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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

"LABOUR MIGRATION IN INDIA: SOCIOECONOMIC DYNAMICS, CHALLENGES, AND POLICY INSIGHTS FOR SUSTAINABLE DEVELOPMENT"

AUTHORED BY - SHUBHANG IGNATIUS FRANCIS

Abstract

This paper examines labour migration in India, a key factor influencing economic and social dynamics. Driven by regional disparities and varying employment opportunities, seasonal and circular migration patterns are prevalent, with workers often moving from economically underdeveloped areas to urban centres in search of better livelihoods. Economic factors such as wage differentials, push and pull dynamics, and the lack of local employment options contribute to inter-state and rural-to-urban migration flows. The COVID-19 pandemic has further complicated these migration patterns, disrupting employment stability, mobility, and access to essential services.

Various policies, including the Minimum Wages Act, Emigration Act, and the Inter-State Migrant Workmen Act, aim to regulate working conditions. Yet, challenges remain in ensuring fair practices and decent work for migrant labourers. Government initiatives, such as the National Database of Unorganised Workers (NDUW) and the Garib Kalyan Rojgar Abhiyan, seek to improve migrant workers' access to social security and employment benefits. However, migrants continue to face poor living conditions, health risks, and disruptions in education. Additionally, measures have been introduced to safeguard female workers in overseas migration.

The paper also explores the multifaceted impacts of labour migration, noting that while migrant families benefit from remittances, they often face significant challenges in interstate health, education, and living standards. Migration affects both source and destination areas: it stabilizes rural economies while contributing to segmented labour markets in urban regions. The paper highlights labour migration trends, causes, and the associated socioeconomic outcomes for migrants, underscoring the need for stronger governance and policies to ensure fair labour practices, decent work, and sustainable development in migration governance. The study offers insights that can inform future research in this area.

Keywords: labour migration, migrant workers, socioeconomic

EVOLUTION OF LABOUR LAWS

Labour laws have evolved through worker demands for improved conditions and employer efforts to limit costs and influence. The Industrial Revolution in the 18th century exposed worker exploitation, prompting regulations to address health, safety, and social justice. Key milestones included the French Revolution's push for equality and the eventual acceptance of labour rights by the 20th century[1].

The **International Labour Organization (ILO)**, established in 1919 as part of the League of Nations, emerged from post-World War I reconstruction efforts. It sought to protect workers' rights through international standards. The British advocated for an international labour parliament, while the United States, led by Samuel Gompers, preferred advisory recommendations, ultimately shaping the ILO framework. The ILO's first conference in 1919 introduced foundational conventions on working hours, unemployment, maternity protection, child labour, and workplace safety.

EVOLUTION OF LABOUR LAWS IN INDIA

Labour law, also referred to as Industrial Law in India, originates in the colonial era, where legislation primarily served the economic interests of British employers. A notable example is the Factories Act of 1883, introduced under pressure from British textile magnates to make Indian labour more expensive and protect British industries. While ostensibly welfare-oriented, this Act mandated an eight-hour workday, abolished child labour, restricted night work for women, and introduced overtime wages. However, its underlying motivation was protectionist rather than altruistic.

Post-World War I, India saw significant developments in labour legislation. The Trade Union Act of 1926 and the Industrial Disputes Act of 1929 marked critical milestones, empowering collective bargaining and regulating labour relations. These laws provided a framework for addressing disputes but lacked robust mechanisms for resolution.

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[1] Kartik Srivastava & NMIMS Indore, EVOLUTION OF LABOUR LAW IN INDIA: A THREE-DIMENSIONAL APPROACH.

The Royal Commission on Labour (1929) further influenced reforms during the economic crisis and growing labour unrest. Its recommendations paved the way for key legislation, such as the Payment of Wages Act (1936), which addressed wage-related issues.

Post-independence, labour law underwent transformative changes to establish a partnership between labour and capital. The Tripartite Conference 1947 outlined principles of fair wages, improved working conditions, and labour cooperation with capital to drive national economic development. This consensus culminated in the enactment of the Industrial Disputes Act of 1947, which replaced the Trade Dispute Act of 1929 and remains a cornerstone of Indian labour law.

Judicial pronouncements, recommendations of national commissions, and international influences, such as those of the International Labour Organization, have further shaped India's labour law framework. These developments reflect an ongoing effort to balance worker rights with economic priorities.

MIGRANT LAWS IN INDIA

1. Inter-state migrant (regulation of employment and conditions of service) Act, 1979
2. Payment of Wages Act, 1936
3. Employees Compensation Act, 1923
4. Equal Remuneration Act, 1976
5. Minimum Wages Act, 1948
6. Maternity Benefit Act, 1961
7. The Unorganised Workers Social Security Act, 2008

ILO STANDARDS ON MIGRANT WORKERS

The **International Labour Organization (ILO)** ILO is dedicated to establishing international labour standards to promote uniformity and fairness among its member states. The preamble of the ILO Constitution highlights its emphasis on safeguarding the rights and interests of migrant workers.

ILO's Role in Protecting Migrant Workers
The ILO plays a pivotal role in addressing these disparities by developing international

standards to ensure fair treatment, decent working conditions, and respect for the rights of migrant workers. These efforts are essential in fostering equitable labour practices globally and addressing the challenges posed by the growing complexity of international migration.

CATEGORIES OF MIGRANT WORKERS

International migration, involving the movement of millions of workers annually, is broadly categorized into two types:

1. **Temporary Migration -**Temporary migrant workers, often called "guest workers," are employed for a specific duration. This category includes individuals engaged in short-term contracts, seasonal jobs, or trainee positions. A notable subset of this category is seasonal migration, one of the most recognized forms of temporary migration.

2. **Permanent Migration -**Permanent migration involves workers who relocate indefinitely, often through immigration pathways such as family reunification programs or employment requiring advanced skills. These workers are not bound by a defined time limit set by the host country.

FACTORS DRIVING MIGRATION

The phenomenon of international migration is influenced by diverse factors, commonly called push and pull factors. These factors vary across individual circumstances and include the following:

- **Push Factors**

    1. Poverty and economic hardship in the home country.
    2. Political instability and conflict.
    3. Lack of social security and safety nets.
    4. Limited employment opportunities for skilled workers.

- **Pull Factors**

    1. Better wages and improved living conditions in wealthier countries.
    2. Opportunities for urbanization and modernization.
    3. Access to training and skill development.
    4. Family reunification programs.

While many migrant workers experience significant economic and social improvement, this is not universally true. Numerous migrant workers face poor working and living conditions, often unaware of their fundamental human rights and the legal protections they are entitled to under

international standards[2].

LABOUR POLICIES AND LABOUR LAWS IN INDIA

Migration for work within India is a fundamental right under Article 19 of the Constitution. ***Right to move freely****: Citizens have the right to move freely throughout India*[3]also guarantees freedom of movement, employment, and residence. However, migrant workers face significant challenges in accessing labour protections due to India's inadequate labour protection framework, particularly for informal workers. Despite constitutional provisions, migrant workers often lack adequate legal safeguards, and recent labour law reforms, such as the Labor Codes introduced in 2020, have had mixed implications. The Code on Wages extended minimum wage protections to more workers but excluded vulnerable groups like domestic and gig workers. The Code on Occupational Safety, Health and Working Conditions broadens the definition of migrant workers and introduces provisions for their registration and portability of entitlements, though gaps in enforcement remain[4]. The Code on Social Security recognizes gig and platform workers but fails to enable the portability of benefits, leaving many migrant workers without adequate social security. The Code on Industrial Relations raises thresholds for protections, potentially excluding workers in smaller establishments, and limits trade union participation, further marginalizing informal workers[5]. While the reforms represent progress, significant gaps need addressing to ensure comprehensive protection for migrant workers.

India's justice system, designed for formal sector workers, fails to address the needs of migrant workers, who face challenges such as lack of documentation, informal work arrangements, and complex legal processes. These barriers are compounded for women migrant workers, who face additional systemic and practical challenges, including unwelcoming state institutions, costly legal processes, and a lack of collective bargaining platforms. Caste and gender-based stigmatization further complicate access to justice. Migrants also struggle with labour protections in urban areas, as they often live in informal settlements without access to essential

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[2] Labour Law Reforms Ministry of Labour & Employment|Government of India, https://labour.gov.in/labour-law-reforms .

[3] Article 19: Protection of certain rights regarding freedom of Speech, etc., CONSTITUTION OF INDIA, https://www.constitutionofindia.net/articles/article-19-protection-of-certain-rights-regarding-freedom-of-speech-etc.

[4] Why Informal Workers Aren't Using or Don't Know of Modi Govt Plan To Deliver Welfare Benefits To 380 Million, https://article-14.com/post/why-informal-workers-aren-t-using-or-don-t-know-of-modi-govt-plan-to-deliver-welfare-benefits-to-380-million-66ea1e93b741c.

[5] Mukta Naik, *Tracing Internal Migration Governance in India Through a 'Mainstreaming' Lens*, 9 URBANISATION 37 (2024), https://journals.sagepub.com/doi/10.1177/24557471241234973.

services or legal recognition of their residence status. This results in limited access to essential rights, including food, shelter, and healthcare, with women bearing a disproportionate burden in these conditions.

CHALLENGES FACED BY MIGRANT WORKERS IN INDIA

1. Invisibility, Fragmentation, and Informality

Migrant workers frequently remain unrecognized at local, regional, and national levels due to unreliable databases. The challenges of labour mobility, informality, and undocumented employment further hinder local governments' ability to engage with this workforce effectively. Additionally, highly fragmented labour markets, which often rely on subcontracting, make establishing clear lines of accountability difficult. Migrant workers also face significant challenges, including the lack of union representation, limited bargaining power, and exposure to unfair labour practices. These issues are further exacerbated by language barriers, which hinder their ability to advocate for their rights and access necessary support systems[6].

2. Occupational Safety and Health Risks

Informal work settings often expose migrant workers to hazardous conditions, particularly in the construction and small manufacturing sectors. These environments pose significant risks, including electrocution, respiratory disorders, crush injuries, and fatal accidents. In many cases, workplaces also serve as living spaces, increasing exposure to hazardous materials and unsafe environments. Women workers face additional vulnerabilities, including heightened risks of violence and harassment, further compounding the challenges they encounter in these settings.

3. Limited Social Protection

Migrant workers face significant challenges in accessing essential services and maintaining financial security. The Public Distribution System (PDS) often remains inaccessible to migrants due to non-portable ration cards, although initiatives like the One Nation One Ration Card aim to mitigate this issue. In healthcare, migrants frequently rely on costly private services or return to rural areas with inadequate healthcare infrastructure, as urban health centres are often inaccessible due to

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[6] Asma Khan & H. Arokkiaraj, *Challenges of Reverse Migration in India: A Comparative Study of Internal and International Migrant Workers in the Post-COVID Economy*, 9 COMPARATIVE MIGRATION STUDIES 49 (2021), https://doi.org/10.1186/s40878-021-00260-2.

inconvenient timings[78]. Housing and Water, Sanitation, and Hygiene (WASH) facilities are another critical concern, with many migrants residing in informal settlements or workplaces that lack basic amenities, disproportionately affecting women and children. Financial insecurity compounds their struggles, as many receive wages below the minimum standards and are vulnerable to wage fraud. Limited financial literacy and restricted access to banking services further exclude migrants from economic opportunities and safeguards.

4. **Forced Labour Conditions**

Living within worksites often subjects migrant workers to exploitative conditions, including extended working hours and coercive practices. Deceptive recruitment strategies, excessive deductions for accommodation, and practices such as debt bondage frequently result in forced labour. Vulnerable groups, particularly women and children, face heightened risks of exploitation, including trafficking, exacerbating their already precarious situations.

5. **Labour Burden on Women**

Migrant women often encounter gender-based discrimination, unsafe working conditions, and wage disparities. Their employment is predominantly concentrated in informal sectors, such as domestic work and small-scale manufacturing, where they lack legal protections and social security. Additionally, they bear the burden of unpaid domestic responsibilities, face limited access to childcare facilities, and frequently return to work shortly after childbirth, further exacerbating their challenges in balancing professional and personal responsibilities.

6. **Intergenerational Poverty**

Migrant children frequently drop out of school to engage in hazardous work, perpetuating cycles of poverty and limiting opportunities for upward mobility. The absence of access to quality education, childcare facilities, and necessary documentation further marginalizes them. Additionally, children left behind in villages often face neglect, malnutrition, and exploitation, exacerbating their vulnerability and hindering their overall development.

7. **Vulnerability to Crises and Disasters**

Migrants are particularly vulnerable to environmental disasters in their source and

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[7] Inter-State Migrant Workers in India: Policy for a Decent World of Work, WORLD BANK BLOGS, https://blogs.worldbank.org/en/peoplemove/inter-state-migrant-workers-india-policy-decent-world-work.

[8] Labour Act.pdf, https://ncib.in/pdf/ncib_pdf/Labour%20Act.pdf.

destination regions. While natural calamities often compel migration from source areas, destination cities are frequently susceptible to such disasters, exposing migrants to recurring risks and instability.

CHALLENGES IN REACHING MIGRANT AND GIG WORKERS

Many migrant and gig workers are employed informally, often through intermediaries, which complicates tracking their location and employment status. This lack of formal engagement hinders their inclusion in government programs and the benefits they offer. Additionally, many workers lack essential documentation, such as Aadhaar cards or registered addresses, which are often prerequisites for accessing government schemes. The frequent mobility of migrants between cities and states creates further challenges in maintaining stable registration and consistent access to services. Moreover, limited outreach and poor communication efforts leave many workers unaware of the government schemes available to them. Language barriers exacerbate this issue, as migrants often struggle with local languages, preventing them from accessing critical information and support. Fear of authorities, particularly concerns about potential exploitation or deportation, discourages undocumented workers from seeking assistance. The complexity of registration processes, often lengthy and challenging to navigate, further deters participation. Lastly, weak enforcement of labour laws leaves migrant workers vulnerable to exploitation, as legal protections are not effectively implemented[9].

WAY FORWARD TO IMPROVE MIGRATION POLICIES

To improve access to government services for migrant workers, it is crucial to simplify the registration process by reducing documentation requirements and introducing user-friendly online platforms that can ease the registration burden. Furthermore, enhanced outreach and awareness campaigns should be implemented through collaborations with community leaders and local organizations to ensure migrant workers are informed about available schemes and their rights. Mobile-based platforms can play a significant role in delivering information and providing easier access to services, leveraging the widespread use of mobile technology among migrant populations[10]. Additionally, fostering inter-state coordination between governments is essential to ensure seamless access to services for migrant workers who frequently move across state borders. Strengthening labour laws is equally important, focusing on enforcing existing

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[9] https://www.ilo.org/media/392526

[10] Khan and Arokkiaraj, *supra* note 6.

protections and introducing stricter penalties to prevent exploitation. Lastly, establishing systems for regular data collection and analysis on migrant worker demographics and needs will help inform evidence-based policy decisions and ensure that resources and protections are targeted effectively.

CONCLUSION

labour migration in India presents complex challenges for migrant workers, particularly in terms of inadequate legal protection, poor living and working conditions, and limited access to essential services. Despite several government initiatives and legal frameworks, significant gaps remain in ensuring fair treatment and social security for migrant workers, especially women and informal workers. The lack of comprehensive, enforceable laws, fragmented labour markets, and difficulty tracking and reaching migrant workers further exacerbate their vulnerabilities. To address these issues, it is crucial to improve the inclusivity and effectiveness of policies, strengthen enforcement mechanisms, and establish better coordination across states. By simplifying registration processes, improving awareness, and leveraging technology, India can create a more supportive environment for migrant workers, ensuring their rights and well-being while contributing to the country's overall development.