

INDIA'S SOCIAL SECURITY ISSUE: MIGRANT LABOURERS AND THE COVID-19 LOCKDOWN

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Introduction:

Every human being has the right to social security. It is a requirement for society's better functioning and aids in its economic and social development. It is a means of resolving challenges such as poverty, hunger, inequality, social exclusion, and racial prejudice. Social security aids in the adjustment to economic upheavals and labour market changes. It is a means of ensuring the long-term viability of society. Every human being has the right to social security, regardless of caste, class, colour, nationality, religion, gender, or geography. The concept of social security has always existed in society, although it has evolved over time. The family's head of household used to set aside a portion of his wages to be used in times of need. With the onset of the industrial revolution and migration, the concept of joint family as the primary source of security for its members shifted. The exodus to urban regions to meet basic requirements resulted in the disintegration of the joint family system, which served as the primary source of social security, notably in India. As a result, the necessity for a formal framework to protect residents in the event of vulnerability developed. According to Article 22 ^[1] of the Universal Declaration of Human Rights, the right to social security has been proclaimed as a right of everyone as a member of society.

"It is the right to security in the event of unemployment, sickness, disability, widowhood, old age, or inability to earn a living due to circumstances beyond his control" (Article 25). (ILO, 2008). In practise, however, this right is primarily enjoyed by people who have some form of security. When it comes to defining social security entitlements, workers in the informal sector are almost completely overlooked. The global pandemic of COVID-19^[3] has generated concerns about social security rights, particularly in developing and underdeveloped nations, and in particular for lower-class and low-wage workers. The most affected segment was the one engaged in the informal sector, which was locked down and shut down for over two months. It was tough for minor dealers, street vendors, daily wagers, and labourers to make ends meet. The situation escalated for migrant workers who were stopped on highways waiting for help. Migrating in search of a better life, better employment possibilities, better economic chances, and to escape poverty, starvation, and political upheaval, they have now become refugees in their own nation due to the present pandemic. This

research makes an attempt to look at the predicament of Indian migrant workers during the unexpected lockdown in terms of their social security. An analysis is conducted using available data, and post-pandemic conclusions are drawn.

INFORMAL SECTOR AND SOCIAL SECURITY

We look at the ILO's comprehensive definition of social security to understand what it means: "The protection that the society provides to its members, through a series of public measures, against the economic and social distress that would otherwise be caused by the cessation or substantial reduction in earnings due to sickness, maternity, employment injury, unemployment, or other causes" (ILO, 1984). Because the meaning of social security has been reduced, it now mainly refers to post-retirement income, unemployment benefits, medical benefits, and monetary payments in the event of accidental death or permanent disability. However, just 27% of the world's population has any sort of social security, while 73% have none at all (ILO, 2014).

The majority of persons who do not get social security work in the informal sector, which includes all types of informal employment with no social protection both inside and outside the informal enterprise. It even encompasses both self-employment and pay employment in unprotected occupations in small unregistered businesses (Chen, 2007). Before debating the right to social security in the informal sector, it is necessary to define the sector's boundaries:

1. Petty traders, street hawkers, shoeshine boys, and other groups "underemployed" on the streets of cities are among the key activities involved in the informal sector, according to the ILO Employment Mission Report to Kenya released in 1972.
2. According to the analysis, despite being just slightly productive, the majority of informal sector work is economically effective and profitable. Technology, a scarcity of capital, and a lack of ties to the modern formal sector economy may limit employment opportunities. These activities, on the other hand, are usually overlooked, often negatively regulated, and sometimes intentionally discouraged by the government. 1974 (Emmerij)
3. The informal sector includes all workers in informal enterprises, some workers in formal enterprises, self-employed workers, and those who conduct contract work for informal or formal sector enterprises and contractors (Kantor, 1997).

As a result, we can conclude that the informal sector includes all persons who are not affiliated with a formal organisation and have permanent or temporary labour with no set working hours or income. Petty occupations, contractual work, daily wagers, agricultural pursuits, and self-employment are all possibilities. The informal economy, on the other hand, is the foundation of the whole economy. It is a long-term trend rather than a passing fad. Economic ties such as production, distribution, and employment tend to fall somewhere along a continuum between pure formal and pure informal relations (Chen, 2007). Almost 2 billion people labour in the informal economy around the world. This accounts for 61 percent of the world's working population. Emerging and developing countries account for 93 percent of informal employment (ILO report, 2018). More over 90% of India's workforce is employed in the informal sector, which accounts for 50% of the country's GDP (GOI, 2015). Even though they make up a considerable portion of the Indian economy, the majority of workers in the informal sector must seek job or rely on luck. During regular times, they attempt to make ends meet. However, when they are faced with a health condition, a natural disaster, or an economic catastrophe, the situation becomes more challenging. As a result, there is a demand for social security for the informal sector. Since independence, government policies on social security had mainly disregarded this sector, until 1995, when the National Social Help Programme (NSAP) was established, which provided financial assistance to the poor and needy in the event of old age, death of a breadwinner, and pregnancy. Later, in 2008, the Unorganized Workers Social Security Act was passed, although it has made little headway (Dhamodran and Alagumalai, 2016). In addition, on May 9, 2015, certain new social security schemes were launched to ensure that everyone has access to insurance and pensions (Singh, Sanyal and Bharati, 2015). Despite the government's efforts to provide social security through various programmes, this sector remains fragile, and the situation has gotten worse for migrant workers.

MIGRANT LABOURERS

Both professional and unskilled employees leave their homes in search of a better life. According to the World Migration Report 2020, there were over 164 million migrant workers worldwide in 2017, accounting for nearly 64% of all international migrants. 68 percent of the grant recipients were from high-income countries, 29 percent from middle-income countries, and 3.45 percent from low-income countries (IOM, 2020). Migration, according to UN Ex-Secretary General Ban Ki Moon, is "an manifestation of the human ambition for dignity, safety, and a better future." It's

woven into the fabric of society, and it's a part of our basic makeup as a human family" (World Economic Forum, 2017). More people are living in countries other than their birth countries these days, thanks to improved opportunities, infrastructure, and government regulations.

In 2019, there were an estimated 272 million migrants worldwide (www.un.org). Many employees in developing countries are travelling to seek work elsewhere as a result of globalisation, rising unemployment, and poverty. In developed countries, the demand for labour, particularly unskilled labour, has soared. Workers and their families have been forced to migrate to other countries as a result of this. However, due to severe gaps in data, credible estimates of migrant workers are not available; however, according to the ILO's global and regional estimates of migrant workers, there are roughly 244 million migrant workers worldwide, accounting for 3.3 percent of the global population. These employees contribute not only to the economy of the host countries, but also to the economies of their home countries through remittances. In exchange, they are given little social safety. (www.ilo.org)

According to the 2001 Census, India had 309 million internal mi grants. In 2007-2008, the NSS ^[6] estimated 326 million mi grants (28.5 percent of the population) (Srivastava, 2011). According to NSS statistics, there was a rise in rural-urban and urban-urban migration streams among total migrants from 1999-2000 to 2007-2008. (Srivastava, 2011). Although high-productivity agricultural areas remain popular destinations, the trend of rural-urban migration is expanding as more migrants prefer to engage in better-paying non-farm jobs in cities and industrial zones like Delhi and the states of Gujarat and Maharashtra (Deshingkar, and Akter, 2009). Migrants, on the other hand, have been mostly excluded from the host country's or state's social security systems. Because they are mi grants, they are already concerned about when government policies will be in their favour. They are the ones who suffer the most in any crisis circumstance, such as a recession or a natural disaster.

PLIGHT OF MIGRANT LABOURERS DURING COVID-19 PANDEMIC

The situation deteriorates further in the event of a natural disaster, like as the social security crisis that occurred during the COVID-19 epidemic. The society's elite and middle classes were saved by the untimely and abrupt shutdown to contain the spread of coronavirus. The poorer classes, mainly the mi grant labourers, were left to fend for themselves. While the unexpected shutdown

of all activities, institutions, factories, marketplaces, stores, places of worship, and amusement caused alarm among the general people, who began stockpiling supplies for the future, the migrant labourers were concerned about where they would go and what they would eat. Migrant labourers in India are mostly employed in construction, textiles, small businesses, stone quarries, mines, seafood processing, and hospitality. They have, however, had very restricted citizen rights. Because there was no work, this industrial reserve army (Marx, 1976) was left to its own devices. Because the majority of them were seasonal, semi-permanent, or long-term cyclical migrants (Srivastava, 2011), they eventually returned to their home towns. On March 25, 2020, the wheels came to a halt, and they were unable to find another mode of transportation, so they began walking. They have migrated to cities in order to escape poverty and achieve upward mobility. The lockdown and large movement of migrant workers sparked concerns about the social security of Indian nationals who were viewed as refugees in their own country. Their shared desire to return home drove them to go on their adventure, bringing with them only the bare necessities such as food, water, and clothing. They were battling hunger and exhaustion as they tried hard to return home to their own nation. Food and comfort are provided for them at home in the community. The quarantine imposed to contain the virus devolved into a humanitarian calamity. In a crisis, it is normal for everyone to desire to return home, including Indian students, tourists, and pilgrims who were stranded abroad. Those stranded on distant ports were given special flights, but the migrant labourers were left to their own devices. Biswas (Biswas, 2020) Even though they had no idea how far they were travelling, they began walking on desolate roads and railway tracks. Infants, adults, and the elderly began to flee to villages and small towns in their home states of UP, Bihar, Madhya Pradesh, Bengal, and Odisha in search of protection.

A pandemic of this nature is frequently feared because it highlights the public health system's weaknesses. COVID-19, on the other hand, highlighted the condition of India's workforce. Over 90-92 percent of the workforce (around 450 million) works in the informal sector, which implies they have no social or employment security. During the crisis, many began to wonder why the Vande Bharat Mission had not been embraced for them. Alternatively, we have yet to establish equality for all. Their choice to stay where they were and their decision to walk large distances showed the link between labour and job security. Their marches back to their homes brought the flaw in the system to light. The migrants made those reverse migrations to escape going hungry in the city. This demonstrated their unity and opposition. (2020, Sinha) The shutdown went into

force on March 25th. On March 28, the Home Ministry issued orders to states and union territories to use monies from the National Disaster Response Fund (NDRF) to provide food and shelter to migrant labourers. The NDRF money were released on April 3rd. For ten days, no one took responsibility for those mi grants. Even then, the situation was out of hand. They were living in dismal and temporary quarters during the day. They couldn't eat or survive since they didn't have enough food. They were surviving on one meal each day, and many were utterly reliant on others. The government has taken several measures to ensure food security. The Finance Minister said that recipients of free food grains would receive 1 kilogramme of dal for free. In addition to the existing scheme, beneficiaries of the Pradhan Mantri Garib Kalyan Ann Yojana were entitled to an additional 5kg rice or wheat per month. However, a new issue occurred on the ground.

Because ration cards are not transferable across borders, it is difficult to find fair-priced stores and obtain free food. Only 12 states were covered by the "one nation, one ration card" concept. However, there were millions of migrant workers, the majority of whom were from various states, who were having difficulty returning home. As a result, they did not benefit from food distribution through fair price or public distribution outlets. (2020, Gunjan) They wished to return to their house since they lacked shelter and food. Inter-state trains, on the other hand, began service on May 1st, more than a month later. The situation would have been different if these precautions had been taken prior to the lockdown. In the country, there were four crore mi grant labourers. However, by the 24th of May, 2020, when unlock phase I had already begun, just 75 lakh had gone home in trains and buses. (2020, PTI) The agitated labourers' rage and restlessness manifested itself in protests around the country. Though the government took certain steps to make mi grant workers' lives easier, they were either too late or were not executed correctly and efficiently in light of the needs. In their own nation, they felt disregarded. While the rest of the country was in lockdown, they were on the roadways, only wanting to get back to their homes or towns. Stone pelting incidents, gatherings of migrants demanding transportation to their homes, lathi charges and arrests (www.business-standard.com), and the use of disinfectants on migrant labourers in Bareilly and soap solution in Kerala to counteract the effects of the novel coronavirus were all inhumane. Even the World Health Organization has warned that disinfectant spraying is damaging to people's health both physically and psychologically (AFP, 2020). Indians have relocated to Gulf countries for better living, not just within the country's borders. Over 8 million Indians live and work in the Gulf region, primarily in the United Arab Emirates, Kuwait, Saudi Arabia, Qatar,

Oman, and Bahrain, in the construction, hospitality, retail, and tourism industries (Haidar,2020). According to the International Labour Organization, Arab countries have roughly 23 million migrant workers (Hashmi,2020). On the one hand, they contribute to the economic growth of those countries, but they also contribute to the economy of their own country. According to the World Bank, India is one of the world's top remittance recipients, with an anticipated inflow of USD 81.3 billion in 2019, with a substantial portion of these remittances coming from Gulf Cooperation Council countries. According to a Reserve Bank of India (RBI) bulletin, 90 percent of overseas Indians are employed in the Gulf region and Southeast Asia, and the GCC countries accounted for more than half of total remittances received in 2016-2017. The majority of persons receiving migrants are semi-skilled, low-skilled, or unskilled workers with short-term contracts. However, millions of migrants were stranded in their host nations due to the COVID -19 epidemic, and the government resolved to bring them back in stages. (2020, Bansal)

The relocation of migrants posed various difficulties. The first was in terms of healthcare, as returnees may bring a new wave of illnesses with them. The majority of new coronavirus cases occur as a result of direct or indirect contact with sick people. Migrant employees serve as a "bridge population" for viral transmission, as they may be carriers when travelling back to their homes. The majority of countries had made strategies for border screening. However, there was no strategy in place for the migratory workers who lived within the boundaries. Wickramageet.al. (Wickramageet.al., 2018). The second reason was economic, since remittances to their home nations decreased. The returning migrants and their dependents require healthcare, food, and shelter, as well as enough employment possibilities. In addition, Gulf countries were taking severe efforts to combat the pandemic and were considering changing their policy for migratory labour. It was believed that they would speed up the "nationalisation" of jobs initiative.

GAPS IN THE POLICIES

The Interstate Migrant Workmen Act of 1979 was enacted with the goal of regulating and lowering the working conditions of interstate migrant labourers. This act requires contractors who hire migrant workers to register, as well as employers to keep track of their employees. However, the great majority of self-employed wage workers, as well as intra-state agrarian and other migrants in the informal economy, are left out. According to the Standing Committee on Labour's 2011-12 report, not a single employer or contractor from eleven states had registered under this statute. A

record of interstate migrants could have been available if the statute had been properly enforced. Similarly, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act of 1996, or BOCW, recognises the seasonality and precarious nature of employment by defining a construction worker as someone who worked in the construction industry for 90 days in the previous year. This law mandates that registered establishments offer housing and child care for workers, as well as requiring state construction boards to register workers as beneficiaries of various social programmes. To be eligible for these benefits, each worker must be certified as a construction worker by an employer or a trade union. These labourers, on the other hand, are constantly moving from one location to the next and are not registered. Another law, the Unorganised Sector Workers Social Security Act, 2008 (or USSA), requires state social security boards to register unorganised workers, including home-based workers, as beneficiaries of various programmes, although no records are kept (Sulfath and Sunilraj, 2020). According to an ILO analysis, India was among the countries least prepared to deal with the COVID-19 problem, with over 400 million employees in the informal economy at danger of sinking further into poverty (PTI, 2020). It would have been much easier to discover and support informal sector workers and migratory workers if they had been registered in a timely manner. Despite the existence of legislation, the gaps in their execution became clear in our country's social security problem.

The COVID-19 lockdown exposed the reality of most workers' working and housing situations. Even after 70 years of independence, a dignified living, which is every citizen's right, is still missing. They were not allowed to return home in Karnataka, sparking accusations of bonded labour. Hands must be washed frequently and physical space must be maintained to prevent the spread of virus. However, how can we expect labourers to maintain spacing in cramped situations when 5-10 people share a single room?

POST-PANDEMIC CONCLUSIONS

The question is whether the post-pandemic environment will be the same for migrant workers as it was before. On the one hand, the trauma, worry, discomfort, and discrimination they have experienced in their desire to return to their communities would make them reconsider their decision to return to the city. They would be afraid of a repeat occurrence in the future, therefore some of them would choose to work within the village, while those who own land would prefer to

work in their hometowns. Due to the haunted memories of their voyage back home, their ambitions to improve their lives and advance will be put on hold for the time being.

Many of them, though, will be unable to find job in their villages. Their family's precarious circumstances and the need to survive will drive them to return to the lunatic cities. As a result, these surplus workers (Marx,1976) will once again be available for corporate expansion. In response to the society's economic progress, certain states have made changes to labour regulations. However, many of these measures are geared toward employers. The rise in working hours indicates that fewer people will be hired, resulting in an increase in unemployment. Furthermore, working for 12 hours is against ILO labour regulations. If necessary, adjustments must be made while keeping these requirements in mind. If this is not done, the surplus population has the potential to bring about revolution (Marx,1976) because they stand to lose the least. We must keep in mind that migrant workers are the backbone of our economy, and before that, citizens of a democratic society. Migration has been identified as one of the indicators of sustainable development in the 2030 Agenda for Sustainable Development. The main tenet of the Agenda is to "leave no one behind," including mi grants. (www.un.org)

As a result, improving the working and living circumstances of mi grant workers is critical. To begin, a record must be kept so that the responsible authorities may be held accountable for the workers in their particular locations. Wherever possible, jobs might be created in their own communities or close by. They need to be informed about their rights and the options open to them. Local art and handicrafts might be supported, allowing at least a portion of these workers to stay in their communities. Policies and schemes should be more practical so that they can take advantage of the provisions more easily.

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