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Gender, Migration and Fundamental Rights:
A Discourse on India's Commitment to its Constitution

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Gender, Migration and Fundamental Rights:
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Abstract

A widespread phenomenon in India is internal migration involving large numbers of people migrating from their homes to other places. Statistics show that a majority of these are women who move for familial and economic reasons. Further, the feminization of migration, along with globalization, has altered the position of men living in families impacted by this. Men are not the only breadwinners in the family. They also receive remittances from female partners living outside the city, and thus may attain new family or household functions. The paper attempts to analyse the differences between civil, political, social and economic roles of men and women that are considered 'appropriate' and 'proper' in a predominantly Hindu, Indian society. The paper looks at the ways in which migration, globalization and development impact accepted societal roles and the changing trends and patterns emerging from this phenomenon. Focus is not only those who migrate, but also those in whose geographical proximities this migration occurs. All this is studied in the context of Right to Freedom of Movement guaranteed by the Constitution of India, and its interplay with other fundamental rights of the Constitution. Migration in India is a challenged phenomenon not only due to the lack of socio-economic infrastructure to support the migrants, but also due to an existing hostility in the minds of the common people. The vehement fight to protect status quo in Maharashtra by Shiv Sena and the resulting philosophical considerations of sharing of space, the status of rickshaw pullers in Delhi, the labour dilemma in other parts of India, etc. are a matter of constant debate. The paper attempts to look at migration from a gender lens, to analyse the constitutional freedoms provided to these migrants.

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Gender, Migration and Fundamental Rights: *A Discourse on India's Commitment to its Constitution*

I. Introduction

The UN in 1993 has defined migration as '*movement from one migration defining area to another, usually crossing administrative boundaries made during a given migration interval and involving a change of residence. Internal migration involves a change of residence within national border*' (UN: 1993). Thus, it is a type of mobility, where people change their residence from one administrative border to another. The causes of this relocation might be voluntary or involuntary.Internal migration can be classified into four patterns: rural to urban, rural to rural, urban to urban, and urban to rural. However, rural to urban flows are the largest contributors of internal migration (GEPDF: 2014).

Increasingly, migration is being understood as a livelihood strategy: a strategy to effectively emerge from poverty. Since gender is a social construction, it influences relations between the sexes, leading to differences in causes, processes and impacts of migration on individual sexes (Indrani et al. 2012). Yet, early literature on migration rarely focused on issues pertaining to gender. Migration was understood be a male-dominant exercise. Women were considered as accessories to migration, as either residuary or as dependent followers. However, recent statistics started hinting at a different picture altogether. The NSSO data of 2000 shows that an equal number of men and women migrated in the decade preceding the census – 85 million women as compared to 90 million men (Bhatt: 2009).

II. Objectives

The objectives are as follows:

(a) To examine the diversities and complexities of migration in general and women's migration in specific.

(b) to discuss about the legal and constitutional provisions made for the migrants in general and women in particular

(b) to examine the challenges faced by the women migrants in the social, economic and political domain

(c) to provide policy options to safeguard the women's right

III. Methodology

Data are used from secondary sources i.e Government reports, analysis of constitutional and legal provisions and NSSO.

IV. Gender and Migration: The Broader Context

Before discussing about the critical issues related to migration in India, it is important to discuss some basic terms for better clarification.

(a) Definition of Migrant

Internal migrants have been defined by the NSSO as persons '*whose last place of usual residence, anytime in the past, was different from the place of enumeration*'. Given the data available by NSSO, 327.7 million internal migrants in 2008 were comprised of almost 80% women migrants. Out of that 80%, 66.6 million, i.e. 1/5th, were labour migrants (IDRC CDRI).

Conclusions from the NSSO data point to the following reasons for women's migration:

> 'Marriage, with women relocating to join the household of their husband',

> 'Associational migration where women move as members of a migrating family'.

Although data inconsistencies and inadequacies give an underestimation of '*the full scale of economic and, particularly, temporary migration*', women migrating for familial and economic reasons are increasingly classifying internal migration in India (IDRC CDRI).

The 2001 Census enables some interesting observations: while migrants constitute 30% of the total population; out of which 18% were male migrants and 45% were female. Clearly, in terms of magnitude and more so from perspectives of development, internal migration of females influences socio-economic development and has a great potential for reducing poverty. .

(B) Feminization of Migration

Thus, academic studies and international organizations have started to shift their focus of study on contemporary migration. Notions of 'feminisation' of migration link to gender and its impact on the experiences of male and female migrants (Piper: 2008).

Migration is evidently gendered and stratified. This has implications not only on the working of the labour market, but also the experiences, entitlements and rights associated with them. Analysis the 'migration-development nexus' through gender can help significantly in understanding social factors that influence gender roles and influence resource, facility and service access. Usually, the study of 'migration-development nexus' is directed by macroeconomic concerns. However, empirical evidence is limited to the Southern-to-Northern migration, resulting in the complete ignorance of social dimensions of this migration. A gender analysis, however, enables the introduction of social dimensions of issues such as class, ethnicity, gender, and equality (Piper 2008).

The impact of migration on women is nothing short of revolutionary. It not only enables improvement in their lives, but also initiates changes in 'oppressive gender relations' through the new opportunities. As an income source for the migrant women, it helps in promotion of self-confidence and gives them greater self-sufficiency, leading to upward social movement. However, it remains a multifaceted movement. It may still be characterized by traditional roles, and thus the existing disparities may perpetuate further vulnerabilities. Further, women migrants are subject to '*biased procedures*' and '*corrupt agents*', with emergence of novel social disgraces occurring at every level of the migration cycle, underlying the importance of reflection of '*differential experiences of male and female migrants in a gendered world*' (Bhatt 2009).

Incidence of women migrants and their role and contribution was paid only limited attention in the early literature on migration. Patterns of demand for labour in the urban areas that are especially gender-specific are being studied more and more to understand female migration, especially in Southeast Asia. The image of migrating women as passive followers of male household heads is increasingly being challenged. Single daughters of the family are being sent to towns and enabling their economic independence from an early age. 'Autonomous female migration' is thus an existing and deeply entrenched trend (Bhatt 2009).

Studies of 2001 Census of India indicate women dominating rural-rural migration. Comparison with aggregate data of 1981 and 1991 indicates rise in rural-urban female migration parallel to economic development in the country, debunking the myth of women's migration being only for marriage (Bhatt 2009).

Not only the reasons for male and female migration are different, but also the way that they migrate: men mostly migrate alone, whereas women migrate either with family members or with other women (GEPDF: 2014).

Impact of gender on men and women varies and depends not only on the reasons and manner of migration, but also the 'type of migration, policies and attitudes towards migrants… (and) household gender relations'. Yet, migration also challenges the established gender roles. For example, migration of men from rural to urban areas leaves the women with greater burdens of labour, and also enables them to have more control over the utilization of resources and revenues (GEPDF: 2014).

Certain findings (from various studies) are noteworthy (Desai and Banerji 2008):

It is more likely for younger wives to live separately from their husbands, as compared to wives that are older. This suggests that men who are younger are more likely to engage in labour migration. It is also quite possible for the older women to have established suitable living situations where they reside with their husbands.

Women living away from their migrant husbands tend be in better-off households as compared to women living with their husbands.

Findings from the survey point to a stereotypes understanding of women's role in the society: their migration is almost always considered to stem from associational factors. This leads to their recognition in the category of non-workers, which whitewashes their labour and the resulting economic contributions. Continuous non-recognition of women's role as direct contributors to the economy violates the provisions of International Labour Organisation for decent work (IDRC CDRI).

The impact of migration on women can be understood in following contexts:

Thadani and Todaro describe four principle types of female migrants, distinguished by their marital status and reasons for migrating (GEPDF: 2014). These are:

1. Married women migrating for employment
2. Unmarried women migrating for employment
3. Unmarried women who are migrating for marriage
4. Married women who are engaged in associational migration

Interestingly, migration in all the above-mentioned circumstances has two major impacts; one, on the autonomy of women; and two, on gender roles, of both men and women, as shall be discussed next.

Three sub-groups of women are studied here, depending on the impact of migration on them.

(i) Women being left-behind due to migration of men (Desai and Banerji 2008)

Migration of men away from their homes with women being left behind has two major effects. One, the autonomy of women is increased manifold. The absence of her husband 'forces' her to take up responsibilities and roles (such as, budgeting for the house, taking decisions, representing the family, etc.) that she would otherwise not have taken. The absence fosters her autonomy, self-respect and role expansion. Further, the migrant men are forced to undertake domestic tasks that would have otherwise been done by the woman.

However, various researches have also shown that such forced autonomy and role expansion burdens the women by increasing responsibility and emphasizing financial hardships. Many a times, when remittances from migrants are not enough, or when such remittances stop coming, women who get left behind are forced to become the breadwinners, adding to their existing burden of familial and domestic responsibilities.

Due to the family structures existing in the country even today, often the older daughter is forced to assume the role of a mother to her brothers and sisters, and may end up sharing domestic responsibilities, often at the cost of her education (GEPDF: 2014).

Despite the welcome disruption of gender roles, studies show that in the initial stages of such disruption, marital conflicts result, for example, role reversals, especially for men experiencing long-term unemployment, challenges the sense of masculinity in men, and their roles as the 'providers' of the family (Piper 2008).

(ii) Women migrating independently, i.e., without men

Urban areas are witnessing more and more women, married or single, working outside home. Thus, they create the demand for domestic help, which is filled by migrant workers from rural, or small-towns. Further, no requirement of training or high educational levels, and a readiness to work for low wages create a culturally framed gendered demand for female workers in the market (Indrani et. al 2012). The situation of women migrants is often miserable and hazardous, because they are vulnerable to sexual exploitation and violence, in addition to all the other problems. Many cases of women and even young girls being physically violated go unreported, as the local police often do not bother to register incidents in which the victims are poor people from other areas (Bhatt 2009). The fate of the remaining family and communities is another concern arising from the 'feminization of migration', as traditional caregivers are increasingly on the move. As female migrants now outnumber male migrants in several parts of the country, Asian families are facing a 'care crisis', which calls for new thinking about those who are 'left behind', and for adequate policies to protect them (Bhatt 2009).

(iii) Women migrating with men

Although various constraints and barriers, and additional threats to security due to unfamiliarity of the new place, accompany migration, it also provides opportunities of financial independence to the migrating women. This in turn leads to improved statuses in the standing of these women in their respective homes and communities (Kawar: 2006)

(d) Disadvantages specific to Women

However, although migration presents a new pathway to women, Mary Kawar believes that they are faced with various disadvantages and risks, compared to men (Kawar: 2006):

⇒ Decisions of migration might be made under unrealistic expectations created due to misguided information with regards to process and procedures of migration, or the available employment opportunities. Further, the exposure to exploitative situations is possible due to lack of requisite skill and talent to tackle the new environment.

⇒ Women migrant workers have only limited occupations open to them, compared to men.

⇒ Career advancement or skill acquisitions are rare influencers to migration of women. Various studies have highlighted underemployment, and in many cases deskilling, of women who migrate.

⇒ The tendency of women to occupy more jobs in the informal sector compared to men has been highlighted in various studies. Such job-roles are rarely covered by labour legislations and social protections.

⇒ Women migrants are unaware of their rights.

⇒ 'Return and reintegration' of women migrants is generally more problematic than that of men.

Findings from the survey point to a stereotyped understanding of women's role in the society: their migration is almost always considered to stem from associational factors. This leads to their recognition in the category of non-workers, which whitewashes their labour and the resulting economic contributions. Continuous non-recognition of women's role as direct contributors to the economy violates the provisions of International Labour Organisation for decent work.

Invisibility and non-recognition leads to lack in access to basic civil rights and social entitlements. Their vulnerabilities are magnified because they are increasingly migrating farther away from their homes and communities, on accounts of employment and cross-regional marriages.

Almost always, this creates '*legal, cultural, linguistic and geographical barriers*' for these women. Further, their vulnerabilities are intensified due to lack of effective application of existing legislations that relate to discrimination against women, human rights, and work (IDRC CDRI).

Although migration is 'expected' to empower women (with *increased participation in the labour force, economic independence, decline in fertility rates, improved self-esteem*, etc.), statistics indicate that female rural-to-urban migrants continue being vulnerable to discrimination in labour markets that is gender-based. The labour market is known to reserve the least skilled and monotonous jobs for them, mostly in the informal economy. A low income despite long working hours, hazardous working conditions, and physical and sexual aggression is not uncommon. Post-migration, migrant girls, and at times their families are ostracized, because of the exploitation faced by them. Tribal women and girls are doubly vulnerable, and their resistance to exploitation rarely has an impact on their employers. Evidence suggests that these women are the worst sufferers, regardless of whether they migrate as dependents or alone (Bhatt 2009).

Migration is definitely not a free or uncontrolled process, but is rather controlled by societal structures and the State. Thus, migrants are channeled into a narrow range of work opportunities. As Thapan suggests, traditional social orders continue to shape identities of women that are used to negotiate with the State (Bhatt 2009).

Studies qualified with micro-factors suggest almost universally, that '*although all migrants can be agents of change, migrant women are more likely to have their personal development thwarted*' (than men). Research shows that for women, out-migration is seen as a part of their personal development. The disruption of established, and often forced, social conventions and the gain of personal spaces and freedoms, coupled with improved economic,

and resultant social, statuses, are important considerations for women during out-migration. Migration is also seen to be as an 'escape route' from undesirable marriages, abusive relationships, or husbands who are unable to fulfill the role of the provider.

However, what needs further scrutiny is the influence of such women's out-migration on those who are left behind and the family as a whole (Piper: 2008).

Clearly though, migration is challenging especially in the areas of women's rights, development and citizenship. Policy makers and researchers are increasingly focusing on 'the conceptual and normative linkages' of migration of women with regards to cultural and geographic settings (Piper 2008).

V. Constitutional Safeguards

International principles and instruments that uphold 'human rights, workers rights and migrant rights' are based on 'fundamental principles of equality, non-discrimination and protection'(Kawar: 2006).

⇒ Universal Declaration of Human Rights (UDHR), 1948;

⇒ International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, 1990;

⇒ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965;

⇒ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979;

⇒ Convention on the Rights of the Child, 1989 and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography, 2001;

⇒ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime, 2000.

The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) Committee lays out certain obligations on states to protect and promote human rights of female migrant workers. This includes that states must ensure that occupations dominated by women migrant workers such as domestic work, etc are protected by labour laws including wage and hour regulations, health and safety codes. It has been noted that though women migrants are recruited into both skilled and unskilled jobs, the majority are concentrated in low status jobs at the lower end of the job hierarchy. They are also often subjected to abuse, violence by recruiters, exploitation as well as low wages and long and poor working conditions (GEPDF 2014).

The Constitution of India (Article 19) gives the right to all citizens to "move freely throughout the territory of India; to reside and settle in any part of the territory of India".

Although the Indian Constitution does contain basic provisions relating to the conditions of employment, non-discrimination, and the right to work, despite pressure from the organized labour these provisions and commitments have found little expression in terms of legislation and labour policies. Labour laws to protect migrant workers exist largely on paper. For example, despite the 1979 State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, few contractors have taken licenses, and very few enterprises employing migrant workers from other states have registered under the Act. The record of prosecutions and dispute settlement has been very weak. Moreover, migrant workers seldom possess the passbooks that document their identity and transactions with the contractor and employers (Bhatt 2009).

Some legislation:

⇒ Land Ceiling and Tenancy Reform laws – provide the backdrop to the existence of small and marginal households which face livelihood issues on a day-to-day basis

⇒ Minimum Wages Act, 1948

⇒ Inter-state Migrant Workman's Act, 1979 – mandates decent conditions of work and payment of travel expenses, wages during travel time and displacement allowances for migrant workers

⇒ Contract Labour (Regulation and Abolition) Act, 1970

⇒ Bonded Labour System (Abolition) Act, 1976

⇒ Unorganized Workers' Social Security Act, 2008

⇒ National Rural Employment Guarantee Act (NREGA), 2005 – 100 days of work per household in rural areas and is aimed at addressing issues of livelihood and survival in rural areas

⇒ Legislation addresses discrimination against women and their rights:

⇒ Equal Remuneration Act, 196

⇒ Maternity Benefit Act, 1961

⇒ Hindu Succession Act, amended in 2005 (additional amendments are under consideration with regard to matrimonial property)

⇒ Muslim Women's (Protection of Rights of Divorce) Act, 1986

⇒ Domestic Violence Act

⇒ Supreme Court guidelines of Vishakha 1997 with regard to sexual harassment at the workplace.

V. Access to Rights

The Constitution does not restrict free movement throughout the territory of India, and this guarantee is often used as an excuse to dismiss the difficulties faced by these internal migrants. Internal migrants find it difficult, and are often unable, to claim social protection entitlements due to lack of evidences of identity and residence. They are also excluded from many government sponsored schemes and programmes. To add to that, the portrayal of migrants as a '*burden*' to the society discourages their settling down, and removes them from urban planning initiatives.

Even though most internal migrants are denied basic rights, internal migration is given a low significance by the government, both in policy and in practice. This can be accredited not only to a growing misunderstanding of the phenomenon of migration but also the information gap on its extent, nature and magnitude.

Migrants often face difficulties in accessing rights and entitlements that are linked to place and require proof of official residence. For example, access to subsidized food rations and various poverty alleviation schemes require documentation of permanent residence. Validity and enforcement of ration cards issued under Public Distribution System (PDS) require the presence of the cardholder in their official place of residence (IDRC CDRI).

Internal migrants, of which 70.7% are women, are excluded from the economic, cultural, social and political life of society and are often treated as second-class citizens.

The constraints faced by migrants are many – lack of formal residency rights; lack of identity proof; lack of political representation; inadequate housing; low-paid, insecure or hazardous work; extreme vulnerability of women and children to trafficking and sex exploitation; exclusion from state-provided services such as health and education and discrimination based on ethnicity, religion, class or gender.

A relatively less studied aspect of migration has been whether migrating women have access to education, health care services and other programmes that may be available to them in urban areas but would have been out of reach of women in rural communities. Migrant women often have restricted access to employment a well as the choice of employment and get lower wages. This may also be accompanied with sexual harassment in some instances. Hence, providing the necessary comprehensive services, to help reduce the hardships and burden on these migrants would result in a positive experience of migra-

tion. Limited access to basic amenities as well as health care and limited knowledge about legal processes proves as hindrance to this.

Women migrants, especially those in the lower end informal sector occupations, remain invisible and discriminated against in the workforce. There is lesser representation of female migrants in regular jobs and are on an average, paid less than male migrants and enjoy no maternity benefits. Another point to be made here is the adverse impact that an absence of access to sanitation has on the health of women workers.

The Twelfth Five Year Plan (2012-17) recognised the importance of reaching out to women migrants via establishment of '*registration, monitoring and accountability of placement agencies for domestic workers, ensuring portability of entitlements, extending financial services to transmit remittances and setting up for migrant resource centres to provide information training and placement for better integration into labour markets*'. Further, the draft also recognised the urgent need of killing the existing knowledge and research gaps in order to better incorporate '*gender sensitive realities*' (GEPDF: 2014).

(a) Economic Rights

Lack of identity or address proof is problematic not only from a legal perspective, but also the social ramifications of it, with many members of society viewing such people with suspicion. Around 10% of India's GDP is a contribution of circular migrants as in 2009, therefore mandating the necessity of an inclusive policy focusing on the needs of the migrants (Deshingkar 2009).

Much before the advent of Aadhar cards, NGOs such as Gramin Vikas Trust in Madhya Pradesh and Gujarat, and Aajeevika Bureau in Rajasthan started issuing informal identity cards to migrant labourers, which were recognised by local authorities as valid identity proofs. LabourNet did the same in Bangalore. In Nasik, Disha

Foundation issued identity cards to almost 15,000 migrants who were registered in trade unions of numerous sectors (Mhatre).

Migrants are mostly employed in the informal economy, often working as construction workers, agricultural labourers, hawkers and vendors, domestic servants, rickshaw pullers, electricians, plumbers, masons and security personnel. Devoid of social security and legal protection, they work in poor conditions and face labour market discrimination. Minimum wages are often flouted and employers bear no responsibility for health, shelter and other basic requirements of migrants.

In order to improve the employability of migrants in remunerative sectors, Disha Foundation, an NGO, has organized skill up gradation and capacity building programmes to develop the skill sets of migrants, as well as they organize some skill development and training and certificate programmes for migrants.

Operating within the framework of the National Rural Livelihoods Mission, Jeevika, Bihar promotes market-linked skills enhancement and placement of Bihari migrant workers. In addition to Jeevika, the Government of Bihar has also instituted the Bihar State Migrant Labour Accident Grant Scheme, which provides compensation to a deceased migrant family up to 1 lakh in event of death (USD 1,786); INR 75,000 for permanent disability (USD 1,340) and INR 37,500 for partial disability (USD 670).

The Tribal Development Department, Government of Maharashtra and Disha Foundation, Nasik have joined efforts to establish a Migration Resource Centre with support from the Revenue, Urban Land Ceiling, Municipal Corporation, and Public Works Department.

The patriarchal social context, according to Indrani Mazumdar, makes the unpaid labour of women both a reason and a result of their economic dependence and a restriction on equality of opportunity for independent employment, income and economic independence. Economic Independence, then, holds the key for social liberation for women. The lack of data available on women's short-term migration coupled with the tendency to slot women's migration as purely social regardless of its economic impact, results in an underestimation of female labour migration inbuilt into the data. Hence, we see that the data on migration remains largely unchanged.

Agriculture is seen as being the largest employer of female labour migrants. For men, apart from agriculture, other activities included mining and manufacturing as the prime drivers of labour and employment migration. Among short-term migrants, construction stands second to agriculture as the key employment activity (GEPDF: 2014).

(b) Social Rights

Women are twice effected due to requirement of documentation in order to access entitlements. Even today, it is uncommon to find holding assets, official documentation, or household identification in their name. Further, poverty alleviation schemes also end up excluding women-headed households or single-woman households. Thus, these difficulties push such woman towards incurring debt to fund consumption, eventually entrapping them in a viscous circle of hardship (IDRC CDRI).

In India, 60% of women do not have access to toilets. In Mumbai, 35 different organizations came together to initiate the 'Right To Pee' campaign because in the absence of toilets, women are forced to defecate in the open, with the constant fear of being seen by bystanders, or being physically assaulted.

Other campaigns such as the 'Occupy Men's Restrooms' movement on Women's Day on 8 March 012 (by the Nagpur-based NGO Sahyog) and the 'No Toilet No Bride' campaign by the Haryana Government have similarly pushed for ensuring women's right to basic sanitation and health.

The health of migrants is affected by a host of factors, such as the health environment in the place of origin, transit and destination, the conditions of the journey, access to drinking water and basic amenities, and food and nutritional intake. At the destination, migrants are exposed to health risks including communicable diseases like malaria and tuberculosis, and occupational health hazards such as respiratory problems, lung diseases, allergies, kidney and bladder infections, back problems and malnutrition. Migrants often suffer injuries and accidents at worksites, yet do not enjoy any medical care or compensation.

As a priority, National Aids Control Organization (NACO) has scaled up migrant interventions, targeting migrants at destination as well as at origin and transit locations. These interventions provide information about risks, and counselling and treatment for sexually transmitted infections, including information on HIV testing and antiretroviral treatment.

Besides targeted interventions led by NACO and State AIDS Control Societies (SACS), there exist other non-targeted migrant HIV programmes implemented by NGOs, such as: Avert Society in Maharashtra; REVAMP: Reducing Vulnerability of AIDS in Migrant Populations, a CARE initiative, in Uttar Pradesh and Delhi; and HAMARA HIV/AIDS initiative in Rajasthan, Gujarat and Maharashtra.

Disha Foundation piloted a project designed to improve the sexual and reproductive health (SRH) of migrants in Nasik, Maharashtra.

(c) Political Rights

Exercising Right to Political Franchise becomes impossible for internal migrants, since voting is linked to residence. Further, such migrant communities are not only a 'low-priority constituency', but are also suffer the impact of hostilities from the local communities.

Since legal registration of marriages is not mandatory across regions in India yet, women migrating due to cross-regional marriages face additional vulnerabilities with regards to their property, inheritance, and children. Thus, they suffer from not only locational barriers in the form of language and culture, but also lack of aid due to being far from familiarity and lack of knowledge, leaving them exposed to physical and economic exploitation (IDRC CDRI).

Migration is a natural outcome when the distribution of resources and opportunities becomes unequal. Politics play an important role in the migration scenario. The absence of policies often results in discriminatory practices, which bring about maladjustment within the host society, poor quality of life, risk and vulnerability, human trafficking, etc. With regard to migration policy, three aspects are vital – namely admission, treatment and enforcement – and no attempt have been made to analyse these three aspects of migration policies. In India, organized labour unions, employer organisations and civil society can play a significant role in lobbying for the effective formulation of public policies on migration. The enforcement of comprehensive migration policies will have a lasting impact on human development outcomes, not only for the individual migrants and their families but also for the communities at origin and destination (Rajan: 2013).

To change this paradigm in which migration is absent from policy documents or is depicted as a problematic issue, there is a need for sensitizing government actors to address and integrate migration into national policy strategy. There is a need to build capacity among the government actors most involved in the migration process. Greater institutional coherence is required in formulating and implementing migration policies. The linkages between different government departments are vital in this respect (Rajan: 2013).

VI. The Way Forward

UNESCO laid down 'Ten Key Principles for Better Inclusion of Internal Migrants' (UNESCO 2013):

1. *Promote positive political discourse and avoid a prejudiced, negative portrayal of internal migrants.*

2. *Build awareness for a better understanding of internal migrants' positive contribution to society.*

3. *Adopt a human rights-based approach for internal migrant inclusion in society.*

4. *Develop gender-sensitive and age-sensitive policies and practices for internal migrants.*

5. *Create portability of social protection entitlements for internal migrants.*

6. *Upscale successful innovative practices for a better inclusion of internal migrants.*

7. *Revise and strengthen data collection techniques for the Census to fill knowledge gaps, especially related to circular and seasonal migration.*

8. *Mainstream internal migration into national development policy, and regional and urban planning.*

9. *Ensure policy coherence on internal migration and its cross-cutting*

One of the forecasted responses to economic crises, political instabilities and global environmental change is the increase in intensity of migration. Global environment change is the strongest influence on population mobility. *Estimates indicate that by 2050, 200 million people worldwide may become permanently displaced due to environmental factors such as sea level rise, floods, more intense droughts, and other climate-driven changes.*Given this situation, '*migration should be seen as an appropriate and manageable adaptation strategy to cope with environmental, socio-economic and political issues*' (UNESCO 2003).

There is an urgent need to develop a governance system for internal migration in India, i.e., a dedicated system of institutions, legal frameworks, mechanisms and practices aimed at supporting internal migration and protecting migrants. Issues of internal migration need to be addressed in a comprehensive and focused manner, and mainstreamed into national development planning and policy documents, such as the Five Year Plans, Jawaharlal Nehru National Urban Renewal Mission and City Development Plans.

Better inclusion of migrants in cities is a necessary step towards sustainable urban development, based on cultural diversity, social cohesion and human rights. Yet, most of the million-plus cities have recorded significant declines in their population growth, suggesting they may have become less welcoming to migrants, revealing patterns of exclusionary urban growth.

There is a pressing need to ensure that urban settlements become inclusive spaces as they expand in size and diversity. This would require adequate and affordable housing, health and education services as well as infrastructure and sanitation. Improving migrants' access to government services and welfare programmes can improve the quality of life of migrants. This will in turn lay the foundations for a more inclusive and integrated society and balance economic prosperity and social diversity (UNESCO 2003).

References

J. Indrani, S. Suba, R. Gayathri (2012, December). Rural-Urban Migration: A Gender Perspective Analysis; International Journal of Social Science & Interdisciplinary Research, Vol. 1. Issue 12.

Bhatt, W. (2009, February). The Gender Dimension of Migration in India: The Politics of Contemporary Space in Orissa and Rajasthan, Development in Practice, Vol. 19 No. 1.

Piper, N. (2008). Feminisation of Migration and the Social Dimensions of Development: The Asian Case, Third World Quarterly, Vol. 29, No. 7, Globalisation and Migration: New Issues, New Politics?, p. 1287.

Desai, S. and Banerji, M. (2008, October). Negotiated Identities: Male Migration and Left- Behind Wives in India, Journal of Population Research, Vol. 25, No. 3, New Approaches to Household and Change.

Kawar, M. (2006, July). Gender and Migration: Why are Women more Vulnerable?, Women on the Move - Gender, Migration and International Division of Labour.

Deshingkar, Priya (2009). Circular Migration and Development in India, www.essays.ssrc.org/acrossborders/wp-content/uploads/2009/08/ch8.pdf.

Mhatre, N. (2015, April). Inclusion of Migrants: Some Innovative Practices in India, Tactful Management Research Journal.

Rajan, S. (2013). Internal Migration and Youth in India: Main Features, Trends and Emerging Challenges, Discussion Paper, UNESCO.

UN. (1993). Readings in Population Research and Methodology, The UN Population Fund, New York.

Gender and Economic Policy Discussion Form. (2014, April). Migration Through a Gender and Equity Lens, Forum XII, Briefing Note 12.

CDRI, IDRC. (2011). Migration, Gender and Social Justice: Connecting Research and Practice Networks, Policy Brief No. 8: Internal Migration in India: Addressing Gendered Vulnerabilities and Access to Rights.

UNESCO. (2013, June). Social Inclusion of Internal Migrants in India: Internal Migration in India Initiative, IN/2013/SH/51 REV.

UN. 1948. Universal Declaration of Human Rights.

UN. 1990. International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families.

UN. 1965. International Convention on the Elimination of All Forms of Racial Discrimination.

UN. 1979, Convention on the Elimination of All Forms of Discrimination Against Women.

UN. 1989. Convention on the Rights of the Child.

UN. 2001. Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.

UN. 2000. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. Supplementing the UN Convention Against Transnational Organised Crime.

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Global Research Forum on Diaspora and Transnationalism (GRFDT) is a consortium of research-ers and policy makers drawn from national and international universities, institutes and organi-zations. GRFDT is presently based in India and is shaping as the largest such group focusing spe-cifically on the issues related to diaspora and transnationalism.

The GRFDT works as an academic and policy think tank by engaging national and international experts from academics, practitioners and policy makers in a broad range of areas such as migra-tion policies, transnational linkages of development, human rights, culture, gender to mention a few. In the changing global environment of academic research and policy making, the role of GRFDT will be of immense help to the various stakeholders. Many developing countries cannot afford to miss the op-portunity to harness the knowledge revolution of the present era. The en-gagement of diaspora with various platform need to be reassessed in the pre-sent context to en-gage them in the best possible manner for the development human societies by providing policy in-put at the national and global context.