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# ***The Plight of*** ***Migrant Labourers*** ***– During Covid 19*** ***in India: A Socio-*** ***Legal Analysis***

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# **The Plight of Migrant Labourers – During Covid 19 in India: A Socio- Legal Analysis**

*By: Dipendra Singh Tomar*

## **ABSTRACT**

Every city, state, and country has some migrant labourers who migrated from their hometown in the hope to live a good and respectable life. Some of these migrant labourers migrated with their full family in planning to live their remaining life in the migrated city. Some of them live in very extreme conditions during normal days also because they don't have any other option. The situation gets worse when they hear about coronavirus and when a lockdown is declared by the prime minister of Indian these are the people who face the most trouble after the lockdown was declared. As the days pass, their condition gets worse day by day and when the companies and factories where they work on a daily basis start cutting their salaries/ wages their condition becomes worse than we can imagine and because of the salary cut their whole family gets affected. The plight of migrant labourers started when they started moving to their home during the lockdown period without any transport facility provided by the state or central government in the initial days of the lockdown. **This research paper** helps us to understand the daily struggles of the migrant workers during the lockdown period on the streets of India and **helps us to analyse** the impact of the lockdown on the children of the migrant workers. This **research paper also details** the role of the government in providing help (if any) to the migrant workers during this lockdown period and the **detailed understanding** of the labour acts and recent changes in labour acts related to migrant labourers. We are also going to deal with some **research questions on migrant labourers** that show how the lockdown period has affected the lives of the migrant labourers and their family and how they cope up with this problem and some of them still facing employment problems.

**KEY WORDS:** MIGRANT LABOURS, MIGRATED CITY, LABOURS, LOCKDOWN, CORONAVIRUS, PANDEMIC.

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## **INTRODUCTION**

Migrants labour some people you find in many corners of every country. Migrant laborers are the laborers who leave their city, state, even country and move to another place in search of work and to live a happy life. These labours move from their hometown for many different reasons they may because of not getting the good opportunity in their hometown or they getting opportunity but not getting wages to fulfil the basic needs of their life or their family some of these people leave from their hometown because they think they may get a better opportunity, wages and happy life in other cities or other parts of the country sometimes they move from their home country to another country also only in search of work and to live a happy life. Some of these labourers move with their full family and when these labourers move from one place to other in the above mentioned circumstance these labourers were called migrant labourers. Migrant laborers are the people who once moved from their hometown to another city with their family. For them it's become very difficult to come back to their hometown. Migrant labourers have many reasons may because of work pressure or some of them think that once they move from their city to another place, they think it's embarrassing for them to go back to the same place it's a common Indian society mentality or once they settle, they did not want to interrupt it. Now their situation is going to change when migrant labourers or the whole Indian very first time listen to the virus name coronavirus no one pays heed to this virus. But the situation of migrant labourers changed when the sudden lockdown was imposed by the prime minister of India. It's a major step by the government of India to fight with covid-19. The condition of migrant labours start getting worse from the first day of lockdown, factories were closed now they were sitting far away from their home without work, without money, with the burden of family responsibility as one month passed in lockdown with tough time all their saved income is exhaust, the budget of essential items come to end and now landlords also start asking about their rent and they have already taken loan from the neighbour in this one month now they are under debt with no home, no food, and same with the burden of the full family. Now as we discuss all the basic things about migrant labours and the difficulties faced by migrant labourers during the months of lockdown

## **RESEARCH PROBLEM**

Migrant labourers, as we have discussed in the introduction about the basic lifestyle of migrant labour, who they are, how they manage, and how covid-19 affected their life.

- Migrant labourers are the peoples who faced most of the problem during the covid-19 pandemic. Migrant labours faced more problem than the labour, labours usually live in their own city, they also faced most of the problem during a covid-19 pandemic but they are at their home, but migrant labours did not at their home and they have the burden of their whole family as with them their whole family on streets. The first and most important problem faced by migrant labourers is “how to live and protect there and their family life” from pandemic on the streets of India and migrant labours also aware that they are not following social distancing norms and they must have to face the consequence of that, but they don’t have any better alternative to deal with this pandemic problem.
- The second problem which is faced by migrant labourers is “how to move ahead or how to go away from the first problem”. Moving towards their home on their own without any public transport and they are not even allowed to move by personal vehicles, because of the lockdown. In the initial situation the government also did not arrange any type of transport facilities for them. This second problem is like hypertension for migrant labour, because of the pandemic and burden of tension. What if they were infected by the virus? How to move ahead with these problems is the biggest problem.

We have only discussed two major problems faced by migrant labourers during the covid-19 pandemic. But these two are not only the major problem which is faced by migrant labour. Migrant labours faced this type of many problems during the covid-19 pandemic, we can say that migrant labour are the people who faced most of the difficulties during covid-19 and not only the migrant labour, their whole family faced many problems with them and most dangerous is that the small kids/child of migrant labours also faced this type of major problem related to living without shelter, food, clothes, and walk miles on this small age. This is some major problem migrant labours faced and their whole family faced during the covid-19 pandemic lockdown in India. Other than this there are many major problems migrant labour and their whole family faced, and they were gone through a time even can’t imagine.

## **EXISTING LEGAL SITUATION**

International labour organization have some laws related to migrant labour, for the welfare of migrant labours let's discuss some of them:

### **1. Migrant Workers (Supplementary Provisions) Convention, 1975.**

According to this convention, all the member countries of ILO are directed to follow the rules of this convention. Purpose of this convention to prevent abuse against migrant labours and protect them from trafficking. This convention directs for equal pay and equal treatment to all labour, not based on which county they belong. Unbiased on their origin country all are treated equally in the way.

### **2. Migrant workers recommendation, 1975**

Aim of this convention to make policies in favour of migrant workers to facilitate the reunification of migrant labourers family members. This convention advised the companies to consult social services agencies for the reunification of migrant labourers and their family.

### **3. Employees' Compensation Act, 1923**

According to this act, companies, factories, and injuries have to provide them compensation if the worker is injured during working hours or a worker faced any type of hardship, corporate companies are liable to compensate them.

### **4. Migration for Employment Convention (Revised), 1949**

The aim of this convention is to prevent misleading agreements against migrant's labour. As per these convention members of this organisation are an obligation to inform ILO regarding their policies related to immigration and emigration. ILO anytime asked for companies' policies regarding their emigration and immigration policies.

## **LITERATURE REVIEW**

### **Sergio Infante, “India’s Coronavirus Migration Crisis”, JSTOR Daily, June 17, 2020<sup>1</sup>**

This article explained the migration crisis in India from a historical and political point. The author of this article Sergio Infante said that the domestic migration crisis during the covid-19 period it's the biggest domestic crisis on the Indian subcontinent since the partition of 1947. The author mostly discusses the period of the great depression and about the period of migration in that time from cities to rural areas and in this period many countries impose “immigration restrictions that countries as Australia and the United States had imposed, the Government of India could not export “this surplus of population”. Author connects the migration problem with the problem of overpopulation and limited resources are available in one place, according to the author point of view if there is a limited population in a particular area the people will never migrate.

### **The Economic Times, “Lockdown in India has impacted 40 million internal migrants: World Bank”, April 23, 2020**

In this article, the author discussed the report released by the world bank and also directed the government to frame its policy after determining the condition of migrant laborers. “According to the report -- 'COVID-19 Crisis Through a Migration Lens' -- the magnitude of internal migration is about two-and-a-half times that of international migration”. Author at some extent explain about the vulnerable condition of migrant labours because of loss of employment, wages, the author said that government need to pay heed on their health issue and government try to follow social distancing norm. the author of this article gives a message to the government of every county and social world that there is a global shortage of health professionals and an urgent need for global cooperation and required long term investment in the health sector.

### **The Hindu, “Look back in relief: On the migrant labour crisis”, JUNE 11, 2020**

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<sup>1</sup> <https://daily.jstor.org/indias-migration-crisis/>

In this article, the writer discussed the relief which is provided by the supreme court of Indian in its decision in which the supreme court fixed fifteen days timing of migrant labours to return to their home and besides supreme court asked all the government around the country to drop the criminal case against the migrant labours for violating the norms of lockdown, since it was imposed at short notice on March 25 and they don't have an option other than to move by yourself. This also talked about the Shramik trains provided by the state to facilitate the migrant worker and indication the lapse by the centre and state government to deal with migrant labour crisis and article talked about the series of the direction issued by the supreme court to provide food and water during their journey and it has further asked the States to spell out their plans for registering all the workers, their skills, their areas of employment and the different welfare and employment schemes meant for them. The article of this newspaper overall discusses the lapses of government and relief provided by the supreme court of India to migrant labour in this initial lockdown situation.

## **RESEARCH QUESTION AND HYPOTHESIS**

### **Research Questions**

- 1.How the lockdown period has affected the lives of the migrant labourers and their family?
- 2.How far has the government helped to reduce the problems of the migrant workers during the lockdown in India?

## **HYPOTHESIS**

- ❖ State government provides any help to migrant workers during covid-19.
- ❖ Are migrant labourers have any right in a migrated state where they work.

## **SCOPE AND OBJECTIVES**

### **Research objectives**

- 1.To understand the daily struggles of the migrant workers during the lockdown period on the streets of India.
- 2.To analyse the impact of the lockdown on the children of the migrant workers.

- 3.To study laws and judgements related to migrant labourers.
4. To discuss the role of the government in providing help to the migrant workers during this period.

## **Scope**

The scope of this research paper is to cover the life of migrant labours around the country during the covid-19 pandemic lockdown. This research paper will cover the life of migrant labour during the normal days they usually live before the lockdown. And the life of migrant labours after covid-19 lockdown. This research paper will cover the major problem that is faced by migrant labourers during the lockdown from the initial days of lockdown to the end of lockdown. Life of migrant labours on the streets of India and social distancing norms, how they manage all this or they fail to manage. Our research paper also deals with the role of government and what are some basic help provided by the different state governments to the migrant laborers to reach their home. This paper will cover the impacts of lockdown on the Children of migrant's labours mentality and how their education is affected by sudden shocking lockdown. This research paper also explains the laws in favour of migrant labourers and what his government's moral duty is to provide help to migrant labourers and their family. Our research papers deal with the overall problem of migrants and explain how some state governments provide them transport facilities to move towards their home. The scope of our research paper on the topic of migrant's labours during covid-19 and to analyse all socio-legal aspects related to migrant labourers in India.

## **Methodology**

In this project, we are going to use a purely doctrinal method. For the research purpose of the topic, we have collected data from various primary and secondary sources, including various articles, journals, periodicals, etc for the purpose to prepare an overall research paper for this topic.

## CHAPTER-2

### **To understand the daily struggles of the migrant workers during the lockdown period on the streets of India.**

As we have discussed above the migrant labours and about covid-19. We above disused the daily struggle of migrant labourers during the first month of lockdown. Now move forward with the first objective of our research paper, as they are on the streets of India to move towards their hometown. Thousands of migrant labourers who migrated from their city years before are now on the different streets of India to move towards their hometown without any transport facility. The streets of Mumbai, Delhi, Chennai, Ahmedabad, Hyderabad, Bangalore and many other streets of the most developed cities of India are filled with laborers and most of these laborers belong to Uttar Pradesh and the state of Bihar. The world and the whole of India and the Indian government is planning and strictly following the norms of WHO for social distancing and now we can understand how the norms of social distancing are being followed on the streets of India. The main reason for imposing the lockdown is social distancing but when migrant laborers started moving for their hometown it's very difficult for them and for the government to follow the social distancing. Migrant labours, their small child and their whole family no one have anything to eat. You can imagine the condition of all shops, markets are closed and they have no one to whom they bed on streets for the food they have slept on streets without food and most important is that their life is at the risk of the pandemic because they know they were not following the social distancing norms. Many of these migrant labourers were old age people and some them parents of migrant labourers they were already fighting from many health issues and now they don't even have a home in their old age, they don't have food to eat and most perilous health problem is their mental health they because of this pandemic and in all this same condition there are numbers of small Childers and in these thousands of migrant labours some of them are pregnant women and all these have a walk for kilometres without food. We can't even imagine the situation faced by migrant labourers during the lockdown on the streets of their own country. As now we can understand our first research question also, how lockdown has affected the life of lakhs of migrant labourers and the lives of their family.

## CHAPTER-3

### **To analyse the impact of the lockdown on the children of the migrant workers**

As we already analysed the struggles of migrant labours and their family on the streets of India during the lockdown in our first objective of this research paper. Now we have to analyse the effects of lockdown on their Childers. In all these migrant laborers those who migrated with their full family many of them have small Childers some of them are teenagers. In these, some of the migrant labours send their children for work that is called child labours but they send because of their financial conditions but, some of these labours also send their child for study in government schools or small private schools in the city they migrated from their home/city in which they work. Now as they have to move for an undecided period towards their hometown, the study of their children also affects as big private schools, colleges, reputed coaching started their classes online from very next week of lockdown but these schools have to a long time to state their work online in this situation the study of Children of migrant labours affects the most. **And secondly**, if they started their classes online, they don't have electronic devices to attend the classes and if they want they don't have money to purchase it. In any way, if some of them have a digital device to attend the class but don't have money to recharge with the high-speed net pack. Because of all the above mentioned problems and all others that we think of, that affects the study but most important is their mental health. They are children who don't understand and think long term about what's going to happen. And if after the announcement of the government of India most of the schools directly promoted the students to succeeding class but now the problem is their parents are also not well educated to teach them on the home, now the question is will they get any knowledge or if yes from where, because they think they were passed now no need to study as we told they don't think much about the long term. There are many more problems than we discussed above that are faced by these small Children of migrant labourers in this age.

## CHAPTER-4

### **To study laws and judgements related to migrant labours**

There are many laws for the welfare of migrant labourers in India. “Inter-State Migrant Workmen Act, 1979” is an important act to regulate the mechanism of migration in India. This act is also a binding act on companies, factories in India. This act is considered a major act for migrant labour.

Inter-State Migrant Workmen Act, 1979 act is being replaced by “Occupational Safety, Health and Working Conditions Code, 2020” but this act is yet to be notified in the official gazette

**Let's discuss:**

#### **❑ Inter-State Migrant Workmen (Regulation of employment and conditions of service) Act, 1979**

These acts regulate the working condition of migrant labourers in a different state other than their native state. According to this code, it's a duty or responsibility of firm, industry, companies to provide the basic need for working and provide them comfortable well-being zone for working. It prevents the exploitation of migrant's labourers in the workplace. As per this worker can demand a basic social, healthy life at the workplace.

#### **This act gives some rights to migrant labours:**

1. Migrant labourers have the right to demand equal pay for equal work unbiased payment. Wages must not be influenced on bases of where a worker belongs, as per the Minimum Wages Act, 1948.
2. Displacement allowance paid to every migrant worker which is equal to fifty percent of monthly income and which is not refundable.
3. Migrant labours have a right to demand suitable residence place and medical facilities without any discrimination with migrant labours.

Under these acts, the role of the government is to look after the implementation of this act.

The state government has to appoint a register who can revoke and grant registration of the contractor or principal employer who are not obeying the rules under this act.

**❓ Supreme court judgment on 26 May 2020**

The Supreme court has taken the Suo Motu cognizance case related to the migration crisis. Supreme court directed all the state and central government to help migrant laborers to reach their home, the supreme court directed the government to provide the food and shelter facilities along with transport facilities. The Supreme court bench led by Justice Ashok Bhushan said adequate and immediate help should be provided by the state government and central government to the migrant labourers and their family. The Supreme court also urged the government and authorities to maintain social distancing as per the rules of WHO.

## CHAPTER-5

### **To discuss the role of the government in providing help to the migrant workers during this period**

Many states have arranged trains for the transportation of migrant labourers to their hometown. It happens when on 4 may centre government allows the state government for inter-state migration of labourers during the pandemic and also direct state government to provide the transport facilities and also advised to maintain the social distancing norms.

Shramik Special Trains are from Kerala for the help of migrant workers by the government of different states. Railway operates five special trains to Jharkhand, Uttar Pradesh, Bihar, Odisha for the benefit of migrant labourers.

1. Delhi Government: Delhi government has arranged trains for nearly 1200 migrant workers from Bihar and 1000 workers from Madhya Pradesh to help them to go back to their respective states. The Delhi government also converted government schools into shelter houses for migrant workers.
2. Uttar Pradesh: Uttar Pradesh government deployed 1000 buses for migrant labourers who stacked on the border area of the state or in the NCR region. Uttar Pradesh deployed in various cities like Varanasi, Gorakhpur, Kanpur, Amethi etc. for deployed migrant labourers.
3. Bihar: Bihar government also announced many types of relief packages to the migrant worker. The Bihar government announced rupees 1000 immediately to the families of the migrant workers.<sup>2</sup>
4. Maharashtra: Maharashtra government announced that the government will pay for the fare of shram trains of migrant workers for whom they don't have the capacity to pay on their own. The government announced they will pay from the chief minister relief fund amount. The Maharashtra government has paid more than 65 crores to bear the ticket number of migrant labourers.

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<sup>2</sup> <https://scroll.in/article/963164/bihars-promise-of-rs-1000-aid-is-little-solace-to-millions-of-returning-migrant-workers>

5. Odisha: Odisha government announces 17,000 crore packages for the creation of new jobs in the state for the migrated worker. The name of this package is the Special Livelihood Intervention Plan. This scheme will be implemented by March.

### **Garib Kalyan Rojgar Abhiyan:<sup>3</sup>**

In June Prime minister Modi launched the 50,000-crore package for the scheme for the job opportunity for migrant labourers and for all working-class who have returned to their state. The PM launched this programme through video conferencing during the election of Bihar with chief minister Mr Nitish Kumar in the Khazaria district of Bihar.

This Abhiyan mainly focuses on six states where the greatest number of workers have returned. Namely Uttar Pradesh, Madhya Pradesh, Bihar, Rajasthan, Odisha, Jharkhand. There are many other facilities other than transport and food like shelter, job guarantee, rationing facilities are provided by the government of India to the migrant workers.

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<sup>3</sup> <https://thewire.in/labour/rs-50000-cr-job-guarantee-scheme-for-migrant-workers>

## **CONCLUSION:**

In this research paper, we have discussed the history of migrant laborers, who they are, from where they came. In this paper, we have detailed discussion about the covid-19 pandemic and how this pandemic affected the life of migrant labours. In this paper, we have detailed analysed the daily struggle faced by the migrant worker during the lockdown period on the streets of India. We also discussed how they are worried about social distancing norms, their family and small Childers life in danger because of a covid-19 pandemic but they are struggling to move ahead towards their home themself. We have discussed how the study of their children has been affected by this pandemic and how their small kids are struggling without food and home. The latter supreme court intervenes in migration crises on its own. The Supreme court directed all the state government and central government to provide adequate transport, food and shelter facilities to migrant labours. Later after some time the state government started some special trains for migrant workers, some of the state government ready to bear the cost of the ticket of trains (Maharashtra), other states provided them with money and employment guarantee to migrant labourers. (Uttar Pradesh, Odisha, Bihar).

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