

Working Title:

Situating the Migrant Labour as Objects of State Protection amidst a Global Pandemic induced Crisis: A Critical Perspective through the lens of Construction Workers in India.

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Abstract:

A surge in internal migration particularly from rural to urban spaces has been attributed to various factors like employment, urbanisation, access to better services like education and health, marriage led mobility as well as natural disasters and political conflicts. The phenomenon and experience of migration of informal labour (as a category of internal migrants) constitutes the broad focus of this paper as it attempts to critically evaluate the complexities through which the migrant labour become the unruly subjects of contemporary capitalism. While migration provides new opportunities and new vistas for the labour to access the spaces of global capital, it also realigns them to the demands and vagaries of the neo-liberal industrial economy. This realignment determines the context and modality through which the migrants are enabled or disabled to engage legally, negotiate politically as well as identify themselves as citizens with rights.

Within the vast canvas of informal workforce in India, a particular set of migrant labour (often termed as circular migrants and seasonal migrants), the construction workers have recently drawn attention in the evolving literature on the political economy of labour as well as the political sociology of labour and industrial relations. Postcolonial studies, labour economists, anthropologists and subaltern historians have been incessantly engaging in the subject of informal labour through a critical lens (Jan Breman, Arjun Appadurai, Partha Chatterjee, Kalyan Sanyal, Prabhu Mahapatra, Jayati Ghosh, C.P Chandrasekhar, Praveen Jha, Rina Agarwala, K.P Kannan, Martha Chen, Neetha. N and many more). Ranabir Samaddar (2020) for instance designates the migrant and refugees as the “unsettling, quintessential postcolonial figure who has to be bound by market norms, laws on immigration, policies of stay or settlement and humanitarianism and administrative-police measures, but who escapes all these measures aimed at stabilising the situation”. This paper aims to reflect on and place this archetypical postcolonial figure, the casual migrant labour operating within the construction industry at the centre. They are the subjects of new debates emerging within the political-economy of labour as well as the objects of state directed protection; in the context of contemporary developments.

Since the 1980s, there have been various fragmented and piecemeal efforts led by grassroots organisations like workers federations, unions and lawyers’ collectives to exert pressure on the state to formally recognise the particular challenges and needs of the construction workers and to bring them into the fold of legal framework of labour welfare and labour governance. This had resulted in the enactment of the ‘Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996’ and thereafter the ‘Building and Other Construction Workers Welfare Cess Rules, 1998 which created tripartite institutions and mechanisms for regulating and formalising the workers’ condition and social protection. A half-hearted attempt at designing and legislating an overarching social security Act for unorganised workers also bears testimony to how labour as a category have been loosely subjected to a regulatory framework, without recognizing and rectifying the real problems. The

question arises whether or not, and in what degree have these legal regimes of economic protection been able to establish an agency and security for these migrant workers? How has the rapidly changing labour regime of the neo-liberal state, especially the process towards the codification of labour laws and refurbishing of several welfare schemes effected the manner in which state governments grapple with the labour question within their local contexts. Is the question of accountability and role of the industry relevant anymore, and through what kind of strategies are the workers' unions engaging themselves with the disempowered and floating group of migrant workers on the one hand and the state-industry-business nexus on the other hand? These are complex, vast yet relevant questions, which often remain concealed and limited. Nevertheless, it is important to re-explore them through an engagement with the field.

The proliferation of the SARS Covid 19 pandemic since 2020, given its unanticipated and unpredictable nature and varied consequences across humanity, marks an important juncture in history. It qualifies to be termed a *crisis*- not just a medical and health catastrophe, but a crisis of governability and governmentality. The national lockdown, followed by travel restrictions and regulations implemented by different state governments, created the ground conditions for dispossession and vulnerability of the migrant labour. Millions of migrant workers who keep the wheels of India's informal economy turning were stranded across the country, according to the Chief Labour Commissioner's Office. At least 1 million returned home during the COVID-19 crisis. This situation has given impetus to new research enquiries and new realities. This paper attempts to provide an analytical framework to understand the relationship between crisis, governmentality and struggles of the internal migrants (informal labour) and how have the migrants possibly re-strategized their survival in their destination states. The role of state in providing safety nets and protection amidst this phenomenon of crisis led reverse migration must be critically evaluated.