

Labour Rights and Labour Standards for Migrant Labour in India

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Introduction:

With the advent of industrial revolution in Europe, in the 18th and 19th centuries, a new class of factory workers was emerged in the world economy. Capital and labour were main factors of production in the production processes of industrial revolution. Consequently, producers or owners and workers were emerged in the private economy. .So far as welfare of the society is concerned, it was necessary to maintain labour standards for workers and provide them welfare facilities as per labour standards. Therefore, the International Labour Organization was established in 1919, under the treaty of Versailles. After the second war period, the United Nations General Assembly adopted the Universal Declaration of Human Rights. The most important fundamental international instrument informing much social, economic and political polices of many developed and developing countries in the world is the Universal Declaration of Human Rights, December 10, 1948. However, the human rights have been incorporated in the constitutions of many countries in the world. According to International Labour Organization's principles and rights at work, core rights are important for working class in the in the world economy. India is a developing country. India adopted new economic policy in 1991, which is known as liberalization, Privatization and Globalizations (LPG). New economic policy has changed the face of the country. Globalisation brings in its wake restructuring of production processes, and employment relations. (Mishra, 2001). In the era of globalization, it is necessary to discuss relevant aspects of labour standards and labour rights, dimensions of decent work in respect of migrant workers in the developing countries like India.

Objectives of study:

The objectives of the study are:

To know policy of decent work adopted by ILO for workers in the world economy.

To discuss about rights of labour for development of working class.

To examine relevant aspects of labour standards in order to improve the living and the working conditions of migrant workers and others

To study about labour rights and standards for migrant labour in India

To suggest measures in order to protect the migrant labour in India

In this paper, an attempt has been made to discuss about labor rights and standards in respect of migrant labour in India. The study is descriptive in nature and mostly based on primary and secondary data published in different reports of the government and non government agencies.

Concept of decent work:

The word decent means accepted moral standards, decent work; it shows an acceptable quality of work. let us say, workers are pleasant at work places and they are satisfied from any type of work due to decent conditions of life as well as decent working conditions of labour. It shows various types of freedoms and rights for men, women and children in order to maintain dignity of human life in the society, in other words, development of society, workers, as per labour standards.

According to Reddy,(2005), Decent work refers to work wider than job or employment including wage employment ,self employment and home working and is based on the core enabling labour standards viz, freedom of association, collective bargaining, freedom from discrimination and child labour. Besides, Rodgers (2001) observes that the word decent too involves some notion of the normal standards of society, lack of decent work therefore has something common with concepts of deprivation or exclusion, but of which concerned with social and economic situations, which do not meet social standards. Decent work is a broad concept which is related to overall development of the society and workers. Rodgers (2001) says that decent work is a way of capturing interrelated social and economic goals of development. Development involves the removal of unfreedoms such as poverty, lack of access to public infrastructures or the denial of civil rights. Decent work brings together different types of freedoms. such as labour rights, social security, employment opportunities etc. Therefore , there are four dimensions of decent work,(i)work and employment itself (ii) rights at work (iii) security (iv) reprehensive at work dialogue. The goal of decent work is based on sound ethical principles of ILO.The main goal of decent work is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security, and human dignity.Mishra (2001) pointed out position of the population in the global economy, about three billion people today live on less than 2 dollars a day. It means that half of the global population is

not even close to a decent standard of living. More than a billion people do not have enough to eat every day.

Labour Rights:

Let us discuss aspect of labour rights, which is concerned with decent work. Social security is a fundamental right of labour, which is guaranteed by law to all human beings, who live their own labour and who find themselves unable to work temporarily or permanently for their control. In terms of social security, the first beginnings were made 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 (Singh, 1997). 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).

The international covenant on economic social and cultural Rights of the United Nations is another international instrument bestowing workers with economic social and cultural rights. So that they enjoying these rights of self-determination can freely pursue their economic, social and cultural development (Shyamsundhar, 2004). The Indian Constitution (GOI, 1991) provides for citizenship rights in part II. Citizenship rights are regarded as fundamental, because they are most essential for the attainment by the individual of his full intellectual moral and spiritual status. The guarantee of the minimum rights at the workplace will enable people to claim and realize a fair share of the wealth. The guarantee of these rights will ensure a process of translating economic growth into social equality. The development thus becomes synonymous with the agenda of integrated development. (Mishra, 2001).

According to the Directive Principles of State Policy of the Indian Constitution, (GOI 1991) The state is required to secure for the citizens, both men and women to right to an adequate means of livelihood, equal pay for equal work for both men and women, protection against abuse and exploitation of worker's, economic necessity, protection of their health and strength, to secure for children opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and protect children and a youth against exploitation and moral and material abandonment. The state is also required to secure equal justice and free legal aid, to make effective provisions for right to work, to education and to public assistance incases

of undeserved want, to ensure just and human conditions of work and maternity relief, to secure work, a living wage and a decent standard of life to participation of workers in the management of industries.

However, citizenship rights are essential for the development of the citizens of the country. According to Thorat,(2008),in complete citizenship or denial of civil rights (freedom of expression, rule of law, right to justice) political rights (right and means to participation in the exercise of political power),and socio-economic rights (right to property, employment, and education) are key dimensions of an impoverished life. Besides, Mishra (2001), states that we need to recognize that the right to move freely from one part of the territory of a country to another or one part of the globe to another is a basic right which should not be denied to workers.

Labour standards:

The International Labour Organization (ILO) has played a significant role in promoting International Labour Standards. (ILS's).The ILO has formulated international labour standards at various conferences. In 1944,the conference of Philadelphia adopted the Declaration of Philadelphia , which restated the fundamental aims and purposes of the ILO.Several acronyms have been used to describe labour standards such as fair labour standards, minimum labour standards, basic or core labour standards etc.Several factors have also been attributed to non-observance of labour standards such as unfair trade and labour practice, state of underdevelopment, absence of work place co-operation and so on (Mishra,2001).With a view to improve labour conditions through the forum of tripartite committees, the international labour organization passed the convention on June 1976.The preamble of the last ACP-EEC(African Caribbean and Pacific States) convention signed at lome in 1984.Besides,the world summit on social development held at Copenhagen in March 1995 had tried to establish the basis for such a minimum level of social protection by creating an international consensus on fundamental minimum labour standards. Since its inception the international labour organization has adopted 181 legally binding conventions and 188 recommendations aimed at improving labour standards across the globe. There are eight core labour standards.

There are four categories such as:

- i) Right to freedom of Association and collective bargaining
- ii) Elimination of forced labour
- iii) Elimination of child labour
- iv) Elimination of discrimination in matter of occupation and wages. (Mishra, 2008).

However, there are important seven conventions.(convention No's 29, 87, 98, 100, 105, 111, and 138) (Mitra, Kaushal,1998).These Conventions are also known as social clause, labour clause ,social concerns etc.These are the instruments in the hands of ILO in to improve the living and working conditions of working class in the third world.(Nath,1998).The ILO provides for a tripartite arrangements between employers, workers and state to legislate and execute the international labour standards in the member countries. The international labour standards protect workers in various sectors. They include freedom of association, equal pay for equal work, safe working conditions, abolition of forced labour and sex based discrimination, employment protection, provision of social security, protection of migrant workers, elimination of sexual harassment of women workers and others. These international labour standards were formulated and few of them were amended by the international labour organization between 1919 and 1978with a view to protect the material and moral interests of the workers. (Singh, 1998).

Labour standards for workers in India:

Now, we are going to discuss relevant aspects of international labour standards and the position of India. regarding labour standards. India is a founder member of the ILO.India has ratified 37 of the 181 conventions. The constitution of India upholds all the fundamental principles envisaged in the seven core international labour standards. Out of the seven core labour conventions, India has ratified three, they are (i) forced labour No.29, equal remuneration No.100. and discrimination No.111.The government of India has ratified some conventions such as hours of work industry convention 1919,night work (women) convention 1919 ,minimum age convention 1919 ,Right to Association (Agricultural workers),workmen's compensation,1925, Equal Remuneration convention1951,(VenataRatam,1998),However, freedom of association and Right to collective bargaining (convention No.87 and 98) both conventions are not ratified by India due to technical difficulties involving trade union rights for civil servants.Freedom of Association is guaranteed as a fundamental right in the Indian constitution , Trade Union Act 1926 meets with part of the objectives of the convention.

The Indian Constitution, (GOI, 1991) 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. However, these labour laws and policies are applicable for workers in the organized sector only. What is the present position of unorganized workers in India? Have they got basic rights of labour as per labour standards in India? Have they protected by various labour laws in India? What is status of migrant workers in India? These are main issues of unorganized workers in India. They constitute 92 percent of the total workforce in the country. As against this an estimated 8 percent of the labour force in India falls in the formal or organized sector, which is protected by compressive labour laws covering Industrial Disputes, Unfair dismissal trade union rights, wage and working conditions , health, insurance, security schemes etc.

Determinants of Migration:

Now, we can discuss about the concept of migration. The problems of migrant workers have become very important in many developing countries of the world. The process of theorization of migration began in the 19th century. It has been discussed by many researchers, who have emphasized social and cultural, distant and economic factors as causes of migration. Migration of labour started in India during the period of British colonial rule. It was aimed at meeting the requirements of capitalist's development both in India and abroad. The labour was moved from the hinterland to the sites of mining, plantation and manufactories. It was recruited from the rural areas and regulated in such a manner that women and children remained in the villages while males migrated to the modern sector. (Gill, 1998). Generally, there are two basic factors of migration: i) Distance ii) Duration.

From the distance point of view, migration can be classified under four categories:

i) Rural to Rural ii) Rural to Urban iii) Urban to Rural iv) Urban to Urban.

Besides, migration can be divided into following categories:

i) Intra-district, ii) Inter-district iii) Intra-state iv) Inter-state v) National and International.

From the duration point of view migration can be studied under three categories:

i) Casual-temporary ii) Periodic- seasonal iii) Permanent.

Todaro (1969), tried to explain migration in developing countries in terms of push and pull factors, respectively. Therefore, the motives of migration are classified as push factors (which emphasize on the situation at the origin, that is, place from which migration started) and pull factors (which emphasize on the situation at the destination). Unemployment,

flood, earthquake, drought, (i.e., natural calamities) etc, are the push factors. Pull factors that determine migration such as attraction of citylife, for education, health, development of backward community, job opportunities and. training facilities and so on. The push and pull factors of migration among a tribal and lower income group's of population are categorized under the following heads

(i) Ecological factor (ii) Demographic factor (iii) Social and Cultural factors.

Migration of labour in India:

The problem of seasonalisation in agro-based industries can be found in a large number of countries. Firstly, we have to define seasonal factory, seasonal factory is one which normally works for more than half the days of the year. The main feature of nearly all the seasonal factories is that the workers are still agriculturists and the great majority live in their village homes. The workers are generally quite unorganized and wages tend to be low. (GOI, 1931). There are some of the important key questions, we need to seek answers like, (i) who are the migrant workers? (ii) Why do they migrate from their native places? (i) Where do they migrate? What is the status of migrant labour in respect of labour standards in India? Do they know about their labour rights?

For the purpose of migration, some studies and reports have tried to seek answers of these questions, and they have discussed the problem of migrant workers in India. Agriculture is the main source of the population of India. The agriculture on which the bulk of the rural population in our country has to depend for the main source of livelihood. Which is itself largely dependent on the precipitation and distribution of rainfall; failure of rain and consequent failure of agriculture greatly reduce the purchasing power of this large segment of population, recurrence of such situation called as drought.

In India, droughts occur once in every five years in some parts of India.(MEDC,1974), viz., West Bengal, Madhya Pradesh ,Kerala, Costal parts of Andhrash Pradesh ,some parts of Maharashtra state, like Marathwada, east and west parts of Maharashtra, inferior of south Karnataka, Bihar, Orissa, Rajasthan and other parts of India. At present, Cultivators, small and marginal farmers, agricultural labourers, landless labourers etc, have to face the problems of natural calamities in India. According to Desarda (1987), drought is not caused by niggardliness of nature, but failure of the system properly plan and use the resources of land and water, he further emphatically stressed that water resources of India are colossal but they are seasonally, regionally distributed and very compressive water resources, planning is reduced to combat

recurrent droughts and raging floods. However, the problem of chronic under employment in rural areas is thus essentially due to the event of a failure of seasons and lack of resources. (Gadgil, 1972). At present, about 27.5 percent of the population is below the poverty line in India, (in which section of the society is unable to fulfill its basic necessities of life like food, cloths and shelter etc) The planning Commission of India in its Approach to the 11th Five year Plan, 2006 estimated that 27.8 percent of population was below the poverty line in 2004-05. Datt and Sundharam (2008) have shown state level data on poverty ratios during 2004-0. States with poverty of less than 15 percent were Jammu and Kashmir, Punjab, Haryana, Himachal Pradesh, Delhi, Andhra Pradesh. As against them. States with poverty ratios above 30 percent were Maharashtra, Uttar Pradesh, Bihar, Jharkhand, Madhya Pradesh, Chattisgarh, Uttarakhand, and Orissa.

The problem of poverty is directly related to the existence of unemployment, underemployment and low productivity. (NIRD, 1984). Agriculture is a seasonal occupation, which can not open job opportunities round the year to all (Powar, 1983). In the absence of irrigation facilities permitting multiple cropping, the monsoon agriculture enjoins on a majority of the rural labour force on an extended period of seasonal unemployment (Myrdal, 1970). These helplessness dispirited unemployed labour leave their village homes and join to swell the already over populated areas not only in India but also in other parts of the developing and developed countries, whose agricultural labourers are shifting to industrial sector (ILO, 1960).

Dantwala (1963) emphasizes the feature of seasonability and disguised nature of unemployment in the agricultural sector, seasonability arises from the problem of inelasticities of the time pattern of primary production. According to Nigeria (1963), we are not short of land quantitatively but we are short of land qualitatively, that is to say, arable lands are not as fertile and productive as we would want, the result is that, people move from these poor soil areas to the urban and agro-based industrial areas and create more problems for the government. Similarly Myrdal (1958) observes that in many underdeveloped countries, a part of the labour force does not engage in any form of workers at all. Most of these workers, who work only short periods in agricultural sector. These countries have to face the problem of disguised unemployment; the term disguised unemployment is used to refer to the mass unemployment. Disguised unemployment prevails especially in agricultural sector of an underdeveloped and over populated countries. (Nurkse 1960). Unemployment is associated with all types of workers from the small, owner cultivators down to migratory agricultural labourers for periods of time even during the agricultural season (Sundram, 1947).

The marginal productivity of the members of the family is negligible or zero from agriculture, their continuance in agriculture would add no food to the total. (Singh, 1965). The majority of the agricultural labourers, small and marginal farmers do not get enough work during the off season, consequently, they migrate from insufficient food and limited sources of geographical areas to job opportunities areas. (Vakil 1978, Galbraith 1958). Therefore, we can say that agricultural labourers and other workers are migrating from drought prone areas to irrigated and industrially developed areas for part time work or seasonal types of jobs. Especially. Workers migrate from their native places to urban areas or other places of work due to various reasons.

Dadabhi Naoroji, (1888), and Lewis, (1956) have pointed out various causes of migration of labour, like agricultural poverty, the decline of village and cottage industries, poverty of the people, drought affected villages in which absentee of work for about six months per annum, and the existence of a large size of small cultivators whose holdings are extremely inadequate and landless labour in economically weaker sections of the community, and lower caste people. The 1991 Census of India, includes two other reasons for migration of people. Namely (i) business and (ii) natural calamities like drought, floods, and others.

However, Karl Marx (1958) also pointed out the problem of migrants in the agricultural and industrial fields, he says that this class of people, who migrate to industrial areas for several months, they live with camp, the contractor himself generally provides his army and he exploits the labourers in two-fold fashion as soldiers of industry, and he works with the help of labour gang system, which is cheaper than other work. Karl Marx further states that labour gang system is decidedly the cheapest for the land and factory owners and decidedly worst for the children and migrant workers. Now, how can this difficult situation be tackled? How can the rural marginal farmers, landless and agricultural labour and migrants be saved out of this situation? (Vyas, 1964). The Royal Commission of Agriculture Report (GOI, 1927), pointed out that about 75 percent of the labour employed in large sugar mills in Bihar and Orissa states, was composed of such type of migratory labour. This seasonal trend of labour force also found in other plantation areas in different parts of India. (Dasgupta, 1979, Gadgil, 1948).

Status of Migrant labour in India:

The National Commission on Rural Labour in India (NCRL, 1991) estimates more than 10 million circular migrants in the rural areas alone. These include an estimated 4.5 million inter-state migrants and 6 million intra-state migrants. The Commission pointed out that there are large number of seasonally migrant workers in the agriculture and plantations, brick kilns, quarries,

construction sites and fish processing. The problem of seasonal migrant workers in the sugar industry and other agro-based industries is not a new phenomenon in India. There are more than 500 sugar factories in India. (Datt, Sundharam, 2008)The average crushing season of the sugar factories varies from 116 to 165 days. In the country, Agricultural workers migrate from drought prone areas of Maharashtra state to irrigated areas or industrially developed areas of the state for seasonal work in the sugar factories. There are about 12 lakh sugar cane cutters, transporters, sugarcane harvesting seasonal migrant workers in the Maharashtra state. The majority of seasonal workers or poorer live in the rural areas and belong to the categories of landless labourers, small and marginal farmers, scheduled castes and scheduled tribes and other backward classes. (Salve, 1990). These people have either no assets with very productivity, a few relevant skills and no regular time or very low paid jobs seasonal. Besides, migrant workers are engaged in different types of jobs such as brick kilns, salt pans, stone quarries, construction (irrigation, canals, dams, road building) in agri-business like harvesting of sugarcane. Large numbers of bonded labourers nowadays are seasonal migrants (Breman, 2008).

Srivastava's study (1998) shows state wise data of migrant workers in different sectors of India. Haryana state provides employment to a large number of migrant workers from Uttar Pradesh and Bihar. Some workers migrate to Tea and coffee plantations in Karnataka states, West Bengal and Assam states employ migrant labourers from Tamilnadu, Andhra Pradesh and Bihar. Besides, and more than 12 lakh inter-state migrant workers work in the agricultural sector. Brick kilns provide temporary employment to around 10 lakh. Seasonal migrant workers. Various construction workers, road, railway, buildings, dams. Canals etc seem to employ nearly 20 lakh inter-state migrants. Around 45 lakh inter-state migrant workers work for temporary periods in different sectors. Besides, large numbers of seasonal migrants work in the urban informal manufacturing, construction services or transport sectors as casual labourers and so on.

In Maharashtra state, there are 10 lakh handloom and power loom workers, 8 lakh workers who are engaged in building and construction sectors. In the Western Maharashtra state, sugar factories engage near about six lakh seasonal migrant workers from drought prone areas of the state. Agriculturally developed regions in West Bengal and Madhya Pradesh draws labourers from other districts within the state or other states. (NCRL, 1991). So far as recruitment process is concerned, in the agricultural sector, migrant workers are recruited directly by the farmers themselves or through a chain of middlemen like contractors or mukkadams or thekeddar etc. The recruitment process in the non-agricultural sector is also organized through contractors or middlemen in a number of industries. Loans and advances to migrant workers are adjusted

through them. Expenses and transportation or other costs etc are deducted from their payments in the few months.

Quality of life and labour standards for migrant labour:

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 migrant workers in India. In terms of wage policy in India, it has been observed that male and female migrant workers get lower wages than minimum wages. 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 migrant workers in India. (Singh and Iyer 1995, Krishnaiah, 1977, Salve, 1990). There is no fixed time of work for migrant workers; they work more than 12 hours a day instead of 8 hours a day. Harvesting of sugarcane migrant workers, sugarcane cutters, transporters and brick kiln workers work for 12 or more hours per day (Srivastav 1998, Salve 1990). So far as wage rates of women workers are concerned, it has been observed that migrant women workers are paid lower wages than male workers in certain operations.

Therefore, it should be noted that 'the principle of equal pay for equal work' is not also strictly adhered to the fixation of wage rates for contract basis male and female seasonal migrant workers as per the Equal Remuneration Act of 1976. Most of the migrant workers are illiterate, ignorant and belong to scheduled castes, scheduled tribes and others socially, economically, weaker sections of the society. The Disadvantaged Groups of the Society, Handicapped people, who can not earn a decent living as other normal people. (Mishra, 2001). Bremen (2008) shows that recruitment for work in brick kilns, stone quarries or salt pane takes place in the off season, when workers are offered an advance payment for making their labour power available later on. This is most clearly demonstrated in the case of seasonal migration.

It has been observed that migrant workers are not aware of their rights or labour rights, like right to equality, right to work, right to secure work, a living wage and a decent standard of life, security scheme, health, right to form association, right to freedom, cultural and educational rights, etc. There are various workers in the unorganized sectors such as bamboo cutters, salseed collectors in orissa state, the fisherman and women, the leather flayers and tunners, the salt workers, the beedi workers, the hand loom weavers, the hand crafts men and women, the workers in brick kilns and stone quarries etc, All these workers. Who all victims of the same situation.

This handiwork of a system, which breeds inter-mediaries or middlemen who reap a lot of unmerited benefits at cost of the labour of these people. They are victims of both unfair labour practices as well as a state of underdevelopment. (Mishra.2001).

Social security for migrant labour:

The ILO is constitutionally bound to promote social security programmes and measures providing basic income to all in need of protection. Social security systems provide nine types of benefits as defined in the in the social security (minimum standards) convention,1952(102) namely, medical care, sickness and maternity, medical care, sickness and maternity benefits,familybenifits, unemployment benefits, employment injury, invalidity and survivor's benefits,oldage benefits.Therefore,social security is the very foundation of a. decent society, it is the primary source of social legitimacy.(Mishra,2001).

Singh(1997) observes that in most of the developing countries there are no bilateral agreements and no national legislation, specifying the rights of migrant workers, who do not therefore, enjoy the benefits of social security schemes in the countries to which they have migrated countries. In the era of globalization, there has been growing casualisation of workers, therefore, workers are struggling for their labour rights and their dignity of life.Generally, unorganized workers, have been suffered from the problem of unemployment, lack of social security.

The ILO estimates suggest that 150 million people are fully unemployed. Many more are forced to eke out a living in casual or occasional jobs, low productivity self, self employment or other forms of unemployment. Unemployment has growing millions as a result of the financial crisis in Asia and other parts of the world; more than 50 percent of the world's population is excluded today from any form of social security. (Mishra, 2001). Bremen's study(2008) shows that ,the employers are only interested in maximizing their material profits, which they do by paying low and piece- rated wages without accepting any responsibility for the basic security. Most of the migrant workers do not have adequate shelter, drinking water or toilet facilities.

It has been observed that seasonal migrant workers in sugar factories in the Maharashtra and other states, they have to stay in make shift shacks, huts or in the open and have no access to safe drinking water. The Factories Act of1948 makes it obligatory on the employers to provide drinking water, washing, bathing facilities for workers and latrines and urinals for workers etc. It was found from the surveyed sugar factories that drinking water, washing and bathing facilities, other facilities were totally absent for contract basis seasonal migrant workers in the premises of

the sugar factories (Salve, 1990). Health hazards are a serious problem for the migrant workers in various sectors. Construction and brick kiln migrant workers suffer from a number of diseases which are a result of their occupation or working conditions. Accidents and lung diseases are common among construction workers. (Srivastav, 1998). The ILO estimates suggest that only 10 percent of the world's workers have truly adequate social protection (Rodgers, 2001).

So far as women workers are concerned, women constitute a significant part of the workforce in India. However, the work participation rate of women's is still very low. In 1993-1994, the percentage of women in the workforce was 28.6 against 54.5 for males. The work participation rate of women is low as compared to U.S.A. 42.7 percent and Italy 53.8 percent. More than 90 percent of the total workforce of the country is engaged in the unorganized sector. Of the total employment of women, they comprise only 4 percent of the organized sector, and 96 percent women are employed in the so called unorganized or informal sector, which is unorganized, non-unionized, low waged and with unhealthy almost inhuman working conditions. It is true that women labour is predominant in the unorganized sector.

In 1997, the ILO introduced convention about sexual harassment of women workers at the work places. The definition of sexual harassment adopted by ILO has been accepted by the government of India. But the growing informalisation or casualisation or marginalization of women at work places serious threats regarding the ILO convention. Women workers in unorganized sectors are, generally, sexually exploited. (Heggade, 1998).

Migrant women workers are exposed to the risk of sexual harassment and exploitation. (Acharya, 1987, Sardamoni, 1995, Teerink, 1995.) So far as women migrant workers are concerned, women workers work in various factories, like sugar factories, handlooms and power looms and cotton ginning mills for the nature of temporary, seasonal, part time work. However, migrant women workers in India, who are often in low skilled occupations in sectors not efficiently covered by national labour laws and standards, and vulnerable to various forms of exploitation including sexual harassment at the places of work (Mishra, 2001).

Besides, India has the largest number of world's working children which is almost 40 percent of the number of children in the world force. The incidence of child workers in the unorganized sector is much higher than those in the formal organized sector. (Nath, 1998).

Among four core labour standards the deplorable violation in India is practice of child labour. Uniform labour standards in the context of child labour can not be implemented in rural and urban areas of India. Unevenness of economic development makes it difficult to apply uniform labour standards. (Kothari, 1998).

In terms of bondage labour system, bondage and servitude has been reported in the brick kilns, stone quarries, building and road constructions, agriculture and plantations, and other unorganized sectors in different forms (Nath,1998,).The proportion of bonded labour is more among migrant workers, who belong to backward community i.e. Scheduled castes and scheduled tribes. (Daily Samarth, 10th may, 2009,) According to Bremen's study (2008), the new forms of labour bondage can also be found in rural or urban based industries like rice mills, small-scale carpet workshop, gem processing ateliers etc. In all these cases, labour bondage is a feature of the employment modalities of vulnerable segments of the workforce in the informal sector of the economy. So far, action taken by the state to end labour bondage has remained ineffective(Breman,2008).It should be noted that Child labour Prohibition and Abolition Act 1986,Bonded labour system (Abolition) Act 1976,Maternity Benefits Act,1967,Equal RemunerationAct,and other labour laws have not been implemented effectively in order to improve working conditions of migrant workers ,these labour laws have not also covered workers in the unorganized sectors in the country.

Bremen (2008) found that certainly the abolition of Bonded labour Act (1976) was introduced to fight strictures on the freedom to work as a legal right. The enactment failed to release this objective because it did not go beyond addressing forms of agrarian bondage, which still lingered on the different parts of India. Besides, the maternity benefits are not available for contract based migrant women workers and employed in agriculture, construction, brick kilns and other temporary,seasonal,part time work, because they come under the unorganized sector.

In the sugar factories of Maharashtra state, it was observed that pregnant migrant women workers were found to be suffering from sickness like toxemia, nutritional anemia, trichomoniasis etc.In the case of illness arising out of pregnancy, miscarriage migrant women workers, none of the served sugar factories had provided medical facilities to seasonal migrant women workers in pre natal and post natal stages. (Salve, 1990).There is significant disparities in the provision of maternity benefits. The violation of the Maternity Act goes unchallenged because there is no strong organization of contract basis seasonal migrant workers in India.

Collective representation of Migrant Labour:

The international covenant on civil and political rights shows about the freedom of association of workers. It declared that no restrictions should be placed on exercising the rights of workers other than those which are necessary in a democratic society. (Shaym sundhr, 2004).India is a founder member of the ILO.India has ratified 39 of the 182 conventions;

however, it has not ratified the conventions relating to two subjects. Freedom of organization and collective bargaining (No.87 and 98).It has been observed that the employees have not fundamental, statutory and moral or equitable right to strike in the country. The Supreme Court of India pronounced that even the case of legal or justified strike, the principle of 'no work no pay' could be applied (Shyam sundhr,2004).In the Indian Constitution,Article19 and Article(1-c) have given the right to association. but for diverse reasons the Supreme Court has consistently held that the right.(Rama swamy ,2004).So far as Tamilnadu case is concerned , the government employees and teachers in Tamilnadu went on strike in July2003 to protect against the changes in the conditions of service.TheTamilnadu Government imposed the Tamilnadu Essential Services Maintenance Act (TESMA),2002, the employees who were united under eighteen different trade unions, were dismissed without given them a chance to heard .This is in complete violation of all the principles of natural justice. The judgment also reflects the ideological domination of neo-liberal agenda in the national policies. The agenda claims to bring in labour flexibilization through the policies of 'hire and fire' (Pandhe, 2004).Mishra's study (2001) shows that globalization has adversely affected the exercise of the rights of freedom of association and collective bargaining.

As a matter of fact, any citizen of the country should have the right to express his grievances. It is his fundantal right. It has been observed that only the workers organized under the trade unions have the right to express grievances and to fight for rights. But what about the workers in the unorganized sector, workers who are not organized under any trade unions? Certainly, they belong to lower strata of the society in comparison to the organized workers, who will protect the interests of the unorganized workers? like migrant workers and contract based workers in different industries. Today, migrant workers as well as unorganized workers are struggling for labour rights and labour standards. There are various problems of migrant workers like the abolition of contract labour system, implementation of the provisions of the labour laws, an eight hours working day, payment of minimum of wages, social security schemes, insurance, labour welfare amenities.

Therefore, National Commission on Labour report(GOI,1969.), pointed out that there is wide disparity in the wages and working conditions of direct labour and contract basis labour, Wage Boards Constituted for different industries have recommended extension of uniform Wage rates for both direct and contract labour .But in the absence of an effective implementation machinery, contract basis labour is generally paid wages below the rates prescribed for regular workers in industry .Often ,they do not get any payment other than the basic remuneration. Conditions of work are also far from satisfactory ,Working hours are irregular and longer, .there is no security

of seasonal jobs ,the job ends with contractors ,leave with wages is not available to these labour. Whatever contractors make advance payments to their labour, accounts are manipulated. The practice of employing contract migrant labour prevails in varying degrees in almost all industries .However, in the unorganized workers, like migrants ,are not protected and wages are almost non-existent and it is extremely difficult to enforce the rules where they exist.

Conclusion:

Decent work is a broad concept which is related to social and economic goals of development. It brings together different types of freedoms. There are four types of dimensions of decent work, such as work and employment itself, rights at work, security, and representative at work dialogue. The International Labour Organization has played a significant role in promoting International Labour Standards. India has advocated the promotion of labour standards within the frame work of the ILO Constitution. More than 90 percent of the total workforce is engaged in the unorganized or informal sector, like migrant labour and other workforce.

Migrant workers, those workers, who migrate from one area to another area within the state or country in order to get seasonal or temporary or part time work in different sectors. Migrant workers, who are not organized under any trade unions and their labour standards, are not protected by the government as well as trade unions, these migrant workers are illiterate, ignorant, and belong to backward community .They do not get minimum wages stipulated under the Minimum wages Act. Today, the real issue is how to extend human rights to all segments of the labour market. There are many groups of workers in the unorganized sector or informal economy, like migrant workers in agriculture, building and road construction, brick kilns, sugar factories and others, for whom decent work is a very distant goal.

There are no strong trade unions of migrant workers in the unorganized sector. The bargaining power of these migrant workers is thus weaker than workers in the organized sector. After independence, India has been adopted various labour policies in order to improve working conditions of workers in the unorganized sector. There are also various labour laws for these workers. Intact, its implementation is mostly ineffective. Therefore, migrant workers and workers in the unorganized sector are struggling for their labour rights and to implement the provisions of various labour laws as per International labour standards. Therefore, the government of India should ratify all the relevant international covenants that respect the dignity of labour, especially important ILO Conventions No.87.the freedom of association and protection of the right to organize convention, and the ILo convention 98, the right to organize and

collective bargaining convention. Workers, whether industrial workers or employed with the government should have an inalienable right resort to strike. Uniform labour standards in the context of unorganized sector workers, like migrant workers, should be implemented in rural and urban areas of India. It is necessary to protect migrant and other workers in the unorganized sector by International labour standards.

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