

**PROBLEMS OF MIGRANT WORKERS IN INDIA:
*ANALYTICAL STUDY***

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ABSTRACT

The movement of workers seeking employment and better economic opportunities is a widespread topic in today's world. This labour migration exists both internally and internationally. India has been one of the top countries for international migration, with one-in-twenty migrants worldwide being born in India and about two out of ten Indians being internal migrants. Internal migrants, mainly absorbed within the informal economy, contribute to and impact the region's economic, social, and political conditions both at the receiving and sending ends. Migrant workers work in poor conditions and are left vulnerable with no say to negotiate for better conditions or even stand for their basic requirements. They are compelled to work through exploitation for a source of income and various economic and social conditions that give them little to no option but to work for their own survival. This paper is an attempt to study the struggle of migrant workers and to give an insight into how the prevalent policies are being formulated to address such issues. It also looks into potential approaches that would allow just and efficient labour migration governing structure to meet the essential requirements of workers moving within India to establish and sustain a well-organised work system. The paper also gives an insight into the conditions of migrant workers during COVID-19, the crisis brought about clearly into the surface the expanse of the economy's reliability on the migrant workforce. This study emphasises the importance of the availability and accessibility of social security for migrant workers as a crucial necessity. This allows for safeguarding migrant workers from exploitation and creating provisions to provide them with the security of rigid and reliable legislation.

Keywords: *labour migration, internal migrants, exploitation, COVID-19*

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INTRODUCTION

1.1 Background of the study

When an Individual or a community faces famine, poverty, persecution, or natural disasters, migration has been considered one of the most preferable natural human resources to deal with such catastrophic events. In search of better economic opportunities, a decent standard of life, or to stay close to family and friends, people migrate from one place to another.

Migration can be voluntary or non-voluntarily which can also result in emigration (in which a person leaves their home country to settle permanently in another one). Despite the fact that most people have strong ties and emotional attachments to the places they were born in, there are two main causes of migration: pull factors and push factors. Pull factors are the factors that attract people to leave their place and go to a better place while push factors are the reasons which force people to migrate. Migration is not an easy process, many individuals experience serious abuse and violation of their human rights, such as being mistreated by law enforcement, abusive and exploitative working conditions, and inadequate pay. There is institutional discrimination, a lack of fundamental employment rights, and cuts to social security benefits. Migrant workers are the most vulnerable members of our society because of the precarious conditions in which they must work.

The post-Covid 19 scenario demonstrates their helplessness, pain, misery, and unhappy life. Millions of migrant laborers, daily wage earners, and street vendors were out of work and left stranded in the places where they worked. They lost their source of income and were forced to remain in their home. The cramped conditions of their temporary housing and the stress of being unemployed with limited movement along with homesickness affected and did not help their poor health.

Daily wage earners couldn't go on for much longer since they couldn't meet their basic fundamental necessities. They had to leave the city because they were afraid the Corona virus would spread through the slums, they were unemployed, and they couldn't afford to meet their daily necessities expenses. The aid provided by the government was minimal and insufficient for survival. Due to the inaccessibility of trains and buses, they were compelled to return to their home state by any means and modes they could find. Many people were unwell, and the elderly, young children and women had no choice but to walk or take alternative modes of transportation like bicycles, cycle-rickshaw, bullock carts and other means. The difficult realities of India's migrant workforce were brought into sharp focus by the pandemic, the migrant workers suffered tremendously due to the reverse migration.

According to the Economic Report of India 2017, the volume of inter-state migration in India was close to 9 million each year between 2011 and 2016, whereas Census 2011 estimates the overall number of internal migrants in the nation (including inter and intrastate mobility) at 139 million.¹ This accounts for nearly 14% of the total population, too large a percentage for the country to ignore. Being both a worker and a migrant presents unique challenges and limitations for migrant labourers. Many of the issues that migrant laborers encounter are covered by laws and policies like The Trade Union Act 1926, The Minimum Wages Act 1948, The Employees State Insurance Act 1948, Industrial Disputes Act 1949, Industrial Disputes Decision Act 1955, Payment of Bonus Act 1955, Personal Injuries, (compensation insurance) Act 1963, Maternity 5 Page 6 Benefits Act 1967.² It is important in today's era of globalization to talk about migrant workers' rights, labour standards, and other aspects of decent work, especially in developing countries like India.

1.2 Research problem

Migration for labour has its impacts in various aspects for the workers as well as for the region. Such a phenomenon comes with challenges and requires a structure that allows fundamental conditions for the workers. To formulate legislation and provide services to ensure safe working conditions, the governance needs to have realistic statistical data to understand the number and the nature of the prevalent system. Unfortunately, the Indian government hasn't been able to give a real and accurate number, because short-term changes like seasonal migration are often overlooked by government agencies. Further, census data is gathered after a gap of ten years and are considered "stock data," meaning they are unable to capture the significant rise in mobility that has taken place in India.

This paper deals with the problems rooted in the prevalent system as well as the problems and challenges faced by migrant workers. The flaws in the system that allow exploitation and contribute to feelings of alienation for the migrant workers are also looked into.

1.3 Existing legal situations

The most difficult obstacle for immigrants is obtaining citizenship in the host country and exercising fundamental rights in the country to which they have relocated. These difficulties are frequently addressed with care by carefully drafted laws and regulations for immigrants outlining the procedure and constraints for obtaining citizenship. However, some provisions of the Indian Constitution govern immigration rules on the Indian subcontinent. Part II of the Indian Constitution, Articles 5 to 11 is concerned with citizenship. It defines a Citizen as per Indian Constitution as, a person of Indian domicile or someone with an Indian lineage in the family.³

Section 10 talks about the continuance of foreigners as Indian citizens. The Indian constitution accepts just one citizenship across the country and does not permit dual citizenship. A foreign citizen can obtain Indian citizenship through the Naturalization procedure (normally residence in India for 14 years) and foreigner registration with the FRRO (Foreigners Regional Registration Officer) or FRO (Foreigners Registration Officer).⁴

In contrast to jus soli (citizenship by birth), Indian law follows jus sanguinis (citizenship by blood).

Interstate Migrant Workmen (Regulation of Employment and Conditions of Service Act 1979) The Act aims to govern the employment and working circumstances of interstate migrants. It envisions a registration mechanism for such establishments. Employing inter-state workers without a certificate of registration from the competent authority is forbidden for the major employer. The law also requires that any contractor who hires workers from one state for deployment in another obtain a licence. Some conditions apply to contractors. This includes binding them to provide the agreement's terms and conditions or any other arrangement on which they recruit workers.⁵

Building and Other Construction Workers Workmen(Regulation of Employment and Conditions of Service Act 1996) The Building and Other Construction Workers Act is a piece of social welfare law that aims to help workers in the building and construction industries throughout India.⁶

The Unorganised Workers' Social Security Act 2008 was enacted by the Indian Parliament to provide for the social security and welfare of unorganised workers (meaning home-based workers, self-employed workers or daily-wage workers). On December 30, 2008, the President of India gave his approval to this measure.⁷

Foreigners Act, 1940: was enacted during the Second World War, under which the concept of “burden of proof” was introduced. This meant that whenever a question arose about the nationality of a person, the responsibility of proving that he was not a foreigner lay upon the person.⁸

Foreigners Act, 1946: It replaced the Foreigners Act, of 1940 conferring wide powers to deal with all foreigners. The act empowered the government to take such steps as are necessary to prevent illegal migrants including the use of force. The concept of ‘burden of proof’ lies with the person, and not with the authorities given by this act is still applicable in all States and Union Territories. This concept has been upheld by a Constitution Bench of the Supreme Court. The act empowered the government to establish tribunals that would have powers similar to those of a civil court.⁹ Recent amendments (2019) to the Foreigners (Tribunals) Order, 1964 empowered even district magistrates in all States and Union Territories to set up tribunals to decide whether a person staying illegally in India is a foreigner or not.

Illegal Migrants (Determination by Tribunals) Act, 1983: The absence of any provision related to the ‘burden of proof’ in the Illegal Migrants (Determination by Tribunals) Act, 1983 put a very heavy burden upon the authorities to establish whether a person is an illegal migrant. Moreover, many non-Indians who may have entered Assam after March 25, 1971, without possessing valid documents, continued to reside in Assam. The act was struck down by the Supreme Court in *Sarbananda Sonowal v. Union of India* (2005). The Supreme Court also closed all tribunals in Assam functioning under the Act. The Supreme Court, then, transferred all pending cases at the IMDT tribunals to the Foreigners Tribunals constituted under the Foreigners (Tribunals) Order, 1964.¹⁰

Initiatives of India Centre for Migration (ICM) was a government initiative conducted in eight North-Eastern states in collaboration with the International Organization for Migration (IOM). In 2012, the project created seven International Vocational Qualifications (IVQs) in the hospitality sector for usage in India, as well as a Skills Training Certification Resource Centre in Guwahati (Assam).¹²

The project was carried out in collaboration with (EUI), Florence, to facilitate a positive discussion on migration between the EU and India, including all elements of migration. As a result of the project, ten research papers on migration in the India-EU corridor were published, four workshops were held, an awareness campaign on safe and legal migration in Punjab was launched, and a conference was held in Delhi.¹³

Empowerment of Women Migrant Workers in the Gulf In November 2014, ICM hosted a workshop in Hyderabad with UN Women and the Government of Andhra Pradesh on the migration of domestic workers from India to the Gulf Cooperation Council 12

Labour Market Assessment (LMA) ICM performed a survey of six European nations in 2011-12 in collaboration with IOM to give a market overview and sectoral opportunities in the different countries' labour markets. The LMA also made broad-based and short-term suggestions for potential supply-side improvements in labour mobility in India.13

ICM's other projects Since 2015, the Centre has been providing inputs and data to support the Ministry's efforts to draught the Emigration Management Bill (EMB), develop a standard employment contract, Renew Emigration Rules, Renew Indian Missions on Indian Community Welfare Fund (ICWF), and document best practises of Colombo Process countries.14

1.4 Literature review

A brief review of the migration studies that are now available has been provided below to help readers have a better understanding of the issue of labor migration and the protections that are available to migrant workers. These academics and researchers have investigated the challenges' many aspects. The research that is now accessible focuses mostly on a few socioeconomic elements of the issue, policy perspectives, administrative procedures, legal aspects of migrant labor, etc. The current study has covered all of this literature.

Khan, Nijam, Pattern of Rural out Migration- a Micro level study, B.R. Publishing Corporation, Delhi, (1986). In the State of Uttar Pradesh, Nijam Khan conducted extensive research. It was based on field data gathered from twenty Uttar Pradesh villages that were chosen at random. The research found that the rural population was being driven to other irrigated regions or metropolitan centers in search of jobs due to the economic backwardness in rural areas brought on by a lack of better employment possibilities and tiny land holdings. Nijam Khan noted that migration was at first a seasonal phenomenon but has since changed to a permanent one. The issues experienced by migrant workers have not been included in this study, which focuses solely on the reasons underlying migration.

Joshi, Vidut (Ed.), Migrant labour and related issues, Oxford and IBH Publishing Co. Pvt. Ltd., New Delhi (1987), p.1. Vidyut Joshi Without

hesitation, states that new categories of casual and seasonal labor have evolved in the post-independent period as a result of planned economic and technical progress. In this book, Vidyut Joshi discusses the working circumstances faced by migrant laborers in government projects in the city of Uttar Kashi, Uttar Pradesh (Tehri Garhwal Project). Women and children, as well as laborers from Orissa and Bihar, were engaged in these project activities in violation of all labor rules, including Inter-State Laws.

S.N. Tripathy & C.R. Dash, Migrant Labour in India, Discovery Publishing House, New Delhi, 1997. In the Orissan area of Ganjam, S.N. Tripathy and C.R. Dash did research on migrant workers, their issues, the socio-economic characteristics of migrant households, and the effects of labor migration. The survey shows that there are several issues facing migrant workers. These issues can be divided into two groups: (1) the situation of migrant workers during recruiting and at the time of hire; labor locations, and (2) issues resulting from the Inter-State Migrant Workmen Act of 1979's administration and implementation challenges.

The discrimination committed by contractors and major employers against male and female migrant workers regarding the assignment of jobs and the provision of equal pay for comparable labor is not included in this study.

N. Ajith Kumar, Vulnerability of Migrants and Responsiveness of the State: The Case of Unskilled Migrant Workers in Kerala, India; Kochi, November 2011, Working Paper No. 26, pp. 20-21. N. Ajith Kumar, investigated the aspects of migrant workers' vulnerability in a sub-national environment, namely the Indian state of Kerala. According to his analysis, migrants are unable to take use of some of the benefits from the Central Government and State Governments they had before moving due to restrictions on the mobility of entitlements. Hence, the host State fails to extend the migrant workers all the protections afforded to the local labor, even when they are from the same nation. The prevalence and scope of bonded labor across all of India have not been thoroughly studied. The Gandhi Peace Foundation and National Labour Institute made the first attempt in this regard with their joint research, which put the total number of bonded laborers in India at 2.6 million. The States of North West India, Western India, and the Northeast were excluded from this research since it was restricted to agriculture. It was believed that the practice of debt bondage was limited to regions with strongholds of feudalism and almost nonexistent in countries with highly developed capitalist agriculture and industry.

Several studies have documented the beneficial effects of migration on female family members who remain behind. **Mascarenhas-Keyes, Stella (1990), Migration, Progressive motherhood and female autonomy: Catholic women in**

Goa, in Dube and Palriwala eds. (1990). According to Leela Gulati's research, spouses are expected to take care of the household chores as well as prepare the kids for adulthood decision-making by utilizing scarce resources.

1.5 Research questions

- Whether the legislations concerning migrant workers are being established and implemented effectively?
- Whether the challenges of migrant worker are being addressed and provided with social security?
- How are the living conditions of migrant workers in India?
- What are the forms of economic exploitation, social exclusion and discrimination experienced by migrant workers in India?
- What can be brought about to address the lack of legal protection and how can the main barriers to access of legal aid be looked into?

1.6 Research objectives

- To contribute to the existing literature on migrant workers in India.
- To identify the main reasons for the migration of workers from their native places to other places in India.
- To identify the challenges faced by the migrant workers in India.
- To analyze the implications of legislations that is established for migrant workers in India.
- To assess the living standards of migrant worker in India and to identify the causes for poor living standards.

1.7 Scope and limitations

The scope of this research paper on the problems of migrant workers in India is to bring about a complete analytical understanding and study on the legal support that is being implemented, to identify the loopholes that allow exploitation, alienation, discrimination into the system. The paper also attempts to bring about a comprehensive and realistic analysis of the challenges experienced by the migrant workers, which includes economic, social and physiological problems.

The limitations of such a research paper include the accessibility and reliability of data related to migrant workers in India. Such data is required to analyse and bring about a structure in the system that safeguards migrant workers and provide legal aid. However, the state of India has unfortunately failed to do so as migration in

terms of short term change such as seasonal change are often over looked by the authorities.

1.8 Methodology

The study uses secondary data and is analytical in character. The study takes insight from existing literatures on migrant workers in India, and refers to relevant data and legislation that are prevalent.

The study relies on a broad range of secondary resources, compiling existing data sourced from a variety of channels. This approach of secondary data were summarized and collated to place an emphasis on the comprehensive usefulness of the research.

CHAPTERS

2.1 Living conditions of migrant workers in India

The working and living conditions of an average Indian migrant worker are frequently falling, there are no decent working conditions for them and also there is very little political will to improve them. Only a few workers are aware of their rights as migrants and laborers, Migrants are ideal for flexible labor. There were 139 million interstate migrants according to the 2011 Census¹⁷ (who moved for all manner of reasons ranging from education to marriage, not just employment). The data confirms the dominance of Uttar Pradesh and Bihar, as well as other Hindi-speaking states, as primary source states, with Maharashtra, Delhi, Gujarat, Uttar Pradesh, and Haryana absorbing half of the migrants. Nevertheless, due to intricate subcontracting arrangements and placement via recruiting brokers such as Dallahs and thekedars, where migrant workers never appear on the books of employers, these data simply do not or cannot count circular migrants (who migrate short-term primarily for employment-related reasons). Statistics on the cyclical movement of women for work are particularly scarce because they frequently work in less visible occupations such as housemaids. Even in some of the country's most populous areas, the number of interstate female migrants is alarmingly low. Consider the situation of South Delhi, which has 1.1 million interstate migrants but only about 27,000 female migrants who said that their primary motivation for migration was working/employment. According to the International Labour Organization, India has between 20 and 90 million domestic workers, many of whom are foreigners. Women's labor is frequently overlooked, especially if one is a migrant (another reason for underestimating women's circular migration is a failure to look beyond the primary cause for moving, marriage, and acknowledge that many women work after marriage).¹⁸ These migrant workers face so many problems. Following are some hurdles that they had:

Lack of job security: Migrant workers frequently engage in low-paying, unorganized, and unregulated work in unorganized and unregulated industries. They can be exploited by receiving pay below the minimum wage, being required to work excessive hours, and being subjected to hazardous working conditions. Also, they not had any contract or agreement for employment so they don't have any job security. They can anytime fire by their principal.

Social exclusion: Because of their ethnicity, language, and cultural differences, migrant workers frequently experience stigmatization and discrimination. Workers who came from the south and migrated to the north or came from the south and

migrated to the north can't easily adjust themselves in society because of the language barrier and cultural differences they feel like an outsider.²⁰

Lack of legal protection: When their rights are abused, they frequently have trouble getting justice. Most labor rules do not apply to them, and they cannot receive social security benefits. The majority of migrant workers are uneducated, they are not aware of their rights. So, they lack of legal protection.

Poor housing: Migrant laborers frequently reside in cramped, unclean housing with little access to sanitation services. They are more susceptible to infections and diseases as a result. They lack of money that's why they can't buy a decent place to live. So they are forced to live in slums. Which are not good for their health.

The difficulty of access to school: Due to prejudice and linguistic hurdles, migrant children frequently struggle to obtain an education. Several of them quit school in order to help their families. Children of the migrants are not able to study because of poverty, and also language is also a major factor that they cannot able to go to school.

Middlemen's exploitation: Migrant workers frequently rely on middlemen or labor contractors to get work, who prey on their precarious situation by demanding large fees and subjecting them to hazardous and exploitative working conditions.²⁴

Lack of cooperation between states: There is insufficient cooperation between states when it comes to a formal exchange of data on migrant labor. With the lack of data, it is challenging to monitor workers during emergencies.

2.2 Reliefs and aid provided by the prevalent legislations

Social security should be a fundamental labour right that is legally guaranteed to all. "The guarantee of the minimum rights at the workplace will enable people to claim and realize a fair share of the wealth. The guarantee of these rights will ensure a process of translating economic growth into social equality. The development thus become s synonymous with the agenda of integrated development." ² The International Labour Organization (ILO) has been a major proponent of International Labour Standards (ILS's) and has formulated international labour standards at various conferences. There are seven important conventions, which are also known as the social clause, labour clause, social concerns, and so on. These are the instruments in the hands of ILO in to improve the living and working conditions of working class in the third world.²²

Now regarding the aspects labour standards in India, the country is a founding member of the International Labour Organization (ILO) and its constitution upholds all the fundamental principles envisioned in the seven core international labour standards. According to the National Commission on Rural Labour in India, there

are more than 10 million circular migrants in rural India alone including a number of approximately 4.5 million interstate migrants and 6 million intrastate migrants.²³ The Indian government enacted numerous labour laws following independence and has also adopted and implemented various policies to improve the working conditions and to bring about better wages in both the organized and unorganized sector. Looking into the implementation of wage policy in India, it has been seen that the wages of migrant workers including both male and female paid lesser than the minimum wage established in the Minimum Wage Act of 1948. Furthermore, female workers are paid even lower wages than that of male workers. This shows that the Equal Remuneration Act of 1976 has not been adhered to for migrant workers.

It has also been observed that migrant workers are compelled to work long hours with very less wages, these cases are reported mainly for seasonal workers in India, due to the flexibility of working hours and no established fixed time for work. So far as the labour rights of the migrant workers are concerned, they themselves are not aware of the rights that safeguard them. The majority of migrant workers are illiterate, uneducated, and belong to scheduled castes, scheduled tribes, and other socially, economically, and economically weaker sections of society. Accessibility and awareness should be given more focus here with the implementation of legislation.

With cases of migrant workers observed, it has been seen that the experiences encountered by them stand in contrast to the egalitarian ground adopted by the constitution. Labor migrants face significant challenges in gaining access to mechanisms that protect their labour rights. One of the primary reasons accessed for this is that India's labour protection structure does not adequately address the challenges faced by migrant workers, who work in a variety of different work and move across locations.

One law implemented for migrant workers in India that has had a positive impact is the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.²⁴ The employment and working conditions of migrant workers were not specifically regulated before the enactment of this law, which frequently left them open to exploitation and abuse. Additionally, issuing identification cards to migrant workers has made it possible for them to be identified as legitimate employees and have access to rights and benefits provided by various laws and regulations. This has lessened the prevalence of migrant worker trafficking and forced labour.

Overall, despite the fact that the laws and regulations already in place are meant to support the rights and well-being of migrant workers in India, there are still a number of issues that need to be resolved in order to make sure that they are properly applied

and enforced and that migrant workers can obtain the benefits and protections to which they are entitled.

2.3 Post- pandemic situation of migrant workers

Millions of migrant labourers were employed in India's major cities, like Mumbai, New Delhi, Ahmedabad, Surat, and others. The Covid-19 virus spread in China in December 2019 and entered India at the end of January 2020. Cases of Covid-19 infection began to rise gradually in India, but the government was powerless to halt it until a one-day "Janata Curfew" was proclaimed on March 22, 2020.²⁵

Hon'ble Prime Minister Narendra Modi declared a statewide lockdown to be enacted on March 24, 2020 evening, he asked everyone to stay where they were at midnight.²⁶ The movement of individuals had been prohibited, and all industrial businesses, except those providing critical commodities and services, had been ordered to cease operations. Shopping malls, markets, religious buildings, and restaurants were all closed down.

The sudden and uninformed lockdown with only four hours' notice left millions of migrant workers, daily wage earners, and street vendors jobless and trapped in the locations where they worked. They were compelled to stay in their home despite losing their source of income. They struggled to breathe because of their cramped, temporary housing; their health suffered because of their limited mobility and lack of work; and homesickness also had a negative impact.

Daily wage earners were unable to continue for very long because they were unable to take care of their essential needs. They left out of fear that the

Corona-virus would spread throughout the slums, job loss, and an inability to cover basic expenses. The assistance provided by the government was insufficient to ensure survival. They were forced to use whatever means and modes they could find to travel back to their home state because trains and buses were no longer running. The elderly, young children, and women were forced to walk or ride bicycles, cycle-rickshaws, bullock carts, and other modes of transportation because so many people became ill.

They were forced to eat by begging, which violated their most fundamental right to dignity. Women were required to walk for thousands of kilometres while carrying children, luggage, and pregnant women as well. A video of a guy pushing a bullock cart alongside a bull went viral for a good cause.²⁷ In another terrible incident, Mohammad Tabarak, an 11-year-old kid, pedalled his parents from Varanasi to their village Araria in Bihar on a tricycle for about 600 kilometres.²⁸ Lakhs of migrants arrived in extremely poor health, and others perished before they arrived. When this went on for months, the government became a mute observer.

Numerous migrants died before they arrived, and thousands of them arrived in very poor health. The government ceased to be an active participant as this continued for months.

The rights guaranteed by other international agreements and national laws are also applicable to migrant workers, making them equal to everyone else's human rights. The rights to life, liberty, equality, and dignity, as well as to respectable working conditions and a living wage, are among the most fundamental. Unfortunately, for the past 40 years, their rights have been completely disregarded, whether on purpose or accidentally. They experienced arbitrary treatment, received wages that were significantly below the minimum wage, and received inhumane treatment. During the lockdown, the Government of India was able to bring back approximately 9 lakh people who were stranded around the world (till 24 July 2020) by arranging special flights, whereas millions of migrant workers who were stranded in megacities such as Mumbai, Pune, and New Delhi were asked to stay where they were and were prevented from returning to their homes within India. When trains and buses were abruptly discontinued, passengers were left with no alternative mode of transportation. They were forced to walk home due to a lack of food, money, and the hardship of living in very small houses or compartments, as well as the fear of spreading diseases in slum regions. Several street dwellers who were barred from accessing public spaces for sleeping and other purposes joined this route as well. Instead of providing transportation, the state officials utilised punitive measures such as lathi charge on them for violating lockdown rules.

On the one hand, flights were organised for affluent Indians stranded outside of their country, while the poor workers were denied basic necessities like food and transportation and were assaulted when they tried to return home. The world has seen the hardships that migrant workers endure while travelling thousands of kilometres to visit their loved ones. Unfortunately, the federal government and state governments did nothing but watch, but thousands of private citizens and members of civil society stepped up to offer support in any way they could.

Civil society played an admirable role throughout the lockdown. Surprisingly, the most active organ in democracy, the Supreme Court of India turned a blind eye to these atrocities.²⁹ A panel of Justices L Nageswara Rao, S K Kaul, and B R Gavai declined to hear an application asking the Centre to direct all district judges to identify stranded migrants and provide them with food, shelter, and free transportation.³⁰ The Supreme Court was powerless to order the government to provide food, housing, and transportation. On the contrary, the High Courts have been observed taking proactive initiatives to assist disadvantaged migrant workers.³¹

2.4 Policy recommendation

- Enforcement and accountability mechanism: emphasizing on the strengthening of the strict implementation of the legislations and a structure that ensures safeguard of one's rights. This can be achieved by holding one who violates such established laws accountable, more labour inspectors should be recruited to ensure regular check of the system and enforcing harsh penalties for violation.
- Social security and protection programs: migrant workers are vulnerable to exploitation being both a labour as well as a migrant, this calls for social security to cover them with certain helping schemes. They are not often provided with ensured security, this scenario has to change and provide them with health and unemployment insurance and pension plans. These aids should come with accessibility for the migrant workers.
- Legal aid and protection: all migrant workers, organized and unorganized sector, should be allowed to legal security and provide provisions that ensure and uphold their rights. Taking into consideration all migrant workers and taking them in under the umbrella of laws, including seasonal workers should be looked into regardless of their work status. This ensures security in terms of exploitation and to address in cases of discrimination, and brings about a structure designed to support migrant workers, eliminate discrimination and promote social inclusion
- Transparency in recruitment: agencies should be required to bring in registration and licensing while recruiting, and required to provide reliable and accurate information in concern of the job and its opportunities. Here, the enforcement of accountability in terms of penalties or other punishments comes, for dishonest hiring practices. This calls for the government to provide and ensure increase transparency in terms of the hiring process for the workers.
- Working conditions: migrant workers are not provided and looked into in terms of their working rights. There exists exploitation of their entitled rights, they are subjected to long working hours with little wages, their safety is not ensured with certain working conditions. Labour laws are established, yet not rigid allowing loopholes where migrant worker's challenges are not just addressed and instead more challenges created.

CONCLUSION

The study analysis of the migration pattern reveals that, while migrant labourers contribute more to India's economy, they do not live in a safe and prosperous environment and are not provided security. There is a need for a coordinated national policy to facilitate and promote wellbeing is required, and a system that ensures access to entitlements and basic working conditions.

Migrant workers in India face numerous issues that are linked and contribute to their stigmatization and vulnerability. Insufficient access to social protection and basic services, labor exploitation working conditions, constrained negotiating power, and discrimination based on caste, ethnicity, and religion are among the issues. The COVID-19 pandemic has aggravated these problems by exposing the fragile nature of migrant workers' livelihoods and intensifying their exclusion from the mainstream employment.

Addressing these issues calls for a comprehensive strategy that recognises migrant workers' rights and dignity and involves all key players, including governments, society, and the private sector. The expansion of social protection and basic services, the promotion of decent work and living conditions, and the elimination of discriminatory practises should be prioritised in this approach. Furthermore, measures such as increasing access to education and skill development, strengthening social mobilisation and advocacy, and promoting inclusive growth and development can help to address the root causes of migrant workers' challenges in India. It is possible to create a more just and equitable society that values and respects the contributions of all its members, including migrant workers, by taking these steps.

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