

INTERNATIONAL JOURNAL OF LEGAL ENFORCEMENT

ISSN: 2582 8894|UIA: AA1003/2020



Volume 1 Issue 2

|June 2021|

Website: www.internationaljournaloflegalenforcement-ijle.com

Email: editorialboard.ijle@gmail.com

About Us

International Journal of Legal Enforcement is an online peer review journal dedicated to express views on legal and socio legal aspects. This platform also shall ignite the initiative of the young students. We do not charge any publication charge for online publications. We process to bring out the analysis and thoughts of every socio legal and legal matters from the young powerful minds. With this thought we hereby present you, International Journal of Legal Enforcement.

“Dharma is to protect the Needy”

Research Article on

MIGRANT WORKERS AND DEMOCRACY

By

Lavanya . K pursuing B.B.A. LL.B. (HONS.) at the Tamil Nadu Dr. Ambedkar Law University, Chennai- 113,

ABSTRACT

This paper focuses on the topic 'Migrant Workers and Democracy'. Internal or domestic migrants constitute a considerable portion in the labour workforce of our country. These migrants usually stay in their work place which is away from their native place for a temporary period. Internal migrants are largely temporary and seasonal migrants in nature. Internal migrants are called as disenfranchised citizens because they are in a position by not participating in the election by casting their votes at least once in a while. They are invisible for a longer period of time. The paper attempts to discuss about the participation of the internal or inter-state or domestic migrant workers in the democracy, also the participation of migrant workers which was due to effect of pandemic and its reflection on the Bihar State Legislative Assembly Elections 2020 and finally the how again these internal migrant workers can be re-enfranchised. Also this paper attempts to list out some possible solutions for this problem.

Keywords: *internal migrants, seasonal migrants, Bihar Legislative Assembly Election 2020 and disenfranchised*

CHAPTER 1 - INTRODUCTION

Democracy literally means rule by the people. It is derived from the Greek word “dēmos” which means “people” and kratos it means “rule”. Therefore it means people’s rule. Sir Abraham Lincoln said, “democracy is a government of the people, by the people, and for the people.” Our country follows representative democracy. It is a system where the government representatives of a country are elected by the citizens of the country by vote to handle the legislation and ruling of the country on their behalf. Here every citizen has an important statutory right i.e. right to vote for electing his/ her representative. And people elect their representatives at all levels i.e. the Panchayat, Municipal Boards, State Assemblies and the Parliament. According to 2011 Census migrant worker population was 450 million and according to the Economic Survey 2016- 2017 literally, “an average of nine million people migrated between states every year for either education or for work”¹ which is comparatively higher than that of the 2011 Census. According to data’s there were about 91.1 crores eligible voters who can participate in the 2019 Lok Sabha elections and the percentage of voters turned out was around 67.1% which is considered as the highest² . In the data of absent voters there will be a considerable portion which will be constituted by the migrant workers who are unable to return back to cast their votes owing to some reasons. Do these internal migrant participate in the democracy by casting their votes in the elections? How can these disenfranchised sect can be made again as re-enfranchised? These 2 are the primary issues here. This paper attempts to discuss about the plight of migrant workers in participating in the democracy by casting their votes in the elections.

¹ Livemint, <https://www.livemint.com/Politics/bK0wi486ff4HkV3NDcCTVI/Economic-Survey-2017-says-labour-migration-higher-than-earlier.html>, (last visited 18/3/2021)

²Times of India,
http://timesofindia.indiatimes.com/articleshow/69419715.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst, (last visited 18/3/2021)

CHAPTER 2 – MIGRANT WORKERS IN INDIA

2.1. Who is a migrant?

Migrants are persons who move from one region to another region for the purpose of getting themselves employed on a temporary basis. They migrate from their residence i.e. from the place of their habitat to a new place in order to get employed for a temporary or on a seasonal basis.

These migrant labourers are mostly unskilled and casual labourers who move from one region to another region for the purpose of doing work and their employment period will be on a temporary or on a seasonal basis.

I would like to cite a paragraph from the article on the topic Climate Change, Migration, and Conflict in South Asia which was published by Center for American Progress, “*The consequences of climate change will change the conditions and it'll undermine livelihoods in many areas. Extreme events and deteriorating conditions are likely to force many to leave from their homes temporarily or even permanently to another village, city, region or country*³”

2.1.1. DEFINITION OF HUMAN MIGRATION :

The International Organisation for Migration (IOM) defines the term migration as, “*person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons*⁴”.

The former United Nations Secretary - General, Mr. Ban Ki - moon in the 2013 High-level Dialogue on International Migration and Development stated that, “*Migration is an expression of the human aspiration for dignity, safety and a better future. It is part of the social fabric, part of our very make-up as a human family*⁵”.

³ Center for American Progress, <https://www.americanprogress.org/issues/security/reports/2012/12/03/46382/climate-change-migration-and-conflict-in-south-asia/>, (last visited Mar. 19/3/2021)

⁴ IOM UN Migration, <https://www.iom.int/who-is-a-migrant>, (last visited Mar. 18/3/2021)

⁵ Report on Migration and Its Impact on Cities, published by World Economic Forum,

2.1.2. WHAT IS MEANT BY SEASONAL MIGRATION?

Seasonal migration is associated with climatic conditions.

Also, seasonal migration can be said that there are distinct patterns which is known and predictable. For example in agricultural seasons where one region may be different from other region so people migrate to other region with the view to get employed in the agricultural related activities, another example is in the tourist spots during the season times resorts and cottages need more labourers because of the large number of tourists coming so in order to manage that they employ more people therefore during the tourist season times many come to these places and work here.

Seasonal migration is defined by Professor Teofilo Altamirano Rua as, “*the movement of population from their place of origin after and before planting and harvesting activities, before and after planting and harvesting seasons to job target places*”⁶.

2.2. TYPES OF MIGRANTS :

The following are types of migrant workers:

1) Internal migration: In this type of migration there will be a change in the residence i.e. only within the national boundary of a country, it may be between states, provinces, cities, or municipalities. They are also called as inter – state migrants or domestic migrants. An internal migrant is one who moves within a country for temporary employment and also as a seasonal migrant.

The below table 1 shows the India's internal migrant map and it was based on the 2016-2017th

⁶ http://www3.weforum.org/docs/Migration_Impact_Cities_report_2017_low.pdf, (last visited Mar. 19/3/2021)

⁶ Research Gate
https://www.researchgate.net/post/What_are_the_definitions_of_seasonal_migration/5d61116aa7cbaf96eb41506a/citation/download, (last visited Mar. 19/3/2021)

economic survey⁷

The table 2 shows the top destination of migration from various states as per the 2011 census⁸

The table 3 shows the Share of Migrant Workers in Total Workers by Major Sectors as given in the Report of the working group on migration which was published in 2017 by the Ministry of Housing and Urban Poverty Alleviation⁹.



⁷ DTE, <https://www.downtoearth.org.in/factsheet/internal-migration-in-india-why-where-how-much-71283>, (last visited Mar. 19/3/2021)

⁸ The Hindu Business Line, <https://www.thehindubusinessline.com/news/migrants-seem-to-prefer-neighbouring-states-for-livelihood/article28762755.ece>, (last visited Mar. 20/3/2021)

⁹ Ministry of Housing and Urban Poverty Alleviation, <http://mohua.gov.in/upload/uploadfiles/files/1566.pdf> , (last visited Mar. 19/3/2021)

INDIA'S MIGRATION MAP

Less affluent states see more people migrating out while the most affluent states are the largest recipients of migrants

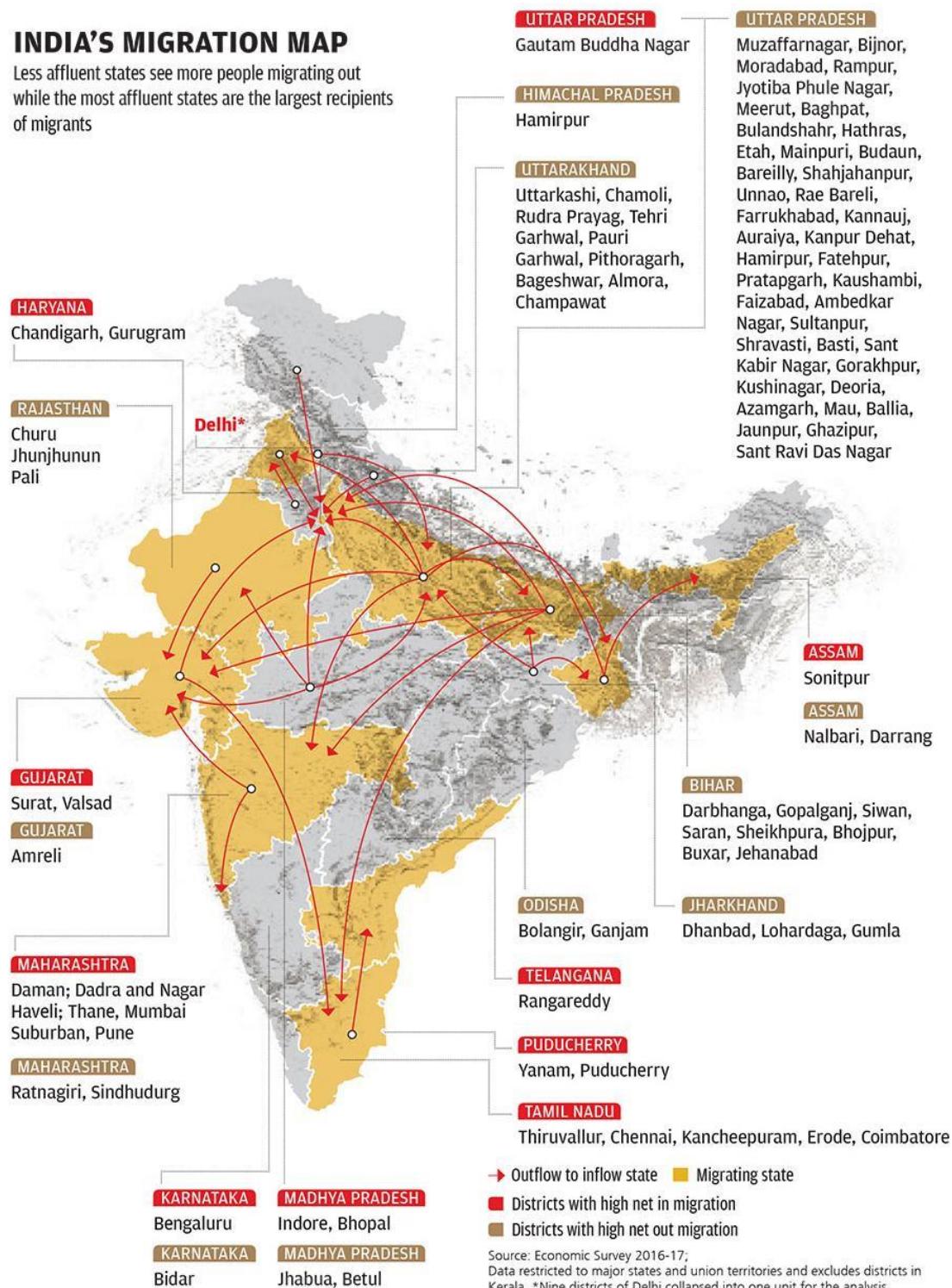


TABLE 1

Top destination of migrants from various States

Source	Destination	Share of migrants from source State (%)
North & East		
Uttar Pradesh	Maharashtra	23.00
Bihar	Jharkhand	17.60
West Bengal	Jharkhand	19.80
South		
Karnataka	Maharashtra	56.80
Tamil Nadu	Karnataka	36.90
Andhra Pradesh	Karnataka	43.50
Kerala	Tamil Nadu	36.90
West		
Maharashtra	Gujarat	32.70
Madhya Pradesh	Maharashtra	28.20
Gujarat	Maharashtra	66.60
Rajasthan	Gujarat	20.40

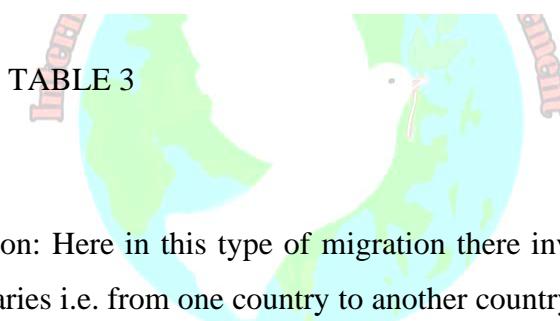
Source: Census 2011

TABLE 2

Table II.4: Share of Migrant Workers in Total Workers by Major Sectors

Sector*	Rural		Urban	
	Male	Female	Male	Female
Primary	4%	75%	20%	65%
Manufacturing	13%	59%	38%	51%
Public Services	16%	69%	40%	56%
Construction	8%	73%	32%	67%
Traditional Services	10%	65%	29%	55%
Modern Services	16%	66%	40%	52%
Total	6%	73%	33%	56%

Source: NSS 2007-08 * Using the National Industrial Classification codes of 2004 (NIC) **Primary** includes agriculture, hunting, forestry, fishing, mining and quarrying (NIC 01-14), **Manufacturing** is NIC 15-37, **Public Services** are NIC 40-41, Transport via Railways (NIC 6010), National Postal activities (NIC 64110), and Public Administration (NIC 751, 752 and 753), **Construction** is NIC 45), **Traditional services** include wholesale and retail trade, hotels and restaurants, transport, storage and communications (NIC 50-52, 55, 60-64, except 6010 and 64110), and **Modern services** includes Financial Intermediation, Real estate, renting and business, education, health, social work, other community, social and personal services (NIC 65-74, 80, 85, 90-99, excluding 751, 752, 753).



2) International migration: Here in this type of migration there involves a change of residence over the national boundaries i.e. from one country to another country. An international migrant is one who moves to a different country. As per the World Migration Report 2020 published by the International Organization for Migration (IOM)¹⁰ India had the largest number of migrants living abroad 17.5 million. An individual will be treated as Non Resident Indian (NRI) if he does not fulfill the conditions which are given under the section 6(1) of the Income Tax Act 1961 and the section runs as follows¹¹:

“6 (1) An individual is said to be resident in India in any previous year, if he—

(a) is in India in that year for a period or periods amounting in all to one hundred and eighty-

¹⁰ World Migration Report 2020, published by the International Organization for Migration (IOM), https://www.un.org/sites/un2.un.org/files/wmr_2020.pdf, (last visited Mar. 20/3/2021).

¹¹ The Income Tax Act, 1961 No. Acts of Parliament, 1961 (India), https://www.incometaxindia.gov.in/_layouts/15/dit/mobile/viewer.aspx?path=https://www.incometaxindia.gov.in/acts/income-tax%20act,%20201961/2017/10212000000063747.htm&k= (last visited Mar. 20/3/2021).

two days or more ; or

(c) having within the four years preceding that year been in India for a period or periods amounting in all to three hundred and sixty-five days or more, is in India for a period or periods amounting in all to sixty days or more in that year”.

So if these 2 conditions are not fulfilled by an individual in India then he will be considered to be a Non Resident Indian.

2.3. FACTORS CAUSING INTERNAL MIGRATION OF WORKERS :

The following are the factors which causes internal migration of workers and they can also be said as push factors -

- i. ECONOMIC - Economic factor is one major factor which causes internal migration of workers. People migrate from their residence to other place so that they can attain a better economic status in life. To improve their economic status people migrate to other areas due to the poor wages in their native place. Also poverty might push these workers to migrate to other areas they migrate with the intention that they can earn more than that they get in their native places.
- ii. URBANIZATION – With the advent of urbanization and also developmental activities being done in the urban areas there is an increased demand for labours. So people migrate to these urban areas from their native to get employed themselves here because of good salary offered here.
- iii. EDUCATION – Migrant workers migrate from their native to rural or urban areas for employment also they migrate in order to provide good education to their children because of the poor quality of education offered in their native.
- iv. CLIMATE – Climatic factors do play a vital role in causing migration. Drought, crop failures, natural calamities are some related to climatic changes. People migrate to other region in order to get employment because of the worse climatic condition in their native where they do not get employment because of the prevailing conditions there.

CHAPTER 3 – MIGRANT WORKERS AND DEMOCRACY

In India we follow the Universal Adult Franchise by which any person who has attained 18 years of age is entitled to be registered as a voter. Also it is guaranteed in our Constitution under the Article 326, which runs as follows;

“The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election¹²”.

A person who after attaining 18 years of age can register himself as a voter by filling the Form 6.

Since their nature of migration is seasonal and circular, these migrants do not reside either permanently or as long-term residents in host cities since their nature of work is temporary in nature so many migrant workers may have registered themselves as voters in their native place constituency because they have documentation for that, these workers migrate to other region for employment purposes and after completing their work they return to their native place. Also their period of stay is either permanently or as long-term residents in host cities since their nature of work is temporary in nature so they do not satisfy the requirements which are stated under the **Section 20 of the Representation of People Act 1950** for being an “ordinary resident” in their host state, in order to obtain voter identity cards. So therefore they are unable to change their constituency. And if elections take place in their constituency during the period of their stay in the host constituency and what if their host place is far away from their home constituency obviously they miss voting for that election. Because they cannot bare the travelling expense just to go for voting. These migrant workers maximum get employed as a daily wager and they work in the construction fields and also as agricultural labourers. They get paid on daily basis only.

Also many fail to enroll themselves in their host constituency as voters due to the lack of

¹² INDIA CONST. art. 326, amended by the Constitution(Sixty-first Amendment) Act, 1988
https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf, (last visited Mar. 20/3/2021)

address proof with them and also they don't change their address because of their temporary stay. They migrate for employment and after that either they go back to their native or they migrate to a new area in search of employment. Here these migrants situation is pathetic as they can't afford to go to their native place to vote and also they can't enroll themselves in the host constituency due to lack of documentation.

Migrant workers could not exercise their voting rights in the elections because of travel as they can't bear both monetary expenses and the time taken for transit. As stated earlier they are daily wagers and if they take 1 week leave and all they'll get no wages. They don't get paid holidays and all. And if they take long leave's and all they won't be employed again by their employer citing those reasons.

A study which was conducted by Aajeevika Bureau stated that, "out of 78% of respondents who were eligible to vote 60% responded that they missed voting because of livelihood options¹³" this data is about long distance migrants.

This shows the poor condition of those long distant migrants. These migrants who themselves could not participate for voting in elections how could they ever imagine themselves in contesting elections?

I think the next sub chapter will substantiate the matters stated in the above discussed paragraphs.

3.1. PANDEMIC AND MIGRANT PARTICIPATION IN BIHAR 2020 CONSTITUENCY ELECTIONS :

To support the above stated I would like to cite the present Bihar elections which happened in 2020. The pandemic which caused millions of migrant workers to return to their native places either by walk or through the special trains arranged by the respective state governments or with the aid of their own transports. During the COVID -19 period, an initiative was undertaken to collect the data relating to migrant workers by the Ministry of Labour and Employment who were going back to their Home States during the period of lockdown. The information relating to

¹³ Aajeevika Bureau,
<https://www.ajeevika.org/assets/pdfs/Political%20Inclusion%20of%20Migrant%20Workers%20in%20India.pdf>,
(last visited Mar. 20/3/2021).

migrant workers was collected from the various State Governments. And on the basis of the information collected around one crore migrant workers have returned back to their home States during the pandemic period which was a result of outbreak of the COVID-19 virus¹⁴.

And this Bihar election which was conducted in 3phases from October 28th to November 7, 2020 it was during the pandemic time. Also as I stated earlier because of this pandemic many migrant workers marched towards their native places, many millions of migrant workers returned back to Bihar where the constituency assembly elections was to be conducted. As a result of which many migrant workers would have enrolled them as voters and also many migrant workers would have casted their votes in that election.

To substantiate the above sentence I would like to cite a paragraph from the article published in the Hindustan Times¹⁵, *“the Election Commission over this last six months has enrolled around 6.5 lakh new voters, it also includes an estimated 3 lakh migrant labourers who had returned home during the Covid-19 lockdown, as part of the ongoing updation of the voters’ list for the forthcoming assembly polls which is due in October-November”*.

57.05 percent turnout was recorded in the Bihar assembly elections 2020 which is slightly higher than the turnout recorded in 2015 Bihar assembly elections was 56.66 percent, that might be because of the migrant workers participation. The Economic Times published an article on “Bihar Elections: Higher voting in districts with more migrants¹⁶” in that they have given the data relating to the turnout of migrant workers participation in this election, I’m citing a paragraph from that article, *“Bhagalpur which had over 49,000 migrant workers recorded 57.04% turn out against 48.17% in 2015. Banka with 31,712 migrant workers registered recorded a 59.65% against 58.02% in 2015, Arwal with 18,000 plus migrant workers registered a 55.63% turn out against 52.78% in 2015, Aurangabad which had 42,000 returnee migrants, it was 55.58% against 53.01% five years ago. Gaya saw over 82,300 migrants return and recorded 58.65%, against 57.24% in 2015. Similarly, Jamui with 22,000 plus returned migrants 60.30%*

¹⁴Ministry of Labour & Employment, Posted On: 16 SEP 2020 9:39AM by PIB Delhi, <https://pib.gov.in/PressReleasePage.aspx?PRID=1654819>, (last visited Mar. 20/3/2021)

¹⁵ Anirban Guha Roy, 3 lakh returnee migrant workers added to voters’ list in Bihar, Hindustan Times, <https://www.hindustantimes.com/bihar-election/3-lakh-migrant-worker-returnees-added-to-voters-list-in-bihar/story-CXjD4gEzHG1wNRTBaLi9vO.html> , (last visited Mar. 20/3/2021)

¹⁶Economic Times, <https://economictimes.indiatimes.com/news/elections/assembly-elections/bihar/bihar-elections-higher-voting-in-districts-with-more-migrants/articleshow/79032640.cms>, (last visited Mar. 20/3/2021)

voted, significantly up from 56.5% turnout of 2015. Sheohar with over 17,000 migrants posted 56.04% against 54.83% in 2015 ”.

This clearly shows that the voter turnout has increased in this election the return of migrant workers to Bihar and also they had casted their votes in the election can be stated as a reason for this increased turnout.

Because of this pandemic many returned back to their natives and participated in voting, what if this pandemic had not at all happened then these migrants would have not participated in the voting as they can't afford for travelling just to participate in voting.



CHAPTER 4 – RE-ENFRANCHISE THE DISENFRANCHISED

Migrant workers are popularly called as disenfranchised citizens. Professor Dr. Ashwani Kumar in his interview with The Hindu stated that, “*migrant workers are the most disenfranchised invisible citizens of contemporary India. It’s shocking that those who build fantasy cities not only can’t own a home of their own but also can’t vote in elections and are treated like almost ‘as second-class citizens’*”¹⁷.

That is the true state of these interstate migrants in India. They are not given the voting facilities like that of the Non Resident Indians (NRI’s) who are working and participating in developing the other countries. Also recently there are talks to extend the facility of Electronically Transmitted Postal Ballot System (ETPBS) to the NRI’s has been proposed by the Election Commission of India to the Law Ministry. These interstate migrants who take part in the process of building infrastructures for our country are neglected for a very long time.

I had gone through many articles while researching for this topic and all articles similarly suggested the extension of Electronically Transmitted Postal Ballot System (ETPBS) also to the migrant workers. They suggested that the Election Commission of India under the Section 60(c) of The Representation of the People Act, 1951 has been empowered to notify a certain class of persons who can exercise their vote through the postal ballot. Section 60 (c) of The Representation of the People Act, 1951 runs as follows, “*any person belonging to a class of persons notified by the Election Commission in consultation with the Government to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken subject to the fulfillment of such requirement as may be specified in those rules*¹⁸”.

Former Chief Electoral Commissioner (CEC) Nasim Zaidi stated that, “*the only possible method to allow the domestic migrants to vote in their native places is through electronic postal ballots. The concept of national polling centers and district absentee voter centers (where this type of voting can be facilitated) is taking place in the EC. Migrant Resident Indians (MRIs) need to be identifiable, countable, distinct and registered at the original place of residence and unable to*

¹⁷ THE HINDU, <https://www.thehindu.com/news/national/migrant-labourers-are-the-most-disenfranchised-invisible-citizens/article31717502.ece> , (last visited Mar. 23/3/2021)

¹⁸ THE REPRESENTATION OF THE PEOPLE ACT, 1951, No. 43 , Acts of Parliament 1951 (India), https://legislative.gov.in/sites/default/files/04_representation%20of%20the%20people%20act,%201951.pdf (last visited Mar. 23/3/2021)

travel back to vote.¹⁹

To note there were some past initiatives undertaken by the Election Commission of India for the migrant peoples in order to make them to cast their votes. And for the Lok Sabha Elections which was held in the year 1996, the Election Commission of India introduced the system of postal ballots as a new conception for conducting the elections as a means. This system was introduced for the migrant voters of Jammu & Kashmir those who had migrated from their residences which is situated in the Kashmir valley. These migrant voters were residing in the transit camps and it was situated in the Delhi, Jammu and in some other places for an indefinite periods. The same system of voting was repeatedly followed for the 1998 and 1999 elections. In Delhi these special postal ballots were set up and there were five gazette officers who will be present at those locations for the purpose of assisting in the process of certification of identification of documents of those migrants who were in the transit camps.

Again in the 1999 elections, for the Reang voters who had registered in the Mizoram but were living temporarily in camps situated in Tripura due to ethnic problems. For them the Election Commission of India had made some special arrangements by which they could participate in the voting. The Election Commission of India had set up some special polling stations on the border areas of Tripura-Mizoram region.

Also for the General elections which was conducted in 2014, the Election Commission of India again made some special arrangements and this time it was for the Jammu's Talwara migrants. These Talwara migrants are about to cast their votes after 16 years of gap. And the polling booths were exclusively erected in the villages of these Talwara migrants who had migrated from that place more than one and a half decades ago²⁰.

But in the 2019 General Elections no such arrangements like transportation facilities were made for them to their villages from the camps to exercise their voting rights²¹.

¹⁹ The Telegraph Online, published on 22.01.21, <https://www.telegraphindia.com/india/poll-ex-chiefs-flag-migrant-voting-hurdles/cid/180441>, (last visited Mar. 23/3/2021, 7.00 p.m.)

²⁰ The Print, <https://theprint.in/opinion/indias-internal-migrants-had-no-say-in-2019-polls-they-probably-wont-in-2024-either/238516/>, (last visited Mar. 23/3/2021),

²¹ Daily Excelsior E-Newspaper, published on 19/04/2019, <https://www.dailyexcelsior.com/talwara-migrants-protest-over-denial-of-transport-facility-to-cast-votes/> (last visited Mar. 24/3/2021.)

4.1. INTIATIVES THAT CAN BE TAKEN BY THE STATE AND CENTRAL GOVERNMENTS :

As earlier I stated in the 3rd chapter the outbreak of novel corona virus and pandemic was announced the Central Government and millions of migrant workers started marching towards their homes. At that time only many came to know including the Central Government and the respective State Governments that there are millions of interstate migrant workers working at different parts of the country. This itself clearly shows that The Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Act, 1979 has been poorly implemented. Under that Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Act, 1979 the respective State Governments has to engage in the process of registration of the migrant workers and the data regarding about the migrant workers has to be maintained by the respective State Governments.

There has to be some accurate data relating to migrant workers. The Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Act, 1979 is not properly implement and it makes the condition worse. So the Central and State Governments has to take some steps to regulate and maintain the data relating to migrant workers.

Some initiatives can be taken by the Central and State Governments by introducing new schemes and by generating employment opportunities within the state in order to prevent again the migration of the workers to other states.

The Central Government has announced some welfare schemes for the migrant workers who had returned back to their states some of them are, the Pradhan Mantri Garib Kalyan Rojgar Abhiyan scheme has been initiated in order to facilitate employment to the migrant workers who have gone back to their home State, this scheme has been initiated in 116 districts in mission mode, also the per day wages Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) Rs. 182 to Rs. 202²² has been increased by the Central Government.

The inter- state migrants who have returned back to their home states can be enrolled in the employment schemes by which they get employed in their native places or within a short

²² Ministry of Labour & Employment, Posted On: 16 SEP 2020 9:39AM by PIB Delhi, <https://pib.gov.in/PressReleasePage.aspx?PRID=1654819>, (last visited Mar. 24/3/2021),

distance from their native places. And yes not everyone can't get employed within their home state but at least a considerable amount can get employed within their state so therefore by this they will work within their state also they can easily return to their constituencies on the election dates and can participate in voting

If proper schemes are introduced and implemented successfully for these migrant workers then they'll emerge as a vote banks.



CHAPTER – 5 SUGGESTIONS AND CONCLUSION

5.1. SUGGESTIONS :

- i. Identification and classification of the migrant workers has to be made and the data collected must be properly maintained and documented.
- ii. As stated earlier Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Act, 1979 has to be revamped and strictly enforced.
- iii. Involving Non - Governmental Organizations (NGO'S) to ensure the participation of domestic migrants in elections.
- iv. Election Commission of India has to bring awareness by conducting programs on voter's rights among these internal migrants through their Special Campaign Of Systematic Voters' Education And Electoral Participation (SVEEP).
- v. Extension of Electronically Transmitted Postal Ballot System (ETPBS) facility to the internal migrant workers.
- vi. To generate new employment opportunities for the workers within the state by their respective State Governments by which their movement can be considerably restricted.

5.2. CONCLUSION :

Every citizen has the right to move freely within the country and also it has been guaranteed under the Article 19(1) (d) of the Constitution which is subject to certain restrictions as specified under the Article 19 (5). Workers tend migrate from their residence in order to earn and to live with dignity. These migrant workers who migrate from their native place to a new place for the purpose of work do suffer a lot because they don't have proofs like address proofs because of which they cannot claim benefits under any schemes and also they are absent at the time of voting. The Election Commission of India is working hard to get 100 percent turnout in every elections and recently they have proposed to extend the Electronically Transmitted Postal Ballot System (ETPBS) to the Non Resident Indian voters and also they have proposed to link

the Aadhar Card with the Election Photo Identity Card (EPIC) to prepare an error free electoral roll these kind of reforms are highly welcomed. But when it comes to the internal migrants they are not given like that of the facilities which are given to the Non Resident Indians. These internal migrants constitute about a considerable percentage among the total workforce of the country yet they are not recognized for a long period and also there is no proper data relating to them. Some kind of reforms has to be made to enable the migrant workers to participate in elections where they can vote in the elections, the reforms if made might have an positive impact on this problem of migrant workers and also the voter turnout in elections might rise eventually it leads to participation of all people in the democracy. Though the right to vote is statutory in nature it is one important right which is vested with the people who has to decide who should represent them. Hoping for that day to come.



REFERENCES :

1. Prerna Kapoor, Economic Survey 2017 says labour migration higher than earlier estimates, Livemint, <https://www.livemint.com/Politics/bK0wi486ff4HkV3NDcCTVI/Economic-Survey-2017-says-labour-migration-higher-than-earlier.html>
2. Arpita Bhattacharyya and Michael Werz, Climate Change, Migration, and Conflict in South Asia, <https://www.americanprogress.org/issues/security/reports/2012/12/03/46382/climate-change-migration-and-conflict-in-south-asia/>
3. Who is a migrant? <https://www.iom.int/who-is-a-migrant>
4. Report on Migration and Its Impact on Cities, published by World Economic Forum, http://www3.weforum.org/docs/Migration_Impact_Cities_report_2017_low.pdf
5. Altamirano Rua, Professor Teofilo. (2019). Re: What are the definitions of seasonal migration?
https://www.researchgate.net/post/What_are_the_definitions_of_seasonal_migration/5d61116aa7cbaf96eb41506a/citation/download.
6. DTE staff, Internal migration in India: Why, Where, How much
<https://www.downtoearth.org.in/factsheet/internal-migration-in-india-why-where-how-much-71283>
7. Tina Edwin, Migrants seem to prefer neighbouring States for livelihood
<https://www.thehindubusinessline.com/news/migrants-seem-to-prefer-neighbouring-states-for-livelihood/article28762755.ece>
8. Report of the working group on migration, published by the Ministry of Housing and Urban Poverty Alleviation, <http://mohua.gov.in/upload/uploadfiles/files/1566.pdf>
9. World Migration Report 2020, published by the International Organization for Migration (IOM), https://www.un.org/sites/un2.un.org/files/wmr_2020.pdf

10. The Income Tax Act, 1961 No. Acts of Parliament, 1961 (India), (https://www.incometaxindia.gov.in/_layouts/15/dit/mobile/viewer.aspx?path=https://www.incometaxindia.gov.in/acts/income-tax%20act,%201961/2017/10212000000063747.htm&k=

11. Indian Constitution Article 326
https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

12. Aajeevika Bureau, Political Inclusion of Seasonal Migrant Workers in India: Perceptions, Realities and Challenges, (<https://www.aajeevika.org/assets/pdfs/Political%20Inclusion%20of%20Migrant%20Workers%20in%20India.pdf>

13. Ministry of Labour & Employment, Posted On: 16 SEP 2020 9:39AM by PIB Delhi, (<https://pib.gov.in/PressReleasePage.aspx?PRID=1654819>

14. Anirban Guha Roy, 3 lakh returnee migrant workers added to voters' list in Bihar, Hindustan Times, (<https://www.hindustantimes.com/bihar-election/3-lakh-migrant-worker-returnees-added-to-voters-list-in-bihar/story-CXjD4gEzHG1wNRTBaLi9vO.html>

15. Anubhuti Vishnoi, Bihar Elections: Higher voting in districts with more migrants, Economic Times, (<https://economictimes.indiatimes.com/news/elections/assembly-elections/bihar/bihar-elections-higher-voting-in-districts-with-more-migrants/articleshow/79032640.cms>

16. Nistula Hebbar, Migrant labourers are the most disenfranchised invisible citizens: political scientist Ashwani Kumar, THE HINDU, (<https://www.thehindu.com/news/national/migrant-labourers-are-the-most-disenfranchised-invisible-citizens/article31717502.ece>

17. THE REPRESENTATION OF THE PEOPLE ACT, 1951, No. 43 , Acts of Parliament 1951 (India)
https://legislative.gov.in/sites/default/files/04_representation%20of%20the%20people%20act,%201951.pdf

18. Pheroze L. Vincent, 'Deep apathy against transit workers': Poll ex-chiefs flag migrant voting hurdles, The Telegraph Online, published on 22.01.21, (<https://www.telegraphindia.com/india/poll-ex-chiefs-flag-migrant-voting-hurdles/cid/180441>

19. Kundan Mishra, India's internal migrants had no say in 2019 polls. They probably won't in 2024 either, The Print, <https://theprint.in/opinion/indias-internal-migrants-had-no-say-in-2019-polls-they-probably-wont-in-2024-either/238516/>

20. Bharthi Jain, Lok Sabha elections: At 67.1%, 2019 turnout's a record, Election Commission says,
http://timesofindia.indiatimes.com/articleshow/69419715.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

21. Karandeep, Talwara migrants protest over denial of transport facility to cast votes, Daily Excelsior E-Newspaper, published on 19/04/2019, <https://www.dailyexcelsior.com/talwara-migrants-protest-over-denial-of-transport-facility-to-cast-votes/>

22. Ministry of Labour & Employment, Posted On: 16 SEP 2020 9:39AM by PIB Delhi, <https://pib.gov.in/PressReleasePage.aspx?PRID=1654819>