

# How Safe are the Human Rights of Migrants in Industries of Punjab – A Case Study Analysis in Economic and Legal Paradigm\*

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## ABSTRACT

The process of globalization has encouraged greater inflow and outflow of factors and services across the borders and even within the regions. As a result, labour migration has increased more during the last two decades. Industries of almost all the states of India and more especially Punjab have become increasingly dependent on migrant workers. The benefits that accrue to the employers from the use of migrant workers have invariably raised the demand for such labour, for the purpose of increasing industrial production. Besides partially lowering the cost of production by way of low wage level, the use of such labour also enhances the scope and probability of greater labour exploitation, owing to the temporary status of employment offered to these labourers. In the process, the Human Rights of these migrant workers are also violated because at times, the employer even denies the labourers the basic amenities that must be provided to them in accordance with the provisions of the various labour laws. The present paper is an attempt to take an insight into the socio – economic conditions of the migratory workers employed in the industries of Punjab and also focus upon the extent to which the Human Rights of these workers are denied. The information is gathered by the use of Primary data, so as to facilitate an analysis from economic and legal dimensions, in the light of the provisions of the laws framed for the welfare of the migrant workers at the state as well as the national level.

**Keywords:** Migrant Labour, Human Rights, Facilities, Violation

## INTRODUCTION

In recent years, many countries including India have experienced a high growth in the size of the population. This has partly been due to the explosive growth rate of population and partly due to the large number of migrants who have flown in from the surrounding areas. Migration like any other issue can be analyzed on a cost benefit analysis and it is clear that the effect of migration might be beneficial or even diminishing to the development of a region, social class or society in general. On one hand, migration leads to overcrowding of the cities, and relative shortage of basic amenities and on the other, draws out a dynamic element of the rural society, thereby diverting capital and other financial resources from the rural areas. An optimistic analysis of migration would highlight the fact that where on one

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hand, migration increases the supply of semi-skilled and unskilled labor and stimulates industrial expansion, at the same time, the remittances sent back raise the overall status of the family through an improvement in the economic status. The questions that arise here are that should migration be encouraged or not? What are the living conditions of the workers engaged in such industries? Is there any injustice being rendered to the migrant laborers? Is there any violation of Human rights of the Migrant workers? The present paper aims to examine some of the questions by examining the socio-economic conditions of the workers employed in the industries of Punjab. The study is based upon the data collected from 13 industries selected randomly from the three main districts from the state of Punjab, i.e. Ludhiana, Amritsar and Jalandhar. Primary data has largely been used for analysis of a sample group of 100 migrant workers, along with 35 non migratory workers, who were selected for the purpose of comparative analysis. Simple statistical techniques such as percentage, average, etc. have been made use of to analyze the relationship between various factors associated with the problem under study.

### THEORIES RELATED TO MIGRATION

As regards the literature available on migration, there is no single theory that covers the explanation to the factors associated with migration. Different economists have propounded different models to explain the migratory character of labour. The migration models developed by economists explain migration as a process which provides a practical solution to the problem of migration.

E. G. Revenstein in 1885<sup>1</sup> and 1889<sup>2</sup>, developed six laws of migration, according to which migration is characterized by stages and streams and rural urban differences in propensity to migrate is influenced by distance, economic motives, technology and communication and all migration emanates from low productivity areas and proceeds to high productivity areas.

In 1966, Lee<sup>3</sup> also attempted to develop number of several hypotheses about the volume of migration and the characteristics of migrants. In his approach, there are four general factors, i.e. origin factors, destination factors, intervening obstacles and personal factors which influence migration decision.

W.A. Lewis<sup>4</sup> developed a model in which he suggested that the migrants moved due to wage differentials between rural and urban sectors. According to him, when labour migrates to urban areas, the wage differentials are reduced because the subsistence wages come at par with the capitalist wages. Fei and Ranis<sup>5</sup> expanded Lewis' model by suggesting that migration continues as long as the rate of growth of population in the rural sector equals or exceeds the rate of 'off take' of the rural labour force through migration but it ceases if the rate of expansion of the demand for labour overtakes the rate of growth of rural population.

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<sup>1</sup>E.G. Revenstein, *The Laws of Migration*, Journal of Royal Statistical Society, Vol. 48, No. 2, 1885, pp 167 - 227

<sup>2</sup>E.G. Revenstein, *The Laws of Migration*, Journal of Royal Statistical Society, Vol. 52, No. 2, 1889, pp 241 - 301

<sup>3</sup>E.S. Lee, *A Theory of Migration*, Demography, Vol. 3, No. 1, 1966, pp 47 - 57

<sup>4</sup>W.A. Lewis, *Economic Development with Unlimited Supplies of Labour*, The Manchester School of Economics and Social Studies, Vol. 22, 1954, pp 139 - 191

<sup>5</sup>J.C.H Fei and G. Ranis, *Innovation, Capital Accumulation and Economic Development*, American Economic Review, No. 53, 1963

Michael P. Todaro's<sup>6</sup> model of migration admits the possibility that migration might persist despite increasing unemployment in the urban areas, making rural urban wage differential a determinant of labour supply to urban sector. The model explains the fact that migration is stimulated by economic consideration and results in serious imbalance of economic opportunities between rural and urban areas.

### **CHARACTERISTICS OF MIGRATORY LABOUR**

The migrants, besides increasing the supply of labour, increased productivity, higher incomes and diversification of industries on one hand, may even lead to increased unemployment and low productivity in urban areas on the other. The net effect of their migration depends upon the type of migrants and their characteristics.

The study found out that about 67% of the migrants at the time of the study were younger than the natives, i.e., between the age group of 15 – 29 years, 96% were between 15 – 49 years and 86% were between 15 – 39 years. This meant that the young people of the rural areas had a greater tendency to migrate. As for their marital status, 41% were unmarried at the time of migration. Education was found to be largely effective in influencing migration. 28% of them had no formal education at the time of migration. Of the remaining 72%, one third had at least completed higher secondary. On the contrary, out of the local labourers, only 23% had no formal education, while 40.74% were educated to below higher secondary and the higher secondary and graduate level literates were 29.63% each. As per the place of residence was concerned, 83% of the migrants were found to have migrated from rural areas. For employment, 66% of the migrants were those who were employed at the native place and 9% were unemployed, while 24% were studying before migration. Against those who were employed, almost 56% were farmers, 36% were wage earners and only 8% were self-employed.

### **CAUSES OF MIGRATION**

Migration generally is caused due to economic factors, although other factors like social, political, environmental, health, education, etc. also encourage migration. People from poor and backward regions tend to migrate to rich and developed regions in search of jobs. Of the sample under study, 89% of the migrants had come in search of jobs, either due to unemployment or lower and insufficient earnings. That is why a higher proportion of the migrants (90.36%) were those who had come from rural areas as compared to 76.47% of the migrants coming from urban areas. Another important factor behind migration was the need to accompany family / relatives (6%) or other personal reasons (5%). But largely migration (89%) was motivated by economic factors more as compared to smaller influence (11%) of non-economic factors.

### **FACILITIES PROVIDED AND ENJOYED BY MIGRANT WORKERS**

The Labour Laws in India provide for various norms and rules which lay down the guidelines for the basic facilities that ought to be provided to the industrial labourers and particularly the migrant workers. A violation of these rules means a denial of the basic human rights of the migrant workers.

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<sup>6</sup>M.P. Todaro, *A Model of Labour Migration and Urban Unemployment in Low Developed Countries*, American Economic Review, Vol. 59, no. 1, 1969, pp 38 - 48

The data on the type of accommodation provided to the migrant workers reveals the fact that larger is the duration of the time the migrant worker has spent in his job, greater is the scope to have an owned house, whereas the newly arrived migrants either lived in a rented or a rented shared house due to unstable and low incomes. Only 31% of the migrant workers live in owned houses while 86% of the local labourers have houses of their own. Out of those who migrated about 10 – 15 years back, about 45% have their own houses but only 10% of those who migrated about 4 – 5 years ago, lived in their owned houses. This clearly shows that the dwelling status of the migrant workers improves only with an increase in the duration of their stay in the city.

The data regarding the facilities such as electricity, toilets, availability of separate bathrooms and kitchens is shown in the following table:

**Table 1 shows the percentage distribution of the workers by facilities available in their dwellings**

<b>FACILITIES PROVIDED</b>	<b>Number Of Migrant Workers ( in % )</b>	<b>Number Of Local Workers (In %)</b>
<b>Electricity</b>	83	94
<b>Toilets</b>	41	51
<b>Separate kitchen</b>	29	94
<b>Bathroom</b>	34	86

The table compares the situation of the local and migratory labour. It is very well evident that the local labourers are better off in this respect as compared to the migrants.

However, suitable working conditions may also be considered as a part of the concept of labour welfare. Favourable working conditions have a positive impact on their general health, psychology and efficiency. A brief review of these facilities enjoyed by the migratory workers is discussed hereafter.

- 1. Wage Rate:** Since larger proportions of the workers was migratory, the wages did not include any allowances like house, rent, transport, etc. but an interesting fact to note was that the wages were not even low so as to discourage more labour migration from rural areas.
- 2. Hours of work:** Almost all the industries surveyed had a working of 8 hours a day and 48 hours a week. If at all the workers work overtime, i.e. beyond 8 hours, then they are paid for the extra work.
- 3. Drinking Water Facilities:** The Factories Act 1948 provides for making suitable arrangements for supply of drinking water for workers. And it was observed that all the units under study provided suitable arrangements for supply of drinking water.
- 4. Toilets and Urinaries:** Since the Factories Act makes provision of toilets and urinaries mandatory, so suitable arrangements were found in almost all the surveyed factories in some units, but the small arrangements fell short of a proper upkeep facility and lacked proper hygiene.
- 5. Holidays:** All the factories under the study had provisions for holidays. The workers were entitled to a maximum of 15 days leave once a year, after 200 days of service, 7 casual leaves, 3 national and 4 festival holidays.<sup>7</sup>

<sup>7</sup>Punjab Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act, 1965

## VIOLATION OF THE RIGHTS OF THE MIGRANTS

The study found that a number of problems were also being faced by the migratory workers. The issues explored here clearly prove that the deprivation of the labourers of some of the basic facilities to be provided to them indicates a violation of their human rights, to which the legislation has to seriously look into. These problems concern the working and living conditions of the workers inside the city. Some of these problems related to their working conditions, also known as 'Working Problems' are:

- 1. Job Search Period:** Immediately after migrating, the labourers have to depend for jobs either upon their friends / relatives who have already migrated to the industrial areas of Punjab or the contractors who facilitate the recruitment of these workers in the factories. During the time lag between finding the job and getting a suitable one, these labourers have to remain either unemployed or remain contented with very low wages.
- 2. No record of work details:** Another problem faced by these migratory workers is that there is no record of the number of years these workers have worked in a particular unit. The reason behind this is that the management does not want to keep any records, so as to deprive the workers of the benefits they would be otherwise entitled to. This again is absolutely against the legal mandate of the provisions of the Contract Labour Act, 1970<sup>8</sup>.
- 3. No certainty of work timings:** In some of the units, the workers even complained that the number of hours they worked was not certain, i.e. they had to be at the beck and call of the employers and even at times, they had to work in night shifts, for which no special allowance was given, except tea.<sup>9</sup>
- 4. Insecurity of job term:** At times, the workers were rendered so insecure in terms of job security that they were not even notified before being relieved. As a result, they were forced to start searching for new jobs altogether.
- 5. Exploitation of Contractual workers:** The system of employing workers on contractual basis was observed to be largely prevalent in the industries under survey. About 90% of the labour in these units was found to be migratory in nature while only 10% were the local native labourers. This type of labour was generally deprived of any skill obtaining opportunities and they were more often made to work on inconsiderate grounds. Moreover, the contractors, who were actually their direct employers exploited them more, by either paying them low wages or absolutely denying wages at times.<sup>10</sup>
- 6. Low wages:** Since the migratory workers came from far off places, they were considered less efficient and unskilled and so were paid lower wages as compared to the local labourers. Some of them even complained that the revision of wages as per the 1983 rules<sup>11</sup> had not been implemented. Moreover, if at all they had to go back home for any urgent reason, they were deprived of all their benefits, even though they had been employed for more than 10 years in the unit.<sup>12</sup>

## SUMMARY AND CONCLUSION

The analysis of the data on migrant workers has highlighted the fact that the process of migration is highly selective. Majority of the migrants were found to be young adults at the time of migration, with

<sup>8</sup>Section 29 of Contract Labour Abolition and Regulation Act, 1970

<sup>9</sup>Section 14 of the Minimum Wages Act, 1948

<sup>10</sup>Section 21 of Contract Labour Abolition and Regulation Act, 1970

<sup>11</sup>Report of Wage Revision Committee, January 1, 1983

<sup>12</sup>Section 79 of Factories Act, 1948



only 1% between the age group of 50 – 60 years and none above 60 years. Nearly two thirds of them were married and 72% were literate. It was also observed that largely the migrants were motivated by the better employment opportunities and some of them moved just as a matter of compulsion to accompany their family members or relatives. A look at the employment status before migration shows that a larger number of the workers were earlier working as farmers or were either unemployed or self-employed. So, it can be inferred from here that since the occupation at the rural areas is less remunerative, so it stimulates migration in seek of better employment. An overall analysis of the features of migration shows that largely, migration is motivated more by economic factors and less by non-economic factors. The latter half of the study has found out that the proportion of the workers owning a dwelling was low in case of migrants as compared to the local workers. 85.7% of the local labour lived in their owned houses whereas 31% of the migratory workers had their own dwellings. The percentage of owned dwellings amongst the migrant workers was higher in those cases that had spent longer duration in work. The last part of the paper has highlighted the facilities provided to the migrant workers and the cases where their human rights are violated by a denial of what they ought to be given as a matter of their right. The major issues where they were even deprived of their human rights were the ones concerning the uncertainty related to their jobs, low wages, inadequate facilities and even the exploitation rendered to them by the employers.

Migrant labourers contribute substantially to the production in Agriculture and the Industrial sector of Punjab. However, this section of the labour class continues to remain deprived of their basic human rights; the Industries of Punjab have not been able to provide many facilities to the migrant workers as has been proposed by various labour laws. The problems mainly emerge from the nature and manner of employment and the economic relations amongst the employees and the employers. Some serious efforts have been made by the government bodies to deal with this issue more stringently. But a problem that has been encountered more often is that the labourers do not come forward with the issues they have to face. The fear of victimization is perhaps the most important reason for worker passivity. So in this regard, the State government must ensure that the employers must meet the basic legal criteria of employment and provide the employees with a basic social security along with a job security. Ensuring decent working conditions and proper contract systems, providing basic health care facilities for migrant workers and their families, together with education opportunities should be the primary concern of the government, if it aims at enhancing the growth of industries in the state.

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