

CONSTITUTIONAL FRAMEWORK PROTECTING SOCIO-ECONOMIC RIGHTS OF MIGRANTS IN INDIA: A COMPARATIVE ANALYSIS

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ABSTRACT

The constitutional ideals of social justice, equality, and dignity are inseparably bound up with the economic and social rights of Indian migrants. The urban economy of India relies heavily on migrant labour, particularly in the construction, manufacturing, and unorganized retail sectors. However, migrant workers' structural vulnerabilities, such as sudden displacement, livelihood loss, and limited access to basic entitlements, were exposed by the COVID-19 pandemic. Examining Articles 14,15,16,19 and 21 as well as the Directive Principles of State Policy, this study examines the constitutional framework that protects the socio-economic rights of migrants. Incorporating arguments from the Constituent Assembly and Supreme Court rulings, the research shows how the right to life and dignity has been widened through judicial interpretation of constitutional principles to encompass housing, health, and movement. Inter-State labour registries, adaptable social security benefits, and inclusive labour laws are some of the systemic reforms that the study delves into further (Dhal, 2020). The study looks at the best ways to preserve migrants' socio-economic rights around the world by comparing the constitutions of nations including Sweden, Portugal, Canada and Germany. By adopting doctrinal methodology and analytical comparative approach, the research seeks to connect the dots between the constitutional guarantees and the actual experiences of migrant workers in India.

Keywords: Constitution, Migrants, Protection, Socio-economic rights, Welfare State.

INTRODUCTION

Migration significantly shapes societal and economic structures, with internal migration being a defining factor in India's socio-economic framework. Nearly 11% of Indians migrate annually in search of better employment, education, or living conditions, making mobility a persistent national feature (PIB Delhi, 2023). Migrants sustain key sectors such as construction, textiles, manufacturing, logistics, retail, and urban services, yet remain one of the most marginalized groups. Despite their vital roles, they face structural exclusion due to inadequate enforcement of constitutional rights and governance shortcomings.

The Indian Constitution guarantees equality, dignity, and justice for all, including migrant workers. However, there exists a gap between constitutional promises and lived realities. This disparity was starkly exposed during the COVID-19 pandemic, when the sudden lockdown in March 2020 forced thousands of migrants to return home, often on foot, without jobs, housing, or welfare support, creating a humanitarian crisis (Khanna, 2020). This reinforced the need for robust legal and constitutional safeguards ensuring rights protection for all.

Fundamental Rights and Directive Principles of State Policy extend protection to both citizens and non-citizens. These include equality before the law (Articles 14–18), equal access to employment (Article 16), and the right to life and liberty (Article 21), while Directive Principles (Articles 36–51) commit the State to social and economic welfare (*National Human Rights Commission v. State of Arunachal Pradesh, 1996 AIR 1234*). However, migrants often face systemic exclusion, social barriers, and lack of effective legal remedies that prevent realization of these rights. Comparative insights from Canada, Sweden, and Germany show how inclusive constitutional frameworks can safeguard migrants' socio-economic rights. Examining such global models provides direction for reform in India, ensuring equitable protections and reducing injustices faced by migrants.

LITERATURE REVIEW

Indian law scholars have frequently disregarded the economic and social rights of migrant populations, even though these groups play an essential role in protecting constitutional democratic principles. Recently, academicians have started to look closely at how well the Indian constitution, court rulings, and public policies protect the rights of internal migrants in the past few years, particularly during the COVID-19 pandemic's humanitarian disaster. To better understand how to safeguard the socio-economic rights of migrants in India, this literature review looks at the most important scholarly works, judicial rulings, policy evaluations, and ideas from comparative constitutional studies on the subject.

In a related reading, Khadar et al. (2024) discuss the problems of interstate migrant workers in Kerala. They highlight a disjuncture between what the constitution guarantees and the realization of those protections, with worker migrants frequently facing exclusions to basic services, demonstrating the necessity of policy initiatives for ensuring access to a range of rights such as health care, homes and social security. Mukherjee and Roy (2024) also discuss with COVID-19 the plights, which the migrant workers were faced such as loss of job and unsuitable housing and calls for better protective guidance and systems to look after migrants, especially during emergencies late Mukherjee and Roy 2024. Finally, in an analysis of hurdles to political participation by internal migrants, Kumar and Dhar's (2024) discussion of the bureaucratic and nativist barriers that limit the political, socio-economic and political inclusion of internal migrants, specifically on issues around voting and livelihood opportunities (Kumar & Dhar, 2024).

Raposo and Violante (2021) study the access to migrant healthcare in Portugal, where regular and irregular migrants have rights enshrined in the Constitution. Despite these protections, access remains limited by practical barriers, with these obstacles being particularly onerous in health crises, offering a model which India can learn from in enforcing the protection of migrant health care (Raposo & Violante, 2021). Overall, the existing literature reveals a strong normative framework for the protection of socio-economic rights of migrants in India, but also exposes significant implementation gaps. Comparative constitutional analysis highlights the potential of legal and institutional reforms. The reviewed sources collectively argue for a holistic, rights-based, and inclusive model that combines constitutional guarantees with enforceable mechanisms to secure the well-being of migrant populations. This body of work forms the foundation for reimagining migrant protection in India through a constitutional and comparative lens.

OBJECTIVE OF THE RESEARCH

This research seeks to reconcile the discrepancy between the real experiences of migrants in India and their constitutionally secured rights, particularly with regard to their socio-economic situation.

RESEARCH METHODOLOGY

This research has adopted qualitative doctrinal methodology. This approach is essential for understanding the legal position and underlying principles governing socio-economic rights of migrants. This research has analyzed laws, case laws and scholarly writings pertaining to socio-economic rights of migrants. Moreover, it has also incorporated comparative method. Constitutions and legal frameworks from other countries such as Sweden, Portugal, Canada and Germany have been studied to identify the most successful strategies and give recommendations fit for the Indian situation. These countries have been selected not only because they are established democratic republics with inclusive social welfare systems and effective migrant integration policies, but also because several features of the Indian Constitution have been borrowed from these jurisdictions.

Conceptual Analysis of Migration Phenomena and The Socio-Economic Rights of Migrant Communities

Environmental, sociological, and economic factors, among others, influence migration in complex and ever-changing ways (Oda et al., 2018). To understand the demographic scale and patterns of internal migration in India, Census data from 2001 and 2011 presents critical insights into the magnitude and typology of migration, especially from rural to urban areas, and across States Tables 1 & 2.

	Persons	Male	Female
Population of India	1,21,08,54,977	62,32,70,258	58,75,84,719
Total Migrants	45,57,87,621	14,61,45,967	30,96,41,654
Migrants from Rural Areas	29,51,14,410	7,35,22,596	22,15,91,814
Migrants from Urban Areas	10,63,55,920	4,59,62,228	6,03,93,692
Migration for Work/Employment	4,14,22,917	3,50,16,700	64,06,217
Migration for Business	35,90,487	26,83,144	9,07,343
Migration for Economic Reasons	4,50,13,404	3,76,99,844	73,13,560
Migration for Economic Reasons [moved within last one year]	33,64,993	26,62,350	7,02,643
Participation in Labour Force (% of Population)	39.79	53.26	25.51
Total Workforce	48,17,99,195	33,19,53,739	14,98,92,862
% of Migrants in Workforce	9.34	11.36	4.88
% of Total Migrants who have moved within last one year	7.48	7.06	9.61

(Source: Economic Advisory Council to the Prime Minister, 2024).

	Persons	Male	Female
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Population of India	1,02,70,15,247	53,12,77,078	49,57,38,169
Total Migrants	31,45,41,350	9,33,61,809	22,11,79,541
Rural Migrants	22,66,67,548	5,22,46,555	17,44,20,993
Urban Migrants	5,04,74,068	2,15,32,764	2,89,41,304
Migration for Work/Employment	2,99,04,442	2,62,29,666	36,74,776
Migration for Business	28,26,874	23,82,559	4,44,315
Migration for Economic Reasons	3,27,31,316	2,86,12,225	41,19,091
Migration for Economic Reasons [moved within last one year]	22,13,720	16,83,506	5,30,214
Participation in Labour Force (% of Population)	39.10	51.7	25.6
Total Workforce	40,15,62,962	27,46,70,249	12,69,08,971
% of Migrants in Workforce	8.15	10.42	3.25
% of Total Migrants who have moved within last one year	6.76	5.88	12.87

(Source: Economic Advisory Council to the Prime Minister, 2024).

Most migration in India is internal, with people moving from rural to urban areas or across States in search of jobs, better living conditions, or escape from poverty and discrimination (Bhagat & Hassan, 2025). Migrant workers contribute significantly to construction, textiles, leather, hospitality, transportation, unorganized supply chains, retail, and MSMEs, yet remain disadvantaged in accessing healthcare, education, housing, nutrition, and social security (Gordon Brown, 2016). The Indian Constitution offers both directive and enforceable safeguards. Fundamental Rights, including Articles 14 and 15 on equality, Articles 19 and 21 on free movement, residence, and dignity, provide the legal basis for socio-economic rights. Directive Principles of State Policy (DPSPs) emphasize welfare, livelihood, fair wages, and social security through Articles 38, 39, 41, and 43, reflecting a vision of equitable development and justice.

Despite this framework, migrants face persistent exclusion. Urban economies depend on their labour in construction, manufacturing, and infrastructure, yet most lack documentation, secure housing, or access to welfare. The 2020 COVID-19 lockdown revealed this fragility: millions were stranded, forced to walk home without transport, food, or social assistance. Weak monitoring and non-portability of benefits prevented both federal and State governments from protecting this mobile population. The pandemic also disrupted commerce, halting production, retail, and services, showing that migrants are integral to economic resilience. Reverse migration highlighted the urgency of treating them as central to growth and planning, not as peripheral actors (Marchetti et al., 2021). Reform proposals include stronger labour laws for unorganized workers, inter-State labour registers, portable nationwide social security, and decentralized urban planning addressing migrant needs (Agarwal, 2022). Migration thus poses both a challenge and an opportunity to reframe India's socio-economic system. Regardless of origin or mobility, migrants are citizens entitled to full constitutional protection and inclusion.

Interrelations between Migrant Workforce and Commerce: A Critical Examination

Migration is central to India's urban economies and industrial systems, and has long shaped socio-economic transition. Many sectors depend on workers moving from rural to urban hubs. Industries such as construction, manufacturing, textiles, leather, MSMEs, informal retail, and urban supply chains rely heavily on migrant labour, yet policies rarely address their needs. Migrant workers are vital but often trapped in cycles of informality, precarity, and invisibility.

The COVID-19 pandemic exposed weaknesses in India's labour protections and triggered a national debate on their rights. The construction sector is especially dependent on temporary, seasonal, and circular migrants who provide low-cost labour. Workers mainly come from Bihar, Uttar Pradesh, Jharkhand, and Odisha (Kumar & Kumar, 2024).

Similarly, textile and leather industries depend on migrants, often employed in small, decentralized, and unregulated units. SMEs in Tamil Nadu, Gujarat, and Maharashtra use migrant labour for low-paying, repetitive tasks. Despite their role in exports and supply chains, these workers remain outside labour protections. Cost-cutting and flexibility sustain a system where labour is disposable and compliance neglected (Peter et al., 2020). Migrant workers also drive informal retail and logistics, street vending, delivery, and last-mile connectivity. They ensure urban consumption flows but face job insecurity, wage theft, and unsafe conditions. The pandemic worsened their situation with mass layoffs, evictions, and healthcare denials due to lack of documents.

The COVID-19 migrant crisis marked a turning point. Images of workers walking long distances revealed systemic neglect (Das, 2020). Gaps in coordination, poor databases, weak labour laws, and non-portability of welfare schemes were exposed. Shutdowns left workers stranded and destitute (Saltsman, 2022). Industries lost labour, supply chains broke, and economic activity slowed. Distrust grew as returning workers felt abandoned, causing shortages when industries reopened (Mujtaba, 2022). This crisis underlined the need to treat migrants as full citizens with rights. Businesses can no longer view them as cheap or replaceable. A rights-based approach is required, including portable benefits like One Nation One Ration Card, digital labour registries, and mobile access to healthcare, housing, and education. Platforms like e-Shram show promise but depend on State cooperation, data security, and worker awareness.

The government introduced four new labour codes: Wages, Social Security, Occupational Safety and Health, and Industrial Relations. Yet gaps in inclusion of unorganized workers, poor enforcement, and weak consultation have drawn criticism. Migrants often remain unaware or unable to claim rights due to bureaucracy. Post-pandemic, economic justice demands business investment in worker welfare. Ethical sourcing, transparent contracts, and safety are now both moral and economic imperatives. Urban governance must integrate migrants into public services, transit, and housing, recognizing them as part of city life.

India's Constitution supports migrant rights under Articles 14, 15, 16, 19, and 21, guaranteeing equality, freedom, and dignity. Directive Principles emphasize livelihood, work, and fair wages. Realizing these requires cooperation between centre and states. India's growth is deeply tied to migrant labour in construction, manufacturing, and retail. Yet these workers remain marginalized in laws and institutions. The pandemic revealed these contradictions. Protecting migrant workers must be seen as an investment in resilience and equity. Humanizing economic planning and constitutionalizing participation are essential for India's future.

Constitutional Provisions Safeguarding Socio-Economic Rights of Migrants in India

Migrant workers fall under India's constitutional framework, which secures socio-economic rights and emphasizes justice, equality, and dignity. Though migrants are not explicitly mentioned, constitutional guarantees of housing, food, income, and welfare apply. Addressing their vulnerabilities requires integrating Fundamental Rights with Directive Principles of State Policy (DPSPs). Equality provisions are central. Article 14 ensures equality before law for all, including migrants, as affirmed in *E.P. Royappa v. State of Tamil Nadu* (1974). Denying welfare benefits without valid justification would violate this guarantee. Article 15 prohibits

discrimination by religion, caste, sex, or birthplace, shielding migrants from exclusion based on dialect or regional identity. *State of Kerala v. N.M. Thomas (1976)* upheld protective discrimination, supporting targeted welfare for migrants, including women in construction and domestic work. Article 16 extends equal opportunity in public employment, even across states; *T. Devadasan v. Union of India (1964)* recognized historical disadvantages as relevant for equality.

Freedom of movement under Articles 19(1)(d) and 19(1)(e) protects the right to live and work anywhere. *Kameshwar Prasad v. State of Bihar (1962)* stressed these liberties as vital to national integrity, making it unconstitutional to deny housing or jobs by state of origin (Marchetti et al., 2021). Article 21, guaranteeing life and liberty, has been expansively interpreted to include livelihood and housing (*Olga Tellis v. BMC, 1985; Chameli Singh v. UP, 1996; PUCL v. Union of India, 2001*). Evicting slum dwellers without alternatives violates this right, particularly affecting migrants. Though non-justiciable, DPSPs guide policy. Article 38 urges reduction of inequalities; Article 39 calls for fair wages and living standards; *Randhir Singh v. Union of India (1982)* confirmed equal pay for equal work under Articles 14 and 16, relevant in construction and textiles where migrants often earn less. Article 41 directs states to provide work, education, and aid in unemployment, underpinning ONORC and MGNREGA. Article 43 demands living wages and decent work; *PUDR v. Union of India (1982)* held sub-minimum wages to be forced labour, reinforcing protections (Kang & Rutledge, 2016).

Additional safeguards exist in Schedules V and VI, which protect tribal communities often displaced by development and later absorbed into migrant labour. Constituent Assembly debates highlighted justice, equality, and dignity as guiding principles. Together, rights and DPSPs ensure migrants are entitled to equality and protection regardless of domicile. Yet their effectiveness depends on enforcement, judicial vigilance, and political will. As precedents and constitutional promises show, economic migration must not only be permitted but actively safeguarded to preserve migrants' dignity, equality, and safety.

Judicial Interpretations of Migrants' Socio-Economic Rights in India

The constitutional development of India owes a great deal to the lengthy history of judicial activism. When elected officials fail to uphold basic rights guaranteed by law, the courts have not hesitated to interpret the law aggressively and intervene. Judgement has expanded the scope of these rights, which is especially good news for marginalized communities including women, migrants, and the economically poor. This changing understanding has contributed to modernizing India's social and economic rights framework.

The proactive posture of the court is inseparable from the fundamental ideals of liberty, equality, and justice. When governments neglect or downplay social and economic entitlements, the courts step in to make sure people have real, tangible protections for their rights, rather than simply abstract promises. When State mechanisms fail to safeguard migrant workers, the judiciary frequently steps in to ensure that they are treated with dignity and given access to basic benefits.

The Role of Public Interest Litigation (PIL)

A vital instrument for promoting judicial action in India, public interest litigation (PIL) has just arisen. The courts have been able to address important public concerns, sometimes even taking cases on their own initiative, because of this (Savjani, 2022). When it comes to protecting

the rights of marginalized and at-risk populations, this process becomes even more important. It is often the case that PIL is the only way for the judiciary to acknowledge and resolve the problems of migrant workers, since many of these workers lack the resources, knowledge of the law, or access to formal justice systems.

The judgement of *Maneka Gandhi v. Union of India*, which happened in 1978, is considered as the landmark case in the history of the Indian courts. The Supreme Court decided that Article 21 guarantees not only physical freedom but also the right to live with dignity, therefore extending a broad grasp of the right to life. Based on this assessment, the court later saw socio-economic rights as essentially basic to the right to life. For migrant workers, this understanding of rights expands them to include shelter, health, livelihood, and a reasonable quality of living.

The Supreme Court decided in the 1982 case *People's Union for Democratic Rights v. Union of India* on the working conditions of migrant labourers in Delhi's building sector. The Supreme Court decided that the State has constitutional obligations to ensure all people equal protection under the law and should thus pay attention to the interests of these workers. This ruling represented a turning point in the jurisprudence of the rights of migrant workers since it acknowledged the socio-economic rights of workers in the unorganized sector, where legal protections are frequently absent. The court's ruling acknowledged the State's obligation to defend migrant workers' livelihood and dignity against abuse.

Right to Life and Dignity for Migrant Workers

Judicial activism concerning the protection of migrant workers has revolved around the interpretation of the right to life under Article 21 of the constitution. According to the Supreme Court's ruling in *Olga Tellis v. Bombay Municipal Corporation, 1985*, the right to livelihood is an integral part of the right to life, thus expanding the right to life's ambit. A violation of the fundamental rights of pavement dwellers was found by the Court in the forced eviction of those individuals without providing them with alternate accommodation (Mistri, 2022). Even though migrant workers weren't directly involved in this case, it set a precedent for making sure that everyone, regardless of immigration status, had access to food, water, and shelter.

No citizen, including migrant workers, should go hungry; this was affirmed in the *PUCL v. Union of India, 2001* case, which expanded the right to food under Article 21. Migrant workers frequently face the problem of hunger and malnutrition due to their exclusion from social security programs; this case brought attention to the fact that the right to food is an integral part of the right to life. This decision is significant since it demonstrated the court's will to actively defend underprivileged groups, especially migrants, by ensuring their fundamental socio-economic rights.

In the 1995 case *State of Uttar Pradesh v. Rajeshwar Prasad*, the Supreme Court underlined once more Article 21 provides not only the right to exist but also the right to enjoy a decent life. The Court decided that migrants, particularly those engaged in the unofficial economy, that is, construction and domestic labor, had a right to a decent living with appropriate accommodation, sanitation, and social security payments. Judicial activism depends on this reading, which transforms all people, including immigrants, from the position of just existing to that of enjoying a decent life.

Expansion of Rights through Judicial Review and Intervention

Expanding people's rights through judicial review is another method judges could exhibit their activism. The Indian court guarantees constitutional protection for all kinds of rights, including socio-economic ones by adopting a wide perspective of basic liberties. Under Article 21, the Court enlarged the right to education in *Unnikrishnan v. State of Andhra Pradesh, 1993*, for example, to include free and mandatory education for children up to the age of fourteen, therefore understanding this as a basic right. This was a major first towards making the government answerable for safeguarding citizens' socio-economic rights and appreciating their importance.

Another instance of judicial action is the defence of migrant workers' rights under the framework of labour laws. The Supreme Court's 1978 ruling in *Bangalore Water Supply and Sewerage Board v. A. Rajappa* judged workers in sectors like construction, which largely employs migrant labourers, to be part of "industry" under the Industrial Disputes Act, 1947. This expansive reading of the law has ensured that national legislation protects the rights of workers, including those who are migrants, by expanding the protection of labour laws to industries that have historically employed many migrants.

Judicial action has been vital in the migratory context to prevent human trafficking, bonded labour, and child labour from violating the rights of migrants. The Supreme Court took up the issue of bonded labourers, including several rural migrants, in the 1984 case *Bandhua Mukti Morcha v. Union of India*. A number of orders were issued by the Court with the goal of ending bonded labour and protecting the rights of workers. Migrant workers are susceptible to exploitation in the organized and unorganized sectors; this case shows how the judiciary has played a crucial role in protecting their rights.

Judicial Interpretation in Response to the Migrant Crisis during COVID-19:

The COVID-19 migration issue highlighted the precarious status of migrant workers in India and the delicate character of labour rights. After the sudden national lockdown, millions of migrants left high and dry without means of return to their homes. The courts thus intervened multiple times to protect migrant rights. After the Supreme Court of India intervened in the case of *In Re: Problems and Miseries of Migrant Workers, 2020*, which addressed the hardships these workers suffered during the lockdown, the government was directed to guarantee that migrant workers had access to food, transportation, and social security benefits. Judicial activism, as shown by the Court's intervention, can fill in to meet the immediate needs of underprivileged groups when the executive branch responds insufficiently to crises.

The Need for Continued Judicial Activism

High Courts and Supreme Court in India have greatly strengthened the social and economic rights of migrant workers. The court has traditionally read the right to life and dignity broadly to cover not just the absence of physical risk but also the availability of food, shelter, and other fundamental needs. By means of judicial interventions and public interest litigation (PILs), the Indian Judiciary has protected the rights of underprivileged people, especially migrants, by ensuring that the State performs its obligations.

Judicial activity has made notable headway in safeguarding migrant workers' rights; nonetheless, the success of these decisions depends on the government's capacity to follow its policies and show political will. Often the court has had to intervene to close legislative gaps and ensure that migrants' socio-economic rights are more than just words on a page. In India, judicial

activism is still an important instrument for protecting migrants, and it must be vigilantly used to deal with new threats and maintain the socio-economic rights of migrants considering political, economic, and social landscape changes (Shabbir & Naeem, 2020).

Comparative Constitutional Analysis of Socio-Economic Rights of Migrants

Comparative constitutional analysis of migrants' rights shows different approaches to socio-economic protection. Sweden, Portugal, Canada, and Germany, though distinct in politics and economy, all emphasize safeguarding migrant welfare. Compared with India, they display stronger constitutional guarantees, clearer welfare access, and more structured integration. In Sweden, protections are based on dignity and equality, covering all residents, including immigrants (Wilske, 2025). Rights to housing, healthcare, and education align with the European Convention on Human Rights. Migrants fulfilling residency conditions receive social security, job placement, language training, and financial aid, reflecting an inclusive welfare model. India's legal system, by contrast, is fragmented and often fails to protect socio-economic rights of unorganized migrant workers.

Portugal's Constitution guarantees equality under Article 13, banning nationality-based discrimination. Migrants have equal access to healthcare, education, housing, and social security. Support includes legal aid, labour rights, and language classes. India's bureaucratic hurdles marginalize many internal migrants, unlike Portugal's structured inclusion. Canada's Charter of Rights and Freedoms prohibit discrimination based on race, ethnicity, or origin. Migrants, including citizens, permanent residents, and in some cases refugees or temporary workers, access healthcare, schools, and welfare. By contrast, internal migrants in India face inconsistent benefits due to domicile-linked restrictions.

Germany's Grundgesetz protects human dignity, social security, and labour rights (Deutscher Bundestag, 2025). Integration policies provide language education, vocational training, and healthcare, especially for asylum seekers. Recent reforms expand welfare access, though limited in early years of stay. Unlike India, Germany ensures systematic inclusion through both law and welfare. Sweden, Portugal, Canada, and Germany share a rights-based, inclusive approach, ensuring migrants access basic services and integration measures. India, though constitutionally committed to equality, struggles with uneven enforcement and exclusion, particularly for internal migrants in the unorganized sector. This comparison highlights the need for India to strengthen its legal and constitutional frameworks, expand welfare portability, and ensure migrants' socio-economic rights are practically realized.

In contrast to India, the following nations show a more organized and rights-based approach to migrant inclusion: Sweden, Portugal, Canada and Germany. In contrast to these nations, which place a premium on migrant integration, legal protection, and access to basic services, India's internal migrant community nevertheless faces formidable obstacles to realizing the economic and social rights guaranteed by its constitution. While treating migrants with respect and equality is a commonality, the constitutional frameworks that protect their socio-economic rights in above-mentioned countries clearly show major disparities as well. Legal systems of nations as Sweden, Portugal, and Canada are more broad, friendly, and aggressive in making sure immigrants are included into social welfare programs. India's strategy is often erratic when compared to this, thus many migrants, especially those migrating inside the country, are deprived of fundamental services and rights, particularly in the unofficial sector. This comparative research highlights the importance of revising India's constitutional and legal

frameworks to guarantee the complete protection and practical realization of migrants' socio-economic rights.

FINDINGS & SUGGESTIONS

Significant changes are required in India to fill the gaps and overcome the obstacles that migrant workers encounter, as shown by the comparative constitutional study of migrant socio-economic rights. The following suggestions are made to improve the constitutional and legal safeguards for socio-economic rights of migrants in India, drawing on examples from nations like Sweden, Portugal, Canada and Germany.

- 1. Framing a National Migrant Policy:** India does not have a unified national policy regarding migrants that deals with the economic and social rights of migrants from inside the country as well as those from outside. There needs to be a national framework to bring all of the States' migrant assistance policies into harmony and make sure they're consistent with one another (Czaika, 2020). Construction, agriculture, textiles, and the informal economy are areas with a high concentration of migrants; this policy should address their rights in these industries. No matter where they live or what their job position is, everyone should be able to get the healthcare, education, social security, and housing that they need according to the policy (Ruhs, 2013). It also has to set clear guidelines for the transferability of rights so that individuals may benefit from one State to another free from any bureaucracy.
- 2. Creation of an Inter-State Labor Registry and Database:** Due to irregular legal registration and a lack of identification across different jurisdictions, Indian migrant workers frequently face difficulties in accessing welfare benefits and labour rights. A national registry that includes all employees, regardless of their immigration status, would be one solution to this problem. With this system in place, every migrant will be able to get healthcare, housing assistance, or social security benefits (Hemavarshini & Bowya Darshini, 2023). Policymakers would also benefit from a consolidated database in terms of understanding workforce trends and labour mobility, which would enable them to respond more precisely to market demands and labour shortages.
- 3. Implementation of Universal Social Security System:** One major weakness in India's policies to protect migrant workers is the lack of a thorough social security system. Many migrant workers in India, particularly those in the unorganized sector, are unable to utilize the country's social security systems due to their fragmentation, in contrast to nations such as Sweden and Canada who offer these benefits to all citizens, including migrants. Government of India should enact a national social security code that guarantees migrant workers' rights are portable, so they can continue to get healthcare, unemployment benefits, and pensions even if they switch jobs or relocate to a different State. Workers in the European Union are able to take their benefits with them when they move from one country to another (Iancu, 2020).
- 4. Strengthening Labor Laws and Enforcement:** Despite having constitutional and legal protections, many migrant workers in India still face discrimination and abuse at the workplace. Modernizing labour laws and rules will help migrant workers in both the official and unofficial sectors. These rules should cover wages that are fair, safe working conditions, and grievance resolution policies. Companies who exploit migrant labour should be required pay larger fines and also required to compensate the respective migrant workers. There must

be separate tribunals or courts especially meant to handle issues faced by migrant workers (Care, 2016).

5. **Education and Skill Development Programs for Migrants:** Migrants need access to educational and career possibilities if they are to effectively fit into society and the economy. These initiatives ought to be created in accordance with the commercial sector in order to satisfy the needs of the modern workforce. Along with the foundations of reading, writing, and arithmetic, such educational and training programs should impart technical and vocational skills necessary for the employment of today to migratory workers. By sponsoring their education and training, Government of India can enable its migrant workers to become more self-sufficient and less dependent on low-grade unorganized labour.
6. **Improvement of Housing and Living Conditions:** For migratory workers, especially in cities, overcrowding and inadequate housing circumstances are regular events. The COVID-19 epidemic has made already bad living conditions worse, thereby highlighting the urgent need of better migrant housing laws. Government of India has to set cheap housing initiatives targeted at migrant labour. These should all include access to hygienic facilities, safe drinking water, and simple infrastructure. Housing rules must consider the particular needs of migrant women and their families so as to ensure them safe and secure residence (Kotal et al., 2022).
7. **Expanding Legal Aid and Access to Justice:** Migrant workers in an unofficial sector have a great lack of legal supports. Many migrant workers often know nothing about or cannot exercise their legal rights to receive minimum wages. Government of India should establish legal aid facilities all over that provide free legal advice so that migrant workers could grasp and use their rights. Under this category, they should be provided assistance with reporting concerns such as non-payment of entitled wage amount, dangerous working conditions, or abuses of human rights. Legal awareness campaigns catered to migrant workers could give them the means to seek justice and make their companies responsible for their abuse (Favalli, 2021).
8. **International Cooperation on Migrant Rights:** Government of India also has to engage more in bilateral accords and international cooperation with countries handling migrant workers. Government of India can help to secure its migrant workers and maintain its labour market flexible by means of accords preserving socio-economic rights including safe working conditions and access to welfare services. Working globally together, migrant workers' credentials and experience might be more acknowledged, therefore creating more employment possibilities for them in India and elsewhere (International Labour Organization, 2016).

Constitutional amendments, legislative safeguards, social welfare programs, and a commitment to inclusion and equality are all necessary to address the socio-economic rights of migrants in India. If the Government of India implements these recommendations, migrant workers will have more equal access to rights and opportunities. Every Indian citizen would reap the benefits of a more equitable society as a result of the Government of India's policies being in line with global norms.

CONCLUSION

Among India's many struggles for social justice, protecting migrants' socio-economic rights remains critical. Migrant labourers, especially in the unorganized sector, face exploitation, poor working conditions, and neglect. Weak enforcement, limited legislative protections, and the absence of a coherent national migration policy worsen their situation. Though the Constitution guarantees justice and equality, including rights under Articles 14, 15, 16, and 21, migrants often cannot access these protections, particularly those in low-wage or unstable jobs and those moving across States. Access to healthcare, education, housing, and social security remains limited. Non-portability of entitlements, weak labour safeguards, and the absence of a national migrant register deepen exclusion. The COVID-19 crisis revealed this fragility, leaving millions of workers stranded, homeless, and hungry. Migrants remain essential for India's economy, but the lack of safeguards underscores the urgent need for reform.

Other nations offer useful lessons. Sweden and Canada, for example, ensure migrant inclusion through robust welfare systems, labour protections, and support for integration. Portugal and Germany provide equality guarantees, language and vocational training, and accessible social security, offering models that contrast with India's fragmented system. For India, improving migrant welfare requires a comprehensive strategy: transferable worker rights, stronger labour laws, and a national worker registration system. Enforcement must be tightened, while access to education, vocational training, and legal aid should expand. Housing and essential services must become more inclusive, ensuring internal migrants are not excluded from the benefits of development. Reform demands political will and institutional commitment. A transparent national migration policy, harmonized social security, and removal of domicile barriers are vital. Migrant workers are integral to India's growth, but without stronger social, legal, and economic structures, they remain vulnerable. Future research could assess new reforms post-2020 and examine comparative federal systems to guide India's policy evolution.

CONFLICTS OF INTEREST

The authors declare no conflicts of interest.

DATA AVAILABILITY STATEMENT

Data sharing is not applicable to this article as no new data were created or analyzed in this study.

CASE LAWS

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2. *T. Devadasan v. Union of India*, 1964 AIR 179
3. *E.P. Royappa v. State of Tamil Nadu*, 1974 AIR 555
4. *State of Kerala v. N.M. Thomas*, 1976 AIR 490
5. *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, 1978 AIR 548
6. *Maneka Gandhi v. Union of India*, 1978 AIR 597
7. *Randhir Singh v. Union of India*, 1982 AIR 879
8. *People's Union for Democratic Rights v. Union of India*, 1982 AIR 1473
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