

6

Other Disadvantaged Workers: Migrants, Child and Bonded Labourers



Introduction

6.1 A running theme of this report as well as the Commission's earlier report is on social security to the unprotected unorganised workers. They are, by definition, disadvantaged workers. The degree of disadvantage, if one may say so, varies from segment to segment. The earlier chapter discussed the gender dimension of this disadvantage and its manifestations in terms of the conditions of work, access to capital and earnings. There is yet another segment of disadvantaged workers who perhaps constitute the bottom layer of the working class in the country. These are the migrant workers, particularly the seasonal migrants, child labourers and bonded labourers. These workers are highly vulnerable on account of their lack of physical assets and human capabilities coupled with their initial conditions of extreme poverty and low social status. This results in their low bargaining power in the labour market that further reinforces their already vulnerable state and traps them into a vicious circle of poverty and deprivation. Not only is it more difficult for them to find avenues for gainful work, but it is also harsh when some such work is found. The conditions of work are often miserable, hours of work long, wages meagre and security of work non-existent.

6.2 Migrant workers are mostly those who are driven from their homes in search of means of earning a livelihood. Lacking any skills and assets they tend to end up in the unorganised sector, both in rural and urban areas. Such labourers are often sourced by labour brokers. More often than not, they end up in rural areas as farm labourers and construction workers or rickshawalas or street vendors in urban areas. Women from poor rural households often end up as domestic servants in urban centres. The bonded labourers have a different kind of predicament, with no freedom to change their employment. Sometimes the disadvantages of migration and bondage intersect as in the case of migrant bonded labourers in construction sites, quarries and brick-kilns. The problem of child labourers is more complex and is intertwined with the twin issues of poverty and lack of access to quality school education. It is also not rare to find situations when a child worker is a migrant and bonded to the employer. As the susceptibility of these workers to exploitation is greater and the reasons for their plight in the work arena are specific to each and related to their societal position and context, this Chapter explores the working conditions of these disadvantaged migrant workers, child labourers and bonded labourers in separate sections.

Migrant Labour

6.3 Migration by individuals and/or households is undertaken for both economic and social reasons. These include migration by virtue of marriage, as has been the case of a large majority of the female migrants or due to economic reasons such as for seeking better employment opportunities. Migration can be within the country, i.e. internal migration which can be within the district, intra/inter district or intra/inter state (rural to rural, rural to urban, urban to rural and urban to urban) or it can be international migration. Here we primarily deal with the working conditions of internal migrant wage workers and focus on semi-permanent or seasonal migrants in the informal sector, who are at the lowest end of the spectrum of migrant workers. They comprise the petty self-employed and the unskilled casual wage workers who are highly disadvantaged and vulnerable and are subject to extremely adverse working conditions and economic

exploitation. The migrant workers are largely in the unorganised sector, which is why they face exploitation at the hands of employers and middlemen who help them get employment in destinations away from their places of origin.

6.4 In India there is large scale migration of unskilled wage labourers from not necessarily the resource poor areas but also the areas which have widespread poverty, low demand and wages for unskilled labour. They migrate to areas where there is greater demand for such labour. These comprise both rural to rural and rural to urban migration. Examples of the former are the migration of poor rural labourers from Bihar and eastern Uttar Pradesh to Punjab and Haryana and those from Maharashtra to Gujarat. Examples of rural to urban migration are the ones from Jharkhand to Delhi, Orissa to Gujarat (especially in urban industries in Surat), Bihar to Mumbai and Delhi and so on. Migration is critical

for the livelihood of these poverty ridden, skill and asset deficient persons, especially in rural areas which include economically and socially backward groups such as the tribal and other deprived groups. They are further disadvantaged because of the absence of laws that specifically address their problems. There is one law pertaining to inter-state migration that is conspicuous by its rather poor implementation resulting in the persistent vulnerability of the migrant workers especially the unskilled and the poor.

Definition and Size of Migrants

6.5 There is some conceptual difficulty in defining migration. This is mainly because people move away from their place of residence or origin for varying time intervals. At one end is the long term/ permanent migration and at the other is the

Table 6.1: Percentage Distribution of Migrants by Place of Last Residence, Age, Sex & Reason for Migration 2001

Reason		Total	Rural	Urban
Work/Employment	Total	9.5	4.4	19.7
	Male	28.1	16.9	38.0
	Female	1.7	1.2	3.2
Business	Total	0.9	0.4	1.8
	Male	2.6	1.5	3.5
	Female	0.2	0.2	0.3
Education	Total	1.1	0.6	2.0
	Male	2.5	2.1	3.0
	Female	0.4	0.2	1.1
Marriage	Total	49.6	62.5	23.6
	Male	2.3	4.0	0.8
	Female	69.6	77.9	44.2
Moved after Birth	Total	5.0	4.8	5.5
	Male	9.9	13.5	6.8
	Female	2.9	2.4	4.4
Moved with Household	Total	13.7	8.6	23.9
	Male	19.4	17.9	20.7
	Female	11.3	6.2	26.8
Others	Total	20.2	18.6	23.4
	Male	35.2	44.1	27.3
	Female	13.9	11.9	20.0

Source: Census of India 2001, Table D-5.

short duration one of less than a year. Between these two extreme points, the varying time periods have to be reckoned within any meaningful understanding and measurement of migration. In addition to the time dimension, there is also the aspect of reason for migration. This has not drastically changed over the years. As shown in Table 6.1, employment continues to be the main reason for men while marriage is the main reason for women. In the case of men, employment as a reason for migration was seen to rise in the nineties. This could be reflective of the impact of structural changes on availability of employment opportunities, largely generated in urban centres and that too for the more skilled among the workers. With improved infrastructure and connectivity migration has been facilitated as information regarding opportunities is available in far off places. This has led to greater mobility of workers, a welcome fact, if it arises out of choice and not sheer economic compulsion. According to the 2001 Census, the total migrant population in the country was 314.5 million. Both the Census and the NSSO indicate that the rate of migration has increased.

6.6 Among those migrating for work and employment purposes, long term/permanent migration (above 10 years) has the highest share (Table 6.2). This has declined slightly since 1991 (from 56 per cent to 54 per cent) while the 1-9 years category has shown a rise to 28 per cent in 2001 from 21 per cent in 1991. Short duration migration over the years has shown a slight decline from 3.0 per cent in 1991 to 2.8 per cent in 2001.

6.7 However, the Census and the National Sample Survey underestimated the seasonal and short-term migration, while aspects of more permanent migration were captured well. Indeed, the NSSO for 1992-93 and 1999-00 suggest that there has been a decline in short duration migration through the nineties. As per the 1999-00 NSSO, 10.9 million workers migrated for 2 - 6 months of which 8.5 million were in rural areas. Among the rural migrants 3 million were females. Short duration out-migrants constituted 2.1 per cent of the rural employed persons and 1.3 per cent of the urban employed of which 3.1 per cent (rural) and 1.5 per cent (urban) were casual labourers. The 1999-00 NSSO results show

Table 6.2: Percentage Distribution of Migration by Duration of Stay 2001

Duration of Residence		Total Migrants			Migrants who Stated Work/ Employment as the Reason for Migration		
		Total	Male	Female	Total	Male	Female
Less than 1 year	Total	2.8	4.5	2.1	7	6.1	13.7
	Rural	2.9	6.2	2	15.3	13.8	21
	Urban	2.7	3	2.5	3.3	3.1	5.6
1-4 years	Total	15	17.8	13.9	23.5	23.1	26.7
	Rural	13.8	17.2	12.9	28.1	28.4	27
	Urban	17.6	18.3	17	21.5	21	26.4
5-9 years	Total	13.4	13	13.6	17.7	18	16
	Rural	12.7	11.3	13.1	16.6	17.2	14.1
	Urban	14.7	14.5	14.9	18.2	18.3	18
1-9 years	Total	28.4	30.8	27.4	41.3	41.1	42.7
	Rural	26.5	28.5	26	44.6	45.6	41.1
	Urban	32.3	32.7	31.9	39.7	39.3	44.4
10 years and above	Total	54.2	39.2	60.6	51.6	52.8	43.5
	Rural	57.5	32.7	64	40	40.6	37.8
	Urban	47.7	45	50.1	56.9	57.6	49.9

Source: Census of India 2001, Table D-3.

that there has been a shift in favour of the more regular and self-employed among migrants and a reduction in the casual workers among males in both rural and urban areas. However in the case of women the increase has been in all the categories and more in the case of casual labour in both rural and urban areas.

6.8 Temporary or short duration migrants need special attention because they face instability in employment and are extremely poor. They are engaged in agricultural sector, seasonal industries or in the urban sector as casual labourers or self-employed (Srivastava and Sasikumar 2005). By all accounts, the numbers of such migrants is much larger than that estimated in the official sources. The NCRL (1991) estimated the number of seasonal migrants at 10 million in rural areas alone. Such migrants work in agriculture, plantations, brick-kilns, quarries, construction sites and fish processing. Some estimates suggest that the total number of seasonal migrants in India could be in the range of 30 million (Srivastava 2005)

6.9 Migrant workers form a substantial proportion of both the organised and unorganised workforce in urban India. In the early 1990's a study (Acharya and Jose 1991) of low-income households in Mumbai city found that 80 per cent of the workers were migrants. During recent times it is observed that regional imbalances in development within the country along with rising unemployment have accelerated the pace of migration. The rural poor, especially from the low productivity eastern and central states, migrate to western and southern India where jobs are being created especially in urban centres. Rural-urban migration is found to be temporary or semi-permanent.

Social and Educational Profile of Migrant Wage Workers

6.10 Migrant casual workers belong to the poorest sections of the population characterised by meagre human capabilities and capital assets. It is the absence of resources or lack of access to resources in their native places that force them to migrate to other regions in order to eke out a living. Migrant labour is a compensating mechanism used by households to reduce their disadvantageous position. Poor migrant households are characterized by lower education levels, lower levels of income from agriculture, and an inferior geographical location (Haberfeld et.al. 1999). Migrant labourers primarily belong to socially deprived groups such as Scheduled

Castes and Scheduled Tribes and other weaker sections including women and children. Among the ST and SC migrants short duration migration is higher, being 2 per cent and 1 per cent respectively, compared to an overall rate of 0.7 per cent in the case of all short duration migrants (NSSO 2001b). Migration in the working age group of 15-59 years is very high. This percentage is much higher for rural persons, 86 per cent, compared to the urban migrant persons, 78 per cent. Search for employment or better work opportunities is one of the prime reasons for migration, especially from rural areas where employment opportunities are very limited and entrenched in the agriculture sector which generates a seasonal demand for labour. Thus, during lean periods in agriculture the casual labourers migrate to urban and semi-urban areas in search of employment.

6.11 While migration is high among both the highly educated and the illiterates, among the seasonal temporary migrants the proportion of the least educated is very high (Srivastava and Sasikumar 2005). Based on the census estimates, illiteracy among migrants is found to be very high at 48 per cent. While the majority of migrant population in rural areas are illiterates the urban counterparts show a lower share of illiterates at 27 per cent. Lack of employment opportunities for the less educated (or less skilled) lead to migration as a strategy for survival.

Employment Profile of Migrant Wage Workers

6.12 A recent study (Srivastava and Sasikumar 2005) found that migrants are engaged in different kinds of employment in rural and urban areas. In rural areas self-employment is the main activity followed by casual work with 33.4 per cent male migrant workers and 44.2 per cent of female migrant workers in 1999-00. In urban areas, 55.6 per cent male migrant workers are primarily engaged in regular employment followed by 31.1 per cent in self-employment and 13.3 per cent in casual work. The respective figures for urban female migrant workers are 35.1 per cent, 39.7 per cent and 25.1 per cent. Casual unskilled migrant wage workers, thus, comprise a significant section of the migrant workers, particularly among rural female migrant workers.

6.13 Migrant workers at the upper end of the spectrum i.e., those in the organized sector or at the higher rung of employment, are much better off than those who migrate at the lower end of the spectrum. The latter comprise unskilled casual labourers or petty

traders or small time self-employed like cart and rickshaw pullers who either migrate from rural to urban areas or urban to urban areas in search of better employment opportunities mainly as a survival strategy. The rural to rural shift mainly comprises agricultural labourers while the shift to urban areas is mainly into the unorganised sector as construction workers or as unskilled workers in industrial units.

6.14 More than half of the migrant workers are constituted by those in agriculture. The proportion was significantly higher for females (82 per cent) compared to males (32 per cent). In the non-agricultural sector migration in the category other than household industries is very high.

6.15 Labour force participation rate (LPR) is higher among migrants compared to non-migrants as this category, particularly the males, faces displacement from their native lands mainly in search of employment. The difference between migrants and non-migrants is particularly noticeable in rural areas especially for females. The young (less than 15 years of age) register a slightly higher LPR compared to the non-migrants in that age group.

6.16 Unemployment rate (those seeking/available for work) among migrants is much higher than the non-migrants, particularly in urban areas where the gap between migrants and non-migrants is higher. Unemployment among the young (15 - 30 years) is higher compared to those above 30 years of age. New environs and lack of knowledge/awareness about employment opportunities available along with alienation faced on account of being non-natives place the migrants at a more disadvantaged position than the non-migrants.

Conditions of Migrant Workers

6.17 Migrant workers, particularly at the lower end, including casual labourers and wage workers in industries and construction sites, face adverse work as well as living conditions. This group is highly disadvantaged because they are largely engaged in the unorganized sector with weakly implemented labour laws. Migration often involves longer working hours, poor living conditions, social isolation and inadequate access to basic amenities.

It is the poor households that largely participate in migration to eke out a living. Thus, states where poverty levels are very high including Bihar, U.P and Orissa have a high rate of out-migration to relatively better off states such as Punjab, Haryana, Maharashtra and Gujarat. These groups of migrants are characterized by meagre physical and human capital assets and belong to socially deprived groups such as the Scheduled Castes (SCs) and Scheduled Tribes (STs) and weaker groups such as the women.

6.18 The poor migrant workers are extremely vulnerable and often resort to employment through exploitative contractors and middlemen rather than taking up individual contracts directly with their employers. This greatly increases the dependency of the group on these middlemen and accentuates risks and uncertainty. In the rural agricultural sector employment is mainly through such middlemen who recruit at entry points such as railway stations and bus stands, while in the urban informal sector friends and relatives also act as the link between the employer and the migrant worker. To reduce costs and risks migrant workers also seek employment on their own and move in groups.

6.19 A number of cases cited in Srivastava and Sasikumar (2005) indicate that in the unorganised sector there is a high degree of organised migration such as in construction industry where workers are recruited through contractors who fix wages and also retain some parts of their earnings. Sometimes, as in case of domestic maids, agencies and voluntary organizations get involved as mediators for employment as the women mainly come from tribal areas. Further even those who enter the market independently have to face the dominance of contractors and sub-contractors.

6.20 Migrant wage workers often face economic exploitation when they are paid wages which are lower than what are received by local counterparts. Employers prefer migrant labourers to local workers because of the former being cheaper. Statutory minimum wage rate guidelines are rarely observed. Wages for women migrant workers are lower than the male migrant workers. For example, in the construction industry they are treated as

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assistants and given unskilled manual worker's wages. Further, payments are irregular and, sometimes, are not made in time. Piece rates are prevalent as it provides greater flexibility to the employers. Migrant workers also prefer this system as it assures some savings. However, often migration interlocks credit and labour such that the net returns to labour may have no relation to wages in the destination areas.

6.21 Migrants from backward regions are willing to accept any distress wages as long as they have access to employment. In the bargain they undercut the employment prospects of the local labour. Their excess supply also contributes to reducing the wage rate.

6.22 The wage payments in the public sector also vary from project to project (Srivastava and Sasikumar 2005). Private contractors hired by public sector often flout the labour laws and minimum wage legislation. Temporary migrants who migrate in times of higher seasonal demand for labour also face instability in employment and fluctuations in wages. Insecurity is further accentuated by the segmented labour markets, lack of regulation and dominance by labour contractors and vulnerability of the workers.

6.23 Work conditions of migrant workers are severely adverse with long working hours in hazardous environs. The migrant workers, in most cases, stay at the work site in temporary huts and shanties. Often the employer expects them to be available for work all 24-hours of the day. There is no fixity of hours. This is not only true of workers at construction sites or mines and brick-kilns but also in the case of domestic servants who stay at the employers' places and are expected to be available for work round the clock, irrespective of the nature of work. Women migrant workers are even more insecure because of the odd work hours. They face exploitation in terms of adverse working conditions, lower wages and insecure living conditions and, at times, sexual harassment.

6.24 Deplorable living conditions increase the health hazards of the migrant workers making them more susceptible to disease and infection because of the unhygienic living conditions. Occupational health problems are also high especially for those working at the construction sites, quarries and mines as lung related health issues become common among them. Employers

do not take care of the safety measures which increase the rate of accidents. Temporary status of the workers limits their access to public health services and programmes. Women are not given maternity leave. That childcare facilities and crèches are also not available forces the women to bring children to workplace and to expose them to health hazards. Problems such as body-aches, sunstrokes and skin irritation are endemic among the workers, such as in the fish processing units where the conditions are damp, dingy and dirty. The extremely unsanitary working conditions cause infections. There are reports of eye irritation, respiratory disorders, arthritis, rheumatism, skin disorders and nausea. There are occupational hazards and accidents and the managements provide no compensation.

6.25 Lack of a permanent residence often adversely affects education prospects of the children of the migrant workers who in the process are deprived of even the basic elementary education. While the families of the migrant workers who stay back in the native places face financial/economic and social/emotional insecurities and the migrant is also left isolated and lonely in an alien environment.

Living Condition of Migrants

6.26 Migrant workers not only face adverse working conditions, their living conditions are also often deplorable. With little or no assets of their own, the migrant wage workers often live in temporary hutments located at the site of work, such as in case of construction industry. There is no facility of safe drinking water or hygienic sanitation. Often they live on pavements or in slums, stations and parks in the cities. In the case of temporary migration, the migrants are not able to make use of the public distribution system due to non-availability of ration cards.

6.27 Over the years there has been massive poverty-induced migration of illiterate and unskilled workers into mega cities such as Mumbai, Delhi, Kolkata, and Chennai. These workers are absorbed in poor urban informal sectors and eke out a living in miserable conditions in urban slums, which has also contributed to urban degradation. Since these metropolises have failed to provide migrants and residents minimum shelter and subsistence employment poverty, unemployment, extreme

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housing shortages and frequent breakdowns of essential urban services (like water, electricity, sewerage and transport) are visible in these cities (Bhagat 2005). Further, since employment generation in the mega cities is limited, especially because of the capital intensive industrialisation, the incoming illiterate and unskilled migrants are absorbed in very poorly paid urban informal sectors which are characterized by low productivity, insecurity and exploitation. Such kind of migration helps avoid starvation, yet it does not improve the economic conditions of the migrants.

6.28 Migrant workers, thus, suffer for lack of regulated working hours and harsh working and living conditions but have also been facing social consequences in terms of the wrath of local elements. There are several instances of migrant labourers being made victims by terrorists such as in Kashmir, Punjab and more recently in Assam. Several studies have pointed out that the migrant workers should be assured right to safe and adequate accommodation, right to organize, right to safe travel, assured minimum wages and access to health and education services.

Conditions of Women Migrant Wage Workers

6.29 As already mentioned and health services. They gain access only to low paid work available above, women migrant workers face even greater insecurity and are more prone to exploitation than their male counterparts. Women casual workers are largely engaged in construction sites, fishing industry as in the case of coastal areas or more prominently as domestic maids. Their presence is also visible in brick-kilns, personal services such as entertainment, housekeeping, child-care in the unorganised sector. Millions of women migrants face hazards that reflect the lack of adequate rights, protection and opportunity to migrate safely and legally. Migrant women workers are a marginalized group and there is a gross neglect of their concerns. This can be attributed to their lower socio-economic status and the under-valuation of their work. Their situation is weakened

by the gender stereotypes and biases, leading to discrimination, besides the additional fear of sexual assaults and exploitation. As per 1991 census there were almost 3 million migrant women who cited employment and business as the reasons for migration (Rustagi undated). The states that reported higher women migration for economic reasons are Tamil Nadu, A.P, Gujarat, Karnataka, Kerala and Maharastra. Interestingly, these are also the states with relatively higher levels of industrialisation, commercialisation of agriculture and a higher share of workers outside agriculture. It is plausible that changes in aspirations that accompany economic growth and diversification are also factors that propel more women to migrate for work. Women are more concentrated in the shorter duration and distance (more intra-state than inter-state) migration than their male counterparts.

6.30 Migrant women suffer from difficulties of gaining employment compared to migrant men. Even when they are hired, the terms and conditions are more adverse and wages paid lower than for men and local female wage workers. Very often the norms of the Minimum Wage Act 1948 are not followed. They are paid in piece rates and are hence preferred by employers as it helps them in cost cutting. There is no fixity of working hours. They are made to work for long hours with no commensurate increase in wages. The work environment is like a captive work place (Rustagi undated). Work conditions are extremely arduous. Often, as in the construction industry, women workers are illiterates and unskilled. They are unaware of the prevailing wage rates and accept work at lower wages. Most women remain manual, load carrying and unskilled workers. Wages are not paid in time and are more like a subsistence allowance.

6.31 Living conditions are deplorable with workers residing in make shift shanties and huts with no access to drinking water and other basic amenities. Often women workers move with the family and have the additional burden of domestic chores and child rearing. Inevitably,

A study of migrant workers in Mumbai city noted that 48 per cent of them lived in one room accommodations, 57 per cent had no toilet facilities, 36 per cent had no water facility, 44 per cent lived in kuchha or semi-pucca houses, 32 per cent used gunny bag, straw, tin sheets as raw material for their houses. Even a long term stay as migrants did not improve their deplorable conditions. Duration of stay in the city varied from 10 years (37 per cent), 10 - 19 years (29 per cent) and more than 20 years (34 per cent).

their health suffers. They also suffer from malnutrition. That maternity benefits are not provided further worsens their situation. Child-care facilities are also lacking subjecting their children to the hazards at the work place as they have to accompany their parents to the work site. They are thus also deprived of basic education. The conditions of migrant domestic servants, highlighted in Chapter 5 of this Report, bring out the many facets of deprivation, vulnerability and exploitation faced by women. They constitute nearly 18 per cent of the children migrant workers.

Child Labour

6.32 There has been a secular decline in the incidence of child labour reported in India. Of the two main sources of information - Census and the National Sample Survey Organisation - we have relied mainly on the latter since this report is based on the data from this source. Both

the sources show a decline in children principally engaged in work. As per the Census, the total number of child workers declined from 11 million in 1991 to 3.6 million in 2001. Similar decline is also evident in the NSSO results but the estimated total number was 13.3 million in 1993-94 and 8.6 million in 2004-05. They constituted about 6.2 per cent of children in the age group 5-14 years in 1993-94 and 3.4 per cent in 2004-05. The absolute number and proportion of working male children were more than those of girl children (Table 6.3).

6.33 The overall decline in child workers is attributable to increasing awareness, greater participation in education by children from poorer households, efforts by the state, international organisations such as the UNICEF, the ILO and national and international non-governmental organisations towards elimination of child labour, and the regulatory framework. All stakeholders

Table 6.3: Number and Percentage of Children (5 - 14 years) across Usual Status by Gender

Usual Status	2004 - 2005			1993-1994		
	Boys	Girls	Total	Boys	Girls	Total
	Numbers (million)					
Labour	4.7	3.9	8.6	7.3	6.0	13.3
Non-Workers	16.1	20.5	36.6	22.2	32.0	54.1
Out-of-School(Labour Pool)	20.8	24.4	45.2	29.4	38.0	67.4
Students	113.9	93.2	207.1	84.4	61.3	145.8
All (5 - 14)	134.7	117.6	252.3	113.9	99.3	213.2
	Percentage					
Labour	3.5	3.3	3.4	6.4	6.1	6.2
Non-Workers	12.0	17.4	14.5	19.5	32.2	25.4
Out-of-School(Labour Pool)	15.4	20.8	17.9	25.9	38.3	31.6
Students	84.6	79.2	82.1	74.1	61.7	68.4
All (5 - 14)	100.0	100.0	100.0	100.0	100.0	100.0

Note:

1. Labour includes the unemployed.
2. Labour pool includes child labourers and non-workers.
3. Non-workers are children who are neither in school nor at work.

Source: NSS 61st and 50th Rounds, 2004 - 2005 and 1993-1994, Employment-Unemployment Survey. Computed.

Out-of-school children comprise the workers and the non-workers. They together signify a measure of deprivation among children and can be considered as a potential labour pool, always being at the risk of entering the labour force. They constitute nearly 18 per cent of the children.

in the effort to eliminate child labour recognise the close relationship between provision of primary education and the elimination of child labour.

6.34 The Commission does not consider it appropriate to view child labour purely from a definitional point of view of who is a worker and who is not. This is because there is a significant proportion of children who are out of school and who are not reported as child labour, 14 per cent in 2004-05. Given the conditions in poor households it is quite possible that these children are engaged in some activity by way of helping their parents, either to take care of the younger siblings or old parents when the parents are away for work or in activities that are not perceived as income-earning by the reporting parents. Out-of-school children comprise the workers and the non-workers. In our view, they together signify a measure of deprivation among children and can be considered as a potential labour pool, always being at the risk of entering the labour force. They constitute nearly 18 per cent of the children; 15 per cent boys and 21 per cent girls. The increased participation of children in schools had led to a substantial decline in the children at risk since 1993-94 but in absolute numbers the potential child labour pool still remains very high at 45.2 million.

6.35 Interestingly, the states with higher incidence of child labour are not necessarily the ones with high incidence of out-of-school children although there are some states that find a place in both. States with child labour above the all-India average were Andhra Pradesh, Orissa, Rajasthan, Meghalaya, Karnataka, Chattisgarh, Uttar Pradesh, West Bengal and Maharashtra (Table 6.4). States with out-of-school children that are higher than the all India average were Bihar, Jharkhand, Uttar Pradesh, Rajasthan, Arunachal Pradesh, Madhya Pradesh, Orissa and Chattisgarh. The latter are basically the poor states with very low levels of human development, often referred to as BIMARU. Orissa and Arunachal Pradesh are outside the acronym of BIMARU but the position of Orissa is quite close to them in several respects.

6.36 The fact that 21 per cent of the children are deprived (i.e. child labour plus out-of-school children) should be reckoned as a major socio-economic problem and one that is bigger than the narrowly defined child labour. While child labour is a major problem only in 9 states, child deprivation is more widespread in the country except in the three states of Kerala (3 per cent), Tamil Nadu (5 per cent) and Himachal Pradesh (9 per cent) (Appendix A6.1).

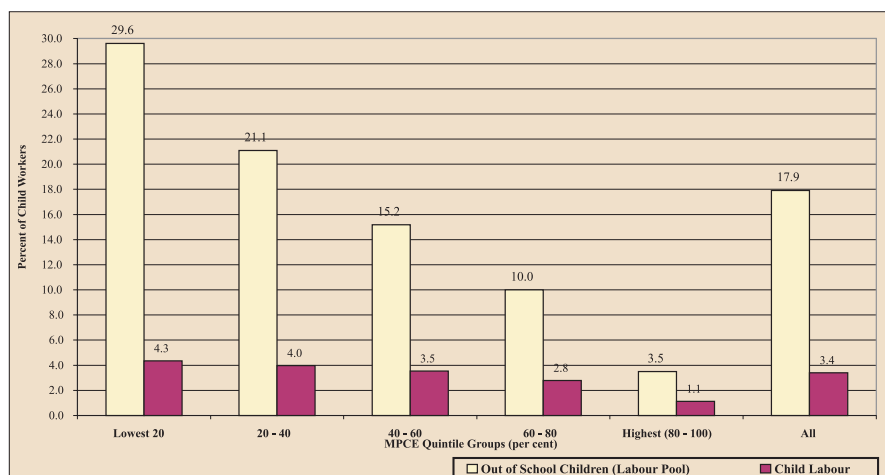
6.37 The association between economic and social deprivation and child labour has been long established in India and other countries. Fig. 6.1 shows a clear negative association among the per capita household expenditure and the incidence of child labour and out-of-school children. The incidence of child labour and out-of-school children was also clearly associated with the socio-religious status of the household (Fig. 6.2). The ST and Muslim households had the highest incidence of child deprivation labour. Hindu SCs and OBCs followed closely. The incidence of child deprivation as well as child labour among Muslims is higher than among Hindu SCs. This is different from the earlier patterns of deprivation across socio-religious groups,

Table 6.4: States with High Incidence of Child Labour and Out-of-School Children (Labour Pool) (5 - 14 Years) (Percentage) 2004 - 2005

State	Male	Female	Total
Child Labour			
Andhra Pradesh	6.1	7.1	6.6
Orissa	5.3	4.6	5.0
Rajasthan	3.8	5.9	4.8
Meghalaya	5.8	3.3	4.6
Karnataka	4.3	4.8	4.6
Chhattisgarh	3.6	5.5	4.5
Uttar Pradesh	4.7	3.4	4.1
West Bengal	4.3	3.2	3.7
Maharashtra	3.2	3.7	3.5
All India	3.5	3.3	3.4
Out-of-School Children			
Bihar	29.9	40.1	34.4
Jharkhand	20.0	27.4	23.4
Uttar Pradesh	20.3	25.7	22.8
Rajasthan	15.6	29.2	22.2
Arunachal Pradesh	19.7	24.1	21.7
Madhya Pradesh	17.3	26.4	21.5
Orissa	17.3	23.7	20.4
Chhattisgarh	14.0	23.0	18.6
All India	15.4	20.8	17.9

Source: NSS 61st Round 2004 - 2005, Employment Unemployment Survey. Computed.

Fig. 6.1: Incidence of Out of School Children (Labour Pool) and Child Labour (5 - 14 Years) across Quintile Groups (Percentage) 2004-05



Source: NSS 61st Rounds 2004 - 2005, Employment-Unemployment Survey. Computed.

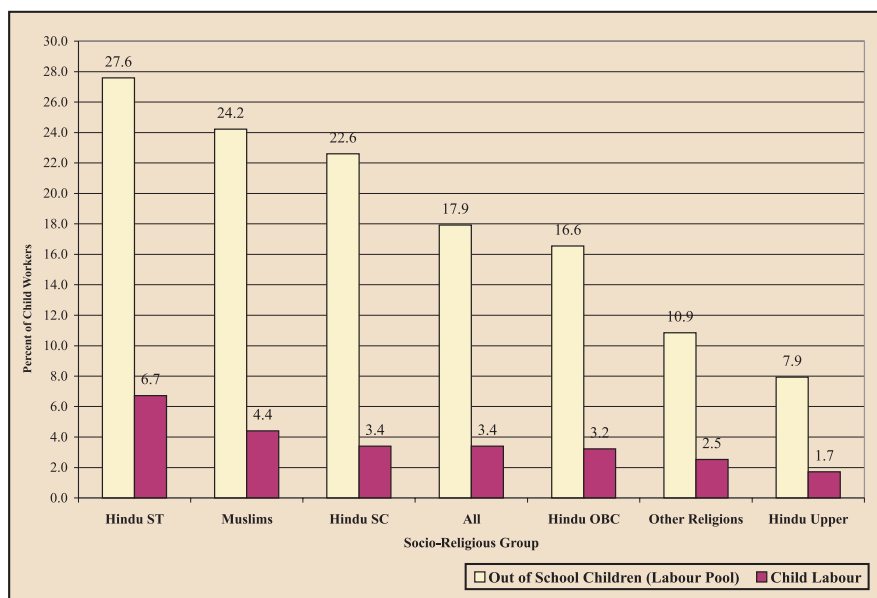
wherein Muslims in general were better off than the Hindu SCs and worse off than the Hindu OBCs. The artisan tradition among the Muslim community may partly explain the higher incidence of child labour besides the relative deprivation of the group.

6.38 It has been argued by scholars that poverty or lack of employment opportunities is not a sufficient condition for the existence of child labour (Chandrasekhar 1997). Child labour is also significantly and negatively

labour. Nearly 30 per cent of the children among the lowest 20 per cent of the households (in terms of expenditure) are out-of-school (Fig. 6.1). Similarly, nearly 28 per cent of Hindu ST children and 25 per cent of Muslim children were out-of-school (Fig. 6.2). The inherent problem, thus, lies not in dealing with child labour alone, but with the entire gamut of the out-of-school children, which is a manifestation of not merely poverty or economic deprivation but also the extent and

nature of educational facilities and its easy access to the socially weaker sections.

Fig. 6.2: Incidence of Out-of-School Children (Labour Pool) and Child Labour (5 - 14 Years) across Socio-religious Groups 2004 - 2005



Source: *ibid.*

Conditions of Work

6.39 There were about 9 million child labourers in 2004-05, of which majority were in rural areas (Table 6.5). The percentage of child labour was also slightly higher in the rural areas, 3.7 per cent compared to 2.5 per cent in urban areas. About two-thirds of the children were engaged in family enterprises as helpers, while more than one-third were engaged as paid wage workers. However, in urban areas, nearly half the child labourers were wage workers.

6.40 Two thirds of the child workers were engaged in

Table 6.5: Child Labourers (5 - 14 years) by Sector 2004 - 2005

	Rural	Urban	Total
Child Labour (million)	7.0	1.5	8.6
Child Labour (as per cent of all children)	3.7	2.5	3.4
Per cent of Self- employed to Total Workers	66.5	51.0	63.9
Per cent of Wage- employed to Total Workers	33.5	49.0	36.1

Source: Same as in Table 6.4.

agriculture. It seems that majority of the working children were helping in the family farms in rural areas but the sector still accounted for 72 per cent of the casual wage child labourers and 9 per cent of the regular workers. Nearly one-fifth of the girls and 14 per cent of the boys worked in manufacturing industries and another 10 per cent of the boys were engaged in trade (Table 6.6).

Table 6.6: Percentage of Child Workers (5 - 14 years) across Industry Groups by gender 2004 - 2005

Industry Group	Boys	Girls	Total
Agriculture	62.8	71.1	66.6
Mining	0.1	0.4	0.2
Manufacturing	14.4	20.5	17.2
Electricity	0.0	0.0	0.0
Construction	3.0	0.8	2.0
Trade	10.6	1.6	6.4
Hotels	4.4	0.4	2.5
Transport	1.2	0.1	0.7
Real estate	1.2	0.0	0.6
Education	0.0	0.0	0.0
Health	0.0	0.1	0.0
Community	1.8	1.6	1.7
Household	0.5	3.4	1.8
Total	100.0	100.0	100.0

Source: Same as in Table 6.4.

6.41 India's child labour policy is two-fold: a ban on such labour in certain hazardous industries and its regulation in others. It is, however, found by independent researchers as well as Census of India that child workers continue to be employed in hazardous industries as well as in others. A large proportion of the children engaged in the manufacturing sector, the second highest industry group using child labour, are likely to be exposed to the risk of being in such hazardous occupations as wage labourers.

6.42 Industries employing child labour are highly fragmented with complex structures where much of the work is done through a system of subcontracting to small, unorganised sector enterprises (home-based and otherwise), which are paid on piece rates. Part of the complexity of the industrial structure and the forms of subcontracting are a result of efforts to evade child labour regulations and other similar measures (Ghosh and Sharma 2003; Sekar and Mohammed 2001; Burra 1989). Independent researchers have found child workers in large numbers in home-based industries such as beedi making, match industry, carpet production, lock making, glass bangle making, hosiery and so on, all identified as hazardous industries under the Child Labour Act of 1986 (e.g. Ghosh and Sharma 2003; Laskar 2000; Goyal 2005). There is also blatant violation of the law as well as human rights in the small workshops where children continue to work in dangerous working conditions.

6.43 Studies by the V.V.Giri National Labour Institute looked at the conditions of work of child workers in different industries and reported that they worked for more than 8 hours a day. In fact, only those child workers who were also attending school worked for less than 8 hours a day. School going children attended school for 6 hours a day and then spent another 4-6 hours working (Ghosh 2004).

6.44 Child labour helps employers by depressing general wage levels in these industries. The general finding of recent studies on working conditions of children is that child workers worked as much as and as long as adult workers received no wages (as apprentice) or a fraction of the adult wage, which was itself very low. They faced inhuman and even dangerous working conditions. Scholars have observed that within the unorganised sector, child workers are the worst affected. Not only have they lost their childhood and opportunities for education, they face conditions at work that are at par with adult workers and, in some cases, even worse since they do not have the bargaining power to demand their rights. Any national policy that aims at improving the conditions of work in the unorganised sector should aim at elimination of all types of child labour in agriculture as well as in the unorganised non-agricultural sector enterprises. Since the banning of child labour through

legislation (confined to the hazardous industries) has not proved to be very effective, further legislative effort should aim at regulating child labour and restricting their employment in all sectors, consistent with the needs of their development. In Chapter 13, the Commission has made specific recommendations in this regard, Further, efforts should be made to promote relevant, child-centred primary education of good quality, and expand employment and livelihood opportunities for adult workers.

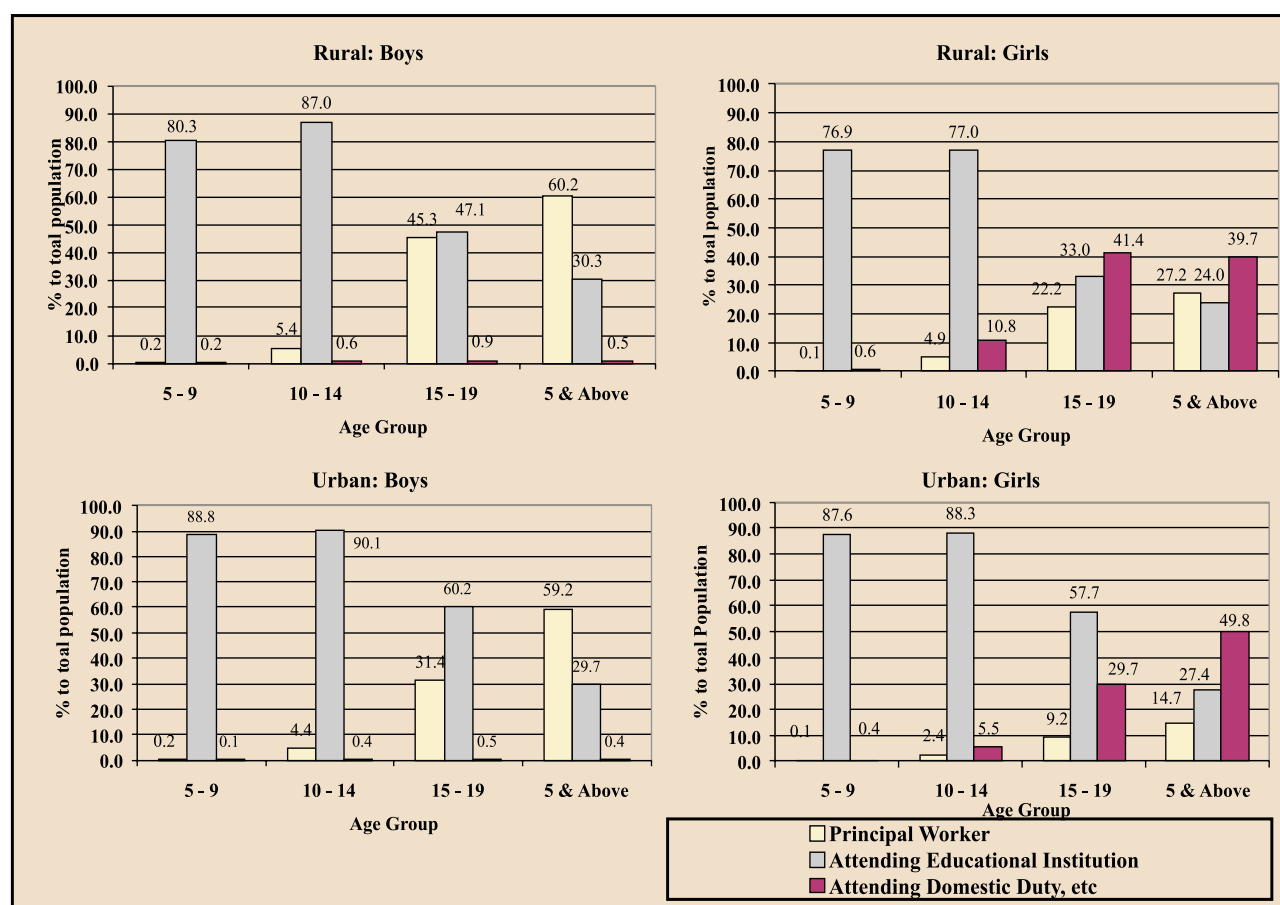
Girl Child Workers

6.45 We estimated that there were nearly 8.6 million child workers less than 14 years of age in 2004-05 of whom 3.9 million were girls. Majority of these children were working in the agricultural sector. In the age group of 10- 14 years, however, about 5.4 per cent of boys and 4.9 per cent of girls in rural areas were working in their principal capacity. Among the urban children, about 4.4

per cent of the boys and 2.4 per cent of the girls were working in their principal capacity (Fig. 6.3). Majority of these children would be helping in the family farms or family enterprises. The girls are likely to be helping their mothers in the homework activities that they may be engaged in. Further, in the age groups 10- 14 years about 2.5 per cent of the girls in rural areas and nearly one per cent in urban areas were working at least part of the year (in subsidiary status).

6.46 While nearly 90 per cent of the boys and girls in this age group were in school in urban areas, in rural areas the gender discrimination is much deeper. Nearly 87 per cent of the boys in rural areas were in school where as only about 77 per cent of the girls were in school. Of the girls 10-14 years of age, nearly 11 per cent in rural areas and 5.5 per cent in urban areas were helping their mothers and were primarily engaged in domestic work. A negligible proportion of the boys were

Fig. 6.3: Percentage of Boys and Girls in Principal Work, Attending Education and Domestic Duties (Usual Principal Status) by Age Group, Sector and Gender 2004 - 2005



Source: ibid.

engaged in domestic work. Thus, while the girls were not officially engaged in work, they were working by the extended SNA concept and perhaps helped to relieve their mothers to participate in the workforce.

6.47 About half of the 11 per cent of girls, engaged in domestic duties in rural areas, collected water and firewood and prepared cow dung cakes for fuel. As we saw earlier, a large proportion of the adult women also engaged in these activities. Clearly the girls were helping out their mothers in these activities, which could be categorized as work. Collection of water and to some extent fending for other fuel sources are activities carried out by a large proportion of the 5.5 per cent girls in urban areas as well. Other tasks performed by girls in rural areas are husking paddy, grinding food grains and sewing. All these activities may keep the girl child out of the school as well.

6.48 The main issue about the girl child is that the characteristics of their work participation and engagement in domestic duties reflect those of the adult women. The two dimensions of women's work, viz. the social and cultural norms and double burden of work, appear to be operating on the girl child as well. Being kept out of school and helping the mother in work and domestic duties, would reduce her capacity to compete in the labour market in future. Her future is, thus, in jeopardy even from the age of 10, if not from earlier. This is particularly true of the girls in rural areas. It is possible that majority of these girls also belong to the poor households and are being used by their families to maintain their subsistence incomes.

Bonded Labour

6.49 Bonded labour is illegal in India since the enactment of the Bonded Labour System Abolition Act (1976). Despite the law there are instances of forced labour or servitude in most parts of the country. Forced labour, slave labour and servitude are characterized by compulsions, whether customary or otherwise. In India it has often been found that bonded labour stems from a creditor-debtor relationship between the employer and the employee, whereby the debtor enters into labour as a means to repay the debt and does not receive wages for the work rendered by him to the creditor, who reckons it as a return of the debt. Very often the bondage is not confined to the debtor alone but his family members are also co-opted as bonded labourers. The bondage continues to the next generation. It involves adverse contractual stipulations not justified by law or even by the prevailing

state of the market. Bonded labour relationships are also usually reinforced by customs or by force. Thus, bonded labour relationships are not purely economic contracts, even though employees may enter into them 'voluntarily' because of economic compulsions. Bonded labour, thus, refers to a long-term relationship between the employee and the employer, cemented through a loan, by custom or by force, which denies the employee various freedoms including to choose his or her employer, to enter into a fresh contract with the same employer or to negotiate the terms and conditions of her/his contract (Srivastava 2005).

Incidence and Socio-economic Profile of Bonded Labour

6.50 The first systematic survey on bonded labour was undertaken by the Gandhi Peace Foundation and the V.V. Giri National Labour Institute in 1978 and estimated the number of bonded labour in India then to be 2.62 million. On the initiative of the Supreme Court, a study found that in 1995 there were still about a million bonded labourers in Tamil Nadu alone (Sugirtharaj and Sait 1995). Weaker sections of the society including the Scheduled Castes, Scheduled Tribes and the OBCs accounted for 76 per cent of all bonded labour. Bonded child labour formed about 10 per cent of the total. Number of cases of bonded labour actually reported by the Director General of Labour Welfare of the Ministry of Labour, Government of India has been so miniscule that it is hardly a problem in the country. The total number of bonded labour reported for 1997 was 6000 and it declined to 304 in 2005-06 (Table 6.7). Given the official apathy and absence of any concerted effort, it is extremely difficult to say how reliable these figures are. At the same time, the Ministry of Labour estimated that between 1996 and 2006, about 2.86 lakh bonded labourers were in different states and, of these, about 2.66 lakh were rehabilitated (Tables 6.7 and 6.8). The National Human Rights Commission (NHRC) has been active in the effort to identify and rehabilitate bonded labour.

6.51 A high proportion of the bonded labourers were from the Scheduled Castes (61.5 per cent) and the Scheduled Tribes (25.1 per cent). The proportion of backward and deprived groups is found to be very high among bonded labourers across various studies. A number of cases of bonded labour in agriculture, construction, mines and brick-kilns have been reported from the states of Punjab, Haryana, Delhi, Uttar Pradesh,

Table 6.7: Incidence of Bonded Labour Reported

Year	Incidence of Bonded Labour Reported (Number)	Year	Incidence of Bonded Labour Reported (Number)
1997-98	6000	2002-03	2198
1998-99	5960	2003-04	2465
1999-00	8195	2004-05	866
2000-01	5256	2005-06	304
2001-02	3929		

Source: GOI (2004-2005)

Madhya Pradesh, Andhra Pradesh, Tamil Nadu, Rajasthan and Karnataka and most of these labourers are from the Scheduled Tribes or Scheduled Castes and are migrants. SCs/STs constitute a major share among the bonded labourers because, being a socially relegated group with no physical and human assets, they are often trapped by the debt burden and taken as bonded labourers. They have no means to redeem their situation and are subject to exploitation by the higher castes. Among the employers, 89 per cent were agriculturalists. The Gandhi Peace Foundation survey categorised bondage into inter-generational bondage; child bondage; loyalty bondage; bondage through land allotment and widow bondage (Srivastava 2005). The vulnerable groups including SCs/STs, women and children, are more easily taken in as bonded labourers in several industries like woollen, carpet and silk weaving, gem cutting and polishing.

6.52 Bonded labourers are mostly found in agriculture as also in several activities in the unorganised sector. Among the sub-sectors, the incidence of bondage is probably the highest in quarries and open mines. These industries are characterized mainly by the predominance of manual processes, seasonality, remoteness and contract migrant labour. Brick-kilns are another industry, which reportedly continues to have a sizeable incidence of bonded labour. Among industries for which

recent evidence has accumulated are power looms, handlooms, rice mills, sericulture and silk weaving, woollen carpets, fish processing, and construction. Bonded labour, including of children, has been identified in a number of other sectors such as the circus industry and domestic work. Incidence of bonded labour is also found to be relatively high among migrant labour, child labour and forest tribal populations (Gupta 2003).

6.53 In view of the overwhelming evidence revealed by a number of studies and surveys, it is highly unlikely that the magnitude of bonded labour is only a miniscule as reported by the Ministry of Labour. Increasingly also, as is evident from the discussion above, the bonded labourers are from the lowest segment of migrant labourers and child labourers.

Table 6.8: Number of Bonded Labour Identified, Released and Rehabilitated by the Centrally Sponsored Scheme during 2005-2006

States	Identified and Released upto 31-3-05	Rehabilitated upto 31-3-05	Central Assistance Provided in Rs Lakh upto 31-3-05
Andhra Pradesh	37,988	31,534	850
Bihar	13,651	12,974	389.28
Karnataka	63,437	57,185	1578.18
Madhya Pradesh	13,087	12,200	163.26
Orissa	50,029	46,901	903.34
Rajasthan	7,488	6,331	72.42
Tamil Nadu	65,573	65,573	1661.94
Maharashtra	1,398	1,325	9.55
Uttar Pradesh	28,236	28,236	577.07
Kerala	823	710	15.56
Haryana	551	49	0.93
Gujarat	64	64	1.01
Arunachal Pradesh	3526	2,992	568.48
Chhattisgarh	124	124	12.4
Punjab	69	69	6.9
Uttaranchal	5	5	0.5
Jharkhand	196	196	19.6
West Bengal	5	5	0.5
TOTAL	2,86,245	2,66,283	6830.42

Source: GOI (2004-2005)

Conditions of Bonded Labour

6.54 Bonded labourers work under extremely restricted work environment. They are at the mercy of the employer who exploits them economically and physically with no commensurate returns. Their economic freedom is curtailed entirely and they have no means to break-free and redeem their situation. Having no power to organise themselves, their miserable conditions are perpetuated and extended to their family members.

6.55 As mentioned earlier, bonded labourers largely belong to the deprived and weaker sections such as the Scheduled Caste community (such as in Punjab) and the Scheduled Tribes and women and children. They have no freedom to choose employment, to right of movement, to use village commons, etc; and endure long working hours. They are also physically abused at the slightest attempt to protest. Wage payment is tied up with the debt and is practically never received. Sometimes, coarse cereals are given to survive (Srivastava 1999). The system involves the repayment of the loan through labour but the wages are so meager that the labourer remains in perpetual bondage. Moreover, if freedom is desired, the employers charge a high rate of interest. The bonded labourers could also be sold to other employers and the debt obligation transferred.

6.56 Bonded labourers working in brick-kilns, mines, and in a number of other sectors, are often employed through middlemen. It is found that labour recruitment and deployment was based on a system of advances, controlled by contractors, who were paid commissions, deductible from the workers' wages. In a significant proportion of cases, the debts were carried over from one season to the next, with the contractors acting as informal guarantors of the loan. Wages were adjusted at the end of the season and the workers received a portion of their wages at the end of each week or fortnight. They can be transferred from one employer to another.

6.57 Working and living conditions in these brick kilns/construction sites/mines are very poor and there was a near total absence of any regulation, with none of

the labour legislation being implemented. There are restrictions to movement and interaction with the non-bonded labourers.

6.58 There has been some change in the nature and incidence of bonded labour in India as a result of various factors, including the impact of social change and social movements, economic modernisation and state intervention. While these processes have impacted positively on the unfree status of labour in traditional agriculture and in some other sectors, the incidence of bonded labour still remains high in some segments of the unorganised industry. Emergence of bondage in newer forms is one of the reasons that make it more difficult to enforce the existing legislation.

Conclusion

6.59 The three segments of disadvantaged workers discussed here - migrant, child and bonded labourers - no doubt, belong to the bottom layer of India's working poor. Quite often they intersect each other, for example, a migrant bonded labourer or a migrant child labourer. Majority of the men migrate for economic reasons. Although migration as a percentage of the work force may not be high (about 8 - 10 per cent), the numbers involved are, indeed, quite large. More importantly, most of the migrants are poor and take recourse to it as a strategy for survival. High share of the less educated among these seasonal migrants and the fluidity of their place of living and jobs (nature and industry), culminate in their reliance on contractors and middlemen to obtain jobs, leading to greater exploitation and deplorable living conditions. The limited social networks of these migrants further increase their vulnerability in the labour market. There is a dire need to recognize the migrant workers and their multiple disadvantages to improve their working and living conditions. Registration and education of the migrant workers can probably go a long way in realizing a measure of such improvement.

6.60 Child labour continues to be a menace in the country but one that shows steady improvement. The problem is in fact confined to only a few states. However, a larger perspective of considering all out-

Bonded labourers have no freedom to change employment, to right of movement, to use village commons and endure long working hours. They are also physically abused at the slightest attempt to protest. Wage payment is tied up with the debt. The bonded labourers can be sold to other employers and the debt obligation transferred.

of-the-school children brings to the fore the ever continuing nature of what we call child deprivation. About 21 per cent of the children are out of the school as of 2005 and that numbers around 45 million. A narrow focus on child labour-centred schemes and projects, in our view, misses this larger dimension of a very basic problem with long-term adverse implications for human development and quality of living. A pro-poor strategy of growth and development that gives special emphasis on up-lifting the poorest sections of the population alone would constitute an effective response to one of the basic maladies afflicting the Indian society. That would, per force, shift attention to the conditions of work, earnings and basic livelihood requirements of the workers in the unorganised sector.

6.61 The problem of bonded labour is one that is conditioned by what one adopts as the definition. A verdict of the Supreme Court has stated that all those who do not get the statutory minimum wage should be presumed to be treated as bonded labour. A more generic definition could be the unfree nature of labour

in terms of changing his or her employer. Such a definition would shift the focus to such bondages as the ones emanating from debt. No credible estimate of the magnitude of bonded labour is yet available. In any case, the Commission views the problem as a huge one in view of the overwhelming empirical evidence arising from a number of studies and surveys. Official statistics have tended to underplay the incidence of bonded labour. In fact, it is almost a non-existent problem if one takes the reported figures of bonded labour seriously.

6.62 Our examination of the conditions of work of these segments of disadvantaged workers confirms not only the sad plight of these workers, but also the multiple manifestations of deprivation even outside the work sphere. It reflects how the work and livelihood issues tend to get even more entangled, especially for these workers. The economic deprivation of these workers results in their further exploitation in the labour market, thereby resulting in a vicious circle. The plight of these segments of workers and their family members represents the acute side of a suffering India that only shines for a minority at the top.