

Lockdown Policy - Impact on Migrants: A Rationale Analysis

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Abstract: The internal migrant workers in India are the silent contributors to the national economy, despite being highly vulnerable have remained the backbone of Indian economy by contributing to nearly 80% of the total workforce. The outbreak of COVID-19 and sudden declaration of lockdown in phases to curtail the spread of the virus has pushed the migrant workers into most precarious situation. The immediate challenges faced by these migrants were related to food, shelter, health, fear of getting infected, and loss of wages. The rise of fatality rate of disease has created more anxiety among the migrants staying miles away from their near and dear. As a result the nation has witnessed mass exodus, where men, women, and children were seen returning to their native places bare footed, thousands of them started fleeing from various cities to their native places. Many were forced to walk hundreds of miles on foot to reach their home villages/towns due to the lack of public transport. Apart from this, lack of registration of migrant workers both in the formal and especially in the informal sectors lead to inefficient data base of migrants across the nation which further aggravated the difficulties of migrants. So an attempt has been made through this paper to rationally analyze the lockdown policies of the government and its impact on the migrants.

Keywords: Covid-19, Pandemic, Social Distancing, Quarantine, Migrant-workers, Stranded Migrants, Reverse-Migration, Legal Frame work, Lockdown.

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I. INTRODUCTION

The word *migration* connotes temporary or permanent movement or shifting of an individual from one place to another place which is derived from the Latin word 'Migrate' (Change of one's residence). People have migrated and continue to migrate for a range of reasons, but the most common motivator for relocation has been the desire for a better life.

Human Migration is a significant aspect of Social Science and is the oldest action against poverty [1]. However, there has been a significant difference in the migration process of developed and developing nations. While in developing nations the migration is more induced by push factors like poverty, unemployment, regional disparities, family movement, marriage, natural calamities etc., where as in developed nations it is induced by pull factors like prosperity, safety, freedom etc.

Basically temporary migrants belong to poor economic community and are mostly hailing from unprivileged or under privileged areas. When all the earning doors at the home towns are closed or inadequate to meet the basic needs of life, people think about migration as an alternative option of livelihood.

In the agrarian states where agriculture is a seasonal activity majority of rural population migrate seasonally to different areas in search of alternative livelihood options during lean period which is generally categorized as *labour migration*. Besides, lack of interest in agriculture and exploring employment opportunities in the industrial area or trade centre matching to the aspirations are the major motivational factors of internal migration for the youth.

The analysis of Census 2011 shows that migration in India is mainly driven by factors like employment, marriage, education, movement with family, natural calamities and other factors, but marriage and employment are the two primary reasons for migration. However, the reason for migration varies by gender as among men employment is the main cause of migration, whereas among women marriage is the main cause of migration [2]. As per 2011 census, migrations constitute around 455.8 million, which is 37.68% of the total population (1.21 billion) of the nation [3]. This includes inter-state and intra-state migrants, out of 455.8 million migrants 67.93% are women and 32.07% are men. The predominant reason for the migration among women was cited as marriage, nearly 42.4 million out of 65.4 million women migrate due to marriage [4,5]. Among men, 'Work/ Employment' was the most significant reason for migration; 12.3 million men out of 32.8 million male migrants have cited this reason for migration. The state of Maharashtra magnetizes the highest quota of

migrants in India whereas the state of Uttar Pradesh supplies the highest number of inter-state migrants. In India, the bulk of the migration is intra-state i.e 395.6 million, whereas 54.3 million migrants are inter-state migrants.

The migrant work force usually never has any systematic rise in salary, due to the absence of any formal hiring system and a database that captures the experience of migrant workers. As per a survey nearly 86% of the migrants earn between \$133-399 (INR 10,000 - 30,000) per month and they send almost 60% of their earnings back home [6]. Most of the migrants are younger as 85% of the migrants fall in the age group of 18 – 30 years; these migrants are exposed to low standard of living conditions as most of them do not work under any formal contracts. The migrant workers are out of any cordial security net and their working and living condition is not determined by the state but by their contractors. They generally do not get the benefits of public schemes such as public distribution of food, free education and health care facilities due to the lack of registration and documentation. Most of their documents are related to their place of origin, and a significant percentage of these migrants lack any relevant documents [7, 8].

The policies and programmes of Urban Development and Planning hardly have ever initiated any specific programmes for the migrants. Failure to recognize migrants as the stake holders in urban development may be considered as one of the major setbacks in achieving urban sustainability and in realizing the goals of sustainable development. Most of the migrant workers are grossly denied of their access to social security programmes, to health care and other entitlements due to the lack of their inclusion in urban society. Many of them also lose their political right of voting as being away from their home constituency during the time of elections.

Generally, in-migration rates are higher in the high-income states like Delhi, Goa, Haryana, Punjab, Maharashtra, Gujarat and Karnataka, whereas the rates of out-migration are higher in the low income states such as Bihar, Uttar Pradesh, Odisha, Rajasthan and Jharkhand.

II. LEGAL FRAME WORK

(As per Working Paper No. 79, on COVID-19 and Migrant Workers: Challenges and Opportunities for Odisha, by Shiblal Meher Jyotsnamayee Nanda, Nabakrushna Choudhury Centre for Development Studies, Bhubaneswar (an ICSSR institute in collaboration with Government of Odisha).

The Indian constitution has considered mobility of the individual as a fundamental right under article 19(1) on the basis of which an individual gets the freedom to go anywhere and settle within the Indian Territory.

The Emigrants Act 1983 regulates the mobility of the people to other countries (International Migration), the Inter-State Migrant Workmen Act (ISMW) 1979 deals with the migration of the people within the country.

The applicability of the ISMW Act extends to the establishment of 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 along with giving certain rights to the migrants like:

- i. Equal wages for equal nature of work, according to the minimum wages act, 1948 and rules 1954
- ii. During recruitment they are eligible to get non-refundable displacement allowances equal to 50% of monthly wages (15 days wage), home journey allowances along with 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.

Besides, there are other Acts and Rules which are also applicable for the migrants like

- i. The Workmen's Compensation Act, 1923 and Rules, 1924
- ii. The Minimum Wages Act, 1948 and Rules 1954
- iii. The Equal Remuneration Act, 1976
- iv. The Contract Labour (Regulation & Abolition) Act, 1970 and Rules, 1975
- v. The Child Labour (Prohibition & Regulation) Act, 1986 and Rules 1994
- vi. The Payment of Gratuity Act, 1972 and Rules, 1974
- vii. The Unorganized Workers' Social Security Act, 2007 and Rules 2010
- viii. The Building and Other Construction Workers' Welfare and Cess Act, 1996 and Rules 2002.

However in order to avoid the complex procedure of registration, most of the migrant workers are going to the work places either through agents or through their peer groups, because of which they are facing huge problems at the times of natural disasters and Pandemic situations like COVID-19.

III. A RATIONAL ANALYSIS OF LOCKDOWN STRATEGY

The Indian government's response in dealing with the COVID-19 pandemic was undoubtedly very swift [9, 10], but it has also manifested a perceptible lack of planning and coordination in the scale of its implementation.

The migrants are more prone to social, psychological and emotional trauma in pandemic situations, emanating from the fear of neglect by the local community and concerns about their families wellbeing and safety in their native places [11, 12]. Migrants belong to the most marginalized sections of the society who are dependent on the daily wages for their living, and in times of such distress need the sympathy and empathy of the community [13]. Immediate concerns the migrant workers usually face during pandemic situations relate to food, shelter, health care, fear of getting infected or spreading infection, loss of wages and concerns about their family, anxiety and fear [14, 15]. Occasionally they also face harassment and adverse reactions from the local community [16].

The impact of the pandemic on domestic migrants of India was extreme, the poor and marginalized were the hardest hit. Migrants died due to reasons ranging from starvation, suicides, exhaustion, road and rail accidents, police brutality and denial of timely medical care. The announcement of the lockdown, triggered mass exodus and reverse migration of unskilled and semi-skilled labourers from major urban cities who walked back to their villages without food and money [17, 18].

It is not an exaggeration to say, the declaration of sudden lockdown by the Indian government citing COVID-19 pandemic led to witness the mass exodus of migrants reminding the days of partition of the country in 1947.

The factors for the failure of lockdown:

(i). Unprepared Lockdown

The government of India gave a very short notice of just 4 hours to its citizens before declaring complete lockdown which led to many migrant workers getting stranded in the cities.

The first case of corona virus infection was reported on 30th January 2020 and by mid- March, its number kept on rising. *The time from January to mid-March was enough to psychologically prepare the populace for the future lockdown*, but till mid-March government officials kept on assuring that COVID-19 infection in India has not taken the form of an epidemic and the government was not thinking of implementing any lockdown [19]. They described all reports of future lockdown as just rumors [20]. On 18th March 2020 the Prime Minister of India Mr. Narendra Modi, appealed the citizens for a self-imposed public curfew (Janata curfew) on 22nd March 2020 and join the fight to conquer the virus [21]. Many poor migrants anticipating a lockdown instigated in groups for trains and buses to reach their home lands but to their surprise Indian railways cancelled all its trains originating between midnight of March 21-22, 2020 without giving any prior notice [22]. All the migrant workers were stuck wherever they were. On 24th March 2020 at 8 p.m the Prime Minister Mr. Narendra Modi implemented a stringent three-week nationwide lockdown to be effective from mid-night of 25th March 2020.

After the declaration of lockdown, government invoked the Disaster Management Act 2005, which empowers it to convict a person for one to five years if he/she is found to be reluctant to comply with the directives of Central or State governments. The Act further empowers government officers to confine/fine for failure to obligate. Many human rights of the citizens got suspended overnight as the pandemic was considered as a Disaster by the government. The people rushed into the provisional stores and medical stores to procure the essentials.

It is obvious that sudden lockdown results in –

- (i) panic purchase of essentials and
- (ii) (ii) return of migrant workers to their home lands. This became apparent aftermath. It was surprising, why the government has not taken these two factors into consideration while declaring a sudden lockdown. The chronology of events itself speaks that either the top government officials had no idea at all about impending lockdown or they were trying to give wrong assurance to the citizens to avoid panic.

(ii). Renouncing Stranded Migrants

The government left the stranded migrants in a state of despair without extending any significant help in the first phase of lockdown.

In India migration is primarily for survival and poverty is a major inducing factor behind migration. So, as expected, migrants ran out of resources within a few days of lockdown promulgation.

Majority of migrant workers lost their jobs and the companies were not only reluctant to pay them salaries for the lockdown period, but also resorted to policies like non-payment of dues and retrenchment during the lockdown.

Many migrants work as frontline staff in different Indian states and amongst them many work for the government but their condition was also not better either. During the lockdown, there were reports that at some places, state governments and local bodies have expressed their inability to pay salaries to even frontline warriors, which forced nurses, doctors and other staff to go on strike and organize a protest against it. At some places, the frontline warriors protested and even resigned due to the non-availability of the Personal Protective

Equipment (PPE) kit [23]. Complaints about the non-payment of salaries were not just confined to the state governments and the local bodies alone, but even many central government run public sector enterprises also ceased the salary of its employees during the corona crisis.

Expressing anguish over the layoffs by Indian companies amid COVID-19 pandemic, Sir Ratan Tata, Chairman emeritus Tata Group of Companies verbalized, *“These are the people that have worked for you. These are the people who have served you all their careers. You send them out to live in the rain. Is that your definition of ethics when you treat your labor force that way?”* [24].

After implementing lockdown the government assured that the food supply during lockdown would be unhindered and doubled the ration quota per person for all the poor people enrolled under the Public Distribution System (PDS). But the ration cards designated to avail the benefits under PDS are issued to only people of that particular place and not to outsiders. Since most of the migrant workers didn't have ration cards of the place where they work, they were denied of the benefit of free ration scheme. While making the lockdown policy the government has totally ignored the fact that most of the migrant workers do not have the ration cards of the place where they are working and they would not be able to sustain themselves for long without any assistance.

Finally, after 50 days of lockdown, the government decided to do away with the compulsion of ration card to get the benefits of the PDS; however the authentic implementation of this decision took much more time. A survey conducted on 11,000 stranded migrant workers at different locations in the country during lockdown revealed that 96% have not received any ration from the government, 70% didn't receive any cooked food and as many as 89% have not received any payment from their employers during lockdown [25].

Moreover, the government had no rent resolution plan while implementing lockdown, thus leaving tenants on the mercy of their house owners. As most of the migrant workers live in rented houses, they were the worst affected, as many of them reported harassment by their house owners [26].

(iii). Unconcern towards the Migrants returning home

With no work, money, food and public transport due to the lockdown restrictions, thousands of migrants were seen walking hundreds of kilometers to go back to their home lands, some with their families [27], being hungry [28]. Social distancing was not possible for these migrants since they travelled together in large groups [29]. According to some of them, they would rather prefer to die from virus at their own villages/towns rather than starving to death because of no work in the city [30]. No one except, some voluntary organizations and some benevolent people in individual capacity came forward for their rescue [31].

The Government's concern was totally missing from the high ways as it failed to provide food and water for the migrants who were walking hungry for miles with their families and small children. The least that the government could have done was ordering establishment of small stalls and highway kitchens to alleviate the hunger of these migrants.

To make the nationwide lockdown successful, the government used police and paramilitary forces, which at times while implementing the lockdown went tough on helpless migrants. There were reports of migrants facing police wrath during the lockdown [32]. Many were arrested for violating the lockdown, after being caught at inter-state borders, forests between states and even on boats while crossing rivers [33].

(iv). Complex Transport Plan

On 29th April 2020, the Government issued orders permitting buses for the migrants to return home, along with running Shramik (Labour) Special Trains between the states which proved to be a huge disaster. The Government's order of 29th April 2020 for the recommencement of bus and train facility for migrants was with a condition that it would be done only if both the inception State Government and the destination State Government make a joint request to the Central Government for this [34]. The 29th April 2020 order of Central Government unveils a very complicated process of registering the migrants to come back to their domicile state. For registration the migrants need to

- a. Get medical report from a government hospital proving that he/she is Corona negative and is fit to travel. The expense of obtaining this certificate had to be borne by that individual person only.
- b. Fill an online form and get registered with their abode state on their website.
- c. Visit the local police station to get a travel pass so that they could reach the railway station.

Moreover, it was presumed that every migrant has a smart phone with an internet facility active in it. But the fact was that most of the migrants didn't have a smart phone and even those who had a smart phone did not know how to use it and get registered, because they were not literate. As a result, most of the migrants faced huge difficulties to comply with the above mentioned steps. Due to overload the websites of many state governments frequently turned unresponsive. Even those who somehow managed to register themselves had no way off tracking their applications. Those were not having smart phones and who were not comfortable

utilizing smart phones had no other option than to visit the railway stations in person but not every station had an avail desk facility for them to enquire.

Whereas, the middle and upper-class people travelling by Premium Rajdhani trains were needed to buy tickets online and come to the railway station for thermal screening before boarding the train or plane. Two different sets of rules were followed one for the middle and upper class, and the other for the migrant community which was extremely inhuman; it is still obscure as to why the migrant community had to follow more stringent rules in comparison to middle and upper class passengers.

It could be said that the pandemic-induced lockdown has taken the lid off and exposed the existing structural gaps in economic growth both at the state and central levels.

(v). Plight of Migrants in Shramik Special Trains

On 1st May 2020, the central government permitted the Indian Railways to launch “ Shramik Special “ trains for the migrants and other stranded [35]. On 3rd May 2020, the Ministry of Home Affairs mildly reprimanded the state governments for hurriedly requesting for trains to transport migrants, stating that the trains were mainly meant for those who were stranded due to the sudden lockdown, and not the migrants [36], though the service was not free but with additional charges over the normal fares [37]. The central government after facing criticism from the opposition (Indian National Congress) which on 4th May 2020 was ready to sponsor the tickets of the migrants [38, 39]. Then the central government announced that the railways would offer an 85% subsidy on the train fares for the migrants, with the state governments funding the remaining 15% [40], however the migrants still paid an undisclosed amount in most cases.

Migrants faced many hardships while travelling by these trains, many reported that there was no food and water arrangements for them while they travelled [41, 42]. A train from Goa to Manipur reported a delay of 58-hour with no proper food or sanitation facilities on the train, passengers (migrants) also has to face stone pelting [43]. It has been reported that the provisions were simply dumped at the entrances, leaving passengers (migrants) fighting with each other for their share [44]. Some migrants also died during the train journeys [45, 46, 47, 48], but the railways stated that most of them had existing illness [49]. According to Railway Protection Force, there have been almost 80 deaths on board in the Shramik Special trains between 9th and 27th May 2020 [50].

These trains spread the corona virus around the country [51], 50% of the coaches that were converted into COVID-19 care centre’s were used for these trains. As per a report given by the Indian Railways on 23rd May 2020, 80% of migrants travelling in the trains were from Bihar and Uttar Pradesh. 4,277 Shramik Special trains transported about 60 lakh migrants as of 12th June 2020 [52].

This has obliterated the great contribution of these migrants in economic growth, innovation, skill development and entrepreneurship in building cities and the nation as a whole.

(vi). Exploitative Amendment of Labour Laws

From 20th April 2020 the Indian Government allowed the resumption of some economic activities in the low-risk zones, but due to mass exodus of migrant workers the economic activities remained low. This pandemic situation has opened the doors for the labour law violations leading to further exploitation of labourers by the state and the employers. Citing to the lack of human resources due to the pandemic, several Indian states amended their labour laws and enhanced the working hours of labourers without any provision for overtime payments.

Daily working hours were enhanced from 8 to 12 hours to help the industries recover from the pandemic and spur private investment, which was against the International Labour Organization (ILO) convention, to which India is one of the signatories. However, ILO expressed its disagreement with the amendments in labour laws done by the Indian states and advised to hold tripartite talks between the labour unions, employers and government before applying the amended rules [53].

Lack of appropriate planning, imperfect implementation and absence of a backup plan were the key factors for the failure of India’s lockdown policy.

IV. CONCLUSION

Though the Government’s response in dealing with the COVID-19 pandemic appeared to be swift, but it was clearly apparent that it lacked proper planning and coordination in the scale of its implementation.

There was no proper plan for the rehabilitation, health and food security measures of migrant workers before the declaration of lockdown. It became quite evident from the various incidents that at the initial phase of lockdown these migrant workers were invisible for the planners as well as politicians.

When these migrants were walking on the railway tracks and road ways, the scenario questions the imbalance of power between capital and labour along with the limitations in the State Welfare measures. This was one of the

biggest streams of reverse migration that the country has ever witnessed after independence. The very effort to stave off the pandemic turned into one of the greatest human tragedy in India's recent history.

The migrants who face practical barriers of language, cultural, licit and regulatory got further more estranged after the declaration of sudden lockdown by Indian Government under the Disaster Management Act, 2005. The migrants got devoid of basic humane treatment by the state and corporations during the COVID-19 lockdown. The COVID-19 epidemic emphasized the severe dearth in the Disaster Management Policy of the Nation.

The response of Indian government in addressing the COVID-19 pandemic drew attention to the following points:

- The government was not well-prepared to withstand any widespread epidemic or catastrophe situation.
- The government was unable to gauge the gravity of the Covid-19 pandemic.
- The structural gaps in the pandemic policy must be addressed with exigency and there is a need to introduce a new pandemic policy that is more humane, adaptive and inclusive in nature.
- Authentic data base of migrant workers needs to be maintained which could be realized by making the registration of migrant workers mandatory both in *formal & in-formal sectors*.

It could be concluded that emergency and pandemic strategies need to be more inclusive taking account of all aspects of the migrant community, particularly children and women and should be more humane. It is therefore suggested that before introducing any legislation that impacts the lives of masses, the basic public requirements need to be considered. It is highly essential to avoid sudden policy decisions that affect the lives of sizably voluminous masses. There is a need to prioritize internal migration in policy making. The derogatory perception towards the internal migrants has to be altered in the urban societies.

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