

# COVID-19 AND UNORGANIZED SECTOR

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Indian economy was already suffering from this recession and high unemployment in which the automobile sector was badly affected. In March 2020 there was covid-19 epidemic was discovered. It is a dangerous man made disaster from this whole world that is suffering till now. On March 23, honorable Prime Minister Narendra Modi had announced a complete lock-down for 21 days to prevent the spread of disease in the nation and it was already declared as pandemic by WHO<sup>1</sup>.

There is no specific law regarding the legality of the lock-down other than Epidemic Act but the Government had used both the Epidemic Act as well as the Disaster Management Act. There is no such gravity in both the acts which holds the validity of the lock-down because lock-down violates most of the Fundamental especially Article 21.

Basily the Epidemic Act provides measures that can be taken by the Government but the actual transformer of the Government is the Disaster Management Act which provides all the power to the Central Government especially the Prime Minister. It may the reason behind every time to the Citizens by the PM other than the home minister. The constitution is Silent in case of the Disaster or Epidemic. But there are some entries are found in the Current list in the seventh schedule which deals with it.

Entry 23, Concurrent List of the Constitution "*Social security and social insurance*". Entry 29, Concurrent List "*Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants,*" can also be used for specific lawmaking.<sup>2</sup>

No one had heard and experience this type of the situation before because it is the first time implementation of lock-down has taken place in the whole nation at same time. There was no proper planning before all the implementation of the lock-down. Millions of millions of people have been struck at the various places<sup>3</sup>, and most important all the transport including railways was paused too.

1 <https://www.jurist.org/commentary/2020/04/tanay-goyal-india-lockdown/>( last visited on 11/07/2020)

2 <https://www.mea.gov.in/Images/pdf1/S7.pdf>( last visited on 11/07/2020)

3 <https://www.theguardian.com/world/2020/apr/04/i-just-want-to-go-home-the-desperate-millions-hit-by-modis-brutal-lockdown>( last visited on 11/07/2020)

The government had lapsed while thinking about the daily wagers who earn daily to get hardly two times meal a day .what they would do not for just one or two days but complete 21 days?

outbreak of the corona has Lockdown the whole Nation . it had killed the small and medium enterprises. It lead to the increases in quantum of the unemployment and stand out the workers on road. There is no direct beneficiary schemes for direct benefit of aggrieved employees whose employment get affected due to the corona.

On the other hand persons of unorganized sector who were engaged in the self employment also get badly affected like Rickshawalas, Fruit and Vegetable vendors, street vendors, carpenters, plumber, etc. the people who are associated with the organized sectors like Hotel and tourism industry, manufacturing industry commercial complexes and the most important infrastructure industry in which they provide services as the security guard, house keeping, office boys, labors etc. have nothing in their hands either the salary or job. Even in some of the cases workers are not get paid for the month of March. We can also say corona had directly targeted the 'Make in India' which is already at the initial stage of its growth.

All the workers with no future of the earning and employment, with empty bellies were forced to rush towards their home-towns. But there was no transport facilities either roadways or rail..Now such labor had started walking barefoot towards their hometown. Few months ago the Anand Vihar ISBT clearly reflects the gravity of the situation<sup>4</sup>. The problem of the workers haven't stopped till yet the burning sun on their heads and the locking of the state borders have increased their problems manifold.

The train accident in the Aurangabad in which 15-16 migrant labors were lost their lives by a freight train raises the question about conditions which compelled them to walk and to sleep at tracks in night as no train was running due to lock- down. The another incident happens near by Auriya district, Kanpur(UP). In such accident at least 24 migrant laborers lost their lives and 36 people sustained injurious was happened because a trailer truck collided with another truck in the early hours and both trucks were carrying laborers.

The Hon'ble Supreme Court had taken the matter types either by suo- moto or by PIL considering the gravity of the act and the lives of the thousands of the people where on stake. Due to which the state government buses had rushed at various destination to fetch these suffering persons.

Let us talk about the labor laws which provide the security to the labors in various aspects. But have its extent Limited the law books and the bare acts. The introduction of contractual labor in the economy has

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4 <https://economictimes.indiatimes.com/news/politics-and-nation/migrant-workers-crowd-anand-vihar-bus-terminus-to-return-to-their-villages/articleshow/74863940.cms?from=mdr>( last visited on 11/07/2020)

easily bypassing most of the labor laws. Employer get the cheap labor from the other state without their liability towards them because technically there is no employer employee relationship between them.

What about the Constitution of India and its Preamble which assures every citizen social, economical and political justice? The most important Article 21 which reads as “no person shall be deprived of his life or personal liberty except the procedure established by law” there are series of judgments which ensure about Right to livelihood as the part of the Article 21.

In the case of *Re Sant Ram Case*<sup>5</sup>, the apex court held that right to livelihood would be included in the freedoms enumerated in Art.19, or even in Art.16, in a limited sense. But the language of Art.21 cannot be pressed into aid of the argument that the word ‘life’ in Art. 21 includes ‘livelihood’ also.”

In landmark case of *Olga Tellis v. BMC*<sup>6</sup> commonly known as ‘pavement Dwellers case. The Hon’ble SC held that right to livelihood has been arrived from the right to life.

*The sweep of the right to life conferred by Art.21 is wide and far-reaching. It does not mean, merely that life cannot be extinguished or taken away as, for example, by the imposition and execution of death sentence, except according to procedure established by law. That is but one aspect of the right to life. An equally important facet of the right to life is the right to livelihood because no person can live without the means of livelihood.”*

In *D.T.C. v. D.T.C. Mazdoor Congress*, a regulation conferring power on the authority to terminate the services of a permanent and confirm employee by issuing a notice without assigning him any reasons and without giving him a hearing has been held to be a wholly arbitrary and violative of Art. 21.

Government has announced new policy lay out to help the poor.

1. Farmers will get the first installment of Rs 2,000 in the first week of April. About 8.69 crore farmers will get immediate benefit out of it.
2. Under the MNREGA scheme, the wage rate has been increased from Rs 182 to Rs 202, amounting to an increase of Rs 2000 per worker. This will benefit 5 crore people.
3. For old age pensioners and widows, an additional ex-gratia amount of Rs 1,000 for the next three months available in two installments. It will benefit 3 crore widows and senior citizens.

5 <https://lawlex.org/lex-bulletin/article-21-right-to-life-livelihood/3631> last visited on 11/07/2020)

6 <https://www.myadvo.in/blog/article-21-right-to-life-all-you-need-to-know/> (last visited on 11/07/2020)

4. For women Jan Dhan account holders, a one-time ex-gratia of Rs 500 per month will be given for the next three months. This will benefit 20 crore women.
5. For the beneficiaries of Women Ujwala Scheme, free cylinders will be given to 8.3 crore BPL families for three months.
6. Under the Deen Dayal National Livelihood Mission, women self-help groups (SHGs) will be provided collateral-free loans up to Rs 20 lakh from Rs 10 lakh earlier. This will impact 7 crore holders through 63 lakh SHGs.
7. For the organised sector, the government will pay a provident fund contribution of both the employer and the employee put together at 24% for the next three months. This is for those establishments with up to 100 employees and 90% of them earning less than Rs 15,000 per month.
8. The EPFO regulation will be amended so that workers can draw up to 75% of the amount for their contingency expenditure. This will benefit 4.8 crore workers.
9. Also For 3.5 crore construction workers, state governments have been directed to use the welfare fund for building and construction labourers which has about Rs 31,000 crore to help those who are facing economic disruption because of the lockdown.
10. State governments have also been asked to utilise funds available under the district mineral fund for testing activities, medical screening, providing health attention needed to fight the coronavirus pandemic.
11. The 'Garib Kalyan Rozgar Abhiyaan' will be implemented on a mission mode in 125 days in 116 districts of six states -- Bihar, Madhya Pradesh, Uttar Pradesh, Rajasthan, Jharkhand and Odisha -- that received the maximum numbers of migrant workers back.

Persons engaged in the unorganized sectors are the foundation of the developing economy. They provide huge no of services to organized as well as Government sector. What they want in return ? Just fulfillment of the basic need that are fooding, shelter, clothing not even the education. If today we will not help and cooperate with them, so what would be the nation's future without them.

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