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Leelashree Godara, Sourav Kumar

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India on foot: Internal migrants during COVID-19 in India⁴

Leelashree Godara⁵ & Sourav Kumar⁶

Abstract

India, home to a population of 1.2 billion, is the country fourth worst hit by COVID-19 in terms of the total number of cases. Within this humongous population is the category of internal migrant workers who have been hit to the extent that their survival is at stake. Introducing this catastrophic hit, this policy brief purposefully elaborates on the challenges faced by India in dealing with this pandemic. The number of internal migrants in India is greater than the total population of the United Kingdom, France, and Germany put together. This unmask the need for deliberation on the issue of social security of these migrant workers and the role of the state in providing it. Despite measures like the 'Inter-state workmen act, 1979', 'Unorganised Sector Workers Social Security Act, 2008', and findings of multiple committees, the migrant workers have not been able to integrate into their destination regions to a satisfactory level. Through this paper, the loopholes in these provisions have been highlighted and it has been explained how these provisions failed miserably when put to test by a global pandemic. The authors point out that given the diversity in India's states, a one-size-fits approach is bound to fail and thus they endorse the demand for greater decentralisation in decision making when it comes to managing a health crisis. The authors recommend a tailor-made and feasible data collection and maintenance strategy as the base on which new provisions for migrant workers could be formulated.

Introduction

COVID-19 hit the world by surprise and while India managed to contain the spread in the initial months, it is now the fourth worst hit with over three hundred seventy thousand cases as of June 18, 2020. In a country with a population of 1.2 billion, COVID-19 unfurled an unprecedented exodus of internal migrants. Walking thousands of kilometres barely seemed a challenge to the migrant workers who set on a journey to their *real* home, barefoot. The real challenge was to survive another day under lockdown; in a city where they had been working for months or years but which still had an alien air about it. According to the Census of India (GoI, 2011), there are about 194 million permanent and semi-permanent migrant workers and 15 million short-term migrant workers i.e. of temporary and circulatory nature. The total comes to 209 million. Only seven countries in the world have a total population greater than this number (United Nations, 2019). The disastrous impact on life and

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⁵ Leelashree Godara is a UGC Junior Research Fellow. She is pursuing Ph.D. at Panjab University, Chandigarh, India. (correspondent author)

⁶ Sourav Kumar is a UGC Junior Research Fellow. He is pursuing Ph.D. at Panjab University, Chandigarh, India.

livelihood of such a large chunk of population warrants an urgency to discuss the plight of workers in the unorganized sector.

This paper tries to analyse the role of the state to safeguard the economic and social security of migrant workers. In the light of the existing provisions, the need for a robust and custom-made policy for India's internal migrants has been portrayed. A major part of this paper is dedicated to providing feasible policy recommendations to resolve the issues relating to the life and livelihood of 209 million migrant workers.

Existing Provisions and the challenges faced

The constitution of India gives a 'fundamental right' to every citizen of India 'to move freely throughout the territory of India' and 'to reside and settle in any part of the territory of India' under article 19 (GoI, 2015). Further, under article 246, the areas of legislation for the state and the central government have been laid down in the VIIth schedule. Accordingly, 'inter-state migration; inter-state quarantine' is an area of legislation under the central government and 'welfare of labour including working conditions, provident funds, employers' liability, workmen's compensation, pensions and maternity benefits' can be legislated and administered by both central and state governments.

Under these powers, the central government enacted 'The Inter-State Migrant Workmen Act' (GoI, 1979) which mandates the employer/contractor to provide a registration number to the migrant workers (if they are more than five in number). The law provides for regular wages, suitable housing, free medical facilities, and displacement and journey allowances as well. This act is applicable nationwide but does not cover seasonal, temporary and self-employed migrant worker. According to the National Sample Survey Organisation of India (NSSO, 2010), these makeup 30% of the total migrant workers, and are therefore quite vulnerable. The checks and balances (for example regular checks by an inspector) enacted to bring the act into operation, failed to provide the intended social security even to those covered under its garb (MoLE, 2012).

The central government enacted the 'Unorganised Sector Workers Social Security Act, 2008' or USWSSA (GoI, 2008) in response to a report titled "Condition of Work and Promotions of Livelihoods in Unorganised Sector" (Sengupta, 2007). However, the act was more a populist move than having the requisite substance to realize what the report sought to achieve (Dutta & Pal, 2012). In its latest move, the central government constituted a Working Group on migration that submitted its report in 2017 (MoHUPA, 2017). When the COVID-19 pandemic hit the country, three years had passed by and actions on the report were still awaited. The fact of the matter is that in every

report, similar points were emphasised but what was desired on paper, could never be achieved in reality (Varma, 2020).

A nationwide lockdown was announced on March 24, 2020, to contain the spread of COVID-19. It hit the hardest on the survival of the people who survived on daily earnings. They didn't even have the psychological security of a home to go back to. The '*Shramik*' special trains came as a promise too late (Iyer, 2020). They were already on their way, on foot. The central government advised state governments to operate relief/shelter camps with food aid and medical facilities using state disaster response fund. The only data in the public domain, however, was the painful images of people walking home barefoot (Biswas, 2020).

The Finance Ministry has come up a relief package under the name '*Atmanirbhar Bharat Abhiyan*' which includes short and long term measures for migrant workers. These include immediate food grain distribution, One Nation One Ration-card or ONOR (Sharma, 2020), better Public Distribution System (PDS), and affordable rural and urban rental housing facilities under Pradhan-Mantri Awas Yojana (PMAY). According to the government, the measure is expected to benefit 80 million migrant workers and their families.

COVID 19 exposed the serious lack of data which resulted in the failure for protecting the basic civil rights of migrants. Despite being a formal citizen, migrants faced a denial in terms of social and political support. According to UNESCO (2013), there is an urgent need to develop a governance system for internal migration in India, i.e. a dedicated system of institutions, legal frameworks, mechanisms and practices aimed at supporting internal migration and protecting migrants. (Sivaraman, 2020)

The government, however, seems to have fast-tracked to the solutions as these measures remain incomplete in the absence of comprehensive data. Targeting the livelihood issues and social security measures based on 10-year-old data remains a challenge. For example, how does one bring into the fold those people who have become migrant workers in the past 10 years and keep on adding every year? How does one reach a migrant worker who is under distress? How does one provide immediate financial help to them? How does one ensure that the beneficiaries are only migrants? How does one ensure that a migrant worker has access to an adequate health facility in a situation of zero-earnings? The existing provisions could not address the issues till date due to data inadequacy, and sparse implementing staff. The policy scenario still remains patchy. Keeping in view these policy inadequacies, we advance to some short and medium-term recommendations.

Recommendations

a) A Migrant Photo Identity Card (MPIC) – We need to develop a comprehensive, digital and centralized dynamic database of migrant labourers in the form of an MPIC. This would be a smart card with the following details:

- i. A portable ration card number under ONOR – So that the migrant labourers can have access to government ration at their current place of residence irrespective of their place of origin.
- ii. Place of origin and current place of residence – To be able to allocate food grains to states under PDS and to ensure door-step delivery if necessary.
- iii. Current employment – To gauge the economic and social vulnerability of the migrant worker.
- iv. Bank account details – For direct cash transfers in times of distress like the current pandemic.
- v. Aadhaar Card details – To avoid duplicity. (Sen, 2019)
- vi. Mobile numbers – To contact in distress situations and provide them with information.

Such a card may be renewed automatically as well as manually. The place where the family is withdrawing ration under the migrant card may automatically be registered as their current place of residence. The registration of migrant workers and issuance of photo identity cards or smart cards can be undertaken by the central government in collaboration with civil society organisations and state labour departments, and the details be then shared with the states for action.

“It is clear that there is an urgent need to develop a governance system for internal migration in India, i.e. a dedicated system of institutions, legal frameworks, mechanisms and practices aimed at supporting internal migration and protecting migrants.” (as cited in Sivaraman, 2020)

b) Managing return migration – The immediate challenge that the government has to deal due to return migration is to allay the stigma associated with COVID-19. This can be done by distributing basic hygiene items like soaps, masks, sanitisers etc and spreading awareness on war footing through state machinery as well as by engaging volunteers and civil society organisations. As the migrant labourers abandon cities and go back to their villages, livelihood is taking a hit. To meet this challenge on an immediate basis, food grain and pulses need to be supplied regularly to meet the nutritional needs of migrant workers and their families. The PDS infrastructure could be utilised to distribute the huge buffer food grain stock (832.69 Lakh Metric Tonnes of Wheat and Rice) lying with the Food Corporation of India as of June 2020 (FCI, 2020). For the time being, food distribution could be done regardless of the existence of valid documents to dispel

the fear of food insecurity. A positive step by the central government in this regard has been to increase the budgetary allocation under Mahatma Gandhi National Rural Employment Guarantee Scheme. This would generate employment as well as create demand in the economy.

An information dissemination campaign about legal rights, entitlements, and social protection measures custom made for the migrant labourers should be started. The return migrants may also be provided guidance, training and financial support if they wish to set up small businesses to reintegrate themselves in their place of origin.

In the medium term, Migrant Assistance Centres (MACs) may be set up in major destination and source regions which would provide counselling to migrants on job opportunities and provide them job placements, thus offering some respite from the dominance of contractors (Srivastava & Sasikumar, 2003). These would also act as migrant registration centres for the proposed MPIC. For these MACs, the state labour department has to be strengthened by first fulfilling the shortage of manpower, and then by pushing in funds both from the central and the state budgets.

- c) **Health and Education** – Migrant labourers must be provided health insurance on the lines of *Awaz* Health Insurance Scheme of the Government of Kerala (GoK, 2017). It is suggested that at the central government level, the migrant labourers be immediately brought under the ambit of the *Ayushman Bharat* health insurance. This would serve twin purposes; one, social security and two, make data on migrant workers available. This insurance may also be linked with the proposed MPIC.

Along with this, a transferable credit system at the school level may be developed nationwide. It must be made portable across states so that the wards of migrant workers do not face dropouts or loss of education. In the medium term, skill education through vocational training programmes be provided to the migrant labourers who had earlier been involved in unskilled manual labour. Here, the most important thing would be a regular inspection to record the success rate.

- d) **Decentralisation** – Given the size and demography of India, state-wise inputs must be sought by the central government before launching a one-size-fits nationwide policy. This is to say that the central government must play the role of a facilitator as far the policies related to migrant workers is concerned, be it health, education, sanitation, employment, or nutrition various. Major migration corridors in the country must be identified and the migration receiving states must be given budgetary incentives for the integration of migrants as normal residents.

Conclusion

The International Labour Organisation (ILO) has speculated that the job crisis emerging out of COVID-19 lockdown will worse hit the migrant workers and informal sector workers (ILO, 2020). Food and nutritional intake, access to health care and education of these groups of people will be badly impacted. We need to recognise that migrants are a major stakeholder in urban and rural sustainability. The central, as well as the state governments, need to step up and play the lead role in creating conditions conducive for the return of migrant labourers and to make them feel secure enough that they won't be pushed into such a crisis again for none of their faults.

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