SOCIAL SECURITY CRISIS IN INDIA: MIGRANT LABOURERS AND COVID-19 LOCKDOWN

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ABSTRACT

The lockdown to contain the COVID-19 brought the issue of social security of migrant labourers to the forefront. Migrant labourers' exodus has opened our eyes that we cannot ignore their huge contribution to our economy and society. Moreover, the gaps in maintaining the statistical data and loopholes in the laws to safeguard their rights, raised the question on effective functioning of our system. Amendments in labour laws need to be as per labour standards given by ILO. Effective plans to provide them social security, along with improving their working and living conditions are required to be framed.

KEYWORDS: Social Security, Informal Sector, Migrant Labourers, Pandemic

INTRODUCTION

Social security is the right of every human being. It is pre-requisite for the better functioning of the society and helps in its economic and social development. It is the way through which issues such as poverty, hunger, inequality, social exclusion, and racial discrimination could be resolved. Social security helps to adjust with the economic upheavals and any change in the labour market. It is a means in making the society more sustainable. Every human being irrespective of caste, class, race, ethnicity, religion, gender, and region has the right to social security.

The concept of social security was always there in the society but it kept on changing time to time. The head of the family used to save some earnings which could be used at the time of distress. Whereas joint family was the main source of security for its members, this concept changed with the advent of industrial revolution and migration.

The movement to urban areas, to fulfil basic needs lead to breaking of joint family system, which was the main source of social security, particularly in the Indian context. Hence, the need for a formal system arose to protect the citizens in case of vulnerability.

Right to Social Security has been declared as the right of everyone, as a member of the society, according to the Article 22^[1] of the Universal Declaration of Human Rights. "It is the right to security in the event of unemployment, sickness, disability, widowhood, old age or lack of livelihood in the circumstances beyond his control" (Article 25)^[2] (ILO, 2008). However, in practice this right is mostly enjoyed by those who already have some sort of security. The workers in the informal sector are almost ignored while framing social security rights.

The COVID-19^[3] pandemic crisis throughout the world has raised the question on social security rights, particularly in the developing and under developed countries,

specifically for lower class and migrant labourers. With the lockdown and shutting down of all activities for nearly two months, the most effected section was the one engaged in informal sector. The petty traders, street vendors, daily wagers, and labourers found it difficult to make their both ends meet. The situation worsened in case of migrant labourers who were stranded on roads for assistance. Migrated in pursuit of better life, greater job prospects, better economic opportunities, to escape from poverty, hunger and political unrest and with a hope of getting all the desired comforts, the current pandemic has made them refugees in their own country.

An attempt has been made through this paper to look at the plight of Indian migrant labourers during the untimely lockdown, with respect to their social security. An analysis based on available data is made, and post pandemic conclusions have been drawn.

SOCIAL SECURITY AND INFORMAL SECTOR

To understand the meaning of the term social security we look at the comprehensive definition given by ILO "The protection which the society provides to its members, through a series of public measures, against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction in the earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death, the provision of medical care and the provision of subsidies for families with children" (ILO, 1984).

Social security definition has been narrowed down and hence it generally implies post retirement income, unemployment benefits, medical benefits and monetary benefits in the event of accidental death and permanent disability. However, only 27 percent of the global population enjoys social security in any form where as 73 percent does not receive any social security at all (ILO, 2014).

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Among those who do not receive social security, the majority of them are engaged in informal sector which include all forms of informal employment without any social protection both within and outside the informal enterprise. It even includes both self-employment in small unregistered enterprises and wage employment in unprotected jobs (Chen, 2007).

Before discussing right to social security for informal sector, we need to describe the boundaries of this sector:

1. According to the ILO Employment Mission Report to Kenya presented in 1972, the primary activities involved in the informal sector include petty traders, street hawkers, shoeshine boys and other groups "underemployed" on the streets of the cities.

2. It was suggested in the report that regardless of being only marginally productive, the majority of employment in the informal sector is economically efficient and profitable. The employments might be small in scale and limited by technologies, sparse capital and lack of linkages to the modern formal sector economy. However, these activities are largely ignored, often regulated in a negative fashion and sometimes actively discouraged by the government. (Emmerij, 1974)

3. All the workers in informal enterprises, some workers in formal enterprises, self employed workers, and those doing contract work for informal or formal sector enterprises and contractors form the part of informal sector (Kantor, 1997).

Hence, we can conclude that all those who are not associated with a formal organisation, and have permanent or temporary work with no fixed working hours and income forms informal sector. It might include petty jobs, contractual jobs, daily wagers, agricultural activities and self employed.

However, the informal economy is the basic component of the total economy. It is growing, permanent and not a short term phenomenon. The economic relations such as production, distribution and employment tend to fall at some point on a continuum between pure formal and pure informal relations at the two ends (Chen, 2007). There are almost 2 billion people working in the informal sector worldwide. This forms the 61% of working population of the world. Out of this 93% of the informal employment is in emerging and developing countries (ILO report,2018).

In India, more than 90 percent of the workforce is engaged in the informal sector which account for 50 percent of the national product (GOI, 2015). Even though they have a significant number in Indian economy but most of the workers in the informal sector have to find the opportunity or rely on destiny to work and earn. They try to make their both ends meet in normal times. But the situation gets difficult at the times of any health problem, natural calamity or economic crisis, where they need support. Hence, the need for the social security for the informal sector arises.

In the government policies on social security since independence, this sector was largely ignored until 1995 when some social security initiatives were introduced under the National Social Assistance Programme^[4] (NSAP), which involved providing financial assistance to destitute and poor in the event of old age, death of breadwinner and maternity. Later, Unorganised Workers Social Security Act^[5] was passed in the year 2008, but has seen a dismal progress (Dhamodran and Alagumalai, 2016). In addition to this, some new social security schemes were launched on May 9, 2015 to ensure insurance and pension for all (Singh, Sanyal and Bharati, 2015).

In spite of the government initiatives to provide social security through various programmes, this sector still remains vulnerable and the condition worsened in case of migrant labourers.

MIGRANT LABOURERS

To have a better life, both skilled and unskilled workers migrate from their places. As per the World Migration Report, 2020, there were approximately 164 million migrant workers around the world in 2017, which accounted nearly 64% of the international migrants. 68% of the migrant workers were residing in high-income level countries, 29% in middle income countries while 3.45% were living in low-income countries (IOM, 2020).

UN Ex-Secretary General Ban Ki Moon defined migration as "an expression of the human aspiration for dignity, safety and a better future. It is a part of the social fabric, part of our very make-up as a human family"(World Economic Forum, 2017). In these times, on account of better opportunities, infrastructure and government policies, more people live in a country other than in which they were born. The number of migrants, in 2019, globally reached an estimated 272 million (<u>www.un.org</u>).

Due to globalisation, increasing unemployment and poverty, many workers in developing countries are migrating to seek work elsewhere. The demand for labour, especially unskilled has increased in industrialised countries. This has led to migration of workers and their families to other countries. However, due to significant gaps reliable data is not available but, according to the global and regional estimates of migrant workers published by ILO, there are approximately 244 million migrants around the world, which represent 3.3 percent of the global population. Not only to the host countries, are these workers also contributing to the economies of their countries of origin through remittances. In return what are they receiving is inadequate social protection.(<u>www.ilo.org</u>)

In India, as per 2001 Census report, there were 309 million internal migrants. The NSS^[6] estimates 326 million migrants in 2007-2008 (28.5 percent of the population) (Srivastava, 2011). As per the NSS reports for the periods (1999-2000 to 2007-2008) among the total migrants, there was an increase in rural-urban and urban-urban migration stream (Srivastava, 2011). High productivity agricultural areas continued to be the famous destinations, but trend for rural-urban migration is also growing as more migrants choose to work in better paying non-farm occupations in urban areas and industrial zones such as Delhi and the states of Gujarat and Maharashtra (Deshingkar, and Akter, 2009).

However, migrants have generally been excluded from social security schemes of the host country or state. Being migrants, they already stay under stress as to when the government policies for them will go against. In case of any crisis situation like recession or natural calamity, they are the ones who suffered the most.

PLIGHT OF MIGRANT LABOURERS DURING **COVID-19 PANDEMIC**

The situation gets worse in case of any natural calamity like the social security crisis during COVID -19 pandemic. The untimely and sudden lockdown to contain the spread of coronavirus was to save the upper and middle class members of the society. The lower class and particularly, migrant labourers were left ignored on their own fate. Whereas the sudden closure of all activities, institutions, industries, markets, shops, places of worship and recreation created a panic among the general public who started stocking up the material for future, the migrant labourers were worried as where to go and what to eat. In India, the migrant labourers usually work in construction, textiles, small industries, stone quarries, mines, fish processing and hospitality. However, they have enjoyed very limited citizen rights. This industrial reserve army (Marx, 1976) was left at its own fate as there was no work, hence no job.

As most of them were temporary, seasonal, semi permanent or long term circular migrants (Srivastava, 2011) ultimately, they started moving to their home towns. Wheels came to halt on 25March, 2020 and hence they could not find any means to travel and so started on foot. To escape poverty and with the aspiration of upward mobility they have migrated to cities.

The lockdown and mass movement of migrant labourers raised the question on social security of citizens of India who were looked down upon and treated as refugees in their own nation. Their collective will to reach their homes made them to start their journey and carried along with them paltry belongings that include food, water and clothes. They were desperately trying to return home in their own country, battling with hunger and fatigue. For them home in the

village ensures food and the comfort. The lockdown to control the pandemic turned into humanitarian crisis. It is natural that everyone wants to return to his home in a crisis like, the Indian students, tourists, pilgrims who were stranded overseas wanted to return. However, special flights were arranged for those stranded in foreign shores, but the migrant labourers were left on their own fate. (Biswas, 2020)

They started walking on the deserted roads and railway tracks even without knowing the actual distance. The infants, adults and old people all started moving in search of safety to their homes in villages and small towns of their home states of UP, Bihar, Madhya Pradesh, Bengal and Odisha.

Such type of pandemic is usually feared because it reveals the limitations of public health. But in India, COVID-19 exposed the plight of the labour force. Around 90-92% (about 450 million) workforce out of the total is in informal sector which means they work without social and employment security. The crisis posed the question as why the Vande Bharat Mission was not adopted for them. Or still we have not been able to achieve the equality for all. Their decisions to undertake long journeys on foot and refusal to stay where they were, exposed the link between labour and work security. Their marches back to home revealed the leaky system into prominence. Those reverse migrations were undertaken by the migrants to avoid hunger in the city. That showed their solidarity and resistance.(Sinha, 2020)

The lockdown came to effect on 25 March. The Home Ministry, on 28 March issued the orders to the states and UTs to use funds under the National Disaster Response Fund (NDRF) for providing food and shelter to migrant workers. The funds under NDRF were released on 3April. No one took the accountability of those migrants for 10 days. Even then the situation was not under control. They were spending their days in squalid and makeshift accommodations. They were not having food to eat or survive. They were surviving on one meal a day and many of them were completely at the mercy of others. Some of the steps were taken by the government to provide food security. The Finance Minister announced to provide 1kg dal free to beneficiaries of free food grains. According to Pradhan Mantri Garib Kalyan Ann Yojana the beneficiaries were entitled to get an additional 5kg rice or wheat per month in addition to the existing scheme. But, at the ground level a different problem arose. As the ration cards do not have nationwide portability, hence accessibility to fair price shops and procuring free food gets difficult. The one nation and one ration card initiative, was applicable in 12 states only. But there were crores of migrant labourers and most of them were from different states who were finding it difficult to return home. So, the food

distribution through fair price or public distribution shops was not beneficial for them.(Gunjan, 2020)

As they were not having shelter and food, they desired to move to their home. However, inter-state trains were started on 1May, more than a month later. Had these measures been taken while planning the lockdown, the picture would have been different. There were four crore migrant workers in the country. However, only 75 lakh returned home in trains and buses by 24May,2020 when unlock phase I had already begun. (PTI, 2020)

The anger and restlessness of agitated labourers took the form of protest in different parts of country. Though the Government took some measures for the convenience of migrant workers but either they were too late or not implemented properly and efficiently keeping in mind the needs. They felt ignored in their own country. While the whole country was under lockdown and at their safe places, they were on roads with the only desire to reach their home or villages. Stone pelting incidents, gathering of migrants demanding transport to move to their homes, lathi charge and arrests (www.business-standard.com) ,spraying of disinfectants on migrant labourers at Bareilly and soap solution in Kerala, to contain the effect of novel coronavirus was an inhumane attitude towards them. Even WHO warned that spraying of disinfectant is physically and psychologically harmful for the individuals (AFP, 2020).

Not only within the boundary of this country, have Indians also migrated to Gulf countries for better lives. More than the 8 million Indians live and work in the Gulf region, mainly in United Arab Emirates, Kuwait, Saudi Arabia, Qatar, Oman and Bahrain who work in construction, hospitality, retail and travel sectors (Haidar, 2020). According to International Labour Organisation around 23 million migrant workers live in Arab States (Hashmi, 2020). Where on one hand they are contributing to the economic growth of those countries, on the other hand they are contributing to the economy of their home country. India is among the world's top recipient of remittances, having an estimated inflow of USD 81.3 billion in 2019, according to the World Bank, and a large part of these remittances come from the Gulf Cooperation Council Countries. According to a bulletin by the Reserve Bank of India (RBI) 90% of overseas Indians are employed in the Gulf region and South East Asia, and more than 50% of total remittances received in 2016-2017 came from the GCC countries. Most of those migrants are semi, low or unskilled workers whose contracts are for short periods of time. However, on account of COVID -19 pandemic, millions of migrants were stranded in their host countries and government decided to bring them back in a phased manner. (Bansal, 2020)

The movement of migrants also brought some challenges. The first was on healthcare front as returnees could bring in the fresh wave of infections. Majority of the novel coronavirus cases are through direct and indirect contact with the infected persons. Migrant workers represent the "bridge population" for viral spread, as they could be carriers while moving to their places of origin. Most of the countries prepared the plans for screening at the borders. However, no plan was drafted for the migrant workers within the boundaries. (Wickramageet.al., 2018)

The second was economic, as remittances they bring to their home countries dropped down. The returning migrants and their dependents need ensured access to healthcare, food and shelter, and sufficient livelihood opportunities. Further, the Gulf countries, in order to curb the pandemic were adopting strict measures and could change their policies for migrant workers. It was expected that they would accelerate the programme to "nationalise" jobs. Hence, it would become difficult for aspiring job seekers to gain employment in GCC countries. Moreover, returning migrants who lost their jobs would add to the unemployment rate in India (Bansal, 2020). Hence, migrant labourers from Gulf counties also bear the brunt of COVID 19 pandemic.

In India, some states made amendments in their labour laws to raise the economy, which retrenched due to lockdown. While government of Madhya Pradesh, Rajasthan, Gujarat, Punjab and Himachal Pradesh have allowed the overtime of up to 72 hours and increased the period of working shifts in factories from 8 hours to 12 hours, the government of Uttar Pradesh defunct all other labour laws for next three years, except the Building and Other Construction Workers Act, 1996, Workmen Compensation Act, 1923, Bonded Labour Act, 1976 and Section 5 of the Payment of Wages Act, 1936 (the right to receive timely wages). Moreover, Madhya Pradesh government amended to stop inspections in the firms employing less than 50 workers, except in case of a complaint. On the other hand, Maharashtra relaxed all shops and factories to submit consolidated annual returns instead of multiple returns. Government of Kerala agreed to provide new industrial license within a week, after the application is filed if the investor complete formalities in a year(Sharma, 2020, Jha, 2020). These labour laws, if implemented will further aggravate the condition of labourers.

The real test of the development, laws, policies, propagandas are at the time of adversities. In this era of technology and globalisation, still we are looking at the human being from the perspective of caste, class, religion, ethnic group and gender. We have created boundaries, divisions and nations. Each country or state thrives to be better than other. However, these demarcations, and achievements are of no use, if we are not able to save our most precious resource- our citizens. COVID 19 has affected the whole world- be developed, developing or underdeveloped, be rich or poor, of any colour or background.

Migrant Inclusive Pandemic Influenza Preparedness plans, ensures greater public health protection for all. In the event of health emergencies, migrant workers are disproportionately affected with undocumented workers experiencing greater vulnerabilities. On account of political, sociocultural, economic and legal barriers, many migrants have little access to health services. In case they have any access, they avoid themselves due to fear of deportation, discriminatory attitude within society, social stigmisation and anxieties. (Wickramage et.al., 2018)

Migrants are described as "relative surplus population"^[7](Marx, 1976) which forms disposable industrial reserve army and becomes a condition for the existence of capitalist mode of production. Capital requires sudden addition or subtraction of number of men into decisive areas without any loss to the scale of production. The recent outbreak of novel coronavirus has proved that despite framing social security rights, the migrant labourers have been treated as reserve army, used at the times of need.

GAPS IN THE POLICIES

The Interstate Migrant Workmen Act, 1979, was introduced with the objective to regulate and low down the conditions of service of inter-state migrant workers. As per this act, registration of contractors who employ migrant workers is mandatory and for employers to maintain a record of their workers. However, it excludes a vast majority of selfemployed wage labourers and intra-state agrarian and other migrants in the informal economy. According to the report of the Standing Committee on Labour for 2011-12, not even single employer or contractor had registered under this act, from eleven states. Had the act been effectively implemented, a record of interstate migrants could have been available. Similarly, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, or BOCW, acknowledges the seasonality and precarious nature of employment and defines anyone who worked in the construction industry for 90 days in the past year as a construction worker. According to this law registered establishments are responsible to provide housing and child care facilities to workers and oblige state construction boards to register workers as beneficiaries of several welfare measures. To avail these facilities each worker needs an employer or a trade union to certify him as a construction worker. However, these workers keep on moving from one place to another and are not registered .Another act, the Unorganised Sector Workers Social

Security Act, 2008, (or USSA) mandates the registration of unorganised workers -including home -based workers- by state social security boards as beneficiaries of several schemes, but no record is maintained(Sulfath and Sunilraj, 2020). According to the International Labour Organisation (ILO) report, India was among the countries less equipped to handle the COVID-19 crisis, and about 400 million workers in the informal economy were at a risk of falling deeper into poverty (PTI, 2020). Had the timely registration of informal sector workers, and migrant labours been done, it would have been easy to locate them and provide them assistance. Inspite of the existence of laws, the lacunae in their implementation were evident in the social security crisis, faced by our country.

The COVID-19 lockdown highlighted the real working and living conditions of most of the workers. After 70 years of Independence, still a dignified life which is the right of every citizen is found missing. In Karnataka, they were not being allowed to go back home, in a controversy that sparked allegations of bonded labour. To prevent the spread of virus, frequent washing of hands and maintaining physical distance is must. But, living in congested areas where 5 -10 people are living in a single room, how we can expect labourers to maintain distance.

POST-PANDEMIC CONCLUSIONS

The question is whether post pandemic world be same as before for the migrant workers? On the one hand, the trauma, anxiety, distress, discrimination they have faced in their quest to move back to their villages would force them to think before taking decision to return to cities. They would have fear of the similar kind of situation in future, due to which some of them would prefer to find work within the village and those who own some land would prefer to work at their native places. The aspiration of improving their life and upward mobility would be sidelined for the time being due to the haunted thoughts of their journey back home.

However, many of them will not be able to find any work in their villages. The pitiful situation of their family and their survival will force them to move back to the insane cities. So, again these surplus workers (Marx,1976) will be available for expansion of businesses.

Some of the states have done amendments in labour laws in the face of economic development of the society. However, many of these reforms are employer centric. The increase in working hours means hiring less number of employees, which will increase the unemployment. Moreover, working for 12 hours is against the labour standards set by ILO. The amendments, if required, must be made considering these standards. If not done, the surplus population have the capacity to bring revolution(Marx,1976), as they have least to lose.

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We must remember, that the migrant labourers are the backbone of our economy and before that the citizens of a democratic country. As per the 2030 Agenda for Sustainable development, migration has also been recognised as one of the indicator of sustainable development. The Agenda's core principle is to "leave no one behind", not even migrants.(www.un.org)

Hence, it is imperative to improve the working as well as living conditions of migrant workers. At the outset, a record is required to be maintained, so that the concerned authorities should be accountable for the workers in their respective areas. Wherever possible, employment could be generated in their own areas or nearby. They should be educated of their rights and provisions available to them. The local art and handicrafts could be promoted, so that at least some percent of these workers could be engaged at their hometowns. Policies and schemes should be more feasible, to enable them to avail the provisions easily.

NOTES

[1]"Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality".(<u>https://www.un.org/en/universal-declarationhuman-rights/index.html</u>)

[2] "(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection".

(https://www.un.org/en/universal-declaration-humanrights/index.html)

[3]An infectious disease, caused by novel coronavirus, withmild to moderate respiratory illness. The virus spreads mainly through droplets of saliva or discharge from the nose when an infected person coughs or sneezes. (https://www.who.int/health-topics/coronavirus#tab=tab 1)

[4] A welfare programmerun by the Ministry of Rural Development. It is implemented both in rural and urban areas and it is a step towards the fulfilment of the Directive Principles of State Policy. It was launched as a Centrally Sponsored Scheme w.e.f 15th August, 1995. Initially NSAP Scheme, National Family Benefit Scheme, National Maternity Benefit Scheme. However, now NSAP comprises of five schemes – Indira Gandhi National Old Age Pension Scheme, Indira Gandhi National Widow Pension Scheme, Indira Gandhi National Disability Pension Scheme, National Family Benefit scheme, and Annapurna scheme. (https://nsap.nic.in/nsap/aboutus.pdf) [5] An act to provide social security and welfare

comprised of three schemes- National Old Age Pension

tounorganised workers and the matters connected therewith. "Unorganised worker means a home based, self employed or a wage worker in the unorganised sector and the worker working in the organised sector who is not covered by any of the Acts mentioned in Schedule II to this Act". The Social Security schemes for the unorganised workers as mentioned in this act are Indira Gandhi National Old Age Pension Scheme, National Family Benefit Scheme, Janani Suraksha Yojana, Handloom weavers' Comprehensive Welfare Scheme, Handicraft Artisans' Comprehensie Welfare Scheme, Pension to Master Crafts persons, National Scheme for Welfare of Fishermen and Training and Extension, JanshreeBimaYojana, AamAdmiBimaYojana, and RashtriyaSwasthyaBimaYojana.

(https://www.ilo.org/dyn/travail/docs/686/UnorganisedWorke rsSocialSecurityAct2008.pdf)

[6]It is responsible for conduction of large scale sample surveys in diverse fields at national level. The data are mainly collected through nation-wide household surveys on different socio-economic subjects. (http://mospi.gov.in/national-sample-survey-nss)

[7] In some spheres of production, change in accumulation of capital occurs because of centralisation, while in others absolute growth of capital is connected with the increase of constant and decrease of its variable constituent. However, in some other spheres capital continues growing for some time on technical basis, and attracts additional labour power. This redundant population of labourers, required for expansion of capital is called relatively surplus population. The surplus labouring population becomes necessary for capitalistic mode of production. It forms a disposable industrial reserve army, which is always ready for exploitation. (Marx, 1976)

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