

# Impact of the COVID-19 Pandemic on Occupational Health of Indian Laborers and Migrant Workers

## COVID-19 PANDEMIC ON INDIAN LABOR

The Indian government treated the Coronavirus Disease 2019 (COVID-19) pandemic as a disaster. It declared the most prolonged national lockdown by the closure of the industrial establishment and the mass exodus of laborers and migrant workers. The lockdowns have brought an economic halt having loss of revenue, piling up inventory closure of enterprises and industrial closure, retrenchment, and layoff of laborers. The Indian working class is reeling under fear psychosis and job-related stress.<sup>[1]</sup> The epidemic's plight and adversity lead to healthcare costs and debt bondage. The Indian workers are undergoing transition and need adequate wages and job security. The migrant workers are contagion prone to COVID-19 because they typically live in exiguity and cramped environments and appalling occupational health conditions.<sup>[2]</sup>

## INDIAN GOVERNMENT RESPONSE

The government resorted to Sections 6, 10, 38, and 72 of the *Disaster Management Act, 2005*, to contain the catastrophic dimensions of the COVID-19 pandemic. It clamped the *Epidemic Diseases Act, 1897* and the *Epidemic Diseases Amendment Ordinance, 2020*, to regulate contagion and confinement by the punitive section 188 of the *Indian Penal Code, 1860*. Meanwhile, the Ministries of Labor and Home Affairs implored industrial houses for workers' equitable and compassionate treatment during the COVID-19 pandemic. The Ministry of Labor directed all the business and industrial establishments to cease employee termination, slash remuneration, and stop bruising emotions during the COVID-19 pandemic. The Ministry of Home Affairs ordered the paymasters for timely disbursement of wages and prohibited unauthorized deduction during the period closure of the lockdown. To boost the economy and to come out of the swamp of lockdown, the government revamped the economic and fiscal setting of industries and factories.<sup>[3]</sup>

## FEDERAL EXEMPTION AND INDIAN SUPREME COURT

On the contrary, many states embarked on the exemption drive from the labor laws, setting labor rights in jeopardy. However, the concerns of the Indian labor force in their fight for the just and humane condition of living became a daunting challenge.<sup>[4]</sup> During the lockdown, the inequitable fallout plunged deeply into an

economic crisis, scarcity of resources, and psychological effects on the mental health conditions of migrant workers in India. The Indian Supreme Court has a series of interventions to offer therapeutics to the migrants' shelters and homes and basic amenities of food and medication during travel and transit in the *Alakh Alok Srivastava* case.<sup>[5]</sup>

## HEALTH RIGHT AND EQUITY

*In Re: Problems and Miseries of Migrant Laborers*, the Supreme Court has taken the *suo moto* cognizance for the supply of food grains to migrant laborers under the 'One Nation One Ration Card' scheme besides health protection during the COVID-19 pandemic.<sup>[6]</sup> Later on, the activist Harsh Mander moved to the Supreme Court, alleging non-compliance of the direction by the Union of India and some states in registration of migrant workers, community kitchens, and dry ration. The court sought the file a status report concerning compliance report for the benefit and welfare of migrant workers.<sup>[7]</sup>

The petitioners submitted before the Supreme Court that the migrant workers need money for the safe return to homes besides food and shelter during the transit of lockdown. The stranded workers need salaries, and the government needs relief measures under Section 12 of the *Disaster Management Act, 2005*.<sup>[8]</sup> In the *Aayom Welfare Society* case, the petitioner prayed before the Supreme Court to distribute rations to non-ration card holders to mitigate the vagaries of lockdown and joblessness of workers. It appealed for the universal allocation of food distribution under the Public Distribution System to non-ration card holders. Later on, the Supreme Court, in its motion *In Re: Problems and Miseries of Migrant Laborers*, directed for effective enforcement of the human rights of the people by the slew of directions of free travel by train and bus, free food and water, health screening, and other facilities during the journey by the state government.<sup>[9]</sup>

## CONCLUSION

The COVID-19 pandemic, lockdown, and gradual exemption of labor laws by the states have a ripple effect on the workers' rights. The public health and labor laws under the garb of the quarantine law enforcement came heavily to the detriment of the Indian working class. They are undergoing double jeopardy, one by the COVID-19 pandemic and lockdown, and the other by stifling workers' entitlements to social security and

human working conditions. The purpose of the labor laws is to protect the labor class and not capitalist ventures. The contemporary legal development in labor jurisprudence is highly depressing because it serves the country's business class and not the labor class.

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