

# An Analysis of Migrant Internal Labour Features and Policies

**Dr. Ajit Singh**

Assistant Professor,  
Department of Economics,  
M.M.H. College, Ghaziabad, Uttar Pradesh, India

## ABSTRACT

Today, labor migration in pursuit of work and a better life is a prevalent problem. Internal and international labor migration both exist. Internal migration to find work has an impact on the region's economic, social, and political situations on both sides. Internal migrants make up about two out of ten Indians. With the influx of hypermarkets, showrooms, and factories, there is a significant increase in female migrants. Permanent, semi-permanent, seasonal, and circular migration are all possibilities. Migrant workers encounter a variety of obstacles, including their inability to cope with cultural diversity, language barriers, lack of access to identity documentation, social entitlements, social and political isolation, housing insecurity, and exploitation. Laws and policies protect migrant workers, but some exempt temporary workers and those working in the unorganized sector. This research aims to investigate the obstacles experienced by internal migrant laborers in India, as well as the policies put in place to address these issues. Internal Migrant Laborers and their concerns are the focus of the research.

**Keywords:** Features, Policies, Labour, Structures

## 1. INTRODUCTION

Migrant workers have increased as a result of globalization, urbanization, and the pursuit of a better living. Three out of every four homes in various parts of India are made up of migrants. Internal migrants make up about two out of ten Indians. The social, economic, and political realities of India are all affected by the migration of laborers and their households. Internal migration studies have shown a decrease in population, whilst the post-reform period has shown an increase in internal migration. Several factors that contradict one other may be contributing to the rise in labor migration rates. People are being forced to relocate due to rising unemployment, a scarcity of resources, poor environmental conditions, and the depletion of natural resources. Better job prospects, earnings, good educational facilities, urbanization, better communication, commuting considerations, living styles, and economic factors are examples of push forces.

Rural labor migration is motivated by two factors: 1. Survival and 2. Subsistence. The first refers to the extreme social and economic challenges that rural workers experience, a circumstance in which migration becomes vital to surviving. The second motive for migrating stems from a need to supplement income to fill the gaps left by seasonal work. These populations typically migrate for a shorter amount of time and do not travel far from home.

### 1.1 Definitions of Labour Migrants

Those seeking employment or employed in the host nation, or those formerly seeking work or employed but unable to continue working and remaining in the host country, regardless of their documents, are called labor migrants in this study. Some people use legal status, some use motivation, and others use general employment to estimate how many migrants are labour migrants.

Key international organizations have offered the definitions below that are important to labor migration.

### 1.2 Migrants and Employment

All citizens of India are guaranteed freedom of movement under the Indian Constitution. The fundamental concepts of free migration are embodied in Article 19(1) clauses (d) and (e) of the Constitution, which provide all citizens the freedom to freely migrate throughout India's territory, as well as to dwell and settle in any portion of it. Article 15 forbids discrimination based on birthplace, among other things, while Article 16 provides equal opportunity for all citizens in areas of public work, and in particular, prohibits denial of access to public employment based on birthplace or residence.

Today's economic imperative runs parallel to this constitutional imperative, as evidenced by the exhortations to make in India and Skill India. The Working Group believes that the success of migration is inextricably linked to India's continued transformation away from agriculture and toward a rapidly growing economy based on competitive manufacturing and services, as well as ensuring that this growth translates into new opportunities for India. In this context, the Working Group focused on activities that governments, whether at the Union, state, or federal level, might adopt or assist to improve citizens' freedom of movement across India.

The Working Group also acknowledges that there may be other impediments to travel, such as societal discrimination against migrants from other countries. These are not topics that the Working Group has looked into. This report also ignores two important types of movement: international migration from and to India, as well as the horrible crime of human trafficking, which affects far too many individuals. International migration is thoroughly studied (see Kapur 2010 and Rajan 2016) and has limited domestic policy consequences for the Government of India, while the second is outside the Working Group's terms of reference.

The purpose of this research is to examine the architecture of federal and state laws and programs to guarantee that there are no impediments to the free voluntary movement of people across the country and that they are fully able to make use of all available opportunities. The purpose of this research is to examine the architecture of federal and state laws and initiatives to guarantee that there are no barriers to the free voluntary movement of individuals across the country and that they are fully allowed to take advantage of opportunities wherever they may be found in India. Although not necessarily organized in this manner.

**The report of the working group focuses on five important issues:**

#### i) Transportability

Special problems relating to access to services are caused by migrant mobility, and the architecture of delivery must meet these issues. The emphasis here is on the design of current government programs.

## ii) Convergence

Migrant difficulties are addressed through a variety of initiatives across ministries. Much of the implementation is done at the state level, such as the scope of the Sarva Siksha Abhiyan's EGS (Education Guarantee Scheme) and AIE (Alternative and Innovative Education) programs for migrants. The goal is to coordinate as much as possible between different schemes, with a focus on delivery.

## iii) Integration

When it comes to labor issues, the focus is on ensuring that migrant workers are treated equally to all other workers without discrimination, rather than granting particular privileges to migrant workers. This concentrates on current legal frameworks.

## iv) Information

Beyond what might be expected from regular variations in data methodology, there are disparities in the extent of migration in India. If the issue of migration is to be addressed in an evidence-based manner, it is critical to address these thoroughly and institutionally.

## v) Access to the General Public

This emphasizes the critical role of information and dissemination in achieving all of the aforementioned goals. This is easier at the state level, but it may require the assistance of institutions such as Migrant Helplines and animators/facilitators.

**The report is organized into four sections, each of which covers the following topics:**

- (i) Migrants' access to social protection and public services;
- (ii) Migrants' workplace challenges;
- (iii) Data on migration is discussed. The challenges surrounding access are divided into four sections:
- (iv) Shelter and other necessities
  - a) Current government programs that are relevant to the problem.
  - b) The current problem and how it affects migrants.
  - c) Suggestions for moving from the current state to the suggested architecture.
  - d) Integration, portability, and convergence all imply architecture.
  - e) The recommendations are also summarized at the end of the document for easy reference.

## 2. EMPLOYMENT AND LABOR MINISTRY (INDIA)

The Ministry of Labour and Employment is one of the Government of India's oldest and most important ministries. This is an Indian federal ministry tasked with safeguarding and protecting the interests of employees in general, as well as their social security. The Ministry's goals include developing and coordinating vocational skill training and employment, as well as creating a healthy work environment for increased production and productivity. However, on November 9, 2014, the Ministry of Skill Development and Entrepreneurship took over responsibility for Skill Development, including Industrial Training and Apprenticeship. (On July 20, 2015, the Ministry of Labour established the National Career Service portal to help bridge the gap between employment suppliers and job seekers.

### 2.1 Working Environment and Roles

#### The Functions

- Workplace safety, health, and welfare
- Workplace social security
- Legislation and labor policy
- Women's policies and child labor policies are examples of special target groups.

- In the Central sphere, industrial relations and labor law enforcement are important.
- Industrial disputes are resolved by Central Government Industrial Tribunals, as well as Labour Courts and National Industrial Tribunals.
- Labor and Employment Statistics
- Education for Workers

From October to December 2008, the effects of the recession on employment in the eight textile sectors (apparel, leather, metals, autos, gems & jewelry, transportation, IT/BPO, and handloom/power loom) were tracked. The total number of people employed in the eight industries included in the quarterly surveys has risen by 10.66 lakh (0.16 percent). During the years 2009–10, the rise in employment in the IT/BPO sector was the highest (6.9 lakh).

- Services for job seekers and vocational training
- Cooperation in the field of labor and employment on a global scale
- The Central Labor & Employment Services Administration
- Emigration of workers in search of work in other countries

## 3. INDIAN LABOUR STRUCTURES

The unorganized sector employs about 94 percent of India's working population. In India, the organized sector, often known as the formal sector, refers to businesses that are regulated and pay GST. Corporations, factories, shopping malls, hotels, and huge businesses are examples of publicly traded companies, incorporated or formally registered entities, corporations, factories, and formally registered entities. The unorganized sector, also known as own-account enterprises, encompasses any unlicensed, self-employed, or unregistered economic activity, such as owner-managed general stores, handicrafts and handloom workers, rural traders, and farmers, among others.

In a report published in 2008, India's Ministry of Labour divided unorganized labor into four categories.

India's unorganized labor force was classified by occupation, nature of work, extremely distressed categories, and service categories in this categorization. Small and marginal farmers, landless agricultural laborers, sharecroppers, fishermen, animal husbandry workers, beedi rolling, labeling, and packing workers, building and construction workers, leather workers, weavers, artisans, salt workers, brick kiln and stone quarry workers, sawmill workers, and oil mill workers are among the unorganized occupational groups. Attached agricultural laborers, bonded agricultural laborers, migrant workers, contract and casual laborers fall into a separate category based on their type of work. Toddy tappers, scavengers, transporters of head loads, drivers of animal-driven vehicles, loaders and unloads are all included in a separate category for the distressed unorganized sector. Midwives, domestic workers, barbers, vegetable and fruit vendors, newspaper vendors, pavement vendors, hand cart operators, and unorganized retail are all included in the last unorganized labor group.

The unorganized industry has a poor rate of productivity and pays less. Despite employing over 94 percent of India's workforce, the unorganized sector contributed just 57 percent of the country's GDP in 2006, or almost 9 times less per worker than the organized sector. According to Bhalla, when the unorganized rural sector is compared to the unorganized urban sector, the productivity gap widens dramatically, with the gross value added productivity difference increasing by 2 to 4 times depending on the occupation. The rural unorganized sectors have some of the lowest-paying occupations. Poverty rates are much higher in families where all working-age members have spent their whole careers working in the unorganized sector.

Agriculture, Dairy, horticulture, and related occupations employ 41.49 percent of the labor force in India.

Around 30 million people are migrant laborers. The majorities of them work in agriculture, and thus lack access to local, secure employment. In its 67th report, India's National Sample Survey Office found that in 2010, unorganized manufacturing, unorganized trading/retail, and unorganized services employed around 10% of all workers nationwide. In 2010, India had around 58 million unincorporated non-agricultural businesses, according to the research.

Manufacturing (5 million employees), social services (2.2 million), which includes private schools and hospitals, finance (1.1 million), which includes banks, insurance, and real estate, and agriculture (one million) were the largest employers in the organized private sector in 2008. In 2008, India's central and state governments employed more people than the entire private sector. India had a 1.8:1 ratio between the public sector and private sector employees when state-owned firms and municipal government employees were included. In terms of gender equality in the workplace, the government and government-owned firms had a male-to-female ratio of 5:1, while the private sector had a 3:1 ratio. The organized public and private sectors employed 5.5 million women and 22 million men when counting only enterprises with more than ten employees per company.

India adds roughly 13 million new workers per year to its labor pool due to its natural population increase and aging characteristics. Every year, the Indian economy adds roughly 8 million new employments, mostly in the unorganized sector, which pays poorly. The remaining 5 million youngsters are either working in low-wage part-time occupations, as part of a casual labor pool for temporary infrastructure and real estate building jobs or are unemployed in many situations.

### 3.1 Labour Relationship

In 2000, about 7% of the 400 million-strong workforce worked in the formal sector (government and corporations), which contributed 60% of the country's nominal GDP. The Trade Unions Act of 1926 established recognition and protection for a fledgling trade union movement. India had over 59,000 trade unions registered with the government in 1997. Only 9,900 of these unions filed financial reports, claiming to represent 7.4 million workers. With 9,800 registered unions, Kerala is the state with the highest, although just a few have filed income and spending reports with the Indian government. Between the 1950s and the 1990s, the state of Karnataka experienced the fastest growth in the number of unions.

In 1995, India had ten central trade union federations, namely: CITU, INTUC, AITUC, BMS, UTUC, NLO, AIUTUC, HMS, NFITU, and NFITU, TUCC (ordered by several member unions in 1980). Each federation had a large number of local trade union affiliates, with the smallest TUCC having 65 and the largest INTUC having 1604. With 3,117 affiliated unions by 1989, with 3,117 affiliated unions by 1989, BMS has risen to become India's largest federation of unions, although INTUC remained the largest federation by total membership, with 2.2 million members. INTUC, India's largest trade union federation, represents around 0.5 percent of the country's workforce in both the organized and unorganized sectors. In 2010, more than 98 percent of Indian workers were not members of a trade union and were not covered by collective bargaining agreements.

## 4. FEATURES OF INTERNAL MIGRATION IN INDIA

Internal migration is a big part of the Indian economy and society. Internal migrants accounted for 450 million people, or 37 percent of the total population, according to the 2011 Census. Between 2001 and 2011, an average of 5–6 million Indians migrated annually, according to the Economic Survey (2017), resulting in an inter-state migrant population of "approximately 60 million" and

an inter-district migratory population of "as high as 80 million" (Government of India 2017a). The densely populated and less urbanized states of Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Jharkhand, and Chhattisgarh have traditionally been the main places of origin for migrants, with the more industrialized and urbanized states of Delhi, Maharashtra, Gujarat, Tamil Nadu, Punjab, Kerala, and Karnataka serving as major receiving states.

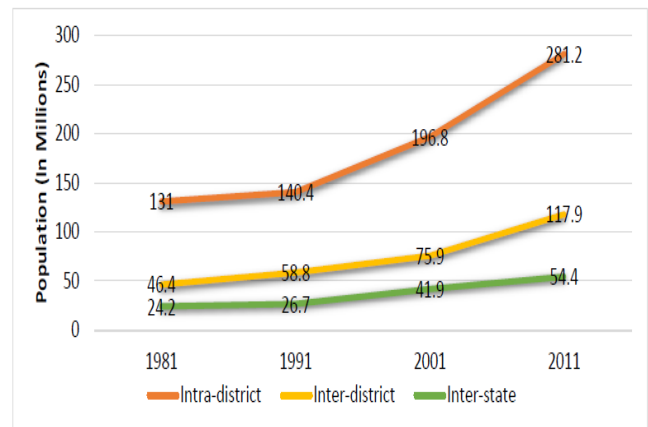


Figure 1: India's Internal Migrants, 1981–2011  
 (Source: Census of India 1981–2011)

Short-distance, intra-, and inter-district migrants make up the majority of internal migrants in India (figure 1). Even though there are no legal limits on inter-state migration in India, Kumar et al. (2018) find that the percentage of long-distance inter-state movements is significantly lower than in other emerging nations such as Brazil and China. The non-portability of social welfare schemes such as subsidized grain and the requirement of state domicile for government jobs are two of the most significant impediments. Low male migration rates in India, according to Roshan and Munshi (2016), are attributable to a lack of a formal insurance system to help them hedge the risks of migration fees, as well as relatively well-functioning rural informal insurance systems.

Rural to rural migration accounts for 62% of all major geographical streams, followed by rural to urban migration (20%), urban to urban migration (13%), and urban to rural migration (5%). (Government of India, 2010). According to the 2011 Census, women made up 68 percent of all migrants. Marriage, followed by employment, has been the primary cause of female migration over the years (Neetha and Rajan 2018). Males, on the other hand, migrate mostly to find work and obtain an education (Shiva Kumar and Rajan 2018). Women migrants do enter the job market at their destinations, even though they are primarily traveling for marriage; this underreporting, along with a predominantly male-centric view of migration, renders women migrants' difficulties all too often unnoticed (Rajan, Srinivasan, and Shiva Kumar 2018).

It's also worth noting that rural communities continue to rely on agriculture for jobs. The seasonal cycle shapes the rural-urban migration stream since agriculture is strongly reliant on seasonal elements. When permanent and semi-permanent migration is factored in, temporary and seasonal migration rates are seven times higher. Temporary and seasonal migrants account for about 14 million people in India or 21 out of every 1,000 people. Despite increasing evidence from several developing nations indicating seasonal migration isn't always a response to poverty (Lucas 2018), seasonal migration in India disproportionately affects economically and socially underprivileged people (Bhagat and Keshri 2017).



## 5. INTEGRATION OF MIGRANTS INTO DEVELOPMENT POLICY

Internal migrants were denied access to rights in the places where they lived, according to a UNESCO policy brief published in 2012. Migrants were often working in informal employment with insufficient social, economic, and health security, as well as inadequate education for their children. In light of this, India's Ministry of Housing and Urban Poverty Alleviation (MHUPA) established the "Working Group on Migration" in 2015, which delivered a report in 2017. The paper makes several recommendations and lays out a plan for bettering migrants' integration in their final destination (Government of India 2017)

Migrant workers in unorganized industries work and live in an unhealthy and dirty environment, exposing them to health issues and illness. Construction sites, metro projects, quarries, mines, and highway projects employ migrant laborers in environments where they are exposed to air and water pollution, which can lead to kidney and lung disease. Despite the Contract Labour Act, which requires the contractor or employer to provide sufficient housing, the majority of people live in open places or makeshift shelters.

Workers who travel to cities for work, aside from seasonal workers, reside in parks and pavements. Slum inhabitants, most of whom are migrants, live in appalling conditions with insufficient water and poor drainage. (Ravi Srivastava, and S.K. Kumar 2010), Inadequate safety procedures and a lack of awareness of safety devices result in potentially fatal incidents.

### 5.1 Housing and Health-Care

It is critical to guarantee that access to healthcare is developed through portable insurance systems and that public healthcare systems are easily accessible at their destination. Furthermore, in many metropolitan settings, the supply of temporary or rental-based housing that leads to ownership may be beneficial. This would also help migrants establish a sense of self-identity, encouraging them to exercise their right to vote and engage in local development. Urbanization and rural empowerment policies at the national and sub-national levels must be harmonized for everyone to benefit from migration.

Migrant workers must be unskilled to improve their working and wage conditions. Education programs for migrant children will encourage more long-term and sustained migration to metropolitan areas.

### 5.2 Inclusion in the Financial System

It is critical to guarantee that migrants have access to legitimate banking and credit institutions to not only increase their assets but also to secure legal migrant remittance channels. If simple safety nets had been in place, the heartbreaking scenes of migrant laborers wandering India's roads on their way home could have been prevented. Rural empowerment programs must be integrated into larger urbanization strategies, which appears to be missing from most discussions on urbanization policy, including the current "Smart Cities Mission." More significantly, responsibility for immigration must be clearly defined, and appropriate policies must be created with clear operational feasibility in mind. Internal migrants would not be left vulnerable and excluded in the future if welfare policies were rethought holistically, both legislatively and administratively.

### 5.3 Identity and Documentation

One of the most pressing challenges destitute migrants confront when they arrive in a new location is proving their identification, which can be a difficulty that lasts for years or even decades. Identity documents that have been validated by the state are required to ensure that a person has a secure citizenship status and is eligible to benefit from the state's rights and safeguards. The fundamental issue of defining identification leads to a loss of entitlements and social services. Due to a lack of identification,

migrants are unable to receive services such as subsidized food, gasoline, health care, or education that are intended for the economically needy.

### 5.4 Access to Formal Financial Services Limited

Migrant workers, despite the economic imperatives that drive travel, are virtually unbanked. Migrants who lack authorized evidence of identity and domicile do not meet the Know Your Customer (KYC) requirements set forth by Indian banking rules. As a result, they are unable to open bank accounts in urban areas. This has ramifications for migrant workers' savings and remittance habits.

### 5.5 Exclusion from Politics

Migrant workers are robbed of many opportunities to exercise their political rights because they are constantly on the move. Some migrants are unable to vote because they are not allowed to vote outside of their country of origin. Amrita Sharma and her coauthors discovered that 22% of seasonal migrant workers in India did not have voter IDs or had their names on the voter list in a 2017 study on the political inclusion of seasonal migrant workers. Migrant workers are frequently unable to make political demands for benefits or reforms as a result of this.

### 5.6 Agents' Exploitation

Migration is facilitated by a complex network of contractors and middlemen that are responsible for sourcing and recruiting workers. In rural places, the lowest links in this chain are usually older migrants who are part of the same regional or caste-based social network. While these networks serve the objective of providing migrants with information and, as a result, access to job opportunities, they are mainly unregulated. There are no written contracts, no legally binding agreements for wages or other benefits, and no pledges to employ regularly. Migrants who are fully reliant on middlemen for information wind up working in low-wage, low-value, demanding, and dangerous manual labor and are frequently exploited with little or no redress. Exploitative techniques such as wage rate and work record manipulation, nonpayment or withholding of payments, lengthy work hours, deplorable working conditions, and verbal and physical abuse characterize their working lives. Accidents and deaths at work are also very common in the construction industry, which is exacerbated by the lack of social protection.

## 6. DECENT WORK MIGRANT LABOUR IN INDIA

Domestic workers in Delhi's middle classes, taxi drivers in Gurgaon, construction workers in Kerala, and agricultural laborers in Punjab all have one thing in common: they are all migrants. Migrants make for nearly a third of India's population. In quest of work, half of this population has relocated from rural areas to cities. The fundamental drivers of migration from rural areas are a lack of alternative livelihoods and skill development in source areas, where movement originates. Seasonally, temporarily, or for a longer period, workers migrate within or across states. They are frequently exploited and forced to work in settings in which their rights are violated.

### 6.1 Increasing the Public's Understanding of Migration

The United Nations Country Team hopes to attract attention to the complex phenomenon of internal migration and highlight the concerns and challenges related to it ahead of World Day of Social Justice in February. The goal is to raise public awareness and support policy conversations about how to make vulnerable workers' migration safer and more meaningful.

## 6.2 Development Requires Migration

Within India, labor migration is critical for economic progress and contributes to people's socio-economic well-being. For example, migration can help enhance income, skill development, and access to services such as healthcare and education.

## 6.3 Migration Dangerous and Difficult

Regardless of the beneficial benefits of migrating, the process of movement, whether voluntarily or traumatic (forced), may be extremely difficult for both male and female migrant workers.

The problem is that migrants are frequently classified as "invisible laborers." They work in deplorable conditions and are denied access to government services and programs that are available to other workers. In both the source and destination areas, there are different dangers. The needs of migrant workers' family members, such as newborns, children, adolescents, and the elderly, who accompany them or are left behind in source areas, must also be addressed.

The following are some of the potential negative costs and risks for migrant workers that must be addressed:

- Enforcing laws and safeguarding employees' rights during migration and on the job.
- Migrants lack awareness of their rights as "workers" and "migrant laborers".
- Unscrupulous labor agents enslave workers and fail to pay the legal minimum salary.
- Many migrants, particularly young women and girls, are duped and trafficked.
- Seasonal workers, such as those employed in brick kilns or agriculture, are frequently enslaved by debt and servitude.
- Migrants are underrepresented in the city's socio-political dynamics, with little participation in local politics and poor integration into social organizations such as self-help groups.
- Developing a policy framework that prioritizes migrants, creating linkages between state and central policies on healthcare, education, and social security, and allowing the convergence of state and national resources are all suggestions for promoting decent work for migrant workers in India.
- Working and living circumstances are poor and unsafe, and there is a lack of occupational health and safety.
- Workplace violence and sexual harassment of women are both possibilities.
- Due to regulatory and/or administrative procedures in destination states, migrants are denied access to public services and social protection.
- Nutritional problems, occupational illnesses, communicable diseases, alcoholism, HIV, and AIDS are all more prevalent among migratory communities.
- Putting in place institutional frameworks to facilitate inter-state cooperation.

## 6.4 Improving Labour Law Enforcement

Adopting a four-pronged approach to better protect workers' rights, including defining the roles and responsibilities of the state, employers, workers/trade unions/civil society organizations, and emphasizing the use of social dialogue and collective bargaining to promote migrant workers' rights.

Ensure that social security schemes, such as access to the public distribution network/subsidized ration in destination locations, are accessible and portable.

- Panchayats' role in worker registration should be strengthened.

- vigilance committees' role in preventing bonded labor and child labor is being strengthened.
- Worker registration on a national platform and the creation of comprehensive databases.
- District facilitation centers, migrant information centers, and gender resource centers are being strengthened and/or established.
- Housing, water, and sanitation are all things that people need.
- Providing migrants with identification credentials that allow them to open bank accounts and enroll in assistance programs.
- Providing education and health services on the job or in temporary hostels.
- Providing skills training, especially for teenagers and young workers.
- Creating a national hotline for migratory workers.
- Organizing enrolment camps to register workers.

## 7. CONCLUSION

Migrant workers are those who move from one part of the state or country to another to find seasonal, temporary, or part-time work in various industries. These migrant workers are illiterate, ignorant, and belong to a backward community because they are not organized under any trade unions and their labor standards are not protected by the government or trade unions. They are not paid the minimum wage set by the Minimum Wage Act. The true question today is how to expand human rights to all sectors of the workforce. Many workers in the unorganized sector or informal economies, such as migrant workers in agriculture, building and road construction, brick kilns, sugar factories, and other industries, have a long way to go before they can find decent work.

Furthermore, as digital coverage grows, food security, housing, health, and education for migrants' children should become top priorities. While state and local governments are in charge of implementation, the federal government is responsible for establishing favorable legislative and policy frameworks for all internal migrants, including interstate migrants.

The problems that migrant workers encounter are more complicated. An examination of this migration pattern reveals that, while migrant laborers contribute more to India's economy, they do not live in a safe and prosperous environment. The federal and state governments must take appropriate steps to protect the interests of migrant workers and develop context-specific solutions. It is strongly recommended that a coordinated national policy to facilitate and promote wellbeing, as well as a system that ensures access to entitlements and basic working conditions, be implemented.

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