

Protection of Nepalese Workers in India and Nepal

Nepal and India having an 'open' border based upon Indo Nepal bilateral treaty signed in 1950. According to the treaty, Nepalis and Indians can travel and work across the border and are to be treated at par with the native citizens. The prevailing law Foreign Employment Act 2007 doesn't recognize and consider the India migration is foreign labor migration. Labor migration to India from Nepal has been historical as well as contemporary phenomenon. The high magnitude of migration (in and out) has also been evident even during the Covid-19 Pandemic. Currently, labor migration to India has been mainly reported from three Provinces of Nepal: the Sudurpaschim Province, Karnali and Lumbini Province. The national census of India showed that India received 93.1% of Nepali emigrants in 1981, which gradually declined to 89.2% in 1991, 77.3% in 2001 and 37.6% in 2011. The major push factors to India migration seen livelihood, seasonal workers in different state of India. Since the 1950 Indo Nepal treaty there was no any immigration administrative mechanism to record at Indo Nepal border. Due to the open border there was no any record management system in border till the outbreak of COVID 19. During that period, Government of Nepal dedicated the certain entry point from India to Nepal with regulate and manage the record keeping of Nepalese workers/people coming from India. India migration prone province have such a frustrated statistic about the missing of Nepalese workers including the missing cases in the last 20 years back and family members still awaiting about the information. During the in and out of Nepalis workers in border, they are facing misbehave, mistreated by security officials of Nepal and India.

This paper will be assessing the situation of missing Nepalese workers, border governance system, protection system/mechanism in India (receiving) and Nepal (sending) and way forward.

Keywords: Migration, Governance, Protection, Missing,