

# *CITIZENS AND THE SOVEREIGN*



STORIES FROM THE LARGEST  
HUMAN EXODUS IN CONTEMPORARY  
INDIAN HISTORY

A MIGRANT WORKERS  
SOLIDARITY NETWORK  
PUBLICATION

# Citizens and the Sovereign



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*Stories from the largest  
human exodus in  
contemporary Indian history*

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# Acknowledgments

"प्रवासी मजदूर कोई कीटाणु या वायरस नहीं है! उनके खान-पान और आवास की जिम्मेदारी से आख चूराकर उनपर कीटनाशक छिड़कना इस सभ्यता पर कलंक है। टीवी-शो और चुनावी राजनीति की चर्चा से बाहर किए जाने के बावजूद भी हमारा शहर और ये दुनिया उनके मेहनत और शोषण के दम पर चलती है।"

*Migrant workers are not the virus! Spraying insecticide on them instead of shouldering the burden of their food and shelter is a blot on our civilization. Despite their voices having been pushed out of TV debates and electoral politics, their labour sustains our cities.*

These were the first few lines of a message announcing MWSN's helpline for migrant workers, circulated in more than ten languages. This was on May 30, on the very evening when a video from Bareilly flashed across social media showing public officials spraying chemical disinfectant on migrant workers on the road home. A lot of people volunteered to jump in with whatever resource we could muster to coordinate relief efforts in different cities where workers were stranded. We also started campaigning on social media and, on April 10, MWSN called for a twitter storm *#MigrantLivesMatter*. It struck a chord, becoming an important slogan that resounded through the crisis. We started documenting the news of protests of migrant workers at different places, which finally took the shape of a Resistance Map.<sup>1</sup>

Volunteers ran from place to place to distribute food, responded to distress calls and coordinated city level groups to ensure relief. Others stepped in to document workers' protests, prepare campaign materials, raise funds and keep accounts, following up with workers throughout their journeys and, thereafter, in their homes. As documented in the following chapters, working people organized around them during the relief and return operations along

with our volunteers. Following up these efforts took us to the villages where migrant workers live. Conversations sparked off around how source and destination states can be connected to build a network fighting for the rights of migrant workers.

We owe our gratitude to several groups and organizations who made these efforts possible. We would like to mention the efforts of Aajeevika Bureau, Alternative Law Forum, Bangla Sanskriti Mancha, Chaaybagan Sangram Samity, Chennai Citizens COVID Fund for Migrants, Coronar Biruddhe Ekota, Gono Tadaroki Udhhyog, Gurgaon Nagarik Ekta Manch, Hasiru Dala, Indian Alliance Paris, Jadavpur Commune, Jan Sangharsh Manch (Haryana), Janshakti (Karnataka), Kishalaya, National Domestic Workers Welfare Trust, Polis Project, Songrami Grihoshramik Union, South Asian Students against Fascism (United Kingdom), Tricity Relief Work (Mohali-Chandigarh-Panchkula) and Workers Unity.

This list is anything but exhaustive. We owe the biggest share of gratitude to volunteers across our four chapters—North, East, South and West regional chapters. They worked day and night to field calls from workers, in some cases from those hiding in jungles and crossing rivers at midnight to evade police patrols on highways. They translated and mediated with nodal officers, travel inspectors, labour commissioners and police personnel. We also thank countless individuals and activists who rose in solidarity. We have not been able to list each name here.

Lastly, this attempt at documenting our collective experience of the lockdown could not have happened without the help of many workers and friends. Their names have been changed in the stories ahead due to privacy concerns.

Cover image credits: Abu Rasel Rony.

<sup>1</sup> The *Migrant Workers Resistance Map* is available on our website, <https://MWSN.in/resistance-map>.

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# Mahabharat, Migrants and Media



“

migrant workers were like those passers-by and nomads or, even, like rats in the holes of the fields of Kurukshetra — a problem emerging out of nowhere.

”

*Yaad kijiye, Mahabharat ka yuddh 18 din mein jeeta gaya tha. Aaj Corona ke khilaf jo yuddh pura desh lad raha hai, usme 21 din laagne wale hain. Humara prayas hai isse 21 din mein jeet liya jaaye. Mahabharat ke yuddh ke samay Bhagwan Sri Krishna Maharathi the; saarthi the. Aaj 130 crore maha-rathiwon ke*

*balbute par humme Corona ke khilaf iss ladai ko jeetna hai.*

— Prime Minister Narendra Modi addressing his parliamentary constituency on March 25, 2020<sup>1</sup>

At 8 pm on March 24, the Prime Minister announced the nationwide

<sup>1</sup> For the full video of the prime minister's speech, see *Economic Times* (March 26, 2020), 'Mahabharata was won in 18 days, COVID-19 battle will last 21 days: PM Modi'.

## INTRODUCTION

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complete lockdown, giving people a preparation time of 4 hours before suspension of all movement. He left critics murmuring about why airports had not been closed beforehand despite alarm bells ringing from many quarters and what would now happen to crores of people dependent on daily wages. But, the nation was now at a war with a deadly virus.

On March 25, while addressing his parliamentary constituency, the Prime Minister invoked the 'collective memory' of the epic *Mahabharata*, in the style of a historical fact. A lot has been said about the prime minister's prediction of winning against Corona in 21 days in retrospect, when six months on, India ranks second in the world in COVID-19 infections with 66 lakh total cases despite having significantly fewer tests per million population. But that is supposedly unimportant for the people, who have been bestowed with the role of *Maharathi* or *charioteer* in this war, raised to the stature of *Sri Krishna Bhagwan* by one utterance of the nation's supreme commander.

Can we imagine a traveller or pastoral nomad casually crossing the battlefields of

Kurukshetra expressing dissent about getting stuck because of war? Or complaining about encroachment on their land and livelihood when an epic war is in motion? Even sympathetic historical accounts of an epic war would give them space only in the footnotes of history, as the main narrative lies in the fate of the dynasties getting decided. After all, the epic has it that God himself came down to the battlefield to ensure good

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**In times of emergency, when even raising implementational issues over the government's agenda is painted as an act unbecoming of a responsible citizen, is it then possible to question the 'faith' or intentions of the rulers?**

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triumphed over evil. In India, migrant workers were like those passers-by and nomads or, even, like rats in the holes of the fields of Kurukshetra—a problem emerging out of nowhere. This was evident in the way the state has treated them during lockdown. They suddenly became visible, that too, lakhs of them at once. How can the sovereign treat them as rightful citizens during a state of emergency?

How are the people supposed to execute their role as *Maharathis*? The commander told them to stay home, not to cross the *Laxman Rekha*. But everything could not be as passive. They can bang *thalis* from their balcony or light a *diya*. But these are only occasional acts. They can *Like, Share* and *Comment* on social media which is more accessible and limitless. The people can occasionally gang up and beat up those who they believe are sabotaging the 'war', be it migrants trying to travel home and spread corona or the *Tablighi Jamaat* gang, even softer targets. But, above all, they are supposed to feel their role being executed through the supreme commander and his state machinery. In other words, through their activity and inactivity, they are supposed to constitute the *Sri Krishna Bhagwan* outside themselves, in the image of the nation's supreme commander of this war.

Article 74(1) of our Constitution, while defining the post of Prime Minister of India, says:

*'There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the president*

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who shall, in the exercise of his functions, act in accordance with such advice.'

Perhaps, these 'emergencies' are one of the important processes through which the constitutional post for a 'Union of States' emerges as the supreme commander of the nation. The process reconstitutes the public, as *Maharathis* in this case, and hence the Republic.

The unavoidable historical memories revived in India by the present pandemic are of the Bubonic Plague<sup>2</sup> and the colonial period in this subcontinent. The popular memory of independent India has understood the interventionist measures of the colonial state in the life of Indian people as 'draconian'. The colonial intervention indeed was draconian and for us, the natives, it became an important point for rage and struggle. It was one of the multitude of processes through which we transformed ourselves from 'the natives' to 'the people' and formed a new

Sovereign for ourselves.

The same *Epidemic Diseases Act, 1897*, along with *The Disaster Management Act, 2005*, *de jure* became the mode of intervention of the Indian state in the current pandemic. *Section 4 of the Epidemic Diseases Act, 1897* reads:

*'No suit or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Act.'*

How do we, the people, understand such interventions when the sovereign of a

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## Citizens and the Sovereign

painted as an act unbecoming of a responsible citizen, is it then possible to question the 'faith' or intentions of the rulers, when the nation, under the leadership of its supreme commander is busy with a war against a deadly virus?

The documentation on the plague suggests that migrants got very meagre or no support from the colonial government, nor were the business owners ever interested in training these unskilled labourers. Relief camps were busy calculating the bare minimum grain for workers so that they could survive and return to work. The colonial government did not make investments in public

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**The discourse around migrant workers was made into a discourse around 'distress' which supposedly needs 'humanitarian' responses from civil society and Gareeb Kalyan Yojanas from the state.**

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formally independent nation, commits anything to its people in 'good faith'? In times of emergency, when even raising implementational issues over the government's agenda is

health infrastructure. The government sanitized crucial areas like business districts and military cantonments in the European quarters but left the rest of the population on

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<sup>2</sup> On 23rd September, 1896 first official reporting of the Bubonic Plague happened in Bombay Presidency of India. For an understanding of interventions of colonial states during the Plague see, Arnold, David. (1993) *Colonizing the body: State medicine and epidemic disease in nineteenth-century India*. Univ of California Press. Also see Chapter-6, Sarkar, Aditya. (2018) *Trouble at the Mill: Factory Law and the Emergence of the Labour Question in Late Nineteenth-Century Bombay*. Oxford University Press.



**Documenting Migrant Resistance across India**

# Migrant Resistance Map

**Discover how workers have responded to the COVID 19 Lockdown**  
**mwsn.in**

**Migrant Workers Solidarity Network**

**f MigrantSolidarity** **t Migrant\_IN** **mwsn.in**

their own. The Indian business elite also showed no interest in the developing infrastructure to save their people. Often, it was a volleyball match between the traditional Indian aristocracy and the new European elites, both sides deferring the issue, murmuring about the costs and shifting the burden on each

other. The colonial state's interventions in the plague spurred animosity along multiple registers: against the outsiders' attack on the modesty of 'our women', against intervention in 'caste sentiments', among others.

The Indian elite was also challenged as they realised that their authority would diminish with more extreme interventionist measures by the colonial state. They were searched, their houses and properties inspected or destroyed, and this created a sense of humiliation. The

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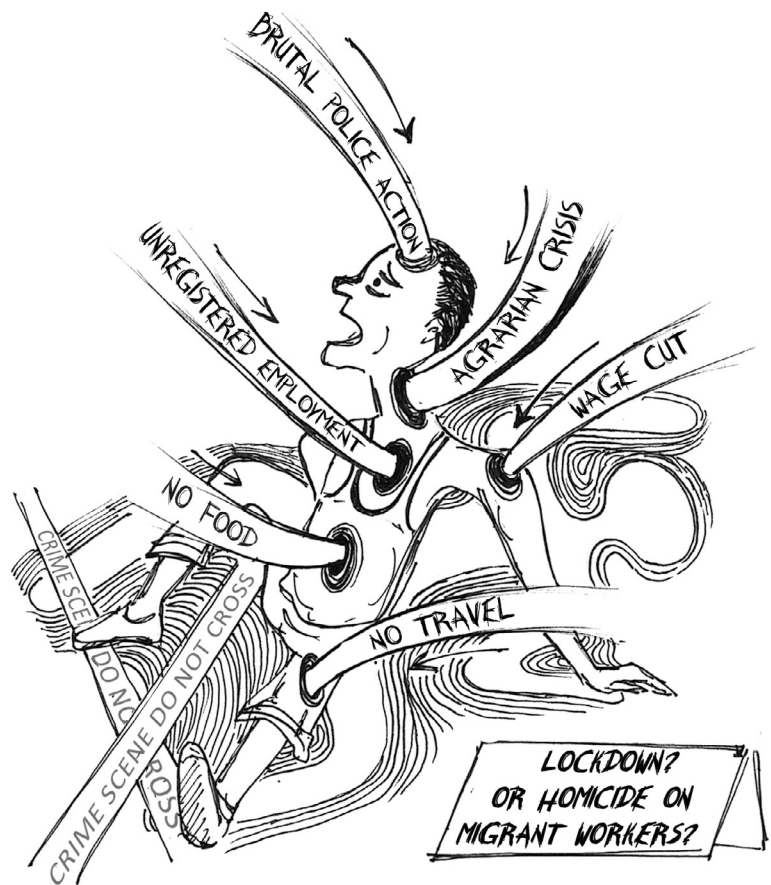
present case is a bit different. The low paid migrant workers, the most visibly affected by lockdown, are far from being full citizens in the public discourse of our country so as to create a nationwide sense of outrage. Perhaps, it is too early to draw a parallel between present interventions during and after the pandemic and the plague as the situation is still unfolding. World history has provided us with rich experience of intervention and restructuring of public life by the state through diseases and emergencies and the present pandemic will be no exception.

The media had a major role to play in creating the warlike situation at large, although we focus here only on the case of migrant workers. Along with relief activities during the lockdown for stranded migrants, we at *Migrant Workers Solidarity Network* decided to document the cases of protest by migrant workers during the initial peak of lockdown. But is protest possible during a war, when almost all spaces of democratic deliberations are suspended because of a public health emergency and the state bureaucracy is given free

hand to manage the situation? Is protest possible when the streets are empty and you have no audience to address and the public sphere of political life is stuck at a crossroad?

In our very limited capacity, we collated a map of 158 protests<sup>3</sup>, involving over a lakh protesters, mobilised on several kinds of issues like wage, food, returning home, shelter facilities and others. Their stories of resistance saw a diffused reportage, reported either as 'conflicts',

'disturbances', 'skirmishes', 'chaos' or 'outburst' rather than being represented as a form of resistance. We feel that this results from and powerfully reproduces a much older discourse around migrant workers. The corporate-controlled media has never paid much heed to migrants as resisting subjects. Unsurprisingly, it did not hear the echo of thousands of such sporadic protests across the country during lockdown, the call for wider transformative movements or



<sup>3</sup>. See, <https://www.MWSN.in/resistancemap/>

## INTRODUCTION

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having the potential for such. The discourse around migrant workers was made into a discourse around 'distress' which supposedly needs 'humanitarian' responses from civil society and *Gareeb Kalyan Yojanas* from the state. This was an important intervention of the media and state to foreclose any possibility for a rights-based framework for migrant workers emerging in the country's public sphere, despite so much discussion around their plight.

The protesting migrant-workers did not have a charter of demands but not all protests are represented in the media as protests just because they have a charter of demands. Many protests are represented as 'resistance' without a formal charter. But migrants protesting and demanding rights neither got registered as resistance for the corporate media, nor in the larger public perception. Even when we spoke to many labour union activists in states where many migrant protests were happening during the lockdown, many activists too, who were otherwise engaged in relief work among migrants and in mass movements, who keep track of news in

their districts or states, were also not aware of instances of resistances or protests. This surprised us, while we were mapping the resistances and following up on it.

When an epidemic is made into a warlike situation, 'rights' get suspended. Hence, individual or collective demands for rights are considered an obstacle to be removed or managed. This has historically been the case with the colonial law for epidemics that has been revived and much discussed during the current pandemic. Even what are rightful demands in other circumstances are deemed unjust in an emergency. In the case of migrant workers in India, a discourse around rights has never existed. What seems to be the case even under 'normal' circumstances, the epidemic has only amplified, reflected best in media coverage of the situation. And the media not only reflected and represented the dominant statist view about migrant workers but was active in producing it. The emergence of Bollywood actors and actresses as saviours for migrant workers, is also instrumental in and a product of such discursive interventions

by the media-state.

The coronavirus is here to stay, as the experts say. But what about the state of emergency? What about the nation at war that suspends many democratic functioning not just *de jure* but from the public discourse too? Will it go away with the pandemic, or is it here to stay? Apart from changes in the framework of industrial relations and labour, the agrarian relations, the relations of small businesses and retail, the financial structures, the relation between the union and the state's in the federal structure, many others also are being pushed through the 'new normal'. When we started a social media campaign called *#MigrantLivesMatter*, it was picked up by several quarters. Do migrant lives still matter for the public discourse of the country? Will they remain as the subjects of compassion and perpetual victims in need of aid or will they win recognition as active makers of our society, as rightful citizens and resisting political subjects who can challenge the oppressive conditions surrounding them and transform them. Only time and active efforts will determine.

# Timeline of events: Response of the central and state governments, courts and bureaucracy to the COVID-19 migration crisis

## Stage 1: IGNORE

The first case of Corona Virus in India was reported on January 30. Globally, the numbers had already reached thousands. It was clearly spreading. The nature of collapse was evident—the need to urgently reflect on the state of social security and health care management and need to strengthen it at systemic level was clear. By the second week of March, there were already deaths being reported in India, with lakhs infected globally. Yet, in India, minimum safeguards like screening at the airports were not introduced till March 6. On March 13, the Government of India officially declared that it was not a public health emergency. Then, the State dramatically announced a sudden nationwide Lockdown giving just four hours' notice to millions of Indians on March 24.

The March 13 announcement had been as surprising as the U-turn made on March 24. Between neglect and self-aggrandizing reactions, the country had been waiting for a serious, sincere health and social security initiative, one which the country still awaits. Decades of deliberate state neglect



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On March 13, the Government of India officially declared that it was not a public health emergency. Then, the State dramatically announced a sudden nationwide Lockdown giving just four hours' notice to millions of Indians on March 24.

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## **Ignore, Hide, Exploit**

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of all social security provisions and the public healthcare system means that the Covid health crisis and the lockdown induced economic crisis have had a debilitating effect on the toiling masses of this country.

While not difficult to predict what a sudden complete Lockdown with four hours of warning could mean for India's most precarious populations, the announcement by the State on March 24 did not have a word about steps that could be taken to deal with the inevitable disastrous consequences of the lockdown.

### **Stage 2: HIDE**

On March 29, the union Home ministry issued a notice stating that employers were to provide wages for the period of lockdown. The notice did not say how this would be implemented, what workers could do if they did not get paid and whether they could claim compensation if not paid. Nor were any details forthcoming regarding the different categories in which people are employed, from informal daily wagers to 'self-employed' hawkers and how each such category was to ensure livelihood during the Lockdown. Hence, it

was evident from the start that neither was the State serious about providing any compensation or to understand which categories of people needed the same due to loss of work. Whatever likelihood of implementing this notice that remained was also soon wiped out by the Supreme Court when an association of private companies appealed against it. The order was quietly withdrawn by the Home Ministry in mid-May. The same notice also mentioned that landlords were not to collect rents from low paid or migrant workers, but nothing again on how it would be implemented. Thus, at the end, the workers of our country had nowhere to go.

The only effective part of the directive which had been promptly executed was to put everyone found on the street 'in the nearest shelter... for a minimum period of 14 days' (clause ii). Janta Lockdown

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**Crucial legislation involving major changes in labour laws, agriculture, have been passed within the few months of the pandemic-induced lockdown.**

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entailed complete closure of all means of transport, rail and roadways both included. Special airplanes were flown by the State throughout March and early-April to ensure return of upper-class Indians stranded abroad. But similar initiatives with rail or roadways were not taken at the time to help stranded workers within the country. Rather any such movement by migrant workers was prohibited. It was only on May 1 that the Ministry of Railways started running Shramik Special trains for inter-state migrant workers to reach their home states from the major cities. This notice came when the plight of the inter-state migrant workers had already peaked.

The running of these trains have been plagued with several issues, reflecting the callous attitude of the central government towards the stranded workers. Without even being remotely considerate of their plight, high fares were sought to be charged from the workers. Only after a huge uproar, some state governments came forward to pay the fares for the workers. Further, even availability of food and water on these trains was not ensured properly. Coupled with poor sanitation,



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along with many trains getting delayed, sometimes even for days, resulted in torturous journeys for many.

Restrictions on local rail and roadways have also adversely affected intra-state migrants, a number of whom travel on a daily or weekly basis between villages and cities within the same state. A large number of domestic workers, street hawkers, small shop or stall owners and several other

kinds of workers constitute this category. This major category of workers have also seen no relief from the State. While some special trains for long distance journeys have been allowed since June, the large majority of workers dependent on local railways across states continue to be clueless about their future.

The Lockdown period was marked by major everyday police brutalities and, on the

whole, the ones facing much of the brutality were the same class of working people who suffered most from the hurriedly imposed Lockdown. Reports of street vendors, migrant workers and daily wagers being lathi charged or beaten up were frequent. In several cases worker deaths were also reported as a result of police brutality.

On March 24, Lockdown was announced, around



## Ignore, Hide, Exploit

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six months down the line, September 14, 2020, Union Government of India announces on the floor of Parliament that it has no data on migrants deaths due to Lockdown, hence there is no question of compensation arising.

### Stage 3: EXPLOIT

The Lockdown period has also become the time for several controversial policies to be pushed through by the State without much public or Parliamentary discussion. Crucial legislation involving major changes in labour laws, agriculture, have been passed within the few months of the

major concessions, with either more scope for easier allocation of land or forest for private profit-making or entry into publicly-funded sectors such as education, kisan mandis, mining, railways and so on.

A relief contribution fund announced by the Prime Minister's Office, the *PM Cares Fund*, has been made out of bound from any public accountability. PM Cares asked for CSR contributions from all major public sector units in the name of the highest public office of the country. Yet, it has been shielded from audit and RTI, unlike the existing Prime Minister's Relief Fund.

and *One Nation, One Ration Card*—the ground reality remains unchanged. Despite several announcements for skill mapping, unemployment has hit its worst figures in India and most migrant workers still have no work in their native villages (because of which they were forced to migrate in the first place) and even more precarious work conditions in destination cities than what was the case before Lockdown.

While pronouncements have been made in plenty, no effective mechanism on ground for their implementation can be seen. Migrant workers in most destination cities have no democratic voice. They live at the mercy of whatever treatment is meted out by governments and employers. While the country saw various legislations being enacted in the last six months itself, the government has initiated no deliberation in either house of Parliament on how to ensure democratic participation of low-paid migrant workers in deciding the course of their lives, their place of residence or type of work within the fragmented jurisdictions of destination states through participatory mechanisms.

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## The government has initiated no deliberation in either house of Parliament on how to ensure democratic participation of low-paid migrant workers in deciding the course of their lives...

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pandemic-induced lockdown. Major regressive measures which substantively change the education system as well as the environmental regulation regimes have been pushed through during the pandemic. What these policies share in addition to being anti-people is that their passage in parliament saw little debate or discussion. In each of these measures, big corporations have been given

No serious, effective steps have been taken towards improving the conditions of workers who managed to survive the journey home. While promises were made aplenty, in terms of providing ration, housing and employment rights and under various schemes—*Pradhan Mantri Garib Kalyan Anna Yojana, Garib Kalyan Rozgar Yojana, Pradhan Mantri Awas Yojana, Jan Dhan Yojana*

## Demands and issues related to migrant workers which re-emerged during lockdown

**Realization of social safety net:** (Regulation of Employment and Conditions of Service) Act, 1979  
The *Unorganized Workers Social Security Act, 2008*, provided for provident fund, medical and maternity benefits, formation of welfare boards and registration of unorganized workers.<sup>4</sup> The centre and state governments are to be principally responsible for ensuring the same. We have seen that none of its stated objectives has been fulfilled. Demands for pension, maternity leave, health benefits and accident insurance under welfare boards still remain. There has been no initiative on part of state and centre governments to realize them as 'rights' of workers. Nor is there any pressure on employers to provide for these. Hence in the rarest moments, when some claims of the workers are met, even partially, it is considered an act of benevolence, it is considered an act of benevolence by employers or state, rather than a right for all people.<sup>4</sup>

**Registration of migrant workers:**  
The *Interstate Migrant Workmen*

**Portability of social security:**  
Lockdown also showed the basic

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<sup>4</sup> It has been replaced by the recently passed Code on Social Security, 2020. For more details refer to Appendix on Migration and Law

<sup>5</sup> Refer *Appendix 1* for a discussion on new Labour codes.

<sup>6</sup> See Majumdar, Sourya (2020). "Why a comprehensive legal framework to protect migrants' rights is urgently needed", *The Caravan* (May 3, 2020).

<https://caravanmagazine.in/law/why-a-comprehensive-legal-framework-to-protect-migrants-rights-is-urgently-needed>

WORKERS' DEMANDS

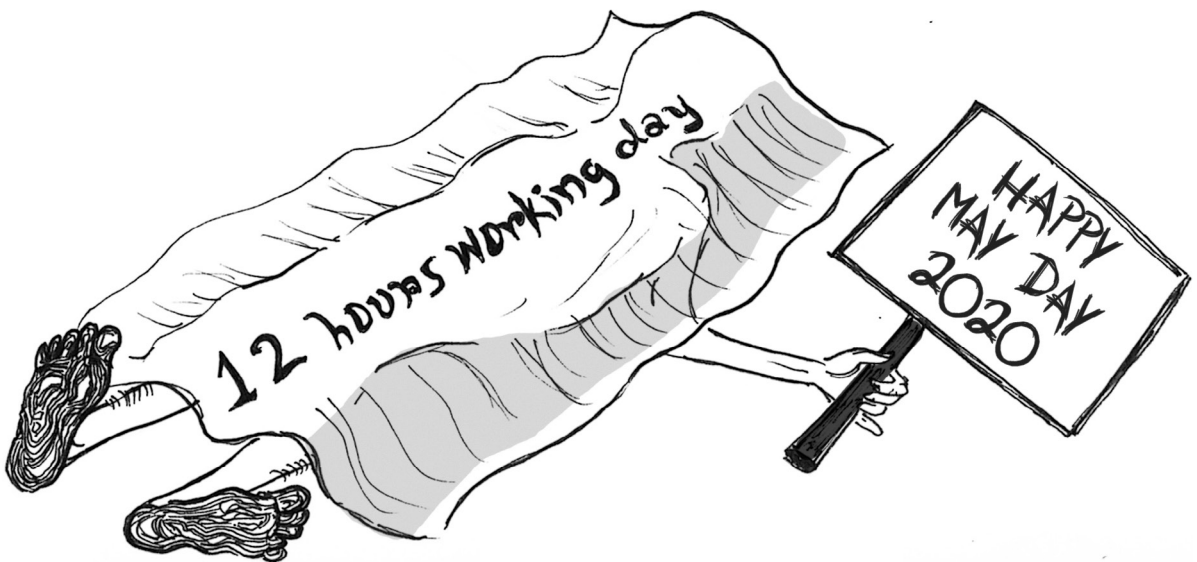


need for ensuring worker's social protections through a comprehensive legal framework for portability of social security such as ration.<sup>6</sup> This demand is again not new and has been raised for decades. The government had rationalized the almost forced universal coverage of *Aadhaar* saying it would help

in portability of PDS. In 2018, the Integrated Management of Public Distribution System (entailing the *One Nation, One Ration Card* scheme) was announced and linked to *Aadhaar* enrolment to facilitate access to PDS by lower income citizens of the country. In reality, what we see is that while *Aadhaar* coverage is now

almost complete, PDS is not.

**Minimum wages:** As per the Periodic Labour Force Survey, 2017-18, the majority of workers in India receive less than half of the recommended minimum wage of ₹375 per day, which is ascertained by the Union Labour Ministry as the national recommendation, though workers' organizations have for long demanded a higher minimum wage. But as data suggests even minimum wage set by the government is not earned by majority of workers. s. This, barring the fact, that living costs in various destination cities vary, especially between metropolitan towns and cities



where food and housing costs are much higher. Right to a minimum wage and livelihood is the most basic right of all, unfulfilled for decades.

**Housing:** A large part of the distress caused during the lockdown was due to the inaccessibility of basic housing and the inability to pay rents. The housing crisis was not generated by the lockdown. On average, an Indian worker, in most destination cities of work, lives in rented rooms without the minimum of sanitation provisions, rent subsidies and so on. As a matter of fact, in many sectors, it is common practice that workers are cooped up in single rooms which often double up as workshops as well.

**Eights hours of work:** During the lockdown itself, some states were pushing for extension of the official eight hours of work to twelve hours. This, beyond the fact that in practice, most workers today work in conditions where getting minimum wage for eight hours has become almost unimaginable. Most

work anywhere between ten or twelve hours, or for undefined and flexible work hours, where flexibility only ensures greater exploitation and not greater autonomy for allocating time for recreation. Certain major sectors employing migrant workers like domestic work, home-based daily wage work in manufacturing sectors like garments, small parts production and so on, or services like delivery, among others, have had no tradition of implementing the eight hour workday. Moreover, the Factory Act, 1948, which at least legally backed the eight hours of work with paid overtime has been replaced by the new Labour Code, 2020 which says work hours shall be 'notified as per the appropriate government' instead of stating eight hours as the cap on work hours.

**Accessibility of judicial remedies:** Most labour courts in India have no place for the large 'informal sector', which includes the majority of migrant worker's pleas or petitions. Most workers in India, excluding a minuscule section legally recognised,

cannot imagine to knock the doors of labour courts to resolve any workplace dispute or demand. Most workers also remain non-unionized and unable to collectively pursue judicial remedies effectively. Moreover, the long periods for which most cases remain pending with the labour courts indicate the state of affairs.

**Right to postal ballots:** Every citizen in India has the right to vote. A compulsory holiday too must be ensured such that the right can be exercised without punitive action. NRIs have been promised that they can vote from a distance to exercise this basic citizenship right but crores of migrant workers have not been extended the same. Formal political equality will remain insignificant if migrants are not extended provisions to ensure their electoral participation when returning home is not always feasible for fear of retrenchment and workplace destinations keep shifting. A plea for ensuring postal ballots for migrant workers has been lying with the government for years and was raised afresh during the lockdown.<sup>7</sup>

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<sup>7</sup> See Ghosh, Shreya and Bandopadhyay, Ritajyoti in 'Postal Ballot Voting Rights: The Way Migrant Workers Can Make Their Presence Felt', *The Wire* (May 21, 2020). Available at <https://thewire.in/rights/postal-ballot-votes-migrant-workers>



# 1. Travelling 500 kilometres to get quarantined in a home that doesn't exist

Gulab and Sukhlal wanted to travel 500 kms from the national capital to Lamgarha tehsil in Rajasthan with their three children and all their belongings. But irony of it all was that Sukhlal and Gulab didn't really have a home to return to. Why then did they go through all this trouble? 'Home quarantine' seemed like a tragedy travel film with an anti-climax—there was no home.

In another incident, Lada was desperate for a loan. She had come to her parents in Rajiyawas, Rajasthan, from Gurgaon, and was now stuck with no work and no way to return. In Rajiyawas, they didn't receive any ration from government when the Lockdown started. On inquiring we found that many surrounding villages received ration. Only their *basti* and few other similar *bastis* didn't. Why? Because in official papers, their homes don't exist. Did they recently settle there? No, '*humari toh baap- daade ke time se hi idhar basti hai, didi,*' says Lada. Why did her *basti* not exist on paper then?

Sukhlal and Gulab are Babaria and Lada is a Sansi. Both of these

are 'nomadic tribes'. It seems the lockdown had not planned for 'nomads'. All ten crore of them.<sup>8</sup> In fact, it made it clear that India never had a plan for nomads other than moving them on and off derogatory lists under the Criminal Tribes Act and the Habitual Offenders Act.

On reaching close to their *basti*, Sukhlal and Gulab were quarantined in a government school in Lamgarha, 8 kms away from their *basti*. Authorities locked them in the local school and left. There was no food or milk for the children, no medicines for the sick and for a six-month-old baby. Not even a matchstick to light a fire. No one could also go out and buy any thing from nearby shop.

Sukhlal only had an old grandfather for a family. He doesn't own any vehicle. There was no public transport. After many calls to local administration, ration and milk was arranged on the next day. Still, no medicines. The family was taken to a hospital 50 kms away for a COVID test but the child was not given any medicine.

On day four, after testing

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The authorities locked them in the local school and left. There was no food, no milk for the children, no medicines.  
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<sup>8</sup>. India does not count nomads, nor includes them under either Scheduled Castes or Scheduled Tribes. The last time they were enumerated in the Census, was in 1931. The ten crore figure was given by the Renake Commission report of 2008 and upheld by the Bhiku Ramji Idate Commission more recently.

## Citizens and the Sovereign

negative, Gulab and Sukhlal were asked to leave the institutional quarantine and sent for home-quarantine. Sukhlal would be visiting his *basti* after three years and he would have to build a *jhuggi*. Why? Because they don't have a permanent house. The family has mostly practiced the tradition of shifting settlements. When they move they move with all their belongings. So when they would come back to the *basti*, they would need to build a *jhuggi* each time. MWSN volunteers tried to convey this to the administration that there is no immediate 'home' to shift for quarantine. If quarantine has to be ensured, some institutional shelter was needed. The reply from administration was that these people had been causing nothing but trouble and that Sukhlal and Gulab themselves were insisting

to go. Long story short, the administration didn't have a code of action for a situation like this and no assistance for shelter was forthcoming. Sukhlal doesn't have any documents—no *Aadhaar*, voter ID, bank account. Much of his community doesn't have papers except for his grandfather who has an *Aadhaar*.

All attempts to secure any shelter for Sukhlal and Gulab failed and they were sent away from the school. Since there was no immediate home quarantine, they spent their quarantine period under a tree near the *basti*, under close vigilance of a government-appointed official who would not let them go around to even gather firewood or see a doctor. There was nothing in his instruction book about this.

Sukhlal was one of the first people who returned back to the cities when people were

allowed to leave. There was no home at this end either. When Lockdown began in March, Sukhlal and Gulab decided to leave the city and come to the *basti*, despite having no home here too, because there was still some community support they could hope, which, according to them, was more reliable than compared to Delhi at the time of Lockdown.

Lada's settlement is at the periphery of the village which does not get counted like the neighboring village. Sukhdev and Gulab make a new home each time when they return to the *basti*. Government schemes, relief, don't know how to reach them. Their settlements and belongings do not exist enough to exist on paper. They live lives which are invisible to have rights or its poorer substitute, relief. They are ghosts among citizens.

## Rajasthan

### Migrant Workers' Resistance

Nagaur, Rajasthan | April 29, 2020  
2500 Workers at Ambuja Cement Factory protest to be sent back home after lockdown

### Desperate migrant workers protest in Bhilwara, demand passage to home

The workers dispersed after the District Collector assured them that they would be evacuated soon.

ROA | updated: May 10, 2020, 15:00 IST

### Jaipur: Chaos at city's painter colony after thousands of migrant workers stage protest

May 12, 2020, 01:17PM IST | Source: TNN



## 2. “Despite having lived in Gurgaon for fifteen years, they have remained ‘migrant workers’”: Union activist Sumit on how lockdown affected industrial workers

*Sumit is a union organiser in the RIICO Industrial Area, a special economic zone in Neemrana, Rajasthan. During the lockdown, he was part of Migrant Workers Solidarity Network’s relief operations and campaigns in Kapashera, Gurgaon, Manesar, Dharuhera, Bawal and Neemrana industrial zones in Haryana and Rajasthan. We asked him to share his reflections on how working people’s organizations have responded to the pandemic, the history of labour movements in these areas—particularly, among India’s minuscule organised sector—and what lies ahead of Unlock 5.0. Excerpts below.*

*Hero, Havells and Daikin have multiple plants in the region and also have many vendor plants. The process of laying off and retrenching workers was already underway in these areas before the lockdown. Plants were constantly pulling down shutters and firing workers.*

*Last year, Honda’s plant in Manesar had fired around 3,000 contract workers in one go. Their struggle went on for four months. They sat on dharna but no resolution was reached. People’s jobs were already spread thin and working people in this area were still recoiling from the effects of demonetisation (of major currency notes in 2016) and GST. Overall, before the lockdown, the situation of most industrial workers was that they were being fired from plants where they had been working for the last ten or fifteen years. They were struggling against this, their rents were due, savings running low and many had been forced to start working as daily wagers.*



**Last year, Honda’s plant in Manesar had fired around 3,000 contract workers in one go.”**



**Sumit, could you start with the situation of industrial workers in Rajasthan and Haryana before the COVID-19 lockdown began?**

This area is known as the Delhi-Mumbai Industrial Corridor. It is an automobile hub. Major car manufacturers and electronic companies like *Maruti, Honda,*

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### When production stopped during lockdown, what was the role of factory managements and unions?

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### Many contract workers did not received salary during lockdown in factories

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When production stopped, most companies first told workers recruited on fixed-term contracts or through jobbers to not come for duty. This was in large numbers. The Prime Minister had told that companies would not be allowed to cut a labourer's wage or remove anyone from work. But companies refused to take any responsibility for workers—in many places they were given 21 days' pay in March (*Ed.*: the lockdown was announced from March 24).

At the plant level, no union was able to respond. There was no preparation for this sudden enforced lockdown. When COVID-19 cases were found among workers inside the plant, the companies refused to take any responsibility, they refused to get them treated. *Maruti* has four plants, besides a bike plant and along with *Belsonica*, there are six plant-

based unions in all. These jointly undertook relief work. In some areas, cooked food from a collective kitchen was distributed and in other areas it provided *ration*.

Apart from this, an important issue was salary. If both contract and permanent workers were present in a

plant, the contract worker is unlikely to have gotten her salary during lockdown. The time when the lockdown was imposed is also when wage and bonus dues are usually settled. Any increase in wages also happens at this time of the year. A climate of restlessness over this starts to build from February-March. In all this, the

Geeta Devi, 31 years, migrated to Delhi from Lagma, Munger district, Bihar in 2010 with her husband and has three children. The couple used to work in a shoe making factory but Geeta had to leave her job in January when she suffered a nerve injury in her leg and remained bedridden for months. Her husband then thrown out of his job after Lockdown in March.

The family had been living on loans since January and had rents due since. Geeta had decided to move back to her village because, with her illness, it was difficult to pull her weight in the city. She was supposed to leave around mid-March when lockdown began. There was no money to feed the children. In June, she started looking for work. 'Whatever paid was good since rent had been piling up for six or seven months', says Geeta. The landlord was not allowing them to return now unless rent was paid. Back in Lagma too, they had no land.

Geeta found a job in August at a chocolate making workshop. Two hundred workers in the packaging unit are stacked in one room such that if one turns she hits another. For ten and a half hours of work, from 9 am to 7.30 pm, on six days a week, she is paid ₹7,000. But Geeta adds that she can never leave before 8.15 pm because they are individually checked after each shift to see if they are stealing. All workers have to stand continuously for this whole time, morning to night, apart from half an hour lunch break at 1 pm. 'We get to go to the toilet only a couple of times, that is all. If we go more frequently the supervisor says it will be counted as a day's break and money will be deducted,' Geeta says.

After standing half a day at the factory on her injured leg and then returning home to cook, clean and take care of the children, Geeta has paid off the rent due till July. Clearing it all at once has not been possible because she had to spend ₹6,000 on buying two second hand smartphones for her children's online classes. No matter how high the cost, Geeta and her husband want to make sure their kids study.

concerns of contract workers disappeared completely. If we talk about labour unions, they could not do much on the demand for wages during lockdown. Attacks on workers' unionization rights also affected the scale of relief operations taken up by unions during this lockdown.

**The Narendra Modi-led central government's relief packages announced during lockdown have been criticized for being severely insufficient for working people. However, several state governments too announced some concessions. How far have these helped in Rajasthan and Haryana, particularly those related to securing wages lost during the lockdown?**

During the lockdown, most employers stopped paying wages due to workers. The government had asked companies to pay the full wages during lockdown but this measure was withdrawn following the Supreme Court's judgement (*Ed.*: A March 29 notification by the union Home Ministry had advised employers to pay full wages to workers and stop all evictions for failing to pay rent during lockdown but this was clarified as an 'advisory' when challenged

by employers' associations in the Supreme Court). The government then started a helpline for workers facing problems obtaining their wage dues but this rarely delivered.

As the lockdown has slowly been lifted, migrant workers have started returning to their jobs. They still have not received the salary that they are owed. Some people were fired from jobs they've held for ten years or more. I heard from construction workers building a school in Behror in Alwar, Rajasthan who have only been paid half of their salary. In Gurgaon, we could secure unpaid wages in some instances by pressurizing the police to act. Drivers employed in the transport industry haven't received their salaries, as the employers have held payments back for now. Some select drivers have received only half their salary.

About four or five companies in the Neemrana zone have laid off all their workers. A company supplying auto parts for *Honda* fired 250 workers during lockdown. When the workers protested by organizing a dharna in the factory, representatives from the Labour Department secured a month's salary owed from

March as 'severance pay'. The decision to fire these workers was not reversed. Similarly, when the government allowed manufacturers to restart operations at one-third of full capacity, an auto parts sub-contractor for Honda called workers to the factory and locked them inside—they were told that they wouldn't be paid their salary unless they provided their resignation papers. No workers' organizations exist which could prevent such incidents.

Many state governments also made multiple welfare announcements. They suffered during execution as many people did not ever hear about them. The governments of Jharkhand and Bengal had announced that ₹1,000 will be given to workers in other states but very few people got even this amount. In Faridabad, none among a group of Bengali migrant workers received any money despite depositing their ID cards and relevant documents with the nodal and bank officers. The Haryana government had also announced monetary relief of ₹1,000 but after talking to several groups of workers in Faridabad, Gurgaon, Sonapat, Rohtak et cetera, it is clear that most were not aware of



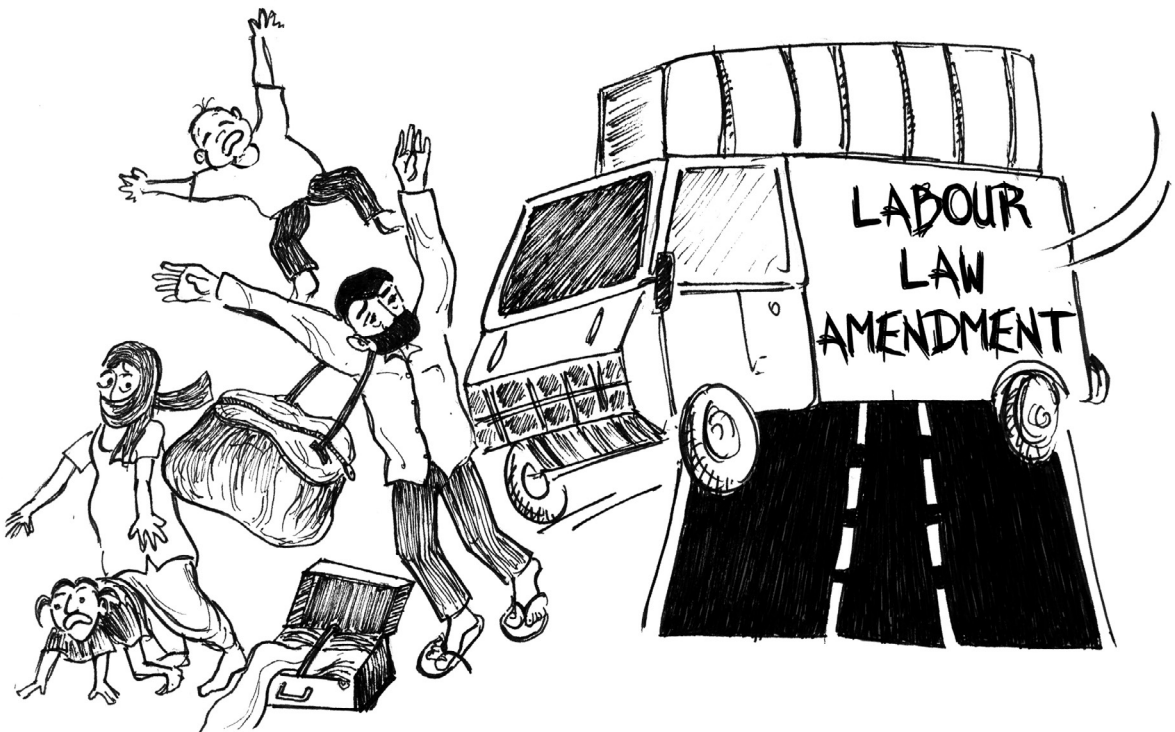
this provision. The Rajasthan government had released a circular saying that workers in the unorganised sector will be identified and provided ration but problems of identification and long waiting lists plagues this scheme too. In my experience, this was not particularly helpful either.

**Apart from announcing relief packages for workers, the union and state governments have also rolled in several major changes in labour laws in an effort to kickstart economic activity. What kind of changes are you noticing now that the 'Unlock' has started?**

Permanent, secure jobs recognizing Indian citizens as workers and entitling to basic protections were scarce even before the recent changes. In the current reforms regime, even the category of 'contract workers' is being replaced with categories such as 'apprenticeship' and 'fixed term employment'. Jobs are being filled by a new crop of workers trained under Skill India's basic vocational training initiatives. At the policy level, protective measures against firing those who have already been working in these roles till now are being removed. The lockdown has provided a convenient excuse for the government and business

interests to implement these reforms. Those who have lost their jobs have been reduced to doing daily wage labour to earn a living. The boost given to corporations and private interests by the government is evident in several changes, like factory canteens being shut and workers have to pay for their transportation costs out of their own pockets.

The composition of wages has also been changed. Monetary incentives and rewards for workers have been removed. For instance, workers ensured a living wage, over and above the minimum wage paid, by incentives such as 'attendance rewards'



or for timely completion of work. Wages in the advanced industrial zones for non-permanent employees were structured such that a base income of ₹8,000 to ₹10,000 could go up to ₹15,000 by including these allowances. But these have now been stopped and it has fallen back to a total of ₹8,000 to ₹10,000. The focus has now shifted on reducing the gap between the salaries of permanent workers and contract workers. Earlier, even in work of a permanent nature, workers were employed on contract and paid lesser than permanent workers. This gap is being minimized by doing away with permanent workers altogether. Business interests are ensuring the stability of their profits by advocating for the 'hire and fire' policy. They are trying to weaken workers' right to unionize and their ability to bargain collectively by creating labyrinthine procedures to achieve either.

In sum, laws protecting labour rights in the already minuscule organized sector are also being diluted today. In the unorganized sector, which is already unregulated, social security provisions were also loosely implemented, if at all. Despite all this, currently workers are not in a position

to intervene meaningfully. In the last two or three years, the Central Trade Unions (CTUs) have organized a few day-long strikes. But these will have little effect. To create change, we need to struggle continuously. Workers have to organize at the area-wise level in industrial belts to win their demands. Trade unions are also in a precarious position right now as a struggle to defend their remaining rights is the primary agenda. This is the time to take serious initiatives to fortify minimum wages and permanent, stable jobs.

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**The labour movement is in a defensive position. Keeping it alive has become a fundamental challenge.**

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After lockdown was lifted, discussion on 'skill mapping' began. There were demands to increase the working hours from eight to twelve hours. Many companies reopened in the name of providing 'essential services' in the industrial belt from Gurgaon to Neemrana run from twelve hours to twenty four hours in different shifts. But norms of physical distancing were not paid attention to. There was also news of workers being

shut inside the factory of *Akriti Manufacturing*, which is a small company involved in metal works.

In Neemrana, we received reports from around 35 workers from Jharkhand who were made to work during the lockdown. Their demands for salary dues were ignored. When they escaped one night to walk back to their home state, the contractor enlisted the help of the police to stop them on the way and beat them black and blue, in which two people were seriously injured. When we got to know about this in the morning, we arranged for their treatment with the help of our volunteers and arranged for money for their salaries. We also got to know of the pressures that the contractor himself was under. Around ₹20 lakh worth of payments had been held back by the major multinational company he was sub-contracting for on the condition that the full payment would be made only after the work was completed. Who would you hold responsible in such a situation?

**According to you, what kind of awareness or political consciousness do workers have regarding the changes that you are speaking about?**

Despite having lived in places like Gurgaon, Faridabad, Dharuhera and Bawal for ten or fifteen years, they have remained 'migrant workers'

When workers are engaged in a movement or gather among themselves, even though they greet each other with the traditional Lal Salaam, they are often reluctant to let go of their religious and caste identities. Many also praise

Prime Minister Modi on social media over his handling of the Kashmir dispute or the controversial Ram temple in Ayodhya even when they bear the brunt of the consequences of his governments' economic policies. A relatively large section of the workers belong to the unorganised sector and have little awareness of the changes in the labour laws since they have been excluded from legal cover for so long and have not received any political education regarding other

significant laws.<sup>9</sup> Therefore, it is a complicated matter to guess their political convictions or how they might change and when.

For the past decade, working people and their movements have been defending themselves. The labour movement is in a defensive position. Keeping it alive has become a fundamental challenge. Even during the lockdown, workers were trying to save themselves, that is,

NCR

Migrant Workers' Resistance

DELHI
Migrant workers stage protest demanding to be sent home
GURUGRAM, MAY 05, 2020 02:04 IST
UPDATED: MAY 05, 2020 02:04 IST

Coronavirus: Migrant workers allegedly set three shelters in Delhi on fire, six arrested

The labourers reportedly became violent after one of them drowned in the Yamuna river amid an altercation with the staff of the shelters over food.

काँपसहेड़ा बॉर्डर पर मज़दूरों और पुलिस के बीच भिड़ंत, पुलिस ने किया लाठीचार्ज

मज़दूर हरियाणा से दिल्ली होते हुए यूपी और बिहार जाने की कोशिश कर रहे हैं
Workers Unity Team May 6, 2020



9. A 2018 NITI Aayog report estimated that 85 percent of India's workforce is employed in the 'informal sector', an euphemism for that section of the supply chain which is outside formal regulation. A year later, the Economic Survey of 2018-19 estimated that almost 93 percent of the total workforce is 'informal'. Nearly half of regular wage workers in India, 49.6 percent, had no social security net and 71 percent had no written job contracts in 2017-18, according to the latest Periodic Labour Force Survey (PLFS). The union Labour Ministry's 2015 report Employment in Informal Sector and Condition of Informal Employment shows that 82 percent of those employed in agriculture (apart from crop and animal husbandry) and the non-agriculture sector had no written job contract, 77.3 percent got no paid leave and 69 percent were not eligible for any social security benefits.

## Shop talk

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trying to keep themselves alive. The situation which we encountered recently in the form of protests on the road or flare-ups in workers' hostels and factories cannot be called an attack. They were desperate attempts to preserve their existence through whatever means were available. So can we say that working people have started questioning the dominant political powers regarding the violation of their rights? One should rather ask whether those who have gone back to their homes can return with these questions or not.

**You said at the beginning of this conversation that the problems being faced by migrant workers are not new. That is, they have been around since much before the COVID-19 lockdown. What kind of changes have you witnessed in these industrial areas in your time as a unionist?**

Approximately 90 percent of industries of India's automobile sector are situated in the Delhi-Mumbai Industrial Corridor. Apart from that, this particular sector also has several factories in Tamil Nadu

and the southern region of India. These industrial belts are called special economic zones.

Historically, the workers'

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**15,000 people are working for each automobile manufacturer. However each company will have, at most, around 5,000 workers on their own payroll. The rest are divided into categories such as 'fixed term employee' and 'diploma trainee' so that the company can wash off its hands from taking responsibility for how they survive.**

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movement has not been able to establish bases of people's power in these zones. Those who are employed here tend to be first generation industrial workers, come from agricultural backgrounds and eventually work in factories after going to ITIs (industrial training institutes). At least 15,000 people are working for each automobile manufacturer. However each company will have, at most, around 5,000 workers on their own

payroll. The rest are divided into categories such as 'fixed term employee' and 'diploma trainee' so that the company can wash off its hands from taking responsibility for how they survive. For instance, in enormous companies like Honda, a permanent worker had struggled to win ₹70,000 in monthly salary. Meanwhile, a contract worker gets a mere ₹12,000 to ₹15,000. Furthermore, companies are adapting a 'hire and fire' model. As a result, unity among workers is harder to build and sustain. Moreover, many factories even in these new industrial zones have been pulling down shutters in Haryana, Rajasthan and Uttarakhand and shifting to where labour is cheaper and easier to exploit.

Consequently, workers in the automobile and textile sectors have had to distance themselves from movements, unions and politics. When the Maruti movement gained impetus, Haryana's local politics got affected and, perhaps since then, the company has started procuring more jobs for people from external areas (Ed: a wave

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<sup>10</sup> Many companies and employers refuse to employ locals in the Delhi-Mumbai Industrial Corridor to prevent workers mobilization and their ability to collectivize themselves, seek local or community support for resistance, as documented by Parwez (2016). Contractors are tasked to ensure that workers do not have any strong social rooting. Often these

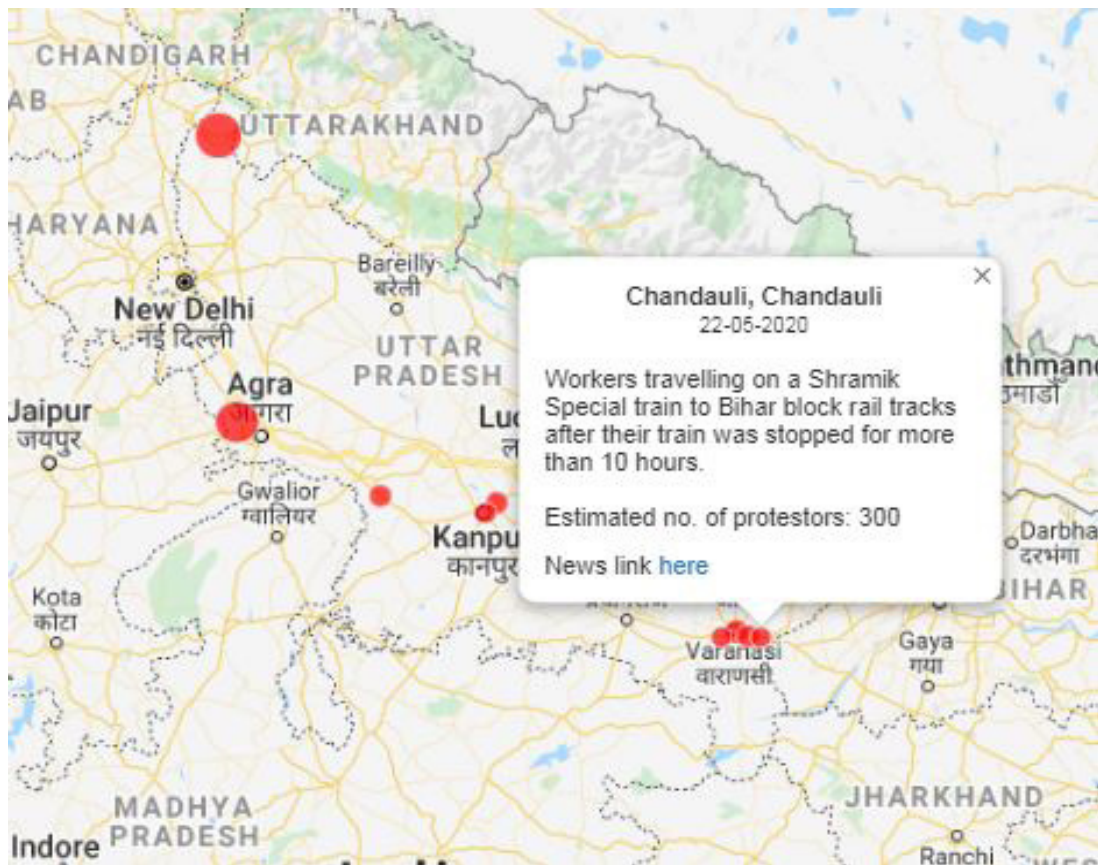


## Citizens and the Sovereign

of workers' militancy swept through Gurgaon, Manesar and surrounding areas since 2012 centred around the unionization struggle at Maruti Udyog Limited). These companies have reduced intake of workers from Haryana, Rajasthan and neighbouring Uttar Pradesh. Instead, more precariousness is being ensured by recruiting workers from Jharkhand, Bihar, Odisha, Chhattisgarh and West Bengal.<sup>10</sup>

The development of older industrial cities such as Jamshedpur, Bokaro and Bhilai attracted migrant workers who ultimately set roots there because of the social protections that they had won. A section of these migrant workers joined the ranks of the lower middle class. The kind of industrial development we have seen recently in northern and western India is very different. Despite having lived in places like Gurgaon,

Faridabad, Dharuhera and Bawal for ten or fifteen years, they have remained 'migrant workers' because they have not been able to secure that kind of social security or permanent employment. These migrant workers are barely making ends meet which is the major difference between the previous waves of industrial migration and what we are seeing today. The pandemic has made it difficult for us to ignore these facts any more.



social tensions are used not just by the individual employers to keep the wages low and curtail benefits but remain as a structural feature of the labour market. See Parwez, S. 2016. 'Labour and Labour Welfare in Special Economic Zones in India with Special Reference to Gujarat', *South Asian Survey*, 23(2), p. 135-157.



### 3. “Uttarakhand issued ‘fit to work’ certificates within days of factories reopening”: Interview with veteran activist Mukul

*Mukul is a veteran trade unionist in Uttarakhand's industrial belts associated with Workers' Solidarity Centre . During lockdown, he was involved in relief activities by social organizations and workers' unions in the hill state. Some excerpts from a conversation with MWSN.*

**Migrant laborers have different status in different states. We saw that the lockdown was very strictly enforced in Uttarakhand. In such a situation, what was the situation of the migrant laborers there?**

There are both types of migrant -worker in Uttarakhand. One, from this state, who goes for work in other states and others those who come from other states to work here. The migrants from Uttarakhand are mostly from the hilly areas who work in other parts of the country. Migrants who come here for work are mostly ones who join the tourism sector, in hotels, some also come and work in factories and other places. When the lockdown came into force, workers from outside went back to their respective areas.

The situation was similar to other places where people were walking on foot or went loaded in trucks. The most frightening thing in this was that returning migrants climbed the mountains on foot, due to which they faced accidents. In many cases, due to fear, people were not allowed to enter villages.

Many people who went from Terai, Bhabhar or the plains to states like Uttar Pradesh, Bihar *et cetera*, also faced a number of problems. Meanwhile, there were small protests in some places. In Pantnagar University, locks on the hostel rooms of those students who had gone home for *Holi* were broken, their belongings shifted to one place and their rooms were turned into quarantine centers. Students from the state were upset over news of missing laptops and other belongings. There was a ban on coming from other states to Uttarakhand till recently. Bus, rail and other types of transportation remained closed. From September 30, limited bus facilities were started for traveling out of Uttarakhand.

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The most  
frightening thing  
in this was that  
returning migrants  
climbed the  
mountains on foot  
”

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The district administration also did some relief work on behalf of the government which was extremely limited. The administration arranged food for the needy to an extent and limited rations were made available by the government. But they were very inadequate. Treatment of people, especially the working poor, remained a formidable issue during the lockdown.

The manufacturing belts here—Rudrapur-Pantnagar, Sitarganj, Haridwar and others—are on the border with Uttar Pradesh. Food and beverage and pharmaceutical companies were already operating here. Other factories had also started by May. The crisis of people coming and going had continued till September. Here, sand and gravel are extracted from the rivers. Workers working in the mines are most upset. We have also been in touch with those employed in various temporary or seasonal jobs like *band bajaas*, tents decorators, *halwais*, in banquet halls, flower sellers and so on who are now compelled to sell vegetables or run *e-rickshaws*. Despite this, toiling people are largely unemployed.

### **How was the relief work going on there? Beyond relief, did workers also mobilise for protests?**

Social organizations and labor unions worked in this area and throughout the state. We made packets of raw ration and distributed them to people. In this situation, religious organizations also jumped in to provide relief.

There were already agitations ongoing in many factories for workers' factory-based demands such as at *Bhagwati Products* or *Micromax*, *Voltas*, *Gujarat*

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### **Micromax workers continued to strike through lockdown regarding their arbitrary retrenchment and poor working conditions**

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*Ambuja*, *Shirdi* and so on, which had local labourers as well as migrants. Relief was also extended to these places. *Micromax* workers continued to strike through lockdown regarding their arbitrary retrenchment and poor working conditions, where ration was also arranged.

## **Citizens and the Sovereign**

Uttarakhand is adjacent to the border of Nepal. The return of Nepalese workers was very difficult. Neither the Nepal government was taking them back nor the Uttarakhand government was taking any initiative.

### **What kind of initiative was taken by the Uttarakhand government? What was the role of the government in running quarantine centers and doing relief work?**

The quarantine centers were in a very bad state. Many organizations worked to deliver food to the quarantine center. Government had arranged buses to send people out from here and bring them back, but they were not sufficient. For example, the number of people who returned from Gurgaon would be at least ten thousand, for whom only one bus was arranged by the government. On top of that, there were rules regarding the number of people in buses. The government was callous in allowing the entry of private operators in this hour.

In many places, people were sent home from quarantine centers after marking their daily attendance. After some time, the government also turned

## Climbing mountains

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a blind eye towards petty corruption involving threats of quarantining people and letting them off only on paying bribes. Later, a rule was enforced in the quarantine center that only those migrants living there will be charged. Later still, hotels were converted into quarantine centers but arrangements were very poor. Money for this was either taken from their employers or paid by the person himself. This rule is still in force.

The rule was that people from other states would first stay in the quarantine center and then in home quarantine for fifteen days. After this, they were given a medical certificate. It was found that a person was

being given the certificate to stay in home quarantine in a single day while in another certificate he was declared to be 'fit to work'. When factories started reopening, arbitrary 'fit to work' certificates were being given. Here, testing of *Corona* has been given to private labs that are charging very high fees. There were also numerous demonstrations by the victims against the plight of quarantine centers.

### **Were these incidents being reported in the local newspaper and media at the time?**

After the lockdown, printing and sharing of newspapers was closed for a long time.

Only e-papers were available to people. When newspaper distribution started, people refused to take them because of fear.

The general plight and government policies were not being raised much by the local media. There was some news about the horrific situation in the areas close to the border. There was also some reporting of relief work being carried out by people. The news of the plight of the quarantine centers and rebellions there was also covered to an extent in the media. In spite of all this, the media was mainly parroting the government's narrative.

## Migrant workers protest in Bilaspur, demand facilities to return home

Unrest amongst the workers had been brewing for the last two weeks. They said they have been facing hardships due to the lockdown as their source of income has stopped.

**CITIES** Updated: May 02, 2020, 17:48 IST



Gaurav Bisht  
Hindustan Times, Shimla

## 4. Neither ‘charity case’, nor public nuisance

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*The COVID-19 lockdown has caused widespread immiseration and distress. However, the effects of the pandemic would have been much more disastrous without the collective initiative and solidarity of working people, whose informal self-organization played a key role where state and even civil society efforts faltered. Three stories below show how migrant workers not only exist outside condescending narratives of charity or paternalism but also mould a public consciousness around substantive citizenship rights in India through countless, everyday struggles.*



**In the first month of lockdown, Rokeya Bibi got her salary as a domestic worker, but from then on, her maaliks and memsahibs started refusing to pay.**



Imdadul Haque worked as a temporary employee at several hospitals in Kadugodi, Bangalore. He assisted patients and their families who came to Bangalore from far away areas for treatment. When the COVID-19 lockdown started, most of these families were stuck in Bangalore in various low cost hotels with their ailing patients. Eventually a number of low income families, who came to Bangalore for treatment, were left with nowhere to go. Many families had run out of money and had patients with them

in an otherwise expensive city like Bangalore.

Imdadul started taking care of these families and arranging their food and lodging. Himself a migrant and a contract worker, he started contacting organizations and running pillar to post to arrange for ration, not just for himself but also for around 150 people stranded in this manner. He helped many to enter their details in the *Seva Sindhu* app, as required by the Karnataka government, to arrange for their return back home.

Imdadul is now himself back home in Bardhaman district in West Bengal, struggling to find a job. While now running around to find a job for himself, he still does not forget to mention how one family he was taking care of in Kadugodi during the initial months of the lockdown lost their family members due to cancer because they were unable to continue treatment during the lockdown.

In another *basti* in Dwarka, New Delhi, a domestic worker named Rokeya Bibi lives with a

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<sup>11</sup> Refer to *Appendix 2: Migration, caste and gender* for more details on the gendered nature of care work.

## Many faces of migrant lives

family of six.<sup>11</sup> She migrated there in 2004, along with her husband, with the help of a distant relative. Even after the lockdown meant that posh Residential Welfare Associations shut the door on several like her, Rokeya Bibi decided to not to go back to her village in Cooch Behar, West Bengal. According to her, there is nothing back at home for her. As soon as the lockdown happened, most domestic workers were discarded by the families they had been serving for several years. In the first month of lockdown, she got her salary but from then on, her *maaliks* and *memsahibs* started refusing to pay. Some offered a few things in kind. From the third month, 'they said I should go back home, we cannot give anything anymore', says Rokeya.

Since then Rokeya has been trying to coordinate with several NGOs and helplines to distribute relief in her working class colony. She is now a registered voter in Delhi but has not been able to get a ration card since that would need her to submit a legal electricity bill which she does not possess. She feels that

as a voter, she has a right to the city and can pressurize the administration to act. She asks, 'We are citizens of India; why do we not get anything?'

gardeners and other contract jobs. 'Due to the scarcity created by the lockdown, the desperation among applicants was palpable. Making use of

### Rokeya Bibi is not alone

After agricultural labour, domestic work is among the largest employers for migrant working women in India. In the decade after liberalization in 1991, the number of maids, drivers and nannies in India doubled.<sup>12</sup> In 2010, Harish Rawat, then Minister of State for labour and employment, accepted that there was no authentic data available on the number of domestic workers in India.

According to the National Sample Survey (NSSO 61st round, 2004–05), there are approximately 42 lakh domestic workers in India. According to the 2001 census, the number was closer to 67 lakh. The most recent government press release from January 2019 estimated (based on data from NSSO 68th round, 2011–12) the total number of domestic workers at 39 lakh. Varying definitions of domestic work is a major reason for such a wide range of estimates. The number of under-age domestic workers is estimated to be 12.6 lakh, 86% of whom are women. Two-thirds of all domestic workers employed by families are women.<sup>13</sup> The gendered aspect of care work at homes has undermined several types of labour done by these women.

Rokeya has been agitating over several issues that have emerged in her area. 'As soon as the first phase of Unlock was announced on June 8 and some restrictions were lifted, a park in her neighbouring area was opened. Many who lost their jobs during the lockdown, like Rokeya, started trying for work there as cleaners,

this, the *thekedar* (that is, the contractor) began asking for ₹12,000 from each person to ensure a municipal contract job in the park. The workers have to give ₹3,000 per month from their wages to the *thekedar*. This is how things are moving along. Imagine what workers are going through in such times. And no one is saying

<sup>12</sup> For more on domestic workers, refer to Lahiri, Tripti (2017). *Maid in India*. Aleph

<sup>13</sup> Refer to Table 27, pp. A-329-A365 in 'NSSO 68th Round: Employment and Unemployment Situation in India 2011-2012', January 2014.



anything.’ After a moment, she adds, ‘I have been trying to tell this to everyone and resist, this is not right.’

Rokeya, herself continues

Jhargram in their hope to reach home. They walked for days, occasionally stopping at one village or another, and then again back on the hilly jungle route. They managed to cross

hands of the police, Hashim and some workers started an *anshan*, or hunger strike, at the quarantine centre. They demanded decent food and the right to go back home. The protest resonated with people who had been holed in there for longer than them and all of them supported the demands. The *anshan* went on for ten days with everyone’s support at the quarantine centre before the District Magistrate and the police intervened. The police relented and arranged for buses to send back all the people demanding to go home. Hashim says that even then there was no food or any other arrangements from the administration during the long journey back.

### Migrants build India

The construction sector, employing 4.4 crore workers like Hashim, forms the country’s second largest employee base. An overwhelming number of them are short term, rural migrants who live on-site in cities but are immediately sought to be thrown once the job is over.

In India, the informal sector within the construction industry amounted to 97.6 percent of all jobs (and 99.3 percent for women), according to data from the 66th Round of the NSSO, 2009-2010 survey. Not surprisingly, only 23 percent construction workers are registered with welfare boards across the country. As per a recent reply in the Rajya Sabha, out of over ₹9,300 crore collected as cess for workers welfare, only 13 percent (or ₹1,179 crore) has been used. A survey by Jan Sahas found that 94 percent of construction workers are ineligible for accessing this welfare fund because they are not registered with the Construction Workers Board under the Building and Other Construction Workers Act, 1996.<sup>14</sup>

to remain without work. Her husband has been ill, her daughter has a two-year-old child and her son is also trying to look for work.

In May, Hashim, a migrant brick kiln worker, and his co-workers in Singhbhum district, Jharkhand started walking towards their home in Berhampore, West Bengal. Having no transportation or money, Hashim and his friends took an arduous path snaking through the hills and jungles of

the jungles in this manner but on their way, in Jhargram, they were caught by the West Bengal Police. The police made sure they were transported back all the way back to Jharkhand and threw them inside a quarantine centre.

At the quarantine centre, meals of a very poor quality were being served twice a day. Most people at the centre remained hungry. Seeing this dire situation, aggravated by their own mistreatment in the

The state does not acknowledge stories like of Hashim when we hear about its informed policy making. Even the pressure built by civil society initiatives would be toothless without such defiant acts and steps towards organising the working class. Countless struggles like these that raged throughout the country during the COVID-19 lockdown secured the bare minimum of state intervention in public health, transportation and social security that was publicized.

<sup>14</sup> Refer to *Appendix 1: Legal Aspects Related to Migration* for more details.

## 5. “They knew that employers were violating all laws”: Where Tamil Nadu wins and fails migrant workers

*This is an edited transcript of an interview with Shreela M, an activist and lawyer based in Chennai. She reflects on how the Tamil Nadu government has fared better than several others with regard to social welfare measures but how structural impediments prevent workers’ right-based demands from being fulfilled.*

**Can you give us some context regarding why workers from other states have been migrating to Tamil Nadu?**

Migrant workers in Tamil Nadu are mainly from Odisha, Bihar, Jharkhand, West Bengal, and Uttar Pradesh. A substantial number of workers from North-Eastern states like Assam, Tripura and Nagaland can also be found in Tamil Nadu. Most of the workers do not have any land holdings.

With respect to their population, we have estimated that at any time, there are between eleven to fourteen lakh migrant workers in

Tamil Nadu. A majority of them are concentrated in Chennai and the nearby industrial and manufacturing areas in Chengalpattu, Thiruvallur and Kancheepuram. Many of the workers are employed in the informal and ancillary works connected to the automobile manufacturing sector in these areas. There are also other districts in which workers are employed in sector specific activities. These include the garment and textile manufacturing sector in Tiruppur and the automobile manufacturing sector in Hosur. A significant number of workers are also employed in the construction industry. The service sector also absorbs a lot of migrant workers. A majority of these workers are from the North-East and are employed in the restaurant and catering industries.

**What was the situation of food and shelter for migrant workers during lockdown? Also, could you comment on the scale of relief operations that you observed?**



There were no announcements from the state government for the first twelve days of the lockdown regarding any relief.



When the lockdown was imposed on March 24, there was zero clarity or information on what support the state government was going to offer to the stranded workers. A few workers were also stuck in transit because of the nature of the implementation of the lockdown. There were no announcements from the state government for the first twelve days of the lockdown regarding any relief. This meant that NGOs and civil society organisations had to step in to feed the workers and prevent them from starving.

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### **Aatmanirbhar relief package has been a non-starter.**

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More than a week after the lockdown started, the chief minister announced some limited relief measures, mainly related to food rations. The announcements were also made possible by relief organisations repeatedly calling and pressurising government officials. After the announcements were made, we started contacting officials from the revenue department and disaster management department, mainly to ensure that the schemes that were

announced were effectively implemented. After this initial contact, we were able to establish a proper channel of communication with the disaster management department and could direct them to workers in distress.

By the third phase of the lockdown, the relief efforts became a bit more streamlined and there was more systematic government intervention. Grievances and complaints were acted upon by several officials. However, there was still much room for improvement with respect to the government response. For example, even if the scheme that was announced promised 15 kg of rice per month, the actual amount of ration provided was only a fraction of that. This gap between the theoretical scheme and its implementation was very stark in most government relief efforts during the lockdown. But I believe that Tamil Nadu has done a relatively better job of dealing with the migrant worker crisis compared to other states. Due to civil society pressure and intervention the government was pushed to act and be accountable.

However, the *Aatmanirbhar* relief package announced

by the Prime Minister has till now been a non-starter. Till date, no food grains announced in the package have reached workers. Most state governments also have not announced the procedure to avail the package. We tried to get some answers and solve the issue by approaching the Tamil Nadu state government. We have called up almost every relevant state department including the *Civil Supplies Corporation* and the PDS, but nobody has any clue. Officials stated that the *Aatmanirbhar* package food relief was linked to the 'One Nation, One Ration Card' scheme and it will be implemented only in September. So, until then is there no use for this relief package? However, Tamil Nadu has been sanctioned around 37 lakh tons of food grains under the scheme and these grains are to be distributed as relief for the months May and June! More than half the period is already over. What will be done with these grains? Both the state and central governments need to be accountable to these questions.

**When and where have migrant workers protested in Tamil Nadu? What has been the nature and major demands of these protests? Are there**

**any distinct characteristics to the migrant workers protests in the state?**

There was very little resistance by migrant workers in Tamil Nadu until the *Shramik Special Trains* were announced by the central government. The harsh lockdown and the police beating up anyone who was seen on roads, during the initial weeks of lockdown also may have played a part in this. Once the special trains were announced and the workers realized that there was a possibility of going back home, there was what could be described as an expression of impatience since they had been waiting for weeks for trains to run. This feeling was compounded by the fact that they were pressurized to stay back and work, so that economic activity could be resumed, even though there was no official announcement by the government. And the state government implicitly enabled the same as the construction and manufacturing industries are heavily dependent on migrant workers.

It can be said that there was a situation where migrant workers were being held captive by the state and industrial lobbies. Even though trains



were running, employers were not allowing workers to stay at their premises without coming back to work and refused to give them the wages that were due to them, effectively

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**Workers were fed up of being forced to rely on charity and be left to the mercy of others.**

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preventing migrant workers from returning home. This dire situation in which workers were essentially forced to work was worsened as employers insisted that wages would not be paid until work had resumed for at least a week. Under these coercive and oppressive conditions, many migrant workers were basically forced to work for free. Even

till date, tens of thousands of workers who have gone back to their hometowns are owed multiple months of wages by their employers.

One distinguishing factor that we noticed between protests in Tamil Nadu and other states was that there were no protests relating to the quality of the food provided in relief centres or the conditions of the shelters themselves in Tamil Nadu. News reports have shown protests occurring in various states due to problems specific to a particular shelter but no such protests happened here. The protests here were mostly targeted at employers around the principal demand of letting the workers travel back to their native places. Many of the protests were targeted

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at multinational construction companies like *L&T* and *L&W* or manufacturing companies like *Hyundai* which forced workers to stay back and work. Spontaneity was another notable characteristic of many protests. I also think workers were fed up of being forced to rely on charity and be left to the mercy of others which led to pent up rage. This along with the post-lockdown conditions described above could explain why a large number of protests occurred in the latter part of lockdown.

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**They knew very well that employers were violating all laws... but they did not take a single concrete step.**

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Tired of the situation, some workers began to walk home. Once a large number of workers began to walk home and they attracted media attention, both the courts and the government took notice, leading to more effective intervention on part of the government. Whenever workers came together and protested for their demands and rights, there was immediate intervention from the government. This was because migrant workers who were once invisible in mainstream

political discourse came to the limelight after a very long time. So workers who were more assertive and vocal did get their demands fulfilled. There was also political pressure on the Tamil Nadu government to not allow negative coverage or criticism in the media because of the upcoming state elections.

**There have been reports of non-payment of wages to workers, even in public sector projects like the Kudankulam Nuclear Power Plant or the Chennai Metro Rail. What was the response of the labour department when a union Home Ministry order of March 29 stated that wages had to be paid to workers even during the lockdown period, particularly for projects under large private players?**

I think the very purpose of contracting or subcontracting projects is to erase liability on the government for the wages and other protections and rights of the workers, which at least in theory the workers are entitled to. The lockdown became a very convenient excuse for employers including public sector enterprises to exploit workers. Employers gave unsurprisingly self-serving excuses whenever they were pressed to pay workers' wages,

## **Citizens and the Sovereign**

like contractors running away with money. For example, *Chennai Metro Rail Limited* argued that they had released money to the contractor but he had absconded. These excuses were made despite the fact that they do not hold before the law, which states that every principal employer is legally bound to ensure that the wages of the workers are paid. Neither did principal employers including the government pay heed to the law nor did the labour department take cognizance of its violation. Even when the specific labour inspectors responsible for the projects were contacted, there was no response.

Till date we have no clue as to how these labour disputes which involve tens of thousands of workers or the cases that will come up after the lockdown is lifted will be taken up or resolved. Throughout the lockdown, Tamil Nadu's Labour Department was kept in the loop and informed of all the developments taking place. They knew very well that employers were violating all laws and exploiting workers but they did not take a single concrete step to safeguard workers or ensure that wages are realised. The labour department was completely



missing in action with regard to relief work also, despite several attempts to contact and pressurise them. However, I should also add that some labour department officials in their individual capacities did try to help workers and got wages released. But this cannot make up for the systemic deficiencies and unacceptable responses of the labour department as a whole.

**So, in most cases while the migrant workers have been able to exercise their right to return home despite setbacks, they still have not received wages for work that was completed. In your estimate what proportion of workers do you think have not received wages owed to them?**

I am sure that an overwhelming majority of workers have been forced to return home without the full settlement of their wages due. We did come across a few rare instances wherein due to the intervention of individual labour department officials or employers themselves coming forward after civil society pressure full wages were paid to the workers. The workers were also able to get their wages in some cases when they protested, leading to police

intervention resulting in the police instructing employers to pay the wages. But this could happen only when the number of workers were quite high. Workers in workplaces employing a limited number of people could not do something like that.

**How did the *Shramik Special* trains operate in Tamil Nadu? Were the workers forced to pay the fare for the train journey? There were many reports of workers not being provided even food or water in these trains from all over India. Did the same issue come up in Tamil Nadu?**

I am quite certain that none of the migrant workers who boarded trains from Tamil Nadu had to bear any of the expenses themselves. I think we can state this pretty confidently because we have spoken

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**Neither home states nor receiving states have any record or data on migrant workers.**

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to a considerable number of workers who travelled in different special trains at different times. Initially, there were some agreements to share the cost of trains between

Tamil Nadu and receiving states. But eventually, as the number of trains increased and since some of the receiving states, like West Bengal, Assam and Tripura were not keen on taking back workers, they were dragging their feet and delaying on approving and giving permission to trains. Thus, the Tamil Nadu government decided to foot the bill themselves and sponsor all the workers' train fares.

No significant issues came up with regard to food and water also. Though there certainly would have been problems, the basic necessities of the workers were taken care of to a minimal dignified extent. This was possible only because relief organisations stepped in to organize and make arrangements for water and food on trains. The government had reached out to a large number of relief organisations who pitched in effectively.

**What was the situation of workers who could not get onto trains?**

There would have been at least three to four lakh workers who left through other means of private transportation, like buses and cabs or even by hitchhiking in lorries. There

were even news reports of workers cycling to their home states. None of these services were regulated or overseen by the government. This led to many workers being cheated and scammed by private transport operators. A significant amount of workers' money was lost like this. We even received calls from workers who had been dropped off by these transport agents at desolate places after taking huge sums of money promising to ferry workers to their home states. For most of the workers this money was the last of their savings and many had even borrowed money or sold the meagre assets they had back home to arrange for private transport. Numerous incidents like these could

have been avoided if trains had been organised in a more systematic and transparent way and if there had been clear communication between the government and workers.

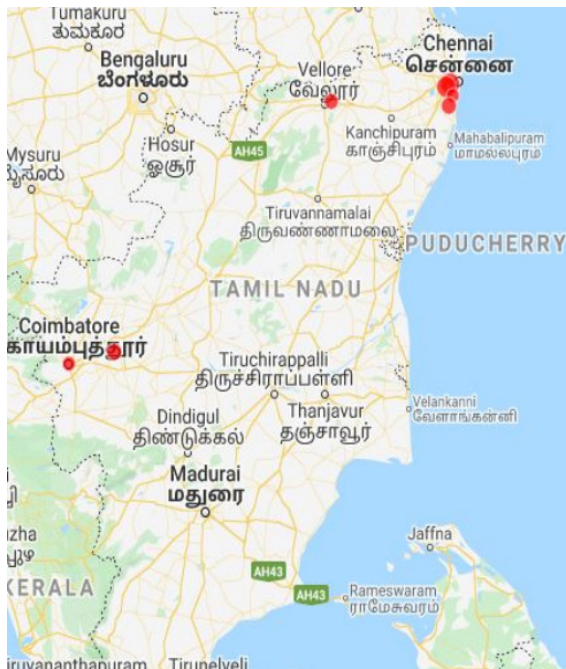
**With regards to official data on migrant workers, what sort of data does the government have?**

Till now, the only relevant data provided by the state government is that of the construction workers who are registered with the Construction Workers Welfare Board. The data states that only 25,000 migrant workers are employed in the construction sector. The real number of migrant construction workers would be several times this figure. The

**Citizens and the Sovereign**

workers who are not registered under the Board are not eligible for any schemes announced by the state government. In general, neither home states nor receiving states have any record or data on migrant workers. We have applied under the *RTI Act* asking the government for the total number of migrant workers who have come to the state in the past 5 years. If we get a reply based on the figures reported by contractors and employers themselves, then we might be able to arrive at a ballpark figure.

Recently, the Tamil Nadu government had made a submission before the High Court of Madras that they had sent back around 2.5 lakh



**Tamil Nadu**

**Migrant Workers' Resistance**

**CHENNAI , MAY 04, 2020 17:13 IST**  
Migrant workers protest in Koyambedu and other parts of Chennai

**MADURAI MAY 04, 2020 17:41 IST**  
North Indian contract labourers stage sit-in on KKNPP campus

**CHENNAI, May 5, 2020, 23:01 IST**  
Hundreds of labourers protest, demand that they be sent back home

migrant workers in special trains till June 4. When the court and the petitioner asked information on how this figure was arrived at, there was no response from the government.

**A large number of industries like garments, automobiles and construction and even the service sector in Tamil Nadu are dependent on migrant labour for their functioning. In this context, do you think migrant workers will be coming back to Tamil Nadu once the pandemic is over? Will they be willing to work here again after so many of them have had to forgo their hard earned wages and face severe hardships during lockdown?**

Since the beginning of phased resumption of economic activity, we saw a change in the attitude of some migrant workers. Some workers realised that the outcomes after going back home were also not going to be favourable to them. Workers who had managed to go back home were conveying the situation in the home states. They were being quarantined in poor and

distressing conditions. They were not able to get proper food. The governments of most home states also were not doing much to help the workers. Like I said earlier, they were also not getting the grains promised to them under the *Aatmanirbhar* relief package.

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**'We have applied under the RTI Act asking the government for the total number of migrant workers who have come to TN in the past 5 years.'**

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Moreover, the chances of getting good jobs back home were very minimal. The most they would get would be *National Rural Employment Guarantee Act* (NREGA) work and that too if they were lucky. So, many of the remaining workers decided that even if they managed to get *Shramik Special* train tickets, they would stay back. They were willing to work under a different employer or contractor at least for a month or two and then go back home. This way, workers would be able to earn relatively better wages and also escape the abysmal treatment

meted to returning migrants in their home states. Another factor that led to this decision could be that the initial fear of contracting COVID-19 had died down. A palpable fear of getting affected by the disease was there for a long time until recently, even after the loosening of lockdown restrictions.

Workers who have returned to their home states also say that they will be coming back to Tamil Nadu once the situation in the country is back to normal and COVID-19 is no more an issue, even though they have suffered here for two months. Most of the workers have no choice but to migrate for work. They will not be able to find work in their home places. Very few workers own land. The workers also prefer Tamil Nadu to migrate mainly due to higher wages and also better livelihood conditions, like healthcare and education, when compared to other states. Workers are even ready to settle down here along with their families, as they believe that it will enable them to have some stability in the long term.

## 6. Between home and the world

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33 workers from Baksa district in Assam, all aged between 18-19 years, started walking on foot from their factory in Yamuna Nagar, Haryana to Assam right after interstate travel was allowed in May. The Assam government was yet to provide any *Shramik* train from Haryana to Assam at the time.

They began walking on May 11 and reached Saharanpur, UP at midnight, the next day. They halted at the Beas Ashram and Uttar Pradesh police assured help. Elsewhere, the police had been halting buses moving out of the state. The highway was jammed and no vehicle could be arranged. They remained at Saharanpur for four days, trying to seek out all sorts of help, but nothing worked out. On the fifth day, they decided to start walking again. After a number of long walks with intervals from sudden bus rides, they finally reached home.

Most of these boys had left Assam for work at the age of 13. In Haryana they were working in a plywood factory for twelve hours a day, six days a week. Their

employers helped for a few days after lockdown was announced but soon stopped receiving calls. This pushed them to start walking home in the first place.

But after failing to find a job back at home, most of the boys have reverted back to migration. Few of the boys who have some land, most of which is unsuitable for rice cultivation, are still in their village farming vegetables. Some of them are at home without any work and with no hope of ever continuing the education they had to drop out of.

The major push towards migration in India occurred after the 1980's. Neoliberal economic 'reforms' eased in after the mid-1980's led to decadal growth in migration shooting up by 35.5 percent during 1991-2001 and 44.2 percent in the next decade.<sup>15</sup> At the time, state policy was reoriented towards attracting foreign investment. Special Economic Zones, shiny new production centres exempted from labour laws, were set up for this purpose where land and power were massively subsidised



state policy was reoriented towards attracting foreign investment. Special Economic Zones, shiny new production centres exempted from labour laws, were set up for this purpose where land and power were massively subsidised using public money.



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<sup>15</sup> See Kundu Amitabh, Mohanan PC (2017). "Internal migration in India: A very moving story" in *Economic Times* (April 11, 2017)

using public money.<sup>16</sup>

Accompanying this was a phenomenon of 'formal informalization', which saw the share of formal employment contracting and informal employment expanding even within the formal sector at the rate of 12.42 percent per annum between 1999-00 to 2004-05.<sup>17</sup> Primary employers used intermediaries, such as multiple contractors, to claim exemption from labour laws. This shows that cheap labour being provided for export-oriented production has fuelled even the high growth years of the Indian economy.

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Sangeeta Thapa from Kurseong, Darjeeling, migrated to Chennai in 2019 to look for a job, with her husband, since opportunities in Kurseong were not many. Her husband works in a restaurant and she was working in the administration department of a college. As the lockdown started, Sangeeta lost her job. She hardly even got paid for March, though she had worked for almost the whole month. Her husband

retained his job at the restaurant from the time things reopened but she failed to get work ever since. Her husband earns around ₹7,000 a month which is inadequate for a family of three—Sangeeta, her husband and a brother who also lives with them. They live in a single room with a rent of ₹5,000 in Chennai. Ever since the lockdown and losing her job, it has been difficult to pay rent and make ends meet.

She has tried to travel back to Kurseong but could not because of lack of money. She has written to everyone, including letters to the Gorkha Territorial Administration, and every possible official seeking help but has got no response. Nor has she received any help with ration in Chennai. She says even if not money, support with ration could have also helped. She has a ration card of Kursegaon and could not get any ration in Chennai. Now she has decided to stay in Chennai till December and try her luck to find some work, and continues to look for a job. She knows employment back home is not better.

MWSN volunteers in Darjeeling have found villages lacking proper quarantine facilities, with makeshift arrangements in jungles and fields etc. Colourful tarpaulin huts inside tea gardens and forests, exclude returning migrants from human civilization for 14 to 21 days. An already precarious public health system is being pushed to its brink. Those who came home after the lockdown was lifted found that the problems which forced them to leave in the first place are still around. In one of the villages near *Margaret's Hope* tea garden, around 60 migrants have returned home. Alcoholism, domestic violence, burglary, domestic abuse and child abuse have skyrocketed.

With elections in West Bengal nearing, political campaigns and activities have turned to mobilising this new stream of returning youth. Political recruitment in the name of NREGA work has become a norm. This is how a quietness masks a total reconstitution of society in the Terai hills today.

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<sup>16</sup> For more on the SEZ model, see Singh, J. (2009) "Labour Law and Special Economic Zones in India", Working paper 08, Centre for the Study of Law and Governance.

<sup>17</sup> See Kundu, A and Sarangi (2007). "Dynamics of labour market under globalisation: Changing characteristics of informal employment in India" in *The Indian Journal of Labour Economics*



## Citizens and the Sovereign

Alam Sheikh worked as a construction worker in Tirupati, Andhra Pradesh. Alam and 62 other workers, aged between 18 years to 60 years, started walking from Tirupati to reach Murshidabad, Malda and 24 Parganas in West Bengal.

By April, a month after lockdown began, Alam and most of the workers had already exhausted all their monetary savings. He tried

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**At the thana, I was asked to return home. There was nothing in Andhra for me, I was told**

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filling the form for shramik trains, but failed. There was supposed to be a train on May 18 but this promise was soon broken. With no money left, Alam and his friends decided to start walking from Tirupati. 'We thought that either we will die, fine, or reach home. There was no other way so we started walking.' They managed to get a lorry somewhere along the way. Sensing their desperation, the driver asked for ₹8,000 per person, an amount they did not have. They pleaded with the driver. They were dropped off at Dharmatala in Bengal but in return, they had to part with whatever cash they had on

them. The march continued.

With lockdown being announced, Alam had been confined to his asbestos room in Tirupati with hardly any food, no money and frequent police attacks. Once, he had gone to take water from a water

me without explanation. They could see I was filling water, I was not wandering about just like that. Yet, they didn't ask a word. What was I doing, what I wanted, nothing. They just started beating. I was advised to go to the local *thana*



tanker. 'While I was filling water, the police came from behind and started beating

and complain. There I was harassed even further. At the *thana*, I was asked to return

## Walking stories

home. There was nothing in Andhra for me, I was told.' Alam blames the locals for the complaints against him. When asked whether he had got along with locals before lockdown, he said, 'Other than shopkeepers, locals and people like us don't talk at all.'

On returning to the home village, after 10 days of quarantine, Alam went to the BDO office asking for work. He was told to come back with a job card. Once he had done that, he was further harassed for not having a bank account. After several uphill battles,

Alam eventually got fourteen days of work under the National Rural Employment Guarantee

### Alam had started migrating to other cities for work in 2014, first to Bangalore and then to Tirupati. He had no land back at home.

Act and was paid ₹2,700 in his mothers' account. In all these months since then, these fourteen days were the only time he could work. He did not earn anything else either.

His daughter met with an accident and broke her hand. The ₹2,700 earned had to be spent on that.

Alam had started migrating to other cities for work in 2014, first to Bangalore and then to Tirupati. He had no land back at home. Most workers around him are also returning to their workplaces. Those who are not able to are without jobs. Alam is planning to go to Kolkata soon where his cousin has promised him a daily wagger's job—₹500 for eight hours of work everyday. Alam's march will continue.



## 7. Organised cities want workers unorganised: How Chandigarh, Mohali, Panchkula thrive by hiding migrant workers

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*An effort under the banner of Tri-City Relief Work in Chandigarh, Mohali and Panchkula was started to support the migrant workers after the first 21 days of lockdown. A number of IISER, Mohali students, teachers and residents contributed to this undertaking. MWSN spoke to Sandipa, a resident of Mohali, and Alok, an IISER student, who had been active in the relief process. They reflect on how urban design has hidden how migrant workers are kept unorganised and their bargaining power is lowered.*



**There was a construction site in Mohali which we tried to enter. The site was fortified. From outside, one would have no sense of how life inside these**



**Can you describe the situation at the start of the lockdown in Chandigarh-Mohali region?**

*Sandipa:* As the situation deteriorated, supplying ration became crucial. The government mechanisms were clearly not working. We had some connections in various *bastis* so we started distributing ration in colonies like Mauli Jagran in Chandigarh.

*Alok:* The Chandigarh-Mohali area might look very organized, compared to the distress that was visible in the rest of the country—indeed, it might not look or feel like that in the most of its planned sectors—but if one visited the labour colony and *bastis*, the distress was stark and apparent.<sup>18</sup>

**How do you see the state policies regarding working people during lockdown and their effects in this region?**

*S:* The government distribution of ration supplies was very bad. Only around 40 percent received ration but in meagre quantity. There was no assessment on behalf of the government. Government agencies would bring some supplies and the distribution would happen only as long as they lasted. There was no calculation of how many people were provided ration and how many were left out.

Another issue was regarding

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<sup>18.</sup> For more discussion see Bandyopadhyay, Ritajyoti. (2020) 'Migrant Labour, Informal Economy, and Logistics Sector in a covid-19 World' in *Borders of an Epidemic: Covid 19 and Migrant Workers* (ed.by Ranabir Samaddar). Calcutta Research Group: Kolkata, p: 31-41.

rent. In some places workers have to pay ₹3,000 to ₹4,000 rent for a single room. Paying that amount was becoming very difficult for migrants and was one of the primary reasons for the reverse migration. In many places like Mattaur in Mohali, they were asked to leave if they could not pay the rent.

A: While some landlords were sympathetic, many were not. Hence the workers were left at the mercy of

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**Most construction companies prefer employing workers not enrolled in welfare boards and without labour cards.**

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workers do if they were asked for rent? There was nothing inscribed in the directive.

S: Some construction workers got some cash through their (BOCW) labour cards. But they were very few in number.

other states. The *thekedars* use their village network to get labourers. Companies show an explicit bias in not recruiting labourers enrolled with welfare board. Private agencies had mushroomed which took personal details and money from the workers, promising them labour cards and other

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**In absence of government, there emerged large scale dalaali in the train registration system**

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humanitarian acts. The government gave a loose directive that landlords should not take rent (*Ed.:* A reference to the union Home Ministry's March 29 directive). But there was nothing as to how that would be implemented, what were the rules. What could

A: Most construction companies would prefer employing workers not enrolled in *welfare boards* and without labour cards. The companies actually resort to *thekedars* (that is, contractors or middlemen) and ask them to get labour directly from their villages from

government benefits. These agencies often disappeared after collecting their money.

There was a construction site in Mohali which we tried to enter. The site was fortified. Labourers were living. From outside, one would have no sense of how life inside these



labour settlements are inside. During the lockdown, the entire site was sealed with labourers inside. We were contacted by some labourers who said that there was no food and no health precautions taken. It almost became a site of bonded labour.

**Could you share with us the experience regarding *Shramik Special* trains? When did they start and what did workers go through?**

S: There was online registration happening for *Shramik Trains*. But very soon, the website then got disabled. And the online access kept fluctuating. Various such issues made it very difficult. Some buses meanwhile were available for Saharanpur, Yamuna Nagar (on the Punjab-

Haryana border) and some such places but there were hardly any buses for Gorakhpur, Ranchi and so on.

A: The government just made the announcement but did not ensure other facilities for the workers. There was no proper arrangement as to where the workers would stay when they come from different places to avail these trains. In absence of government, there emerged large scale *dalaali* in the train registration system. Registrations were continuously failing. The workers were desperate and paying *dalaals* for the registration to happen. The system was also very tortuous. If one got a seat in the next day's train, one would receive a SMS the night before. If so then the workers have to rush to the scanning centres,

## Citizens and the Sovereign

before boarding, to get medical check and other formalities. The queues for that were for four or five hours long if not more.

**Did the administration cooperate with you?**

S: During the Lockdown, the government announced that those doing relief work, NGOs, could collect grains from the *FCI (Food Corporation of India) centres* for further distribution. They were giving gehu at ₹20 per kg, but we realized that if we add the cost of grinding it to make atta, transportation cost, etc, we will be able to get atta from the market at almost the same cost. This becomes surprising when one hears that tonnes and tonnes of grain are rotting and stock piled with the *Food Corporation of India*.

 [Lockdown displaces lakhs of migrants](#)

# Lockdown | Migrant workers in Surat come out on road demanding salaries



**Mahesh Langa**

AHMEDABAD, APRIL 11, 2020 00:40 IST  
UPDATED: APRIL 11, 2020 02:14 IST



## 8. Environmental migrants

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Dhunu Gogoi, seventeen years old, and nine other girls from Assam worked in a garment factory in Kancheepuram, Tamil Nadu. The group of young girls had joined work in January 2020, after receiving basic skilling in Guwahati from the Assam Government for two months. When they returned during lockdown to their homes near Baghjan, they found their region burning in a ‘gas blast-affected region’. *Oil India Limited’s* rig in the pristine Dibru-Saikhowa bioserve had begun leaking on May 27 and exploded into a massive fire on June 9. Several villages around the area had to be vacated.

Just a week earlier, in a special video conference, the union Ministry of Environment, Forest and Climate Change had okayed further drilling in Baghjan’s pristine forests which house several extinct species. After several contested dilutions in environmental protection laws were rushed through during the lockdown—in fact, on the very day of its announcement—once again, the familiar promise of ‘generating local employment’ had been trotted out to justify this devastation of natural habitat. In reality, while much of Baghjan’s flora and fauna may have gone extinct, the people have been forced to migrate. Perhaps, just like

Dhunu and her co-workers, they are also forced to work in far off regions for twelve hours a day, six days a week and a measly ₹7,000 a month—the girls say that they had to work night shifts however sick or unwilling.

Dhunu’s work stopped when the lockdown was announced but resumed two months later, despite the pandemic worsening in Tamil Nadu. She wanted to leave but her employer threatened her with dire consequences. An internal production stoppage at the factory in June allowed Dhunu and twenty other girls who wanted to leave to contact a local NGO. The company administration objected when the plan was caught. Eventually, ten managed to leave with Dhunu among them.

A constant din from the ongoing gas leak and periodic trembles in the ground was experienced by Dhunu even after reaching Baghjan. From the clutches of pandemic, insecurity and her employer’s coercion in Kancheepuram, she and her friends had returned to a flood ravaged Assam and an oil blast-affected village. In October, it has been four months since their return but they have not been able to find any work. No support from the government



**While much of Baghjan’s flora and fauna may have gone extinct, the people have been forced to migrate.**



has been forthcoming, says Akhoni. Having passed only high school, not many opportunities are coming their way and they cannot afford further education. Some of the girls in her group who returned have gotten married because they did not want to go back to Tamil Nadu and no work is available in Assam. The rest are looking for a job or even an unpaid internship in whichever sector will take them.

On June 21, massive nationwide uproar forced Assam's State Pollution Control

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### Whoever could lobby better got the relief.

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Board to issue a closure notice to all of *Oil India Limited's* operations in Baghjan. Investigations revealed that the company had been operating in several blocks without valid environmental clearances. The closure notice was withdrawn three days after it was issued. It is said that this is the only path available for the north eastern state to catch up with the rest of the country. In fact, this is what rulers have said ever since British colonisers took over the state's resources

and livelihoods.

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### From Bangalore to Amphan

S K Milon, from West Medinipur district in West Bengal, had been working away from his village since when he was very young. First he worked in Metiabruz, Howrah, then he shifted to Mumbai in 2008 and, finally, reached Bangalore in 2011.

Milon and his co-workers live in a room in Bangalore which also doubles up as a factory. Their salaries stopped from March 23. They were told to arrange money from home and get going.

Milon and 30 others, from various different districts of West Bengal, first filled a form for the *Shramik Special* trains. Getting no response, they tried booking a bus. Bus owners said it would cost ₹7,000 per person, that is, over more than two lakh rupees for all of them. Their economic dilemma, however, ended when *Cyclone Amphan* hit parts of West Bengal and Odisha and the bus pass was withdrawn.

In a first, Milon and his co-workers tried booking a flight. All of them called home for the fare, which was amounting to

roughly the same as the bus. A day before the flight, they were informed that the flight too had been cancelled. Meanwhile, a *dalaal* contacted them back, promising to arrange tickets for them on *Shramik Specials*. Milon had tried filling the form himself but had given up after multiple failures. They paid ₹600 per person to get on board the train. None of this would have been possible without the tout, Milon says.

But reaching home was only half the story. It had been blown away by *Amphan*. Back home, according to Milon, 'I didn't get any recovery money. But my distant cousin's house did. Many people got it. Some got from ₹5,000 to ₹20,000. Whoever had made a *setting* with the BDO did. Those who didn't never saw the money.'

Investigative reports by *Indian Express* reveal massive misappropriation of funds by political bigwigs in the name of cyclone relief.<sup>19</sup> Powerful members of *gram panchayats*, *panchayat samitis* and *zilla parishads* in cyclone-affected districts from across party lines had cashed in on the crisis. Several of them were

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<sup>19</sup> See a series of related investigations published, beginning with Indian Express (July 16, 2020), 'Guess which of these houses got cleared for Cyclone Amphan relief?'

## Rough weather ahead

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expelled from both the ruling and opposition parties over the coming days. Despite a survey enquiry team going to his village, Milon feels that the money was not distributed according to the extent of actual destruction. Whoever could lobby better got the relief.<sup>20</sup>

Meanwhile, Milon's contractor in Bangalore who had sent everyone packing has begun selectively taking workers back now. After braving cancelled flights, inflated ticket prices and district administrations for basic relief, he is looking for another contractor now to go back to Bangalore and resume work as soon as possible. That is the only relief now available.

### ***Journey between Aila and Amphan***

Kamal Gayen, from Bhimnagar, Sunderban, first migrated out of his village when super cyclone *Aila* hit his village in May 2009. Gayen says that before *Aila*, not many youth used to migrate out of nearby villages. 'We used to know the few who went out for work, they used to be very less in numbers. *Aila* changed it all.' There was a mass exodus of youth migrating out of their

villages after *Aila*. The land was no longer cultivable for three or four years after the cyclone, Gayen says. Even to repair the houses devastated and feed their families, young people had to migrate out.

Kamal, then 26 years old, moved out within a few months of *Aila*. Leaving his family behind, he moved to Bangalore in 2009 itself. He took up work in a plastic manufacturing workshop for a monthly wage of merely ₹2,200.

It took a year and a half for Gayen to rebuild his home back in Bhimnagar, with his savings. He is sure that, had he stayed back in Sunderban after *Aila*, even that would not have been possible.

A decade later, Gayen was now earning around ₹10,000 monthly, having moved into Bangalore's burgeoning garment sector. But the cost of living was very high in the city—a third of his salary went on rent and another third to sustain himself. He would be able to send ₹3,000 to ₹4,000 every month home, where his wife, parents and child remained. Over the years, he planted and grew a few fruit trees and got his house in order, though, for the most

part, it still remained *kachha*.

From March, with lockdown enforced, Gayen got work only intermittently in Bangalore. Eventually, he lost his job. In May 2020, another super cyclone, *Amphan* hit Sunderban. He returned to his *Amphan*-ravaged home just a few days after the cyclone. He has been unable to return to work till now. The job in Bangalore is no more—someone else has been taken in Gayen's place.

Gayen says that most who had migrated from Sunderban have not been able to return to work yet. Trains are running infrequently now and everyone has to choose between a bus or flight, both of which are very expensive. A train would have earlier taken around ₹700 to ₹800 but the same journey now costs close to ₹6,000. 'Everyone is calculating whether to spend that amount on travelling for work or on immediate reconstruction costs,' Gayen says.

Gayen is now trying to fix his house. The crops are gone once again and the fruit trees have fallen. But he knows that he will have to move out eventually.

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<sup>20</sup> Refer to *Appendix 3: Migration and climate for more details.*

# 9. “I am afraid for the future of migrant workers”: Karnataka Janashakti members speak about the lockdown

We had a conversation with members of Karnataka Janshakti who were engaged in running a relief helpline for migrant workers during the lockdown. In recent decades, Karnataka has seen a higher degree of in-migration from states in northern and eastern India. In an interview with MWSN, Swati and Bharath from Bangalore share stories of the Karnataka government’s highhandedness in dealing with interstate migrants, the cultural alienation faced by working people in far off lands and how communal forces are cashing

**Karnataka**

**Migrant Workers' Resistance**

**Protest at Mangalore rail station**  
Over 1000 migrants had assembled here to return home only to realise that the Karnataka govt had not arranged for any trains yet  
Published 08.05.20, 11:34 PM

**Metro workers demand to be sent home, caned in Bengaluru's Bommanahalli**  
When the workers, who had gathered at a colony near the construction site, started throwing stones and damaging vehicles parked on the premises, the police resorted to a crude batoncharge.  
Published: 04th May 2020 02:48:17A | Last Updated: 04th May 2020 09:22:41A

**Migrants block national highway near BIEC in Bengaluru, demanding to be sent to their native states**  
ANI | Updated: May 05, 2020 04:17 IST

Map labels: Solapur, Satara, Kolhapur, Vijayapura, Gulbarga, Deosurur, Raichur, Kurnool, Ballari, Anantapur, Davanagere, Shivamogga, Tumakuru, Bengaluru, Mangalore, Udupi, Chikmagalur, Hassan, Madikeri, Mysuru, Hosur, Kannur, Kozhikode, Coimbatore.

## Hate watch

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*in on a growing wave of resentment against migrants. Some excerpts from our conversation.*

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**Condition of migrant workers and the neighbouring population is generally hostile in Bangalore. Many of them... do not know the language.**

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**Could you give us an overview of the situation of food, shelter and relief operations for migrant workers during the COVID-19 lockdown in Karnataka?**

Before we started the helpline, there was a group in *Indian Institute of Science* with whom we were providing ration to some localities. Some people called us and told us they are trapped without food and essentials in a locality which is right next to Karnataka CM Yedurappa's home. They gave us a list of around 200 people who needed ration for a week or so. At that time we did not have any pass which was needed to move around in the city but somehow it was arranged through the *Alternative Law Forum*.

A strange situation occurred as we were about to start with the relief distribution. The group from which we received a call were mostly migrant workers from outside Karnataka and mostly from Jharkhand, Bihar and Bengal. They lived in a slum. News about distribution somehow spread at the place where we had stocked our relief items. Locals thought we came from the government and it was for them. They got angry when we said it was only for these migrants. They said, 'You only bring for these North Indians and Muslims.' The majority of these migrants

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**For the intrastate migrants... they started buses for one or two days but no such help came for interstate migrants.**

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happened to be Muslims. It was a tense situation. Finally, we distributed among all of them. It was like a ration queue, giving small amounts to a lot of people.. We had to make a second delivery for the group who had called us. So a better communication and understanding of locality would have been better. But that was our first time.

Condition of migrant

workers and the neighbouring population is generally hostile in Bangalore. Many of them are recent migrants, some as fresh as three months, so they do not know the language. They also come through some relative or contractor, not just on their own. Majority of them were young, 20-28 years old and from Eastern Uttar Pradesh, Bihar and Jharkhand.

The *Rashtriya Swayamsevak Sangh* and *Bharatiya Janata Party* MPs or MLAs were doing relief work with their party stickers exclusively in Kannada and Hindu localities. There were a couple of incidents where they stopped minority organisations from distributing food packets or rations. By the time *Shramik Special* trains started, many migrants had run out of their savings in food and other necessities. So they were

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**The government started the Seva Sindhu app but it was in Kannada and English and workers from Bihar, Uttar Pradesh or Bengal were unable to access it.**

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forced to ask for help. Many complained that government helplines were not working.



They had to ask for money from their home.

Also by this time, maybe because of TV visuals, the local population had become a little more sympathetic to the migrant workers and were helping them out by letting them stay for a few more days without rent or connecting with such helplines.

**What was the police administration's role in the situation?**

In the early phase of lockdown, police were overzealous in enforcing lockdown and beat up poor street vendors, mostly vegetable sellers. These were locals. We got news about this twice within a week from a nearby locality and went to meet them. Many had blackened legs from the police's *lathis*.

There was absolute failure of the state in handling this situation and it showed a callous attitude towards migrant workers. For the

intrastate migrants, at least in Bangalore, they started buses for one or two days but no such help came for interstate migrants. Even the chief minister refused to start *Shramik Special* trains, as you know.<sup>21</sup> Due to the lack of information, workers had to go from one police station to another, one bus stop to another. Somebody would get a call and all would gather there. Some stayed outside police stations and were chased away by police and beaten with *lathis*. Many complained about



<sup>21</sup> Press reports revealed that the Karnataka government had reversed its decision to allow *Shramik Special* trains a day after a meeting between CM Yedurappa and Confederation of Real Estate Developers Associations, a lobby group representing influential builders. A number of construction workers in Karnataka migrate from other states. An internal report by the union Home Ministry, quoted by *The Hindu*, emphasised that 'labour unrest may go out of hand if trains are not restarted'. *The Hindu* (May 7, 2020) "Karnataka to restart trains for migrants".

this inhuman behaviour. There was no coordination between the top policy makers and the local law enforcers. There was huge scope of corruption and it did happen at the level of handling travel arrangements.

There was an incident where a worker's brother had died in Uttar Pradesh and he urgently had to go home but even after repeated visits to the local police station for help, the police did not offer anything. Instead the worker was badly beaten up one day when he raised his voice in frustration. In another case, a lady had given birth to twins just a month earlier and they had no food for the family. Her brother-in-law

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**In one locality, a group of Bihari migrants were found to be COVID positive and the media ran a story calling them 'bihari bombs'.**

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went to the police for help but was chased away with lathis. They got our helpline number and we met them, provided ration and arranged money for their travel.

**The Karnataka government had eventually set up a smart phone app for migrants' travel arrangements. How did that work?**

Once we set up the

helpline, we started getting calls immediately from workers stuck in different parts of Karnataka who wanted to travel back home but there was no information or guidelines about transportation. The government started the *Seva Sindhu* app but it was in Kannada and English and workers from Bihar, Uttar Pradesh or Bengal were unable to access it.

Since we had started with the aim to distribute ration and had to consciously omit travel services, we tried letting them know that we and our comrades were there to look after them in Karnataka and would arrange for their travel back home as well once possible. But they

### **Language divide brings profit**

Mansi, 26 years old, is an Oriya migrant who worked in a fan manufacturing company in Hyderabad. She had migrated with her husband from their village in Odisha a year and a half ago, leaving behind their son. 'People don't like us, we generally work here and remain silent otherwise,' says Mansi.

Mansi earned ₹6,500 per month—much below Telangana's minimum wage— while her husband also earned around ₹7,000. Both lost their jobs with lockdown. They survived on what reached them through a cooked food relief packet twice a day. What worried them most was what would happen if they fell ill in Hyderabad with their son back at the village. According to Mansi, the city was unwelcome to migrants and if one of them got ill, they would not be able to manage to get themselves treated. Their son would be left alone in the village. 'Here, people from outside are not being treated well when they are going to the hospital for any ailment, be it Corona or anything. No worker from outside is getting treatment,' says Mansi. 'There was a person in our building from a district close to ours in Odisha who fell ill. We could not be sure whether it was Corona or not but when he went to the hospital he was told that no outsiders are being treated.'

The fear of being an outsider in a crisis, with no money and a child back home, made Mansi anxious to leave. However, she could not. The landlord would not let them go without paying the rent which was due since March. 'The house owner said that we can't go anywhere if we don't pay up,' says Mansi. They are trying to find a job, further indebted in rent, being charged for a stay they want to escape.

were desperate to go back. We tried to share the risks involved but many were ready to start walking home.

The smart phone app was a big obstacle and created more confusion than it helped the migrants. Still we helped many register on the app and they had to wait for their number to come. Many went back by paying bribes even if their number didn't come. The whole situation was very messy, tense and emotional and the humiliation by police was the worst part of it. I cannot emphasise enough the hostility of the state and its different functionaries.

Only after several high court orders, the Karnataka government started *Shramik* trains and by the end of this ordeal, they were provided with food and water aboard the train. But by this time, the majority of workers had already left by paying bribes, on buses or on foot.

**You have underlined the desperation among workers to get back home. Were there any organised mobilisations around these issues?**

We did not encounter any

such resistance ourselves but there were sporadic protests by workers across the state, particularly in Bangalore and Mangalore. There was an incident in North Karnataka where a lot of workers were trapped and not allowed to move out. This was at the peak of the initial panic and they tried to flee to their homes however possible.

In the initial days, in Bangalore, there was a shortage of beds and health facilities in the quarantine centres. This also led to people revolting but we are not sure of the exact numbers. We are aware of cases in Bangalore where, in the industrial areas and in construction companies, many held workers on their premises and did not allow them to go out. The owners made some arrangements of food but these workers were effectively locked in the premises.

Later when the trains started running regularly, migrant workers were afraid that they would miss the trains so many camped on the grounds around buses which were leaving for train stations. There was no food, water or living arrangements from the state and again they were

chased away by police.

There was a lot of frustration and helplessness among the migrant workers. Due to the added disadvantage that they did not know the local language, they were always dependent on locals for help and many even paid money to get their forms filled or registrations done. In the beginning we were thought of as some travel agency but later they got to know us better. The desperation with government helplines not working and no help coming from anywhere is why we received many distress calls asking mostly about trains and some for food.

**How have the government and the industries responded to the crisis and what were its implications for migrant workers? How have the trade unions and workers' organizations responded, overall, to the situation of lockdown and, specifically, to the issues of migrant workers?**

The government did not do even the bare minimum to help the ones in distress. The migrant workers were totally at the mercy of NGOs, citizen groups and labour organisations. Some weeks into the lockdown, when the labour

## Hate watch

department started the ration and food distribution, it was done through MPs and MLAs. Almost 80 percent of that was delivered to the RSS affiliates and distributed by them in the localities under their own name and their party banners. This was also done only in certain pockets, keeping their voters in mind and, hence, migrant workers were mostly excluded. Most of the relief work for migrant workers was done by NGOs, charity organizations and trade unions.

Some industries came

for help in the later stages when the trains had started and migrants were leaving for home. They were trying to score some points for corporate social responsibility. None of them went to these localities themselves, they also got it done through NGOs.

Trade unions and worker organisations were quite active on ground in relief work and in filing PILs for starting *Shramik* trains and providing food and water in trains. In one locality, a group of Bihari migrants were found to be COVID positive

and the media ran a story calling them 'bihari bombs'. The trade unions and labour organisations intervened and helped in that locality. Some Left organisations were part of a campaign called '*Hate Speech Beda*', meaning, 'No Hate Speech'. They released a report recently, chronicling how the media attacked religious minorities using the *Tablighi Jamaat* incident (Ed.: a religious congregation of Muslims in New Delhi by *Tablighi Jamaat* was used to vilify Muslims as intentional spreaders of COVID-19; the Supreme Court later pulled up the central government and several media outlets for promoting such views).

There are reports regarding low-paid migrant workers facing discrimination from natives in Karnataka. How do you see the future of the relations between locals and migrants, with Kannada linguistic nationalism on the rise as a response to Hindi imposition?

Well, there has



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always been such sentiments against North Indians, which includes Marathi speakers as well, but of late such feelings of linguistic nationalism is on the rise. However, it has not reached a stage where migrant workers face imminent threats. With the economic scene deteriorating, things may escalate. The rise of Kannada nationalism might also take a rightward shift if there is no timely intervention. We will also need to observe the central government's disposition towards Hindi imposition and how it deals with sub-nationalism at various levels.

Such chauvinistic sentiments do rise with every attempt of Hindi imposition. It intensified with news of the Kanimozhi incident, which had a spillover in Karnataka as well because it's an easy sentiment to rake (Ed.: In August, 2020, senior DMK MP Kanimozhi had allegedly been asked at Chennai airport whether she was an Indian when she asked

to be spoken to in Tamil or English which caused political uproar). There is overall support for it. Also the states not getting their share of GST revenue is also becoming a hot political point among the Left and progressive circles. Right now there are some political groups who want to take advantage of this Hindi imposition to make themselves politically relevant. But they

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### **There have been cases of bonded labour in cities like Bangalore in the last one year.**

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have no other agendas so there is every chance that they might end up with right wing forces. Recently, the head of one such Kannada nationalist group welcomed Tejasvi Surya, the national head of BJP Yuva Sangathan, and garlanded him.

## **Citizens and the Sovereign**

Such incidents do end up creating animosity against the larger Hindi-speaking community and its brunt is borne by the working class. In the future, migrant workers will likely be made even weaker and more servile, deprived of rights, due to the economic crisis and the rising linguistic chauvinism. There have been cases of bonded labour in cities like Bangalore in the last one year. As an activist, I am afraid of the future of migrant workers.

During lockdown, we realized what a huge population of workers travel to, not just the bigger cities, like Bangalore or Mysore, but even to smaller towns in search of livelihoods and a better life. Apart from getting higher wages in these regions, perhaps due to the caste system or certain societal structures in their home states, it is difficult for them to enter every kind of manual job and earn a decent living.



# 10. Migrants were being stoned, lynched and locked up; then lockdown happened

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*MWSN talked to Samirul Islam, president of Bangla Sanskriti Mancha, a social organisation which has assisted migrant workers from Bengal in the past and was also active in relief activities during the COVID-19 lockdown. Bengal, Odisha, Jharkhand, Bihar and Uttar Pradesh are states known for large scale out-migration in search of employment. Samirul highlights the kind of discrimination that plagues migrants perennially and how social organizations can intervene to amplify their voices.*

## **How did you start reaching out to the migrant workers when the lockdown started?**

We received over 75,000 calls from migrant workers from West Bengal, who approached *Bangla Sanskriti Mancha* through the helpline we launched at the beginning of Lockdown. We have a presence in some districts of West Bengal from where the out-migration is high. We launched twelve helpline numbers after two days of announcement of lockdown.

We could provide help to almost 35,000 migrant workers who called from other states, largely with support from civil society groups. We collated data of over 70,000 workers which included workers stuck in different states. There were several cases that we followed up.

There were many construction workers from Murshidabad, Birbhum and Malda districts working at Bangalore, who wanted to return during the lockdown for *Eid*. But they were helpless as the trains got cancelled. They filled up forms, got health certificates made but trains were suddenly cancelled and there was no work and no supply of food. Some construction workers were from Mumbai, who took the test for ₹200 and got the fit certificate, but trains were suddenly cancelled. Various civil society groups along with *Bangla Sanskriti Mancha* raised concerns about the situation and pointed out the apathy of the state and central governments regarding migrant workers.

**Can you describe how migrant**

## Citizens and the Sovereign

**workers from Bengal were treated in other states during the lockdown?**

On May 1, Labour Day, migrant workers were forcefully driven out of a quarantine centre in Odisha. For more than one month, 31 migrant labourers from Birbhum and Murshidabad districts—five from Rampurhat-2 and 26 from Jangipur, Lalgola and Jalangi—were kept in a quarantine at Chuhat village of Mayurbhanj district. The local panchayat *pradhan* asked them to leave the place with their luggage by 7 am on May 3, saying that the lockdown would be over by then. The workers contacted us over the phone regarding their anxiety. We immediately got in touch with the *pradhan* and ensured that the workers were provided food and shelter for a few more days. However, they were suddenly driven out of the centre next morning with a paper document and told to leave. After

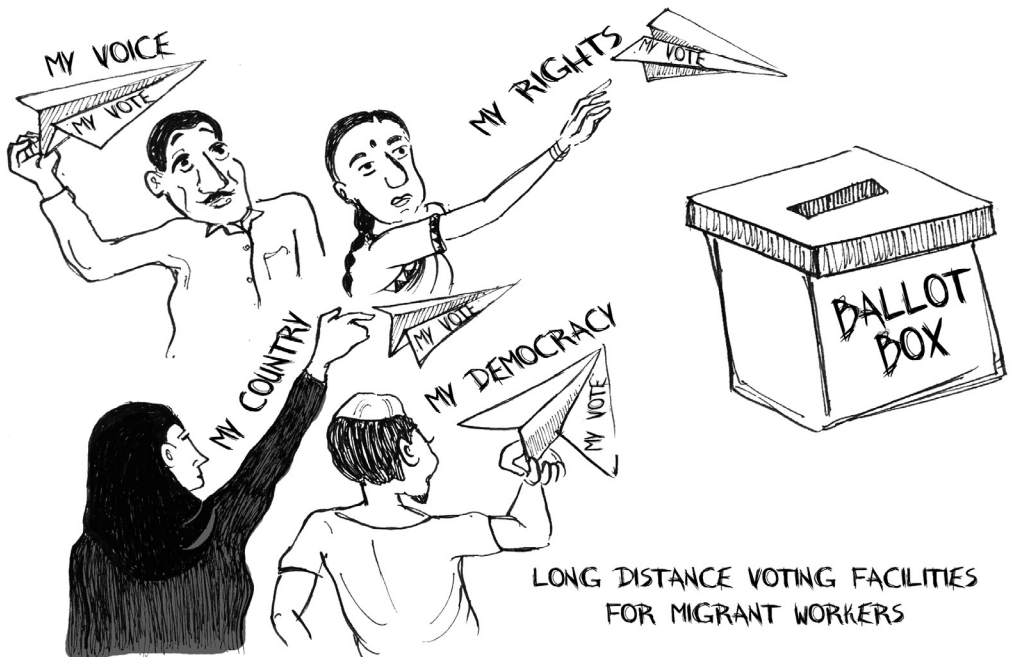
that we could not contact the *pradhan* anymore. The Odisha Government also did not respond. After the dispute, the migrant workers found no other way than walking towards Bengal from Odisha. We sent a message to the centre and West Bengal governments to take quick action but no action was forthcoming.

**During the mass exodus, initially we saw zero response from state or central governments. We suggested implementing postal ballots for migrant workers**

There are bonded labourers

in some states like Rajasthan, Maharashtra, Tamil Nadu, Odisha and Uttar Pradesh. We raised concerns over their well-being. A sizable number of them are in construction, jewellery and garment factories. The state governments did not help us. We could attend to the food requirements of over half of them by reaching out to the administration, NGOs and activists in the states.

There was another incident in Jharkhand where the migrant workers from Murshidabad, Birbhum and Dhanbad were stranded and denied food and water. We got in touch with the Police Superintendent of Birbhum and communicated the same to the Jharkhand



## Activist's diary

state government. Jharkhand's chief minister tweeted later claiming food, hygiene and security was maintained at the quarantine centre.

**You mentioned how multiple governments—at the home state, destination state as well as the central government—hesitate to pick up issues of interstate migrants without significant public pressure. Do you think our democratic set up accurately reflects the aspirations of migrant workers?**

A 2012 study found that 78 percent of migrant workers who were surveyed possessed voter IDs and had their names on voting rolls. However, a majority were unable to exercise their voting rights due to economic constraints and the inability to make it to their hometown or villages. According to another survey, only 48 percent of the migrant

labourers surveyed voted in the 2009 *Lok Sabha* polls as compared to the national average of 59.7 percent. In case of long distance migration, only 31 percent voted in these polls. The absence of this large chunk of voters from the voting process makes their issues absent in the political discourse. And thus, they do not reflect at a policy level.

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**In 2017, we rescued 159 Bengali workers stuck in Azerbaijan. Migrant workers from West Bengal went there with touts and were duped.**

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Thus, during the mass exodus, initially we saw zero response from state or central

governments. We submitted a memorandum to the Election Commission along with other organisations, raising this problem. Anil Dharker and Teesta Setalvad of *Citizens for Justice and Peace*; Prafulla Samantara of *Lok Shakti Abhiyan, Odisha*, Roma of *All India Union of Forest Working People*; Zamser Ali of *Bhartiya Nagarik Adhikar Suraksha Manch* along with *Bangla Sanskriti Mancha* from West Bengal signed and submitted the memorandum. We also suggested implementing postal ballots for migrant workers.

**We know how Bengali migrant workers, many of whom are Muslims or belong to Scheduled Castes and Tribes, get harassed outside. Could you share some such experiences?**

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**Jamal Momin, a migrant worker from Malda district, was slapped and abused for not knowing the name of the prime minister and the national anthem.**

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## POPULAR FACES OF MIGRANT WORKERS



In 2019 just before the reorganisation of Jammu and Kashmir, migrant workers from Bengal were attacked there. We readily reached out to these workers who were being targeted for being outsiders. Around 127 migrant workers were rescued from Kashmir due to efforts of the state government and *Bangla Sanskriti Mancha*. We helped the government to locate these migrant workers.

We reached out and rescued many families during the Delhi riots of February 2020 as well (*Ed.*: several protests against the Citizenship Amendment Act and all-India National Register of Citizens were targeted by violence, leading to a communal pogrom in the national capital). Eleven migrant workers from Murshidabad district were holed up in a rented house in Ghonda Chowk, a violence-hit locality in north east Delhi, with only a few packets of biscuits for survival. They were confined to the house

for the three days and, as the shops in the area remained closed because of the violence, they had no way to replenish their stock of vegetables and other essentials. We were approached by them and we immediately contacted political leaders and civil society groups. After we started reaching out to the administration, police went to rescue the workers, brought them to Old Delhi Railway Station and put them on a Howrah-bound train.

In 2017, we rescued 159 Bengali workers stuck in Azerbaijan. Migrant workers from West Bengal went there with touts and were duped. The police suspected them of illegal immigration and put them behind bars. Later the media publicized their story and many got to hear of one such incident. The police released them due to media pressure and we bought them tickets to return to India.

In 2018, Jamal Momin, a migrant worker from Malda district, was slapped and

abused for not knowing the name of the prime minister and the national anthem. He was also forced to chant *Vande Mataram* and *Bharat Mata ki jai*. His case is similar to Afrazul, who hails from the same district. After Afrazul was hacked to death in Rajasthan, we organized various protest rallies in Bengal (*Ed.*: a Muslim migrant's lynching in 2017 was filmed by his assailant, a member of Hindu nationalist groups associated with the *Rashtriya Swayamsevak Sangh*, leading to nationwide uproar against a spate of anti-Muslim and anti-Dalit violence). The Bengali migrant workers have to bear with such an environment of hatred often. Jamal did not utter a word about the incident at his home and left for Ahmedabad where he works. We came across the video through social media and tracked down the victim's family. We brought Jamal back home and helped the family pursue the case with authorities and police so the guilty are brought to book.

# Reflections on a crisis long due

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“  
We have tried to document... some of these longstanding structural aspects related to migration...”



“  
... the reorganization of global production relations under the diktat of monopoly finance capital has resulted in an additional dimension of migration of labour.”



The announcement of the lockdown almost instantaneously created a situation where tens of millions of migrant workers felt the need to go back to their native places. The central government wants us to believe that it is a circulation of fake news that led to the mass reverse migration. This may allow it to shrug off all responsibility for the desperation of workers during lockdown, as documented in the preceding chapters, which made it a question of survival. Workers, who live a hand-to-mouth existence with little savings in the country's metropolises, rightly sensed that the prospects of getting wage work were going to be close to nil for many weeks and possibly several months. Thus, they set out to go back home by any means possible, even when all forms of transportation came to a grinding halt with the announcement of the lockdown.

Even though they knew all too well that prospects of getting any work back home were equally remote, they thought of falling back on whatever support system that exists in our villages. Clearly, they had no support system in their places of work. This raises questions related to the systemic factors fuelling contemporary migration, which forces lakhs of citizens

to undertake the risk of walking hundreds of kilometers at the mere prospect of not having work for a few weeks. This is the socio-economic and political system which has led the vast majority of toiling people to perennial insecurity over their livelihoods, where for many, their everyday existence is contingent on finding work at the nearby *labour chowk* in grossly underpaid and exploitative conditions and living in shanty rooms shared by half a dozen other people. We have tried to document in this booklet some of these longstanding structural aspects related to migration that contribute to this precariousness of migrant workers.

Human migration is not a recent phenomenon. It has been an integral part of the evolution of human civilization. Migration of populations as a 'labour force' has been a repeated feature in the era of capitalism. The devaluation of agriculture and animal husbandry, the monopolization of productive resources and, hence, continuous encroachment on the traditional means of subsistence of the populace, eviction of people from land and livelihood and creating a reserve army of labour as a surplus population and markedly uneven regional development have



been important aspects of capitalism's growth story. This is not the story it tells about itself from every billboard and boardroom. These have determined the extent and nature of migration for the last few centuries.

Over the last forty years, since the dawn of neoliberalism, this phenomena has emerged with newer dimensions. Under neoliberalism, the reorganization of global production relations under the diktat of monopoly finance capital has resulted in an additional dimension of migration of labour. Capital needs both cheap labour and a robust infrastructure to ensure maximum profit and for that it re-structures the society according to its needs. The decentralization of production, creation of global value chains, big infrastructure projects in several parts of underdeveloped countries to create operational centers for capital, creation of industrial corridors and SEZs have been cardinal for both domestic and international capital in radically re-structuring the older kind of industrialization and accumulation regimes.

The shifting terms in favour of capital in the

labour-capital conflict, both, within the dynamics of most countries nationally and in the international arena, has allowed capital to shrug off the burden of abiding by the norms settled in the decades following the World Wars. The central agenda behind this restructuring was to

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### **The struggle for workplace and citizenship rights of migrant workers has the potential to wrest back control over this balance in favour of working people...**

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make labour cheaper. Migrant workers in cities and industrial areas, desperate to work on any terms for their minimum survival, became crucial to serve the needs of the capital, both in the First and the Third World. They are cardinal for lowering production costs and transferring surplus from our lands to the advanced capitalist centres, also sustaining the higher standard of living in these regions. The struggle for workplace and citizenship rights of migrant workers has the potential to wrest back control over this balance in favour of working people across the world, particularly in the

Global South.

A parallel phenomenon in the current phase of neoliberalism is the accentuation of the 'primary accumulation' of capital through dispossession or encroachment. The attacks on already distressed agrarian sectors, retail businesses and other traditional means of subsistence have made them more vulnerable. A vast population is flocked around as surplus, with very few getting the opportunity of being directly exploited by capital at a permanent workplace. They continue to migrate seasonally, trying to settle into whichever job or region promises a better life, in most cases, succeeding nowhere. Those who migrated from the village to the city in search of this better life mostly find themselves in the burgeoning 'informal sector', including the 'self-employed' or, rather, the self-exploited.

But the cities, with its industries and services, flourish on these low-paid workers, including migrant workers. This new normal refuses to spare an inch for the working population in its chosen path towards industrialization and urbanization. Where will these labourers stay? Where will the

You've got Kshatriya blood in you. Why mix with that guy?



You really trust that fellow who works with you? But you don't have anything common with him!



!?



??!



Let's keep our fight aside while lobbying with the govt. for more incentive.

Totally Bro! These workers... They demand too much!



children of working populations study in the deteriorating public education system? Where will their kids play and where will people go for recreation when all public parks and grounds begin demanding entry fees through beautification projects aimed at demarcating exclusive city spaces for the upper class? How will the working population survive illness with a near complete dismantling of the public healthcare system, including the elimination

of employers' minimum obligations? These are not questions worth considering for our city planners.

Working people are left hanging between the exploitation of landlords and the perpetual illegality of slums. Our historic victories, such as the eight hour working day, paid holidays, pension, compensation for accidents, maternity benefits and socialisation of care work, have

been pushed out of the arena of reasonable conversation. Social security measures have been reduced to political parties giving concessions to voters before elections rather than being enshrined as a right of working Indian citizens. This is also the general condition of life and work for major sections of the people in the Global South. For migrant workers, these conditions were enforced by making them second class citizens in their places of

work. The lack of citizenship rights remains an important constituent of their structural position as an underpaid and supposedly docile workforce.

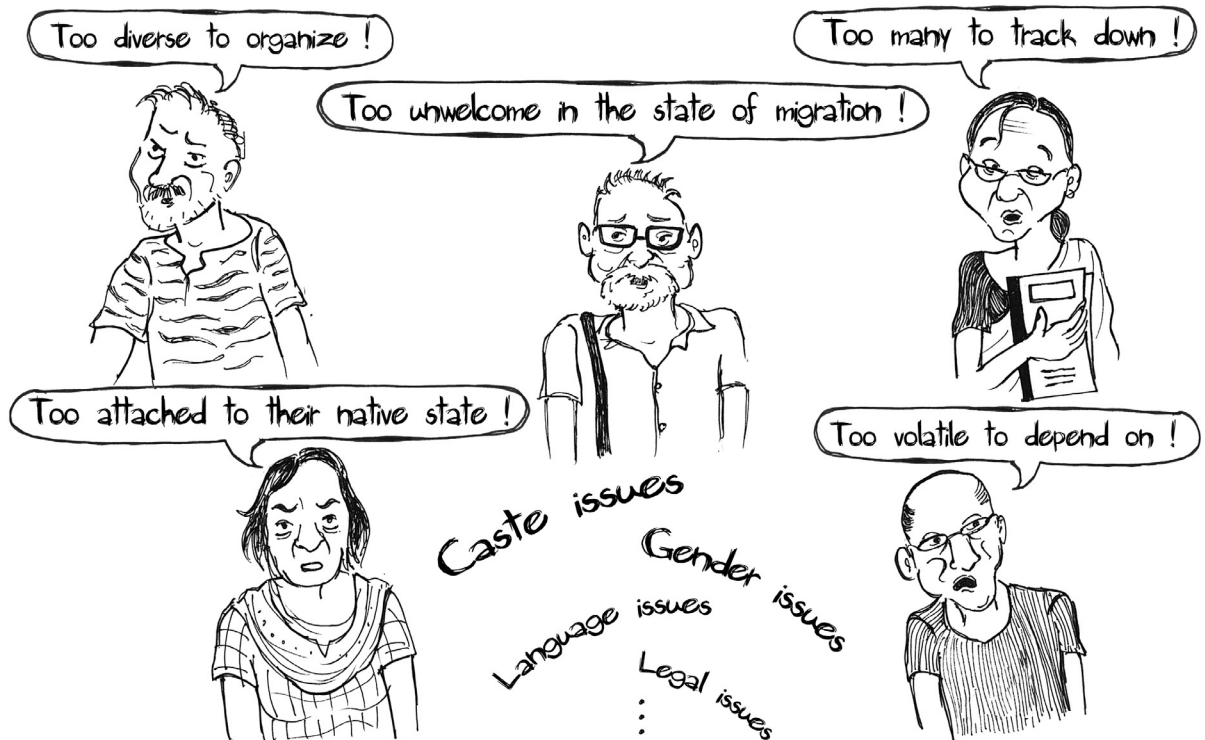
Modern finance capital moves from one place to another in seconds. For workers, however, mobility has never been so convenient and unrestricted. Patterns of race, caste, gender, language, religion and other factors

**...migrant workers, as a category, need special attention... if we are to reimagine class politics in the age of neoliberalism**

leave their mark on who goes where to look for jobs and how they get placed in the labour market. Contrary to the assumptions made by neoclassical economics, the

'information flows' have never been ceaseless and costless. Segregation, segmentation and discrimination works within different layers of the labour market, through the behaviour of individual employers and employees but also beyond it. Thus, we see people from particular districts of a country becoming construction workers, people from a particular caste being over-represented

### DIFFICULTIES FACED BY TRADE UNIONS IN ORGANIZING MIGRANT WORKERS



in particular sectors of the economy, women being used in low-paid service sectors and so on. For migrant workers, their community networks coupled with labour contractors remain the primary sources for getting information about jobs and it is through these networks that they are grouped and placed in different destinations. These groups form important support systems in the destination cities and also become mechanisms of exercising control over their labouring and social life.

Invisible social and political borders in our cities make migrants too, practically speaking, invisible despite their large numbers. There are no effective political or administrative mechanisms to address their plight. As we have seen, the COVID-19 pandemic has laid bare the migrant crisis as a spectacle before the conscience of our country.

Sporadic protests that erupted in many corners of this country show, both the vulnerabilities and the suppressed potential of migrant working populations. The nexus between the state and capital subjugates this huge population to a life of

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**Sporadic protests that erupted in many corners of this country show, both the vulnerabilities and the suppressed potential of migrant working populations.**

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sub-citizens, practically bereft of any constitutional rights. Ruling political powers often use cultural differences among natives and migrants to keep them as constant antagonists. Over the last ten years, globally, anti-immigration rhetoric has become a shared feature of far right parties all over the world.

Due to their transitory nature, migrants can neither be completely integrated in the workplace, such as through their own unions, nor collectivized socially in the makeshift residential clusters within the destination-city spaces. This also arrests the many dimensions of class formation among this section of working people along economic, social, cultural and political axes. Therefore, migrant workers, as a category, need special attention and emphasis if we are to reimagine class politics in the age of neoliberalism and build unity across different sections of working people. Without the board-based struggle for the rights of migrant workers, both at the destination cities and in rural areas of origin, it is difficult to imagine an united working class struggle in our country today.

# Appendix 1

## Legal aspects related to migration

India was among the few countries in the Global South which had a law for interstate migrant workers—the *Interstate Migrant Workmen Act, 1979 (ISMW)*. The Act mandated compulsory registration of migrant workers, licensing of contractors and employers, proper payment of wages, mechanisms for raising industrial disputes, provisions for displacement and journey allowance and several other provisions for the welfare of migrant workers. However, most people remained unaware of the Act. The overall bias towards the miniscule section of workers in the organized sector also affected its implementation. This Act remained poorly implemented and bypassed by primary employers through the use of intermediaries.

A series of social legislations were brought in the new millennium, which provided an opportunity for a right based bargain with the state, such as the *National Food Security Act, National Rural Employment Guarantee Act, Right to Education Act, Forest Rights Act* and others.

Among these, the *Unorganized Workers' Social Security Act, 2008* and the *Building and Other Construction Workers Act, 1996 (BOCW)* were particularly relevant to migrant workers. But these again have remained severely non-implemented. The non-implementation was not just a matter of poor execution. Over the years, a shift in context has also made these Acts

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### The new Labour Codes have pushed the largest section of workers out of most legal rights and protections.

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inadequate. Hence the need was for further strengthening, more robust, enactments.

But, what we have witnessed in the recent while, instead of taking ahead, has put the clock back for several decades. At a time when precariousness of migrant workers came to somewhat public attention, labour law reforms have been made amid the pandemic itself. Instead of strengthening them, this has further weakened the

bargaining capacities of most migrant workers.

44 labour laws that existed in India have been replaced by four Labour Codes. While one would expect greater entitlements being conferred to informal migrant labour, the contrary has happened, beyond some tokenistic measures.

A major aspect about the new Codes introduced in 2019-20 has been that it mentions that the category of interstate migrant workers who earn less than ₹18,000 be given journey allowance for travel to their home states. At the same time, effectively, the new Codes have pushed the largest section of them out of most legal rights and protections. How? The *Occupational Health, Safety, and Working Condition Code (OHSWC), 2020*, which replaces both the *ISMW Act, 1979* and *BOCW Act, 1996*, defines an establishment or factory under it, as one where more than ten workers are employed. And if the factory production does not run on electricity, the threshold is twenty workers. Building or construction work of any



**Any establishment employing < 300 workers will not have to seek formal approval for retrenchment, according to new labour codes.**

sort, in mines, factories or any establishments which employ less than ten workers, is outside its mandate. Government's own data suggests that only 30 percent of India's total workforce works in units where six or more employees work. With the passage of these new Codes, the majority of workers in India will continue to work in units not covered under the Code on Social Security and the OHSWC and will remain outside the ambit of pension,

medical and maternity benefits and so on. In the ISMW Act, 1979 the threshold of coverage was for units with five workers or more, which has been doubled in the new Codes, effectively, reducing the government's protection coverage. Also the new Codes have done away with most of the punitive mechanisms for employers who do not comply, as existed in the 1979 Act. Hence, what is not provided for is how the laws will be implemented, what would happen if the government or employers default and what rights and effective mechanisms of appeal do workers have?

Similarly, the Industrial Relations Code, 2020, has

increased the threshold of units under its purview on rules on retrenchment and so on, from those employing hundred workers to three hundred workers. In other words, any establishment employing less than three hundred workers, will not have to seek formal approval for retrenchment. This again leaves the largest majority of migrant workers unprotected by law, who can be dismissed or retrenched any time at the will of employers.

All of these actually incentivize a system where bigger players will keep fragmenting their production into smaller and smaller units, sub-contracting to infinite degrees, get more and more intermediaries to run services

**Gujarat**

**Migrant Workers' Resistance**

AHMEDABAD , MAY 04, 2020 15:19 IST  
 UPDATED: MAY 04, 2020 16:23 IST

Migrant workers clash with police in Surat

AHMEDABAD, APRIL 11, 2020 00:40 IST  
 UPDATED: APRIL 11, 2020 02:14 IST

Lockdown | Migrant workers in Surat come out on road demanding salaries

Express News Service | Rajkot | Updated: May 17, 2020 10:41:47 pm

Nearly 1000 workers protest in Rajkot after Shramik Special train is rescheduled



and production, promote more precarious home or smaller workshop-based daily wage work. There is a clear bias in the new *Labour Code* in favour of employers than workers, where especially the bigger employers, will be able to enjoy greater flexibility and exemption from obligations towards providing benefits to workers’.

Further, there has been a massive restraint put on the basic right to protest by workers. As per the new Code, for any legal strike by workers, the employer has to be given a minimum of 60 days’ notice in advance. A large period of time for arbitration has been stipulated during when a strike cannot be called. In effect, the law has greatly taken away from workers the possibility of a legal strike. This, seen along with the already existing impediments being put on processes of workers’ unionization, shows the resistance that state is putting up against collectivization of workers by all means possible, law being one. For migrant workers, this means being

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**new Labour Codes suggest that the government can notify exemption of any new establishment or factory from following the rules in the interest of promoting ‘economic benefit’. Suspension of such democratic rights, which was only permissible earlier in times of ‘Emergency’, can now be allowed any time if the government so wishes.**

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pushed into a more vulnerable situation, wherein, as it is, migrating into a new state reduces their social bargain capacities.

Many other changes have been also introduced through these codes, like the cap on work hours to eight, is no longer legally specified. The new Labour Codes put the limit to work hours on the discretion of respective government notification.

One bottleneck towards on-ground implementation of several laws meant for migrant

workers had been the lack of bargaining power of the migrant workers themselves. The lack of institutional mechanisms through which migrant workers can voice their concerns and the responsibility of their home states, host states, local municipal authorities and the union government can be made more accountable, The new Labour Codes have only further reduced the space for bargaining. The need for such an institutional mechanism where migrant workers can participate and accountability of governments can be sought has become even more urgent.

Last, but not the least, the new Labour Codes suggest that the government can notify exemption of any new establishment or factory from following the rules in the interest of promoting ‘economic benefit’. Suspension of such democratic rights, which was only permissible earlier in times of ‘Emergency’, can now be allowed any time if the government so wishes. Hence, normalcy has entered a new emergency.

## Appendix 2

### Migration, caste and gender

A large portion of lowly paid labouring population of our country have historically come from Adivasi, Dalit and socially oppressed castes as well as religious minorities. Hence, a large section of the least paid migrant working population also comes from marginalized communities. This is an important aspect of the reproduction of caste and is also an important dimension for the reproduction of capitalism in South Asia. A large section of labour we encountered in the process of relief and organizing are people from marginalized communities.

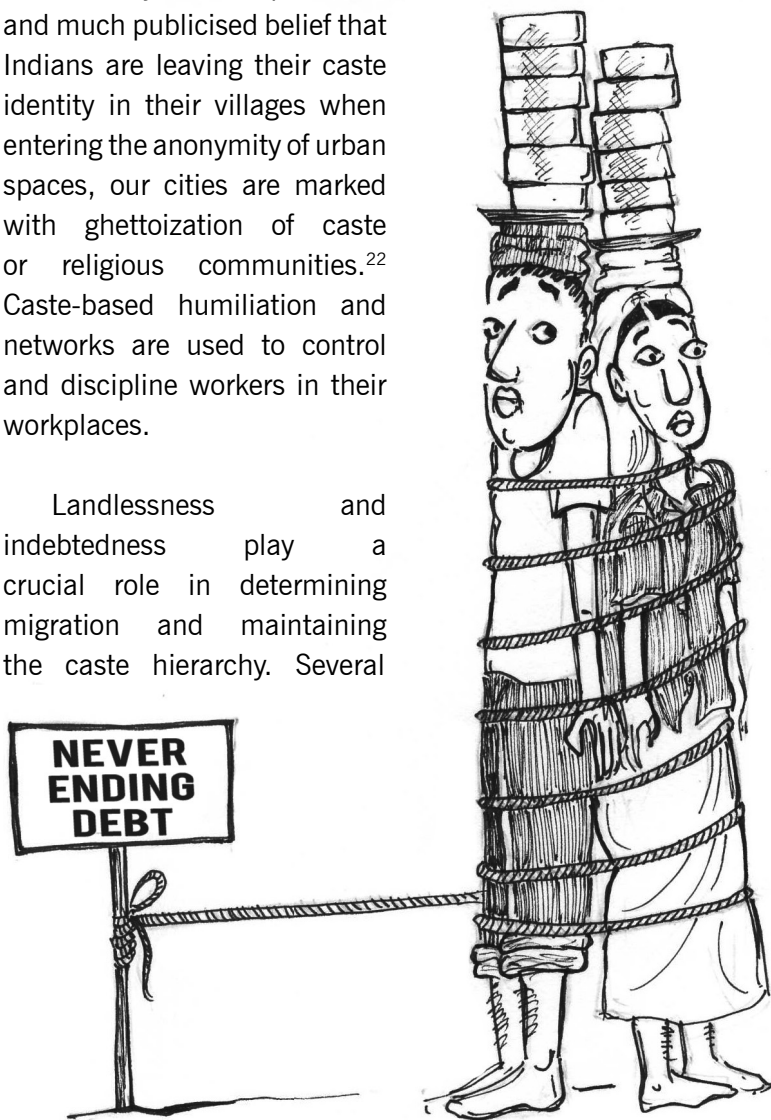
Recruitment into the 'informal sector' or even in informal employment in the formal sector happens through contractors or labourers bringing others according to the need of their employers. In most cases, low income migrant workers get employment-related information through informal networks which often coincide with the one's caste and kinship networks. Hence, one's caste becomes

a major determining factor in determining one's destiny in the labour market.

Contrary to the pervasive and much publicised belief that Indians are leaving their caste identity in their villages when entering the anonymity of urban spaces, our cities are marked with ghettoization of caste or religious communities.<sup>22</sup> Caste-based humiliation and networks are used to control and discipline workers in their workplaces.

Landlessness and indebtedness play a crucial role in determining migration and maintaining the caste hierarchy. Several

scholars have noted that the disappearances of feudal social relations through a process of top-down democratization of



<sup>22</sup> Jamil, Ghazala. (2017) *Accumulation by Segregation: Muslim Localities in Delhi*. Oxford University Press.

society and increasing political assertiveness of the historically oppressed has not done much to affect how new forms of bondage, often termed 'neo-bondage' has persisted despite capitalist development in the countryside. Historically, *Dalits* and *Adivasis* have been

kiln workers, the advance payments by contractors are the only kind of work contracts that exist and wages advanced at the time of recruitment exposes the indebted to further exploitation away from home in the case of short term or cyclical migrants.

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**proportion of households living in pucca houses and literacy rates were also lower for households with economic migrants compared to those without.**

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kept landless or land poor and served as attached or bonded agricultural servants. Growing input costs under capitalist farming, increasing land fragmentation and consequent fall in productivity has led to agricultural incomes falling below subsistence levels for the majority. Growth in indebtedness to finance personal expenditure, such as for major life events, education, healthcare and consumption goods has been linked to the need for migration. At the bottom of the heap, such as among construction and brick

A survey by the *Centre for Women's Development Studies* between 2009-11 compared households with economic migrants with those without migrants at the source villages. It showed that the average annual income of the former, including remittances, is less than that of the latter. Additionally, the proportion of households living in pucca houses and literacy rates were also lower for households with economic migrants compared to those without. This points towards the condition of the migrants in their source villages and the fact that migration does not radically alter their economic status.

A concurrent devastation of the rural agrarian economy accompanied the rise in migration post-1980's. Rural transformation is evident from the decline in the share of agriculture dependent income among villagers.<sup>23</sup>

Fragmentation of landholdings has led to over 85 percent landholdings falling below two hectares (and almost 70 percent below two acres) along with a secular decrease in middle and small farmers and the expansion of marginal farmers and the landless. Gupta (2012) also underscores the rapid growth in rural 'non-farm employment' as well as urban production centres as a result of the despondency surrounding Indian agriculture. In 1974, rural manufacturing contributed under 24 percent to total production but by 2008, it had grown to 43 percent. National Accounts Statistics data shows that 45.5 percent of rural net domestic product is now non-agricultural.

Not surprisingly, then, 43 percent of Indians migrated for employment as per the 1991-2001 census data—not an insignificant share when nearly half of all migration is calculated as occurring due to marriage. Gupta argues that even the bulk of rural-rural migration occurs today for employment in the non-agricultural sector, with census data showing that houses put to use as 'workshops'—an index for non-agricultural economic activity—are greater in rural

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<sup>23</sup> For the relationship between rural transformation and migration, see Gupta, Dipankar. (2012) *The Hollowed Village and the Hopeful Slum* [Video file] on YouTube.

## Appendix 2

areas than urban areas and backward regions than others. At the same time, growth in the urban population (31 percent as per the 2001-11 census) exceeds growth in the rural population (13 percent), with the bulk of growth in recent years led by migration to slums and informal housing clusters in Tier II cities more than the metropolises.

**Unemployment among women is increasing at a greater pace than the average rate of unemployment but even the greater share of women's employment that is taking place is also happening in the informal sector, with large**

numbers of migrant women workers. But migration among women is counted in Census and other public indices mostly as 'migration due to marriage'. This camouflages the number of migrant women workers in India and makes the case of women migrant workers less visible in policy discourse of the government and also in public gaze.

Women workers face the burden of paid work, often underpaid, and unpaid house and care work within the household. The economic and social position of these unrecognized workers remains more precarious across income

groups, caste and community lines owing to a lack of rightful compensation for their labour—unpaid at home and underpaid outside.

There is a gendered pattern of a relatively greater proportion of migrant women being located in the lowest wage categories, in comparison to male migrant workers. Better work opportunities too, are less available for female workers and their work is concentrated in low paying jobs with wage disparity.

Low paid women migrant workers often face harassment and violence in the host states.





The police administration of host states does not just respond callously to problems of women migrants but, in many cases, are themselves active perpetrators. In situations where relations between locals and migrants are already tense, the social and work life of women migrants become even more precarious. The lack of citizenship rights in the destination states is a serious source of everyday problems and harassment of migrant women. Condition of single women migrant workers becomes more precarious. Women in general have lesser documentation in comparison to men across sections, hence migrant women also face the worse in this respect.

Domestic work, construction and the garment sector are the major sectors of work for most migrant women.

The *Domestic Workers (Regulation of Work and Social Security) Bill* is still pending before the Parliament and as per Ministry of Labour and Employment, there is no

data with the Centre regarding domestic workers and the policy too is still in draft stage. Hence, one of the largest sectors of women's employment remains unprotected by legislation.

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### **The lack of citizenship rights of migrant workers in the destination states, becomes serious source of everyday problems and harassment for migrant women, including single women migrants.**

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Most states have also done very little in terms of rights and welfare of domestic workers. As argued previously, the status of domestic work as 'work' itself remains unrecognized socially. Domestic work by its very nature is insecure, with no work hours and wage protection. Given the nature of the work and the workplaces, domestic workers are also vulnerable to violence, abuse or sexual harassment. The demand of many women's organizations and domestic workers' unions for the establishment and

implementation of welfare boards to register domestic workers, ensure security, look into grievances, sexual harassment of women workers, remains unheard.

In construction as well, enrollment of workers under welfare boards is very limited. There is again no data to understand how many women construction workers benefited from the Construction Workers' Welfare Cess Fund.

Large numbers of women workers are also employed in garment or *bidi* manufacturing, where practice of daily wage, piece rates and home-based production is high. The social security coverage of these women workers is minimal. All these sectors also have hardly protection for pregnant women workers or provisions for maternity leave and so on. These sectors, like construction, garment or sewing and domestic work are also heavily accident prone but most women workers are unprotected from the same.

## Appendix 3

# Migration and climate

Often, people who migrate in search of work are labelled 'economic migrants'. But, such umbrella categorization tends to hide complex factors that play a role in migration, with climate related reasons being one such crucial (and arguably understudied) factor.

South Asia has a high degree of climate vulnerability, with the region highly susceptible to climate change induced extreme weather events, including droughts, heatwaves, floods, cyclones and so on.

Sea level rise has acutely affected major rice growing areas, such as coastal Odisha and Sunderbans delta region of West Bengal, which have also been states from where a high proportion of migrant workers working in other parts of the country come from. Heat stress in the Indo-Gangetic plains, which otherwise contribute heavily to wheat cultivation, also contribute to outward migration from states like Bihar

and Uttar Pradesh.<sup>24</sup> Increasing incidence of floods, cyclones, river bank erosions, and storm surges also contribute to significant stress in many areas, forcing people to migrate.

At construction sites and brick kilns which generally involve a large number of migrant workers, the already harsh work conditions are exacerbated by persistent heat wave like conditions induced by climate change.

Facing uncertain livelihoods due to the long term crisis in Indian agriculture<sup>25</sup>, caused, in part, by climatic factors like long spells of drought, soil degradation and erratic shifts in monsoonal pattern means that many sections of peasantry and agricultural labourers and other rural landless are forced to migrate in search of better livelihoods. This is indirectly related to underlying geographical and climatic conditions. Cyclical migration is a common phenomenon with people, after doing wage

labour in cities, returning to their villages during harvest time to work in the fields. Climate change induced erratic monsoons threaten sustenance from one cycle to the next.

Climate change induced stresses in the urban spaces due to which people migrate in search of work is another key dimension in understanding the relation between climate and migration. During urban floods, like in Mumbai in 2005, slums springing up on canal banks with poor sanitation affected migrants' health disproportionately. The precarity of migrant workers only increases with crumbling urban housing and transport infrastructure.

On the other hand, the pandemic and the likely economic slowdown, may result in foreclosing the opportunity for climate induced migration among some sections, who may have otherwise migrated to cities during annual climate stress periods.

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<sup>24</sup> Stories of climate-induced migration from such regions have been sporadically covered in the media. See Times of India (October 7, 2019), 'Odisha is losing 5km land to sea every year'; Union of Concerned Scientists, 'Climate Hot Map: Ganges-Brahmaputra Delta, Bangladesh'; *The Wire* (October 27, 2018), 'Climate Change Hits Bihar Farmers Twice This Year'; Ground Report India (May 15, 2011), 'Climate Change and Agriculture'.

<sup>25</sup> See Adve, Nagraj (2018). "As Farmers March to Delhi, Climate Change Fuels Their Larger Crisis", *The Wire*, (18 November, 2018).

भूख है तो सब्र कर, रोटी नहीं तो क्या हुआ?  
आजकल दिल्ली में है ज़ेर-ए-बहस ये मुद्दा ।

— दुष्यंत कुमार

*If you are hungry, be patient, so  
what if you have no bread?  
These days hunger is a hot topic of  
debate in the Delhi Durbar.*

— *Dushyant Kumar*

We need every hand available to extend solidarity to working peoples' struggles for substantive citizenship and workplace rights. To get involved, contact us: Migrant Workers' Helpline:

+91-82-82-82-7943 (Call and WhatsApp)

contact.mwsn@gmail.com | mwsn.in

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