

Structural violence and normalising human suffering: labour migration during the COVID pandemic in India

Article (Published Version)

Deshingkar, Priya (2022) Structural violence and normalising human suffering: labour migration during the COVID pandemic in India. *Journal of South Asian Development*, 17 (1). pp. 134-140. ISSN 0973-1741

This version is available from Sussex Research Online: <http://sro.sussex.ac.uk/id/eprint/104290/>

This document is made available in accordance with publisher policies and may differ from the published version or from the version of record. If you wish to cite this item you are advised to consult the publisher's version. Please see the URL above for details on accessing the published version.

Copyright and reuse:

Sussex Research Online is a digital repository of the research output of the University.

Copyright and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable, the material made available in SRO has been checked for eligibility before being made available.

Copies of full text items generally can be reproduced, displayed or performed and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

Structural Violence and Normalising Human Suffering: Labour Migration During the COVID Pandemic in India

Journal of South Asian Development
1–7
© The Author(s) 2022
SAGE Publications India Private Limited



Reprints and permissions:
in.sagepub.com/journals-permissions-india
DOI: 10.1177/09731741221077496
journals.sagepub.com/home/sad



Priya Deshingkar¹

The abrupt lockdown imposed by the Indian government at the start of the 2020 Covid-19 pandemic in March 2020 led to unprecedented scenes of human suffering. Millions of migrant workers were suddenly made redundant, evicted from their rented accommodation and unable to travel to their villages. The Centre for Monitoring the Indian Economy reports that the Consumer Pyramid Survey for April 2020 showed a drop of 122 million workers, and 75% of them were small traders and wage labourers (Vyas, 2020). A majority of those made jobless and stranded were circular, inter-state, labour migrants from the relatively under-developed northern and eastern states of the country such as Bihar, Odisha, Uttar Pradesh and Chhattisgarh, working in and around major cities including Delhi, Mumbai, Surat and Kochi. Many belonged to lower castes and other marginalized groups including minorities and *Adivasis*. They worked in a range of occupations, mostly informal, such as helpers, assistants and packers, loaders, washers, cleaners, construction labour and domestic workers. Most were in the city to work and earn to send money to their families in the village or save for a better future for themselves. They stayed in the city for varying lengths of time ranging from a few months to several years with trips back home for major events and festivals. Although their jobs were precarious, the strategy of working in the city without job security or access to social protection served them well. Work was regular, wages were relatively high, and they could bring about changes in their lives in ways that would not have been possible in the places they came from.

The pandemic disrupted all of that and left millions in limbo. As the crisis intensified, the little ad hoc help that migrants were receiving from various sources ceased and many tried to leave cities to go back home to their rural families, their only real safety net in times of calamity. In the initial weeks of the lockdown there

¹ Department of Geography, University of Sussex, Falmer, Brighton, United Kingdom of Great Britain and Northern Ireland.

Corresponding author:

Priya Deshingkar, Department of Geography, Arts B 360, University of Sussex Falmer, Brighton BN1 9QN, United Kingdom of Great Britain and Northern Ireland.

E-mail: p.deshingkar@sussex.ac.uk

were no running trains or buses and several thousand stranded migrants decided to walk back to their villages, hundreds of miles away, despite the summer heat. A survey conducted by the NGO Gaon Connection covering 25,300 migrants across 179 districts in 20 states found that 23% of the migrants had walked home (Gaon Connection, 2020). A press release issued by the Ministry of Labour in September 2020 indicated that more than 10 million migrants had returned home. This figure is widely regarded as an underestimate.

Cities that were once a reliable source of work and income had suddenly become places of uncertainty and starvation as almost none of the patrons who they had implicitly trusted were there to help them. Only a few said they were helped by contractors and employers, but that help was also discontinued after a couple of months. Part of the problem was that small and precarious businesses employing migrants were themselves struggling to survive. The awful spectacle of desperate and hungry migrants walking in tattered shoes with young children and all their belongings attracted worldwide attention. It moved common people and enraged activists but seemed to leave the government confounded and unable to make sense of what had happened. The shaming of the country abroad eventually elicited action from the government (detailed below), but it was late and uncoordinated. It also seems to have failed like many programmes before, to reach the most vulnerable. Here, I discuss the peculiarities of state-migrant relationships in India that underlie this crisis and that threaten to continue unless confronted. Even now, 18 months after the initial lockdown, poor migrants and returnees continue to face an uncertain future and ongoing marginalisation and precarity. So why, despite old and new laws and generously funded welfare schemes, are poor, lower caste and tribal migrants unable to live a life of dignity? I show below how the state, through its rule-obsessed procedures and criteria for inclusion, systematically excludes large parts of the poor and vulnerable migrant workforce and normalizes their misery. This is what Johan Galtung (1969) called structural violence and others, including Akhil Gupta (2012), have applied to the functioning of the Indian state.

Galtung proposed the idea of structural violence as violence embedded in the very structure of society that prevents people from achieving their full potential. This conceptualisation goes beyond violence as bodily harm to include violence in multiple manifestations – direct, indirect and psychological. I am arguing here that the patterns of deprivation seen in the experiences of migrants bear several characteristics of structural violence. They are harmed by class, caste and gender-based inequalities that run through the structure of the formal and informal institutions they interact with in the course of their day-to-day lives and work. I suggest that this concept is extended to explain the continuing predicament of migrant workers in India.

The first critical area is the failure of the state to gather comprehensive, up-to-date data on the kinds of migration and work that poorer people engage in. The first response of the central government after the crisis broke was to order state governments to supply figures on how many migrant workers were stranded in their states so that help could be provided. But state labour departments as well as municipalities were unable to provide these data, despite numerous official sources of labour data gathered by the Ministry of Labour and its affiliates including the

Labour Bureau and the Director General of Employment and Training as well as the National Sample Survey. These datasets are typically inadequate at capturing circular and short-term labour migration and the data are often out of date by the time they are released. Thus, embarrassingly, these key state bodies could not supply the data they were being asked for as they did not know how many labour migrants were in their jurisdiction, who they were, where they had come from, or where they were working. The lack of robust data meant that senior officials were relying on inaccurate and narrow portrayals of migration that seriously elided characteristics of the most vulnerable sections of the migrant workforce. This has long been a critical gap in our understanding of labour migration and several researchers, including myself, have drawn attention to this for more than a decade (Deshingkar & Akter, 2009; Kesri & Bhagat, 2020; Srivastava, 2011).

A linked problem is the failure of the state to reflect in its policies an understanding of the structure of labour markets and the positioning of labour migrants into the most precarious and fragmented jobs. Even large firms that are linked to globalized chains of production employ armies of informal workers in precarious jobs at the lower tiers of the job hierarchy. Migrants may be employed in very small enterprises manufacturing components or undertaking different stages of processing without being officially part of the workforce of that industry. This fragmentation obfuscates the employer-employee relationship and obscures the existence of such workers.¹ Frontline government officers such as labour inspectors are aware of the reality of how migrants are employed, but this is not reflected in the understanding of senior level bureaucrats who formulate policies.

Furthermore, certain categories of migrant workers are hidden from the gaze of the state altogether making it extremely difficult to count them through conventional surveys. The invisibility is especially acute in the case of female migrants who work in subcontracted 'home-based' work for chains of production in garment manufacturing and several other industries. There are an estimated five million home-based workers in the Indian garment industry alone (Anner, 2019). Here material is dropped off to the worker's 'home' (which may not be a residence but just a building not designated as a production unit) for further processing and then collected by intermediaries specific to that sector – for example, bars of soap that are collected after being wrapped by the home-based worker or garments that are collected after loose threads have been cut off or accessories attached. Subcontracted home-based workers are not adequately covered in the Periodic Labour Force Surveys or the Surveys of Employment and Unemployment of the National Sample Survey. Domestic work is also worth noting in this context – estimates of the number of women and girls employed as help in private homes vary widely from 2 to 90 million and reliable statistics are not available (ILO, 2011). Many homebased workers and domestic workers lost their jobs during the pandemic, but the extent of job losses and the resulting hardship went unnoticed at the policy level although NGOs and concerned citizens were trying to raise awareness (Sumalatha et al., 2021).

The second major area of concern is the continued reliance of the state on extremely bureaucratic approaches to beneficiary selection that stymied relief efforts. When the government eventually announced funding and special measures

for stranded migrants, including dedicated *Shramik* trains, food rations and cash, it imposed conditions that many migrants could not fulfil. Benefits could be accessed only by those who were registered under either of the two main legal instruments to protect interstate migrant workers' rights – the Inter-state Migrant Workmen Act, 1979 (ISMWA) or the Building and Other Construction Workers Act, 1996 (BOCWA). That such proof of identity/beneficiary status was sought despite the well-known non-implementation of both laws and the low numbers registered under them, is proof of the obliviousness of the state to the plight of migrants. A Right to Information request (reported in *The Hindu*, September 15, 2020) revealed that no inter-state migrant workers were registered under ISMWA in Delhi in 2019-20 despite it being a major destination for labour migrants. According to the 2011 Census (which is now a decade out of date), there were just over a million migrant workers in Delhi. Labour unions now put this figure at 2 million, which is somewhat corroborated by recent data from the Delhi Transport Department which showed that 800,000 migrants had registered to leave in the four weeks after the second lockdown in early 2021. Yet not a single worker had been registered under the Act. Nationwide, fewer than 34,000 workers were registered, with the highest number in Kerala (7800) at a time when there were at least 3.5 million migrant workers in the state (Peter, et al., 2020). Data gathered by Jan Sahas, an NGO working with migrant workers, shows that 94% of construction workers on their database do not have BOCW cards, making them ineligible for any BOCW related benefits (Jan Sahas, 2020).

There are well-known reasons for the lack of registration of workers and the tactics that labour contractors and employers use to avoid compliance with the law. A worker employed with all the benefits in place under the Act would be prohibitively expensive to employ for many enterprises that are working on tight margins. Krishnan, et al. (2020) argue that compliance with the Act would make hiring interstate migrants more expensive than locals because the Act requires migrants to be paid the same wages as other workers, a displacement allowance, a journey allowance, as well as the provision of suitable accommodation, free medical facilities and protective clothing. Non-implementation could also be due to a combination of lack of knowledge in small enterprises and/or an unwillingness to do all the paperwork for workers who may not stay for longer than a season. Again, this knowledge does not seem to have percolated up to higher layers of policy making, where the need to better implement the Act is repeated ad nauseum without undertaking serious investigations to understand why the record is so poor. Thus, while tens of thousands of migrants were gathered in public places begging for food and passage home, senior officials were squabbling over who deserved to be included in the schemes and frontline staff were physically barricading train and bus stations. The intense human suffering was there for all to see but the state did not have the mechanisms to respond to it.

Taken together, the unwillingness of the state to investigate the reasons for under-registration of workers under its laws, and its obliviousness towards the invisibility of certain kinds of work and people, indicate an entrenched indifference to the predicament of labour migrants. One would have expected better in a country that repeatedly invokes its commitment to the reduction of poverty and protection

of human dignity. The experience during and since the outbreak of the Covid-19 pandemic suggests quite the opposite: that despite the many laws, schemes and policy goals, the day-to-day interactions of migrants with the state have normalized their exclusion and suffering.

It must be borne in mind that the Indian state is not a monolith (Gupta, 2012). Different parts and different levels of the state may behave in contradictory ways. Very recently the Supreme Court, India's highest legislative body, issued a harsh order against the Ministry of Labour and Employment to expedite the registration of unorganized sector workers because this was the main obstacle to them claiming their entitlements to state resources and support.² The *E Shram* portal, set up to register unorganized sector workers, was finally launched by the Ministry in August 2021.³ But lower down the line, some of the same old problems of state-migrant interactions persist. Already there are reports coming in from organizations on the ground which show that entrenched bureaucratic practices continue – as I discuss below.

Arbitrary and rule-obsessed procedures threaten to exclude deserving vulnerable migrants and further institutionalize their neglect. Only those migrants with an Aadhar card, a mobile number linked to the Aadhar card and a bank account can register on the E-Shram portal (Paliath, 2021). Other forms of identity are not permitted. This in fact goes against the Supreme Court's order, which stated that workers should be allowed to self-certify their own identity if they cannot furnish proof. Although the portal has been active since late August 2021, only a quarter of the eligible workforce has registered (Paliath, 2021).

There are other requirements that are difficult to comply with for those who lack the social and cultural capital that is assumed. First, registration requires a degree of digital literacy to be able to navigate the website and understand what is required. This is an exclusionary requirement in itself and it is no surprise that a majority of registrations have been done with the help of common service centres and state *Seva Kendras*. This can be seen in a graph carried on the E-Shram portal (shown in Paliath, 2021 but which does not appear on the government website now). In Chhattisgarh and Jharkhand only 3% and 5%, respectively, were self-registered. Bihar was slightly higher at 12%. Second, there is an assumption that the registration system will work without technical glitches, which experience has shown is rarely the case. The Working People's Charter, a coalition of organisations working with informal sector workers, has reported that those who register do not always receive confirmation in writing because of technical glitches. One can imagine that this will lead to long established patterns of waiting, repeated calls, or trips to the registration centre, pleading with the authorities and being left with degrading feelings of insecurity.

Not only that, the new database will accept only the father's name of the applicant and not the mother's name. This instantly excludes those raised by single mothers or whose father is not known. Thus, E-Shram registration does not represent a radical departure from business-as-usual, rather it appears that the bureaucracy has retained control over the process and perpetuated the dependency of migrants on governance processes that have alienated them for so long.

In sum, large parts of the migrant workforce are deemed to be undeserving of state resources on account of their inability to prove who they are. These exclusions

are closely linked to their caste, ethnicity, gender and, increasingly, religion, which are known to underlie the systemic denial of rights and state resources in several critical areas of welfare. The bureaucratic indifference to the extreme human suffering that we have seen among migrants over the last couple of years is tantamount to structural violence against India's poorest and most vulnerable labour migrants.

Declaration of Conflicting Interests

The author declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

Funding

The author received no financial support for the research, authorship and/or publication of this article.

Notes

1. Ramana Murthy (2019) estimates there are 92.4% informal workers (with no written contract, paid leave and other benefits) in the economy. There are also 9.8% informal workers in the organized sectors indicating widespread outsourcing.
2. It must be borne in mind that registering on the database will entitle workers to receive social security benefits. That is not the same as guaranteeing their labour rights, an important distinction drawn by Sarkar (2021).
3. <https://www.eshram.gov.in/launch-session-of-e-shram-portal-26-august-2021>

References

- Anner, M. (2019). Predatory purchasing practices in global apparel supply chains and the employment relations squeeze in the Indian garment export industry. *International Labour Review*, 158(4), 705–727.
- Deshingkar, P., & Akter, S. (2009). Migration and human development in India. *Human Development Research Paper (HDRP) Series* (Vol. 13). UNDP.
- Galtung, J. (1969). Violence, peace, and peace research. *Journal of Peace Research*, 6(3), 167–191.
- Gaon Connection. (2020). *The state of rural India report 2020*. https://insights.gaonconnection.com/wp-content/uploads/2020/12/The-State-of-Rural-India-2020_Compessed.pdf
- Gupta, A. (2012). *Red tape: Bureaucracy, structural violence, and poverty in India*. Duke University Press.
- Keshri, K., & Bhagat, R. B. (2010). Temporary and seasonal migration in India. *Genus*, 66(3), 25–45.
- Krishnan, K. P, Burman, A., & Rai, S. (2020, May 9). Migrant Workmen Act, 1979, must be rationalised to remove requirements that disincentivise formalisation. *Indian Express Opinion*. <https://indianexpress.com/article/opinion/columns/india-lockdown-inter-state-migrant-workmen-act-6400710/>
- ILO. (2011). Global and regional estimates of domestic workers. *The Domestic Work Policy Brief Series No 4*.
- Jan Sahas. (2020). *Voices of the invisible citizens*. Jan Sahas. <https://freedomfund.org/wp-content/uploads/Voices-of-Invisible-Citizens.pdf>

- Paliath, S. (2021, December 2). India's e-Shram registration portal for workers is facing an unexpected obstacle: Aadhaar. *Scroll In*. <https://scroll.in/article/1011766/indias-e-shram-registration-portal-for-workers-is-facing-an-unexpected-obstacle-aadhaar>
- Peter, B., Sanghvi, S., & Narendran, V. (2020). Inclusion of interstate migrant workers in Kerala and lessons for India. *Indian Journal of Labour Economics*, 63, 1065–1086 .
- Ramana Murthy, S. V. (2019). *Traditional estimation practices: Determining the level and growth of the informal economy* (Session II). 7th IMF Statistical Forum, International Monetary Fund.
- Sarkar, K. (2021). Modi govt's e-Shram takes digital literacy as granted. Won't help unorganised sector workers. *The Print*. <https://theprint.in/opinion/modi-govts-e-shram-takes-digital-literacy-as-granted-wont-help-unorganised-sector-workers/736087/>
- Srivastava, R. (2011). Internal migration in India. *Human Development in India*. UNESCO.
- Sumalatha, B. S., Bhat, L. D., & Chitra, K. P. (2021). Impact of COVID-19 on informal sector: A study of women domestic workers in India. *The Indian Economic Journal*, 69(3), 441–461.
- Vyas, M. (2020, May 5). The jobs bloodbath of April 2020. *Centre for Monitoring Indian Economy*. <https://www.cmie.com/kommon/bin/sr.php?kall=warticle&dt=2020-05-05%2008:22:21&msec=776>