

## “Exclusion of Seasonal Migrants from Government Legislation”

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**Abstract:** Seasonal labour migration is now an essential part of the livelihood strategies pursued by a large number of poor people in developing countries. It has very influential strength that has comparatively more economic and social impact as compared to other type of migration. There is widespread legislation to defend the rights of labour, but when it comes to largely cover migrant workers, there are serious inadequacies in this legislation. The enforcement machinery is inadequate and a worker is expected to find readdress independently through other agencies namely the unions. Penalties are insufficient and involvement of the workers in the enforcement of the law is totally absent. Thus here an attempt has been made to capture this seasonally migrated population’s exclusion from government’s legislation.

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### I. INTRODUCTION

Population mobility, seasonally or permanently, internal or international, rural-urban or rural-rural is universally recognized as an alternative livelihoods strategy adopted by the poorest section. Thus migration movements are an important part of human history including labour migration. Seasonal labour migration is one of the important types of labour migration that has evidently increased rapidly in recent times. Such type of labour migration is temporary in nature and takes place during a particular season of the year. Brauw and Harigava (2004)<sup>2</sup> define “Seasonal migrants as any migrants who left the household for part of the year to work, but returned to the household.” Khandker *et.al.* (2012)<sup>3</sup> in their research work defined it as “Seasonal Migration (either internal or external) is a temporary movement of labour or families in response to seasonal hardships caused by economic, climatic and social shocks. Seasonal hardships may include lack of food or income during certain months of year when local markets do not offer income earning opportunities.”

According to the NSSO (2007-08), there were 324 million internal migrants in India, of whom 140 million were workers. And most of them employed in unorganized sector (cultivation and plantations, construction sites, brick-kilns, mines and quarries, agro-processing industries, service or transport sectors etc.), which is characterized by extreme seasonality of employment, occurrence of casual and contractual employment and absence of social security measures and welfare legalization. If we look state wise intensity of seasonally migrated labour, Bihar has highest number of seasonally migrants labour (20,85,600) followed by Uttar Pradesh (18,96,500) West Bengal (15,28,400) and Madhya Pradesh (12,36,900) (Keshri and Bhagat 2012). The evidences reviewed so far, states that though seasonal migration is increasingly contributing in the development of both sending and receiving areas but is still neglected in the policy agenda of government.

Seasonal migrants generally prefer moving for shorter distances and for shorter time period. There is extensive legislation to protect the rights of labour, but when it comes to broadly cover migrant workers, there are serious inadequacies in this legislation. The enforcement machinery is insufficient and a worker is expected to find readdress independently through other agencies namely the unions. Penalties are inadequate and participation of the workers in the enforcement of the law is totally absent. Apart from labour laws, they are also excluded from government services and schemes related to food, health, education, banks and employment. A number of studies pointed out these legislation failures and exclusion from government schemes and services (NCRL 1991, Srivastava 2005, Ghosh 2004, Borhade 2011). Thus in our study we tried to capture this seasonally migrated population’s exclusion from government legislation.

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<sup>2</sup> Brauw, A.D. and Harigaya, T. (2004): “Seasonal Migration and Improving Living Standards in Vietnam”  
Downloaded from: [http://web.williams.edu/Economics/wp/deBrauw\\_mig\\_ver1.pdf](http://web.williams.edu/Economics/wp/deBrauw_mig_ver1.pdf)

<sup>3</sup> Khandker, S.R., Khalily, M.A. and Samad, H.A. (2012): “Seasonal Migration to Mitigate Income Seasonality: Evidence from Bangladesh”, The Journal of Development Studies, Vol.48(8), pp: 1063-1083

**Objectives**

The major objectives of the study are:-

1. To examine Labour’s awareness towards government’s legal framework.
2. To find out principal complaining authority and labour’s satisfaction with it’s working.

Through above objectives present research work tried to capture following hypotheses:-

**Hypotheses:** Government’s legislation fell short in providing social security to seasonal migrants.

**II. RESEARCH METHODOLOGY**

To fulfill the objectives of the present study primary data has been used. To select a representative sample of seasonally migrated labour in Haryana’s context the study has used multistage stratified random sampling. On the basis of literature reviewed and pilot survey, two sectors (Brick-Kiln and Agriculture) which consist seasonally migrated labourers in huge numbers were selected. After this, four administrative divisions (Hisar, Ambala, Rohtak and Gurgaon) were divided into two parts; one was representing agriculture sector (Ambala and Rohtak) and other was representing Brick-Kiln sector (Hisar and Gurgaon). In the second stage, two districts were selected by using stratified random sampling method from each selected divisions. At the third stage, two blocks from each of the eight selected districts were randomly selected. After this; three villages or brick-kilns were randomly selected from each of the two selected blocks. At the fifth stage, 10 seasonal migrants were randomly selected for survey from each of the selected village or brick kiln. In this manner, a total sample of 480 seasonal labour migrants was surveyed for gathering the information required to fulfill the objectives of the study.

**Labour’s Awareness towards Labour’s Acts and Rights**

This section tries to examine labour’s awareness and outlook towards variety of legal instruments that are meant to protect the migrant’s rights. In spite of having a legal framework to protect the migrant workers, none of the above-mentioned acts was being followed in the study area. In fact, either labourers were not aware of any of the provisions of these acts or the employers avoided all the acts by using different kinds of tricks. 77.7 percent of migrant labourers did not have any clue about government legislation (Table1).

**Table 1: (Awareness towards Migrant's Acts/Rights)**

Response	Agriculture Sector	Brick Kiln Sector	Total
Yes	25(10.4)	82(34.3)	107 (22.3)
No	215(89.6)	158 (65.8)	373 (77.7)

Source: Field Survey  
(Figure in parentheses indicate percentage)

When their awareness for different acts checked separately (Table 2), only 35.5 percent labourers accepted that they have some idea about the Minimum Wages Act. Brick Kiln Sector labourers showed more awareness towards this act (47.1 percent). Followed by 8.1 percent labourers who accepted awareness towards the Child labour (Prohibition and Regulation) Act. Only 2.1 percent labourers found having idea of the Bonded Labour Abolition Act. But awareness towards other acts almost negligible. They were neither aware of the different acts nor the provisions of any acts.

Table 3 represents the sources of awareness among those who were aware of different acts. Co-workers found to be major source of legal awareness among seasonal migrants as 38.3 percent migrants reported them as major source of awareness. Interestingly, 23.5 percent who were aware came to know about the act from media. Trade union seems to play minor role only in Brick Kiln sector as 30.8 percent brick kiln labourers accepted labour union role in making them aware about government legislation. But in Agriculture Sector presence of labour union found to be absolutely nil. While 8.4 percent labourers accepted that, they came to know about these acts through their relatives. Rest there was no role played by Labour Department, Labour Contractor and Employer in legal awareness. They were unaware of their rights and entitlements and had no access of any kind to social security.

**Table 2: (Awareness towards different Labour/Migrant's Acts)**

Response/ Sector	Agriculture sector		Brick Kiln Sector		Total	
	Yes	No	Yes	No	Yes	No
Acts						
Inter State Migrant Workman Act	-	240(100)	-	240(100)	-	480(100)
The Minimum Wages Act	57(23.8)	183(76.2)	113(47.1)	127(52.9)	170(35.5)	310(64.5)
The Contract Labour Act	11(4.6)	229(95.4)	6(2.5)	234(97.5)	17(3.5)	463(96.5)
The Construction Worker Act	1(0.4)	239(99.6)	-	240(100)	1(0.2)	479(99.8)
The Employees State Insurance Act	-	240(100)	-	240(100)	-	480(100)
The Equal Remuneration Act for Women	-	240(100)	-	240(100)	-	480(100)

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The Bonded Labour Abolition Act	1(0.4)	239(99.6)	9(3.8)	231(96.2)	10(2.1)	470(97.9)
The Child labour (Prohibition and Regulation) Act	17(7.1)	223(92.9)	22(9.2)	218(90.8)	39(8.1)	441(91.9)

Source: Field Survey

Figure in parentheses indicate percentage

**Table 3: (Sources of Legal Awareness)**

Sources	Agriculture Sector	Brick Kiln Sector	Total
Trade Union	-	46(30.8)	46(19.3)
Co-Workers	8(9.1)	83(55.4)	91(38.3)
Labour Dept.	2(2.3)	-	2(0.8)
Labour Contractor	2(2.3)	1(0.6)	3(1.3)
Media	46(52.3)	10(6.6)	56(23.5)
Friends/Relatives	11 (12.5)	9 (6)	20 (8.4)
Other	19 (21.5)	1 (0.6)	20 (8.4)

Source: Field Survey

Figure in parentheses indicate percentage

**Complaining Authority**

Seasonal Migrants are mainly engaged in the informal sector where labour laws and safety measures and minimum wages stay unimplemented. Since migrants mostly illiterates, they remain unaware of their legal rights. It is seen that there are no organizational activity or collective voice against employer/contractor, which leaves them open to further exploitation. All these factors create their too much dependency on the employer/contractor.

**Table 4: (Major Complaining Authority of Migrated Labourers)**

Complaining Authority	Agriculture Sector	Brick Kiln Sector	Total
Employer	152(63.3)	169(70.4)	321 (66.9)
Police	2(0.8)	-	2(0.4)
Trade	-	30(12.5)	30 (6.3)
Labour officer /Govt. official	6 (2.5)	1 (0.4)	7(1.5)
Other (Specify)	28 (11.7)	40 (16.7)	68(14.2)

Source: Field Survey

Figure in parentheses indicate percentage

In present research work, also when they were asked about major complaining authority, 66.9 percent labourers reported that they rely only on employers for any help or problem solution (Table 4). Followed by 6.3 percent labourers who reported that trade union was major complaining authority. But they complained that there has been absolutely no effort from the union in trying to organize the workers or to hear their problems. While only 1.5 percent labourers found to be depended upon labour officer/government official. Due to absence of labour officer/government officials, the employers/contractors were openly flouting all laws/acts.

**Table 5: (Concerned Authority Action)**

Response	Agriculture Sector	Brick Kiln Sector	Total
Yes	30(15.9)	44(18.3)	74(17.3)
No	158(84.1)	196(81.7)	354(82.7)

Source: Field Survey

Figure in parentheses indicate percentage

But 82.7 percent labourers who complained reported that concerned authority didn't take any action against their complaint (Table 5). The workers of Brick Kiln sector reported that their only demand was about fixing wages prior to season. But neither the employers nor the trade union showed any interest and took any action. Due to non-cooperative behavior of the employers and trade union 72.9 percent of seasonal migrants showed their dissatisfaction about them (Table 6).

**Table 6: (Labour Satisfaction with the concerned Authority Action)**

Response	Agriculture Sector	Brick Kiln Sector	Total
Yes	4(13.3)	16(36.4)	20(27.1)
No	26(86.7)	28(63.6)	54(72.9)

Source: Field Survey

Figure in parentheses indicate percentage

### III. Conclusion

In short, we can say that no attempt has been made by any authority to connect the labour force with the better wellbeing of the workers. There was no role played by Labour Department, Labour Union, Labour Contractor and Employer in legal awareness and social protection. In the absence proof of identity and local residence, rules and organizational procedures prohibit migrants from access to legal rights, public services and social protection programmes. As a result, internal migrants face barriers in accessing subsidized food, housing and banking services.

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