

Problems and challenges faced by urban working tribal labourers in Odisha and legal remedies

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Abstract

In a developing state like Odisha tribal labour migration to urban sectors takes place due to several factors like unemployment, lack of skill, ignorance about state's developmental initiatives and lack financial support from nationalized financial Institutions. Statistics reveal that most of the migrant tribal labours are engaged in unorganized sectors. The new work environment, urban cultural setup, undefined terms of employment and unsafe working conditions often leads them in to legal disputes and exploitations. The primary objectives of the present research are to empirically analyze the legal problems of the migrant tribal labours engaged in urban sectors. The projected hypothesis aims analyze above issues in comparative mode with Non-Tribal labours and across gender through both Quantitative and Qualitative research approach. The sample structure includes Tribal labour of Odisha: n =250, Non-Tribal labours of Odisha: n =250 and total Sample= n 500. The data will be collected through a structured questionnaire and will be processed and analyzed for appropriate legal interpretations through judicial rulings and instruments of law. The research inferences and implications are expected to outline the legal remedies for the resolutions of the issues.

Keywords: tribal labour, migration, Odisha, urban sectors

Introduction

Odisha is a very crucial state for our country India. It acknowledged the maximum rate of scheduled tribe and scheduled caste population. According to the census acquired date of 2011, Odisha got 3rd position in acquiring the ST population and eleventh position in term of SC population in India. Concerning the fact both the scheduled tribe and castes holds at least 40% of the total population of the state with STs and SCs contributing 22.8% and 17.13% respectively. Here is a statistical representation of the population chart of Scheduled Caste and Scheduled Tribe.

Odisha Scheduled Tribe Population Data as per Census 2011

1. Aggregate population: 4, 19, 74, 218
2. Scheduled Tribe (S.T): 95, 90, 756
3. Scheduled Caste (S.C): 71, 88, 463
4. Percentage of ST Population: 22.85
5. Percentage of SC Population: 17.13

The census of 2011 exhibited the growth of population in Odisha from 3.68 crores to 4.2 crores with comparison to the census of 2001. In 2011, the total population of Odisha was found to be 41,974,218 with 21,212,136 of its population being male and 20,762,084 being females. The aggregated population of 2001 census demonstrates its population to be 36,804,660 with 18,660,570 and 18,144,090 of the population being male and female respectively. The decade witnessed a growth of population of 14.05% as the past decade counts 15.94%. As per the records in 2011, Odisha makes 3.47% of Indian population while the in 2001 it forms 3.58%.

Odisha Population Data with respect to the Census 2011

Table 1

Sl No	Description	2011	2001
1	Actual Population	41,974,218	36,804,660
2	Male	21,212,136	18,660,570
3	Female	20,762,082	18,144,090

Tribal population of Selected Urban cities with respect to Census 2011

The Census 2011 reveals that 83.31 percent of people live in rural sector, where as 16.69 percent live in urban sector.

Table 2

Sl No	Name of the city	Population	Male	Female	Tribal population
1	Bhubaneswar	8,43,402	446,204	397,198	1,15,051
2	Cuttack	6,10,189	316,242	293,947	93,745
3	Berhampur	3,56,598	185,754	170,844	1,18,928
4	Rourkela	2,72,721	144,466	128,255	1,62,349
5	Sambalpur	270,331	138,939	131,392	167,963

The census of 2011, the tribal population of the state includes 95, 90, 756 of mass which is nearly 22.85% of total State population and almost 9.66% of the total tribal population of our country India. Thus, Odisha contributes as the third largest congregation of tribal population in India.

Review of Literature

Concerning the economic discussion of Waugh labour is defined as the human hard work basically used in production.

K. Madhavan Pilai's (2000) ^[2] article of Labour and Industrial Laws define the term labour includes any energetic work, work with hard labour but in present

terminology it is specially restricted to basically industrial work carried out by an individual.

The Principle of Economy by Marshall (1961) ^[3] according to him the term labour means any work it may be mental or physical work which is done for financial benefit. Here Labour means the application of body or mind fully or partially.

The report of Indian ministry of labour and employment (2008)

as proposed in 2008. In this report it is identified that the Indian labour mainly classified in to two types i.e. organized and unorganized labour. Where the numbers of labourers are ten and they are working under one organization called organized sector and the unorganized labourers are based on four categories these are 1-Service, 2-occupation, 3-Nature of employment, 4-specially distressed categories.

M.K. Srivastava (1993) ^[5] identified that the Indian labourers are classified in to two types and these are industrial and agricultural labour. His study mainly based on the categories of Indian labour and also focuses the issues of Indian industrial and agricultural labourers. He highlights the problems of women labour and problems.

Work by NCEUS (2007) ^[6] identified that unorganized labourers are those labourers who are basically involved in unorganized household sector, enterprise except the labourers who are regular in the nature of the job and who are getting the benefits of social security. Herein the term unorganized and organized labourers are used in an interchangeable manner with the words informal and formal. The chief problems of the unorganized workers are they are poorly paid and in some cases they are below subsistence level. Many of the unorganized workers are getting either low wages or they are not paid the wages for month.

Factory Act, 1948 in this act 'worker' is defined under section 2(1) and it says that the worker engaged directly or indirectly or by any third party for any financial benefit or not. Basically the workers are working under the manufacturing industry or any washing process or any other work. The above statement satisfy the following three basic components these are there must be an contract, the contract must between the management and the employee and the contract based on the employee-employer bond.

The Workmen's Compensation Act of 1923

The term workmen well-defined under section 2(n) where clearly mentioned that there must be an employee and employer relationship and the objective of the employment is for carry out the business or trade of the employer. At the time of employment if any workman is facing an accident and due to this death occurs or any physical injury, partial disablement or occupational disease occurs, the workman should get benefit according to this Act.

The academic duo of Sachidananda and B. Mnadal (1983) ^[7] opined that landless people largely belong to the Schedule Tribes, Schedule Caste, other Backward Castes and Muslims. In reality, there can be a higher percent of rich farmers among those belong to the upper castes. In fact, many times those belong to the higher caste have own the land as well a other properties and those belong to the lower castes do not possess their own land and mostly work as manual labourers. The report suggested that socio-economic dimensions of rural settings of the five blocks of Purnea

district, Bihar state, do not bear any trust between the share croppers and the land owners. The prevailing fact is that, frequently the land owners change the share cropper to ensure that they would not be able to claim any rights of occupancy. Therefore the share croppers are mostly forced to be dutiful or docile to their landlords. This report identified and highlighted lower caste as the major factor responsible for the lower status of the share cropper.

The Law of Migration was first proposed by E. G. Ravenstein (1985) ^[8] notified that those individuals migrate from low opportunity locales to high opportunity locales and this tendency is prominent among the tribals. Annually, thousands of men and women migrate from the rural settings to New Delhi in search of either jobs or for a maintaining a better living condition. In addition, he examined push factors like low wages, lack of jobs, limited opportunities in the rural locales and the pull factors like life style, motive to earn more for providing better education for their children coupled with access to better health facilities etc

According to the World Bank Report (2006), Odisha was ranked among the Top-Ten labour sending states in India. In reality, the migration of labourers contributes to both positive and negative impacts on family, community as well as society. The World Bank notified unemployment and poverty were the prime factors contributing to labour migration. This report underscored higher rate of poverty as well as unemployment force people to move away from their homes and villages in search of jobs.

In the words of Nag migration is a global problem. He noted that every nation including India, a rapid increment in the level of migration from villages to cities. Even though India has many village due to the poverty, landlessness, socio-economic crises, differences in the inter-personal income levels, illiteracy, lack of skills etc. catalyzed rapid migration from rural settings to urban sectors in India.

In the arguments made by E. S. Lee (1966) ^[9] in Theory of migration is contributed to pull as well as push factors. Pull factors encapsulate higher wages, better employment opportunities, improvised life situations, sound health, welfare and educational opportunities in the newer destination, where as push factors cover low wage rate, absence of employment opportunities, debts, failure of farming, drought as well as natural calamities.

According to K. Hanumantha Rao, Subrahmanyam. S, Murthy. C.S. and Babu. Suresh V (2010) ^[10] the effect of MGNREGA in curtailing labour migration rates among the Odisha based Scheduled Tribes. This work reflected the awareness and participation of Schedule Tribes as well as various Groups in MGNREGS. Also this study has observed the implementation, outcome and impact of the scheme. The study understood that the schedule castes and schedule tribes were the classes mostly affected by poverty. Even though of some them possessed land, the outcomes from the land were low, so too the income generation. In addition, they could not raise sufficient income from their daily wages due to the meager amount they earn. It was also identified that segregation based on geographical location contributed to their socially backward status. The MGNREGA contributed an unequalled participation guaranteeing 180 days of employment with fixed marginal wages in the labour market. The tribals were benefited by this programme in terms of the security of their improvement in the produce from their farm lands. Proper

execution of this scheme could reduce migration of rural labourers.

Objective of the study

The objectives and motives of the present study is –

1. To study specific factors responsible for migration of tribal labourers from the tribal areas to various towns and urban cities like Bhubaneswar, Cuttack, Berhampur, Rourkela and Sambalpur for search of employment.
2. To assess the perception of tribal labourers about their legal right and their legal recognition.
3. To find out and find out the role of law to improve the legal status.
4. To investigate into the type and level of moral, physical, sexual and economic exploitation of tribal women labourers are facing.
5. To suggest various ways and means for improving the legal and occupational condition of tribal labourers and empower them.

Method of Study

The work that we see is based on the provided primary and secondary data. The area of research work is confined to Legal status and problems of tribes in Odisha. The Present Socio-legal study chooses to adopt Multi-Method consisting of two approaches i.e.

1. **Quantitative:** For collection of primary data the researcher aims to design a 5 point scale model in Likert format to study the attitudes of the respondents towards several aspects of Tribal labourers of Odisha.
2. **Qualitative:** The followings are the secondary sources the researcher need for the study of tribal labourers of Odisha.
 - a. Law Treaties, Commentaries, Government Reports, Law Commission Reports, Annual Administrative Reports.
 - b. Authoritative Books and Journals.
 - c. Decided cases from the Supreme Court of India and State High Courts.
 - d. Cases will be collected regarding the Legal status of Tribal labourers of Odisha in perspectives and the legal issues.

Data Collection

1. **Tools of data collection-**Questionnaires, Interview, Focus Group Discussion.
2. **Source of data collection-**
 - a. **Primary data:** It will collect from personal interviews of the migrant tribal labourers on the site or other which are involved in construction work. The objective of the study was considered while the schedule of interview was prepared. The pilot survey was also considered by the researcher.
 - b. **Secondary data:** These data will be assembled by following different Government reports, research reports, libraries, magazines, journal, internet and different institutions, having interview with Govt officers and concern district officials, interview with Contractors, study materials of tribal research institutes etc.

Sample structure

For the purpose of the data collection from the primary

sources random sample will be collected from the following categories of groups.

- Tribal Women of Odisha : $n = 250$
- Tribal Men of Odisha : $n = 250$
- Total Sample: 500

Tribal Migration

In a developing state like Odisha tribal migration to urban sectors takes place due to several factors like unemployment, lack of skill, ignorance about state's developmental initiatives and lack financial support from nationalized financial Institutions. Statistics reveal that most of the migrant tribal are engaged in unorganized sectors. The new work environment, urban cultural setup, undefined terms of employment and unsafe working conditions often lead migrant tribal in to legal disputes and exploitations. The primary objective of the present research is to empirically analyze the legal problems of the migrant tribal engaged in urban sector.

Conclusion

Most of the people engaged in Construction Work have permanently settle in most of the nearby the nearby slum or any low cost residential area. They have brought their family members from their native place and make them engaged in the different other jobs. Some of the bachelor workers are also provided with tents or asbestos house. Generally, the male prefer to this sector but female are only used as a labour. This kind of job is very laborious because heavy weight has to carry from one place to another. The implemented social security initiatives by the central and state govt. and NGOs within the past highlights the requirement of more such provided supports and efforts must set a high dimension of covering the growth of construction workers. The aspects like food security, socio-economic welfare, health insurances, housing security, secured employment, income stability, life and accident assurance, old-age plans, should be also provided to the informal sector of labourers. Concluding the study, it is found that now we have an emergency to establish comprehensive, integrated and global social security system for the workers involved in construction sector. The drawbacks of our systems like lack of awareness, irregular planning and unity must be taken care of. A massive employment opportunity should be created by setting new industries.

References

1. Waugh, Economical discussion.net /Labour /Labour meaning-kinds-and-importance-economics.
2. K Madhavan Pillai. Labour and Industrial Laws, 2000.
3. Marshall, Alfred. Principle of Economics, macmillan and Co. Ltd, London, 1961, 54.
4. The report of India's Ministry of Labour and employment, Govt. of India, 2008.
5. MK Srivastava. Agricultural Labour and the law, Deep and deep Publication, New Delhi, 1993, 335.
6. NCEUS. Condition of work and promotion of livelihood in the Indian unorganized sector, Govt of India, New Delhi, 2007.
7. Sachidananda, Mandal B. "Agrarian Relations: A Case Study of Purnea in Bihar", Man in India. 1983; 63(1):3-20.
8. Ravenstein EG. The Law of Migration, Journal of the

- Statistical Society of London, 1985, 48(2).
9. Lee ES. A theory of migration. *Demography*. 1966; 3(1):47-57.
 10. Rao Hanumantha K, Subrahmanyam S, Murthy CS, Babu Suresh V. 'Impact of MGNREGS on Schedule Tribes in Odisha', National Institute of Rural Development, MoRD, 2010.
 11. Census of India. Odisha Economic survey, 2013-14, Statistical abstract of Odisha, 2011.