



The impact of state migrant policies on the standards of living of migrant-labourers in India during COVID-19

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ABSTRACT

This research paper elucidates the nature of the migrant policies of the states of Maharashtra and Uttar Pradesh in India, and the role they have played in moulding migration patterns in the past. Furthermore, the paper aims to investigate the effectiveness of these policies in protecting the standards of living of migrant labourers, measured primarily based on their access to basic goods and services which is indicative of their socio-economic security. Lastly, the paper provides future recommendations for policy adaptations based on real life examples to enhance the condition of the migrant labourers of each state.

Keywords: Inter-State, Migration, Maharashtra, Uttar Pradesh, Standards of Living, Migrant, Labourers, India, Covid-19

1. INTRODUCTION

India's internal migration, the movement of people within the country, results in a more efficient distribution of resources to states where they are better utilised. According to the most recent 2011 Census, India's interstate migration, the movement of people between states within the country, makes up 12% of its total internal migration, reflecting the unchanged tendency of people choosing to migrate shorter distances between or within their respective districts.¹

The number of inter-state migrants has last been recorded to be 54 million, an increase of 35% over the 40 million recorded in 2001.² Of this number, most migrants move for work and business purposes. Other reasons like marriage and education usually result in migration over shorter distances. For every woman who migrates between states for work, business or education, the average number of men who migrate is 7.4, which is reflective of a widening gender gap in migration for economic purposes as the distance migrated increases.³

While Maharashtra has the highest share of inter-state in-migrants in India, Uttar Pradesh is responsible for the highest share of out-migrants.⁴ In the midst of the COVID-19 pandemic, Maharashtra sees lakhs of migrant labourers in cities with no work and tapered wages, while Uttar Pradesh faces the challenge of supporting the livelihoods of the tens of lakhs of labourers that return to their villages.⁵ With disrupted supply chains affecting income flows, migrant policies experiencing unregulated changes, and immobilized transportation systems leaving a large number of migrant labourers stranded, the socio-economic security of these labourers is severely threatened.

Altogether, the paper supports the argument that Uttar Pradesh's pre-existing policies pertaining to migrant labourers have been more effective in protecting their standards of living during COVID-19 as compared to those of Maharashtra. This research paper elucidates the nature of the migrant policies of the states of Maharashtra and Uttar Pradesh, and the role they have played in moulding migration patterns in the past. Furthermore, the paper aims to investigate the effectiveness of these policies in protecting the standards of living of migrant labourers, measured primarily based on their access to basic goods and services which is indicative of their socio-economic security. Lastly, the paper provides future recommendations for policy adaptations based on real life examples to enhance the condition of the migrant labourers of each state.

2. THE IMPACT OF STATE MIGRANT POLICIES ON THE STANDARDS OF LIVING OF MIGRANT LABOURERS BEFORE COVID-19

A. Maharashtra

As per the 2001 Census, Maharashtra had received the highest number of migrant labour, that is 7.9 million of the 1.02 billion population then. According to the census, Maharashtra also stood at the top for the highest net migration into the state, that is 2.3 million migrants migrated into the state.

The Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Act, 1979 of Maharashtra (also, extending to the entire nation) included various laws and regulations that needed to be followed while employers employed migrant labour. The Act was designed to provide protection for special group contract workers that were recruited in one State to work in another, these workers were subject to high levels of exploitation because of their lack of knowledge and lack of voice.

The act applied to all organisations and firms that contained more than 4 or 5 migrant workers. The act mentioned the criteria of employment of registering officers and registrations of certain establishments, this was to ensure that these registered establishments and officers report to the state government the number of labourers they have employed, to keep in check the migration in and out of states. This also required the contractors to secure a license. The act further mentioned the need to provide for wages, displacement allowance, journey allowance, equal pay for men and women performing equal work, residential accommodation, medical facilities and protective clothing.

To increase transparency and efficiency for monitoring contractors and establishments the Maharashtra government enforced a new Labour Management System called- 'Mahashramm' in 2017 in a public private partnership with GlodyneTechnoserve Limited. The benefits of the designed system included- Seamless integration of all labour laws, creation of "No frills" bank accounts for 20 million beneficiaries, ensuring proper payment of wages and other labour dues, complaints window for the employees, online licenses, renewal of licenses for businesses, online filing of returns and online application for exemptions etc, feedback window for all, systematic analysis of labour returns for the department, enable the department in tracking compliances and perform effective compliances, generation of automatic alerts.

In 2013, Green Earth Social Development Consulting Pvt. Ltd. in association with the Maharashtra Government worked on the Urban Development Blueprint, in which the company sought to identify mistakes in the Inter-State Migration Act of 1979, to better the implementation of the policies and laws in the Act as well as improve the standards of living of inter-state labourers in poor conditions.

On the basis of the recommendations of the National Commission on Rural labour (NCLR) in 1991, States are directed to ensure a fixed minimum, the National Floor level Minimum to the inter-state migrant labour to reduce disparity and enhance their quality of life.

B. Uttar Pradesh

Historically, Uttar Pradesh (UP) is the highest out-migration state with a net migration rate of -1.9, Data from a survey suggests that 28% of the households in the state has a migrant worker living/working outside; with 37% among rural households and 18% among urban households. Migration from Uttar Pradesh is mostly to metros in the states of Maharashtra, Delhi, Haryana, Punjab, Madhya Pradesh andrat.⁶

Over 4.1 million⁷ of these workers have to migrate due to agriculture being inadequate to meet the basic needs of rural households and lack of employment opportunities and industrial backwardness within Uttar Pradesh, along with the growing price of essential commodities. Combine these with all the push factors of UP ranging from lack of development, lack of land reforms, caste based land holdings and employment patterns, lack of infrastructure and lack of quality education institutions are all the more reasons for people to migrate to cities with more opportunities.

Before the covid-19 crisis, migrant issues have never been considered to be crucial in Uttar Pradesh due to the fact that migrants are less likely to vote due to all of the constraints.

While migration contributes to rising household income and better education and health outcomes it also has its own consequences like an increased intra and inter household inequality and adverse effects on families and social structure.

Aside from the 4.1 million people out-migrating from Uttar Pradesh, the state also has over 1.4 million⁸ migrants in the state. The government introduced the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1983 (based on The Inter-State Migrant Workmen (Regulation Of Employment And Conditions Of Service) Act, 1979). Being in compliance with the Inter-State Migrant Workmen act, these rules also provide protection for special group contract workers who are recruited in one State to work in another and used to be subject to high levels of exploitation because of their lack of knowledge and lack of voice. But due to the lack of these kinds of workers in Uttar Pradesh compared to Maharashtra, these policies are comparatively a lot less effective.

3. THE IMPACT OF STATE MIGRANT POLICIES ON THE STANDARDS OF LIVING OF MIGRANT LABOURERS DURING COVID-19

A. Maharashtra

Migrant workers are estimated to make up 40% of the 78 lakh workforce of the small and medium scale enterprises (SMEs) in Maharashtra. 89% of these workers have not been paid by their employers, leaving them financially insecure, while 69% of them

claim that they would run out of the sparse resources they have in the day. When migrants were interviewed, Ganpat aBansiwal from Rajasthan explained how he and his wife only ate every two days since he was able to earn only 200 rupees daily.⁹

Maharashtra has faced several problems with regards to the standards of living of its migrant labourers during the COVID 19 crisis with approximately 37,000 labourers stranded.¹⁰ Due to the unexpected announcement of the lockdown for the first three weeks, workers in Maharashtra faced an immense amount of distress due to unstable income flows and their inability to access basic necessities like food, housing and healthcare. Adding to these problems is also the apprehension they carry with regard to returning to their hometowns. A large proportion of Maharashtra's workers are stranded in the city with several occurrences of crowds gathered at train stations elucidating the widespread desire of migrant labourers to return to their hometowns. The situation at the Mumbai bandra station on the 19th of May 2020, for example, is one such incident where approximately 4000-5000 labourers gathered to board a train to Bihar, with only about 1000 labourers being allowed to board.¹¹

Although Maharashtra is coming in as a close second to Kerala with its migrant friendly state policies, one of the main problems faced by the state is the lack of a transparent database for the demographics of the migrant labourers. On the 9th of June 2020, the supreme court remarked that the government of Maharashtra must take a more vigilant stance to identify the stranded migrant workers.¹² The court expressed that the lack of a user-friendly registration system whereby migrants could register themselves for a train journey to their home states was the main reason behind them not being able to avail of the trip home. The lack of a migrant database has not only caused problems with regard to transportation, but has also shown to result in the poor availability and distribution of rations, creating a domino effect that hampers the implementation of the rest of the migrant policies.¹³

96% of the labourers do not have access to government rations. Furthermore, in order to prevent crowding, the police have even begun to disperse groups of people awaiting their rations. The state has, however, reduced the price of the 'Shiv Bhojan Thali' for people of the lower economic strata, but due to the generalised nature of this reduction in cost, most migrants are unable to avail of these food packages. Even though the state government has allocated funds to subsidise healthcare for people from the lower economic strata, it has once again been unable to channel funds specifically for migrant-labourers making them difficult to access. Many workers have utilised the communication channels and helplines extensively. In places like Antop-Hill, there has been contact made with over 300 workers. Around 600 migrants in Taloja-Panvel region do not have access to basic resources. Instances like these speak volumes on the standards of living of the migrant labourers during the COVID 19 pandemic, and how the state has been able to provide very limited relief due to the lack of material and financial resources.¹⁴

Furthermore, according to an interview with former chief minister of Maharashtra Ashok Chauvan, the state governments are only able to implement policies that they are given funding for from the central government. Chief minister Chauvan further states that the state governments have not received funding in the manner they should have from the central government which is why the crisis has gotten to where it is.

Non-governmental organisations (NGOs) are primarily providing food and transportation for the workers so that they can return to their homes and families safely. Due to the fact that NGOs keep the citizens' best interests at heart, there is no corruption and funds are given to help these labourers without any external implications. The 'Corona Warriors' NGO has provided over 80,000 meals to migrant workers in India, while the 'Goonj' NGO has been actively trying to transport buses full of migrants back to their families and homes. 'OXFAM' has been providing migrant workers with better sanitation, Personal Protective Equipment (PPE) kits, food security, and water. The work of these NGOs compensate for areas where the government has been unable to follow through, demonstrating the powerful work that these bodies do to support the needs of the people by countervailing poorly implemented government policies that were ironically put in place to protect them.¹⁵

B. Uttar Pradesh

According to the 2011 census, Uttar Pradesh (UP) accounted for 37% of the country's interstate migration with migrants leaving the state to pursue better employment opportunities. While in light of the current situation, UP is now staring at a possibility of 20-25 lakh migrant workers returning home.¹⁶ The intensity of reverse migration has thrown up many fresh challenges at the state government. Uttar Pradesh's government needs to provide job opportunities to migrants to help them sustain in their hometown, this is crucial in order to not only provide them with employment and an income but also to help stimulate the economy and increase the already deteriorating economy.

So far, about 1644 Shramik Special trains had evacuated UP origin workers from Gujarat, Maharashtra, Punjab, Karnataka, Tamil Nadu, Goa, Delhi, West Bengal and other states which acts as proof for the large number of migrants entering Uttar Pradesh. Adding to this already large number are migrant workers that are returning via roadways from neighbouring states like Haryana, Madhya Pradesh, Rajasthan and Uttarakhand.¹⁷

UP has introduced a policy to provide employment opportunities to 20 lakh immigrants through labour reforms in their villages and towns. Labour law reforms are several legislative, administrative as well as e-governance initiatives undertaken by the government in order to increase employment. Labour reforms can hence be seen as an effective way of inducing employment in the economy. Workers will be provided with jobs, a guarantee of a minimum salary of Rs 15000 and will also ensure security assurance regarding their work hours and security. Apart from the new unit, the workers will be recruited in existing businesses as well. ¹⁸ Female workers will also be given jobs through self-help groups. The state also said that it is working to make UP's small and medium enterprises better than those in China, Bangladesh and Vietnam.

The UP cabinet has also aimed at giving temporary relief to industries from few clauses of labour laws with conditions. The state government exempted businesses from the purview of almost all the labour laws for the next three years including those related to

settling industrial disputes, occupational safety, health and working conditions of workers, and those related to trade unions, contract workers, and migrant labourers.

UP expects to create new MSMEs, and as a result five lakh jobs will be created. Loans will be given to entrepreneurs for self-employment under the 'One District One Product' scheme and a minimum four-five people are expected to be employed by each of these entrepreneurs in their new businesses.¹⁹ This scheme aims to encourage and recognise ingenious and specialised products and craft in UP which are found nowhere else. This gives many entrepreneurs a chance to initiate and establish businesses which are recognised by the government.

According to an official release, Rs 1,000 has been transferred through Direct Benefit Transfer (DBT) in the bank accounts of 10,48,166 migrant workers. A total of 35 lakh migrant workers have returned to the state so far. The revenue department performed the task of mapping skills of the workers, while the finance department prepared the action plan for their employment and self-reliance. Arrangements have been made to deliver food to 12-15 lakh people daily through community kitchens since the lockdown as well.²⁰

4. FUTURE PLANS FOR STATE MIGRANT POLICIES TO ENHANCE THE STANDARDS OF LIVING OF MIGRANT LABOURERS DURING AND AFTER COVID-19

A. Maharashtra

To provide aid and relief the Maharashtra government is aiming to implement several policies in order to yield better results. The state government of Maharashtra is preparing about 5.87 lakh workers for 19 different types of businesses in order to resume economic activities and to provide livelihood to the migrant workers. The chief minister stated that there are three central divisions that are training workers to enhance economic activities in certain regions. The gram panchayat area has been provided with the highest number of workers, accounting to more than 36,000. The agriculture department, on the other hand, has been provided with more than 5,500 workers, while the silk directorate has been provided with more than 1,300 workers.

While the lockdown has immobilised economic activity in regions demarcated as red zones, the Employment Guarantee Scheme has provided work to a large number of people in areas less affected by the pandemic, said the chief minister. More than 46,500 jobs under the employment guarantee scheme are underway in the future in various districts of Maharashtra. As migrant labourers are rushing to the borders of the state to return to their respective states, the government is thinking to announce packages of certain amounts for the provision of accommodation and food for the migrant workers.

The chief minister also said that there has been a continuous increase in labor attendance with the employment guarantee scheme underway. According to the records of 4 April, 19,509 labourers were engaged in 3393 jobs in the slate. This number increased to 1.4 lakh workers by 23rd April, who were involved in 23,026 jobs. By 18 May, 2018, there were 6.53 lakh labourers engaged in the working scenario. The Employment Guarantee Scheme is responsible for providing jobs to a large number of workers. Chief minister Thackeray said that the number of single job card holders under Mahatma Gandhi National Rural Employment Guarantee Scheme is about 22.26 lakh. There are 8,00,912 women and 14.25 lakh men with single job card holders, who have no other support. The onus of providing jobs to single job card holders rests on the shoulders of the district collectors..

Due to the prevailing pandemic which has spread within the country, the state government is circulating different guidelines to prevent this spread of the virus to MGNREGA workers. Many necessities have been allotted like providing sanitizer hand wash, soap, paper soap in the workplace, health facilities are given to the workers from the local health centre and medical facilities are immediately provided in case of any symptoms.

The state has also decided to unveil a new policy called the 'Ghar Wapsi' on the registration of migrant workers. The state cabinet will take a formal decision on the strategy and decide the nodal agency and department that will complete the registration process and maintain the updated data, said Anil Deshmukh. Home Minister Anil Deshmukh told the Free Press Journal, "The objective is to collect data on the number of migrant labourers, their home states and where they were working before they left Maharashtra. Nearly 12 lakh and 5.5 lakh migrant labourers left for their hometown in Shramik special trains and Maharashtra state Road Transport Corporation (MSRTC) buses, respectively. Their ghar wapsi is certain. When they return, they will be registered so that they can continue with their duties or jobs."

"The data will not only help private companies to provide employment to the migrant workers but would also be useful for the state government to track them if a similar crisis occurs again and migrants go to travel back again", a statement issued by the local department. The Maharashtra government indicated that it would soon unveil an economic package of Rs 120 crore and pay at least Rs 1000 per head to ease the distress in the construction sector which accounts for the bulk of such workers.

The CII (The Confederation of Indian Industries) also suggested that migrant workers could be issued e-passes by local authorities such as the BDO. These could be in the form of QR code or SMS. Workers with e-passes should be allowed to travel to their place of work.²¹

B. Uttar Pradesh

The Uttar Pradesh cabinet has approved the arrangement of a commission to protect the interests of labour when the state experienced a high in-flow of migrant workers who were displaced due to the nationwide lockdown. Adityanaath suggested that the workers from the state were ill-treated in the other state which might have led to this heavy reverse migration. The Government instructed the officials to use the funds from the commission to ensure that there is enough employment for these workers and their interests are safeguarded.

This commission will look into the rights of migrant workers, including provisions such as social security, employment status and re-employment assistance. They ensure that the other states will not be able to hire workers from UP without their permission which will prevent the exploitation of labour in other states. Any state hiring workers from UP will have to provide an insurance cover to ensure their social security.

The commission named UP Kamgar Shramik Sewayojan Avam Rozgar Ayog, will be headed by the CM Yogi Adityanath as the chairperson and will also have two vice chairpersons. "A comprehensive project has been prepared by the state. Skill mapping of all migrants is being done including other youth and unemployed workforce. We are working together with industries, businesses to provide them jobs. Additionally, there is a bid to increase employment in other sectors like agriculture." Adityanath said while speaking exclusively to Shashi Shekhar, the chief editor of Hindi daily Hindustan.²²

The UP government states that labourers are the biggest resource of the state and will work much harder to provide employment amongst them. However, the government has failed to provide information about the constitution, power and role of the commission. Thus, we can deduce the following terms of reference from newspaper reports which include mapping the skills of workers, the authority to grant "permission" to other states seeking to re-employ migrant workers from Uttar Pradesh and providing social security to workers and general welfare of migrant workers.²³

These shortcomings lead to several failures in implementation, such as recognition of the pull and push factors which leads to migration. The major reason for outwards migration from Uttar Pradesh is considered to be rural poverty. Whether it's lack of job opportunities, poor education facilities, poor medical service or rural market, they all are the components of rural poverty. Hence, the availability of such services attracts workers towards metropolitan cities. Even though the commission has been set up, the government is still not clear of how to generate such employment which would sustain these workers at this time of crisis.

Moreover, the bureaucratic functioning of the commission has caused a fear of criticism among the professionals, the possibility of coming up with an innovative idea to solve the problem reduces as the experts can not work independently.

Furthermore, the government has shockingly been ignoring the details in this plan, leading to the commission having a poorly structured framework. In order to compensate for the low levels of risk perception among the natives of UP, the government should spread awareness through effective means such as advertising and take necessary actions to ensure the wellbeing of the local residents. Imposing laws such as not having more than a specific amount of people at a certain place to ensure social distancing would contribute to lowering infection rates, which would result in decreasing the probability of at-risk migrants getting infected.

It has been observed that the state has poor housing conditions, the houses generally do not have separate rooms or space to exercise self quarantine and social distancing. Almost 37 percent of houses in Uttar Pradesh are without a separate room for self quarantine. Moreover, as a result of poor housing conditions, there is no roof to put the returning migrants under. Instead of dividing grant fundings amongst the workers, the government should take up projects such as building tentative housing complexes to provide shelter to the migrants. Furthermore, providing these people with money from the funds time to time would be very expensive since about 28 per cent of the households have someone working from their family in other states.²⁴

Brajesh Mishra, a senior journalist from Uttar Pradesh, who has been very vocal about the migrant crisis in the country said that it is time to revamp schemes like the Mahatma Gandhi National Rural Employment Guarantee Act of 2005 or MGNREGA and reallocate the budget since the covid crisis. "The government should consider making one block as a unit and generate employment block-wise as it will help many villages. It will be a Herculean but very much possible task for the officers as there are 800 blocks in the entire state of Uttar Pradesh," he added.

"Sectors like agriculture and industries based on agriculture should be given priority. There is a trust deficit in the minds of migrants at the moment and it will cost the country," he maintained.^[4]

This will create a wave of security amongst the troubled minds of labourers.

According to Dr. Shamin Modi, Assistant professor at the Tata Institute of Social Sciences (TISS), there are two kinds of people who migrate to the cities. The first are those actually in need of work for sustenance while the others are those who go to cities to increase their income. She also stated that there has to be a holistic approach for the labourers and stress should be given on the rural economy else the economy is going to sink. This is the time to understand that self-sufficiency is the key and agriculture is its base, so it is very important to return to roots and start working from there.

5. CONCLUSION

As a whole, Uttar Pradesh has taken a more vigilant and concerted approach in setting up policies pertaining to migrant labourers to protect their standards of living during the COVID-19 pandemic as compared to Maharashtra. While this could be owed to the larger pressure and amount of migrants Maharashtra had it still boils down to how UP was more efficient in adhering to state policies and being proactive in implementing them effectively. By setting up more than 1600 Shramik Special trains to bring back UP origin workers from states all over India, the government has helped migrant labourers reunite with their families and avail of the basic necessities at a lower price as compared to the urban areas they worked in, enhancing their standards of living. By comparison, the lack of a user friendly and transparent transport system in Maharashtra for migrant labourers to register for train journeys back to their home states has made it very difficult to manage the crowds of migrant labourers stranded in the state. While arrangements have been made to deliver food to 12-15 lakh people daily through community kitchens in UP, most labourers in Maharashtra do not have access to government rations because of the lack of financial funding and the limited availability of basic resources.

Although the state has reduced the price of the 'Shiv Bhojan Thali' and allocated funds to subsidise healthcare for people of the lower economic strata, the generalised nature of this reduction in cost has resulted in most migrants being unable to avail of these benefits. Even though the work of several NGOs like 'Corona Warriors', 'Goonj', and 'OXFAM' compensate for areas where the government has been unable to follow through in Maharashtra, countless migrant labourers are still unable to avail of basic necessities. In the case of UP, however, the government has taken decisive steps to solve the root cause because of which labourers are unable to access basic necessities: insecure income flows. By creating job opportunities for about 20 lakh immigrants through labour reforms and the 'One District One Product' scheme, the government has been able to enhance the standards of living of countless migrants that have entered the state during the pandemic.

Uttar Pradesh's government has allotted various schemes and policies which are benefitting migrants in countless areas. Looking at the overall statistics, Maharashtra's government's future schemes and current policies have helped generate an enormous amount of employment amongst the migrant workers. During this pandemic, everyone's first priority is safety which is effectively noted by Maharashtra's government and provisions of sanitizers and medical facilities have been successfully insured in the workplaces. Even though Uttar Pradesh's government has encouraged many entrepreneurs to establish their businesses which are generating employment, better opportunities and facilities to the workers have been recognised by Maharashtra's government. This provides a sense of convenience and insurance in the minds of the innocent migrant workers who have been affected severely during the pandemic.

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