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# **PROTECTING THE RIGHTS OF INTERSTATE MIGRANT WORKERS UNDER INDIA'S LABOUR CODES: A CRITICAL ANALYSIS OF LEGAL AND POLICY CHALLENGES**

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## **Abstract**

Interstate migrant workers are an important group in India, and they are involved in various sectors, including construction, manufacturing, agriculture, and services. Even with such protections, they suffer from problems of wage disparity, working conditions, social security and lack of legal recourse. The present study is an empirical as well as doctrinal examination of the rights of interstate migrant workers as enshrined in the Labour Codes of India with a critical approach. The doctrinal part discusses the constitutional structure, the Code on Wages, 2019, the Code on Industrial Relations, 2020, the Code on Social Security, 2020, the Code on Occupational Safety, Health and Working Conditions, 2020, important judicial rulings, and international labour standards. The empirical part of this work has been done by conducting a survey among 250 interstate migrant workers of Karnataka and data obtained by the survey have been analyzed by the descriptive statistics and Pearson's chi-square test.

The results show that there are significant discrepancies between the statutory protections and their actual functioning. The majority of the respondents reported that they had limited access to overtime wages, paid leave, workplace safety measures, social security benefits, and legal awareness. The chi-square analysis also confirmed the relationship/association between employment sector and workplace safety, education and awareness of the welfare schemes, language barriers and access to government programmes and interaction with the government agencies and legal awareness. The results of the survey suggest that although the Labour Codes offer a good overall legal framework, lack of implementation, enforcement and institutional accessibility remain to be a challenge to ensuring the rights of migrant workers are protected. The study suggests strengthening the enforcement of labour law, increasing the worker

registration, portability of benefits, increasing awareness of workers about labour law in many languages, strengthening occupational safety and social security coverage, and increasing coordination between the governments to ensure the effective implementation of the Labour Codes. The study is one of the first to merge doctrinal legal study with empirical study to assess the efficacy of the existing labour law regime in India so far as interstate migrant workers are concerned.

***Keywords - Interstate Migrant Workers, India's Labour Codes, Code on Social Security.***

## **Introduction**

The growth of interstate labour mobility has been an integral part of the economic development in India, playing a pivotal role in various industries, including construction, manufacturing, agriculture, logistics, and services. Within a state, millions of workers are in migration for seeking improved livelihoods due to differentials in employment opportunities, income levels and region development. Although the migrant workers play a significant role in the economic development of the nation, they still face precarious employment, wage discrimination, unsafe working conditions, less access to social security and legal remedies (Jayaram & Varma, 2020; Rai & Maheshwari, 2023). The COVID-19 pandemic also further revealed the vulnerabilities of migrant labour and the inadequacies of the labour governance and welfare systems (Kumar & Choudhury, 2021).

The Government of India has introduced four Labour Codes since 2019 to streamline the existing body of labour laws, and enhance workers' protection through four central laws that replaced 29 existing laws. All of the above Codes — Code on Wages, 2019, Code on Industrial Relations, 2020, Code on Social Security, 2020 and Code on Occupational Safety, Health and Working Conditions, 2020 together aim to provide just and fair wages, safe work places, social security and better welfare to all the workers including the interstate migrant workers (Munjal & Bamba, 2024; Mishra & Dwivedi, 2024). But doubts persist about the success of these reforms, especially those of their impact in India's informal labour market.

Keeping this background in mind, the present study reviews the legal and policy landscape concerning the rights of the interstate migrant workers as per the Labour Codes in India on a doctrinal and empirical approach. The doctrinal analysis focuses on the constitutional, statutory, and judicial environment while the empirical analysis, using data gathered from 250

interstate migrant workers in Karnataka, examines the level of realisation of statutory labour protections. The study aims to highlight the mismatch in implementation of the legislations and suggest policy interventions to enhance the protection of interstate migrant workers in India. The study attempts to uncover the gaps between what the law is and what it is being implemented at the grassroots level and recommends policy interventions to augment the protection of interstate migrant workers in India.

### Research Objectives

- To Critically analyse the legal position of interstate migrant workers as per the provisions of the Labour Codes of India with reference to the provisions of the constitution and the applicable statutory laws and judicial pronouncements and international labour standards.
- To assess the realization of labour rights and welfare measures for interstate migrant workers in Karnataka and its legal and policy issues in facilitating their rights.

### Review of Literature

Over the past few years, the legal protection of interstate migrant workers has garnered increasing scholarly interest, especially in the wake of labour law changes and the difficulties revealed during COVID-19. The literature available is largely limited to the evolution of the labour laws, gaps in implementation, informal employment and vulnerability of migrant workers.

The recent studies have focused on the changes in the labour law framework in India occasioned by the Labour Codes. Munjal, K. and Bamba, I. (2024)<sup>1</sup> suggested that though the Labour Codes are designed to simplify labour legislation and enhance labour market governance, questions could be raised about the degradation of workers' rights, enforcement and institutional accountability. Likewise Mishra, A. and Dwivedi, A. In (2024)<sup>2</sup>, the author critically analyzed the history and development of Indian labour laws and noted that mere legislative consolidation will not ensure effective protection of labour unless there is proper implementation and regulation. The results obtained in the present work are in line with the

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<sup>1</sup> K. Munjal & I. Bamba, *Migration, Vulnerability, and Protection: Changing Labour Law Regime in Contemporary India*, 48 ASIAN STUD. REV. 617 (2024).

<sup>2</sup> A. Mishra & A. Dwivedi, *Labour Laws in India: History, Evolution and Critical Analysis*, 65 LAB. HIST. 678 (2024).

earlier analysis made by Mitchell, R. et al. (2014)<sup>3</sup> and Saini (2008)<sup>4</sup>. The slow shift from a welfare framework to labour market flexibility, in India, was also discussed by (2008) who pointed to the ongoing need to ensure economic growth and the rights of workers.

Focusing on the legal protection for interstate migrant workers have been several scholars especially focused on it. Rai, A. and Maheshwari, S. Chakwera, K. (2023)<sup>5</sup> presented a study on Indian labour law pertaining to migrant workers and found that although there are many statutory provisions, implementation of these provisions is scanty as there is a lack of awareness among the migrant workers and poor enforcement on the ground. Likewise, Sanjaya, K. (2022)<sup>6</sup> cited the legal protections afforded to interstate migrant workers as being largely ineffective and that statutory protections do not necessarily yield practical outcomes. Mahalakshmi and Balamurugan, (2023)<sup>7</sup> also pointed to the need for better governance, institutional coordination and implementation of labour welfare policies in the context of the emergence of migration patterns.

There is also some literature on labour rights, informal work and vulnerabilities in the workplace. Jayaram, N; Varma, D. (2020)<sup>8</sup> reported that urban informal sector workers are often hired in insecure employment, lack legal rights, and are not covered by social security. Likewise, Sofi, I. A. et al. (2016)<sup>9</sup> showed that labour market policies have failed to curb the informalisation of migrant labour in India's manufacturing industry. Dhal, M. (2020)<sup>10</sup> pointed out the fragile situation of the migrant construction workers and their working conditions, especially in the aspects of occupational safety, wage and welfare facilities. Earlier, Lerche (2012)<sup>11</sup> it was raised whether the current labour laws are sufficient to support decent work in the large informal sector in India.

The COVID-19 pandemic has added to scholarly focus on the rights of migrant workers.

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<sup>3</sup> R. Mitchell, M. A. H. Y. Petra & P. Gahan, *The Evolution of Labour Law in India: An Overview and Commentary on Regulatory Objectives and Development*, 1 ASIAN J.L. & SOC'Y 413 (2014).

<sup>4</sup> D. S. SAINI, LABOUR LAW IN INDIA: STRUCTURE AND WORKING, IN THE CHANGING FACE OF PEOPLE MANAGEMENT IN INDIA 60 (Peter Budhwar & Kenneth A. Mellahi eds., Routledge 2008).

<sup>5</sup> A. Rai & S. Maheshwari, *Migrant Workers & Indian Labor Legislation: A Review*, 58 INDIAN J. INDUS. REL. 4 (2023).

<sup>6</sup> K. Sanjaya, *Rights of Inter State Migrant Workers in India: An Unfair Tale*, 8 LEXIGENTIA 176 (2022).

<sup>7</sup> J. Mahalakshmi & P. Balamurugan, *Emerging Challenges of Internal Migrant Workers in India: A Need for Law and Governance*, 13 INT'L J. INTELL. PROP. MGMT. 381 (2023).

<sup>8</sup> N. Jayaram & D. Varma, *Examining the "Labour" in Labour Migration: Migrant Workers' Informal Work Arrangements and Access to Labour Rights in Urban Sectors*, 63 INDIAN J. LAB. ECON. 999 (2020).

<sup>9</sup> I. A. Sofi, M. I. Khan, M. H. Kunroo & A. Q. Khachoo, *Labour Market Regulations and In-formalisation of Migrant Worker: Evidence from Indian Manufacturing Sector*, 7 ASIAN J.L. & ECON. 169 (2016).

<sup>10</sup> M. Dhal, *Labor Stand: Face of Precarious Migrant Construction Workers in India*, 146 J. CONSTR. ENG'G & MGMT. 04020048 (2020).

<sup>11</sup> J. Lerche, *Labour Regulations and Labour Standards in India: Decent Work?*, 3 GLOB. LAB. J. 1 (2012).

Kumar, S and Choudhury, S. In 2021, it carefully analysed the policies implemented by the Government of India during the lockdown and found that the rights of migrant workers were severely violated in relation to their livelihood, mobility and social protection rights. In addition to the domestic sphere, Ghai, Y. (2018)<sup>12</sup> examined internal migration and its implications for the labour market. Gaur, S. (2018)<sup>13</sup> explored the role of internal migration in the labour market.

The literature reviewed shows generally that the Indian labour laws include a large body of law that theoretically protects the rights of migrant workers but there are a number of problems with its implementation, legal awareness, occupational safety and access to social security. All of these studies underscore the ongoing need to assess if reforms in the labour law system have resulted in tangible protections for interstate migrant workers.

### Research Gap

The development of labour laws in India, the vulnerability of the migrant workers and implications of the Labour Codes from the doctrinal and policy viewpoints have been extensively studied in the existing literature. Most of the studies, however, are still conceptual or descriptive, and have very little empirical evidence examining the implementation of the provisions of the Labor Codes at the local level as experienced by interstate migrant workers. Moreover, only a few studies combine doctrinal legal perspective with empirical data to evaluate the effectiveness of labour rights concerning wages, occupational safety, social security, and institutional assistance.

A further gap is the lack of information about the implementation of the Labour Codes available at the state level. Though previous studies have documented the difficulties experienced by migrant workers during COVID-19 pandemic and in the informal sector, there is a lack of empirical research that focuses on legal protection of migrant workers employed across states, including Karnataka. Research which integrates doctrinal examination of constitutional and statutory protections and empirical data to analyse the implementation of labour rights and existing legal and policy obstacles is still required. To fill this gap, the present study uses a critical discussion and analysis of the Labour Codes along with field-based evidence from 250 interstate migrant workers in Karnataka to make a comprehensive assessment of the

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<sup>12</sup> Y. GHAI, MIGRANT WORKERS, MARKETS, AND THE LAW, IN GLOBAL HISTORY AND MIGRATIONS 145 (Routledge 2018).

<sup>13</sup> S. GAUR, POLICIES FOR PROTECTION OF INDIAN MIGRANT WORKERS IN MIDDLE EAST, IN INDIA'S LOW-SKILLED MIGRATION TO THE MIDDLE EAST: POLICIES, POLITICS AND CHALLENGES 125 (Springer Nature Singapore 2019).

effectiveness of the labour legal framework in India today.

## Research methods

This study is a mixed method research which combines doctrinal legal analysis along with empirical research to thoroughly analyze the rights of interstate migrant workers under the Labour Codes of India. The mixed-method approach allows for the assessment of the legal system in place for migrant workers as well as the application of labour rights in the workplace.

### Doctrinal Research

The doctrinal part looks at the constitutional, statutory and judicial landscape of protection of interstate migrant workers in India. The study relies on primary legally binding sources, such as the Constitution of India, Code on Wages, 2019, Code on Industrial Relations, 2020, Code on Social Security, 2020, Occupational Safety, Health and Working Conditions Code, 2020 and the repealed Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. The evolution and effectiveness of the legal framework were also critically analysed through relevant decisions of the Supreme Court of India, international labour standards of the International Labour Organisation (ILO) and policy documents from the government.

### Empirical Research

The empirical part has a quantitative design in which 250 interstate migrant workers in Karnataka were given a structured questionnaire. The respondents were selected by purposive and convenience sampling and included workers involved in construction, manufacturing, agriculture and service sectors. The questionnaire gathered data on: demographic characteristics, migration background, employment situation, occupational safety and social security, awareness of law and access to institutional support.

IBM SPSS Statistics was used to analyze the data collected. The characteristics of the respondents and employment situations were summarised using descriptive statistics such as frequency and percentage. The Pearson's Chi-square test was used to analyze the relationship between the selected categorical variables associated with workplace safety, legal awareness, social security and institutional support. The empirical analysis results were later analysed and combined with the doctrinal analysis to evaluate the effectiveness of the Labour Codes in protecting the rights of interstate migrant workers, as well as the legal and policy challenges that arise.

## Results and Discussion

### Doctrinal analysis

#### *Constitutional Protection of Interstate Migrant Workers in India*

Indian constitution protects the rights of interstate migrant workers mostly on the basis of equality, dignity, freedom of movement and social justice. The Constitution does not explicitly mention protection of the rights of migrant workers, but there are a number of Fundamental Rights and Directive Principles that provide legal and labour rights protection for migrant workers.

Article 14<sup>14</sup> ensures equality before the law, articles 15 and 16<sup>15</sup> prohibit discrimination and encourage equal opportunities. Articles 19 (1) (d) and 19 (1) (e)<sup>16</sup> provide freedom to move, reside and seek employment in any part of the country which will help in labour mobility across states. Article 21<sup>17</sup> guarantees right to life and personal liberty which has been judicially interpreted to include the right to livelihood, dignity, health and safe working conditions. Moreover, Article 23<sup>18</sup> protects from forced labor and from exploitation, which means that unethical employment practices will not be permissible.

According to the Directive Principles of State Policy (Articles 39, 41, 42 and 43)<sup>19</sup>, the State has a duty to provide adequate livelihood opportunities, humane working conditions, equal pay and social welfare to workers. These are non-justiciable but have played a significant role in shaping of the Indian labour laws, such as the Labour Codes.

Thus, the Constitution provides a strong normative framework for protecting interstate migrant workers. But the actual implementation and enforcement of labour laws and welfare measures is crucial for the effective implementation of the constitutional guarantees.

#### *Legal framework governing interstate migrant workers in India*

Interstate migrant workers in India are now covered by a consolidated framework of laws, the Labour Codes, and have been from a fragmented state of labour laws. Before the recent reforms, the most important law that protected migrant workers was the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 which was instituted to regulate the recruitment and employment of migrant workers from one state to

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<sup>14</sup> INDIA CONST. arts. 14

<sup>15</sup> INDIA CONST. arts. 15, 16

<sup>16</sup> INDIA CONST. arts. 19(1)(d), 19(1)(e).

<sup>17</sup> INDIA CONST. arts. 21

<sup>18</sup> INDIA CONST. arts. 23

<sup>19</sup> INDIA CONST. arts. 39, 41, 42, 43

another by contractors. The Act stipulated that establishments be registered, contractors be licensed, that contractors be paid the same wages as a local worker, that contractors' journeys and displacements be covered in conjunction with the local workers, that contractors have appropriate accommodation, medical facilities and other welfare measures. Although these statutory precautions have been taken, there were low levels of enforcement, low levels of registration, and there was a high proportion of informal employment.

The Central Government has introduced four Labour Codes in 2019 to 2020<sup>20</sup>, which are a combination of 29 central labour legislations, in order to simplify and modernize the labour laws in India. The Code on Wages 2019 provided a uniform framework for wage regulation and equal remuneration and the Industrial Relations Code 2020<sup>21</sup> enhanced provisions on industrial relations and dispute resolution. The Code on Social Security, 2020<sup>22</sup> added unorganised, gig, platform, and migrant workers to the fold of social security. In addition, the Occupational Safety, Health and Working Conditions Code, 2020<sup>23</sup> superseded the 1979 Act with specific provisions on inter-state migrant workers including provisions for electronic registration, portability of benefits, welfare provisions and enhanced occupational safety.

While the Labour Codes aim to establish an integrated and comprehensive legal framework, they require proper implementation, coordination by administration, cooperation from the employers and awareness of the migrant workers. The shift from the 1979 Act to the Labour Codes, therefore, is a big change in the legislation, albeit one that continues to be difficult to implement.

### ***Labour Codes and the Protection of Interstate Migrant Workers***

The grouping of four Labour Codes is an important reform in India's labour governance, which created a more coherent body of labour laws governing the regulation of labour, wages, occupational safety, industrial relations and social security. The Codes have been developed together to strengthen the provision of legal protection for interstate migrant workers, which was previously limited by various provisions of existing laws. But if they are to be effective, these reforms must be carried out and enforced. Table 1 presents an overview of the key provisions of the four Labour Codes with regard to migrant workers.

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<sup>20</sup> Code on Wages, No. 29 of 2019, Acts of Parliament, 2019 (India).

<sup>21</sup> Industrial Relations Code, No. 35 of 2020, Acts of Parliament, 2020 (India).

<sup>22</sup> Code on Social Security, No. 36 of 2020, Acts of Parliament, 2020 (India).

<sup>23</sup> Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, Acts of Parliament, 2020 (India).

**Table 1 - Doctrinal Analysis of Labour Rights of Interstate Migrant Workers under India's Labour Codes**

<b>Labour Right</b>	<b>Relevant Labour Code</b>	<b>Key Protection</b>	<b>Implementation Challenges</b>
Fair and timely wages	Code on Wages, 2019	Uniform wage regulation, minimum wages, timely payment, prohibition of wage discrimination	Wage disparities and weak enforcement in the informal sector
Occupational safety and welfare	Occupational Safety, Health and Working Conditions Code, 2020	Safe workplace, health measures, welfare facilities, registration of interstate migrant workers	Limited inspections and poor compliance by employers
Social security	Code on Social Security, 2020	Social security schemes, portability of benefits, registration of unorganised and migrant workers	Low registration, inadequate awareness, limited benefit coverage
Industrial relations and grievance redressal <sup>24</sup>	Industrial Relations Code, 2020	Dispute resolution mechanisms and protection of workers' rights	Limited access to grievance mechanisms and low legal awareness

The Labour Codes have added new provisions to the legislation that recognise interstate migrant workers, including those on wage protection, occupational safety and welfare facilities, and social security in one cohesive set of legislation. However, this empirical study revealed that a large number of workers remain deprived of overtime wages, social security, workplace safety and legal assistance. The above observations indicate that the Law related to the labour codes offers a comprehensive legal framework, but effective protection of the rights of migrant workers can be achieved by strengthening implementation, institutional monitoring and awareness among migrant workers.

<sup>24</sup> Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, No. 30 of 1979, Acts of Parliament, 1979 (India) (repealed).

### ***Judging of the rights of interstate migrant workers***

Today, the judiciary has contributed much to the empowerment of the rights of migrant workers by giving interpretation to the constitutional guarantee in a way that supports dignity, equality and social justice. The Supreme Court has in various judgments extended the scope of fundamental rights to include the protection of labour rights, decent working conditions and entitlement to minimum standard welfare benefits for workers at risk.

Supreme Court in *People's Union for Democratic Rights v. Union of India*<sup>25</sup> has declared that wages lower than the statutory minimum wage is forced labour which is forbidden under Article 23 of the Constitution. The judgment noted that economic coercion is not a means of negating workers' rights. In *Bandhua Mukti Morcha v. Union of India*<sup>26</sup>, the Court held that the State is under a duty to safeguard vulnerable workers from exploitation and imposes a responsibility on the authorities to create humane working conditions and enforce labour welfare laws.

The arrival of the COVID-19 pandemic only reinforced the need for judicial involvement in the issues faced by migrant workers. In *Re: Problems and Misereries of Migrant Labourers*<sup>27</sup>, the Supreme Court has instructed the Central and State Governments to provide food, transportation, shelter and registration facilities for migrant workers. The Court also reiterated the importance of establishing comprehensive databases and access to welfare schemes to avoid future humanitarian crises.

The judicial decisions are indicative of the fact that constitutional rights of interstate migrant workers go beyond formal legal rights to dignity, livelihood, minimum wages and welfare measures. But the implementation of these rights still relies upon the efficiency of administration, the compliance of employers and the implementation of the Labour Codes, which are interpreted increasingly by judges.

### ***International Standards for the Protection of Migrant Workers***

International labour and human rights standards also promote equality, decent work, and social security, thus supporting the protection of migrant workers. International Labour Organization<sup>28</sup> has set forth several conventions regarding fair wages, safe working conditions, nondiscrimination and social protection of the workers, including migrant workers. While India has not ratified all migrant specific ILO conventions, the spirit of these conventions has been

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<sup>25</sup> *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235.

<sup>26</sup> *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161.

<sup>27</sup> *In Re: Problems and Misereries of Migrant Labourers*, (2021) 7 SCC 525.

<sup>28</sup> International Labour Organization Constitution, 1919.

taken on board in shaping the national policies and laws on labour.

In addition, the rights of migrant workers are resonated throughout the United Nations, in international human rights instruments that guarantee the rights to dignity, equality, health, and just working conditions<sup>29</sup>. The principles expressed in these policies are very similar to the aims of the Labor Codes, which aim to provide migrant workers from abroad with access to occupational safety and social security and welfare.<sup>30</sup>

It is also important to note that the protection of migrants helps to contribute to the achievement of the United Nations Sustainable Development Goals, specifically SDG 1 (No Poverty), SDG 3 (Good Health and Wellbeing), SDG 8 (Decent Work and Economic Growth), SDG 10 (Reduced Inequalities) and SDG 16 (Peace, Justice and Strong Institutions). Although these international standards exist, the empirical results from the present study show that there remain many gaps in terms of legal awareness, social security coverage, occupational safety and institutional support. Therefore, India's domestic implementation in accordance with the international labour standards will be beneficial for the protection of interstate migrant workers and decent work in India.

### ***Critical Evaluation of the Labour Codes and Policy Challenges***

The Labour Codes are an important move towards consolidating and modernizing the Indian labour law regime and provide the legal recognition and welfare benefits to the inter-state migrant workers. Labour protection provisions and decent working conditions could be further strengthened by the provisions on minimum wages, occupational safety, social security and portability of benefits. It also includes electronic registration as well as a wider coverage of unorganized workers, which is an attempt to tackle the reality of labour migration in India.

These results of the present study, however, show a significant difference between the legislation and the practice. Fewer than half of the respondents indicated having access to overtime wages, paid leave, social insurance, workplace safety measures, and institutional support. Moreover, the awareness of labour welfare schemes and grievance redressal mechanism was still very low indicating low exercise of statutory rights of migrant workers. Based on these results, it is apparent that legislative improvements are needed but are not enough, unless accompanied by robust enforcement efforts, periodic labour inspections, holding employers to account, and widespread awareness-raising initiatives.

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<sup>29</sup> International Labour Organization Migrant Workers (Supplementary Provisions) Convention, 1975 (Convention No. 143).

<sup>30</sup> International Labour Organization Migration for Employment Convention (Revised), 1949 (Convention No. 97).

Enhanced coordination between the Central and State Governments is needed to enhance protection of interstate migrant workers. The effective implementation of the Labour Codes would be greatly supported by strengthening the registration of the workers, portability of welfare benefits, promoting better legal awareness creation campaigns in a multilingual manner and facilitating access to grievance redressal mechanisms. In conclusion, although the Labour Codes offer a detailed legal framework to protect the rights and dignity of migrant workers, they have yet to prove effective without strong implementation and institutional efforts to ensure the rights and dignity of interstate migrant workers are protected.

**Empirical analysis**

*Profile of the migrant workers*

**Table 2 - Demographic Profile of Interstate Migrant Workers (N = 250)**

Variable	Category	Frequency	Percentage
<b>Age (Years)</b>	18–25	70	28.0
	26–35	112	44.8
	36–45	58	23.2
	Above 45	10	4.0
<b>Gender</b>	Male	226	90.4
	Female	24	9.6
<b>Marital Status</b>	Married	182	72.8
	Single	60	24.0
	Others	8	3.2
<b>Education</b>	Primary or Below	8	3.2
	Upper Primary	66	26.4
	High School	154	61.6
	Higher Secondary & Above	22	8.8
<b>Religion</b>	Hindu	178	71.2
	Muslim	62	24.8
	Christian/Others	10	4.0

Demographic characteristics of the interstate migrant workers included in the study are shown in Table 2. The majority of respondents belonged to the 26–35 years age group, accounting for 112 respondents (44.8%), followed by those aged 18–25 years (70; 28.0%) and 36–45 years (58; 23.2%), while only 10 respondents (4.0%) were above 45 years of age. This suggests that

most people who move between states are of working age. When it came to gender of the workforce, the male gender dominated, comprising 226 respondents (90.4%) while the female gender accounted for only 24 respondents (9.6%). This is in line with the male dominated nature of interstate labour migration. As far as marital status is concerned, 182 respondents (72.8%) were married, 60 were single (24.0%) and 8 were in other marital categories (3.2%) indicating that the majority of migrant workers migrate with family responsibilities. Educational status showed that 154 (61.6%) respondents had completed high school, upper primary 66 (26.4%) and higher secondary 22 (8.8%) while the lowest 8 respondents (3.2%) had primary education or below. The religious composition was in the following way: 178 (71.2%) respondents were Hindus, 62 (24.8%) were Muslims, and 10 (4.0%) respondents were from Christian and other religious groups. In general, the profile of migrants shows that the bulk of the migrant population consists of young, married, moderately educated male workers looking for work in other states.

**Table 3 - Migration Characteristics of Respondents (N = 250)**

<b>Variable</b>	<b>Category</b>	<b>Frequency</b>	<b>Percentage</b>
<b>State of Origin</b>	West Bengal	101	40.4
	Bihar	30	12.0
	Odisha	29	11.6
	Assam	29	11.6
	Jharkhand	24	9.6
	Uttar Pradesh	17	6.8
	Other States	20	8.0
<b>Migration Type</b>	Seasonal	249	99.6
	Permanent/Casual	1	0.4
<b>Duration of Stay in Karnataka</b>	Less than 2 Years	74	29.6
	2–5 Years	103	41.2
	More than 5 Years	73	29.2
<b>Reason for Migration</b>	Better Employment & Higher Wages	182	72.8
	Employment Availability	52	20.8
	Family/Other Reasons	16	6.4

<b>Source of Employment</b>	Friends/Relatives	209	83.6
	Self Search	32	12.8
	Agent/Contractor	9	3.6

The interstate migrant workers' migration characteristics are shown in Table 3. The eastern and the north eastern states are the primary source of migrant labour in Karnataka with the maximum population from West Bengal (101) accounting for 40.4% of the respondents, followed by Bihar (30) at 12.0%, Odisha (29) at 11.6%, Assam (29) at 11.6%, Jharkhand (24) at 9.6%, Uttar Pradesh (17) at 6.8% and other states (20) at 8.0%. The results also show that migration was essentially seasonal, with 249 respondents (99.6%) saying that migration was seasonal and one respondent (0.4%) saying that migration was permanent or casual. As far as duration of stay in Karnataka is concerned, 103 respondents (41.2%) have been in the state for 2-5 years, 74 respondents (29.6%) were in the state for less than two years and 73 respondents (29.2%) had stayed more than 5 years, indicating a fairly stable migrant work force. Better job prospects and greater remuneration were the primary reason for migration, mentioned by 182 migrants (72.8%), followed by job availability (52; 20.8%) and family/other (16; 6.4%). In addition, most of the respondents' jobs were gained by friends and family (209; 83.6%), while 32 respondents (12.8%) found work themselves and just 9 respondents (3.6%) found work by means of agents/contractors. The findings in this case show that economic considerations are the principal motives for interstate migration to Karnataka, which is mostly informal, and that it is also mediated by informal social networks.

### *Employment rights*

**Table 4 - Employment Rights and Working Conditions of Interstate Migrant Workers (N = 250)**

<b>Variable</b>	<b>Category</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Working Hours per Day</b>	8 Hours	185	74.0
	More than 8 Hours	65	26.0
<b>Mode of Wage Payment</b>	Daily	162	64.8
	Weekly	3	1.2
	Monthly	85	34.0
<b>Receiving Overtime Wages</b>	Yes	6	2.4

	No	244	97.6
<b>Leave Facility</b>	Available	1	0.4
	Not Available	249	99.6
<b>Receiving Equal Wages as Local Workers</b>	Yes	34	13.6
	No	216	86.4
<b>Employer Maintains Employment Register</b>	Yes	31	12.4
	No	219	87.6

Table 4 shows the work rights and conditions for interstate migrant workers. While 185 respondents (74.0%) worked eight hours a day, 65 respondents (26.0%) worked more than eight hours a day. As for wage payment, 162 respondents (64.8%) received wages daily while 85 (34.0%) got monthly wages, with only 3 (1.2%) getting paid weekly. It also highlights, however, that statutory labour benefits were generally not enjoyed, with a mere 6 respondents (2.4%) saying they were paid overtime wages, when in fact they were not paid overtime wages despite being asked to work overtime (244 respondents were not paid overtime wages; 97.6%). Likewise, paid leave facilities were also practically nonexistent, with only one respondent (0.4%) indicating that they had leave, while 249 respondents (99.6%) indicated that they did not have leave. Only 13.6% (34 respondents) had wages that were equal to the local wages, with 86.4% (216 respondents) experiencing differences in wages. Furthermore, 219 respondents (87.6%) indicated that their employer did not keep an employment register while 31 respondents (12.4%) indicated that their employer kept an employment register. The results suggest that there is a significant lack of compliance with labour standards on wage equality, overtime, leave and documentation of employment, thus demonstrating the difficulties in the effective implementation of labour protections to interstate migrant workers.

***Occupational safety***

**Table 5 - Occupational Safety and Social Security Status of Interstate Migrant Workers (N = 250)**

<b>Variable</b>	<b>Category</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Workplace Safety Standards</b>	Available	24	9.6
	Not Available	97	38.8
	Not Applicable	129	51.6
<b>First Aid Facility at Workplace</b>	Yes	13	5.2

	No	237	94.8
<b>Accident Medical Allowance</b>	Available	0	0.0
	Not Available	250	100.0
<b>Social Insurance Coverage</b>	Covered	40	16.0
	Not Covered	210	84.0
<b>Public Distribution System Benefits</b>	Beneficiary	0	0.0
	Not Beneficiary	250	100.0
<b>Employer-Provided Accommodation</b>	Yes	126	50.4
	Self-arranged	124	49.6

The occupational safety and social security situation of interstate migrant workers is analyzed in Table 5. Only 24 of the respondents (9.6%) reported that there were workplace safety standards in place, but 97 respondents (38.8%) said there were none and 129 respondents (51.6%) said that they were not applicable to their work. Only 13 respondents (5.2%) indicated that first-aid kits are available in their workplaces while 237 respondents (94.8%) indicated that first-aid was not available. All respondents (250; 100.0%) had not received any compensation for occupational injuries, indicating the lack of any mechanism for providing medical compensation for occupational injuries. In a similar way, 40 respondents (16.0%) had social insurance coverage, but the majority of the respondents 210 (84.0%) did not have social insurance coverage. The study also revealed that none of the respondents (100.0%) received any benefit from the Public Distribution System, indicating low utilization of social welfare benefits. As far as housing was concerned, 126 respondents (50.4%) received accommodation from their employer, and 124 respondents (49.6%) took care of their own housing. In general, the results show that there are many shortcomings in the implementation of occupational safety, social security coverage, and the lack of realization of statutory welfare provisions aimed at protecting interstate migrant workers.

***Access to Legal protection***

**Table 6 - Access to Legal Protection and Institutional Support (N = 250)**

<b>Variable</b>	<b>Category</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Awareness of Labour Helpline</b>	Aware	0	0.0
	Not Aware	250	100.0
<b>Awareness of Government Welfare Schemes</b>	Familiar	28	11.2

	Not Familiar	222	88.8
<b>Participation in Government Labour Welfare Programmes</b>	Yes	0	0.0
	No	250	100.0
<b>Trade Union Membership</b>	Member	0	0.0
	Non-member	250	100.0
<b>Membership in Worker Organisations</b>	Yes	7	2.8
	No	243	97.2
<b>Knowledge of Complaint and Grievance Mechanisms</b>	Aware	0	0.0
	Not Aware	250	100.0

Table 6 shows access levels of interstate migrant workers to legal protection and institutional support. The results indicate a shocking low level of knowledge about the law and engagement with institutions among the respondents. An equal proportion (250; 100.0%) of respondents indicated their lack of knowledge of labour helpline services and likewise, an equal proportion (250; 100.0%) indicated lack of participation in government labour welfare programmes. Similarly, all the respondents (100.0%) said that they were not affiliated with any trade union and did not have any knowledge about the mechanism to redress a complaint or a grievance. Only 28 respondents (11.2%) knew about any government welfare scheme, and 222 respondents (88.8%) did not know about any government welfare scheme. Likewise, only 7 (2.8%) respondents reported membership in a worker organisation while 243 (97.2%) respondents did not report any membership in a worker organisation. These are the findings that show that interstate migrant workers continue to be largely outside institutional support systems and institutionalized mechanisms of legal protection. They do not know about welfare schemes, grievance redressal processes or labour organisations, which hinders their ability to assert statutory rights and avail of the protections envisioned within India's Labour Codes.

### *Testing of Hypothesis*

**Table 7 – Results from testing of Hypothesis**

<b>Hypothesis</b>	<b>Statistical Test</b>	$\chi^2$	<b>df</b>	<b>p-value</b>	<b>Decision</b>
H1: Employment Sector $\times$ Workplace	Pearson Chi-	13.42	4	0.009	Supported

Safety	square					
H2: Education × Welfare Scheme Awareness	Pearson Chi-square	36.81	3	<0.001	Supported	
H3: Language Barrier × Welfare Programme Awareness	Pearson Chi-square	28.54	2	<0.001	Supported	
H4: Government Contact × Welfare Scheme Awareness	Pearson Chi-square	4.92	1	0.027	Supported	

### Hypothesis 1

The employment sector has a significant correlation with workplace safety practice compliance of interstate migrant workers in Karnataka.

A Pearson's chi-square test of independence was used to determine whether there were differences between employment sectors in compliance with workplace safety regulations. The statistically significant relationship between employment sector and the availability of workplace safety measures was found:  $\chi^2 = 13.42$ ,  $p = 0.009$ ,  $df = 4$ . So, the null hypothesis was rejected and the alternative hypothesis was accepted.

Cross-tabulation shows that there are significant differences between occupations in occupational safety. The workers in the manufacturing units and organised commercial establishments felt comparatively better access to workplace safety measures as compared to workers engaged in construction activity and agriculture activity. The construction industry had the highest number of workers and one of the lowest proportions of those complying with safety requirements, despite the high risk of working in the construction sector. Likewise protective equipment and safety facilities were reported as being very little available to workers in agriculture.

The above results indicate that the enforcement of the occupational safety obligations provided for in the Occupational Safety, Health and Working Conditions Code, 2020, is inconsistent between employment sectors. There are some differences in the level of compliance with statutory requirements between the relatively formal sectors and informal and labour-intensive sectors, with the latter showing significant deficiencies in workplace safety. The findings thus suggest that sector-specific enforcement measures are required to improve compliance with occupational safety laws and standards, and provide equal protection of the rights and interests of interstate migrant workers, regardless of their sector of work.

## Hypothesis 2

Awareness about labour welfare schemes is significantly related to educational level among interstate migrant workers.

Pearson's chi-square analysis was used to explore the association between education level and awareness of labour welfare schemes. The results showed that there was a highly significant relationship between the two variables ( $\chi^2 = 36.81$  with 3 degrees of freedom and  $p < 0.001$ ). Thus, the null hypothesis was rejected.

The analysis shows that awareness of labour welfare schemes is higher with respect to education. There is a significant difference between migrant workers with higher secondary education level and above, and workers with primary or upper-primary education, in terms of their awareness of labour welfare programmes available. In contrast, those with lower educational qualifications showed very little knowledge about welfare services that are required by law.

The results suggest that education is also important in promoting migrant workers' access to information about their rights in the workplace and welfare services offered by the government. Failing the educational opportunities means that workers do not have access to information on their statutory rights and how to register, or what are in place to help protect them. As a result, the underutilisation of welfare schemes is related to lower level of education even if it is legally available.

The findings also underscore the importance of multilingual awareness campaigns, easy-to-understand information on labour rights and targeted outreach programmes to migrant groups with low literacy rates. Enhancement in legal literacy would help in better enforcement of the labour welfare laws and more utilisation of statutory benefits.

## Hypothesis 3

H3: There is strong association between interstate migrant workers' awareness of government welfare programmes and language barriers.

The Pearson's chi-square test was used to assess the significance of difference in workers' awareness about the welfare programmes of the government due to language barriers. The test showed that there was a statistically significant relationship between the variables ( $\chi^2 = 28.54$ ,  $df = 2$ ,  $p < 0.001$ ), so that the alternative hypothesis was accepted.

The results show that those workers with significant language barriers showed significantly less awareness of government welfare programmes than those with fewer communication barriers. Employees who were able to communicate effectively in local or commonly-used

languages were more likely to have information about welfare programs and public services available.

Language is thus identified as an important structural constraint to access to legal rights and social protection. Interstate migrant workers typically come from areas that have a diverse linguistic population and as a result have limited communication with employers, labour officials, health care providers and government agencies. Consequently, many employees are not aware of welfare schemes that have been set up with their protection in mind.

The results highlight the necessity of multilingual communication strategies, the translation of legal information and language assistance services for enhancing labour rights access. Labour legislation should therefore include language-inclusive language in the implementation of the legislation to make sure that the statutory protection is available to migrant workers regardless of their language.

#### Hypothesis 4

The relationship between contact with government agencies and awareness of labour welfare schemes is significant in case of interstate migrant workers.

The association between the awareness and government agencies contact with labour welfare schemes was analysed by Pearson's chi-square test. The results showed that there was a statistically significant relationship between the variables ( $\chi^2 = 4.92, p = 0.027, df = 1$ ). Hence, the alternative hypothesis was accepted.

The empirical results indicate that workers with any contact with governmental bodies, such as labour, health, local authority, or police departments had significantly more knowledge about labour welfare schemes than workers without such institutional contact. The amount of interactions with public institutions seems to promote information about the statutory rights, welfare programmes and public services.

However, the level of awareness among respondents was still relatively low, showing that institutional outreach is still inadequate, even though it is observed that there is some correlation. A significant number of migrant workers were not involved or had limited involvement with government agencies, limiting their access to official information and welfare services.

The results indicate that active involvement of the labour departments, district administration and local authorities has the potential to significantly increase both awareness and utilization of welfare programs. Awareness camps, mobile legal aid clinics, registration campaigns and workplace inspections can help to improve institutional access and facilitate more efficient

implementation of labour protection in India's Labour Codes.

## Discussion

The results of the current research clearly indicate that Indian Labour Codes have an all-encompassing legislation to safeguard the rights of interstate migrant workers, but there are still loopholes in their implementation. The demographic profile shows that interstate migration is mostly by young, economically active men and that migration is mostly about job prospects and income. This result corroborates the findings of Jayaram and Varma (2020) who noted that the push towards interstate migration in India is mainly economic in nature and that it is limited to the informal sector of the labour market.

The empirical findings also show significant shortcomings in the observance of statutory labour rights. The majority of people indicated that they would not receive overtime pay, paid leave, equal pay with local workers, or keep a formal record of their work. These findings indicate that, despite the labour standards that were envisaged in the Code on Wages, 2019 and the Occupational Safety, Health and Working Conditions Code, 2020, labour standards continue to be poorly enforced, in particular, in the informal sector. The issue of legal protection of migrant workers was also noted by Rai and Maheshwari (2023), where they noted that the laws are not being effectively enforced, and there is little compliance by employers. Similarly, Munjal and Bamba (2024) contended that, although the labour law reforms have made the law simpler, there are still challenges in implementing them.

The research also reveals some significant gaps in the field of occupational safety and social security. Access to safety measures at work, social insurance, accident medical allowances and public distribution benefits were not reported by any of the respondents. The results justify the argumentation made by Dhal (2020) who reported on the highly precarious working situation of migrant construction workers and by Sofi et al. (2016) who demonstrated that the labour market regulations have failed to sufficiently protect the vulnerabilities of informal workers. The limited coverage of social security benefits further indicates that the objectives of the Code on Social Security, 2020 have yet to be fully realised.

The study also revealed the lack of awareness of migrants regarding the laws and institutions that are available for their protection. The overwhelming majority of the respondents did not know about the labour welfare schemes, grievance redressal mechanisms and labour helplines,

and virtually there was no participation of trade unions. The Chi Square analysis also showed that workers' education level, language barriers and contact with government agencies played significant roles in their knowledge of labour welfare schemes and labour protection in the work place. The results are in line with the findings of Mahalakshmi and Balamurugan (2023), who highlighted the necessity for enhanced governance frameworks and institutional engagement to promote the availability and accessibility of labour rights.

Overall, the results suggest that the greatest problem is the lack of effective implementation of law, rather than no law at all. The enactment of the Labour Codes has brought a modernisation of the Indian labour law regime and strengthened the protection afforded to interstate migrant workers, but their efficacy requires greater enforcement, better worker registration, greater legal awareness, better coordination between governments and greater accountability of employers. To ensure that interstate migrant workers can avail of the rights ensured under the present regime of labour laws in India, therefore, it is imperative that the gap between the intent of the legislations and the actual workplace is bridged.

### **Conclusion**

Interstate migrant workers are an important part of India's economy, playing a key role in the nation's economic growth. The four Labour Codes are a significant piece of legislation that brought about a radical overhaul of the country's labour legislation and improves the protection of the working people thanks to better provisions on wages, occupational safety and social and welfare rights. Based on the doctrinal analysis, the overall picture of the constitutional framework, the Labour Codes, judicial interpretations and international standards of labour shows a complete legal framework to protect the rights of interstate migrant workers.

But the empirical results show that there is a significant difference between the intent of the law and its implementation. The study revealed that most of the migrant workers are still facing the scarcity of overtime wages, paid leaves, work safety, social security and legal awareness. In addition, the low contact with government institutions and low workers' involvement in labour organisations makes it difficult for workers to access statutory welfare and claim mechanisms for grievance redressal. The results suggest that the main problem is not the lack of legal provisions but their inadequate implementation and availability.

The study thus concludes that meaningful protection for interstate migrant workers cannot be

realized through a legislative emphasis and a more implementation-oriented approach is required. The implementation of labour standards, better institutional coordination and increased knowledge amongst migrant workers will be crucial to achieving the goals of the Labour Codes. Improving compliance mechanisms will not only help to ensure the respect for workers' rights but it will also make the labour market more equitable, inclusive and sustainable.

### **Policy Suggestions**

The following are the measures recommended based on this study:

- Improve enforcement by enhancing the number of labour inspections, enforce employer compliance with statutory obligations and put effective penalties in place for failure to comply with the Labour Codes.
- Further expansion of the worker registration and portability of benefits by linking the e-Shram database to the labour departments of different states so that the seamless access to social security and welfare schemes in different states becomes possible.
- Increase legal awareness through multi-lingual awareness programmes, legal literacy programmes in work places and on-line information activities to promote awareness of migrant workers of their rights as enshrined in the law and the welfare programmes available to them.
- Ensure universal access to workplace safety facilities, accident insurance, health benefits and welfare facilities provided by the employer, especially for high-risk industries like construction and manufacturing, to enhance occupational safety and social security provision.
- Increase institutional facilitation and complaint redressal, setting up dedicated migrant worker facilitation centres, labour helplines and ease up on complaint filing mechanism, which can effectively and timely resolve labour disputes.
- Encourage inter-state cooperation in the form of formal cooperation between source and destination states in maintaining databases of migrants, tracking welfare delivery and ensuring portability of rights and social security benefits.

The adoption of these recommendations would make India's Labour Codes much more effective and help in the development of a framework for labour governance in India that would not only give recognition to the rights of interstate migrant labourers but also ensure meaningful protection of these rights.

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