

Inclusiveness as an Organizing Principle: Ensuring Rights and Social Protection for Interstate Migrants in Kerala

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Abstract

The social situation in Kerala depicts a continuous rise in migrant workers. Paradoxically, this growing population experiences two distinct treatment patterns within the same country, leading to a denial of human rights. This research explores the reasons behind this phenomenon, analysing the working conditions of migrant labourers and the disparities in their access to social, welfare, and health systems in Kerala. Recent estimates indicate that the migrant worker population in Kerala ranges from 2.8 million to 3.4 million (KILE 2020 & KSPB 2021)ⁱ. Surprisingly, the official figures from the Kerala government report a significantly lower count, currently standing at 516,000 migrant workers (RTI 2023)ⁱⁱ. Several initiatives have been implemented to support migrant workers in Kerala, such as the Migrant Workers Welfare Scheme, Awaaz Health Insurance Scheme, Apna Ghar Residential Project, and various literary projects like Hamari Pathshala Project, Roshni Project, Anya Malayalam Project, Chagatai project, Hamari Malayalam project, Athidhi app, and Guest app. The effectiveness and reach of these programs will be examined in this study. However, the exploitative attitude of the Malayalees (local peoples of Kerala) towards the increasing number of migrant workers in Kerala and the migrant labour rights struggle of migrant workers are examples of rights denials. A profoundly troubling network perpetuates wage exploitation among migrant labour communities, with influential figures aiding and abetting theft akin to historical indentured labour practices. The situation presents a distressing picture of interstate migrants facing gross violations of their fundamental human rights, leaving them in a state of vulnerability devoid of legal protection, political representation, and social support. Stripped of citizenship and fundamental human rights, migrant workers endure perpetual societal marginalisation. This aligns with Hannah Arendt's assertion that every individual deserves inherent dignity. In an unjust capitalist society, systematic neglect of rights exposes disposable populations to exploitation, exclusion, and potential elimination. Kerala can bolster its reputation as an inclusive and sustainable space by urgently seeking solutions to deliver social justice to these marginalised workers. The Kerala Government is doing its social responsibility to provide recommendations to ensure the formulation of a comprehensive social, health and right-based policy for migrant workers through this research paper.

Keywords: Social Inclusion, Social Protection Interstate Migration, Human Rights, Kerala

Article Methodology

This article is written based on fieldwork conducted in 12 districts of Kerala funded by the Science and Engineering Research Board project (SERB - CRG/2021/004314). This article has used first-hand information obtained through RTI granted by the Kerala Labor Department, Kerala Health Department, and Kerala Industries Department. From November 2022 to August 2023, information obtained from the SERB project is covered in the article. This article is prepared using qualitative research methodology. Social interactions and cultural nuances of migrant workers were understood through the participant observation method. In-depth interviews were conducted with migrant state workers, government officials, trade union leaders, hospital staff, migrant workers' human rights activists, and NGO representatives. These interviews allowed them to share their views and narratives, and further data collection was done through open discussions. A focus group discussion was conducted by organising migrant workers in the same profession. People who come from the same state and live together in Kerala, where people from the same caste and religion live together, were all used in the focus group discussion method. This article has examined the various government-level documents published in Kerala and utilised the insights gained to capture in-depth knowledge related to migrant workers. The 59 case studies involving migrant workers, elected representatives, government representatives and NGO representatives have been conducted, and several complex and in-depth situational data and many decisions that lead to policy making have been acquired. The method of data collection by questionnaires has been used in this article. Questionnaires were prepared, keeping women and children in mind. Migrant workers who have arrived in Kerala are from different states. However, ethnographic research has also revealed that they proceed with specific factors that belong to their state in the places where they live. Here, I have used the content analysis method of various social media and newspapers to identify the ever-changing migration patterns, themes, and trends of migrant workers.

Interstate Migration in India

Migration takes many forms and for many reasons. Poverty, unemployment, racism, political problems, and low wages result in migration. People usually migrate for higher employment opportunities, better lifestyles, job opportunities, and social acceptance. Human migrations are universal and occur when an individual migrates from one place to another for a short period or an extended period (Chakravarthi 2001)ⁱⁱⁱ. Many definitions have been made by social scientists, researchers, and scientists that migration is the movement of individuals from their places to their destinations (Singh & Agarwal, 1998)^{iv}. Moreover, it is the movement from a place of less opportunities to higher opportunities.

According to the 2009 Human Development Report, excluding temporary and seasonal internal migration, 740 million people worldwide are displaced from their place of birth within their country or region for various reasons.^v Although migration from developing to developed countries is only a tiny part of human movement and migration from one developing economy to another is very common, most migrants move to a better place within their own country rather than going abroad (Haas, 2009).^{vi} Indian workers have been displaced people from India to various British colonies since the era of indentured labour. Labourers from India and China were sent in large numbers to North America, Africa, and various corners of Asia, as well as the British, French, German, and Dutch colonies in the 1830s. Such workers from Tamil Nadu were called 'coolies'. Indentured labour is an essential topic in analysing migration in Indian history. According to the IOM (2008), once the world's migrant labour flows are examined, they are still all low-skilled migrant workers. The early migrations from many states of India to the GCC countries, attracted

mainly by the growing number of blue-collar jobs in the GCC countries, followed by the migration of students to the European countries for study and employment in today's modern society, should be read alongside this (Benoy 2010).^{vii}

Migration in India is not just a journey in search of employment. In the early days of migration, migration in search of work was predominant, but in today's context, it is an evident change from my fieldwork. In addition to travel in search of work, migration is done today to escape religious persecution, political conflicts, and environmental problems. When migration is discussed, the study of its historical stages is essential. Different regions were chosen for settlement by different tribes of humankind, and such choices were the consequence of the journey from their original places. Research studies indicate that migrants who became farmers at this stage were successful in their occupation. The rise of nationalism in Europe and later elsewhere gave rise to new levels of meaning for migration. Historically, such interventions have influenced the formation of refugees, which differ from the academic meaning levels of migration.

The second historical period of migration began with the British occupation of India. We have a history of traders who migrated and made India their promised land. Indian migration can be examined in four periods from British rule to modern India, from the 75 years from the selection of unskilled workers to the abolition of slavery (1833-1908), the national policy movements that banned indentured labour and protected migrant workers from the evil effects of colonialism—14 years (1908-1922). From 1922 to the post-independence period (1922-1983) before the Indian independence movement, which implemented the national immigration policy, we have another period (1983-2021) that looks at the immigration policy debates and its consequences. Industrialisation witnessed migration from villages to cities. Such migration was motivated by the view that better employment and living conditions were available only in cities. As urban growth accelerated in modern India, a new phenomenon of migration to the 'better city' emerged. While the educated accepted migration across national borders, those who wanted to live in villages found another migration to better villages.

Labour Migration History in Kerala

International migration from Kerala in the 1970s created large vacancies in low-skilled jobs in Kerala. The change brought about by international migration in Kerala's economic situation has prompted more Malayalis to migrate to GCC countries, which has created a large labour force gap in Kerala's traditional jobs and development activities. The international community has played an essential role in Kerala's social and economic development. From 1970 to 1990, many Malayalees of this generation left Kerala for higher salaries and better living conditions and migrated to other countries, mainly GCC countries. The lack of a labour force that meets the basic needs of Kerala attracted more workers from other states to Kerala, and the quality of life of Kerala and the social environment of Kerala brought them to Kerala.

According to the 2013 Economic Census of the Government of India, there are 33,55,004 enterprises in Kerala. These establishments are in 14 districts, and most of these establishments, migrant workers have become the primary workforce, and it is recorded here through the understanding of the two establishments that I have seen through field visits. According to the census of 2001, the number of migrant workers in Kerala was 9.2 million. According to the 2011 census, it is recorded as 18 million. This study is also proceeding where the 2021 census records still need to be released. From 2001 to 2018, the number of migrant workers has doubled. According to census records, the number of male migrant workers has increased by four million, and the number of female migrant workers has increased by five million during this period. However, if we look at the proportion of the increase in the total number of migrant workers,

the increase in the number of male migrant workers can be seen. According to the census of 2001, the migrant workers who came to Kerala were from Tamil Nadu and Karnataka, but in 2011, there was a change in this trend, and it is understood that more workers are coming to Kerala from the states of West Bengal, Assam, Odisha and Bihar. The same trend can be seen in the migration of women. The Periodic Labor Force Survey (PLFS) report 2019 says that 28.21 lakh migrant workers in Kerala are working in agriculture, fishing, mining, manufacturing, electricity, gas, construction, retail trade, service, hotel, restaurant service, education, health officer service, etc.

Interstate migrant workers have been coming to Kerala since the 1960s. Historical examination of Tamil migrant workers in agriculture in the Malabar and Travancore regions has been done in previous studies (Zachariah, Mathew, and Rajan 1997)^{viii}. After the formation of Kerala (1956) since then till date, the dynamic factor in the development of Kerala has been migration within and outside the country (KILE 2020b). The contribution of migrant workers to the public life of Malayali is more happiness. The Kerala government calls migrant workers "guest" workers, and the people of Kerala generally refer to migrant workers as "bhai" despite the respect and recognition of Kerala. Social alienation was evident in their speech, actions, and language in Kerala. At a time when the term "*Any*" and "*Ithara*" (Both meaning Other) was used even in the academic community, it was the discovery by policymakers that migrant workers were becoming a marginalised and oppressed labour force that led to the action to make Kerala a "migrant worker" friendly state.

Migrant workers play a significant role in maintaining Kerala's economy. From traditional occupations to modern mechanised industries, migrant workers have established their presence. They run small and large self-enterprises. There has been a significant increase in female migrant workers since 2000. The number of women workers is increasing due to the new migration situation in Kerala. Brick kiln industry, construction sector, beauty salon, plantation sector, garment industry, plywood manufacturing units, and many interstate workers are employed in the informal sector. Migrant women workers, who used to come only as families, now come alone in search of work.

All the essential studies done so far in Kerala indicate a large migration to Kerala from the states of Tamil Nadu and Karnataka during the 1980s to 1990s to fill the labour force gap in Kerala. However, after the 90s, many migrant workers came from poor and backward areas. After 90, there was a large migration to Kerala from poor and backward areas in Assam, Bihar, Jharkhand, Uttar Pradesh, West Bengal, and Odisha. The higher pain level of flag labour in Kerala compared to other states is a pull factor for low-skilled migrant workers to come to Kerala. Estimation of Migrant Labor is done for the first time by the Gulati Institute of Finance and Tax Action (GIFT)^{ix} In 2013. The 2013 study presented a general population of migrant workers through the train survey method and was full of concerns about their primary conditions. After that, a study on the social security of migrant workers was conducted by the Kerala Institute of Labor and Employment (KILE) 2020. In principle, the study conducted by the Kerala Planning Board in 2021 is now based on all other studies.

According to the 2021 report of the Kerala Planning Board, 21 lakh migrant workers are found to have migrated to Kerala temporarily and 10 lakh migrant workers have migrated to Kerala long-term. Out of these ten lakhs, five lakh ministerial state migrant workers live with their families. The report indicates that of the interstate migrant workers living as families in Kerala, 28 per cent of families live in the Ernakulam district, and 13.6 per cent live in Thrissur district. Eighty-one per cent of the children of migrant workers who arrive in Kerala benefit from the education system in Kerala. According to the records obtained from my fieldwork, most migrant workers in Kerala work in the construction sector. In a study

of 1,000 migrant workers, 350 were employed in the construction sector. The manufacturing sector stands second. Various manufacturing companies are operating in Kerala, and there is an increasing representation of migrant workers in them. Migrant workers in Kerala can be marked as foot-loose labourers in agriculture and service sectors.

In the studies and investigations conducted in 12 districts of Kerala, it can be understood that the living conditions of migrant workers are deplorable. Migrant workers' living quarters are unsanitary, and the bathroom and cooking are all done in the small room where they live, so the risk of spreading disease is high. In Kerala, 6 to 12 people live in a room of 150 to 200 square feet at a rent of one thousand rupees per person. The situation is better in construction camps. When I visited the *Mudioorkara camp* in the Kottayam district, 60 rooms of 180 square feet were classified, with six migrant workers staying in each room. A gas stove is also prepared on one side of the same room. Twenty-two toilets have been constructed for these workers. An open batten system is used for bathing. Looking at the surroundings of the camp and the living conditions, it can be judged as a camp that provides basic facilities. In addition to the drinking water system, it was possible to see the water delivery method from the water tank. More than 700 camps have been visited.

Some of the camps have experienced unsanitary conditions. The economic condition of Kerala depends on inter-state migrant workers. Mainly low-skilled migrant workers. The temporary migrant workers who come to Kerala do low-skilled work and feel that it is a good salary among them. The salary of the migrant workers should be compared along with the salary of the *Malayalees* in Kerala. It is deficient. Social and life security should be provided to the migrant workers in the same way as the people of Kerala get it. Out of a thousand migrant workers, only 5% of the workers benefit from the *Rashtriya Swasthya Bhima Yojana* provided by the central government.

The concept of Re-Identification

The idea of re-identification is put forward since I have understood some factors precisely during my fieldwork among migrant workers in Kerala for the last seven years. The early migrant workers who came to Kerala were very similar to the people of Kerala. They are from Tamil Nadu, Andhra Pradesh, and Karnataka. Those migrant workers coming from West Bengal, Assam, Orissa and Manipur are different from those who came to work in Kerala until 2000. When looking at the levels of consciousness created in the people of Kerala, there is something different about the migration workers after the 90s that the migrant workers there since 1960 did not have. This process of identification is stated in the re-identification of interstate migrant labour. There is a situation in Kerala where workers who come under the label of migrant workers are seen in a friendly environment for a period (1960-1990). After a period (1991 to continue), they are re-identified and kept aside.

Manufacturing units started in Kerala in the 1990s. Mainly, the plywood industry emerged in Kerala after the 90s and under the Deforestation Act of Assam. The influx of migrant workers in Kerala was increasing as many plywood workers as possible who lost their jobs came to Kerala in search of work and found that Kerala could produce more plywood from rubber trees. Migrant workers from West Bengal who were coming to Kerala became the primary workforce in the construction sector. It was a characteristic of those from West Bengal that they did more work simultaneously than the Malayalees. As their body type, lifestyle, and culture differed from the culture and lifestyle of the Tamil people in Kerala, a common sense was created through this identification that the Tamil people were seen as part of Kerala and other migrant workers were seen as strangers.

There have already been xenophobic acts against the migrant workers in Kerala. Another important reason for such migrant workers faced continuous violation of democratic rights or humane approaches on the part of the Kerala society. Migrant labour is the labour force that has been alienated by name in the history of Kerala. From 1960 to 1980, the migrant workers from Tamil Nadu were mainly addressed as *Annachi* by Kerala people. Even though they were depicted as ridiculed in the cultural sphere of Kerala, Kerala did not show much hostility towards them. Since 1980, migrant workers from places such as Bengal Vihar, Assam, and Orissa started coming to Kerala, and they were called *Anyasamsthana Thozhilalikal* (Alienated Labourers from other states). This identification has created a general awareness in the Kerala society of why *Anyasamsthana Thozhilalikal* are marginalised workers. Due to the intervention of the Kerala government, the Interstate workers were henceforth called *Ithara Samsthana Thozhilalikal* (non-state workers), and later it was transformed into *Athithi Thozhilalikal* (guest worker.) By naming them guest workers, the government documents have helped bring them to a friendly mind lake. However, the re-identification consciousness in the Malayalis' minds in Kerala society keeps them aside.

From 2000 to 2019, there was a situation where migrant workers were kept away from the workplaces of Kerala. The approach of not integrating Malayalis into jobs where Malayalis are mainly employed was adopted. In my fieldwork investigation, I have found the approach of settling migrant workers in areas inhabited by Malayalis. On September 25, 2011, in Kayamkulam in Kerala, an incident was reported in which 60 migrant workers from West Bengal were beaten up by the police on the accusation of a mobile shopkeeper that they had stolen a mobile phone. The police have migrant workers who do not have an approach towards the Malayalis. Deepan Kunnera, a 30-year-old migrant worker from a remote village in West Bengal's Burdwan Distick, has spent nine months in Viyur Jail in Thrissur, accused of being a terrorist. Due to the intervention of the State Human Commission, he was found not guilty and was released unconditionally, but Deepan, who came out with one arm and one leg, could not function as before.

July 28, 2023, After the five-year-old daughter of a migrant labourer was brutally tortured to death by another migrant worker from Assam, a massive mass campaign is now underway from the Malayali peoples 'for all the migrant workers in Kerala to leave Kerala'. From my fieldwork in Aluva Perumbavoor Ernakulam in Kerala during August and September 2023, it is clear that there is a general perception that migrant workers should leave the state and that they are creating violence in this state. Even though some are addicted to alcohol and drugs among the migrant workers, there is an approach in Kerala where all the migrant workers are seen as such. Although Malayalis and migrant workers use intoxicants such as alcohol, drugs, and ganja are the same, there is no doubt that violence is more common among migrant workers who live in a worse social and environmental environment than Malayalis. However, the government does not take steps to find, rehabilitate, or free these migrant workers from drug addiction. However, the government's response is a silent acceptance of mob violence by the public in Kerala. The concept of re-identifying migrant workers based on their body language, place of origin and living conditions is growing widely among the Malayalis in Kerala.

Interstate Migrant Workmen Act, 1979

The existing laws of the country are allowed to all the citizens. The fact that the migrant workers do not get the rights provided by Article 23 (1), Article 39, Article 42 and Article 43 of the Indian Constitution points to the need for legal reform. The Interstate Migration Act, framed by the Government of India in 1979 to protect migrant workers from contractor exploitation, needs timely changes. All labour laws and

policies related to workers are made to protect their rights. The Interstate Migrant Employment Act of 1979 was also drafted with the same objective. However, this law has remained the same from time to time. The fact that there has been no timely change in this law in the last forty years suggests that governments are not paying attention to inter-state migrant workers.

The law defines inter-state migrant workers as persons who migrate to other states through labour contractors under the arrangement of labour facilities of any establishment with mutual consent or with the consent of the government or local authorities. Section 4 of this Act states that registration of such workers shall be mandatory, and without registration, they shall not be allowed to work in workplaces. If this law had been strictly followed in Kerala, the government would have got accurate and precise details about the migrant workers from other states. However, all the migrant workers arriving in Kerala are not registered. Migrant workers arrive in Kerala without the help of contractors or employers. The Interstate Migration Act does not legally cover migrant workers arriving this way. The Kerala Interstate Migrant Labor Act was passed in 1983 and amended on October 30 2017. In 2020, the instructions regarding the Registration Automation System have been ruled. However, the exact number of inter-state migrant workers in Kerala is still unavailable. Under Kerala's Interstate Migrant Labor Act, contractors who bring in these workers must be registered in the state and fined between Rs 1000 and Rs 100,000 if the information they provide is false. From this, we can understand how simple the punishment procedures of 1979 are in 2023. Nevertheless, Kerala pays them better than other states, and due to this, many people migrate to the state without the help of intermediaries or contractors.

The Interstate Migrant Labor Act mandates that these interstate workers be paid the same wages as any other native worker. However, they are working for less wages than the standard wage system in our society. In the construction sector, where health and safety are a threat, the basic salary of migrant workers is 550 rupees, but a Malayali doing the same job gets 1200 rupees. Contractors mistreat migrant workers. Likewise, the compensation provided by Kabani does not include migrant workers. Manufacturing establishments are required to provide ESI, but no action is taken. The indifference shown by those responsible is the first denial of justice to the migrant workers in Kerala.

The main reason for such denial of rights is that the responsibilities of migrant workers have stopped only in the Labor Department of Kerala. By decentralising the Labor Department to the LSG Departments to carry out functions, including registering migrant workers outside their territory, only the migrant worker will have access to democratic legal rights in their country. As the local bodies do not have sufficient authority in this regard, none of the local bodies pay attention to the problems of migrant workers and analyse their problems, which reveals the deficiency in the practical field of the law. The law mandates that migrant workers are treated as employed from the date of recruitment and are paid their wages, relocation allowance for moving from one place of work and travelling allowance for travelling from place to place from that date. Stay at work. However, to get all these allowances, they must systematically do everything related to them. Unfortunately, the government is indifferent to these issues. The government of Kerala order (GO (Rt) NO. 960/2016(BR, dated 03-08-2016)) mentions renovation and cleanliness of the living environment of these workers. The order said they were to be provided accommodation, cooking and bathroom facilities - one bathroom for three families or 25 workers. However, investigations show that the actual situation is beyond these orders. Many of the workers live in unsanitary conditions.

Social Welfare Policies in Kerala

Kerala is the first state in India to introduce social security and welfare schemes for migrant workers (Sri-

vastava 2020)^x. The security schemes and welfare schemes announced by the central government are being implemented in an exemplary manner in Kerala (Aggarwal, Solano and Singh 2020)^{xi}. The Union Government passed the Occupational Safety Health and Working Condition Code (OSH Code) in 2020, binding the country's 13 labour laws and specifying safety, health standards, health, working conditions and welfare measures. The OSH Code covers unorganised skilled and unskilled migrant workers. The sanitation system for migrant workers living in structured and unstructured settlements in Kerala is not progressing as prescribed by the rules (KILE 2020), which can be seen as a failure in the effectiveness of the local self-government system in Kerala in implementing the rules. Meanwhile, the fact that the local self-government system successfully worked with the health sector in the health system of migrant workers during the Covid-19 pandemic is also evidence that social institutions are integrated with the health sector (Khadar 2022)^{xii}.

Through my fieldwork and other studies conducted at the expense of the Government of Kerala, some answers have been given to the larger question of how Kerala represents the health sector of migrant workers. It should be examined whether migrant workers can address their health problems under various social security schemes and what policies have been formulated at the government level to address those problems. The social health and safety schemes currently in place in Kerala for migrant workers are:

1. Awas Health Insurance Scheme of Kerala Govt

In November 2017, the scheme was introduced for migrant workers through a visionary initiative by the Government of Kerala in 2010. The registration for this project started in December 2017. The government of Kerala has earmarked ₹ 10 crore for this project (RTI 2023). According to current government records, the health conditions of migrant workers are deteriorating at an alarming rate. Due to the spread of migrant workers, the government does not rule out the possibility of infectious diseases foreign to Kerala. Malaria, filaria and tuberculosis claimed to have been eradicated from Kerala, have been reported in areas where migrant workers are present (RTI 2023). Under the Awas insurance scheme, the beneficiary will get Rs 15,000 for treatment of any illness or injury and Rs 2 lakh for accidental death cover. Awas Insurance Health Scheme was formed and implemented under the District Labor Officers of all the districts of Kerala. However, through the fieldwork and government documents, it was realised that the Awas insurance scheme is not going ahead in a migrant-friendly manner. From 2017 to 2023, the Kerala Government spent 725000 rupees through Awas insurance. According to the information obtained through RTI, Rs 2 lakh was given to 36 labourers due to accidental death and Rs 50000 to one migrant worker due to disability. However, according to the information learned through fieldwork, more than 36 migrant workers die in Kerala every month. However, since the government does not have records of all the migrant workers arriving in Kerala and all the migrant workers arriving in Kerala are not registered in Awas, the migrant workers who die in Kerala are not marked.

However, as of 2019, the Awas Health Insurance Scheme needs to be developed more. As part of the fieldwork, it was realised that out of 100 workers in Kottayam district, out of 300 workers, only 10 have Awas insurance health cards. The card is unavailable in many places even after a year of application. The work of the Special Migrant Workers Team under the District Labor Officers for social health protection of migrant workers has dried up, and the situation is getting worse as they cannot find or prepare the necessary facilities for registration. Details of members of the revised health insurance scheme after 2019 are unavailable. In 2023, the total number of migrant workers in Kerala and the number of workers registered under Awas Insurance are the same as the RTI received as part of the SERB project. The

government says the number of migrant workers in Kerala is **516,320**. Its district-wise figure is given below.

Sl No	District	Male	Female	Transgender	Total
1	Allapuzha	33,720	3,203	4	36,927
2	Ernakulam	1,05,038	9,986	29	1,15,053
3	Idukki	16,600	2,985	2	19,587
4	Kannur	27,733	1,139	2	28,874
5	Kasargodu	15,305	552	1	15,858
6	Kollam	24,459	480	7	24,946
7	Kottayam	33,842	405	4	34,251
8	Kozhikode	44,083	535	10	44,628
9	Malappuram	28,965	883	8	29,856
10	Palakkad	23,463	1,225	6	24,694
11	Pathanamthitta	23,712	407	0	24,119
12	Trivandrum	61,698	2,082	8	63,788
13	Trissur	40,668	1,206	6	41,900
14	Wayanad	10,410	1,428	1	11,839
Total		4,89,696	26,516	88	5,16,320

**30.03.2023 Kerala Labor Department reply to SERB project under RTI.*

2. Building and other construction workers welfare scheme

The Government of Kerala constituted the Kerala Building and Construction Workers Welfare Board under the Building and Other Construction Workers Welfare Act, 1996. State workers in Kerala became welfare members. A specially designed application (guest app) registers construction workers in the project by providing their details through an Aadhaar card. Most migrant workers who come to Kerala first work in the construction sector, which the International Labour Organization has identified as the most dangerous sector. The information I gathered through my fieldwork is that the concerned contractors/employers are not trying to fully extend the facilities the Construction and Welfare Board offers migrant workers. The primary function of the Welfare Board is to provide financial assistance. This financial assistance is provided by cess collected from construction activities. The scheme provides conditional assistance to a worker who has been an active member for at least one year and will sanction an amount for treatment of a common illness for not less than five days in hospitals recognised by the Board. ₹800/- for the first five days and ₹150/- for each continuing day of treatment up to a maximum of ₹5000/- in a year.

3. Apna Ghar Schemes

Apna Ghar is a scheme of the Government of Kerala to provide safe and clean accommodation to migrant workers. Dormitories are available for rent for migrant workers through this scheme. Kanchikode (Palakkad) and Kinalur (Kozhikode) projects have been completed. The land acquisition for the project has started at Kalamassery (Ernakulam). Accommodation has already been allotted to 620 male migrant workers in Kanjikode and 520 migrant workers in Kinalur.

4. Literacy Programs

The Government of Kerala has created many educational schemes for migrant workers in Kerala, in which various language schemes have been prepared for children and adults. The *Changati Project* is a project to teach migrant workers to read and write Malayalam and Hindi. A *Hamari Malayalam* textbook has been specially prepared for migrant workers studying through the Changati project. This textbook talks about various things about the working conditions of migrant workers. Awareness about health and safety and sanitation rights is also done in various sections of the textbook. The state has appointed professional Hindi Bengali Malayalam teachers to teach Malayalam and Hindi to the migrant workers. The exam is conducted by filling in the blanks, choosing the correct ones, and reading Malayalam words.

Roshni Project is a scheme specially formed by the state for the children of migrant workers. In this scheme prepared based on wards in the local self-government bodies, the method of providing food along with education to the children of migrant workers is proposed. It has been mentioned before about the tragic murder of the girl on August 28, 2023. *Mobile Crush* is the first project started in Kerala after that incident. Through this project, the children of migrant workers under five are taken from their homes and given free play school facilities. This scheme has been implemented for the first time in the Vengola grama panchayat of Ernakulam district. Apart from this, the state is implementing the Hamari Pathshala Project, Anya Malayalam Project, etc., to promote the education of migrant workers.

Stateless Citizens need Social Inclusion

In normal circumstances in India, every citizen born in India is a citizen of India as per Article V, which envisages the Constitution. An Indian citizen is entitled to the right to Equality under Articles 14 to 18, Freedom under Articles 19 to 22 and the Right Against Exploitation under Articles 23 to 24, guaranteed by the Constitution of India. However, till now, there are no steps and procedures to create the feeling that the migrant workers arriving in Kerala are part of the Indian people.

All the migrant workers in Kerala are de facto citizens who are not recognised by the government despite having all kinds of rights and are practically citizens of India. An individual is a migrant worker who is employed in the state of Kerala for an extended period, has ties to the community and participates in the economic transactions of the state, entirely under the citizenship of India. Even for those who belong to the citizen category, real citizenship arises when he has strong ties to the community and participates in its economic and social life. However, migrant workers are losing even such rights. The condition of migrant workers in Kerala is reduced to becoming second-class citizens of a country.

Migrant workers in Kerala are not recognised as Indian people but live a socio-economic life in Kerala. While they are actual citizens of India, in a social situation that is not accepted by the society of Kerala, which law can protect their rights needs to be derived through further discussion. In Kerala, they work, pay taxes, send their children to local schools and participate in Kerala's cultural and social life. In this sense, they must occupy a social and cultural position with the Malayalees of Kerala. However, the state and the people are very backwards in treating them that way. Migrant workers should also get the health care, education and employment opportunities that the people of Kerala get without discrimination. However, migrant workers arriving in Kerala face social discrimination, limited access to benefits and challenges in living conditions. Ensuring the rights, welfare and safety of all migrant workers arriving in Kerala has become a concern of the state government and civil society organisations.

De facto Citizenship and Interstate Migrants

"De facto citizenship" is a term coined to describe a situation in which individuals without unique citizen

ship status effectively act as citizens of a particular country. The term is often coined in response to undocumented immigration practices. The idea behind defacto citizenship is rooted in recognising that people's lives and experiences transcend legal categories and that they may enjoy many benefits and responsibilities associated with citizenship even without formal citizenship papers. While some countries may have certain rights and protections for long-term residents, these may differ from regular citizenship.

Regarding migrant workers in Kerala, defacto citizenship is seen from its legal aspects. Migrant workers are citizens of India. Then, one may wonder how those who have complete citizenship fall under the concept of defacto citizenship. It examines whether the migrant worker enjoys the social, economic, cultural and legal facilities a citizen enjoys.

Social security: In August 2023 in Kerala, a young man named Rajesh Manchi from Bihar was beaten to death by a mob on theft charges. Rajesh Manji, who came to look for a job, slept in a shed at night. Rajesh Manchi was beaten to death by a group of people who accused him of attempting to commit theft without clear evidence. Rajesh did not get any rights as an Indian citizen. This is an example of the absence of social security and protection of life and property. Migrant workers do not enjoy any of the social privileges the Malayalis enjoy in Kerala society.

Economic rights: One of the reasons why migrant workers come to Kerala is because the labour wages are higher in Kerala than in other states. However, migrant workers do not get equal pay for equal work. During my fieldwork, I came to know about the struggle of migrant workers who did not go to work in Perumbavoor and Kottayam because of the need for the same wages for the same work. Migrant women face worse economic rights than men.

Legal status: Speaking to migrant workers, Chotu (not his real name) from West Bengal learned more about the legal denial migrant workers experience. He went to the contractor to collect the wages for the work done but did not receive the wages and later tried repeatedly for the same but did not receive it. When he complained to the police station, the police were not ready to file a case, and he was in a situation where he did not get legal protection. If this happens to the Malayalis, the police action will be swift, and the migrant workers will be ignored.

Growing antipathy towards migrant workers in Kerala leads to alienation from various social circles. While the country's people have the right to be part of the public functions of a country and to express their opinions, the approach of alienating migrant workers is generally seen in Kerala. However, they also have no discrimination for the values formed from their labour force.

The concept of bare life

In this social context, the concept of "bare life" developed by the Italian philosopher Giorgio Agamben in his book "Homo Sacer: Sovereign Power and Bare Life" (1998) can be read in connection with citizenship. The concept of "bare life" (or "naked life") refers to an existence in which a person's life is reduced to its most basic and essential form, exempt from legal, political, or social protections. In this situation, a person is reduced to a mere biological existence without the rights and privileges accompanying citizenship or legal personality. This is the situation that the migrant workers in Kerala are facing now. Governments find the power to employ migrant workers as "bare life," effectively rendering them outside legal protections and political participation and legally embedding them into detention centre-like living conditions. Agamben's concept is closely related to the statelessness of migrant workers when discussing a society where human rights are violated.

It is the moral responsibility of the Government of Kerala and the people of Kerala to improve the quality of life of the migrant workers who play the most crucial role in the social work situation, including them in Kerala's social and cultural safety and welfare projects. Kerala society should correct the attitudes that argue that all the migrant workers in Kerala are problematic because of any problems caused by the migrant workers in Kerala. The role played by migrant workers in infrastructure development in Kerala's overall development projects is insignificant. The government of Kerala should allow migrant workers to share all the rights, benefits, and facilities that the citizens of India get with the people of Kerala in terms of education, health, welfare, security and peaceful life, and they should be included in the social security of Kerala. Suppose migrant workers are not included in the health system of Kerala. In that case, there will be a significant fall in the quality of the health system, and it will be dangerous for the people of Kerala, which cannot cover the population of 35 lakhs. To keep the Kerala society away from all such problems and to include the migrant workers who play an essential role in the social and economic growth of Kerala, it is necessary to maintain Kerala's migrant-friendly status in terms of health and safety.

Conclusion and Recommendation

Based on the extensive fieldwork conducted in 12 districts of Kerala and the exchange of ideas with migrant workers, discussions with policymakers and representatives of various trade unions and MGOs, the Kerala government needs to prepare a right-based and inclusive policy for migrant workers. All policymaking should be based on human rights. It is essential to go beyond the numerical data collection that has been followed by the government for ages and collect data about migrant workers. The Labor Department handles the entire information on the migrant workers in Kerala. Nevertheless, the most involved migrant workers are the local self-government system. That is why it is necessary to collect information on migrant workers in the local self-government institutions so that the government can pay more attention to the social health and safety systems of the migrant workers.

Government should follow the right-based principles of cultural conditions, social conditions, health, and employment. Kerala should agree with the state from which they come to facilitate data collection of migrant workers arriving in Kerala. In 2022, the Jharkhand government tried to sign an MoU with Kerala, but it did not happen due to the denial of the Kerala government. According to that agreement, the Jharkhand government would provide information about the migrant workers coming from Jharkhand, and Kerala would provide social security to the workers. Nevertheless, Kerala's non-acceptance of that agreement also resulted in the Kerala government's attitude of cancelling the continuation of such agreements. It should be reconsidered, and such efforts should be continued.

Migrant workers should be made aware of their rights and work practices. Many migrant workers arrive without knowing what work to do. In April 2023, Nasser Hussain, a native of West Bengal who had been working in a plywood company for four days in Perumbavoor, known as the hub of migrant workers in Kerala, fell into a waste pile and died of burns. The accident happened there because Nasser Hussain did not have the correct information about his job. It should be considered the employer and government's responsibility to provide accurate information about the job so that such accidents do not recur. To change the attitude of the Malayalees towards the migrant workers, there is a need to integrate the migrant workers more culturally. Malayalis should participate in the cultural spaces of migrant workers and allow the migrant workers to participate in the cultural spaces of Malayalis and reduce social inequality to promote harmony.

While formulating the health policy of the migrant workers, the critical fact that the Kerala government should pay attention to is related to their working hours and nature. Migrant workers get treatment after their working hours. The Kerala Government should further utilise and promote the “Bandhu Clinic” system run by the Center for Migration and Inclusive Development (CMID). CMID, headed by Dr Benoy Peter, conducts regular visits to places where migrant workers live and diagnose their diseases, gives them medicine, and changes their health behaviour to a prevention and protection model. If an NGO organisation can do it, a state with more systems can set up night mobility clinics for migrant workers. Only when the government is ready for such a new beginning can the government's role in the health care of migrant workers be possible. Another essential piece of information I learned from my fieldwork is that migrant workers go to the hospital for minor illnesses or illnesses like fever. However, due to the lack of proper treatment for skin diseases, it spreads, and the community itself must suffer its consequences. To eliminate such a situation, it is necessary to start night mobility clinics for migrant workers at the government level.

The following suggestions are proposed as part of the study at this stage, where the Government of Kerala intended to make a comprehensive law on migrant workers representative of the 1979 Act.

1. Data collection, rights protection, labour protection and prevention of exploitation of migrant workers should be left to LSG departments. Ensure provisions for the LSGs by decentralizing powers from the current responsibilities of the Labor Department and the District Labor Officer.
2. Give greater priority to efforts to create friendships with local people in the community so that migrant workers can enjoy the rights enjoyed by the Keralites people.
3. Government schemes do not reach migrant workers. Employers should be made aware of the benefits of the Awas Insurance Scheme and Migrant Welfare Scheme, and they should be responsible for registering migrant workers under such schemes.
4. The panchayat level should introduce a labour registration system to ensure labour rights, labour fraud, wage theft and equal pay for equal work. Ideas like job banks should be implemented.
5. Legal aid cells for migrant workers should be started in district centres in the state. Multilingual legal advisers should be appointed to protect them from overcrowding the jails with many migrant workers.
6. Awareness among migrant workers about one nation, one ration scheme, election participation and consideration of migrant workers during permanent residence.
7. Innovative schemes should be initiated to ensure health, employment and social security for the migrant worker as a citizen.
8. A special financial package should be allowed to start projects jointly by Malayalis and migrant workers. This will further ensure the harmony of the society.
9. Ensure a monitoring system to ensure the primary employer is responsible for providing safe and clean living facilities and to ensure the rights stipulated by the Interstate Migration Act.
10. Follow the values and guidelines established by international organizations in formulating laws respecting human rights.

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