

HUMAN RIGHTS AND VIOLATION OF MIGRANT LABOURERS IN COVID19



Edited By:

1) **Saumya Tripathi**

(Editor)

Saumya.judicateme@gmail.com

+91 9044382618

2) **Ujjawal Vaibhav Agrahari**

(Student Editor)

Ujjwal.judicateme@gmail.com

Publisher Details:

1) Saumya Tripathi

+91 9044382618

Address: Vikas Nagar, Lucknow

Email Address: Saumya.judicateme@gmail.com

HUMAN RIGHTS AND VIOLATION OF MIGRANT LABOURERS IN COVID19

By, *Divya Bhargawa*
From, *Indore Institute of Law*

Abstract

The Basic term “Human Rights” has been defined by United Nations, and according to the United Nation, “*Human Rights are rights inherent to the human beings without any discrimination especially based on race, caste, religion, sex, and place of birth.*” The people living on this earth have all the rights like the right to equality, right to life, right to liberty, etc. For more development and upliftment in the society relating to Human Rights, United Nations established the “Universal Declaration of Human Rights”, these rights help the people globally to be aware of their rights and freedoms.

Today, the most important issue is how to save the human dignity and human rights of those people who belonged to different caste, religion and especially those who are poor. Talking about the current scenario, we all are aware of the Covid-19, which is currently going right now. On 24th March 2020, the government imposed the National wide lockdown due to the spread of coronavirus, which impacted the migrant labourers as they don’t have any place to stay, they don’t have any food and also they don’t have any money. The problems of migrants have become a very important and crucial part of India and all over the world, especially during this pandemic period. “According to the ILO report on *Global Estimates on Migrant Workers*, it has been concluded that there are about 11.5 million migrant workers in the world”¹. From the studies, it has been estimated that about 4.5 million workers are intrastate and 6 million migrant workers intrastate in India. Migration of labour started in India during the period of British colonial period.² This

¹Maria Galloti, *Migrant Domestic Workers Across the World: Global and Regional Estimates.*

² Judit Simon, *Public Health Aspects of Migrant Health: A Review of the Evidence on Health Status*

pandemic has destroyed many lives and also it leads to human rights violations for migrant labourers like police brutality on labourers, government failure, etc. It is necessary to maintain the proper aspects of the labour standards and labour rights and the aim should be to achieve a smooth and proper law and order for the migrant workers.

Research Methodology

Scope of Project

This project throws the line on the major topic “*Human Rights of Migrant Workers in Covid-19*”. This paper mainly deals with the impact of lockdown on Migrant workers and the human rights violation during this lockdown period.

Objective of Project

The objective of this project is to mainly focus on the “Violation of Human rights that happened during this lockdown especially on the migrant workers”. This project deals with the main articles of Human rights that have been violated and the rights of migrant workers.

Research Question

- a) What were the major human rights that have been violated during this lockdown period of Migrant Workers?
- b) How & what steps taken by the government to help the Migrant workers?

Research Methodology

The research method applied here is Socio-Legal Research. An explanatory study refers to a study that combines legal research with the investigation of some problem or question essentially of a “social nature”. These will include books, journals, case laws, articles, internet. Keeping this in view, this research paper is gone through different books, journals, references, etc.

Sources

This project is primarily based on secondary sources that included both printed and non-printed materials. Printed materials obtained books and journal books whereas non-printed books include websites, online journals, and data obtained from website reports.

1. Introduction & Background

Human beings must evaluate the meaning and definition of Human Rights. Human rights are those natural rights that are given to everyone from their birth. As Human beings, they possess some rights which are known as Human Rights. Human rights do not discriminate based on race, caste, sex, place of birth, and religion. Everyone should understand the meaning of Human rights as it is available to everyone including the backward communities. Human rights are absolute rights as it is related to the freedom and dignity of the people and are related to the spiritual and social welfare. The problems of Migrant workers have become a very important and major issue in developing countries. The Migration of labour started during the period of British Colonial rule. According to Encyclopaedia Britannica, they define Migrant Labour is "*the migrant labour are casual and unskilled labour, who move from one country to another country to get seasonal or temporary part-time work in the different sector*"³. Migration has been distinguished into two broad categories: - a) Immigration and b) Emigration. Migrant workers usually immigrate and emigrate from one country to another because the

government does not provide them enough opportunity as they are unskilled, ignorant and the main issue is that they belong to the backward community.

In the current situation which is currently going on is the pandemic, which destroyed the lives of people, in this situation the main victim is "Migrant Workers" because they have suffered a lot during this pandemic period. Due to the pandemic almost all the migrant labourers have become helpless and they don't have any money to pay to landlords, so day by day the migrant labourers became transient workers, and they don't have any fundamental necessities and principally they don't have the cash to purchase food.

One of the reasons behind the Human rights violation in Indian politics and economy. State Migrants are outsiders in other states, they do not vote and thus the government does not provide them enough opportunity.

2. Nationwide lockdown and its impact on Migrant Workers

India has begun a 21 day nationwide lockdown the biggest in the world, in a desperate bid to stop the coronavirus. As

³ Judit Simon, Public Health Aspects of Migrant Health: A Review of the Evidence on Health Status for Labour Migrants in the European Region, WHO's Health Evidence Network synthesis report.

the number of cases started to increase the state borders closed their borders so that no one from another state should enter their state. Passenger trains and flights were halted. This lockdown happened without any announcement and plans. In this entire situation, the migrant workers faced a lot. Lacking money, jobs, and public transportation closed, thousands of workers have been forced to walk thousands of miles to reach homes. According to sources, nearly 200 migrant workers died in the road accident when they were returning to their homes⁴ Due to the increasing number of cases, the business, factory and all the local shops started to shut down, as a result, the migrant workers and laborers lost their jobs. As consequence, they don't have enough money to buy food and any place to stay. *According to World Bank, due to the COVID-19 pandemic and lockdown, India's 40 million workers are facing the brunt of the situation*⁵. Some of them are suffering from starvation, stranded away from the families, and job loss.

After this lockdown, nearly all the migrant labourers were displaced. According to

various government estimates, it has been held that the 26 lakh migrant's standards across India, 10% are said to be in the relief camps, 43% on worksites, and 46% in other clusters⁶. There are several cases of the effect of migrant labourers. On 21st April 2020, a 12-year-old girl died after walking over 62 miles from Telangana to her native village in Chhattisgarh's Bijapur district. These cases have been happening in daily life because these people don't have any public transport and not cash to satisfy their necessities.

According to the Maharashtra government, it has been confirmed that more than 26 lakhs migrant⁷ labourers returned to their hometown by trains or by walking. In every state, these people want to come their home, but they don't have any vehicle and due to lock down the open vehicle was likewise not running some individuals stay at those spots and some returned to their homes by walking.

On 1st May 2020, almost 17,000 workers reached out to the SWAN, which is a group of volunteers who help the poor and refugee

⁴ Annie Banerji, Nearly 200 migrant workers killed on India's roads during coronavirus lockdown, Reuters, <https://www.reuters.com/article/us-health-coronavirus-india-migrants-idUSKBN2392LG>

⁵ Lockdown in India has impacted 40 million internal migrants: World Bank, World Bank

⁶ Seema Chishti, Explained: How many migrant workers displaced? A range of estimates,

<https://indianexpress.com/article/explained/coronavirus-how-many-migrant-workers-displaced-a-range-of-estimates-6447840>

⁷“Covid-19: As India begins to 'unlock', Migrant workers flocking back to Mumbai for work”.

people. According to SWAN, “almost 17,000 complain that only 6% have been paid their full wages during the lockdown and more than 99% of self-employed which includes the painters, electricians, and others did not get paid at all”.

2.1 Violation of Right to Movement

The basic human right to be available to the Migrant workers is the “Right to movement”, Right to movement means that every citizen in this country has a right to move anywhere they want to move, no one can stop them. Due to the pandemic, the government imposed the restriction on movement but due to the job loss and no money the migrant workers don’t have any place to stay, therefore they need to return home. According to the International Commission of Jurists, “After first lockdown 500,000 migrant workers and their families attempted to come home and travel another state on foot to return to their homes, thus this internal massive displacement led to 22 deaths of migrant workers”⁸. Due to disturbance and revolts, the government started the trains for the migrant workers as they have to pay the fare, as a result, due to no jobs and no money

they don’t have any money to pay the fare. So, however, some states canceled the trains. But for those who are studying outside the country and those who are from a business class, the government provided them airplane. This action results in the violation of constitutional rights of equality and right to life and to move freely from one state to another.

2.2 Violation of Right to Health

The most important challenge for the migrant workers is the issue related to health which includes mental health also. Due to this pandemic, the lives of the migrant workers have become a major concern ever since, the major issue related to the migrant workers is the mental and physical health issue. Due to lack of money and food, all of this led to a high level of anxiety which in turn into socially and irresponsible behavior and panic attacks among the internal migrant workers. According to World Health Organization, “the right to health is a fundamental right, the right to health for all people means that everyone should have access to the health, services they need, when and

⁸ “COVID-19: Indian authorities must act immediately to protect internal migrant workers stranded under intolerable conditions”

*where they need them, without any financial aid*⁹.

3. Police Brutality on Migrant workers during the lockdown period

The Migrant workers are the ones who get suffered during this pandemic with no work, no money, and no place to stay. On the way back from their homes they were subjected to subject less torture by Police. Police Brutality is increasing day in daily life.

On 26 March 2020 three to four men with backpacks were beaten by the police officers because they are violating the rules of lockdown. This is not the solution; the police officers should not take the action without any inquiry. The Police work to keep the people and to provide the facilities and to provide them justice, this doesn't mean that the police is a government employee so they can commit any crime.

On 28th March 2020, a large number of migrant labourers working in Delhi, including the families, pressed the pots, covers, and all the essential offices. Portions of guardians conveyed their

kids on the shoulder and however when they arrived at the outskirts, they were beaten by the police officers so they can't cross the fringe¹⁰.

During this lockdown, the police mainly targeted those who are daily wage workers, vegetable sellers, and those who belonged to the backward communities.

4. Government failure during the lockdown

When the first lockdown was imposed, the government has the responsibility to tell the information regarding the 21 days lockdown to the citizens of the country, especially the migrant workers who are working in the other state. In the first lockdown, the government has failed somehow because of not telling the proper information to the migrant workers; they were not able to reach home, some people died on the road when they were returning to their homes.

5. Rights to be provided to the migrant workers during an emergency

⁹ Health is a fundamental human rights, <https://www.who.int/news-room/commentaries/detail/health-is-a-fundamental-human-right>

¹⁰ Shahid Tantray And Ahan Penkar, A Lockdown and a Hard Place, The Carvan <https://caravanmagazine.in/labour/in-photos-migrant-workers-face-police-violence-and-hunger-escaping-delhi-during-lockdown>

- This pandemic emergency made the lives of the people worst especially the migrant workers. Through this emergency, the Human rights of the migrant workers have been violated like the right to equality, right to health, and right to movement. During an emergency like this pandemic, the government should provide public transportation 1 week before the emergency so that the migrant workers can reach their homes safely because citizens of our country have the right to information.
- During an emergency, the government should provide them enough food and public transportation. States undertake to secure for migrant workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favorable than that of their nationals in respect of the following matters: remuneration, working conditions, membership of trade unions, enjoyment of the benefits of collective bargaining and accommodation; *According to the United Nation provisions, "The migrant worker and their family*

members shall have the right to receive the medical treatment without any distinction based on race, caste, sex, religion and place of birth":- Article 28¹¹.

6. Conclusion

Today, the significant issue is how to spare the common freedom of migrant workers are facing problem due to lockdown, they don't have any space to sleep, no money to buy food.

Some challenges are faced by the migrant labourers in India are battling with the low wages, physical, sexual and mental exploitation with safety and security. The Government of India should ratify all the important relevant international covenants that respect the dignity of labourer's especially important ILO conventions no.

Every single migrant labours ought to select for the Pradhan Mantri Jan Arogya Yojana so that every migrant worker ought to furnished with medical facilities. There was another step taken by the government that the workers should start their work again so that they can again earn and back to ordinary life.

In the time of globalization, it is important to take the necessary steps for

¹¹ International Norms And Standards Relating To Disability

the development of migrant labourers. We talked about Human Rights commonly this term has been ordered and given in more detail in the constitution. this means that every person whether they are backward class or upper class, the people in India should be treated equally.

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