



COVID-19 AND STATELESS BUILDERS OF THE STATE

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Abstract

Agriculture fails to provide adequate livelihood opportunity for the people in the under developed states. In the lean season many labourers from low-income households of these states migrate to developed and urban places across the nation to work as low paid casual labour in the unorganised sector. They are also exposed to different types of risks and are subject to vulnerability due to the absence of protective labour institutions. The present study discusses how such problems of migrant labourers came into prominence at the occurrence of Pandemic Covid-19 and the resulting nationwide lockdown in India in the month of March, 2020. This study puts a spot light on the problem of institutional vacuum for the support of the migrant workers. It suggests the urgent need for the formation of migrant labour friendly policy.

Keywords: Seasonal Migrants, Labour Institutions, Covid-19, Labour Right.

Introduction

Seasonal migration is the most important and prevalent variant of short duration migration, in which the labourers migrate in a particular period of the year from their native place to other places and return back again within the same year; hence it's also called 'Circular Migration'. Regional disparity and uneven economic growth are said to be one of the main causes of movement of the people from the underdeveloped to developed region (Haberfeld et al, 1999; Deshingkar and Farrington, 2009, Breman; 1978).

Agriculture is the main occupation of the people in the under developed areas and the absence of irrigation facilities, subsistence nature of production, deterioration of forest quality and other common pool resources in these areas do not provide adequate livelihood opportunities; hence, in the off season, people especially of poor households are forced to move out for their survival (Rani and Shyldendra, 2001; Reddy, 2003; Srivastava and Sasikumar, 2003; Deshingkar and Akter, 2009; Keshri and Bhagat, 2010). Most of them are landless, illiterate and are from scheduled caste and scheduled tribe households. The destinations of such push migration are construction sites, Industries, brick-kiln work, planting and harvesting work in agriculturally advanced regions, domestic works, mining and quarrying sectors. Thus, seasonal migration has become an integral part of the livelihood strategies for majority of the poor households in agriculturally marginal areas (Rogaly, 1998; Arjan de Haan, 2002; Mosse et al, 2005; Deshingkar and Farrington, 2009).

However, perpetuation of poverty and underdevelopment in the migration sending areas and the widening of disparities between migration sources and destinations have influenced some to conceptualise migration in the light of Marxian capital accumulation model (Breman, 1996; Olsen and Murthy, 2000), where the employers experience sharp increase in income while the migrants get only subsistence wage (Das and Seth, 2014). The nature of this employment is casual and hence there is no employment protection and social security. Due to the absence of migrant friendly institutions, they fall prey to exploitations by labour contractors and employers. This paper throws light on the requirement of institutions dedicated towards the protection of such casual and seasonal labourers.

Volume and Corridors of seasonal migrants

Though a large part of migrants falls under this category, there is no well accepted estimate of it. There is a very high range among the few reliable estimates; i.e., from 10 million to 120 million. The decennial census provides the reliable data of the number of migrants of different durations, but these are stock data which fail to distinguish the seasonal migrants from the short duration migrants. The National Sample Survey Organisation (NSSO) which makes regular nationwide survey had not provided any estimate of short duration migration till its 55th round survey (1999-2000); when for the first time by considering migration period of two to six months it identified 10 million workers as seasonal migrants. Later on in its 64th round (2007-08) it estimated the number of seasonal migrants of the country at 15.2 million of which 13.9 million were from rural areas and 6.8 million were inter-state migrants (as reported in National Workshop on Internal Migration in India, workshop Compendium Vol.II, workshop paper, 2011; NSSO 64th round, 2007-08). In this survey it considered the duration of migration from one to six months. Many researchers consider these as



underestimates. Priya Deshinkar and Saheen Akter stated that the estimates should be around 100 million (Deshingkar and Akter, 2009). Similarly, Aajeevika Bureau, a non-profit organization which works for the well-being of seasonal migrants, estimates the number to be 120 million or more. These people are migrating from rural to urban areas in search of employment (Aajeevika Bureau, 2014). The construction sector predominantly employs such migrant workers because these labourers hardly take leave, work for long hours and are more manageable. Around 40 million migrants are employed in Construction sector, 20 million in the domestic work, 10 million in brick-kiln sector and nearly 11 million in textile industries and others are employed in mining and quarrying, transportation, and other sectors (Aajeevika Bureau, 2014).

Studies (Desinkar et al, 2006; Deshingkar and Akter, 2009; Aajeevika Bureau, 2014; Sinha and Mishra, 2012; Aggarwal, 2019) reveal that seasonal migrants move in certain corridors regularly as they move in groups to their conventional destinations. A brief description of these corridors is given below:

1. **From Bihar:** The incidence of out migration from Bihar is the highest in the country due to its unfavourable natural and societal factors (Desinkar et al, 2006). People of Bihar are found almost everywhere. People of Musahar community, an aboriginal Dalit community of eastern Gangetic plains in Bihar belonging to Scheduled Castes category are generally poor, landless agricultural labourers who catch rats in the lean season for their survival; many of them through labour agents migrate to Uttar Pradesh and West Bengal for working in the brick kilns. Many poor Muslim boys and young men from the Purnia and Muzaffarpur, the two very poor districts of Bihar migrate to Delhi. They do embroidery works for many textile traders and exporters. Poor households of Musahar, Chamars, and Paswan castes (all belong to weaker section) from Sitamarhi and Purnia districts migrate to agriculturally advanced states of Punjab and Haryana to work in the farm.
2. **From Odisha:** Like Bihar, Odisha also is one of the important labour sending poor states. Major part of western Odisha is characterised by arid land, degraded forest, unequal distribution of land holdings, high poverty. Districts like Kalahandi, Balangir, Nuapada, Kandhamal, and Padampur subdivision of Bargarh district, come under it. Many poor households of this area migrate through labour contractors, by taking advances, to different parts of Andhra Pradesh and Telengana for working in the brick kilns. Majority of these households are from STs/SCs categories. The rich state of Gujarat also attracts labourers to its textile industries and diamond polishing works. Many households from eastern Odisha, especially from Ganjam and Nayagarh districts migrate there; of course, some of these migrants are driven by pull factors though push factor is the major cause.
3. **From Rajasthan:** Rajasthan, one of the BIMARU states also has a large number of migrant households (4.38 million) who sends 5.79 million people (8% of total population) to work in the informal sector. Around 40 percent of its seasonal migrants are inter-state migrants; majority (i.e., 78%) of them are from its southern region which is characterised by hilly terrain, limited arable land, remote location, infrastructural bottlenecks, concentration of tribal population and high poverty ratio. Major destinations of the migrants from this area are Surat, Ahmadabad, Rajkot, BT cotton fields of the rural areas of Gujarat, Mumbai and Pune of Maharashtra. In the urban areas they mainly work in the construction, transportation, Mining, farm activities, Brick-kiln, hospitality sectors (Aajeevika Bureau, 2014).
4. **From Uttar Pradesh:** Uttar Pradesh is one of the largest migration prone states in the country (Keshri and Bhagat, 2010). Large population size, low productivity and absorption capacity in agriculture, inadequate industrial and service sector development not only make it a BIMARU state but also force many of its rural and urban population to migrate outside for employment. While its urban population constitutes 12% of the country's urban size, its urban migrants are 25% of the country's migrants; they mainly migrate to industrial and urban areas of Maharashtra and Delhi for working in the leather industries, construction and transportation services (Ahmed, undated). Its rural people, mainly from the drought prone areas of Bundelkhand migrate as agricultural labourers to Punjab and Haryana and also to the urban areas of the states and places as said above (Aggarwal, 2019).
5. **From Madhya Pradesh:** Madhya Pradesh possesses the largest number of tribal population (21.1% as per 2011 census) and is also an important migrant sending state. It is characterised by high poverty ratio, high propensity to drought and inadequate non-farm employment opportunities. Landless and illiterate labourers from its tribal dominated south-western region migrate in large number to other places for their survival (Sah and Shah, 2005). Around 98% of these people either migrate to Nimar plains of Gujarat or to sugarcane fields of Northern Maharashtra where they work as contract family labour. The remaining 2 % migrate to Khandesh and Jalgaon of Maharashtra and Surat and Vyara of Gujarat through intermediaries, to work in the non-farm sector.
6. **From Jharkhand:** The phenomena of migration of tribal population from the Chotanagpur area (under developed and poor region) dates back to the British period. They went to Assam, West Bengal, even to countries like Myanmer for working in tea gardens, rice fields, railway and road construction works (GoI, 1961; Badgaiyan, 1994). After independence these people were known to migrate to Bihar and West Bengal for agricultural work. In the post 1980s a change in the direction was noticed; i.e., people of this area are migrating to urban areas of Delhi, Kolkata and Mumbai for various works (Sinha and Mishra, 2012).



The states with high income such as Punjab, Maharashtra, Haryana, Karnataka, and Gujarat receive large number of seasonal migrants from economically underdeveloped states like Jharkhand, Uttar Pradesh, Bihar, Odisha, Rajasthan, and Madhya Pradesh. These migrant workers have mainstay and form the main pillar of smooth functioning of the economy by working in most of the undertakings including agriculture, construction, hotel and hospitality service, transportation service, eateries, industries or in any other informal service sector. However, they fail to get much recognition and do not enjoy minimum rights. State, market and civil society – all have failed to give due attention to the issues related to migrant labour (Khandelwal, 2012). ‘Their problems and requirements are neither reflected in urban development planning nor in the rural development strategies. The schemes are rather focused to contain rural urban migration rather than support it as a means of human development’ (UNESCO, 2013). We have only an obsolete piece of legislation- Inter-State Migrant Work Men (ISWM) Act, framed in 1970s. Very few NGOs work for promoting the causes of migrant workers and employers gain from the lax labour law of the country and especially in the deregulation regime that encourages the casualisation of labour.

Absence of Labour Friendly Institutions

Society and the State have failed miserably to build migrant labour friendly institutions. The migrant workers become prey to exploitation by labour contractors, agents and broker (Mosse, Gupta, and Shah, 2005). These labourers are not provided with any proper and valid identification documents. In the absence of identity cards and residence proof or domicile certificate, they do not have any social protection or legal rights and are subject to exploitation and harassment by local goons, sometimes even by the police and the civic authority. Public intervention programmes are not portable; hence the migrant workers don’t get the benefit of social security measures in destinations and find themselves losing out on their access to basic amenities and public welfare schemes such as subsidised food under public distribution system (PDS), publicly provided health care and education facility for their children. The inter-state migrants also suffer a lot and their suffering increases with the distance they cover due to the cost of transport, difference in language and culture. The city development planning does not make any provision of minimum civic amenities for this floating population. They neither have any political right in the destination nor can they assert the same at the source; hence issues relating to them do not feature in the election agenda. Ironically, they are the “Stateless Builders of the State”.

Further the migrants do not have much cushion against different types of uncertainties arising from ill health, old-age and accidents. They have to depend upon their family members, other social net-workings and sometimes on the benevolence of the employer for assistance. Occasionally the employer may provide some assistance when the worker meets an accident, as a gesture of benevolence without taking any due responsibility (Patron–Client relationship). When the accident involves severe risk and requires large scale interventions the employer ignores and comfortably escapes from the provisions.

The present predicament of Migrant workers due to Lockdown

Government of India’s declaration of lock-down in March 2020 on the occurrence of covid-19 put a halt on most of the economic activities including the suspension of the public transport services. As there is no preventive medicine against this virus other than adherence to personal hygiene and social distancing most of the Governments across the world have adopted the lock-down strategy. This lock-down put heavy burden on the poor. Workers in the organised sector faced little economic insecurity whereas the people engaged in informal sector like low paid contractual workers, street vendors etc. were pushed to the brink of starvation and distress. The migrant workers were forced to face an even bleaker situation as they had to vacate their place of stay which is usually their work place such as construction sites and shop, to maintain social distancing. They became income less and shelter less as well (Habib and Yasir, 2020). Even the government, while declaring the lockdown did not find any immediate need to make provisions of ration requirements for these people. Starvation of the poor migrants during lockdown was not an issue for both the State as well as the Centre. To fight against Corona, people were told to bear with the problems arising from lockdown, which indirectly put even less importance on these people’s need for income, food, shelter and safety. A couple of Non-governmental Organisation (NGOs) and numerous individuals have come forward to ease the pain of these people to some extent by providing food and minimum essentials. Provision of food through community kitchen and the shelter houses for guest workers came very late, not as duty but as an act of charity. As per the statement of home ministry (5th April, 2020) around 1.25 million interstate stranded migrants are kept in 27661 relief camps and shelters (Paliath, 2020- India post) but the figures of stranded workers are much higher than this because many are still not getting any benefit from this provision. State governments are also joining hands with each other and trying to reach these people to provide some assistance yet these attempts are quite inadequate for solving the migrants’ hardship. Only one-third of the migrant workers are getting the assistance and at least 50 million short term circular migrants are out of any relief by the Government, according to an estimate of Institute of Human Development (IHD) as reported in DTE (Shagun Kapil, 4th May2020). Various reports by Pradeep Baisakh from Bhubaneswar (in Outlook on 27th March 2020), Sutar and Singh from Mumbai (in India Today on April 20,



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2020) and Farooki from Delhi (in Business Standard on 17th April, 2020) on the basis of a report by SWAN¹, vividly describe the plight of the migrant workers and show that the people in the relief camps are finding scarcity of ration as well.

When the public transport services were suspended neither the employers nor the government took any responsibility for the deputation of the migrant workers back to their origin. Millions of migrants were forced to fend for themselves and many were seen returning back to their native places by walking thousands of miles while still many of them are stranded at different places in hunger and desperation. This made Sunita Narain to describe them in Down to Earth as ‘COVID-19 made the invisible visible’ (Narain, 2020). Some of these migrants even met the worst situation of death on their way to home; fourteen migrants from Maharashtra while returning to their home in Madhya Pradesh were mowed down by a Goods Train near Aurangabad (on 8th May, 2020, Akhef, Times of India)². World Bank in its ‘Covid-19 crisis through the Migration Lens report’ said that nearly 40 million internal migrants in India were affected through lockdown and around 50,000 to 60,000 returned to their native place (23rd April, 2020, The Economic Times, 2020).

The immiseration of these migrants is a reflection of their denied right to food, shelter, life and the denial from all basic amenities. It violates the economic and social rights enshrined in the Directive Principles and ‘right to life as a fundamental right bestowed by the Indian Constitution’ (National Workshop on Internal Migration and Human Development in India Workshop Compendium Vol. I: Workshop Report, 2012). This puts a spot light on the problem of institutional vacuum for the support of the poor migrant workers. The State and the Society have failed in developing any essential mechanism which can recognise and ensure rights of the migrant worker. Apathy of the State and Society towards these poor is also reflected through the restriction imposed on their home coming.³ The rights of these migrants are also ignored in the policy frame work of government even though ‘a large section of poor depends on seasonal migration for their livelihood’ (Breman, 1996). Neither the social norm nor the labour laws have been able to formulate effective institutions for protecting the interest of the migrant workers. This vulnerable section of society is always at the receiving end when any calamity like Covid-19 comes and their condition becomes more impuissant. It is the call of the time to recognise this neglect and the development of favourable institutions for migrant workers, to ensure their access to social security measures. As it is said, “It is better to be late than never”.

End Notes

¹ It is an NGO which conducted a survey of 11159 migrant workers and released a report on 15th April illustrating economic distress (manifested in the severe shortage of food and money) of these workers despite the relief works/assistance by state/civil society /employers. Poor labourers’ ignorance regarding their rights (even the name of their employer), absence of effective institutions ensuring accountability of the employer/labour contractor and above all the state’s enforcement were made responsible for this plight.

² In the month of May while Central Government made arrangements for the repatriation of stranded Indians abroad, in the same month Odisha High Court imposed stringent restrictions making the return of the inter-state migrants very difficult. For details visit <http://newsonair.com/Main-News-Details.aspx?id=387697&https://economictimes.indiatimes.com/news/politics-and-nation/orissa-high-court-tells-state-to-only-allow-return-of-migrants-testing-negative-for-covid19/articleshow/75605488.cms>

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