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Securing a Universal Social Security Mechanism For Migrant Workers in India: A Pathway to a Sustainable Future For Work

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The imperative of social protection measures for migrating workers in human rights discourse is vital to achieving a sustainable future. These workers, often subject to low wages and unstable employment across national and international borders, face numerous difficulties due to the inadequate or non-portability of social security programs. These workers contribute majorly to the economy, yet have limited or denied basic amenities, including healthcare, unemployment benefits, and pensions. This exclusion undermines their well-being as a whole and perpetuates poverty and exploitation. Therefore, addressing these inequalities is not just an issue of fairness but a necessity to support long-term economic resilience and social stability, aligned with international norms. This paper advocates for the homogenization of the social security framework for migrating workers and the key role it will play in securing a sustainable future. It examines various international conventions and national laws to identify gaps and deficiencies in existing protections for migrant workers, particularly in India. The paper proclaims that considering these gaps is imperative for guaranteeing fair treatment and protecting the rights of this vulnerable population. The key aspects of the discussion include the development of universal and inclusive social protection schemes that extend coverage to all migrant workers explicitly, regardless of their employment status or duration of stay. It also addresses implementation challenges, including legal barriers, administrative hurdles, and the informal nature of many migrant jobs. This paper explores the imperative of adopting the Social Security (Minimum Standards) Convention (SSC), 1952, and promoting social support to migrant workers. It aims to highlight existing gaps in current social protection policies. Through this lens, the paper underscores how the advancement of social security for migrating workers aligns with broader goals of sustainable development and social justice.

Keywords: *human rights, India, migrant workers, sustainable work, universal social security.*

INTRODUCTION

In today's interconnected economy, migration has emerged as a prominent issue. Migration occurs for various reasons, like as employment or livelihood. The movement of workers both within and beyond national borders presents several advantages: for countries of origin, it can alleviate underemployment and offer the potential for remittances; for destination countries, it often addresses labour shortages and provides a source of relatively low-cost labour.¹ However, the social impacts of this increasing migration have highlighted a crucial concern about their social security.² The mere neglect or absence of social welfare of these workers becomes a breeding ground for exploitation and vulnerability to abuse, like overtime working hours, low to no wages, unhygienic, unsafe working and living environments.³ Thus, without basic social security like health, minimum wages, food and shelter, unemployment benefits, and legal assistance, these individuals are slaves to their socioeconomic status in society.⁴

India is known for its labour workforce both nationally and internationally. This labour workforce comprises across formal and informal workers from urban or rural areas. The major fraction of the workforce belongs to the unorganised sector and is prone to migration from their rural spaces to urban cities for employment and better wages.⁵ What becomes imperative to understand is the reasons why there is a delay or absence of extending these social securities to these workers, whether it is the complex legal requirements to fill out application forms, unclear or specific eligibility criteria, or the lack of enforcement of these

¹ Nurulsyahirah Taha et al., 'How Portable is Social Security for Migrant Workers? A Review of the Literature' (2015) 68(1) ISSR <<https://doi.org/10.1111/issr.12061>> accessed 23 May 2025

² Wouter Van Ginneken, 'Social Protection for Migrant Workers: National and International Policy Challenges' (2013) 15(2) EJSS <<http://dx.doi.org/10.1177/138826271301500206>> accessed 23 May 2025

³ 'Enhancing Social Protection for Migrant Workers: Challenges and Strategies in the East and Horn of Africa' (International Labour Organization, 27 May 2024) <<https://www.ilo.org/resource/article/enhancing-social-protection-migrant-workers-challenges-and-strategies-east>> accessed 23 May 2025

⁴ Jacob John et al., 'A Study on Social Security and Health Rights of Migrant Workers in India' (Kerala Development Society)

<https://nhrc.nic.in/sites/default/files/Approved_Health%20and%20social%20security%20ISMW_KDS-NHRC.pdf> accessed 23 May 2025

⁵ Rahul P Muragod and Dr. Prashantha H.Y., 'Interstate Migrant Workers and Access to Social Security Benefits: A Critical Study' (2024) 8(12) IJSREM <<https://doi.org/10.55041/IJSREM39347>> accessed 23 May 2025

welfare schemes by the government. This paper dives into the core of the issue of lack of universality in the social security schemes, which in turn caters largely to adaptability, application, and enforcement. The author argues for improving the current system of such schemes and bringing universal applicability and portability without any form of bias or discrimination so as to ensure the social protection of the said workers.

CHALLENGES FACED BY THE MIGRANT WORKERS

Migration is a global phenomenon driven by a multitude of factors, including socio-economic, political, cultural, environmental, health, and educational influences. Certain factors push individuals to leave their place of origin (out-migration), while others pull them toward a new destination (in-migration)⁶. Migration occurs at various levels that are both at international and national levels, wherein, within national levels, there is intrastate (within the state) migration and interstate (outside the state) migration.⁷ The challenges faced by these workers shall broadly be different in many phases; for international migrating workers, the challenges encountered shall be different as compared to those within a nation. Furthermore, within a nation, the difficulties vary between intrastate and interstate migrants.⁸ Migrant workers encounter numerous challenges during this process, some of which are outlined below:

1. Socio-legal and psychological challenges arise from the intersection of the legal frameworks with the social issues as a whole, while the psychological challenges are more individual-centric hardships faced solely by the person. The socio-legal hardships faced by these workers cumulatively can affect the psychology of migrant workers for various reasons. In other words, migrants are often not completely acknowledged by the host community and are treated as second-class citizens, making them vulnerable groups often subjected to discrimination on various grounds like religion, caste, language, region, etc.⁹ One cannot ignore the difficulties that one faces upon migration, including cultural

⁶ Ravi Srivastava, 'Vulnerable Internal Migrants in India and Portability of Social Security and Entitlements' (2020) Centre for Employment Studies Working Paper Series WP 02/2020 <https://www.ihdindia.org/Working%20Papers/2020/IHD-CES_WP_02_2020.pdf> accessed 23 May 2025

⁷ Muragod (n 5)

⁸ Ishita Arora, 'Social Security of Labour in India' (2023) SSRN <<https://ssrn.com/abstract=4427576>> accessed 23 May 2025

⁹ Anita Kristiana, 'Key Policy Challenge: Social Security for Migrant Workers' (2020) 2(1) IJRCS <<https://doi.org/10.34199/IJRACS.2020.04.02>> accessed 23 May 2025

differences, language barriers, homesickness, and feelings of isolation¹⁰. Furthermore, the workers often face the issue of attaining legal assistance in host states/ countries. The conundrum the workers face while migrating for income and earning benefits away from their family, or sometimes even if they migrate with their families, to establish a working home for their family and children, the dilemma is much greater, like education, health, housing, banking & financial services, etc¹¹. Additionally, the fear of trafficking is always of paramount issue for the migrant workers and likewise for their family members being in host states/countries due to their vulnerable position.

2. Often, the workers on the move are excluded from their economic, political rights, and social benefits by either employing them at lower wages with a lack of support and promotion opportunities, in contrast to the local workers in that host state/country, which leads to inequality and inequity at work¹². Also, these migrant workers frequently lack the opportunities and chances to practice their political rights, namely, voting rights.¹³ Put differently, they often appear to be on the move to vote in their respective constituency, which raises the onus of the extra cost of travelling to far ends of the nation sometimes. Many times, it has been observed that to lack of or possessing different proof of address, voter IDs, or Aadhaar cards becomes a major hindrance to accessing welfare schemes and government benefits with ease.¹⁴ This not only contributes to the challenges faced but also shows the feasibility of complex procedures, thus making it possible to avail the benefits of such social welfare schemes.

3. Another challenge is based on belonging to marginalised or minority communities, such as poor women or even children, who find themselves in difficult situations to integrate into new environments¹⁵. This is in addition to the social challenge discussed above, whereby migrant workers who belong to specific minority or marginalised communities face intensive discrimination, bias, and harassment. The neglect or absence of providing proper

¹⁰ Sony Pellissery et al., 'Access to Social Protection by Immigrants, Emigrants and Resident Nationals in India' in Jean-Michel Lafleur and Daniela Vintila (eds), *Migration and Social Protection in Europe and Beyond (Volume 3): A Focus on Non-EU Sending States* (Springer 2020) 147 <http://dx.doi.org/10.1007/978-3-030-51237-8_8> accessed 23 May 2025

¹¹ Srivastava (n 6)

¹² Pellissery (n 10)

¹³ Taha (n 1)

¹⁴ Samia Kazi-Aoul et al., 'Extending Coverage to Migrant Workers to Advance Universal Social Protection' (2023) 76(4) ISSR 111, 113 <<https://doi.org/10.1111/issr.12343>> accessed 23 May 2025

¹⁵ Srivastava (n 6)

health care, including maternity benefits and child care for women migrant workers, is often witnessed, but not much has been accomplished in such regard.

WHAT IS SOCIAL SECURITY?

Social security encompasses a range of measures that provide benefits, both financial and in-kind, to ensure protection against various risks.¹⁶ These include loss or insufficiency of work-related income due to illness, disability, maternity leave, work-related injuries, joblessness, and retirement, or the loss by family member's death; lack of affordable healthcare access; inadequate family support, focusing more on the children and adult dependents; as well as issues of widespread poverty and social marginalisation.¹⁷ Social security is now recognised as a basic human right, but millions of migrant workers, refugees, and their families encounter significant legal and practical barriers to accessing social protection benefits.¹⁸ Much like other available human rights, this right to having access to social support hasn't been fully realised, as governments have failed to guarantee equal access without any form of unfair treatment based on gender, disability, nationality, age, race, immigration status, or other factors.¹⁹ To address this, countries must check that social security programs are designed and implemented in a way that precludes both direct and indirect discrimination, such as through language or technology barriers that can lead to unintentional exclusion or unfair treatment. Social security comprises two main types of measures: social insurance schemes, which require financial contributions from beneficiaries, and social assistance schemes, which are non-contributory and typically funded by taxes.²⁰

Most often, social security and social protection are used interchangeably, wherein social protection *"is defined as the set of policies and programs designed to reduce and prevent poverty, social exclusion and vulnerability throughout the life cycle"*²¹. Social safeguards must be made available to every worker who migrates, including their families, dependents, and children,

¹⁶ Muragod (n 5)

¹⁷ Deepa Pillai and Dr. Leena B Dam, 'Saga of Migrant Workers in India: Measures to Strengthen Social Security' (2020) 12(5) Towards Excellence 183 <<http://dx.doi.org/10.37867/TE120519>> accessed 23 May 2025

¹⁸ Aoul (n 14)

¹⁹ Pellissery (n 10)

²⁰ Dr. Pankaj Kamal Shankar Kumbhar, 'Social Security and Welfare of Migrant Workers in India: A Situational Analysis' (2023) 2(1) JSRD 4-10 <<https://www.dzarc.com/social/article/view/248>> accessed 23 May 2025

²¹ Dr. Preemy P Thachil, 'Welfare Schemes for Migrant Workers in Kerala' (2022) 6(10) IJRIS 463 <<https://www.rsisinternational.org/journals/ijriss/Digital-Library/volume-6-issue-10/463-464.pdf>> accessed 23 May 2025

to ensure security of income thus also thereby reducing or eliminating poverty and inequality. It shall also bring in a decent work culture and a better environment, thereby reducing social disintegration and vulnerability.²² It's widely understood that bringing about better social protections will not just move towards economic growth, rather also foster inclusivity and social cohesion amongst the workers that migrate for a better life. It shall also help in achieving the SDGs envisaged within 1.3, 3.8, 5.4, 8.5, 8.8, 10.4 and 10.7²³. It is the urgent call of the hour that social protection is socially and economically now considered a viable option for integrating the migrating workers and protecting their interests.

The reason for ensuring a social protection system, if understood at the individual level, extends out to bring certain safety and security for the contingencies faced by the migrant workers, while it also gives way to formalisation and regularisation of the labour market and in turn, such markets bring about a feasible work environment for the workers. Thus, social protection shall only bring about a pragmatic change for both individuals and their families, communities at large, and the market and economies at large. Thus, the protection extended to migrating workers should not only cater to the workers' needs alone but also cater to the associated family members and dependent individuals by extending certain social benefits to safeguard their interests as well, thereby contributing to stability and economic growth with social cohesion at regional levels.

SOCIAL SECURITY AND MIGRANT WORKERS IN INDIA

Globally, the International Labour Organisation (ILO), a UN agency, is tasked with advancing socio-economic justice by establishing international labour standards.²⁴ India, a founding member since June 28, 1919, and a permanent member since 1922, has ratified 47 out of the ILO's conventions, while 52 conventions remain unratified.²⁵ Ratifying these conventions is essential for improving the rights regarding social protection of workers migrating, which shall only be beneficial for both the origin and destination countries.

²² Muragod (n 5)

²³ 'Securing Social Protection for Migrant Workers and Their Families: Challenges and Options for Building a Better Future' (Governing Body, 344th Session, Geneva, 16 February 2022) GB.344/POL/1 (*International Labour Organization*) <<https://www.ilo.org/resource/record-decisions/gb/344/securing-social-protection-migrant-workers-and-their-families-challenges>> accessed 23 May 2025

²⁴ 'About the ILO' (*International Labour Organization*) <<https://www.ilo.org/about-ilo>> accessed 23 May 2025

²⁵ 'Social Protection for Migrant Workers' (*International Labour Organization*) <<https://www.social-protection.org/gimi/gess/Media.action?id=14213>> accessed 23 May 2025

These conventions offer guidance for states in developing labour migration policies, place minimum standards for social security, and promote uniform application of rules among states involved in migration.²⁶ They also signal a state's dedication to enhancing national migration laws and policies. Additionally, SDG 8²⁷ aims to bring about smooth economic growth and ensure inclusivity through full employment, thus increasing productivity levels and providing and promoting decent work conditions and environment for all²⁸. However, in India, the pursuit of decent work is challenging owing to the prevalence of informal employment and the reliance on migration for economic security.²⁹ Many inter-state migrants face issues such as poor working conditions, low or unequal wages, inadequate living conditions, and insufficient social protection.³⁰

The discourse surrounding social support programs aiming for better portability across borders and for their universal application needs deeper deliberation with subsequent stringent execution through legal and policy frameworks to ensure that such core human rights don't witness further void and negligence, both at the national and UN levels. Furthermore, in India, if ratified, the Social Security (Minimum Standards) Convention, 1952 of the ILO, the vision of inclusive and universal social security programs may be a reality. This convention sums up the minimum benchmark for nine branches of social support, including medical care, unemployment, sickness, family, old age, employment injury, maternity, invalidity, and survivors' benefits, meaning thereby that such ratification will also bind India in all these aspects.³¹ Since 90% of India's workforce is in the unorganised sector/informal sector, such ratification would ensure that social protection extends universally even to the self-employed gig workers.³²

It will ensure mandatory maternity and family benefits while promoting gender sensitisation across the workforce. This implies that employed mothers in the informal sector shall have some level of health and income support while also securing jobs. Currently, the legal

²⁶ Ginneken (n 2)

²⁷ 'Goal 8 Department of Economic and Social Affairs' (*Sustainable Development*) <<https://sdgs.un.org/goals/goal8>> accessed 23 May 2025

²⁸ Kumbhar (n 20)

²⁹ Thachil (n 21)

³⁰ Securing Social Protection for Migrant Workers and Their Families: Challenges and Options for Building a Better Future (n 23)

³¹ Social Security (Minimum Standards) Convention 1952

³² 'Empowering India's Migrant Workforce – Key Schemes and Progress' (*PIB*, 16 December 2024) <<https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2084805>> accessed 23 May 2025

framework in India of codifying the Labour laws has certainly drifted the social security under a separate Code, yet there stand many ambiguities and voidness relating to many aspects, which, though this ratification can be filled in, like the harmonisation of the said laws and focusing on rights-based implementation rather than purely policy-based³³. With ratification, transparency, accountability, and data reliability related to social security schemes will improve, leading to better governance and more consistent oversight of these schemes³⁴.

Migrating workers are integral to the Indian economy, significantly aiding in the construction and maintenance of infrastructure, including roads, buildings, and basic amenities. The Census of 2011 reveals that approximately 90% of India's workforce is employed in the informal sector, with a substantial proportion of such workers being migrants.³⁵ Despite their critical contributions, there is no comprehensive or integrated policy to address their security and welfare effectively.

The COVID-19 pandemic has starkly illuminated the vulnerabilities posed to displaced workers, revealing the deficiency of basic amenities and inadequate social security provisions.³⁶ Many migrating workers remain unaware of existing legislative, welfare, and social security measures, which exacerbates their vulnerability and marginalisation. The urgent need to address these issues is evident, as improving the welfare of migrating workers is crucial for their well-being and economic stability.³⁷

Furthermore, the recent increase in migrant workers also includes workers employing themselves as gig workers which further adds another layer of complexity to how social protection schemes apply to these workers, if at all any applies to them, highlighting the necessity for updated social welfare measures that address the needs of this growing segment of the workforce as well within the migrating workforce in the informal sector. A strategic

³³ 'Social Protection of Migrants: A Thematic Paper Based on the Migration Governance Indicators (MGI) and the Objectives of the Global Compact for Safe, Orderly and Regular Migration' (*International Organization for Migration*, 2024) <<https://www.migrationdataportal.org/sites/g/files/tmzbd1251/files/2024-03/social-protection-of-migrants.pdf>> accessed 23 May 2025

³⁴ Muragod (n 5)

³⁵ Thachil (n 21)

³⁶ Kumbhar (n 20)

³⁷ Social Protection of Migrants: A Thematic Paper Based on the Migration Governance Indicators (MGI) and the Objectives of the Global Compact for Safe, Orderly and Regular Migration (n 33)

and inclusive approach is essential to address these challenges, enhance social protection systems, and ensure that all workers are inclusive of the migrants.

INDIAN LEGAL PARADIGM FOR MIGRANT WORKERS & SOCIAL SECURITY INITIATIVES

The Indian Constitution has given its citizens fundamental rights and guarantees of freedom of movement. The main fundamental principles of the Constitution under Article 19(1) (d) & (e)³⁸ say that migration for all citizens is the constitutional right to relocate or transfer to another nation and settle down in any part of the country. Article 15³⁹ clearly says that there shall be no form of discrimination, particularly on the grounds of where the individual was born or birthplace. Moreover, Article 16⁴⁰ indicates that everyone should have the right to get equal chances and opportunities for every citizen in terms of public employment and prohibits the denial of access to public employment based on place of birth, sex, or residence.

The well-being of displaced workers was secured by the Indian Parliament by enacting several key laws designed to provide various benefits. These included the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979⁴¹, the Payment of Wages Act, 1936⁴², the Employees' Compensation Act, 1923⁴³, the Equal Remuneration Act, 1976⁴⁴, the Minimum Wages Act, 1948⁴⁵, the Maternity Benefit Act, 1961⁴⁶, and the Unorganized Workers' Social Security Act, 2008⁴⁷. These laws were particularly intended to address different aspects of welfare to be provided to the workers, including benefits related to health, maternity leave, disability, medical care, and death⁴⁸. These laws apply to various types of establishments and industries, requiring contributions from both employers and employees. However, each of these laws requires certain eligibility of workers for availing

³⁸ Constitution of India 1950, art 19(1)(d)

³⁹ Constitution of India 1950, art 15

⁴⁰ Constitution of India 1950, art 16

⁴¹ THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT 1979

⁴² Payment of Wages Act 1936

⁴³ Employee's Compensation Act 1923

⁴⁴ Equal Remuneration Act 1976

⁴⁵ Minimum Wages Act 1948

⁴⁶ Maternity Benefit Act 1961

⁴⁷ Unorganised Workers' Social Security Act 2008

⁴⁸ Kumbhar (n 20)

the social security benefits based on factors such as employment status, salary levels, and the nature of work⁴⁹.

For example, the coverage and benefits provided by these laws may differ when it comes to formal vis-a-vis informal workers, and for those in different sectors or job roles. Employer contributions towards social benefits are mandated based on thresholds, typically requiring contributions from enterprises with a minimum of ten to twenty employees or more, irrespective of their income or the wages they earn⁵⁰. Here, a crucial aspect is to be understood within the access of social welfare schemes to the workers. The migrating workers working on daily wages cannot maintain such contributions for a day.⁵¹ Simply put, many laws applied to workers only if there was a significant salary level, thus it limited the access of benefits of various legislations to lower-wage or informal workers.

In recent legislative developments, the legal reforms have aimed to streamline and update the framework for worker benefits by consolidating twenty-nine existing Acts into four major Codes.⁵² This effort was intended to streamline and modernise labour laws, considering the current labour economy requirements, ensuring they are more comprehensive and effective in addressing the needs of all workers, including migrants. All four Codes, namely, The Code on Wages, 2019⁵³, Industrial Relations Code, 2020⁵⁴, Code on Social Security, 2020⁵⁵, and the Occupational Safety, Health and Working Conditions Code 2020,⁵⁶ have been passed by Parliament and officially notified, with their implementation tentatively set for April 1, 2025⁵⁷.

The emphasis laid in this paper is to study the current legal framework in India, particularly, the new labour Codes, more so, on Code on Social Security, 2020, which aims to amend and consolidate laws providing social safeguards to extend to all employees and workers across organised and unorganised sectors⁵⁸. However, it specifically excludes migrant workers,

⁴⁹ Thachil (n 21)

⁵⁰ Aoul (n 14)

⁵¹ Muragod (n 5)

⁵² *Ibid*

⁵³ The Code on Wages 2019

⁵⁴ The Industrial Relations Code 2020

⁵⁵ The Code on Social Security 2020

⁵⁶ THE OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE 2020

⁵⁷ Muragod (n 5)

⁵⁸ The Code on Social Security 2020

except those categorised as contract workers. Moreover, the Code is also lacking provisions for providing social support and safeguards to employees working in small-scale start-ups, and micro and medium enterprises (MSMEs), including workers in companies employing fewer than three hundred employees⁵⁹. Additionally, the Occupational Safety, Health, and Working Conditions Code, 2020 applies to establishments employing more than or equal to ten interstate migrant workers, but what if the workers employed fall less than this category mentioned. Furthermore, the implementation of these Codes has been delayed as states are still in the process of finalising their rules and regulations. Moreover, in India, the National Human Rights Commission (NHRC) addresses matters relating to human rights violations of the citizens, including inter-state migrant workers⁶⁰. It is needed for the Commission to play a proactive role in recognising social security as a fundamental and essential human right for the migrant workers/labourers, as well as to extend the necessary upliftment to their status and safeguard their interests⁶¹.

The Indian Government has ushered in several initiatives to protect interests, quality of life, social security, welfare, and provide decent support to the workers who migrate. However, due to a lack of coordination between state and central governments, the displaced are neglected and left behind. Hence, the imperatives of collaborative and coordinated effort within the federal state of administration become of paramount importance.⁶² The details of different governmental schemes are as follows:

1. Pradhan Mantri Awas Yojana (Gramin) and Pradhan Mantri Awas Yojana (Urban), both launched in 2015, aim to provide housing for all by 2022⁶³. However, the issue here is how the government is ensuring housing for the workers who relocate for employment and for the families of these workers. There is no proper data as to how much housing has been dispensed to the people who move for work since the introduction of these schemes.
2. Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY), initiated in 2015, include life and disability benefits for unforeseen

⁵⁹ Thachil (n 21)

⁶⁰ 'Social Security And Welfare Schemes For Migrant Labourers' (PIB, 24 March 2022) <<https://labour.gov.in/sites/default/files/pib1809227.pdf>> accessed 23 May 2025

⁶¹ Pillai (n 17)

⁶² Srivastava (n 6)

⁶³ Pillai (n 17)

tragedies⁶⁴. The issues surrounding these schemes lead to the question of how much the migrant worker benefits from them or whether these are even applied to them in the first instance.

3. Pradhan Mantri Shram Yogi Man Dhan Pension Scheme (PM-SYM), initiated in March 2019, aims for old age social support and security in the form of a pension every month⁶⁵. The issue here is whether this scheme is even applied to the migrant workers.

4. Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (PMJAY), initiated in 2018, gives Rs 5 lakh coverage for major illnesses and hospital care for workers, including those who relocate for work, who are covered as eligible beneficiaries as per census data, 2011⁶⁶. The eligibility of the beneficiaries as per the old census data of 2011 cannot provide a clear picture of the recent state of affairs.

5. The Ministry of Housing and Urban Affairs (MoHUA) proposed a scheme called Affordable Rental Housing Complexes (ARHC) to look into the accommodation needs of migrant workers⁶⁷. However, there is no proper data as to how much housing has been dispensed to the people who migrate for work since the introduction of these schemes.

6. The One Nation One Ration Card Scheme has enabled workers and their families to get subsidised food grains from any PDS shop nationwide, ensuring support even when they migrate.⁶⁸ However, the critical aspect of this scheme is that often the workers who migrate face the unavailability of the ration at ration shops, or they are often neglected by the ration shop owners, claiming to obtain the stocks from other shops. Moreover, about 8 crore migrant workers are still without their ration cards, which are already registered and

⁶⁴ 'Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY)' (Ministry of Finance) <<https://pmjdy.gov.in/aspirational/pdf/files/scheme-ad/PMJJBY-PMSBY.pdf>> accessed 23 May 2025

⁶⁵ 'Pradhan Mantri Shram Yogi Maandhan (PM-SYM)' (Ministry of Labour & Employment) <<https://labour.gov.in/pm-sym>> accessed 23 May 2025

⁶⁶ 'Pradhan Mantri Jan Arogya Yojana (PM-JAY)' (National Health Authority) <<https://nha.gov.in/PM-JAY>> accessed 23 May 2025

⁶⁷ 'Affordable Rental Housing Complexes (ARHCs)' (Ministry of Housing and Urban Affairs) <<https://arhc.mohua.gov.in/>> accessed 23 May 2025

⁶⁸ 'One Nation One Ration Card (ONORC)' (Ministry of Consumer Affairs, Food and Public Distribution) <<https://www.myscheme.gov.in/schemes/onorc>> accessed 23 May 2025

recorded on the e-SHRAM portal. After the intervention of the Supreme Court, the government was directed to issue the remaining ration cards to the migrant workers.⁶⁹

7. During the COVID-19 pandemic, the Union Government introduced a series of measures to support workers across various sectors. Notably, the Atmanirbhar Bharat Rozgar Yojana (ABRY) facilitated the creation of 39.51 lakh new job opportunities by depositing ₹2,583 crores into EPF accounts⁷⁰. It was only during COVID that steps were taken by the Government, that too when the Supreme Court intervened in matters through *Bandhua Mukti Morcha v Union of India* (2020)⁷¹.

8. The Pradhan Mantri Garib Kalyan Yojana (PMGKY) provided ₹2,567 crores to help retain 38.91 lakh low-wage employees⁷². Financial support amounting to ₹7,413 crores was directed to Building & Other Construction Workers (BOCW) and the Atal Beemit Vyakti Kalyan Yojana (ABVKY) offered unemployment benefits.⁷³

9. Additionally, the Pradhan Mantri Garib Kalyan Rojgar Abhiyan (PMGKRA) generated 50.78 crores with an investment of ₹39,293 crores⁷⁴.

10. Street vendors benefited from working capital loans through the PMSVA Nidhi Scheme, and free food grains of 5 kg per person per month were provided to all Targeted Public Distribution System (TPDS) beneficiaries⁷⁵.

11. A specialised training program was also launched under the Pradhan Mantri Kaushal Vikas Yojana in districts with high numbers of returnee migrant workers⁷⁶. Despite such exclusive efforts, some groups remain inadequately addressed. Migrant women workers, in

⁶⁹ Pillai (n 17)

⁷⁰ Empowering India's Migrant Workforce – Key Schemes and Progress (n 32)

⁷¹ 'Lok Sabha Starred Question No. 18: Lockdown-Related Job Losses Among Women' (*Ministry of Labour and Employment*, 29 November 2021)

<https://www.epfindia.gov.in/site_docs/PDFs/PO_PDFs/PO_WinterSession_2021_LS_English.pdf> accessed 23 May 2025

⁷² 'Pradhan Mantri Garib Kalyan Yojana (PMGKY)' (*Ministry of Finance*)

<<https://www.indiabudget.gov.in/pmgky/>> accessed 23 May 2025

⁷³ 'Atal Beemit Vyakti Kalyan Yojana (ABVKY)' (*Employees' State Insurance Corporation*)

<<https://www.esic.gov.in/abvky>> accessed 23 May 2025

⁷⁴ 'Programmes on Garib Kalyan Rojgar Abhiyan' (*Ministry of Rural Development*)

<<https://rural.gov.in/en/press-release/programmes-garib-kalyan-rojgar-abhiyan>> accessed 23 May 2025

⁷⁵ Empowering India's Migrant Workforce – Key Schemes and Progress (n 32)

⁷⁶ 'Pradhan Mantri Kaushal Vikas Yojana (PMKVY)' (*Ministry of Skill Development and Entrepreneurship*)

<<https://www.india.gov.in/pradhan-mantri-kaushal-vikas-yojana-pmkvy>> accessed 23 May 2025

particular, are not completely included in these measures. Additionally, self-employed workers, home-based workers, and other vulnerable groups in rural areas face the absence of adequate social security coverage. To address these gaps, the Ministry of Labour & Employment introduced the e-SHRAM portal on August 26, 2021⁷⁷. This portal aims to create a comprehensive national database of unorganised workers, including workers who migrate, to facilitate easy access to social security and welfare programs.⁷⁸ As of July 2024, the e-SHRAM portal has registered over 29.79 crore unorganised workers, but it does not specifically mention or segregate the migrating workers. The portal has now come up with a new feature allowing for self-registration. However, significant obstacles remain as innumerable migrant workers are either illiterate, lack access to digital technology, do not know are ignorant, and lack awareness of how to register online⁷⁹. Before developing digital platforms like e-SHRAM for migrating workers, these concerns must first be tackled to make sure that digitisation effectively supports the most vulnerable populations. In addition, accurate and timely data can only be assured by conducting monthly surveys to update and verify migrant worker numbers. Furthermore, registration alone is not sufficient; workers must also be able to access the benefits provided by social security schemes. For this reason, the central government must work in coordination and cooperation with state governments to protect workers' rights. One way to ascertain the number of workers who have accessed or are accessing the social welfare schemes which may be done by gathering similar data through surveys or polls across such workforce. Moreover, if any migrant worker is left out of the social security schemes for any reason, like eligibility, etc., the government should come up with inclusive schemes for these workers.

Recently, the 2025 union budget was deliberated. Despite the indirect benefits advanced by the budget, it is crucial to explicitly address various hardships and obstacles faced by workers who relocate within national fiscal policies⁸⁰. The budget stipulated that gig workers be registered on the e-Shram portal, while there is no legislative framework to regulate the gig market economy and concerns regarding their health insurance under the government

⁷⁷ 'Safety of Inter-State Migrant Workers' (PIB, 17 March 2021)

<<https://pib.gov.in/Pressreleaseshare.aspx?PRID=1705415>> accessed 23 May 2025

⁷⁸ Empowering India's Migrant Workforce – Key Schemes and Progress (n 32)

⁷⁹ Srivastava (n 6)

⁸⁰ 'Highlights of Union Budget 2025–26' (PIB, 01 February 2025)

<<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2098353>> accessed 23 May 2025

schemes⁸¹. The inadequate enforcement of the Code on social security is affecting the labourers' rights, especially the migrant workers, including gig and platform workers. Furthermore, the portability of the social security schemes within states and abroad is needed to ensure flexibility in accessing social benefits even beyond the borders of the nation and to further gain the trust of the workforce in these social welfare schemes. The female workers, single mothers, and children who are also migrating must also be catered to through greater funds allocation to the given unorganised sector. Awareness amongst this vulnerable class of the workforce is the need of the hour, to ensure that the benefits of the social security schemes reach the maximum. Currently, a 30.40 crore workforce is registered on the e-Shram portal, which may have access to such schemes; however, the total workforce population accounts for approximately 64 crore as of 2023-24⁸². Thus, half of the population of the workforce stands in absolute ignorance of the schemes or is unable to approach the authorities for enrolment under the schemes.

SOCIAL SECURITY AS A HUMAN RIGHT FOR MIGRANT WORKERS AND A SUSTAINABLE FUTURE FOR WORK

The workers migrate to cope with their socioeconomic status and provide an enhanced and safe environment for family and quality educational prospects for their children, thus overcoming their poverty and having access to better health and food security. Employment for workers is necessary to sustain their living, notably when they are socially and economically in the lower class of society. People often also migrate to escape conflict and rebellious shocks in their original state or country. The UN Secretary-General stated that migration is a reflection of our deep-seated desire for dignity, security, and a brighter future.⁸³ It's woven into the social fabric and is an essential aspect of our shared humanity. Thus, migration in the 21st century can be the core factor for contributing to achieving the SDGs.

The ILO has, time immemorial, advocated for universal availability and access to social protection. Their 1952 Convention No. 102, which mandates equal treatment in social

⁸¹ Nirmala Sitharaman, 'Budget 2025-26 Speech' (*Ministry of Finance*, 01 February 2025)

<https://www.indiabudget.gov.in/doc/budget_speech.pdf> accessed 23 May 2025

⁸² Empowering India's Migrant Workforce – Key Schemes and Progress (n 32)

⁸³ 'Migration is a fact of life and a 'force for good' (*UN News*, 27 December 2023)

<<https://news.un.org/en/story/2023/12/1144897>> accessed 23 May 2025

protection, has been ratified by 55 countries.⁸⁴ Nations like Bangladesh, Pakistan, the Philippines, Sri Lanka, and Thailand utilise migrant welfare funds to safeguard their workers abroad.⁸⁵ These contributory schemes, typically funded by employers, recruitment agencies, and migrants themselves, offer a variety of services such as life and medical insurance, loans, and repatriation assistance.⁸⁶ Additionally, they help finance government programs for migrants, including pre-departure rights education, and provide support for migrants' families back home.⁸⁷ However, labour migrants can face two main forms of ineligibility for social protection. Primarily, they may be deprived of their home country's social protection benefits when they work abroad.⁸⁸ Seconds, they may be legally excluded from access to social security coverage in their host country.⁸⁹ While many nations have pledged to treat migrants equally, this commitment is not always upheld in practice; some impose restrictions based on residency or nationality.

Sustainability and labour economics are closely intertwined. Employment plays a pivotal role in driving a nation's growth and development. The GDP is the net worth of the nation's wealth. As technology advances and digitalisation progresses, both the nature of work and employer-employee relationships are evolving.⁹⁰ If a sustainable environment is created today, it can enhance individuals' standards of living, improve workplace environments, and boost health and education outcomes for the future as well. This connection between sustainability and labour economics highlights that for effective production tomorrow, we must prioritise a healthy work environment and quality social security for workers today. This approach is essential for ensuring a sustainable future for work and living as a whole. In other words, to achieve the SDGs, there is merit to providing those goals today so that it provides for an environment wherein the workers can produce better for future generations. The dissemination of social security to workers is one way to provide sustainable and decent work for all in the future. Access to quality workspace, and having the protection of health

⁸⁴ Social Security (Minimum Standards) Convention 1952

⁸⁵ Ginneken (n 2)

⁸⁶ Social Protection of Migrants: A Thematic Paper Based on the Migration Governance Indicators (MGI) and the Objectives of the Global Compact for Safe, Orderly and Regular Migration (n 33)

⁸⁷ Taha (n 1)

⁸⁸ Andy Hall, 'Migrant Workers and Social Protection in ASEAN: Moving Towards a Regional Standard?' (2012) 21(1) Journal of Population and Social Studies 12-38 <<https://so03.tci-thaijo.org/index.php/jpss/article/view/84509>> accessed 23 May 2025

⁸⁹ Ginneken (n 2)

⁹⁰ Hall (n 88)

and education expenses, food security, and housing, helps the workers today to perform and deliver their best to build a better production for the future. This, in turn, sets the vision for the future already in progress at the present level.

KEY POLICY CHANGES AND THE FUTURE VISION

The approach is built on three core strategies that sending and host countries/states can use to enhance social and labour protection for workers who migrate for work, including their families. In India, the Ministry of Labour & Employment (MoLE) has specifically cited the imperative of guaranteeing the access and availability of social support to the workers who migrate for work through international Social Security Agreements with the host nations.⁹¹ Similarly, efforts must be made by the Ministry to come up with schemes exclusively for intra and inter-state migrant workers within the domestic territory of the nation regarding social security.⁹² The key policy issues faced by the states in preparing and providing social security to intra- and inter-state workers who migrate for work are given below:

1. When it comes to social security, the crucial factor is to first locate and distinguish the specific class of workers to whom the social benefits must be extended. This can be achieved by creating an exclusive database at the state level. This database will seek to contain exclusive details regarding the migrant worker which shall be seeded with their Aadhar as well, a few details needed are, name, family details, home/sending state of migration, destination/host state of migration, reasons for migration, the status of migration i.e. forced or not, social security benefits received in a home state if any, portability of those social benefits given by the home state etc⁹³. In India, this task is under the authority of the District Legal Services Authority (DLSA); however, this must be a concern for the State and the local government, while legal aid can be sought through the Legal Services Authority when there is neglect of social security to these workers. Additionally, the merit of understanding whether host states have an established social security system is to be noted. If so, coverage can be enhanced by improving access within host states and through bilateral agreements that ensure the portability of benefits to the workers who migrate.⁹⁴ Additionally,

⁹¹ 'Social Security Concerns of Indians Working Abroad' (*Press Information Bureau*, 18 July 2022) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1842613>> accessed 23 May 2025

⁹² Empowering India's Migrant Workforce – Key Schemes and Progress (n 32)

⁹³ Ginneken (n 2)

⁹⁴ Srivastava (n 6)

sending/home states should also strengthen social security coverage for the workers migrating and their families.⁹⁵

2. Regarding social protection, the primary concern is whether host states have both the resources and the commitment to bestow basic social protection for vulnerable and undocumented migrants⁹⁶.

3. In terms of labour protection, it is crucial for sending and host states to collaborate on ensuring that migrants are safeguarded throughout all phases of their migration journey – pre-departure, transit, while abroad, and upon return⁹⁷.

The government must come up with exclusive, exhaustive & portable schemes that are eligible for the migrant workers, which shall include the gig workers and also cater to the intra as well as inter-state migration.⁹⁸ In Karnataka, recently, the government has come up with a Karnataka platform-based Gig Workers (Social Security bill and welfare) Bill 2024, which aims to safeguard the gig workers' rights.⁹⁹ Thus, along the same lines, the argument follows that the migrant workers must also benefit through such exclusive schemes being implemented by the government to protect their rights as well. The way forward to such policy issues can be addressed below:

1. A rights-based approach to welfare and social security will be effective only if workers have agency, are politically engaged, unionised, and mobilised¹⁰⁰. Historically, workers' collective actions have pressured political parties and governments to recognise welfare as a vital component of industrial progress.¹⁰¹

⁹⁵ Pillai (n 17)

⁹⁶ Kristiana (n 9)

⁹⁷ Aoul (n 14)

⁹⁸ Pellissery (n 10)

⁹⁹ 'The Draft Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill, 2024' (PRS India) <<https://prsindia.org/bills/states/the-draft-karnataka-platform-based-gig-workers-social-security-and-welfare-bill-2024>> accessed 23 May 2025

¹⁰⁰ Laure-Hélène Piron, 'Rights-Based Approaches to Social Protection' (Overseas Development Institute, September 2004) <<https://socialprotection-humanrights.org/wp-content/uploads/2015/06/Rights-based-approaches-to-social-protection1.pdf>> accessed 23 May 2025

¹⁰¹ Aoul (n 14)

2. The government has made strides in ensuring the transportability of welfare schemes, including access to the public distribution system across state borders¹⁰². However, deliberate interventions are necessary to improve this portability.

3. The draft by NITI Aayog calls for a reimagining of labour-capital relations and aims to integrate migrant workers into the formal workforce¹⁰³. This integration is essential for fostering both a compassionate society and a competitive economy.

CONCLUSION & SUGGESTIONS

Migrant workers have shaped the course of civilisations across the world owing to their significant contributions to socio-economic progress in various countries. However, undeterred by their vital role, this class of workers are also individuals with inherent rights and entitlements that stand on a legitimate expectation of protection from the government. Even though international conventions by the ILO strongly advocate for the rights of migrant workers, exploitation and abuse remain prevalent¹⁰⁴.

The author critically analyses and proposes suggestions to the current legal and policy framework in India in light of the international conventions as follows:

1. India should ratify the 1952 Convention No. 102 explicitly on social security, such that the potential of such ratification sets stringent minimum standards while ensuring its applicability and enforceability within the paradigm of current new labour laws.

2. The author also suggests that a core emphasis is needed to strengthen the current legal enforceability mechanism through technological development and awareness across the workforce, considering their regional and language disparities and ensuring that the social security protections extend beyond the borders of the state and at the international level amongst the migrant workforce.

3. In light of the ongoing events of how foreign countries like the US and Canada are framing policies to ensure that the workforce is limited to their citizens for the major proportion of

¹⁰² Srivastava (n 6)

¹⁰³ Karishma Mehrotra, 'Explained: What is NITI Aayog's Draft National Policy on Migrant Workers?' *The Indian Express* (New Delhi, 24 February 2021) <<https://indianexpress.com/article/explained/niti-aayog-migrant-workers-policy-covid-lockdown-7201753/>> accessed 23 May 2025

¹⁰⁴ Piron (n 100)

the population within their territories, the demand for social protection becomes even more significant during such distress for the migrating individuals who have left home country for work irrespective of their character as a formal or an informal worker. There is a dire need for harmonisation of the current Labour laws with the international standards for effective execution and enforcement of these laws, even beyond the borders of the nation thus being devoid of any form of disparity or discrimination based on job profile, gender, age, caste, home state/country of origin etc of the migrating workers.

4. Lastly, in brief, the author asserts that in the world of technology and artificial intelligence (AI), the basic protection of social security of the workforce must be even stronger and well-administered by countries.

This paper conclusively summarises that, despite the extensive provisions of these international conventions, substantial work remains to be done. The role of states is crucial in ensuring that the rights of migrant workers, particularly concerning social security, are fully recognised and protected. Moreover, as the ambit of the workers migrating is rising in the current labour economies, including gig workers, the need for enhancing and providing better social security to these workers is imperative.

This can only be accomplished by taking concrete steps, focusing mainly on eliminating all forms of discrimination that migrant workers suffer. Thus, a collaborative and coordinated effort from the federal government is needed. The policy and the legislative progress should align with the international conventions set out by the ILO, thereby bringing social cohesion amongst the migrant workers at the global level as well as a recognised effort of social security as a basic human right for the workers. The future of work and sustainable economic growth should be a vision for all and not just the work of international organisations.