



# IN SEARCH OF HOME

A Study on Migrant Workers' Access to Housing and Land



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Working Paper  
December 2020



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# I. Introduction

The COVID-19 pandemic has highlighted, more than ever before, the critical link between adequate housing and the protection of health and life. As states imposed lockdowns and issued ‘stay at home’ orders to prevent the spread of the pandemic, those without homes were left without adequate protection. In India, the most severely affected by the pandemic, the related lockdowns, and the resultant loss of livelihoods have been daily-wage workers, including homeless and landless people, migrant workers, agricultural labourers, fish workers, and others employed in the ‘informal’ sector.

On 24 March 2020, with just a four-hour notice, India announced a 21-day lockdown, the first of four lockdowns that extended until 31 May 2020. As cities shut down, migrant workers were stranded without work, income, food, and in many instances, housing. Despite the nationwide lockdown, in the absence of social protection and adequate state support, migrant workers felt compelled to leave cities to return to their villages, even though they did not have any means of transport.<sup>1</sup> Most of them travelled hundreds of kilometres on foot and via other precarious modes, often at great risk to their lives, just to reach ‘home.’<sup>2</sup>

Given reports of the distress experienced by migrant workers, especially the sudden homelessness experienced by them on declaration of the national lockdown, Housing and Land Rights Network (HLRN) decided to conduct a primary field research study to understand their housing and living conditions and needs.

This study aims to document the living conditions of migrant workers, particularly their access to housing and land in Delhi—where they lived—and in their villages as well as the challenges faced by them during the COVID-19 crisis. While the lockdown has been lifted in India, in phases from 1 June 2020, lessons learned from this period can be used to frame land and housing policies and to develop low-cost social housing models, not only for migrant workers, but also for all those living in homelessness and inadequate housing in urban and rural areas.

In India, the term ‘migrant worker’ generally refers to inter-state labour migrants who move from one part of the country to another for the purpose of employment. While some laws provide a limited definition of inter-state migrant workers,<sup>3</sup> this study covers a wide range of skilled and unskilled migrant workers, including those who are self-employed, such as street vendors.

## TIMELINE OF INDIA'S NATIONWIDE LOCKDOWN: 25 MARCH TO 31 MAY 2020

**PHASE 1:**  
25 MARCH TO  
14 APRIL 2020



**PHASE 2:**  
15 APRIL TO  
3 MAY 2020



**PHASE 3:**  
4 MAY TO  
17 MAY 2020



**PHASE 4:**  
18 MAY TO  
31 MAY 2020

- 1 ‘They treat us like stray dogs’: Migrant workers flee India’s cities,’ *National Geographic*, 27 May 2020. Available at: <https://www.nationalgeographic.com/history/2020/05/they-treat-us-like-stray-dogs-migrant-workers-flee-india-cities/>
- 2 ‘198 migrant workers killed in road accidents during lockdown: Report,’ *Hindustan Times*, 2 June 2020. Available at: <https://www.hindustantimes.com/india-news/198-migrant-workers-killed-in-road-accidents-during-lockdown-report/story-hTWzA-WMYn0kyycKw1dyKqL.html>
- 3 ‘Non Virus Deaths in India.’ Available at: <https://thejeshgn.com/projects/covid19-india/non-virus-deaths/>
- 3 See, for example, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979.

# II. Background

According to the Census of India 2011, the total number of internal migrants in the country (including from inter- and intra-state movement) is 139 million.<sup>4</sup> From 2011 to 2016, the magnitude of inter-state migration in India was estimated to be almost 9 million by the Economic Survey of India 2017.<sup>5</sup> Census 2011 data also indicates that 37 per cent of the total inter-state migrants (20.9 million people) originate from the states of Bihar and Uttar Pradesh.<sup>6</sup> The two metropolitan cities of Delhi and Mumbai attract the most migrants from different states of India, about 9.9 million people.<sup>7</sup>

As has been widely reported, migrant workers—on account of their low incomes, insufficient social security and labour protections, and inadequate living conditions—were among the most severely impacted by India’s sudden and long lockdown. In the absence of social and low-cost housing policies for them, a large majority lived at their work places, including in factories, shops, construction sites, and restaurants, and were thus rendered homeless when the lockdown was announced. On 29 March 2020, states were ordered to seal borders and stop migrants from returning home.<sup>8</sup> Though most states responded by providing free shelter and food to stranded migrant workers and their families, they had to deal with challenging living conditions, overcrowding at food distribution points, lack of cash, inability to recharge their phones, loss of communication with family members, and increased despair, loneliness, and adverse health impacts, including heightened risk to COVID-19.<sup>9</sup>

In a move to provide some housing security, the central government, on 29 March 2020, directed all states to ensure that owners of properties where workers, including migrant workers, lived in rented accommodation did not demand rent for one month. The order also made eviction of students and workers, due to non-payment of rent, a punishable offence under the Disaster Management Act 2005. Consequently, several states and Union Territories such as the Andaman and Nicobar Islands, Delhi, Tripura, and Uttar Pradesh, issued similar notifications in their states. Maharashtra and Telangana further directed all home-owners not to demand rent for at least three months (March to May). Reports, however, indicate that home-owners continued to demand rent from migrant workers in various parts of India during this period, and it is likely that the advisories and directives were not properly implemented.<sup>10</sup> In the absence of any new notifications, it seems that state moratoriums on rent collection expired at the end of May 2020.

Consequently, despite relief measures announced by the government, the inadequate and insecure living conditions of migrant workers in cities and their persistent neglect in state policy, were brought to the fore during India’s pandemic-related lockdown.

4 Data on Migration 2011, Ministry of Home Affairs, Government of India. Available at: <https://censusindia.gov.in/2011census/migration.html>

5 Economic Survey 2016–17, Ministry of Finance, Government of India, January 2017. Available at: <https://www.indiabudget.gov.in/budget2017-2018/es2016-17/echapter.pdf>

6 ‘What the 2011 census data on migration tells us,’ *Hindustan Times*, 26 July 2019. Available at: <https://www.hindustantimes.com/delhi-news/migration-from-up-bihar-disproportionately-high/story-K3WAio8TrrvBhd22VbAPLN.html>

7 Data on Migration 2011, Ministry of Home Affairs, Government of India. Available at: <https://censusindia.gov.in/2011census/migration.html>

8 Press Release, Ministry of Information and Broadcasting, Government of India, 29 March 2020. Available at: <https://pib.gov.in/PressReleasePage.aspx?PRID=1608984>

9 ‘India’s COVID-19 Lockdown: Human Rights Assessment and Compilation of State Relief Measures,’ Housing and Land Rights Network, May 2020. Available at: [https://www.hlrn.org.in/documents/HLRN\\_COVID19\\_State\\_Response\\_India.pdf](https://www.hlrn.org.in/documents/HLRN_COVID19_State_Response_India.pdf)

10 ‘No relief: Pay rent or leave, landlords tell migrant workers,’ *The Tribune*, 19 May 2020. Available at: <https://www.tribuneindia.com/news/jalandhar/no-relief-pay-rent-or-leave-landlords-tell-migrant-workers-86539>

# III. Study Methodology

The HLRN team conducted primary research for this study via telephonic interviews administered to a sample size of 248 people, from 8 to 25 August 2020. A second round of questions was administered to 105 people from the first sample, from 7 to 29 September 2020, in order to better understand issues of access to land and housing in villages of the interviewees. The sample consisted of migrant workers who had returned to their villages from the National Capital Territory of Delhi during the lockdown (between 25 March and 31 May 2020) as well as a few migrants residing in Delhi (4 per cent of the participants) who could not return home, for various reasons.



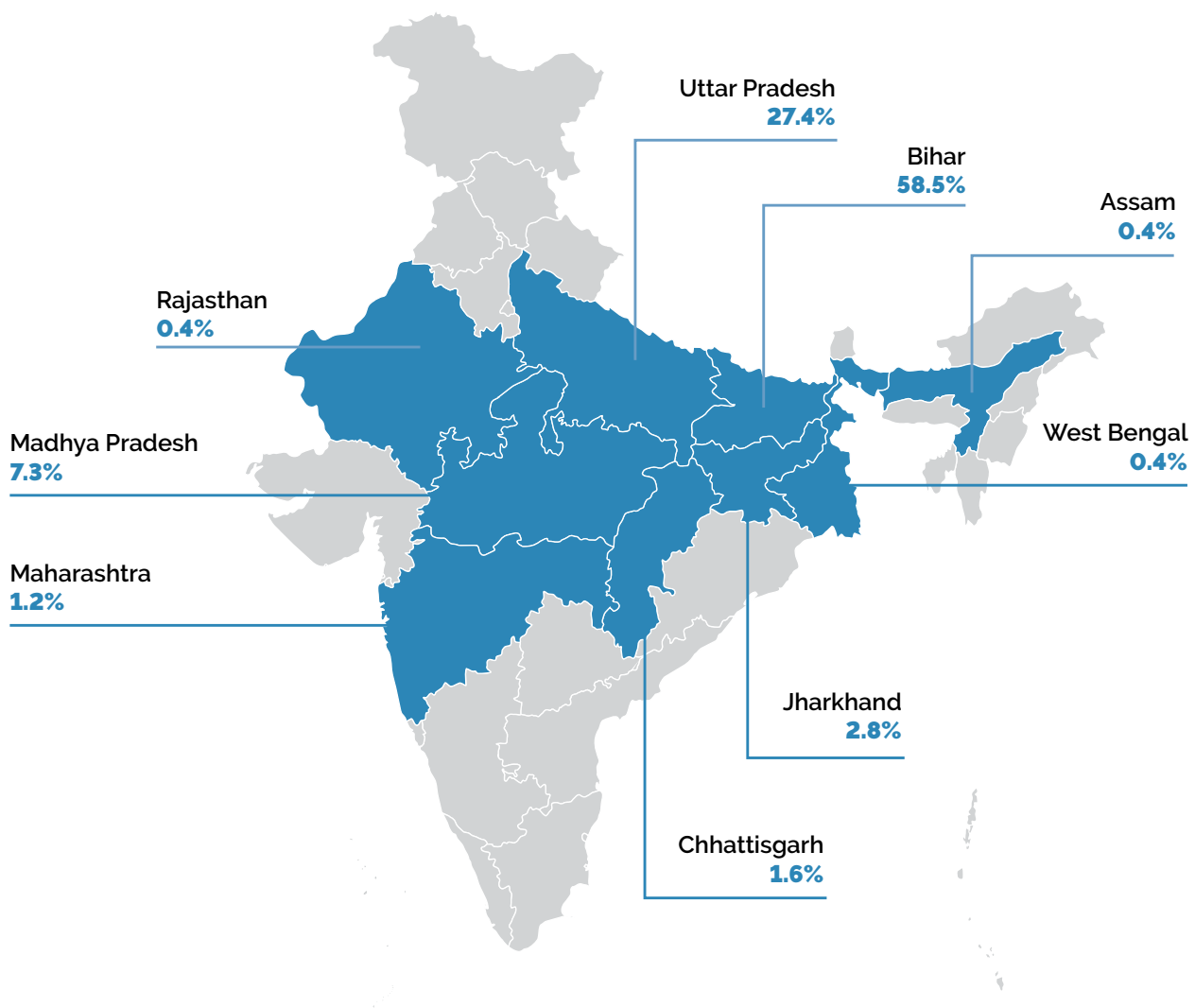
# IV. Main Findings of the Study

## Overview of Participants

The participants surveyed ranged from 15 to 78 years in age. The average age of the participants was 30 years.

The majority of survey participants were from the states of Bihar and Uttar Pradesh.

Age Range (in years)	Percentage of Participants
15–20	14.9
21–30	41.5
31–40	29.8
41–50	10.5
51–60	2.4
61–70	0.4
Above 70	0.4

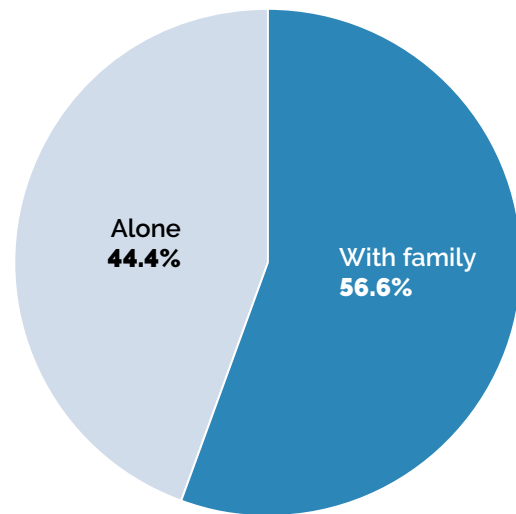




### OVERVIEW OF PARTICIPANTS

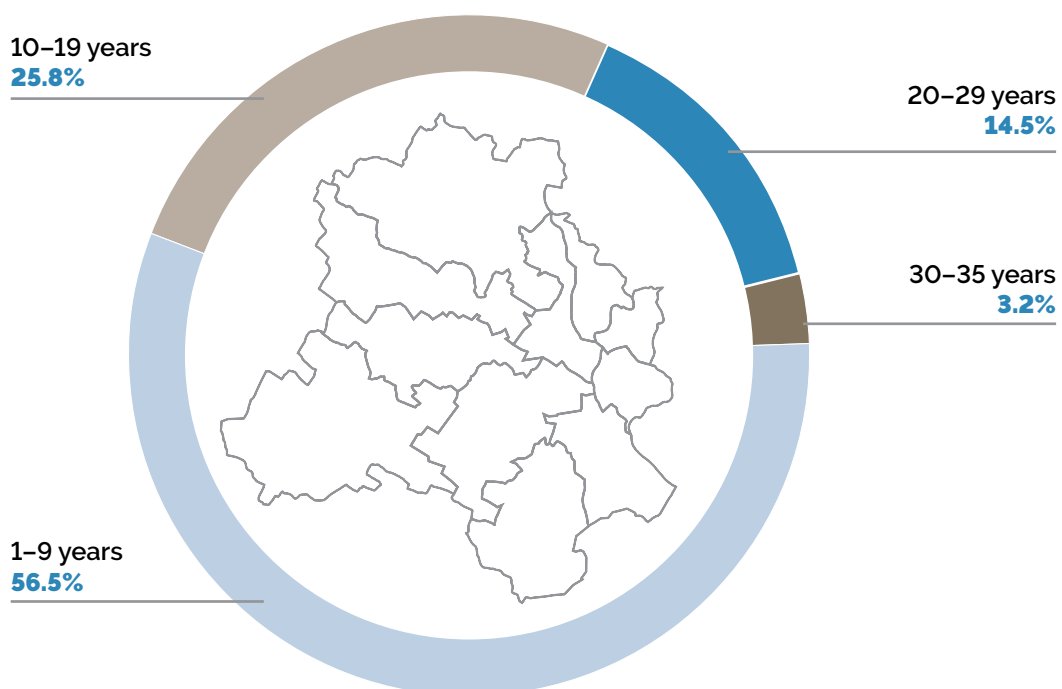
- Among the people interviewed, 89 per cent identified as male, while 11 per cent identified as female.
- The average age of the participants was 30 years. The youngest participant interviewed was 15 while the oldest was 78 years old.
- The majority of respondents (56 per cent) originally came to Delhi from Bihar, while about 27 per cent of them hailed from Uttar Pradesh.
- About 44 per cent of the participants stated that they had been living in Delhi for 10 years or more, 18 per cent of them for over 20 years, and 57 per cent reported living in Delhi for less than 10 years.

### Do You Stay in Delhi Alone or With Your Family?

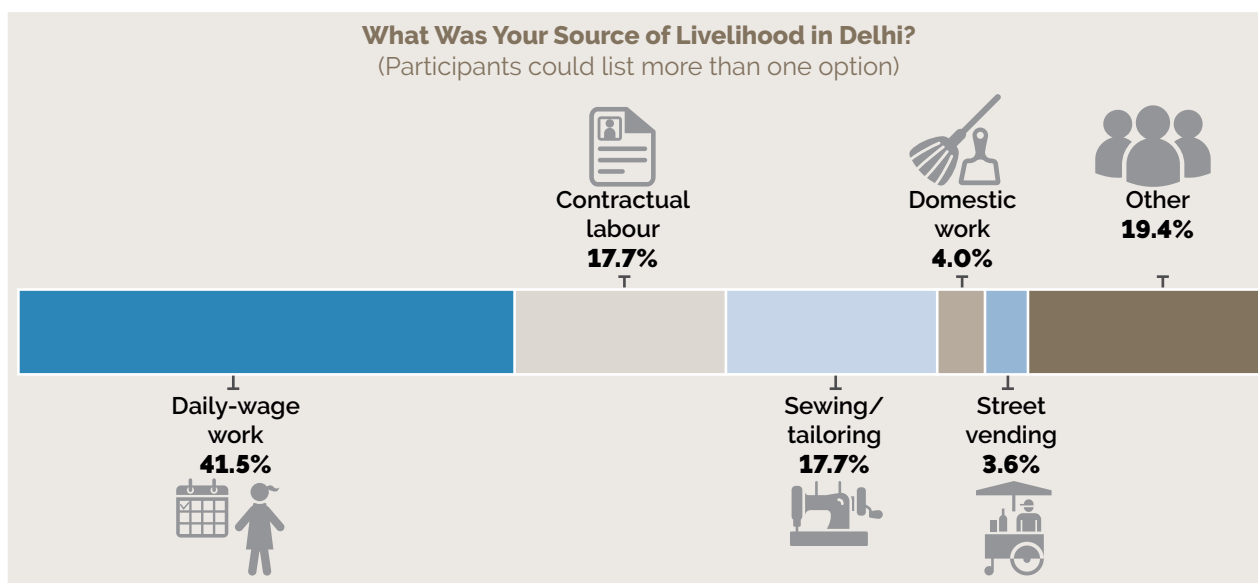


The general overview of participants in this study provides important indications regarding the nature of housing required in cities to accommodate migrant workers and ensure their access to essential services. Almost 44 per cent of the participants in the study had been living in Delhi for at least 10 years or more, which constitutes a significant period of their lives, as the average age of participants is 30 years. While most migrant workers may not intend to permanently settle in the cities to which they migrate, they require affordable housing options with tenure security in order to live adequately. The survey reveals that about 44 per cent of migrant workers were living on their own in Delhi, necessitating housing options conducive for single persons, including hostels, shared living arrangements, and subsidized rental facilities. Over 56 per cent of migrant workers surveyed lived with their families in Delhi, emphasizing the need for affordable housing suitable for families, with adequate space for children to grow and play, access to basic services, and protection of privacy.

### Duration of Residence in Delhi | Percentage of Participants



# Living Conditions in Delhi and Experience During the Lockdown



Nature of Housing in Delhi (Before the Lockdown)	Percentage of Participants
Rented room in low-income housing/tenement	75
Rented room in <i>jhuggi/basti</i> /'informal settlement'	10.9
Own house/dwelling	8.5
Site of work	3.6
Homeless shelter	1.6
On the street	0.4

Most migrant workers surveyed did not have access to 'adequate housing' in Delhi, as per international human rights law and standards. About 86 per cent of the survey respondents had been living in rented rooms in Delhi, including in 'informal settlements' (known as 'Jhuggi Jhopdi/JJ Clusters' in official parlance). Over 4 per cent of the participants had been living at their place of work. Most of these living arrangements were not adequate and did not provide any tenure security to the residents. If they had some form of security of tenure, their right to housing, including during the lockdown, would have been protected.

## WHAT CONSTITUTES 'ADEQUATE HOUSING'?

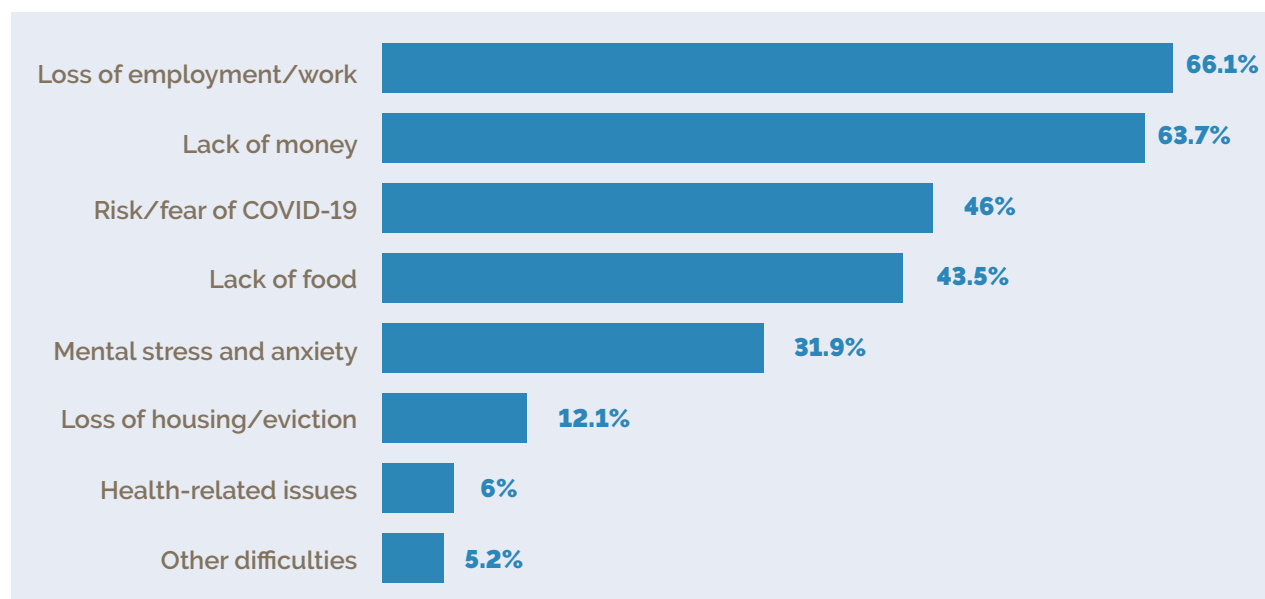
The first Special Rapporteur on Adequate Housing defined the human right to adequate housing, as: "The right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity."<sup>11</sup>

The scope of the right is elaborated in General Comment 4 of the United Nations Committee on Economic, Social and Cultural Rights (CESCR),<sup>12</sup> which defines certain elements that are essential for housing to be considered 'adequate.' These include: the legal security of tenure; availability of services, materials, facilities, and infrastructure; affordability; habitability; accessibility; location; and, cultural adequacy. This list of adequacy has been further expanded by Housing and Land Rights Network and the Special Rapporteur on Adequate Housing to include the additional elements of: physical security; participation and information; access to land, water, and other natural resources; freedom from dispossession, damage, and destruction; resettlement, restitution, and compensation; non-refoulement and return; access to remedies; education and empowerment; and, freedom from violence against women.

11 Report of the Special Rapporteur on Adequate Housing, E/CN.4/2006/41, March 2006. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

12 United Nations Committee on Economic, Social and Cultural Rights, General Comment 4: 'The Right to Adequate Housing' (Art. 11 (1) of the Covenant), 1991. Available at: [http://hlnr.org.in/documents/CESCR\\_General\\_Comment\\_4.pdf](http://hlnr.org.in/documents/CESCR_General_Comment_4.pdf)

Despite directives from the central government<sup>13</sup> and repeated appeals from the Government of Delhi not to harass tenants and to postpone rent collection for a few months,<sup>14</sup> almost 16 per cent of the study participants said they were harassed by home-owners for rent.<sup>15</sup> Nearly 12 per cent of the respondents indicated direct loss of housing, including through evictions by home-owners, as one of the main reasons for leaving Delhi during the lockdown. Additionally, 66 per cent of the participants cited loss of livelihoods as a key factor influencing their decision to leave Delhi, while 63 per cent of the participants also mentioned lack of money as a severe challenge. Consequently, even in cases where migrant workers were not directly evicted, loss of employment and income meant that they would be unable to pay rent and afford housing in the foreseeable future. Thus, the prospective loss of housing, either from evictions or the inability to pay rent, was an important reason for migrant workers leaving the city.



### EXPERIENCE DURING THE LOCKDOWN

- Nearly 16 per cent of those interviewed stated that they were harassed by home-owners/landlords for rent.
- Only 55 per cent of the respondents stated that they received their full dues from their contractor/employer, while 24 per cent of them reported receiving only partial payments due to them for work done before the lockdown; 13 per cent of the people interviewed did not receive any payment for their labour.
- As a result of the complete shutdown of all public and private transport services during the lockdown, most survey participants used multiple modes of transport to reach their villages: 59 per cent reached home through special trains for migrant workers, 23 per cent took a bus, 11 per cent used other vehicles, and 10 per cent walked a considerable distance to reach their villages.

“I travelled 600 kilometres on a bicycle with my family. One of my children sat in the front, while my wife held the other child and sat behind me.”

29-year-old migrant worker from Madhya Pradesh

“I reached my village on a motorcycle, after riding for 40 hours, covering 1,384 kilometres.”

28-year-old migrant worker from Bihar

“I had to walk 500 kilometres, before I found an autorickshaw to take me home.”

27-year-old migrant worker from Uttar Pradesh

13 Available at: [https://www.mha.gov.in/sites/default/files/PR\\_MHAOrderrestrictingmovement\\_29032020.pdf](https://www.mha.gov.in/sites/default/files/PR_MHAOrderrestrictingmovement_29032020.pdf)

14 ‘Government to pay rent if tenants fail to do so: Delhi CM,’ *The Economic Times*, 30 March 2020. Available at: <https://reality.economictimes.indiatimes.com/news/residential/government-to-pay-rent-if-tenants-fail-to-do-so-delhi-cm/74881255>  
 ‘Do not demand rent from students, labourers: Delhi govt reiterates earlier order for landlords,’ *India TV*, 23 April 2020. Available at: <https://www.indiatvnews.com/news/india/delhi-govt-order-dont-demand-rent-students-labourers-covid-19-lockdown-610504>

15 Also see, ‘COVID-19 Guidance Note: Protecting Renters and Mortgage Payers,’ UN Special Rapporteur on Adequate Housing, April 2020. Available at: [https://www.ohchr.org/Documents/Issues/Housing/SR\\_housing\\_COVID-19\\_guidance\\_rent\\_and\\_mortgage\\_payers.pdf](https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_rent_and_mortgage_payers.pdf)

A national-level survey of 25,371 rural residents (including migrant workers who had returned to their villages during the lockdown), conducted between 30 May and 16 July 2020, by Gaon Connection reveals that 40 per cent of workers faced food scarcity during the lockdown.<sup>16</sup> This is also reflected in HLRN’s study, which finds that 44 per cent of the respondents experienced challenges related to the lack of access to food during the lockdown.

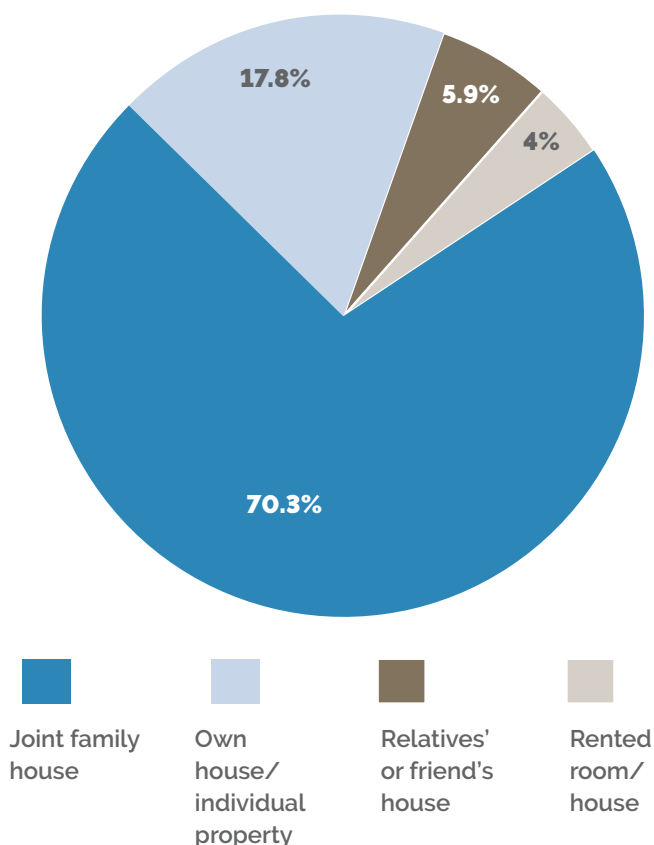
<p><b>“During the lockdown, my landlord harassed me for rent and did not let me to go to my village. I still have to pay him Rs 10,000 as rent.”</b></p> <p><i>24-year-old migrant worker from Bihar</i></p>	<p><b>“In Delhi, our landlord abuses us if we do not pay rent for even one month. The rent is very high.”</b></p> <p><i>23-year-old migrant worker from Uttar Pradesh</i></p>	<p><b>“We have been living on rent for 16 years in Delhi. I lost my job during the lockdown, and do not have any money now. If the Delhi government helps pay my overdue rent for the last six months, it would be of great help to me.”</b></p> <p><i>34-year-old migrant worker from Bihar</i></p>
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## Living Conditions in Villages

All the survey participants reported having access to some form of housing in their villages. About 70 per cent of the people interviewed in the second round of the survey stated that they were living in housing that was jointly owned by their extended family. However, 74 per cent of these respondents stated that their houses were not permanent (*pucca*) but made of mud and other temporary materials (*kutchha*). In many cases, the houses were built on land not owned by the migrant workers or their family members, indicating the lack of tenurial security. While 71 per cent of the participants stated that they had access to some land, mostly through joint/family ownership, it was not sizeable enough to earn a livelihood; 80 per cent of them stated that the land they owned individually or as a family was sufficient only to construct a house. The findings of this study, thus, clearly indicate the lack of adequate housing in villages as well as the lack of access to land required to sustain livelihoods.

A survey of 132 migrant workers in India, published in August 2020 by the Working Peoples’ Charter, found that of the 66 per cent of people who stated that they owned

What is the Nature of Housing in Your Village?



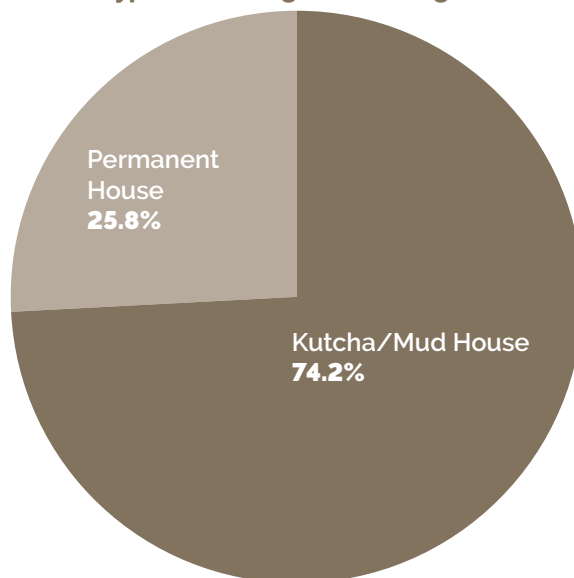
<sup>16</sup> ‘Gaon Connection Survey: COVID-19 lockdown and reverse migration,’ *Gaon Connection*, 9 November 2020. Available at: <https://en.gaonconnection.com/gaon-connection-survey-decoding-reverse-migration-the-covid-19-lockdown-led-to/>

land, 68 per cent owned less than 0.5 acres.<sup>17</sup> Another collaborative study based on a rapid assessment survey of 4,835 households in rural India found that in order to cope with the financial distress caused by the COVID-19 lockdown, about two per cent of the surveyed households had mortgaged their land, while one per cent of the households had sold their land.<sup>18</sup> This highlights loss of access to land—that was already limited—during the pandemic.

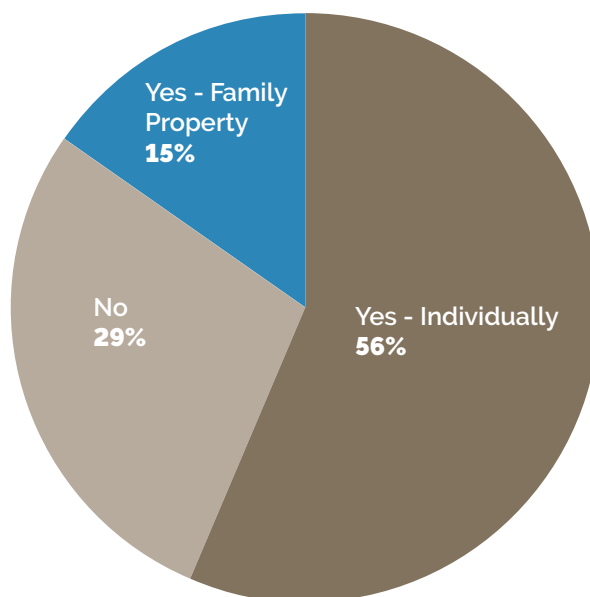
Responses from the participants in HLRN’s survey highlight prevalent landlessness, which also results in lack of work and livelihood security. About 58 per cent of the study participants stated that they had no work or employment opportunities in their village. This is a major challenge in rural India and one of the primary reasons for migration to urban areas. Over 80 per cent of the survey respondents stated that they do not have sufficient land to carry out agriculture.

A collaborative study by other organizations also highlights the absence of skilled employment in villages and states that the returned migrants had to engage mainly in agricultural labour and other manual work.<sup>19</sup>

**Type of Housing in the Village?**

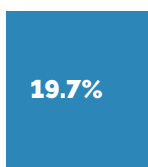


**Do You Own Land in Your Village?**



**Land Use/Purpose**

Only for a house/dwelling



For housing and agriculture

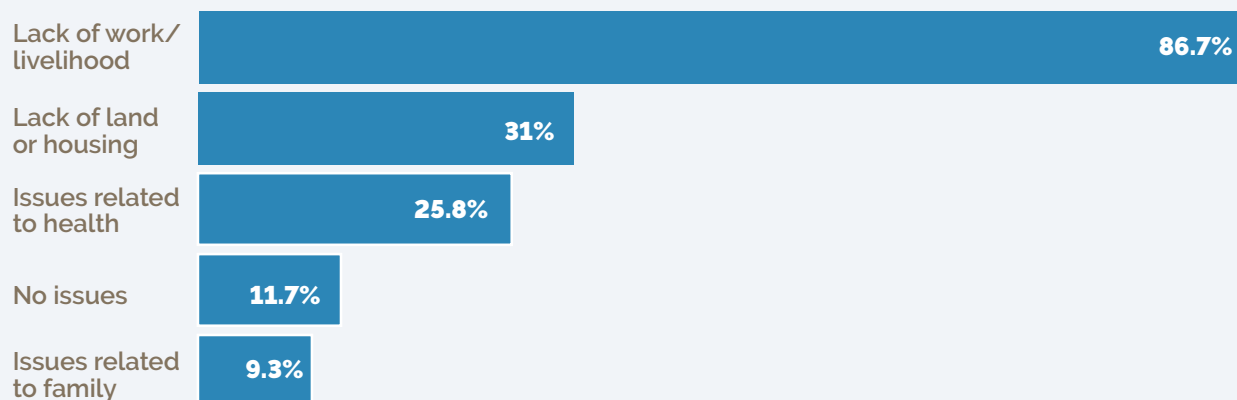
17 'After the long marches: What do workers want?,' Working People’s Charter, August 2020. Available at: <https://workingpeoplescharter.in/media-statements/after-long-marches-what-do-workers-want/>

18 'How is the hinterland unlocking? Findings from 2nd round of survey,' The Aga Khan Rural Support Programme (India), Action for Social Advancement, Grameen Sahara, i-Saksham, PRADAN, SAATHI-UP, SeSTA, Seva Mandir and Transform Rural India Foundation, August 2020. Available at: [https://villagesquare.in/webinar/wp-content/uploads/2020/08/VAF-CSO-Covid19-survey-round-2-3-8-20-webinar-slides\\_Kiran-Limaye.pdf](https://villagesquare.in/webinar/wp-content/uploads/2020/08/VAF-CSO-Covid19-survey-round-2-3-8-20-webinar-slides_Kiran-Limaye.pdf)

19 Ibid.

### What Challenges Are You Facing in the Village?

(Participants could list more than one option)



Livelihood in the Village	Percentage of Participants
No work/livelihood	58.5
Manual labour	20.6
Agriculture on own land	12.5
Agricultural labour on land owned by others	6.9
Animal husbandry	1.6
Work under the National Rural Employment Guarantee Act	1.2

**“There is no development in the village; you don’t get work every day. Agricultural work is limited, that’s why we have to come to Delhi to earn a livelihood.”**

*26-year-old migrant worker from Bihar*

**“There is no employment or farm work in our village. During the floods this year, 12 houses in the village were destroyed. Many houses were flooded and personal property was damaged.”**

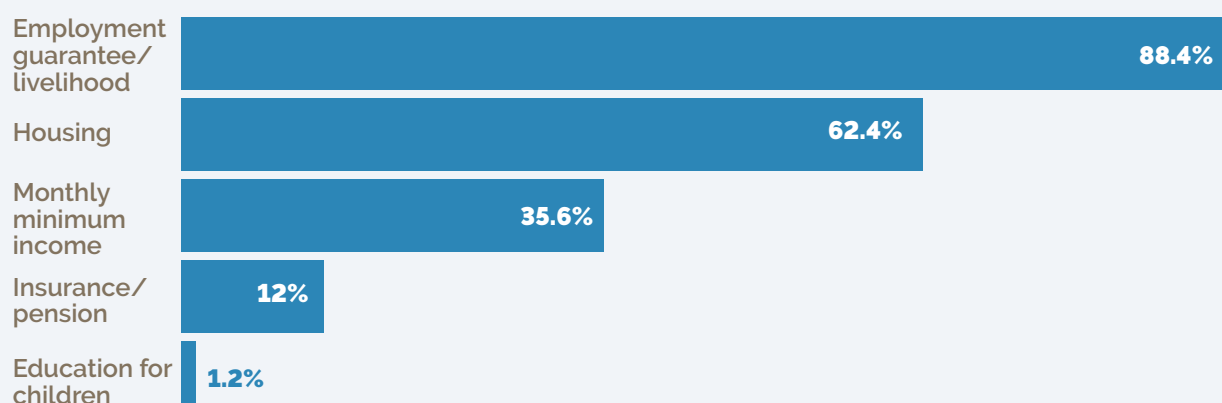
*19-year-old migrant worker from Bihar*

**“We don’t have work in the village or land for cultivation. We have a house but it’s made of mud. We have not received money from the government that has been allocated for housing construction. Despite efforts, we have not succeeded in securing this financial assistance.”**

*28-year-old migrant worker from Uttar Pradesh*

### What Are Your Demands from the Government?

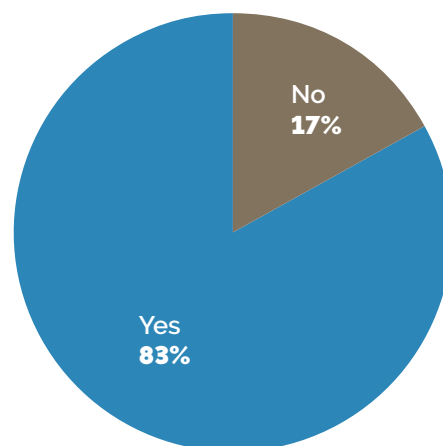
(Participants could check more than one option)



Over 88 per cent of the survey participants want the government to guarantee employment security and also provide more livelihood opportunities in both urban and rural areas. About 62 per cent of the people interviewed for the study also asked for affordable housing options, to avoid a similar crisis in the future.

Despite the crisis faced by migrant workers in cities during the lockdown, 83 per cent of the survey participants who had returned to their villages stated that they wanted to return to cities to work, in the absence of livelihood opportunities and access to land in their villages.

Do You Want to Return to Delhi?



**“Even though the situation in Delhi is very difficult, we will have to come back to find work and feed ourselves. For how long can we stay without work, no government is going to feed us.”**

*35-year-old migrant worker from Bihar*

**“During the lockdown, nobody helped us. In Delhi, we don’t have a house. Now, we don’t have any work. We faced immense difficulties during the lockdown, that’s why we don’t want to return to Delhi.”**

*23-year-old migrant worker from Bihar*

**“We have lived in Delhi for 10 years. We had to leave because of the loss of work, lack of food, great fear, and also because we do not have a house of our own. We don’t want to return anytime soon. We are working as agricultural labour in our village.”**

*29-year-old migrant worker from Madhya Pradesh*

**“I have very little land in the village; it is not sufficient for agriculture, I cannot sustain myself on it. We do not get daily-wage work here. That’s why I will have to return to Delhi.”**

*36-year-old migrant worker from Uttar Pradesh*

## Summary of Key Findings

- Most migrant workers live in cities for a considerable period of their lives without access to adequate housing. The study finds that **44 per cent** of the participants had been living in Delhi for at least **10 years** or more, with or without their families.
- The disadvantaged economic relationship between home-owners and tenants, and the inability of migrant residents to pay rent, was a key reason for migrant workers returning to their villages during the coronavirus-induced national lockdown, often at risk to their lives. Over **12 per cent** of the respondents indicated **direct loss of housing**, including through **evictions** by home-owners, as one of the main reasons for leaving Delhi during the lockdown.
- The testimonies received during this primary research study highlight several incidents of harassment of tenants by home-owners due to the unregulated nature of rental housing, absence of formal contracts, and the lack of tenure security. Nearly **16 per cent** of the study participants said they were **harassed by home-owners for rent** during the lockdown.
- The majority of survey respondents (**56 per cent**) do not have access to much land in their villages. While land ownership is mostly joint, with the extended family, the size of land plots is small and not sufficient for cultivation of crops or to sustain livelihoods. **Landlessness**, thus, is a major challenge faced by rural people and a significant reason for their migration to cities.

- While all migrant workers interviewed by HLRN reported having access to some form of housing in their village, nearly 70 per cent of them said this was owned together as a joint family (consisting of parents and siblings and their children). Over **74 per cent** of the respondents stated that their **houses are constructed of mud** and other material (*kutchra*). Moreover, in many cases, these houses had been built on land that was not owned by the migrant workers or their families. This highlights that a large number of migrant workers do not have access to adequate housing in their villages as well as in the cities to which they migrate.
- Over **86 per cent** of the people interviewed by HLRN cited **lack of work** as a major challenge in rural areas, while **31 per cent** highlighted the **absence of secure housing**.
- The study reveals that 88 per cent of the migrant workers demand employment/livelihood security from the government, while **62 per cent** of them want **affordable, adequate housing options** in cities as well as in their villages.

## Limitations and Use of this Study

The limited means of reaching people during the lockdown and restrictions related to telephonic interviews, including cross-verification of responses, accounted for some of the major challenges experienced during this primary research study. Furthermore, as a result of the gendered access to mobile phones (most women did not have access to their own mobile phones during this period), the HLRN team was able to interview only a few women respondents (27). Many families had only one mobile phone and it was generally the men who answered the phone and spoke to the HLRN interviewers. In families where women had their own mobile phone, access to those numbers was limited, and many women did not have funds to recharge their phones during the lockdown. The study, thus, does not adequately reflect the issues and realities of migrant women who work in cities.

This study was primarily conducted in August 2020, when 96 per cent of the participants were in their villages. It, therefore, does not include information on their current location and living conditions. It is possible that many of the respondents who expressed a desire to return to Delhi are now back in the city. The findings of this survey are thus being presented as a working paper, which we hope to update next year with a comparative analysis.

While the findings of this survey may not be extrapolated as national data on migrant workers in India due to its limited sample size, they could be used to supplement existing studies on migrant workers and further examine the linkages between land ownership, employment, access to adequate housing, and living conditions of migrants in large cities like Delhi. To that extent, this study presents important trends highlighting the importance of equal access to adequate housing and land, in order to guarantee everyone's right to an adequate standard of living and to prevent human rights violations of low-income communities, as was witnessed during India's COVID-19 lockdown and resulting economic crisis.



# V. Recommendations

Based on the findings of this survey, Housing and Land Rights Network would like to propose the following recommendations to the central and state governments in order to improve living conditions of migrant workers and uphold their human rights:

1. Develop a **comprehensive right to housing policy** aimed at providing affordable and adequate housing for all, with a focus on the most marginalized and excluded.<sup>20</sup> The coronavirus pandemic has emphasized the critical importance of secure housing (with access to essential services) to health and the protection of life. The government, thus, should immediately focus on developing low-cost housing options along a ‘housing continuum,’ including adequate hostels for single migrant workers/single working people, collective/shared housing arrangements, social rental housing, and affordable housing ownership models with access to finance.

In order to develop adequate housing policy response, each state should conduct extensive surveys and **collect accurate data on the number of migrant workers**, including data disaggregated by gender, caste, family size, state of origin, and other essential elements.

The central government’s proposed new scheme of **Affordable Rental Housing Complexes**, which aims to also provide low-cost housing to migrant workers in cities is a positive development. However, it is being developed as a Public Private Partnership model that could compromise affordability of housing for low-income groups. Rules are required to limit the role of the private sector, to define affordability based on income, and to include flexible options for different types of migrant workers, including for single workers and for families. In each city, consultations should be held with various sections of the urban poor, including migrants, homeless people, and other informal workers, to determine their ability to pay as well as to include their specific requirements and needs. Furthermore, international standards of ‘adequacy’ should be incorporated in all rental housing complexes, especially the guarantee of security of tenure, access to basic services, and appropriate location, close to people’s places of work.

The government’s new Model Tenancy Act 2020 also should include strong provisions for social rental housing, including through the provision of rental housing vouchers, and measures for rent protection for low-income communities.

2. **Impose a national moratorium on all evictions**, including for inability to pay rent. Assist low-income communities with financial support to pay rent arrears.
3. **Ensure security of tenure<sup>21</sup> over housing and land** to all urban residents. Laws similar to the Odisha Land Rights to Slum Dwellers Act 2017 and the Punjab Slum Dwellers (Proprietary Rights) Act 2020 should be passed in other states as well.
4. **Ensure access to adequate and sufficient land**, with tenure security, for people living in rural areas, in order to overcome landlessness, guarantee livelihood and food security, and address forced migration to cities. The trend towards ‘reverse migration’ from urban to rural areas, as a result of the COVID-19 lockdown, heightens the urgency for adequate policy measures to be taken across the country.

**Right to homestead laws**, similar to the Madhya Pradesh Housing Guarantee (for Lower Income Groups and Economically Weaker Sections) Act 2017,<sup>22</sup> should be promulgated in other states to provide land—

20 See, Guidelines on the Implementation of the Right to Adequate Housing, Report of the Special Rapporteur on Adequate Housing, A/HRC/43/43, February 2020. Available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/GuidelinesImplementation.aspx>

21 See, ‘Guiding Principles on Security of Tenure for the Urban Poor,’ presented in the report of the UN Special Rapporteur on Adequate Housing, A/HRC/25/54, December 2013. Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/25/54](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/54)

22 Madhya Pradesh Housing Guarantee (for Lower Income Groups and Economically Weaker Sections) Act 2017. Available at: <http://govtpressmp.nic.in/pdf/extra/2017-03-23-119.pdf>

with tenure security—to landless families for housing and for subsistence livelihoods. This could greatly help reduce unemployment, hunger, and poverty in rural areas. In 2013, the Government of India’s Task Force on Land Reforms had drafted a National Right to Homestead Bill, which was never taken up for discussion in Parliament. It is time for the central and state governments to prioritize right to homestead legislation and improve work and living conditions in rural and urban areas. The government should implement the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas.

5. Ensure that state housing schemes and the central government’s Pradhan Mantri Awas Yojana – Urban and Gramin (Rural) are implemented properly and that the most marginalized are able to access these schemes. Provide adequate financial support to build permanent houses in rural areas.
6. Work towards ensuring **stronger social protection measures** for the working poor, including through the provision of unemployment benefits, social security and pension, comprehensive health insurance, disability insurance, and a **universal basic income** for the entire country. Introduce a **national urban employment guarantee law**, similar to the Mahatma Gandhi National Rural Employment Guarantee Act 2005, to provide work and income security for workers in urban areas.
7. Address the **special needs of women, children, and older persons** who migrate to cities for work. Ensure that children of migrant workers are enrolled in schools and have access to quality education.
8. **Universalize the Public Distribution System** and ensure the provision of free food grains, cooking oil, spices, tea, sugar, and essential food items to all those in need, even those without ration cards across urban and rural India. This should include migrant workers, residents of ‘informal settlements,’ homeless persons, and the rural poor who are not registered under state schemes and do not have access to adequate food. Procedures for accessing food should be simplified and should be inclusive. The ‘one nation one ration card’ being proposed should be adopted in a simplified manner to ensure that no one is denied their human right to food.
9. **Ensure comprehensive policy linkages between rural and urban** issues/areas and address them as two ends of the same habitat spectrum. The migrant workers’ crisis has revealed the fluidity of these binaries as well as the critical need to view them holistically.
10. Make efforts to ensure that **legislation** related to land, housing, agriculture, and farming aims at protecting the interests and **human rights** of affected communities, including women, and is developed in **consultation** with them.

#### Key Recommendations:

##### United Nations Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants<sup>23</sup>

1. Guarantee access to social services for migrants and their families.
2. Include migrants and their families, regardless of their migration status, in economic recovery policies, taking into account the need for the recovery of remittance flows.
3. Establish protocols and create adequate conditions in shelters and other structures designed for the reception or stay of migrants.
4. Pro-actively prevent discrimination and scapegoating of individuals or groups of migrants.
5. Facilitate human rights monitoring and data collection on the human rights situation of migrants during the COVID-19 pandemic.
6. Guarantee the labour rights of migrant workers, especially of those working in essential sectors.
7. Facilitate virtual channels to ensure access to education for children of migrants.

<sup>23</sup> Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants, UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, and UN Special Rapporteur on the human rights of migrants, 26 May 2020. Available at: <https://www.ohchr.org/Documents/Issues/Migration/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf>

# VI. Conclusion

The mass exodus of migrant workers from metropolitan cities in India during the pandemic-induced nationwide lockdown highlighted the precariousness of their living conditions in the city and persistent state neglect and apathy towards them, as also reflected in their places of origin in rural areas.

Migrant workers are largely responsible for building, and for the efficient functioning of, cities and industries across India. They contribute to the economy with their subsidized labour, and often at great costs to their health, security, families, and lives. However, they continue to be excluded from state welfare schemes, being forced to live on the margins of cities that they make 'home.' The failure of the state to protect their human rights, to provide them an adequate standard of living, decent conditions of work, fair wages, and social protection, including during a public health emergency, forced thousands of families to risk their lives and find their way back 'home' during the nationwide COVID-19 lockdown.

While several factors compelled migrant workers to challenge travel restrictions, risk their health, and return to their villages during India's harsh lockdown, the lack of secure housing in the city was a key reason, as revealed by this survey. It is, however, not only in cities but also in their villages that they do not have access to adequate housing, land, and work, which is also the primary reason for their migration to cities. The state, thus has failed the urban and rural poor, at multiple levels.

The devastating and disproportionate impacts of the COVID-19 pandemic on low-income and other marginalized communities and groups, necessitates a fundamental rethinking of urban and rural policy as well as of related investments, budgetary allocations, and planning. Structural issues related to forced migration, unemployment, hunger, discrimination, and housing and land insecurity need to be addressed through a strong human rights-based approach. Without urgent and sustained policy interventions to improve the living conditions of migrant workers, including their access to housing and land, they will continue to be deprived of a safe 'home.'

Housing and Land Rights Network strongly believes that the COVID-19 recovery process must be human rights based, with guarantee of the right to adequate housing at its core. It is the legal and moral imperative of the state to ensure that all residents in rural and urban areas are able to live in dignity, peace, security, and safety. This will only be possible by focusing on the creation of sustainable and human rights urban and rural habitats.

**Housing and Land Rights Network (HLRN)** – based in New Delhi, India – works for the recognition, defence, promotion, and realization of the human rights to adequate housing and land, which involves gaining a safe and secure place for all individuals, groups, and communities, especially the most marginalized, to live in peace and dignity. A particular focus of HLRN’s work is on promoting and protecting the equal rights of women to adequate housing, land, property, and inheritance. Housing and Land Rights Network aims to achieve its goals through advocacy, research, human rights education, and outreach through network building—at local, national, and international levels.

The mass exodus of migrant workers from cities during the pandemic-induced lockdown between March to May 2020, highlighted the precariousness of their living conditions, and their lack of access to secure livelihood, income, food, and adequate housing. In this report titled, **‘In Search of Home: A Study on Migrant Workers’ Access to Housing and Land’** HLRN presents the findings of a study based on interviews of migrant workers who had returned to their villages during the lockdown. The report particularly examines the migrant workers’ access to land and housing in cities, as well as in their villages. The report also provides recommendations to the central and state government to improve living conditions of migrant workers, through the development of affordable housing options, among other measures.

Housing and Land Rights Network hopes that the findings of this report will inform state policies on migrant workers and be used to advocate for a human-rights based COVID-19 recovery process, which guarantees the dignity, peace, security, and safety of all individuals.



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