any legal work for his livelihood

that means any person can leaves his native state to

other state in India for searching of employment but the

system of employment of Inter state migrant labour was

an exploitative system prevalence more or less in all

India. First of all it was observed in Orissa and in some

other states. In Orissa dadan Labour is recognized from

various parts of the state through contractors or agents

were called Sardars / Khatedars for work outside the

state in large construction projects. This system lends

itself to various abuses. Sardar promised at the time of

recruitment that wages would be calculated on piece

rate basis would be settled every month that was not

usually kept. Once the worker came under clutches of

the contractor he took him to a far off place on payment

of railways fare only. No working hours were fixed for

inter state migrant workers and they had to work on all the days in a week under extremely bad working conditions. The provisions of the various labour laws were not being observed in their case and they were subjected to various malpractices, because of protection and welfare of Dadan Labour, Twenty Eight Session of the Labour Ministers conference (21-10-1976) recommended the setting up of a small compact committee to go into the whole questions and to suggest measure for eliminating the abuses prevalent in this system. The inter state migrant workmen are generally illiterate, unorganized and normally to work under extremely adverse conditions and in the view of this hardships, some administrative and legislation arrangements both in the state from where they are recruited and also in the state where they are engaged for work are necessary to secure effective protection against their exploitation.

The compact committee which was constituted in Feb 1977 therefore recommended the enactment of a separate centre legislation to regulate the employment of inter state migrant worker as it was felt the provisions of the Contract Labour (Regulation and abolition) Act 1970, even after necessary amendments would not adequately taken care of the variety of malpractices indulged in by the contractors /Sardars/ Khaledars etc and the facilities recruited to be provided to these workmen. In view of the peculiar circumstance in which they have to work. The recommendations of compact committee have been examined in consultation with the state government and the ministers of the Government of India had passed the Inter State Migrant workmen (Regulation of Employment and Conditions of Service) Act 1979 by both houses and president of India had given his assent on-11-06-1979.

5. Main provisions of the Act:-

i. The provision of short title, extent, commencement and application has been given under Section 1. ii. The provision of definition of appropriate government, establishment, principal employment, wage, contractor & workmen has been given under Section 2. iii. The provision of registration of establishment has been given under Section 4. iv. The provision of compulsory license for contractor migrating 05 or more than 05 workers has been given under Section 8. v. The provision of contractor is liable to furnish particulars of workmen in both states, passbook -

photographs, name and place of establishment period of employment, rates and mode of payments, other payable allowance if any has been given under Section 12. vi. The provision of wage rate, holidays, working hour and other working conditions should be as similar as work place /state has been given under Section 13. vii. The provision of displacement allowance has been given under Section 14. viii. The provision of journey allowance has been given under Section 15. ix. The provision of duty of inspector has been given under Section 20. x. The provision of procedure of offence, contravention of provisions & punishment has been given under Section 24 to 34.

6. NEED OF THE STUDY:- Bilaspur is a District of Chhattisgarh state it is known as Nyayadhani of state. Total area of Bilaspur District is approximately 6337 SQ. Km. The total population of District is 1993042 (Census 2001). 857577 Workers are working in Bilaspur District, 503677 Workers belong to male and 353900 Workers belong Female. Bilaspur is a most migrant District in Chhattisgarh State. For better livelihood Workers have been going from this district to an other state like U. P., Bihar, Punjab, Haryana, Delhi, Himanchal Pradesh, Gujrat, Jammu & Kashmir, M.P., West Bengal etc. Since 1905 for constructions, Brick making & other works. Tahsil Masturi, Behla are Highly, Mungeli, Takhatpur & Kota are less, Patheria & Lormi are low and Marwahi, Pendra & Gourela are Zero Migrant area in Bilaspur District (C.G). After finishing the Kharif Crop, the workers become free & they have no works for employment and livelihood then workers go to the other states for employments. Near about 80% migrant workers go to for brick making work & 20 % migrant workers go to for construction & other works.

Migrant workers of Bilaspur District are free to go and come back as and when it suits their convenience. Migrant workers are recruited by malfunctioned and by dysfunctional middlemen on payment of advancers with strings attached a phenomenon which offer leads bondage. They are not free to come back to their native habitat until and unless the advances have been fully liquidated. There is no openness and transparency in the whole operation. Having gone to other states, they are cheated by contractors & Principal Employers and face so many problems. Maximum number of contractor do not take labour license & not follow the provisions

Table No.-(6.1)

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
No. of License	25	55	16	17	17	09	22	13	18	01
No. of Workers	275	1025	295	195	140	170	441	180	400	20

of interstate migrant workmen act. 1979. The information of recruitment license has been given below.

Note :- Above table shows that much more license in Year 2002, 55 migrant license had been issued for 1025 workers but gradually come down yearly. The table indicates of the effective implementation of district administration.

The contractors & principal employers, those who do not take license for recruitment and employment of workmen & do not follow rules then making the cases are put up before labour court and panelized by labour inspectors. The information of cases are lodged in labour court is given below.

Table No.-(6.2)

Year	2001 to 2003	2004 to 2006	2007- 2010
Number of cases	552	61	52

Note:- Above table shows that in Year 2001 to 2003, 552 cases are put up in labour court but due to steps and programmes taken by district administration Bilaspur (C.G.) and violation of inter state migrant workmen act 1979 has come down yearly. It is as because the policies adopted the state administration.

7. OBJECTIVES OF THE STUDY :- The objective of present study are to :- i. Study the schemes and programmes are taken by District Administration & Labour Department, Bilaspur (C.G.) for encouraging Migration. ii. Find out the no of Inspection conducted & prosecuted by District Labour Department. iii. Offer suitable suggestion for stopping the migration.

8. HYPOTHESIS :- The schemes and programmes are taken by district administration and labour departments Bilaspur (C.G.) are inadequate for encouraging migration.

9. AREA OF THE STUDY :- The area of the study is Bilaspur District (C.G.). The study Year is 2009-10.

10. METHODOLOGY OF THE STUDY: - The research is based on secondary source of data taken from magazines, Journals, Books and office record of District Magistrate Bilaspur and Assistant Labour commission Bilaspur (C.G.).

11. STEPS & PROGRAMMES TAKEN BY DISTRICT ADMINISTRATION TO REDUCE MIGRATION :- Steps and programmes are taken by district administrations of Bilaspur (C.G.) are given below. i. The district Administration Bilaspur (C.G.) is running successfully NREGA job oriented schemes from 2001 to 2009-10, 1 lac workers have worked 2006 works of amount of 1.70 Crores. ii. The district Administration Bilaspur (C.G.) has provided special aids for agriculture in order to discourage seasonal migration. iii. The district Administration has taken strict action against unlicensed contractors & deputed labour inspectors in Bust Stand, Railway Station etc. Every year by the

district administration Bilaspur (C.G.) iv. The district Administration has started Mahila Jagriti Shivir and Ayushmati Yojna under Mahila Jagriti Shivir, 467 women benefited and 1754 women benefited under Ayushmati Yojna from 2001 to 2009-10. v. The district Administration Bilaspur (C.G.) has started Indira Hareli Scheme; this scheme has been designed to break the vicious cycle of poverty and environmental degradation reinforcing each other. The scheme involve poor families of schedule caste & scheduled Tribe, OBC and other BPL families in greening by granting them usufruct rights over trees planted by them under wage employment schemes. Backward & Forward linkages are ensured under the scheme. vi. The district Administration Bilaspur (C.G.) has started several categories being linked with various schemes for discouraging migration are health Card, BPL Ration Card, Van Bhumi Adhikar Patra, Prime Minister employment scheme, SHGS, SGSY, BRGP and self help group. vii. The district Administration Bilaspur (C.G.) has started so many schemes which are mentioned above due to these schemes migration has reduced gradually. The status of migrant workers has been observed in below table :-

Table- 11.1

Year	2001	2006	2007	2008	2009	2010
Number of Migrant workers	93893	17796	15850	3437	2350	1223

Note :- Above table shows that in Year 2001, 93893 migrant workers have gone for employment to other states but migration gradually has come down. In every successive year due to the schemes and programmes run by the district administration and its effective implementation. 2010 only 1223 migrant workers has gone to other states.

viii. Because of schemes and programmes of district administration Bilaspur (C.G.), migrant workers are getting much more aware about their rights thus they are in a better position to bargaining for money with the employer. They have started complaining against exploitation.

12. SUGGESTIONS :- i. All migrant workers should be registered in Gram Panchayat Compulsory. ii. All recruiting agents, who are recruiting migrant workers without licence under section 8 of ISMW Act 1979, they should be punished severely. iii. All principal employers at the destination point, who are employing Inter state migrant workers without a registration certificate under section 4 of ISMW Act 1979, Must be punished sincerely. iv. All advances which are being paid by the recruiting agent must be fully accounted for a copy of the document in support of the advance, must be shared with the inter state migrant Labour.

v. At the work site at the destination points a bank account may be opened in the name of the inter state migrant workmen. All advances and wages which are being paid to inter state migrant workmen after he has reached the work site at the destination point, must be credited to this account, on no account there should be any deduction from the wages for payment of middlemen's commission and this must be strictly enforced this will eliminate the possibility of oral/informal credit which the root causes of bondage and will ensure total openness and transparency any in all transactions. vi. All records and registers under payment of wages Act and inter state migrant Act 1979 must be maintained in the prescribed form and must be ensured by the officers of labour law enforcement machinery of the destination state. v. The State Government's Schemes and programmes for encouraging inter state migrant workers should be

implemented very honestly and promptly.

13. CONCLUSION:-

Inter state migration from Bilaspur district is being observed from very long time. The district seems to be the most sensitive for migration of workers to other state in search for better employment and livelihood but they are cheated by middlemen or agents and also exploited by the employer in terms of violation of inter state migrant workmen act 1979 and labour law hence, they face so many problems. The district administration has started so many schemes & programmes to curb such malpractices and malfunctioning of middleman and its proper implementation and monitoring has successfully minimize the exploitation of the inter state migrant worker in spite of the efforts made by the district administration, still some stones remained to be unturned to eradicate the menace entirely.

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