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### A Transnational Social Contract: How the South Indian State of Kerala justifies Social Protection Policies towards Non-Resident Keralites

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# A Transnational Social Contract: How the South Indian State of Kerala justifies Social Protection Policies towards Non-Resident Keralites

Mira Burmeister-Rudolph

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**Abstract**

The migration process raises a set of migration-related risks and vulnerabilities that governments first need to recognize as collective problems before formulating public policy responses. The South Indian state of Kerala is among the first subnational states globally to institutionalise various social protection policies towards emigrants and returned migrants, specifically through the department of Non-Resident Keralites' Affairs (NORKA) and its implementation agency, NORKA ROOTS. This article focuses on Kerala to investigate why migrant-origin states assume collective social responsibility for emigrants and include them in social protection policies. By drawing on original data, the analysis shows that (returned) emigrants' access to social protection schemes is built on the state government's understandings of deservingness. Kerala bases deservingness on a combination of instrumentalist and ideational rationales that are rooted in the state's specific developmental and identity discourse. These findings contribute to debates on the social policy-migration nexus, and particularly transnational social protection, in two ways. First, Kerala's approach highlights migration's role in welfare-state expansion and shows that positive discourses on migration can facilitate policy change, especially compared to negative discourses and welfare retrenchment in European destination countries in recent years. Second, the Kerala example underlines the importance of studying subnational governments to understand how transnational labour migration and social policies are made and how these subnational governments shape emigrants' access to social protection.

**Keywords**:

Social protection, emigration, migration policy, welfare state expansion, subnational government, India, Kerala

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## 1. Introduction

Scholars have studied extensively the role states play in migrants' access to social benefits, albeit from the perspective of the destination state. Furthermore, while scholarly work has explored origin states' economic, political, and symbolic policies towards emigrants, social protection provisions have been mostly associated with migrants' agency rather than origin states' policies (see Lafleur 2020). This article expands these perspectives by focusing on how migrant-origin states provide social protection to their emigrants. Specifically, it investigates the South Indian state of Kerala, which established the department of Non-Resident Keralites' Affairs (NORKA) in 1996 and the related implementation agency, NORKA ROOTS, in 2002. As a subnational state within a nation-state known for high emigration rates, Kerala's government is a global pioneer in institutionalising emigrant-directed, social protection schemes at the subnational level (Kumar and Rajan 2014) and has emerged as a powerful model for studying other subnational states.

Public policies, including social protection policies, "are primary mechanisms the society has for solving collective problems" (Schneider and Ingram 1997, 80). Social policies derive from social citizenship rights, a form of social contract based on solidarity among members of a community. This article defines social protection as a policy framework in the form of public and private actions that aim to decrease vulnerabilities to some type of risk and deprivation deemed socially unacceptable within a given polity or society (Conway et al. 2000; Kapur and Nangia 2015). Scholarly work notes that the migration process raises a set of migration-related risks (Sabates-Wheeler and Feldman 2011). These vulnerabilities include disproportionally higher numbers of migrants working in unsafe sectors and limited access to welfare provisions in the destination country, depending on the migrant's legal status. Migrant-specific vulnerabilities can affect migrants and their families along the different phases of the

migration circle (pre-departure, transit, destination, and after return to the origin countries) (Sabates-Wheeler and Feldman 2011).

Given Kerala's social protection schemes towards its emigrants, detailed in a later section,[1] this paper asks why (subnational) origin states expand their social welfare provisions to include emigrants and return migrants. What policy actors consider a collective problem, who they deem vulnerable, and which risks they find socially unacceptable and in need of a policy response depend on how policy actors interpret a situation as a problem, or as Bacchi puts it, "policies (…) give shape to 'problems'" (Bacchi 2009, 1). Seen through the lens of Schneider and Ingram's (1993) policy design approach, social protection policies are institutional structures with three dimensions: the selection and categorisation of a group as benefits-deserving (target groups); the kind of policy through which a perceived problem is addressed (policy instruments); and the ways choices of benefit recipients and policy instruments are justified, legitimatised, and explained (policy rationales) (Schneider and Ingram 1993).

This article focuses on the policy rationales dimension because their analysis reveals the "naming und claiming of needs" (Dean 2013) which underpin the construction of social rights (ibid.), and thereby help to illuminate how migration affects the way migration-origin states make social policy. It looks at how the Keralan state explains the use of social protection policies in reducing migration-related risks and scrutinises how government officials, in official documents covering the period 1996 to 2019 and interviews from early 2020, justify

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[1] The research for this article was conducted in February and March 2020, right before India introduced strict corona safety measures. My finding reflect a pre-pandemic Kerala and social protection policies. In the meantime, NORKA ROOTS has been in charge of coordinating repatriations of Keralan migrants and international donations of medical equipment for covid management; providing financial assistance in case to relatives of covid-related deceased migrants; and set up medical consultations for NRKs via phone/video-call with medical specialists (see NORKA ROOTS 2021a).

the state's collective social responsibility for the well-being of Non-Resident Keralites (NRKs). In doing so, it focuses on policy construction and does not discuss the policies' implementation dynamics. NORKA ROOTS provides social protection to NRKs migrating internationally and within India; the analysis of policy rationales is limited to international Keralan migrants because both the kind of social protection policies NORKA ROOTS provides and the political and legal context differ for Keralans migrating within India from migrants moving to an international destination. NORKA ROOTS' social protection schemes reveal that the government defines deservingness of welfare benefits by combining instrumentalist, economic-development rationales and ideational rationales, associated with protection and care; the combination of rationales differs depending on the social protection scheme. At a high level, I argue that both rationales are rooted in a wider ideational project of the Keralan state, involving visions of society and statehood that the Keralan state contrasts against other Indian states and implicitly the Indian union state.

The first part of this article sketches out the relationship between migration and social protection. Next, it discusses policy rationales as the theoretical framework by incorporating scholarship on public policy analysis, social policies, and diaspora policies. Third, it gives a short overview of the methodological approach. Part four begins with context on Keralan migration and remittance patterns and the overall structure of Kerala's government bodies and how they compare to departments at the Indian national level; it then maps out how the multilevel, transnational policy field within the Keralan state's social protection schemes have developed and provides an overview of the schemes. The final section examines policy rationales as part of the policy design of NORKA's schemes and how these rationales justify social protection schemes for NRKs.

**2. Locating the State in a Transnational Social Protection Framework for Migrants**

This article situates the schemes of NORKA ROOTS, Kerala's agency that implements policies for NRKs, as a case of welfare-state expansion and formal, state-led, transnational social protection. Levitt et al. define transnational social protection as "the policies, programmes, people, organizations, and institutions which provide for and protect individuals in a transnational manner" (2017, 6). Migrants as social protection providers have been put center stage with the transnational turn in migration studies (cf. Glick Schiller et al. 1995). The idea of "transnationalism from below" (see Vertovec 2003) highlights migrants' agency and focuses on entanglements and networks between people transcending the boundaries of nation-states. Initially, scholars coined the concept of transnational social protection to describe how migration reduces the vulnerability and risk of individual (low-income) households through emigrants' remittances (for Kerala, see Kannan and Hari 2020; Sunny et al. 2020) and informal care practices (Lafleur 2020). Moreover, the World Bank and other international organisations promoting how remittances positively impact social policy sectors, including health and education, have contributed to making migrants as "agents of development" a dominant perspective (Sinatti and Horst 2015; Faist 2008). This view of migrants also fits developmental conceptualisations of emergent welfare states, which attribute social protection to informal relations within personal networks of kin and communities (Leisering 2020), and foreground these as a "safety net" (Mkandawire 2005); in contrast, formal social policies and universal social rights have been equated with developed welfare states (Deacon 2007), mainly European, North American, and Australasian countries.

These perspectives can perhaps explain why scholars have done little work "linking migration to social protection frameworks or policies" (Sabates-Wheeler and Feldman 2011, 20; see Lafleur 2020) of origin countries. Even so, scholarship on welfare states has pointed to

how low- and middle-income countries throughout the Global South have expanded public social spending, which has led to a rapid rise in social protection programmes and who they cover (Dorlach 2020; Barrientos and Hulme 2009). Social protection policies are no longer understood as functioning only as safety nets; they encompass a more comprehensive focus on basic needs and capabilities (Barrientos and Hulme 2009). In the Indian context, scholars have highlighted the critical role of subnational states in the states' welfare expansion, both in terms of social policy implementation and invention (Desphande et al. 2017; Singh 2011; 2015; Tillin et al. 2015). They shed light on how subnational-level factors – such as a subnational identity (Singh 2011; 2015), political and social coalitions, policy legacies, and political leadership (Deshpande et al. 2017) – influence social policy development.

Furthermore, the "transnationalism from above" (see Vertovec 2003) approach has emphasised nation-states' policies and institutions as the central unit of analysis in the study of migration. While economic, political, and symbolic policies towards emigrants (see Levitt and de La Dehesa 2003; Délano and Gamlen 2014) have been extensively explored, social protection policies directed at emigrants is an emergent field of study (see Dobbs and Levitt 2017; Lafleur 2020; Levitt et al. 2017; Sabates-Wheeler and Feldman 2011). The present analysis contributes to this growing literature by investigating how the context of emigrant states shapes social protection policies. It underlines the importance of looking at subnational governments to understand how they govern transnational labour migration and social policy and how they determine emigrants' access to social protection.

Social protection is a specific set of social policies. Social policies consist of mechanisms, policies, and practices concerned with the social redistribution of the outcomes of economic activity, the social regulation of businesses and other private actors, and the articulation and legislation of social rights (Deacon 2007). The objective of social policy is to

guarantee a minimum income in cases of life contingencies such as unemployment or illness (van Hooren 2017) and to provide public services, such as education, sanitation, and healthcare (Conway et al. 2000).

States provide social protection in the form of social insurance, social assistance, and employment protection and promotion (Barrientos and Hulme 2009; Kapur and Nangia 2015). In the context of emergent welfare states, social protection emphasises poverty reduction and the need to support the poorest (Barrientos and Hulme 2009). It increasingly features cash transfers, access to basic services, productive employment, and asset building (Barrientos and Hulme 2009). Emergent welfare states see social protection as also contributing to social and economic development (ibid.). States provide social protection to migrants as a way to reduce risk; its forms include giving access to social insurance and social assistance, creating suitable labour market conditions in destination countries and employment recruitment processes in the origin country, as well as the portability of social security rights between destination and origin countries (Sabates-Wheeler and Feldman 2011).

In the following section, scholarship on social policy design is placed in conversation with literature on policies towards emigrants. The social policy design approach unravels the construction of social rights and shows that policies are often selective instead of addressing the total of a population. Both strands of literature give insights into the mechanisms and justifications for selective policy-making, and therefore help to answer why the Keralan government has included Non-Resident Keralites in its social protection policies.

**3. Social Policy Design: Constructing Groups as Deserving through Policy Rationales**

To understand why NRKs have been defined as a target group for NORKA ROOTS' social protection schemes, this article draws on Schneider and Ingram's (1993; 1997; 2005) work on

social policy design and the social construction of group deservingness in public policy. Applying Schneider and Ingram's concept to the case, NRKs are considered the target group of NORKA ROOTS' social protection schemes. Definitions of social protection recipients are linked to the social construction of whom policy actors have deemed as more or less deserving (Schneider and Ingram 2005). Also, it is important to keep in mind that the definition of social protection recipients is not fixed. The Kerala government shifted the category of NRKs, for example, from international migrants to include Keralites migrating to other Indian states (Government of Kerala n.d.).

The analysis proceeds from a constructivist sociology of knowledge approach, which advocates that "ideas and knowledge pervade politics and thereby co-constitute interests, institutions, and policies" (Leisering 2020, 12). Policy choices are brought forward through policy rationales – understood as justifications to legitimate policy targets, target populations, and policy instruments (Ingram and Schneider 1993). Policy rationales as legitimations of problem definitions are based on assumptions (Schneider and Ingram 1997); previous knowledge and values also inform policy rationales. Ideas expressed through policy rationales inherent in policy choices are understood to convince larger society that the chosen design is the proper response to solve collective problems (ibid.).

Similar to choices of policy instruments, rationales depend on the social construction of the target group, according to Schneider and Ingram (1993). For target groups that are perceived positively, Schneider and Ingram state that governments justify policies on two main rationales: First is "instrumentalist rationales" (Schneider and Ingram 1993, 340), which often link the group to "the achievement of important public purposes," (ibid., 339) such as economic competitiveness. The second type is ideational rationales, which are justice-oriented and connected to attributes such as rights, needs, equity, and equality. The literature on emigration

policymaking has identified policy rationales for targeting migrants along similar lines as the two rationales from Schneider and Ingram (1993): instrumentalist approaches, which highlight economic, foreign, and domestic political interests as drivers of policymaking towards emigrants; and normative approaches, which emphasise the role of ideas and norms (e.g., democratisation and collective identity) when targeting migrants with policies (Délano and Gamlen 2014; Waterbury 2010; Ragazzi 2014). To investigate which policy rationales the Government of Kerala used to justify its social protection policies towards NRKs, I discuss the two policy rationales in more detail in the following sections.

*3.1 Instrumentalist rationales*

Within studies of origin state-emigrant relations, the structuralist-instrumentalist framework (Ragazzi 2014) views remittances as the rationale for policies that seek to strengthen ties with citizens abroad. Indeed, several migrant-origin states have strengthened remittance channels or established policies to make investments in the home country more lucrative (see Piper and Rother 2012). Scholarly accounts describe how, with the increasing volume of global remittances, an understanding of emigrants as "agents of development" sprang up in the 1990s, displacing the prevailing "brain drain" debate in labour emigration countries in the 1970s and 1980s (Faist 2008). These accounts also positively linked migration to development in origin countries (Gamlen 2019). The migrants as "agents of development" discourse attributes economic, political, and social development in countries of origin partly to migrants' monetary and social remittances and knowledge and attitude transfer.

Rodriguez (2010) views instrumentalist rationales as driving origin states' policy interventions: schemes, such as pre-departure skills training, are described as a form of up-skilling that makes migrants more competitive in the labour market and also leads to more remittances per migrant due to higher wages; predeparture skills training is part of a labour-

export marketing strategy in the case of the Philippines and Filipino labour migrants. These measures also include more intrusive policies, such as migration bans to destination countries, deemed unsafe for Filipino workers. Rodriguez relates these to domestic politics, stating that the government sees the electoral power of migrant families as outweighing the losses of remittances from migration bans. Lafleur (2020) similarly states that political parties in the context of origin states may be concerned about emigrants' well-being due to their critical influence on the electoral process, either through emigrants' direct votes or indirectly through their families of migrants; therefore, governments institute social policies for emigrants.

*3.2 Ideational rationales*

Scholarship on social policy and emigrant policy formation discuss how ideational rationales connect policy design choices to norms and ideas, such as belonging, social justice, or what it means to be a successful nation-state. For example, citizenship in the Westphalian nation-state is based on civil, political, and social rights and contributory duties, such as work (taxation), military service, and parenting (Isin and Turner 2007; Marshall 1950). Social rights include, among others, the right to access welfare benefits (Bloom and Feldman 2011). Social policies function as the means to provide social rights to members of a political community (Ketola and Nordensvard 2018). Solidarity among people who have never met makes the redistribution of social rights possible (Ketola and Nordensvard) — in other words, a social contract based on a sense of shared identity. As a practice, social policies demarcate inclusion in or exclusion from membership to a political community. They are part of discursive and social practices in creating a sense of collective identity, belonging, and national-identity building (Fink et al. 2001; Ketola and Nordensvard 2018).

Emigrant policies, such as extending voting rights to citizens abroad, are described to mirror ideational rationales concerned with the (re-) definition of belonging and boundaries of

collective, often national, identities (Levitt and Glick Schiller 2004; Waterbury 2010). Consequently, these policies extend extraterritorial and transsovereign memberships to the nation-state by (symbolically) giving emigrants political, social, and legal rights. As a result, emigrant policies can become part of state-building projects and the construction of national narratives (Waterbury 2010).

Policies towards emigrants and their descendants are increasingly common among origin states and have emerged as an international norm (Levitt and de la Dehesa, 2003; Gamlen 2014). As Levitt and de la Dehesa point out, "At least at the level of discourse, the incorporation of emigrant communities as citizens, with rights and duties in their home countries, is often portrayed as part-and-parcel of broader trends towards democratisation and as a natural outgrowth of globalisation" (2003, 600). Therefore, policy design choices can be portrayed in terms of striving for democratic values and modernity.

## 4. Data and Method

To comprehensively examine how Kerala's government used instrumentalist and ideational rationales to justify social protection policies towards NRKs, this article analyses data from three sources. First and most importantly, I conducted ten semi-structured interviews with (former) representatives of several bodies: NORKA ROOTS; the Keralan State Planning Board, which as an advisory board assists the Keralan government state in compiling a yearly economic development plan for the state; members of the Keralan Legislative Assembly, who have the power to formulate and decide about laws and regulation concerning NRKs; the India Centre for Migration, which serves as a research think-tank on international migration to the Indian Ministry of External Affairs; and nongovernmental organisations in the field of migrants' rights; these interviews took place between February and March 2020 in Trivandrum, the capital of Kerala, and India's national capital, New Delhi. Since specific policy outcomes

result from powerful actors' decisions and how they interpret social reality. I selected interview subjects who are either directly involved in social protection policymaking towards NRKs or who potentially influence the process. This approach allows researchers to study how issues connected to labour migration are perceived and articulated (see Bogner et al. 2014). Also, these interviews provide insights into stakeholders' interpretative knowledge and their policy recommendations, as well as how they evaluate official reports on the welfare of NRKs. In general, stakeholder interviews allow scholars to reconstruct policy processes that happened in the past, are too complex to observe personally, and that do not allow for scholars' direct participation (see Bogner et al. 2014).

To augment the interviews, I reviewed informational brochures from NORKA ROOTS since these documents give an overview of all social protection policies, and include information about eligibility criteria and the policies' aims. Finally, I analysed reports by the Keralan Legislative Assembly's Committee on the Welfare of Non-Keralites Residents (2016-2019). The Committee on the Welfare of Non-Keralites Residents consists of several Members of the Legislative Assembly. Their reports highlight issues related to NRKs and are meant give policy-recommendations to other Members of the Legislative Assembly. A research assistant translated the reports from Malayalam into English.

I coded the content of the interviews, brochures, and reports using the program Atlas.ti and applying the Qualitative Content Analysis method. This approach systematically describes the meaning of qualitative material (Schreier 2012). I developed the codes based on the of policy rationale categories as defined by Schneider and Ingram (1997).

**5. Situating Social Protection Policies towards Non-Resident Keralites in a Transnational, Multilevel Policy Field**

*5.1 Kerala – international labour migration and social policy development*

While this paper focuses on how Kerala provides formal social protection to migrants, it considers welfare policy expansion in the subnational state as interdependent with the international and federal system (Tillin et al. 2015). Thus, the policy process and its stakeholders are seen as embedded in a transnationally structured policy field that involves sociopolitical and economic dynamics in Kerala, the destination countries, and at the Indian union level. It is important to examine these different levels, constitutive to forming social protection policies towards NRKs, before analysing policy rationales.

Since the early 20th century, the Keralan labour market and the Gulf Cooperation Countries (GCC) region have had a deep connection as the latter was a British dominion and the British colonial rulers used Indian migrants to uphold the colonial apparatus (Rajan and Oommen 2019). Together, Kerala and the South Indian federal state of Tamil Nadu were India's primary origin states for low-skilled labour emigrants[2] from the 1970s until 2009 (Kumar and Rajan 2014). Kerala's international emigrant numbers steadily increased until 2013: from around 1.5 million leaving in 1998 to nearly 2.5 million emigrants in 2013 (Rajan and Zachariah 2019). Since 2013, the trend has slowed, down to 2.1 million NRKs in 2018 (Rajan and Zachariah 2019). With about 33 million inhabitants (Census of India 2011), around 6 percent of Kerala's total population has emigrated to another country; more than every third household is a migrant household (Rajan and Zachariah 2019). The remittances from Kerala's international migrants, who live and work predominantly in the GCC region, make Kerala among the top twenty remittance-receiving regions in the world (as of 2003) and account for up to 18.3 percent of the state's gross domestic product (George and Remya 2010). Rajan and

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[2] Low-skilled migration is defined by the kind of work migrants do, not by their qualifications.

Zachariah (2019) show that total remittances to the state increased sixfold between 1998 and 2018.

The state has ranked first among all Indian states since the 1950s in terms of basic human development indicators, such as literary rates, infant mortality and life expectancy (Parayil and Sreekumar 2003; Center for Development Studies 2006), but its economic development has ranked below most all-India measures (Parayil and Sreekumar 2003). This combination of high social development with low per capita income international organizations, scholars and policy-makers commonly describe as the Kerala model of development (see Tharamangalam 1999). Kerala has a history of welfare-oriented policies and democratic decentralization. Since the 1950s, the state has introduced several massive redistributive social policies, foremost extensive public healthcare, primary education, and land reforms (Singh 2011). These programmes explicitly target historically marginalised groups, such as scheduled castes, women, residents in rural areas, and the poor (Singh 2011). The pro-workers stance of consecutive governments is said to have driven away economic investments and led to Kerala's stagnant economy, a leading causes of migration to the GCC countries (Parayil and Sreekumar 2003). Since Kerala lacks a significant industrial sector, remittances have contributed to the state's spending capability, indirectly financing the Kerala model (Center for Development Studies 2006).

Kerala's redistributive and social welfare policies originated from social movements of lower-class groups and the competition between the regionally powerful Communist Party and the nationally present Congress Party (Parayil and Sreekumar 2003). These parties have made social welfare a focal point of their political competition, creating social consensus on what counts as policy issues and leading to policy continuity between different governments and the continuous extension of welfare policies (Deshpande et al. 2017). As a result, no public service

in Kerala has ever been revoked (Heller 2005). Singh (2010) argues that Kerala's social welfare developments are also closely tied to its political subnationalism. The Communist Party's demands for increased state autonomy were justified in ensuring "Malayali welfare," which the party claimed the Indian central government did not provide. Kerala has a strong regional sense of belonging centered on a linguistic and cultural Malayali identity that originated in the late-19th century. This identity is linked to the movement to unify all Malayali-speaking presidencies into one Keralan state when, in the 1950s, India formed linguistic states (Singh 2010). Thus the politics of social policy are also politics of identity: the Kerala model, with its social policies and its proclaimed success, has reinforced Malayali subnationalism by being portrayed as part of its political culture (Singh 2010).

*5.2 Risks and vulnerabilities for Indian low-skilled labour migrants in the Gulf Cooperation Countries*

In the context of the GCCs, the key destination region for 8.5 million Indians (Ministry of External Affairs, Government of India 2018), a majority of the migrants are employed in so-called unskilled job categories, such as construction, agriculture or private households (Abraham 2012). Labour migration to the GCC countries is regulated through the Kafala system, where the work visa is tied to a specific sponsor and loses its validity if the original sponsor does not agree to a change of employer. Due to employment conditions, migrants face risks such as unpaid wages, the confiscation of their identity documents, and excessive work hours under dangerous conditions (Rajan and Joseph 2016; United Nations 2018). With no legal possibility of permanent residence and as a consequence of the three-year, renewable residence visas (Ali 2011), migration to the GCC countries is often circular. Despite the attempts to regulate and safeguard migrant recruitment through the Indian Emigration Act (1983), which established the issuing of licenses to recruitment agencies, registered recruitment agencies still exploit or cheat Indian migrants by charging them exorbitant fees or creating

invalid job contracts (Rajan et al. 2010). Migration through unregistered recruitment agencies (Abraham 2012), via tourist visas, and overstaying work visas often lead to undocumented residence status.

*5.3 How the Indian union state provides social protection to emigrants*

Labour migrants to the GCC do not receive social protection from the destination country, a situation that often becomes more precarious due to poor working conditions, a lack of official resident status, and weak migrant labour regulations. As a response to the labour and human rights abuses of Indian low-skilled labour, India's federal government established the Indian Emigration Act (1983), a pre-departure migration-monitoring system for low-skilled labour migrants that all subnational states, including Kerala, must comply with. The law introduced two classes of ordinary passports: Emigration Check Required (ECR) and Emigration Check Not Required (ECNR). While ECNR applies to persons who at least have graduated from high school and who mostly migrate for semi- or high-skilled employment, ECR status is assigned to persons who have no educational qualifications or matriculation (Class 10) and who intend to migrate to GCC region countries or several other countries in the Middle East and Southeast Asia.[3] The Indian union state later introduced social protection schemes for migrant workers in the ECR category. These include a compulsory insurance system in 2003 (Ministry of External Affairs, Government of India n.d.b) and a welfare fund in 2009 that covers, among others, legal/ financial assistance for Indians who have committed minor crimes, emergency medical care, and the transport of mortal remains (Ministry of External Affairs, Government of India n.d.a). In addition, India negotiated and signed bilateral agreements and memoranda

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[3] The 18 ECR countries are the Kingdom of Saudi Arabia (KSA), the United Arab Emirates (UAE), Qatar, Oman, Kuwait, Bahrain, Libya, Jordan, Yemen, Sudan, South Sudan, Afghanistan, Indonesia, Syria, Lebanon, Thailand, Iraq, and Malaysia. (Ministry of External Affairs, Government of India n.d.c).

of understanding on labour recruitment with several destination countries: Qatar (1985), Jordan (1988), United Arab Emirates (2006), Kuwait (2007), Oman (2008), Bahrain (2009), and Malaysia (2009). While not specifically mentioned, the memoranda of understanding apply to all workers but especially low-skilled workers (Wickramasekara 2012). However, except for general statements about promoting or strengthening friendly ties and promoting cooperation in the fields of manpower and labour, these agreements do not explicitly cover migrant workers' protection and welfare, except in the Memoranda of Understanding with Bahrain and Malaysia (Wickramasekara 2012).

### 5.4 Overview of NORKA and NORKA ROOTS' history, mandate, and social protection schemes

The Indian federal government and state governments share responsibilities for the welfare of labour, social security, and social insurance (Deshpande et al. 2017). The shared approach is enshrined in the federal organisation of the Indian political system. As a result, state governments implement national social policies and can initiate new policies (ibid.). This enabled Keralan state to set up NORKA in 1996 and its implementation agency NORKA ROOTS in 2002, and subsequently formulate social protection schemes.

As noted earlier, Kerala is a global pioneer in setting up institutions for emigrants' social protection on a subnational level (Kumar and Rajan 2014). Also, in the Indian context, NORKA can be described as a forerunner. Kerala created it eight years before the federal government established the Ministry for Overseas Indian Affairs,[4] which provides similar schemes as NORKA. Although the federal government has offered social protection schemes for Indian international migrant workers since 2004 — such as a compulsory insurance system and a welfare fund — these schemes have not been translated into law as in the case of Kerala.

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[4] This Ministry was merged with the Ministry of External Affairs in 2016 ("Government to Merge Overseas Indian Affairs Ministry" 2016).

Government officials of Karnataka, a neighbouring state to Kerala, visited NORKA ROOTS to learn about the institutions and its schemes. Other emigrant origin states, such as Andhra Pradesh, Tamil Nadu, and Panjab followed Kerala's example and set up welfare provisions for emigrants from their states.

NORKA's mandate is to provide social protections to potential migrants, people residing outside of Kerala internationally or within India (known as Non-Resident Keralites or NRKs), and returned migrants. The provisions include insurance schemes, financial assistance, a 24-hour helpline, and legal support for migrants in the destination countries and their families; loans for setting up businesses and distress relief for returned migrants; and the repatriation of the mortal remains of NRKs. NORKA ROOTS functions as a state-run recruitment agency and offers certificate attestations, pre-departure and upskilling programmes for potential migrants. The Non-Residents Welfare Act in 2008 institutionalized NRKs' welfare rights. According to Jha (2019), legally supported welfare means a redefinition of the citizen-state linkage because welfare recipients are no longer only end users and beneficiaries, but citizens with legal right to welfare.

The social protection arrangement consists of three primary categories: labour market programmes, social assistance, and social insurance (see Table 1), covering the whole migration cycle (see Sabates-Wheeler and Feldmann 2011). Whereas the labour market programmes and social insurances schemes have no specific eligibility criteria, NORKA's social assistance schemes specifically address migrants considered poor (see Government of Kerala n.d.) using the ECR passport category as an eligibility criteria (ibid.). The majority of NORKA's programmes are labour market and social assistance schemes, both financed through public funds from the state's general budget.

**Table 1. Social protection schemes under the department of Non-Resident Keralites' Affairs (NORKA) by programme type and migration phase**

| *Migration Phase/ Form of Social Protection* | **Social Assistance** | **Labor Market Programmes** | **Social Insurance** |
|---|---|---|---|
| **Pre-departure** | NA | • Skill Up gradation programme<br><br>• Certificate attestation<br><br>• Recruitment/placement<br><br>• One-day predeparture orientation programme | NA |
| **Destination Country** | • Cash benefits for disability, marriage, death, and medical treatment *Santhwana*<br><br>• Scholarship scheme for children of NRKs in the ECR category | • 24/7 helpline<br><br>• Legal aid Cell<br><br>• Free plane tickets for persons released from foreign jails | • NRK insurance card<br><br>• NRK (*Pravasi*) ID card |
| **Return** | • Emergency Ambulance Service<br><br>• Financial assistance for repatriation of mortal remains (*Karunyam)* | • *NDPREM:* small enterprises for return migrants<br><br>• NORKA Business Facilitation Center | NA |

*Source*: Adapted from Government of Kerala (n.d.)

The labour market programmes focus on all three stages of the migration process (premigration, destination country, and return) and seek to prevent unemployment and inadequate employment. Starting with the premigration phase, the *Skill Up gradation Programme* aims to provide migrants with adequate skills to meet labour market requirements abroad. The recruitment wing of NORKA ROOTS certifies educational documents and runs lists of job openings in destination countries to help potential migrants secure a job before they leave. Services such as pre-departure training to potential migrants, which involves information dissemination about the migration process; a helpline for grievances, such as missing wages, with recruitment agents, or contacting relatives; and legal counseling in the destination countries qualify as efforts to protect worker safety and rights (see Levitt et al. 2017). The NORKA Department Project for Return Emigrants (NDPREM) programme, launched in 2013, helps returned NRKs by offering training and partially financing loans to set up small-scale businesses (Government of Kerala n.d.).

Social assistance programmes primarily aim to mitigate or cope with chronic poverty (Sabates-Wheeler and Waite 2003). The NORKA scheme *Santhwana*[5] provides cash benefits for disability, marriage, death, and medical treatment of the migrants or their family members (Government of Kerala n.d.). *Karunyam*[6] provides financial assistance for the repatriation of mortal remains in case of death abroad or in another Indian state, similar to the scholarship schemes for graduate/postgraduate studies or children of NRKs in the ECR category. The *NRK (Pravasi) ID card* (for international Keralan migrants) and the *NRK insurance card* (for internal Keralan migrants) are social insurance programmes partially funded by a mandated contribution of 315 Indian rupees[7] per migrant per year (Government of Kerala n.d.). Social

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[5] Meaning support or relief.

[6] Meaning benevolence or mercy.

[7] Approximately 4 euros (in 2021).

insurance schemes function on the principle of combining "a large number of similarly exposed individuals or households into a common fund, thus eliminating the risk of loss to individuals or households in isolation" (Sabates-Wheeler and Waite 2003, 6). NORKA's insurance schemes provide income in case of the insured's death or inability to work due to physical disability.

## 6. Policy Rationales in Social Protection Programmes for Non-Resident Keralites

Official Keralan government documents and interviews with government representations reveal that justifications for forming social policies towards NRKs involve both instrumentalist and ideational rationales. Instrumentalist rationales are evident in both interviews and official documents, with the government stressing the importance of migrants' economic contributions:

> During the Gulf boom, during the oil rise, [a] large junk of Kerala population (…) moved to [the] Gulf. And they made [the] Kerala economy also a bit rich. (…) in the state, whatever development you are seeing is a contribution of NRKs, which is much appreciated (…). You can see all the buildings, all the constructions and the standard of living. Everything happened because of the remittances from the Middle East. You can see at least one-third of the population directly or indirectly connected to the remittances from abroad. (Government official, NORKA ROOTS, Government of Kerala) [8]

> When the Gulf countries became a paradise for Malayalis [Keralites] in the seventies, who were mostly illiterate and poor, who could not even dream of the sky, it changed the culture of a country. It had its reflections on eating habits, clothing, attending school, and lifestyle. There is no account for the amount of money the Malayali migrants have poured into their homeland to raise their living standards, build land value, and build massive structures. Undoubtedly, the hard work they put on for their family made Kerala eradicate poverty and having the lowest poverty rate among the other states in India. (Committee on Non-Resident Keralites 2017)

Also, interviews and documents portray remittances from NRKs as helping Kerala's comparatively successful poverty eradication, enabling access to education, housing, and infrastructural development as well as individual spending capacity. Linking NRKs' contributions to Kerala's development, and implicitly to the Kerala model, corresponds to Schneider and Ingram's (1993) description of instrumentalist rationales as perceived significant

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[8] Interview, February 22, 2020, Trivandrum.

public achievements to justify a group's deservingness. In the case of Kerala's government, deservingness is constructed based on a developmental, economic notion of citizenship, where NRKs' financial contributions are a sort of citizenry duty fulfillment; from there, the government derives a perceived obligation to support migrants.

The Keralan government has questioned the sustainability of the Kerala model due to uncertainty about consistent remittances flows as labour market conditions change (Center for Development Studies 2006). The government uses this perceived crisis to explain NORKA ROOTS's labour market programmes, thus legitimatising policies in terms of economic stability. With Kerala dependent on the GCC countries' labour markets to minimise its unemployment, the government has viewed both the 2008 financial crisis and the nationalisation of workforces in countries such as Saudi Arabia and Kuwait as concerns. Specifically, the government is worried about fewer job opportunities abroad and higher numbers of migrants returning to Kerala:

> (…) [F]rankly speaking, opportunities are shrinking. Except [in] medical healthcare, [in] all others sectors, opportunities are shrinking. I think (…) this phenomenon is due to three reasons. (…) [T]hat is the automatisation, indigenisation or nationalisation, and stagnation of oil prices, and all these three factors are affecting the opportunities, scope (…) of Indian migrants in these countries. (Recruitment Manager, NORKA ROOTS, Government of Kerala) [9]

The Keralan government/NORKA ROOTS has responded to these changes in several ways: running a state-owned recruitment agency; facilitating return migrants' labour market reintegration in Kerala with the NDPREM scheme; offering skills training to potential migrants; and locating new labour markets:

> Now our government is interested in us to find new markets and new migration paths and migration opportunities as well. So we have a separate scheme to find out emerging corridors. Now, in the beginning, in Kerala, all the migration was voluntary migration. There was not much involvement from the government or state. But now, the government is thinking that it is the duty of the government

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[9] Interview, February 17, 2020 Trivandrum.

to find out new emerging corridors. (Recruitment Manager, NORKA ROOTS, Government of Kerala)[10]

This statement from NORKA ROOTS' recruitment manager shows that labour market development has become a higher priority for the Keralan government. This concern explains why, in 2015, NORKA ROOTS established a recruitment agency that facilitates the migration of nurses, doctors, technicians, and domestic workers to GCC countries (Government of Kerala n.d.). The agency provides an alternative to private recruitment by promising a "safe, legal, and ethical recruitment process" (Government of Kerala n.d., 19) and "a new overseas work culture for job seekers" by "empower[ing] overseas health sectors job aspirants and domestic service workers."

In its recommendation to provide IT skills trainings to NRKs, the Committee on NRKs relied on economic rationales regarding unemployment of low-skilled migrants:

> The recent crisis in the Gulf has created a situation where expatriate workers, especially Malayalis [Keralites], have been expelled from there. It affects unskilled workers more. One of the major challenges to the state's economic and social structure is the lack of a skilled workforce in the overseas job market. *The Committee recommends a training program to enable them to overcome adversity abroad by providing knowledge about advanced technology (...)*. (Committee on Non-Resident Keralites 2016)

The government partly attributes the high impact of GCC countries' changing labour market conditions to Keralan migrants' low skill level. Officials perceive that their labour pool is at a disadvantage because of the global surplus of low-skilled labourers: "Another (…) important point is the stiff competition from other (..) labour-sending countries. Our workers are competing with the Philippines, Bangladeshis, and also from Egypt (…)" (Recruitment manager, NORKA ROOTS, Government of Kerala).[11] Similar to Rodriguez's (2010) description of the Philippines's case, the Keralan state administration justifies NORKA ROOTS's skills training with political-economic rationales about competition in the low-skilled labour sector. Although "unskilled workers" (Government of Kerala n.d.) are regarded as most affected, the government focuses more resources on the *Skill Up gradation Programme*, which addresses semi- and skilled workers, rather than low-skilled workers, so as to not encourage the latter's migration given the risks associated with low-skill labor migration:

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[10] Interview, February 17, 2020, Trivandrum.

[11] Interview, February 17, 2020, Trivandrum.

> [For] domestic workers also, we are developing a curriculum. And started a batch, but sending domestic workers is not our policy. It is not a policy because we are not interested in encouraging to pursue domestic work jobs in [the] Middle East. Because it is not — even though we are trying to propagate it is as decent work — in reality, it is not decent work. The housemaid job in [the] Middle East is not decent work. That is the stark reality. (…) They are supposed to work, work and live on the premises of the employer. And these home environments are not what we expect (..) [as] the global standard or Indian standard, in the Middle East environment. We heard, we had reported a lot of cases of a lot of ill-treatment from the sponsors and house owners. And there are a lot of chances of these exploitation issues or overworking hours, ill-treatment. That is why we are not promoting sending our recruitees as housemaids to [the] Middle East. (Recruitment Manager, NORKA ROOTS, Government of Kerala) [12]

The government's concern regarding labour standards for domestic workers demonstrates its ideational rationales in the form of justice-oriented norms, such as ethical recruitment and fair employment conditions. Besides the pre-departure training, these rationales justify in particular NORKA's legal advice desks and helplines help for workers in the destination countries, and social assistance schemes, such as the scholarship schemes for low-wage migrant workers' children, which aims at creating social justice through educational opportunity. The state's explicit role is portrayed to provide employment opportunities and ensure the well-being of NRKs during the recruitment process and in the destination country. Deservingness is derived from framing segments of NRKs as vulnerable to exploitation and in need of empowerment and protection.

Keralan government representatives point out that policies target emigrants not only because of remittances but because of their economic contributions combined with the Keralan sociopolitical context. Statements relating the sociopolitical context to social protection policymaking reveal how ideational rationales, in the form of ideas about good citizenship practices and the Keralan polity, inform these explanations:

> (…) Kerala is also just (…) [a] politically sensitive state. Here, the political consciousness is really high. Here, the labour rights, the rights of the workers, and also the consciousness regarding (…) the people [is] very, very high (…). This is (…) much [of] (…) an enlightened society. [In] this society, (…) the people, if they decide on [a] particular issue (…), then they know how to navigate that.

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[12] Interview, February 17, 2020, Trivandrum.

> Politicians cannot take the people for granted. There is some kind of a dissident voice. There is some kind of discourse here regarding everything. So, therefore, when compared to North India or UP [Uttar Pradesh] or Bihar [states in North India], the situation in Kerala is completely different. (Former researcher, India Centre for Migration, now civil servant, Keralan Public Service Commission, Government of Kerala) [13]

The government representative explains that a social protection framework evolved from Keralites' awareness of their labour rights and ability to influence political agendas. The interviewed political stakeholders attributes the salience of labour rights in Kerala to the political socialization of the state's inhabitants. He portrays the Keralan state as a thoroughly democratic polity that includes accountability of politicians, critical political debate, and a politically mature population. Kerala is contrasted with other major labour-origin states, Uttar Pradesh and Bihar, which rank low in terms of economic and social development in the Indian context (see Rasul and Sharma 2014; World Bank 2003). This contrast underscores Kerala's uniqueness in its sociopolitical development and its identity as a (subnational) community.

As mentioned before, Kerala is regarded as a model state in terms of human development in the Indian context and globally. According to the interviewed respondents, Keralites' political empowerment correlates to the state's high levels of human development, a perspective which scholarship shares (see Franke and Chasin 1997; Singh 2015). A high-level Keralan government bureaucrat repeats that Kerala includes NRKs in its social welfare schemes because of its unique political trajectory:

> (…) Kerala being a state which [is] highly welfare-oriented because of its different kind of political history, we love to take care of our citizens here as well as when they go abroad. And it is part of a different kind of political culture, awareness, development of a region. (Civil servant, State Planning Board, Government of Kerala) [14]

The excerpt refers to the Keralan model of development. Thus, NORKA's social protection programmes are portrayed as following existing ideas about the importance of welfare among

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[13] Interview, February 24, 2020, Trivandrum.

[14] Interview, March 7, 2020, Trivandrum.

the subnational community, as well as Kerala's history of redistributive social programmes. Indeed, the continuing success story of the Keralan model, substantial to the subnational Malayali identity, rests on social benefit provisions "as social development outcomes are determined primarily by the nature of and popular access to social services" (Singh 2015, 508). Social protection policies towards NRKs function as extended forms of solidarity, whereas the social contract underlying social policies extends transnationally. The government sees migration as challenging the concept of a Malayali polity, and, for the sake of its preservation, they have to reinvent it as a transnational polity:

> Now, if you want to sustain this Keralite entity, and if Kerala should remain as a society, (…) with unique culture (…), then you will have to think beyond the borders, beyond the original geographical and original territory. It is a (…) society becoming de-territorialised. It is not fixed in a territory; it grows beyond a territory. So this is happening everywhere because of globalisation, because of the movement of people, because of the diversification of labour. (Civil servant, State Planning Board, Government of Kerala)[15]

For the Keralan government, its regular meeting for NRKs, which launched in 2018 and was repeated in 2020, — the *Loka Kerala Sabha* — achieves a similar objective as its social protection policies. The meeting aims to "provid[e] for a more inclusive democratic space wherein these outer-Keralas are duly represented" (NORKA ROOTS 2021c) because "all decisions that pertain as well to the lives of non-resident Keralites are taken within the home Kerala" (NORKA ROOTS 2021c). The *Loka Kerala Sabha* is officially a platform, but the terms translates both as "a congregation of the people" and "lower house of the parliament." The initial 351 selected participants were "Members of the Legislative Assembly of Kerala, the Members of the Indian Parliament from Kerala, NRKs of Indian citizenship nominated by the Government of Kerala, and select members of the returnee community" (NORKA ROOTS 2021b). The composition of participants and the meeting location (the Keralite Legislative

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[15] Interview, March 7, 2020, Trivandrum.

Assembly complex) also indicate that the *Loka Kerala Sabha* extends regional political citizenship within the boundaries of the Keralan state.

## 7. Conclusion

Categories of social protection recipients nor areas of social protection are universal; rather, they are outcomes of political decisions. Grounded in constructivist public policy theory, this article asks why the Keralan state provides social protection to NRKs. By focusing on policy rationales — justifications of policy choices — in the case of Kerala's subnational government, I demonstrated that instrumentalist and ideational rationales substantially inform constructions of deservingness regarding social benefits, and thus social protection policymaking for NRKs. The government's instrumentalist rationale focuses on Kerala's dependence on the GCC countries' labour markets and global labour market competition, especially for the low-skilled; its ideational rationales centre on the nature of the Keralan polity and how it differs from other Indian states with substantial emigrant populations. The normative idea of Kerala as a social-democratic political society has been decisive in outlining NRKs as a target population. However, without remittances from NRKs, the government understands that its redistributive system enabling social welfare policies is not possible. Remittances are also regarded as a way to fulfill the duties of citizenship, which prompted the Keralan government to enact its part of the social contract with social welfare provisions. This research shows that NORKA ROOTS's social protection programmes are located in ambivalent convictions between market development-oriented labour policies and social assistance programmes; these become forms of social protection and citizenship practice that are intertwined and not easily separable.

Finally, this article sheds light on the role migrant-origin states play in making transnational, social protection policies. More specifically, it shows the two ways in which the structure of political institutions, in this case, subnational polities, matter in articulating social

protection and diaspora policies. First, the Keralan government relies on subnational identification — in this case a Malayali identity — as a source of solidarity; this identity encourages a perception of NRKs' risks and vulnerabilities as collective problems. Second, Kerala's government demonstrates in multiple ways that subnational governments are important sites of policy invention and policy-learning. While scholarly accounts have showcased the role of global policy networks, often in the form of international organisations, in policy transfer of social protection, Kerala presents a powerful example of bottom-up policy diffusion. The state has become a model for the Indian government and other Indian states' formulation of social protection policies for international, low-skilled labour migrants. The Keralan case calls for closer scholarly attention to subnational governments of other emigrant origin countries to understand their role in the making of emigrant policies.

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**Abbreviations**

**ECR:** Emigration Check Required

**GCC:** Gulf Cooperation Countries

**NDPREM:** NORKA Department Project for Return Emigrants

**NORKA:** Non-Resident Keralites' Affairs

**NRKs:** Non-Resident Keralites