



Research Paper

“Impact of COVID-19 on migrant workers in India: Issues and Challenges”.

MobaydulMallick,

*Research Scholar, Department of Geography, Seacom Skills University
Bolpur, WB, India*

Dr. jyotirmoySen

*Faculty Member, Department of Geograhy, Seacom Skills University
Bolpur, WB, India*

ABSTRACT:

India has been in lockdown since March 25,2020 due to COVID-19. Migration is associated with economic endeavours leading to inter and intra state migrations. But the situation arose due to pandemic COVID-19 is panic and became a tragedy in the history of India. The outbreak of Corona Virus with continuous reporting of fatality of the disease created consternation among the workers staying miles away from their near and dears. (As countries shore up existing safeguards to address the social and economic impacts of the COVID-19 pandemic, India faces a humanitarian disaster of unprecedented proportions. Ninety per cent of the Indian workforce is employed in the unorganised sector; When the Government of India (GOI) announced the sudden 'lockdown' in March to contain the spread of the pandemic(The imposition of lockdown and shutdown in phased manner also created uncertainty on their food security. The migrants without job and money have no other option to sustain in the host city except coming back to their native land. thousands of the migrants were forced to walk hundreds of miles back to their home villages through the stony railway track and streets at a temperature of 40°C– with some dying during the journey. A democratic society is marked by constitutionalism, human rights and social justice. One of the key features of a democratic community is that it should be free from inequity, injustice and unfairness in treatment. However, a country like India is still struggling to avoid these unacceptable occurrences.This desperate movement of huge number of migrants in the pandemic situation has created a bigger challenge for the country to address the life and livelihood issues simultaneously with a limited resource and infrastructure facilities. The increasing trend of COVID-19 and its prolong nature has posed challenge for the India Government to contain it and revive the economy at the earliest. Hence, an attempt has been made here to view the impact of COVID-19 on migrants workers in this country during a period of health crisis from the dimensions of challenges and opportunities for the country which will pave way to address such vulnerability in future.

KEYWORDS: Covid-19, Lockdown, Migrant Workers, Challenges, Governmental Steps.

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I. INTRODUCTION:

The spread of Corona virus from the epicentre of Wuhan in China to worldwide is attributed to migration and mobility of people. On the other hand, the medical professionals largely believe that the control of this infectious disease is possible through immobility and confinement like lockdown and social distancing. In a globalised world, the lockdown is likely to bring unprecedented breakdown of our economic and social system. Migrants are most vulnerable to urban disasters and epidemics. The first case of COVID-19 surfaced in India on January 30, 2020, and following the out-break the lock down in the entire country was announced on 24th March for a period of 21days.Borders were sealed, transportation got stopped, factories, shops, restaurants and all type of the economic activities were shut, barring only the essential services. This proved to be a nightmare for hundreds of thousands of migrant workers, who lost their livelihoods overnight and became homeless. The immediate challenges faced by these migrant workers were related to food, shelter, loss of wages, fear of getting infected and anxiety. As a result, thousands of them started fleeing from various cities to their native places. Many migrants lost their lives either due to hardship on the way, hunger, accident or comorbidity and some even

committed suicide. A telephonic survey of more than 3000 migrants from north central India by Jan Sahas (2020) shows that majority of the workers were the daily wage earners and at the time of lockdown, 42% were left with no ration, one third was stuck at destinations city with no access to food, water and money, 94% don't have worker's identity card (Jan Sahas, 2020). Sudden lockdown also stranded many migrants in different cities of the country. Those who were travelling were stuck up at stations or state or district borders. Many were forced to walk hundreds of miles on foot to reach their home villages finding no public transport. Those who reached their native villages, were seen as potential carriers of the infection and were ill-treated by the police and locals. In one of the instances a group of returnees were sprayed with chemicals to disinfect them for which the local administration apologized (India Today, 2020). This is one of the biggest streams of mass return migration in the country. The very effort to stave off the pandemic turned into one of greatest human tragedy in India's recent history.

LEGAL FRAMEWORK FOR MIGRATION:

As this paper basically deals with the issues of migrants during COVID-19 there is a need to look at the provisions and applicability of the Inter-State Migrant Workmen (ISMW) Act 1979. The applicability of the ISMW Act extends to the establishment or working place where five or more inter-state migrants are engaged, registrations of the employer and the migrants as well as license of the employer are made mandatory. It also gives certain rights to those migrants like:

- i. Equal wage for equal nature of work according to the minimum wage act, 1948 and rules 1954
- ii. During recruitment they are eligible to get non-refundable displacement allowances equal to 50% of monthly wage (15 days wage), home journey allowance as well as wage and food for journey period.
- iii. Provision of suitable accommodation and health check-up facilities.
- iv. Regular payment of wages without any gender discrimination.
- v. Rights to file complain within three months of the happening of incident.
- vi. Violators will be fined or punished with one year imprisonment.

OVERVIEW OF MIGRATION IN INDIA:

Migration is the movement of people away from their usual place of residence, across either internal (within country) or international (across countries) borders. The latest government data on migration comes from the 2011 Census. As per the Census, India had 45.6 crore migrants in 2011 (38% of the population) compared to 31.5 crore migrants in 2001 (31% of the population). Between 2001 and 2011, while population grew by 18%, the number of migrants increased by 45%. In 2011, 99% of total migration was internal and immigrants (international migrants) comprised 1%.

PATTERNS OF MIGRATION:

Internal migrant flows can be classified on the basis of origin and destination. One kind of classification is:

- i) rural-rural, ii) rural-urban, iii) urban-rural and iv) urban-urban.

As per the 2011 census, there were 21 crore rural-rural migrants which formed 54% of classifiable internal migration (the Census did not classify 5.3 crore people as originating from either rural or urban areas). Rural-urban and urban-urban movement accounted for around 8 crore migrants each. There were around 3 crore urban-rural migrants (7% of classifiable internal migration).

Another way to classify migration is:

- (i) intra-state, and (ii) inter-state.

In 2011, intra-state movement accounted for almost 88% of all internal migration (39.6 crore persons).

There is variation across states in terms of inter-state migration flows. According to the 2011 Census, there were 5.4 crore inter-state migrants. As of 2011, Uttar Pradesh and Bihar were the largest source of inter-state migrants while Maharashtra and Delhi were the largest receiver states. Around 83 lakh residents of Uttar Pradesh and 63 lakh residents of Bihar had moved either temporarily or permanently to other states. Around 60 lakh people from across India had migrated to Maharashtra by 2011.

ISSUES EMERGING DURING MIGRANT WORKERS MOVEMENTS IN INDIA DURING COVID-19 LOCKDOWN:

Migrant workers during the COVID19 lockdown have suffered many hardships. With economic activities being virtually out of gear due to the lockdown announced by the Prime Minister on 24th March, 2020, almost 4 crores of workers went jobless. They also had to face the problems of shortages of food. It was at this time that they started remembering their near and dear and suffered from a sense of isolation at their places of residence. Hence, they thought to return their homes by whatever transportation means they had. Some of them caught unsafe transportation means such as trucks and lorries and thus met with a series of accident on their way to homes. According to the international organizations like International Labour Organization and

World Economic Forum, an estimated 40 crore migrant workers live in different parts of the country. Majority of them hail from the Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Chhattisgarh, Jharkhand and Orissa. These labourers had to face challenges related to conveyance, food, shelter and social stigma. Some of the data issued by the state governments are serious. For example, the state of Bihar issued a data in the mid of May, 2020 that out of 11 thousand migrant workers that reached Bihar, 560 of them were found COVID+.

Maharashtra accounts for almost 52% of the total migrant workers of India followed by Gujarat, Delhi and the Punjab [5] in that order. The State of Maharashtra, as we know, is the worst affected state by the COVID- 19 outbreak and it should take timely actions to address their problems. According to the above data, majority of these migrant workers consist of the youth drawn from the poor families of the backward classes. It shows that despite long spell of rules by OBC leaders in these states, their problems have not been addressed.

Most of the migrant workers are daily wage earners engage broadly in MSME sectors and construction activities. In both these sectors they are not given appropriate health care and other facilities such as proper fooding and lodging with the result that some of them fail to bear the brunt of these activities and also fail to reap the reach dividends of their life. Majority of these workers eke out their livings and hence have no savings to bank upon in future. All these things happen despite the legal cover provide to them under the InterState Migrant Workmen Act, 1979.

INSECURITY AND FEAR TRAVEL AS LABOUR TRAVELIN THE TIME OF PANDEMIC:

The distressing spectacle of migrants desperately trying to escape from cities and shocking images of thousands of migrant workers thronging near bus stops and embarking on a long and arduous journey on foot grabbed the attention of the media and society. With the large gathering at transit points and travel in groups, the idea and prescription of social distancing as only viable option to safeguard oneself against the pandemic went for a toss. The plight and flight of migrant bodies propelled discourses where the migrant labourer was either viewed as the subject of pity and charity, or as the carrier of disease and fear. Migrants, invariably, despise both- they neither crave for charity nor are willing to accept the blame for being ‘disease carrier’; in both situations, it is indignity thrust on those who utilize their labour to earn and live with dignity. The Wire3 reports that at least 17 migrant labourers and their family members-including five children- have lost their lives so far in the course of their desperate efforts to return home since the announcement for the lockdown was made.

ISSUES OF FOOD SECURITY:

A. NEED FOR FOOD SECURITY:-

The poor suffer the most despite all the progress made in the field of industry and economy; our reputation being very shoddy in the elimination of hunger and malnutrition until the end of the last century, the government shifted its focus at the beginning of the 21st century from a patronage to a rights based approach. MGNREGA was enacted in 2005 in relation to this. This being strengthened by a few more legislations, thus we have now legal rights in the field of education, information and employment across the country. Recently, we have successfully got a National Food Security Bill passed (in 2013) conferring upon every Indian the legal right to food.

B. CHALLENGES ON FOOD SECURITY:

The new approach attempts to do the following: -

- 1) Sustainable management of natural resources including water bodies.
- 2) Movement of food grains access market without trade barriers.
- 3) Adoption of modern technologies and financing facilities for modernising farming practices.
- 4) Public spending on health, education like social sector to be increased.
- 5) Improving governance at the grassroot level.

ISSUE AND CONCERN:

The production of food grains is one of the issues which have become prominent during recent lockdown when it comes to feeding migrant workers and the poor. But India’s efforts in this regard have been far from satisfactory. It is one of the reasons why India figures badly on the Food Hunger Index. In 2017, India ranked 100th among 119 countries as hunger in India got worse. It has had a telling effect on the poor and the migrant workers. In order to address this Food Security Act, 2013 has been passed. Food Security Act, 2013: This act provides for food guarantee to at least 67% of the population in the country which means more than eighty crore people will be covered under the scheme. In this it has been provided that people living below the poverty line will get coarse grains, wheat and rice at □ 1, 2 and 3 respectively. But it has not benefitted the poor and the migrant workers anymore due to the poor implementation of the act.

REVERSE MIGRATION:

With no work in sight, and no money left in their pockets, these migrant workers had no choice but to live for their homes however they were forced to walk on foot or huddle of in goods carriers to anyhow reach their homes. But even this choice cost them dearly as many of them died midway in various parts of Maharashtra, Uttar Pradesh and Madhya Pradesh. In Aurangabad, 16 migrant workers were killed on 8 May, 2020, after a goods train ran over them while they were waiting for their turn to catch the Shramik train on the tracks where they fell asleep and finally met with their ill fate. Moreover, many were manhandled and beaten by the police for violating lockdown regulations. For example, on 31 March, 2020, nearly 120 migrant workers were badly beaten by the Gujarat police. Similarly, they were beaten by Madhya Pradesh and Uttar Pradesh police on the way to their homes. Further, they had to face the wrath of police in Maharashtra and in Bihar as well. Many more were arrested for violating the lockdown regulations. However, in May, 2020, despite the movement of Shramik trains to various destinations and special buses by the government, the plight of workers did not end as they still underwent harrowing condition of their journey.

ISSUES ON SOCIAL SECURITY:

The issue of social security relates to gender justice, insurance cover for the poor, pension scheme for the poor, credit guarantee, education and health security among others. It leads to social inclusion of the socially disadvantaged as the migrant workers are. But even such schemes have not benefitted migrant workers. It has been shown in the studies conducted by various NGOs and the government body itself. It includes PRIYA, NCAER etc. Corruption has eaten into the gains made by various social security schemes such as MNREGS, BETI BACHAO BETI PADHAO, JAN DHAN YOJANA etc.

HEALTHCARE:

The healthcare facilities to the migrant workers at their work places have been very poor. The employers have not been taking care of the physical and mental plight of these workers as has been recently demonstrated during their exodus to their homes.

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. [14] 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. In the month of May, the Madras High Court [15] made scathing remarks against the authorities taking note of migrant labourers who walked back to their native places during the lockdown. The Court said that it was the human tragedy but one should not remain a mute spectator to the pathetic conditions of these workers which could be seen in media. Holding the authorities responsible it directed the Central government and the Tamil Nadu government to submit before it and Action Taken Report related to the welfare of these workers during the lockdown period. The Court also wanted the data of the stranded migrant workers the assistance given to them so far, the data of the hapless migrant workers who died on the way the compensation given to their families and assistance provided to the returned workers.

The Supreme Court reviewed the situation of migrant labourers stranded in different parts of the country, noting inadequacies and lapses in government response to the situation. On May 26, the Court issued an order to the central and state governments to submit a response detailing all measures taken by the respective governments for migrant labourers. On May 28, the Court provided interim directions to the central and state/UT governments for ensuring relief to the migrant workers:

- i) no train or bus fare should be charged to migrant workers,
- ii) free food should be provided to stranded migrants by the concerned State/UT government and this information should be publicized,
- iii) States should simplify and speed-up the process of registration of migrants for transport and those registered should be provided transportation at the earliest and
- iv) the state receiving migrants should provide last-mile transport, health screening and other facilities free of cost.

Reiterating their earlier directions, on June 5 (full order issued on June 9), the Supreme Court further directed the Central and state/UT governments to ensure:

- i) transportation of all stranded workers wanting to return to their native place is completed within 15 days,
- ii) identification of migrant workers is immediately completed and the process of migrant registration be decentralised to police stations and local authorities,
- iii) records of returning migrant labourers are kept including details about place of earlier employment and nature of their skills, and

iv) counselling centres are set-up at the block level to provide information about central and state government schemes and other avenues of employment.

The Court also directed the state/UT governments to consider withdrawal of prosecution/complaints under Section 51 of Disaster Management Act filed against migrant labourers who allegedly violated lockdown orders.

STEPS TAKEN BY CENTRAL AND STATE GOVERNMENT:

In March 2020, the Union Home Ministry directed the States to make use of National Disaster Response Fund (NDRF) for providing food, shelter etc. to the migrant workers. [23] Further, in the last week of March 2020, the Central and State Government asked the landlords not to press for rent from the tenants until the period of lockdown is over. [24] Moreover, the Union Home Ministry directed the State government set up relief camps for these workers on their transit route.

TRANSPORT:

On March 28, the central government authorised 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.[5] Note that these trends largely correspond to the migration patterns seen in the 2011 census data.

RELIEF CAMPS:

After the Central government directed the State government to set up relief camp for taking care of the basic needs of migrant workers such as food to be served to them free of cost, the State government and NGOs set up such camps across the country for helping these workers get rid of their problems especially of food enroute to their destination.

Conveyance: In the last week of May, 91 lakhs of migrant workers reached their destination in various states through Shramik special trains and Roadways transport buses. [26] In addition to the above various states’ registration portals were being operated to give information of these workers regarding their lodging and the places where they were stranded. [27] It helped even the workers to find out the places of their location. By 23 May, 2020, 40 lakh migrants reached their homes by buses. However, the journey by Shramik special trains and buses were not without hiccups. It was alleged that the migrant workers were charged fares by the state government whereas it was decided the centre would pay 85% and states 15 % of the cost of fares of each worker. [28] Later the Supreme Court asked the Central government to bear total fares [29] and ensure that these workers get all the humanitarian aids during the journey thereafter things got settled.

OTHER RELIEF MEASURES:

The Central government announced a relief package worth ₹ 1.7 lakhs crores to help the poorer section including migrant workers besides farmers and poor ladies. It consisted of cash transfer as also free arrangements of food grains from the PDS system for the next three months starting April 2020, besides free cylinders and cash transfers. [30] In order to absorb the incoming migrant workers in the employable works in rural areas, the Union Finance Minister viz. Nirmala Sitaraman announced that the Centre should be spending ₹ 40,000 crores additionally under MGNREGA. [31] Various State governments also took up measures to provide employment to these migrant workers at the place of their homes. The government of Uttar Pradesh, [32] Madhya Pradesh, Gujarat, The Punjab etc. accordingly relaxed labour laws [33] in order to encourage investments and industries so that these workers would be given employment. [34] The above relief measures further get bolstered due to the “ATMANIRBHAR BHARAT SCHEME” announced by the Prime Minister. The ₹ 20.5 lakh crore package includes almost ₹ 3 lakh crores, collateral free loans to MSME sectors which employ nearly 35 lakh people, majority of which are migrant workers from the States of Uttar Pradesh, Bihar, Madhya Pradesh, Chhattisgarh, Jharkhand, Orissa and West Bengal.

II. CONCLUSION:

Migration was a result of combination of multiple push and pull factors. Among them, the push factors had been joblessness, increasing educational, health needs, care of the elderly, indebtedness and failure of agriculture in the native places and the pull factors had been better wages for unskilled and skilled works in destination state. The lockdown and global pandemic Covid-19 has caused ravage the millions of labours’ life at an unimaginable level. The crisis of COVID-19 has, for the first time, brought ‘invisible’ migrants and the

phenomenon of migration to the centre stage of policy concern around social protection. Migrant worker tragedy unfolding in the wake of the COVID-19 pandemic lockdown is reinforcing the necessity of consolidating the social policy efforts of the past decades. Migrant workers occupy a special position in the debates around development and social protection. They have driven the engine of globalisation, though not reaped great benefits from the process. In the wake of COVID-19, the very factors that made them desirable as a workforce are turning against them. The current tragedy of poor migrants is hiding the bigger story: mass-scale unemployment and insecure, unprotected work that has characterised labour PostCOVID 19, workplaces must provide better protection and decent work standards for informal workers based on existing policy framework. Government must also recognize that rural employment that continues to support the subsistence of millions is facing adverse conditions. Rural social protection schemes, such as public works under MGNREGA, should be expanded to urban areas, and other welfare measures, such as maternal and child protection and PDS, should be made portable. Similarly, farmers and the agrarian rural sector will need greater commitment from the state as urban informal work and migrant remittances dry up. As special trains leave with groups of migrants, 58 days into the COVID-19 lockdown, India’s social policy experiments and vibrant democracy must rise up to address resurgent poverty brought on by the new challenges of the 21st century.

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