

# LEGALFOXES LAW TIMES

## MIGRANT LABOUR CRISIS IN INDIA

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*“Builders of our booming economy”*

There is an irony in saying that those who provide us a great growing nation and economy are the first ones to whom we fail to provide enough food, conveyance and shelter. This crisis has highlighted the immediate concern towards some hidden small chapters (labour) of the book (society) without whom the whole book is incomplete.

The majority of 5.6 crore inter- state Indian migrant workers belong to Bihar, Uttar Pradesh, Jharkhand, Rajasthan and Madhya Pradesh who work in an unorganized sector, as per 2011 Census.

### THE MAIN ISSUE AND THE LAWS:

Due to the worldwide pandemic of COVID-19, the migrant workers have been thrown out of their works during lockdown which forced them to starve because of no jobs and food. Undoubtedly not being the pandemic responsible for it, are the shortcomings or poor implementation of labour laws or the government or the contractors or business owners whose work have been shut responsible for their unemployment and crisis?

These labourers just only want their share for which they have worked and we need to accept the fact that we all collectively have failed to give them their right. Why the laws have not been implemented? Why the conveyance or allowance has not been provided? Why they are on roads walking hundreds of kilometers with bags on their head in the scorching heat and carrying children on their waists on the way to home with the hope in rumour of having a bus midway? Why they have borborygmus in their stomachs by having no food since 4 days?

Recently, a migrant worker Rampukar from Bihar has become the symbol of such crisis, and he was in the headlines everywhere. He was surfaced crying on road being stuck since few days dueto lockdown and unable to meet his son last time who was dying.

Who will take the responsibility for such plight of migrant workers? Obviously, the Labour Ministry will be held responsible for the inadequate laws but the saddest reason to answer this being the illiteracy and unawareness of the statutes that has been made for these migrant workers

namely, *the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979*. They face more adversities than the benefits or relief they should get, as per the report of another survey conducted by Stranded Workers Action Network who communicated to 11,000 migrant workers and are dying of hunger. This gives us the exposure of poor public health. The 'reverse migration' in which workers are going back to home led them staying with no money, food, job and on roads. Having no means of conveyance, walking with their families towards their homes consistently covering hundreds of kilometers also creates the fear of crowd on roads moving together especially when there is a need to create social distance.

Another recent law was introduced in 2019 i.e. *the Occupational Safety, Health And Working Conditions Code, 2019* with the objective of providing rights to the migrant workers *plus* the 50% of monthly wages as displacement allowance. So, in the month of February 2020, the consensus was taken from all the state governments to have a separate chapter on these migrant workers in the Code by including all those who work in an unorganized sector regarding their rights and issues.

This malady of humanitarian crisis has left these 100 million nation builders hopeless and unemployed. But a ray of hope has been seen when our Minister of Labour Department, Santosh Kumar Gangwar with our Finance Minister, Nirmala Sitharaman took the initiative for the announcement of relief by contributing to the EPF( Employee Provident Fund).

### **IMPACT ON SOCIETY:**

These stranded workers are much more in supply than of demand because of business being

shut and the wages have not been paid. The circulation of money has been suspended. The unemployment has been increased in the countries like India where already the disaster of jobless is surrounded. The market value of shares, bonds, property and other things has been declined. Because of lockdown, a huge loss to the perishable products and education has been incurred. The inter-state travelling has been suspended amid which the revenues have been decreased. Tourism has been affected adversely at global level. In short, there has been decrease in production, man hour loss and also the closure of factories.

Another recent news of a girl has been spotted everywhere when she ride the bicycle 1200 kilometers by carrying his father who being a labour got stuck at the roadside for some days without food and medicines.

### **ANALYSIS OF OTHER COUNTRIES:**

If we compare it with other countries, there has been an extreme impact on the other countries during crisis whose work of growth totally depends upon the workers.

Let us take the example of East Asian countries where the growth expands with the manufacturing work by migrant workers. Also, if we take the example of USA and Spain, their construction work is mainly dependent upon the migrant workers and the growth itself. Because of the crisis, they lose their jobs at first and also the economy gets slow down. In fact, the migrant workers from India who went to foreign countries in search of work or jobs have been displaced and lost their jobs during such outbreak at the first place. Because of that, a huge loss to the economies is incurring leaving behind the vulnerable impact on workers.

### **INTERNATIONAL LABOUR ORGANISATION:**

The International Labour Organisation (ILO) is also working hard and double to provide social protection and flexible measures to bring back again the working of the economy at the same pace. The foremost suggestion has been given by ILO to overcome this outbreak of crisis is to have more solidarity and coordination between the employers and employees or workers. Infact, today on 25th May, 2020 the ILO has urged our Indian Prime Minister to command

their government at Central and State level to adhere strictly with the labour laws after the complaints made by the trade unions regarding the poor implementation of such laws.

### **ALTERNATIVESOR RECOMMENDATIONS:**

- Proper security and allowances should be provided.
- Proper need to strengthen and implement labour laws.
- The involvement of the labours or any labour representative should be there in policy making.
- Proper awareness and education should be provided to them regarding the labour laws
- The migrants must be made accessible to the food by the host states.
- There must be property social dignity; respect and security with health care must be providedto them by making the migrants' registration process.
- Skill development programs should be made accessible to them.
- In the presence of pandemic worldwide, the facilities of conveyance should be provided tothem.
- The system of providing rations must need to be developed and the financial security shouldbe provided to them in such crisis.
- The benefits to the migrant women and their children should be given regarding the education and basic amenities.

As like Kerala, Odisha and other states in India have majorly took some great steps for these stranded workers which are held to be greatly effective. Relief camps and shelters are being provided to them. The benefit to their children in education is given to avoid dropouts. The food supply has been provided and also, they have been treated as '*guest workers.*'

This humane treatment has benefitted a lot of workers and given the motivation to other states totake such steps. Not only this, but also Odisha has started various other free facilities such as toll free helpline desk, support centres, hostel facilities for the migrant children, and many more.

### **CONCLUSION:**

These workers contribute a lot more to our economy. Apart from being ill-treated, they are not even paid for their hard labour work. It is rather more of a humanitarian crisis. Out of these migrant workers, some have been tested positive for COVID-19 and some have been died on their way to home. There are various problems that have arisen at global level because of such outbreak and the migrant workers are suffering majorly. A speedy and effective ways are needed to be introduced in order to decrease the misery of such people. Hence, the stringent laws should be made for these stranded people and provided proper facilities and means of conveyance.

