

THE PLIGHT OF DOMESTIC MIGRANT WORKERS IN INDIA DURING COVID-19 CRISIS

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Abstract

Domestic migrant workers in India travel from their villages to work in bigger cities. The lockdown as a result of the coronavirus emergency left this marginalised section of population stranded in their cities of work- without shelter, food, livelihood and means of transportation to return back to their villages. The article provides an assessment of the current condition of these internal migrant workers in India during the COVID-19 crisis and provides an analysis of their legal and human rights. It discusses the inhumane treatment afforded to them and also highlights the emergence of social boycotting of these workers by the community. In this light, the article also studies the response of the government and the judiciary to deal with this situation.

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1. Introduction

The coronavirus (COVID-19) pandemic has shown the vulnerability of the nations across the world. It is inflicting damage not only to human life but also to the socio-economic structures surrounding it where the gaps between the privileged and the marginalized have resurfaced.³ The legislature, executive and the judiciary in India are grappling to with this is “social emergency”⁴. As a response to the COVID-19 crisis, countries are taking several steps to prevent its spread through lockdowns, isolations, quarantines, travel bans and declaration of emergencies. India too went into the world’s biggest lockdown starting 24th March 2020 which at the time of writing this paper still subsists. The lockdown has affected some segments of the society more than the others. The United Nations High Commissioner for Human Rights, Michelle Bachelet, pointed out that the Indian lockdown represents a massive logistical and implementation challenge because of its population and density.⁵

Globally, the condition of migrant workers has witnessed an ugly truth since the outbreak of pandemic.⁶ World over the number of internal migrants is about two-and-a-half times that of international migrants.⁷ In India, it is estimated that around 139 million internal migrant workers travel to cities from villages for work in the informal sector which constitutes almost 80% of the Indian workforce. For the disempowered workmen, migration to urban economic centres provides an escape from poverty and unemployment. With the lockdown, not only did the factories, establishments and workplaces heavily dependent upon migrant workers shut down, but their means of being transported to their secure native place was also stopped. The loss of employment, starvation from hunger, eviction due to non-payment of rent and lack of effective means to return back to their villages were amplified in greater measure due to the outbreak of the

³ NIGAM, *COVID-19: Dealing with an Untameable Virus*, 8 April 2020 in <https://ssrn.com/abstract=3571289>

⁴ *PM Modi calls Covid-19 situation 'social emergency', says lockdown may not be lifted in one go*, 8 April 2020 in <https://timesofindia.indiatimes.com/>.

⁵ S. DATTA, *India: Migrant workers' plight prompts UN call for 'domestic solidarity' in coronavirus battle*, 2 April 2020 in <https://news.un.org/en/story/2020/04/1060922>.

⁶ P. HEIJMANS, *Virus Surge in Southeast Asia Migrant Workers Serves as Warning*, 28 April 2020 in <https://www.bloomberg.com/news/articles/2020-04-28/virus-surge-in-southeast-asia-migrant-workers-serves-as-warning>.

⁷ International Organization of Migration, *World Migration Report, 2020*.

pandemic.⁸ The initial reaction of the government was to transport migrant workers back to their native stations which failed miserably for lack of preparedness and the risk of the virus spreading *en masse*. As many as 500,000-600,000 workers had to walk back home on foot in the absence of any transportation options.⁹ The lockdown also led to many law and order issues in as much as, in the absence of the state being able to restrain workers from venturing out, the law enforcement agencies had to employ means to curtail actions that breached statutory compliances. Many died walking hundreds of miles and some even committed suicide.¹⁰

In this background, the objective of the paper is to study the situation of migrant workers in India during the COVID-19 crisis from a socio-legal perspective. The first part of the paper highlights the immediate government response in terms of grants and aids for the migrant workers. Thereafter, the paper studies how the Supreme Court of India has dealt with the present situation. The third and fourth part of the paper highlight the major issues which are faced by the internal migrant workers in India, which have not been catered to by the government. Finally, the paper provides concluding remarks.

2. Governmental Response to the Migrant Workers Exodus

On 23rd March 2020, International Labour Organization released the international labour standards relevant to the evolving COVID-19 outbreak.¹¹ India looked towards its domestic legislation which unfortunately proved futile and inadequate to deal with migrant worker situation. The fact that there is already in existence a law for internal migrant workers, provided hope, however, the enforcement of this law has never been validated. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979¹² was enacted to regulate the service conditions of inter-state laborers. It specifically provides that

⁸ World Bank, *COVID-19 Crisis Through a Migration Lens* (2020) in <https://openknowledge.worldbank.org>.

⁹ R. SADAM, *Last Journey: Migrant Worker Dies after Walking for Miles to Reach Home in TN amid Lockdown*, 4 April 2020 in <https://www.news18.com/>; *Covid-19: At least 22 migrants die while trying to get home during lockdown*, 29 March 2020 in <https://scroll.in>.

¹⁰ *Coronavirus Lockdown: Another Migrant Dalit Labour Commits Suicide*, 3 April 2020 in <https://www.groundxero.in>.

¹¹ International Labour Organization, *ILO Standards and COVID-19 (coronavirus)*, 23 March 2020.

¹² The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 in <https://indiacode.nic.in/>

every worker should be enrolled at the source and destination states in India to ensure safe migration, prevention of exploitation and protection of their rights. It is the duty of the employers to provide for accommodation, sanitation facilities, healthcare etc. But most employers do not register themselves and thereby, the workers are unable to avail the benefits of this law in this crisis. Therefore, domestic worker coming from interstate and working as house help or with unregistered employers cannot avail the provisions of this act and this led to a cascading impact leaving hundreds of migrant laborers stranded.¹³

While the government could not enforce this particular enactment, it had to come up with immediate policy decisions and advisories to assist the migrant workers. The government set up camps with basic provisions to provide shelter to stranded migrants. It also took measures to distribute food on a massive scale and insisted that the employers pay wages and landlords to waive rents. On 26th March 2020, the Union Finance Minister announced packages under the Prime Minister Garib Kalyan Yojana (translates as Prime Minister's Poor welfare scheme)¹⁴ under which an amount of Rs 1.7 lakh crore (\$ 22.5 billion aid) was allocated to assist migrant workers, sanitation workers, Accredited Social Health Activists as well as urban and rural poor *via* direct benefit transfers to their accounts and through food rations available through administrative routes.”¹⁵ Regional efforts taken by the government have also been documented.¹⁶ But there are reasonable doubts that this help will not reach the migrant workers.¹⁷ Further, the scheme is not “specifically” targeted towards migrant workers alone. The apprehensions proved accurate when in the absence of a structured disbursement of food ration or distribution of cooked

¹³ ET Online, *Coronavirus fallout: A law that could've helped migrant workers*, 10 April 2020 in <https://economictimes.indiatimes.com/>.

¹⁴ Ministry of Finance, *Finance Minister announces Rs 1.70 Lakh Crore relief package under Pradhan Mantri Garib Kalyan Yojana for the poor to help them fight the battle against Corona Virus*, 26 March 2020 in <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1608345>

¹⁵ K SHROFF, “We are deserted”: *Migrant workers forced to walk hundreds of kilometres due to lockdown*, 26 March 2020 in <https://caravanmagazine.in>.

¹⁶ *Status Report of the Action Taken by CLC Organization as on 02.04.2020 in Wake of COVID-19* https://clc.gov.in/clc/sites/default/files/mygov_15859316941.pdf

¹⁷ A BHAT, *Coronavirus: India's lockdowns are a matter of life and death for its 450 million informal workers*, 24 March 2020 in https://www.scmp.com/week-asia/health-environment/article/3076714/coronavirus-indias-lockdowns-are-matter-life-and-death?fbclid=IwAR0BPLAXcvavJCSxG4Y3jaQWp9SVOfz5b2FH-XmmlekFp0IKwq2T7lO_bJE.

food, many workers were left stranded for days without access to food despite the system of community kitchens.

Thereafter, the Ministry of Home affairs issued a specific advisory¹⁸ on 27th March 2020 to all states in India to take immediate provisions for support in the form of food and shelter to different migrant workers including those from unorganised sector. Another advisory was issued the by the Ministry of Home Affairs on 20th April 2020¹⁹ which divided the migrant workers into three categories based on the locations where the migrant workers are currently situated. Firstly, migrant workers who are in the cities of their local residence, Secondly, migrant workers who are on their way and are yet to reach their destination city/village Thirdly, migrant workers who have reached their destination. Those migrant workers who are on their way and are yet to reach their destination have been instructed to be kept in quarantine centers.²⁰ The latest advisory suggests that migrant workers may be able to go home in sanitised buses and will be kept in quarantine, however, the implementation remains under question.²¹ Thus, while the government is attempting to provide all possible measures, reports have shown that people are trying to escape from the quarantine shelters, as there is overcrowding, lack basic facilities like food and hygiene.²² While laudatory, the policy decisions and advisories by the Government have assisted the workers only “temporarily”. The loss of employment and livelihood, along with the inability to reach their agricultural fields to cater to crops, will cause a huge socio-economic meltdown.

3. Supreme Court of India and Migrant Workers

Legislation on migrant workers has proven to be inadequate and the government advisories are dealing with the crisis management. In this light,

¹⁸ MHA, *MHA issues advisory to all States/UTs to make adequate arrangements for migrant workers, students etc. from outside the States to facilitate Social Distancing for COVID-19*, 27 March 2020 in <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1608518>

¹⁹ Ministry of Health and Family Welfare, *Advisory for quarantine of migrant workers* (2020) in <https://www.mohfw.gov.in/pdf/Advisoryforquarantineofmigrantworkers.pdf>

²⁰ S. MEHROTRA, J PARIDA, *India has the resources to care for its embattled migrant workers – but does it have the will?* 27 April 2020 in <https://scroll.in/>.

²¹ *MHA Order Dt. 29.4.2020 on movement of migrant workers, pilgrims, tourists, students and other persons* in https://www.mha.gov.in/sites/default/files/MHAordernew_29042020.PDF

²² G. PANDEY, *Coronavirus in India: Migrants running away from quarantine*, 15 April 2020 in <https://www.bbc.com/news/world-asia-india-52276606>; M. LOIWAL, *Coronavirus: It's traumatic, say migrant labourer in West Bengal's quarantine facilities* 8 April 2020 in <https://www.msn.com/>.

it is important to see the role of the judiciary in perpetuating its rights-based jurisprudence. Public Interest Litigation (PIL) has allowed the Supreme Court of India to hear the matters of the poor and weaker segments of the society directly through diluted and expansive *locus standi*. Before the COVID-19 crisis as well, the court has issued directions to concerned authorities to protect and promote the rights of workers.²³ Two PILs were filed by advocates highlighting the plight of migrant workers.²⁴ In *Harsh Mander and Another v. Union of India*²⁵ petitioners claimed a “right to livelihood” for migrant workers. The petitions, *inter alia*, detailed how thousands of workers, and in several cases, their families, were being forced to walk great distances to reach their respective homes because there was no prior information. Further, many workers were housed in shelter homes without any adherence to the norms of social distancing.²⁶ In response, the Union of India submitted a “Status Report”²⁷ that has been referred to extensively by the Supreme Court, while giving its directions in the Petitions. The petition had argued that the Centre and the States should, either jointly or severally, take responsibility to pay migrant workers at least a week’s wages for their sustenance.²⁸ Thus, relying on Article 14 (right to equality) and Article 21 (right to life) of the Constitution of India, the petitioners sought for “minimum wage” for the workers. The petitioners’ plea also stated that the State ought to perform its positive obligation by mitigating the uneven effect caused by its ‘own decision’ of an enforced lockdown. The Supreme Court respecting the separation of power doctrine said that it cannot interfere with the policy decisions of the government and that no payment of money to migrant workers was required since they were receiving food at the shelter homes. Hence, it left the decision upon the wisdom of the government.²⁹ Thus, the court refrained from interfering in the policy decisions taken by the government. The court’s observation makes one contemplate on the rich history of the Court in upholding the right of life and keeping it at a higher

²³ S. S. RODRIGUES, *Law Related to Migrant Labour* in <http://www.grkarelawlibrary.yolasite.com/resources/LLMSY-Lab-2-Sarita.pdf>.

²⁴ V. DEVADASAN, G. BHATIA, *Coronavirus and the Constitution – X: Rights, not Policy*, 7 April 2020, in <https://indconlawphil.wordpress.com/>.

²⁵ *Harsh Mander and Another v. Union of India*, Writ Petition (Civil) No. 10801/2020.

²⁶ S. MAHAJAN, *Migrant Workers' plight during Coronavirus Lockdown: Will not interfere in government decision for few days*, CJI SA Bobde 7 April 2020 in <https://www.barandbench.com>.

²⁷ *Alakh Alok Srivastava v. Union of India*, Status Report, Diary No. 10789 of 2020.

²⁸ Legal Correspondent, *Centre files report on migrant workers*, 7 April 2020 in <https://www.thehindu.com/>.

²⁹ S. PRAKASH, *SC refuses to pass order for payment of wages to migrant workers during lockdown*, 7 April 2020 in <https://www.tribuneindia.com/>.

pedestal much beyond mere animal existence even in times of emergency situations. Compounding these problems was the fact that in the wake of the lockdown, the Court started holding video conferencing for hearing extremely urgent matters. Many advocates and organizations involved in providing rescue work found that due to the video conferencing and substantial alterations in the procedure for getting matters listed due to COVID-19 restrictions, issues pertaining to the alleged inefficiency of government steps in addressing the conditions of the marginalised were not taken up on priority basis.³⁰ It is also pertinent to mention that the High Courts in the State of Kerala and Uttar Pradesh had passed orders whereby the recovery of taxes and bank loans was stayed till the pandemic is over. The Supreme Court in an appeal filed by the Central Government stayed the orders thereby creating further problems for a large section of labourers who had taken loans from banks and were living on serious debts.³¹ In *Alakh Alok Srivastava v. Union of India*³² the Supreme Court again asserted that it is satisfied with the steps taken by the government. Further, approach of the law officers of the court has been questionable in as much as statements have been made that adequate food supply to migrant workers. However, through first-hand accounts of people associate with handling of helpline numbers answering distress calls hundreds of migrant labourers stranded in different parts of the country without food or adequate supply of ration. Despite this the Court found it appropriate to uphold the doctrine of separation of power strict and did not give any specific directions to ameliorate the position of the migrant workers.

4. Inhumane Treatment, Social Boycott and Stigmatization

Steps taken by the government and the judicial decisions have had little impact on the distressing social conditions. Several human rights issues have emerged including those pertaining to safe housing, adequate food supply and hygienic living conditions. Footage posted on social media showed workers locked weeping and begging to be freed.³³ Lack of proper

³⁰ P. BHUSHAN, *The Supreme Court Is Locked Down and Justice Is in 'Emergency' Care*, 28 April 2020 in <https://thewire.in/law/lockdown-supreme-court-justice>.

³¹ PTI, *SC stays orders of Kerala, Allahabad HCs restraining recovery of taxes, dues*, 20 March 2020 in <https://economictimes.indiatimes.com/>.

³² *Alakh Alok Srivastava v. Union of India*, Writ Petition(s)(Civil) No(s).468/2020 dated 30th March 2020.

³³ DPA International, *Indian migrants left jobless by coronavirus face hard journey home*, Deutsche Presse-Agentur GmbH, 30 March 2020.

training to deal with the situation caused Indian health workers to spray a group of migrant workers with disinfectants consisting of bleaching powder and jets of sodium hypochlorite to prevent the spread of coronavirus.³⁴ Consequently, immediate action was ordered against these officials.³⁵ This even prompted the United Nations Office of the High Commissioner of Human Rights to call upon³⁶ the Indian police forces to show restraint and abide by international standards on the use of force and humane treatment in their efforts to respond to this pandemic.³⁷ Reports abounded of the difficulties faced by workers in reaching their hometowns, including being stopped and questioned to the point of harassment, being made to pay (bribe) for what was supposed to be free transport services, and often being inhumanly treated.³⁸

COVID-19 has exacerbated a lot of social problems and behavioural changes.³⁹ Mob lynching or vigilante violence has become a commonplace menace in India particularly during this pandemic. Previously, vigilantism and lynching was targeted against minorities of a particular caste or religion, as a means for “instant justice”. In *Tehseen S. Poonawalla v. Union of India*⁴⁰ the Supreme Court of India laid down guidelines in mob violence and lynching cases. However, there is no specific law relating to lynching as of now. While the usual cases of lynching are a product of dominant narrative wherein people who do not fit into the narrative are outcasted, in COVID-19, such a narrative is the fear of the disease and lack of awareness as to its spread.⁴¹ Villagers across India have reportedly erected barricades, dumped trees or dug trenches to stop outsiders from entering their villages and appointed guards at entry points. This has led to the emergence of a

³⁴ O RASHID, *Coronavirus: In Bareilly, migrants returning home sprayed with 'disinfectant'*, 30 March 2020 in <https://www.thehindu.com/news/national/other-states/coronavirus-in-bareilly-migrants-forced-to-take-bath-in-the-open-with-sanitiser/article31204430.ece>.

³⁵ *Ibid.*

³⁶ S. DATTA, *India: Migrant workers' plight prompts UN call for 'domestic solidarity' in coronavirus battle*, 2 April 2020 in <https://news.un.org/en/story/2020/04/1060922>.

³⁷ *Ibid.*

³⁸ T.D.SINGH, *Coronavirus India Updates: Lockdown Extension On The Cards As Covid-19 Cases Mount Unabated*, 2020 in <https://www.bloombergquint.com/coronavirus-outbreak/coronavirus-india-updates-over-26000-covid-19-cases-in-india-death-toll-tops-800>.

³⁹ D. NARAYANAN, *Coronavirus would reset distances, labour market: Experts* 4 April 2020 in <https://economictimes.indiatimes.com/news/economy/policy/coronavirus-would-reset-distances-labour-market-experts/articleshow/74965143.cms?from=mdr>

⁴⁰ *Tehseen S. Poonawalla v. Union of India* (2018) 6 SC 72.

⁴¹ V.S. DRENNAN, *Lynching and the creation of a Segregationist society*, The Read, 7 September 2017.

new category of “violent” social boycotting.⁴² Social boycotts are instruments of exclusion.⁴³ Reports show a man was lynched⁴⁴ to death for informing the local coronavirus help centre about some workers who had returned to his village from another state. In another incident, a mob attacked a medical team including a police patrol car after they got information that some people had returned from New Delhi and West Bengal.⁴⁵ Few migrant workers seeking to return home were refused entry to their villages and they were forced to take temporary shelter in trees for days.⁴⁶ Thus, lack of policy and awareness has perpetuated friction in the society.

Further, government officials started posting posters on the wall of every house with members who have been quarantined and this has led to fears of stigmatization among people. The hands of those who were quarantined were stamped to ensure they stay at home.⁴⁷ While prevention is pertinent, it is argued that vigilantism by neighbours and social ostracization⁴⁸ will lead to fear and eventually, non-reporting. Such disclosure has been argued to be a violation of right to privacy and dignity of the individuals under Article 21 of the Constitution of India as well as their basic human rights.⁴⁹ Therefore, apart from the economic stratification that migrant workers are facing, there is an increased violation of their fundamental rights and human rights including right to shelter, livelihood, privacy, dignity and right to life.

5. Right to Food: Public Distribution System

⁴² PTI, *Coronavirus: Facing ‘social boycott’, man hangs self to death in Himachal’s Una* 5 April 2020 in <https://www.deccanherald.com/>.

⁴³ S.THORAT, N. S. SABARWAL, *Caste and Social Exclusion-Concepts, Indicators, and Measurement*, 2 Indian Institute of Dalit Studies, Paper No.1, 2010, 7-13.

⁴⁴ M.BERG, S. WENDT, *Introduction: Lynching from an International Perspective*. In: BERG M., WENDT S. (eds) *Globalizing Lynching History*, (Palgrave Macmillan, New York, 2011)

⁴⁵ A. KUMAR, *Man lynched in Bihar’s Sitamarhi for informing about Covid-19 suspects*, 3 April 2020 in <https://www.hindustantimes.com/>.

⁴⁶ *West Bengal migrant labourers who returned to village quarantine themselves on tree branches*, 28 March 2020 in <https://www.newindianexpress.com/>.

⁴⁷ S. DATTA, *India: Migrant workers' plight prompts UN call for ‘domestic solidarity’ in coronavirus battle*, 2 April 2020 in <https://news.un.org/en/story/2020/04/1060922>.

⁴⁸ A. REDDY, *The Need for Social Boycott Laws in India*, (1) GNLU Law and Soc. Rev. 63 (2019).

⁴⁹ D. MISHRA, *‘No one wants to go near them’-returning migrant workers in Bihar face social boycott* 31 March 2020 in <https://theprint.in/>.

The right to food is recognized in Article 25 of the [Universal Declaration on Human Rights](#), and Article 11 of the [International Covenant on Economic, Social and Cultural Rights](#) as well as a plethora of other instruments. India is a signatory to both these instruments and further, India's Constitution recognizes the right to food, specifically, Article 47 of the Directive Principles of State policy creates a "duty of the State to raise the level of nutrition and the standard of living and to improve public health." Further, the right to food jurisprudence has emerged by interpretation of Article 21 of the Indian Constitution (right to life).⁵⁰ Through its landmark decision in the, *People's Union for Civil Liberties v. Union of India*⁵¹, the Supreme Court explicitly established a constitutional human right to food and a basic nutritional floor. However, in current extreme situation it has become difficult to apply this right. The number of migrants and daily wage workers depending on the government relief camps has nearly doubled as per the government report with about 14.3 lakh people housed in 37,978 relief camps.⁵²

A very pertinent issue in access to food and ration that crept up was the absence of a uniform Public Distribution system⁵³. During the initial days of the lockdown many workers had to starve and be deprived of the government facilities for supply of ration since they did not have the necessary cards for getting free ration. This was remedied by the Delhi High Court in a Petition filed by a food distribution non-governmental organisation for opening up ration shops in Delhi on all working days and to ensure supply of food ration to people who did not possess necessary document such as the Ration card.⁵⁴ The Supreme Court has asked the Central Government to consider providing ration to those people who do not have any ration cards.⁵⁵ Further, the Supreme Court in *PUCL v. Union of India*⁵⁶ held that food security is undoubtedly extremely important and mere schemes without implementation are of no use. It has been held by the

⁵⁰ G.S.S. GOWDA, *Right to Food in India: A Constitutional Perspective*, 3 (2) International Journal of Law and Legal Jurisprudence Studies 28 (2016).

⁵¹ *People's Union for Civil Liberties v. Union of India*, Petition (Civil) No. 196/2001.

⁵² Legal Correspondent, *Coronavirus, Centre files report on migrant workers*, 7 April 2020 in <https://www.thehindu.com/news/national/coronavirus-centre-files-report-on-migrant-workers/article31283896.ece>.

⁵³ R. KHERA, A. SOMANCHI, *COVID-19 and Aadhaar: Why the Union Government's Relief Package is an Exclusionary Endeavour* (Engage, Vol. 55, Issue No. 17, April 25, 2020)

⁵⁴ The Wire Staff, *HC Tells Delhi Govt to Keep Ration Shops Open, Disburse Food to All*, 28 April 2020 in <https://thewire.in/government/hc-tells-delhi-govt-to-keep-ration-shops-open-disburse-food-to-all>

⁵⁵ *Aayom Welfare Society v. Union of India & Ors.* WP (C) Diary No. 11031/2020 (30 April 2020).

⁵⁶ *PUCL v. Union of India & Ors.* (2013) 2 SCC 688.

Supreme Court that there is a distinction between a statutory obligation and a constitutional obligation but there can be no doubt that right to food is actually a constitutional right and not merely a statutory right.⁵⁷ This situation of migrant workers in COVID-19 crisis has highlighted a serious lacuna in the provision for basic supplies. Several states are establishing systems for issue temporary ration cards or electronic coupons for people to access these rations. In Delhi, for instance, a non-ration cardholder has to enrol online with their phone number and getting a one-time password and then they are required to upload their identification cards. This has made it impossible for the migrant workers. While they are devoid of even a roof over their heads, getting access to smartphones and internet seems impossible, more so the literacy levels fail them⁵⁸ Creating a uniform public distribution system of essential commodities through the government authorized shops is the most apt solution at this point. Thus, while health needs are an urgent and primary concern, it is pertinent that the government does not neglect the food security aspects, as such situations can become breeding grounds for social unrest and tensions.⁵⁹

6. Conclusion

Coronavirus pandemic will affect the societies for a long time, particularly the marginalized. The lockdown has caused several human rights violations for migrant workers and has led to an increased social stigma and boycotting. A new form of lynching arising from fear has also emerged. While the government has announced several schemes, there is a lot of apprehension as to their enforcement. A survey points out that most of the schemes announced were never made known to the labourer thereby causing them to have no access to these scheme and measures.⁶⁰ There are several challenges surrounding successful governance. The fact that judiciary has supported the government policies and has refused to interfere can be a positive critique of the democratic Indian governance, however, it has deviated from its rich history of upholding the rights of the marginalized and bridging the gap with those who are privileged. The problems of access to the schemes introduced by the government need to

⁵⁷ *Swaraj Abhiyan (II) v. Union of India & Ors.* Writ Petition (Civil) 857 of 2015 dated 13 May 2016.

⁵⁸ D. SINHA, *Food for All During Lockdown: State Governments Must Universalise PDS*, 20 April 2020 in <https://thewire.in/rights/covid-19-lockdown-food-supply-pds>.

⁵⁹ FAO, *COVID-19: Our hungriest, most vulnerable communities face “a crisis within a crisis”* (2020).

⁶⁰ JAN SAHAS, *Voices of the Invisible Citizens A Rapid Assessment on the Impact of COVID-19 Lockdown on Internal Migrant Workers Recommendations for the State, Industry & Philanthropies*, April 2020.

be addressed. It is often seen that migrants in a city are presumed as mere labour power and not as equal citizens. The crisis posed by the COVID 19 is an opportunity to understand these issues, identify the migrant work force and assess means to give access of all schemes introduced for their benefit. This crisis further gives an opportunity to understand that parity in economic relief measures announced at different levels do not create newer hierarchies of poverty and discrimination. Though it is true that the pandemic has altered how the world for migrant labourer would be post the Pandemic however learning from the lessons experienced during the period of lockdown, there surely can be light at the end of the tunnel if adequate social, economic and legislative reforms are undertaken proactively.