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**NV. GEN/PMI/353/10/2019**

**26 June 2020**

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to the Communication No. AL IND 9/2020 dated 28 May 2020 from the from the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Special Rapporteur on minority issues regarding the issue of internal migrant labours in India amidst COVID-19 pandemic.

The Permanent Mission of India would request the Special Procedures Branch of the Human Rights Council to bring the following to the kind attention of the above-mentioned Special Rapporteurs:

Ministry of Health and Family Welfare issued guidelines to address the psychological issues among migrants during COVID -19 on 1 April,2020 which are as follows

- To treat every migrant worker with dignity, respect, empathy and compassion.
- To listen to their concerns patiently and understand their problems.
- To recognize specific and varied needs for each person/family and there should be no generalization.
- To help them to acknowledge that this is an unusual situation of uncertainty and reassure them that the situation is transient and not going to last long and normal life is going to resume soon.
- To be prepared with all the information about possible sources of help.
- To inform them about the support being extended by Central Government, State Governments/ NGOs/ health care systems etc.

- To emphasize on the importance of their staying in their present location and how mass movement could greatly and adversely affect all efforts to contain the virus.
- To make them realize their importance in the community and appreciate their contributions for the society.
- To remind them that they have made their place with their own efforts, acquired the trust of their employer, sent remittances to their families and therefor deserve all respect.
- To reassure that even if their employer fails them, local administration and charitable institutions would extend all possible help.
- Out of desperation, many may react in a manner which may appear insulting and to try to understand their issues and be patient.
- If somebody is afraid of getting affected, to tell them that the condition is curable, and that most recover from it.
- To remind them that it is safer for their families if they themselves stay away from them.
- Instead of reflecting any mercy, to seek their support in the spirit of winning over the situation together.

On 26 March 2020, Finance Minister announced Rs. 1.70 Lakh Crore relief package under Pradhan Mantri Garib Kalyan Yojana for the poor to help them fight the battle against Corona Virus. Under this relief package:

- 80 crore poor people will to get 5 kg wheat or rice and 1 kg of preferred pulses for free every month for the next three months.
- Central Government has given orders to State Governments to use Building and Construction Labours Welfare Fund to provide relief to Construction Labours.
- Technology Systems to be used enabling Migrants to access Public Distribution System (Ration) from any Fair Price Shop in India by March 2021 -One Nation One Ration Card.
- 67 crore beneficiaries in 23 states covering 83% of PDS population will be covered by national portability by August 2020 while 100% National

portability will be achieved by March 2021. All the States/UTs will complete full FPS automation by March 2021.

The second financial package from the Ministry of Finance, *inter-alia*, had special focus on Migrants who are neither NFSA or State Card beneficiaries in the state they are stationed and they include that:

- The migrant labours will be provided 5kg of grains per person and 1kg Chana per family per month for two months.
- About 8 crores migrants are expected to benefit from this Rs.3500 Crore intervention for 2 months by the Government of India.
- State Governments are responsible for implementation, identification of migrants and full distribution and providing detailed guidelines.
- MGNREGS support would be extended to returning Migrants and 14.62 crore person-days of work was generated till 13th May 2020 at the Actual Expenditure of around Rs. 10,000 Cr.
- Work offered to 2.33 Crore wage seekers in 1.87 Lac Gram Panchayats where 40-50% more persons enrolled in comparison to May 2019.
- Average wage rate rose to Rs. 202 from Rs. 182 in last Financial Year and special drive was being undertaken to enroll returning migrants.
- States/UTs are advised to provide works to migrant labours as per the provisions of the Act. Planning for continuing MNREGA works in Monsoon as well in the plantations, horticulture, livestock related sheds.

Ministry of Home Affairs submitted a Status Report dated 31 March, 2020 to the Supreme Court about the steps taken to tackle Covid-19 pandemic including the situations of migrant labours. The status report submitted to the Supreme Court as well as steps taken by MHA included the following:

- A financial package of 1.70 lakh crores under the “Pradhan Mantri Garib Kalyan Yojna” with a view to obviate any possibility of hardship being faced by poor people including migrant labours which included provision of adequate food grains, cooking gas, free of cost every month for the next three months.
- A separate financial support is made to low-wage earners in organized sectors. So far as construction labours are concerned [most of whom are migrant labours], they will be provided financial assistance

through "Welfare Fund for Building and Other Construction Labours". This would cover 3.5 crore registered labours.

- The daily needs of migrant labours were being taken care of wherever they were working and the daily needs of their family members were being taken care of at their respective villages.
- The *en-route* migrant labours are provided with all basic amenities, strategizing all resources from every quarter possible so that they do not penetrate into the rural area which so far has remained uninfected.
- The Government put in a system whereby the panic in the minds of the migrant labours is addressed keeping in view the socio-psychological local issues and they are offered requisite counselling.
- The control room of the Central Government is working 24 hours and 21064 relief camps have already been set up by State Governments and Union Territories as per the directions of the Central Government as on 31<sup>st</sup> March 2020.
- The control room are providing food, shelter and medical facilities as per the requirements of migrant labours. These facilities are being provided for the poor and the destitute, for the stranded migrant labours, for labours who need access to food or for labours who have reached their destination but are required to be quarantined as per standard health protocol.
- With a view to ensure that there is no further problem faced by migrant labours and other poor sections of the society, directions are issued in exercise of powers under the Disaster Management Act, 2005 that all employers, be it in the industry or in the shops and/or other commercial establishments, shall make payment of wages to their labours at their work places on the due date without any deduction for the period of such establishments are under closure during the lockdown.
- MHA issued an Advisory on 27 March 2020 advising State Governments and Union Territories to explore option for providing shelter through existing infrastructure for migrant agricultural labours, industrial labours and other unorganized sector labours etc. who are being forced to return to their domicile states.
- It was also suggested that provision of food packets to the vulnerable groups can be explored through various means including spare

capacities in prison kitchens, NGOs, IRCTC facilities, religious organizations, CSR efforts etc. after examining their suitability.

- It also included advisory to all States/UTs to take immediate steps to provide adequate support, including food and shelter, to migrant agricultural labours, industrial labours and other unorganized sector labours during the 21-day Nationwide COVID-19 lockdown.
- An advisory was issued by Ministry of Home Affairs on 28th March 2020 on making adequate arrangements for migrants as well as instructions to effectively disseminate by all relevant authorities to these vulnerable groups so that they get a sense of security.
- Despite having issued comprehensive guidelines, clarifications and making disaster funds available for setting up shelters for migrant labours; movement of large number of migrants in some parts of the country was noticed.
- In order to deal with this situation and for effective implementation of the lockdown measures, and to mitigate the economic hardship of the migrant labours, Union Home Secretary, in the capacity as Chairperson, National Executive Committee, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, issued an Order with the directions to the State/Union Territory.
- Under this order, Governments and State/Union Territory Authorities were directed to take necessary action and to issue necessary orders to their District Magistrate/Deputy Commissioner and Senior Superintendent of Police/Superintendent of Police/Deputy Commissioner of Police, to take following additional measures:
- State/Union Territory Governments shall ensure adequate arrangements of temporary shelters, and provision of food etc. for the poor and needy people, including migrant, stranded due to lockdown measures in their respective areas;
- The migrant people, who have moved out to reach their home states/ home towns, must be kept in the nearest shelter by the respective State/Union Territory Government quarantine facilities after proper screening for a minimum period of 14 days as per standard health protocol;
- All the employers, be it in the Industry or in the shops and commercial establishments, shall make payment of wages of their labours, at



their work places, on the due date, without any deduction, for the period their establishments are under closure during the lockdown;

- Where ever the labours, including the migrants, are living in rented accommodation, the landlords of those properties shall not demand payment of rent for a period of one month.
- If any landlord is forcing labours and students to vacate their premises, they will be liable for action under the Act. In case of violation of any of the above measures, the respective State/UT Government, shall take necessary action under the Act.
- The District Magistrate/Deputy Commissioner and Senior Superintendent of Police/Superintendent of Police/Deputy Commissioner of Police will be personally liable for implementation of the above directions and lockdown Orders issued by MHA.
- On 28th March, National Disaster Management Authority has also issued an advisory detailing out the role of State and District Disaster Management relating to migrant labours and stranded tourists, recommendation for police and administration to adopt humane approach in dealing with public.
- Central Government allowed the State Governments to use State Disaster Response Fund for providing food and shelter to migrant labours with the aim for setting up quarantine facilities, sample collection and screening; setting up additional testing laboratories etc.
- In order to facilitate movement of migrants, Ministry of Home Affairs vide its Order dated 19 April 2020 issued Standard Operating Protocol (SOP) for movement of stranded worker within the States/UTs.
- As per Ministry of Home Affairs Order dated 01 May 2020, Ministry of Railways started operating “Shramik Special” trains as per standard SOP for receiving/sending stranded persons within their States/UTs which is enclosed.
- Indian Railways has been operating Shramik Special trains with a commitment to providing comfortable and safe movement of migrants through Shramik Special Trains as required by States.
- So far, more than 4347 Shramik Special services have been operated by Indian Railways to transport approximately 60 lakh persons to their destination states. Shramik trains are being run since 1st May 2020.

- Indian Railways has informed the State governments that it shall continue to provide Shramik Special Train within 24 hours after the demand is received from the States.
- Railway Ministry has requested State Governments to indicate their requirements about Shramik Special Trains and see that projected demand for movement of residual persons by rail mode is well chalked out and determined.
- Ministry of Home Affairs Order dated 29 April, 2020 included further provisions in the consolidated revised guidelines for strict implementation by Ministries/Departments of Government of India, State/ Union Territory Governments and State/ Union Territory Authorities. In sub-clause (iv) under Clause 17 on movement of persons of migrant labours, pilgrims, tourists, students and other persons, stranded at different places inter-alia included that all States/ UTs should designate nodal authorities and develop standard protocols for receiving and sending such standard persons and they would be kept under watch with periodic health check-ups and also encouraged to use the Aarogya Setu app through which their health status can be monitored and tracked.
- Ministry of Home Affairs ordered on 1 May 2020 to include “movement of migrant labours, pilgrims, tourists, students and other persons, stranded at different places” in sub-clause (v) under Clause 17 on movement of persons by trains.
- Ministry of Home Affairs’ letter dated 3 May 2020 to Chief Secretaries of all States/UTs while quoting Orders of 29 April and 1 May, 2020 on movement of persons, migrant labours, pilgrims, tourists, students and other persons, stranded at different places due to lockdown clarified that MHA Orders are meant to facilitate movement of such stranded persons, who had moved from their native places/ workplaces, just before the lockdown period, but could not return to their native places/ workplaces on account of restrictions placed on movement of persons and vehicles as part of lockdown measures.
- Vide Ministry of Home Affairs Order dated 11 May 2020, Standard Operating Protocol (SOP) has been issued for movement of passengers by trains while maintaining proper social distancing norms.
- Vide Ministry of Home Affairs letters dated 11 and 15 May 2020, instructions were given to all States/UTs to cooperate with Railways in running of more “Shramik” special trains so that travel of stranded migrant labours is facilitated at a faster rate and to ensure no movement of migrant labours walking on roads and railway tracks.

- Letter of MHA dated 16 May 2020 to Chief Secretaries of all States/UTs for adding online dashboard namely, National Migration Information System on the existing NDMA-GIS portal to help in speedy communication between states without creating additional work at the level of field officers.
- Vide Ministry of Home Affairs Order dated 19 May 2020, Standard Operating Protocol (SOP) was issued on movement of stranded labours by trains for implementation.
- Chairman Railway Board wrote letters to the States on 29th May and 3rd June on the subject and emphasised that “Indian Railways will provide the desired number of Shramik Special trains immediately within 24 hours of the request”. Communication has been sent to Chief Secretaries of the States emphasizing the same.
- Indian Railways has also assured that it will provide additional Shramik Special trains for any requirement given in future also. It will also meet any additional demand that may arise over and above the projections given, at a short notice.
- The Hon’ble Supreme Court of India, in its order dated 28th May 2020, has also issued directions for return of willing migrant workers to their native places. Indian Railways is taking all necessary steps for further compliance of the order.

It may be noted that the Hon'ble Supreme Court of India while disposing the Writ petitions No. 468/2020 and 469/2020 in public interest for redressal of grievances of migrant labours in different parts of country on 28 May 2020 has given the following directions:

- The migrant labours in relief camps/shelter homes should be provided adequate medical facilities besides proper arrangements for food, clean drinking water and sanitation.
- The trained counsellor and/or community group leaders belonging to all faiths will visit the relief camps/shelter homes and deal with any consternation that the migrants might be going through. This shall be done in all the relief camps/shelter homes wherever migrants are located in the country. The anxiety and fear of the migrants should be understood by the police and other authorities and they should deal with the migrants in a humane manner.
- The state Governments/union Territories should endeavour to engage volunteers along with the police to supervise the welfare activities of the migrants and all



concerned to appreciate the trepidation of the poor men, women and children and treat them with kindness.

It may also be noted that in addition to the above directions, the Supreme Court of India issued further directions in its judgement of 9 June, 2020 to the Central Government, all States and Union Territories:

- All the States/Union Territories shall take all have been directed to take necessary steps regarding identification of stranded migrant labours in their State which are willing to return to their native places and take steps for their return journey by train/bus which process may be completed within a period of 15 days from today.
- In event of any additional demand, in addition to demand of 171 Shramik trains, railway shall provide Shramik trains within a period of 24 hours as submitted by learned Solicitor General to facilitate the return journey of migrant labours.
- The Central Government may give details of all schemes which can be availed by migrant labours who have returned to their native places.
- All States and Union Territories shall also give details of all schemes which are current in the State, benefit of which can be taken by the migrant labours including different schemes for providing employment.
- The State shall establish counselling centres, help desk at block and district level to provide all necessary information regarding schemes of the Government and to extend helping hand to migrant labours to identify avenues of employment and benefits which can be availed by them under the different schemes.
- The details of all migrant labours, who have reached their native places, shall be maintained with details of their skill, nature of employment, earlier place of employment. The list of migrant labours shall be maintained village wise, block wise and district wise to facilitate the administration to extend benefit of different schemes which may be applicable to such migrant labours.
- The counselling centres, established, as directed above, shall also provide necessary information by extending helping hand to those migrant labours who have returned to their native places and who want to return to their places of employment.
- All concerned States, Union Territories to consider withdrawal of prosecution/complaints under Section 51 of Disaster Management Act and other related offences lodged against the migrant labours who alleged to have violated measures of Lockdown by moving on roads during the period of Lockdown enforced under Disaster Management Act, 2005.

The Supreme Court has again listed the matter on for the next hearing on 8<sup>th</sup> July 2020

Since its independence, India has been working tirelessly for its poor and the most vulnerable. India attaches utmost priority to poverty eradication and achieving inclusive sustainable development. The government's motto of "Sabka Saath, Sabka Vikas" that is All Together and Development for All reflects India's commitment to achieving inclusive development in the spirit of 'leaving no one behind'. In all its policies, India seeks to ensure inclusive development and the protection of rights of vulnerable groups. And our policies vis-à-vis migrant labours during this crisis of Covid-19 pandemic are no different to this motto.

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council, the assurances of its highest consideration.

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