



Impact of lockdown on Human Rights of Migrant Workers of India

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Abstract

Internal migration is part and parcel of the Socio-economic social life of India. Under the Epidemic Diseases Act, 1897 and the Disaster Management Act, 2005 on 24 March, the government of India without any proper plan declared lockdown leaving billions of people in distress. India has witnessed its biggest migrant crisis. Several migrant workers were laid off by their employers thereby causing mass unemployment. They were exposed to hunger, with practically no help from the government; with no money to feed themselves and their families amid the pandemic. The disadvantaged segments of the society have experienced maximum impact of lockdown amid COVID-19 pandemic. Deprivation of necessities leads to human rights violations. This paper aims to bring forth the impact of lockdown on Migrant workers of India amid Covid-19 pandemic and violation of their Basic human rights; and further aims to analyses whether absence of coherent policy framework poses challenges for migrant workers.

Keywords

Lockdown, Human rights, migrant labour

Introduction

The migrant labour as defined by Encyclopedia Britannica includes casual and unskilled workers who move about systematically from one region to another offering their services on a temporary, usually seasonal basis.¹The Universal Declaration of Human Rights (UDHR) was adopted by the UN General Assembly in 1948; it is the first legal document that aims to protect the fundamental human rights universally. Human rights are rights we have simply because we exist as human beings and these are inherent to all humans irrespective of nationality, sex, national or ethnic origin, color, religion, language, or any other status. There are various human rights which are sociopolitical in nature such as right to life - to those that make life worth living, such as the rights to food, education, work, health, and liberty².

The International Labour Organization has espoused specific conventions to protect migrants for employment.³ The Governments across the world have realized the significance of recognition of labour rights as a part of human rights. European approach of labour is majorly based on social inclusion policy. It

provides support measures for migrant for integrating them into the workforce. ⁴

Impact of Lockdown on Migrant workers

According to the Chief Labour Commissioner 26 lakh migrants were stranded across the country, out of which 10% were said to be in relief camps, 43% on work sites and 46% in other clusters. According to The Solicitor General, 97 lakh migrant workers were transported back home⁵. Among the states, in UP 21.69 lakh workers had returned, and UP itself had sent back 1.35 lakh. In Bihar 10 lakh had returned; in Maharashtra 11 lakh have left the state. From Gujarat 20.5 lakh had gone back home. In West Bengal 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 workers⁶.

Unemployment

According to Article 23(1) of UDHR Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.⁷ According to recent CMIE⁸ data, the unemployment rate for the first week of April spiked to 23%.⁹ In the week ended May 3, it jumped to 27.1%.¹⁰ According to the early estimates, tens of millions of migrant workers were left unemployed in India by the end of March 2020 due to the lockdown.¹¹ Millions of migrants and informal sector workers in India left jobless at the announcement of the lockdown, with enough savings possibly to feed themselves for a week or two at the most. Many of them did not have ration cards to access food aid all of these prompted a mass exodus of people fleeing cities to go back to the villages on foot travelling hundreds of kilometers and many more remain trapped in cities.¹²

Hunger problems

According to UDHR Article 25(1), "everyone has the **right** to a standard of living adequate for the health and well-being of himself and of his family, including **food**, clothing, and housing.

Many unemployed informal migrant workers are now dependent on aid from NGOs, even for food. "It's a challenge for daily-wage workers to get even two square meals in a day. They are relying on ration as their means of income¹³ the declaration of extra allocation of cereal and pulses for the next three months to about 810 million people under the *Pradhan Mantri Gareeb Kalyan Yojana* with ration cards reflects the approval of this hunger by the government.¹⁴ COVID-19 and lockdown in India provide the wing in problem of hunger. A report published in Times of India on dated July 3, 2020 indicates that nearly 900 deaths are related with lockdown and major cause of deaths was hunger.¹⁵

Lack of public transport

According to trade union reports, 60,000—70,000 people, mainly in domestic service and construction work, left the state of Gujarat for their neighboring home state, Rajasthan, Uttar Pradesh within few days after the lockdown order.¹⁶ Buses and trains were halted, and airports were shut down. According to Bhardwaj Many migrants who were trying to get back to their villages got stranded along the way because public transport was suddenly stopped.¹⁷

States have amended labour laws

As per Article 24 of (UDHR). Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

The Gujarat, Himachal Pradesh, Rajasthan, Haryana, Uttar Pradesh, Goa, Assam and Uttarakhand governments passed notifications to increase maximum weekly work hours from 48 hours to 72 hours and daily work hours from 9 hours to 12 hours for certain factories using this provision. Further, Madhya Pradesh has exempted all factories from the provisions of the Factories Act, 1948 that regulate the working hours¹⁸. Uttar Pradesh (UP) has exempted companies from almost all labor laws for the next three years. The relaxed-UP laws relate to occupational safety, health, and working conditions, and those that pertain to contract workers and migrant laborers.¹⁹

Mental Health

Article 25, of the Universal Declaration of Human Rights (UDHR) states that: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

The ill planned lock down left the migrants in emotional distress and raised the fear and anxiety of migrant workers due to financial crisis, unemployment, hunger, and no means of transport. The stranded internal migrant laborers were desperate to reach their native places. Anxiety levels forced the migrant workers, to travel several thousands of kilometers on foot to reach their native places without any provision of food or shelter in the transit. The internal migrant workers are suffering from high degrees of anxieties and fears due to various concerns in COVID pandemic, and are in need of psycho-social support²⁰

Critical evaluation of Government initiatives to handle the crisis of migrant workers amid lockdowns

Various schemes were launched by the government such as an employment scheme with an outlay of Rs 50,000 crore for migrant workers who returned to their home states during the corona virus-induced lockdown was introduced²¹. The scheme was launched weeks after lakhs of migrant workers returned to their home states following loss of employment in urban centers due to the nationwide lockdown to combat the spread of COVID-19. Under the scheme, various types of work opportunity will be provided to migrant worker according to their skill within 125 days²². The government also started the scheme of distributing free food grain to migrant workers during the lockdown period under *Pradhan Mantri Gharib Kalyan Yojana*. According to data released by the Ministry of Consumer Affairs, Food and Public Distribution, 11 states have distributed less than one per cent of the allocated quantities during the months of May and June. States and Union Territories have lifted 80 per cent of the free food grains (80 lakh metric tons) apportioned to them to distribute to an estimated 8 crore migrant workers over two months²³ As *The Hindu* had reported, Food Ministry data shows that inter-State transactions under the scheme have been very low, around 200 per month, since the lockdown due to poor awareness and the stalling of biometric authentications due to the pandemic²⁴. Besides this there are ample of labour laws in India that protect the human rights of migrant workers but unfortunately most of the migrants are not aware of key legislations meant for migrant workers, such as: the Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979;

which is applicable to an establishment that has employed 5 or more inter-state migrant workers. Under this legislation there is displacement allowance and journey allowance²⁵.

A parliamentary panel has recommended a separate chapter on migrant workers in the code and has recommended that every state should have a helpline for migrant workers. The Union labour ministry has planned to accept the panel's recommendations and have special social security for migrant workers²⁶. Uttar Pradesh and Madhya Pradesh have made registration of migrant workers mandatory with labour departments and extended the scheme for subsidized ration under the Public Distribution System to them in the states where they are employed through the 'One Nation, One Ration Card' scheme. Many states have started help lines for workers started during the lockdown and will continue the same²⁷.

The rapid spread of Covid-19 and its enormous economic blow has uncovered India's decaying arrangement and lack of policy consideration towards migrant workers²⁸. India's policy measures have failed to address the economic and social issues of the migrant workers amid Covid-19 crisis²⁹. The extraordinary circumstances emerged due to lockdown has brought forth the unkind truth that migrant in India live in uncongenial conditions such as confined rented rooms or are forced to sleep on the footpath, they do not have documents to access government schemes meant for their benefits such as rations in the city, do not have family members in the city, and have few savings to draw upon³⁰. About 200 jobless migrant workers have died in accidents while cycling or walking back to their homes since the Covid-19 lockdown this has exposed their despite having legislations for the same.³¹ India had 56.6 million migrants' workers mostly from Uttar Pradesh, Bihar, Jharkhand, Rajasthan, and Madhya Pradesh³². Merely less than 5% of the migrant workers are enrolled with government agencies³³. The Covid-19 pandemic has exposed the fact that the Indian cities are ill-equipped in providing social inclusion and protection of Human rights to millions of migrant workers. They were not having adequate access to food and nutrition, livelihood, maternity benefits, housing and other basic amenities.³⁴ Human rights mechanisms primarily tend to focus on civil and political rights rather on socio-economic and cultural rights.³⁵ The pandemic has brought forth the pre-existing vulnerabilities of our labour workforce and the shortcoming of our labour laws.³⁶

Conclusion and suggestion

India has failed to provide social and economic protection to its migrant workers. Migrant workers in India were already leading a life of exploitation and vulnerability; but the COVID-19 crisis has exaggerated their vulnerability with leaps and bounds. The recent amendments in labour laws are meant to favour the capitalists. India's migrant workers face immense obstacles like lack of information about their rights poor bargaining powers that ultimately lead them to an unequal ambush of informal planning comprising of low pay, unhygienic standards of work, unequal pay for women and lack of social security. Internal migration can make extensively contribute to human development in terms of improved incomes, education, and health. Ironically due to lack of policy framework, migrants and their families had to pay heavy costs and face risks that compromise the potentially positive outcomes of migration during lockdown. No doubt Scores of civil society folks like NGOs have done charities for migrants but their due share is still at farce.

This has given rise to several important questions as to If there are laws for migrant workers than why are they not implemented properly? If the migrants are entitled to a government schemes why are the deprived of the benefits which they deserve amid covi-19 lockdown? Why were they deprived of necessities of food and shelter? Why they were not ensured safe migration?

There is a need of removing the stark inequalities and necessity of following minimum international labour standards as established in International Labour conventions to protect basic human rights of migrant workers. The government must ensure that migrants are included in policy which should be based on social inclusion. Migrant workers are the backbone of Indian economy and government must ensure that they are provided food security in order to overcome starvation, shelter and above all decent and congenial work environment where they are assured of bare necessities. There is urgent necessity of a sound policy framework to achieve safe migration for workers. . Mental health is a crucial aspect which needs to be addressed at exigency, it is essential to initiate steps against the psychological ill effects due to pandemic through generating awareness and psychological preparedness among the internal migrants of India

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