

THE STATE'S VIOLATION OF MIGRANT WORKERS' RIGHTS



*A compilation of the reactions
from the law students in India on
the migrant workers' issue.*

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Layout & Design: Gavin Pais, Divya

KARNATAKA GOVT CANCELS INTER-STATE TRAINS FOR MIGRANT WORKERS. THE TIMES OF INDIA



**K'TAKA GOVT CANCELS
TRAINS FOR MIGRANTS
AFTER MEET WITH
BUILDERS**

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SPECIAL TRAINS FOR
MIGRANT WORKERS AFTER
MEETING WITH BUILDERS**

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**KARNATAKA CANCELS
INTER-STATE TRAINS
FEARING LABOUR
SHORTAGE**



GR Rajesh Kumar
Founder, India Justice Foundation

**"Migrant
workers lives
matter.
Sooner the
government
realises, the
better. "**

#WORKERSLIVESMATTER

Ever since the country came into lockdown, the workers class has been put to innumerable miseries and untold sufferings. There's little to no help from both Central and State governments.

The recent news of the Karnataka Government's decision to cancel the trains meant for the migrant workers, has come as a shock to the people of Karnataka and to the rest of India. How can the government machinery be so merciless in denying every right to the workers? The same government that has denied even basic rights to the workers and has not provided any relief measures to ease the pain and suffering of the migrant workers, daily wage workers, and the poor due to the unplanned lockdown.

However, to please the real estate and industrial lobby, the Chief Minister has taken this drastic step that will affect both, the physical and the mental health of these poor workers.

The business and industries lobby in Karnataka haven't been of much help to the migrant workers during this unplanned lockdown crisis. Now, to increase profits, they need the help of the workers. But at what cost? Certainly, not at the cost of workers' health and well-being.

We strongly urge the Chief Minister to roll back the decision and immediately resume the train services to allow the workers to go back home and be with their families.

GRAVE HUMAN AND CIVIL RIGHTS VIOLATION

The Karnataka Government's choice to cancel all trains carrying migrant labourers, in a bid to "discourage them from travelling", is poorly thought out, and is a violation of their fundamental rights. Earlier, the state government had allowed the travel of students and migrant labourers within the state free of charge, however this policy was revised in the case of migrant labourers, first by forcing them to pay exorbitant fees for their own travel, and later on by halting all train services. The Karnataka government's motive behind this move was to prevent construction and other labour activities in the state from ceasing and bringing the local economy down. Additionally, the government refuses to provide basic services and amenities to the migrant labourers who are now forced to stay within the state.

The government took this decision after consulting the builders' lobby and has decided that economic activity took greater precedence over the migrants' labourers fundamental rights. In a shocking move, the Chief Minister of Karnataka, BS Yediyurappa, termed such movement of migrant labourers, as "unnecessary".



Divya Govindan

Student, School of Law, Christ

"The actions of the state government are a grave human rights and civil rights violation, as not only do they take away from labourers their right to life with personal liberty, and their right to free movement, but they also refuse to offer adequate compensation and welfare initiatives as an alternative measure."



Advait Raghunath
Student, Symbiosis Law School

"The decision by the Karnataka State Government to cancel all special trains for migrant workers to revive the state's economy is self-serving and inconsiderate."

VIOLATION OF FUNDAMENTAL RIGHTS

The decision by the Karnataka State Government to cancel all special trains for migrant workers to revive the state's economy is self-serving and inconsiderate. The Karnataka Government had recently said that the red zones allocated by the Central Government were not sufficient considering the surge in cases in multiple districts. The decision to prevent the free movement of migrant workers is in direct contrast to the statement earlier released and it is astonishing to see the hypocrisy from the Karnataka Government.

In times of a dire health emergency, states are expected to take welfare measures with complete inclusion. The Karnataka State Government has failed in this regard. The primary fundamental rights violations that come to mind are the right to move freely throughout the territory of India as guaranteed by Article 19 (1) (d), and the right to life and personal liberty guaranteed by Article 21 of the Constitution of India.

Migrant workers in Karnataka who are away from home are in desperate need to get back to their homes. The right to move freely throughout the territory of India is sacrosanct in such distressing circumstances.

The right to life includes the right to live with dignity and decency, and the forcing of labour in the current situation does not guarantee that right.

**Drishti Jain**

Student, Symbiosis Law School

"Isn't this in total violation of their basic human and constitutional rights?"

SLAVERY IS NOT EXTINCT, JUST LESS NOTICEABLE.

We talk about fundamental rights all the time. Is it so easy to violate them?

The Karnataka state government has taken a sudden and unilateral decision to stop trains meant for transporting interstate migrant workers amidst the COVID-19 lockdown.

Isn't this in total violation of their basic human and constitutional rights? Article 19(1)(d) guarantees to all citizens of India the right "to move freely throughout the territory of India". Workers are not any different. They are the citizens of India too. These fundamental rights are basic rights that we get right from birth. No individual or the State can take the same away from us. They have a right to go home.

Does this not amount to forced labour? Article 23 of the Constitution of India prohibits traffic in human beings and forced labour such as begging. The Forced Labour means not only the physical and legal force but also arising out of the compulsion of the economic circumstances.

This also violates Article 14 which requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination. Article 14 is based on the core principle that all of us, no matter who we are, enjoy the same human rights and should have equal access to them.

In spite of International Labour Organisation (ILO), workers in many countries have few rights or protections, and some endure terrible working conditions and surprisingly where the rights are given, they are being violated so easily.

PRIORITIES OF THE GOVERNMENT NOT IN WELFARE OF ITS CITIZENS

The State government's decision clearly goes on to show that the priorities of the government lie not in the welfare of its vulnerable citizens, but in the profits of those who exploit these same citizens. The inherent class bias is visible not only here, but also in the simultaneous decision of the central government to ensure the return of Indians stranded abroad. While the central government gives priority to rescue Indians, most of whom would naturally be of a financially well-off background, from foreign countries, the state government of Karnataka openly denies vulnerable migrant workers the right to safely return to their homes. This is evident of a mindset that deems only the rights of the upper class worthy of state protection.

Apart from being a stark example of the biases that fuel state policy, this decision also comes as a violation of Article 19(1)(d) and Article 21. It is only obvious that this 'life with dignity' would include safe residence in one's own home. Denying a safe return of the migrant workers to their hometowns is thus clearly in contravention of the right to life. It is thus clear that since this decision is a transgression of the fundamental rights of the migrant workers, it is unconstitutional.

This decision is indicative of the absolute lack of concern for workers in this country. These workers are not only exploited by their employers in the name of profit, but are also subject to the apathy of the state.



Aditi Uniyal,
Student, Symbiosis Law School

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