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NHRC's Notice to Government on Migrant Deaths

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Why in News

The **National Human Rights Commission (NHRC)** has issued notices to the Union Home Ministry, the Railway Board and the Bihar and Gujarat governments in connection with the **reported deaths of some migrant workers on Shramik Special trains** and the lack of food and water for the passengers on these trains.

Key Points

- The government had **started Shramik Special trains from 1st May, 2020** to ferry migrant workers back to their home States after they were stranded in different parts of the country due the **Covid-19** induced lockdown.
 - Most of these poor migrants were daily wage workers who lost their work and livelihood as businesses and establishments shut down. In the absence of money and jobs, and bereft of any food, savings, or shelter in large cities, they started moving back to their villages.
- The **NHRC took suo motu (on its own) cognisance** of media reports about the trains not only starting late, but also taking many more days to reach their destinations.
 - Many migrant labourers lost their lives during their journey due to the longer duration and the absence of arrangements for drinking water and food.
- The Commission observed that the contents of the media reports, if true, amount to **gross violation of human rights**. The State has failed to protect the lives of the poor labourers on board the trains.
- The NHRC has issued notices to the Chief Secretaries of Bihar and Gujarat governments, the chairman of the Railway Board and the Union Home Secretary, **seeking their reports within four weeks**.

- Also, recently, the **Supreme Court** directed that the State from where workers started their journey and the State where they were headed should pool their travel expenses between them.

During the train journey, railways would be in charge of providing migrant workers drinking water and meals. In case of bus journeys, the State where they started from had to take care of their food and water.

National Human Rights Commission

- **Statutory Body:** NHRC was established on 12th October, 1993. The statute under which it is established is the Protection of Human Rights Act (PHRA), 1993 as amended by the Protection of Human Rights (Amendment) Act, 2006.

The PHRA Act also provides for the creation of a State Human Rights Commission at the state level.

- **In Line with Paris Principles:** Paris Principles were adopted for the promotion and protection of human rights in October 1991, and were endorsed by the General Assembly of the United Nations in 1993.
- **Watchdog of Human Rights in the country:** The NHRC is an embodiment of India's concern for the promotion and protection of human rights.
Section 2(1)(d) of the PHRA defines Human Rights as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.
- **Composition:** The commission is a multi-member body consisting of a chairman and five members. The chairperson should be a retired chief justice of India or a judge of the Supreme Court.
- **Appointment:** The chairman and members are appointed by the President on the recommendations of a six-member committee consisting of the Prime Minister as its head, the Speaker of the Lok Sabha, the Deputy Chairman of the Rajya Sabha, leaders of the Opposition in both the Houses of Parliament and the Union Home Minister.
- **Tenure:** The chairman and members hold office for a term of three years or until they attain the age of 70 years, whichever is earlier.

The President can remove the chairman or any member from the office under some circumstances.

Way Forward

- The Centre does not seem to have **a nationwide action plan** to tally the exact number of labourers stranded in various parts of the country. The government should work with the grass roots administrative mechanism, including the district and panchayats, to create lists accurately identifying the stranded workers.

- Preparing a **comprehensive database of the migrant** workers' source and destination, demography, employment patterns and skill sets.
It will help in skill development, providing social security benefits, planning for mass transit of migrant labour and preparing for any contingency plan in emergency situations.
- Migrant workers related issues have complex Centre-State and inter-State dimensions. There is a need to empower the **Inter-State Council**, set up under Article 263 of the Constitution to effectively and comprehensively deal with larger issues related to migrant workers.

Source: TH