Chapter V

Working Conditions and Social Security of Migrant workers

In this chapter, an attempt is made to examine the provisions of the existing acts and scope of their implementation in respect of the contract basis workers in the sugar factories. The concept of welfare is necessarily dynamic bearing a different interpretation from country to country and from time to time, even in the same country. However, the ILO (1950) defined labour welfare as such services, facilities and amenities as adequate canteens, rest and recreation facilities arrangements for travel to and from work for the accommodation of workers employed at a distance from their houses ,and such other services, amenities and facilities as conditions under which workers are employed. (GOI, 1969).[1]

In the course of the study, data were collected on the working conditions of the contract basis migrant workers, such as their hours of work and the extent of welfare facilities available to them in the sugar factories and the difficulties, if any being faced by them in availing of such benefits.

These data Vis-a Vis the legislative provisions concerning contract basis migrant workers are given in the following points.

i. Working conditions
ii. Wages
iii. Welfare and amenities
iv. Social Security

Working conditions:

Migrant worker wakes up in the biting cold at 3a.m. and makes his way to the sugarcane fields in sugarcane in Kolhapur district alonwith his toil (group of 10 workers).He has been able to snatch only two hours of sleep. By afternoon, he loads his bullock cart with the cane his family has cut, leaves for the crushing factory. There; he waits in queue until late at night, or even the next day. Most migrant workers.who travel to western Maharashtra's sugarcane belt for work from the dry Marathwada region. Some sugar factories have decided to purchase sugar cane cutting machines in the districts of Western Maharashtra like Pune district.

These migrant workers, who travel to sugar factories every harvesting season to cut cane. But now the sugar lobby in the Western Maharashtra plans to replace these workers with harvesting machines, each of which makes 300 to 400 workers unemployed.

Workdays have reduced in the sugar factories using harvesting machines. Also, workers transporting cane to the factory on bullockcart have to wait longer queue for up to 36 hours, as priority is given to the cane cut by the machine. When the machines were first introduced at the Sri Chattrapati cooperative factory Indapur in Pune district in January 2001, some workers frustrated with long day, spontaneously held an agitation into the factory.

The powerful magnets have effectively squelched many strikes demanding better pay and working conditions. Conditions of seasonal migrant workers haven't improved for decades. Every year, after celebrating Dasara or sometimes Diwali, group of workers leave their villages for seasonal jobs in cooperative sugar factories. The seasonal migrant workers, with their cattle and meager belongings, are herded into trucks and taken from the arid Marathwada region to the lush sugarcane belt of Western Maharashtra. In the north of Maharashtra, seasonal contract based workers from Nandurbar and Dhule travel to Gujarat sugar factories. Similarly, seasonal workers also migrate from Karnataka to Kolhapur district's sugar fields to work in Maharashtra state.

Seasonal workers including landless labourers, small and marginal farmers migrate along with their children. Only the elderly and a few children, whose parents prefer to keep them at school, are left behind. But the education of most children is disrupted. They spend six months in the premises of the sugar factory and the rest in the village. There are only 30 schools for migrant children in the Maharashtra state's 198 sugar factories.

The workers are of two types, (1) truck-tractor cane harvesting seasonal workers (2) Bullock cart workers. Cane harvesting workers are linked to the vehicle owners of tractors and trucks, they are also known as head centered workers. They carry the load on the head from sugar cane field to the vehicles stationed nearby the sugarcane field or roads. These workers are the contract workers of the truck tractor vehicle owners. (See Photos No.1 to 26).

The contractors make a contract for the supply of harvest workers during the crushing season of sugar factory. While bullock cart workers cut the cane as well as

transport it to the factory on their carts, the truck-tractor workers move from village to village harvesting the cane and loading it on the truck and tractors. Seasonal migrant worker household purchases bullock carts or hires the vehicles from its owners and make contract with sugar factories to supply the sugarcane from sugarcane field to sugar factory .The hiring rates are fixed by the sugar factory through contractors.

Seasonal migrant households hire rubber tyre carts from sugar mills. Sugar factory provides rubber tyre carts to seasonal migrant households on the day basis charges. They wait in the premises of sugar factory for weighing sugarcane and unloading rubber tyre carts, the hiring charges on tyre carts have to be paid even if the cart waiting for unloads. Bullock cart workers wait till dawn outside the factory in the most miserable conditions. They have to sit in the middle of this cow dung all night. They don't even clean the place or provide basic facilities like water, a shed or even proper pathways for the bullocks.

Tractor-trolley and truck workers are hauled up at any time in the night to load the tractor with cane. Bonfires are the only source of light and warmth as they work at odd hours in the night. For these vagabond seasonal workers, there's barely any shelter. Those with bullock build straw huts on the on the outskirts of villages, with no electricity or sanitation facilities.

Truck and Tractor-trolley seasonal workers pitch tents, which they shift every two or three weeks, as they move to another village for seasonal work in operation area of the sugar factory. Seasonal migrant workers carried on either with the help of the members of family. They work for long hours say 9 to 10 hours a day in unhygienic atmospheres. There's no water in their fields.

They take loans and advances from contractors and Mukadams. They need of a lump sum advance for consumption, to marry their children or pay medical bills, workers approach the contractor. Seasonal migrant families repay the advances by cutting between one or two tons of cane per day, at the existing rates of per ton for bullock cart owners and tractor-trolley seasonal migrant workers.

Bullock cart workers are paid advances between Rs.30, 000 to Rs. 40,000 per family, while truck and tractor-trolley workers families are given Rs.20, 000 to Rs.30, 000. Often, workers are given less, as their unpaid loans are offset against this advance. Most of the migrant workers use up their advances in the villages itself. They try to sell the sugarcane leaves as fodder for Rs.30-50 and buy their daily rations and vegetables and other items in the market at the place of shelter.

It is not surprising that these seasonal migrants work under most insecure conditions with minimal legal protection. Moreover, since, seasonal migrant workers are scattered in different places. "Sugar industry is the most organized industry, but this sector has the most unorganized workers" says Srirang Bhange, leader of the sugarcane cutters and transporters workers union, Kej (Beed district).

Although the sugar factory pays their advances through the contractor and mukadams, it refuses to acknowledge them as workers. They should be given the same benefits as those working inside the sugar factory. However, no labour laws are implemented to protect their rights although some like the Minimum Wages Act, Contract labour (Regulation and Abolition) Act, Money lending Act and Workmen's Compensation Act are applicable. (Frontline, 2002).[2]

However, Sugarcane Cutting and Transporters Workers Union are demanding the setting up of a welfare board of these workers like Mathadi Board where every worker can register and which will regulate their working conditions. However, the sugar lobby is against this idea. Because they want to keep the relationship with contractual.

Another interesting aspect of this struggle in Maharashtra has been the way the workers, again under the leadership of the union, prevented the managements and rich farmers from going for mechanizations of sugar cane cutting. The managements had imported 18 huge sugarcane cutter machines from Germany and other places in Europe in 2002. The managements backtracked and only 4 of these machines are presently being used in Pune region. **(Arjun, 2010).**[3] The owners of Sugar factories want to purchase harvesting machines in order to solve the problem of cane harvesting workers.

Period of employment:

The period for which workers may be employed depends upon the vagaries of the labour market and sugar cane supply of sugar factory. Sugar industry is seasonal character. The duration of the crushing season are varied from 150 to 180 days. Contract basis Seasonal workers engage for a crushing season of the sugar factory. During the season 2010-11, the total cane crushing season of the sugar factories available in number of days was around 180 days.

Unemployment and underemployment:

We shall now try to discuss the question of unemployment with special reference to contract basis seasonal workers as well as migrant workers in the sugar factory. We tried to discuss with representatives of unions and sampled migrant workers.Representaives of Sakhar kamgar unions reported that contract basis seasonal workers cannot work continuously in each month due to the causes of stoppage days, especially, for cleaning and unforeseen breakdowns.

Besides, most of the workers reported various causes for their not working continuously in a few days such as strike period of workers, heavy rains, bullockcart broken, shortage of cane supply some times.

Table 5.1 shows nature of adverse position of sugarcane harvesting work

Table 5.1

Respondents' distribution by showing nature of adverse position

Nature of adverse	Total	%
Farmers'SugarcaneAgitation	84	60
Strike of workers	14	10
Shortage of Sugarcane	24	17.15
Any other	18	12.85
Total	140	100.00

It was observed from table 5.1 that out of 140 respondents 84(60%) had reported about farmers' sugarcane agitation for adverse position in sugarcane cutting and transporting work.38 (27.15%) respondents reported about strike of workers in sugar factories. lastly, 18(12.85%) reported any other adverse position in sugar factories such as sugarcane cutters and transporters strike, heavy rains, and natural calamities. Therefore, the shortage of sugarcane, strikes, stoppage days of sugar factory have accentuated the problems of underemployment of contract basis seasonal workers in sugar factories.

It should be noted that even workers were employed on a contract basis work for a crushing season under the schedule of employment of the sugar factories. However, they had not received any payment for stoppage days. These workers have not also covered by unemployment allowances, holiday allowances etc.If we consider

unemployment Insurance Policy in USA.[4] All the migratory workers in agriculture would be covered by unemployment Insurance benefits. They do not get also average earnings of per day work during the forced unemployment period. They do not get payment during the disturbances in the working of the sugar factory

Hours of work:

The hours of work for workers in various occupations are governed by the rules and regulations under the Factory Act 1948.[5] and the Minimum Wages Act, 1948.[6] The minimum Wages Act has been applied to workers employed in Khandsari Sugar Manufactory and agriculture as per part I and part II of the schedule in the minimum wages act. According to this Act24 (2), the period of work of an adult or an adolescent employee each day shall be so fixed that no employee shall work for more than five hours before he had an interval for the rest of at least half an hour.

Data collected regarding average daily number of hours worked by migrant workers engaged in the selected sugar factories are presented in table 5.2

Table 5.2

Respondents according to opinions for daily hours of work

Opinions for Daily Hours of work	Total	%
9-10 hours	83	59.28
No fixed time	36	25.72
Uncertainty	21	15
Total	140	100.00

It has been observed from table 5.2 that as many as 83(59.28%) of the total respondents were opinion that they had to work more than eight hours a day i.e. 9 to10 hours a day. While 36(25.72%) had reported about no fixed time for daily hours of work per day, and 21(15%) reported about uncertainty hours of work. According to Government of India Report on the labour conditions in sugar factories in India 1962, [7] contract labourers, wherever employed, the hours of work for such workers were not fixed and officially there were no prescribed rest intervals. Therefore, it was found

that prescribed timings of work were not being adhered to strictly in the sugar factories. There is no provision of vacation.

From the contract basis seasonal workers point of view, there is no question of leave and holidays for these workers, as they get payment when they work. It may thus be noted that 'no work no pay' principle existed in the sugar factories in respect of contract basis seasonal workers for cane harvesting work.

In accordance with these rules and regulations, the Contract labour Act and the Minimum Wages Act had been enacted to give protection to labour. In factory provisions of these Acts were not implemented by the sugar factories in order to protect contract basis seasonal workers. The results show that seasonal migrant labourers have to work long hours in crushing season of the factories. The hours of work are not fixed by the contractors or mukadams of the sugar factories.

As a result of contract labour, the sugar factory owners as well as contractors allegedly exploit the sugarcane cutters and contract labour by paying them low wages. They work for about 15 hours a day.(Indian Express, May 15,1989).According to Seasonal migrant workers, we cut the cane, but we don't get to taste any sugar, not even a pinch.

Wages and Earnings:

The problem of wages in the sugar industry is very complex, because wages more or less are governed and determined by factors which in most cases defy economic analysis. According to the Directive Principles of State Policy in the Constitution of India, the State shall endeavor to secure by suitable legislation or economic organization or in any other to all workers, agricultural,, industrial or otherwise work, a living wage, conditions of work ensuring a decent standard of life and full employment of leisure and social and cultural opportunities. However, it was observed that wages were paid according to rate of cane harvesting work at Rs.184 per ton during crushing season 2010-11. In addition to this, workers get 30% commission of the sugar cane cutting and transporting work. 30% commission would be distributed among contractors, mukadams amd workers. (See table 5.3).

Table 5.3

Rates of sugarcane cutting per tons of sugarcane in Maharashtra.

Year	Rates per Tone of sugar cane(Rs.)	30%Commission	Total Rs.
1982	7		
1985	14		
1988	29		
1991	33		
1993	39		
1995	50		
1998	65		
2005	89		
2008-09	112		
2009-10	133		
2010-11	150		
2012-13	184	54	238

This is not just cane cutting but for an entire operation involving sugar cane cutting, cleaning the sugarcane shoots by removing the leaves, cutting the long sugarcane shoots into pieces of suitable size, tying of sugarcane bundles to the vehicles provided by the sugar factory, tying the loaded vehicles with a rope and finally cleaning the sugarcane fields. This is a considerable amount of work, all of which together was paid at the rate of Rs. 150 per ton of sugarcane during crushing season 2010-11.

According to the President of Maharashtra Sugarcane cutting and Transport Union, shri Gahininath Thore, new Rates were declared by the government of Maharashtra at the meeting was held on 15th October.2011 in Pune.New rates are given Table 5.4

Table 5.4

Revised Rates of sugarcane harvesting workers in 2011.

Workers	Old Rates Rs. (Per ton)	New Rates Rs. (Per ton)
Sugarcane cutting	111.86	190.16
Tying of sugarcane bundles And loading to vehicles like Tractors, Lorries/Trucks.	124.81	212.17
Bullockcart sugarcaneTransporters And 10 Rs for first one K.m.for bullock cart workers	138.78	236

Source: Daily Lokamat Newspaper 16 October, 2011

It requires teams of labour for cane harvesting work. i.e. Koyata, it consists a pair of labour as husband and wife . One team of labour includes twelve to fifteen koyatas. One tractor (including two trolleys) requires one team of labour in order to transport sugarcane from cane field to sugar factory. One team of labour has to work about 2500 tons; they work about six lakh rupees in a crushing season of the factory. Afterwards, 30% commission of the total amount would be distributed among contractors, mukadams and workers. (Pudhari, 21August, 2013).They work as the head of the team. Mukadams get Rs .two or three lakhs from cane transporting truck contractors as well as tractor contractors. Seasonal workers migrate through contractors and mukadams.

These workers get advance amounts from mukadams and contractors. In the work mentioned, it was not only the adults but also the children who participated the children above the age of usually assist their parents by contributing active labour, especially in tying the bundles of cutting sugarcane and also clearing and cleaning the sugarcane field.

On an average a two workers of bullock cart can harvest one tone of sugarcane every day. It appears that at the minimum one grown child assisting parents in contract labour work is found in each sugar factory. However, the workers would take their children also with them and engage them in the work, of course without payment as the focus is on completing the cutting for one to one-and half tone at least in a day to get the wage. Also, workers transporting cane to the sugar factory on bullockcart have to wait, for up to long hours i.e. 20 hours.

However, it should be noted here that wage rates paid to contract basis seasonal workers in the sugar factories were found to be lower in the Maharashtra state than wage rates paid to sugar cane harvest workers i.e., sugarcane cutters and transporters, in Gujarat state and other states in India. Cane harvesting workers are paid wages on the basis of volume of work done by them.

Wages for seasonal migrant workers vary from state to state in the country. Besides, migrant workers by and large do not get minimum wages. At present, wages are revised every three years by the sugar cartel

Information regarding wage period collected in respect of the sampled migrant workers in the selected sugar factories is shown in table 5.5 .

Table 5.5

Respondents by wage periodicity of wage payment

Periodicity of wage	Total	%
Fortnightly	90	64.28
No fixed period	50	35.72
Total	140	100.00

It was observed from table 5.5 that as many as 90(64.28%) respondents of the total were found to be receiving their wages every fortnight, and 50(35.72%) respondents reported as no fixed period of wage payment. In the fortnightly and unfixed days of wages, contract basis workers were, however, paid advances weekly which were adjusted at the wage period.

However, the gang boss or contractor gives emergency loan to labour with higher rate of interest. The mukadam or contractor keeps his own accounts in which he notes down the work done by the contract basis workers in his gang.After various deductions from fortnight payment, the remaining meager amounts of money which are handed out the labour on pay day.

Besides, any damaged of the material given by the sugar factory are recovered after the season. Besides, sugarcane cutter and bullock carter workers use up the pay advanced in the village itself, and then buy their daily food requirements by selling the sugarcane leaves as cattle fodder for Rs.30 to Rs.40 a bundle.

The sugarcane cutters virtually illiterate are unable to contradict. However; quarrels about the payments are by no means exceptional.

Besides, there is shortage of seasonal workforce in the Kolhapur District. Contract based seasonal migrants work as per monthly schedule of harvesting of the sugar factory. Gang man has to supervise all the harvesting and transporting work of the sugar factory. The farmers and seasonal workers have to pay some amount to Gangman in order to finish the cane cutting work early in sugar field of the farmers.

The shortage of workers for harvesting and transporting of the cane from field to the factory leads to exploitation of cane farmers. These workers in the farm exploits the farmers by charging additional cane harvesting charges at the rate of Rs.100 to 150 per ton additional other than the factory payment for the work during the shortage of workforce. Besides, the farmers were paid extra Rs.50-100 per vehicle as drivers'

allowances during 2009-10. This has now become a routine procedure in the cane belt. (Jugale, 2012).[8]

It was found that more than 90 percent of the total migrant workers opined that they had not received right amount and hypocrisy and corruption about contract labour system, domination of contractors and mukadams on workers, low wages, and lack of labour welfare facilities and rest of them reported that muakadams charged higher rate of commission. Seasonal migrant workers economic condition is not at all satisfactory.They often get into the clutches of money lenders because of the urgency in getting money to meet situations like accident, death, illness.Besides; they do not have considerable savings in bank or in any other credit societies. The working condition of seasonal migrant workers in the Maharashtra state may be unsatisfactory as the contractors decide the wage paid to them.

In such a situation the All India Agricultural Workers Union (AIAWE) took up the issues of these workers and had been waging consistent struggles. And in 2008, with enough ground work, the union declared strike until their demands are met. All the Lorries and tractors sent to procure the workers were prevented from entering Beed District, where the majority of workers reside. On an average, the 210 sugar mills of Maharashtra crush 6 crore tones of sugarcane in a year. The main demands of the strike were that the cooperative sugar factories should make agreement with the Union, the state government should intervene, a welfare fund for these workers along with insurance must be set up etc.

The workers blocked the crucial road to Barshi in Solapur district that was a gate way to southern Maharashtra. As the strike continued for nearly two months, and faced with mounting losses as also the threat of political costs, the sugar lobby climbed down and invited the union for talks.Sharad Pawar also participated in these talks and it was agreed to raise the wage to Rs.112 per ton and payment of arrears for the previous three years.**(.Arjun,2010)** [9]

Unorganized workers require proper organization to maintain the basic rights to them. However, Papola **(1994)**[10] argues that given the dualistic nature of the labour market in India, most of the new employment may occur in the unorganized sectors, which are characterized by poor conditions of work ,low earnings and lack of any social security .Their wages and earnings are generally at subsistence level.

Expenditure pattern:

The pattern of expenditure on consumption determines the economic status of the workers. Most of the seasonal migrant workers have to spend the entire income on bare necessities such as food; clothing.This is an indicator of their poor standard of living. Their standard of living is so pathetic and for urgency they have no other way to turn except borrowing money from contractors and mukadams with high rate of interest. They take loans and advances from mukadams and contractors before crushing season of the sugar factories in order to fulfill their basic needs.

Bonus:

So far as bonus is concerned, it was observed that incentive bonus was paid to contract basis seasonal workers as well as migrant workers by the surveyed sugar factories. The practice of paying more amount of incentive bonus was existed mainly in large sugar factories. However, small sugar factories were paying lower rate of incentive bonus to all contract basis seasonal workers. Besides, steel utensils and clothes were provided to male and female contract basis seasonal workers by some sugar factories as incentive bonus at the end of season. These workers were not availing any bonus facility.

Shelter Facilities:

Housing regulations attempt to provide decent living conditions for migrant workers, but housing is often overcrowded, poorly maintained, and lacking in ventilation, working facilities, and safe drinking water. These conditions contribute to an increased risk of accidents, sanitation –related diseases, and infectious diseases. (http://www.answers.com/topic/migrant-worker_).

The housing facilities for contract basis seasonal workers were to be negligible by all the surveyed sugar factories, as they were drawn during the season from the neighboring areas. It was found that seasonal migrant families were residing in temporary huts erected with cane leaves in the sugarcane fields. Table 5.6 gives distribution of respondents by nature of staying in sugar factory area.

Table 5.6

Respondents by nature of staying in sugar factory area

Nature of staying	Respondents	%
Nearby road	20	14.28
Site of sugar factory	76	54.28
No fixed place	44	31.44
Total	140	100.00

It has been observed from table that 76(54.28%) out of 140 respondents were staying near site of sugar factory area.44 (31.44%) were reported no fixed place of staying in sugar factories.20 (14.28%) respondents were reported as nearby road for staying. Migrant workers do not have a fixed place of work and keep shifting from one place to another place in area of operation of the sugar factory. The workers have no convenient and protective shelters at their camps. (See Photo No.1 to 26).

For these migrant workers, there is barely any shelter. Those with bullocks build straw hut on the outskirts of villages. The tractor- borne workers pitch tents, which they shift every two or three weeks, as they move to another village.

Educational Facilities:

Article 45 of the Indian Constitution has made provision for free and compulsory education for children. The state shall endeavor to provide within a period of ten years from the commencement of the constitution for free and compulsory education for all children until they complete the age of the fourteen years. However, the National policy of education 1986 of the Government addressed the importance of non-formal system of education to provide educational facilities to all. It is also proposed to strengthen distance institutions, open schools to improve their quality of education.

As regards educational facilities, it was observed from union workers representatives in the selected sugar factories that except in a few sugar factories in the Maharashtra state had neither provided adult education facilities under non-formal education programs of the Government nor attempt had been made to provide educational facilities for contract basis seasonal workers as well as migrant workers children between the age of 6-14.

Medical Facilities:

In United States, farm workers face health care problems. Health care problems faced by migrant farm workers are similar to those of other dis advantaged populations, but the factors of poverty, mobility, difficult living and working conditions, and cultural isolation put them more at risk for illness and injury. It is a challenge to provide health care to the transient migrant farm worker in the context of the traditional health care system.

Transportation services are often an essential component of migrant health programmes. Clinician often travels to farm worker camps in the evenings to assess and triage health problems.

Multidisciliplinary care is typical nurses; health educators, nurse practioners, physician assistants, nurse midwives, physicians, dentists, and other collaborate to provide necessary services. A farm worker may only be in one location a few weeks or months, so far services that require long term attention.

(http://www.answers.com/topic/migrant-worker).

It has been observed from sample survey of the seasonal migrant workers that none of the surveyed sugar factories were found to be providing medical facilities for seasonal migrant sugarcane cutters and bullock carter families in respect of mobile medical services to cover remote areas of the sugar factories.

As a result, the migrant workers had to depend on the petty arrangements made by their employers or mukadams or contractors with nearby government dispensaries or with the private medical practitioners. Though medical facilities had provided by sugar factories for employers and contract basis workers in the premises of the surveyed sugar factories .The provision of medical facilities was unsatisfactory in respect of contract basis seasonal workers.

There were also no special arrangements in respect of seasonal frequent and regular medical checkups of contract basis seasonal workers as well as migrant workers families. It was observed from the survey of the seasonal migrant workers that these workers suffer from several health hazards. Cane harvesting, loading and transporting requires sufficient good health and experience of this work. In fact, the workers face ill-health during crushing season and they undergo pains, stains.

One feature of employment in sugar industry is its bad effect on the health of contract basis seasonal migrant workers. Because the wages are determined on the basis of piece rate, they tend to work on more time to earn more. However, Irritations, wounds

and many other physical ailments for which no protection is provided by the sugar factories.

These male and female seasonal migrant workers were suffered from body ache, back pain, eye ache, tuberculosis, chronic bronchitis and anemia, lung disease etc. They had to spend on medical treatment in private dispensary, when their income was not sufficient to spend on medical treatment. Long working hours make them mentally and physically weak. The bullock cart workers have to face the problems of health of bullocks, traffic troubles and damages of bullock carts, etc

The Employees State Insurance Act 1948 has not been applied to contract basis seasonal workers in the sugar factories. This Act was designed to provide cash benefits in the case of sickness maternity and employment injury and medical benefits to workers. It covers all employees like manual, clerical and supervisory and employees engaged by or through contractors, whose remuneration does not exceed to Rs. 500 a month.

Though the Act applies to all non seasonal factories only, it can also be extended to cover other establishments, industrial agricultural or otherwise.. So far as contract basis seasonal migrant workers are concerned, as they are not covered by ESI and their income do not allow them to spend on medicines. A sound mind is sound body is a dream to these workers, but this dream has not fulfilled by the sugar factories.

Workmen's Compensation:

The workers compensation Act 1923 has been amended several times. It provides payment of compensation to workers, who are injured on account of accidents arising out of and in the course of employment. The act applies to workmen employed on monthly wages not extending Rs.500 and who are employed in factories, mines, plantations, transport and construction work.

Therefore, it should be noted that contract basis seasonal workers in the sugar factories in the area of study were not covered under the ESI scheme or the workmen's Compensation Act. There is no compensation for death of bullocks, damaged carts, huts catching fire, etc. However; it depends upon the contractor's links with sugar factories.It is significant to note that these seasonal migrants work under the most insecure conditions with minimal legal protection.

Crèches:

It is a welfare facility which is provided for women workers. A crèche is defined as a place where babies of working mothers are taken care of while the mothers are taken at work..As children are the future citizens of the nation, child care in the crèche not only benefits for the working mothers, but it is a definite benefit to the nation.

As a result of the factories act passed in 1948, it became obligatory for all factories employing more than 50 women workers to maintain a crèche of a prescribed standard. According to the Maharashtra Contract Labour Rules, 1971 (25) vi a, in every establishment, where twenty or more women are ordinarily employed as contract labour, they shall be provided and maintained by the contractor a room or rooms for the use of children under the age of six years as may be required by the construction scale of accommodation and the facilities shall be such as may be specified by the Commissioner of Labour. Therefore, provision of a crèche of prescribed standard is a statutory obligation in factories and other contract basis work employing 20 women mothers.

At the time of survey, it was observed that none of the surveyed sugar factories had provided such type crèche facilities to cane harvesting women mothers in a crushing season of the factories. It was found that most of the children below the age of six years were found in sugarcane fields along with working women mothers, where binding sugarcane bundles were spread in the sugarcane field. Children were trailing behind their working mothers. Infants were generally left over a piece of cloth or sack under the shade of tree or a seasonal plant in the sugar cane fields. Sometimes, they have to erect temporary crèches by binding three sticks together for the purpose of infant's crèches in sugar cane field.

Trade Unionism:

Trade union is formed to help the workers. It is an old saying that "union is strength". Trade unions can play vital role essentially in the case of workers, who are often unaware of their rights and responsibilities. The trade unions have been instrumental in raising the efficiency of workers and also of the productivity of industrial units. However, trade union is an essential institution and has done a very good job of protecting and promoting the interest of workers.**(Sundharam,1987)**[11] Trade unions also want job security and fringe benefits in addition to wages.

So far as trade unions of sugar industry are concerned, it was observed that all permanent and seasonal workers of sugar factories were members of trade unions in order to redress their grievances. Sakhar Kamgar Unions, Lal Bavata unions were existed in the sugar factories. They are affiliated to the INTUC, HMS, and CITU.

The leaders like Dr Subhash Jadhav and Anil Chougale have formed their unionism in Bhogavati sugar factory with the help of unionism of local cane harvesters in Kolhapur District. Several strikes demanding better pay and working conditions have been seuelched by the power ful sugar magnates.Conditions of work have not improved for decades.

However, Contract basis seasonal workers as well as migrant workers were not found as members of any trade union and association of workers. The majority of seasonal migrant workers gave some reasons for not joining trade unions such as fear of reprisal by mukadams and contractors, temporary migrant workers etc.

Besides, union representatives gave various causes of seasonal migrant workers for not joining in the unions of workers, such as fear of victimization ,migratory characteristic of labour, scattered labour force, unions inability to contact the seasonal workers in remote places, lack of union consciousness among the migrant workers, illiteracy etc. In terms of participation of unions meetings, it was found that all sampled migrant workers had not participated in any meeting organized by trade unions. They had not attended meetings due to lack of union consciousness among them.

Therefore, it is significant to note that the seasonal migrant workers as well as agricultural labourers do not enjoy the rights of the unions of the workers. However, men and women belonging to small farmers and workers in the villages are still illiterate, who migrate to industrial areas in search of employment.

The National Commission for Enterprises in the Unorganized Sector Report 2004 (NCEUS) pointed out the poor conditions of work among unorganized workers in various industries in all dimensions such as space volume, ventilation, illumination, temperature, humidity, hygiene and cleanliness, as well as protection against accidents. The Commission also considered about disadvantaged workers in the report.

About 8-10 percent of the total workers are seasonal migrants, who are poor and take recourse to migration as a strategy for survival. The limited social networks of these migrants further increase their vulnerability in labour market. **(IJHD, 2007)**[12]

It has been observed that seasonal migrant workers do not understand the role and real utility and a benefit of unionism. It is too difficult for union leaders to build a permanent organization of migratory characteristic of contract basis seasonal workers in the sugar factories.

Migrant agricultural workers experience the lowest incomes, poorest working conditions, and fewest benefits from social services in the United States.Their weekly earnings are the lowest of all occupational sectors. Because they average only twenty –four weeks of employment per year, they have the lowest annual earnings. Seasonal Migrant workers are employed in the sugar factories in India. Their housing and health conditions are the poorest of all occupational groups. Migrant workers suffer from poor health conditions and physical problems stemming from their migratory status and weak political influence.

So far as seasonal migrant workers are concerned, there is no strong trade union of seasonal migrant workers as well as sugarcane cutters and transporters. The bargaining power of these seasonal migrant workers and agricultural workers is thus weaker than sugar factory employees, because they migrate from their native places to sugar factories for seasonal jobs only. Seasonal migrant workers live precariously on the fringe of social and economic structure. These workers cannot not bargain collectively with employers due to the nature of their work. They are not organized in any form of trade unions or associations and generally face inhuman or hostile social environment.

However, it has been observed that seasonal migrant workers do not have the capacity to collectively bargaining not only due to the absence of an organization to bargain on their behalf but also due to lack of even awareness about trade union organization. (Naik, 1985). [13]

It was found that no any formal grievance procedure was found in respect of dispute arose between workers and contractors. The Contractors are the kingpins of contract based workers in the premises of the sugar factory and in the area of operation of the sugar factory. Agricultural workers, who are largely in the unorganized sector, they are extremely impoverished and vulnerable group.

Agricultural labourers are characterized by extreme poverty with no physical and human capital .The socially backward like the scheduled Castes (SCs), and Scheduled Tribes (STs), agro cultural workers are the most vulnerable group. They

lack bargaining power, forced to accept in-conductive working conditions and work for lesser wages.

Social security for unorganized migrant workers:

Sugar industry is one of the organized industries in India. This is mostly dependent on unorganized sector workers like agricultural workers, contract based seasonal migrant workers. They are known as cane harvesters and transport workers. These workers migrate from drought prone areas of Maharashtra.

According to Shiring Bhange, the president of sugarcane cutter and transporters cooperative society Kej (Beed), there are more than 14 lakh seasonal migrant workers in Maharashtra state. (See table 5.7)

Table: 5.7

Seasonal migrant labour force in selected districts of Maharashtra state (2010-11).

District	Seasonal Migrant Labour
Beed	5,65,000
Parbhani	2,00,000
Jalna	1,50,000
Aurangabad	10,000
Latur	35,000
Nanded	15,000
Hingoli	16,000
Usmanabad	10,000
Yavatmal	35,000
Jalgaon	1,50,000
Sangli	15,000
Kolhapur	30,000
Solapur	1,00,000
Other Districts	70,000
Total	1401000

In the era of globalization and neoliberal reforms in India, the unorganized workers are struggling for their protection and they want to implement the rules and regulations of various laws. They are unaware about right to organize due to disadvantaged workers like contract based seasonal migrant workers.

The majority of our illiterate adults, therefore, belong to the culturally deprived, socially depressed and economically handicapped sections of the society.

Besides, poverty ratios are highest among casual labour and within the social groups like SCs, STs, and OBCs.

The Constitution of India clearly recognizes the link between decent conditions of work and the promotion of enterprises in the sector.

Matters relating to social security are listed in the Directive Principles of State policy and the subjects in the Concurrent List (List III in the Seventh Schedule of the Constitution of India). Item No.23: Social Security and Insurance, employment and Unemployment. Item No.24: Welfare of labour including conditions of work, provident funds, employers' Liability, workmen's Compensation, invalidity and old age pension and maternity benefits.

Part IV Directive principles of state policy:

Article 41 Right to work, to education and to public assistance in certain cases.The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42 Provision for just and human conditions of work and maternity relief:
The State shall make provision for securing just and human conditions of work and for maternity relief.

Article 39 and 42 of the Constitution of India emphasize the goals of just and human conditions of work towards not only the provision of a minimum wage but also conditions of work ensure a decent life and this end promotes cottage industries on an individual or cooperative basis.

According to NCEUS Report, 2004, there are very few laws that apply universally to all workers, whether in the organized or the unorganized sector. Other laws apply unequivocally to the organized sector overall, the sector workers are covered in piecemeal fashion in various legislations and comprehension protection of minimum conditions of workers **(IJHD, July, 2007).**

It has been observed that seasonal migrant workers cannot get social and economic benefits, other welfare amenities as per rules and regulations of various laws. The main reason for the existence of the contract labour practices in sugar factories is that they conduct business in the most efficient way, and contribute to reduce costs, streamline administrative and accounting procurers.

So far as contract labour system is concerned, many labour commissions and committees recommended to abolish the contract labour system .At present, there are various laws of workers, which are enacted for organized and unorganized sector workers in India like The Workmen's Compensation Act 1923, the contract Labour (Regulation and Abolition)Act, 1970, The Inter-State Migrant Workmen Regulation Act 1979, Building and other Construction Workers (Regulation of Employment and Conditions of Services)Act, 1996,Maternity Benefit Act,1961, States level acts, as the Kerala Agricultural Workers Act 1974, The Maharashtra Mathadi Hamal and other Manual Workers (Regulation and Employment and Welfare)Act 1969.

Inter-State Migrant Workmen Act, 1979:

Although number of labour legislations are applicable to all workers irrespective of their status as migrant or local workers subject to coverage of establishment in which they are employed. These laws have not been adequate to protect the interests of these workers. Therefore, Inter-State Migrant Workmen (Regulation of Employment and Conditions of service) Act, 1979 was enacted. It applies to every establishment in which five or more interstate migrant workmen are employed.

The act provides for the following:

1) Regulation of principal employers/contractors and licensing of all contractors employing five or more migrant workmen.
2) Issue of passbook to every Inter-State migrant workman.
3) Payment of equal wages for performing same or similar kind of work in an establishment along with local labourers which should not be less than the minimum wages fixed under the minimum Wages act.
4) Payment of displacement allowance equivalent to 50 percent of monthly wages.
5) Payment of journey allowance including payment of wages during the period of journey.
6) Provision of suitable residential accommodation, medical facilities and protecting clothing, payment of wages, equal pay for equal work irrespective of sex.
7) Submission of report to the specified authorities of both the sates and also relatives of the migrant workers in case of a fatal accident or serious bodily injuries to the workmen.

However, the working condition of seasonal migrant workers is different from other workers in the unorganized sector. They work more than 8 hours per day without any break of rest for an hour, for which they do not get also overtime rate for excess hours of work in the sugar factory as per the minimum wages Act, 1948.

Besides, seasonal migrant workers are not entitled to any other benefits; they do not get sustenance allowance for less than normal working hours during the crushing season of the sugar factories due to cleaning, unforeseen breakdowns, strike period and heavy rains. They do not get protection of labour laws due to ignorance and very loose enforcement. However; there are no social security measures like bonus, contributory provident fund, insurance etc

So far as education of children is concerned, seasonal workers migrate from their native places to sugar factory area in other district, children suffer from interrupted schooling or they do not get facilities of formal education at all. Seasonal migration often prevents them from education of deserving childrens a result of child labour, children are exploited by the contractors and mukadams.This exploitation of children is greater than adult workers ,chiefly because of children are under aged, totally inexperienced and without workers unions to protect them. These workers are generally denied social security, welfare and health care.

In 1988, the government of Maharashtra was appointed a sugarcane cutters and transporters Committee under the chairman of Shri Dadasaheb Rupwate in order to overview the all round problems of the seasonal migrant workers in sugar industry. The Rupwate Committee had submitted its report to the government of Maharashtra in 1990. The Rupwate Committee had made suggestions to solve problems of the seasonal migrant workers. The committee suggested that to form the Welfare Board of sugarcane harvest and Transport workers in Maharashtra like The Maharashtra Mathadi Hamal and other Manual Workers (Regulation and Employment and Welfare) Act 1969.

According to Subhash Jadhav, Secretary of the Sugarcane Harvest and Transport Workers of Maharashtra, the government has not been implemented suggestions made by the Rupwate Committee till today. (Tarun Bharat, 4 February2013). In 2005,

The Government of Maharashtra was also appointed a sugarcane cutters and transporters Committee under the chairman of Panditrao Dound in order to know

problems of the workers and submitted its report to the government. However, the government has not implemented the suggestions of the Dound Committee.

The expansion of social security for informal rural labour was first argued in India by the National Commission far Rural Labour in 1991 and then reiterated in another form by the Second National Commission of labour in 2002.The burden of implementation was to be on a National Social Security Authority which was to be a corporate body. It would apart facilitation Agency at the State level for implementation of the scheme. At the district level, district committees were to be constituted by the national Authority.

A Report of an Social security For Unorganized Workers (NCEUS, 2006) and conditions of work and promotion of livelihood in the unorganized sector (NCEUS, 2007) were presented by the NCEUS in 2006-07.However, the Unorganized Workers Social Security Act (UWSSA), 2008 was publicized as a grand initiative by the incumbent government to bring the hitherto neglected unorganized workers into the mainstream of Indian economy through provisions of social security benefits almost at par with organized sector workers. The only strong requirement is the constitution of a national Social Security Board (NSSB) and State Social security Board. These boards will recommend to concerned governments suitable schemes for unorganized workers. However, the time lime for forming these boards is missing.(Dutta Pal ,2012).[14]

NCEUS 2009 recommends as minimum conditions of work

1) Working day of eight hours including half hour break.
2) One paid leave per wee
3) Extension of minimum wages Act to all employment
4) Peace rate wage Time rate wage
5) Equal remuneration to women
6) Penalty for deferred payment of wages
7) Imposition of fines in case of deduction in wages
8) Right to organize
9) Non discrimination
10) Accident compensation and use of safety equipment
11) Protection from sexual harassment
12) Arrangement for child care and basic amenities at the work place.

According to Subhash Jadhav, Secretary of sugarcane harvest and transport Workers of the Maharashtra state, there are various problems of these workers. The following are the main demands of these workers. (Daily Newspaper Pudhari, 11 February, 2011).

1) To implement the suggestions of the Rupwate committee and to form a Welfare Board of Sugar cane Harvest workers (Cutters and transporters) like The Maharashtra Mathadi Hamal and other Manual Workers (Regulation and Employment and Welfare) Act 1969.
2) To provide insurance facilities to these seasonal migrant workers.
3) To provide welfare amenities to these workers like provident fund, insurance, medical and educational facilities to seasonal migrant workers through forming Welfare Board of workers.
4) To implement the Unorganized Workers Social Security Act (UWSSA), 2008 in order to solve the problems of contract based sugarcane harvesting migrant workers in the Maharashtra.

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