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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **"CHALLENGES AND PROTECTIONS FOR MIGRANT WORKERS: THE HUMAN COST OF MIGRATION- A FOCUS ON ODISHA"**

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## **ABSTRACT:**

Labour migration is a global phenomenon with profound implications on urbanization, economic development, and social structures. In India, migration is driven by various factors, including economic disparities, environmental conditions, and socio-political dynamics. This article examines the legal framework governing labour migration, with a particular focus on the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. The article also explores the challenges faced by migrant workers, who often find themselves in precarious situations, deprived of their legal rights and subject to exploitation. Through an analysis of relevant case laws, socio-economic factors, and government initiatives.

Labour migration is a multifaceted issue in Odisha, a state marked by pronounced economic disparities, underdeveloped industrial infrastructure, and a predominant reliance on agriculture. Migration, as a global phenomenon, influences urbanization and alters the demographic structure of populations, creating both opportunities and challenges. In Odisha, a significant proportion of the workforce is engaged in informal sectors, including agriculture, construction, brick kilns, and home-based activities like weaving and beedi making. The lure of better opportunities in other states often leads these workers into vulnerable situations, facing exploitation, substandard living conditions, and limited access to social protections.

At the international level, frameworks such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (1990) and various International Labour Organization (ILO) instruments provide guidelines for safeguarding the rights of migrant workers. In India, the primary legislation addressing the challenges of migrant

workers, including those from Odisha, is the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. Despite these legal frameworks, the efficacy of these laws is frequently compromised by inadequate enforcement, limited worker awareness, and the pervasive informality of employment.

**KEYWORDS:**

**Labor Migration Odisha, Migrant Worker Rights, Legal Framework Migration India, Socio-Economic Impact Migration, Government Initiatives Rural Employment**

**INTRODUCTION:**

Labour migration is a critical issue that influences global economic and social dynamics. The movement of people across regions, driven by the quest for better economic opportunities, has significant implications for both the source and destination areas. In India, labour migration is largely rural-to-urban, with millions of workers leaving their homes in search of employment in urban and industrial centres. This phenomenon has been accelerating with rapid urbanization and industrialization, leading to significant shifts in population distribution and the development of informal sectors of employment.

Labour migration is an integral part of Odisha's socio-economic fabric, reflecting broader trends observed across India and globally. The movement of people from rural to urban areas or to other states in search of better employment opportunities has significant implications for the state's economy and society. Odisha, with its high poverty rates, limited industrialization, and reliance on agriculture, sees a substantial portion of its population migrating to other regions. These migrant workers, often employed in low-paying and hazardous jobs in the informal sector, are vulnerable to exploitation and abuse. Despite the existence of legal frameworks designed to protect them, such as the Inter-State Migrant Workmen Act of 1979, these workers frequently fall outside the ambit of these protections due to the informal nature of their employment and their lack of awareness of their rights. This article seeks to explore the complexities of labour migration in Odisha, providing a comprehensive overview of the legal provisions, the socio-economic factors driving migration, the impact on migrant workers and their families, and the effectiveness of government initiatives aimed at addressing these issues



## **CAUSES OF MIGRATION IN ODISHA:**

### **1. Economic Push Factors**

Economic hardship is the primary driver of labour migration from Odisha. The state's agrarian economy, plagued by low productivity and frequent natural disasters, fails to provide sufficient income for rural households. The lack of industrial development and formal employment opportunities exacerbates this situation, forcing workers to seek better-paying jobs in other states.

### **2. Environmental Degradation**

Odisha is highly susceptible to environmental degradation, including soil erosion, deforestation, and water scarcity. These environmental challenges undermine agricultural productivity and contribute to the economic difficulties faced by rural communities. As a result, many households are compelled to migrate in search of more sustainable livelihoods.

### **3. Social Inequality**

Caste-based discrimination and social exclusion are significant factors driving migration in Odisha. Marginalized communities, particularly those from lower castes, often face limited access to land, education, and employment opportunities. Migration offers a means of escaping these social constraints and seeking better opportunities elsewhere.

### **4. Natural Disasters**

Frequent natural disasters, such as cyclones, floods, and droughts, devastate livelihoods in Odisha, particularly in rural areas. The destruction of crops, homes, and infrastructure forces people to migrate in search of work and security. Migration becomes a survival strategy for many households, particularly during times of crisis.

## **TYPES OF MIGRATION: Concepts and Definitions**

### **1. Internal Migration**

Internal migration refers to the movement of people within a country, typically from rural to urban areas or between states. In Odisha, internal migration is primarily driven by economic factors, with workers moving to other states in search of employment opportunities. Internal

migration can be temporary or permanent, depending on the availability of work and the circumstances of the migrant.

## **2. Seasonal Migration**

Seasonal migration involves the temporary movement of workers during specific times of the year, usually in response to agricultural cycles or climatic conditions. In Odisha, seasonal migration is common among agricultural workers who move to other states during the off-season to find work in industries such as construction or brick kilns.

## **3. Circular Migration**

Circular migration refers to the repeated movement of workers between their place of origin and their place of employment. This type of migration is common among workers in Odisha who move to other states for temporary work and return home during certain periods, such as festivals or agricultural seasons. Circular migration allows workers to maintain ties with their home communities while earning a livelihood elsewhere.

## **4. International Migration**

International migration involves the movement of people across national borders. Although less common in Odisha, some workers migrate to other countries, particularly in the Middle East and Southeast Asia, in search of better employment opportunities. International migration poses additional challenges, including the need for legal documentation, language barriers, and exposure to different cultural environments.

### **MIGRATION PATTERNS IN ODISHA: An Analysis**

Migration patterns in Odisha are shaped by various factors, including economic necessity, environmental challenges, and social pressures. The majority of migrants are from rural areas, where limited employment opportunities and frequent natural disasters drive workers to seek jobs elsewhere. The destination states for these migrants include Andhra Pradesh, Tamil Nadu, Gujarat, Maharashtra, and Kerala, where they find work in construction, agriculture, and other informal sectors.

The patterns of migration are also influenced by seasonal factors, with many workers migrating during the agricultural off-season or in response to climatic conditions. Circular migration is common, with workers returning to their home villages during certain periods before migrating again. This pattern of movement creates a cycle of dependency on migration, as workers rely on external employment opportunities to support their families.

As of 2023, the status of migration in Odisha reflects both the challenges and opportunities faced by migrant workers. While migration provides an essential source of income for many families, it also exposes workers to significant risks, including exploitation, poor working conditions, and social exclusion. The ongoing economic and environmental challenges in Odisha suggest that migration will continue to be a significant feature of the state's socio-economic landscape.

### **THE ROLE OF CONTRACTORS (SARDAR) IN LABOUR MIGRATION:**

Contractors, also known as "sardars" or "Dalals" plays a central role in the migration process in Odisha. These intermediaries act as a bridge between migrant workers and employers, facilitating the recruitment and placement of workers in other states. However, their role is often controversial, as many contractors exploit migrant workers by charging excessive fees, providing false information about working conditions, and withholding wages.

The reliance on contractors is a result of the informal nature of labour markets and the lack of formal recruitment channels for migrant workers. Contractors typically operate in rural areas, where they recruit workers through personal networks and offer advances to secure their commitment. While some contractors fulfil their obligations and ensure that workers are treated fairly, others engage in exploitative practices that undermine the rights and well-being of migrant workers.

The lack of regulation and oversight of contractors is a significant issue, as it allows for the continuation of exploitative practices. To address this problem, there is a need for stricter regulation of labour contractors, including mandatory registration, monitoring, and penalties for non-compliance. Additionally, efforts should be made to raise awareness among workers about their rights and the risks associated with relying on unregulated contractors.

## **CHALLENGES FACED BY MIGRANT WORKERS:**

### **1. Economic Exploitation**

Migrant workers from Odisha are often economically exploited, with wages far below the legal minimum and frequent wage theft by employers. Many workers are lured by promises of better pay, only to find themselves trapped in exploitative conditions, with wages withheld or reduced through illegal deductions. The lack of formal employment contracts makes it difficult for these workers to claim their rights, leaving them vulnerable to further exploitation.

- **Low Wages:** Migrant workers are often paid significantly lower than the minimum wage. They lack bargaining power and are forced to accept whatever is offered.
- **Overwork:** Many migrant workers are required to work long hours without proper compensation. The lack of formal contracts makes it difficult for them to contest this exploitation.
- **Non-Payment of Wages:** Some workers do not receive their wages on time, or at all, and have no legal recourse due to the informal nature of their employment.

### **2. Social Discrimination**

In destination states, migrant workers from Odisha often face social discrimination based on their language, caste, and ethnicity. This discrimination manifests in various forms, including segregation in housing, exclusion from local services, and unequal treatment by employers and authorities. The isolation experienced by migrant workers in these environments exacerbates their vulnerability and limits their ability to seek assistance.

- **Discrimination:** Migrant workers frequently face social discrimination in their host communities. They are often marginalized, with limited access to local resources and services.
- **Poor Living Conditions:** Many migrant workers live in overcrowded, unsanitary conditions without access to clean water, sanitation, or adequate shelter.

### **3. Lack of Legal Awareness**

Many migrant workers are unaware of their legal rights and the protections available to them under national and international laws. This lack of awareness is compounded by low literacy levels and language barriers, which prevent workers from accessing information and legal

support. Consequently, migrant workers are often unable to defend themselves against exploitation and abuse, perpetuating a cycle of vulnerability.

- **Lack of Awareness:** Migrant workers are often unaware of their legal rights, making them vulnerable to exploitation and abuse.
- **Complex Registration Processes:** The process of contractor registration under laws such as the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, is cumbersome, leading to many workers remaining unregistered and unprotected.
- **Weak Enforcement of Labor Laws:** Even when laws are in place, enforcement is often lax, allowing employers to flout regulations without fear of repercussions.

#### 4. Health and Safety Concerns

Migrant workers frequently work in hazardous conditions, with inadequate safety measures and limited access to healthcare. In industries such as construction, brick kilns, and agriculture, accidents and occupational diseases are common, yet many workers lack the necessary safety equipment and medical facilities. The precarious nature of their employment also means that workers often avoid reporting injuries or illnesses for fear of losing their jobs.

- **Lack of Safety Equipment:** Workers often labour in hazardous environments without adequate safety gear, leading to a high incidence of workplace injuries and fatalities.
- **Health Hazards:** Poor working conditions expose migrant workers to health risks, including respiratory issues and long-term physical ailments. Many do not have access to medical facilities or compensation for injuries.
- **Worker Deaths:** There have been cases of worker deaths due to unsafe conditions, accidents, or even torture by employers. These incidents often go unreported or are inadequately addressed.

#### 5. Human Trafficking

- **Illegal Recruitment Practices:** Migrant workers, particularly from tribal areas, are often trafficked to other states through illegal recruitment practices. They are lured with false promises of high wages and better living conditions.

- **Debt Bondage:** Some workers fall into debt bondage, where they are forced to work for little or no pay to repay inflated debts incurred during recruitment.

## 6. Limited Access to Social Security Benefits

- **Lack of Documentation:** Migrant workers often lack the necessary documentation to access social security benefits, such as the Employees' State Insurance Act, 1948, and the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.
- **Maternity Benefits:** Female migrant workers often do not receive maternity benefits as stipulated under the Maternity Benefit Act, 1961, due to lack of awareness and enforcement.

## 7. Inadequate Rehabilitation and Reintegration Programs

- **Lack of Support for Returning Migrants:** Workers returning to Odisha often face difficulties reintegrating into their communities due to the absence of adequate rehabilitation programs.
- **Limited Opportunities:** The lack of job opportunities and skill development programs in their home state forces many migrants to return to exploitative conditions elsewhere.

## 8. Legal and Policy Gaps/ Inadequate Legal Protections

- **Inadequate Coverage of Existing Laws:** Laws like the Inter-State Migrant Workmen Act do not fully cover all aspects of the challenges faced by migrant workers, such as social security, housing, and healthcare.
- **Lack of Implementation:** Even where legal provisions exist, the lack of effective implementation means that migrant workers continue to face hardships.

## IMPACT OF THE COVID-19 PANDEMIC ON MIGRANT WORKERS:

### Massive Job Losses

- **Sudden Unemployment:** The lockdowns and economic slowdown led to widespread job losses among migrant workers, leaving them without any source of income. Many workers were employed in sectors like construction, manufacturing, and services, which were severely affected by the pandemic.

- **No Compensation:** Despite losing their jobs, many workers did not receive any compensation or severance pay. The informal nature of their employment meant they had no legal recourse to claim their dues.

### **Stranded in Host States**

- **Travel Restrictions:** The sudden imposition of lockdowns left thousands of migrant workers stranded in their host states, with no means of returning home. Public transportation was suspended, and workers were left to fend for themselves in unfamiliar places.
- **Lack of Shelter and Food:** With no income and no way to return home, many workers were left homeless and without access to basic necessities. Relief camps were set up by some states, but these were often overcrowded and lacked adequate food, water, and sanitation.

### **Health Risks and Lack of Medical Care**

- **Exposure to COVID-19:** Migrant workers, often living in cramped and unsanitary conditions, were at high risk of contracting COVID-19. The lack of access to healthcare facilities compounded this risk.
- **Mental Health Issues:** The stress of job loss, uncertainty about the future, and the fear of contracting the virus took a toll on the mental health of many workers. However, there was little to no access to mental health support services.

### **Long and Dangerous Journeys Home**

- **Walking Hundreds of Kilometers:** With transportation services shut down, many migrant workers were forced to walk hundreds of kilometers to return to their home states. These journeys were arduous and dangerous, with some workers succumbing to exhaustion, hunger, or accidents on the way.
- **Police Brutality and Harassment:** In some instances, migrant workers faced harassment and brutality from law enforcement while trying to return home, as they were seen as violating lockdown orders.

### **Stigma and Discrimination**

- **Fear of Being Carriers:** Migrant workers returning to their home states were often stigmatized as potential carriers of the virus. This led to social ostracization and discrimination in their own communities.
- **Quarantine Challenges:** Many returning workers were forced into poorly managed quarantine facilities, where they faced overcrowding, lack of proper sanitation, and inadequate food. Some were even turned away by their communities, fearing the spread of COVID-19.

### **Inadequate Government Support**

- **Delayed and Insufficient Relief:** Although the government announced various relief packages, many migrant workers were unable to access these benefits due to a lack of proper documentation or awareness. The assistance provided was often delayed and insufficient to meet their basic needs.
- **Lack of Coordination:** The coordination between different states and the central government was often poor, leading to confusion and delays in the provision of aid and transport arrangements for stranded workers.

### **Economic and Social Impact on Families**

- **Loss of Remittances:** The sudden loss of income from migrant workers had a devastating impact on their families back in Odisha, who depended on remittances for their livelihoods. The economic strain was particularly severe in rural areas, where alternative employment opportunities were scarce.
- **Increased Debt Burden:** To cope with the financial crisis, many families had to take on high-interest loans, leading to a cycle of debt that could persist long after the pandemic.

### **Challenges in Reemployment**

- **Skill Mismatch:** On returning to Odisha, many workers found it difficult to secure employment that matched their skills. The lack of local job opportunities forced some workers to consider migrating again, despite the risks.



- **Inadequate Rehabilitation Programs:** The state's rehabilitation and reemployment programs were often inadequate, failing to provide meaningful support or skill development opportunities to returning migrants.

### **Legal and Administrative Hurdles**

- **Complicated Registration Processes:** Many migrant workers struggled to register for government relief or benefits due to complicated and bureaucratic processes. The lack of coordination between states also made it difficult for workers to claim benefits in their home state after returning.
- **Inadequate Implementation of Existing Laws:** The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, was not effectively enforced during the pandemic, leaving many workers without legal protections.

### **Psychosocial Impact**

- **Insecurity and Anxiety:** The uncertainty of the situation, coupled with the loss of income and the fear of the virus, led to widespread anxiety and insecurity among migrant workers.
- **Family Separation:** The pandemic also forced many families to live apart for extended periods, exacerbating emotional stress and social isolation

## **EFFECT OF MIGRATION ON FAMILIES OF MIGRANT WORKERS:**

### **1. Economic Dependency**

Families of migrant workers often become economically dependent on remittances sent by their relatives. While these remittances can improve living standards and provide financial stability, they also create a dependency that can be problematic. The loss of remittances due to job loss or other factors can plunge these families into economic distress.

### **2. Social Disruption**

The prolonged absence of family members, particularly male breadwinners, leads to social disruption within migrant households. Women are often left to manage households and care for children, which can result in increased stress and social isolation. Children, in particular,

may suffer from a lack of parental guidance and support, leading to developmental and behavioural issues.

### **3. Educational Challenges**

The migration of a family member can have a profound impact on the education of children. In many cases, children are forced to drop out of school to contribute to the household income or take on additional responsibilities at home. This disruption to their education has long-term implications for their future prospects and perpetuates the cycle of poverty.

### **4. Health Impacts**

The health of family members left behind can be adversely affected by the absence of the primary breadwinner. Limited access to healthcare services, coupled with the stress of managing household responsibilities, can lead to long-term health issues. Children are particularly vulnerable, as they may lack access to proper nutrition and healthcare, affecting their physical and mental development.

## **SOCIO-ECONOMIC IMPACTS ON ECONOMY:**

The large-scale migration of labour from Odisha has significant socio-economic impacts, both positive and negative.

### **POSITIVE IMPACTS:**

#### **Remittances**

Remittances sent back by migrant workers play a crucial role in improving the living standards of their families and stimulating local economies in Odisha. These remittances are often used to meet basic needs, pay for education and healthcare, and invest in small businesses, contributing to the overall development of rural areas.

#### **Skill Development**

Migration can also lead to skill development, as workers acquire new skills and knowledge in their destination states. When these workers return to Odisha, they bring back valuable skills and experiences that can be used to contribute to local development and economic growth.

## **NEGATIVE IMPACTS:**

### **Depopulation:**

While remittances provide financial support, the loss of labour from rural areas can have negative economic consequences. The outmigration of workers reduces the labour force available for local industries, leading to labour shortages and potentially hindering economic development. Additionally, the dependency on remittances can create economic vulnerabilities, as households become reliant on external income sources.

### **Social and Cultural Impacts**

Migration has profound social and cultural impacts, leading to changes in family structures, social dynamics, and cultural practices. The absence of family members due to migration can weaken social bonds and create challenges in maintaining cultural traditions. Moreover, the exposure to different cultures and lifestyles in destination states can lead to changes in values and behaviours, particularly among younger migrants.

### **Demographic Changes**

The large-scale migration of young, working-age individuals from rural areas can lead to demographic imbalances, with a growing proportion of the elderly and dependent populations left behind. This demographic shift can strain social services and create challenges for the care and support of older populations.

## **LEGAL PROVISIONS AND HUMAN RIGHTS FRAMEWORKS**

### **1. International Human Rights Instruments**

Labor migration is not only a national issue but also a significant human rights concern that has been addressed at the international level through various treaties and conventions. These instruments set out the rights of all workers, including migrant workers, and oblige states to protect these rights.

#### **International Covenant on Civil and Political Rights (ICCPR):**

The ICCPR, adopted by the United Nations in 1966, guarantees fundamental rights that are crucial for migrant workers, including the right to life, freedom from torture and slavery, and the right to

equality before the law. Although not specifically targeted at migrant workers, the ICCPR's provisions apply universally, ensuring that all individuals, regardless of their nationality or migration status, enjoy basic civil and political rights.

### **International Covenant on Economic, Social, and Cultural Rights (ICESCR):**

The ICESCR, also adopted in 1966, addresses economic, social, and cultural rights, such as the right to work, fair wages, safe working conditions, and social security. For migrant workers, these rights are particularly relevant, as they are often denied fair wages, work in hazardous environments, and lack access to social protections.

### **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW):**

The ICRMW, adopted in 1990, specifically addresses the rights of migrant workers and their families, emphasizing the need for protection against exploitation, abuse, and discrimination. The convention outlines the obligations of both sending and receiving states to protect migrant workers' rights and ensure their access to legal and social protections. However, India's ratification of this convention remains pending, limiting its direct applicability in the Indian context.

## **2. National Legal Frameworks**

India has enacted several laws to protect the rights of migrant workers, with specific provisions for those migrating within the country.

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

This Act provides a comprehensive framework for the protection of inter-state migrant workers in India. It mandates the registration of contractors and establishments employing migrant workers, ensuring that these workers receive wages comparable to local workers, are provided with suitable working conditions, and have access to social security benefits. The Act also requires the provision of journey allowances, displacement allowances, and medical facilities for migrant workers. However, the Act's effectiveness is hampered by the challenges of enforcement, particularly in the informal sector.

### **Objectives of the Act:**

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, is a pivotal legislation aimed at safeguarding the rights of workers who migrate from one state to another within India for employment. The primary objective of the Act is to regulate the employment of inter-state migrant workers and ensure their rights are protected, particularly in terms of wages, working conditions, and social security.

### **Key Provisions:**

- **Registration of Contractors and Establishments:** The Act mandates the registration of contractors who employ inter-state migrant workers, as well as the establishments where these workers are employed. This is intended to ensure that the authorities are aware of the employment conditions and can monitor compliance with the law.
- **Wage Protection:** The Act requires that migrant workers receive wages on par with local workers in similar occupations. This provision is crucial in preventing wage discrimination against migrant workers.
- **Displacement Allowance:** Migrant workers are entitled to a displacement allowance, equivalent to 50% of the monthly wages, which is meant to compensate them for the costs associated with relocating for work.
- **Journey Allowance:** The Act also mandates that employers provide a journey allowance to cover the cost of travel from the worker's home state to the place of employment and back, ensuring that workers are not financially burdened by the cost of migration.
- **Medical Facilities:** Employers are required to provide medical facilities to migrant workers, ensuring their access to healthcare in the event of illness or injury.

### **Challenges in Implementation of the Act:**

In Odisha, the effective implementation of the Inter-State Migrant Workmen Act has been significantly challenged by the unorganized nature of employment in the sectors where migrant workers are most commonly employed. The lack of effective monitoring mechanisms, coupled with limited awareness among workers about their rights under the Act, has further impeded its enforcement. As a result, many migrant workers in Odisha continue to face exploitation, with little

recourse to legal protection.

## **OTHER RELEVANT LEGISLATIONS**

### **Orissa Dadan Labour Control and Regulation Act, 1975 (now repealed):**

This state-specific legislation was enacted to regulate the employment of bonded labourers, known locally as "Dadan" labourers, who were often sent to work in other states under exploitative conditions. The Act aimed to control the recruitment process, ensure fair wages, and provide basic amenities for these workers. Despite its intentions, the Act's impact has been limited due to inadequate enforcement and the persistence of informal recruitment practices.

### **The Workmen's Compensation Act, 1923:**

This Act provides for compensation to workers (or their families) in cases of injury, disability, or death caused by workplace accidents or occupational diseases. For migrant workers, who often work in hazardous environments, this Act is crucial in ensuring that they (or their dependents) receive compensation in the event of an accident. However, many migrant workers are unaware of their rights under this Act, and employers often evade their responsibilities, leaving workers without adequate protection.

### **The Payment of Wages Act, 1936:**

This Act regulates the payment of wages to workers, ensuring that they are paid on time and without unauthorized deductions. For migrant workers, who are often vulnerable to wage theft and delayed payments, this Act provides a legal recourse to claim their due wages. Despite this, the informal nature of employment for many migrant workers means that enforcement of this Act is challenging, and many workers continue to face wage-related exploitation.

### **The Minimum Wages Act, 1948:**

This Act ensures that all workers, including migrant workers, receive a minimum wage for their labour. It is a critical piece of legislation aimed at preventing the exploitation of workers by ensuring they are paid a fair wage for their work. However, the enforcement of this Act remains weak, particularly in the informal sector where many migrant workers are employed.

### **The Employees' State Insurance Act, 1948:**

This Act provides health insurance and medical benefits to workers in certain sectors. For migrant workers, who often work in hazardous conditions, access to health insurance is crucial. However, coverage under this Act is limited, and many migrant workers are excluded from its benefits due to the informal nature of their employment.

### **The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996:**

This Act provides safety, health, and welfare measures for construction workers, a sector that employs a significant number of migrant workers from Odisha. The Act mandates the registration of construction workers and provides for their welfare through schemes for health and safety, education of children, and provision of pensions.

### **Industrial Disputes Act, 1947:**

The Industrial Disputes Act regulates industrial disputes and provides mechanisms for the resolution of conflicts between workers and employers. It is applicable to migrant workers employed in industries and aims to address disputes related to employment conditions, wages, and other labour issues.

### **Employees' Provident Funds and Miscellaneous Provisions Act, 1952:**

This Act establishes a provident fund for workers, ensuring financial security upon retirement. Ensuring that migrant workers benefit from this scheme is crucial for their long-term financial stability.

### **Maternity Benefit Act, 1961:**

This Act provides for maternity benefits, including paid leave and medical benefits, for female workers. Ensuring its applicability to migrant workers is vital for safeguarding the health and rights of female migrants.

## **CASE LAWS:**

### **Case Laws: Judicial Interventions and Their Impact**

#### **1. Bandhua Mukti Morcha vs. Union of India (1984)**

In this landmark case, the Supreme Court of India addressed the issue of bonded labour, a practice that has affected many migrant workers in Odisha. The Court held that bonded labour is a violation of fundamental human rights, emphasizing the state's responsibility to identify and rehabilitate bonded labourers. This judgment was significant in raising awareness about the exploitation of migrant workers and prompted the government to take stronger measures to eradicate bonded labour.

#### **2. M.C. Mehta vs. State of Tamil Nadu (1996)**

This case dealt with the issue of child labour in hazardous industries, a concern particularly relevant to Odisha, where children are often employed in beedi-making and brick kilns. The Supreme Court directed the state to take immediate action to eliminate child labour and ensure that children have access to education. This judgment underscored the importance of protecting vulnerable groups, including child migrants, from exploitation.

#### **3. Neeraj Chaudhary vs. State of Madhya Pradesh (2007)**

In this case, the Supreme Court addressed the issue of exploitation faced by migrant workers in the construction industry. The Court called for stricter enforcement of the Inter-State Migrant Workmen Act and emphasized the need for state governments to ensure that migrant workers are treated fairly and have access to legal protections. The judgment highlighted the systemic failures in protecting migrant workers and called for more robust measures to safeguard their rights.

## **GOVERNMENT INITIATIVES AND POLICY RESPONSES**

The government of Odisha, in collaboration with the central government, has launched several initiatives to address the challenges of labour migration. These initiatives include:

### **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA):**

MGNREGA is one of the most important rural employment schemes in India, providing wage



employment for 100 days of work in a year to rural households. By offering employment opportunities within villages, MGNREGA helps to reduce the need for migration and stabilize rural economies. However, the scheme's impact is often limited by challenges in implementation, including delays in wage payments and insufficient funding.

### **Odisha Livelihoods Mission (OLM):**

OLM aims to enhance the livelihoods of the rural poor by improving access to financial services, promoting skill development, and facilitating market linkages. By strengthening the economic base of rural communities, OLM seeks to reduce the need for migration and improve the quality of life for rural households. The Odisha Livelihoods Mission (OLM) aims to enhance the livelihoods of the rural poor by improving access to financial services, creating sustainable employment opportunities, and promoting entrepreneurship. OLM is an important initiative for addressing the root causes of labour migration by providing alternative livelihoods within rural areas.

### **SOCIAL SECURITY SCHEMES:**

Various social security schemes, such as the Atal Pension Yojana (APY) and the Pradhan Mantri Shram Yogi Maan-Dhan (PMSYMD), aim to extend social security benefits to unorganized sector workers, including migrants. These schemes provide pension benefits and financial security to workers, helping to reduce their vulnerability to economic shocks.

#### **Atal Pension Yojana (APY):**

Atal Pension Yojana (APY) is an old age income security scheme for a savings account holder in the age group of 18 to 40 years who is not an income tax-payee. The scheme helps in addressing the longevity risks among the workers in the unorganized sector and encourages the workers to voluntarily save for their retirement. The scheme is mainly targeted at the poor, the under-privileged and workers in the unorganized sector.

#### **Pradhan Mantri Kaushal Vikas Yojana (PMKVY):**

This skill development initiative provides training to young people in various trades, enabling them to find employment in local industries or start their own businesses. By equipping workers

with the skills needed for local employment, PMKVY aims to reduce the pressure on migration and create sustainable livelihoods within Odisha.

### **Migrant Resource Centres (MRCs):**

MRCs have been established in key districts of Odisha to provide information and support services to migrant workers. These centres offer legal assistance, facilitate access to social security schemes, and provide information on safe migration practices. MRCs play a crucial role in ensuring that migrant workers are informed and protected throughout the migration process.

### **Rural Infrastructure Development Fund (RIDF):**

RIDF aims to improve rural infrastructure, including roads, irrigation, and housing, to enhance the livelihoods of rural communities. By investing in infrastructure, the government seeks to create a more conducive environment for local development and reduce the need for migration.

## **ALTERNATIVES AND SUGGESTIONS TO ADDRESS MIGRATION**

### **1. Strengthening Rural Economies**

To reduce the need for migration, it is essential to strengthen the rural economy in Odisha by promoting small-scale industries, improving agricultural productivity, and enhancing access to markets. By creating more employment opportunities within rural areas, workers can be encouraged to remain in their home communities and contribute to local development. This approach requires investment in rural infrastructure, education, and skill development to create a sustainable and diversified rural economy.

### **2. Expanding Rural Employment Schemes**

Programs like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) play a crucial role in providing employment opportunities within rural areas. By expanding the scope and coverage of such schemes, more workers can be employed locally, reducing the need for migration. Ensuring timely wage payments, improving the quality of work, and increasing the number of guaranteed workdays are essential for the success of these schemes.

### **3. Improving Legal Protections**

Strengthening the enforcement of existing labour laws and ensuring that migrant workers are aware of their rights is crucial for protecting them from exploitation. Regular inspections of workplaces, stricter penalties for non-compliance, and the establishment of grievance redressal mechanisms are necessary steps to improve the legal protection of migrant workers. Additionally, efforts should be made to ensure that labour laws are inclusive of all workers, regardless of their migration status.

### **4. Enhancing Social Security Coverage**

Migrant workers often lack access to social security benefits, leaving them vulnerable to economic shocks and health crises. Expanding the coverage of social security schemes, such as pensions, health insurance, and unemployment benefits, to include migrant workers is essential for reducing their vulnerability. This can be achieved by making social security schemes portable, allowing workers to access benefits regardless of their location.

### **5. Raising Awareness and Education**

Raising awareness among migrant workers about their rights and the risks associated with migration is essential for empowering them to make informed decisions. Educational campaigns should be conducted in rural areas, particularly targeting communities that are prone to migration. These campaigns should provide information on legal rights, safe migration practices, and the availability of support services.

### **6. Addressing Illegal Human Trafficking**

To combat illegal human trafficking, which often intersects with labour migration issues, the following measures are suggested:

- **Strengthening Legal Frameworks:** Enhance existing laws and introduce new legislation to target human trafficking more effectively.
- **Improving Enforcement:** Increase the capacity and training of law enforcement agencies to identify and combat trafficking networks.
- **Public Awareness Campaigns:** Conduct widespread campaigns to educate the public about the dangers of trafficking and the signs of exploitation.

- **Support Services:** Provide support and rehabilitation services for victims of trafficking, including legal aid, medical care, and psychological support.

## 7. Registration Procedure for Contractors

To address the issues surrounding labour contractors, it is crucial to implement robust registration and regulatory procedures. This includes:

- **Mandatory Registration:** All labour contractors must be registered with relevant authorities. This registration should be periodically reviewed and renewed.
- **Transparency and Accountability:** Contractors should be required to provide detailed information about their recruitment practices and employment conditions.
- **Regulatory Oversight:** Authorities should conduct regular inspections and audits of contractors to ensure compliance with labour laws.
- **Penalties for Non-Compliance:** Stringent penalties should be imposed on contractors who violate regulations or engage in exploitative practices.

## CONCLUSION

Labor migration in Odisha is a complex and multifaceted issue that requires a comprehensive and integrated approach to address. While migration provides essential economic opportunities for many households, it also exposes workers to significant risks and challenges. The existing legal frameworks, while comprehensive on paper, are often inadequately enforced, leaving migrant workers vulnerable to exploitation and abuse.

To address the challenges of labour migration, it is essential to strengthen rural economies, improve legal protections, and enhance social security coverage for migrant workers. Additionally, raising awareness among workers about their rights and the risks associated with migration is crucial for empowering them to make informed decisions. Government initiatives, such as skill development programs and infrastructure investments, play a vital role in reducing the pressure on migration and creating sustainable livelihoods within Odisha.

Ultimately, a more holistic and inclusive approach is needed to address the root causes of migration and ensure that the rights and well-being of migrant workers are protected. By

addressing the socio-economic, legal, and cultural dimensions of migration, it is possible to create a more just and equitable society where all workers, regardless of their migration status, can enjoy their rights and contribute to the development of their communities.

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