

1. Examine the factors that make migrant populations vulnerable. Are there any existing institutional measures to address the vulnerabilities faced by migrants in India? Critically examine.

Demand of the question:

It expects students to investigate and establish the key facts and issues related to the factors which make migrant populations vulnerable. It also expects students to look for both sides of existing institutional measures which addresses the vulnerabilities faced by migrants in India.

Introduction:

Migrant workers are considered as the backbone of the industrial sector. The disturbing visuals of these migrant workers on the roads and their deaths on the way to native places due to COVID-19 pandemic has put forward the less debated issue of vulnerability of migrants population.

Body:

The International Labour Organization (ILO) estimates that 164 million people are migrant workers. According to the 2nd edition of the ILO's Global Estimates on International Migrant Workers , which covers the period between 2013 and 2017, the majority of migrant workers – 96 million – are men, while 68 million are women.

Vulnerability of Migrant workers:

The concept of vulnerability can be understood to mean that some people are more susceptible to harm, relative to others, as a result of exposure to some form of risk. The type of harm to which they are more susceptible varies: it may be psychological, physical, environmental, etc. Hence, migrants vulnerability is assessed on four factors i.e. Individual factors, household and family factors, community factors and structural factors.

Individual factors:

- These factors are related to individuals. Individual characteristics are a central element of vulnerability.
- Some examples of individual factors are age, sex, racial and/or ethnic identity, sexual orientation, gender identity, personal history, mental and emotional health, and access to resources such as money, goods or support.
- For instance, U.P. and Bihar male migrants in Mumbai, faced numerous problems such as, money problem, lack of sanitation, no other option to look for help etc. during COVID-19 pandemic.
- Not just during pandemic, but also during normal times too migrant workers and students face discrimination due to factors such as ethnicity, religion, caste etc.

Household and family factors:

- Household and family factors are related to the family circumstances of individuals and their family members, the role and position of individuals within the family, and family histories and experiences.
- Families are important in determining vulnerabilities, as they are typically the first option for individuals who require support, particularly children and young people.
- For instance, many of the cycle rickshaw pullers who work in the big cities, live with their families in the nearby crowded areas. Which exposed the family to sanitation issues, basic amenities availability issue, security issues, less or no education to children issue etc.
- The children and the Women are most prone to vulnerability due to less food availability, lack of sanitation and security.

Community factors:

- Individuals and their families are situated within a broader physical and social community context.
- Communities with strong social networks and access to resources can provide support and protection to individuals and families, whereas communities without such networks and resources can create risk factors for individuals and families.
- Examples of community factors include availability of quality educational opportunities, health care and social services; equal access to resources; livelihood and income-generating opportunities;

Structural factors:

- At the broadest level, structural factors are the political, economic, social and environmental conditions and institutions at national, regional and international levels that influence the overall environment in which individuals, families and communities are situated and which shape their beliefs, decisions and behaviours.
- Examples of structural factors include histories of colonization and conflict, political systems, migration policies and governance, respect for human rights, and the rule of law.
- For instance, USA asked foreign students that they will have to leave the USA if their universities hold online classes. Which has affected the students across the globe who are studying in USA.

When it comes to the migrant workers, they are looked as the Invisible population in the city. Hence, following institutional measures are established to address the vulnerabilities faced by migrant workers:

- Unorganised Workers' Social Security (UWSS) Act, 2008 includes legal entitlements, as it defines the migrant workman as a subset, it provides for contingencies of livelihood loss and it makes the Act legally enforceable.
- The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is a demand-based scheme. MGNREGS provides 100 days of guaranteed wage employment to rural unskilled labour. This scheme

addresses the vulnerability of migrant workers by giving them employment in their area of residence.

- The Public Distribution System (PDS) has clearly played a crucial role in preventing the spread of hunger across affected areas preventing the migration from one place to other.
- The Mid day meal scheme has multiple implications as it not just provides the meal to the children but also opens up opportunity for the parents to not to leave the village in search of work.
- Pradhan Mantri Shram Yogi Maan-dhan Yojana: To ensure old age protection for unorganised workers.
- Atal Pension Yojana: It is a social security scheme launched under the National Pension System (NPS) and aims at providing a steady stream of income after the age of 60 to all citizens of India including the migrants and labourers.
- Pradhan Mantri Jeevan Jyoti Bima Yojana and Pradhan Mantri Suraksha Bima Yojana (under the Gram Swaraj Abhiyan): Both of the schemes provide for life insurance and accident insurance respectively to the migrants and labourers.
- Pradhan Mantri Jan Arogya Yojana (Ayushman Bharat): It aims at providing health cover to protect the migrants among others against the financial risk arising out of catastrophic health episodes.

This is not to say that it does not continue to have holes. The government needs to take action on several fronts to address vulnerability of migrant workers:

- Around 500 million Indians do not have cards under the National Food Security Act, and not all of them are middle-class.
- Doubling the food rations can be sustained a little longer - at least till the harvest.
- The demand for MGNREGS wages is chronically higher than the supply due to inefficiencies in implementation. Therefore, the increase in wages under the scheme by Rs 20 is the minimum that could have been expected.
- Also schemes need to be formulated to provide education to the children of migrant worker. e.g. Many such schools are run by some NGO's as "Schools under bridge" in big metro cities.
- To avail the benefits of social security schemes there is need of Aadhar card be attached to the bank account, but many of the migrant labourers still don't have Aadhar cards.

Conclusion:

Migration is a rising policy priority and there is a need to respond equitably to the interests of different section of the migrating population. The Economic Survey of India, 2017 estimates nearly 139 million migrants in India, all excluded from urban planning. Hence, we cannot blindsided such large number of population while formulating policies so that we can avoid the kind of migration crisis observed during the COVID-19 pandemic.

2. The ongoing COVID-19 pandemic has exposed the vulnerabilities of many population groups. What in your opinion are the most adversely impacted populations? What measures would you suggest to provide relief to those groups? Discuss.

Demand of the question:

It expects students to observe the vulnerabilities of many population groups which are exposed due to COVID-19 pandemic. It also expects students to express their opinion on which population group is the most adversely affected and suggest measures to provide relief to those groups.

Introduction:

The economic crisis induced by COVID-19 could be long, deep, and pervasive when viewed through migration lens. Lockdowns, travel bans, and social distancing have brought global economic activities to a near standstill. In India there are multiple socio-economic disadvantages that members of particular groups experience which limits their access to health and healthcare.

Body:

The vulnerable groups which are exposed to their vulnerabilities during COVID-19 pandemic are- Women, Children, Students, Aged, Disabled, Poor migrants, unorganised sectors workers, People living with ailments and Sexual Minorities. The COVID-19 pandemic affected these vulnerable sections of population differently:

- While children's health appears less impacted by COVID-19 than older adults, children's education are interrupted, protective structures disrupted and their families and communities placed under stress by health and economic burdens.
- COVID-19 pandemic, increased girls' and young women's duties caring for elderly and ill family members, as well as for siblings who are out of school.
- Girls, especially those from marginalised communities and with disabilities, may be particularly affected by the secondary impacts of the outbreak. It also put at women at greater risk of exploitation, child labour and gender-based violence.
- The impact on older adults is notable. According to World Health Organization (WHO) data from April 2020, more than 95% of COVID-19 deaths were among people over 60 years of age, and more than half of all deaths occurred in people of 80 years-plus.

However, we know that COVID-19 pandemic-induced lockdown forced the industries, factories, cities to standstill. It affected the poor people in the city, migrant workers and their dependents, more harshly than the other sections of the population.

- As per Economic survey 2017, there are 139 million migrants in the country. The International Labour Organization (ILO) predicted that due to the pandemic and the lockdown, about 400 million workers would be poverty-stricken.

- Migrant workers majorly comprise of daily-wage labourers working in the manufacturing and construction industries. They are often denied adequate healthcare, nutrition, housing and sanitation facilities. Many have no savings and lived in factory dormitories, which were shut due to the lockdown.
- Additionally, there was no central registry of migrant workers, despite the existence of the Inter-State Migrant Workmen Act, 1979.
- Thousands of migrants gathered at the train termini and bus stations, seeking transport to their hometowns. With the nationwide lockdown, all transport facilities were closed. With no work and no money, and lockdown restrictions putting a stop to public transport, thousands of migrant workers were seen walking or bicycling hundreds of kilometres (or even more than a thousand kilometres) to go back to their native villages, some with their families.
- Due to the lockdown, more than 300 deaths were reported till 5 May, with reasons ranging from starvation, suicides, exhaustion, road and rail accidents, police brutality and denial of timely medical care.
- While government schemes ensured that the poor would get additional rations due to the lockdown, the distribution system failed to be effective as the ration cards are area-specific and fair price shops were largely inaccessible.

Measures to provide relief to these groups:

- First of all an online database needs to be created to register the names and places of origin and migration of the workers e.g. An online database named as National Migrant Information System (NMIS), by the National Disaster Management Authority (NDMA). It will help streamline the movement of the migrant workers.
- Setting up of relief camp, facilitating food and healthcare to the poor people, migrants should be priority for the regions where transport facility is not available. e.g. Over 500 hunger relief centres were set up by the Delhi government. One nation One ration card scheme by Union government.
- Arranging the interstate transport facility for the migrants so that their migration can be streamlined. e.g. Shramic special trains were arranged by the Government.
- Relief measures also needs to be announced. For instance, Soon after the nationwide lockdown was announced in late March, Finance ministry announced a ₹1.7 lakh crore spending plan for the poor. This consisted of cash transfers and steps to ensure food security.
- Though these vulnerable sections were the mostly affected it doesn't mean that other section of people faced less difficulties. The scale of adversities faced by different sections of people were different hence, necessary arrangements also needs to be implemented. e.g. now a days it is happening that health sector workers fell more prone to the COVID-19 infection. Which is a emerging challenge.

Conclusion:

Hence, we can say that COVID-19 pandemic's impact differs in its scale in different sections of people. But, the most affected one's are the people who belonged to the vulnerable section of population. As ensuring the healthcare and providing adequate means of livelihood for all is one of the responsibility of the government. Poor people and migrant workers can't be left outside this ambit.



3. What are the legal and institutional remedies against the exploitation of factory workers and labourers? Are they adequate in addressing the myriad problems faced by the working class? Critically examine.

Demand of the question:

It expects students to observe and present the legal and institutional remedies against the exploitation of workers and labourers. It also expects to present their adequacy in addressing the myriad problems faced by working class.

Introduction:

Labour falls in the Concurrent list of the Indian constitution and there are many laws enacted by the Centre and the states. In India, around 40 million workers are employed in the formal as well as informal sectors of the economy.

Body:

According to International Labour Organisation, 40.3 million people are victims of modern slavery globally, while 29.4 million are affected by forced labour. In the 2016 Global Slavery Index, reported there were 18.3 million people in modern slavery in India. Despite the availability of major labour laws to address the problems of exploitation of workers and labourers, many of the problems still persists.

There are certain institutions and four major central legislations, that address the issues of factory workers and labourers in India:

- Factories Act, 1948: The main objectives of this act is to ensure safety measures on factory premises, and promote the health and welfare of workers.
- The Shops and Commercial Establishments Act, 1961: It aims to regulate hours of work, payment, overtime, a weekly day off with pay, other holidays with pay, annual leave, employment of children and young persons, and employment of women.
- The Minimum Wages Act, 1948: It sets the minimum wages that must be paid to skilled and unskilled labours.
- Industrial Disputes Act. 1947: It relates to terms of service such as layoff, retrenchment, and closure of industrial enterprises and strikes and lockouts.
- Ministry of Labour is there at Centre with 4 attached offices, 10 subordinate offices, 4 autonomous organizations and adjudication bodies and Arbitration body.
- Employee State Insurance Corporation – Autonomous Statutory Organization – The organization administers various benefits under the ESI Act, for instance, sickness benefit, maternity benefit, dependents' expenses, funeral benefit, which are cash benefit s, and medical benefit. The medical benefit has been made available to the family members of the insured employees.
- Employee Provident Fund Organization – Autonomous Statutory Organization – Administers various schemes under Employees Provident Fund and Miscellaneous provisions Act. There are schemes like – Employee provident

fund scheme, Employee Deposit linked Insurance Scheme, Pension scheme etc.

- Board of Arbitration – is there to mediate between central government and its employees.
- Our constitution has many articles directed toward their interests for eg. Article 23 forbids forced labour, 24 forbids child labour (in factories, mines and other hazardous occupations) .
- Article 43A was inserted by 42nd amendment – directing state to take steps to ensure worker’s participation in management of industries.
- Also, International Labour Organization: It is Founded in 1919 as result of Treaty of Versailles, it became first specialized agency under United Nations in 1945. Its vision is to secure humane working conditions for workers and to attain social justice for them universally.

Labour protection legislation is one of the basic features of welfare state and aims at providing social justice. The main aim of such laws should be to create more, safer, and rewarding jobs for the labour. Despite this myriad problems are faced by the factory workers and labourers are as follows:

- Complex Set of Laws: There are over 200 state laws and close to 50 central laws, and yet there is no set definition of “labour laws” in the country. The multiplicity and complexity of laws make compliance and enforcement difficult and lays the foundation for corruption, rent-seeking and exploitation of workers.
- Inflexible Laws: For example, Indian labour laws are often characterised as “inflexible”. It has been argued that firms (those employing more than 100 workers) dither from hiring new workers because firing them requires government approvals.
- Applicability of Labour Laws: A large number of workers that are engaged in the unorganized sector are not covered by labour regulations and social security. At present nearly 83% of India’s workers are part of the informal economy.

Thus, the current framework of labour laws and institutions falls short of securing the interest of all the labourers and workers. Hence, there arises the need for some steps to be taken to address the problem of exploitation of factory workers and labourers .

- Government partnering with the industry and allocate a percentage of the GDP towards sharing the wage burden and ensuring the health of the labourers.
- Labour laws applicable to the formal sector should be modified to introduce an optimum combination of flexibility and security.
- Make the compliance of working conditions regulations more effective and transparent. • e.g. Skill development of youth would be created through initiative under ‘Shramev Jayate’.
- Also Apprentice Protshan Yojana and the Effective Implementation of revamped Rashtriya Swasthaya Bima Yojana (RSBY) for labour in the

unorganized sector also needs to be expanded which will ensure safety and security to factory workers and labourers.

Conclusion:

For sustainable industrial growth, there is a need for holistic labour laws and institutions reforms, which would enable firms to expand, while keeping the interest of labours intact, thereby resulting in the formalisation of the world economy.

