

Crisis and Camaraderie: The Exigency for a Kosher Policy for the Indian Migrant Workers

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Introduction

Migration has been part and parcel of humanity. Most of the existing human cultures have a story of migrating from one place to another. When human beings were leading a nomadic life, migration was not considered as a problematic matter. However, with the emergence of nation states, the process of migration is seen either as a problem or as an opportunity. Philosophers have the responsibility to reflect and to relate on migration as it is one of the vibrant themes and issues in the discussions of present governments. Many of the countries are in the process of making policies for the migrants. In this context, philosophical wisdom can offer ample suggestions to the policy makers to better the lives of the migrants.

In the historical and cultural contexts of today, especially in the context of Covid-19 context, we see many migrants are disadvantaged, stigmatized and oppressed. They face the problem of violence, underdevelopment and marginality. There are stereotype degrading upon migrants even in the advanced societies. As a result of all these, migrants undergo anxieties, emotional trauma and feelings of being lost. Stereotype degrading upon migrants have caused economic, social and political exclusion.¹ The world has brought in the distinction between insiders and outsiders² and fear³ is governing the minds of world leaders when they hear about migration. Choudhary (2020) unveils the psychological troubles the pandemic has created among the Indian migrant works and merely deals with the psychological trials and suggestions. Rajani et al. (2020) investigates into the accessibility of the Indian migrant workers from a sociological perspectives and notably accounts for the State-wise migrant crisis. However, their attention is only on the health related aspects of Covid-19 from the perspective of a social worker. Khanna (2020) explores into the Covid-19 situation in India from the perspective of social security and stresses on the necessity of food security for the migrant community during the times of pandemic situations. Azeez et al. (2020) presents the impact of Covid-19 on Indian women migrant workers and demands the crucial intervention of the policy makers. Rajan et al. (2020) looks into the patterns of migration

¹ According to Agamben, “the fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, *zoē/bios*, exclusion/inclusion. There is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time maintains himself in relation to that bare life in an inclusive exclusion” (1998, p. 8).

² Peter Singer uses the distinction in chapter 9 of *Practical Ethics*.

³ According to Fisher (2006) fearism “is a process and discourse hegemony [which] creates an experience of fear that is normalized...keeping the cultural matrix of ‘fear’ operative and relatively invisible” (2006, p. 51). Pope Francis reminds the world community not to let fear keep the world from welcoming the stranger.

in India and provides a roadmap for an inclusive migrant workers' policy. Kumar & Chaudhary (2021) explicitly state the unpreparedness of India in declaring the lockdowns and its inhuman effects on the lives of the migrant workers. A migrant who is undergoing diverse difficulties becomes totally helpless in the midst of pandemic situations like Covid-19.

This being the context of today, the paper attempts to consider the question “How can the policy makers collaboratively bring positive impact in the lived experiences of the migrant workers?” as the theme of the paper. Policy makers who are guided by the philosophical wisdom that respects and supports human dignity can bring a change in the life of migrants who are undergoing crisis in their lives. Preferring the dignified existence of the migrants and Promoting dwelling with migrants than ruling over them, Pope Francis sets an example as a model policy maker of a State and the Church and contributes to the theory and practice of migration. His policies take up the call of UNESCO (2013) that there is the exigency to design a governance system⁴ that includes institutions, legal structures mechanisms that in favor of the internal migrants in India. Assuring social protection to them is one of the best ways of responding to the migrant workers who are prone to critical situations. Considering them as camp dwellers who do not have political rights (Butler, 2004) and delineating them as people who are neither fully kept out nor fully accepted (Walter, 2008) are not the right social responses to be offered to the migrant workers.

Capability Approach and Migrant Workers' in Indian Context

UNICEF defines the migrant worker as “a person who is to be engaged, is engaged or has been engaged in a paid activity in a country of which he or she is not a national (citizen)” (2021, 4). Migrant workers who make a move within their home country on a seasonal or temporary basis are known as internal migrant workers. Mostly they come from the rural areas to the urban domains. Many of them are hired to temporary and untrained works that provide them hardly any job security and proper wages. According to the 2011 census report of India, there were 45.6 crore (38% of the population) migrants and in 2001 it was 31.5 crore. There are different patterns of migrations existing in India: a) rural to rural, b) rural to urban, c) urban to rural and d) urban to urban. Another pattern of migration in India is intra-state and inter-state (Iyer, 2020).

According to the UN report, one-third of India's population is migrant population and the migration pattern is mainly from the rural area to the city. The workers in India migrate seasonally, temporarily or for a long term. There are different reasons behind the migration process exists in India. Work, education, marriage, moves with family are some of the major reasons behind migration. The available job opportunities for the migrants in India promote the functioning aspect of the capability approach. Functionings according to Sen are “the various

⁴ Walters argues that “governmentality to encounter migration there needs to be change on both sides: what we understand by governmentality should itself be modified and enhanced by the meeting with migration problems” (2015, p.4)

things a person may value doing or being” (1999, 75). One of the valuable activities for a human being is having a good job. When it is met he will enjoy material well being. By offering job opportunities in different fields, the Indian locus promotes the functioning element of the capability approach. Capabilities according to Sen are the basic freedom one enjoys the kind of life he has reason to value (1999, 87). They are the actual possibilities⁵ open to person. It will help enjoying by doing something valuable. In the urban centers of India migrants take up all kinds of jobs.

The capability approach, according to Sen, takes into consideration the aspect of human development.⁶ Considering the wealth of information about the human beings in each society and providing platforms for including the deprivations of the human beings (Sen, 2000) are necessary for human development. In the Indian context, migrants are able to pursue and realize their goals and it contributes to the empowerment aspect of the development as the job opportunities contribute to the financial and social sustainability of the migrants. For example, the migrant workers in one of the small Indian States like Kerala have remitted ₹ 750 crores annually from Kerala to their native States (Ragunath, 2021). The estimated annual remittances in Thumamul Rampur in Kalabandi district of Odisha was between 300 and 400 million Indian rupees. It resuscitated the local economy, created livelihood opportunities and upgraded the transportation systems (ILO, 2020).

The presence of the migrant workers in Indian contexts has challenged many of the existing myths (UNESCO, 2013). The first myth is that migrant workers are burden to the destination places but the fact is that the migrants are not a drain on society but subsidy providers. Through their cheap labour they contribute to the national GDP. The second myth is that the migrants are stealing the jobs of the local population but the fact is that the most of the migrants are involved dirty, dangerous and degrading jobs which are unlikely preferred by the locals. The third myth is that internal migration can be stopped but the growing economic and social transformation in the country proves otherwise. The fourth myth is that the internal migration is a non-issue but the fact is that the policy makers are careless in offering supportive environments for the migrant workers.

Internal migration is essential in Indian context as the services of migrant workers are inevitable in the formal and informal sectors of the society. Domestic remittances of the migrants are soaring high. Migrant employing sectors contribute to the national GDP by 10 percent. Social remittances in the forms of change of attitude on the social norms, education and health are brought back by the migrants to their places of origin.

⁵ In *Inequality Re-Examined*, Sen describes capabilities as the combinations of functioning that reflects the freedom of the person to select from possible livings.

⁶ Bonfanti makes a wonderful presentation in her paper on how migration brings development in macro, micro and meso levels.

Covid-19 Situation and the Life of Indian Migrants

The Covid-19 situation created hazardous setbacks in the lives of Indian migrants. Social distancing caused insecurity and hunger. Many were stuck in without any proper means to survive. Many of them were deserted by their employees. Many of them got stuck at the migrant locations. Many of them were vulnerable to psychological and physical sicknesses. It was a time of social psychological and emotional trauma. The quarantine spaces provided for them were lacking toilets and living facilities (United Nations, 2021). The fear of economic uncertainty engulfed them. Though they were the backbones of major industries, hardly they received any financial support during the time of the crisis. Many of them were arrested for breaking the lockdown laws (Iyengar & Jain, 2021).

When the nationwide lockdown was announced, according to the survey conducted by Stranded Workers Action Network in which 11159 migrants participated, only 72 percent of them had the ration for next two days; only 70 percent of them had ₹ 200- 300 for the next few days; 89 percent of them were waiting for the payments from their employers and the landlords demanded for the rent against the instructions of the governments (Yadav and Kumar, 2020).

Intervention of the Supreme Court of India

There were three major interventions from the part of the Supreme Court of India in the lives of the migrants during the time of Covid-19. The court wanted detailed report on the measures taken by the Center and State Governments for the migrant workers. The Court ordered that the governments should provide free travel, free food and free health facilities for the migrants and in the third intervention, the Supreme Court of India directed the governments to speed up the migrant workers' registration process, to keep the employment and skill record of the migrant workers and to initiate the process of opening information centers that help the migrant workers with counseling and awareness of the government schemes.

Intervention by the Centre and State Governments during the Covid-19

- Provided accommodation for the travelling migrants using the State Disaster Response Fund
- Started relief and medical camps on the side of the highways for the travelling migrant workers
- Indian Railways operated more than 4187 Shramik trains that transported 58 lakhs migrant workers
- Free food grains were distributed to the migrant workers under the project of Aatma Nirbhar Bharat Abhiyan Project for two months and it helped 8 crore migrant workers
- Affordable rental housing complexes for migrant workers under PMAY
- One time cash transfer by different state governments for the returning migrant workers

The Central and the State Governments and the employers of the migrants have great role in the crisis situation in the lives of the migrants during the time of Covid-19. The decision of the Government to help the migrants to reach their destinations in special trains was a late announcement and was of little help. Many of the migrants had already taken the roads towards their home towns on foot that had disastrous effects. Migrants were branded as virus carriers and as a result of it they were unwanted at the States of origin and destination. The manner in which lockdowns were planned and proclaimed was without considering the migrant community. Though there was 1000 Crores assistance from the PM Cares fund to the migrant workers, the fund allocation and the division of funds for each State was unclear. Though the food security was announced under PMGKY 8 Crores migrants could not benefit out of it as they were out of the National Food Security Act. Though the One Nation One Ration Card Scheme is announced in the country, it is not in force completely. The portable food ration cards that could be used in anywhere within the Indian States is followed by only 18 States in India. The Government announcement of 40000 Crores for MGNREG Scheme that provides employment is conditional and the amount was very less in comparison with what the migrants were earning in the destination places. The housing schemes that were announced for the migrants will take minimum of one year time to complete (Rajan, 2020).

The Covid-19 situation manifested the dilemma that who is responsible for the migrants – the government or the employer? If it is the government which one should take care of the migrants – the Central Government or the State Governments – States of origin or destination? The migrants are not considered due to the fact that they are not part of the vote bank politics and trade union systems that exist in India (Rajan, 2020). Kantian categorical imperative asserts that one cannot use another human being as an object. An object is valued by a human being as long it is useful for purpose. Rational human beings cannot be treated as means due to their dignified existence.⁷ Human beings should be respected as they are rational creatures and as they have the ability to form their own goals. The migrant workers deserved to be respected.

Philosophical Response to the Situation of the Indian Migrant Workers

The analysis of the Indian situation of Covid-19 in the lives of the migrants underlines the fact that the well being and the dignity of the migrants are not pondered well by the Governments and the employers. The announcements of the welfare schemes from the part of the Government were forcefully introduced as response to the afflicted faces of the migrants. The pathetic situations of the migrants and refugees call for a new ethics that upheld the human dignity. A new responsibility from the part of human kind towards migrants and refugees in considering the vulnerable situations of them is the need of the hour. The human existence becomes meaningful

⁷ John Paul reminds that the image of a human being as a consumer due to the effects of the market economy underestimates human person's capacity for thinking and acting in view of a objective moral order. He also relates human dignity with the behaviour of human person towards the less fortunate members of the society (Coughlin, 2003).

when the vulnerable faces of the others (migrants and refugees) are taken care with responsibility. Human being according to Levinas (1969) has the responsibility of taking care of the other in his otherness. When the human being is faced with the vulnerable face of the other, self has to make sure that no violence is done on the other. Levinas (1969) suggests for withdrawing from the apparent reality of the face of the other in order to be in touch with the true reality of the other. To do that, self has to rise above oneself in order to follow the path of usefulness. The self has the responsibility to dwell closely and dearly to the other, in the vulnerability of the other. Only then self find meaning for self's existence.

According to Arendt (1998), we are living in an era of homelessness in an unprecedented manner and rootlessness to an unprecedented situation and this statement of Arendt, sheds light into the situations of migrants and refugees. They experience powerlessness in the midst of their exile. In such situation, Arendt presents them as "heimatlosen", a new stateless type in the midst of the present states. According to Arendt (1998), "heimatlosen" is a new category that requires new response. As the new category is of human beings, Arendt suggests for a new political principle which will protect their dignity. She demands for the ubiquitous validity and limited power for the new principle. In the words of Ziarek, the political action proposed by Arendt includes "the creation of a new beginning and thus the initiation of unpredictable difference in public lives and the negotiation between the plurality and uniqueness of political actors" (2017, 478).

Many scholars argue that a right based perspective had to be adopted for facilitating policy making for the migrants (Preibisch, Dodd, & Su, 2016). The policies have to promote the freedom and well being, dignity and worth of the migrants. Using Kantian⁸ terminologies, one can interpret it as respect for person. The person is offered respect as he belongs to the kingdom of ends where the person is valued as a subject and sovereign end. This reflection takes us back to Arendt and Levinas in which they propose for the principle that assures human dignity and responsibility. Unless the rights of migrant workers are protected, the capabilities of the migrants will remain unrealized. If the policy makers can accommodate the ten central capabilities of Nussbaum and the aspects of substantive and instrumental freedom aspects of Sen, it will contribute to their dignified existence. Human right based capability approach will accelerate the sense of belongingness and it will give priority to *dwell with* other human beings than *ruling over* them.

Human beings attain dignity on the basis of the moral equality they share with each other. The dignity of the human beings cannot be based on the fulfillment of morality but only on their ability to accomplish this morality (Wolbert, 1998). Kingdom of ends stands for a well ordered unity of the rational beings under the common law (Hulshof, 2019). It asserts the community of rational beings. Human dignity of a rational being consists in the fact that a rational being is a

⁸ According to Kant, Cosmopolitan right as a guiding principle to help global society to achieve enduring peace. Cosmopolitan right stems from the understanding that human beings as equal members of universal community.

member of that community that legislates universal law and subjected to the moral law. Legislation is not done by a secluded rational being but by a consolidated effort of the community of rational beings. Dignity of the human beings consists in the fact that as rational beings they have a role in framing common laws to which they can relent and with which they can regulate their lives.⁹ The aspect of humanity as an end in itself comes up again in the process of legislation. The rational being has to make sure that his/her actions are in accordance with the universal law and each member of the legislature has the reputation of the law makers of the universal law. These reflections points to the urgency of implementing human rights based approach towards the migrants. One can find such a model legislation that respects human dignity and that favors the migrants and refugees in the writings and exhortations of Pope Francis.

Pope Francis Project towards an *Ever Wider We*¹⁰

Pope Francis reminds that the recognition of inherent dignity and the equal inalienable rights of all members of human family is the foundation of freedom. According to him, human being has the moral responsibility to welcome, to protect, to promote and to integrate those who knock at our doors in search of future for themselves and their children.

The United Nations has requested India to prioritize migration with apt policies as large members are involved in the process of migration. It wanted policies that ensure safe migration, decent work conditions and awareness to the migrants on their rights and welfare policies. The twenty action points¹¹ of Vatican can be seen as the implementation steps of the project Ever Wider We. The action plan for migrants and refugees includes the processes of Enhancing, Ensuring, Encouraging and Enriching. The action plan enhances the legal and safety measures in view of the migrants so that they don't suffer arbitrary expulsions from the host countries. It also suggests for issuing travel permits on account of humanitarian concerns and the measures to be included for the national security of the host countries. The action plan ensures the human dignity aspects of the migrants by calling for the implementation of human rights program in favor of the migrants, especially their right to life. The action plan encourages integral human development of the migrants by the way of local integration of the migrants, by promoting the well being of the migrant families, by seeking a share in the developmental activities they participate, by seeking favors that are suitable for special categories and by promoting the freedom for worship. The action plan enriches the life of the migrants and host countries by envisaging the possibility of local integration by the joint recognizing of the cultural richness of

⁹ Rules reveal what are the vital elements of the kingdom of ends and actions according to the rule are a realization of the kingdom of ends (McCloskey, 1976).

¹⁰ The term is adopted from the message of Pope Francis for the 107th World Day of Migrants and Refugees 2021

¹¹ The Twenty Action Points is prepared by the *Migrants and Refugees Dicastery for Promoting Integral Human Development* in consultation with the organizations working with the migrants and these points are approved by Pope Francis.

both parties and taking necessary steps to grant citizenship to the migrants. The project towards *Ever Wider We* addresses the emancipatory possibilities and transformation of the life of the migrants.

Practical Application of 20 Action Points			
Enhancing Process	Ensuring Process	Encouraging Process	Enriching Process
<ul style="list-style-type: none"> - Banning arbitrary Expulsions - Legal Pathways for safety - Decent Shelter 	<ul style="list-style-type: none"> - Creating information system - Ministerial Level department - Policies against forced labour and exploitation - Access to healthcare and education 	<ul style="list-style-type: none"> - Preventing <i>statelessness</i> by working in the areas of prevention identification, reduction and protection - Promoting the integrity of migrant families - Vocational trainings 	<ul style="list-style-type: none"> - Hosting events to showcase the positive aspects of the culture - Public announcements in the language of the migrants - Public campaigns of integration

Conclusion

Dignity is of unparalleled value and it does not have any equal counterparts. No one can place any condition to it. As long as a person is rational s/he deserves human dignity. Dignity is founded on the moral law that has perfect dignity and it must be honored by every human person. Migrants deserve to be respected and the society has to ensure that respect through executing the *enhancing*, *ensuring*, *encouraging* and *enriching* process in the lives of the migrants. Migrants are not trivial entities to be utilized for attaining the objectives of the society. Human society has to make sure that it does not discard and dismantle the migrants. If it does so, it is an aberration for a human person from the fulfillment of his moral mission. We live in the age of cosmopolitanism that upholds the view that all human beings belong to a single community. Here one has the responsibility to respond to the other. In the words of Levinas, the face of the other compels a response. Derrida reminds us that the foundation of ethics is hospitality where we accept the other as different but equal in standing. One, therefore, should have the readiness and inclination to welcome the other into one's home. The Indian terminology, Vasudhaiva Kutumbakam¹², reminds us that the world is truly just one family. Concept of family is an ideal and function unit in which every individual enjoys equal rights. Individuals in the family have the duty to remove the dysfunctional elements in the family so that the family functions as a normal one. When different stakeholders aim to attain their interests by trampling upon the lives

¹² The Sanskrit phrase means that the whole world is one single family and the Vedic sages were considering the world like a small, tightly knit, nuclear family.

of migrant workers, Vasudhaiva Kutumbakam becomes a dysfunctional one. India needs to develop norms to support the migrant workers removing the dysfunctional ones.

ILO (2020) has also recognized the lack of social protection to the migrants in India and the vulnerable situations of the migrants. It has particularly pinpointed the exclusion of migrants from the public distribution system and health care system. It has detected the defective housing and hygiene, water and sanitation facilities offered to the migrants. ILO has also identified the unstable financial conditions and coerced working conditions of the Indian migrant workers. Pope Francis and the 20 action plan address these concerns identified by ILO and UNESCO (2013). The ideas of promoting public-private collaborative effort to keep a track of the detailed migration process and the specific data of migrants, executing social protection plans to the welfare of the migrants, extending long-term economic support to the migrants and implementing new initiatives to protect the migrants from unforeseen social crisis situation can be some of the worthy measures to protect the migrant workers from the future crisis situations.

The policy makers have the power to recognize responsibly the vulnerabilities migrants with new principle. Responsible recognition of the migrants and the promotion of their capabilities and functionings will help the development, development of the migrants and development of the nation. The policy makers will have an eye on improving the economic situation at the hard work of the migrants. However, they need to make sure that they don't miss the rights' aspect of the migrants. One cannot separate a human being from the rights he has. The clauses on right will indeed bring better accountability and transparency to the policy. The human rights approach for migrants will help in giving centrality to individual migrant workers and will address their fundamental concerns. Human rights approach will bring the neglected issues into the forefront during the policy making process for the migrants. There should be sets of directives and rules in the human rights based procedure that brings in better accountability. ILO (2020) document and the 20 action plan of Vatican can be made use for framing the set of directives and rules. It will provide a platform for broad-based dialogue on burden sharing. Rights-based approach will be of great help to the migrant workers in their critical situations of daily life and governments should explore the possibilities of implementing it rather than opting for managing the migration movement and migrant workers.

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