

# A crisis (not) averted

## How the government-imposed lockdown led to a mass exodus of migrant Workers in India

---

Sana Ahmad

2020-06-22T09:00:09

The COVID-19 led humanitarian crisis in India has resulted in, what journalist P. Sainath [calls](#), 'the discovery of its migrant workforce'. The number of internal migrants in India is estimated to be 139 million ([Census 2011](#)) with an annual average movement of 9 million people recorded between the states during the period of 2011 to 2016 ([Economic Survey of India 2017](#)). In what is known as one of the most stringent responses to the pandemic in the world, the Central Government in India imposed a lockdown starting 24<sup>th</sup> of March, rendering its working-class populace vulnerable to the crisis. With closed factories and resulting loss of shelter and wages, a mass exodus of the migrant workforce begun, which will remain etched in India's post-independent history as one of the biggest movement of people emigrating from urban to rural regions of the country. While there are no clear estimates on the number of workers affected by reverse migration, much of the approximation has been made using old traffic data of the passengers, who were transported to their home states via government organized buses and Shramik trains (special trains ferrying migrant workers during the lockdown), leaving out those who travelled back on foot, using bicycles, or hitched a ride. According to Chinmay Tumbbe, an expert on migration in India, 30 million people, approximately 15-20% of the urban workforce, account for [India's reverse exodus](#) since mid-March.

The response of the Central and State Governments in India to the COVID-19 led crisis is marked by both its class character and lack of dignity meted out to the marginalized. In absence of trains and buses to transport them across sealed state borders, millions of migrant workers in cities have resorted to walk back, sometimes even thousands of kilometers, to reach their home often located in the states of Uttar Pradesh, Bihar, West Bengal, Odisha, Rajasthan, Andhra Pradesh and Jharkhand. However, in this process several have risked their own lives, including women and young children. While it is too soon to estimate this death toll, recurring news reports present a gruesome picture. Incidents of migrant workers having [slept off on tracks](#) and being run over by a train, [truck accidents](#) involving workers being smuggled in inhumane conditions, and death due to [exhaustion](#) over walking long distances are some of the stories of Indian migrant workers which have finally made it to the front pages of the national newspapers. In one of the [reports](#) in an international daily, a daily wage labourer was asked why he chose to walk back home considering the risks involved. He responded, "If the coronavirus doesn't kill me, hunger will."

The Government-imposed Lockdown thus raises serious humanitarian, socio-political and legal issues, which will be outlined in the following. First the impact on the migrant workers is looked at through both the current COVID-19 crisis as well

as the looming economic crisis in India. Following this, the respective labour laws are referred to and a brief analysis is made on the central and state governments' attacks on these laws. And finally, an effort is made to coalesce together the possible short- and long-term solutions to the crisis.

### **An intersection of crises**

Inadequate government planning and more importantly, the failure to include the interests of the working class in the COVID-19 response plans, has brought the country at crossroads with the current migrant crisis along with an inevitable economic crisis. Three scenarios come to mind in which the Central Government could have responded better; i) The haphazard manner in which the lockdown was imposed, knowing well the impact it would have on the informal sector and small industries, could have been avoided, ii) financial support must have been provided to those rendered homeless and without means of subsistence and, iii) transportation facilities must have been arranged to facilitate the movement of workers wanting to return back to their home. The latter needs to be read in the light of decisions made by certain labour net-importing states such as Karnataka to cancel the special trains for migrant workers, fearing a rise in wages. While the Karnataka government [later reversed its decision](#), it is indicative of unconstitutional methods, such as in this case the violation of Article 19(1)(d) of the Indian Constitution which protects one's right to move freely across the country, that the government is willing to undertake.

By the time the Ministry of Home Affairs (MHA) released guidelines for the interstate movement of workers, India was already entering its third phase of the lockdown, starting 4<sup>th</sup> of May. These guidelines included the possibility to travel on the condition that the seeker would register on the state government's website for a movement pass or e-pass. Many of the [applicants were at loss](#) regarding the means and know-how to apply for the e-pass. With support from local communities and some executive bodies, a smattering of the migrant working class was able to successfully receive the pass. However, confusion over the application and acceptance of e-pass continued, with the MHA later discarding the need for it and instead making the electronic tickets issued by the Railways or bus companies mandatory. This lack of a non-standardized process across different states has propelled the workers in a state of digital uncertainty. At the same time, a general callous attitude towards them has led to an [increasing alienation](#) felt by the working class of this country.

Most of these migrant workers have been labouring in the urban informal economy consisting of construction and small industries. A large proportion of them are also dependent on daily wages. Due to lack of livelihood opportunities in their villages, which continue to remain a mainstay for agricultural economy, many have migrated to cities such as Delhi, Mumbai, Pune, Hyderabad, Bengaluru, Chennai, Jammu, Surat, Ahmedabad and others in search for their own survival and to support their families back home. Some however, also bring along their families and children who either work together with the men, although in exchange for lower wages or labour as domestic help and in other low-skilled informal work.

## **Proposed amendment to labour laws**

The only national legal protection for migrant workers in India is available in the form of the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, which regulates the migrant workers' welfare, registration and service conditions. However, the Government plans to repeal this through the proposed [Occupational Safety Health & Working Conditions Code \(OSHWC\) 2019](#). According to an internally sourced joint letter to the ILO signed by ten central trade unions (CTUs), the proposed code not only seeks to do away with the obligations for the employers but also restrict the definition of migrant workers by incorporating the threshold of applicability for establishments and wage ceiling and rendering a large proportion of migrant workers vulnerable without any protective legislation.

The proposed change has to be read in light of the [larger attack on labour laws](#) in the last few years under the direction of BJP-led government. These include the proposal to codify 44 labour laws into four main industrial codes as well as the Labour Ministry's refusal to participate in the tripartite meetings with the trade unions. Out of the four codes, the one on Wages has been approved by the Parliament. With the current pandemic and subsequent economic and migrant crises in the country, the State Governments in India have issued notifications to relax labour laws, in a move which they consider as reviving the economy. The Ordinances issued by 13 states primarily aim at increasing the working hours from 8 to 12 hours, suspending most labour laws from three months up to three years, as well as weakening workers' collective bargaining and right to strikes. Three States namely, Uttar Pradesh, Gujarat and Madhya Pradesh will make themselves exempt from the Trade Union Act, 1926 for a period of three years. The Act has remained significant in the application of the Freedom of Association as well as the Industrial Disputes Act.

The abrogation of these labour laws has not boded well with the CTUs in India who have been trying to convince the Central Government to see reason in safeguarding workers' rights and trade union rights. The CTUs have written to the International Labour Organisation (ILO) twice so that the tripartite organisation may remind the Indian Government its commitments to the ILO 'Declaration on Fundamental Principles and Rights at Work and its Follow-up' (FPRW), adopted on 18<sup>th</sup> June 1998 (Annex revised 15 June 2010). Section 2 of the FPRW clearly states that members of the organization are obliged to promote and realize the fundamental labour rights, even the ones that are subject of those Conventions which have not been ratified by the members. The complaint by CTUs has elicited an [intervention](#) from the ILO Director-General in the form of a letter of appeal to the Prime Minister Narendra Modi. The letter expressed deep concern and called the Central and State Governments to "uphold the country's international commitments and encourage engagement in effective social dialogue." On 22<sup>nd</sup> of May, a [Nationwide Protest Day](#) was called by the CTUs and observed by several trade unions and their members. In view of the deteriorating labour conditions in the country, [another national protest](#) based on non-cooperation and defiance is scheduled for the 3<sup>rd</sup> of July, in line with the call of the CTUs.

## A severe blow

India remains a country pervasive of high wealth inequalities. The crises have brought to the forefront the suffering faced by a large section of country's populace. Apart from the migrant workers who have returned to [uncertain futures in the villages](#), there are also those employed in the handicrafts and handlooms sector, the fishing communities, the forest producers, the farmers, the Dalits, the Adivasis who have been severely affected. In urban spaces, the workers employed in low-end service delivery work such as food delivery, taxi driving, beauticians, etc., [constitute a precarious workforce](#) as well. The Centre for Monitoring Indian Economy [notes](#) that in the month of April alone, 122 million people in India lost their jobs. 75% of these were daily wage labourers and small traders.

[Noted experts](#) have weighed in the need for both long-term and short-term solutions as part of the Government's response to the crisis. These include the release of a larger part of the stimulus package to the poor and working class in forms of direct cash transfer, emergency distribution of surplus foodgrain stocks, expanding the Mahatma Gandhi National Rural Employment Guarantee Scheme from the previous 100 days to an unlimited time frame and introducing an urban employment guarantee program which would also include the educated unemployed. The long term solutions, would include [developing the agricultural economy](#), introducing wealth and inheritance taxes, investing in the public healthcare and education infrastructures and importantly, moving towards [economic federalism](#). Far from being radical proposals, these are some of the steps that the Central Government ought to take if it is concerned about the interests of the people of India, including those of the poor and the working class.

*Sana Ahmad is a researcher at WZB and the Weizenbaum Institute in Berlin. Her doctoral project looks at the content moderation industry in India and the working conditions of content moderators employed in the IT sector.*

Cite as: Sana Ahmad, "A crisis (not) averted: How the government-imposed lockdown led to a mass exodus of migrant Workers in India", *Völkerrechtsblog*, 22 June 2020.

