

**POLICIES AND  
PRACTICES**

**151**

# **Is Protection Only a Legal Matter? Migrant Labour in South and South-East Asia**

**December 2023**



Policies and Practices 151

December 2023

Published by:

Mahanirban Calcutta Research Group

IA-48, Sector-III, Ground Floor

Salt Lake City

Kolkata-700097

India

Web: <http://www.mcrgh.ac.in>

ISSN 2348 0297

Printed by:

Graphic Image

New Market, New Complex, West Block

2nd Floor, Room No. 115, Kolkata-87

*This publication is brought out with the support of the Institute for Human Sciences (IWM), Vienna, as part of the research programme "Justice, Protection, and Government of the People: A Two-Year Research and Orientation Programme on Protection and Democracy in a Post-COVID World (2021-2023)," and is a part of the programme of the Calcutta Research Group on migration and forced migration conducted in collaboration with the Rosa Luxemburg Stiftung, the Institute for Human Sciences (IWM), Vienna, and several other universities and institutions in India and abroad.*

**Is Protection Only a Legal Matter?  
Migrant Labour in South and South-East Asia**

**Paula Banerjee**

**2023**



# Is Protection Only a Legal Matter? Migrant Labour in South and South-East Asia

Paula Banerjee \*

## The Afterword before the Foreword

“They all needed to return. They just needed some space on those promised buses. They needed to desperately reach home to live.”<sup>1</sup>

It is 2023 and we are now in the fourth year of Covid-19 pandemic. It is during this pandemic that people, who had previously nothing to do with migrant labour, probably did not even think that they exist, suddenly found them coming out of the wood works. In every major city of South and Southeast Asia people felt their presence. Not as triumphant masses but as rag tag and desperate mobs, who did not know where to turn to. The great dilemma was should they go back home by subverting the state and its borders, thereby inviting arrests and loss of any meagre rights that they possessed, or should they stay on in their country of choice and brave starvation. Where were the owners of the companies that they worked in and got their wages from, where was the state which allowed them to live in return for their back breaking labour, and where was the international community that lectured on multiculturalism and human rights. When the labouring hordes came out clutching their meagre possessions all these institutions that promised to look after them, melted away. This is an essay on the protection mechanism of migrant labour. Protection of migrant labour was never so vociferously debated as during Covid-19. In this paper I intend to address the question as to what protects the migrant labour. Is it only legal provisions? What happens when we, while speaking of migrant labour are discussing the situation of those who are in the category of informal labour? Whether the pandemic is over or not is no longer a question because we are all back to normal. For all purposes the event is over and there is no emergency that we have to mentally deal with. The migrant labours have gone back to their precariat state, slightly more vulnerable than before. Every emergency makes them a little more vulnerable, a little more dispossessed. We are now left to ponder at leisure whether protection is solely a legal issue for both formal and informal migrant labour?

In the words of one such informal labour, Puneet Verma from Panvel (names changed), in the city of Mumbai, “‘most severe challenges’ are not posed to ‘the rich people’ but instead to the ‘working class or informal labourers, who are left to face the brutal consequences of Covid-19 even though the rural and urban poor ‘play the most important role of enabling the nation’s progress’”.<sup>2</sup>

---

\* Paula Banerjee is a, Professor, IDRC Endowed Chair on Gender and Forced Displacement, Asian Institute of Technology, Bangkok and CRG.  
Policies and Practices, Issue No. 151, December 2023

Even when the covid cases declined migrant workers did not get much respite. They left the cities that treated them so miserably during Covid-19 thinking that they will never come back. But the reality soon forced them out of their villages back to the unforgiving cities a little poorer, a little more desperate. There are millions of Puneet Verma in South and South-East Asia. Their names change but their situation only get bleaker.

Ahmad, who had a university degree and could speak in English had a decent job in Indonesia. But during Covid-19 he had a call from a friend with an on-line marketing job offer in Thailand. He decided to accept it as the salary was so much better. When he arrived in Thailand he was at a disadvantage as he did not know the language. He was then picked up by his friend's contact and driven by car to the north of Thailand. It was here that suddenly a group of armed men surrounded him and forced him or rather trafficked him to Myanmar. His narrator tells us that:

“Ahmad is one of thousands of individuals trafficked into scam centre compounds, forced to deceive people online for financial gain, as part of a growing trend across South-East Asia.

While Thailand has historically been a country of destination, origin and transit for trafficking in the region, there has been an increase in the number of people being trafficked through it and into neighbouring countries, forced to work in such scamming operations. Trafficking syndicates have exploited the economic impact of Covid-19 to deceive people online with lucrative job offers. In addition, the situation in Myanmar following the February 2021 military takeover has allowed syndicates to expand operations in areas with limited law enforcement presence, including along the Thailand-Myanmar border.”<sup>3</sup>

Ahmad's story might seem exceptional because this was a post-covid narrative, the *afterword*, when all protection issues for migrant workers seemed to have solved itself. Also, Ahmad was not illiterate but a person with a university degree. He was not a person sold into sex slavery. The story of sex slavery is the one that we are familiar with. The one where white Gods come to save us, and then they get felicitated by one foundation or the other. Ahmad's situation makes us aware of the fact that Covid-19 might have reduced but the pandemic that afflicted migrant workers, continued. That pandemic is poverty, multiplied by instability and insecurity of the other pandemic that never ends and their vulnerability keeps increasing. Ahmad's story is interesting from another perspective as well. Migrant workers are constantly straddling legality and illegality. Ahmad started off as a regular worker. He reached Indonesia by legal means. The job offer from Thailand was his first step into illegality. After he was forced to cross the Thai border and go to Myanmar, he was an irregular worker, shorn of any formal or informal protection. This is the life of the migrant worker.

Since protection of migrant workers is a post-covid concern, my context here is therefore the pandemic.

## **The Numbers Game**

### **“Migrant Workers Are Invisible,”<sup>4</sup>**

How many migrant workers are there in South and South-East Asia is a query that confronted us forcefully, within our known history, only during the pandemic. This is the first time we heard such an urgency in the voices of the people trying to find out about the situation of migrant workers, perhaps not because the immobile and stable world was concerned about what the migrants were going through but rather because their numbers were swelling the cities and it was required to sanitise the city. It was a question with a purpose and the purpose was governmentality. There had

to be mechanisms to clean these cities from the contaminant presented by the bodies of the migrant workers. However, when the numbers were revealed in the mass media it sent a shock wave through the region. A 2018 International Labour Organization (ILO) report portrayed that four out of eight South Asian countries feature among the top 20 countries of origin of the migrants. India is the first country with the highest number of emigrants and migrant workers; Bangladesh is fifth on the list; Pakistan seventh and Afghanistan eleventh on the list of 20 top countries of emigration.<sup>5</sup> From 2019 onwards much of South Asia has been under one crisis after another. The pandemic proved cataclysmic for the internal migrant workers in India. About the pandemic and the consequent lockdown, a group of social scientists wrote:

“On 24 March 2020, Prime Minister Modi declared a 21-day nationwide lockdown, crippling the mobility of the world’s second largest national population of 1.3 billion, to prevent the spread of the pandemic in the country. The lockdown was preceded by a 14-hour voluntary curfew on 22 March 2020. Various state governments extended the lockdown in their territories to 1 May 2020, and on 14 April 2020, the central government stretched the nationwide lockdown until 3 May 2020, with some concessions after 20 April 2020 for the areas where the onslaught of the contagion was observed to be minimal. As the end of the second phase of the national lockdown approached, the central government decided to extend the lockdown by a couple of more weeks until 17 May 2020.”<sup>6</sup>

The lockdown pauperised the migrant worker and millions tried to go back home to their villages, hundreds dying on the way. Much has been written about the internal migrants but cross-border migrants in South Asia did not fare any better. ILO had allegedly reported that 10 per cent of India’s GDP was a contribution of the migrant workers.<sup>7</sup> After all for years it has been acknowledged that India has been sending migrant workers all over the world. But apart from India, the other countries also suffered enormously. Nepal’s migration by 2020 went down by 19 per cent, Pakistan by 62 per cent, Bangladesh by 64 per cent and Sri Lanka 72 per cent. Of course, Indian migration of workers went down by 74 per cent.<sup>8</sup> But Covid-19 was not the only cataclysmic event. Then came Amphan, the Odisha/West Bengal-Bangladesh border was torn apart by Cyclone Amphan in May 2020. The destruction was of USD 13 billion, making it the costliest cyclone in the region. It ravaged the region and was devastating for the returning migrant workers. For days people had to shelter in school or any municipal building in the area. Amphan was one of the reasons why migrant workers from the Sundarbans had to return post haste to the major cities the moment the borders opened.

This was not the only disaster that the region witnessed, then came the floods in Pakistan. The loss of basic infrastructure such as homes and schools, “deepened pre-existing inequities, leaving children even more at risk of hunger and disease,” reports UNICEF.<sup>9</sup> 1400 people were killed by deadly flooding and 33 million people were displaced. More than 1.7 million homes were damaged and half of the country’s cotton crops were washed away.<sup>10</sup> One post-pandemic World Bank report states thus:

“Floods in Pakistan have wreaked havoc in a country already bogged down by high inflation and pressures in the external sector; soaring food prices across the region have adverse impacts on households’ ability to obtain sufficient food in a region already with food insecurity concerns; and the lives of migrant workers, upended during Covid lockdowns, face uncertainty and possible scarring effects from the pandemic. As a result, social and political tensions are increasing, compounding the macroeconomic challenges.”<sup>11</sup>

Sri Lanka faced massive economic and political crisis during the pandemic and post-pandemic years. The economic crisis resulted in sharp drop in foreign exchange flows. Sri Lanka's external debt increased exponentially and the standard of living reduced to unforeseen levels resulting political crisis. Apart from Sri Lanka, political mayhem resulted in Afghanistan when United States decided to unilaterally withdraw from Afghanistan. Over the period of one year, it was clear that Afghan women lost out most in the job market. ILO reported that:

“In the fourth quarter of 2022 female employment is estimated to have been 25 per cent lower than in the second quarter of 2021, before the crisis. Male employment levels are down seven per cent in the same period. Restrictions on women's participation in the labour market have contributed to the decline. Home-based self-employment has become the predominant form of women's participation in the labour market, which has prevented the figure falling further.”<sup>12</sup>

This seems to be the standard development in most of South Asia although the situation of women in Afghanistan is usually blamed on the Taliban. But a World Bank report of 2022 states that a characteristic of post pandemic recovery is that although more educated people were being hired in most sectors but the two traditionally disadvantaged groups, women and youth, remained disadvantaged.<sup>13</sup> What is even more problematic is that most of the data is gathered from the formal sector but women in vast majority belong to the informal sector.

The situation in South-East Asia is a little different from South Asia. There is recognition in South-East Asia that migrant labour remains the fulcrum of this region's economic prosperity. Crisis in the South-East Asia, as the recent pandemic portrayed, as in South Asia, is multidimensional, transnational and interdependent, with the potential to affect large sections of the population at the same time. Some population groups are more affected by crisis than the others such as the migrant workers, the physically challenged, the indigenous population, the sexual minorities etc. In the context of South-East Asia among the different vulnerable sections of the population the migrant workers are in a league of their own. As Panudda Boonpala, the International Labour Organization's former Deputy Regional Director for Asia and the Pacific suggests “labour migration has long been a significant factor behind the economic and social advancement of the ASEAN region and its people”.<sup>14</sup> Therefore, migrant workers hold a position of great importance in the context of South-East Asia. But to think of migrant workers as a homogenous category is as fallacious an assumption as in South Asia. Among the migrant workers there are many who are more vulnerable than the others such as women, youth, physically challenged, LGBTQ, and the irregular migrants, to name a few.

The world over Covid-19 left havoc in its wake. According to ILO globally, the equivalent of 310 million jobs were lost in 2020 and 151 million additional jobs were lost in 2021.<sup>15</sup> Lockdown caused decline in industrial production of all countries and Asian Member States (AMS) were no exception. AMS fared worse than the world according to figures given by the ASEAN Migration Outlook.<sup>16</sup> Apart from Philippines, that suffered tremendously during Covid-19 the three largest migrant worker receiving countries suffered the most, Malaysia, Singapore and Thailand. In Malaysia the GDP fell by 6.9 per cent, in Thailand it fell by 6.4 per cent and in Singapore by 3.8 per cent. Apart from that, Cambodia, one of the largest sending countries suffered a loss of 4.4 per cent. Construction work, tourism related work and all the sectors dependent on migrant labour suffered very badly.<sup>17</sup> In many destination countries things started improving by the last quarter of 2022 and then in 2023 it took an upward swing. According to one source, after a three-year period, “following the signature of a new memorandum of understanding between the two countries, workers from Bangladesh were able to come back to Malaysia. More than 50,000 did in 2022. This is still



significantly below the 2017 and 2018 levels (100,000 and 175,000, respectively), but the beginning of 2023 shows a boom, with 54,000 inflows in just the first two months. This sharp increase has been driven by labour demand and employer requests.”<sup>18</sup>

The increase in the number of migrant labourers in AMS by 2023 is a testament to the importance of such labour for the economy of these countries. The ASEAN region has been prone to outbreaks of several infectious diseases, including SARS, African swine fever, bird flu (avian influenza), and, most recently, Covid-19. “Vector-borne diseases such as Zika virus, dengue fever, and drug-resistant malaria and tuberculosis have also emerged in the region. South-East Asia is increasingly interconnected with the rest of the world through trade, investment, tourism and transportation links, which present more avenues for new disease transmission”.<sup>19</sup> Emerging infectious diseases have cost heavily in terms of public health and economy. Singapore, a country in ASEAN region that often escapes climate disasters is most vulnerable to public health crisis because of its density of population. For example, SARS and H1N1 brought about severe public health and economic consequences for the country as a whole.<sup>20</sup> Severe Acute Respiratory Syndrome (SARS), rapidly decimated the region’s tourist industry. Influenza A-H5N1 has had a profound effect on the poultry industry as well, providing multiple staple food such as meat, eggs, etc.

For overall experiences of migrant workers in AMS, those who lost their jobs could not access any social security or healthcare during the pandemic. In destination countries like Thailand, 57 per cent did not get any protective equipment such as PPE, or even hand sanitizers and masks. Many of those who could retain their employment confessed that they faced pandemic related abuse, including harassment, violence and forced labour. Migrant workers reported that the threat that they faced included contract termination, being forced to work against their will, unpaid forced leave, unpaid sick leave, reduced working days, threats and abuse from employers, confiscation of without any reason legal documents such as passports, and many more such abuse.<sup>21</sup>

For the protection of the migrant workers some of the AMS had designated funds. Philippines had its migrant welfare funds, and so did Thailand and Vietnam. Indonesia developed its migrant inclusive social protection and Cambodia its guaranteed deposit scheme. These funds not withstanding migrant workers faced tremendous hardship during Covid-19 in the AMS. The destination countries did not afford them much social protection as the funds were for migrant workers who were its citizens. Even though these funds existed in the five AMS countries but social protection often proved elusive for the returning migrant workers. The sectors hardest hit by the pandemic were sectors where there was largest concentration of the migrant workers such as tourism, hospitality, services, and sex work. Migrant workers, who might face language barriers, got news related to the pandemic last for language and social barriers. Also, the living condition of migrant workers made them most susceptible to any infectious diseases in much of AMS reported media. A newspaper reported that 70 per cent of Covid-19 cases in Singapore originated in the dormitories where migrant workers lived. Manpower minister promised to improve the condition of the dormitories where more than 200,000 migrant workers lived. However, he also stated that such an act might bring him directly in the conflict path with the employers who might complain of increased costs.<sup>22</sup> Improving the condition of migrant workers therefore brought governments in conflict with employers who also sighted the increased hardships that they faced during the pandemic.

## A Common Global Society

### **“The Best Migrant is the Migrant Who does not Come.”<sup>23</sup>**

Who protects the migrant workers? Often, we are pointed to international declarations. Let us now find out what international mechanisms exist for migrant labour. Security of one's life is a fundamental and inalienable right for any human being, including that of a migrant worker. But even that right is violated often. If one looks at the international declarations then it seems that migrant workers have access to protection throughout the migration cycle. But in practice, it is often seen that countries of origin and of destination frequently fail to ensure equal access to social protection for migrant workers at par with nationals. What are the *de jure* rights that migrant workers can access at least on the basis of global declarations?

International Labour Standard is provided by the ILO. One of the first ILO Conventions on migrant workers is the Migration of Employment Convention (No. 97). This Convention called upon states to provide free assistance to migrant workers to facilitate the process of migration and to take action against misleading propaganda. The next important convention or the Convention 143 called on the one hand for opposing clandestine and illegal migration while at the same time setting forth the general obligation of ratifying states to respect basic human rights of all migrant workers. The convention called for a parity of rights between those enjoyed by the national worker with that of the migrants. Another extremely important aspect of this convention from the perspective of protection is that it called for unification of migrant workers with their families. Therefore, it brought the families of migrant workers within the orbit of protection.

But perhaps the ILO instrument that goes farthest in protecting the rights of the migrant workers is the Recommendation No. 205. This Convention calls for recognizing the importance of employment and decent work in promoting peace, that will prevent crisis situations resulting from conflict and disasters, enabling recovery and reinforcing resilience. The recommendations of the Convention emphasize the need to ensure respect for all human rights and the rule of law, including respect for fundamental principles for rights at work and international labour standards, all of which were adopted at the International Labour Conference of 2017.<sup>24</sup>

Just as ILO set the standards of work and working conditions for migrant labour, the International Federation of Red Cross and Red Crescent Societies or IFRC sets the standard for migrant health and care. In terms of health the IFRC suggests migrant population has very different needs. From a simplistic perspective we believe that migrants and migrant workers need health support immediately on arrival. But health requirements can also take place beyond the emergency phase once migrants have settled in. Hence the framework by IFRC that has responded to promises made in the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Articles 28, 43(1) and 45, makes it obligatory for country health authorities to look after migrant health notwithstanding their legal status or the timing of their health needs. In 1990 we had the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families portraying the importance of migrant workers in the world.

Apart from these, the Article 13 of the Domestic Workers Convention (ILO No. 189) asks the Member state parties to ensure the right to a safe and healthy working environment for domestic workers. This is of specific importance to women; as women particularly in this part of the world join domestic work in overwhelming majority. The other instrument that is of particular importance to women migrant workers are those presented in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The CEDAW expands on the rights of women

migrant workers, providing recommendations relating to safe migration and access to health services, including reproductive health care.

Perhaps the most noteworthy of these declarations is the Global Compact on Migration (GCM). In 2015 Europe was recipient of over a million refugees and migrants notably from Syria and from different countries in Africa. That triggered conversations among states about a holistic and global protection of migrants. In the month of September in 2016 the 193 Heads of States met in New York, at the UN General Assembly, to discuss topics related to migration and refugees at the global level. The adoption of the New York Declaration for Refugees and Migrants upheld the need for the development of a comprehensive approach to migration. The member states agreed to cooperate on developing a Global Compact on Safe, Orderly and Regular migration that was finally signed in an intergovernmental meeting on migration of 10 December 2018 at Morocco. The New York Declaration on Refugees and Migrants also set in motion another negotiation process for the Global Compact on Refugees. The GCM sent a message to the global community that migration matters and human mobility need to be safe and orderly. But protection was not a priority for this instrument but in fact the GCM saw a movement away from protection, as that was regarded as being part of humanitarianism, to development. The recently published World Development Report by the World Bank follows a similar path.

## **Govern(mentality)**

“In the past few months, the public in major migrant-receiving countries has witnessed a diverging, often nationalistic, stance of governments on whether irregular migrants should be included in the national vaccination program. Governments have prioritized their citizens over foreigners to have free access to vaccination.”<sup>25</sup>

In South Asia there are numerous labour laws, but very few of these are ever used for migrant labour. According to some estimates there are probably around 200 state labour laws and around 50 central labour laws, ordinances, or executive orders in India.<sup>26</sup> Despite this being so, there exists no set definition of ‘labour laws’ in the country. Broadly speaking what exists can be divided into three categories: laws on conditions of work; laws on wages and remuneration; and laws on employment security. In 1970 the Contract Labour (Regulation and Abolition Act) 1970, was passed. This Act was introduced to prevent the ill-treatment of workers and to ensure a healthier working environment for them. Contract labour refers to an employed person, hired to work by a company through a contractor for a specific work and for a finite period. The contract labourers were not recruited directly by the companies, and they did not have a particular payroll. Companies hired contractors who, in turn, recruited these workmen for different jobs. There was an amendment to this Act in 2019. That amendment was introduced to improve the condition of contract labour. This act, apart from regulating the welfare, health, payments of the contract labour, also has detailed provisions for the registration of the companies and grants of license to the contractors. Although this Act was meant to cover both the organized and the unorganized sectors it was never implemented for the unorganised (informal) sector. Since the contract was to be made with the contractors it had little benefit for the workers.

In this paper when the unorganized sector is analysed it also includes what is popularly known as the informal sector. The contribution of human resources to economic growth is a well-documented phenomenon. The widespread informal sector in India is a major contributor to its development. But this sector also faces many problems such as lack of well-defined laws on wages,

hours of work, working conditions, etc. Over 94 per cent of Indian women in the labour market work in this sector. The concept of informal sector was probably first introduced by Keith Hart in the *Journal of Modern African Studies* in 1973. Later it was expanded by ILO. The informal sector was meant to give greater ease of employment, reliance on indigenous resources, flexibility of working hours, possibility of working from home; in fact, much of it was to facilitate women's presence in the work force. Among women in the informal sector there is a large number working in the domestic sector. As per the National Sample Survey (NSS), there are an estimated 39 lakhs people employed as domestic workers by private households, of which 26 lakhs are female domestic workers in India.<sup>27</sup> According to The Domestic Workers (Registration, Social Security and Welfare) Act 2008, every domestic worker who has completed 18 years of age, but has not completed 60 years of age, and is engaged in any domestic work for not less than 90 days in the preceding 12 months, can be registered as a domestic worker. Any domestic worker (male or female) registered under the Act who lives in the premises where workplace is situated, is entitled to daily rest period of at least 10 consecutive hours between ending and beginning work the next day. There are two interesting features of this Act. Sexual violence is considered as the most abominable crime that is perpetrated against female domestic workers. But if there are Acts there are facts, and the fact of the matter is that hardly any domestic workers are ever registered under this Act because the Act was subject to state legislation.

As the 2008 Act failed much of its purpose there was an attempt to bring about a specific legislation meant for domestic workers by the National Commission for Women. This was the Domestic Workers Welfare and Social Security Bill, 2010, but the bill was never passed. Meanwhile ILO organised the Domestic Workers Convention 189 in Geneva on 1 June 2011. The C 189 was accompanied by R 201. This was a set of recommendations containing guidance on several matters not addressed by the Convention, e.g. policies and programmes for the professional development of domestic workers, work-life balance, provisions regarding statistical data and international cooperation in a number of areas, including with regard to the protection of the rights of domestic workers employed by diplomatic personnel.<sup>28</sup> It also contained provision whereby children could not be employed in hazardous occupation. Also, the recommendations strongly advocated healthcare for domestic workers. It recognized that hazards faced by domestic workers went beyond sexual violence.

According to the Indian law, a migrant worker is a person who migrates either within their own state or from one state to another state in search of employment or work opportunities. The term includes any person who is engaged or employed in a particular establishment or industry, and who is required to move from one place to another within the state or outside the state for the purpose of employment. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, defines migrant workers as "any person who is recruited by or through a contractor in one state under an agreement or other arrangement for employment in an establishment in another state, whether with or without the knowledge of the principal employer in relation to such establishment." The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979 (ISMW Act), defines a migrant worker in India.<sup>29</sup>

However, none of these Acts helped workers in the informal economy during Covid-19. In fact, the ILO reports that, "for most of the 2 billion workers and business owners in the informal economy, stopping work or working remotely from home is not an option. Staying home means losing their jobs. For many, it also means losing their livelihoods. 'To die from hunger or from the virus' is the all-too-real dilemma faced by many of those earning a living in the informal economy."<sup>30</sup>

The situation for migrant workers in the informal sector was no better, at times worse, in South and South-East Asia.

For South-East Asia there are many more provisions for migrant labour than in South Asia. One of the first instruments of its kind is the *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers* that was adopted by the ASEAN heads of state in Cebu, Philippines in 2007. The Declaration commits countries of origin and destination to ensure the dignity of migrant workers by outlining their obligations in the areas of: (i) protection from exploitation, discrimination, and violence; (ii) labour migration governance; and (iii) the fight against trafficking in persons. A Committee on the Implementation of the Declaration was set up to advance efforts in these areas. As one of the Committee's recommended activities, ASEAN convenes a yearly *Forum on Migrant Labour* (AFML), which acts as an open platform for review, discussion of best practices and ideas on key issues surrounding migrant workers in the region. The Forum seeks to develop recommendations to advance the implementation of the principles of the ASEAN Declaration (ILO 2007). Articles 9 and 10 of the Fourth AFML are notable: they commit to ensure as much as possible that mass/group deportation will not take place; and declares that in case of mass returns of migrant workers in emergencies, contingency plans should be prepared at company and embassy levels with the participation of migrant workers.<sup>31</sup>

The main ASEAN body leading the implementation of ASEAN instruments on migrant workers is the *ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers* (ACMW). ACMW falls under the *ASEAN Socio-Cultural Community*. The ACMW Work Plan has been developing a Policy Repository to promote best practices in migrant worker management policies; and worked on strengthening information services to educate migrant workers about their rights, access to services and immigration requirements, leveraging on the repository. These mechanisms ultimately culminate in the *ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers* 2017, was established to develop a framework for cooperation between ASEAN member states towards the welfare of migrant workers in the region. The Consensus covers migrant workers who are documented and those who involuntarily remain undocumented; It holds that ASEAN member states will recognize the fundamental rights of migrant workers as stipulated in relevant international and regional treaties, and promises the upholding of rights and dignity of the migrant workers, and fair treatment and protection to them with respect to gender and nationality, and urges the pursuance of constructive, non-confrontational and cooperative approach to enhance protection and promotion of migrant workers' rights. The consensus recognizes the fundamental rights of migrant workers as including – i) the rights to be visited by their families (as per allowed by national laws of host countries), ii) to hold their passports and legal documents, iii) to file their grievances to relevant authorities and seek assistance, iv) the freedom of movement in the host country.

Other important ASEAN frameworks to support and protect the rights of migrant workers include the *ASEAN Convention Against Trafficking in Persons Especially Women and Children* (ACTIP), the *ASEAN Agreement on Disaster Management and Emergency Response* (AADMER) and the *ASEAN Qualification Reference Framework* (AQRf). The ACTIP was adopted in recognition that trafficking in persons constitutes a violation of human rights and an offence to the dignity of human beings, and to develop adequate networks of administrative and juridical frameworks to prevent trafficking.<sup>32</sup> This has been ratified by eight ASEAN Member States. To implement ACTIP, ACMW has been in collaboration with ASEAN Senior Officials' Meeting on Transnational Crime.

The *ASEAN Guideline on Effective Return and Reintegration of Migrant Workers* that came into effect in 2020 is known for its fairness to migrant workers. The instrument included commitments

by ASEAN Member States on return and reintegration of migrant workers in their countries.<sup>33</sup> Article 13 of the CEBU Declaration committed sending states to have plans in place for return and reintegration of migrant workers. Art 16 of the same declaration committed the member states to: “Establish and implement human resource development programmes and reintegration programmes for migrant workers in their countries of origin.” Article 26 of the ASEAN Consensus asked member states to create employment opportunities for returning migrants and article 28 prescribed inclusions of migrant workers when planning for their return and reintegration. This instrument advocated fair treatment to returning migrant workers; recognition that there are different categories of migrant workers; extend support to the more vulnerable among the migrants; gender sensitive and gender responsive return policies; and multi stakeholder participation to address reintegration of returning migrant workers. Migrant workers were encouraged to register themselves after return so that there was adequate data to support reintegration. Recruitment agencies were to be encouraged to regularly maintain records of migrant workers they have placed in overseas employment and monitor their safe and dignified return.<sup>34</sup>

All these instruments notwithstanding the pandemic portrayed that migrant workers were anything but protected in their countries of destination or their countries of origin. During the pandemic, the workers faced uncertainty both in terms of their health and their livelihood. In destination countries, workers reported problems like threats or actuality of contract termination, being forced to work against their will, inability to refuse work during the lockdown period, violence or verbal harassment from employers, the need to take unpaid sick leaves (thereby risking their livelihood), and legal or essential documents (such as passports) being held by employers.<sup>35</sup> Migrants were reported as having disproportionately greater vulnerability and mortality to Covid-19 due to various factors, including lack of access to proper preventative and responsive healthcare, overcrowded housing and employment, and working informal sector jobs and jobs with limited chances of physical distancing. When Malaysia put in place its Movement Control Order (MCO) during the pandemic, most migrant workers found it very difficult to survive due to lack of resources. The country study of Thailand showed that as of, “December 2019, there were 2,788,316 registered migrant workers in Thailand and an unknown, number of undocumented migrant workers. The available data on returnees indicate that around 10 per cent of all documented migrants have left the country”.<sup>36</sup> Reports from Cambodia, Lao People’s Democratic Republic and Myanmar indicate that at least 310,000 migrant workers have returned to these countries, the vast majority from Thailand, during the March-June 2020 period.<sup>37</sup>

## What Is To Be Done

“I like talking about people who don’t have any power and it seems like some of the least powerful people .... are the migrant workers who come and do our work and don’t have any rights as a result. And yet we still invite them to come here, and at the same time ask them to leave.”<sup>38</sup>

I started with the premise of seeking whether protection is a legal issue in South and South-East Asia. By now the readers are aware that the answer to that is NO. But a negative cannot be an answer but only a place holder. Then what is to be done? Susan Kneebone, a leading social scientist on the region wrote a decade before Covid-19 that, “A number of reports indicate that many migrant workers in the region lack the protection of basic labour and human rights under the laws and policies of both countries of origin and destination. There is in general a lack of coherent national migration policies and institutions in the region. In most ASEAN states (Singapore is an exception),

immigration and emigration policies are largely short term and reactive.”<sup>39</sup> A lot of water has flown through the Mekong after that but the pandemic portrayed that things have not really improved much for either South or South-East Asia. It will be fallacious to say that where migrant labour is concerned the situation between South and South-East Asia is the same. It is not because for South-East Asia migrant labour is visually important but for South Asia their remittances are. That is why Covid-19 was such a shocker when thousands of them came out in the streets and for a short while owned the streets until the state took over. South Asian migrant workers, other than those remaining in their own countries, travel largely to the Gulf countries for labour. There are some who come to South-East Asia too. But for South-East Asia, most of their migrant workers are from within the region. Among 9 million migrant workers, arguably either 6.9 or 7.1 million are from the region.<sup>40</sup>

It is true that migrant workers travel to reduce the income differentials and alter the income gap. But the experience of pandemic has shown that only wage gaps will not allow countries to get the maximum benefit from the labours of migrant workers. In May of 2023 ASEAN came out with a declaration on migrant workers in crisis. In it, ASEAN made the commitment: “towards equitable access to social protection for all through the implementation of the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN, ASEAN Declaration on the Rights of Children in the Context of Migration, and ASEAN Declaration on Strengthening Social Protection.”<sup>41</sup> This came out of a realization that lack of social protection of migrant workers can adversely affect even the protection of citizens. But for South Asia that realisation is yet to come. But migrant workers on the loose evoke a fear.

One of the major reasons is that migrant workers inhabit the same space in their course of jobs as the citizens and they breathe the same air. The pandemic has portrayed that if the migrant workers are sick, that ailment will spread and affect the non-migrants. It is impossible to keep the migrants at arm’s length. Without the labours of the migrant workers the cities will not operate. The pandemic has portrayed that the migrant workers were responsible for most of the essential services. They were responsible for driving freights, collecting waste, doing construction work to make room for the inflow of a huge number of patients and for care work when families fail. Most of the care workers in South and South-East Asia are migrant worker, particularly female migrant workers. These women were directly in contact with patients who were severely ill and hospitalized. In times of great emergency, the citizen can fall back on social security but migrant workers lack such security. That is why they have to continue working. They cannot afford to stop working because without work they will end up starving.

The places where migrant workers usually live are petri dish for all kinds of infections even in “normal” times. As discussed earlier, migrant workers live usually in extremely cramped quarters. In most countries of South and South-East Asia, migrant workers were much more susceptible to the infection than even the urban poor. On top of that migrant workers had to continue performing essential services. In the case of Covid-19 they were much more prone to ill health because of their general morbidity. Even in normal times, migrant workers, of course not the high end, but the low-end migrant workers have to keep performing services that are usually shunned by the citizen. Highly hazardous jobs such as collection of medical waste, precarious construction work, sex work are all performed by the migrant worker. Whether it is pandemic, or times as usual, migrant workers share all the afflictions of the poor and then some more.

It is the legalese that increases the insecurity of the migrant workers. Until the present times a huge distinction is made between regular and irregular migrants. There are some safety nets for regular migrants but for irregular migrants there are no such safety nets. Often irregular migrants are termed as illegal migrants. The most vulnerable sections of the society such as women, children,

exceedingly poor youth, who are unable to access the regular path might become irregular migrants. Many of these irregular migrants take up jobs such as domestic service. The most precariat of the lot are women who get domestic jobs with a roof over their heads if they are lucky and much more insecure jobs await them, if they are not so lucky. These jobs are perilous with a proclivity to violence. In current times increasing number of women are becoming migrant workers. This feminisation of migration has now become a phenomenon. Many of these women finding the regular routes closed to them become irregular migrants. This makes them even more insecure. The path of migration is also hazardous. A person, like Ahmad, might start as a regular migrant worker but because of crisis situation might lose their regular status and become irregular migrant. There are hundreds of migrant workers whose job contract ran out during the pandemic. They kept doing their service without any surety that they will get paid and that they will survive this particular day.

Legal status is just the beginning for the recognition of the protection needs of migrant workers. They will be protected only if they become part of the social fabric. That will never happen unless this distinction between regular and irregular is ended. Also, the other realisation that should happen is that human beings are not “illegal”, their routes may be. Only the state can change the scenario by making migration accessible. Protection of migrant workers cannot be a mere legal issue. It is an issue of the general will that imposes values such as regular or irregular at the best of times and legal or illegal as the worst of time. The labour of the migrant workers is precious and imperative. The best of ours often become migrants, so prejudice against migrant workers need to be addressed. If we value their labour, we also have to value their bodies that produce the labour. And give them back their dignity because our existence is dependent on that. Without getting polemical we can only say that states have to realise that the irregular migrants are irregular because the state deems them so.

## Notes

<sup>1</sup>Manjira Saha, *Labour Train*, Translated by Purna Banerjee, (Frontpage, Kolkata, 2023) p. 6.

<sup>2</sup>Puneet Verma, a street vendor from Khanda colony, Panvel Mumbai, quoted in, “Two migrant workers share their COVID-19 stories: Let’s listen to the voices that matter,” yuvaonline, 16 May 2020, <https://medium.com/@yuvaonline/two-migrant-workers-share-their-covid-19-stories-5d29ff9c2326> accessed on 11 July, 2023.

<sup>3</sup>“Forced into Crime, Trafficking Survivors in Thailand Tells Their Stories,” IOM Thailand, 1 August 2023, <https://thailand.iom.int/stories/forced-crime-trafficking-survivors-thailand-tell-their-stories> accessed on 5 August 2023.

<sup>4</sup>Zakir Hossain Khokan, “A Migrant Worker’s Perspective: The Issues We Face,” Singapore Policy Journal, 18 February 2019, <https://spj.hkspublications.org/2019/02/18/migrant-worker-perspective-issues-we-face/> accessed on 23 July 2023.

<sup>5</sup>“International labour migration statistics in South Asia: Establishing a subregional database and improving data collection for evidence-based policy-making,” p. 1, ILO Publications, 2018, [https://labordoc.ilo.org/discovery/delivery/41ILO\\_INST:41ILO\\_V1/1254595930002676](https://labordoc.ilo.org/discovery/delivery/41ILO_INST:41ILO_V1/1254595930002676) accessed on 31 August 2023.

<sup>6</sup>Ritajyoti Bandopadhyay et al., “India’s Migrant Worker and the Pandemic,” (Social Science Press: South Asia Edition, New Delhi, 2022).

<sup>7</sup>Krishn Kaushik and Joseph Campbell, “India’s migrant millions: Caught between jobless villages and city hazards,” Reuters, 18 April 2023, <https://www.reuters.com/world/india/indias-migrant-millions-caught-between-jobless-villages-city-hazards-2023-04-18/> accessed on 13 August 2023.



---

<sup>84</sup>“Labour Migration in Asia: Covid-19 Impacts, Challenges and Policy Responses,” ADB Institute, OECD and ILO, 2022, p. 2, Table 1.1, <https://www.adb.org/sites/default/files/publication/797536/labor-migration-asia.pdf> 2 September 2023.

<sup>94</sup>“Devastating floods in Pakistan: One year after historic floods devastated Pakistan, UNICEF remains on the ground, working with partners to help children and families,” UNICEF, 25 August 2023, <https://www.unicef.org/emergencies/devastating-floods-pakistan-2022> accessed on 31 August 2023.

<sup>104</sup>“Devastating floods like Pakistan’s will be more common in a warming world” 15 September 2022, The Economist, [https://www.economist.com/graphic-detail/2022/09/15/devastating-floods-like-pakistans-will-be-more-common-in-a-warming-world?gclid=CjwKCAjwgZCoBhBnEiwAz35RwvJUYyJUXEMr\\_e1gP8Swc8yxxvpA7S4YDa5EOKUTMYoH1xqaUaR2CRoC\\_dYQAvD\\_BwE&gclsrc=aw.ds](https://www.economist.com/graphic-detail/2022/09/15/devastating-floods-like-pakistans-will-be-more-common-in-a-warming-world?gclid=CjwKCAjwgZCoBhBnEiwAz35RwvJUYyJUXEMr_e1gP8Swc8yxxvpA7S4YDa5EOKUTMYoH1xqaUaR2CRoC_dYQAvD_BwE&gclsrc=aw.ds) accessed on 1 July 2023.

<sup>114</sup>“Braving the Perfect Storm,” in Coping with Shocks: Migration and Road to Resilience, South Asia Economic Focus, Fall 2022, International Bank for Reconstruction and Development / The World Bank, <https://openknowledge.worldbank.org/server/api/core/bitstreams/5ce11ef4-877e-5037-8736-4b0b235ebbf/content> accessed on 13 July 2023.

<sup>124</sup>“Women bear brunt of Afghanistan job losses,” ILO in Asia Pacific, Press Release, Kabul, 7 March 2023, [https://www.ilo.org/asia/media-centre/news/WCMS\\_869891/lang--en/index.htm](https://www.ilo.org/asia/media-centre/news/WCMS_869891/lang--en/index.htm) accessed on 30 July 2023.

<sup>134</sup>Coping with Shocks: Migration and Road to Resilience, South Asia Economic Focus, Fall 2022, International Bank for Reconstruction and Development / The World Bank, pg. 107, table 2.6n <https://openknowledge.worldbank.org/server/api/core/bitstreams/5ce11ef4-877e-5037-8736-4b0b235ebbf/content> accessed on 13 July 2023.

<sup>144</sup>Boonpala quoted in, “ASEAN launches Safe Migration Campaign; top ASEAN, EU officials discuss safe labour migration,” ASEAN Learning Centre, 13 December 2018, <http://asean.dla.go.th/public/news.do?cmd=news&category=1&nid=20363&lang=en&random=1584041141321> accessed on 29 December 2022.

<sup>154</sup>ILOSTAT 2021, ILO modeled estimates (%) – Annual. International Labour Organization, Geneva. [https://www.ilo.org/shinyapps/bulkexplorer11/?lang=en&segment=indicator&id=HOW\\_2LSS\\_NOC\\_RT\\_A](https://www.ilo.org/shinyapps/bulkexplorer11/?lang=en&segment=indicator&id=HOW_2LSS_NOC_RT_A) accessed on 23 January 2023.

<sup>164</sup>ASEAN Migration Outlook, Jakarta Indonesia, July 2022, p. 12, <https://asean.org/wp-content/uploads/2022/08/ASEAN-Migration-Outlook-Final.pdf> accessed on 23 March 2023.

<sup>174</sup>Ibid pp 12-14.

<sup>184</sup>“Labour Migration in Asia: Changing Profiles and Processes,” ADBI, OECD and ILO, 2023, p.4, Table 1.3, <https://www.adb.org/news/videos/labor-migration-in-asia-changing-profiles-and-processes> accessed on 1 September 2023.

<sup>194</sup>Anthony Caballero, Mely and Gianna Gayle Amul. “Is Region Ready for a New Pandemic?” Today. 2013, [www.todayonline.com/commentary/region-ready-new-pandemic](http://www.todayonline.com/commentary/region-ready-new-pandemic) accessed on 22 December 2022.

<sup>204</sup>A. Lai, & T Tan, “Combating SARS and H1N1: Insights and Lessons From Singapore’s Public Health Control Measures.” 2012, <https://www.semanticscholar.org/paper/Combating-SARS-and-H1N1%3A-Insights-and-Lessons-From-Lai-Tan/26bc9440563155bbd36bd1071f5e5ebcc0539d85> accessed on 22 December 2022.

<sup>214</sup>“Experiences of ASEAN migrant workers during COVID-19: Rights at work, migration and quarantine during the pandemic, and re-migration plans,” ILO Brief, 3 June 2020, [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_746881/lang--en/index.htm](https://www.ilo.org/asia/publications/issue-briefs/WCMS_746881/lang--en/index.htm) accessed on 10 December 2022.

<sup>224</sup>“Virus cases soar among Singapore migrant worker,” Bangkok Post, 18 April 2020, <https://www.bangkokpost.com/world/1902500/virus-cases-soar-among-singapore-migrant-workers> accessed on 29 October 2022.

<sup>234</sup>Viktor Orban, quoted by Nick Thorpe and Nicholas Wood, Sunday Guardian, 12 December 2019, <https://sundayguardianlive.com/world/best-migrant-migrant-not-come-hungary-pm-viktor-orban>

---

accessed on 12 July 2023.

<sup>24</sup>R205 - Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), ILO, 2017, pt. 7 (h),

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:3330503](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3330503) accessed on 29 October 2023.

<sup>25</sup>Pamungkas A. Dewanto, “Abandonment: The New-Normal for Migrant Workers?,” Heinrich Boll Stiftung, Southeast Asia, 29 April 2021, <https://th.boell.org/en/2021/04/29/abandonment-migrant-workers> accessed on 21 August 2023.

<sup>26</sup>Udita Mishra and Nushaiba Iqbal, “Explained: What labour law changes by states mean,” Indian Express, 15 May 2020, <https://indianexpress.com/article/explained/what-labour-law-changes-mean-coronavirus-6403611/>, accessed on 3 January, 2021.

<sup>27</sup>“National Policy on Domestic Workers,” Press Information Bureau, Ministry of Labour and employment, Government of India, 7 January 2019, <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1558848>, accessed on 10 January 2021.

<sup>28</sup>International Labour Organization. “C189 and R201 at a Glance”.

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_170438.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_170438.pdf), accessed 20 Apr. 2021.

<sup>29</sup>Anushka Chand, “Rights of Migrant Workers in India,” 30 April 2023, <https://taxguru.in/corporate-law/rights-migrant-workers-india.html> accessed in 23 July 2023.

<sup>30</sup>“Impact of lockdown measures on the informal economy,” ILO Brief, April 2020,

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/briefingnote/wcms\\_743523.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/briefingnote/wcms_743523.pdf) accessed on 22 January 2023.

<sup>31</sup>4<sup>th</sup> ASEAN Forum for Migrant Labour (AFML). 2011, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/meetingdocument/wcms\\_213738.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/meetingdocument/wcms_213738.pdf) accessed on 11 January 2023.

<sup>32</sup>ASEAN Convention Against Trafficking in Persons, Especially Women and Children, 2015, <https://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf> accessed on 11 January 2023.

<sup>33</sup>13<sup>th</sup> ASEAN Forum on Migrant Labour (AFML) “Supporting Migrant Workers during the Pandemic for a Cohesive and Responsive ASEAN Community”.2020, [https://asean.org/wp-content/uploads/2012/05/13th-AFML-Recommendations\\_FINAL.pdf](https://asean.org/wp-content/uploads/2012/05/13th-AFML-Recommendations_FINAL.pdf).

<sup>34</sup>13<sup>th</sup> ASEAN Forum on Migrant Labour (AFML) “Supporting Migrant Workers during the Pandemic for a Cohesive and Responsive ASEAN Community” 2020, [https://asean.org/wp-content/uploads/2012/05/13th-AFML-Recommendations\\_FINAL.pdf](https://asean.org/wp-content/uploads/2012/05/13th-AFML-Recommendations_FINAL.pdf) accessed on 13 September 2023.

<sup>35</sup>Experiences of ASEAN migrant workers during COVID-19: Rights at work, migration and quarantine during the pandemic, and re-migration plans. 2020, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms\\_746881.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_746881.pdf).

<sup>36</sup>COVID-19: Impact on migrant workers and country response in Thailand. ILO 2020, [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_741920/lang-en/index.htm](https://www.ilo.org/asia/publications/issue-briefs/WCMS_741920/lang-en/index.htm).

<sup>37</sup>COVID-19: Impact on migrant workers and country response in Thailand. ILO 2020, [https://www.ilo.org/asia/publications/issue-briefs/WCMS\\_741920/lang-en/index.htm](https://www.ilo.org/asia/publications/issue-briefs/WCMS_741920/lang-en/index.htm).

<sup>38</sup>Stephen Colbert, Talk Show Host, Quoted by Jeff Cohen, “Cobert Annoys Press Corp....Again,” Huffington Post, 25 September, 2010, <https://ufw.org/Huffington-Post-Colbert-Annoys-Press-Corps-Again/> accessed on 23 July 2023.

<sup>39</sup>Susan Kneebone, “The Governance of Labor Migration in Southeast Asia,” Global Governance, July-Sept. 2010, Vol. 16, No. 3, International Migration (July-Sept. 2010), p. 384.

<sup>40</sup>“ASEAN and EU join hands for better protection of migrant workers in Southeast Asia.” Delegation of the European Union to the Association of Southeast Asian Nations (ASEAN), Official EU website, 7/7/23, [https://www.eas.europa.eu/delegations/association-southeast-asian-nations-asean/asean-and-eu-join-hands-better-protection-migrant-workers-southeast-asia\\_en](https://www.eas.europa.eu/delegations/association-southeast-asian-nations-asean/asean-and-eu-join-hands-better-protection-migrant-workers-southeast-asia_en) accessed on 2 September 2023.

---

<sup>41</sup>“ASEAN Declaration on the Protection of Migrant Workers and Family Members in Crisis Situations,” ASEAN 42<sup>nd</sup> Summit, Indonesia, May 2023, [https://asean.org/wp-content/uploads/2023/05/09-ASEAN-Declaration-on-Protection-of-Migrant-Workers-and-Family-Members-in-Crisis-Situations\\_adopted.pdf](https://asean.org/wp-content/uploads/2023/05/09-ASEAN-Declaration-on-Protection-of-Migrant-Workers-and-Family-Members-in-Crisis-Situations_adopted.pdf) accessed on 10 September 2023.





## CRG Series on Policies and Practices

113. The Invisible Migrant Workers: In Life , In Death
114. Biometric, Notion of Governmentally and Gender Relations in Rohingya Refugee Camps
115. Media on Migrants : Reports from Field -I
116. Media on Migrants : Reports from Field -II
117. Transition without Justice in the Postcolonial World: Protection Discourses for Refugees & Migrants in South Asia
118. Media Discourses on the Bengal Bangladesh Border
119. Culture, Migration and the Time of an Epidemic: The Nautanki Theatres/ Bhojpuri Natak in 1990s
- 120.COVID-19, Migrants, Media
121. Refugees and Migrants as Subjects of Economy and Politics
122. COVID-19 and After: Work, Life and Salience of Primitive Accumulation
123. Two Essays on Ethics and Practices of Care and Solidarity
124. Protection and Punishment : Myths and Realities of Refugee Protection
125. Migrants, Refugees, and the Contested Question of Social Protection
126. Two Essays on the Rohingya Crisis
127. Development and Displacement in the Damodar Valley of India
128. Election Campaigns as Performance: Migrants and Refugees as an Issue in West Bengal Elections
- 129 Brecht, Manto and Two Situations
- 130 The Kaibarta Question in Barak Vally, Assam: A Curious Case of Settlements in Flux
- 131 Navigating Precarity: Analysing Multiple Narratives of Citizenship in Assam
- 132 Impact of Climate Change on Nomads in Jammu and Kashmir with a View of Public Health Facilities
- 133 Solidarity for Survival: Cooperative Building as a Solution to Overcome Vulnerability
- 134 Those Who Stay Behind: Lived Experiences from Indian Sundarban Amidst Climate Change and Migration
- 135 Mitigating the Impact of Covid and Conflict: Empowering & Securing Futures of Children Belonging to Pastoral Communities of Jammu and Kashmir
- 136 Theorising Race and Space in a Transnational Context
- 137 Pandemic and Governance in Central Asia
- 138 Politics of Populist Policies in West Bengal
- 139 Urban Renewal Stage in City's Life & Its Impact on Slums and Slum Dwellers: A Case Study of Noida City
- 140 Kolkata and Climate Crisis
- 141 Witnessing the Birth of a Nation Narrative Frames of Refugee and Relief in Bangladesh Liberation War, 1971
- 142 Indian Droughts, Drought Policy and Climate Change
- 143 Policies and Protection for the Migrants of Nepal
- 144 Literary Imagination of Climate Change and Climate Disasters
- 145 United We Stand” Role of Unionisations among the Gig Labours in India
- 146 Pawns for Profits: Analysing the Plight of Bangladeshi Female Migrant Workers to KSA between 2015-2018
- 147 Can Recruitment be Fair? Possibilities and Paradoxes of Ethical Recruitment in Eastern Himalayas
- 148 Access to Justice for Women under Foreigner's Tribunal Act, 1946 in Assam
- 149 The Intersections of Gender, Im/mobility , and Governance in Sundarbans Delta
- 150 Governing the Pandemic: Negotiating Democracy in Our Time



## CRG Series on Policies and Practices

74. Cities, Rural Migrants & the Urban Poor-III: Migration & the Urban Question in Delhi
75. Classes, People, and Populism
76. Logistical Space I: Logistics and Social Governance
77. Logistical Space II: Mobilities and Spaces
78. Logistical Space III:Hubs, Connectivity and Transit
79. Logistical Space IV: The Asam Paradigm
80. People, Politics and Protests I: Calcutta & West Bengal, 1950s - 1960s
81. People, Politics and Protests II: Bengal and Bihar
82. People, Politics and Protests III: Marxian, Literary Debates and Discourses
83. The Importance of being Siliguri, or the Lack thereof: Border-Effect and the “Untimely” City in North Bengal
84. Logistical Space V: Representations of Connectivity
85. Logistical Space VI: Logistics and the Reshaping of Global Governance
86. Logistical Space VII: Finance Capital & Infrastructure Development
87. Logistical Space VIII: Trade, Capital & Conflict
88. Logistical Space IX: Conflict & Social Governance in Northeast India
89. People, Politics and Protests IV: Occupy College Street: Notes from the Sixties
90. People, Politics and Protests V: The Creative & Cultural Dimension of the Naxalbari Movement
91. People, Politics and Protests VI: Karporri Thakur
92. People, Politics and Protests VII: The Radical Rural
93. People, Politics and Protests VIII: Left Front Government in West Bengal (1971-1982)
94. Population and Rent in *Capital*
95. *Capital*: Value & Translation
96. The Urban Turn
97. Peasants, Students, Insurgents and Popular Movements in Contemporary Assam
98. Migration and Governance I: Promises and Paradoxes of a Global Gaze
99. Migration and Governance II: Responsibility to Protect- Questions of Race, Religion, Resource and the Unspoken Fourth
100. Migration and Governance III: Population Flows, Refugees, and the Responsibility to Protect in the Global Protection System
101. Migration and Governance IV: Global Capitalism and Refugee and Migrant Labour
102. Migration and Governance V: Statelessness, International Conventions and the Need for New Initiatives ? Addressing the New Frontiers of Statelessness
103. Migration and Governance VI : Migrants and Movements across Asia : Mobility, Global Migration Governance and the European Response
104. Global Capitalism, Informal Economy and the Question of Labour
105. Reflections on the Mediterranean Refugee Crisis
106. Populism- I :Politics, Policies and Social justice
107. Populism- II: States and Political Parties
108. Populism- III: Leadership and Governmentality
109. Interrogating Citizenship: Perspectives from India’s East and North East
110. Auto-Ethnography as a Research Method: Evidence from Field Research on Ethiopian Irregular Migrants in South Africa
111. Borderlands, Migration and Labour
112. Two Writings on Climate, Disasters and Displacement

## CRG Series on Policies and Practices

- 31 Local Dynamics, Universal Context : Border Trading through Moreh, Manipur
- 32 Two Studies on Asylum Seekers and Other Immigrants in Finland
- 33 Endangered Lives on The Border: Women in the Northeast
- 34 Globalisation and Labouring Lives
- 35 Right to Information in a Globalising World
- 36 Bengal-Bangladesh Border and Women
- 37 Between Ecology and Economy : Environmental Governance in India
- 38 Incomplete Citizenship, Statelessness and Human Trafficking: A Preliminary Analysis of The Current Situation in West Bengal, India
- 39 Place of Poor in Urban Space
- 40 Law and Democratic Governance: Two Studies from Europe
- 41 Finding a Point of Return: Internally Displaced Persons in Sri Lanka
- 42 Colonialism, Resource Crisis and Forced Migration
- 43 Situating Transit Labour
- 44 Two Essays on Security Apparatus
- 45 Governing Flood, Migration and Conflict in North Bihar
- 46 A Gigantic Panopticon: Counter-Insurgency and Modes of Disciplining and Punishment in Northeast India
- 47 Public Interest Litigation in India: Implications for Law and Development
- 48 Governing Caste and Managing Conflicts-Bihar, 1990-2011
- 49 Emerging Spaces and Labour Relations in Neo-Liberal India
- 50 Peace by Governance or Governing Peace? A Case Study of the United Liberation Front of Assam (ULFA)
- 51 Women, Conflict and Governance in Nagaland
- 52 Tripura: Ethnic Conflict, Militancy & Counterinsurgency
- 53 Government of Peace
- 54 Bengal Borders and Travelling Lives
- 55 Financialisation, Labour Market Flexibility, and Global Crisis
- 56 The Chronicle of a Forgotten Movement: 1959 Food Movement Revisited
- 57 The Religious Nature of Our Political Rites
58. Social Impact of the City Planning Machinery: Case Study of Road-Widening in Bangalore
59. In Search of Space: The Scheduled Caste Movement in West Bengal after Partition
60. Stateless in Law: Two Assessments
61. Failed by Design? : The Limitations of Statebuilding
62. Contesting Ideas on Peace (A Report & Some Reflections)
63. Body/Law/Technology: The Political Implications of Society as Apparatus
64. Accumulation under Post-Colonial Capitalism-I: An Overview
65. Accumulation under Post-Colonial Capitalism-II: War, Debt, and Reconstruction of Economy
66. Accumulation under Post-Colonial Capitalism-III: The Arab Question in Post-Colonial France
67. Accumulation under Post-Colonial Capitalism-IV: Mobile Labour and the New Urban
68. West Bengal-Bangladesh Borders: Humanitarian Issues
69. Policing a Riot-torn City: Kolkata, 16-18 August 1946
70. Labour, Law and Forced Migration
71. Rohingya in India: Birth of a Stateless Community
72. Cities, Rural Migrants & the Urban Poor-I: Migration & the Urban Question in Kolkata
73. Cities, Rural Migrants & the Urban Poor-II: Migration & the Urban Question in Mumbai



## CRG Series on Policies and Practices

- 1 People on the Move: How Governments Manage Moving Populations
- 2 Resources for Autonomy - Financing the Local Bodies
- 3 Peace Accords as the Basis of Autonomy
- 4 Debates Over Women's Autonomy
- 5 Unequal Communication: Health and Disasters As Issues of Public Sphere
- 6 Globalisation, State Policies And Sustainability of Rights
- 7 Autonomies in the North and the North East: More Freedom or the Politics of Frontier Management?
- 8 Examining Autonomy : The 73rd Constitutional Amendment in Assam
- 9 Democracy, Autonomy and the Community Media
- 10 Women and Forced Migration
- 11 Flags and Rights
- 12 A Status Report on Displacement in Assam and Manipur
- 13 Weapons of the Weak: Field Studies on Claims to Social Justice in Bihar & Orissa
- 14 Towards a New Consideration: Justice for the Minorities
- 15 Conflict, War & Displacement
- 16 The Draft National Rehabilitation Policy: A Critique
- 17 Limits of the Humanitarian: Studies in Situations of Forced Migration
- 18 Prescribed, Tolerated, and Forbidden Forms of Claim Making
- 19 Three Studies on Law and The Shifting Spaces of Justice.
- 20 Primitive Accumulation and Some Aspects of Work and Life in India in The Early Part of The Twenty First Century.
- 21 Citizens, Non-Citizens, and The Stories of Camps
- 22 Tales of Two Cities
- 23 Ways of Power, Minorities, and Knowledge on Minorities: An Assessment of Research Policies and Practices.
- 24 Whither Right to Food? Rights Institutions and Hungry Labour in Tea Plantations of North Bengal
- 25 Hunger, Food Scarcity, & Popular Protests in West Bengal
- 26 Cyclone Aila & the Sundarbans: An Enquiry into the Disaster and Politics of Aid and Relief
- 27 View from India: Media & Minorities in Europe
- 28 Protecting the Rights of the Tsunami Victims: The Sri Lanka Experience
- 29 Nation Building and Minority Alienation in India
- 30 Environment and Migration Purulia, West Bengal

---

POLICIES AND PRACTICES is the research paper series brought out by the Mahanirban Calcutta Research Group (CRG). Writings under this series can be referred to and used for public educational purposes with due acknowledgment.