



## Esclavages & Post-esclavages

Slaveries & Post-Slaveries

1 | 2019

Citoyenneté & contre-citoyenneté

---

### Stolen citizenship, stolen freedoms

Locating the rights of India's circular labour migrants

*Citoyenneté volée, libertés volées. Stabiliser les droits des migrants circulaires en Inde*

*Ciudadanía robada, libertades robadas. Estabilizar los derechos de los migrantes circulares en India*

*Cidadania roubada, liberdades roubadas. Estabilizar os direitos dos migrantes circulares na Índia*

**Harsh Mander, Indrajit Roy, Priyanka Jain, Ravi Raman, Rashmi Guha Ray, Anirban Bhattacharya and Usman Jawed Siddiqi**



#### Electronic version

URL: <http://journals.openedition.org/slaveries/602>

DOI: 10.4000/slaveries.602

ISSN: 2540-6647

#### Publisher

CIRESC

#### Electronic reference

Harsh Mander, Indrajit Roy, Priyanka Jain, Ravi Raman, Rashmi Guha Ray, Anirban Bhattacharya and Usman Jawed Siddiqi, « Stolen citizenship, stolen freedoms », *Esclavages & Post-esclavages* [Online], 1 | 2019, Online since 20 November 2019, connection on 26 November 2020. URL : <http://journals.openedition.org/slaveries/602> ; DOI : <https://doi.org/10.4000/slaveries.602>

---

This text was automatically generated on 26 November 2020.



Les contenus de la revue *Esclavages & Post-esclavages / Slaveries & Post-Slaveries* sont mis à disposition selon les termes de la licence Creative Commons Attribution - Pas d'Utilisation Commerciale - Pas de Modification 4.0 International.

---

# Stolen citizenship, stolen freedoms

Locating the rights of India's circular labour migrants

*Citoyenneté volée, libertés volées. Stabiliser les droits des migrants circulaires en Inde*

*Ciudadanía robada, libertades robadas. Estabilizar los derechos de los migrantes circulares en India*

*Cidadania roubada, liberdades roubadas. Estabilizar os direitos dos migrantes circulares na Índia*

**Harsh Mander, Indrajit Roy, Priyanka Jain, Ravi Raman, Rashmi Guha Ray, Anirban Bhattacharya and Usman Jawed Siddiqi**

---

- 1 This paper is devoted to a highly populous group resident in the world's most populous democracy which is systematically deprived of citizenship rights. These are India's inter-state circular labour migrants. This paper will describe the ways in which their citizenship rights and labour freedoms are stolen from them.
- 2 Reflecting on conceptions of citizenship, Arendt (1979) reminds us that the foundational rights that pertain to citizenship are to do with the right of recognition, inclusion and membership in society. In Arendtian terms, citizenship thus refers to, the 'right to have rights'. Drawing on these insights, Somers (2008) distinguishes the formal rights attached to the legal status of citizen from the *right to human personhood*, which entails the recognition of people as moral equals endowed by a full inclusion in the social and political community. Accordingly, citizenship studies typically intimate a two-sided field: the first refers to the geopolitical borders of exclusion that distinguish 'insiders' from 'outsiders'; and the second fleshes out the differential practices of membership among those designated as 'insiders', privileging some as 'interior' and others as 'exterior'. As this paper will show, circular labour migrants in India suffer social and political exclusion not only because they are 'outsiders' for the states to which they migrate, but also because they are 'exterior' to the states from which they migrate.
- 3 In making these distinctions, Somers draws on, but also departs from, Marshall's (1950) classic formulation of citizenship as comprising civil, political and social rights

bestowed by the state on its people. However, she carefully avoids Marshall's assumptions of a linear progression from civil to political to social rights and notes instead the processes through which citizenship claims are advanced, contested and institutionalised. In a similar vein, Turner (1990) suggests that citizenship has to do with, on the one hand, social membership or belonging to a community and, on the other hand, the right to the allocation of resources. Applying this perspective to her study of China's so-called 'floating populations', Solinger (1999) finds that although circular labour migrants in that country hold formal citizenship on account of their being Chinese nationals, they are effectively excluded from both social membership in the host cities and state-provisioned social entitlements. In this paper, we benefit from these perspectives of citizenship to analyse the social and political exclusions to which circular labour migrants in India are subjected.

- 4 Circular migrant labour refers to workers with or without members of their families who find employment mainly through a process of internal migration out of the village or town of their residence to other parts of the country, sometimes over shorter distances, sometimes hundreds of kilometres away, for several months in a year. Unlike other forms of movement, in which the household settles at the destination, circular migrant labour is devoid of any sense of permanency. Some workers move around from destination to destination for most of the year performing manual labour for various employers or under one labour contractor; others migrate seasonally to the same destination for decades, working in a single industry. The paper uses the term 'circular labour' to denote the whole gamut of such labour movements, undertaken by the poorest and most socially disadvantaged groups in the country for manual wage labour, in a cyclical, seasonal and repetitive manner (Deshingkar 2008). The common thread across these is that the migrant family is unable to settle at the destination of work, which creates a critical distinction between these communities and other groups of urban poor that permanently migrate to the city (Srivastava 2011a). Several factors have contributed to the sharp rise in the number of circular labour migrants, particularly since 1991, as we demonstrate below. This merits an exploration of the need to advance and intensify our concerns for a more assured access of circular migrants to full and equal citizenship rights. It also necessitates the development of a new language of rights and citizenship with respect to migrant labour that cuts across all aspects of life: economic, social and political.
- 5 The moment someone becomes a circular labour migrant, she is likely to be effectively stripped of her basic rights, as access to them is blocked by high, often unsurmountable, barriers. This is of central concern to this paper. The number of circular migrants is high, possibly accounting for every tenth Indian, a population in itself larger than the populations of the majority of countries in the world (Deshingkar & Akhter 2009). Yet it is both extraordinary and instructive that there is such little public policy concern with the rights of these large economically and socially most vulnerable populations. The discussion here intends to offer a case for making circular labour migrants – their everyday life, the dimensions of inclusion/exclusion, and restrictions imposed on making claims – a focus of paramount importance for public policy in India.
- 6 There is a striking paucity of reliable official data about the numbers and conditions of this extremely vulnerable population. In a country noted for its excellent systems of official censuses and surveys, the inadequacy of data regarding labour flows may not be

a chance lapse. The unilateral emphasis on economic growth and official programmes such as ‘Make in India’ that valorise home-grown production activity, but without any discourse on the rights or needs of the labouring populations that fuel such growth, further erode the value ascribed to workers in the public imagination. Evidence suggests that in the organized sector, value added to the wage share has been either stagnant or facing decline in the last few years, not to speak of the mushrooming informal sectors that employ mobile citizens, where under-payment of labour is widespread (Abraham & Sasikumar 2017; Jain & Sharma 2018). Increased flows of foreign direct investment are offered not by adhering to the ethics that they follow in their points of origin, but by making India friendly to investment at the cost of labourers’ livelihoods, and by curtailing their basic political rights to organize themselves (Dasgupta 2017).

- 7 It is our view that the overarching framework for articulating migrants’ rights – the needs and claims as part of their livelihood, identity and citizenship – should be contextualized within the notion of an advanced welfare state. India never was a fully developed welfare state, but in its early decades of freedom it was a developmental and partially redistributive state. This declined further in neoliberal India after 1991, although in the years 2004–13, some advances were made in terms of legal guarantees for certain social rights such as to information, rural employment, free and compulsory school education, food and nutrition, and for rights in relation to street vendors and forest use. A welfare state becomes inclusive when it can erase the spaces of exclusion which are inherent in any state form. An inclusive welfare state is important to the deepening of democracy since it integrates the needs and requirements of all people living within its jurisdiction, including those who routinely fall through the cracks of the system, as this paper argues is the case with internal circular labour migrants in India.

## Size and triggers of circular migration

- 8 The lack of reliable official data on circular labour migration has led to several disagreements about its incidence. The 2011 census enumerates 454 million internal migrants in India, up from 315 million in 2001 and 220 million in 1991. Moreover, a comparison of the 2011 census figures with previous ones suggests that India’s workforce has become more mobile. Over 10% of India’s workforce is mobile, according to the 2011 census, compared with 8% in 1991 (Economic Survey 2017: 266). However, these figures are likely to be underestimates, given the well-known fact that much of the internal migration in India tends to be circular, which is not captured in the census data. Mazumdar et al. (2013) draw on the data provided by the National Sample Survey Organisation (NSSO) to peg this number at 70 million. They suggest that 17% of the workforce is comprised of migrant workers, while Tumbe (2014) argues that this figure reaches 20%. Srivastava (2011c) pegs this figure at 29%, a figure endorsed by the Report of the Working Group on Migration (Government of India, Ministry of Housing and Urban Poverty Alleviation 2017). Using data from the sectoral workforce, Deshingkar and Akter (2009) estimate that internal migration in India touches 100 million people.
- 9 Parida and Raman (2018) demonstrate that the number of migrants within India increased from 178 million to 228 million between 1983 and 1993, growing at a rate of about 5 million per year. Since 1993, it again increased by 124 million people over 14

years to reach 352 million in 2007–8. Based on their comparison of data supplied by the NSSO for its 55th round and 64th round, they illustrate that internal migration grew by about 8.3 million persons per year, with a parallel increase in the percentage of migrants to total population from 23.4% to 29.3% during this period.

- 10 Scholars remain divided about the factors that spur circular labour migration in India. Some observers claim that circular labour migration has been exacerbated by depressive forces such as deepening poverty, population pressure, environmental degradation and depletion of natural resources. Intensified mechanization and the resulting structural changes result in workers losing their jobs in agriculture, prompting huge influxes in the urban areas (Sainath 2011). Internal migration may also be attributed to internal displacement due to multinational corporation-led developmentalism, ethnic conflicts or the impact of a neoliberal growth trajectory leading to pauperization of peasants and forest-dependent communities (Mitra, Samaddar & Sen 2017). Others have directed attention to the attractions of urbanization, better employment opportunities in cities, improvement in education levels and the development of transport and communication. They point to the growing assertion of Dalit and Backward Caste groups, which refuse to remain dependent on dominant caste employers in the villages and prefer to work in other regions and localities (Roy, In Press). In this paper, we take the position that irrespective of the factors that spur internal migration, migrant workers suffer several vulnerabilities in their destination sites, as elaborated below.
- 11 Parida and Raman's (2018) analysis of the 64th round of the NSSO data suggests that absolute numbers of out-migrants as well as out-migration rates are very high in most of the agriculture-dependent and relatively poorer states. In terms of rural out-migration, Uttar Pradesh topped the list during 1999–2000 (35.6M) and 2007–8 (about 37M), with an absolute increase of 1.3 million. Maharashtra registered the second highest number of rural out-migrants, followed by Andhra Pradesh, West Bengal, Rajasthan, Bihar, Madhya Pradesh, Karnataka, Odisha and Tamil Nadu during 2007–8. In terms of the increase in out-migration, Chhattisgarh is followed by Andhra Pradesh, Rajasthan, West Bengal, Maharashtra and Bihar. It is important to note that the states with a relatively high poverty head-count ratio show higher levels of rural out-migration.
- 12 The recent increase in female migration and the rising share of migrants within the female workforce in urban areas reflect the transformation taking place in India. Between 1983 and 2008, the proportion of female migrants within the total female population rose from 35 to about 50%, whereas the share of female migrants in the total female labour force rose from 53 to 73% in the same period.
- 13 The states receiving the highest numbers of urban in-migrants are Maharashtra followed by Uttar Pradesh, Andhra Pradesh, Gujarat, Tamil Nadu, West Bengal, Karnataka, Delhi and Rajasthan. But the states that registered the highest increase in the absolute number of migrants are Delhi (about 6M), Maharashtra (3.25M), Gujarat (2.2M), Rajasthan (1.66M), Andhra Pradesh (1.5M), West Bengal (1.23M) and Karnataka (1.22M). The share of migrants in the urban workforce is greater than their share of the total population, and in 2008, about 37% of all urban workers were migrants. The proportion of migrants in the workforce was highest (about 59%) in Delhi and Maharashtra (about 50%) (Parida & Raman 2018).

## Stolen citizenship of circular labour migrants

- 14 The routine denial of social rights has in effect stolen from these workers their full and equal citizenship. The Constitution is unambiguous in upholding the rights of Indian citizens to work and live freely in any part of the country. Article 19, subsections (1)(d) and (1)(e), dealing with fundamental rights, declares that ‘All citizens shall have the right [...] to move freely throughout the territory of India; to reside and settle in any part of the territory of India.’ Further, Article 41 of the Constitution enjoins the state ‘within the limits of its economic capacity and development’ to ‘make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want’.
- 15 However, even after seven decades of independence, safe and decent housing, healthcare, education, childcare and social protection, subsidized rations, old-age pensions and maternity benefits are systematically denied to circular labour migrants, despite some of these rights being guaranteed by law. India’s Supreme Court has maintained that the fundamental right to life guaranteed by the Constitution includes implicitly the right to all that makes a life with dignity possible.
- 16 We use the phrase ‘stolen citizenship’ because for the ever-burgeoning footloose labour force of circular migrants, their formal or notional rights are taken away from them in the many slippages between the source and the destination. Despite being stark, these slippages remain invisible by design in terms of social and economic policy. It is important to recognize that these denials are the outcome of policy and legal frameworks which fail to address the hardship of this group. Adding to these shortcomings the *othering* of so-called ‘migrants’ through acts of labelling, such as ‘outsiders’, ‘encroachers’, ‘illegal occupants’ and ‘criminals’, exacerbates these denials at their destination where they spend their working lives. The paperless migrants hence find it increasingly difficult to lay claim upon city spaces that have become increasingly uninviting. The story of this eclipsed citizenship has emerged as a *sine qua non* of the neoliberal model.

## Housing

- 17 Though shelter is a basic human right, the state has failed to realise it. Even where the Contract Labour Law makes this a liability (of the contractor), the state, in its urge to promote ‘ease of business’, has rendered such provisions toothless with its lack of implementation (Srivastava 2011b: 185). The contrast with China in this regard is instructive. While in China, 20–40% of migrant workers have been provided with dormitory accommodation by employers, the comparable figure in India is negligible (Mahadevia, Zhiyan & Ziuming 2010). Moreover, while in China the government’s stance has shifted more recently in favour of residential rights and housing for migrant workers, that has not been the case in India (Srivastava 2011b: 186).
- 18 These floating populations of labourers are constantly moving between their villages and different urban work destinations. They are mostly unable to afford housing even in slums. Either they are rendered homeless (living on pavements, under flyovers, near railway stations) or they stay in shared rented rooms in deplorable conditions. Sugathan and Jayaram state that millions of urban migrants are pushed to the

peripheries of the city ‘both spatially as well as in the imaginations of urban planners’. ‘They slip through the cracks in the patchwork of grandiose urban development and housing policies. These policies remain disconnected from the country’s socio-economic reality of growing rural–urban migration’ (Sugathan & Jayaram 2018). The Aajeevika Bureau finds that the other most common living arrangement for many of these workers is within the worksite, inside the cramped factory units and on shop floors.

## Healthcare

- 19 Circular migrants typically live and work in conditions which render them particularly vulnerable to poor health, especially to occupational diseases and disabilities from workplace accidents. ‘A multitude of factors affect the health of migrants, including inadequate nutrition, poor housing conditions, hazardous occupational conditions, lack of access to health care services and a low level of awareness’ (Borhade 2011).
- 20 Given the informalised conditions of work, circular migrants often live and work at the same place, which results in unduly long working hours. Getting leave even for medical treatment is often impossible. Since most such workers do not have a contract and their payment modalities are such that they do not receive regular wages, it is difficult to set money aside for medical emergencies. Further, circular migrants are perceived as a burden on the public service system in destination areas and face prejudice and disrespectful behaviour (Shah & Lerche 2017). In the case of healthcare, lack of respect can negatively impact service delivery. Lastly, in case of grave injury or ailment, the circular migrant usually would have to fall out of the workforce and face destitution as there is no time in their schedule to allow for care and rest. Beyond a lack of access to formal/public support systems on account of highly informalised conditions of work and lack of formal identification, they do not have access to social support structure in the destination, like sedentary families do, leading to a double exclusion: from public services as well as from normative support structures that form the fall-back mechanism for most underprivileged members of society.

## Childcare and education

- 21 Several studies show that long-term migration contributes to better educational attainment for wards in the source region (e.g. Deshingkar & Sandi 2011: 51). The same, however, cannot be said about circular migrants. Studies show that the bulk of seasonal migrants are in the prime working-age group (15–45 years), and since these migrants come from the poorest and most vulnerable sections of the working population, their own educational attainment is negligible. A majority of those who are married in this age group have young children. Elaborating on their specific vulnerabilities, Smita (2008) comments:

They are subjected to hazardous travel between villages and work sites, and a life of severe deprivation at work sites. Girls endure even more deprivations than boys. In the villages, these children find acceptance neither in school nor in the larger community and are viewed as outsiders. Furthermore, because of the nature of their parents’ labour patterns, these children are difficult to trace, and are therefore easily left out of the education system.’

- 22 Migration of either one or both the parents has the potential of reducing the child's probability of being educated (Srivastava 2011b: 180). As Deshingkar observes in a study of circular migration in Andhra Pradesh, one of the most common consequences of circular migration is the disruption of the child's education. 'There are no formal facilities and children end up helping their parents or playing by the roadside' (Deshingkar 2008: 188). In western Maharashtra, in sugar-cane-cutting work alone, it is estimated that about 180,000 children from 0–14 years old migrate with their parents every year, of which at least 75,000 are aged between 8 and 14 years.<sup>1</sup> These children have to contribute to household chores (Srivastava 2011a: 24) and miss out on school.
- 23 This leads to denial of the child's constitutional right to free and compulsory education and nutritional support through school meals. Joining school in the destination site often becomes difficult because of differences in language and barriers to entry. Rarely able to get back to schooling in the long term, these persons are entrenched in low-skilled, insecure and low-paid sectors of the labour market as adults, thus completing the vicious cycle of poverty and distress migration (Whitehead 2011). While poverty is understood as the prime factor for parents not sending their children to school, the importance of ensuring access to schooling for a mobile population needs to be further highlighted.
- 24 The denial of full and equal citizenship is the direct consequences of state policies as efforts to cater to this group are virtually non-existent. The pursuit of market-led growth has resulted in primacy being accorded to the imperatives of capital and a race to the bottom as states cut social expenditure. While seasonal migration is not a novel phenomenon, the cumulative impact of a deepening agrarian crisis, an employment crisis and a crisis of social reproduction accentuated in the phase of liberalization have added to the sheer volume of migration and the confinement of migrants to the lower socio-economic class. There has been a higher migration of lower social groups to urban areas compared to earlier periods.<sup>2</sup> Much of this is attributed to rural–urban disparities in socio-economic development and increasing urbanization (Smriti & Vakulabharanam 2018). While the vagaries of the market and concomitant agrarian distress have made agriculture unviable in ensuring adequate employment, deregulation of industry has meant a steady dilution of whatever labour laws remained, making workers more vulnerable in other sectors. Constitutional obligations require the state to ensure adequate means of employment at citizens' place of origin, and dignified living conditions at their probable destination. The neoliberal state has failed in providing either, leading to uneven development and a denial of fundamental rights along with gross violation of labour laws.

## **Stolen freedoms of circular migrants: the 'super-exploited' of India's unequal labour markets**

- 25 India's informal economy is rife with violations of basic labour rights, with circular migrants occupying the most hazardous and least remunerative segments of labour value chains (Breman 2013). Realisation of human rights and citizenship is untenable without labour rights as a central pillar. The widespread infringements of the latter in India highlights that circular labour migrants have been subjected to a theft of their basic freedoms. There is a misconception that these infringements occur because the informal economy falls beyond the ambit of labour laws. Contrary to this perception a



large set of central and state laws are applicable to informal workers, seeking to regulate the following aspects: physical conditions, duration, timing and remuneration at work; industrial and labour relations; conditions of work of disadvantaged workers; and social security of informal workers (including health, maternity, life and accident, old age and unemployment insecurity) (National Commission for Enterprises in the Unorganized Sector [NCEUS] 2006, 2007). The laws vary in terms of their applicable criteria, coverage as well as restrictions, but cover large parts of the unorganized workforce (Chandrasekhar & Ghosh 2002). These laws are based on a recognition of the following principles: (a) that capital has an inherent tendency to exploit labour for greater profits and therefore the fundamental role of labour law must be to balance out the interest of capital and labour (Papola & Pais 2007); (b) that values of social justice and equity that are enshrined in the Indian Constitution are unachievable without making labour rights and welfare a reality (Singh J. 2003); and (c) that a sustainable growth of the economy and industry is untenable without a healthy and secure workforce (Papola & Pais 2007).

- 26 Notwithstanding the aforementioned labour laws, violation of basic worker rights is pervasive in the country's informal economy. There are two noteworthy mechanisms that facilitate such unabated labour rights violations. The first is the under-resourcing, under-staffing and disempowerment of the labour departments and regulatory bodies in the country, which result in near-complete failure to inspect or prosecute violators (NCEUS 2007). That around 92% of the workforce of the country is unorganised<sup>3</sup> is not necessarily due to lack of laws, but due to firms and establishments circumventing the existing laws with impunity in the absence of effective regulatory bodies (Government of India 2002). This allows employers to easily keep workers off their books, declaring their firm to be smaller than minimum-size criteria of applicable laws with no real threat of being found out (Jain & Sharma 2018). The state of Gujarat exemplifies the complicit nature of the state in all of this. Breman (2013) as well as Hirway and Shah (2011) argue that there has been a conscious thrust by the state government to not monitor compliance with minimum wage laws so as to attract investors by assuring non-interference.
- 27 The second mechanism that creates conditions of grave labour rights violation is the dilution of labour laws themselves, including the weakening of trade unions and workers' organizations, the relaxation of worker hiring and firing laws and the deepening casualisation of work. A key strategy has been to pit states against each other in a race to the bottom for attracting investors through erosion of labour and civil rights of poor groups. This design can be seen in the proposed Labour Codes. Ostensibly, the rationale for this initiative is laudable: to rationalise and make coherent the complex set of labour laws prevalent in the country. However, critiques from trade unions, labour rights activists and lawyers suggest that the draft Codes hide many features that further erode the rights, power and security of workers (Singh M. 2017; Singh R. 2017; TNN 2017). There is therefore an urgent need for policy prescriptions that place liability for workers' welfare and security on principal employers and on big firms sitting at the high end of supply chains (International Labour Office [ILO], 2016). Despite this pressing policy need, the draft Wage Code released by the current central government has moved in the very opposite direction. While the government and its supporters are widely proclaiming the Codes to be beneficial for the labouring classes, a

legal analysis of its provisions reveals that it attempts what Jenkins (2004: 334) has called '[labour] reform by stealth'.

- 28 The specific interaction of circular migrants with such a policy and administrative regime is shaped by their location in India's labour market. According to the ILO (2013), the country's labour market is one of the most segmented in the world, being divided into separate sub-markets that function based on distinct labour practices and norms. Here, circular migrants tend to occupy the most disadvantageous segments with the most adverse terms and conditions of work, and with highly limited vertical or horizontal mobility. Borrowing the Marxian term, circular migrants are often referred to as the 'super-exploited' (Shah & Lerche 2017; Jain & Sharma 2018). These segments are further divided along the lines of gender, caste, tribe and religion, such that circular migrants are disproportionately represented by historically disadvantaged and stigmatised social groups of Dalits, Adivasis and Muslims, with significant overlap with the categories of child and bonded labourers (NCEUS 2007; Papola 2012; Breman 2013; Shah & Lerche 2017).
- 29 The consistency of social status between erstwhile bonded labour (lower caste and tribal group members) and workers under conditions of neo-bondage is not a coincidence. The majority of those toiling at the bottom of the economy and in the ranks of circular labour migrants are from such historically oppressed social groups. This is evidence of the complex way in which servitude (built into a social system) has been reproduced under conditions of modern-day capitalism in India.
- 30 The inequality in the labour market is such that employers are free to use the desperation of vast, impoverished, circulating labouring classes and exploit them by: (1) extending their work day (through blatant or hidden ways of unpaid or underpaid overtime, especially through on-site living); (2) increasing the intensity of their work (i.e. the degree of mental and physical exertion needed to perform tasks, especially in hazardous and strenuous work and living conditions where employer refuses to bear any costs of safety or basic facilities); (3) payment below value (underpayment of migrant workers vis-à-vis local workers, and unequal pay for women and children); and (4) abandoning the security of the household (by refusing to pay or take responsibility for workplace accidents, illnesses, education of children or the old age of the worker) (Frank 1978; Jain & Sharma 2018). Consequently, large costs get shifted on to the migrant household: employing them during their productive years for maximum extraction without payment of living wages; dispensing with them as soon as younger, cheaper and stronger workers are available; and leaving the household without any protection or security for the workers' non-productive years. The costs of such abandonment are ultimately passed on to the labour of women in the migrant households and inter-generationally to the children (Jain 2018).

## **Suspended political rights and exclusion from sedentary governance structures**

- 31 Underpinning such social exclusions is political exclusion. Voting rights in India continue to be restricted to the places of people's usual domicile. For migrant labourers, who give the best part of their working lives to multiple locations in urban and rural India, such restrictions have two implications. First, this reduces their value to the destination locality's politicians, who do not need their votes to win elections at

all. Second, migrant labourers are not able to always go back to their homes during election time to cast their votes: ample reportage on the political exclusion of migrant workers from the 2015 Bihar Vidhan Sabha elections bears this out (Roy 2016). The figures for the 2014 Lok Sabha elections were comparable: slightly fewer respondents reported being able to return home to cast their vote during the elections held in April/May of that year. Indeed, several studies testify to the political disenfranchisement of circular labour migrants (Roy 2016; Aajeevika Bureau 2012).

- 32 The deep sedentary bias of policy design and the institutional set-up at local, state and national levels mean that almost all social protection and welfare schemes assume the existence of a sedentary citizen-subject, whereby the allocation of funds to a scheme depends on the number of beneficiaries in a state. In the case of circular migrants, such a system fails the citizen, as the person is denied access to a range of entitlements, from legal rights of political representation (voting) to accessing public services and social protection measures, owing to them not being enumerated in their destination areas.
- 33 Portability of rights necessitates a healthy relationship between the centre and the states, particularly with respect to the devolution of funds, allocation of food grains through the public distribution system and implementation of centrally sponsored schemes. Only by advancing the welfare state would circular labour migrants develop a sense of fuller and equal belonging to the state, wherever they may be. Further, the states should have more autonomy for operationalizing imaginative welfare schemes for migrant workers. A notion of universal rights that is portable and inclusive needs to be the principal bedrock for the portability of migrants' entitlements. It is common to see governments of migrant-receiving states abdicating basic responsibility towards their migrant population and undermining the portability features of centrally mandated schemes. Politically, preserving the rights of internal migrants would require curtailing the autonomy of states to abandon responsibility towards their migrant populations, with the central government assuming the role of defending the rights of vulnerable populations, moving across state borders, including the financial responsibility of providing for them where needed.
- 34 Public policy solutions are difficult, but not impossible. The southern Indian state of Kerala which is known for its developmental reasoning with respect to migration flows (see Raman 2012) has introduced a comprehensive health security scheme for migrant workers. Titled Awaz, the scheme provides cashless and paperless medical treatment benefits up to INR15,000 (£166) to all migrant labourers per year using biometric cards in more than 300 empanelled hospitals, including private ones. The labourers are also entitled to a death insurance of INR2 lakh (£2,222). The enrolment for the scheme began on 1 November 2017 and makes use of government-issued identity cards such as the Aadhaar card or Election card. Till now, 189,013 workers have been enrolled under the Awaz scheme, of which 177,597 are male, 11,365 female and 51 are transgender, the latter being an example of inclusive migrant welfare in the state of Kerala.
- 35 Community-based hostels in village schools with grandparents as care-givers can ensure a low-cost and least disruptive way of allowing children to continue their education. Working men's and women's hostels with low-cost dormitories for workers, combined with affordable social and rental housing, can allow them a roof over their heads at their destination. Community kitchens serving nutritious subsidised cooked meals can secure nutrition and free up savings for single migrants. Social and food protection rights can be made portable without tying them into the highly problematic

framework of compulsory biometric linkage which enables intrusive state surveillance. But for this it is imperative for states to acknowledge the daily reality of this routine theft of citizenship and freedoms from millions of India's most impoverished, exploited and socially vulnerable workers. Once they do this, they must be compelled by public action to secure them these freedoms and citizenship rights.

- 36 This paper has analysed how millions of circular labour migrants in India are deprived of their fundamental rights. They are often reduced to being treated in their own country in the way undocumented immigrants should not be treated. The migrants are mostly impoverished and socially disadvantaged inhabitants of rural areas and leave their villages to find work in the cities, where industries, especially in the construction sector, have a huge demand for daily wage labourers. In a state that is eager to prove its business-friendly credentials, labour laws are twisted and violated, leaving workers vulnerable and one of the most exploited sections of society. A huge percentage of these labourers are Dalits or Adivasis, two of the most persecuted and marginalised sections of Indian society and which are prone to further neglect by the state.
- 37 With no access to proper housing and healthcare, the safety of these workers' families is compromised. In a diverse country like India where every state has a different language, children of migrant labourers end up not going to school, jeopardising their chances of upward mobility in the future. In order to secure the constitutional rights and freedoms of circular migrants and their families as equal citizens, an inclusive welfare state is needed that caters to the interests of the marginalised sections of the society and is not restricted by neoliberal compulsions.
- 38 The era of neoliberalism has led to capitalism in the Indian case to adapt to forms of hegemony that are entirely compatible with post-slavery neo-bondage. While for the first time the Indian labour market has seen a structural shift in favour of non-agricultural employment, especially in construction, new jobs are marred by such poor conditions of work and hostile modes of inclusion that rather than offering a release from structures of social domination, they reproduce and intensify the same.
- 39 Denial of basic, constitutionally provided rights of individuals through adverse conditions of inclusion in the labour market, as evidenced in the case of circular labour migrants, is a regressive tendency. This post-slavery era is not marked by greater labour freedoms or their greater access to their rights as citizens and as workers. Instead it has fostered debased and unjust conditions of servitude and neo-bondage as the likely destinies of these workers. This calls into question the role of the neoliberal state, which nominally subscribes to democracy while simultaneously fostering a regime of economic growth that bars millions of its toiling citizens from availing themselves of their basic citizenship and labour rights.

---

## BIBLIOGRAPHY

- AJEEVIKA BUREAU, 2012. "Political Inclusion of Seasonal Migrant Workers in India: Perceptions, Realities and Challenges," available online: <https://goo.gl/vUZYQ5> [last accessed, December 2018].
- ABRAHAM, Vinoj & S.K., SASIKUMAR, 2017. "Declining Wage Share in India's Organized Manufacturing Sector: Trends, Patterns and Determinants," *ILO Working Papers*.
- ARENDT, Hannah, 1979. *The origins of totalitarianism*, New York, Harcourt Press.
- BORHADE, Anjali, 2011. "Health of Internal Labour Migrants in India: Some Reflections on the Current Situation and Way Forward," *Asia Europe Journal*, No. 8/4, pp. 457–60.
- BREMAN, Jan, 2013. *At work in the informal economy of India. A perspective from the bottom up*, Delhi, Oxford University Press.
- CHANDRASEKHAR, C. P. & Jayati GHOSH, 2002. "Regulating labour markets for more employment," *The Hindu Business Line*, available online: <https://goo.gl/mzqWnF> [last accessed, December 2018].
- DASGUPTA, Byasdeb, 2017. "Flexible Labour and Capital Accumulation in Post-Colonial India," in Iman Kumar Mitra, Ranabir Samaddar & Samita Sen (eds.), *Accumulation in Post-colonial Capitalism*, Singapore, Springer, pp. 1–26.
- DESHINGKAR, Priya, 2008. "Circular Internal Migration and Development in India," London, Overseas Development Institute, available online: <https://goo.gl/tSp3wN> [last accessed, December 2018].
- DESHINGKAR, Priya & Shaheen AKTER, 2009. *Migration and Human Development in India*, Geneva, United Nations Development Programme.
- DESHINGKAR, Priya & Matteo SANDI, 2011. "Migration and Human Development in India: New Challenges and Opportunities," in *National Workshop on internal Migration and Human Development in India*, New Delhi, UNICEF / Indian Council of Social Science Research, Vol. 2, pp. 48–85, available online: <https://goo.gl/DwERdz> [last accessed, December 2018].
- ECONOMIC SURVEY, 2017. "Economic Survey of India, 2016–17", *Department of Economic Affairs, New Delhi: Government of India*, available online: [https://www.indiabudget.gov.in/budget2017-2018/es2016-17/echapter\\_vol2.pdf](https://www.indiabudget.gov.in/budget2017-2018/es2016-17/echapter_vol2.pdf) [last accessed, December 2018].
- FRANK, Andre Gunder, 1978. "Super-exploitation in the Third World," Paper prepared for the Conference on *Underdevelopment and Subsistence Reproduction in Latin America*, University of Bielefeld.
- GOVERNMENT OF INDIA, Ministry of Housing and Urban Poverty Alleviation, 2017. "Report of the Working Group on Migration," available online: <http://mohua.gov.in/upload/uploadfiles/files/1566.pdf> [last accessed, December 2018].
- GOVERNMENT OF INDIA, Ministry of Labour, 2002. *Report of the Second National Commission on Labour*, New Delhi, Archives of Indian Labour, Vol. II, Chap. 1, Conclusions and Recommendations, pp. 27–8.
- HIRWAY, Indira & Neha SHAH, 2011. "Labour and Employment under Globalisation: The Case of Gujarat," *Economic and Political Weekly*, No. 46/22, pp. 57–65.

- INTERNATIONAL LABOUR OFFICE [ILO], 2013. *Role of Labour Regulation and Reforms in India: Country case study on labour market segmentation*, Geneva, International Labour Office, available online: <https://goo.gl/6kgVXU> [last accessed, December 2018].
- INTERNATIONAL LABOUR OFFICE [ILO], 2016. "Decent work in global supply chains," Geneva, International Labour Office, available online: <https://goo.gl/VGFdfH> [last accessed, December 2018].
- JAIN, Priyanka, 2018. "Internal Aliens: Suspended Citizenship of Labour Migrants in India," *Migrantscape*, available online: <https://goo.gl/XuEvzx> [last accessed, December 2018].
- JAIN, Priyanka & Amrita SHARMA, 2018. "Super-Exploitation of Adivasi Migrant Workers. The Political Economy of Migration from Southern Rajasthan to Gujarat," *Journal of Interdisciplinary Economics*, No. 31/1, pp. 1-37.
- JANARTH, 2006. "Working Together Towards Sustaining Migrant Children's Education: The Case of Janarth Vasatigruha," Consultation Paper.
- JENKINS, Rob, 2004. "Labor Policy and the Second Generation of Economic Reform in India," *India Review*, No. 3/4, pp. 333-63 [DOI: 10.1080/14736480490895660].
- MAHADEVIA, Darshini, ZHIYAN Liu & ZIUMING Yuan, 2010. "Housing Options and Mobility of Urban Migrants in India and China," Centre for Urban Equity, CEPT University, available online: <https://goo.gl/HNyRc1> [last accessed, December 2018].
- MARSHALL, T.H., 1950. *Citizenship and social class, and other essays*, Cambridge, Cambridge University Press.
- MAZUMDAR, Indrani, N. NEETHA, & Indu AGNIHOTRI, 2013. "Migration and Gender in India," *Economic & Political Weekly*, No. 48/10.
- MITRA, Iman Kumar, Ranabir SAMADDAR & Samita SEN, 2017. "Introduction: A Post-Colonial Critique of Capital Accumulation Today," in Iman Kumar Mitra, Ranabir Samaddar & Samita Sen (eds.), *Accumulation in Post-colonial Capitalism*, Singapore, Springer, pp. 1-26.
- NATIONAL COMMISSION FOR ENTERPRISES IN THE UNORGANIZED SECTOR [NCEUS], Government of India, 2006. *Social Security of Unorganized Workers*, available online: <https://goo.gl/rPoG7a> [last accessed, December 2018].
- NATIONAL COMMISSION FOR ENTERPRISES IN THE UNORGANIZED SECTOR [NCEUS], Government of India, 2007. *Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector*, New Delhi, pp. 1-107.
- PAPOLA, T.S., 2012. "Social Exclusion and Discrimination in the Labour Market," *Institute for Studies in Industrial Development*, available online: <http://isid.org.in/pdf/WP1204.pdf> [last accessed, December 2018].
- PAPOLA, T. S., & Jesim PAIS, 2007. "Debate on Labour Market Reforms in India. A Case of Misplaced Focus," *The Indian Journal of Labour Economics*, No. 50/2, pp. 183-200.
- PARIDA, Jajati & Ravi RAMAN, 2018. "India: Rising Trends of International and internal Migration," in Anna Triandafyllidou (ed.), *Handbook of Migration and Globalization*, London, Edward Elgar, pp. 226-46.
- RAMAN, Ravi, 2012. "Currents and Eddies: Indian Middle East Migration Processes," *Cambridge Journal of Regions, Economy and Society*, No. 5/2, pp. 189-205.

- ROY, Indrajit, 2016. "Enhancing mobility: Political and social rights for circular labour migrants," *Policy Brief*, No. 34112, pp. 1–6.
- ROY, Indrajit, In press. "Inclusive exclusions: Social and political exclusion of circular labour migrants in India," in A. Kumar & B.B. Bhagat (eds.), *Migration and Mobility in India: A Citizenship Perspective*.
- SAINATH, P., 2011. "Census findings point to decade of rural distress," *The Hindu*, September 25, available online: <https://goo.gl/Sa4nki> [last accessed, December 2018].
- SHAH, Alpa & Jens LERCHE, 2017. "Tribe, Caste and Class – New Mechanisms of Exploitation and Oppression," in Alpa Shah et al., *Ground down by growth. Tribe, Caste, Class and Inequality in Twenty-first Century India*, New Delhi, Oxford University Press, pp. 1–31.
- SINGH, Jaivir, 2003. "Incentives and Judicially Determined Terms of Employment in India Endemic Trade-Off between Justice and Efficiency," *Economic and Political Weekly*, No. 38/2, pp. 123–33.
- SINGH, Monalisa, 2017. "Discordant Chord of the Social Security Code: Raising concerns on the Draft Labour Code on Social Security and Welfare," *The Invisible Lawyer*, available online: <https://goo.gl/5wm7Tm> [last accessed, December 2018].
- SINGH, Ravi. S., 2017. "RSS affiliate joins Left unions to oppose labour code Bill," *The Tribune*, available online: <https://goo.gl/7UPGD1> [last accessed, December 2018].
- SMRITI, Rao & Vamsi VAKULABHARANAM, 2018. "Migration, crises and social transformation in India since 1990s," in Cecilia Menjivar, Marie Ruiz & Immanuel Ness, *The Oxford Handbook of Migration Crises*, Oxford / New York, Oxford University Press.
- SMITA, 2008. "Distress Seasonal Migration and its Impact on Children's Education. CREATE pathways to access," *Research Monograph*, No. 28, available online: <https://goo.gl/4xexoY> [last accessed, December 2018].
- SOLINGER, Dorothy, 1999. *Contesting Citizenship in Urban China. Peasant Migrants, the State and the Logic of the Market*, Berkeley, University of California Press.
- SOMERS, Margaret, 2008. *Genealogies of citizenship. Knowledge, Markets, Statelessness, and the Right to have Rights*, Cambridge, Cambridge University Press.
- SRIVASTAVA, Ravi, 2011a. "Internal Migration in India: An Overview of its Features, Trends and Policy Challenges," in *National Workshop on Internal Migration and Human Development in India*, New Delhi, UNICEF / Indian Council of Social Science Research, vol. 2, pp. 1–47, available online: <https://goo.gl/RCi2Xv> [last accessed, December 2018].
- SRIVASTAVA, Ravi, 2011b. "Internal Migrants and Social Protection in India: The Missing Link," in *National Workshop on Internal Migration and Human Development in India*, New Delhi, UNICEF / Indian Council of Social Science Research, vol. 2, pp. 166–193, available online: <https://goo.gl/6ccS7m> [last accessed, December 2018].
- SRIVASTAVA, Ravi, 2011c. "Labour Migration in India: Recent Trends, Patterns and Policy Issues," *The Indian Journal of Labour Economics*, No. 54/3, pp. 411–40.
- SUGATHAN, Sangeeth & Nivedita JAYARAM, 2018. "'Housing for All' Means Nothing for India's Migrant Workers," *The Wire*, available online: <https://goo.gl/yGA9gS> [last accessed, December 2018].
- TNN, 2017. "Govt's draft social security code raises hackles," *The Times of India*, available online: <https://goo.gl/hLpS5P> [last accessed, December 2018].

TUMBE, Chinmay, 2014. "Missing Men, Migration and Labour Markets: Evidence from India," *The Indian Journal of Labour Economics*, No. 58/2, pp. 245–67.

TURNER, Bryan, 1990. "Outline of a Theory of Citizenship," *Sociology*, No. 24/2, pp. 189–217.

WHITEHEAD, Ann, 2011. "Children's Agency, Autonomy and Migration," in *National Workshop on Internal Migration and Human Development in India*, New Delhi, UNICEF / Indian Council of Social Science Research, vol. 2, pp. 100–33, available online: <https://goo.gl/7xvGXF> [last accessed, December 2018].

## NOTES

1. Janarth 2006 as cited in Srivastava 2011a: 24.

2. <http://epc2012.princeton.edu/papers/121017>.

3. This paper uses the term 'unorganized' or 'informal' interchangeably. As the NCEUS (2007) report argues, 'unorganized' is synonymous with the term 'informal', the latter being a more commonly used term in international literature. The paper also follows the distinction made by the NCEUS report between the unorganized/informal sector (enterprise concept) and unorganized/informal workers (employment concept), as the latter are found in both organized and unorganized enterprises.

---

## ABSTRACTS

With the rise of capitalism in post-colonial India, initially as a subsidiary part of a mixed economy with the state occupying its 'commanding heights', and later, especially after 1991, in the context of a new hegemony of globalised neoliberal capital, it was widely assumed that unfree labour, especially feudal forms of slavery in debt bondage, would vanish into history. This, however, has not happened. Inter-generational bondage to a single household has indeed become rarer. But the spread of capitalism has not created conditions of 'free' labour in India; instead pre-capitalist relations of labour unfreedoms continue to persist in abundance in the modified form of neo-bondage. This paper looks closely at one category of Indian workers – namely circular labour migrants – who are particularly susceptible to these forms of neo-slavery.

Avec le développement du capitalisme dans l'Inde post-coloniale, considéré à l'origine comme une partie subsidiaire d'une économie mixte dont l'État était censé occuper les « hauts commandements », et plus tard – spécialement après 1991–, dans le contexte de l'hégémonie nouvelle d'un capital néo-libéral globalisé, il était largement admis que le travail non-libre, en particulier les formes féodales de l'esclavage pour dettes appartiendraient à l'histoire. Ce n'est cependant pas arrivé. La dépendance intergénérationnelle à une seule famille s'est sensiblement raréfiée. Mais la diffusion du capitalisme n'a pas créé les conditions du travail « libre » en Inde ; au contraire, les relations précapitalistes du travail non-libre ont changé et persistent aujourd'hui sous forme de néo-esclavage ou de néo-dépendance. Cet article examine avec



précision une catégorie de travailleurs que l'on nomme les migrants circulaires en Inde, et qui sont particulièrement exposés à ces formes de néo-esclavage.

Con el desarrollo del capitalismo en India post-colonial, considerado inicialmente como parte subsidiaria de una economía mixta de la que el Estado tomaría las riendas, y luego – especialmente desde 1991–, en el contexto de la nueva hegemonía de un capital neoliberal globalizado, se consideraba que el trabajo no-libre, en especial las formas feudales de la esclavitud por deudas pasarían a la historia. No fue así. Si bien la dependencia intergeneracional dentro de una misma familia es cada vez menos frecuente, la difusión del capitalismo no ha creado las condiciones del trabajo “libre” en India. Por el contrario, las relaciones pre-capitalistas del trabajo no-libre han dado paso a nuevas formas, sumamente persistentes, de neo-esclavitud y de neo-dependencia. Este artículo examina con precisión una categoría de trabajadores designados, en India, como migrantes circulares, particularmente expuestos a estas formas de neo-esclavitud.

Com o desenvolvimento do capitalismo na Índia pós-colonial, primeiro como parte subsidiária de uma economia mista onde o Estado segurava as rédeas da economia e a seguir, sobretudo depois de 1991, com a nova hegemonia do capital neo-liberal globalizado, era geralmente suposto que o trabalho não-libre, e nomeadamente as formas feudais de escravidão por dívidas, sumiriam no passado. Porém, isso não aconteceu. Se bem que a servidão intergeracional numa mesma família tornou-se mais rara, a expansão do capitalismo não criou condições de trabalho « livre » na Índia. Em vez disso, as relações de trabalho não-libre pre-capitalistas persistem largamente como formas modificadas de neo-escravidão e neo-dependência. Este artigo examina mais detidamente uma categoria de trabalhadores, designados como migrantes circulares, particularmente sujeitos a estas formas de neo-escravidão.

## INDEX

**Mots-clés:** esclavage, travail non-libre, migrants circulaires, néo-esclavage, dépendance, Inde, capitalisme

**Keywords:** slavery, labour unfreedom, circular migrants, neo-slavery, bondage, India, capitalism

**Palabras claves:** esclavitud, trabajo no-libre, migrantes circulares, neo-esclavitud, dependencia, India, capitalismo

**Palavras-chave:** escravidão, trabalho não-libre, migrantes circulares, dependência, neo-escravidão, Índia, capitalismo

## AUTHORS

### HARSH MANDER

Centre for Equity Studies, Delhi, India

### INDRAJIT ROY

University of York (Global Development Politics, Department of Politics), UK

### PRIYANKA JAIN

Aajeevika Bureau (Centre for Migration and Labour Solutions), India

**RAVI RAMAN**

Government of Kerala (State Planning Board), India

**RASHMI GUHA RAY**

University of York (Conflict, Governance and Development, Department of Politics), UK

**ANIRBAN BHATTACHARYA**

Centre for Equity Studies, Delhi, India

**USMAN JAWED SIDDIQI**

Centre for Equity Studies, Delhi, India