Migrants' (Denied) Right to the City

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1. The Context

The history of cities in the Indian sub-continent goes as far as the middle of the third millennium BC with the emergence of cities like Harappa and Mohenjo Daro in the Indus valley (Champakalakshmi 2006:8). During different phases of Indian history, many new cities have emerged and many have declined, shaping the history of India (Ramachandran 1995). The dynamics of city growth shows that migration has been a very important component as cities were centres of trade, manufacturing and services. These functions could not have been sustained without migration and migrant labour. People migrate to cities not only for work, but also on account of business, education, marriages, natural disasters and conflicts etc.

As cities have evolved through various migrations over a long period of time, they are characterized by diversity in terms of ethnic and religious identities, occupations, language, culture, food habits and so on. In fact heterogeneity is the hallmark of cities and innovations - in which migrants have played a very significant role - are central to their existence.

Migration, especially internal migration, contributes significantly to the growth of Indian cities. The Indian Constitution guarantees freedom of movement and freedom to settle within the territory of India as a fundamental right of all citizens (Article 19). Yet migrants face several barriers in terms of access to civic amenities, housing and employment, as well as restrictions on their political and cultural rights because of linguistic and cultural differences. These discriminations are articulated in various parts of India in the theory of *'sons of the soil'*, which evokes anti migrant sentiments (Weiner 1978, Hansen 2001)*.* Migrants are all the more vulnerable to discrimination and exploitation as many of them are poor, illiterate and live in slums and hazardous locations prone to disaster and natural calamities. As such, the condition of migrants in cities needs to be addressed squarely in urban policies and programmes.

Migration raises a central issue for the *right to the city* -i.e. the right for everyone, including migrants, to access the benefits that the city has to offer - and how best to promote awareness of, and representation for migrants within the city (Balbo 2008:132). The *Right to the City* perspective seeks to improve the condition of migrants by providing an alternative view point to counter the negative effects of neo-liberal policies (Purcell 2002). It advocates proactive strategies to include migrants in the decision making process, recognizing their contribution as valued urban citizens. This paper presents an array of cases of the denial of migrants' right to the city; it reviews the nature and process of migration to urban areas in the light of recently available evidence, identifies the exclusionary processes operating in Indian cities influencing migration and migrants, and suggests strategies for the integration of migrants in building inclusive cities in India.

2. Migration, Urbanization and Cities: Spatial Pattern and Exclusionary Processes

Migration has been the main component of urbanization. In India, about one-third of the population lives in urban areas (31 percent) according to Census 2011. The urban population, comprised of 377 million out of the total population of 1,210 million enumerated by the 2011 Census, is spread over about 8000 cities and towns. These cities and towns are hierarchically linked with each other, but predominantly embedded in the spatial organization of the national economy. The spatial structure of the Indian economy is shaped by three port cities namely Kolkata, Mumbai and Chennai, established during colonial rule (Raza and Habeeb 1975). Delhi also played an important role after it became the capital city in 1911. Together these cities dominated the urbanization process and the inter-regional flow of migration. The 2011 Census shows that the urbanization process is vibrant in North, West and South India with the three largest cities, namely Delhi, Mumbai and Chennai forming a nucleus in their respective regions. Hyderabad, Bangalore and Ahmedabad are another group of big cities that shaped the regional pattern of urbanization. On the other hand, Eastern and North-Eastern India lagged behind with the declining importance of Kolkata and the lack of any other megacity in the region. The next ranking city in East and North-East India is Patna, which is about 7 times smaller than Kolkata. The exclusion of Eastern and North-Eastern India on the map of urbanization is also evident in the fact that the region as a whole is characterized by high inter-state out-migration, which is largely due to the lack of vibrant cities in the region. The same is also true for the central region, consisting of the states of Uttar Pradesh, Madhya Pradesh, Chhattisgarh and Rajasthan.

India has had a policy of economic liberalization since 1991. During the post liberalization phase, the importance of cities and urban centres in India's economic development, has been growing. For example, the contribution of urban areas to India's GDP has increased from 29 percent in 1950-51 to 47 percent in 1980–81, to 62 percent to 63 percent by 2007, and is expected to increase to 75 percent by 2021 (Planning Commission 2008: 394). It is also being emphasized that 9 to 10 percent of growth in GDP fundamentally depends on making Indian cities more livable and inclusive (Planning Commission, Govt. of India 2008: 394). However, with increasing economic growth, wealth is becoming concentrated in cities and urban centres, and the gap between rural and urban India in income levels, wages and employment opportunities is widening. Furthermore, increasing economic growth is also associated with growing regional disparity and lopsided urbanization. Many have argued that the process of urbanization during the post liberalization phase has been exclusionary (Kundu 2007; Bhagat 2010). It is not only exclusionary in the regional sense but also as a social and spatial process within the city, and it would be perilous to ignore the conditions of migrants in urban areas.

3. Internal Migration: Trend and Pattern

Indian cities are growing through internal migration, unlike some cities in developed countries where international migration has been a relatively larger component. Because of the visibility of international migrants in Western cities, international migrants have received more attention from researchers, international organizations and funding agencies. It is now realized that the proportion of internal migrants - those who move within the national territory – is several times larger than those who move beyond national boundaries. According to the Human Development Report 2009, the number of those who moved across the major zonal demarcations within their countries was nearly four times larger (740 million) than those who moved internationally (214 million), (UNDP 2009: 21). However, if we take smaller units such as villages and towns as a geographical demarcation, internal migrants were as many as 309 million in India alone, based

on the place of last residence in 200,1 out of which 101 million were enumerated in urban areas[1].

3.1 Migration to Urban Areas

India's urban population was 79 million in 1961 and increased in a half century to 377 million in 2011. By 2030 it is likely to reach about 600 million (Ahluwalia 2011). The share of in-migrants (all durations of residence) in the population of urban areas has increased from 31.6 percent in 1983 to 33 percent in 1999-2000 to 35 percent in 2007-08, for which the latest data are available from National Sample Survey Office (NSSO 2010a). The increase in the migration rate[2] to urban areas has primarily occurred due to an increase in the migration rate for females (see also Fig 1). Although females migrate on account of marriage, many of them take up work sooner or later, joining the pool of migrant workers in urban areas.

On the other hand, the male migration rate in urban areas has remained constant (between 26 and 27 per cent), but employment-related reasons for migration of males increased from 42 percent in 1993 to 52 percent in 1999-2000 to 56 percent in 2007-08 (NSSO 2010a). This shows the increasing importance of employment-related migration to urban areas. When we disaggregate the reasons for migration into various streams of migration such as rural to rural, rural to urban, urban to rural and urban to urban, employment related reasons go as high as 62 percent in the case of male rural to urban migration (NSSO 2010a; see also Fig 2). Further, within the rural to urban migration stream, there is the increasing importance of inter-state rural to urban migration for employment-related reasons (Bhagat 2010).

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[1] NSSO estimated the total number of migrants to be about 288 million in 2007-08, out of which 94 million were living in urban areas. The NSSO uses a slightly different criterion in fixing the place of last residence, i.e. a person would have lived at least six months in the place of last residence before arriving at the present place of residence. No such condition is required in the census criterion defining migrants based on their last place of residence (see Bhagat 2008).

[2] The migration rate is defined as the number of all duration migrants in a particular year divided by the respective population. It is represented as numbers of migrants per 100 persons.

Figure1. Migration Rates in Urban Areas, India, 1983 to 2007-08 (in percent)
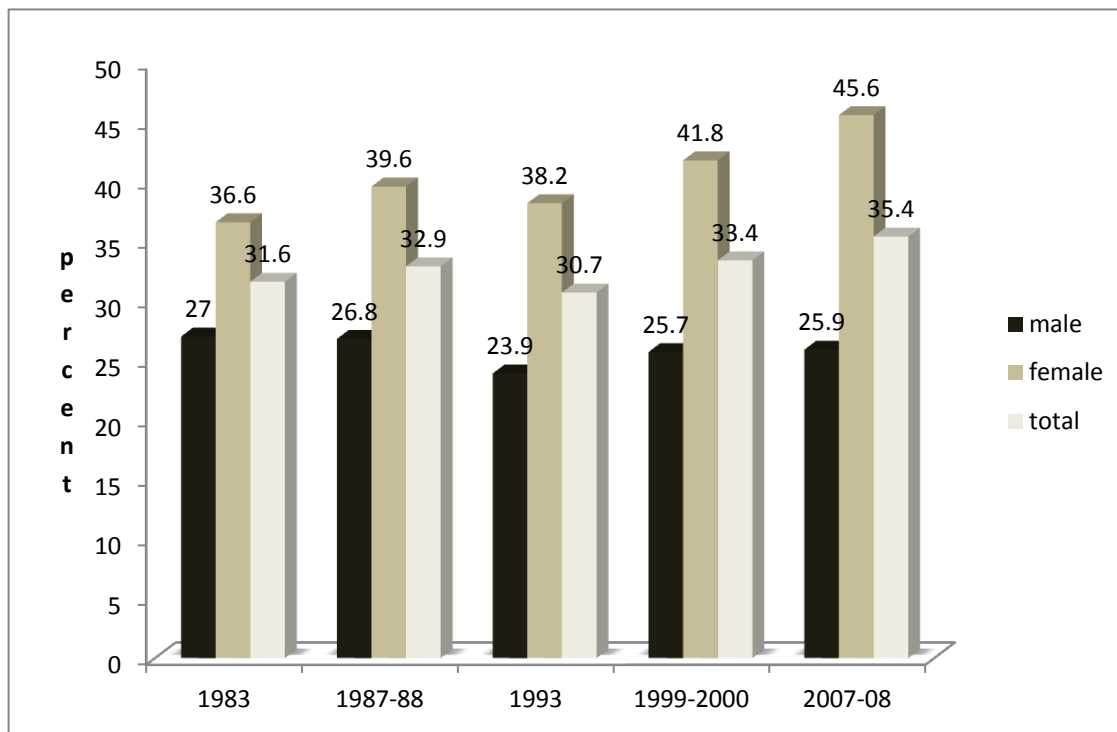
Source: NSSO (2010a).

Figure2.   Employment-Related   Reasons   for   Migration   by   Streams   of   Migration, India, 2007-08.
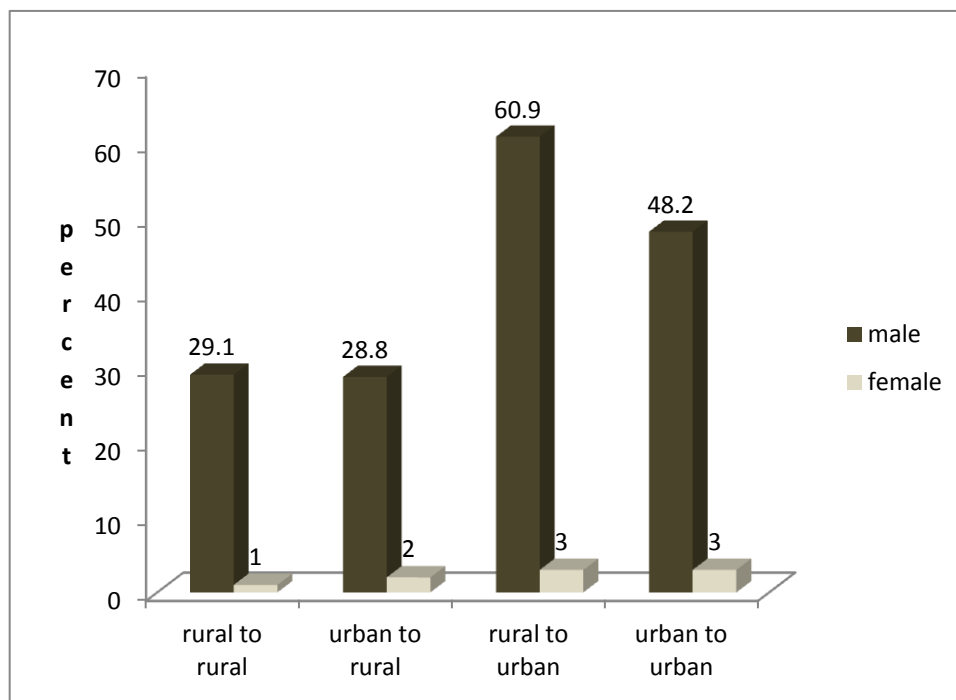
Source: NSSO (2010a)

3.2 Migration to Cities

As mentioned in the earlier section, internal migration in India is influenced by the regional disparity of levels of development established during colonial rule. City ward migration became more important as cities of a million plus acquired new prominence on the urbanization map of India. At the beginning of the twentieth century, Kolkata acquired the status of a million plus city, followed by Mumbai in 1911. By 1951 Delhi, Chennai and Hyderabad joined the ranks of the million plus cities. By 2001 there were 35 million plus cities in India, in which about 38 percent of the total urban population resided. The number of million plus cities has risen to 53 and the population residing in them has increased to 43 percent by 2011 (http://www.censusindia.gov.in/2011-prov-results/paper2/census2011_paper2.html). The rising importance of million plus cities, both in numbers, as well as the huge concentration of urban population within them indicates the significance of migrants in the city space. The share of in-migrants (all durations of residence) in the entire population varies from less than 15 percent in million plus cities like Allahabad and Agra to 55 percent and more in cities like Surat, Ludhiana, and Faridabad. Mumbai and Delhi had about 45 percent of migrants in 2001. When we look at the share of the migrants across the million plus cities, it is quite evident that this share is closely related to the economic position and vibrancy of cities (Bhagat, Das and Bhat, 2009).

Migrants in cities and urban centres are predominantly engaged in the informal sector, doing a variety of work such as construction work, as hawkers and vendors, domestic servants, rikshaw pullers/drivers, electricians, plumbers, masons and security personnel etc. The majority are either self employed or casual workers. About 30 percent of migrant workers are working as casual workers, are therefore quite vulnerable to the vagaries of the labour market and lack social protection. Only 35 percent of migrant workers are employed as regular/salaried workers (NSSO, 2010a).

3.3 Seasonal and Temporary Migration

Migration involves change of residence either on a permanent or semi-permanent basis, but there are a large numbers of people who move for a short duration in the lean season from their current place of residence, annually. Such migrants, known as seasonal and temporary or circular migrants, are not fully captured by the conventional definitions based on the criteria employed by the Census or NSSO, of place of birth or place of last residence criteria. An additional definition of migration has been used by NSSO to capture seasonal and temporary migration. A seasonal or temporary migrant is defined as "*the household member who has stayed away from the village/town for a period of one month or more but less than six months during the last 365 days, for employment or in search of employment* (NSSO, 2010a). This criterion estimated a seasonal or temporary migration of 14 million[3] additionally, as per National Sample Survey 64th Round in 2007-08. The seasonal/temporary migration is predominantly, (63 percent), directed towards cities and urban centres (Keshri and Bhagat, forthcoming). Several studies have pointed out that seasonal/temporary migration is more prevalent among the socio-economically deprived groups such as scheduled castes and tribes, and among the poorest of the poor and landless households. It is mostly driven by distressed circumstances and is a form of livelihood strategy of the rural poor (Deshingkar and Akter, 2009; Keshri and Bhagat, 2010).

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[3] Priya Deshinker and Shaheen Akter (2009) estimated 100 million circular migrants based on their logic and inferences and they have estimated that these migrants contribute 10 percent to the national GDP.

4. Migrants' Exclusion and Denial of Rights

With some policy changes and programmes there could be enormous benefits from migration, both for the areas of origin and for areas of destination (UNDP, 2009). Migration transfers labour from areas of surplus to areas of deficit, raising the overall productivity of the labour force and minimizing imperfections in the labour market. Migrants bring new skills and innovative practices and are willing to take risks where the natives fear to tread. As noted in the preceding sections, cities are important destinations for migrants and the rising contribution of cities to India's GDP would not be possible without migration and migrant workers. Employers in many instances prefer migrant workers who are hard working, disciplined and pliable, and paid less.

Migrants contribute to the diversity of cultural life in the city. Bollywood is a living example: successful actors or actresses and other artists are either migrants themselves or their parents have migrated to the city of Mumbai. Without migration the success of Bollywood in the film industry could not have been imagined. Similarly, the contribution of trading communities like the Parsis, Marwaris and Gujaratis etc. in promoting trade and commerce in several Indian cities has been possible in the wake of their migration. Also many of India's leading statesmen   such as Mahatma Gandhi, Jawaharlal Nehru and B.R Ambedkar had migrated before shaping the history and destiny of India. There are many such instances which point to the fact that migration should not be seen simply as a response to crisis, but as an instrument to fulfill the aspirations of the people. It is not the result of a lack of development but a sign of people's desire to prosper.

 Back home, remittances are vital for improving the living conditions of millions of households. In India, almost all households use remittances for household expenditure in order to improve their quality of life. A very high proportion of households use remittances on food items (76 percent) followed by health care (38 percent) and education (31 percent) in rural areas (NSSO, 2010). Apart from financial remittances, migrants bring back a variety of skills, innovations and knowledge, known as social remittances, which contribute to the social and economic changes in the areas of origin. These examples show that migration brings benefits to both areas of origin and areas of destination.

Despite the enormous contribution of migration to national progress, it is not viewed positively and sentiment against migration to the city has been growing (Nath 1986; Rajan et al 2011). As a result, migrants face a variety of exclusionary forces both directly and indirectly. In India exclusionary processes are more indirect and subtle, unlike China where migrants in urban areas are discriminated against on the basis of the household registration system (*hukou*). In China, migrants are not part of the urban *hukou* and face discrimination in access to employment, pension, housing, health care and education. This has been a matter of intense debate in recent years (Solinger, 1999; Li, 2010). On the other hand, in India the exclusion and discrimination against migrants take place through political and administrative processes, market mechanisms and socio-economic processes causing a gulf between migrants and the locals along ethnic, religious and linguistic lines. India is a federal country of states which are, by and large, organized on linguistic lines. Migrants generally originate from the low income states which are also often linguistically distinct from the high income states which receive migrants.

The migrants' right to the city is most strongly denied in the political defence of '*sons of the soil*' which aims to create vote banks along ethnic and linguistic lines, even dividing migrant communities into those who belong to the state (same linguistic group) and those migrants from

other states (different linguistic groups)[4]. This leads to the marginalization of migrants in the decision making process in the city, and exacerbates their vulnerabilities to the vagaries of the labour market, the risks of discrimination and violence, health risks, and also the risks of natural calamities like floods and landslides due to their places of shelter being located in vulnerable sites within the city. As social protection programmes are hardly geared towards migrants, they tend to be underpaid and exploited; they lack proper housing and access to improved sources of drinking water, sanitation and health services. There are a huge number of urban people living in slums[5]. Slums are a manifestation of deprivation in cities and the migrants who live in slums are hugely affected by the denial of their right to shelter, to potable drinking water, to sanitation and to healthcare (see also chapter on 'The Challenge of Slums and Forced Evictions').

A recent study by the NSSO (2010b) in 2008 shows that, 25 percent of the urban households have no access to drinking water within their premises, 22 percent have no bathroom, 15 percent have no access to a drainage facility and 11 percent do not even have any toilet facility. Only three-fifths of urban households owned their dwelling in 2008-09. These figures for urban areas as a whole are appalling and indicate deprivations and the denial of various rights to vulnerable groups such as migrants within the city. The city restructuring and urban renewal process, under the aegis of neo-liberal policy regimes, has also led to the huge displacement of migrants, even from notified/recognized slums within the city, in recent times. Moreover, squatter settlements of poor migrants are termed illegal in the eyes of elites, municipal authorities and courts, and are increasingly subject to eviction. These are examples of blatant violations of the right to shelter as well as of the human rights of migrants in cities.

Many migrants lack proof of identity and proof of residence in the city. This turns out to be the biggest barrier to their inclusion. Due to a lack of proof of residence, many are not included in the voters' lists and cannot exert their right to vote. Lack of residential proof also leads to exclusion from opening a bank account, getting a ration card and a driving license and so on, all of which are very important documents since they are requested in order to benefit from different government programmes. It is worthwhile to note that residential proof depends upon a migrant's ability to either own a house in his/her name or his/her family member's name, or to get a house on rent under leave and license agreement. The recent UID (Unique Identification) project also insists on residential proof[6]. [6]

The denial of political rights (of voting) for migrants is crucially linked to the denial of the right to housing in the city. Due to the lack of proper housing, many migrants live in informal settlements and are unable to acquire proof of residence. In addition, as most of them work in the informal sector, they have no opportunity to get a proof of identity from their employers unlike their counterparts who work in the formal sector.

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[4] Rajan et al (2011) present examples of "sons of the soil" movements from various states of India such as Maharashtra, Assam, Meghalaya and Goa.

[5] As per Census of India 42.6 million people lived in slums in 2001. The figure estimated by the Town and Country Planning Organization (TCPO) was 61.8 million (International Institute for Population Sciences 2009:12). On the other hand, according to UN-Habitat (2006: 193) there was a slum population of 158 million in India in 2001, which was estimated to be 184 million in 2010. Estimates vary due to different criteria adopted in defining slum populations.

[6] See also chapter on "Urban Governance: How Democratic?".

Due to lack of identity and residential proof, migrants turn out to be non-citizens in the city. They are subjected to police harassment and implicated in criminal cases. They face the lack of physical safety and security at the work site as well as at their place of stay. Women, who generally migrate to the city as companions to their male counterparts, face greater risk of exclusion. Women generally work as construction workers, domestic or daily wage workers. They are paid low wages compared to male migrants, have a limited access to drinking water and toilet facilities at the work site, and face the risk of sexual harassment. There is also an absence of crèche facilities to look after their young children at most of the work sites (see Box 10 for some good practices) .

Box 10. Mobile Creches in Delhi and Mumbai Mobile Crèches
Mobile creches provide childcare services to 6000 children in a year, at 21 day care centres at construction sites across Delhi, NOIDA (Uttar Pradesh) and Gurgaon (Haryana), from 9.00 a.m. to 5.00 p.m., six days a week. It also ensures child care services for another 5000 children in a year, by setting up neighbourhood crèches, functionalizing public services in the slums of Delhi and building capacities of community women and grass root organizations in Early Childhood Care and Development (ECCD), in North India. Mobile Crèches work with corporate partners, including construction companies and state/central governments (http://www.mobilecreches.org/). In Mumbai, Mumbai Mobile Crèches provide support and care related to health, education and the safety of the children of construction workers (typically low skilled migrant labourers (http://www.mumbaimobilecreches.org).

The children of migrants are denied their right to education as seeking admission to school is cumbersome and the language barrier is difficult to overcome. The migrants' language is generally distinct from the local language and this adds to the baggage of their disadvantages.

The exclusion of migrants from access to health services is a very serious issue. Public health services are not available and private health services are too costly to be used. Migrants in most cases are neither able to reap the benefits of health insurance schemes nor they are provided with health insurance by their employers. They also face greater risks of HIV/AIDs (Saggurti,. Mahapatra, Swain , Battala, Chawla, and Narang, 2011).

5. Challenges of Migrants' Inclusion

The exclusion of migrants is sustained through ethnic polarization and a negative attitude towards the process of migration and urbanization. On the other hand, migration is not recognized as a component in the planning process and in the various programmes of the Government. This has happened due to the assumption that migrants are poor. While this may be partly true, this assumption has obstructed the mainstreaming of migration into the development strategies of the country. There is a need to recognize the component of migration independently in national development strategies because migrants are diverse groups whose vulnerability is determined not only by economic factors but also by a large number of non-economic factors. These factors include political power, ethnic, religious and linguistic identities and their social and cultural life in the city. It is important to realize that promoting the migrant's integration with the host community will be helpful in building a peaceful and prosperous city. A rights based approach to building an inclusive city provides a philosophy and strategies about whom to include, how to include and where to include, It has to be borne in mind that enhancing the migrants' inclusion deepens the notion of citizenship, expands the horizon of freedom and a sense of equity which at its very core promotes and encourages human rights in general and the right to the city in particular. It may be noted that the inclusion of highly skilled and better paid migrants is far easier to accomplish than the inclusion of low

skilled rural migrants to the city. Further, migrants belonging to religious and linguistic minorities need special attention.

5.1 Inclusive Urban Policies and Migrants' Right to the City

5.1.1 Creating a Positive Attitude towards Migration and Migrants

In order to build inclusive cities and to promote migrants' integration into the local populations, the recognition of migrants' right to the city by civic bodies, organs of governments, local elites and other stakeholders is fundamental. Building a positive attitude towards migrants and migration and, recognizing their contribution to the city, although a long term process, is essential. A sustained effort to educate political and community leaders, municipal staff and state bureaucracy through conferences, workshops and by electronic and print media would be helpful. A positive attitude towards migrants will pave the way for their political, economic and social inclusion in the city, reduce discrimination in accessing the services of different government offices and even save them from police harassment.

5.1.2 City Planning and Migrants

City planning is virtually a failure in India. Due to this failure migrants are increasingly blamed not only for the declining civic amenities but for almost all of the city's woes. This not only sustains a negative attitude but even incites hatred and violence towards migrants. City planning is a very important instrument with which to realize the migrants' right to the city. But in most cities either there is no master plan, or it is so obsolete and inadequate that it is unable to address the needs of the city inhabitants in general and of migrants in particular. The city master plan hardly reflects concerns with inclusiveness because it is technically prepared and bureaucratically envisioned with little involvement of citizens. A Right to the City approach would democratize the preparation of the master plan, bring inclusiveness as a core city development strategy and provide opportunities not only to realize the inhabitants rights (including migrants)' within the city (e.g. the right to housing, the right to water and sanitation, the right to education and health etc) but also "their right to change the city according to their heart's desire"[7]. Doing so would require migrants to be placed at the core of the city development agenda.

5.1.3 Migration and Governance

Migrants are often blamed for rising crime and problems of law and order in the city. Sometimes they are even perceived as a threat to national security. The main reason for such a perception is that many migrants are anonymous in the city because of lack of identity and inclusion into urban citizenship. The political inclusion of migrants needs to be made easier by involving NGOs and members of their neighbourhoods who could be allowed to certify the residential status of those migrants having no formal document, so that they can get a ration card, a bank account, and enter the voter list etc., all of which are often seen as a gateway to urban citizenship[8].

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[7] According to Harvey (2008:23) the lack of freedom to make and remake our cities and ourselves is the most precious but the most neglected of our human rights.

[8] The recent experiment in which a Memorandum of Understanding was signed between a group of NGOs working with migrant workers, known as the National Coalition of Organizations for Security of Migrant Workers, and the

A proactive role for municipal bodies would further help the political inclusion of migrants in the city. In this respect the Citizen's Charters prepared and declared by several municipal bodies is a positive development (see Box 11).

Box 11. Citizen's Charters Declared by Urban Local Bodies
Recently several Municipal Corporations like:
 New Delhi (http://www.ndmc.gov.in/AboutNDMC/User_CitizenCharter.aspx);
 Vishakhapatnam (http://www.gvmc.gov.in/about/gvmclatest/citizen-charter1.html)
and   Coimbatore
(https://www.ccmc.gov.in/ccmc/index.php?option=com_content&view=article&id=81&Itemid=37)
have prepared and declared Citizen's Charters on their website. This demonstrates the recognition and responsiveness of civic bodies to the rights of citizens. Hopefully this will be helpful to the migrants as well.

5.1.4 Government Policies and Programmes

Government policies and programmes are silent on the issue of migration and protecting the rights of migrants. This is evident in the Five Year Plan documents. Both the 11th Five Year Plan (2007-2012) and the Draft Approach Paper to the 12th Five Year Plan (2012-2017) recognize urban transition in a positive framework, yet no reference has been made to the migration issue in these documents, let alone to the safeguarding of migrants' rights in the city.

Urban development is a state subject in India, but the centre formulates huge urban development programmes giving opportunity to the states to take advantages of them. The *Jawaharlal Nehru Urban Renewal Mission (JNNURM)* and *Rajiv Awas Yojana (RAY)* are two important examples. The Basic Services for Urban Poor (BSUP) component of JNNURM and RAY are very significant steps in addressing the needs of the urban poor and slum dwellers. It is likely that those who have acquired some degree of legal or quasi legal (recognized or notified slums) status will benefit. However, these programmes do not address the migrants issue explicitly. For example in Mumbai all those who have been living in slums but arrived after the year 2000 would lose the right to housing under slum rehabilitation programmes. These instances are indicative of the manner in which urban policies and programmes are discriminatory against migrants. These need to be changed in both their ideology and structure in consonance with the principles of Right to the City in order to realize the vision of an inclusive city.

6. Policy Recommendations

Migration should be acknowledged as an integral part of development. Government policies should not hinder but seek to facilitate internal migration. It should form the central concern in city planning, and the city development agenda should seek to include and integrate migrants politically, economically, socially, culturally and spatially. This requires enormous change in the attitude of those who appropriate and dominate cities towards the process of migration and urbanization. A historical understanding of the process of migration and urbanization and the migrants' role in building cities will go a long way, but it needs to be communicated and propagated through workshops, conferences, print and electronic media in order to bridge the gulf between migrants and local communities.

Unique Identification Authority of India (UIDAI) for facilitating the inclusion of migrant workers in the UID programme, appears to be a significant step. See http://uidai.gov.in (accessed on 9th October 2011).

Policy documents such as the 12th Five Year Plan, JNNURM, and City Development Plans should recognize the value of migration in very explicit terms and address the concerns of migrants and their rights, unequivocally.

It needs to be emphasized that the democratization of city governance and the political inclusion of migrants in decision-making processes are twin pillars of an inclusive city. A rights based approach to city development would usher in a new era of freedom and human development; it must begin in the city and must begin with migrants.

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