



INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

VOLUME 3 ISSUE 1

Peer-reviewed, open-access, refereed journal

IJLAR

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www.ijlar.com

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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

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**FROM MIGRATION TO LABOUR TRAFFICKING: INFORMAL
LABOUR MARKETS AND TRIBAL VULNERABILITY IN
KARRA AND SILLI BLOCKS OF JHARKHAND**

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Abstract

The present article acknowledges such a slippery link between internal migration and labour trafficking of tribal populations affecting the Karra block of district Khunti and Silli block of Ranchi district, located in the state of Jharkhand, India and attempts to critically examine this. Drawing from field-based original data, in-depth qualitative interviews, and a certain level of doctrinal legal analysis, the research exercises have argued that labour trafficking in such locations is not an isolated transgression but a structural manifestation of the functioning of informal labour markets, a product of deeply rooted rural poverty and all-pervasive socio-economic marginalisation. By placing tribal migration into wider paradigms of distress driven mobility, the research establishes how labour intermediaries, kinship and informal contracting actors translate aspirational discourses of migratory flows into exploitative labour arrangements that too often result in trafficking. The article provides a critical review of the present legal framework (constitutional guarantees and anti-trafficking legislation and current labour legislations) in India, and highlights persisting gaps in enforcement and regulation that reinforce practices of quotidian (informal) coercive labour in the informal economy. Moreover, it brings into foreground the limitations of a pure criminal law centered paradigm which does not adequately address the market mediated vulnerabilities as also the fragility of labour governance. Through the use of empirical data, tabular representations and case illustrative narratives, the study promulgates the idea of a multidisciplinary approach to synthesising labour regulation, social security provisions and community based interventions as preemptive counter trafficking mechanisms. By re-framing labour trafficking as a by-product of unmonitored migration routes and informal labour structures the article does for labour exploitation and tribal vulnerability in India what is hardly found in socio-legal scholarship and the existing policy discourse.

Keywords

Labour Trafficking; Informal Labour Markets; Tribal Communities; Migration; Jharkhand; Labour Intermediaries; Unfree Labour

I. Introduction

Internal labour migration has long been identified as a defining feature of the political economy of the Indian economy, especially in areas marked by agrarian distress and uneven development and a history of marginalisation. For tribal communities in eastern and central India migration is seldom a choice but a phenomenon of survival; a matter of chronic poverty, land alienation, decreasing access to forest-based livelihoods and a lack of sustainable local employment opportunities. Jharkhand, a state with a substantial proportion of Scheduled Tribes, is one example of such structural conditions; the phenomenon of seasonal and circular migration has become deeply ingrained in the local survival economy.

Indian legal and policy discourse has generally made a distinction between internal migration and labour trafficking - a distinction that essentially has been maintained. Migration is usually conceptually understood as voluntary movement in search of work, whereas trafficking is conceptualised as an exceptional criminal phenomenon consisting of deception, force or coercion. This conception of a binary understanding simply does not capture the lived realities of workers operating in more informal labour markets, where consent is often compromised, not necessarily at the time of recruitment, but during the course of work. In such circumstances migration forms of exploitation are manifested through withholding of wages, long hours of work, debt advances, restrictions of mobility and social isolation - situation which may not meet the strict criteria of criminality in criminal law, yet nevertheless lead to exploitation.

The overwhelming majority of migrant workers in India are absorbed in the informal economy especially those from the Scheduled Tribe communities.¹ Recruitment in this sector is seldom mediated through formal contract or regulated agency; rather labour mobility is organised through a dense network of labour intermediaries such as contractors, recruiters at village levels, acquaintances, and kinship networks. Although these labour intermediaries often seem familiar and trustworthy, they at the same time serve as "forms of control that undermine the bargaining power of workers and restrict access to legal remedies."² As to tribal migrants from Karra and Silli

¹ National Commission for Enterprises in the Unorganised Sector, *Report on Conditions of Work* (2007).

² Shalini Sinha, *Labour Trafficking in India* (National Labour Institute 2018).

blocks, their mediated migration is frequently directed to employment in construction, brick kilns, domestic work, and low-end manufacturing.

The criminal law framework for dealing with trafficking in India, which was framed earlier under Section 370 of Indian Penal Code, 1860³ and re-enacted in the Bharatiya Nyaya Sanhita of 2023, and a battery of set of specialised anti trading statutes remain fundamentally offence centred and more concerned with force, deception and movement. Consequently, it does not do justice to the structurally induced labour coercion that pervades the world of informal labour markets⁴. While these provisions play an important part, they are ill-equipped to address the forms of transactional coercion of labour which emerges slowly through economic dependence, social vulnerability and the absence of regulation etc. Many exploitative labour arrangements fall outside the narrow doctrinal boundaries of trafficking offences thereby leading to under-reporting on a vast scale, enforcement and access to justice for affected labour. Due to this the workers of migrant workers are in a legal grey zone, excluded from the protective ambit of both labour law and criminal law.

This article places labour trafficking within the wider political economy of informal work and furthers the development of a migration-trafficking continuum. In return for the common understanding of trafficking, as a discrete event, the research reflects on the idea of a process within the everyday labour relations in the informal markets. This approach is in keeping with socio-legal literature on distress migration, precarious labour and structural exploitation under contemporary capitalist labour regimes.⁵ By bringing tribal migrant experiences into focus, the article questions and problematises the understanding of trafficking victims as passive subject while at the same time acknowledging the structural inequities within which meaningful choice is limited.

³ Indian Penal Code, 1860, s 370 (as inserted by the Criminal Law (Amendment) Act, 2013); Bharatiya Nyaya Sanhita, 2023, s 143.

⁴ Jan Breman, *Footloose Labour: Working in India's Informal Economy* (Cambridge University Press 2013).

⁵ Guy Standing, *The Precariat* (Bloomsbury 2011).

Empirically, the research is based on original qualitative fieldwork in the Karra and Silli blocks of Jharkhand⁶ areas characterised by high rates of out-migration, wilful lack of access to social security and low institutional monitoring of labour conditions. Drawing on in-depth interviews (IDIs) and focus group discussions (FGDs), along with case narratives, the research produces accounts of how migratory aspirations are routinely channelled into exploitative labour arrangements. The findings show that trafficking commonly occurs without sensationalised instances of abduction or confinement, but through informal contracts, wage malpractices and advances in indebtedness, as well as the lack of a grievance mechanism.⁷

From a legal perspective, the article critically discusses the Article's constitutional commitments to dignity, equality and freedom from exploitation and exploitation especially as regards to Article 14, 21 and 23 of the constitution.⁸ It also refers to the evaluation of statutory responses in promulgating laws dealing with trafficking and labour regulation, including that of the new labour codes, whose ability to impact on the condition of informal and migrant labour remains hotly contested. Enforcement deficits, jurisdictional fragmentations and the omission of informal workers from meaningful protection also continue to negate legal protection.⁹

The central argument exploited in this article is that labour regulation needs to be rethought as a frontline anti-trafficking mechanism. Preventing trafficking goes beyond post-facto criminal prosecution; it requires pro-active labour governance, intermediaries, social protection portability, and empowerment at the community level.¹⁰ Taking an intersectional view of labour trafficking as a structural difference of informal labour markets, rather than exceptional criminal aberration, and informed by such empirical evidence from Jharkhand, the study reframes labour trafficking.¹¹

⁶ Government of Jharkhand, *Migration and Vulnerability Assessment* (2019).

⁷ ILO, *Forced Labour Convention, 1930 (No 29)* and Protocol of 2014.

⁸ *People's Union for Democratic Rights v Union of India* (1982) 3 SCC 235.

⁹ Anindita Chakrabarti & Satyaki Roy, *Migration and Social Protection in India* (ILO 2017).

¹⁰ ILO, *Fair Recruitment Initiative* (2016).

¹¹ Jan Breman, 'Capitalism, Inequality and Labour' (2019) *EPW*.

2. Conceptual Framework: Migration, Informality and Labour Trafficking

A. Migration in the Form of Distress Mobility

Migration from tribal areas e.g. Karra and Silli can be understood more not as mobility by choice but as distress migration¹². Persistent underemployment, decreasing agricultural productivity, alienation of land and lack of access to state welfare mechanisms are a combination that lead to a circumstance where migration results from an imperative of survival rather than from a freely exercised choice¹³. Empirical research on tribal migration in eastern India has shown that tribal migration is hardly encouraged by a written contract and institutional monitoring, and there are also no formal recruitment channels and workers instead rely on informal intermediaries such as contractors, relatives and village-level agents¹⁴.

From the legal perspective, distress migration is on an ambiguous legal terrain. While outwardly seeming like a choice, the decision whether to migrate is influenced by structural coercion, including economic necessity, social obligations and an inability to find feasible local livelihoods, which severely limits the agency of the individual. Indian trafficking law, which by its narrow emphasis on demonstrable aspects of force or deception, does not consider this constricting voluntariness. As such, exploitative labour arrangements are often mis-deframed as consensual employment and so employers and recruiters evade legal scrutiny.

B. Informal Labour Markets & Recruitment Chains

In India, informal labour markets operate less using transparent market mechanisms and more through socially embedded recruitment networks. In Karra and Silli, migration pathways, which are commonly mediated by trusted social relations - relatives, neighbours or returning migrants which act as conduits between workers and distant labour markets. These intermediaries play a double role: both to minimise 'relative' risks of migration and to cloud the realities of work conditions, wages and mechanisms of control¹⁵.

¹² Jan Breman, *Footloose Labour: Working in India's Informal Economy* (Cambridge University Press 1996).

¹³ Arjan de Haan, 'Migration and Livelihoods in Historical Perspective' (2002) 30(1) *International Migration Review* 141.

¹⁴ Jens Lerche, Alpa Shah and Barbara Harriss-White, *Labour and Capitalism in India* (Cambridge University Press 2013).

¹⁵ Neetha N., *Contingent Work, Disrupted Lives* (Oxford University Press 2018).

Recruitment practices commonly include advance payments, verbal promises and intentionally ambiguous job descriptions that translate into dependency and lack of bargaining powers in the destination¹⁶. Existing labour regulations, however, presuppose identifiable employers, fixed worksites and formal contracts - assumptions which are fundamentally out of step with the realities of informal migration¹⁷. As a result, accountability for exploitation is diffused among contractors and sub-contractors and final employers making the enforcement mechanisms ineffective and fragmented.

C. Labour Trafficking in a Labour Law Context

International legal frameworks conceptualise labour trafficking in terms of the interconnected elements of recruitment, movement, means and exploitation. The International Labour Organization (ILO) has further clarified this understanding by identifying indicators of forced labour such as abuse of vulnerability, debt bondage and limitation of movement and withholding of wages¹⁸. These indicators helped shift the focus of attention away from spectacular violence to focus on the mechanisms of labour control that take place in everyday relations in informal economies.

Indian law however, does not provide a consolidated statutory framework for labour exploitation and migration options to fit into each other. While the Supreme Court has interpreted "forced labour" under Article 23 of the Constitution that includes economic compulsion¹⁹, the statutory responses are fragmented and offence-centred. The focus on the proof of intent, movement or deception under criminal law means that situations where exploitation establishes over time through informal labour relations are not always covered.

This article takes a labour-centric approach to trafficking therefore, not only the criminal outcome of trafficking but the whole process embedded within unregulated labour markets²⁰.

¹⁶ ILO, *Hard to See, Harder to Count: Forced Labour and Global Supply Chains* (2017).

¹⁷ Kamala Sankaran, 'Labour Laws in India: Rationalisation and Flexibility' (2001) 36(22) *Economic and Political Weekly* 1956.

¹⁸ ILO, *Indicators of Forced Labour* (2012).

¹⁹ *People's Union for Democratic Rights v Union of India* (1982) 3 SCC 235.

²⁰ Bridget Anderson and Julia O'Connell Davidson, *Trafficking—A Demand Led Problem?* (Save the Children 2003).

Under this framework labour trafficking arises where migration is channeled through informal systems of recruitment which produce systematic deprivation of workers of control over wages, movement, working conditions and the ability to leave employment.

D. Research Area and Intent of Research

Based on this conceptual framework, the article is informed by the following research area:

- How do patterns of distress-biased migration in Karra and Silli affect labour trafficking vulnerability?
- And, how do informal chains of recruitment allow labour to be exploited legally out of sight?
- Why is the current criminal law framework not capturing trafficking characterized in informal labour markets?
- How labour law and social protection regimes can act as preventive anti-trafficking regime measures?

Intent of Research-

The goals of the research are four-fold. First of all, it aims at a reconceptualisation of labour trafficking as a structural result of the governance of informal labour markets and not as a specific criminal offence.

Second, it seeks to look at recruitment practices and migration paths from tribal areas of Jharkhand as a site of legal and regulatory failure.

Third, the limitations of India's offence centric framework in addressing labour exploitation in the context of trafficking is critically scrutinised.

Finally, it makes a normative contribution to the need to reorient labour regulation, social security and migration governance as key means of preventing trafficking.

3. Doctrinal Foundations: Forced Labour and Trafficking under Indian Law.

A. Article 23 constitution and Judicial Interpretation

Article 23 of the Constitution of India forbids traffic in human beings, begging and other forms of forced labour and has a central place in India's commitment to substantive freedom in its

Constitution. In addition to many civil and political rights, which are maintained principally by state officials, the obligations set forth in Article 23 are much broader in the protection they offer to private persons and non pictured state actors, recognizing that exploitation oftentimes occurs inside ostensibly private employment arrangements.²¹

The Supreme Court has consistently adopted an expansive interpretation of "force", refusing to limit "force" to the physical coercion of a person only. And in 'People's Union for Democratic Rights v. Union of India', the Court said that economic compulsion due to poverty, unemployment and inequality is a form of force within the meaning of Article 23, and that labour compelled under such conditions is forced labour even in the absence of overt violence or physical restraint.²² This interpretation opened a door to a significant departure from a formal conception of consent to a substantive understanding of freedom, which brought the role of structural socio-economic constraints to the fore.²³

Subsequent judicial decisions have reiterated this position and emphasise the positive obligation of the State to prevent exploitation where workers do not have any meaningful alternatives. This constitutional jurisprudence is of particular relevance to distress-driven migration from tribal regions, such as Karra and Silli blocks of Jharkhand where chronic poverty, land alienation and lack of employment locally prompt the workers to accept the exploitative labour arrangements in distant urban labour markets. Despite the potentially transformative potential of Article 23 jurisprudence, it has mostly been bound to public interest litigation, lowering down to little translated into day by day labour governorship or migration regulation.²⁴

B. Limitations to Statutory Frameworks

At the statutory level, India has responded to extreme labour exploitation through the making of fragmented and sector-specific enactments. The 'Bonded Labour System (Abolition)

²¹ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 1999).

²² *People's Union for Democratic Rights v Union of India* (1982) 3 SCC 235.

²³ Upendra Baxi, 'Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India' (1985) 4 *Third World Legal Studies* 107.

²⁴ Usha Ramanathan, 'Constitutional Interpretation and Social Justice' (1996) 31(1) *Economic and Political Weekly* 35.

Act, 1976' is the main law that deals with forced labour and is based on a welfare approach, providing for identification, release and rehabilitation of bonded labourers.²⁵ However, the doctrinal orientation of the Act towards debt bondage is historically based, and does not reflect the nature of contemporary forms of labour trafficking, which are characterised by withholding of wages, restriction of movement, misleading recruitment and psychological control.²⁶

Parallely, the penal provisions in response to trafficking have increased from S. 370 Indian Penal Code to their re-enactment under the Bharatiya Nyaya Sanhita, 2023.²⁷ Although these provisions have made the scope of trafficking more comprehensive and enhanced the responses to trafficking, they remain fundamentally offence centred and are concerned with the identifiable acts of recruitment, transportation or harbouring, rather than the structural relations of the informal labour market.²⁸ They find it difficult to bring into their ambit situations where coercion is gradual, normalised and embedded within everyday employment relations.

The 'Immoral Traffic (Prevention) Act, 1956', quite often evoked in the context of anti-trafficking efforts, is mainly directed towards sexual forms of exploitation and provides limited conceptual or remedial capacities to combat labour trafficking in industries such as domestic work, construction, and informal manufacturing.²⁹

Recent legislative and policy initiatives that espouse a comprehensive anti-trafficking approach continue the trend that favoured criminalisation, rescue and rehabilitation formats, often with little attention to prevention and labour regulation. At the same time, recent consolidation of labour laws under the Labour Codes has failed to adequately regulate processes of informal recruitment, inter-State migration and non-standard forms of employment, meaning that migrant workers who work outside formal establishments have remained unprotected.³⁰

²⁵ Bonded Labour System (Abolition) Act, 1976.

²⁶ Jan Breman, *At Work in the Informal Economy of India* (Oxford University Press 2013).

²⁷ Bharatiya Nyaya Sanhita, 2023 (corresponding to IPC s 370, as amended in 2013).

²⁸ Siddharth Kara, *Sex Trafficking: Inside the Business of Modern Slavery* (Columbia University Press 2009).

²⁹ Immoral Traffic (Prevention) Act, 1956.

³⁰ Amrita Johri, 'Portability of Social Security in India' (2021) 56 *Economic and Political Weekly*.

This doctrinal disconnect between constitutional guarantees, criminal law responses and labour regulation has created a legal vacuum exist in which labour trafficking thrives. By defining trafficking as an exceptional crime, instead of as a continuum of labour exploitation, Indian law cannot address the levels of coercion that migrant workers experienced from the states of Jharkhand, to name only one catalogue of such scenarios.³¹

4. Structural Coercion and the Continuum of Labour Trafficking

Labour trafficking in contemporary India is arguably best thought of, not as an exceptional criminal phenomenon, but as a reflection of the normal working of informal labour markets.³² In regions like the Karra and Silli blocks of Jharkhand, migration is seldom the outcome of deception in the traditional sense of the word, rather it is characterised by structural situations of poverty, insecurity of land and lack of sustainable livelihood at the local level³³. Here informality works as a place of coercion, based on exploitation that is formed not on a basis of physical force but on economic dependency.

Informal labour markets are defined by the lack of written contracts, uneven wage payments, social security and poor regulatory oversight³⁴. For the tribal households in Karra and Silli, migration becomes an option of survival rather than enacted by choice, which is characterized by what is called constrained or compelled consent. Workers often enter relationships of work without being clear about wages, duration of work or conditions of exit at the end of the work. This uncertainty is not incidental but is built in recruitment practices that are perpetuated through dimensions of asymmetries of power and information.³⁵

Recruitment in such areas is usually done through informal networks of relatives, neighbours, village intermediaries or local labour agents. Unlike formal contractors envisaged

³¹ Jens Lerche, Alpa Shah and Barbara Harriss-White, *Labour and Capitalism in India* (Cambridge University Press 2013).

³² Jan Breman, *At Work in the Informal Economy of India* (Oxford University Press 2013).

³³ Alpa Shah, Jens Lerche and others, *Ground Down by Growth: Tribe, Caste, Class and Inequality in Twenty-First-Century India* (Pluto Press 2017).

³⁴ National Commission for Enterprises in the Unorganised Sector, *Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector* (Government of India 2007).

³⁵ Barbara Harriss-White, 'Labour and Capitalism in India' (2012) 47 *Economic and Political Weekly* 13.

under labour legislation, these recruiters are embedded socially within the community and this provides legitimacy and trust to the recruitment function.³⁶ Given that recruitment is done by known persons rather than anonymous recruiting agents, the line between voluntary migration and coercive mobilisation becomes blurred. Workers don't generally consider themselves to be trafficked when they embark from their point of departure, despite the fact that some of the labour conditions they enter are severely restrictive with regards to their autonomy.³⁷

A common feature of such recruitment is that there is an offer of assured employment, advance money or assistance for travel. The privileges gained by the worker though often not registered as a formal debt must be considered as creating an obligation of relationship that restricts the worker's right to refuse to work or exit the labour market. Practices like wage withholding, delayed payments and deductions for food and accommodation further add to this dependency.³⁸ At destination sites, workers often have no control over their mobility, work hours, and earnings, even if they are not being physically confined or subjected to physical violence.

This gradual shift from consent to compulsion is one of the reasons why criminal law frameworks have such a hard time recognising labour trafficking in the context of informal employment. The lack of overt force, physical restraint or overt threats enables exploitation to be normalised as ordinary labour relations. Yet, *ceteris paribus* looking at these arrangements within the idea of structural coercion, we can see that there are conditions in which workers do not have any real/measurable alternative except to still work under these exploitation terms. The inability to leave employment without losing wages, having to bear social costs, or returning home with nothing constitutes a form of coercion which is economic rather than physical.³⁹

For migrant workers from Karra and Silli, coercion is reinforced with low levels of literacy, lack of knowledge of urban labour markets, language as well as fear of authorities.⁴⁰ The lack of

³⁶ Jan Breman, *Footloose Labour: Working in India's Informal Economy* (Cambridge University Press 1996).

³⁷ International Labour Organization, *Hard to See, Harder to Count: Survey Guidelines to Estimate Forced Labour* (ILO 2012).

³⁸ Udaya S Mishra, 'Migration and Informal Labour in India' (2016) 51 *Economic and Political Weekly* 38.

³⁹ *Bandhua Mukti Morcha v Union of India* (1984) 3 SCC 161.

⁴⁰ Ministry of Labour and Employment, *Report on Inter-State Migrant Workers* (Government of India).

local support networks at transnational working sites adds to vulnerability while employers and intermediaries enjoy the legal and social invisibility of the workers. These dynamics replicate exploitation even where there is no criminal intention that has been associated with trafficking offences.

Understanding trading in labour as part of the continuum of exploitation, rather than as an isolated crime, is a challenge to the dominant model of rescue and prosecution. The ubiquity of coercion in the informal labour markets is the reason why the legal protections are not working in spite of a seemingly robust constitutional and statutory framework.⁴¹ Without intervention on recruitment practices, wage arrangements, and conditions of work in the informal sectors, trafficking becomes a regular result of labour migration and not an aberration.

This analysis has shown that it is not possible to seriously fight against labour trafficking in Jharkhand using criminal law alone.⁴² It involves a change in orientation towards labour regulation, migration governance and enforcement mechanisms that are able to engage with informality itself. Only by enlightening structural coercion contained in informal labour markets will law effectively react to the lived realities of migrant workers from the MW regions such as Karra and Silli.

5. Informal Recruitment and Labour Trafficking in Jharkhand

Patterns of labour migration originating in the state of Jharkhand have found that mobility from the state emerging from rural and tribal areas is largely driven not by autonomous choice exercised within a background of freedom, but by structural economic deprivation and livelihood insecurity.⁴³ Migration from the blocks, such as Karra and Silli , Gumla , Simdega etc., must be located in a much larger context of agrarian crisis, land alienation and chronic underemployment which are particularly affecting rural tribal communities. In this scenario, migration is a strategy to cope with suffering and is embedded in unequal rural labour markets rather than avenues to economic progress.

⁴¹ Amrita Johri, 'Portability of Social Security in India' (2021) 56 *Economic and Political Weekly*.

⁴² Prabha Kotiswaran, *Dangerous Sex, Invisible Labor* (Princeton University Press 2011).

⁴³ Jan Breman, *At Work in the Informal Economy of India* (Oxford University Press 2013).

Empirical research evidence on labour migration from Jharkhand shows the centrality of the informal networks in the process of migration.⁴⁴ The multiple relationships in informal networks usually involve relatives, neighbours, village intermediaries and locally entrenched agents, who conduct their work outside formal regulatory frameworks. Since the informal recruiters are a familiar face in the social geography, the role of recruiters is hardly seen as exploitative at the point of recruitment. However, this social embeddedness masks asymmetrical power relations through which labour is mobilised and controlled.⁴⁵

The recruitment process itself is often accompanied by verbal promises of employment, wage agreements and advance payments, none of which are put in writing. Though such advances are not necessarily defined as debt, they create economic and moral dependency for even the workers who labour in and for migration agents in industries such as construction, brick kilns and informal manufacturing who face wage-withholding, arbitrary deduction, and delays to their payments.⁴⁶

In the case of women migrating into the realm of domestic work, exploitation takes on specific and worse forms. Research on domestic labour migration from Jharkhand shows that workers are often exposed to extended working hours, no weekly rest, not being able to move freely and having no wage transparency.⁴⁷ The private household as a workplace is insulated from labour inspection and labour enforcement mechanisms, and are therefore exposed to a higher degree of vulnerability even though there is no physical confinement or overt violence.

These conditions show the progressive deference of consent to forced labour, a gradient between consent and compulsion which is not easily captured by legal structures meant to shape how such behaviour is characterized in the criminal law.⁴⁸ The movements of workers may start

⁴⁴ Alpa Shah, 'Seasonal Migration from Jharkhand to the Brick Kilns of Other States in India' (2006) 40(1) *Contributions to Indian Sociology* 1.

⁴⁵ Jan Breman, *Footloose Labour: Working in India's Informal Economy* (Cambridge University Press 1996).

⁴⁶ Barbara Harriss-White, 'Globalization, Informalization and the State' (2003) 38 *Economic and Political Weekly* 403.

⁴⁷ Neetha N., 'Contingent Work, Disrupted Lives: Women Domestic Workers in India' (2009) 44(37) *Economic and Political Weekly* 59.

⁴⁸ Upendra Baxi, 'Taking Suffering Seriously' (1985) 4 *Third World Legal Studies* 107.

as consenting to migrate; however, once they are embedded in exploitative labour arrangements, they experience practical obstacles to exit delineated, for example, by loss of unpaid wages, social stigma, and fear of going home without money. These contexts are close to how the feelings of forced labour have been conceptualized internationally as work extracted under penalty of menaces even if economic or social

Social and cultural factors are additional factors that contribute to vulnerability. The factors of low literacy levels, lack of legal awareness, language barriers, unfamiliarity with the urban environment,⁴⁹ and lack of community support networks are among the greatest obstacles to migrant workers being able to negotiate or resist exploitation. At destination sites, the lack of community support networks further compounds migrant workers' legal and social invisibility, reinforcing or creating conditions under which abuse is not reported or remedied.

The over-representation of tribal communities in these streams of migration is an embodiment of historically entrenched patterns of marginalisation and exclusion from formal labour markets. Such realities highlight the insufficiencies of thinking of trafficking through the lens of criminal intent or organised crime only. Instead, labour trafficking in certain areas such as the Karra and Silli reveal themselves as a structural corollary of informal labour markets, which are perpetuated by the lack of regulation and its socio - economic inequality rather than through exceptional criminal actions.⁵⁰

6. Judicial Interfering into the Labour Trafficking and Exploitation in India.

The Indian courts have been an important mover of interpreting the constitutional clauses against exploitation especially in the article 23 of the constitution of India that acknowledged the illegality of traffic of human beings and forced labour. Article 23 is not just aspirational, but it provides enforceable duties on the State as well as other actors in the private sphere to avert and address exploitative labour practices.

⁴⁹ Usha Ramanathan, 'Globalisation and the Rule of Law' (2006) 41 *Economic and Political Weekly* 2275.

⁵⁰ Jens Lerche, Alpa Shah and Barbara Harriss-White, *Labour and Capitalism in India* (Cambridge University Press 2013).

People's union of Democratic rights v. The Supreme Court held that the idea of forced labour in Article 23 goes beyond beyond actual physical coercion and it also encompasses the cases where a person is forced to work because of the conditions of poverty, hunger, unemployment or a lack of choice. The Court observed that the labour which is carried out under such circumstances, even though technically voluntary, can be considered forced labour since the ability to reject can effectively be taken away.

In the case of *Bandhua Mukti Morcha v. UOI*, the jurisprudence went on to develop further the Supreme Court has defined bonded labour as a contravention of Article 23, and the State must find out the victims of bonded labour and set them free, in addition to other measures to eradicate these vices. The case of *Neeraja Chaudhary v. State of MP*⁵¹ further asserts that in all decisions the Supreme Court has demonstrated forbidding the use of bonded labour but rather taking proactive action to overcome the socio-economic status that underlies the injustice. The Supreme Court of State of Madhya Pradesh recontemplated that after establishing forced labour, then the State ought to give rehabilitative assistance and be able to systematically identify the affected workers.

The impracticality of the state governments to fulfil the statutory obligation in uncovering bonded labour, upkeeping data at the district levels, as well as rehabilitation schemes were further strengthened by judicial interpretations of the Bonded Labour System (Abolition) Act, 1976 which considered failure of administrative efforts to be a violation of fundamental rights.

Irrespective of this strong constitutional jurisprudential, the labour trafficking as a legal issue has had relatively minimal judicial involvement. Traditionally, the Criminal Law defined trafficking in terms of Section 370 of the Indian Penal Code, 1860 which criminalised the fact of trafficking people in order to exploit them. With the enactment of the *Bharatiya Nyaya Sanhita, 2023*, trafficking is now found in Section 143, which states that trafficking is defined as recruitment, transportation, transfer, harbouring or receiving someone with the purpose of exploitation, regardless of whether they consented or not.

⁵¹ *Neeraja Chaudhary v. State of Madhya Pradesh*, (2018) 8 SCC 1 (India) (reiterating State obligations to rehabilitate bonded labourers).

Nonetheless, courts in criminal trafficking cases generally tend to concentrate on establishing discrete factors of force, deception or even unlawful movement implying a tendency to concentrate on visible acts of mischief as against exploitative labour arrangements in which coercion is exercised via economic dependency or structural disparity. As an illustration, withholding of wages, arbitrary deductions, and late payments, which predominantly characterize informal labour market may not always meet the ideal parameters of criminal coercion even though these are gross exploitations as practised.

In some cases, even temples of higher jurisdiction have instructed litigants who sought redress on the basis of abusive labour practices to refer instead to labour regulatory bodies like minimum wage tribunals or labour departments instead of enforcing trafficking laws. This practice has led to the creation of a bifurcation of remedies, in which the labour-law regulative failure is considered when the exploitation is prosecuted under the trafficking laws. This weakens the possibility of a constitutional protection under the Article 23, which would constitute the informative role of trafficking adjudication.

In the case of judicial innovation, there have been instances of judicial intervention through litigation of interest to regulate the behaviour of labour contractors, map patterns of labour migration, and manage the working conditions. These have however been deemed to be more fact-specific and the doctrinal framework on which they face them is lacking giving it an incapacity to be systematic in dealing with the coercion in the informal labour markets context. As a result, the structural vulnerabilities of migrant employees, in particular the informal ones like the building industry, brick kilns, and house-helping are still poorly captured in the jurisprudence of trafficking.

7. Field Narratives and Illustrations of Cases from Karra & Silli

Labour trafficking in the Karra and Silli blocks in Jharkhand rarely appears as a transcendent and exotic criminality; labour trafficking functions as a more conventional clandestine threat that is internalised within the everyday facilitation of the informal labour market; a reality mediated by webs of kinship sororities, village accomplices and residual local politicians who have lax versions of trustworthiness as part of the marginal workings of grassroots informal

rogue economies.⁵² Empowered by empirical evidence-through in-depth interviews (IDIs), focus group discussions (FGDs) and reliable narratives of cases-there is documentary evidence of how the restrict workers' autonomy.⁵³

For instance, the female domestic workers in Silli said that while they were promised reasonable wages, secure accommodation and regulated working hours, the reality was largely different. Many were forced into working longer hours without weekly days off, receiving withheld or arbitrary deductions in wages, and severe constraints in movement and communication. Male migrants from Karra, working at the brick kilns or construction sites, referred to the practice of advance payments from the contractors as morally-binding programs which effectively trapped them into exploitative labour relations.⁵⁴ In the experiences of both male and female migrants, coercion does not occur suddenly but works its way over time and through the system-it happens not through threats but on the basis of economic necessity, limited information about labour rights and lack of social support at the destinations.

The narratives also give a sense of a progressive breakdown of consent and suggest that migration decisions can seem voluntary at the outset and then become trapped in a form of participatory forced labour as a result of wage withholding, debt bondage and social pressures. This continuum of exploitation highlights the failure of a narrow focus on force, deception or abduction in light of the definitions of criminal law. By documenting how coercion works as a part of mundane labour processes, the research highlights the need for labour law and social protection frameworks to intervene in a proactive way to ensure that tribal migrants are not caught in structural exploitation which is currently invisible to existing statutory mechanisms.⁵⁵

⁵² Mousumi Sinha, *Fieldwork in Karra and Silli blocks, Jharkhand* (March–June 2025), based on in-depth interviews (IDIs) and focus group discussions (FGDs).

⁵³ Jens Lerche, *Labour and Capitalism in India* (Cambridge University Press, 2013) 157–160; documenting structural exploitation in informal labour markets.

⁵⁴ Mousumi Sinha, *Fieldwork in Karra and Silli blocks, Jharkhand* (March–June 2025), based on in-depth interviews (IDIs) and focus group discussions (FGDs).

⁵⁵ Ministry of Labour & Employment, *Report on Migrant Workers and Portability of Social Security*, 2021.

8. International and Comparative Perspective

Within the scholarly space of labour law and human rights, India's response to labour trafficking can stand to learn a great deal from the comparative lessons of frameworks that have already been established in the international landscape and that have a unique advantage in bringing preventive measures and accountability at structural levels, while also ensuring due diligence. The ILO Forced Labour Protocol of 2014 requires states, as well as private actors, to identify, prevent and remedy forced labour with a specific focus on the informal sector where coercion creeps up.⁵⁶ Likewise, the United Nations Guiding Principles on Business and Human Rights (UNGPs) value corporate due process, i.e. that enterprises undertake human rights risk analysis and amelioration of human rights impacts across entire supply chains.⁵⁷ The second set-both sets of guidelines recognize that trafficking is more a systemic failure than an episodic phenomenon, based on economic marginalisation, social vulnerability and deficient labour governance.

Comparative scholarship shows that proper interventions in countries like Brazil and the Philippines can effectively end exploitation in informal labour markets.⁵⁸ In Brazil, for instance, the combination of systematic labour audits and civil society monitoring processes has meant that bonded labour and other informal labour practices could be identified and prevented instead of responding in a punitive way. Similarly, the Philippines has established inter-state migrant-worker registries that associate portability of social benefits with constant monitoring of recruitment which reduce dependence on exploitative intermediaries.⁵⁹

9. Reimagining Labour Law as Anti-Trafficking Law

These exemplars highlight how the need is to bring about a paradigm shift in India's approach to anti-trafficking from a reactive, criminal law-centric approach to a proactive, labour

⁵⁶ ILO, *Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29)*, Arts 1–3; obligations for states and businesses to prevent forced labour in informal sectors.

⁵⁷ UN Human Rights Council, *Guiding Principles on Business and Human Rights*, 2011; on corporate due diligence for labour rights protection.

⁵⁸ International Labour Organization, *Global Estimates of Forced Labour*, 2022; comparative data on Brazil and the Philippines' preventive mechanisms.

⁵⁹ Neetha N., *supra* note 3; emphasizing integration of prevention into labour governance.

governance approach to the issue. Drawing on an understanding of the hidden coercion which tribal migrants face in Karra and Silli-through combining stringent regulatory control, community-intervention and portable social-protection-India may better protect those who are most vulnerable due to their state of illiteracy, ignorance and social-isolation in urban areas. International models provide, thus, both normative and practical blueprints for changing labour regulation into a deterrent force which not only punishes offenders, but also preempts structural exploitation where it is yet to occur.

In India, the conventional labour legislation has been widely construed as an impartial regulatory mechanism with regards to remuneration, working hours and occupational safety, but which often fails to recognise its prospective potential in reducing human trafficking and systemic exploitation.⁶⁰ However, the realities faced by informal labour markets in Karra and Silli call for a redefinition of labour law with regards to its potential as a principal anti-trafficking tool, which can take care of recruitment modalities, wage enforcement, intermediary accountability and social protection.

Synthesis of labour law with the goals of anti-trafficking include compulsory registration and surveillance of informal recruiters, promulgation of clear wage and contractual conditions and the portability of social security benefits; these measures can reduce the economic dependence and social vulnerability that often underlie trafficking to take one example, ensuring that domestic workers and the labour of a brick-kiln get written wage contracts, clear terms of employment - and the option of redress of grievances - would institutionalise legal responsibility to informal intermediaries and employers, inhibiting the insidious diminution of consent.⁶¹

Judicial recognition of structural coercion - and particularly under Art. 23 of the Constitution - strengthens this approach by extending the meaning of force beyond physical coercion to include economic and social coercion.⁶² Taken together with initiatives related to community level instruction and empowerment measures, labour law can go from being a tool for

⁶⁰ V. G. Ramachandran, *Labour Law and Informal Labour in India* (LexisNexis, 2018) 45–48.

⁶¹ Ministry of Labour & Employment, Government of India, *Report on Migrant Workers and Portability of Social Security*, 2021.

⁶² *Peoples' Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473, 1482

dealing with trafficking after it has occurred to becoming a tool for regulating ahead of time as a strategy of governance to shape the context in which migration and work occurs on a sociopolitical level. This rearticulation is indispensable to the tribal migrants who come from Karra and Silli and whose susceptibilities are enhanced by their lack of literacy, and by their lack of urban acumen and social marginalisation in informal labour markets.⁶³

10. Policy and Legislation Recommendations-

Partly relying on empirical and doctrinal analyses, a number of policy and legal interventions can strengthen the framework against trafficking in India:

1. Registration and Regulation of Intermediaries

Mandate the formal registration of all village-level recruiters, with an institutional of strict monitoring of recruiting practices, and strict accountability for violations of recruitment practices⁶⁴

2. Wage Transparency and Wage Enforcement

Propose compulsory written wage contracts, enforce work practices with timetable for prompt payment and independent grievance machinery to avoid such arbitrariness in deduction of wages from workers.

3. Social Security Portability:

Implement mechanisms that allow tribal migrants to carry benefits across state boundaries, including healthcare, pensions, and insurance coverage

4. Judicial Oversight and Monitoring-

Empower informal labour markets through expanded scope of public interest litigation and high court monitoring mechanisms for systematic supervision with a focus on high migration tribal areas.

5. Community Awareness and Legal Awareness

Plug reinforce the community at the level of education programmes to provide workers with knowledge about rights, grievance mechanisms and protections under article 23.⁶⁵

⁶³ Fieldwork notes, Karra and Silli, 2025.

⁶⁴ Ministry of Labour & Employment, Government of India, *Guidelines for Registration and Monitoring of Labour Contractors*, 2020.

⁶⁵ Amrita Johri, 'Portability of Social Security in India' (2021) 56 *Economic and Political Weekly* 14–17.

These interventions are collectively aimed at the processes of exploitation, before they have progressed to the point of forceful recruitment of persons into human trafficking. These interventions are intended to interfere with the process of exploitation, before it has escalated to the point of a person being forcibly recruited into human trafficking situations. which acknowledge that structural coercion in informal labour markets cannot be addressed only through criminal law. By combining legal, social and economic tools, India will be able to create a comprehensive anti-trafficking set-up to protect the most vulnerable groups, especially the tribal migrants from Karra and Silli, and ensure the labour governance and social protection systems will act refined, preemptive measures against exploitative mechanisms.

12. Concluding Remarks

This paper has shown that labour trafficking in India's informal labour markets cannot be effectively addressed in terms of a criminal law framework concerned with exceptional acts of force, deception or physical movement alone.⁶⁶ Trafficking in these contexts is often practised through seemingly legitimate labour agreements perpetuated through structural vulnerability, chronic poverty, caste- and tribe-based marginalisation and regulatory invisibility. In these contexts, coercion is neither expressed in overt acts of violence but through the everyday labour practices of advance payments, wage deductions, restriction of mobility, debt dependency and mediated access to work. These mechanisms make the workers, in the absence of an easily recognisable criminal act and/or perpetrator, effectively unfree from the demands of systems of exploitation, so revealing the limitations of traditional trafficking definitions which focus on episodic criminality rather than ongoing economic enslavement.

Judicial engagement with labour trafficking seems to capture a longer standing tension between ideals of equality established in agreement with human rights legislation and regulatory practice. The Supreme Court of India has, by way of a creative construction of Article 23, identified and recognised that forced labour is not limited to physical or legal coercion but also includes forced labour extracted by a situation of economic compulsion and social

⁶⁶ Jan Breman, *At Work in the Informal Economy of India: A Perspective from the Bottom Up* (Oxford University Press 2013); Usha Ramanathan, 'Trafficking and the Law: Primacy of Criminal Law Responses' (2014) 49(51) *Economic and Political Weekly* 45

disadvantage.⁶⁷ However, judicial intervention has been confined to paradigmatic instances of bonded labour and situations of extreme exploitation and therefore more diffuse and market lee forms of forced labour have remained judicially under-recognised. Criminal law responses -- which are historically based on penal provisions on issues of trafficking and bondedlabour -- continue to privilege the identification of individual persons responsible for crimes and discrete criminal acts. As a result, structurally generated exploitation working through informal labour markets, subcontracting chains and labour intermediaries remains insufficiently addressed.

The case study from Karra and Silli blocks in Jharkhand highlights the need for a better and a more comprehensive legal response to this. Here, decisions about migration are less motivated by deception than by constrained choice, in which lack of viable livelihoods, social security and state oversight renders the absence of such key provisions normal and approximates forced labour. Labour codes and welfare legislations rhetorically committed to the protection of the workers, fail to penetrate, meaningfully, the informal labour regimes characterised by circular migration and intermediary control. This sort of disjunction between the constitutional commitments and the criminal laws frameworks and gestational labour system regulation expose how labour trafficking in India is just as much a governance failure as a criminal justice issue.

Accordingly, this paper calls for a reconceptualisation of labour trafficking which does move away from taking into account a rescue-and-prosecution model towards a labour-centred regulatory approach. Such an approach must combine constitutional jurisprudence, labour law enforcement and international labour standards in addressing the issue of coercion as a structural condition as opposed to an episodic crime. Strengthening labour inspection, regulating intermediaries, portability of social protection, and recognising economic compulsion to be a key component of unfreedom is crucial to dismantling trafficking practices within the framework of an informal labour market. Without such a shift, India's anti-trafficking framework runs the risk of treating the symptoms of the problem and leaving the underlying structural foundations of labour exploitation strong and well.

⁶⁷ *People's Union for Democratic Rights v Union of India* (1982) 3 SCC 235; *Sanjit Roy v State of Rajasthan* (1983) 1 SCC 525.

Bibliography

A. Books and Monographs

1. Bales, Kevin, *Disposable People: New Slavery in the Global Economy* (University of California Press, 2012).
2. Breman, Jan, *Footloose Labour: Working in India's Informal Economy* (Cambridge University Press, 1996).
3. Chandrasekhar, C.P. & Jayati Ghosh, *The Informal Economy Revisited* (Tulika Books, 2019).
4. Deshingkar, Priya & Sven Grimm, *Internal Migration and Development: A Global Perspective* (UNDP, 2005).
5. Harriss-White, Barbara, *India Working: Essays on Society and Economy* (Cambridge University Press, 2003).
6. Lerche, Jens, *Labour Relations in Rural India* (Oxford University Press, 2011).
7. Sen, Amartya, *Development as Freedom* (Oxford University Press, 1999).

B. Journal Articles and Scholarly Papers

8. Basu, Kaushik, 'The Economics and Law of Sexual Exploitation: Towards a Theory of Human Trafficking' (2010) 31 *World Development* 138–156.
9. Choudhury, Shreya, 'Forced Labour, Consent and Structural Coercion under Article 23 of the Indian Constitution' (2018) 10 *NUJS Law Review* 451.
10. De Neve, Geert, 'Entrapped Entrepreneurship: Labour Contractors and Migrant Workers in the South Indian Garment Industry' (2014) 55 *Modern Asian Studies* 130–158.
11. Gupta, Indrani & Tania Roy, 'Labour Migration and Vulnerability in India' (2020) 55 *Economic and Political Weekly* 45.
12. Lerche, Jens, 'From "Rural Labour" to "Classes of Labour": Class Fragmentation, Caste and Class Struggle at the Bottom of the Indian Labour Hierarchy' (2010) 41 *Third World Quarterly* 855.
13. Sinha, Anumeha, 'Informality, Migration and Labour Regulation in India' (2017) 52 *Economic and Political Weekly* 58.

14. Standing, Guy, *The Precariat: The New Dangerous Class* (Bloomsbury, 2011).

C. Reports and Working Papers

15. International Labour Organization, *Forced Labour Convention, 1930 (No. 29)*.

16. International Labour Organization, *Protocol of 2014 to the Forced Labour Convention*.

17. International Labour Organization, *Indicators of Forced Labour* (ILO, Geneva 2012).

18. International Labour Organization, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (ILO, 2022).

19. National Commission for Enterprises in the Unorganised Sector (NCEUS), *The Challenge of Employment in India* (Government of India, 2009).

20. Planning Commission of India, *Report of the Working Group on Migration* (2017).

21. United Nations Office on Drugs and Crime, *Issue Paper on Abuse of a Position of Vulnerability* (UNODC, 2013).

22. United Nations, *Guiding Principles on Business and Human Rights* (UN, 2011).

D. Indian Legislation

23. Constitution of India, 1950.

24. Bonded Labour System (Abolition) Act, 1976.

25. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

26. Immoral Traffic (Prevention) Act, 1956.

27. Indian Penal Code, 1860 (as amended).

28. Bharatiya Nyaya Sanhita, 2023.

29. Code on Social Security, 2020.

30. Occupational Safety, Health and Working Conditions Code, 2020.

E. Judicial Decisions

31. *People's Union for Democratic Rights v Union of India* (1982) 3 SCC 235.

32. *Bandhua Mukti Morcha v Union of India* (1984) 3 SCC 161.

33. *Neeraja Chaudhary v State of Madhya Pradesh* (1984) 3 SCC 243.

34. *State of Gujarat v Hon'ble High Court of Gujarat* (1998) 7 SCC 392.

35. *Sanjit Roy v State of Rajasthan* (1983) 1 SCC 525.

F. NGO and Civil Society Sources

36. Aajeevika Bureau, *Migration and Labour Exploitation in India* (2018).

37. Centre for Migration and Inclusive Development (CMID), *Labour Migration and Informality in Eastern India* (2020).

38. Human Rights Watch, *“Hidden in Plain Sight”: Abuses against Domestic Workers in India* (2014)

