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PROTECTING MIGRANT WORKERS IN INDIA

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Abstract

Migration has been an integral part of India's socio-economic structure for decades. Millions of workers migrate from rural to urban areas in search of employment, better living conditions, and economic stability. However, despite their significant contribution to the economy, migrant workers remain one of the most vulnerable sections of society. They often face exploitation, poor working conditions, lack of legal protection, and limited access to basic amenities such as healthcare, housing, and education. The COVID-19 pandemic exposed the harsh realities of migrant workers' lives, bringing their struggles into the national spotlight. This article examines the legal framework governing migrant workers in India, the challenges they face, and the gaps in the implementation of existing laws. It also highlights the role of constitutional protections and international human rights standards. Further, the article suggests reforms to strengthen protection mechanisms and ensure dignity, equality, and justice for migrant workers. The study aims to provide a comprehensive understanding of the issue and propose practical solutions for improving the conditions of migrant workers in India.

Keywords

Migrant Workers, Labour Rights, Social Security, Interstate Migration, Labour Laws, Human Rights, Informal Sector, Welfare Schemes, Legal Protection, India

Introduction

Migration is a survival strategy for millions of individuals in India. People migrate due to poverty, lack of employment opportunities, natural disasters, and social inequalities. Migrant workers form the backbone of sectors such as construction, agriculture, manufacturing, domestic work, and services. Despite their contribution, they are often invisible in policy frameworks and neglected in implementation. Migrant workers can be broadly classified into two categories: **intra-state migrants** (within the same state) and inter-state migrants (across different states). Inter-state migrant workers, in particular, face additional challenges such as language barriers, discrimination, and a lack of local identity proof. The issue of migrant workers is

not merely economic but also deeply connected to human rights and social justice. Their vulnerability arises from informal employment, the absence of written contracts, lack of awareness of rights, and weak enforcement of labour laws. The Constitution of India guarantees fundamental rights such as equality, freedom, and protection against exploitation, but migrant workers often remain excluded from these protections in practice. This article seeks to analyze the legal framework, challenges, and possible reforms for protecting migrant workers in India.

1. Understanding Migration and Migrant Workers in India

Migration in India is largely driven by economic necessity. People move from rural and

underdeveloped regions to urban and industrial centres in search of employment, better wages, and improved living conditions. Migrant workers play a crucial role in the functioning of key sectors such as construction, textiles, agriculture, domestic work, and small-scale industries. Despite their contribution, they remain largely invisible in policymaking and governance. Migrant workers can be seasonal, temporary, or permanent. Seasonal migrants move during specific periods, especially for agricultural or construction work. Temporary migrants may stay for a few months or years, while permanent migrants settle in new locations. Inter-state migrants face more serious challenges compared to intra-state migrants because they have to deal with language barriers, cultural differences, and a lack of access to local support systems. The informal nature of their employment makes migrant workers particularly vulnerable. Most of them do not have written contracts, job security, or access to benefits. Their dependence on middlemen or contractors often leads to exploitation, including underpayment and unsafe working conditions.

2. Socio-Economic Conditions of Migrant Workers

Migrant workers often live and work in extremely difficult conditions. Their socio-economic reality is marked by insecurity and deprivation. In urban areas, they usually reside in slums, construction sites, or temporary shelters that lack basic amenities such as clean drinking water, sanitation, and electricity. Their working conditions are equally harsh. Long working hours, low wages, and the absence of safety measures are common. Many workers are engaged in hazardous occupations without proper training or protective equipment, which increases the risk of accidents and health problems. Another important issue is the lack of access to healthcare and education. Migrant workers and their families often cannot avail themselves of public health services due to a lack of identity documents or awareness. Their children face interruptions in education

because of frequent relocation and lack of enrollment in local schools. Women migrant workers face additional challenges such as gender discrimination, wage disparity, and vulnerability to harassment and exploitation. They often work in informal sectors like domestic work, where regulation is minimal.

3. Legal Protection and Its Limitations

India has several laws intended to protect migrant workers, but their effectiveness is limited due to poor implementation. The Inter-State Migrant Workmen Act, 1979, was enacted to regulate the employment of inter-state migrant workers and ensure fair treatment. It provides for registration of establishments, licensing of contractors, and payment of equal wages. However, the Act suffers from weak enforcement. Many employers do not register workers, and inspections are inadequate. The Code on Occupational Safety, Health and Working Conditions, 2020, aims to consolidate and update labour laws. It includes provisions for the welfare of migrant workers, such as maintaining a database and ensuring basic working conditions. However, its success depends on proper implementation and coordination between the central and state governments. The Unorganised Workers' Social Security Act, 2008, provides for welfare schemes, but coverage remains limited. Many migrant workers are excluded because they are not registered or lack awareness. Overall, the problem is not the absence of laws but the gap between law and practice. Weak enforcement, lack of accountability, and administrative inefficiency reduce the effectiveness of these legal protections.

4. Issues of Identity, Documentation, and Portability

One of the biggest challenges faced by migrant workers is the lack of proper documentation. Since many welfare schemes are linked to the place of origin, migrant workers find it difficult to access benefits in their destination states. For example, ration cards, healthcare services, and social security benefits are often not portable

across states. This creates a situation where migrant workers are excluded from essential services. Even when policies exist to address this issue, such as portability of ration cards, implementation remains inconsistent. The absence of a comprehensive national database of migrant workers further complicates the problem. Without proper identification and registration, it becomes difficult for the government to design and implement targeted welfare measures.

5. Role of Contractors and Intermediaries

Contractors play a significant role in the migration process. They act as intermediaries between workers and employers. While they facilitate employment opportunities, they are also responsible for many forms of exploitation. Workers are often recruited through informal agreements, which makes it difficult to hold contractors accountable. In many cases, contractors deduct wages, provide misleading information about working conditions, or abandon workers in unfamiliar locations. The lack of regulation and monitoring of contractors leads to a power imbalance where workers have little control over their employment conditions. Strengthening accountability mechanisms is essential to address this issue.

6. Impact of the COVID-19 Pandemic

- The COVID-19 pandemic highlighted the vulnerability of migrant workers in an unprecedented way. When lockdowns were imposed, millions of workers lost their jobs overnight. With no income, food, or shelter, they were forced to undertake long journeys back to their home villages, often on foot.
- The crisis exposed serious gaps in policy planning and implementation. It showed the absence of a reliable database, lack of social security, and inadequate coordination between states. Many workers faced hunger, exhaustion, and even death during their journey.
- At the same time, the pandemic also led to increased awareness about the

conditions of migrant workers. It prompted governments to introduce measures such as free ration distribution, transport facilities, and temporary shelters. However, these were largely reactive measures rather than long-term solutions.

7. Government Initiatives and Welfare Measures

- In recent years, the government has taken steps to improve the situation of migrant workers. Initiatives such as the “One Nation One Ration Card” scheme aim to provide portability of food security benefits across states. This allows migrant workers to access subsidized food grains regardless of their location.
- Efforts have also been made to create a national database of unorganized workers. Digital platforms and registration drives are being introduced to ensure that workers are identified and included in welfare schemes.
- Various state governments have also launched schemes for housing, healthcare, and skill development. However, the success of these initiatives depends on effective implementation, awareness, and accessibility.

8. Need for a Human Rights-Based Approach

The protection of migrant workers should not be viewed merely as a labour issue but as a matter of human rights. Every worker has the right to dignity, equality, and a decent standard of living.

A human rights-based approach requires:

- Recognition of migrant workers as equal citizens
- Elimination of discrimination and exploitation
- Ensuring access to basic services
- Providing legal remedies and grievance redressal mechanisms

This approach also emphasizes participation, where workers are involved in decision-making processes that affect their lives.

9. Strengthening Protection Mechanisms

To improve the condition of migrant workers, a multi-dimensional approach is required.

- First, there must be stronger enforcement of labour laws. Authorities should conduct regular inspections and take strict action against violations. Transparency and accountability must be ensured.
- Second, there is a need for better coordination between states. Since migration often involves movement across state borders, cooperation is essential for effective policy implementation.
- Third, social security benefits must be made portable. Workers should be able to access healthcare, food, and other services regardless of their location.
- Fourth, awareness programs should be conducted to educate workers about their rights. Legal aid and support services should be made easily accessible.
- Finally, employers must be held accountable for providing fair wages, safe working conditions, and basic amenities. Corporate responsibility and ethical labour practices should be encouraged.

Conclusion

Migrant workers are essential contributors to India's economic growth, yet they remain one of the most vulnerable and neglected groups. The legal framework for their protection exists, but the gap between law and implementation is significant. Challenges such as lack of job security, poor living conditions, and limited access to social security continue to persist. The COVID-19 pandemic served as a wake-up call, revealing the urgent need for systemic reforms. Protecting migrant workers is not only a legal obligation but also a moral and social

responsibility. Ensuring their rights will lead to inclusive development and strengthen the nation's socio-economic fabric. A coordinated approach involving government, judiciary, civil society, and employers is essential. By focusing on implementation, awareness, and welfare, India can move towards a more just and equitable system where migrant workers are treated with dignity and respect.

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