

**VIOLATION OF HUMAN RIGHTS DURING COVID-19**  
**- RIGHTS OF MIGRANT LABOURS**

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*“No work is insignificant. All labour that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence.” - DR. Martin Luther King Jr.*

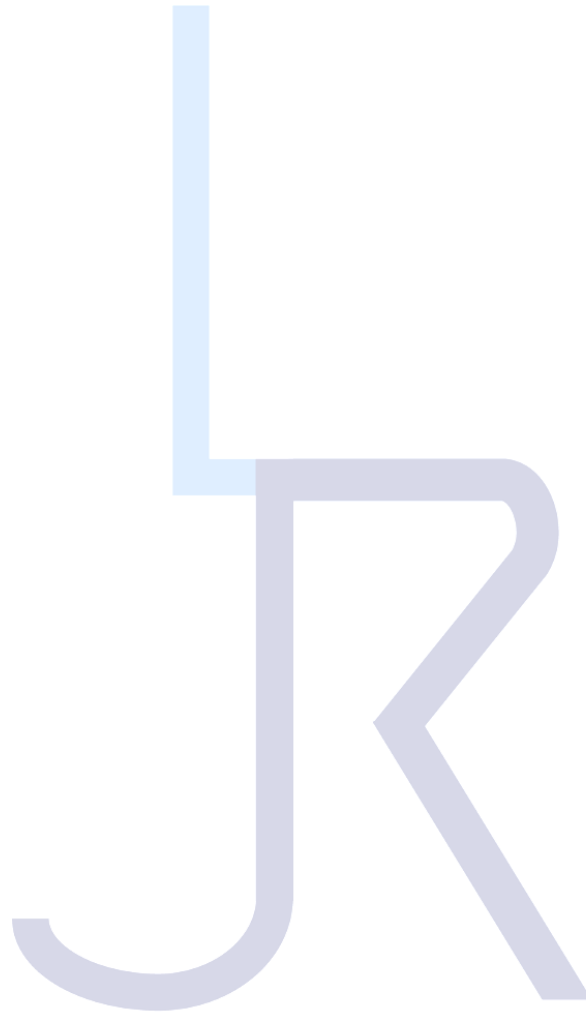
**ABSTRACT**

*On 24<sup>th</sup> March 2020, the Government of India ordered a nationwide lockdown in India starting midnight to stop the Co-reading to the country. Because of the shutdown of factories and workplaces due to lockdown imposed in the countries, millions of migrant labourers had to deal with the loss of income, hunger and uncertainty about their future. Many of them and their families went starving. Because of the loss of did note or wages, they didn't have money to send their family in COVID-19. Migrant labourers who decided to stay back during the COVID-19 faced undesirable treatment from their neighbours who accuse them, of being infected with the coronavirus. Many, of them walked back with no means of transport due to lockdown. The central and state governments took steps to help them by trying to make sure that there are public transport and food available for them. The governments using special trains but still, there are no food and water provisions, they were either not provided or simply dumped at, buy stations due to the fights between the passengers while sharing food. Amid COVID-19 lockdown, more than three hundred deaths were reported with the reasons regarding from distillation subsidies exertions, road and rail accidents, also due to careless and bad attitude did not authorities many didn't get medical treatment timely and 18 migrants died while walking through the railway lines during the night, from the server train accident. Many videos were viral showing the starvation deaths of migrant workers. Many dead and injured due to the lack of concern by the authorities and government towards the labours and daily wagers amid local authorities and government's lockdown.*

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*This study on the rights of migrant labours amid COVID-19. In the present scenario, the most important issue is how to save human rights during COVID-19. significant pandemic time, a major issue is maintaining the fundamental of Migrants' labour. The basic problem of migrant labourers has become very important in developing countries in the world. Migrant labours have faced multiple hardships during this COVID-19.*

**KEYWORDS :** COVID-19, Migrant Labours, Violation of Rights, Rule of Law, Human Rights.



LRJ- ALLYING LAW WITH SOCIETY

## **INTRODUCTION**

Migrant labour had faced multiple hardships during the battle of time because of the shutdown of factories and workplaces due to lockdown imposed nationwide. There are so many mills dealing with workplaces' shut down and uncertainty.

From this nation wind down amid the COVID-19, has certainly dislocated many of migrants by taking away jobs, lack of money and many were forced to walk hundreds of miles to reach back their homes where some were significant during this journey. Some major steps were taken by the Government to take control of this The Government took some The Government these steps, there was another challenge faced by the government that was to empower all these workers the government face they can earn a live lie without leaving their native states. The Center and the state government authorities have to deal with the crisis along with the respect of human rights because every life is important.

How COVID-19 affected the lives and workers, how their human rights are being violated and why the government lack in dealing with the situation?

This paper is written to give an insight into the situation of migrant labourers so that the readers can get the answers to these questions. Although some blame the people who are migrating to earn a livelihood, the essential more at fault and it is important to bring up this issue so that we may not fall in the same situation again.

## **RIGHTS OF MIGRANT, LABOURERS**

During this COVID-19 pandemic, human rights violation including cancel ship discrimination arbitration reported from different parts of the Country. The world violations an unprecedented Crisis. The prior were their lives. The United nation has more power to set tools and form of human rights start detention minorities among other all are being affected differently However, about Rights Commission House recorded over 2582 cases, all formulation of human right where the country was under nation-wide lockdown indicating rampant human rights violation which left millions of migrant's labour to suffer. The Commission has sought an explanation from respective state authorities and mostly in human rights cases relating the hunger and death of migrant labourers complaints ranged from making migrants devoid of social schemes to death on roads where the migrants have no work food shelter and most of the migrants are weak and depressed people of our society, with their families have had towards their native place on foot hence they were dying of hunger the many of killed in accidents. Blaming the other we should know that continually migrants are suffering from starvation and walk journeys without food, water and social distancing.

## INDIAN SETTING PRIMARY

The rule of law is one of the basic or fundamental concepts of the legal system. The rule of law means no one can be above the law; No one can be Supreme over the law. Based on this every public authority, government officers have to follow this rule. Even in the constitution, the rule of law is given.

The Center and the state government authorities have to deal with the crisis along with the respect of essential because every life is important. It is very disheartening to know the death and labourers, women, older people, children and even pregnant woman. But whenever this country has a social-economic crisis, all the time migrants have to survive over or without the human rights to at least live even without dignity

## HUMAN RIGHTS AND THE INDIAN CONSTITUTION

India is a welfare country it means well of people's superior law. The Constitution of India is the Supreme document in the country which means all the; laws are governed by this document. It was enforced on the 26th of January 1950.

We are a welfare country so we are this document governs all the law. The preamble of the constitution declared Indian to be a sovereign, socialist, secular, Republic country. India is also one of the original signatory countries of the international covenant. The international covenant set out the parameter in respect of human rights to all the countries with any discrimination.

- (i) Article 14, Equality before the law.<sup>134</sup>
- (ii) Article 15, the for on grounds of religion, race, caste, sex or place of birth.<sup>135</sup>
- (iii) Article 16, equality of opportunity in matte prohibits sent<sup>136</sup>
- (iv) Article 19, on the grounds of principle of free migration are in clause (d) & (e) of Article 19 (1) Of the constitution of India which guarantees that every human being has the right to move and settle all over the Indian territory without any restrictions.<sup>137</sup>

**Universal Declaration of human rights (UDHR)** 1948 says that human rights derive from the inherent dignity of a person and human being.

<sup>134</sup> J.N. Pandey, *Constitutional Law of India*, (52<sup>nd</sup> ed. 2015)

<sup>135</sup> J.N. Pandey, *Constitutional Law of India*, (52<sup>nd</sup> ed. 2015)

<sup>136</sup> J.N. Pandey, *Constitutional Law of India*, (52<sup>nd</sup> ed. 2015)

<sup>137</sup> J.N. Pandey, *Constitutional Law of India*, (52<sup>nd</sup> ed. 2015)

- (v) **Section 2 (1)(d)** of protection of human rights 1993, human rights are those rights which are a person's related to life, liberty and dignity of individual guaranteed by the constitution or international covenant and enforceable b.

Human rights are universally applicable which means human rights are universal and apply to every human being without any discrimination based on caste, colour, place of birth, religion etc. Human rights are founded in respect of the dignity of the individual man rights are justifiable. They cover legal, fundamental rights and national rights as well as they also enjoy judiciary enforcement. Human rights are not absolute it means they have also for registration and restriction human rights include socioeconomic, civil, political rights which are deemed and serve the individual. also have are essential as well as necessary because in this absence of human rights the physical, social, spiritual is not possible it is irritable because they cannot be taken away by any authority like a right to life, right to air, right to education, right to sleep, right to privacy.

## HUMAN RIGHTS AND UN CHARTER 1945

UN charter<sup>138</sup> first official document in which the UN Charter was drafted and adopted by all the states. India was one of them. UN charter contains the provision for the protection of human rights when states become a member of UN, they are bound to follow the charter to maintain international peace and security for human rights to all person without any discrimination.

Human rights and UN charter are classified into five parts: -

1. **Civil rights:** These are the related to the right to life and personal Liberty these are also Basic human rights which are necessary for the human being under UN charter they have been given
  - Right to life Article 6
  - Right to again exploitation article 7
  - Right to equality article 14
2. **Social right:** These are the rights which are given under UN charter: -
  - Article 9 right to security
  - Article 11 right to live with dignity

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<sup>138</sup>UNO, Universal Declaration Of Human Rights, Un.Org, (Sep. 19, 2020)  
<https://www.un.org/en/universal-declaration-human-rights/>

- Article 12 Right to Liberty
- Article 13 right to education

**3. Economic Rights:** These are following economic rights which are given under UN charter: -

- Article 5 right to choose a profession
- Article 6 right to work
- Article 7 right to work with dignity
- Article 8 right perform labour union

**4. Political Rights:** These are the following political rights which are given under human charter:

- Article 19 right to an opinion
- Article 20 right two union
- Article 21 right to Association
- Article 25 right to participate in an election

**5. Cultural rights**

- Article 50, right to participate in cultural activity
- Article 51 right to take benefit of scientific idea except these about these are some article in UN charter in Vista provision related to human rights has given-
- Article 55, this article laid down universal respect of all the human rights and freedom for all.
- Article 62, the economic and social council may make or initiate studies and reports concerning international economic, social, cultural, educational, health and related matters.
- Article 68 economic and social conceal must be settled in Commission for protection for human rights.

Based on the above information, it is clear that most of the freedom, social, cultural rights proclaimed In UDHR has been incorporated part of Indian constitution. It means that in India, human rights get

fundamental rights status which means these rights are enforceable in India. These rights run in the same in same way. They are not contract but maintain the harmonious contraction and maintain the dignity of individuals.

### **(A)INTERNATIONAL SETTINGS**

Soon after the Independence, India adopted some reforms for the betterment of the labourers in the country because back then a large number of people used to work in unorganized sectors. Migrant workers or the labour to better were in filthy living conditions and fast, many of Labour laws and rights was required as per the International Labour standards.

Since 1922, India has been a permanent member of ILO (International labour organization) and is also among the founder countries of the ILO governing body. India has adopted six from the eight fundamentals of the International ILO conventions, these are: -

1. Forced Labour Convention
2. Abolition of Forced Labour Convention
3. Equal Remuneration Convention
4. Discrimination (Employment Occupation) Convent Organization Age Convention
5. Worst forms of Child Labour Convention<sup>139</sup>

Recently, India has adopted a framework for providing a better work culture and workspace for the labourers including sustainable livelihood, water, sanitation and affordable health facilities in rural areas, access to quality of life, also equal opportunities and enabling environment for women, children and young people living in the backward areas under The Decent Work Country Programme (DWCP) for India (2018-22), formulated at the national level through a process of tripartite consultation for ILO's mentorship to its constituents in India. By 2022, Environmental and natural resource management (NRM) will be strengthened to provide more access to clean energy and proactiveness to climate change and disaster risks. Children in rural areas will be provided more access to essential nutrition services like food baskets.

## **LRJ- ALLYING LAW WITH SOCIETY**

### **CONDITION OF MIGRANT LABOURERS**

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<sup>139</sup>Chitranjali Negi, Human Rights Violations of Migrants Workers in India During COVID-19 Pandemic (June 17, 2020). Available at SSRN: <https://ssrn.com/abstract=3629773> or <http://dx.doi.org/10.2139/ssrn.3629773>

As per the observed value, India has more than 40 million Migrant Labourers and had different types of challenges faced in this pandemic. Due to this protective measure are taken by the government of India, many daily wagers and migrant labourers who are often earning to survive lost their livelihood. As a result of this Pandemic time, people dying of starvation, India's ration of find no employment for the wagers and labourers.

### **(A) PRE COVID-19**

The improperly or primarily comprise or in India is largely comprised of migrant workers. Even though they are the majority section of labourers, the government has always failed to give them the right treatment in any form of social or legal justice. Even before the COVID-19 was announced a pandemic and even before the lockdown was imposed, the migrant labourers were exposed to exploitation, harassment, sexual abuse and also were forced to work in low-end, low-value However, conditions. But still, they were far away from the much unhealthy treatment of authorities that they faced during the lockdown, and they were paid less than what they deserve, they had work to do and some earning which was the source of their survival. They used to live in filthy condition in small rooms but they had hope that after completing the work for the day they will get some food to eat for them and also, for their families.

Before all India Lockdown, the conditions of workers were not so different not dying on roads with starvation. They were would end access to different government subsidies but when their jobs were taken away, they workers hurt because reason for their living was also taken away. Crossing the state boundaries increases the distance between the "source" and "destination" eventually increasing the hardships of migrant workers. Also, they can become easy victims of identity politics and provincialism.

### **(B) POST COVID-19**

As the lockdown covers the world, the rising unemployment of many valuable labourers will be pushed into more precarious situations and lack of protection.

Keeping in mind the situation, the impact of internal migrants in this coming year wires and an in labourers' rising unemployment of exploitation of the remaining workers. Moreover, India has the lowest paying job in fields like construction in the hospitality, textiles and domestic workers. In this 90% workplace comprises the informal or unorganized sectors of the economy as well as the migrants, are a big part of this. Due India's 40,000,000 significant labourers are facing the major burden of the



situation. As per the fact, there will be an increased risk of enslavement and a decreased supply of workers who are at high risk of exploitation.

Not to forget and emphasising on the disruption of education due to COVID-19. There will be many children, woman and men forced to go out and work for the survival of their families and suffer physical, emotional and even sexual violence in many cases. Furthermore, not only the loss of work of migrants is at high risk but also the women, victims of social discrimination. The survival of the migrant labourers are unending. Thousands have to travel miles of distance on foot to escape the high standard cities without food and immediate matters of concern primary is population are food, shelter, basic healthcare, loss of jobs, the survival of family, anxiety and fear etc. There are many of them facing rude behaviour from police authorities and around 22 died on their journey back home.

The announcement of nationwide Lockdown in India did not refer to any transportation service this financial help to the Migrants. Many issue of are labour workers in different states, the government took the initiative to send them home by running over 4000 Shramik special trains for the 40 lakhs migrant labourers. So however, the concept of social distancing was destroyed, they had labour workers' issue in the delays of special trains, shortage of food and water. The first special train to take migrants to their home started on 9<sup>th</sup> may 2020 and the total lockdown was implemented across the country on 23<sup>rd</sup> March 2020; the yearly showed that the government failed to incorporate strategies to mitigate the impact of COVID-19 and Lockdown<sup>140</sup>. They took these steps when more than one was over, of a lot of problems with this pandemic and the impact of this on the lives of labourers.

Summing up to the impact of Covid-19, mainly the labourers are suffering the most. The facts and estimation discussed above are just an observed value according to media and other sources.

## **STEPS TAKEN BY GOVERNMENT**

Just a few days after the lockdown, as the spread of the pandemic started rising, especially those people who live away from their homes were in dilemma whether to stay at their places of work or to leave for their home cities or villages. It turned out that later on in the lockdown, when the workplaces, construction sites and the factories were shut from weeks, the workers and the daily wagers who left their homes to earn some living ran out of ration and even money because there was no work no pay situation also they had to pay rents to the landlords and now they were left with only one option that was to get back to their hometowns or villages in the thought that at least they might survive somehow

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<sup>140</sup>RENU YADAV, *Impact of COVID-19 On Indian Migrant Workers*, CRITICALEDGES.COM (JULY 12,2020) <https://criticaledges.com/2020/07/12/covid-19-on-indian-migrant-workers/>

or get some work, especially in the fields as it was the season of However, vesting wheat. But this created nothing but chaos because there was no transportation back home amid lockdown which resulted in people walking hundreds of kilometers and even dying in the journey with starvation, in accidents or by the pandemic due to lack of medical facilities during the journey. It was then where the intervention of The Government was much needed and is significant.

Now talking about some major steps which were taken by the Government to take control of this unhealthy situation of the migrant workers are as follows:

1. On 29<sup>th</sup> March<sup>141</sup>, the Government issued guidelines mentioning that the landlords should not ask for rents during the lockdown and the employers should also pay the wages without deduction and also asked the state governments to set up relief camps for migrant workers returning to their native states. Though the direction regarding the wages was taken back when the lockdown extended.
2. On 16<sup>th</sup> May<sup>142</sup>, the National Migrant Information System (NMIS) was announced by the Government. It is an online database of migrant workers in different locations including their phone numbers and other data, it was created by National Disaster Management Authority (NDMA) to make easy the distribution of rations and other supplies.
3. Food camps run by the government and NGOs provided food to around 75 lakhs people across the country till the 5<sup>th</sup> of April<sup>143</sup>. 37,978 relief camps and 26,225 food camps had been set up as of 12<sup>th</sup> April<sup>144</sup>.
4. The government arranged transport facilities for migrant workers to travel back home. Buses and Shramik special trains were made available exclusively for a labourers. Approximately 91 lakhs people travelled using these facilities to reach back to their hometowns. Measures of social distancing were also enforced in vehicles. 85% of the fares were borne by The Central Government and the rest 15% per cent was on the State Governments.

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<sup>141</sup> Vibhor Gupta, Know Your Tenancy Rights in The Time Of Force Majeure (Covid-19), MONDAQ.COM (22 June 2020), <https://www.mondaq.com/india/litigation-contracts-and-force-majeure/956234/know-your-tenancy-rights-in-the-time-of-force-majeure-covid-19>

<sup>142</sup> Himanshu Shukla, National Migrant Information System (NMIS), EDRISTI.IN (May 17, 2020), <https://www.edristi.in/national-migrant-information-system-nmis/>

<sup>143</sup> THE ECONOMIC TIMES, 75 LAKH PEOPLE PROVIDED FOOD AT SPECIAL CAMPS SET UP ACROSS COUNTRY: MHA, ECONOMICTIMES.INDIATIMES.COM <https://economictimes.indiatimes.com/news/politics-and-nation/75-lakh-people-provided-food-at-special-camps-set-up-across-country-mha/articleshow/74996465.cms> (Last Updated: Apr 05, 2020, 08:12 PM IST)

<sup>144</sup> Express News Service, COVID-19 situation: Nearly 38,000 relief camps set up for migrant labourer, Govt to SC, INDIANEXPRESS.COM (April 27, 2020), <https://indianexpress.com/article/india/covid-19-situation-nearly-38000-relief-camps-set-up-for-migrant-labourers-govt-to-sc-6380652/>

5. Even after all these steps, there was another challenge faced by the government that was to empower all these workers so that they can earn a livelihood for their necessities without leaving their native states.

To cope up with this, the government started making reforms and announced schemes which can directly be accessible by the people and migrant workers. Garib Kalyan Rojgar Abhiyan was put at work, 25 work areas have been identified for employment in villages, for development of various works and provide jobs to the daily wagers, people in rural areas and migrant workers who returned to home amid lockdown<sup>145</sup>. Also, NREGA was given more attention so that more people can get jobs under the already prevailing to 75 Lakh Crores was also announced under PM Garib Kalyan Yojana along with the Aatma Nirbhar Bharat campaign.

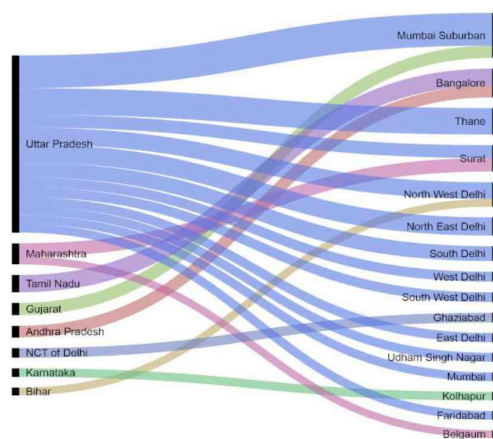
According to a survey and 2019 which measured the policies of 7 most popular migration destinations in the country, these seven states have the most equitable policies for residents and the migrants from different states.

It can be observed that the migrants coming for work to different states are treated unlike the residents by the respective state governments.

The picture, shows top 20 interstate migration corridors in India as of 2011 which might be more widened till date. It can be estimated that migrating to a different state for livelihood is something that is done very intensively in develop into earn like India back of exclusive and sustainable growth in our country.

Thus, there should be some extraordinary policies for tackling the issue of unemployment in semi-urban and do not areas so that people don't have to migrate to urban or metropolitan cities for work or there should be equitable policies for both the residents and the migrants in every state and even the central government should enforce the state government to follow such policies.

Top 20 Interstate Migration Corridors In India (2011)



<sup>145</sup> ANI, PM Modi To Launch Job Scheme For Migrant Workers In UP Today, NDTV.COM, (Updated: June 26, 2020) <https://www.ndtv.com/india-news/pm-modi-to-launch-atma-nirbhar-uttar-pradesh-rojgar-abhiyan-today-2252454>

## **LACK OF EFFICIENCY AMANYREATMENT**

There were a lot of steps taken by the government to deal with the situation caused by the many but instead of helping the migrants, made it worse for them to get out of it. Threading of efficient administration was the main cause of schemes and packages not reaching the final consumer. To ensure the social security and welfare of the workers in the unorganized sector, the government of India launched the Unorganized Workers' Social Security Act, 2008. To enjoy tats of the same the workers needed to get themselves registered by which the same order we, the unique identification number (UIN). The whole process is time-consuming and during the pandemic, it is a more complex task, as the result, the system failed to provide an instant benefit to the migrant work; thusry much a necessity during this period.

There are many other schemes as well which were announced with the sole objective of providing benefits to the low-income section of the society thHowever,abourers and wagers. But due to loopholes in the system, only a minor part of the population has access to them. One such scheme is Rastriya Swasthya Bima Yojana which works intending to provide cashless insurance to people belmostlypoverty line. This scheme was also not largely accessible due to lack of awareness and government failures. A lot is being announced and done on paper but it is harsh that the ground real Moreover, was not completely different.

And this wasn't enough. During this lockdown, police mostly targeted the daily wagers, workers who provided daily essential products door to door. When the rule of law is to protect the interest of individuals then how viable authority ill-treated and assaulted the migrants asking for help. They individuals have with their dignity and rights. Police authorities have no right to take away the rights of any individual. We all have seen videos getting viral on the internet and social media how people are suffering and there is no action taken against them.

The International labour organization convention law was violated by some of the states. The convention of hours of some of the states violated the International labour organization convention Laws.

Saving the rights of migrant workers or workers from the unorganized sector is a critical issue for a country like India which has a large population but lacks resources for fulfilling the needs of every individual. Labourers in agriculture, road construction, brick kilns, the beedi to fulfil), the individual's needs ever, sugar factories, sugar cane cutters, transporters, sugarcane harvesting seasonal migrant workers are not even able to have two full meals during the lockdown because of no wages being paid