

A Study on Discrimination Faced by Indian Migrants Abroad within an Integrated Human Rights, Constitutional, and Diplomatic Framework¹

INTRODUCTION

India is one of the world's largest countries of origin for international migrants, with an estimated diaspora exceeding thirty million persons spread across the Middle East, Europe, North America, Africa, and Southeast Asia.² Indian migrants constitute a heterogeneous group comprising high-skilled professionals, semi-skilled workers, domestic workers, construction labourers, students, and undocumented migrants. Their contribution to host countries is substantial, particularly in sectors such as healthcare, information technology, construction, domestic services, and manufacturing. Simultaneously, Indian migrants play a crucial role in India's economy through remittances, which consistently place India among the top remittance-receiving countries globally.³

Despite their economic and social contributions, Indian migrants frequently face discrimination, marginalisation, and systemic human rights violations in destination countries. Such discrimination manifests in multiple forms, including racial and ethnic profiling, exploitative labour conditions, wage inequality, denial of social security benefits, restricted access to healthcare and education, and limited legal remedies.⁴ In certain regions, particularly in parts of the Gulf Cooperation Council (GCC) countries, Indian migrant workers are subjected to restrictive employment regimes, excessive working hours, unsafe living conditions, and constraints on freedom of movement, often exacerbated by their temporary or irregular migration status.⁵ In Western jurisdictions, Indian migrants may encounter

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² United Nations Department of Economic and Social Affairs, *International Migration Report*, UN Publications, New York (2020).

³ World Bank, *Migration and Development Brief*, World Bank Group, Washington DC (2023).

⁴ International Labour Organization, *Global Estimates on International Migrant Workers*, ILO Publications, Geneva (2021).

⁵ Human Rights Watch, *"I Already Bought You": Abuse and Exploitation of Female Migrant Domestic Workers in the UAE*, HRW Reports (2014).

xenophobia, workplace discrimination, and religious or cultural intolerance, revealing the intersection of race, nationality, and identity in shaping migrant vulnerability.⁶

These realities pose serious challenges to the universality of human rights and call into question the effectiveness of existing international legal protections for migrants. International human rights law, anchored in the principles of equality, dignity, and non-discrimination, provides a normative framework for the protection of migrants irrespective of nationality or legal status. Instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights impose binding obligations on states to protect fundamental rights within their jurisdiction.⁷ However, the gap between normative standards and practical implementation remains wide, particularly in relation to migrant populations.

In this context, the Indian constitutional framework assumes relevance beyond territorial boundaries. Although the Constitution of India primarily guarantees fundamental rights within the territory of India, its core values—especially those embodied in Articles 14 and 21—reflect India’s commitment to human dignity, equality, and social justice. Judicial interpretations have expanded the scope of the right to life to include the right to live with dignity, thereby strengthening the moral and constitutional basis for the protection of Indian nationals abroad.⁸ These constitutional principles inform India’s approach to migrant protection and reinforce the State’s responsibility to engage proactively with host countries when Indian migrants face rights violations.

Furthermore, as a major labour-sending state, India bears diplomatic responsibilities towards its migrant population. Through bilateral labour agreements, consular protection mechanisms, and migrant welfare schemes, India seeks to safeguard the interests of its nationals overseas.⁹ Nevertheless, diplomatic protection is often constrained by host state sovereignty, non-ratification of migrant-specific conventions, and the precarious legal position of migrants themselves. This necessitates an integrated legal analysis that situates the

⁶ Castles, S., de Haas, H., & Miller, M.J., *The Age of Migration: International Population Movements in the Modern World*, Palgrave Macmillan, London (2014).

⁷ Office of the United Nations High Commissioner for Human Rights, *International Human Rights Instruments*, OHCHR, Geneva (2012).

⁸ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

⁹ Ministry of External Affairs, Government of India, *Annual Report on Overseas Indian Affairs*, New Delhi (2022).

discrimination faced by Indian migrants within the combined framework of international human rights law, constitutional values, and diplomatic responsibility.

DISCRIMINATION FACED BY INDIAN MIGRANTS IN HOST COUNTRIES

Indian migrants across destination countries encounter multifaceted and systemic forms of discrimination rooted in race, nationality, religion, language, and immigration status. Such discrimination operates both at the structural and institutional levels, affecting migrants' access to employment, social security, healthcare, housing, and justice. Indian migrants belonging to lower socio-economic backgrounds, religious minorities, and marginalised communities remain particularly vulnerable, as discrimination often intersects with class, caste, gender, and legal status.¹⁰

In the Gulf Cooperation Council (GCC) countries, where a substantial proportion of Indian migrants are employed in construction, domestic work, and low-skilled service sectors, discrimination is predominantly manifested through labour exploitation and restrictive employment regimes. Migrant workers frequently experience delayed or non-payment of wages, excessive working hours, substandard living conditions, and unsafe workplaces.¹¹ The sponsorship-based employment system prevalent in several GCC states significantly restricts labour mobility by tying migrant workers' legal residence to a single employer. This dependency often results in confiscation of passports, denial of exit permits, and barriers to changing employment, thereby placing Indian migrant workers in situations that may amount to forced labour under international law.¹²

Women Indian migrants, particularly those employed as domestic workers in the Gulf region, face heightened vulnerability to discrimination and abuse. Reports document instances of physical and psychological abuse, restrictions on communication, sexual harassment, and denial of rest days, compounded by the exclusion of domestic work from labour law protections

¹⁰ Kofman, E., "Gendered Migrations and Global Social Reproduction," *Palgrave Communications*, vol. 5, no. 1, pp. 1–12 (2019).

¹¹ International Labour Organization, *Global Estimates on International Migrant Workers*, ILO Publications, Geneva (2021).

¹² Amnesty International, *Reality Check: Migrant Workers' Rights with Four Gulf Countries*, Amnesty Reports (2020).

in many host states.¹³ The lack of effective grievance redressal mechanisms and fear of retaliation or deportation further discourage victims from seeking legal remedies.

In Western jurisdictions, including parts of Europe and North America, discrimination against Indian migrants often takes subtler yet pervasive forms. Indian migrants may encounter racial profiling, workplace discrimination, wage disparities, and exclusion from leadership positions.¹⁴ Religious and cultural markers, such as names, attire, or dietary practices, have been associated with incidents of Islamophobia, anti-immigrant sentiment, and cultural stereotyping. These practices undermine the principle of equal opportunity and contribute to social exclusion, even in states that formally adhere to anti-discrimination laws.

Undocumented Indian migrants and those with temporary or precarious immigration status face compounded discrimination across all regions. Their limited access to legal protection, healthcare, education, and social welfare services exposes them to exploitation by employers and increases their risk of detention and deportation.¹⁵ Such exclusionary practices contradict the core principles of international human rights law, which affirm that fundamental rights apply to all persons within a state's jurisdiction, regardless of nationality or migration status.

Overall, the discrimination faced by Indian migrants in host countries reflects a persistent gap between international human rights standards and domestic enforcement. The disproportionate impact on low-skilled workers, women migrants, and undocumented individuals underscores the need for stronger legal safeguards, effective monitoring mechanisms, and rights-based migration governance at both national and international levels.¹⁶

STATE RESPONSIBILITY AND ENFORCEMENT CHALLENGES

Under international human rights law, host states bear the primary obligation to respect, protect, and fulfil the human rights of all individuals within their jurisdiction, including migrant

¹³ Human Rights Watch, *As If I Am Not Human: Abuses Against Asian Domestic Workers in Saudi Arabia*, HRW Publications (2008).

¹⁴ Pager, D. & Shepherd, H., "The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets," *Annual Review of Sociology*, vol. 34, pp. 181–209 (2008).

¹⁵ United Nations Special Rapporteur on the Human Rights of Migrants, *Report on the Human Rights of Migrants*, UN Doc. A/HRC/41/38 (2019).

¹⁶ Castles, S., de Haas, H., & Miller, M.J., *The Age of Migration: International Population Movements in the Modern World*, Palgrave Macmillan, London (2014).

populations irrespective of nationality or legal status. This obligation extends to ensuring non-discriminatory access to justice, fair working conditions, and protection from exploitation and abuse. However, in practice, a significant gap persists between international commitments and domestic implementation, particularly in relation to migrant workers.

One of the principal enforcement challenges lies in the weak implementation of labour and employment regulations in sectors heavily dependent on migrant labour. Labour inspection mechanisms in many destination countries remain inadequate, under-resourced, or inaccessible to migrant workers, especially those employed in informal or isolated work environments such as domestic work and construction. Restrictive immigration regimes further compound these vulnerabilities by linking legal residence to employment, thereby discouraging migrants from reporting violations for fear of job loss, detention, or deportation.

Additionally, limited legal awareness among Indian migrants regarding their rights under host state laws and international human rights standards significantly impedes access to remedies. Language barriers, lack of affordable legal aid, and unfamiliarity with complaint mechanisms often result in underreporting of discrimination and exploitation. Even where judicial or administrative remedies exist, prolonged procedures and uncertainty regarding outcomes deter migrants from pursuing claims. The fear of retaliation by employers or immigration authorities reinforces a culture of silence and acceptance of abusive conditions.

At the international level, the absence of robust and binding enforcement mechanisms further exacerbates the protection gap. While international human rights treaties articulate clear normative standards, their enforcement largely depends on state cooperation and voluntary compliance. The limited ratification of migrant-specific conventions by major destination countries weakens accountability and restricts the ability of international institutions to provide effective redress. Consequently, host state responsibility, though well-established in law, often remains inadequately realized in practice.

INDIA'S ROLE AS A SENDING STATE

As one of the world's largest labour-sending countries, India bears an important responsibility to safeguard the rights and welfare of its migrants throughout the migration cycle—from recruitment and departure to employment abroad and eventual return. While the primary obligation to protect migrants lies with host states, international law and constitutional principles recognize the complementary role of sending states in preventing exploitation and ensuring dignity for their nationals overseas.

India has undertaken several measures in this regard, including the negotiation of bilateral labour agreements, establishment of consular protection mechanisms, and implementation of pre-departure orientation and welfare schemes. These initiatives aim to regulate recruitment practices, enhance legal awareness, and provide institutional support to migrants facing distress abroad. Indian embassies and consulates play a critical role in facilitating grievance redressal, providing emergency assistance, and coordinating repatriation in cases of abuse, detention, or humanitarian crises.

Despite these efforts, significant challenges persist in ensuring effective protection. Consular services are often overstretched due to the sheer volume of migrant populations, limiting timely intervention in individual cases. Access to legal aid and sustained follow-up on labour disputes remains uneven across regions. Furthermore, reintegration of returnee migrants—particularly those who return due to exploitation, injury, or economic distress—continues to receive limited policy attention, leaving many without adequate social or economic support upon return.

These limitations highlight the need for a more comprehensive and rights-based approach to India's engagement with migration governance. Strengthening monitoring mechanisms, expanding legal assistance through diplomatic missions, enhancing coordination with host states, and institutionalizing reintegration frameworks are essential to translating India's constitutional values and diplomatic commitments into meaningful protection for its migrants. By assuming a proactive and sustained role as a sending state, India can contribute significantly to reducing discrimination and safeguarding the dignity of its citizens beyond national border

INTERNATIONAL HUMAN RIGHTS LAW FRAMEWORK FOR THE PROTECTION OF MIGRANTS

The protection of migrants is firmly grounded in universal human rights instruments that affirm the inherent dignity and equality of all persons, irrespective of nationality or migration status. The Universal Declaration of Human Rights (UDHR) constitutes the normative foundation of international human rights law by proclaiming that all human beings are born free and equal in dignity and rights, and by explicitly prohibiting discrimination on grounds such as race, nationality, or other status.¹⁷ Although not legally binding, the UDHR

¹⁷ United Nations General Assembly, *Universal Declaration of Human Rights*, UN Doc. A/RES/217A(III) (1948).

has attained the status of customary international law and continues to guide the interpretation and application of binding human rights treaties in relation to migrant populations.

The International Covenant on Civil and Political Rights (ICCPR) provides binding obligations on States Parties to respect and ensure civil and political rights to all individuals within their territory and subject to their jurisdiction. Key provisions relevant to migrant protection include the right to equality before the law, protection against arbitrary arrest and detention, freedom of movement, and access to an effective remedy.¹⁸ These guarantees are particularly significant for migrants facing racial profiling, immigration detention, and discriminatory law enforcement practices in host countries. The Human Rights Committee has consistently affirmed that the rights enshrined in the ICCPR apply to migrants regardless of their legal status, reinforcing the principle of non-discrimination.¹⁹

Complementing the ICCPR, the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes the right to work under just and favourable conditions, the right to social security, the highest attainable standard of health, and the right to education.²⁰ These rights are central to the lived experiences of migrant workers, whose vulnerability often arises from exclusion from labour protections, social welfare systems, and public services. The Committee on Economic, Social and Cultural Rights has emphasized that States must ensure the progressive realization of these rights for migrants without discrimination, particularly in relation to employment and occupational safety.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 represents the most comprehensive international legal instrument dedicated to migrant-specific protection. It addresses issues such as equality of treatment, protection from exploitation, access to justice, and safeguards against collective expulsion.²¹ However, its effectiveness remains significantly undermined due to the limited ratification by major migrant-receiving states, particularly in the Global North and the Gulf

¹⁸ International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (1966).

¹⁹ Human Rights Committee, *General Comment No. 15: The Position of Aliens under the Covenant*, UN Doc. HRI/GEN/1/Rev.9 (1986).

²⁰ International Covenant on Economic, Social and Cultural Rights, 993 U.N.T.S. 3 (1966).

²¹ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 2220 U.N.T.S. 3 (1990).

region. This reluctance reflects concerns over state sovereignty and immigration control, thereby weakening the universality of migrant rights protection.

In addition to human rights treaties, the International Labour Organization (ILO) has developed a robust framework of conventions and recommendations aimed at protecting migrant workers from exploitation and unsafe working conditions. Conventions on forced labour, freedom of association, equal remuneration, and occupational safety and health establish minimum labour standards applicable to migrant workers.²² The ILO's Decent Work Agenda further emphasizes fair recruitment practices, social protection, and safe migration pathways, providing crucial normative guidance for safeguarding Indian migrant workers abroad.

INDIAN CONSTITUTIONAL PERSPECTIVE ON PROTECTION OF MIGRANTS

Although the Constitution of India primarily guarantees fundamental rights to persons within the territorial jurisdiction of India, its underlying constitutional philosophy and jurisprudence impose indirect yet significant obligations on the Indian State to safeguard the rights and dignity of its nationals abroad. The Constitution is founded on the values of human dignity, equality, social justice, and welfare, which collectively inform the State's approach towards the protection of Indian citizens, including migrants residing outside national borders.²³ While the enforceability of fundamental rights may be territorially limited, their normative influence extends beyond borders, particularly in shaping India's diplomatic conduct and welfare policies for overseas Indians.

Article 14 of the Constitution, which guarantees equality before the law and equal protection of laws, reflects a core commitment to non-arbitrariness and fairness as governing principles of State action. This constitutional mandate assumes relevance in cases where Indian migrants are subjected to discriminatory treatment abroad, as it strengthens the State's moral and legal basis to engage diplomatically with host countries and to ensure that Indian nationals are not denied equal treatment.²⁴ Similarly, Article 19, which protects freedoms relating to movement, residence, and profession, underscores the constitutional recognition of mobility

²² International Labour Organization, *ILO Global Estimates on Migrant Workers*, ILO Publications, Geneva (2021)

²³ Austin, G., *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, New Delhi (1999).

²⁴ E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3.

and occupational choice as integral aspects of individual liberty, values that resonate with the realities of labour migration.

The most significant constitutional provision in this context is Article 21, which guarantees the right to life and personal liberty. Through expansive judicial interpretation, the Supreme Court of India has transformed Article 21 into a repository of substantive rights, including the right to live with dignity, livelihood, health, and humane working conditions.²⁵ This jurisprudential expansion has persuasive relevance in advocating for the protection of Indian migrants overseas, as it affirms that dignity is inseparable from citizenship and does not cease at national borders. The Court has repeatedly emphasized that the State bears a positive obligation to protect life and dignity, thereby reinforcing the constitutional legitimacy of State intervention when Indian nationals face serious human rights violations abroad.

In addition to fundamental rights, the Directive Principles of State Policy (DPSPs) play a crucial role in shaping India's obligations towards migrant protection. Article 39 directs the State to ensure adequate means of livelihood and to prevent exploitation of labour, while Article 41 mandates the State to provide assistance in cases of unemployment, sickness, and disablement. Although non-justiciable, these principles are fundamental to the governance of the country and have been judicially recognized as interpretative tools for understanding the scope of State responsibility.²⁶ When applied to the context of migration, these provisions reinforce the constitutional duty of the State to prevent exploitation of Indian workers abroad and to ensure welfare-oriented measures through policy and diplomacy.

Indian courts have, in select instances, acknowledged the responsibility of the State to extend welfare measures and diplomatic protection to citizens facing distress outside India. Judicial directions relating to repatriation, compensation, and consular intervention during humanitarian crises involving Indian nationals abroad demonstrate an evolving recognition of extra-territorial concern rooted in constitutional values.²⁷ Such judicial engagement reflects the growing acceptance that the protection of Indian migrants is not merely a matter of foreign policy discretion but is closely linked to constitutional commitments to dignity, social justice, and human welfare.

²⁵ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

²⁶ *State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310.

²⁷ *National Human Rights Commission v. State of Arunachal Pradesh*, (1996) 1 SCC 742.

INDIA'S DIPLOMATIC AND INTERNATIONAL OBLIGATIONS TOWARDS MIGRANT PROTECTION

As one of the world's largest labour-sending countries, India bears significant diplomatic and international responsibilities towards its migrant population. These responsibilities arise not only from India's commitment to international human rights norms but also from its strategic interest in safeguarding the welfare, dignity, and rights of millions of Indian nationals employed abroad. Diplomatic protection of migrants forms an essential component of India's foreign policy, particularly in regions with a high concentration of Indian migrant workers, such as the Gulf Cooperation Council (GCC) countries and Southeast Asia.²⁸

India has increasingly relied on bilateral labour agreements (BLAs) and memoranda of understanding (MoUs) with destination countries to regulate recruitment practices, ensure minimum labour standards, and establish grievance redressal mechanisms. These agreements typically address issues such as wage protection, working hours, dispute resolution, and repatriation, thereby offering a structured framework for migrant welfare.²⁹ While BLAs serve as important diplomatic tools, their effectiveness often depends on the political will of host states and the robustness of monitoring and enforcement mechanisms.

Consular assistance constitutes a central pillar of India's diplomatic engagement with migrant issues. Indian embassies and consulates are tasked with providing legal assistance, facilitating communication with employers and local authorities, arranging emergency shelter, and assisting in repatriation during crises. In cases involving detention, contract disputes, or abuse, consular officials act as intermediaries between migrants and host state institutions.³⁰ Judicial and policy developments in India have increasingly emphasized the importance of proactive consular intervention, particularly in situations involving mass distress, humanitarian emergencies, or violations of fundamental human rights.

The Indian government has also undertaken several institutional initiatives aimed at strengthening migrant protection. The e-Migrate system seeks to regulate overseas employment

²⁸ Ministry of External Affairs, Government of India, *Annual Report on Overseas Indian Affairs*, New Delhi (2022).

²⁹ Wickramasekara, P., "Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review," *International Migration*, vol. 53, no. 3, pp. 175–189 (2015).

³⁰ Denza, E., *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations*, Oxford University Press, Oxford (2016).

by ensuring transparent recruitment processes and preventing fraudulent practices. The Pravasi Bharatiya Bima Yojana (PBBY) provides insurance coverage to Indian migrant workers against death, disability, and medical emergencies. Additionally, pre-departure orientation programmes aim to equip migrants with legal awareness, cultural knowledge, and information on grievance redressal mechanisms in destination countries.³¹ Collectively, these initiatives reflect India's effort to adopt a more structured and preventive approach to migrant protection.

Despite these measures, diplomatic protection remains constrained by several structural and legal limitations. The principle of host state sovereignty restricts the extent to which India can intervene in the internal affairs of destination countries. Moreover, the absence of binding international enforcement mechanisms for migrant rights and the limited ratification of migrant-specific conventions by host states weaken diplomatic leverage.³² Migrants themselves often hesitate to approach embassies due to fear of retaliation, job loss, detention, or deportation, further diminishing the practical effectiveness of diplomatic safeguards.

These challenges underscore the need for a rights-based diplomatic approach that places human dignity and equality at the centre of migration governance. Strengthening international cooperation, enhancing the enforceability of bilateral agreements, expanding legal aid through consular networks, and advocating for broader acceptance of international migrant rights norms are essential steps in advancing the protection of Indian migrants abroad.³³

CHALLENGES AND GAPS IN THE PROTECTION OF INDIAN MIGRANTS

Despite the constitutional ethos of dignity and equality and the range of diplomatic initiatives undertaken by the Indian State, Indian migrants continue to face significant barriers in accessing justice, remedies, and effective protection in host countries. These challenges are deeply structural and arise from gaps at the international, domestic, and institutional levels, resulting in persistent vulnerability and marginalisation of migrant populations.³⁴

³¹ Government of India, Ministry of Skill Development and Entrepreneurship, *Overseas Employment and Migrant Welfare Schemes*, New Delhi (2021).

³² Cholewinski, R., "The Rights of Migrant Workers," in *International Migration Law: Developing Paradigms and Key Challenges*, T.M.C. Asser Press, The Hague (2007).

³³ United Nations Special Rapporteur on the Human Rights of Migrants, *Report on Labour Migration and Human Rights*, UN Doc. A/HRC/44/42 (2020).

³⁴ Castles, S., "The Factors that Make and Unmake Migration Policies," *International Migration Review*, vol. 38, no. 3, pp. 852–884 (2004).

One of the foremost challenges lies in the weak enforcement of labour standards in host countries, particularly in sectors heavily reliant on migrant labour such as construction, domestic work, and low-skilled services. Although labour laws exist in many destination states, enforcement mechanisms remain inadequate, and migrant workers often face obstacles in lodging complaints due to language barriers, fear of retaliation, and dependency on employers for legal status.³⁵ The prevalence of informal employment arrangements further exacerbates exploitation, leaving Indian migrants without effective legal recourse in cases of wage theft, unsafe working conditions, or abuse.

A critical gap in migrant protection also stems from the non-ratification of migrant-specific international conventions by major migrant-receiving countries. The limited acceptance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 significantly weakens the universality of migrant rights.³⁶ This reluctance reflects broader concerns over sovereignty and immigration control, thereby undermining the development of binding international standards capable of ensuring uniform protection for Indian migrants abroad.

Limited awareness of legal rights among migrants constitutes another major obstacle. Many Indian migrants, particularly those from rural or economically disadvantaged backgrounds, lack adequate knowledge of their rights under host country laws and international human rights standards.³⁷ The absence of accessible legal aid, language support, and rights education mechanisms often results in underreporting of violations and acceptance of exploitative conditions as unavoidable aspects of migration. Pre-departure orientation programmes, though beneficial, remain uneven in coverage and effectiveness.

Furthermore, inadequate coordination between Indian authorities and host states hampers timely and effective intervention in cases of migrant distress. While bilateral agreements and consular mechanisms exist, their implementation often suffers from bureaucratic delays, limited staffing at embassies, and lack of real-time data on migrant

³⁵ International Labour Organization, *Global Estimates on Migrant Workers*, ILO Publications, Geneva (2021).

³⁶ United Nations General Assembly, *Report of the Secretary-General on International Migration and Development*, UN Doc. A/73/286 (2018).

³⁷ Wickramasekara, P., "Protection of Migrant Workers: What Role for Trade Unions?" *International Migration*, vol. 46, no. 3, pp. 21–54 (2008).

populations.³⁸ Crisis situations—such as mass layoffs, detention of migrants, or public health emergencies—expose these coordination gaps and highlight the need for more responsive and institutionalised mechanisms of protection.

Collectively, these challenges reveal a significant disconnect between normative commitments and practical realities. Addressing these gaps requires stronger international cooperation, enhanced enforcement of labour standards, expanded legal awareness initiatives, and a more rights-based approach to migration governance. Without such measures, constitutional ideals and diplomatic efforts risk remaining symbolic rather than transformative for Indian migrants abroad.³⁹

CONCLUSION AND WAY FORWARD

The discrimination faced by Indian migrants abroad poses a profound challenge to the universality and indivisibility of human rights, revealing persistent gaps between international legal norms and their practical realization. Despite the existence of comprehensive human rights instruments and evolving constitutional and diplomatic frameworks, Indian migrants continue to experience exclusion, exploitation, and unequal treatment in host countries. These realities underscore the limitations of a fragmented approach to migrant protection and highlight the necessity for a coordinated and rights-oriented response.⁴⁰

Addressing discrimination against Indian migrants requires a multi-layered legal and policy framework that integrates international human rights law, constitutional values, and proactive diplomatic engagement. At the international level, stronger advocacy for the ratification and effective implementation of migrant-specific conventions is essential to reinforce the binding nature of migrant rights. Human rights treaty bodies and international labour institutions must be empowered to monitor compliance and hold states accountable for violations affecting migrant populations.⁴¹

³⁸ Ministry of External Affairs, Government of India, *Annual Report on Overseas Indian Affairs*, New Delhi (2022).

³⁹ United Nations Special Rapporteur on the Human Rights of Migrants, *Report on Access to Justice for Migrants*, UN Doc. A/HRC/47/30 (2021).

⁴⁰ Donnelly, J., *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca (2013).

⁴¹ Office of the United Nations High Commissioner for Human Rights, *Migration and Human Rights: Improving Human Rights-Based Governance of International Migration*, OHCHR, Geneva (2017).

At the national level, India must continue to align its foreign policy with its constitutional commitment to dignity, equality, and social justice. Strengthening bilateral labour agreements with enforceable standards, improving data-sharing mechanisms with host states, and institutionalizing migrant grievance redressal systems are critical steps toward bridging the gap between policy intent and on-ground realities.⁴² Enhanced consular support, including legal aid services, shelter facilities, and emergency response mechanisms, can significantly improve migrants' access to justice and protection during periods of distress.

Equally important is the adoption of a rights-based foreign policy approach that recognizes Indian migrants as rights-holders rather than merely economic contributors or sources of remittances. Such an approach shifts the focus from economic utility to human dignity, ensuring that migrant welfare is embedded within broader diplomatic and development strategies.⁴³ Pre-departure education, legal literacy programmes, and community engagement initiatives can further empower migrants to assert their rights and seek remedies without fear of retaliation.

Ultimately, ensuring dignity, equality, and justice for Indian migrants beyond national borders demands sustained political will, international cooperation, and a principled commitment to human rights. By integrating legal norms with constitutional morality and diplomatic responsibility, India can play a transformative role in advancing migrant protection and reaffirming the universality of human rights in an increasingly interconnected world.⁴⁴

⁴² Wickramasekara, P., "Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers," *International Migration*, vol. 53, no. 3, pp. 175–189 (2015).

⁴³ Betts, A., *Global Migration Governance*, Oxford University Press, Oxford (2011).

⁴⁴ United Nations Special Rapporteur on the Human Rights of Migrants, *Report on a Rights-Based Approach to Migration*, UN Doc. A/HRC/52/32 (2022).