

## Discrimination in times of Covid 19 in India: The agonies of exclusion of the marginalized section

Dr Karavi Barman ,

Assistant Professor, NEF Law College, Guwahati

---

### ABSTRACT

Covid 19 is the pandemic that has affected our lives in many ways, taking toll on every section of the society. The plight of the marginalized is beyond imagination and should the pandemic continue to rise at its peak, it is quite certain that the under privileged class would move into oblivion leading to extinction. Be it in terms of gender injustice, loss of livelihood, loss of lives, a state of lawlessness or inadequacy in terms of sectors- education, political and social, the pandemic has played a devastating effect in every nook and corner. Undoubtedly, the pandemic has forced many providing a platform to turn the challenges to opportunities but the already excluded ones are not accepted under the same roof. In a country like India, where the caste system had been responsible for many crimes like honour killing, the new norms of social distancing has further aggravated this form of evil in the present scenario. Even the heinous crimes like domestic violence, rape, theft and other socio-economic offences are sky rocketing under the shield of the lockdown of the justice delivery systems. Though the government had been efficient enough to play its key role in facilitating equal justice and unhindered access, the crux is that it had miserably failed to cater the needs of the downtrodden class and even after years of independence, they remain untouched. The cries of certain section of people gets suppressed in the midst of the pandemic as they remain outside the purview of the essential services provided by the political heads of the nation. Evidence of disparate health impact on the minorities, unequal treatment, abusive forms of treatment suggest that social exclusion is compromising the effectiveness of efforts to stem the spread of the virus and the pandemic responses should strive to strengthen social inclusion and leave no one behind. Additionally, the sudden border closure has left many migrant workers stuck in precarious circumstances, putting their own health and that of others in dire consequences. The need of the hour is to suggest policy reforms to uplift these masses so that they could meet the survival needs of the society in the present scenario. Also, in many places discrimination and xenophobia are on the rise as fears about the virus are weaponized to scapegoat minorities. The paper is aimed to document the observed social exclusion and gross discrimination in the outbreak of Covid 19 cases across the world, specially, inside of India. The paper highlights the impact of the pandemic on the vulnerable sections exposing their vulnerability thereby paving a way to the theory of exclusion and calls for a humble attempt for inclusiveness in policy in wake of the social, moral, legal and political responsibilities on the part of a welfare state.

---

**Key Words:** Discrimination, Vulnerable, Covid 19, Exclusion, Inclusion

---

### Introduction

**‘The Bible insists that the best test of a nation’s righteousness is how it treats the poorest and the most vulnerable in its midst’.- Jim Wallis, Christian writer**

The Indian government announced on March 20<sup>th</sup>, 2020 that all individuals within its territory should confine at home for 21 days. The University of Oxford’s Covid 19 Government Response Tracker reports that India’s response affects 1.3 million people. The lockdown measures were highly restrictive and its immediate impact was visible on the lower strata of people, be it the seasonal migrant labourers or workers of unorganized sector or the people living below the poverty line whose conditions could hardly be painted

in words and were beyond imagination. Infact, the dual faces of police authorities came into limelight thereby needing to throw the pictures of good and bad cops. Beyond food security, police officers have taken and a new role as public health messengers and police stations and checkpoints had become the sites of public health campaign. On the other hand instances were reported where inhuman tortures were meted out to the people trying to reach their destinations.

### Objectives

- To trace out the impact of lockdown on the vulnerable sections of the society.
- To document the theory of exclusion in terms of social and economic inequalities.

➤To put forth the various measures taken by the Government to curb these inequalities.

➤To develop a holistic approach on the part the stakeholders to achieve the mandate of a welfare state.

### Statement Problem

The nation-wide lockdown in the wake of Covid 19 had taken its toll on every mortal and more particularly on the deplorable ones. The lockdown has led to the closure of the institutions of the justice delivery systems making life beyond imagination for all the deprived sections of the community. What can be more pathetic than the glimpses of the people portrayed in the reports with facts and figures taking them far away from the principle of inclusion, bringing about the norms of Constitutional fatalities.

### The Exclusion principle: Some Glimpses

#### The Exodus of Migrant Workers - the awe of the spoken

The devastating impact of lockdown on the stranded labourers can be depicted as – worried faces, barefooted, kids walking to keep pace with their parents, mothers with infants on their waist not even perfectly balanced in the arm of his mother and sacks on their heads, mouths covered by their sarees, families walking in groups formed by their destination hey-wire without a targeted aim, moving restlessly, walking moving and resting and again moving to walk. Loss of lives, livelihood, famine, far away from the silver lining hope is that can well represents the plight of these stranded labourers. Be, it in scorching heat or beyond the looming light they move ahead not even knowing the distance they actually need to cover, thirsty and hungry.<sup>1</sup>

The hardest hit of the pandemic is on the unorganized workers and the lower strata of people as they set for their desperate journey to reach their interior villages on foot. What has made the journey even more tougher is the callous attitude of some policemen. Apart from battling for hunger and thirst, they have been ill treated by cops. The videos surfaced puts forth the plight of

these workers in these trying times. At the same time some cops also tried to be more accommodative.

Moreover, the biggest discomfort is not the fatigue of walking so much but the shoe or the slippers not meant to be walked in. The deep embarrassment was that as if the lockdown has made all attempts to pave a root of their non-existence infringing all their fundamental rights guaranteed to them by the Constitution triggering the fatalities of the philosophy of our founding Fathers that inspired our national struggle for freedom. What they can visualize is nothing but their collapsing world, yet desperate for reaching home.

The report of the working group on migration projects that the share of the migrant workers is the highest in construction sector for females- 67% in urban areas and 73% rural areas. While highest number of male migrant workers are employed in public services and modern services at 16% in rural areas and 40% urban areas respectively. Estimates made by Professor Amitabh Kundu of Research and information system for Developing countries, show that Uttar Pradesh and Bihar account for the origin of 25% and 14 % of the total inter-state migrants followed by Rajasthan and Madhya Pradesh at 6% and 5% which indicates that around 4-6 million people would be wanting to return to Uttar Pradesh and 18-28 million to Bihar and 700,000 to 1 million to Rajasthan and 600,000-900,000 to Madhya Pradesh.

Relatively less developed states such as Bihar, Uttar Pradesh and Madhya Pradesh and Jharkhand report high net out migration.<sup>2</sup> The lockdown has hit the unorganized sector workers in such a way that the vulnerable turned into oblivion. After outrage cops, NGOs and the concerned citizens lend helping hands to these people undertaking arduous journey. The Ministry of Labour and Employment did not have any data of migrant workers who lost their jobs and their lives during the Covid 19 lockdown. Activists and academics tracking the non-covid 19 deaths reported media found that over 900 people had died due to lockdown-related reasons such as suicide and road accidents while walking long distances to their homes

till July 4, according to the database available on the website of public interest technologist Thejesh.<sup>3</sup>

According to Ashwini Deshpande and Rajesh Ramachandran, all caste groups experienced a fall in employment between December 2019 and April 2020. The CNN Reported on May 31, 2020, that over ten agonizing days, a migrant worker walked and hitchhiked 1,250 miles home as India's lockdown left him no choice. The same story could be mentioned of Rajesh Chauhan, another migrant worker had covered 620 miles in five days as his legs were swollen and his blisters had burst. About 100 million rural Indians have moved to cities for work.

The Supreme Court responded in the PIL– Alakh Alok Srivastava V Union of India where it set to 'direct the local administration/ police authorities across India to immediately identify such stranded workers and to immediately shift them to the nearest government shelter homes with proper food, water, medicines and under medical supervision, in a dignified manner, till the Coronavirus Lockdown'. The Union also filed its status report as directed by the Apex Court of the country. In April, Dr Jagdeep S Chhokar and Gauary Jain filed a PIL that requested a direction to the Union and State Governments to arrange for the travel of stranded migrant workers to go back to their homes. Meanwhile certain suo motu petitions were filed and also it was stated that the plight of these labours were not merely a policy issue but human rights crisis.<sup>4</sup>

### **The Gender Injustice- Home and Workplaces and the plight of the children**

The nation-wide has taken women back to 1950s and is widening the gender gap disadvantaging the entire race. The gender divide that was closed for so long has again placed the women back to the pavilion. Compared to the male counter parts the women's task has become doubled be it taking care of the children at homes or providing home schooling or working as domestic help, regardless of their employment status. A recent study reveals that 61% of women are finding it harder to stay positive day to day compared with 47% male and there are diverse reasons for such anxiety. Hence the women

are facing the impact of Covid 19 in work life as well as in the domestic lives.

Recent figures also reveal that the domestic violence cases and child abuse cases are at its peak. The lockdown has does affected people unequally. Though the day still has twenty four hours, the work of the women has increased in such a manner that it has tremendous impact on our productivity. The sates have made for the efforts of creating a inclusiveness of gender labour market but it seems still a myth. Hence, the coronavirus is undoubtedly a disaster on feminism. Due to the rise of unemployment in India, the male is unable to provide support to a family of six to seven members due to which the frustration lingered around the women and children at homes. Even the aged persons in the family were left most neglected and the bedridden were left unattended by the family members without proper medication.

The pandemic has created digital divide among the children of rural and urban community thereby taking off the element of Constitutionalism from the written Constitution of India.

### **Exclusion from virtual education: The rural picture**

The exclusion of children of tender age from 6 to 14 years is clearly visible in the facts and figures of the newspaper clippings. Not only were the schools shut down but the downtrodden ones had no scope for virtual education. The digital divide could hardly be addressed by the government in true sense of the term. Telephones or videoconference could be used by schools governing boards or independent review panels but the children in interior places could hardly be benefitted from it.<sup>5</sup>

### **The Theory of Inclusion : Initiatives of the Government**

Various fiscal policies are adopted by the government to provide reliefs to the affected class- food and nutritional security, cash transfer, MGNREGA, migrant workers. A comprehensive economic package announced which includes USD 21.9 billion under

‘Pradhan Mantri Gareeb Kalyan Yojana’ targeting 800 million people affected by lockdown.

MGNREGA scheme have made an attempt to provide support to rural people. However, it could not become much fruitful due to lower wages, delayed wage payments and insufficient budget allocation.<sup>6</sup> the government. The Loan Moratorium extension is provided to ease the loan repayment obligation amid the lockdown and the economic slowdown. The Government has allowed relaxation to people on Income Tax Returns compliance matters. Further, the government reduced the tax deducted at source rate by 25% for non-salaried taxpayers from March 31, 2021. The government has also announced to reduce the Employees Provident Fund contribution rate from 12% to 10% to allow greater liquidity to the employees and employers.<sup>7</sup>

The Finance Minister has announced medical insurance cover of Rs. 5 million per healthcare worker. About 2 million health zones and medical colleges vices and ancillary workers would be benefitted from such insurance workers.<sup>8</sup> Investment in special education zone and medical college and especially in healthcare, education, skilling and digital infrastructure were improvised.<sup>9</sup>

### Recommendations

➤The Government’s actions should clearly state the duties of the concerned authorities to assess the stability of the marginalized and help them stand on their feet.

➤Local authorities should provide assistance to the vulnerable children including those who are not formally recognized as vulnerable during the Covid 19 outbreak.

➤The stakeholders should make attempts so that it could bring the element of constitutionalism thereby paving the route for a welfare state.

➤An effective monitoring for the strict implementation of the schemes to uplift the downtrodden or the otherwise deprived class is the need of the hour.

➤The aim of the developed class should be to raise the under developed from darkness to light so that the later could achieve the essence of well-being and become worthy to live in a civilized society.

**In the words of Ronald Reagan, “We can’t help everyone, but everyone can help someone’.**

### References

1. Lockdown 21: Migrant Labour takes hardest hit, government swings into action, The Times of India Explained: Indian Migrants, Across India, #Express Explained # Covid 19
2. Government has no data of migrant workers’ death, loss of job- The Hindu, [www.thehindu.com](http://www.thehindu.com)>national (visited on 10.11.2020)
3. Brunner Jai, R Kruthika, Covid Coverage: Mirant Labourers, 9<sup>th</sup> June, 2020 (visited on 09.11.2020 at 12:09 p.m)
4. Covid 19 School Exclusion Recommendations, [www.montcopa.org](http://www.montcopa.org) > view (visited on 10.11.2020 at 1:09 p.m)
5. .Exclusion. Marginalisation and Peripheralization, Leibniz-irs.de>user (visited on 10.11.2020 at 11.29 a.m)
6. Covid 19 relief The measures by Modi Govt which can benefit, [www.financialexpress.com](http://www.financialexpress.com) (visited on 11.11.2020 at 10:00 p.m)
7. India- Measures in response to Covid 19- KPMG Global, home.kpmg>Home>Insights (visited on 10.11.2020 at 7:00 p.m)
8. Religious Discrimination is hindering the covid -19 response, [www.bmj.com](http://www.bmj.com) (visited on 10.11.2020 at 08:07 p.m)
9. Millions escaped caste discrimination – Covid 19 brought it, indianexpress.com
10. Next Barrier After Covid-19 : Stigma and Discrimination in Time of Pandemic, [www.bmj.com](http://www.bmj.com) (visited on 10.11.2020 at 09:08 p.m)