

Covid-19 Pandemic and Its effect on migrants workers in India : An Analysis

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Abstract

Covid-19 Coronavirus is an invisible enemy of the human being and millions of millions of people are affected in the world, Many numbers of people have died in the world. India's one of the most affected country in the world. Every human being is affected by the corona Virus. When the Lockdown was imposed in the entire territory during the covid-19. The migrant's Labour workers are the worst affected during this period because they have no work, no money, no food so that's why they forced to return to back their home states where during the first wave of coronavirus in India all the transportation has been suspended where no one is allowed to go outside from their respective places but it was not easy for the migrant workers because they all are daily wagers. so they all are badly affected by the first wave of coronavirus in 2020 and the second wave of 2021. The Central Government and the State Government shall take a few steps for the help of the migrant's labour workers like resuming some special shramik trains and the few special inter-state buses. India's prime minister launched a special scheme Pradhan Mantri Garib Kalyan Yojna.

Key words: Covid-19, Coronavirus, Migrant, Labour, workers, Government

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I. INTRODUCTION

In India first wave of Coronavirus has been come at the end of January. The first case was confirmed in the state of Kerala. When first time India's Prime Minister announced the Lockdown for only 21st days from the midnight of 23-24. But it was only starting because it was not ended after the 21st and extended till the 31st of May 2020. After 31st of May, some relaxation has been given by Government but some restrictions also imposed on the public. And it depended upon the situation of covid-19 cases. During the Period of Lockdown close down all the works and business, industries, factories, shopping Malls, Cinema Halls, Educational Institutions, etc. It was created a panic situation in the country.

The second wave of Corona Virus is more severe than the first wave and again the situation is very severe to all the migrant labour workers. They again re-join their works but after 6 months. Covid-19 coronavirus hit their works and again one by one almost all the country imposed the Lockdown. It was the more severe and dangerous situation in the country. The Central Government has given to all the states direction to take all the appropriate measures according to their own situation. There is one report that has been published by Delhi Transport "over 8 lakhs migrant labour workers left Delhi on state-run buses during the period between April 19 to 24 May 2021.

II. IMPACT OF THE COVID-19 ON THE MIGRANT LABOUR WORKERS

"In India, most of the lowest paying jobs are in sectors like construction, hospitality, textiles, and domestic workers. 90% of the workforce comprises the informal or 'unorganized' sector of the economy, and migrant workers are a big part of it. According to the World Bank, 'amidst the COVID-19 pandemic and lockdown, India's 40 million migrant workers are facing the major brunt of the situation. This pandemic has created major issues like starvation, being stranded away from the family, and loss of jobs which in turn will increase the risk of modern slavery a thousand-fold.'"³ "There will be an increased risk of enslavement due to the increased supply of workers who are at risk of exploitation. Second, not to forget the disruption of education due to COVID-19, most of the children will be forced out of school to make a living to sustain their families. A huge number of children will be trafficked across borders where they will get paid a meager salary and might also suffer physical, emotional, and sexual violence. Not only are the migrants at high risk of the above issues due to the COVID-19 pandemic but also are victims of social discrimination.""⁴

India's density of populations is considered vulnerable for a reason. They live in slums where social distancing is compromised, and access to masks and sanitiser is a luxury, which in turn puts them at more risk of Covid-19 coronavirus.

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³ world Bank; Lockdown in India has impacted 40 million internal Migrants Workers

<https://economictimes.indiatimes.com/news/politics-and-nation/lockdown-in-india-has-impacted-40-million-internal-migrants-world-bank/articleshow/75311966.cms?from=mdr> (Retrieved on 28-08-2020)

⁴ Impact of covid-19 on Indian Migrant Workers- <https://criticaledges.com/2020/07/12/covid-19-on-indian-migrant-workers/> (Retrieved on 28-08-2020)

The unfortunate reality is that their situation does not only put this group at virus risk but also at the next big 'hunger pandemic'. The International Labour Organization has predicted that around 400 million workers will fall into poverty as a result of the loss of jobs in India.

Numbers of deaths and many lakhs of people are affecting by the Covid-19 virus in the world. the main purpose of the fallout of the lockdown to reduce the spread of the Covid -19 coronavirus highlights the urgent need to rationalize the legislative framework for labour law in India Migrant labour has worst affected due to the corona virus. They have lost their livelihoods, suffered apathy at the hands of their employers. They were forced to stay where they worked without wages, shelter and food, for so many days. It was as if the government did not recognize their existence.

"It is ironic that for a virus which was brought into the country by the rich and the privileged, it is the poor worker who is walking hundreds of miles on foot in scorching heat, dying of starvation, and getting killed in accidents. It is deeply unfortunate that despite having a glorious tradition of commitment to social justice, we have failed the poorest of our society."⁵ "A tragic irony during the lockdown where 16 migrant labourers, who were trying to return to their home State Madhya Pradesh on foot, were killed on 8th may 2020 when a goods train ran over them between Jalna and Aurangabad districts, Maharashtra nearly 260 km from away. One was seriously injured, while three escaped."⁶

"On 14th May 2020, 8 migrant labourers have been killed in yet another road accident in which the truck they were travelling in collided with a bus in Guna, Madhya Pradesh. They were travelling in a container truck to go home in Uttar Pradesh."⁷

"On 16th May 2020, at least 24 migrant workers were killed and 36 injured when a trailer rammed into a stationary truck, both carrying passengers, on a highway near Auraiya in Uttar Pradesh."⁸

"Overall, 750 road crash deaths in 1,461 accidents have been recorded in the country over a Covid lockdown period of over two months. Migrant workers killed during their commute back home comprise 26.4% of the overall deaths during the lockdown whereas essential workers comprise 5.3% of the total deaths. 68.3% of the overall deaths involve general/other road users."⁹

On 11th May 2020, a few migrant workers were beaten and kicked by Bengaluru Police personnel, at the KG Halli Police Station who (Karnataka State) requested the police to make arrangements for their return to home at Uttar Pradesh State.

"On 17th May 2020, state of Haryana Police cane-charged migrant workers who were trying to move towards the border of Uttar Pradesh some 20 km from there. The Migrant workers were seen running back to the shelter. Many of them left their luggage and cycles at the place and ran away. Migrants were warned not to move towards home in Uttar Pradesh State. Uttar Pradesh State has banned the entry of migrants on foot."¹⁰

A break out of the Covid-19 Coronavirus pandemic has resulted in extraordinary health and economic situation all over the world leaving uncertainty whether the world economy will ever revive back or not as pre-pandemic days. India is the 2nd largest populated country in the world. The population of 100 million internal migrant labour workers is estimated to constitute 20% (percent) of India's workforce. The National Sample Survey of 2008-09, for instance, said that migrants make up over 28% (percent) of India's labour force and over 40% (percent) of the population of our two largest metros—Delhi and Mumbai.

India's economy is centered around the informal sector. The 2018-19 Economic Survey of India presented by the Chief Economic Advisor states that around 93% of the workforce in India is in the Informal Sector. NITI Aayog puts a rather conservative figure in this regard stating that 85% of the workforce is in the informal sector as of 2018. While there may be debate about the sampling and collection methods to come at the actual figures, it is certain and undebatable that the workforce in the informal sector is considerably more than the formal sector. The workers in the informal sector constitute around 50% of the country's national income and form the core of the 'demographic dividend, Prime Minister Narendra Modi keeps talking about. And most of these workers in the informal sector are migrant workers- either intra-state migrants or inter-state migrants.

III. GOVERNMENT INITIATIVES TO TACKLE THE SITUATION OF THE MIGRANTS LABOUR

On 1st May 2020, Indian Railways announced "Shramik Special trains for migrant"¹¹ labour workers, students, and others who were stranded due to lockdown. This effort by the Central Government brought some relief for the lakhs of migrant workers. With steps being taken by the Central Government of India with the help of State Government for the number of workers traveling by foot has reduced. Several of them have safely reached their destinations.

⁵How the Supreme Court and the High Courts have dealt with worst migrant crisis faced by the nation- <https://www.barandbench.com/columns/homecoming-the-worst-migrant-crisis-of-the-nation> (Retrieved on 25-08-2020)

⁶16 migrant workers run over by goods train near Aurangabad in Maharashtra- <https://www.thehindu.com/news/national/other-states/16-migrant-workers-run-over-by-goods-train-near-aurangabad-in-maharashtra/article31531352.ece> (Retrieved on 25-8-2020)

⁷8 migrant labourers killed, 55 injured after their truck collides with bus in Guna, Madhya Pradesh- <https://www.indiatoday.in/india/story/guna-truck-collision-migrant-labourers-killed-1677820-2020-05-14> (Retrieved on 30-08-2020)

⁸24 migrant labourers killed, 36 injured in truck collision in Uttar Pradesh - <https://economictimes.indiatimes.com/news/politics-and-nation/24-migrant-labourers-killed-36-injured-in-truck-collision-in-uttar-pradesh/articleshow/75770482.cms> (Accessed on 30-08-2020)

⁹750 road deaths in 2 months of lockdown- <https://timesofindia.indiatimes.com/india/750-road-deaths-in-2-months-of-lockdown/articleshow/76166142.cms> (Accessed on 14-08-2020)

¹⁰<https://www.outlookindia.com/newscroll/police-canecharged-migrant-workers-in-haryanas-yamunanagar/1837146> (Accessed on 15-08-2020)

¹¹<https://www.thehindu.com/news/national/railways-to-run-shramik-special-trains-to-move-migrant-workers-other-stranded-persons/article31481996.ece> (Retrieved on 20-8-2020)

*Railway board chairmen V.K. Yadav stated that "The Indian Railways on 23, may 2020, said it would run an additional 2,600 Shramik Special trains in the next 10 days as per the needs of the State governments. This was likely to benefit 36 lakh stranded migrants across the country"*¹²

"The Finance Minister acknowledged the significance of the MGNREGS in providing jobs to returning workers in rural areas. The government noted that work off-take increased in May. This followed instructions from the Centre to restart the scheme after work hours fell drastically in April. The Centre has now advised States/Union Territories to provide work through the scheme and to extend this to the monsoon season as well in providing jobs in plantations, horticulture, livestock-related work. The CMIE's latest unemployment survey report also found that while various segments (small traders, salaried employees, entrepreneurs, etc) have suffered significant job losses, the number of farmers in the survey had increased, indicating that farm work has been a source of livelihood during the lockdown."¹³

IV. PRADHAN MANTRI GARIB KALYAN YOJNA (PMGKAY) -

"Under the scheme, five kilograms of free wheat/rice was provided to more than 80 crore people – to each member of a family - along with 1 kg free whole chana per family, per month. Since its unveiling Rs 50,000 crore has been spent on providing employment opportunities to the poor under the scheme. The extension of the scheme will cost the government an additional Rs 90,000 crore. If the amount spent towards the scheme in the previous three months is added together, a total of almost Rs 1.5 lakh crore would be spent towards the scheme till November. Safai karamcharis, ward-boys, nurses, ASHA workers, paramedics, technicians, doctors and specialists and other health workers would be provided with a cover of Rs 50 lakh. As many as 22 lakh health workers would be covered under this new scheme. More than 80 crore people, ie two-third of the population, will be covered under the Pradhan Mantri Garib Kalyan Ann Yojana. Each eligible members would be provided with double of their current entitlement under the scheme. This addition would be free of cost. At the time of the launch, it was announced that the first instalment of Rs 2,000 to farmers due in 2020-21, covering 8.7 crore farmers, will be front-loaded and paid in April 2020 under PM Kisan Yojana. A total of 20.40 crores PMJDY women account-holders would be given an ex-gratia of Rs500 permonth. Under PM Garib Kalyan Yojana, gas cylinders, free of cost, would be provided to 8 crore poor families. Wage-earners below Rs15, 000 per month in businesses having less than 100 workers will be paid 24per cent of their monthly wages into their PF accounts. To government will provide Rs1000 for three months, to the three crore aged widows and people in Divyang category."

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MNREGA wages increased by Rs20 with effect from 1stApril 2020. This will benefit approximately 13.62 crores families. Employees' Provident Fund Regulations will be amended to include pandemic as the reason to allow the non-refundable advance of 75 percent of the amount or three months of the wages, whichever is for those migrants who are neither beneficiaries of "the National Food Security Act (2013), or NFSA, nor possess State cards. The Government expects eight crore migrants to benefit from this scheme and the Centre will spend 3,500 crore rupees on this. States will be in charge of implementation and distribution. The inclusion of these estimated eight crore beneficiaries will bring the total number of people under the Public Distribution System coverage close to the level legally mandated by the NFSA of 67% of the population. Food Minister Ram Vilas Paswan has said that if the number exceeds eight crores, the Centre is ready to provide additional food grain for free supply but it would leave it to States to identify genuine beneficiaries and Food Secretary Sudhanshu Pandey"¹⁵

"States can directly supply free ration at shelter camps, or issue distress coupons or adopt any suitable method for free distribution of the food grains and channa,"

"To bring back the economy on track using the Atma Nirbhar Bharat Approach of Hon'ble Prime Minister Narendra Modi, it is also mandatory to take measures to address the inequality issue and to ensure the dignity of migrant workers. This can be achieved with a set of changes in the policy reforms and legal frameworks that can be drawn from the global standards."¹⁶

V. LAWS RELATING TO THE LABOUR

In the wake of the migrant crises in India, several states have amended existing labour laws either suspending or increasing the working hours. The Prime Minister's address on the 12th may also indicate legal changes in the offing, which will doubtless include amendments to labour laws. It is axiomatic that these amendments must agree with the fundamental rights guaranteed to labour and the directive principle of state policy that enjoins the state to further the interest of labor. Some states decide to restrict the migrant's labour from

¹² Corona virus lockdown-railway to run 3600 special shramik trains all over the India- [https://www.thehindu.com/news/national/coronavirus-lockdown-railways-to-run-2600-shramik-specials-over-next-10-days/article31660287.ece#:-:text=\(Retrieved on 28-8-2020](https://www.thehindu.com/news/national/coronavirus-lockdown-railways-to-run-2600-shramik-specials-over-next-10-days/article31660287.ece#:-:text=(Retrieved on 28-8-2020)

¹³ Coronavirus package | Will migrant workers benefit from the Centre's measures?- <https://www.thehindu.com/news/national/coronavirus-package-will-migrant-workers-benefit-from-the-centres-measures/article31603590.ece> (Accessed on 26-08-2020)

¹⁴ Pradhan Mantri Garib Kalyan Yojana: All you need to know- <https://timesofindia.indiatimes.com/india/pradhan-mantri-garib-kalyan-yojana-all-you-need-to-know/articleshow/76710804.cms> (Accessed on 25-08-2020)

¹⁵ Coronavirus package | Will migrant workers benefit from the Centre's measures? <https://www.thehindu.com/news/national/coronavirus-package-will-migrant-workers-benefit-from-the-centres-measures/article31603590.ece> (Accessed on 26-08-2020)

¹⁶ <https://criticaledges.com/2020/07/12/covid-19-on-indian-migrant-workers/> (Accessed on 01-09-2020)

returning their home. Article 19(1) (d) of the constitution of India protects the right to move freely throughout the territory of India. The Karnataka Government's decision to cancel all trains for migrant labour workers, thought later get back his decision, would likely have violated art,19(1) (d) of the constitution of India.

"One report published from the state of Gujrat, where some factories take the disciplinary proceeding against the migrant's labour those who have returned their home. Some employers association members met labour Minister Santosh Gangwar on May 8, 2020, and urged the Centre to issue such an advisory as it would compel the workers to return. To be compelled to work violates Article 23 of the Constitution of India, which provides a 'right against exploitation' prohibiting human trafficking, beggar, and forced labour."¹⁷

"In 'PUDR vs Union of India (1982)'¹⁸ the Supreme Court held that laws protecting contract labour and inter-state migrant workmen were intended to ensure basic human dignity; violating these laws would violate the right to life under Article 21. Further, the Court held that "forced labour", prohibited by Article 23, included not just physical force but also the threat of imprisonment or fine."

"To take one example, the Uttar Pradesh Temporary Exemption from Certain Labour Laws Ordinance, 2020 suspends the operation of all labour laws in the state for the next three years, with the exception of the Bonded Labour System (Abolition) Act 1976, Section 5 of the Payment of Wages Act 1936 (which relates to the timely payment of wages) and the Employees Compensation Act 1923. Provisions of the Factories Act and the Building and Other Construction Workers Act 1996, relating to the safety and security of workmen have been retained. Laws relating to women and children have also been retained but the ordinance does not specify. UP ordinance receive the President's assent, which laws will be suspended? The Trade Unions Act, 1926, for one, even though the right to form associations, including a trade union, is a fundamental right guaranteed under Article 19(1)(c). The ordinance also retains only the safety and security provisions of the Factories Act — excluding the chapter on health and provisions relating to hazardous processes. These include detailed provisions for cleanliness, ventilation, overcrowding, drinking water, latrines and urinals — all of which surely become more important during a global health pandemic, not less."¹⁹

To deal with the Covid-19 crisis, many States in India have increased the working hours of labourers even without overtime payments. Rajasthan, Madhya Pradesh, Uttar Pradesh, Gujarat, Maharashtra, Odisha, Punjab, and also Goa have changed their labour laws by amending provisions or suspending. It is Against the International Labour Organisation (ILO) convention 1919 on hours of work to which India is a signatory. Rajasthan, Gujarat, Himachal Pradesh, and Uttar Pradesh can force the labourers to work 72 hours a week, an increase of 24 hours from the earlier

stipulated 48 hours. In other words, each labourers can be forced to work up to 12 hours a day on six working days of a week now, from an earlier schedule of eight hours a day, which violates the International Labour Organisation (ILO) convention Law.

Labour workers right under the Directive Principles of State Policy (DPSP) of the Constitution of India

The main purpose of DPSP is to lay down positive instructions which would guide to all the states policy at all levels. The DPSP are covered from Article 36 to 51 under the Constitution of India. The provisions mentioned under the Directive Principle of State Policy are not enforceable by the court, but these principles are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws to protect and to provide a better life.

Article 39(c) "that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

(d) That there is equal pay for equal work for both men and women.

(e) That the health and strength of workers, men, and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength"

Article 41 "Right to work, to education and to public assistance in certain cases The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."

Article 43 "To secure to all workers a living wage, conditions of work ensuring a decent standard of life."

In this pandemic all under these rights Center and few State Government take the few steps to help the society and launch various schemes for the needy people while in this situation all the labour workers has no work they all are staying at home. "Our Prime Minister Narendra Modi launches 'Garib Kalyan Rojgar Abhiyan' from Teliha Village in Khagaria District of Bihar on June 20,2020. It will be operationalised through Commom Service Centres and Krishi Vigyan Kendras."²⁰

This scheme's main purpose is to empower and provide livelihood opportunities to the returned migrant workers and rural population affected by Covid-19 Coronavirus in the lockdown. To provide immediate employment opportunities to returnee migrant workers. Saturate village with public infrastructure like Anganwadi, Community sanitary complex, etc. To prepare for enhancing longer-term livelihood opportunities.

¹⁷Changes proposal to labour laws are unconstitutional- <https://indianexpress.com/article/opinion/columns/migrant-crisis-relaxation-in-labour-laws-india-trade-union-coronavirus-arundhati-katju-6416305/>

¹⁸1982 AIR 1473, 1983 SCR (1) 456

¹⁹ibid

²⁰PM Modi to launch Garib Kalyan Rojgar Abhiyaan on June 20 Read more at:https://economictimes.indiatimes.com/news/politics-and-nation/pm-modi-to-launch-garib-kalyan-rojgar-abhiyaan-on-june20/articleshow/76437544.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

VI. CONCLUSION

Despite the announcing the special shramik trains and buses by the Central Government, Although the migrant workers started their journey either travel together in large groups in the cargo compartments of trucks and containers, or travel by foot. They did not wait for their turn to board the government arranged transport mainly due to the lengthy process involved between registration and boarding the trains or buses. The number of migrant workers outnumbered the train or bus arranged. As a result, they are asked to go back and come again. They undergo starvation as they have no money. There is a feeling of insecurity that envelops their mind. Also, they felt once they reach their hometowns, they could return to farming and take up small jobs under the MNREGA.

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