

# Chapter 3

## 3.6 Socio-economic Situation of Citizens Returned from India Due to COVID-19

### Background

The first case of COVID-19 in Nepal was detected in a person who had returned from China on January 23, 2020. The infections then soared. According to the Ministry of Health and Population, the total infections had reached 260,593 and the number of deaths 1,856 at the end of 2020. The first infection in Sudurpaschim was detected on March 27, 2020 and the number rose to 14,329 infections and 60 deaths at year end. The Government of Nepal declared lockdown for controlling the spread of COVID-19 infections from March 24, 2020, a few days after India had declared its lockdown. The lockdown in India forced thousands of Nepali to return home and arrived at Nepal-India border, where they were refused entry in violation of existing laws, and the economic, social, and cultural rights assured by the Constitution of Nepal.

People of Sudurpaschim Province have traditionally gone to India in search of work. This practice even predates the Sugauli Treaty, signed between Nepal and the then East India Company in December 2, 1815. After the treaty, Nepalis had begun moving to Burma, Bhutan, India, Bangladesh, Thailand, and Tibet Autonomous Region of China for work. According to a publication of the National Human Rights Commission, Nepali migrant workers are spread across 108 nations of the world.

The Foreign Employment Act 2007 aims to promote and make foreign employment more secured and ethical, and to protect of rights of workers and employment professionals. Similarly, another law on the Right to Work 2018, has the provision to assure right to employment, and choose professions. For its realization, the Act is made and has provided provisions for selecting profession, right of employment and assistance to the unemployed to find jobs. The Act says that all three tiers of Government would conduct employment programs and provide minimum possible employment to the unemployed.

Realizing the vulnerability of rights of migrant workers and their families around the world, General Assembly of United Nations approved the International Treaty for Protection of Rights of Migrant Workers and their Families on December 15, 1990. Part 1, section 2(1) of the treaty, defines migrant workers as people involved in work in nations of which they are not nationals. The subsection 2(a) of section 2 of the treaty defines border region workers as those who can move to and from their work station to their permanent residence on weekly basis or daily basis.

According to a booklet published by National Human Rights Commission in 2013 on rights of migrant workers shows 1.5-2 million migrant Nepali workers in India. As per the then Central Child Wel-

fare Committee of the Ministry of Women, Children and Senior Citizens, between July 3 to October 3, 2004, the number of minors moving to India was 4,360 from Mahendranagar, 1,950 from Dhangadi, 1,243 from Tikapur, 6,404 from Nepalgunj and 6,324 from Bhairahawa.

After the COVID-19 outbreak in India, many Nepal lost their jobs and were forced to head back to Nepal. According to the Ministry of Internal Affairs and Law, Nepal, 237,490 migrant workers of Sudurpaschim Province returned to Nepal after the outbreak. The lockdown and the closure of border entry points by the Government caused these returnees to be held up at the border causing many of them to head back to India to their jobs despite the danger of infection.

It is the responsibility of state to protect, promote and ensure people their rights, which the Government of Nepal unable to uphold. None of the national and international laws made for protect their rights could be enforced to support the workers. In the case of Nepal, even the law on migrant workers was inadequate to include migrant workers in India.

## Objectives

The study had the following objectives:

- To study the work situation of returnee workers of Sudurpaschim Province and identify the difficulties they faced.
- To understand the effectiveness of policy and practical efforts of Government to promote self-employment of workers who had returned from India.
- To make recommendations to all three tiers of Government for addressing problems of migrant workers who had returned from India.

## Research Methods

The study is based on interviews and group discussions with returnee migrant workers, families who had their members working in India, different organizations working to support migrant workers, representatives of local and

provincial Government agencies, security agencies, political parties, lawyers, and experts. The study has also reviewed and analyzed different news items, articles, research reports, and Government documents. The study essentially is limited to understanding and analyzing the problems faced by returnee migrant workers of Sudurpaschim Province from India and the implementation of commitments made by the Nepali state and Government during the pandemic.

## Nature of Work of Nepali Migrant Workers in India

The poverty of Sudurpaschim Province as per the census of 2001 was 44.6 percent and it had reached 47.1 percent in 2011. The recent poverty data show the prevalence at 33.56 percent. This poverty fuels the practice of going to India in all nine districts in the province. People from hills and mountains go to India to work for both short- and long durations. They mostly go to Himanchal Pradesh in India where they are mostly employed as farm workers in apple farms and porters for devotees visiting Badrinath and Amarnath temples. The migrant workers are engaged as carpenters in Laddakh. They are generally involved in low-income jobs at *dhawas* (eateries), restaurants, canteens, as household help and security guards. Migrants Union's data show that 10 percent were in formal employment and seven percent owned property in both Nepal and India. As per the Union, there are three types of Nepali migrant workers in India.

**First:** Manual laborers, security guards, household help, and workers working on daily wage.

**Second:** Workers with ration card and property both in Nepal and India; this category was less affected by COVID-19.

**Third:** Those who are working as formal employees in government services and in industries.

**Table 1: Budget allocated by Sudurpaschim Province in the agricultural sector**

S.No	Agriculture		Animal Husbandry	Total Budget
	District	Amount	Amount	
1	Kailali	63,50,000	1,87,00,000	2,50,50,000
2	Kanchanpur	47,50,000	99,00,000	1,46,50,000
3	Dadeldhura	52,50,000	1,04,00,000	1,56,50,000
4	Doti	32,00,000	1,55,00,000	1,87,00,000
5	Achham	47,50,000	1,04,50,000	1,52,00,000
6	Bajura	52,50,000	94,50,000	1,47,00,000
7	Bajhang	42,50,000	79,00,000	1,21,50,000
8	Baitadi	63,50,000	1,64,00,000	2,09,50,000
9	Darchula	32,00,000	63,50,000	95,50,000

*Source: Ministry of Land Arrangement, Agriculture and Co-Operatives, Sudurpaschim Province*

### Data on Migrant Workers

According to the Ministry of Law and Internal Affairs of the Province, 350,963 migrant workers had returned from India after the COVID-19 outbreak. However, most local bodies did not have exact records of returnee migrant workers. The Kailali District Administration Office had records of 46,729 migrant workers who had entered Kailali but it did not have records of workers who had returned after losing their jobs. Similarly, the records of the District Health Office, Achham, had records of 3,467 women, 13,676 men, 1,021 children, 93 pregnant women, and 201 senior citizens who had returned after the COVID-19 outbreak. Likewise, 24,926 migrant workers had returned to Kanchanpur and 51,996 workers left for India through Kanchanpur.

### Issues Faced by Migrant Workers

The main issue of Nepali migrant workers in India was the absence of records. This could be largely because the Foreign Employment Act, 2064 does not consider workers going to India as migrant workers. Therefore, the law needs to be amended to include records of those Nepali working in India, which would also require setting up administrative units for the purpose at the borders. Further, there was no information on any initiative

from the Nepali government for searching people who had gone to India but were no longer in contact with their families.

Media reports has presented that the migrant workers returning to Nepal have often been victims of crime like pick-pocketing, robbery, sexual abuses, killing, poisoning and so on. Some of these issues begin at the border and suggests the need for collaboration of security agencies of two countries to ensure safe border passage. Similarly, the Government of Nepal also needs to formalize the largely informal work arrangement and make provisions for insurance and workers relief fund, similar to what exists for Nepali workers working in third countries.

### Effectiveness of Programs against COVID-19 and Those for Returnee Migrants

Sudurpaschim Province had allocated NRs. 150 million for a self-employment program for citizens affected by COVID-19. The Ministry of Land Arrangement, Agriculture and Co-Operatives of Sudurpaschim Province had made arrangements for providing grant amounts of NRs. 60,000 for cow and buffalo farming, NRs. 40,000 for raising goats, pigs and poultry; and NRs. 30,000 for fish farming. There was also provision of providing grants of NRs. 30,000 for horticultural

ture, mushroom farming, bee-keeping, floriculture, and nursery.

Even though many local bodies were unable to create the opportunities of employment, they had begun programs in collaboration with non-governmental organizations. Overall, even with this, the budgets allocated for generating employment remained largely ineffective.

### **Programs of the Ministry of Land Arrangement, Agriculture, and Co-Operatives**

Generally, the ministry had not been able to deliver its promise of creating 5000 self-employed youth of returnees from abroad in the province. The youth were largely uninterested in the ministry's initiative and the program had not included the migrant workers from India. The main concern of the youth was that the money provided would not be enough for them to start enterprises.

The ministry had sought for applications for those interested in receiving the grants for animal husbandry and the Expert Service Centre of Kailali had provided a total grant of NRs. 187 million. The first phase grants were provided to 12,859 youth from all 13 local bodies of Kailali but only 441 applied in the second phase. The final name list of the grant recipients was not made public.

The Ministry said a budget of NRs. 63, 50,000 had been sent to the Agriculture Knowledge Centre at Dhangadi. In the first phase, 1,256 applicants filed the application for support but only 91 had been able to provide supporting documents. Among these 91 applications, 88 were shortlisted and therefore, the rest of the amount was sent back to the ministry. Again, migrant workers from India were not included in this program. In many cases, they could not be included because of their inability to provide supporting documents.

### **Programs of Local Bodies**

Larger number of returnee migrant workers from India were living without work after their return, and many had problems of earning enough for their daily meals. As result, thousands began returning to India in search of work again. Some, local bodies in the province, however, had designed some programs to support them. Some of which are discussed below.

Bhimdatta Municipality of Kanchanpur has started an entrepreneurship program and has set up a fund of NRs. 20 million in collaboration with Nepal Bank Limited. According to Surendra Bista, Mayor, the program intends to provide loans without interest and collateral to those wanting to start their own enterprises, with a special focus on migrant workers returnees from India. The fund is to be operating after the Municipality deposits NRs. 10 million to the fund. The entrepreneurship program is to provide loans of NRs. 100,000 to NRs. 500,000 for a period of five years and the municipality has begun collecting data for the purpose.

Similarly, the Beldandi Rural Municipality has allocated a budget of NRs. 150 million under Prime Minister Employment Program and aims to generate employment for 400 youth, including 200 returnee migrant workers. The rural municipality had also allocated NRs. 1.5 million for skill enhancement programs. However, the programs for self-employment of youth was largely ineffective due to lack of interest from the youth, according to Dhan Bahadur Thapa, Chairperson of the rural municipality. The chairperson of Ward No. 2 Prem Raj Khati added that people were interested only in grants and relief programs not in self-employment programs.

### **Return of Migrant Workers to India**

The support schemes offered by the government in Nepal (local, provin-

## Case Studies

Migrant workers from Bajura working in different cities of India were affected by COVID-19 pandemic and 8,450 workers had returned home. At home they faced the problem of scarcity of food and affected those who had returned from India. The following are brief profiles of some of the returnees.

**Dharma Sarki** of Triveni Municipality-8, Jhalgau, who had been working in India for last 20 years had never thought the situation would be so bad that he would have to come back to Nepal. COVID-19 caused him to head home because his employment was temporarily stopped. He does not own land nor has a house in his village and therefore has had to depend on others. He had sold his land in the village 10 years ago. Upon return he stayed in quarantine for 16 days and then with his family in the village. He faced the problem of managing meals for himself and his dependents and not received any support from the local government. He said he feared he could lose life because of hunger than the disease.

**Ambika Karki** of Budhiganga Municipality-2, Kolti, had been working in India and returned to his village with his six family members after the COVID-19 outbreak. Her husband had come to Nepal earlier than she was in Nepal as he had come earlier for the last rites of his mother and was heading back to India and had reached Nepalgunj on March 24, 2020. He was stranded in Nepalgunj owing to the nationwide lockdown imposed by Government of Nepal from the same day. His wife Ambika returned with the children and they were living on rent in Nepalgunj. Later, her husband died in an accident, and Ambika returned to Bajura and stayed in quarantine at the Jana Prakash Secondary School for 25 days. Ambika said she had received no help from the local government. She does not own property in the village and was staying at the house of a brother-in-law by relation. She has been seeking support for education and upbringing of her children.

**Naule Nepali** of Triveni Municipality-8, Kalapani, had been working in India 10 years and lost his job after the COVID-19 outbreak. He returned to Nepal with his family of seven in last week of April 2020. He was working as a security guard in India. His house in the village was damaged and therefore the entire family took shelter at his brother's home. They had no work and no money for food. His wife, Radhika was sick but had not received medical treatment and their six-month-old daughter appeared to be malnourished.

**Kalamati Damai** and her six member's family of Badimalika Municipality-2, Majhigau, had returned to Nepal after the COVID-19 outbreak. The family had been living there for 24 years. Her husband was sick. The family was in quarantine in Bajura where her husband committed suicide two days after they had arrived there. Kalamati has no property in the village and even could not even pay for the final rites of her husband. Even though the villagers and the ward office had helped her with the final rites, she faced the problem of raising her family of five.

cial and federal) were largely unable to reach the youth who had returned from India after the COVID-19 outbreak. This was reason why many began returning to India as soon as the border controls were lifted. The following are some representative cases of people who were headed back to India through different border points.

### **Gadda Chauki, Kanchanpur**

Tula Giri of Lekam Rural Municipality-4, Darchula, said he was not happy about having to return to India for employment amidst the COVID-19 pandemic. "I came back to Nepal at the start of COVID-19 but I am going to India again after seven months because

I do not have a source of income here”. Similarly, Tej Dhama of Sigas Rural Municipality, of Baitadi said he was leaving because there was no other way to raise his family in Nepal. Harak Singh Dhama of Ghoda Ghodi Municipality-1 was also in the group heading to India from Gadda Chauki.

### ***Gaurifanta, Kanchanpur and Kailali***

Umakanta Ojha, 38, Karan Ojha, 31, and Ambadatta Ojha, 22, of Goriganga Municipality-9 Kailali were headed to India in search of work on November 3, 2020. They said they were leaving because they were not able to get work in Nepal and because their subsistence agriculture was not enough for raising their families. They had been working at hotels in Mumbai for about three years and were hopeful about getting their jobs back.

Similarly, Raju Lohar, 29, and Malika Lohar, 26, of Punarbas Municipality-9 Khagau had been working at a hotel in Chennai and had returned to Nepal in March 2020. They were also at the border waiting to cross over to India for work as they had not found employment in Nepal. The family of Bharat Bista, 25, of Naugad Rural Municipality-2, had been working in India for six years before he came back to Nepal earlier in 2020. Unable to find work in Nepal, the family of four, including his wife and two children – ages seven and seven months – was also headed to India.

Some youth who had returned from India had started potato farming in Ganyapdhura Rural Municipality-4, Bantol of Dadeldhura District. Dev Raj Bhatta, Jaya Raj Bhatta and Ishwor Dev Bhatta had started farming on 547,600 sq ft. that had been uncultivated for 30 years. They had planted 60 quintals of potatoes and two quintals of garlic, according to the ward chairperson of Ganyapdhura Rural Municipality-4. Daily, about 30 to 40 people worked in the field where 10 huts had been built for raising buffalo.

The researcher met various local stakeholders to get their views on the issues faced by the returnee migrant workers. According to Bishnu Awasthi, President, Federation of Nepali Journalists, Kanchanpur, the migrant workers had been terrorized by the provisions of quarantine, border controls, and failure of being able to find employment, and the inability of the Government to address the situation in a timely manner.

Similarly, according to Naresh Silal, President, NGO Federation Kanchanpur, a large number of migrant workers had been affected by the pandemic and many had faced problems at the border and at the quarantine centres. They returned to Nepal in the hope of doing something in the country itself but had to return when they did not find opportunities in Nepal. The local bodies had also largely failed to fulfill their promise of bringing self-employment programs for the returnees.

Junga Bahadur Malla, President, Chamber of Commerce, Kanchanpur added that the returnee migrant workers were forced to head back to India largely because of the inability of local bodies to provide them employment.

### **Conclusion**

Even though there were provisions for income generating programs for the returnee migrant from provincial and local governments, the implementation of the programs was largely ineffective. The provincial government had setup a fund to support self-employment but collateral-free loans were not provided to migrants returning from India. The inability of the returnees to find productive employment forced them to head back to India to their old jobs or to find work there.

### **Recommendations**

A major recommendation from this study is the need for amending the Foreign Employment Act, 2064 to include the

migrant workers in India to ensure that their rights are to be protected. The non-recognition of migrant workers in India as migrant workers by the law had prevented the returnees from accessing the support programs initiated by the government. There were little or no records of Nepali working in India at the local governments. This must change to ensure that all Nepali are provided the social protections guaranteed by the Constitution in times of difficulties. This is another lesson that can be taken from the plight of returnee migrant workers from India after the COVID-19 outbreak.

### References

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section 18 (1), section 33 and section 34 and 51.

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