



INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 4 AND ISSUE 2 OF 2024

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Free and Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 4 and Issue 2 of 2024 (Access Full Issue on – <https://ijlr.iledu.in/volume-4-and-issue-2-of-2024/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

BOOK REVIEW ON 'SOCIAL INJUSTICE : MIGRANT CRISIS BY A. MAITRI, NOTION PRESS, CHENNAI TAMIL NADU, 2021'

AUTHOR – SAURYA SARKAR, LL.M, KAZI NAZRUL UNIVERSITY, ASANSOL, WEST BENGAL & ADVOCATE, DISTRICT & SESSIONS JUDGES COURT PASCHIM BARDHAMAN AT ASANSOL.

BEST CITATION – SAURYA SARKAR, BOOK REVIEW ON 'SOCIAL INJUSTICE : MIGRANT CRISIS BY A. MAITRI, NOTION PRESS, CHENNAI TAMIL NADU, 2021', *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 4 (2) OF 2024, PG. 50-52, APIS – 3920 – 0001 & ISSN – 2583-2344.

This book is an outcome of personal grief experienced by the author, when he lost her daughter, who was a medical officer. Thereafter, during COVID-19 Pandemic entire nation witnessed a dystopia, which was witnessed by the entire nation. It was an unprecedented situation where thousand number of people who were stranded on the road, beaten by the police, treated as a menace without any fault of their own. Suffering of large number of citizens inspired the author to write this book.

This book offers an analysis of one of the most pressing issue of the pandemic period the migrant crisis. This book offers a comprehensive study of the humanitarian, socio-economic, political dimensions of the migrant crisis. An attempt has been made by the author to identify the major injustice faced by the migrants in our country.

The author has covered the empirical statistics available of migrants during the COVID-19 pandemic and also have conducted doctrinal analysis of the existing literatures on the subject matter of Social Justice. The author has expressed his concerned regarding the way the migrants workers were handled by the stakeholders within their own country, was apparently in the most inhuman way. Author raised the question that, do the migrant worker deserve what they have faced ??.

The author has highlighted the violation of basic human rights, dignity, specifically the right to life during the pandemic as, India has witnessed the biggest ever human migration and humanitarian crisis which includes, hunger, deprivation, mass loss of life etc.

The author has divided the chapters into primarily five chapters, that have been further sub divided into various parts. These chapters

include a holistic idea of the concept of " Social Justice".

While the first chapter has highlighted on the Concept of Justice- The Indian Constitution. The second chapter portrays the concept of Social Justice. The third chapter discusses about the Promulgation of the Disaster Management Act 2005. The next chapter looks at the Failure of the System, the existing mechanism. The Chapter 5 introduces and discusses about the Social Injustice and Article 142 of the Indian Constitution.

Maitri begins by the flash back of the day, on 24th March 2020 when a national wide lockdown was announced in India around 8 pm. Subsequently, section 35 of the National Disaster Management Act was invoked and a nationwide lockdown was imposed. Simultaneously, barricades were fixed on the main roads, state highways and national highways for resisting public movements. By 26-27th March, some panic started spreading among the public, mainly among migrant workers and they started assembling in the railway stations and bus-terminuses for returning to their home town. But the availability of bus and railway tickets were very less that

the demand, which resulted in huge gathering in those areas.

A narrative started that these migrant workers can spread the virus and can result in further contamination to the public at large. As a result, migrant workers became the target of criticism and public started viewing them a potential carriers of COVID virus. Their right to movement was restricted and in maximum areas Section 144 of Criminal Procedure Code was implemented. The author critically highlighted that during lockdown –The Disaster Management Act 2005 was invoked but the National Disaster Management Authority(NDMA) was not invoked and Central and State governments started dealing with the pandemic.

The migrant workers problem was increasing and the same was not dealt property , which made them a victim as a class. The author tries to highlight that , our constitution ensures social justice to all , but during pandemic , one class was ignored.

In the **First chapter** the author addressed the detail concept of justice under the Indian Constitution. The Constitution of India, contains the provisions relating to non discrimination, right to work, right to speak etc. The author has also highlighted that, the socio-economic justice was held in higher esteem than political justice. The author rightly mentioned that in a welfare state, the basic features are- social insurance, which is intended to provide benefits during periods of greatest need.

Furthermore, "Social Injustice : Migrant Crisis" in its **Second chapter** discuss about the detail concept of the term " Social Justice" and presents some incidents that how injustice happed to the migrant workers during COVID-19 Pandemic. Further it also analysis the role of Judiciary and media during COVID-19 Pandemic.

Author stated that the sympathy of the Supreme Court was notably absent during this hard hitting time of this pandemic. Those who

were stranded on the road, having no means to survive, were vaguely ignored by the constitutional functionaries. The Supreme Court showed no concern towards the sufferings of migrant workers.

The author cited the example of a minor girl taking her handicapped father on a cycle from Gurgaon to Bihar. Female migrant labours delivering on the road and then again walking another 160 km. We saw death, we saw sufferings. Those who are the lifeline of our nation fought for their lives. Moreover, Media the forth pillar of the democracy also overlooked the problem of migrants and never reported them with top priority.

The **Third Chapter** of this book has dealt with the promulgation of the Disaster Management Act 2005. The author has highlighted the lack of responsibility and reasonableness among the stakeholders. It is was not foreseeable that the sudden lockdown may result in a disaster and impact several vulnerable group or society. Section 11 of the Disaster Management Act provides for a national plan in consultation with the state governments and other expert bodies in the field of disaster management. No national plan was drawn up when the lockdown was announced and even subsequently, even section 11 of the Disaster Management Act was totally overlooked and ignored.

The author has his concerned regarding that, what happened to the Constitution of India wherein the Centre and states were to work in concurrence with each other? There is no justification for why two separate enactments were invoked. Disaster Management act by the Centre and Epidemic Disease Act by the states for the same pandemic. Maitri's raised the issue of collapse of existing mechanism during COVID-19 Pandemic. Then the question arises who is responsible for the sufferings of the millions of lives including doctors, health workers, migrant workers?. Who can be held responsible for the sufferings of all citizens who faced this virus in real life and died? No person seems to take responsibility for these lapses.

In the **Fourth Chapter** has highlighted the question, why did our system fail? Why were the Fundamental rights of migrant workers were suspended? The mass were completely unaware of a statute Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979. Why could not even the Interstate Migrant Act come to rescue of this class of people? The law for migrant workers was there and the central/state governments abated the said law when the crisis of migrant workers came up. Did everyone simply assume there is only hue and cry? Why was the money due to them was not paid or could not be paid when these migrant workers lost their dues overnight on account of sudden announcement of nationwide lockdown? who is responsible for their loss of wages? Is the state responsible for the financial hardship of migrant workers? . Further, he firmly stated that, the Inter-state Migrant Workers Act is, in many ways, obsolete and hardly being enforced anywhere. One may wonder how that possible, but that is harsh reality.

The book analysed the provisions regarding the government announced food & financial packages, but all this was not a solution to the sufferings of the migrant workers, who were on road and were making desperate attempts to return their homes. The government interim directions regarding the waiver of rent, payment of wages during the lockdown period were not adequately served . The government had the power under section 12 of the Disaster Management Act, but that power was never exercised.

In the last Chapter namely " Social Injustice & Article 142" the author has discussed several judgements of the Apex Court in line with the concept of " Justice". The ideology in the preamble is not only declarers' our freedom but lays a strong foundation for a society based on equality, justice and liberty. The images of the struggle of the migrant for survival was a shook for the nation and made it global headlines. According to the author, the sufferings of migrant workers were seen, noticed but nothing

was done to mitigate their sufferings. Social justice was denied and overnight, their fortune changed and they become victims of Social Injustice.

A cumulative reading of this book enables the readers to understand the points of arguments that the author puts forth in advocating the humanitarian approach towards the migrant crisis during COVID-19 Pandemic and have analysed the concept of Social Justice from the Indian Constitutional Perspective with a brief discussion on the relevant provisions and judicial decisions of the apex court.

Overall this book gives an elaborate explanation of the social justice mechanism in India and that is surely a contribution towards upholding the basic human rights of the migrant workers, which is a much needed area of discussion for protecting the basic rights of the weaker section of the society even during the toughest time of the country and humanity.