

Impacts of COVID-19 Pandemic on Migrants Labour

Harshal Pandharinath Rokade

Manikchand Pahade Law College, Samartha Nagar, Aurangabad (M. S), 431005

E- Mail id: [harshalprokade\[at\]gmail.com](mailto:harshalprokade[at]gmail.com)

Abstract: *The problems of migrant workers have become very important in many developing countries of the world. On 24th March 2020, the Government of India ordered a nationwide lock down in India - starting midnight to stop the Corona virus from spreading in Country. Lock down in India has impacted millions of migrant's workers. Lack of food and basic amenities, loss of employment, fear of unknown and lack of social support were major reasons for struggle in this huge part of population. Many of the migrant workers have returned to their villages. The risk is particularly higher for those who are working in unorganized sectors, and those who do not have writer contracts, or those whose contracts are at the verge of completion. Migrant workers faced with the situation of spending a few days in temporary shelters, which may be quarantine centers, while trying to reach to their native places, are filled with anxieties and fears stemming from various concerns and it need of psycho - social support. In an order issued on April 29, the Ministry of Home Affairs allowed states to co - ordinate individually to transport migrants using buses. On May 1, the Indian Railways resumed passenger movement (for the first time) with Shramik Special trains. On April 1, the Ministry of Health to operate relief camps for migrant workers with arrangements for food, sanitation & medical services.*

Keywords: Migrants Labour, issue, psycho - social support, government.

"Forget COVID, we will die of hunger first"

- Several, repeated statement

1. Introduction

India has done a 21 - day nationwide lockdown the biggest in the world in a desperate bid to stop the coronavirus from spreading out of control in this densely populated nation of 1.3 billion people. There are more than 700 confirmed cases in India, a number that is rising rapidly. Nonessential businesses are shut, state borders are closed to regular traffic, and people have been asked to stay in their homes except to buy food or medicine.

India has been in lockdown since March 24, 2020. During this time, activities not contributing to the production and supply of essential goods and services were completely or partially suspended. Passenger trains and flights were halted. The lockdown has severely impacted migrants, several of whom lost their jobs due to shutting of industries and were stranded outside their native places wanting to get back. Since then, the government has announced relief measures for migrants, and made arrangements for migrants to return to their native place. The Supreme Court of India, recognizing the problems faced by migrants stranded in different parts of the country, reviewed transportation and relief arrangements made by the government. On June 9, the Court directed central and state governments to complete transportation of remaining stranded migrants and expand focus of relief measures to facilitate employment for returning migrants. In this blog, we highlight some facts about migration in India; summarize key relief measures announced by the government and directives issued by the Supreme Court for the migrant population in relation to the lockdown.

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Corona virus from spreading in Country. Lock down in India has impacted millions of migrant's workers. Lack of food and basic amenities, loss of employment, fear of unknown and lack of social support were major reasons for struggle in this huge part of population. Due to the lock - down, more than three hundred deaths were reported, with reasons ranging from starvation, suicides, exhaustion, road and rail accidents, police brutality and denial of timely medical care. Eighty migrants died while travelling back home on the Shramik Special trains. Several incidents, viral videos of police misbehavior, brutality (beating with cane - charged) on migrant workers, have been reported from across the country.

Millions of migrant workers are anticipated to be left unemployed in India due to the lockdown and subsequent fear of recession. Many of the migrant workers have returned to their villages, and many more are just waiting for the lockdown to be lifted. The risk is particularly higher for those who are working in unorganized sectors, and those who do not have writer contracts, or those whose contracts are at the verge of completion. The lockdown and the subsequent recession are likely to first hit contract workers across many of the industries.

In response to such a crisis, the lockdown was one of the common strategies that many countries have adopted to control the further outbreak of COVID - 19. India too adopted a nation - wide lockdown strategy since 24th March 2020. However, the lockdown strategy was adopted with - out any preparation and without giving any time to stranded people to return at their homes. Soon after the announcement of the lockdown, India has witnessed a mass exodus of people from migrant workers going back to villages, to various young people working or studying in various cities, trying hard to come back home.

Immediate impact on workers

- Loss of livelihoods: 90% of migrant workers lost their incomes within 3 weeks during the April lock - down
- Food insecurity: 42% workers did not have enough food for the day, with 33% not having enough money to buy food, within 3 - 4 weeks of national lockdown
- Mass migration back to source - states: unprotected travel back to source states, many on foot, have led to unnecessary and tragic loss of life

Medium - term expected impact on workers

- High unemployment: over 80% of small and medium - sized enterprises a key engine for jobs expect to scale down, shut shop, or sell off in six months
- Reduction in household income: greater proportion of migrant workers pay will be through lower paying MGNREGA (Mahatma Gandhi Employment Guarantee Act 2005) work
- Increase in forced labour: reduced employment, income will likely lead to greater indebtedness, child labour; relaxation of labour laws will exacerbate this further.

Issues faced by migrant labour

Article 19 (1) (e) of the Constitution, guarantees all Indian citizens the right to reside and settle in any part of the territory of India, subject to reasonable restrictions in the interest of the general public or protection of any scheduled tribe. However, people migrating for work face key challenges including: i) lack of social security and health benefits and poor implementation of minimum safety standards law, ii) lack of portability of state - provided benefits especially food provided through the public distribution system (PDS) and iii) lack of access to affordable housing and basic amenities in urban areas.

Poor implementation of protections under the Inter - State Migrant Workmen Act, 1979 (ISMW Act)

The ISMW Act provides certain protections for inter - state migrant workers. Labour contractors recruiting migrants are required to: (i) be licensed, (ii) register migrant workers with the government authorities, and (iii) arrange for the worker to be issued a passbook recording their identity. Guidelines regarding wages and protections (including accommodation, free medical facilities, protective clothing) to be provided by the contractor are also outlined in the law. In December 2011, a report by the Standing Committee on Labour observed that registration of workers under the ISMW Act was low and implementation of protections outlined in the Act was poor. The report concluded that the Central government had not made any concrete and fruitful efforts to ensure that contractors and employers mandatorily register the workers employed with them enabling access to benefits under the Act.

Lack of portability of benefits

Migrants registered to claim access to benefits at one location lose access upon migration to a different location. This is especially true of access to entitlements under the PDS. Ration card required to access benefits under the PDS is issued by state governments and is not portable across states. This system excludes inter - state migrants from the PDS unless they surrender their card from the home state and get a new one from the host state.

Psychosocial Issues among Migrants during COVID - 19

Migrants are less familiar in their new environment in which they temporarily live. They are prone to various social, psychological and emotional traumas in such situations, emanating from fear of neglect by the local community and concerns about wellbeing and safety of their families waiting in their native places. Migrants are forced to leave their native places in search of better opportunities and earnings, sometime leaving behind their families. In many instances, the families in native places depend partially or entirely on the money sent by the migrant earning members of the family.

During outbreak of communicable diseases, such a COVID - 19, and the restrictions imposed on routine activities as part of social distancing norms to prevent the spread of the disease, scores of migrant workers tend to move back to their native places. During the prevailing COVID pandemic also, many migrant workers used all possible means to reach their destinations. Many of them are however stuck at borders, including state, district and at national border areas. These are the most marginalized sections of the society who are dependent on daily wages for their living, and in times of such distress need sympathy and understanding of the society.

Steps taken by the government with regard to migrant labour during the lockdown

During the lockdown, several inter - state migrant workers tried to return to their home state. Due to the suspension of public transport facilities, migrants started walking towards their home state on foot. Subsequently, buses and Shramik special trains were permitted by the central government subject to coordination between states. Between May 1 and June 3, more than 58 lakh migrants were transported through specially operated trains and 41 lakh were transported by road. Measures taken by the government to aid migrants include -

Transport: On March 28, the central government authorized states to use the State Disaster Response Fund to provide accommodation to traveling migrants. States were advised to set up relief camps along highways with medical facilities to ensure people stay in these camps while the lockdown is in place.

In an order issued on April 29, the Ministry of Home Affairs allowed states to co - ordinate individually to transport migrants using buses. On May 1, the Indian Railways resumed passenger movement (for the first time since March 22) with Shramik Special trains to facilitate movement of migrants stranded outside their home state. Between May 1 and June 3, Indian Railways operated 4, 197 Shramik trains transporting more than 58 lakh migrants. Top states from where Shramik trains originated are Gujarat and Maharashtra and states where the trains terminated are Uttar Pradesh and Bihar. Note that these trends largely correspond to the migration patterns seen in the 2011 census data.

Food distribution: On April 1, the Ministry of Health and Family Affairs directed state governments to operate relief camps for migrant workers with arrangements for food, sanitation and medical services. On May 14, under the

second tranche of the Aatma Nirbhar Bharat Abhiyaan, the Finance Minister announced that free food grains would be provided to migrant workers who do not have a ration card for two months. The measure is expected to benefit eight crore migrant workers and their families. The Finance Minister also announced that One Nation One Ration card will be implemented by March 2021, to provide portable benefits under the PDS. This will allow access to ration from any Fair Price Shop in India.

Housing: The Aatma Nirbhar Bharat Abhiyaan also launched a scheme for Affordable Rental Housing Complexes for Migrant Workers and Urban Poor to provide affordable rental housing units under PMAY. The scheme proposes to use existing housing stock under the Jawaharlal Nehru National Urban Housing Mission (JnNURM) as well as incentivise public and private agencies to construct new affordable units for rent. Further, additional funds have been allocated for the credit linked subsidy scheme under PMAY for middle income group.

Financial aid: Some state governments (like Bihar, Rajasthan and Madhya Pradesh) announced one - time cash transfers for returning migrant workers. UP government announced the provision of maintenance allowance of Rs 1, 000 for returning migrants who are required to quarantine.

How many migrant workers displaced?

The Chief Labor Commissioner put the figure at 26 lakh migrants stranded across the country, of whom 10% are said to be in relief camps, 43% on work sites and 46% in other clusters. The Solicitor General, on the other hand, informed the Supreme Court of 97 lakh who had been transported back home. Among the states, UP has said 21.69 lakh workers had returned, and UP itself had sent back 1.35 lakh. Bihar has said 10 lakh had returned; Maharashtra has said 11 lakh have left the state. Gujarat said 20.5 lakh had gone back home. West Bengal said 3, 97, 389 migrant workers from other states were still stranded. Karnataka said in court that the state had facilitated the return of 3 lakh migrant workers.

Why are migrant workers more helpless?

Due to differing circumstances, some groups of people are more vulnerable to the impacts of COVID - 19 than others. View Sedex guidance on people who are vulnerable to COVID - 19.

Migrants (including domestic migrants) may not be able to get home and may not have access to local healthcare or the same legal rights as local workers. Those without a right to work may be particularly vulnerable at this time.

Many migrants live in crowded accommodation or dormitories where social distancing is challenging to implement. They have limited access to personal protective equipment, such as masks or sanitizer.

Those working in factories producing key goods, such as canned or processed food, are unable to distance themselves physically on labour - intensive production lines. Infection risks are high, yet few are offered hardship benefits or incentives.

Many migrants, who are now jobless, may not be eligible for assistance from the government, or eligible for receiving unemployment benefits. Food shortages and homelessness are therefore on the rise, and lead to the risk of modern slavery.

Deaths of Migrant Workers During Lockdown?

The Ministry of Labour and Employment stated in September 2020, in Parliament, that the Government of India had not maintained any data on the number of migrant worker deaths that occurred during the COVID - 19 pandemic in India. Unofficial estimates have been prepared by a number of sources. A group of independent researchers were quoted by CNN - News18 as stating that 971 deaths not directly caused by COVID - 19 diagnoses had occurred as of July 2020, basing their total on news reports of such deaths during the lockdown

Data on deaths of migrants

Cause of Deaths	Number of Deaths (numbers determined as of 4/7/2020)
Starvation and Financial Distress (Combined)	216
Lack of Medical Care	77
Road or Train Accidents	209
Deaths in Shramik Trains	96
Suicides	133
Deaths in Quarantine Centers	49
Lockdown associated Crimes	18
Police Brutality	12
Alcohol Withdrawal Related	49
Exhaustion	48
Unclassified	65
TOTAL	971

Source of data: <https://thewire.in/rights/centre-indian-railways-lockdown-deaths-migrant-workers-shramik-special-rti>

The Court Observation

Over the past two and half months as many as 12 High Courts in India took cognizance of the humanitarian crises caused by the reverse migration of the workers. Some of them like the Madras, Andhra Pradesh and Delhi High Court has issued directions to the Central and State government asking them to take up measures for alleviating the pain and miseries suffered by these migrant workers.

The Supreme Court of India agreed to entertain a petition on behalf of the migrant workers in the week of March, 2020. The Court asked the Union Government to file a status report on the issue related to the plight of migrant workers. In its report, the Central Government mentioned that the migrant workers fearing to face survival challenges started moving towards their homes. The government also listed welfare measures undertaken by it which the court seems to have endorsed. The Court also did not entertain a plea regarding the payment of minimum wages as it thought that the government was dishing out enough policy measures to address it.

In the sequence in the third week of May, the Supreme Court rejected a PIL which sought its intervention in directing the District Magistrates to identify and provide relief to these workers free of cost. It happened in the face of almost two dozen workers being run over in Aurangabad in the state of Maharashtra. But the Court took the stated position of not interfering in governments' policy matters. On 26 May, the Supreme Court expressed unhappiness over the state of inadequacy regarding appropriate provisioning for the migrant workers and accordingly asked the Union and State governments to address their concerns without delay. Accordingly, the Court specified that the Centre and States should provide free food, shelter and transportation facilities to the stranded workers. A short while before this ruling came senior lawyers from Mumbai and Delhi wrote in very strong tones a letter to the court reminding it of its duty to protect the rights of these workers. The Supreme Court recently took up the issue of migrant workers with all seriousness and directed the government to take strong remedial measures mainly the transportation of stranded workers to their native places. A three - judge bench led by Justice Ashok Bhushan asked the Central, State and Union Governments to send these workers to their respective homes within 15 days either by bus or train. It also directed the above government to provide such workers ration food and even jobs as and when required. It ruled that the railways would provide Shramik trains to ferry these workers. Such trains will be in addition to 171 Shramik trains that have already been pressed into service by the railways on the request of the state. Moreover, the Court also asked the government to do skill mapping so that these workers are provided fitting jobs. In addition to these directions the Court also asked the governments to drop all criminal cases against these workers for violating lockdown regulations. The above bench directed the States and Union Territories also to prepare a complete list of these workers specially those who have already reached their homes and got a job. It also specified in its directions that the jobs, these workers are doing prior to lockdown should also be mentioned by concerning states. Besides the Supreme Court also asked the governments also to specify the schemes for employment and details of the welfare schemes that might benefit these workers. Hence the top Court attempted to protect the human rights of these workers and also of their fundamental rights enshrined in Article 21 in order to directly intervene in the matters that the state has been negligent of. The three - judge bench in its June, 05 order also regretted that the governments have not been sensitive enough to the plights of these workers. Accordingly, in its preliminary remarks which were later included in its order the bench asked the governments not only to provide adequate transportation arrangement but also food and shelter, and all that free of cost.

2. Conclusion

The lockdown and global pandemic COVID - 19 has caused ravage the millions of labours' life at an unimaginable level. They face lots of issue such as Loss of livelihoods, Food insecurity, Mass migration back to source - states, High unemployment. The important issue is how to save the human rights & dignity of migrant workers (unorganized sector) of India some challenge faced by the migrant's

workers in India are struggling with low wages, physical, mental exploitation with safety and security.

Migrant workers faced with the situation of spending a few days in temporary shelters, which may be quarantine centers, while trying to reach to their native places, are filled with anxieties and fears stemming from various concerns, and are in need of psycho - social support Treat everyone migrant worker with dignity, respect, empathy and compassion Listen to their concerns patiently and understand their problems

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