INTER-STATE MIGRATION: HUMAN RIGHTS PERSPECTIVE

DHRITIMAN SARMA

3 Years LL.B. (Semester VI), J.B Law College, Guwahati, Assam
E-mail: dhritimansarma123@gmail.com

Abstract - The world is a peaceful place to live in. Irrespective of whom the person or community is, the motherland provides for equal rights to live as a dignified soul. My state India has taught through her age-old literature about वसुधैव कुटुम्बकम. (Meaning: The Whole World is One Single Family) which has created the first route to attain Human Rights for one and all. Migration of people has been a significant activity from time unknown to mankind. However, in doing so, several human rights violations had erupted in the form of Apartheid, civil wars, homicides of particular community etc. The world community, after understanding the grave and penetrating effect of the violation, came up with several conventions, defining "migrants" and related provisions. This paper has tried to showcase few of the provisions, effects and suggestions, focusing on Indian context.

I. INTRODUCTION

Human Beings are rational beings. Therefore, by the virtue of being human possess certain basic and inalienable rights which are commonly known as human rights. Thus, human rights are those rights which every individual are entitled by virtue of being human[1]. These rights have become operative with their right. Since these rights are inherent from birth, it is applicable to all individuals of the world irrespective of caste, creed, religion, sex and nationhood. Human rights are, therefore, those rights which belong to an individual as a consequence of being human[2].

Inter-state movement of people in India is a phenomenon which is under progress from time immemorial. For the sake of livelihood and sustainability, large number of people migrates from one state to another. The concept of interstate migration has historic as well as social reasons. From the rise of civilisation towards facing of global threats in the form of natural calamities, civil wars and security threats, clans of people have migrated from one place to another in search of the physiological factors viz., food, clothing and shelter. In this paper, I have tries to reflect the statistical data on Inter-state migration and relating legal provisions in Indian context and put certain suggestions which will certainly help in addressing the human right problems by these migrants in long run.

More than two-thirds (69 percent) of India's 1.21 billion people live in rural areas, according to the 2011 Census of India, but the country is rapidly urbanizing. The cities of Mumbai, Delhi, and Kolkata are all among the world's top ten most populous urban areas, and India has 25 of the 100 fastest-growing cities worldwide. A significant source of this growth is rural-to-urban migration, as an increasing number of people do not find sufficient economic opportunities in rural areas and move instead to towns and cities. Internal migrants have widely varying degrees of education, income levels, and skills, and varying profiles in terms of caste, religion, family composition, age, and other characteristics. Micro-surveys suggest that most migrants are between ages 16 and 40, particularly among semi-permanent and temporary migrants, whose duration of stay may vary between 60 days and one year.

Inter-State Migration is now an important social as well as economic activity prevailing in India. Its scope cannot be avoided in today's geopolitics. However, with the growing migration of people irrespective of their social class, sex, religion, caste or place of birth, they face different challenges in their workplace. The internship project **"HUMAN RIGHTS OF INTERSTATE MIGRANT WORKERS IN INDIA IN HUMAN RIGHTS PERSPECTIVE"** will help us study such challenges in an in-depth manner and bring with solutions to be imposed to improve the conditions of such workers.

1. Dr. Agarwal H.O., Human Rights, Fifteenth Edn., 2014, p. 2
2. Dr. Agarwal H.O., Human Rights, Fifteenth Edn., 2014, p. 3

II. DEFINITION

- **The UNESCO** defines **Migrant** as "*any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country."*
- **The UN Convention on the Rights of Migrants** defines a **Migrant Worker** as a *"person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national."*
- **The International Organization For Migration** has defined **Migrant** as "*any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what*

the causes for the movement are; or (4) what the length of the stay is.

- **The Oxford Dictionary** defines **Migration** as "*movement of people to a new area or country in order to find work or better living conditions*."

Migration can thus be defined as the movement of people between two geographical localities. It also extends to movement of animals from one place to another to avoid bad weather, food or reproduce. Migration has taken the form of both Internal as well as International. International Migration has become a Global Phenomenon, whereby the number of people crossing borders has increased around Six (6) Millions annually.

III. CAUSES/PERSPECTIVES RESULTING TO MIGRATION:

There are different views or perspectives which induces the process of migration. The following are the perspectives:

- Economic Perspective
- Sociological Perspective
- Family and Migration
- Poverty and Migration
- Caste and Migration
- Education and Migration
- About 61 Million people have moved from urban areas to rural areas due to various reasons, and 36 Million to urban areas from rural enclaves. There has also been movement from one rural place to another (53 Million) and from rural area to urban area (20 Million) during the last decade.

Reason for Migration	Persons	
Males	Females	
Work/Employment		14.7
37.6	3.2	
Business		1.2
2.9	0.3	
Education		3.0
6.2	1.3	
Marriage		43.8
2.1	64.9	
Moved after Birth		6.7
10.4	4.8	
Moved with Household		21.0
25.1	18.9	
Other		9.7
15.7	6.7	

Percentage Distribution of Reasons by Last Residence with Duration (0-9 years) India 2001

- The above table shows, the reasons for migration by last residence with duration of residence as 0-9 years. The reason for migration in case of males and females vary significantly. Whereas work or employment was the most important reason for migration among males (37percent), marriage was the most important reason cited by the female migrants (65percent). The other important reasons of migration are moved with household and moved after birth.

IV. LEGAL MECHANISMS TO PROVIDE SAFEGUARD TO BONDED LABOURERS

The International Labour Organisation (ILO) acts as the apex body to safeguard the labourers from the menace of Bonded Labours. It creates certain guidelines of international labour standards within the organisational mandate to protect the interest of the labourers of the world. The ILO Conventions on Forced Labour and relevant UN Conventions define and prohibit various types of forced labour, slavery and servitude, and debt bondage. **The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956)** defines Debt Bondage as, *"the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined."*

India's Labour Policy is mainly based on Labour Laws. It has derived its origin, inspiration and strength partly from the leaders of nationalist leaders. The ideas of these leaders is reflected in the Constitution of India, whereby, there are many areas which provides for express as well as implied provisions for prohibition of Bonded Labourers as well as Slavery.

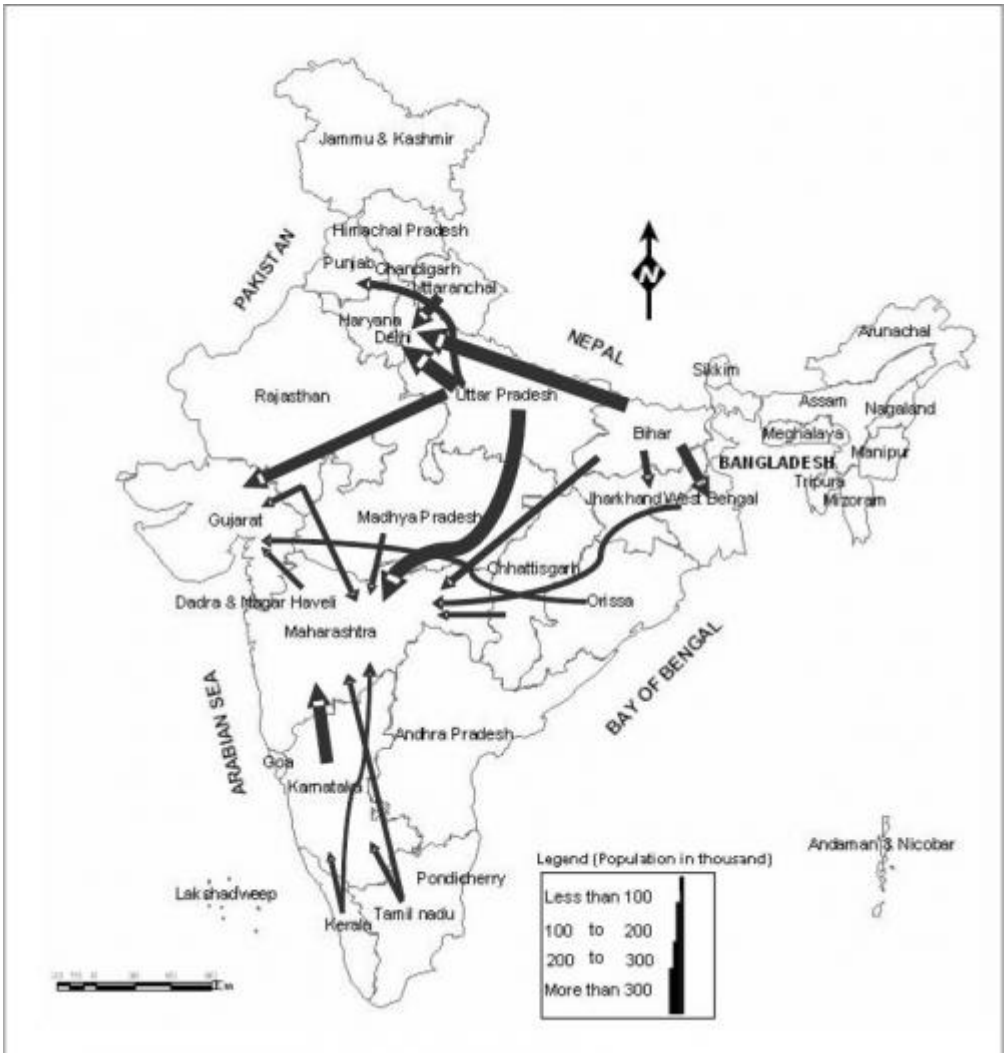
- The Constitution of India guarantees all its citizens-Justice-Social, Economic and Political; Equality of Status and of Opportunity and fraternity, Dignity of individual and unity of the nation.
- **Article 23:** Prohibition of traffic in human beings, beggar and forced labour.
- **Article 39:** Clause (a) provides that the citizens, men and women equally, have the right to an adequate means of livelihood. Clause (d) provides that there shall be equal pay for equal work for both men and women.
- **Article 42:** Provision for just and humane conditions of work and maternity relief.
- **Article 43:** Living Wage etc. for workers.

Since 1997, the National Human Rights Commission has been given a pivotal role in monitoring the implementation of the Bonded Labour System (Abolition) Act. This Act is quiet extraordinary as it recognises:

1. The overlap between forced labour and bonded labour in customary relations,
2. The manifestation of these relations in contract labour and inter-state migrants and
3. Considers the nature of restraints suffered by the labourer as a result of the bonded/forced labour relations, and making them illegal.

Movement of people along with their families from rural to urban areas in search of better living opportunities has exposed their children to the hazards of child labour to an alarming level. It has led to these children dropping out of schools which expressly show how directly migration is affecting the education of the children.

- A rapid growth in Inter State Migration rate has overpopulated the cities. Unavailability of accommodation has brought a serious problem in the city lives. There is a considerable growth in respect of number and area of Urban Slums where these un-accommodated people finds a space to live-in. over one-third of the slum dwellers live in unrecognised slums. Newly released census data shows that there are approximately 65 Million slum dwellers in India which is up from 52 Million in 2001.
- Inter-State Migration along with their families is seen in major cities. The children of the parent migrants, who have left school is left with no option rather than to enter as labourer. In India, child labour is an old phenomenon. There are about 55 Million child labourers working in various hazardous as well as non-hazardous industries. According to 2001 Census report, there are about 1.26 crore working children between the age group of 5-14 years. These children are subjected to Emotional, Physical and sometimes sexual abuse. While working in hazardous industries, the children are exposed to low-light, hazardous chemicals and UV radiations. These exposures rises the chance of risk of various diseases like skin irritations, loss of eye sight as well as hearing, chances of serious burns and sometimes skin cancer etc.



Source: **R.B. Bhagat and S. Mohanty, "Emerging Pattern of Urbanization and the Contribution of Migration in Urban Growth in India,"** ***Asian Population Studies*****, vol. 5 no. 1 (2009): 5-20.**

V. OBSERVATION

The Map shows the trend of migration of people from various states. It is seen that more than 3 lakhs people move from Bihar-Uttar Pradesh belt towards Maharashtra and Delhi. Between 2 to 3 lakhs people has migrated from the same region towards Gujarat and Rajasthan. Same numbers of people have also migrated from Bihar region towards West Bengal. In South India, it is seen that a large number (more than 3 lakhs) has migrated towards Maharashtra region. It is seen that a considerable number of people (between 1-2 lakhs) has migrated to the urban areas of Karnataka and Maharashtra from rural regions of Kerala and Tamil Nadu. Similar trend can be observed in Eastern India, where people from West Bengal, Orissa and Chhattisgarh have migrated to the heavily urbanised states of Maharashtra and Gujarat (below 1 lakh).

SUGGESTIONS

1. Internal migration is a part and parcel of Indian work culture. For the sake of sustainability, people move from one place to another. It is very important for various stakeholders like the Government, NGOs, and social groups to enrich the movements of these migrants.
2. The migration shall not be taken as a challenge to the native society, rather to be accepted as an opportunity for swapping of cultures and learning.
3. In the world of globalisation, where the world is termed as “global village”, migration is an indispensible part to development. The appropriate authorities must take necessary actions for felicitating migration.
4. In the international level, the ILO and UN in general shall take measures to provide for criminal prosecution against those who act against the process of migration.
5. Embassy like infrastructures should be made so that the migrants can meet up their concerned officers to discuss their grievances. These institutions, in long run will definitely help in addressing the human right violations and take actions against it.
6. Awareness is a very important factor. The people shall be made aware of the various conventions formulated by the United Nations and ILO and for that, these institutions can inject the curriculum on the education system specially to those, where UN is providing financial aid for enhancing education.

★★★