

Plight of Migrant Workers

Besides the Covid-19 related health issues, plight of migrant workers is hugely talked about, being right under the spotlight, while lakhs trudge hundreds of miles towards their 'homes'. However optics aside, the politics of centre-state blame-game is inhuman as is most of their seemingly 'too little too late' responses. Besides being inhuman, putting it in a proper perspective, it violates the constitutional responsibilities of the governments towards its citizens. Whether most of us consider workers to be 'citizens' is a different issue altogether!

Without mincing words it can be stated rather straightforwardly, that except for efforts from a few States, little is being done for the jobless and hungry crores, who are suffering from untold miseries in such tumultuous times of distress. Period.

As Lockdown 1.0 began, Centre invoked the provisions of The Disaster Management Act, 2005, to combat coronavirus pandemic with effect from 12.01 am Wednesday on 25 March 2020. This marks the first time, since the law came into being after the 2004 Tsunami that hit the eastern coast of India killing about 10,000 people, that the NDMA has been invoked it. The Disaster Management Act, 2005 gives the Central government powers to take quick policy decisions and impose restrictions on people to manage a disaster. With such sweeping powers, the Government of India could easily have taken positive steps regarding providing support for the migrant workers. It was no rocket science to figure out that these workers would bear the brunt of Lockdown the most! Who CARES, is the question!

After invoking the DMA, 2005, the Central Government laid down for example, the health related protocol for treatment; the green, orange, red and containment zones; intervened even to close down bookshops and restaurants permitted to be opened by some State governments etc. Under such circumstances, shrugging of responsibilities by the Centre on the plea that the State is not prepared to allow its migrants to 'return', sounds flimsy.

It is true that some States were of the opinion that proper care should be taken about the migrants, at their places of work and they should not be allowed to travel during Lockdown or else the virus might spread. It was to some, a reasonable way to think. However the CM of West Bengal on 27 March stated on a TV interview, that she was being 'pressurised' to take back migrant workers originally from West Bengal, but she would try to stop them at the State border and not allow them to move into the State. Not only atrocious, this is in reality the attitude of many towards workers. However this does not absolve the Centre, which is steadily growing powerful, of its Constitutional commitments towards a section of its citizens.

The Prime Minister had declared a nation-wide Lockdown giving a 4-hour notice. Was it primarily for the 'balconied-class' upwards? No words, assurances, assistance or concern were 'wasted' for migrant workers! Did he believe that everything would be hunky-dory? Shouldn't the Central Government have thought about what would happen to these mostly daily wage earners who would go jobless, hence penniless, and hungry? While trying out with the 'Janta Curfew', the PM at least knew about what is going to come? Maybe it wouldn't have been wise to give a call asking those who wanted to return to get going. However there were not even a semblance of an effort to show that the PM CARES for the migrants?

In accordance with Articles 21 and 39 of our Constitution, the rights to life and livelihood of every citizen needs to be protected by the Indian State. The Governments are constitutionally bound to their responsibilities towards those who are walking on the highways today. Such responsibilities do not end in providing 'slippers, soap and ambulance' only.

The governments cannot absolve itself of the failure to prevent the workers to be on the road at the first place, given the responsibilities it had about the lives and livelihoods, and irrespective of the centre-state blame-game. Suitably empowered by having invoked The Disaster Management Act, 2005, the Central Government could have set aside all and sundry in order to give preference to the necessary decisions? After all we are aware, that the Act gives the Central Government sweeping powers to take quick policy decisions and impose restrictions on people to manage a disaster? Or is it for us to infer that no one cared about these workers? Otherwise how can we explain the ping-pong game of centre-state political one-upmanship when all that the Centre needed to do was to do what was needed to be done for these workers?

Isn't it unbelievable that the Government of India and the State Governments in tandem, couldn't provide sufficient resources at the right time so that these workers stayed on near their workplace and got food, health and economic support consistently, just enough so that they could tide over the rough times?

The workers cannot be faulted if they felt that they were not treated as humans. The agendas of the Government did not have them on it. It was clear that they did not matter and that no one cared about their plight. It was then that they decided that enough was enough. They wanted to be back 'home'. It was a much better place to 'die' of disease or hunger than the *coolly* lines or *bastis* or makeshift shelters without minimal but consistent support from their employers or the governments. This was a contagion. The trickle became a deluge and the roads to 'home' were known to them despite being problem-ridden. To most even death was not a deterrent.

According to a study published in The Wire researchers Thejesh G.N., Kanika Sharma and Aman, found that till Saturday 9 May 2020, "378 people had died since the lockdown was imposed due to reasons other than the disease". The same list updated till 14 May 2020 shows reasons of death (other than the disease) being as follows: "Starvation and financial distress – 58; Exhaustion (walking, standing in queues) – 29; Police brutality or state violence – 12; Lack of medical care and attention to vulnerable groups (elderly or patients) – 42; Suicides due to fear of infection, loneliness, and lack of freedom of movement – 91; Alcohol withdrawal-related deaths and suicides – 46; Road or train accidents due to walking/migration – 89; Death by crimes associated with lockdown (not communal) – 14; Unclassified (unable to categorize, need more details) – 43."

On 31 March 2020, the Government of India told the Supreme Court of India that no 'migrant worker' was on the road and that the government had provided them with shelter and food. It was obvious that nothing could be more distant from the truth. Tens of thousands of workers had started on their return migration, only that, they did not have their wings!

Those of us who are involved since long with workers' rights, are of the firm opinion that the huge funds which have accumulated or deposited with the central government pertaining to various worker related schemes should or could be utilised for the benefits of workers in distress. If not now, when then, is the question!

Let us take a glance. A few lakhs of crores has accumulated with the Central Government in the Provident Fund Account of workers; again lakhs of crores of ESI deposits by workers have accumulated with Government of India; 52000 crores accumulated in the welfare funds for the construction workers with the Government of India. For those who do not know as yet, not a single rupee of these huge funds amounting to several lakh crores have been paid into these funds by the state or central governments. Each single rupee have accumulated from the hard earned money of workers or from the cess collected by the Governments. If this fund aimed initially at providing the social security to the workers were promptly utilised at the right time during such a disaster, the purpose of the fund would have been well served. Moreover the workers would not be facing so much of pain, humiliation or death.

In general, we 'citizens' have inadequate information and understanding about the 'workers'. Our knowledge is restricted basically to certain broad inter-relationships between industry-labour-

economics. Hence what the Government could have or should have done effectively, before or even after the Lockdown was announced, does not come into the public discourse often enough.

There are provisions in the ESI Act which says that insured workers of closed industries may be paid a percentage of their wages as a financial support. The Central Government, by making some minor changes in the relevant rules, could provide direct financial support to the suffering workers. As stated before, lakhs of crores of ESI deposits by workers and their employers have accumulated with Government of India. Hence, there is no dearth of funds as such? Instead of doing what they should have done by supporting the workers directly, the all-powerful Central Government 'appealed' to the industry, owners and organisations asking them to pay the monthly wage to the workers even while the factories remained Lockdown. Passing the buck indeed?

A number of jute mills in West Bengal have issued notice stating categorically that they will not pay any wages to its workers while the factories remained closed during the Covid-19 Lockdown period. So it is clear that the workers will not get even a part of what they would have earned if the factory was in production.

What is not clear is the legal basis on which a Government can direct industrial employers to make payment of wages to workers, even when the factory is totally closed. As per factories Act, what will be the 'Lockdown' phase be considered as? Will it be treated as 'Lay-off'? 'Lockout'? 'Closure'? 'Suspension of work'? Has the Central Government issued any clarifications in this regard among the thousands of COVID-19 related memorandums they have issued? The Government is said to be very decisive. Taking the 'Lockdown' decision in four hours' notice can at best be called dramatic! However there were no clarifications then or during the following 50 days.

In India, 87% of the industrial establishments are in the medium and small sector. Taking responsibility and providing social security to the workers and employees during such a catastrophe should have been taken up by the Governments. That is the ground reality about which those who know will agree upon. Otherwise this section of the vulnerable population will remain deprived.

Truth is, an 'appeal' to all the industrial employers to make payment of wages to workers, even when the factory is totally closed does neither have any legal compulsion or any objective effectivity. Government knows this, but chooses to care less.

That the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 is grossly inadequate was evident during the Lockdown. The procedure of the statutory compulsion of registering workers working in other states including the details about the placement agencies or registered labour contractors is faulty and neglected, and hence dependable data is available with very few States of India. However both the central and the federal governments can take steps according to this law.

Bonded labour is illegal in India. However in a 'socially mutated' format, arrangements similar to the illegal bonded labour or slavery is still in practice. It has been stated in the Economic Survey of India (2016-17) that workers from poverty-ridden states like Uttar Pradesh, Bihar, Jharkhand and Madhya Pradesh tend to end up working in States like Delhi, Kerala, Gujarat, Maharashtra and Tamil Nadu. However this analysis cannot be accepted in its totality since we also find that workers from various districts of Maharashtra, one of the better-off States, are found to be working as migrant workers in other states which are relatively economically backward.

Actually the free movement of commodity, capital and labour is influenced by the dominant model of demand and supply. Hence migration is not necessarily resulting in movement of workers from economically backward areas only.

Many skilled workers have migrated from Bengal to other States for whose skills there is great recognition. Carpenters have spread out in many parts of the country; a large number of goldsmiths and silversmiths are located in Gujarat; large number of *jari* workers from Panchla, Howrah work in Delhi; construction workers find work in Rajasthan, Maharashtra, Kerala and Karnataka; female

domestic workers are also spread out; power sector in Uttar Pradesh employ many from Bengal; 14000 workers from Bengal work at Bengaluru for segregating waste; *rajmistri* from Murshidabad and Malda are in great demand all over the country at construction sites; there are 3000 workers stuck in Kashmir; there are six lakhs from Bengal who work in Kerala alone; in all there are 50 lakh workers from this State who migrate to other parts of the country; almost 60-70% of these workers are from the minority community who come back to the state during Ramjan every year.

According to the Census 2011, there are 3.50 crore of migrant workers in India. On the contrary as per Central Trade Unions and other independent assessments, even by conservative estimates, the figure should be nearer to 15 crore in 2020. Nowhere in the world is there such a huge number of migrant workers. The government refer to them as 'informal workers'. According to NSSO data, there are 5.30 crore construction workers majority of whom are migrant in nature. Like inter-state migrants there are such migrants who travel between districts in the same State.

No one has the least idea about who works where and from which place they are originally from. This despite the fact that the government direct the panchayat and the municipalities to keep records about who goes to work where. No one cares and hence little is known about workers or the placement agencies or the registered labour contractors.

In India, Kerala is an exemplary state where the migrant workers are recognised and treated as 'Guest Labour'. These informal worker or migrant workers are given smart cards which provide them with medical facilities. Under Project 'Awaj', mobile dispensary provide them with onsite medical and health support. Besides 960 houses have been provided for them under the scheme 'Apna Ghar' in 2017 to stay in.

Around the year 1870, during the early days of industrialisation in Bengal, workers in jute mills and other factories, unable to cope up with the oppressive workplace conditions, left their jobs and went back to their villages in thousands. This compelled the British to adopt the First Factories Act of the country in 1881. This enactment guaranteed to provide healthy working environment, safety and other limited rights for workers.

Another exodus of the workers after one hundred and fifty years was not expected now. Even today the governments of the free country promised to take limited responsibility of these jobless hungry workers by proffering free ration, and that too it did not reach a large proportion of the suffering citizens, when they needed it the most.

In India 27% of the workers are migrants. Over hundreds of miles, across streams and rivers, hungry and tired workers with children on their laps are inching their way to their 'homes'. We are mute onlookers in excruciating pain, wondering how lucky we are since we need not return 'home'.

Since independence the citizens of our country had to face some calamities: one – emergency; two – Babri Masjid demolition; three – demonetisation; and four – Lockdown related procession to return home and the incidences of death. This has affected the very mind and soul of the citizenry.

Most of us were perhaps unaware that crores in our country existed only as 'migrant' workers who are 'non-citizens', for all practical purposes.

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**9831172060 (including WA)
nagarikmancha@gmail.com**