

Indian Migrant Workers in Covid19 Era- Quo Vadis

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Abstract:

The issue of Migrant workers (Workmen) has caught worldwide attention during the current Covid-19 Era , although the problem has been there since log time , more acutely in the last 30 years with newer ramifications during the current crisis of Covi-19 .

The basic problem relates to the sudden lockdown clamped by the Govt (rightly or wrongly), when the Corona Virus started appearing in the country which caused daily deaths that are still happening. The sudden lock down has resulted in stoppage of all business activities more so in the industrial undertakings and construction projects and even in the household sector where such migrant workmen are employed. Consequently the laborers fell on the roads without notice and their daily bread has at once stopped.

This paper therefore examines various nuances of the Migrant workers problem and possible solutions. Different problems have been carefully analyzed and cross checked with opinion leaders in a Delphi Study and solutions suggested to alleviate the problems of Migrant workmen. The solutions were mostly in the nature of law implementation rather than making new laws. The paper also attempts to suggest solutions to the migrants problem solving approach besides household sector. It is hoped that this paper becomes a trigger to the policy and PPP interventions in the matter. At the end it is suggested that the Government may commission a large scale study based on the pointers brought out in this paper and work towards viable solutions.

Key Words : Migrant Workmen, Migrant Workmen Act 1979, Allowances, Localization.

Introduction:

The press in India is agog with several articles and new items pouring in daily on the subject of Migrant Workmen and their Problems in Covid -19 times. Yet the question “ who is a migrant worker” remains less understood due to divergent views coming on the topic . Further we do not appear to have authentic data from the Government or Private sources regarding the census of the migrants workers as they move place to place time to time and work to work. This makes it

much more interesting to study this topic in great detail . Because any interventions of policy making will be meaningful only with a meaningful data from authentic sources.

Indeed , there seems to be some confusion on who is the migrant labor, what are the problems and issues associated with this sector and how to resolve such problems in general and more so in the post Covid era so that the migrant workers who are essential to the business , construction projects and household sector and who are lakhs in numbers are well protected which in turn paves way for the smooth functioning of the Industry and business . The issue is indeed so gigantic that **Government** and Courts are ceased of the matter to bring about a a final solution to this vexatious problem lingering for decades and probably ever since independence . This needs a beginning somewhere by someone right from the definition stage.

Definition of Migrant workers :

Therefore, firstly let us look into the definition of the Migrant worker in order to bring clarity on the said confusion surrounding the sector. The worldwide accepted definitions are reviewed hereunder to set the tone starting from the ILO definition;



Source: <https://qz.com/india/1833814/coronavirus-lockdown-hits-india-migrant-workers-pay-food-supply/>

Ref: Manavi Kapur (2020) : Lockdown is only the beginning of misery for India's migrant laborers

As per the International Labor Organization (ILO) , a migrant worker is ; “A *casual and unskilled worker who moves about systematically from one place to the other offering his/her*

skill-services on a temporary or seasonal basis". India adopted this definition by giving more **weightage** to the component of "Skill" in the definition of workmen.

However this definition seem to be too broad and do not serve the specific situations like that of India or Africa. Hence there is a need to craft out situation specific definitions in each country each region. This paper also examines this aspect .

The **Government** Approach:

Some work was done in 1970's on this topic and reports were submitted to the **Government** although there were mixed reactions from the employers and the law makers on the very reasons of how the problems come up in this sector. This is probably because the migrant workers are the exploited lot and there appears to be perpetuated, a **vested** interest in the higher layers of the society to keep the migrant workers in their grip to see that the business moves uninterrupted as they are cheap labour and they do not require permanent association which the employer is comfortable with . The permanent workers those days had lot of demands on the managements and it was always in the planning of the managements to move the workload with migrant worker rather than permanent workers.

In India the Govt enacted The Interstate Migrant Workers (Regulation of Employment and Conditions of Service) Act 1979, in accordance with the international norms set up by ILO / UNO time to time. The act simply called Migrant Workmen Act 1979, has the following purpose .

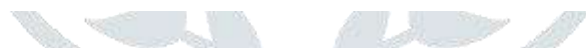
The **Act** was enacted to prevent the exploitation of inter-state **migrant workmen** by contractors, and to ensure fair and decent conditions of employment and to ensure that **Migrant workmen** are entitled to wages similar to other **workmen**, displacement allowance, journey allowance, and payment of wages during the period of journey by specifically addressing the issues as under(Ref Migrant Workmen Act 1979) .

Rights of interstate workers

In addition to the general labour laws applicable to all workers, the interstate workers are entitled with the following provisions :

- Equal or better wages for the similar nature & duration of work applicable for the local workmen or stipulated minimum wages under the Minimum Wages Act, 1948 whichever is more, because the migrant workers offer special skills and hard work which the local people are not willing to perform that necessitates the engagement of migrants.

- Displacement allowance (Section 14), because they usually leave their families in **teir** native places and come to the place of work and this will obviously cause much displacement not only to self but also to the family besides emotional destabilization.
- Home journey allowance (Section 15) including payment of wages during the period of journey, which is normally given though here are cases of denial by the employer and these need to be checked. Yet there is urgent need to bring this aspect into the formal structure to see that the migrants get justice and will not have cause for concern to do their work well and be more productive on the job.
- Suitable residential accommodation and medical facilities free of charge on mandatory basis. This is being given but not on exclusive basis as on date in many workplaces. This **needs** to be given priority because the place of rest or home accommodation after the day's long work is important for the workmen to get rest and be recharged for the next day. It is also his right to have a descent place to live which becomes his basic necessity in life.
- Termination of employment after the contract period without any liability. This needs to be well documented since as of now it is arbitrary and not in favor of the migrant workers in almost all cases leaving any exceptions.
- Right to lodge complaint with the authorities within three months of any incident, accident, etc. This requires a perfect mechanism for grievance handling procedure and redress without loss of time because time is precious for employer and employee alike. In many good companies the grievance handling mechanism is put in place but the migrant workers are often not included in the schema. It is hoped that the migrant workers get justice on this score.



The Worsened Problems of Migrant Workmen:

Some important questions arise with regards to the plight of migrant workmen despite the Act of 1979.

Why the problems of Migrant Workmen worsened over the years? Were they better off, prior to the enactment of **the** said Act? How can we measure the improvisations to their lives made if any in the last 20 years? ..

And what can be done now?

Such questions need to be examined for arriving at long-term solutions because when the whole nation is progressing with lot of growth in GDP till **last** year and quality of life of middle and upper class improving day by day, how can lakhs of people suffer like being in the old economy.

This is the reason why the Human Development index of India is one of the lowest because many sections of the society are forgotten in the development planning right from the first 5 year plan and the subsequent plan and programs. This only shows and one wonders if there are too many **divisions** in one INDIA . Like Tribal India , Migrants India , Below Poverty line India . Yet the great amount of work and national integration being brought out by the current Govt is laudable and is appreciated all over the world.

Let us now dwell deep into the issue in all its contours :

This study finds that,

During our interviews with field experts like **Mr Vasantha Roy** from IIM Bangalore who is an entrepreneur and who runs a small **company it was found that , the** employers in many cases not in all, found the Migrants to be very expensive compared to the local people who have similar skills because the Migrants have to be paid additional costs like travel , housing etc . Further, in many cases The Migrants could not bring any special skills that are not available with the local workmen, in jobs like welding, construction, housekeeping etc . Consequently the Migrant workers lost the special status envisage by the Act of 1979. Thus the skilled workmen remained in their native states while the low-skilled or no-skilled people migrated in the name of Migrant Workmen although good number of skilled workers also came as migrants. The migrants who did not have special skills started working on menial jobs like gardening, Housekeeping, Porters etc including as maid servants. Thus their social status came down. They compromised life and resorted to any work to keep life moving. They could not go back to their native places since there are already scores of people in villages going jobless following the increased unemployment in the country. Their poverty increased. Many of them came **below poverty line (BPL)** at 1.0 USD per day as per UNO.

Then, what we saw subsequently was , more and more interstate workers deployment is bringing social and cultural tensions in the states which are created on linguistic basis. Interstate workers being under the hold of their employers are scared of associating with local workers in ameliorating their living standards and working conditions. Many times interstate workers are reluctant to learn speaking in local majority language and to understand the local customs. Some times in the guise of interstate workers, interstate thieves / robbers / dacoits commit theft, murders, etc. creating law and order problems.

The said situation can also be visualized by the statistics available with NSS of India (Ref NSS , GoI, Working Group Report -2017). All figures in Percentages .

Sector (%)	Rural Male	RuralFemale	Urban Male	UrbanFemale
Primary %	4	75	20	65
Manufacturing %	13	59	38	51
Public Services %	16	69	40	56
Construction%	8	73	32	67
Traditional Services%	10	65	29	55
Modern Services %	16	66	40	52
TOTAL %	6%	73%	33%	56%

The table indicates that a major share of workforce in India is coming from the Migrant category as percentage of the total workforce in the given sectors. More interestingly the female percentages are out-numbering the male workforce. For example in the modern services sector, 66% of workforce in rural and 52% in urban areas are the women coming from the migrant workmen pool. On the whole, 73% in rural and 56% in urban areas , are the women workers from migrant category. This has tremendous implications for policy guidelines. This needs further studies to see the current trends. Here is a case study.

Efco India Pvt Ltd – A case study

This company is a German collaboration joint venture located at Hyderabad, operating all over India and having overseas customers in the domain of Engineering Valve repairing services. They have customers like ONGC, NTPC, RELIANCE , HPCL and others. Efco also manufacture Engg workshops for this sector. This company employs over 100 migrant workers who come from UP, Bihar, WB, MP, etc . They are highly skilled workmen and they are registered through approved contractor and have bank accounts , PF account and other statutory registrations, ensured by the management. The workmen have been there for many years and they are very happy.

Efco is a role model for others to follow.

There are few other companies we visited during this study at Balanagar Industrial estate Hyderabad to understand the issue at a much deeper level.

The following discussion helps to analyze the data and information we collected which **in turn leads us to meaningful conclusions.**

Discussion :

Following the nationwide debates and media coverage of the issue,

The Hon`ble Supreme Court of India has instructed Govt to see that the Migrant Workmen are sent to their respective places without loss of time and in a scheduled time frame. This is in progress. Once they go back to their native places they will come back to the place where their skill is in demand because they cannot use their skills in the villages they are in. It is recommended that the migrant workforce must be absorbed into the regular society with equal pay and facilities as others and there should not be any category called migrant workers because if the terminology exists then it **may tantamount** to violation of Articles 14, 15, 21 of the constitution of India, due to unequal treatment , discrimination, unequal application of the law and lack of dignified life and liberty to the said group of people which were guaranteed in the constitution under the said articles and all other fundamental rights there of. Thus the defunct piece of law Migrant Workmen Act 1979 referred herein above should be scrapped or strengthened and implemented with strong conviction from all stakeholders, because it creates a separate class otherwise. This helps absorption of migrant workers into the regular society based on their skills and merits.

On further examination of the meaning of migrant workmen, we find that,

The term migrant workmen indirectly excludes women although the meaning is implied. On the pretext of this lot of bias is taking place in the quality of work given to women who invariably are pushed to being maid servants at pathetically low pay and lack of professional treatment that we see in the other countries even in Africa where the Author worked for few years. This certainly calls for closer examination of the issue of maid servants and their rights, although the contrary arguments may arise. Suitable GOs may be issued in this regard to ensure equal pay and equal treatment to women based on merits.

Research Methodology

Convenient quota sampling was adopted for this study.

After the preliminary discussion, we went round extensively in the city of Hyderabad to meet the workers, employers, policy makers and workmen to develop ideas for action plan. The people we met were sampled as under over a period of three months starting Feb to April 2020 .

Govt Servants : 15

Employers: 20

Migrant Workmen : 50

Faculty members : 15

Total : 100

Discussions were summarized and immediate action plan pointers were listed as under :

Immediate Action

This study with opinion leaders (Delphi Method) has highlighted the following actions needed:

- All interstate workers to be registered in Gram Panchayat or Municipality or Corporation compulsory. Their ration cards or Adhar cards to be made valid anywhere in India for Food, shelter, clothing and medical aid. This will help migrants to be free of the regional issues because the current dispensation does not permit release of ration from Public Distribution Ration shops as observed in Hyderabad and as revealed by the workers during this study . This makes them buy from the open market at higher cost which defeats the very purpose of the PDS of the Govt. . Because **Article 19(1) g** of the Indian constitution guarantees that any citizen can work anywhere in the country on any work as per the law subject to reasonable restrictions put in the same article .

This can also be given similarity with any other identity such as Passport of a person which is valid any where once issued from the Govt . Similarly we feel that the Ration card should be valid anywhere India and the income certificate issued by the appropriate authority in one state should be applicable in all other states for issuing ration to the workers.

Recommendation : All interstate workers to be provided with the benefits of Public Distribution System (PDS) Cards to avoid buying food grains and kerosene at higher prices. Adhar identity card shall be made compulsory for the interstate workers. The cards should be made valid in any state any time.

- The remuneration to interstate workers shall be deposited in their bank accounts and not by cash by the contractors. This was reported in many cases that workers are engaged for month-long work but their pay is given in cash which means that there is no evidence except word of month. Now, with availability of Paytm , Google pay and many other modes which became popular with lower strata of people also, it should be possible to effect payment of

wages in electronic mode or bank remittance . This would also help to reduce the impact of black money in the economy because the total amount involved in this segment is huge.

Recommendation : Govt may make it mandatory to see that all payments to workmen including maid servants are affected only by electronic mode or bank remittance. This helps to avoid exploitation and also to collate statistics from the accounting system.

- During our study it was noticed that sufficient data was not available to consolidate the position of migrants in each region for want of any authentic recording of their employment. Thus, every state government mandatorily operate an internet portal indicating the registered principal employers, contractors, establishments and interstate workmen details including **Adhar card** data for general public information and verification. The details of interstate workmen shall be uploaded by the principal employers and contractors promptly. Non compliance by the principal employers or contractors is treated as violation of the Act and liable for punishment.

Recommendation : Govt may make it mandatory to register all migrant workers and their movements. Although there may be operational issues in terms of capturing data on when a person is joining or when he / she is leaving . Yet with a robust system it should be possible to keep records. This help to curb any frauds in this field.

- No contractor to deploy the workers outside the state without getting registered in that state. All the details of the interstate workers deployment outside the state shall be made available to the state authorities promptly.

Recommendation : All labour contractors who are in the business of providing migrant workmen or women should be registered under one source and their operations to be kept digitally to ensure transparency and accuracy which will go a long way in curbing frauds and bringing accountability. This is already in vogue in some places. Such success stories may be replicated in all part of the country.

- The state government authorities may conduct mandatory yearly audit of all employers / contractors in a state regarding deployment of interstate workers and submit yearly compliance status or implementation report to the state assembly for their scrutiny.

Recommendation : the Govt may make it mandatory to conduct audit in two phases. One by the employer himself and the other by the Govt as external audit. Necessary mechanism, systems and procedures to be put in place for the meaningful audit which is not prone to any pit falls.

- The ongoing finance commission may give weightage in devolution of central government funds to the states which are giving more employment to interstate workers as they are ahead in demographic transition. Demographic transition of a state is a real index & status of all round human and economical development.

Recommendation: Law to be provided with rules to ensure allocation of funds at central and state levels for the **upliftment** of the migrant workers .It may be even worth examining if there must be what is called “ National Commission of Migrant Workers” with state level and district level chapters on the lines of national commission of **women** . This recommendation may be further examined with large scale study at national level.

- Training for interstate workforce on special skills recommended under Govt skill development programs. This will ensure justification of the meaning of the migrant workmen who go place to place to earn livelihood by using their special skills which are not available in a given locality . such special skills may be honed in the training centers as an organized activity under public sector and private sector .

Recommendation : Setting up of training facility in public and private sector to hone the special skills of migrants .

The author hopes that this paper will get the attention of the public and private authorities and all stakeholders to bring about a concerted action to overcome the problem of migrants which will enhance our human development index in the global map.

SUMMARY

This paper has brought out clarity on the problem of migrant workers and made few recommendations for further studies on the subject. The study recommends a proactive role to be taken by the Govt in alleviating the problems of migrants. Likewise the private sector must see the migrants as part and parcel of their regular workforce and provide **necessary support** . . This is possible by properly articulating the issue with the Govt by all stakeholders including the migrant workmen who can ask for their rights under the constitution.

References

1. Banerjee A, Raju S. Gendered mobility: women migrants and work in urban India. *Economics and Political Weekly* 2009;54(28);115-23.
2. Mansuri G. Migration, school attainment, and child labor: evidence from rural Pakistan. World Bank Policy Research Working Paper 3945; 2006.
3. 6.Malaria and migrant laborers: socio-epidemiological inquiry. *Economics and Political Weekly* . 1997;32(16);839-42.
4. 9. Rogaly B, Coppard D, Saque A, Rana K, Sengupta A, Biswas J. Seasonal migration and welfare/illfare in eastern India: a social analysis. *J Dev Stud*. 2002;38(5):89- 114. doi: 10.1080/00220380412331322521
5. 11. Rogaly B, Coppard D, Saque A, Rana K, Sengupta A, Biswas J. Seasonal migration and welfare/illfare in eastern India: a social analysis. *J Dev Stud*. 2002;38(5):89-
6. 12. UNESCO. 2016. Social Inclusion of Internal Migrants in India. Note for the Working Group on Migration, MoHUPA, New Delhi: The Internal Migration in India Initiative (IMII), Unesco
7. 13. UNICEF. 2014. What Census Data Can Tell Us about Children in China: Facts and Figures 2013. Beijing: UNICEF/National Bureau of Statistics/UNFPA Joint Data Project.
8. 14.Borhade, Anjali. 2012. "Migrants' (Denied) Access to Health Care in India." UNESCO/UNICEF National Workshop on Internal Migration and Human Development in India, 6–7 December 2011, Workshop Compendium, Vol. 2: Workshop Papers. New Delhi: UNESCO/UNICEF.

Electronic Resources

https://www.mhrd.gov.in/documents_reports

<https://labour.telangana.gov.in/home.do>

<http://labour.ap.gov.in/ELabour/Views/Index.aspx>

<https://www.ilo.org/global/lang--en/index.htm>

<https://www.un.org/en/>

<https://www.bookmybai.com/hire-maid-in-hyderabad>