

Workers at time of COVID-19: Walking Towards an Uncertain Future

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Maharashtra is the worst affected state in India from the COVID-19 pandemic. At the time of writing this paper (1 June 2020), Maharashtra has 70,013, confirmed coronavirus positive cases with 2,361 (Firstpost 2020) recorded deaths. Mumbai alone has more than 40,000 plus COVID-19 positive cases. Besides creating public health emergency situation, COVID-19 has halted all economic activities and brought misery into the lives of workers, particularly, the migrant workers. Written in form of an essay, this paper examines condition of the migrant workers in India and Maharashtra during the COVID-19 crisis.

Once coronavirus began to spread in the end of February 2020, in order to control it, on 13 March, Maharashtra government invoked the Epidemic Diseases Act of 1897 in five of its metropolitan cities—Mumbai, Navi Mumbai, Nagpur, Pune & Pimpri Chinchwad. Now, along with the other parts of India, the state is under full lockdown since 25 March. Despite 47 days of full lockdown and various other measures taken by the Maharashtra government, the number of coronavirus positive cases has soared.

The lockdown has halted regular activities of people which has negative psychological impact on many individuals. Job loss, lack of money, inability to get something what some people consider “essential” such as alcohol, fear of being detected coronavirus positive, among various other reasons, have caused deaths of many people in India.

According to a dataset prepared by Thejesh GN, Kanika Sharma, Krushna and Aman, accessed on 1 June 2020, 742 people in India, have lost their lives due to reasons other than contracting the COVID-19 infection (GN 2020). According to their data, compiled on the basis of news reported in national newspapers, on web portals, in some regional language newspapers and on social media, 126 people have killed themselves due to loneliness, lack of freedom to move, inability to go home and fear of being tested COVID-19 positive. 209 migrant workers have died in accidents while returning home. 50 deaths are associated with withdrawal of alcohol symptoms, and number deaths related to starvation and financial distress is 132 (Ibid). Exhaustion has killed 46, 12 died due to police atrocity/state violence, lockdown-related crimes has caused 17 deaths, while 59 lost their lives because of denial of proper medical care. In addition, there are 66 cases where specific reason for death is not clear (Ibid). 25 people died in shramik (workers) special trains carrying migrant workers to their hometown (Ibid)

From the perspective of class, more than any other section of population, the pandemic and the lockdown have severely affected lakhs of migrant workers in Maharashtra. Many of them do not have adequate money to support themselves for a longer period of time. Earlier, in desperation, a number of them started walking back to their home, as bus and train operations were completely shut down from 25 March to mid-April.

During the early phase of lockdown, the Union and most of the state governments were against the movement of the workers, as they feared that it could spread the virus in villages and other small towns. In the Supreme Court of India, the Union government argued that almost one third of migrant workers could be infected with coronavirus; therefore, to control the spread of virus in villages and other small towns of India they have to remain where they are (Bindra and Sharma 2020).

Even the employers have been against the workers going back to their villages, as it affects production process in their factories which they predict will start anytime soon after an ease in the lockdown. What looks as punitive step, as reported, factories and other economic establishments in some states may be lawfully allowed to cut salaries and initiate disciplinary action against those workers who

fail to report back at their work stations within a stipulated time period after the lockdown is lifted (Sharma 2020 a). Labour department officials from Gujarat, Madhya Pradesh (MP), Karnataka and Uttar Pradesh (UP) told Economic Times that such advisory is under serious consideration of the top officials (Ibid). On 8 May, some employers' associations also met Union labour minister Santosh Kumar Gangwar and urged the government to issue an advisory so that workers could return to work (Katju 2020). Such acts of compelling the workers to come back at work violates Article 23 of the Indian constitution which protects the citizens against exploitation (Ibid).

However, as heart-wrenching narratives and stories of migrant workers walking to their homes flashed on national and international media, the Government of India changed its earlier position on their movement. In the middle of April, intra-state movement of migrant workers was permitted by the Union government. Subsequently, special trains were started to carry inter-state workers to their villages and home towns. After a go ahead from the Union government, the Maharashtra cabinet cleared a plan to evacuate more than about 1.3 lakhs of intra-state migrant workers, mainly, sugar cane cutters, largely from Marathwada region of the state (Hindustan Times 2020). Later, to send migrant workers home, Maharashtra government also coordinated with the UP government (NDTV 2020).

Nevertheless, many workers prefer to walk to their home, as they do not have sufficient money to pay train fares, though the Government of India claims that it is bearing 85 percent of their travel costs while 15 percent is being paid by the states. However, there is no official communication about it or on the break up costs (Dhingra 2020). Even the Solicitor General of India, Tushar Mehta, refused to divulge the details of train fares in the Supreme Court, as he was not given "instructions" from the government (The Wire 2020).

Initially, to deal with the crisis, the Union government released a relief package of 1.70 lakh crore which may ameliorate the conditions of a small number of workers. Even the states have taken certain measures to address the stranded migrant workers plight. For example, Maharashtra cabinet decided to expand the affordable meal scheme 'Shiv Bhojan' to the taluka (sub-district) level. This meal is available at INR 5 at the centres opened across the state from April to June.

This will help the stranded workers, daily wagers and the poor who have lost their jobs during the lockdown (Tare 2020). Later, to financially help 12 lakh construction workers, Maharashtra government declared a financial assistance of INR 2000 to each worker. This will be paid to workers registered with the Maharashtra Building and Other Construction Workers Welfare Board (Vyas 2020).

There are many pertinent questions which cause distress amongst migrant workers. First, for how long will they remain unemployed? Lockdown is conditional to the duration of pandemic. In such a situation, the second question is, how will family members of these workers survive? Third question is, as the Indian economy will slump or slow down after the pandemic, where will these workers be accommodated? Some companies have already asked their workers to look for other jobs (The Times of India 2020). According to the Centre for Monitoring Economy in April alone 12.2 crore Indians have lost jobs due to COVID-19 induced lockdown (The Week 2020). Finally, most of the relief assistance is for the workers in the formal sectors and those who are registered, while there is a huge number of workers who are unregistered and in the informal sector. According to an estimate, there are 450 million workers in India who are employed in the informal sector. They constitute nearly 90 percent of India's workforce with no minimum wages or any kind of social security (Sharma 2020b).

To add to the woes of workers, many state governments are using the pandemic as an opportunity to carry out reforms in the labour laws through ordinance. For example, Odisha government has tweaked the 1948 Factories Act to extend the work shift to 12 hours per day from 8 hours per day (The Hindu 2020). UP and MP governments have made drastic reforms in their labour laws. UP government recently approved the "Uttar Pradesh Temporary Exemption from Certain Labour Laws Ordinance, 2020" (Jha 2020). Under this ordinance, the State government has exempted all establishments, factories, and businesses from the purview of all but four labour laws for three years (Ibid). The laws which remain effective are: The Building and Other Construction Workers Act, 1996; Workmen Compensation Act, 1923; Bonded Labour System (Abolition) Act, 1976; and Section 5 of the Payment of Wages Act, 1936 (the right to receive timely wages) (Ibid). Provisions related to children and women in the labour laws will also continue (Ibid).

In MP, according to a notification issued on 5 May 2020, as many as 11 categories of industries will be exempt from the Madhya Pradesh Industrial Relations Act of 1961 (Jha 2020b). This includes textile, leather, cement, iron and steel, electrical goods, sugar, electricity, public motor transport, engineering including manufacture of motor vehicles among others. New industrial relations term in MP includes: no mechanism for raising industrial disputes and; no need to seek permission to lay-off. However, a permission is required for retrenchment or closure of firms and to give retrenchment compensation (Ibid). For existing firms, law has been validated to not recognise the trade unions and employer bodies for collective bargaining (Ibid).

Punjab, Himachal Pradesh and Gujarat have amended their factories act. Rajasthan has amended Industrial Disputes Act to increase the threshold for lay-offs and retrenchment (Sharma 2020 c). Now it has changed to 300 from 100 workers earlier. It has also increased the threshold of membership of the recognised trade union from 15 per cent to 30 per cent of total workers (Ibid). Under various labour laws, Maharashtra government has asked all the shops and factories to submit consolidated annual returns instead of multiple returns (Ibid). Kerala has agreed to speed up new industrial licence facilitation process (Ibid).

Looking at these reforms, particularly the big one by UP and MP, Professor K.R. Shyam Sundar from Xavier Labour Relations Institute- Xavier Institute of Management, Jamshedpur finds that “even industries would not have imagined getting these ‘holidays from labour laws’” (Quoted in Jha 2020c). Most of the business groups already circumvent the labour laws to make profit and control workers (Mehta 2020). In his opinion piece in the Indian Express, Pratap Bhanu Mehta termed these ordinances to change labour laws a “travesty” (Ibid).

All such labour reforms have been termed “temporary” and mainly carried out to seize an opportunity to attract the multinational companies which are planning to shift from China due to the aftermath of this pandemic. Many of the global manufacturers are already in talks with Indian firms about such investments (Ghosh & Mukherji 2020). What needs to be observed in the future is the number of global companies that invest in India, and specifically on which terms.

To conclude, the COVID-19 pandemic health emergency situation has, largely, exposed the apathy of the Indian state towards the migrant workers. At present, a number of migrant workers are taking trains or buses, those who cannot afford are walking back to their hometowns, and some of those who can neither pay nor walk are staying in the cities such as Mumbai with hope, while praying that they do not get infected (Hatekar & Belhekar 2020). Linked to the issue of workers going back is a million-dollar question –will they come back? It is difficult to give an appropriate answer, at this point of time, but it is certain that many will return, particularly, after the health emergency gets over or situation improves a bit. Those who left the cities such as Mumbai, especially the young males, will return, because they need jobs which most of them will not get in their villages or small towns while the older one may take longer time or may even think against coming back (Ibid). Those who will come back interface with the new economic environment where there will be paucity of jobs, as economy is predicted to contract. In such environment those who are not adequately skilled may not get a job, many may be underemployed and some will be more exploited by their employers or contractors.

Simultaneously, the other assumption is, as many migrant workers have left the cities such as Mumbai, a number of industries may face labour shortage. To bring them back or recruit new workers, the industrialists may give some momentary concessions. This has happened after lakhs of workers left (then) Bombay in 1896-97 due to bubonic plague (See Sarkar 2014). However, most of such “temporary” concessions were stabilized (Ibid), as workers become politically stronger due to domestic and international developments. Unlike 1896-97, during COVID-19 the Indian state has strengthened the position of employers by making reforms in labour laws (See Gopalkrishnan 2020). In nutshell, COVID-19 is the beginning of tough time for many workers.

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