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Legislative Approach To Strengthen Urban Sustainability In Migration-Affected Indian Cities: A Critical Analysis

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ABSTRACT

Currently, India experiences rapid urbanisation due to its economic growth and rural-to-urban-areas migration. (Selod & Shilpi, 2021)The height of urban growth witnessed in the recent decades is because of the overpopulation witnessed in cities and the need to revolutionise the urban centres for hosing, environmental resource, and degradation opportunities. (Shaban et al., 2022) Migratory centres focus on urban, environmental, social, and economic sustainability in their strategic plans, which is in line with the Sustainable Development Goals (SDGs), particularly SDG 11, which highlights the need for inclusive, safe, resilient, and sustainable urban development. (Mitra & Murayama, 2009) The study seeks to explore various policies and legal models used by the Indian cities that experience high migration rates, and how these influence sustainability in the cities. The study will involve undertaking a critical analysis of laws, rules and policies governing the issue, identifying weaknesses in current legislation, and examining recommendations on urban sustainability as compared to migration patterns....

Keywords:: Sustainability, Migration, Urbanization, Governance, Inclusivity...

INTRODUCTION:

Migration to Indian urban areas is increasing at an alarming rate and this does not only led to scarcity of resources, housing, but it also has adverse effects on the environment. (Bowen et al., 2011) There is a housing policy, urban planning laws, and environmental regulations, but individually, each framework is insufficient for dealing with these issues as a whole. (Miklian & Sahoo, 2016) As a result of there being little to no collaboration between different levels of government as well as administrative agencies, the various provisions in the frameworks remain disconnected, and this is what most people think is poor enforcement. (Chadchan et al., 2024) This is further intensifying the already existing social problems in cities.

Even existing, old urbanized cities like Delhi, Mumbai, Pune, Bengaluru and Kolkata have been recurring points of migration with an awful deficiency of houses and a terrible burden of poor health on top of being devoid of any social harmony. (Narayan & Chakraborty, 2024) Sustainable urban development concept is aimed at reducing economic and social inequality such as unemployment and poverty, environmental destruction and other evils caused by irresponsible urban expansion. (Denis & Marius-Gnanou, 2010) The sustainable urban development legal framework in cities prone to migration has not been explored, ignoring the framework's value and neglecting its role in existing laws. This research aims at exploring the legal framework and it will also critique the legal framework, propose legal reforms, and provide solutions to the urban sustainability problems faced in India's cities prone to migration.

RESEARCH OBJECTIVES

1. To critically analyze the current legal frameworks that regulate and promote urban sustainability in cities experiencing high levels of migration.

2. To identify shortcomings in existing legal structures and suggest reforms that could promote more sustainable urban development.

RESEARCH QUESTIONS

What are the major challenges faced by urban areas in India due to migration, and how well are legal measures addressing these challenges?

What gaps exist in the current legal frameworks, and how can they be reformed to enhance urban sustainability in migration-prone cities?

SIGNIFICANCE OF THE STUDY

The results from this research will be put into the understanding of how legal measures can actually contribute to adequately meeting sustainability challenges invoked by migration in Indian cities. The research would add insight into policy shortcomings and advantages of using existing and applicable laws to policymakers, urban planners and legal practitioners, would also offer specific

policy suggestions that can assist Indian cities to develop more sustainable inclusive and resilient communities in an environment where urban migration is robustly increasing.

RESEARCH METHODOLOGY:

One of the oldest and most fundamental ways of pursuing legal research is by using doctrinal research methodology. In this case, the researcher reads and interprets the existing laws, statutes, case laws and legal principles. It is a systematic examination of the legal works in the context of deepening the definition of the concepts and principles or models according to which a particular practice is conducted. The approach itself is primarily descriptive and analytical and seeks understanding, explanation, and indicates critical analytical treatments of the existing legal provisions based on a concerned topic.

In relation to the research topic "Legislative Approach to Strengthen Urban Sustainability in Migration-Affected Indian Cities: A Critical Analysis," doctrinal research methodology would allow the researcher to assess the existing legal measures in an urban context regarding migration. Areas of investigation will include national policies, local laws, judicial interpretations, international treaties, and their effects on or assertions of sustainable urban development in migration-prone regions.

The researcher utilised a doctrinal methodology for this study, ensuring a thorough analysis through the use of various authoritative resources. The methodology aims to critically analyse the legal frameworks and principles that regulate urban sustainability in cities susceptible to migration. The research utilises both primary and secondary sources, collectively establishing a strong foundation for the study.

Primary sources constitute the foundation of this research, providing direct legal and constitutional insights. The Constitution of India establishes fundamental principles pertinent to research, while bills and legislations demonstrate the evolution and application of statutory frameworks. Law Commission Reports and policy documents offer essential insights and approaches regarding governance and legal reform. Regulations and rules serve as administrative instruments that emphasise procedural mechanisms, while case laws clarify the judicial interpretation of laws pertaining to urban and migration-related issues.

Secondary sources enhance primary materials by providing analytical depth and contextual understanding. Books and research journals offer theoretical and empirical insights into the subject matter, whereas newspaper articles and legal magazines present contemporary perspectives and practical challenges. Online repositories provide access to recent developments and global discourses, while book reviews and encyclopaedia entries elucidate complex legal concepts. These secondary sources complement primary materials, enhancing the research through varied perspectives. The combination of primary and secondary sources facilitates a comprehensive examination of urban sustainability and migration law.

CRITICAL ANALYSIS OF EXISTING LEGAL FRAMEWORKS FOR URBAN SUSTAINABILITY IN MIGRATION-PRONE CITIES IN INDIA

It is growing increasingly pertinent to examine urban sustainability in cities inhabited by migrants owing to rapid urbanization trends in India and forced migration. (Mitra & Tripathi, 2021)

Constitutional Dimension of Urban Sustainability in India

Urban sustainability under the constitution of India has its legal backbone in the concept of constitutional urban transformation, as a root from which to appreciate the paradoxical challenges urban areas meet, especially due to migration flow effects. (Ravikiran & Hemanth Kumar, 2025) The Constitution of India, through its Preamble, the fundamental rights, the Directive Principles of State Policy, and the Fundamental Duties makes it an unequivocal statement of duty of protection to and positively enhance the environment as part of the right to life guaranteed under Article 21 of the Constitution. (Rosencranz & Rustomjee, 1996) This right to life under Article 21 has been liberally interpreted by the Supreme Court of India in decisions such as *R L & E Kendra Dehradun v. SMEPA* (at para 42) ; where the right to life was interpreted to include the right to pollution-free environment; *M.C Mehta v. Union of India* (1987) which focused on right of life of a healthy atmosphere; *Charan Lal Sahu v. Union of India* (1989) which condemn the connection of Article 21 and environmental protection; and *Vellore Citizens Welfare Forum v. Union of India* (1996) which entrenched the *Precautionary Principle* and *Polluter Pays Principle* in Constitutional jurisprudence. When combined in this way, these choices amount to a new set of constitutional responsibilities that are based on environmental sustainability that becomes the centre of urban life.

The development of these rights has been encouraged by the Directive Principles of State Policy particularly Art. 48-A (amended by 42nd Amendment, 1976) that requires State to safeguard and conserve the environment and to save and preserve forests and wildlife; an urban context of which would necessitate pro-active intervention by the State in sustainable urban governance and resource management practices. Article 47 that follows a humanistic approach in making the State act towards boosting the health of the inhabitants, once more constitutionally binds the interaction between environment and health in the context of the city experiencing population pressures caused by migration. Also, Article 51-A(g) imposes a duty on citizens in protecting environment. Hence, it directly promotes achieving sustainability in migration-prone cities. (Satapathy, 2022)

One of the most important structural reforms in the name of urban sustainability is the 74th Constitutional Amendment Act, 1992, which gave constitutional status to Urban Local Bodies (ULBs) as the third tier of government with devolved powers over eighteen subjects including urban planning, land use regulation, water supply, and slum reforms. This decentralization is

especially relevant in migration-affected cities where local government must react to complex and fast-changing challenges. (Mohanty, 2022) However, these constitutional claims are constrained by lack of autonomy, capacity and fiscal resources in most ULBs which constrains urban sustainability efforts. (Pragya, 2026) The judiciary has continued to play an important role in affirmation of these Constitutional provisions by way of public interest litigations such as *Indian Council for Enviro-Legal Action v. Union of India* (1996), in which polluting enterprises were held liable by the court - reaffirming the *Polluter Pays Principle* and demonstrating that protection of the environment is part of planning and governance of cities.

Besides the legislations and case laws, the commitment of Government of India to achieve sustainable urbanization is also existing in public policies including the national urban policy framework that considers financial decentralization, improved urban infrastructure, inclusive governance, and integrated urban planning. There is a tremendous housing, employment, infrastructure, and environmental degradation that is emerging as a consequence of migration-driven urban development. (Ministry of Housing and Urban Affairs, 2020) The constitutional and legislative framework demands such a multi-layered, multi-stakeholder system of governance, in which state agencies, city local governments, and civil society collaborate under the protection of a regime endowed with constitutional authority to ensure that urban growth will become both inclusive and sustainable. The constitutional obligation under the robust governance model forms the pertinent background to the migration-impacted Indian cities on urban sustainability to advance with the migration-induced urban population against the policy institutions of enhancing the SDG Goal and Right to a dignified urban life of all citizens as 34% of urban citizens are already migrants and an envisaged 600 million urban inhabitants by 2030. (Press Information Bureau, 2026)

National Urban Policies and Programs in India: A Jurisprudential and Policy Analysis

The urbanisation policy of India has all too conspicuous issues in regards to sustainability, in particular migration. Thus, in 2015, the Smart Cities Mission (SCM) was established and is skewed towards technical development, improved infrastructure and governance reforms that will transform a hundred cities into so-called “smart cities”. (Praharaj et al., 2018) However, poor legal status, as well as the prioritization of technology and economic competitiveness have led to a marginalization of forced migrants, particularly those residing in informal settlements. (Dutta & Bhagat, 2018) Often, these underprivileged populations remain out of the scope of the mission and from the perspective of the legal system, they contradict Articles 14 & 21 of the Constitution (equality and the right to have a dignified subsistence). (Prakash, 2019) Land redevelopment under SCM has led to evictions without proper rehabilitation. (Poddar, 2023) This aligns with a constitutional failure of morality on one hand and lack of frameworks of statutory inclusiveness on the other give rise to exacerbating these shortcomings. (Jha, 2021) Likewise, the Pradhan Mantri Awas Yojana (PMAY) - set up in 2015 to ensure "Housing for All" for the year 2024, which targets the economically weaker and low-income households has problems of broader accessibility of migrant populations. Its reliance on bureaucratic data means that it ignores many casualized workers, while the emphasis on homeownership means that it overlooks rental accommodation more appropriate to migrants' transient lives. (Kundu & Kumar, 2017) With more people living together in a metro cities, PMAY may not achieve its goal of being sustainable due to lack of land availability.

The other initiative to have emerged is the Atal Mission for Rejuvenation and Urban Transformation (AMRUT) initiated in 2015 which is aimed at sustainability by improving the urban water supply, sewage and greenery layout. (Ministry of Housing and Urban Affairs [MoHUA], 2021) The goal of AMRUT, however, has a different focus and thus does not fully cater to pressures that are driven by migration to cities. Significant coordination issues at the local and state level restrict migrant populations from accessing basic services such as sanitation and access to water that exist in more developed neighbourhoods, which stresses the importance of integrated urban livelihood development policies. (Sidique, 2026)

Such fragmented approach in SCM, PMAY and AMRUT shows that governance is getting plagued with lack of coherence and coordination which goes against the provisions of Article 256 which is meant to give significant weight to integrated governance. Also lacking is a comprehensive national migration data repository to support evidence-based policymaking, as opposed to the edict of data-driven knowledge (Scientia data), and therefore broad and ineffective strategies that fail at the locus of sub-national contexts specific to migrants. In addition, the primary focus on physical infrastructure excludes social equity aspects in a manner defying the key fundamental rights of migrants to education, health, and economic inclusion, and being contradictory to the Directive Principles of State Policy, including Article 38 on Socio-economic justice. The failure to consider these significant social processes will sustain the marginalization of forced migrants and their further exposure to urban inequality and ecological hazards. The National Urban Policy Framework (NUPF) of India understands these urban difficulties, but is intended rather as a guiding principle than as an elaborate tax system, and projects itself on those lines, even locally adjusted. Thus, it is devoted to paradigmatic approach towards these matters by means of the integration of various missions like SCM, PMAY, and AMRUT with the concerns of urban planning and economy, infrastructure, social inclusion, governance, and environmental sustainability. (Kumar et al., 2020) The NUPF considers decentralization, outcome planning and data integration as more effective methods to deliver services and city resiliency. However, as a matter of practice and policy prioritisation, critical integration of rights and needs of migrants is nonetheless a missing link.

Migrant Workers Protections in Urban Ecosystems and Sustainable Urban Development

In India, one of the key remedies to the social-economic instability faced by migrants of the new metro regions is the labour and employment legislation. Although these laws are designed to safeguard rights and provide social security, adequation has grown more complex in response to the changing realities of the migration-led urbanisation and, as a consequence, nullifies the Directive Principles of State Policy, embodied in the promise of social justice.

The Inter-State Migrant Workmen Act, 1979 was enacted to safeguard the rights of inter-state workers by making it obligatory that they would be paid equal wages, get lodging and reading materials and will be attended to by qualified doctors in case of any kind of ailment. Yet, its scope is sector restricted and omits the informal labour markets- construction, domestic work and street-vending- where the majority of migrants continue to be concentrated. In pursuing deregulation of employment from the bailiff, the volatile workforce is left much less conscious of the employment legalities and as a result labour injustice sees rise in slum proliferation in the city while burdening overworked infrastructures. Urban planning measures (e.g., low-cost rental housing, health linkages to the city Primary Health Centres) and strict penal measures against non-compliance would have the tendencies to bring the Act in line with the requirements of sustainable urban development.

In the same vein, the Unorganised Workers' Social Security Act, 2008 seeks to bring unorganized labourers within the ambit of health insurance, pension, and welfare entitlements. But the documentation barriers or inefficient beneficiary identification by urban local bodies exclude most migrant workers. This weakens the potential of the Act to fight against precarious urban livelihood. Initiatives for proactive outreach, digital portability of benefits (e.g. One Nation One Ration Card) and municipality based social security provisioning can bring urban centric poverty alleviation and social security within conscious oversight and bring it back to the path of social equity and inclusion.

The Minimum Wages Act, 1948 (now re-numbered Code on Wages, 2019), aims at ensuring equal compensation across the various employment classes. However, in construction, sanitation and domestic workers, migrants continue to be paid at minimum wages which perpetuates inter-generational poverty carbon piling as amnesia onto pockets of sustainable urban poverty. The last is to argue that stronger labour law enforcement, community-based grievance redress, and greater integration with labour inspection systems, specifically in gig and informal sectors, are all needed.

Greater systemic barriers remain pervasive, informalisation excludes migrant workers from protective labour codes, documentary obstacles prevent access to welfare, and traditionally, labour legislation ignored cities as socio-economic ecosystems to address collateral urban issues such as housing shortages, transport stress and environmental burden. The misalignment of sustainable trajectories between labour law and urbanisation leads to a further disjunction between urbanisation and an increase of decoupling between growth and equity or resilience. (Jayaram & Varma, 2020)

The new Occupational Safety health, and working Conditions Code, 2020 brings together thirteen labour laws but, unless the Code is coordinated with better enforcement of regulations and urban governance reforms like affordable housing policies, municipal labour welfare boards, and transferability of rights, the protection gap will continue. Labour law frameworks imbibed with an urban sustainability and inclusivity can positively contribute to Indian economy. (Mitra & Raushan, 2024)

Environmental Laws: A Legal Imperative for Migration-Induced Urbanization

In India, environmental laws are built on the guise of *jus naturale* and intergenerational equity to meet multifarious demands of environmental resources even in terms of ecological succession because of migrating and industrializing human population. (Divan & Rosencranz, 2022) However, for the forced migrants who live in informal urban settlements, these statutes often fail to accommodate the challenges of their life in such conditions. (Agarwal, 2016)

The Environment Protection Act, 1986 provides a constitutional mandate to the State to act as the guardian of its environment through comprehensive pollution control and resource management measures. (Kala & Sharma, 2026) Yet, enforcement of this Act barely captures informal settlements which are seen as a regulatory terra nullius where migrants are significantly excluded from secure waste disposal and water pollution, as well as harmful air quality, all of which contribute to urban environmental decline. Despite its holistic structure, there are no mechanisms specifically targeting migration-related environmental concerns such as deforestation or over-extraction of water resources, which means that the Act either needs to be amended or new regulations need to be developed to improve governance inclusivity. (Kelman & Clark-Ginsberg, 2022)

Likewise, The Water (Prevention and Control of Pollution) Act of 1974 is primarily focused on industrial pollution and does not sufficiently address diffuse contamination sources related to prevention and control of problems such as the one linked to informal urban sprawl. Migrant communities often do not have access to formal water infrastructure resulting in the draining out of untreated sewage and consequent contamination of the waterbody thus producing environmental justice issues. (Mohan et al., 2025) Although The Air (Prevention and Control of Pollution) Act, 1981 (APCPA) inevitably covers industrial and vehicular emissions, it has its limitations in view of the air quality degradation that is increasingly visible in habitats dominated by migrants with biomass for cooking, congested transport, and unregulated industrial units. (Chakravarty, 2026) These differentials in enforcement are a great impression of institutional neglect and limited involvement with the community, thereby restricting the capability of the Act to be applied in these non-structured circumstances.

While the *Polluter pays principle* is consistent with the Scientific Management Rules of intergovernmental waste disposal addressed in Solid Waste Management Rules of 2016, such measures are slow in setting up in informal settlements lacking a waste management system. In the absence of sound management practices, these areas acquire substantial amounts of unmanaged solid wastes which pose great threats to the environment and public health. (World Bank, 2012) Extended producer responsibility is key in the Plastic Waste Management Rules, 2016, however, single-use plastics are one of the highest consumers of their waste in migrant settlements, which contributes to pollution in drainage systems and public spaces. Without awareness campaigns for the migrant communities, behavioural changes for sustainable plastic management cannot be achieved.

The research conducted by Indian Institute of Remote Sensing revealed that in two decades (decadal analysis of forest cover) in areas such as Assam and Arunachal Pradesh, displayed a highest rate of forest loss since 2001, is the obvious product of the activity of big migration inflows. (Sentinel Digital Desk, 2018) Together with waste production developing at an alarming rate and water and energy infrastructure strained, this deforestation is indicative of a worrying situation involving the pressure urban ecosystems are placed under, and structural flaws in governance. In the case of greater numbers of migrants in regions, the concentration of $PM_{2.5}$ is heightened by 45% and peaks of demand in water supply systems are triggered 38% of the time. It was also reported that in high-migration regions waste treatment plants are overloaded (156% stated loaded) and the vast requirement for infrastructure upgrade and sustainable resource management practices are to be incorporated with the implicit consideration of migration. (Singh, 2025)

In aggregate, these environmental laws and data reflect shortcomings in structural modes of integrating migration realities within urban environmental subsystems. (Adhvaryu et al., 2025) Formally planning needs of informal settlements part of the mandate of municipalities; improving competency of municipalities, community engagement and migration sensitised governance may assist to align statutory targets with sustainability concerns on the ground. They will help to achieve environmental fairness, enhance urban resiliency, and enhance equitable urban development during the impact of accelerating urbanisation in India.

International Influence & India's Commitment to SDG 11

Making Indian cities inclusive, safe, resilient and sustainable is evident in such flagship initiatives as the Smart Cities Mission, Amravati Mission Rehabilitation of Towns (AMRUT) and Pradhan Mantri Awas Yojana (PMAY). (Kumaravel et al., 2025) But the manner by which these international commitments can be converted into actual reality through the lens of *pacta sunt servanda* and *jus cogens* with more profound integration of migrant population remains unanswered. Goal 11 is full of targets regarding housing affordability, urban transport, innovative green spaces and disaster-resilience; all issues of major concern among the impacted populations in urban areas. (Teklemariam, 2022) In spite of their national impetus, over a quarter of the urban population in India nonetheless lives in the conditions of slums. (Moradi et al., 2025) This is the barometer that progress towards urbanisation in India remains uneven, and in many places is slowed down by ineffective local government, dismembered administrative systems and inadequate data infrastructure.

India aims to further connect with international best practices and take full advantage of assistance offered by UN-Habitat and correspond with movements such as the Global Covenant of Mayors for Climate & Energy. Such collaborations allow for *comitas gentium* and *solidaritas gentium* which strive for collusion and action including technical know-how on upgradation of slums, resilience to climate and affordable housing. (Kumar et al., 2023) However, many of their benefits are concentrated in select cities, and appropriate scaling and replication of effective models are not observed in migrant-prone urban centres. In particular, broader global use of standards such as from the International Organization for Standardization (ISO) can reinforce sustainable urban governance at the national level if integrated effectively.

Urban Local Bodies (ULBs) are at the frontline of SDG 11 implementation, however, the limited financial and technical capacity of many means that they are poorly equipped to carry out these functions, particularly in areas where migration pressures are particularly high. (Klimczuk et al., 2024) This administrative vacuum continues to reinforce siloed approaches and undermines the power of transnational and national laws. Addressing such a gap through the enabling and resourcing of ULBs stands as the cornerstone of achieving the central legislative intent of the SDG 11.

One of the most serious of these shortcomings is the institutional exclusion of informal settlements and migrant communities from participatory urban planning. (Ahmed, 2025) The *audita altera* rule appears to be dysfunctional here because the voices of migrants are not included in the process of planning, and consequently this leads to infrastructure deficit to ensure delivery of basic services to the marginal population. This sabotages the inclusiveness and resilience called for by SDG 11 that every a city needs to focus on to be a sustainable city). (Fry et al., 2024)

In highly populated cities, because of migration pressures, urbanization leads not only to deforestation and to increased water scarcity and air pollution, but also to conflicts with the environmental principle *sic utere tuo ut alienum non laedas*. The general mainstreaming of the renewable energy, water conservation and waste management issues into urban planning is inadequate in many instances, allowing economic growth imperatives to trample over ecological concerns. Moreover, the integration of green development principles, specifically the promotion of a multicausal approach, that focuses, environmental concerns, land management and migration in particular, in migration affected regions is the need of the hour.

Individually, or collectively, these challenges can be met by SDG 11 interventions focused on local solutions for city-specific migration pressures, greater funding and training to ULBs, participatory planning for inclusivity and placing environmental focus in urban planning. Furthermore, robust accountability measures, despite the principle of *fiat justitia ruat caelum*, are important to ensure accountability and meaningful advancement. Through these systemic reforms along with increased adoption of international best practices, India can truly align its policies to achieve a complete standards-based approach to urban development reforms both aligned to its constitutional principles and the SDG 11 requirements of the international community.

RECOMMENDATIONS FOR PROMOTING URBAN SUSTAINABILITY IN MIGRATION-PRONE CITIES IN INDIA

National Policies

Towards efficiency in policy design and implementation on the whole, systemic failures in urban policy need wide-ranging and inclusive reforms. Under the *doctrine of legitimate expectation*, it should seek to impose a specific duty on governmental, municipal and regional entities to explicitly provide for the inclusion of forced migrants in urban policy. SCM and AMRUT must make provision for informal settlements in their planning frameworks as an external priority to ensure that constitutional inclusion of the vulnerable communities is actually achieved in urban modernisation plans. It would rationalise the policies to conform to the constitutional guarantee of equality provided under Article 14.

Secondly, PMAY needs to bring rental housing into the fold to deal with the transient nature of forced migration. This indicator reflects a social realism of taking into account the temporary or seasonal character of migration and respecting the reality of migrant work. The scheme is able to serve its purpose of providing equal housing for all in this manner. Third is the need to strengthen the government at the community level. Allowing the spatial translation of the national programmes into localised areas of risk of migration would respect the *principle of subsidiarity* and allow localised answers to localised challenges of the urban local governments (ULBs). This would provide for greater capacity to carry out inclusive and effective interventions by municipal authorities.

Fourthly, there is a need for a more coherent framework to enable current programs to fit better with the issues of forced migration. There needs to be a convergence of SCM, PMAY and AMRUT into a specific version of a national urban migration policy which can be more synergistic and coherent in the pursuit of urban sustainability and equity. (Jawaid & Khan, 2020) This policy will provide a legal framework which will systematically allow challenges from migration to be resolved. Finally, policy making in the cities should be based on evidence-driven action. This initiative would increase transparency, accountability, and effectiveness regarding the respect for and the fulfilment of the rights and needs of forced migrants.

Through these measures, India has the capacity to concretize its constitutional vision of social utility by realizing sustainable urban growth in inclusive, equitable and just manners. India has the potential to actualise the constitutional vision of *socialis utilitas* (social utility) by achieving sustainable urban development that is inclusive, equitable, and just through these measures.

Labour Laws

The reform of labour legislation is a key component of migrant focussed urban sustainability. Qualification deficits add to migrant workers' vulnerability, as does informality on its back. Urban welfare must be integrated with workplace safeguards. The Inter-State Migrant Workmen Act, 1979, needs to update to reflect that Interstate portability of benefits and service delivery is essential to achieving universal digital entitlement (such as that linked with Aadhaar) as per the findings of the government's Working Group on Migration.

More than 90% of urban migrants, especially in the informal sphere, lack formal contracts and social protection or have their migration positions reinforced through marginalisation. The choice of legal frameworks and terms of contract better motivates the inclusion and development of the city through equity. (Roy & Chatterji, 2020) As indicated by recent International Labour Organization (ILO) recommendations and in Indian urban policy studies, labour protection and urban welfare (housing, health, education) should be combined into a single holistic model.

Environmental Laws

Environmental legislation needs to be reset for equity and inclusion. Informal settlements (where most augment urbanization) are often excluded from formal environmental governance or where a punitive eviction takes place. Environmental governance will become more participatory and relevant when the direct participation of migrant representatives is enforced in the municipal systems of pollution and waste management.

Smart Cities and AMRUT should incorporate environmental justice criteria which ensure that no modernisation or 'beautification' project results in forced evictions or the destruction of migrant habitats. Monitoring and assessment capacity, and financial assistance to urban local bodies and pollution control boards, which are necessary to strengthen enforcement and promote locally appropriate and sustainable solutions.

Environmental regulation must also be linked to inclusive development, as evidenced time and again during post-eviction crises in Indian cities, if meaningful action is to be achieved on the ground to translate legislative intent.

CONCLUSION

With the rapid urbanisation of India, there is a marked increase in the number of migrants moving to Indian

cities. This constant urban migration, paired with the rate of general urban growth, places a great amount of stress on already fragile infrastructure and the institutions which manage it. Vulnerable infrastructure, depleted resources, and weak governmental institutions combine to create a plethora of cascading risks. These include risks to the environment, marked socio-economic vulnerabilities, and widespread economic inequality. In an attempt to address these issues, the Indian government has launched numerous initiatives, including the Pradhan Mantri Awas Yojana (PMAY) and the Smart Cities Mission. While numerous labour and environmental legislations exist, the implementation and enforcement of such is severely lacking and, along with needless exclusion in the core structure of the law, makes issues relating to migration and urbanisation more challenging.

Looking at this issue through the lens of law, the gaps in legal provisions that migrant communities confront are clear enough. Migrants mainly live in informal settlements and are systematically excluded from key urban planning processes. This ostracism translates to deprivation of other fundamental city services like medical services and hygiene. The existing infrastructure-driven law norms lack the socio-environmental sustainability facets that are key to the wellbeing of the migrants resettling within the metropolitan localities. Moreover, there is a random application of this law which has aggravated the issue.

These issues introduce the aspect of the necessity of the reform of the laws with an emphasis on cross-cutting inclusiveness clauses that make it mandatory to integrate migrants into the elaboration procedure of urban development. The frantic compliance monitoring will ensure that obeying the rules leads to the desired results. Indeed, the situation in India in regards to urban policy reflects that urban policies must be in accordance with the sustainable development goals at global level, in particular, SDG-11, which stipulates urban centres to be inclusive, safe and sustainable. (van Duijne & Nijman, 2019) Urban reforms of India need a guiding framework, SDG-11 offers, which can be delivered through developing synergies with the idea of public-privates ventures, migrant communities in urban planning, and urban leadership structures to address migration. (van Duijne et al., 2022)

Reforms of the legal frameworks dealing with city sustainability in India are urgently needed. Special conditions of each city must be balanced, comprehensive and enforceable to ensure that over time the metropolitan region receiving significant inflow of migrating population is sustainable and shock-absorbing. It is only a change in strategy, through which human rights principles and environmental sustainability come together and build an equitable, green, and fair future of all city's residents, regardless of their migrant or national origin statuses, that these cities could possibly hope to develop a just, green, and fair tomorrow of its population. In the future, it will have to be done intentionally and informed, creating the fundamental give and take between the demands of legal changes and urban sustainability when migration starts picking up. It will also provide a solid ground to an urban India that is fair, resistant and enduring.

Conflicts of Interest

The authors state that there is no conflict of interest.

Data Availability Statement

The article cannot be given data sharing as no data is analysed in this study.

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