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The Appearance of the Invisible: Migrant Workers during Covid-19

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ABSTRACT

This paper examines the impact of the lockdown imposed due to the COVID-19 scenario on migrant workers in the informal sector of our Indian economy. Through this study, the authors elucidate the condition of these migrant workers and their exodus during the time of a worldwide pandemic as an invisible segment of the society for a long time.

A strict lockdown was imposed nation-wide on March 23, 2020 because of which the entire country came to a halt. Following this, everything was shut down including the transportation services. Many people were stranded, including the migrant population, the most vulnerable, exploited and affected ones being the daily wageworkers and the entire informal sector. The consequences faced by them because of this, will be explored in the paper with a focus on statistical and individual qualitative experiences.

The authors also comment on the impact of the covid-19 and the lockdown to discern the steps that are being taken as a remedy. An in-depth research has been done on the prevailing labour laws, new policies, ILO recommendations and fundamental rights available to these workers and their families. An analysis of how they have been violated or were crooked at points is also alluded to. An analysis has also been done of the condition and manner of tackling the situation in India and the steps taken by the government, concurrently making constructive suggestions at a policy level for the way ahead to end this humanitarian crisis.

Keywords: Covid-19, Lockdown, Exodus, Exploitation, Humanitarian Crisis.

I. INTRODUCTION

The "United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families"³ defines migrant worker as follows: The term "migrant worker" refers to a person who is engaged or has been engaged in a remunerated activity in a State of

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³Anonymous, United Nations Convention on the Protection of the Rights of All Migrant Workers, Wikipedia (Nov.30, 2006),https://en.wikipedia.org/wiki/International_Convention_on_the_Protection_of_the_Rights_of_All_Migrant_Workers_and_Members_of_Their_Families.

which he or she is not a national. These workers and their families have faced multiple hardships throughout their lives due to poverty, illiteracy, exploitation, unemployment, etc. and still continue to do. There are numerous of such unskilled workers who make a living in the informal sector. An informal economy is the part of any economy that is neither taxed nor monitored by any form of government⁴ and therefore, these workers have been an invisible or unseen segment of the society for a long time. The Economic Survey of India 2017 estimates that the magnitude of inter-state migration in India pegs the total number of internal migrants in the country at a staggering 139 million.⁵ The migrant workforce has authentically played an important role nationwide and even in the local market by either working in the manufacturing and construction industry. By this, they have both impacted and contributed to the Indian economy and still there has been a negligence of our society or the government towards these people. They are often denied adequate healthcare, nutrition, housing and sanitation,⁶ since many of them work in the informal sector.⁷ Many have no savings and lived in factorydormitories, which were shut due to the lockdown.⁸ Additionally, there was no central registry of migrant workers, despite the existence of the Inter-State Migrant Workmen Act, 1979.⁹

In the early 2020, the world has witnessed the spread of a novel coronavirus, termed as Covid-19 and there has been a huge rise in its spread making it a global pandemic which resulted in an overall lockdown of many countries, India being of them. The lockdown amid covid-19 has changed many things putting forward a lot of issues like economic meltdown, rise in unemployment rate, and lack of resources but along with these problems India has faced a huge crisis in tackling the migrant population. With the increasing number of cases

⁴Gupta, Indrani; Arup Mitra, Rural Migrants and Labour Segmentation: Micro-Level Evidence from Delhi Slums, *Economic and Political Weekly* (Jan.12,2002), <https://www.epw.in/journal/2002/02/special-articles/rural-migrants-and-labour-segmentation.html>.

⁵ Krishna Avatar Sharma, India has 139 million internal migrants. They must not be forgotten, *World Economic Forum* (Oct.1, 2017), <https://www.weforum.org/agenda/2017/10/india-has-139-million-internal-migrants-we-must-not-forget-them/>.

⁶Shabarinath Nair and DivyaVerma, A Policy Framework For India's Covid-19 Migration, *Bloomberg Quint* (May 19, 2020), <https://www.bloombergquint.com/coronavirus-outbreak/a-policy-framework-for-indias-covid-19-migration>.

⁷ Abhishek Jha and Mohammad VijdanKawoosa, What the 2011 census data on migration tells us, *The Hindustan Times* (July 24, 2019), <https://www.hindustantimes.com/delhi-news/migration-from-up-bihar-disproportionately-high/story-K3WAio8TrrvBhd22VbAPLN.html#:~:text=According%20to%20the%202011%20Census,2>.

⁸NilanjanaBhowmick, They treat us like stray dogs': Migrant workers flee India's cities, *The National Geographic* (May27, 2020), <https://www.nationalgeographic.com/history/2020/05/they-treat-us-like-stray-dogs-migrant-workers-flee-india-cities/>.

⁹Lauren Frayer and Sushmita Pathak, Coronavirus Lockdown Sends Migrant Workers on a Long And Risky Trip Home, *NPR* (Mar.31, 2020), <https://www.npr.org/sections/goatsandsoda/2020/03/31/822642382/coronavirus-lockdown-sends-migrant-workers-on-a-long-and-risky-trip-home>.

in India and the never-ending plight of these poor workers it has become a national issue. The lockdown has caused more harm than good. With the factories and workplaces shut down due to the lockdown imposed in the country, millions of migrant workers had to deal with the loss of income, food and uncertainty about their future.¹⁰ Following this, many of them and their families went hungry¹¹ and due to loss of livelihood and no means to return to their homes, havoc has been created in the lives of these people. As a consequence of which the migrant workers throughout the country have been seen flocking in railway stations and bus stations. Due to this distress, thousands of these workers have been seen trudging unbelievable distances to reach their home as they were left with no option but to walk or cycle back to their hometowns without food or any good precaution amid the pandemic harming their health condition and making them more prone to contract and spread the virus. The overcrowding of people on bus stands, railway station, highways needed to stop so these workers were detained by the officials due to lack of resources to send them home gave rise a question of infringement of their fundamental rights. Also, various states abolished the labour laws, made new policies. Many states reported high numbers of positive cases of COVID-19 among the migrants returning home as lockdown restrictions eased.¹² State governments opened thousands of quarantine centres to house them,¹³ with some states imposing mandatory institutional quarantine. States also imposed strict measures either for migrants to follow, while leaving or after entering state borders.¹⁴

Migrant workers are often first to be laid-off but last to gain access to testing or treatment in line with nationals. They are often excluded from national COVID-19 policy responses, such as wage subsidies, unemployment benefits or social security and social protection measures. Where access to COVID-19 testing or medical treatment is available, they may not come forward due to fear of detention or deportation, especially those in an irregular status. In the case of domestic workers, home-based workers, agricultural workers and others in the informal economy, exclusion in many countries stems from the fact that labour law does not

¹⁰Slater, Joanna;Masih, Niha, "[In India, the world's biggest lockdown has forced migrants to walk hundreds of miles home](#)", The Washington Post (Mar.28, 2020).

¹¹ Maria Abi-Habib and Sameer Yasir, India's Coronavirus Lockdown Leaves Vast Numbers Stranded and Hungry, The New York Times (Mar.29, 2020), <https://www.nytimes.com/2020/03/29/world/asia/coronavirus-india-migrants.html>.

¹²DevjyotGhoshal and RajendraJadhav, India's urban COVID-19 outbreak is morphing into a rural health crisis, Reuters (June 4, 2020, 4:32 PM), <https://www.reuters.com/article/us-health-coronavirus-india-migrants/indias-urban-covid-19-outbreak-is-morphing-into-a-rural-health-crisis-idUSKBN23B1MH>.

¹³ Santosh Singh and Kaunain Sherif M, Next challenge for Odisha and Bihar: Virus coming home with migrants, The Indian Express (May 15, 2020, 8:36 AM), <https://indianexpress.com/article/india/next-challenge-for-odisha-and-bihar-virus-coming-home-with-migrants-6410482/>.

¹⁴ Migrant workers return, bring home the virus: How states are building Covid walls, The Times of India (May 5, 2020, 11:36 AM), <https://timesofindia.indiatimes.com/india/migrants-return-bring-home-the-virus/articleshow/75544708.cms>.

regard them as workers.

A lot of the migrant workers who decided to stay back, were assaulted by their neighbours who accused them of being covid positive and thus, they could not even go out to buy food. Many also faced police brutality if they ventured out of their homes.¹⁵ In fact, after their return to their villages or hometowns, the ill treatment continued due to either fear or a class biasness. They were feared to be carrying coronavirus from the urban areas where they had been employed.¹⁶ They faced assault and harassment from the people of their hometowns.¹⁷ Since many of them belonged to the lower castes, they had to face caste slurs.¹⁸ Thousands got into property disputes.¹⁹ Due to the lockdown, more than 300 deaths were reported till 5 May, with reasons ranging from starvation, suicides,²⁰ exhaustion,²¹ road and rail accidents,²² police brutality²³ and denial of timely medical care. Among the reported deaths, most were among the marginalised migrants and labourers.²⁴ 80 died while travelling back home on the Shramik Special trains, in the one month since their launch.²⁵ Thousands of migrants have since protested across the country, for reasons ranging from demanding transport back home,

¹⁵ Dev Raj, Migrants pay price of staying back in Delhi, Telegraph (Apr.8, 2020, 3:12 AM), <https://www.telegraphindia.com/india/coronavirus-lockdown-migrants-pay-price-of-staying-back-in-delhi/cid/1762978>.

¹⁶ Dev Raj, Migrants pay price of staying back in Delhi, Telegraph (Apr.8, 2020, 3:12 AM), <https://www.telegraphindia.com/india/coronavirus-lockdown-migrants-pay-price-of-staying-back-in-delhi/cid/1762978>.

¹⁷Atikh Rashid, Migrant workers return home against all odds — only to be seen as carriers of the virus, The Indian Express (May 20, 2020, 8:02 PM), <https://indianexpress.com/article/india/lockdown-migrant-workers-coronavirus-pune-uttar-pradesh-bihar-6419506/>.

¹⁸Chandan Kumar and Debabrata Mohanty Migrant workers battle stigma, bias back home, *The Hindustan Times* (May 10, 2020, 8:19 AM), <https://www.hindustantimes.com/india-news/migrant-workers-battle-stigma-bias-back-home/story-0uuRSEZfoickVOrPU2agGL.html>.

¹⁹Saurabh Sharma and Rupam Jain, India's mass exodus from cities triggers village property disputes, Reuters (June 4, 2020, 7:01 PM), <https://www.reuters.com/article/us-health-coronavirus-india-dispute/indias-mass-exodus-from-cities-triggers-village-property-disputes-idUSKBN23B250>.

²⁰ E. Elsa, The human cost of India's coronavirus lockdown: Deaths by hunger, starvation, suicide and more, Gulf News (Apr.15, 2020, 7:07 PM), <https://gulfnews.com/world/asia/india/the-human-cost-of-indias-coronavirus-lockdown-deaths-by-hunger-starvation-suicide-and-more-1.1586956637547>.

²¹ Editor ET Now, Suicide leading cause for over 300 lockdown deaths in India, says study, The Economic Times (May 5, 2020, 3:16 PM), <https://economictimes.indiatimes.com/news/politics-and-nation/suicide-leading-cause-for-over-300-lockdown-deaths-in-india-says-study/articleshow/75519279.cms?from=mdr>.

²²Editor ET Now, Suicide leading cause for over 300 lockdown deaths in India, says study, The Economic Times (May 5, 2020, 3:16 PM), <https://economictimes.indiatimes.com/news/politics-and-nation/suicide-leading-cause-for-over-300-lockdown-deaths-in-india-says-study/articleshow/75519279.cms?from=mdr>.

²³D.Mohanty, 56-year-old migrant dies on road to home, another dies after police lathi charge, The Hindustan Times (May 15, 2020, 9:45 PM), <https://www.hindustantimes.com/india-news/56-year-old-migrant-worker-on-his-way-to-home-dies-on-road-28-year-old-migrant-dies-in-police-lathicharge-in-surat/story-O1NI1kDAWYRAAQOg4dkT6M.html>.

²⁴Shivam Vij, More than 300 Indians have died of the coronavirus, and nearly 200 of the lockdown, The Print (Apr. 13, 2020, 3:38 PM), <https://theprint.in/opinion/more-than-300-indians-have-died-of-the-coronavirus-and-nearly-200-of-the-lockdown/400714/>.

²⁵E. Elsa, The human cost of India's coronavirus lockdown: Deaths by hunger, starvation, suicide and more, Gulf News (Apr.15, 2020, 7:07 PM), <https://gulfnews.com/world/asia/india/the-human-cost-of-indias-coronavirus-lockdown-deaths-by-hunger-starvation-suicide-and-more-1.1586956637547>.

quality of food served,²⁶ not being allowed to cross the border,²⁷ and against government directives preventing them to walk home.²⁸ Some of the protests turned violent. Labour unions organised nationwide protests to protest the changes in labour laws, with the Bharatiya Mazdoor Sangh organizing one on 20 May, the Centre of Indian Trade Unions, and the All India Trade Union Congress organizing another on 22 May.²⁹ Some politicians criticised the central government for not focusing enough on migrant workers.³⁰ NITI Aayog CEO, Amitabh Kant, admitted that the migrant workers could have been better taken care of and stated that it was the responsibility of the state governments.³¹ Economist Jean Drèze stated that the lockdown had been "almost a death sentence" for the underprivileged of the country, further stating, "The policies are made or influenced by a class of people who pay little attention to the consequences for the underprivileged."

II. IMPACT OF COVID-19 ON MIGRANT WORKERS

The world has witnessed many global catastrophic events but nothing like the novel coronavirus or covid-19. Referred to as the 'invisible enemy' Covid-19 has had a very disastrous impact on India.³² Although India has been a leader among nations in preventing the proliferation of the virus by sanctioning strict orders throughout the country.³³ These orders worked very efficiently but the repercussion on migrant workers especially the informal sector acted as detriment.³⁴ Nationwide lockdowns and severe restrictions disabled the migrant population. The home ministry announced lockdown of the entire country as

²⁶ Editor, Gujarat lockdown: Protests by migrant workers erupt again in Surat, this time over quality of food being served. *The Financial Express* (Apr, 16, 2020 6:05 AM), <https://www.financialexpress.com/india-news/gujarat-lockdown-protests-by-migrant-workers-erupt-again-in-surat-this-time-over-quality-of-food-being-served/1930651/>.

²⁷ Editor TNS, Not allowed to enter UP after walking 200 km, migrants protest, *The Tribune* (May 18, 2020), <https://www.tribuneindia.com/news/punjab/not-allowed-to-enter-up-migrants-protest-86082>.

²⁸ Faraz Ahmad, Thousands of Migrants Protest, Block Mathura Highway After Yogi Adityanath's No Movement on Foot Order, *News18* (May 17, 2020), <https://www.news18.com/news/india/thousands-of-migrants-protest-block-mathura-highway-after-yogi-adityanaths-no-movement-on-foot-order-2623801.html>.

²⁹ The Wire Staff, Trade Unions Across India Protest Changes in Labour Laws, Leaders Detained in Delhi, *The Wire* (May 22, 2020), <https://thewire.in/labour/trade-unions-protest-changes-in-labour-laws>.

³⁰ Editor, Can't poor in the country avail of Vande Bharat Mission, *The Hindustan Times* (May 16, 2020, 12:15 PM), <https://www.hindustantimes.com/lucknow/can-t-poor-in-the-country-avail-of-vande-bharat-mission-says-akhilesh-yadav/story-C9WF11nEVGMT7JWdFP85nO.html>.

³¹ Divyanshu Dutta Roy, We Could Have Done Much, Much Better": NITI Aayog CEO On Migrants, *NDTV* (May 23, 2020, 7:41 AM), <https://www.ndtv.com/india-news/coronavirus-lockdown-amitabh-kant-on-migrants-we-could-have-done-much-much-better-2233658>.

³² Jean Drèze, The Impact of Covid-19 on Informal and Migrant Workers in India, *International Growth Centre* (May 13, 2020), <https://www.theigc.org/event/the-impact-of-covid-19-on-informal-and-migrant-workers-in-india/>.

³³ Sanjay Kumar, India has played a vital role in the fight against coronavirus, *WION* (Mar. 30, 2020, 02:50 PM), <https://www.wionews.com/opinions-blogs/india-has-played-a-vital-role-in-the-fight-against-coronavirus-289453>.

³⁴ Divya Ravindranath & Umi Daneil, Understanding the Implications of the COVID-19 Lockdown on Migrant Workers' Children, *The Wire* (May 5, 2020), <https://thewire.in/rights/covid-19-lockdown-migrant-workers-children-implications>.

cases started to spur and was quick in closing our international borders. Relief packages were announced few days after the lockdown, but are widely criticized as not being enough. The most welcoming and headline grabbing news was the 260 billion dollar economic stimulus package that was declared by the government but it was unclear how much of it would be dedicated to the social protection.³⁵ The migrant and informal sector workers were immediately left jobless at the announcement of the lockdown, with enough saving to feed them for a week or so. Thousands of workers were not in the possession of ration cards, which added to the plight.³⁶ This led to the mass exodus of the workers and prompted them in fleeing cities and walking hundreds of kilometres at nearly 40-degree temperature back to their homes.³⁷ Many more remained trapped in cities as interstate transport service were put on halt. No reliable account of the people who are hungry, malnourished or dying. Proper access to fundamental supplies was disrupted and it can be seen that this crisis had disproportionately affected the migrant workers. Anticipatory analysis of the implications on lockdown on different strata of society would have given an enhanced idea on how this situation could have been defused.³⁸

In view of the prevailing circumstances, the economists expressed their concerns about the further downfall of economy if the economic and industrial activities were also shut. They also highlighted the potential threat to livelihood of the indigenous and migrant working class if further lockdown is not planned with a proper Public Distribution Scheme (PDS) and effective restructuring in expenditure profile. As the lockdown progressed, the initial idea of closure of business and loss of jobs was perceived as transitory but as the lockdown has persisted and economic activities shutdown this has now become more of a permanent reduction in income.³⁹

The anguish and distress added to the panic and obligated the migrant to cover long distances

³⁵ Editor the Hindu, Economic stimulus package, *The Hindu* (Mar. 17, 2020, 3:17 PM), <https://www.thehindu.com/news/resources/economic-stimulus-package-details-of-20-lakh-crore-package-announced-by-union-finance-minister-nirmala-sitharaman-in-five-tranches/article31606806.ece>.

³⁶ Parvez Sultan, Distribution of ration in Delhi hit by migrant labour shortage due to COVID-19 crisis, *The Indian Express* (May 16, 2020, 9:16 AM), <https://www.newindianexpress.com/cities/delhi/2020/may/16/distribution-of-ration-in-delhi-hit-by-migrant-labour-shortage-due-to-covid-19-crisis-2144033.html>.

³⁷ Shushant Singh, Explained: Indian migrants, across India, *The Indian Express* (Apr. 29, 2020, 8:03 PM), <https://indianexpress.com/article/explained/coronavirus-india-lockdown-migrant-workers-mass-exodus-6348834/>.

³⁸ Purnima Menon, The Impact of Covid-19 on Informal and Migrant Workers in India, *International Growth Centre* (May 13, 2020), <https://www.theigc.org/event/the-impact-of-covid-19-on-informal-and-migrant-workers-in-india/>.

³⁹ Purnima Menon, The Impact of Covid-19 on Informal and Migrant Workers in India, *International Growth Centre* (May 13, 2020), <https://www.theigc.org/event/the-impact-of-covid-19-on-informal-and-migrant-workers-in-india/>.

back home for the basic need of essentials as they were deprived of so as soon as the lockdown was implemented and economic activities shutdown.

III. EXODUS

With a small bundle of clothes and belonging slung over their shoulder, walking for more than 15 hours a stretch without any food or fresh water in the scorching heat and feet sore with blisters the migrant workers of India left out in the dark and forced to cover vast distances to reach home. The distress and misery of loss of employment and forced poverty has created a hostile environment that has led to nationwide protests. Leaving behind their entire livelihood, carts, rickshaws and pets, selling away their cattle, and putting in all their life earnings for just reaching home in such trying times. Adding to this plight are the various factors such as arrest for violating lockdown and social distancing.⁴⁰ As most of them walk in large groups, social distancing is not really an option. Major other implications include serious effect to physical and mental health. Sometimes, they also face harassment and negative reactions of the local community. All this calls for strong social protection. Migrants are forced to leave their homes in order to find better opportunities in the city. Many of their households are dependent on the money sent home by them. Not being able to communicate with their families is also a major concern for the migrant workers. Various diseases that they acquire during their long journeys will infect many. Some life threatening and many, which might not let them, work. Moreover, not to forget the mental agony of the sleepless nights and the loss of their loved ones. There is no amount of money that can measure and compensate for the suffering of the migrant workers. The worst effected among them are the children who had migrated with their parents and now have to walk back. Most of them engage in construction sites and often are malnourished.⁴¹ A few cases of pregnant women giving birth on the way have also been reported. The unhygienic environment and lack of nourishment are the major factors that affect the life of the new born.⁴² According to some of the migrant workers, they would rather die from virus in their village than starve of no work in the city.⁴³

⁴⁰Mihir Sharma, Coronavirus Exposes India's Official Callousness, Bloomberg Quint (Apr. 1, 2020, 9:23 AM), <https://www.bloombergquint.com/global-economics/india-s-government-should-have-expected-coronavirus-migration>.

⁴¹DivyaRavindranath&UmiDaneil, Understanding the Implications of the COVID-19 Lockdown on Migrant Workers' Children, The Wire (May. 5, 2020), <https://thewire.in/rights/covid-19-lockdown-migrant-workers-children-implications>.

⁴²DivyaRavindranath&UmiDaneil, Understanding the Implications of the COVID-19 Lockdown on Migrant Workers' Children, The Wire (May. 5, 2020), <https://thewire.in/rights/covid-19-lockdown-migrant-workers-children-implications>.

⁴³BarkhaDutt, There is a humanitarian crisis in India. Lift the lockdown, now, The Hindustan Times (May 15,

IV. GOVERNMENT RESPONSE

On 27th March the Indian government started the fight against covid-19 by issuing strict directives and announced a national lockdown of 21 days, with only 4 hours of notice.⁴⁴ Only essential activities were allowed and all other economic activities were ordered to shut down. The orders also included that the states are to use their national disaster response fund to provide food and shelter for the migrant workers.⁴⁵ Orders for waiver of house rent for the period of the lockdown and payment of wages were also passed on 29th March. Strict actions were ordered for violation of lockdown like 14 days in government quarantine facility.⁴⁶ States were asked to setup relief camps immediately. An online database was created by the national migrant information system. This helped in getting accurate details and statistics.⁴⁷ Delhi government set up over 500 hunger centres and started providing free food to over four lakh people.⁴⁸ For preventing migrants to leave, the Kerala government started to provide north Indian meals and provided carom boards, recharge facilities, sanitizers, masks and medicines.⁴⁹

Transport facilities were disrupted due to the lockdown and remained suspended due to the recurring lockdowns. The Uttar Pradesh government tried to arrange buses from AnandVihar in Delhi but was unsuccessful. Later in April centre gave permission to states to carry out transport of migrant workers. Shramik Special train were started which came as a major relief to the migrant workers but had many drawbacks such as registration, no social distancing and also high fares. Moreover, the migrants while travelling in these trains faced many other

2020, 5:34 PM), <https://www.hindustantimes.com/columns/there-is-a-humanitarian-crisis-in-india-lift-the-lockdown-now/story-RHG3Mjv7B3VrNsZdbTZ1UI.html>.

⁴⁴ Editor the Hindu, India coronavirus lockdown, The Hindu (Mar. 27, 2020, 8:19 AM), <https://www.thehindu.com/news/national/india-coronavirus-lockdown-day-3-live-updates-march-27-2020/article31178543.ece>.

⁴⁵ Anonymous, COVID-19 pandemic lockdown in India, Wikipedia, https://en.wikipedia.org/wiki/COVID-19_pandemic_lockdown_in_India#Relaxations.

⁴⁶ Vivek Dubey, Coronavirus crisis: Landlords can't ask rent from students, workers for 1 month, Business Today (Mar. 29, 2020, 8:59 PM), <https://www.businesstoday.in/current/economy-politics/coronavirus-crisis-landlords-can-not-ask-rent-from-students-workers-for-1-month/story/399551.html>.

⁴⁷ Deeptiman Tiwary, To streamline movement of migrants, Centre launches portal, Indian Express (May 17, 2020, 7:25 PM), <https://indianexpress.com/article/india/to-streamline-movement-of-migrants-centre-launches-portal-6413670/>.

⁴⁸ Atul Mathur, Delhi lockdown: Over 500 hunger relief centres set up for 4 lakh people Delhi lockdown: Over 500 hunger relief centres set up for 4 lakh people, The Times of India (Mar. 28, 2020, 12:26 PM), <https://timesofindia.indiatimes.com/city/delhi/govt-to-give-2-meals-a-day-to-4-lakh-people-says-kejriwal/articleshow/74855058.cms>.

⁴⁹ Shankar Anrimesh, Rotis, mobile recharges, carrom boards — how Kerala fixed its migrant worker anger, The Print (Apr. 18, 2020, 1:29 PM), <https://theprint.in/India/rotis-mobile-recharges-carrom-boards-how-kerala-fixed-its-migrant-worker-anger/403937/>.

hardships. No food or water was arranged throughout the journey, no proper sanitation facilities and delay added to the hardship. Many migrants died in the journey and many caught up with various diseases.

V. THE FACE OF EXPLOITATION

The COVID-19 crisis has an unprecedented impact on global economies, corporations and workers. Most migrant workers are concentrated in sectors of the economy with High temporary, informal or unprotected employment levels, Marked by poor incomes and shortage of social security. Among the most vulnerable are the migrant workers. Reports record increased levels of discrimination and xenophobia towards migrants and, in certain cases, food Insecurity, layoffs and deteriorating working conditions. Even wage reductions or non-payments, Living conditions cramped or inadequate, and increased restrictions on movements or forced returns. Human rights groups fear rising levels of violence, particularly for those in domestic work where women workers predominate.⁵⁰ Migrant workers are often laid off first but last to gain access to nationally agreed testing or treatment. They are often removed from regional COVID-19 policies reactions, such as wage cuts, homelessness, economic insurance and health opportunities effect. Where access to COVID-19 testing or medical treatment is available, they may not come forward due to fear of detention or deportation, especially those in an irregular status. In the case of domestic workers, home-based workers, agricultural workers and others in the informal economy, exclusion in many countries stems from the fact that labour law does not regard them as workers.

(A) THE UNORGANISED WORKERS' SOCIAL SECURITY ACT, 2008

On 30-12-2008, the Unorganized Workers' Social Protection Act, 2008 was passed with the goal of guaranteeing the social protection and health of unorganized employees and of enforcing the national social protection system. The Act is primarily aimed at addressing the needs of unorganized sector employees. Section 3⁵¹ of the Act requires the Central Government to draw up schemes for the unorganized employees relating to:

- Life and disability cover;
- Health and maternity benefits;
- Old age protection; and
- Any other benefit as may be determined by the Central Government.

⁵⁰ Anonymous, Domestic Worker Abuse, HRW (July 26, 2020), <https://www.hrw.org/report/2006/07/27/swept-under-rug/abuses-against-domestic-workers-around-world>.

⁵¹The Unorganised Workers' Social Security Act, Act No.33 of 2008, Acts of Parliament, India (2008).

To reap the Central Government's incentives from these programs, the Act requires registration for the unorganized employees. Under Section 10⁵² of the Act, an unorganized worker is expected to send a complaint to the District Administration during which the District Administration provides an identity card under which a unique identification number (UIN) would be issued to the employees. The unorganized worker has to make a significant donation in order to be eligible to social security payments. This is a time consuming process and in time of such pandemic it is expected that the Government make some modification and instead allow the District Administration to take cognizance of every unorganised worker in the area who is entitled to get the benefit of schemes like Pradhan Mantri Garib Kalyan Yojna and other schemes.

Schedule I⁵³ lists the schemes made for the unorganized sector's welfare. One such scheme is Rashtriya Swasthya Bima Yojana⁵⁴ which aims to provide unorganized employees with appropriate health insurance cover. The Scheme entitles people coming under BPL (Below Poverty Line) cashless insurance as they are provided a smart card by which they are entitled to get hospitalised in private as well as public hospitals. The majority of the migrant workers cannot avail the benefits of Public Distribution System (PDS) since they migrate from one State to another State. Hence, they do not enjoy the benefits under many schemes formulated under the Act.

(B) THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970

India had sought to develop a self-sufficient economy since independence. International industrialization has had its impact on India and hence there was demand for jobs not only in the agricultural sector but also in major industrial plants, mines and so on. Thereby a large chunk of workers migrated from less developed States (UP, Bihar) to industrial States (Gujarat, West Bengal, Orissa) and cities. There was hence felt a need to regulate the working conditions of such migrant workers, thus this Central labour legislation was enacted.

The Contract Labour (Regulation and Abolition) Act, 1970 (CLA) aims to safeguard the interest of contract labourers who indulge in all forms of contract labour in certain establishments and its abolition in certain circumstances. Section 2(1) (b)⁵⁵ defines contract labour, as “A workman shall be deemed to be employed as “contract labour” in or in connection with the work of an establishment when he is hired in or in connection with such

⁵²The Unorganised Workers' Social Security Act, Act No.33 of 2008, Acts of Parliament, India (2008).

⁵³The Unorganised Workers' Social Security Act, Act No.33 of 2008, Acts of Parliament, India (2008).

⁵⁴Ministry of Health, Rashtriya Swasthya Bima Yojana, National Portal of India, <https://www.india.gov.in/spotlight/rashtriya-swasthya-bima-yojana#rsby1>.

⁵⁵The Contract Labour (Regulation and Abolition) Act, Act No. 37 of 1970, Acts of Parliament, India (1970).

work by or through a contractor, with or without the knowledge of the principal employer.

Exodus of migrants was witnessed on the streets of Delhi amidst the lockdown due to COVID- 19. The migrant workers were returning to their homes because these workers were not ensured food⁵⁶, health⁵⁷ and payment of wages⁵⁸. The workers told the media that contractors were not paying or were paying minimal amount and asked them to leave. License to the contractors enlists conditions⁵⁹ that mandate the contractors to fulfil all the essential amenities as the Government may deem fit to impose in accordance with the rules, under Section 35⁶⁰. As it has been highlighted in the news that contractors are not paying wages to the daily wageworkers due to the lockdown despite the Government guidelines this would have attracted violation of the Act and such licenses should have been revoked⁶¹. However, no such action was initiated.

India was a dedicated and founding member of the International Labour Organization (ILO) and thus agreed to enforce the laws on social welfare. The 1990 International Convention on the Defence of the Interests of All Foreign Workers and Members of Their Families⁶² was adopted with the goal of providing for the wellbeing of migrant labourers worldwide. In addition, services for safe growth and standards of equality and integrity, and for defending children and young people from abuse and social and material alienation (Articles 39, 41 and 43). Thereby it is necessary for the Supreme Court to formulate at this exceptional moment an unprecedented solution.

Uttar Pradesh and Bihar contribute major chunk of this migrant workers workforce. According to Professor Kundu's estimates, around 1.8 to 2.8 migrant people will be moving to Bihar during this lockdown. Bihar has the biggest per capita migrant worker population. Hence, the Government is providing the Bihar Representative of India Trade Union Congress Mr Gajnafar Nawab who remarked that no such help. The Bihar Chief Minister has announced a relief package of Rs100 crores for migrant workers however, they need to

⁵⁶Section 16 of the Contract Labour (Regulation and Abolition) Act, Act No. 37 of 1970, Acts of Parliament, India (1970).

⁵⁷ Section 19 of the Contract Labour (Regulation and Abolition) Act, Act No. 37 of 1970, Acts of Parliament, India (1970).

⁵⁸Section 21 of the Contract Labour (Regulation and Abolition) Act, Act No. 37 of 1970, Acts of Parliament, India (1970).

⁵⁹Section 12 of the Contract Labour (Regulation and Abolition) Act, Act No. 37 of 1970, Acts of Parliament, India (1970).

⁶⁰The Contract Labour (Regulation and Abolition) Act, Act No. 37 of 1970, Acts of Parliament, India (1970).

⁶¹Section 14 of the Contract Labour (Regulation and Abolition) Act, Act No. 37 of 1970, Acts of Parliament, India (1970).

⁶² Office of High Commissioner, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, United Nations Human Rights Commission, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>.

provide their Aadhaar card for the same. In addition, it was pointed out that many workers could not avail the benefit of PDS, as many of them do not have the ration cards. The above discussion allows us to contend that the current labour legislation does not provide the requisite relief to the migrant workers. In addition, these Acts have hardly addressed the issue of migrants due to lack of mediators to pass on the information and communication gap. The legislations governing such workers are already limited in quantity and quality. In addition, these Acts have hardly addressed the issue of migrants due to lack of mediators to pass on the information and communication gap. The legislations governing such workers are already limited in quantity and quality.

Gender-sensitive policies and measures founded on rights may help avoid abuses of civil and labour rights in the immediate term, reduce the recovery cost for businesses, when the economy will rebound, and preserve the livelihood and social benefits of migrant workers and their families in the medium-to-long term. Cooperation with Ministries of Labour and all relevant ministries and stakeholders is key. Moreover, by including men and women migrant workers in national COVID-19 responses, countries can better protect the health and safety of all workers and prevent the spread of the pandemic. Inclusion of migrant workers will help reduce the risk that migrants will be left further behind once the pandemic subsides. Three areas of action are key: migrant workers' inclusion in national COVID-19 responses; bilateral cooperation between countries of origin and destination; and social dialogue and full involvement of employers and workers' organizations in the development of COVID-19 responses.

1. INCLUDE MIGRANT WORKERS IN NATIONAL INCOME AND RELATED POLICY RESPONSES:

Lack of income security creates an incentive to work while sick and increases public health risks of further spreads of COVID-19. Governments should include consistently and systematically migrant workers as a target population in their COVID-19 responses, with particular attention to the needs of women migrant workers, including increased risks of violence in lockdown and in quarantine. Policy responses based upon monitoring, sex disaggregated data and impact assessment can support more evidence-based financial support and economic policy measures, including in considering cash transfers for migrant workers losing their livelihood because of COVID-19.⁶³

2. EXTEND ACCESS TO HEALTH SERVICES AND SOCIAL PROTECTION COVERAGE TO MIGRANT WORKERS:

⁶³International Labour Organisation, ILO member States adopted useful guidance in this respect, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C130.

Migrant workers should be integrated into risk pooling mechanisms, in line with nationals, to ensure social insurance and universality of coverage and solidarity in financing.⁶⁴ Sickness-related benefits can help to protect both migrant workers and their host communities.

3. PROVIDE ADEQUATE AND ACCESSIBLE INFORMATION

Effectiveness of communication should be improved regarding health and safety in the community and within the workplace, including between employers and workers organizations.

4. ENSURE MIGRANT WORKERS HAVE REGULAR STATUS OR DO NOT FALL INTO IRREGULAR STATUS:

Special measures to facilitate extension of visas, amnesties, work or residence permit renewals can contribute to ensuring both access to essential services for migrant workers and continuity in their contributions to the workforce in regular status, avoiding an increase in irregularity.

5. PROVIDE ALL MIGRANT WORKERS WITH ACCESS TO LEGAL REMEDIES FOR UNFAIR TREATMENT:

All migrant workers, including those who may have become undocumented or in irregular status, should have access to legal remedies for unfair treatment, including related to reduced or non-payment of wages, denial of other entitlements and workplace discrimination, and have access to legal advice and language interpretation services where necessary.

VI. ECONOMIC IMPACTS OF MIGRANT CRISIS

COVID-19 is far more than merely a health issue. The global crisis — a serious virus fallout is bleak, and much grimmer for developed countries such as India. The pandemic has already exposed the health vulnerabilities facing India, especially its rural poor, and urban slum dwellers.⁶⁵ The government declared a national shutdown as an effort to curb the virus' population transmission that was extended thrice to continue through 17 May.

The lockdown had left migrant workers stranded with no money or jobs. There are millions of migrant workers working as labourers at construction sites, as domestic helpers, street

⁶⁴ International Labour Organisation, Protection of Migrant Workers during Covid-19, Policy Brief, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_743268.pdf.

⁶⁵ Faraz Khan and Kashif Mansoor, COVID-19 impact: Informal economy workers excluded from most govt measures, be it cash transfers or tax benefits, The First Post (May 11, 2020, 1:42 PM), <https://www.firstpost.com/business/covid-19-impact-informal-economy-workers-excluded-from-most-govt-measures-be-it-cash-transfers-or-tax-benefits-8354051.html>.

vendors among other daily wage jobs. Around 1/3rd of the migrant workers were involved at construction sites, followed by agriculture and manufacturing. Globally the contribution of migrant workers has led to India becoming the top recipient of remittances with over US\$ 62.7 billion received in 2016.⁶⁶ This includes both highly skilled and low skilled migrant workers. A report by McKinsey emphasises that movement of people across border boosts global productivity contributing roughly \$6.7 trillion or 9.4% of the global GDP in 2015.⁶⁷ Internally circular migrants in India contribute around 1-% to the GDP.⁶⁸ Similarly, internal migration leads to income being sent to rural areas by the migrants employed in cities. Reports also suggest that migration is accelerating if we compare it to the previous decade.

Most Indian companies will see their revenue and profits getting impacted amid the covid-19 pandemic but the impact will be different across sectors as the country eases lockdown in some parts. The coronavirus crisis is going to produce unprecedented levels of effects on the migrant economy. The first is direct: Because of social distancing and the lockdown, businesses are mostly shut and only a few people are working.

That either means many migrant workers are now unemployed or waiting for something (positive) to happen. It also means many people are stranded. The effect of the crisis is not so much in the form of migrants coming home, because they are stranded; it is in their inability to earn as much as before, because of which they are unable to send as much money as before to their families back home. A fall of 20% in remittances to the South Asia region, and in particular, to India. Economic activities in the country is going to be impacted for a while -- we do not know for how long. We do not expect the mega construction projects to renew, nor will the tourism and hotel industries be doing so well for a while to come.⁶⁹ This would mean recruitment of new migrants would be impacted.⁷⁰ Nor is it clear how long those present will

⁶⁶International Labour Organisation, India Labour Migration Update 2018, Policy Brief, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_631532.pdf.

⁶⁷McKinsey and Company, PEOPLE ON THE MOVE: GLOBAL MIGRATION'S IMPACT AND OPPORTUNITY,

<https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Employment%20and%20Growth/Global%20migrations%20impact%20and%20opportunity/MGI-People-on-the-Move-Full-report.ashx>.

⁶⁸McKinsey and Company, PEOPLE ON THE MOVE: GLOBAL MIGRATION'S IMPACT AND OPPORTUNITY,

<https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Employment%20and%20Growth/Global%20migrations%20impact%20and%20opportunity/MGI-People-on-the-Move-Full-report.ashx>.

⁶⁹IndulekhaAravind, Covid-19 will have unprecedented effect on migrant economy: DilipRatha, Economic Times (May 10, 2020, 7:26 AM), <https://economictimes.indiatimes.com/opinion/interviews/covid-19-will-have-unprecedented-effect-on-migrant-economy-dilip-ratha-world-bank/articleshow/75648695.cms?from=mdr>.

⁷⁰IndulekhaAravind, Covid-19 will have unprecedented effect on migrant economy: DilipRatha, Economic Times (May 10, 2020, 7:26 AM), <https://economictimes.indiatimes.com/opinion/interviews/covid-19-will-have-unprecedented-effect-on-migrant-economy-dilip-ratha-world-bank/articleshow/75648695.cms?from=mdr>.

be able to continue. The majority of people will not find jobs for a while and it is not clear what will happen to them -- they are truly stranded. Some help has to be extended to them.

We see remittances to India falling by almost 23%. In India last year, remittances had touched an all-time high of \$83 billion.⁷¹ From that peak, we expect it to come to \$64 billion this year.⁷² For India and other south Asian countries such a decline in what is otherwise, a steady flow is going to cause hardships in terms of meeting international payment obligations. It is not just remittances -- foreign direct investment is expected to fall by 37% for developing countries as a whole.⁷³ The decline will be similar in India. Stock and bond markets are likely to fall more. In that context, balance of payment difficulties could come up in many countries and India needs to manage its balance of payments situation very carefully.

The current COVID-19 economic impacts on migrant workers and government responses are dynamic and differ depending on country and region. As economic opportunities decrease, overall labour demand for migrant workers is contracting in some sectors while expanding in others such as health care and seasonal agriculture. As many of the jobs available in these sectors are in temporary, informal or unprotected work, monitoring the social and economic impacts to migrant workers will be ever more important in addressing their specific vulnerabilities, and protecting their rights. Monitoring will also help meet labour market needs in the short and longer term.⁷⁴

Migrant workers will be the first to go back once the economy reopens. The fact that migrants are not able to send money home because they have either lost their jobs or are not earning as much as they used to, is going to lower remittances going back to families. Even if people want to send money, the money service business itself has been impacted in many parts. Poorer migrants tend to depend on cash remittances, through local stores, picked up by families back home.⁷⁵ Access to this can be limited at both ends.

VII. PERCEPTION AND LEGALITY

Global catastrophic events have been feared to expose the constraint of a nation. A pandemic of this scale has brought out the limitations of public health. In India, this has exposed the

[unprecedented-effect-on-migrant-economy-dilip-ratha-world-bank/articleshow/75648695.cms?from=mdr](https://www.economicstimes.com/opinion/interviews/covid-19-will-have-unprecedented-effect-on-migrant-economy-dilip-ratha-world-bank/articleshow/75648695.cms?from=mdr).

⁷¹Indulekha Aravind, Covid-19 will have unprecedented effect on migrant economy: Dilip Ratha, Economic Times (May 10, 2020, 7:26 AM), <https://www.economicstimes.com/opinion/interviews/covid-19-will-have-unprecedented-effect-on-migrant-economy-dilip-ratha-world-bank/articleshow/75648695.cms?from=mdr>.

⁷²*Ibid.*

⁷³*Ibid.*

⁷⁴International Labour Organisation, India Labour Migration Update 2018, Policy Brief, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_631532.pdf.

⁷⁵*Ibid.*

circumstance of migrant workers. Their never-ending plight has become a national issue. The exodus of the migrant workers is the largest seen exodus in India after 1947. Statistics show that India is a leader in battling Covid-19 but the actual truth lies in the misery of these workers. The migrant workers who were left out in the cold by their government. Help and relief was provided, but too little and too late. By the time the government reacted the damage was done.

In an incident reported where 16 migrant workers were travelling from Maharashtra to their home town in Madhya Pradesh, exhausted of the journey were resting on a railway track were crushed to death by a goods train.⁷⁶

In another incident construction workers travelled from Kanpur to their village in Bahriach District, roughly 250 km walked continuously for 24 hours without and food or fresh water hours after the lockdown was announced.⁷⁷

Many more such incidents have been reported that only prove that the negligence of the government and lack of planning has been proven fatal towards the welfare of the migrant workers. States like Uttar Pradesh and Madhya Pradesh have abolished labour laws. This gives industries more flexibility in hiring and firing employees, determine their wages, and reduce their liabilities in providing employee benefits.⁷⁸ The two states possess a significant population of workforce and these laws have been frozen with the hope to recuperate businesses that faced a major blow due to Covid-19. Most of these changes do not affect the informal sector; they only apply to the organised sector workforce and registered firms.

Labour laws fall under the concurrent list and hence both the state and centre have the jurisdiction over them. Uttar Pradesh cabinet passed the Uttar Pradesh Temporary Exemption from certain Labour Laws Ordinance, 2020.⁷⁹ This exempts all industries and factories that are engaged in manufacturing process from all labour laws for a duration of 3 years. This ordinance prohibits the Builder and other Construction Workers Act⁸⁰, Workmen

⁷⁶ Nitin Sinha, Perception, Legality and Politics of the Migrant Worker Crisis in Lockdown, *The Wire* (May 15, 2020), <https://thewire.in/labour/migrant-worker-crisis-lockdown>.

⁷⁷ Pankaj Jaiswal, Coronavirus update: A long walk home on empty stomachs for masked migrants, *The Hindustan Times* (Mar. 27, 2020, 4:11PM), <https://www.hindustantimes.com/india-news/caught-in-the-middle-of-an-epidemic/story-kJhANZhDiU7SkU5OYUKJbO.html>.

⁷⁸ Zia Haq, Some states put freeze on labour laws to get business going, *Hindustan Times* (May 9, 2020, 2:48 AM), <https://www.hindustantimes.com/india-news/some-states-freeze-labour-laws/story-6JMELEPdIugsHt8YjQT5vN.html>.

⁷⁹ Anya Bharat Ram, Relaxation of Labour Laws across states, *PSR* (May 12, 2020), <https://www.prsindia.org/theprsblog/relaxation-labour-laws-across-states>.

⁸⁰ The Building and Other Construction Workers (regulation of employment and conditions of service) Act, Act No.27 of 1996, Acts of Parliament, 1996 (India).

Compensation Act⁸¹, Bonded labour system (Abolition) Act⁸², and sec 5 of Payment of Wages Act, which guarantees timely payment of wages and the maternity benefit to pregnant women.⁸³

The Madhya Pradesh government passed the Madhya Pradesh Labour Laws (Amendment) ordinance, 2020 that amends the Madhya Pradesh Industrial Employment (Standing Orders) Act⁸⁴ and the Madhya Pradesh Shram Kalyan Nidhi Adhiniyam.⁸⁵ These acts provide the establishment to pay for the finance activities and welfare of labour.⁸⁶ Labour flexibility has been allowed in firms operating with 50-100 workers. Clearly, many aspects of the legal impediments to 'easiness of doing business' have been informally negotiated over the years to such an extent that only the protective aspects of the regulations need to be further dismantled. It seems, however, that targeting the minority mobilized labour force, while applying uniform social insurance to the entire unregulated population, is essentially the implementation of a legal framework with greater informalisation. It is curious that whilst social advocates and rights organizations are fighting to formalize one of the main segments of the informal workforce – domestic servants, some are exploiting the pandemic climate to undermine the legislative scaffolding of the institutional workforce.⁸⁷

VIII. THE WAY AHEAD

The general labour movement comes from northern and eastern India to the west and south. Bihar, Uttar Pradesh, West Bengal, Rajasthan, Chhattisgarh, Jharkhand, Madhya Pradesh, Uttarakhand and Odisha are some of the prominent labour-sending States. The main recipients of labour are Gujarat, Maharashtra, Delhi, Haryana, Punjab, Karnataka, Tamil Nadu and Kerala. This is due to the demographic gap in demographic dividend and change between the South and North. In addition, the months from December-January to June-July are the period when seasonal migrants, among others, are in destination states, employed in building sites, brick kilns, and rice mills. Most of the industries have to start production, economy needs to restart, workers are to travel back to their places of employment. But due

⁸¹ The Workmen Compensation Act, Act No.8 of 1923, Acts of Parliament, 1923 (India).

⁸² The Bonded labour system (Abolition) Act, Act No.19 of 1976, Acts of Parliament, 1976 (India).

⁸³ Zia Haq, Some states put freeze on labour laws to get business going, *Hindustan Times* (May 9, 2020, 2:48 AM), <https://www.hindustantimes.com/india-news/some-states-freeze-labour-laws/story-6JMELEPdIugsHt8YjQT5vN.html>.

⁸⁴ The Madhya Pradesh Industrial Employment (Standing Orders) Act, Act No.26 of 1961, Acts of Parliament, 1961 (India).

⁸⁵ The Madhya Pradesh Shram Kalyan Nidhi Adhiniyam, Act No. 36 of 1983, Acts of Parliament, 1982 (India).

⁸⁶ Anya Bharat Ram, Relaxation of Labour Laws across states, *PSR* (May 12, 2020), <https://www.prindia.org/theprsblog/relaxation-labour-laws-across-states>

⁸⁷ Nitin Sinha, Perception, Legality and Politics of the Migrant Worker Crisis in Lockdown, *The Wire* (May 15, 2020), <https://thewire.in/labour/migrant-worker-crisis-lockdown>.

to recent events will it be possible for them to do so?

Improvement in working conditions and social support that the migrant workers of the informal sector are due needs to be provided. In January 2017 a committee formed by the Ministry of Housing and Urban Poverty Alleviation reported that has contributed to substantial economic growth of India. Such contributions need to be backed up by some benefits, which are the basic rights that need to be provided by the government and employers. Social protection should be improved in the country. Security boards should be established for the unorganised works. User-friendly methods of self-registration should be provided. This will help in Ration distribution and additional perks that come with the job.

Access to reasonably priced food supplies and fair priced shops. Proper nutritional meals to be provided by municipal authorities. Awareness of linkage of Aadhaar is imperative which would provide for portability of PDS benefit which are (a) the modification of the benefit to permit the delinking of individuals from households and (b) the portability of the benefit across the fair price shop system.

Health care facilities in India have to be improved and inclusion of migrant workers in health care rolls have to made compulsory requirement which need to be fulfilled by the employer. Free education to be provided by both central and state governments. Establishment of rehabilitation facilities and assistance for the caregiver chosen by the client, which is generally done in several States. Skilling and employment of migrant workers in their home states to be guaranteed by the state governments. This will help produce a workforce that will help in rebuilding India.

During an emergency such as this, if the sending states are equipped with full migrant workers data, they will be able to negotiate better with the receiving states about what is expected of them. In addition to official data exchange, the government could duplicate science study surveys in other Countries, such as the Kerala Migration Survey. Given that, the migrants travel away from their Countries, the receiving State needs to defend the migrants and their interests fairly. India's economic growth relies on migrants employed in the building and manufacturing industries who control the labour force. Although their remittances support the source state's growth, they also help push the destination states economy. It is time for the migrants to be included in India's social and economic charts, and for policymakers to involve migrants in their decision taking. This is also time the government adopted the work group's guidelines on migration as a first step towards ensuring the protection of migrants.

IX. CONCLUSION

Migrant workers have been the worst hit by Covid-19. The pain and misery cannot be compensated but can be eased. New laws and policies need to be formulated. Social Security is the one basic factor that draws the line between developed and developing countries for e.g.: United States of America. Social Security gives the freedom and fundamental rights that the migrant workers are long due. However, the current situation is not a regular situation. Although the detention of migrant workers was against their fundamental rights and social security norms but the lockdown due to a Global pandemic is an unprecedented event and the actions taken to prevent it might be violating someone's rights. Hence, the basic question arises that the social security of a few people do not outweigh that of the entire country. Strict actions for breaking lockdown rules as it was imperative to protect the population at any cost because a widespread of this virus will have fatal effects. The Indian government imposed strict lockdown putting the economy at risk as the lives of people are given more importance. Better planning and anticipatory analysis would have given better insight of the actions. However, during a global pandemic immediate action needs to be taken. Every delay can cost thousands of lives. Such actions have detrimental effects. Overcoming such detriments is the way forward. The government need to address the migrant crisis and start providing better social conditions. Migrant workers are the backbone of the economy and they should be provided with the incentives they are due. Strict orders for violation labour conditions should be issued.

At the end, the authors would like to conclude by stating that maybe the actions taken by the government have received remonstrance by the migrant workers. Nevertheless, complain arises only when there is work being done. Hence, let us hope that there are significant efforts in future and better living conditions for the migrant workers.
