



Voice, Visibility and Dignity



Towards a Rights-Based Framework for Migrant Workers



Report of the Roundtable discussion, 25 August 2020
Vakkom Moulavi Foundation Trust



Report of the Roundtable Discussion
Inter-State Migrants: Kerala's
Experience during COVID-19 and
Directions for the Future

25 August 2020

The Vakkom Moulavi Foundation Trust (VMFT), a public charitable trust based in Trivandrum, Kerala, was inaugurated on 21 June 1987 by the then Hon. Chief Minister of Kerala, Sri E.K. Nayanar. It was established as a memorial to Vakkom Moulavi Abdul Khader (1879-1932), a pioneering journalist and courageous social and political reformer and one of the most prominent leaders of the Kerala Renaissance of the 20th century.

The VMFT is dedicated to the economic, social, cultural and political progress of all communities in Kerala. The Trust's primary areas of work are in governance, education, inclusive and equitable development, and science, technology and environment. The VMFT provides a platform for bringing together diverse stakeholders, including intellectuals, researchers, civil society, media and government, to share their knowledge, experiences and perspectives on contemporary issues of importance to the people of Kerala and India. The Trust has undertaken research projects and development projects, on its own and in collaboration with other institutions. It also organizes events and produces publications to highlight the ideals and contributions of Vakkom Moulavi and the Kerala Renaissance to further the development of the state and of the nation.

For more information visit www.vmft.org

Voice, Visibility and Dignity



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No work is
insignificant.
All labour that
uplifts humanity
has dignity and
importance.

MARTIN LUTHER KING JR.

I Preface

This report summarizes the discussions of a Web Roundtable convened by the Vakkom Moulavi Foundation Trust on 25 August 2020 to share the experience of the state of Kerala in protecting inter-state migrants, in the aftermath of the national lockdown imposed during the COVID-19 pandemic. Another goal was to discuss possible next steps to improve the welfare and opportunities for these workers in Kerala and other states, as well as options for integrating Kerala migrants returning from abroad into gainful employment within the state.

The Roundtable brought together administrators, policy makers, academics, journalists and representatives of non-governmental organizations from Kerala and other states, and identified specific areas for action. VMFT intends to take these suggested actions forward in concert with other willing stakeholders.

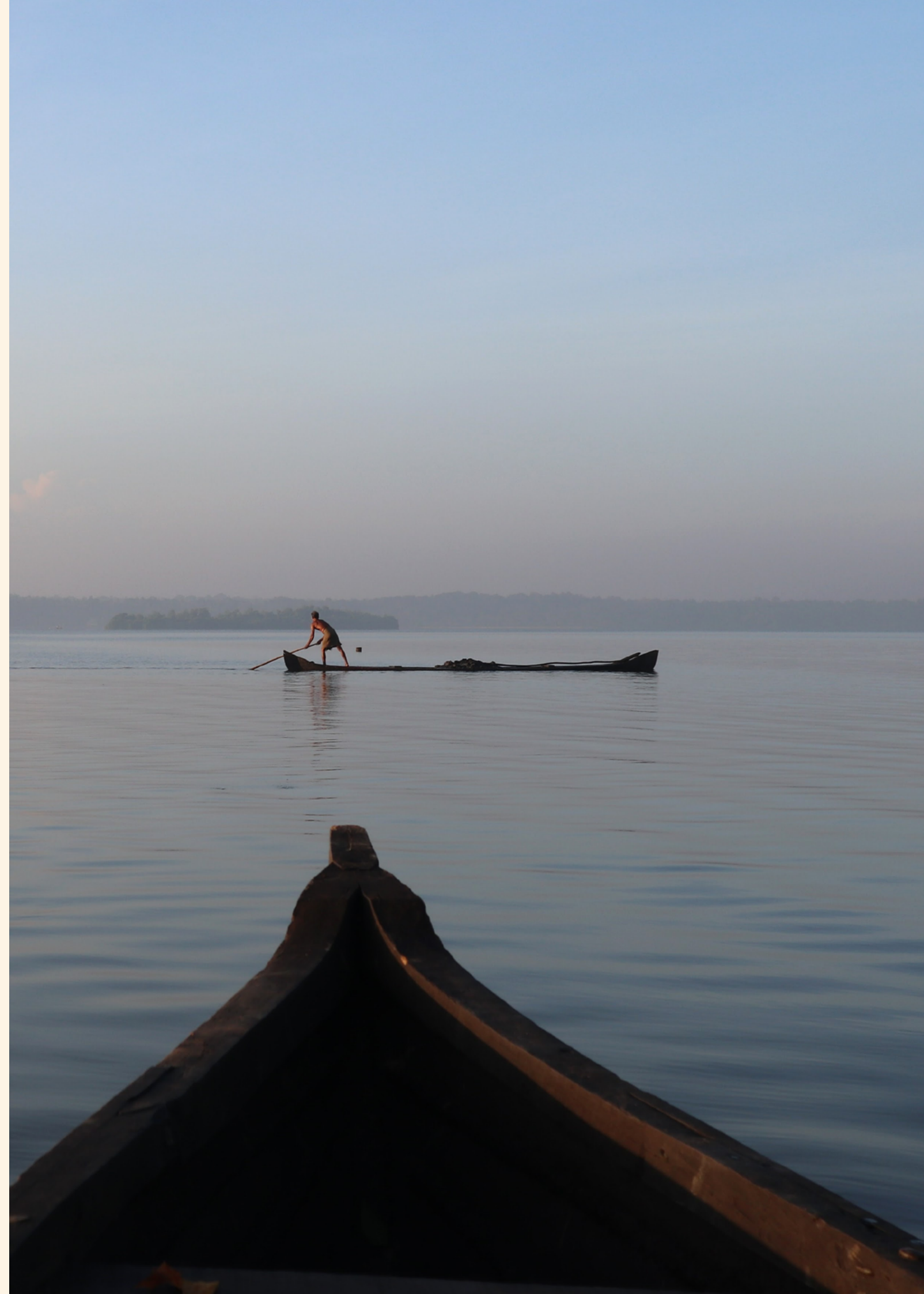
We believe that the documentation of the less widely known Kerala experience during the COVID-19 crisis, as well as of the extremely rich exchange of experiences and views of other concerned citizens and organizations during the Roundtable will be very useful for leaders in government, civil society, academia and media in pursuit of building better resilience in response to lurking future disruptions.

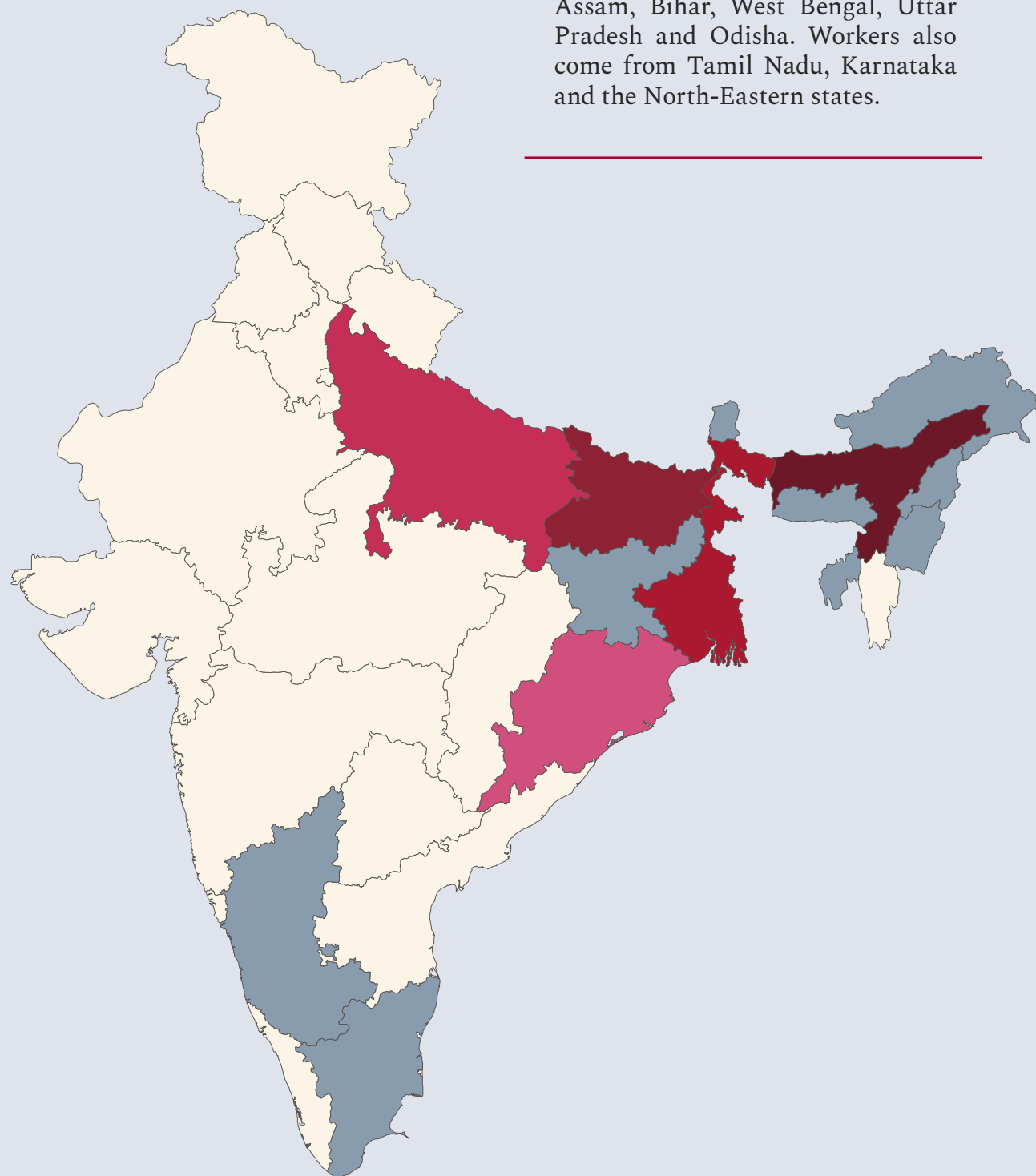
As the migrant worker crisis revealed, tens of millions of our citizens are living extremely precarious lives in seemingly prosperous urban areas, including in the big metropolises. As the economy re-opens, many of the workers who returned to villages in the so called “sending” states are headed back to “destination” states, including Kerala. This is the opportune time to attempt substantial improvements in the working conditions and legal framework for this enormous, voiceless group of workers who are the cornerstone of our economic activities.

The COVID-19 pandemic is a precursor of future, perhaps even more cataclysmic, crises that are likely to result from environmental degradation, climate change, as well as economic upheavals. Protecting the rights and dignity of the most vulnerable sections in our society is also the best means of building resilience.



Prof. V. K. Damodaran
President,
Vakkom Moulavi Foundation Trust





Five states account for the majority of migrant workers in Kerala: Assam, Bihar, West Bengal, Uttar Pradesh and Odisha. Workers also come from Tamil Nadu, Karnataka and the North-Eastern states.

Speakers

- + Prof. V. K. Damodaran, President, VMFT – Chair of the meeting
- + Dr. Sajitha Bashir, Vice-Chairperson, VMFT - presenter
- + Shri Pranabjyoti Nath, IAS, Labor Commissioner, Govt. of Kerala – presenter
- + Dr K. P. Kannan, former Director, Centre for Development Studies – presenter

Participants

- + Shri C. Balagopal, Founder of Terumo Penpol, former IAS officer
- + Dr. Sultana Bashir, Sustainability and Climate Change professional
- + Dr. Zahir Bashir, Research Scientist (Polymers and Petrochemicals)
- + Professor Harishwar Dayal, Director in Chief, Centre for Fiscal Studies, Planning-cum-Finance Department, Government of Jharkhand
- + Dr. Gita Gopal, former Honorary Gender Advisor, Govt. of Kerala
- + Ms. Jill Carr-Harris, International Coordinator, Jai Jagat; Ekta Parishad
- + Mr. Gulrez Hoda, Social activist, Champaran, Bihar; former Director, International Finance Corporation
- + Shri Roshan Kishore, Principal Economic Editor, Hindustan Times
- + Ms. Smruti Koppikar, independent journalist and columnist
- + Shri Anish Kumar, Head, Transform Rural India Foundation (TRIF)
- + Prof. Mona Mehta, Ahmedabad University
- + Ms. Roshni Nuggehalli, Executive Director, Youth for Unity and Voluntary Action (YUVA), Maharashtra
- + Shri Santosh Pathak, Zonal Manager, Tata Trusts
- + Dr. Manisha Priyam, Associate Professor, National University of Education Planning and Administration, New Delhi
- + Dr. A. K. Shivkumar, Human Development Economist, Harvard University
- + Shri S. C. Shrirangam, Secretary cum CEO, Maharashtra Building and Other Construction Workers Welfare Board
- + Shri Kumar Sambhav Shrivastava, Journalist, Co-Founder Land Conflict Watch, New Delhi
- + Ms. Shikha Shrivastava, Head, Migration and Urban Habitat, Tata Trusts
- + Prof. Ravi Srivastava, Director, Centre for Employment Studies, Institute for Human Development, Delhi.
- + Shri A. K. Suhair, Chairperson, VMFT

II Executive Summary

The COVID-19 pandemic and abrupt lockdown in India exposed the vulnerability and precarious lives of tens of millions of inter-state migrant workers and their families. In contrast with much of the country, Kerala's experience in protecting migrants stands out as more humane and comprehensive, despite several shortcomings. Other states could learn from this experience to improve their policies and institutions. Equally importantly, a rights-based approach, focusing on the rights and dignity of these workers as citizens and full members of society should shape the urgent post-COVID response. These were the main conclusions of the roundtable discussion on protecting migrants held on 25 August 2020.

The discussion, which featured policy makers, government officials, researchers and journalists from across India, focused on two issues:

- + the experience of the state of Kerala in protecting inter-state migrants during the initial phases of the COVID-19 lockdown, which resulted in massive loss of jobs and disruption of communications (March-June 2020) and
- + the principal issues that must be addressed to protect the rights and well-being of this significant but highly vulnerable section of Indian society.

Although the Government of Kerala was almost as unprepared as other state governments and the national government in dealing with the migrant crisis, its response was on a war footing, which enabled a comprehensive and humane approach.

The creation of a solid governance structure for the response, with the complete involvement of the top leadership of the government right down to the ward level committees of local governments, was a crucial aspect of the response. A comprehensive approach was taken, covering both immediate needs (identification

of grievances, ensuring food, shelter, safety, health services and child protection), as well as making logistical arrangements for the return of migrants. The involvement of local governments, police, NGOs and civil society in providing amenities and services and in communicating with the workers in their native languages ensured that workers were treated as individuals with dignity. Accountability was fixed for specific tasks at various levels. Financing was pooled from various government budgets, as well as from private and NGO contributions, such as for community kitchens.

The government response would not have been effective, however, without the existing social values held by the people of the state of Kerala shaped by a long history of social reform and labour activism.

The rights of workers are deeply embedded in the conscience of society and embraced by all political parties. Sharing Kerala's experience with details of the specific actions taken as well as its social context should be done more vigorously.

Nevertheless, the crisis and response also showed important weaknesses in policies and programs in Kerala for migrant workers, including the absence of social security, discrimination in wages, lack of access to health services, sub-standard housing, the limited gender focus in programs, and the paucity of up to date data. The lack of portability of benefits across states is also a major constraint.

Very little is known about women migrant workers, although they tend to work in the most unregulated sectors and are open to human rights abuses. In addition, Kerala is faced with returning emigrant workers, who do not have the skills set or job aspirations of the internal migrants. Developing appropriate programs for them is as critical as enabling the return of the migrant labour under improved conditions.

In the second part of the Roundtable discussion, participants focused on how to use three important levers of democratic governance: the media as a voice for the citizenry and as an instrument of accountability, the participatory formulation of policies and programs and the legal system which should protect rights. The following steps were suggested in these areas:

Enhancing Voice and Visibility

- + Share the Kerala experience in detail from multiple angles for different audiences through media and social media.
- + Create resources for independent journalists and editors which explain the policy and governance issues related to migrant labour.
- + Highlight the gender aspects and the issues relating to children of migrant workers in the media.
- + Create forums to listen directly to the voices of migrant workers - including those who have gone back to their states.

Improving Policies and Programs

- + In the context of Kerala, for the returning emigrants from abroad, collect more nuanced information on skills profiles and assess possibilities for enhancing homestead farming, combined

with part-time work in the service sector and developing new enterprises. For the medium term, promote 'hi-tech' small enterprises that address local demand.

- + Undertake a more detailed survey of the profile of inter-state migrants in Kerala, including women and children, focusing on socio-economic background, length of stay, motivations and aspirations, and related aspects.
- + Strengthen policies of "receiving" State Governments to ensure social security, minimum standards of accommodation and access to health and education. Move towards a national framework for migrants, centred on their rights, with portability of benefits and common standards.
- + Include safeguards to ensure that data collection systems do not foster stigmatization and surveillance.

Strengthening Legal Protections

- + Strengthen the provisions and implementation of the Bonded Labour Rehabilitation Act, the Minimum Wage Act and the Inter-State Migrant Workmen Act.



We need to listen directly to the voices of migrant workers, including women and children.

01 Introduction

On August 25, 2020, the Vakkom Moulavi Foundation Trust (VMFT) organized its first Roundtable discussion to initiate a “Dialogue on Inter-State Migrants”, which brought together an invited group of experts and leaders from state governments in India, academia, NGOs and journalists. The goal of this Roundtable event was to share the experiences of the state of Kerala in identifying and supporting labour from other states and to exchange ideas to build a better system to protect the welfare, opportunities, dignity and rights of inter-state migrants in India for the future. A discussion note entitled “Improving Welfare and Opportunities For Migrant Workers in Kerala and in other states of India”, prepared by VMFT, was shared with participants prior to the event.

The COVID-19 pandemic made internal migrant workers and the precarious nature of their lives more “visible”, but only for a short time. It also showed that in many places these workers were not being served by the public health system and other services. Their exit from the urban centres of India brings into bold relief the need for the government and society to do a lot more to make the rights and freedoms a reality for those at the bottom of the pyramid.

The event started with a welcome from the chair of the meeting, Prof. V.K. Damodaran, President of VMFT, in which he explained the social reform movements in Kerala and the background of VMFT. This was followed by a presentation by Dr. Sajitha Bashir, Vice-Chairperson of

the VMFT, to frame the discussion. The first part of the Roundtable focused on sharing the experiences of Kerala in supporting migrant workers during the COVID-19 lockdown and the challenges and opportunities it faces in the future due to the exodus of internal migrants and return of external emigrants. Shri Pranabjyoti Nath (IAS), Labour Commissioner of the Government of Kerala and Dr. K. P. Kannan, former Director of the Centre for Development Studies, Trivandrum, presented the experiences of Kerala. Participants from Maharashtra and Jharkhand state governments shared the experiences of their states, which was followed by questions and answers.

The second part of the event focused on how to improve the welfare and opportunities for migrant workers in Kerala and other states, emphasizing three areas: (i) Enhancing voice and visibility (ii) Improving policies and programs, and (iii) Strengthening legal protections.

Participants highlighted the key issues to be addressed in each of these areas and the possible next steps in order to ensure that the rights and future of migrants were protected.



The COVID-19 pandemic made internal migrant workers and their precarious lives more “visible”, but only for a short time.

02

Framing the Discussion

Ensuring a secure and dignified life for migrant workers requires making full use of three important levers of democratic governance: media, policies and programs, and legal protections.

Introducing the discussion, **Dr. Sajitha Bashir** (Vice-Chairperson, VMFT), stressed that the framework for finding lasting and just solutions rests on three pillars of democratic governance: media, policies and programs, and legal protections. Inter-state migrant workers, who are amongst the poorest sections of Indian society, lack access to these three pillars. While they may have some degree of access to the fourth pillar, namely political participation during elections, this has not led to substantial improvement in their conditions.

The issue cannot be seen only as a matter of providing some immediate humanitarian relief or just as a package of social assistance, but as one of ensuring their rights and dignity as citizens. Our framework has to be both analytical as well as normative.

The scale of the suffering amongst our fellow citizens is immense. About 400 million people in India could be at risk of falling into deep poverty, as a result of migrant workers losing their jobs.

Estimates of internal migrants vary between 60 to 100 million - precise numbers are not available - and their family members are dependent on remittances. Apart from the immediate loss of income due to limited safety nets, the effects on future generations and on women's empowerment will also be pronounced, due to rising child malnutrition and child mortality, the lack of access to education and health services, as well as fewer jobs for women.

The "migrant sending" states in India are precisely those with among the highest malnutrition levels in the world, and this crisis can only worsen the situation, unless corrective measures are taken.

The situation within Kerala is somewhat different. The state has about 3 million inter-state migrants, drawn mainly from the Eastern and North-Eastern parts of India. An equal number of Kerala migrants work abroad, mainly in the Gulf states, and many of them are expected to return. However, the skills profile of these two groups are quite different.

Both the short-term and long-term issues relating to migrants need to be addressed within a normative framework of ensuring their rights and dignity as citizens.



03

Kerala's Approach to Migrant Workers

The first part of the roundtable discussion focused on Kerala's experience of dealing with the migrant workers' crisis during the pandemic and how this experience and practical lessons from the ground can be relevant for other states. In this section, Shri Pranabjyoti Nath, the Labour Commissioner of the Government of Kerala, and Dr. K. P. Kannan, former director of Center for Development Studies (Trivandrum) presented key insights. The Labour Commissioner played a major role in responding to the crisis in real time as mission commander of the high level committee that was formed to devise and implement the plan of action of the Government of Kerala (GoK). Despite many shortcomings, Kerala's experience demonstrates what could have been done in other parts of India, with a more deliberate and concerted approach, to protect migrant workers.

Shri Pranabjyoti Nath

Labour Commissioner, Government of Kerala

A holistic approach to ensuring the welfare of migrant workers.

When the lockdown was announced at the beginning of the spread of COVID-19 in India, no one, including the Government of Kerala, was prepared for the crisis that engulfed cities across the country where migrant workers were living. State governments had to immediately frame and implement a plan of action to address the humanitarian crisis. The state of Kerala had one of the quickest mobilizations to respond to the crisis.

As the government leaders saw the large number of workers gathering in Delhi and surrounding areas, preparing to leave for their home states, it immediately constituted a very high level committee, chaired by the Additional Chief Secretary in charge of the Home Department, with the Labour Commissioner (LC) as the mission commander. The LC was tasked with the job of tackling the entire range of issues facing the migrant workers, including food, shelter, healthcare and safety requirements, supporting their psycho-social wellbeing and recreation, as well as ensuring their safe transport home, if they wished to return to their native states.

Hence, the approach was not guided by merely addressing the basic needs of the workers in distress; instead, all measures were centered around the overall well-being of migrants. Based on the successes as well as the shortcomings of the crisis response, the Government of Kerala is thinking of

policy measures for the future.

A database to address the individual needs of every worker

When the political leaders started receiving multiple distress calls from migrant workers, the Government of Kerala (GoK) adopted a unique method to simultaneously collect information and create a database of callers on the one hand, and establish a response system to immediately cater to the needs of the concerned worker in distress, on the other hand. This was done through an efficient system of inter-governmental coordination. A unique aspect of the system was the ability to track and respond to individual workers and their specific needs.

The GoK did not have accurate information on the inter-state migrants at the beginning of the crisis, but it used the grievance redressal mechanism to compile information. As calls came in, the information was organized into an extensive database, which can now be used for further planning. This was the first time that a database containing detailed information of migrant workers - such as name, gender, age, mobile number, bank account number, Aadhar card number, district and block of work as well as district of origin - was recorded. Within twenty days of engaging trained volunteers to collect this information, the database had

details of more than four lakh migrant workers staying in various parts of Kerala. Although restricted to workers in the “camps” (these were not relief camps but places where the district administration and/or employers had lodged workers who needed help), this was the first credible database of this population group.

The database was able to throw light on important aspects such as the fact that the largest number of workers came from the state of West Bengal (1.94 lakhs) followed by Bihar, Odisha, Assam and Jharkhand. Most workers did not come through an employer, contractor or agent; they used personal connections.

Not only did this database provide very crucial information that helped in devising immediate welfare measures, it also played a major role in the efficient planning of the logistics of travel, such as trains and buses, for workers who wished to return to their native states. With the information at hand, the Kerala government was able to facilitate the travel arrangements from the camps where workers were residing, using state transport buses, to the railway station, as well as to connect with their respective state governments to ensure that they safely reached their destinations. The key point is that the database could be used for targeting individual level needs of workers and was not just used for arriving at aggregate estimates.

The database did not provide information about the sectoral employment of migrant workers. However, qualitative information collected through field visits from nine districts and about 30,000 workers, revealed that while many work in the construction sector, the migrant workers in Kerala work across many sectors, including the plywood, textile, footwear, iron and steel, seafood,

plantations, agriculture and hospitality sectors.

Grievance redressal: Multi-lingual call centres and multi-departmental coordination

The GoK developed this database through the grievance redressal cells it established in the form of multilingual call centers, through which workers and district officials interacted with state government officials. At the start of the crisis, many workers stranded in various parts of the state started calling the government authorities when the lockdown was announced.

The first step that the government took was to ensure that a system was created to systematically respond to these calls, which were being haphazardly made to different departments. To this end, the government of Kerala identified district call numbers or helplines which were already in place in each district and put together a multi-lingual grievance redressal team comprising of all levels of the government, from the ward level to the district headquarters. The government identified the five major languages in which the calls were being made (Hindi, Bengali, Assamese, Odiya, and Tamil) and identified workers who could speak those languages and included them in the grievance redressal team so that they could translate the queries for officials.

A system of accountability was put in place so that each call was allotted to an official, who followed the case till it was resolved. This was done by meticulously recording the details of the caller and of the responses of the official dealing with the issue. Additionally, for every caller, the concerned district authorities were immediately made aware of the issue and looped into the system of providing the relevant assistance to the worker. In case the same worker called the helpline twice, the status of

the grievance was labelled semi-critical and if a third call was made, a rapid local action team was immediately dispatched to address the issue.

In this way, the GoK was able to almost immediately put in place a system which was decentralized and easily accessible for every worker in distress. The inter-departmental coordination at the state, district, block and ward level ensured the smooth functioning of all relief work. Including workers themselves in the system of multi-lingual call centers allowed for deeper understanding of issues concerning workers and highlighted the sensitivity with which the government responded to the crisis. This inter-departmental and intra-governmental effort could be seen in the way funds were used in a concerted manner for relief work, including utilization of the State Disaster Relief Fund at the district level and using funds allocated to Panchayats.

Civil society and the “social software”

A unique feature of the Kerala response was the involvement of civil society in helping the migrant workers. There is a labour friendly system in Kerala, which has a huge labour welfare board system. All political parties and the society accept the rights of labor. The Kudumbashree (women's) network provided 1,252 community kitchens during this period and many other NGOs participated with different models of providing food and help. So, while the government was a facilitator, the entire society stepped forward at the moment of crisis.

Issues to be addressed in the future

- + **Skills levels of migrants:** The database which was compiled as a crisis response measure did

not have a skills component, nor did it capture the duration for which workers stayed in the state, which, according to the qualitative information, varied a lot. The state government is developing a mobile app with the help of National Informatics Centre, which will register the workers and their skills who are now returning to Kerala.

- + **Accident related health benefits:** The GoK maintains a database with biometric data, called 'Aawas', which has already registered close to six lakh migrant workers, to provide health benefits related to accidents. The government would like to make registration compulsory and link it up with the data on skills.
- + **Migrant-friendly residences:** The government has approved a proposal to ensure that dedicated facilities in which migrant workers are living should meet certain basic minimum standards, such as adequate water, light, cooking facilities and cleanliness. The government is not constructing these residences. Enforcement will be done by the local self-government, revenue department and the labour department along with a local level committee to ensure a monitoring system. Another model, called “Apna Ghar”, is being adopted where the government builds well-designed buildings for workers, in which they can stay on payment of a nominal rent. This is already in place in the district of Palakkad. Setting up such residences by GoK may not be possible for all workers in the state and, therefore, the government plans to introduce one such building in each district as a benchmark, which contractors and agents can follow.



Dr. K. P. Kannan

Former Director, Center for Development Studies

History of labour activism and role of societal norms: The unique case of Kerala

Kerala is a labour friendly society, because labour has always been a part of the public discourse due to the history of activism in the state. The state has a robust system in place in the form of labour welfare boards. Additionally, labour welfare measures enjoy a strong acceptance from civil society, which provides the larger ecosystem for public intervention.

The long history of strong activism on the part of organized labour also ensured that society accepts basic things such as minimum wages, the idea of social dialogue and of social security. These are well entrenched norms in Kerala society, applicable to all, irrespective of whether a person is working in the organized or the unorganized sector. Workers in the informal sector are also organized under labor organizations (though not the migrant workers).

Migrant workers were less vulnerable in Kerala

A recent report by Action Aid called "Workers in the time of COVID-19"¹ reveals that approximately 60 percent of workers from various states, who were passing through Delhi on their way back to their villages, opted to return to their native states because they were asked to vacate their residences by their landlords. By contrast, in Kerala, using the number of workers in the camps and assuming that they had no place to stay, only 15 percent of all

migrant workers may have fallen into this category.

The government and civil society stepped in when the market failed

When the market failed to provide support to the workers despite their earlier contributions to society, the government of Kerala stepped in. Moreover, the state government did not just provide accommodation to the workers, it also ensured that food was supplied to them. For instance, when the government realized that the cooked food they were providing was not palatable to all workers, they quickly offered the option of availing of dry rations providing their preferred cooking oil, and so on. This holistic approach to delivering welfare measures is unique because it respects the dignity of an individual in distress, by providing not just material resources for mere survival but also by paying attention to his or her preferences and comfort.

Providing health care in-situ

Health vans of local self-governments went to the places of residence to test workers for COVID-19. The approach included providing information on COVID-19 and healthcare in the workers' own languages. While the Kerala Sastra Sahitya Parishad (KSSP - Science Writers' Forum) printed a large number of leaflets, the government stepped in by translating the

information into relevant languages, which was a remarkable act - and one which was the first of its kind in India.

Meaningful communication in times of crisis

In times of crises such as COVID-19, visitors and migrant workers who are not adept at use of the vernacular could be crippled due to lack of knowledge about what is happening, what kind of help is available from the government and the native residents, what special facilities are available for travel or evacuation, and so on. One unique feature of the government's response during the COVID-19 crisis was to get senior IAS, IFS and Defense officials who were from the states from which the workers came, to communicate to them in their own languages and instill confidence in the state government's intention to take care of them in the best manner possible.

Future directions

- + **Expanding in-situ health care:** This must be expanded in Kerala and should find a place in any revised national policy.
- + **Ensuring safe and dignified accommodation:** Most migrants, whether the inter-state ones in Kerala or Kerala emigrants abroad, are crowded into small houses and rooms. Although the Apna Ghar scheme is a welcome initiative, it is not enough and a migrant friendly housing scheme is required.
- + **Providing social security:** What has been given in the 'Aawas' scheme by the government of Kerala is welcome, but much remains to be done. The current scheme provides for compensation and

transportation if a worker suffers death or disability due to accident. But this is not equivalent to social security and migrant workers should be able to enlist and contribute to a fund, which they can withdraw from when they permanently leave the State.

- + **A proactive long-term policy is required:** Kerala will continue to need a large number of workers from other states, due to demographic changes and increasing educational level of the younger generations who do not want to do certain type of jobs. Since migrant workers are going to be a permanent feature of the state economy and society, an overall policy is required. Because of the high level of decentralization of health and education, with broad access for many socio-economic groups, the benefits of health and education services are spilling over to the migrant population. Migrants may prefer to stay on in Kerala for these reasons as well.
- + **More research is required on the socio-economic background and motivations of inter-state migrants:** This could be an important area for follow-up work. Most of the migrant workers are young bachelors. Collecting information on aspects such as average intended years of stay, expectations and family history, is required to help develop policy, and this is not being done now. As citizens of this country, they deserve to be treated in the same manner as more educated workers, and the programs that are developed for them should not be based on mercy or humanitarian considerations alone.

¹ https://www.actionaidindia.org/wp-content/uploads/2020/08/Workers-in-the-time-of-Covid-19_ebook.pdf.

Discussion about the Kerala experience

Issues raised by the participants

Role of police: Partner in the relief effort, not mere enforcer of law and order

In many states, police did not actively protect the migrant workers. They were even seen trying to violently remove the migrant workers from their places of residence and disperse them in public spaces. The GoK, on the other hand, ensured that a senior police officer was stationed exclusively at the office of the Labour Commissioner who kept track of every camp on a daily basis, through the posted police officials at each camp. The government involved the Kerala police in the relief measures and ensured that each camp had home guards. The aim of this measure was not only to ensure that there was a quick response to any law and order issue in the camp, but also to utilize this mechanism to maintain a steady two-way information flow. In many cases, the police also took initiative to organize games and recreational activities for children in the camps.

Evictions of migrant workers from their homes; Immediate ban by Government of Kerala

The exodus of migrant labor in north Indian states occurred largely due to evictions of workers from their residences and from construction sites. In fact, middle class Residents' Associations and other cities participated in such evictions,. In Kerala, the government issued an order that no migrant worker should be evicted, and more importantly this directive was strictly enforced. Providing a voice to the workers and a channel to raise grievances is critical in this endeavor.

Role of local self government bodies: Focal point of delivery of services

An outstanding role was played by local self-government bodies which contributed to the success of Kerala in protecting and providing services to the inter-state migrants. Ward-level committees were established, which included the village officer and other panchayat level officials. Communication videos by senior government officials were made in multiple languages about the prevention of spread of COVID-19 and distributed at the panchayat level. Local self-government committees mobilized panchayat funds for organizing community kitchens and meeting the daily needs of workers.

Financing of relief activities: Pooling funds from multiple sources

Funding was mobilized from the State Disaster Relief Fund (which was released to the district collectors), the Labor Department's budget, financing provided to relevant NGOs, as well as the local governments' own funding. An estimated Rs. 300 crores were spent through the first three sources; the quantum of local governments' spending is not yet fully available.

Enforcement of legal obligations of employers: Multiple pathways

This has to be done in a multi-faceted way, along with awareness building and education of employers. The training and education of the Labour Department's own 'last mile' officers plays a critical role in ensuring compliance with the law. Hence, the issue should not be viewed from the narrow angle of purely punitive measures when there is a violation of the law.

Transit camps for returning workers

The GoK has identified three railway stations where workers would enter the state and transit camps would be provided there. Efforts are ongoing to locate land where these could be housed.

Future policy directions of Government of Kerala and alignment with national initiatives

The GoK recognizes that there is no welfare fund or board specifically for migrant workers and is working on such a proposal. It is working on institutionalizing data collection to plan for services as well as for urban planning. It is examining proposals for a national migration database, such as a National Migration Exchange Board to exchange information between districts, states and governments about migrants. Participants emphasized that there should be adequate protection against stigmatization and surveillance. A key issue is the portability of benefits, such as access to food rations anywhere in the country, and access to education for children, as well as health benefits.

Greater dissemination of the Kerala experience in detail

Participants felt strongly that the Kerala experience, including the details of the organizational effort and the factors that made this relatively successful, had not received sufficient attention or analysis in the national media. This will help other states to learn about the specific actions, policies and institutions that are required to protect the well-being of these workers.



DISCUSSION ABOUT THE KERALA EXPERIENCE

Comparing the experience of Maharashtra and Jharkhand with inter-state migrants

Shri S. C. Shrirangam (Secretary and CEO of Maharashtra Building and Other Construction Workers Welfare Board) highlighted the fact that construction workers made up a major part of the migrants who were in distress during this time. The Government of Maharashtra responded to the crisis by setting up relief camps for the workers who were stranded in their respective construction sites. The Board provided relief and support to both registered and un-registered workers by supplying meals and other facilities including financial assistance. However, he noted that there is a lot of scope to learn from the Kerala experience. He emphasized that the Government of India has asked the Board to set up transit camps for workers who come to cities such as Pune and Mumbai, so that they have a place to reside before they can find work and shift to a more permanent residence. A major hurdle was the difficulty in locating land.

Professor Harishwar Dayal (Director in Chief of Centre for Fiscal Studies, Planning-cum-Finance Department, Government of Jharkhand) presented the other side of the story. Jharkhand is a major source area for migrant workers who were scattered all over the country and were in distress during the pandemic. The state government tried to provide support for migrants to return to their native place.

He highlighted the precarious state of workers who could not repay the loans they had taken from money lenders and labour agents, prior to migration, due to their current loss of income. Relief measures provided by the state included prepared food, dry rations and health facilities. Since the workers are seasonal migrants, they leave around November-December and come back around May, after which they are employed in agricultural activities and the National Rural Employment Guarantee Act (NREGA) projects. The state government has also started an urban NREGA program that supports employment in the cities. Prof. Dayal highlighted that due to the lockdown, the state suffered economic losses which has affected the small and medium-scale industries. They are not functioning because of disruption in supply chain.





Kerala's approach was holistic, despite various shortcomings. In other parts of India, evictions of workers from residences and worksites triggered an exodus from the very cities and towns they had helped to build.



Improving Welfare and Opportunities for Migrants

In the second part of the roundtable discussion, participants shared insights and suggestion on how to improve welfare and opportunities for migrants in Kerala and other Indian states. The discussion was structured around the following themes and questions.

Enhancing Voice and Visibility

How can we make the stories of migrants and their families heard?

What kinds of resources do journalists need?

Improving Public Policies and Programs

For the returning emigrants to Kerala:

How can the government assess the skills profile of returning migrants and link them to gainful employment opportunities?

For India's Inter-state Migrants:

How should we foster knowledge sharing and benchmarking in the design and implementation of policies and programs?

Strengthening Legal Protections

What are the priorities in this area?

Media: Enhancing Voice and Visibility

Shortcomings in media coverage and lack of sustained media interest were analysed by the participants from multiple angles.

The lens of gender is missing

Dr. Gita Gopal (former Honorary Gender Advisor, Government of Kerala) highlighted the invisibility of women in the public discussions about migrants. While overall media coverage of migrant labor is limited, it is almost entirely missing in relation to women migrant workers. Are they spouses or workers who have come on their own? Under what conditions did they come?

We know very little about the answers to these questions, even in Kerala. Hopefully, the data collected by the Kerala government would allow for gender disaggregation. In building residences for migrant labor, for instance, the gender dimension will have to be critically examined.

Women are more vulnerable to human right abuses and discrimination, since they work in gender-segregated and unregulated sectors of the economy, such as domestic work, the entertainment industry and the sex industry. They tend to be unprotected by labour legislation or policies, and face precarious working conditions. We also need to understand the issues relating to children.

A survey focusing on these issues would be very timely. Listening directly to the voices of migrants, including women and children, should be an integral part of any future study. This will help to integrate the gender aspect into policies and programs and enable

gender issues to be discussed in the media.

Media coverage had limited impact on policies and programs

There was considerable reporting on the crisis faced by migrant workers in the initial stages, because of the dramatic nature of the exodus from major cities. Subsequently, there has not been a sustained effort to investigate their conditions or the reasons for the crisis. **Mr. Kumar Sambhav** (Journalist, Co-Founder Land Conflict Watch) pointed out that the media coverage suffered from two major shortcomings. First, the coverage of the crisis did not lead to any major new government policies aimed at improving welfare of the workers, because there was limited discussion of the policy and governance angles. Second, there were few efforts to fix accountability for the tragedy that befell the workers and to demand answers for failures in program and policy implementation.

The lack of sustained media efforts might be due to journalists lacking domain knowledge and understanding of policy issues related to migrant labour, as well as due to their inability to engage in deep policy analysis. Another factor is the trend of large media houses shying away from asking tough questions, a trend that is noticed in many other areas as well. In order to address the first issue, dissemination of the Kerala experience should be undertaken by popularizing it amongst selected journalists, specifically, the story ideas that could be linked to policies and governance. Sharing benchmarks for policies and governance models would help journalists to analyse policies and programs for migrants in other states. This approach is being followed in other areas, such as reporting on land rights, by the Reporters' Collective association, an informal group of

journalists which publishes deep-dive, investigative stories on governance, public policies and social justice in over ten Indian languages.

The tendency of media to chase circulation numbers is one reason why migrants and their lives or rights do not fascinate large sections of the media, as noted by **Ms. Smruti Koppikar** (independent journalist and columnist). The migrant labor crisis was seen as an "event", rather than as something to be investigated consistently and thoroughly. There is an urgent need to devise solutions that try to solve the contradiction between our cities being the centres for economic development, on the one hand, and yet not being able to provide economic security to the migrant workers, on the other hand. It would be useful for VMFT to provide information and resource persons that could help journalists and editors, especially those who are independent and are located in other states, to resurface these issues and make them visible.

Strengthening Public Policy and Programs

The discussion focused on both the emigrants returning to Kerala from the Gulf countries as well as on the inter-state migrants in Kerala and other states.

Kerala needs further diversification of its economy

Dr. Zahir Bashir (Research Scientist) discussed possible approaches to helping the emigrants returning to Kerala, of which there are about three million, though not all of them will return. It might be useful to consider the planning approach under two horizons. Planning under horizon 1

should cater to the immediate needs of the returning emigrants, many of whom will likely have lower skills, as the higher skilled ones are likely to retain their jobs abroad. For this group, identification of the skill levels of the returnees and enabling them to set up small enterprises through provision of credit and other services would be appropriate. However, it is unlikely that they could engage in technology-intensive activities. Horizon 2 is a somewhat longer term planning horizon, where Kerala has to think of how to diversify its economy beyond being so dependent on external remittances and developing a few relatively narrow areas of development such as Technoparks (for software outsourcing). One approach is to identify promising technologies that have potential for scale-up through hi-tech, small enterprises. Examples of such technologies include plastic recycling, renewable energy and health technologies.

Returning emigrants have a different skills profile from interstate migrants

Shri C. Balagopal (Founder, Terumo Penpol) stressed that strengthening the rights-based approach is essential for improving welfare of the inter-state migrants. We must ensure that they are welcomed back to Kerala with a better mechanism in place. Much of what needs to be done is already known, and should be implemented. For the emigrants returning to Kerala, a much more nuanced approach is required. It must be recognized that these returning emigrants will not take up the jobs left by the inter-state migrants and hence there are no easy jobs to which they can be mapped. More granular skill mapping is required; for instance, it is not sufficient to know that a person is a plumber, it is necessary to know what kind of job he had, whether he has plumbing skills for particular types of

buildings, whether he had a supervisory or other role, etc.

For gainful employment with higher incomes, at least three avenues can be explored: (i) support returning emigrants to make their land more productive and create goods and services, as most of them have a homestead or small plot (ii) enable them to participate in the 'gig' economy – for example, to provide services on some days of the week, while also working on their homestead and (iii) encourage them to set up small enterprises. This requires a mindset change amongst both policy makers and the emigrants themselves, along with the involvement of local governments and civil society. It also requires the creation of institutional mechanisms such as information sharing platforms, the provision of micro credit and supporting services.

Prof. Ravi Srivastava (*Director, Centre for Employment Studies, Institute of Human Development, Delhi*) noted that a number of points should be taken into consideration while developing future policies and programs.

Recent studies provide more data on the number and type of migrants²

Apart from the study done by the Gulati Institute of Finance and Taxation in 2013, the Centre for Migration in Development (CMID) also did an outstanding study of internal migration in Kerala. In addition, there are three studies, two of which were published pre-COVID and the third one was published post-COVID and takes into account the COVID experience as well. The third study gives very detailed estimates of the best possible figures

on the numbers of migrants, circular and seasonal migrants etc. There is a larger eBook which puts the question of migration in the context of unequal development and demographic change which also has a case study of Kerala.

Kerala is ahead of other states in some respects, but still needs to improve

While Kerala has made advances in certain areas, migrants are still treated as a separate category of workers, even though the level of discrimination is less than in other states. Wages are lower where the migrants are employed and this can be seen across the whole range of sectors. Evidence shows that although social networks are a large source of employment for migrants in Kerala, contractor-based employment is still highly prevalent, although it is below the radar and less visible than in other states. The structures that the government of Kerala is setting up do not fully integrate the migrants within the already existing framework of social security. The Maharashtra BOCW, for instance, allows for registration of both migrant workers and local workers on the same footing, but Kerala adopted a very different approach which is to create a separate fund for migrant workers.

State-level registration systems create fragmentation and data collection requires safeguards

Every state at the moment is evolving its own systems, its own apps and so on. Social security for migrants and portability of benefits cannot be assured within the framework of state level registration. Portability of benefits rests on three levels of government.

Further, registration systems can be misused for stigmatization of migrants and for surveillance. Instances of this can be seen even in Kerala.

A national framework is necessary but it should not lower the standards in states such as Kerala

Inter-state migrants in the Constitution of India is actually a Central subject but every state has been acting on its own and this created considerable noise and confusion. Kerala did better than other states. A very coordinated policy framework is required both at state and national levels, which begins with treating migrants as citizens with the same constitutional rights as every other citizen. Kerala has higher minimum wages and better labor standards than those adopted at the national level and adopting a national framework should not lead to lowering of these standards.

Is "guest worker" the appropriate term for fellow citizens?

In international migration literature, a guest worker is a non-citizen and has very limited temporal rights and other rights in the country where he or she is working. While Kerala has used the terminology of "guest workers" in a very different way, in a welcoming way and it has indeed welcomed migrants more than other states, in international terminology, a "guest worker" denotes someone who has far more limited rights than a citizen.

Highlighting the multiplicity and patchwork of policies, programs and laws for migrant workers, **Ms. Roshni Nuggehalli** (*Executive Director, Youth for Unity and Voluntary Action - YUVA*) spoke about the need to look at all these from the viewpoint of the workers themselves. It is necessary to advocate for the 'Right to the City' for every worker. A huge push is being made to

collect data, which is needed to ensure proper planning. There is also a lot of hype about technology. Each state is developing its own app and platform. However, the potential of misuse of data for profiling and surveillance is enormous, given the experience with other programs, and there must be adequate safeguards.

Ms. Shikha Shrivastava (*Head, Migration and Urban Habitat, Tata Trusts*) provided insights from the experience of Tata Trusts in working with migrant workers for over a decade, including working with many NGOs in "sending" and "receiving" states. Under the lockdown, the Trust scaled up the existing model of "Apna Seva Kendra" which helps migrants to connect with government authorities and also provided relief to stranded workers. The issue of state governments enforcing employer responsibility to provide social security and other benefits has been an important area of work. The institutional and policy mechanisms created by the Kerala government would benefit other receiving state governments as well.

For "sending states" such as Jharkhand, as **Mr. Anish Kumar** (*Transform India Foundation*) pointed out, the challenges are different and these need to be addressed accordingly. However, the Kerala experience is very illuminating to understand what protections these states can provide.

² https://www.ihdindia.org/Working%20Papers/2020/IHD-CES_WP_03_2020.pdf

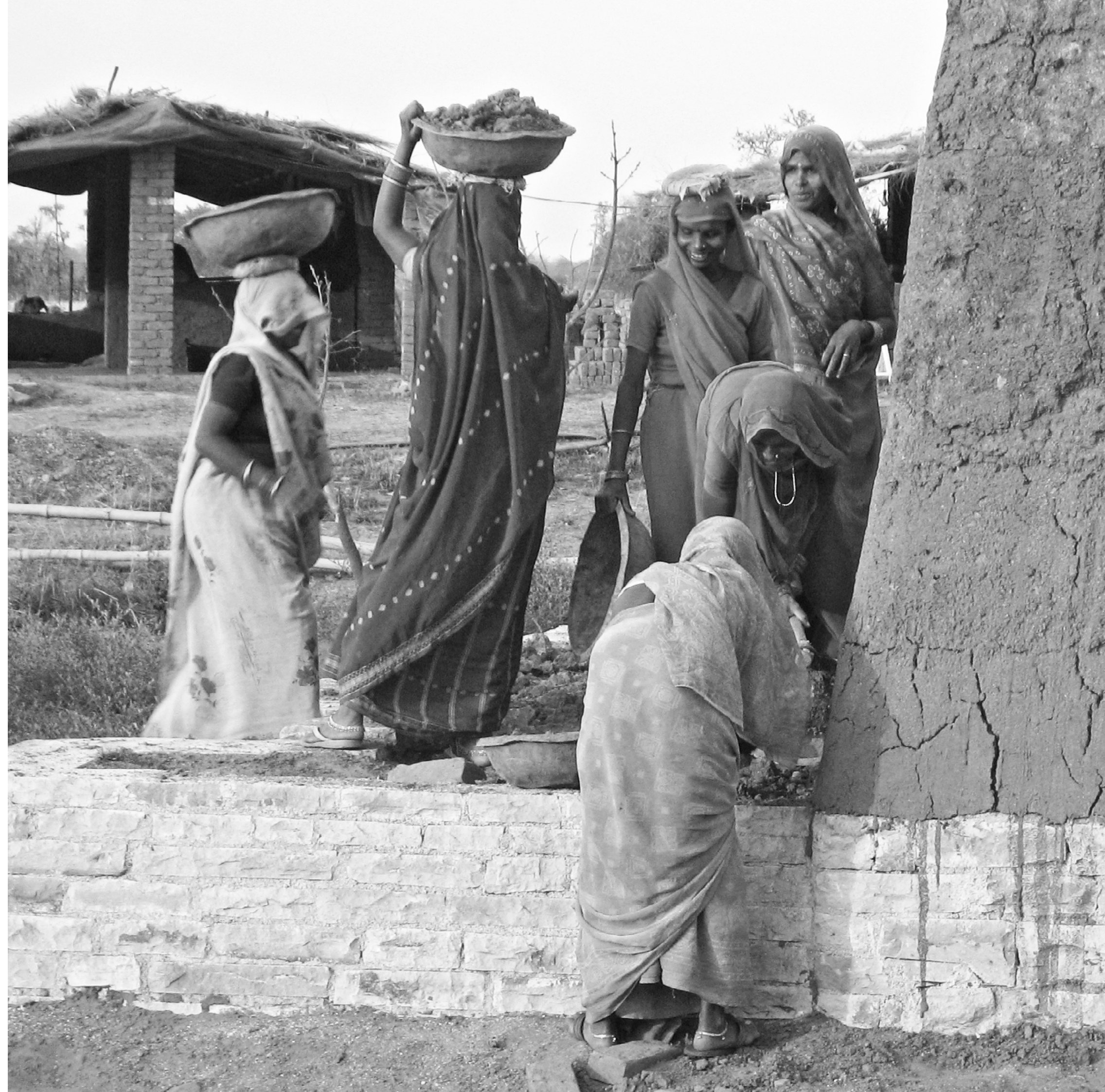
https://www.ihdindia.org/Working%20Papers/2020/IHD-CES_WP_04_2020.pdf

<https://india.unfpa.org/en/publications/internal-migration-india-and-impact-uneven-regional-development-and-demographic>



Strengthening Legal Protections

Ms. Jill Carr-Harris (*Ekta Parishad and Jai Jagat*) noted that one fact is often overlooked while discussing the migrant worker crisis: they have no “home” to return to, except in a cultural sense, because many of them are landless. Hence, even if safe transport has been provided for them, what did they return to and how are they surviving now? On the question of legal protections, she emphasized that this crisis has created the opportunity to strengthen the provisions of laws such as the Bonded Labour Rehabilitation Act, the Minimum Wage Act and the Inter-State Migrant Workmen Act. However, land reforms are also necessary to give a measure of security to the rural population and to reduce the distress migration takes place in many parts of India. As experiences from countries such as Canada reveal, it is necessary to ensure that guest workers are immediately provided health and education services on arrival. This must be done in a sensitive manner without creating antipathy amongst local people, who are also poor, or the returning emigrants who have lost their jobs.





05 Concluding Remarks

In his concluding remarks, **Prof. V. K. Damodaran** explained how the philosophy of “Atithi Devo Bhava” or “Guest is God” undergirds Kerala’s response to the humanitarian crisis facing the vulnerable population of migrant workers. Thus, while the term “guest workers” may not be technically correct in the migration lexicon, it corresponds to the ethos of the state.

The migrant labor crisis has to be placed within the broader framework of rural development and whether sufficient facilities, infrastructure and services are being developed to create better livelihoods in rural areas. Citing the example of China in the nineties, he pointed out that the establishment of small hydro power plants in rural areas was likely to have resulted in stemming the flow of millions of rural migrants to cities.

Creating better employment opportunities for the external emigrants returning to Kerala requires not only identifying their specific skills, but also a change in the business environment and culture.

In the short run, there is a lot to learn from the practices adopted by the state of Kerala, including both its government as well as non-government responses to the migrant worker crisis. Any future action must begin by collating and sharing these best practices along with the experiences of other states, while working towards a rights-based framework to protect the citizens of our country who happen to work away from their homes.

Voice, Visibility and Dignity

Towards a Rights-Based Framework for Migrant Workers

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