



# Robust and comprehensive protection of Migrant Workers in India

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**Abstract-** This abstract argues that while India possesses an extensive legal framework for the protection of migrant workers, the gap between law and implementation remains substantial. Strengthening enforcement, ensuring portability of social security benefits, enhancing legal awareness, and adopting a rights-based and inclusive policy approach are essential to achieving meaningful legal protection for migrant workers and upholding constitutional values of justice, dignity, and equality. The Indian legal framework provides several constitutional, statutory, and judicial safeguards for migrant workers. Fundamental Rights under the Constitution of India particularly Articles 14, 19, 21, 23, and 24 guarantee equality before law, freedom of movement, protection of life and dignity, prohibition of forced labour, and safeguards against child labour. Additionally, Directive Principles of State Policy such as Articles 39, 41, 42, and 43 mandate the State to ensure just and humane conditions of work, social security, and a living wage. Specific legislation, notably the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, was enacted to regulate the employment of inter-state migrant labour and to provide for wages, accommodation, medical facilities, and displacement allowances. However, the Act has suffered from poor implementation and limited coverage.

**Keywords:-** Migrant Workers, Labour Law, Social Security, Constitutional Protection, Legal Framework

## I. Introduction

A migrant labourer is an individual who moves either within their country of origin or to another country in search of employment. Temporary workers typically do not intend to remain permanently in the country or region where they are employed. In India, the term migrant labour generally refers to individuals who engage in internal migration within the country, often in pursuit of job opportunities. They are vulnerable to exploitation, including receiving wages below the minimum standard and being forced to work in hazardous conditions. Social exclusion: Temporary workers are frequently stigmatized and discriminated against due to their ethnicity, language, and culture; they are often perceived as informal and unskilled individuals who migrate systematically from one area to another, offering their services on a temporary, usually seasonal, basis. They leave their hometowns to seek employment in larger cities. The Global Association for Migration defines a migrant labourer as any person who is moving or has crossed an international border or moved within a state away from their current place of residence. Analyzing migration trends in terms of scale, direction, demographics, and frequency can lead to effective policies, programs, and practical responses on the ground. Migrants contribute to enhancing the quality of life for individuals. They enrich social life by learning new cultures, customs, and languages, and they also foster a sense of fraternity among people. The migration of skilled workers plays a significant role in regional economic development.



## II. Migrant Workers

### Definition

While there is no universally accepted definition of the term "migrant workers," various international and national legal frameworks provide a basis for identifying who falls under this classification. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, established by the United Nations, characterizes a migrant worker as any person who is, has been, or will be involved in paid work in a country where they do not hold citizenship. This definition highlights the transnational aspect of labour migration and underscores the necessity of protecting the rights of individuals employed outside their home country. At the national level, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 offers a more precise interpretation pertinent to India's internal migration dynamics. It defines an inter-state migrant worker as an individual recruited by a contractor in one state to work in another, regardless of whether the principal employer is directly aware of this recruitment. This definition emphasizes the often-intricate labour arrangements that prevail in India's informal economy and brings to light the vulnerability of workers who depend on middlemen or contractors for employment opportunities. The United Nations Convention further supports this comprehensive perspective by defining a migrant worker as an individual who is presently employed, has been employed, or intends to be employed in a paid position in a country where they are not a citizen. This definition illustrates a worldwide recognition of the economic input provided by migrant workers, while also acknowledging the legal and social safeguards that are frequently absent for them. The International Organization for Migration (IOM) 1853 offers a detailed classification of migrant workers by differentiating between economic migrants and labour migrants, acknowledging that migration for economic reasons manifests in various ways. As per the IOM, labour migrants are those who move primarily to participate in work-related activities. These individuals generally align with the conventional concept of work migration, frequently taking positions in industries such as construction, agriculture, domestic service, or manufacturing—typically through either short-term or long-term employment agreements.

### Objectives

- To analyze the internal migration patterns within India.
- To address the challenges faced by migrant labour in the workplace.
- To understand the advantages of migration and to find solutions to the associated issues.

## III. Challenges Faced by Migrant Workers

### Legal Vulnerability

Numerous migrant workers, when seeking employment or during their employment journey, often do not engage in a contract or agreement that outlines the terms and conditions of their work. Instead, they typically operate on a one-time payment at the end of the month or on a daily wage basis, with contractors exploiting their lack of awareness regarding their rights. A significant number of these workers are illiterate, which hinders their ability to enter into contracts or agreements, leading them to



comprehend their work solely in terms of payment. Furthermore, they may deliberately avoid such paperwork due to their inability to grasp the terms and conditions associated with their employment contracts. Irregular status across borders, within states, or even domestically often excludes these workers from the legal protections afforded to labourers. In instances of disputes involving cross-border workers, there is often no obligation to safeguard the rights of individuals working outside their home country or in another state, as the laws governing workers' rights can vary significantly from one jurisdiction to another. What may be considered unlawful in one legal framework might not be viewed the same way elsewhere. Consequently, it becomes challenging to uphold the rights of cross-border labourers, and providing the necessary assistance for litigation can be arduous. Additionally, the process of seeking justice may be intricate and inflexible, as dictated by the prevailing laws of the land.

#### **Wages Theft and Exploitation**

The non-payment or underpayment of legally or contractually guaranteed wages is known as wage theft, and it is a prevalent and frequently accepted form of exploitation for migrant workers around the world. Workers are extremely vulnerable to exploitation under restrictive labour mobility regimes that link their legal status to a particular employer, foster dependency, and prohibit them from changing employment or reporting mistreatment. Increased poverty and debt among migrant communities resulted from wage theft made worse by the COVID-19 pandemic, as some businesses used the crisis to cut salaries, refuse termination benefits, and deport workers without payment. Underpayment, late payments, and unlawful recruitment fees are frequent problems.

#### **IV. Substandard Living Conditions**

Migrant workers are considerably more susceptible than domestic workers to occupy positions often referred to as the '3D' jobs (dirty, dangerous, and demeaning), including fields such as construction, mining, or the sex industry. The exposure to an array of pesticides and hazardous chemicals poses severe health risks for these workers. Additionally, injuries frequently arise from the operation of both mechanized and non-mechanized tools, hand tools, and various environmental hazards. The sanitation issues commonly encountered by workers living in overcrowded areas lead to urinary tract infections and other health complications due to the inadequate toilet facilities available on-site and in their residences; furthermore, some individuals are left homeless, sleeping on sidewalks without basic sanitation facilities.

#### **V. Gender-Based Discrimination**

Migrant workers encounter gender-based discrimination throughout the entire migration process, which intersects with various other forms of inequality, including race, class, and migration status. Gendered labour migration policies lead to occupational segregation by favouring male-dominated sectors such as science, technology, engineering, and mathematics (STEM), while undervaluing skilled professions typically associated with women, such as nursing and teaching. Additionally, women migrants face particular limitations on their bodily autonomy, including compulsory pregnancy testing conducted by recruitment agencies either prior



to or following their arrival in destination countries. In systems like female workers frequently endure significant restrictions and are vulnerable to abuse. These structural obstacles illustrate the gendered power imbalances that persist across both origin and destination countries.

## **VI. The Function of the International Labour Organisation (ILO)**

The International Labour Organisation (ILO) was founded in 1919. Its mission is to advocate for social justice and uphold internationally recognized human and labour rights, adhering to its foundational belief that social justice is vital for achieving universal and enduring peace. The ILO operates as a United Nations agency that oversees the interactions among governments, employers, and representatives of workers from 187 member states. This organization establishes international labour standards aimed at fostering sustainable peace, prosperity, and progress among governments, employers, and workers. The Preamble of the ILO Constitution emphasizes the rights of migrant workers, safeguarding the interests of international migrants. The Fundamental Values articulated in the Preamble remain pertinent today. In addition to this crucial document, the Declaration of Philadelphia, the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the ILO Declaration on Social Justice for a Fair Globalisation (2008) also exist. Numerous policy documents at the international level further protect the interests of migrant workers.

While international regulations cannot govern internal migration, it is essential to establish a social framework that safeguards migrants. It can be asserted that the rights of migrant workers and the ILO's role in promoting social justice positively influence the national legal framework. The core values enshrined in the key documents serve as guiding principles for enacting laws that protect the rights of migrant workers at the national level. In India, various provisions exist to safeguard the rights of migrant workers, and the Parliament has enacted multiple legislations aimed at protecting their interests.

## **VII. Legal Framework Concerning Migrant Workers in India**

India has embraced a proactive policy known as the welfare State. This policy asserts that the ultimate aim of the government is the welfare of its citizens. The role of the State has evolved, and it is now bound by a Constitutional mandate to ensure socio-economic wellbeing. In this regard, the principles of equal opportunity and fair distribution of wealth must be considered. The State has an obligation to safeguard the interests of all individuals without any form of discrimination. The notion of social justice and the welfare state implies that everyone should receive equal treatment. State officials are required to take appropriate measures to eradicate all forms of inequality within society. Dr. B. R. Ambedkar's interpretation of Social Justice encompasses the safeguarding of labourers' rights. Consequently, it is essential to examine the Constitutional and Legislative frameworks in place.



### **The Constitution of India:**

Numerous provisions within the Indian Constitution address issues related to labour, labour rights, working conditions, minimum wages, and equal pay for equal work, among others.

### **The Preamble**

The objectives of the Constitution are articulated in its Preamble. The concept of socio-economic justice is governed by the Preamble of the Constitution. Given that migrant workers are often impoverished, uneducated, and unable to advocate for themselves, and constitute a significant portion of the population, it is the responsibility of the State to provide for their needs. The founding fathers have appropriately included provisions that protect the rights of the populace within the national legal framework.

### **Fundamental Rights**

Part III of the Indian Constitution ensures that all citizens are granted Fundamental Rights. Key provisions that can be regarded as Constitutional safeguards for migrant workers include Article 14, which addresses the principle of equality before the law. Article 16 pertains to the equality of opportunity in public employment. Article 19(1)(c) allows all citizens to form associations or unions for shared interests. However, despite this entitlement, migrant workers often remain unorganised due to the informal, seasonal, and temporary nature of their work. Another significant provision is Article 21 of the Constitution, which safeguards life and personal liberty. A substantial portion of the population migrates from less affluent states to more prosperous ones in search of livelihood. In the landmark case of *Olga Tellis vs. Bombay Municipal Corporation*, commonly referred to as the 'pavement dwellers case,' the Supreme Court affirmed that the 'right to livelihood' is an integral component of the Right to Life as enshrined in Article 21. This principle has been reaffirmed by the Supreme Court in cases such as *Delhi Development Authority's Union vs. Delhi* and *D.K. Yadav vs. J.M.A. Industries*. Additionally, in the case of *Peoples Union for Democratic Rights vs. Union of India*, Justice Bhagwati aptly stated that, "The term 'force' should be interpreted to encompass not only physical or legal force but also the coercion stemming from economic conditions that leave individuals with no viable alternatives, compelling them to offer labour or services even when the compensation is below the minimum wage."

The vast majority of individuals who migrate in search of better livelihoods are often forced to take up informal sector jobs to satisfy their basic needs. As a result, it is the State's foremost duty to uphold the Constitutional provisions designed to promote socio-economic justice. Article 24 addresses the prohibition of child labour in factories, which is closely related to the current discussion. A significant number of migrant workers find employment in construction, hospitality, roadside eateries, and textile industries, where child labour is prevalent. Thus, this provision plays a crucial role in combating the issue of migrant child labourers, who are particularly vulnerable to exploitation by employers.



## VIII. Directive Principles of State Policy

The Constitution's Part IV contains several provisions that specifically address the rights of workers, including those of migrant workers. Although the Directive Principles of State Policy are not enforceable in a court of law, they serve as a guiding framework for the State when exercising its law-making authority. These principles are essential for establishing a just social order within the nation, Article 38 of the Indian Constitution explicitly imposes a duty on the State to ensure a social order that promotes the welfare of the populace. Furthermore, the State is obligated to take measures to reduce disparities in income, status, facilities, and opportunities among all individuals and groups engaged in various occupations. Article 39 states that State shall follow certain principles of policy for securing the right to an adequate means of livelihood treating all men and women equally, the setup of the economic system should be like that there will be no concentration of wealth and means of production, the principle of equal pay for equal work for both men and women, protection of the health and strength of workers, the citizens should not be forced by economic necessity to engage in the hazardous occupations the State shall take care of the children and youth in case of exploitation and their moral and material abandonment Article 39-A asserts that the State is obligated to ensure and promote equal justice for all citizens by implementing appropriate legislation or schemes, regardless of financial or other limitations.

Article 41 specifically addresses the right to work, education, and public assistance in instances of unemployment. Article 42 represents a crucial provision concerning the State's responsibility to guarantee just and humane working conditions, as well as maternity relief. A significant number of migrant workers are employed in hazardous industries characterized by unsanitary and poor working environments.

According to Article 43, the State is committed to securing a living wage and conditions conducive to a decent standard of living through suitable legislation or economic organization.

Article 43-A mandates that the State ensure worker representation in the management of any industries or establishments. A primary challenge faced by migrant workers is their inability to exert pressure on management due to the inherent nature of their employment and their status.

Article 47 emphasizes that enhancing public health is one of the State's fundamental responsibilities. Migrant workers consistently face health risks in their workplaces. Consequently, this provision is vital when formulating laws aimed at safeguarding the rights of migrant workers.

## IX. Seventh Schedule:

### Union List:

The Union List (List-I) of the Constitution of India includes entries on which Parliament has exclusive power to enact laws. Entry 81 deals with inter-State migration; inter-State quarantine.



Therefore, the Indian Union government is especially responsible to enact laws relating to inter-State migrant workers.

**Concurrent List:**

The entries specifically dealing with labourers are enumerated below. The Concurrent list covers the subject "Labour" so Union and State Governments both have the power to legislate on this subject. The relevant entries are as follows:

- Trade unions; industrial and labour disputes.
- Social security and social insurance: employment and unemployment.
- Welfare of labour including conditions of work, provident funds, employers liability, workmen's compensation, invalidity and old age pensions and maternity benefits.
- Education, including technical education, medical education and universities, subject to the provisions of Entries 63, 64, 65 and 66 of List I; vocational and technical training of, labour.

As discussed above, there are various causes of migration including unemployment, the surplus workforce in a particular area, population explosion etc. therefore the role of the legislature is significant to deal with such issues. As migrant workers are in an informal sector and unorganised, they need legal protection by the government. The issues like welfare provisions, standards of labour and social security can be addressed with the enactments of various laws.

The migrant workers have a significant contribution in boosting the economy therefore the legislature should take all the possible efforts to protect their rights.

**X. Migrant Specific Labour Legislations in India:**

The Constitution of ILO has advocated for social justice and peace everywhere. If we compare it with the Preamble of the Constitution of India, we can see that the Constitutional framers have adopted the same concept of social justice. After the adoption of the labour welfare policy Indian Parliament has enacted several laws protecting the rights of labourers. All these laws are based on the fundamental principles enshrined in the ILO Constitution and Indian Constitution. Legislations such as The Payment of Wages Act, 1936 and The Employees Compensation Act, 1923 were in existence before the enactment of the Constitution of India.

For the promotion of the welfare of the labour, the Indian Parliament has enacted various legislations relating to the working-class such as The Industrial Disputes Act, 1947; The Minimum Wages Act, 1948; The Factories Act, 1948; The Employees' State Insurance Act, 1948; The Employees' Provident Funds and Miscellaneous Provisions Act, 1952; The Maternity Benefits Act, 1961; The Payment of Gratuity Act, 1972; The Equal Remuneration Act, 1976; The Bonded Labour Abolition Act, 1976; The Inter-State Migration Act, 1979; The Unorganised Workers' Social Security Act, 2008 etc.

Recently all these labour laws are amalgamated into four different codes namely, The Wage Code, 2019; The Industrial Relations (IR) Code, 2020; The Social Security Code,



2020 and The Occupational Safety, Health and Working Conditions Code (OSH), 2020 with various labour reforms. The most relevant legislation from OSH Code and Social Security Code are discussed below.

**The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979:**

The Act has been enacted to regulate the employment of inter-State migrant workmen and to provide for their conditions of service and for matters connected therewith. The applicability of the Act is significant as it covers almost all industrial or other establishments. It applies to all industrial establishments where five or more inter-State migrant workers are employed and to every contractor who employs or employed five or more inter-State migrant workers on any day of the preceding twelve months.

Section 2(e) defines "inter-State migrant workman" means any person who is recruited by or through a contractor in one State under an agreement or other arrangement for employment in an establishment in another State, whether with or without the knowledge of the principal employer concerning such establishment. It covers skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward except those who work under managerial and administrative capacity and who draws wages exceeding five hundred rupees.

Section 12 of the Act, imposes a duty on the contractor to issue a passbook to the migrant worker in the language known to him indicating his name, place of work, the period of employment, the proposed rates and modes of payment of wages, displacement allowance, the return fare payable after the expiry of the period of employment and contingencies prescribed and specified in the contract of service. The deductions made from the wages should be indicated by the contractor. The contractor is under the duty to furnish a return with the specified authority in the State from which he is migrated and in the State in which he is migrated regarding all sums due to migrant workers after cessation of his employment. Further Section 13 states that there should be no discrimination among migrant workers and other workers working in the establishment and they shall be paid equal wages for equal work.

The persons responsible are liable to pay Minimum Wages fixed under the Minimum wages Act, 19 and shall be paid in cash.

Section 14 states that a displacement allowance shall be paid to the inter-State migrant workers a sum equal to fifty per cent of the monthly wages payable or seventy-five rupees, whichever is higher. Section 15 states that the contractor is under a duty to pay the non-refundable fare as a journey allowance from his native to the place of work in another State.

Section 16 broadly provides for the facilities to inter-State migrant workers such as timely payment, equal pay for equal work irrespective of sex, suitable conditions of work, minimum suitable residential accommodation, free medical aid, protective clothing and notice of a fatal accident or bodily injury to both States and next kin of the employee. And the appropriate government may appoint inspectors for the purposes of this Act.



### **The Unorganised Workers' Social Security Act, 2008:**

This Social Security Act was enacted to protect the huge number of workers working in an unorganised sector. The Economic Survey, NITI Aayog and National Statistical Commission approximately more than 90% of the total workforce engaged in informal sectors. The Act was enacted to provide for the social security and welfare of unorganised workers and other matters connected therewith or incidental thereto. This is an important piece of legislation that covers many issues relating to social security and the welfare of the unorganised sector workers.

There are two important definitions: "unorganised sector" covers almost all enterprises having self-employed individuals are working in the production or sale of goods or providing services and "unorganised worker" means a home-based, self-employed or a wage worker who is engaged in the informal sector and those who are not protected under existing labour laws on social security.

Chapter-IT the Central Government and State Governments are under a duty to formulate suitable welfare schemes for unorganised workers on subjects mentioned to secure them like other workers under different labour laws.

Further Chapter I and Chapter IV provides for the constitution of Social Security Boards at the national and state level for functions assigned to them to implement the provisions of this Act. The State Government may set up workers facilitation centres for the registration and enrolment for social security schemes.

Section 10% of the Act states that all persons who have completed fourteen years of age and confirm as an unorganised worker after giving a self-declaration are eligible for registration under the Act. All such registered workers can take benefits of various Social Security Schemes introduced by the Government Welfare Programs for Migrant Workers

Employment initiatives are established to enhance the quality of life for labourers by facilitating access to skill development opportunities, financial aid, and social security. These programs are intended to empower workers, providing assistance that improves their livelihoods and ensures increased security for their future. Some examples of these schemes include:

#### **PM Street Vendor's AtmaNirbhar Nidhi (PM Svanidhi)**

Initiated on June 1, 2020, this scheme is designed to offer collateral-free working capital loans to street vendors. This initiative was launched to assist vendors in resuming their businesses, which faced significant disruptions due to the COVID-19 pandemic, providing them with financial support for recovery and self-sufficiency.

#### **Pradhan Mantri Shram Yogi Maan-Dhan Yojana (PMSYM)**

This scheme launched by the Ministry of Labour and Employment on 15th February 2019, aims to provide a minimum assured pension to workers in the unorganized sector, including migrant workers, upon reaching the age of 60. The scheme, announced in the Interim Budget, targets workers earning less than ₹15,000 per month and offers a



monthly pension of ₹3,000 after they turn 60, ensuring financial security for their future.

#### **Ayushman Bharat Pradhan Mantri Jan Arogya**

Initiated on September 23, 2018, by Prime Minister Narendra Modi, the Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB PM-JAY) seeks to realize Universal Health Coverage (UHC) by extending health benefits to the most vulnerable populations in India. The program encompasses over 12 crore families (approximately 55 crore individuals), offering health coverage of Rs.5 lakh for secondary and tertiary health services to eligible migrant workers based on deprivation and occupation criteria. The scheme's portability feature enables beneficiaries to receive treatment at any empanelled hospital throughout India, irrespective of their home state. Significantly, 11.9 lakh hospitalizations amounting to ₹3,100 crores have been approved under this portability feature, thereby improving accessibility for beneficiaries across the nation.

#### **The Pradhan Mantri Garib Kalyan Yojana (PMGKY)**

Furthermore, the government's dedication to food security is reinforced by the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), which has been prolonged for an additional five years commencing on 1st January 2024. This initiative offers complimentary food grains and direct cash transfers to families living below the poverty line, including migrant workers. Additionally, the One Nation One Ration Card (ONORC) scheme, introduced in 2018, guarantees food security through the portability of ration cards throughout India. Collectively, these programs establish a strong safety net for migrant workers, ensuring access to food security regardless of their location within the country. Migrant laborers can conveniently avail themselves of the benefits of the One Nation One Ration Card (ONORC) scheme by adhering to these straightforward steps:

- **Utilize Your Current Ration Card:** Migrant workers may utilize their current ration card to obtain subsidized food at any Fair Price Shop (FPS) across India, irrespective of their whereabouts.
- **Verify Information on ePoS Devices:** At FPSs, ration card information and entitlements are accessible via ePoS (electronic point-of-sale system) devices, facilitating a seamless and transparent process.
- **Install the MERA RATION App:** Migrant workers can download the 'MERA RATION' application, which is available in 13 languages, to receive real-time updates regarding their ration card, nearby FPS locations, and entitlements. By linking their ration card to the MERA RATION app, migrant workers can effortlessly access food grains from any FPS, ensuring they continue to benefit from food security regardless of their movements. By guaranteeing uninterrupted access to food security, the government is establishing a foundation for a more secure and supportive environment for migrant workers throughout India.

#### **Migrant Workers on Tamil Nadu Labour Department's ISM Portal**

Mandatory Registration of Migrant Workers on Tamil Nadu Labour Department's ISM Portal



The Tamil Nadu Labour Department has made a crucial advancement in safeguarding the interests of interstate migrant workers by requiring their registration on the Interstate Migrant Workers (ISM) Portal. This initiative is applicable to all factories and establishments that employ migrant workers, whether directly or via contractors. Employers are obligated to adhere to this directive to evade legal repercussions and to foster a transparent framework for worker welfare.

### **Tamil Nadu Labour Department's ISM Portal**

The ISM Portal represents an initiative by the Tamil Nadu Labour Department aimed at establishing a thorough database of interstate migrant workers. This system enables: Transparent oversight of worker information.

### **Key Deadline for Compliance**

The Tamil Nadu Labour Department has designated 26th December 2024 as the deadline for the registration of all migrant workers on the ISM Portal.

### **Step-by-Step Registration Process**

- Access the Portal: Visit the ISM Portal at <https://labour.tn.gov.in/>.
- Log In or Register: Create an employer account if you are a first-time user.
- Enter Worker Details: Provide the Aadhaar number and phone number for each worker.
- Submit Details: Save and submit the data for each worker.
- Update Status Regularly: Mark workers as “Active” or “Inactive” based on their current employment status.

### **Post-Registration Reporting**

Once the registration process is completed, employers must:

- Take a screenshot of their dashboard showing the updated worker details.
- Email the screenshot to [ddishcbe1@gmail.com](mailto:ddishcbe1@gmail.com) along with:
- Factory Registration Number (e.g., CBEXXXXX).
- Number of workers already registered.
- Number of workers registered in the latest update.

### **Key Clarifications from Tamil Nadu Labour Department**

- No Fees Involved: There are no charges for registering migrant workers on the ISM Portal.
- Separate Requirement: This portal registration is distinct from the Migrant Workers Registration Certificate issued by the Labour Department.
- Short-Term Employment: Even workers employed for a single day must be registered. Deactivation can be done when they leave.
- Inclusive of Contractors' Workers: All workers hired through contractors must also be registered.



### **Benefits of Registration for Employers**

- **Legal Compliance:** Ensures that your organisation adheres to Tamil Nadu Labour Department regulations.
- **Enhanced Reputation:** Demonstrates your commitment to transparency and worker welfare.
- **Avoidance of Penalties:** Compliance with ISM Portal rules prevents legal actions by DISH squads.

### **Government Support for Employers**

The Tamil Nadu Labour Department provides a detailed manual to guide employers through the registration process. Employers facing technical challenges can contact the department for prompt assistance via WhatsApp or email.

## **XI. Conclusion**

In comparison to various economic, social, cultural, and political challenges, this particular issue remains relatively unexplored within the economic literature, as numerous facets remain unidentified. Consequently, the article seeks to deliver a succinct summary of the factors, repercussions, and trends associated with labor migration in India. We are of the opinion that this will significantly aid researchers in conducting further investigations in areas that have yet to be addressed in existing literature. Between 1971 and 1991, immigration rates for both males and females experienced a decline. Nevertheless, we witnessed rapid expansion during the last decade of the 1990s. This trend can be attributed to the swift growth of the unorganized sector, which has attracted numerous workers from rural areas. The duration of short-term in-migration is currently on a downward trajectory. The brief duration of migration exhibits a decreasing trend. A significant portion of short-term external migrants were men residing in rural locales. Finally, trend analysis indicates that a higher proportion of men engage in migration over longer periods, distances, and their migration patterns range from rural to urban. Conversely, women typically migrate from rural to rural areas and over shorter distances. The primary driver of short-distance migration is marriage. According to the research, the main impetus for labour migration is unequal development. Beyond disparities in socioeconomic conditions, individuals are also driven to relocate by variations in development policies and income levels. The report concludes by delineating the potential impacts of labour mobility on migrants, examining the situations, origins, and destinations of their family members. We deduce that the livelihoods of migrants are adversely affected by migration, as they and their families face barriers to accessing healthcare, education, and other essential services, including public assistance.

### **Suggestions**

Reform and Effective Implementation of Existing Laws

Enhance the enforcement of the Inter-State Migrant Workmen Act, 1979.

Ensure rigorous adherence to the Code on Wages, 2019, and the Occupational Safety, Health and Working Conditions Code, 2020.

Require written employment contracts in regional languages that workers comprehend.

Implement time-sensitive grievance redressal systems.



### **Legal Aid and Awareness**

Create free legal aid centers in key migrant-receiving cities.  
Initiate awareness campaigns regarding rights, minimum wages, and compensation laws.  
Establish helplines that are accessible in various Indian languages.

### **Universal Portability System**

Enhance and broaden the One Nation One Ration Card (ONORC) initiative to guarantee seamless access across states.  
Ensure the portability of Employees' State Insurance (ESI) and Provident Fund (EPF) accounts.

### **Integration with e-Shram Portal**

Fortify the e-Shram Portal database for precise identification and benefit targeting.  
Connect migrant workers to welfare programs such as PMAY, Ayushman Bharat, and insurance schemes.

### **Affordable Rental Housing**

Broaden the Affordable Rental Housing Complexes (ARHCs) initiative in industrial zones.  
Promote Public-Private Partnerships (PPP) to construct worker hostels.

### **Basic Amenities**

Guarantee access to safe drinking water, sanitation, electricity, and healthcare services.  
Require employers to provide accommodation in high-risk industries.

### **Minimum Wage Enforcement**

Conduct regular inspections in construction, manufacturing, domestic work, and informal sectors.

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4. <https://www.ilo.org/global/about-the-ilo/history/lang--cn/index.htm>
5. The Preamble of the ILO:
6. The Preamble of the Constitution of India-
7. WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:
8. JUSTICE, social, economic and political...
9. Article 14 reads as; The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
10. Article 16 broadly deals with various issues like equal opportunity in public employment, no discrimination on grounds mentioned, reservation policy etc.



11. Article 19(1)(c) reads as; All citizens shall have the right to form associations or unions.
12. Article 21 reads as; No person shall be deprived of his life or personal liberty except according to procedure established by law.
13. AIR 1986 SC 180.
14. Article 23(1) reads as; Traffic in human beings and beggar and other similar forms of forced labour is prohibited and any contravention of this provision shall be an offence punishable in accordance with la
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