Migration, Workers, and Fundamental Freedoms

Pandemic Vulnerabilities and States of Exception in India

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2 Migrant labour on centre stage

But politics fails them

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Introduction

In this chapter I discuss the lessons we draw from the experience of the six months of COVID lock-unlock period and then explain them, especially the problematique represented by this scenario by examining the contending perspectives on labour that underlie the prevailing political economy. I argue that it is the politics arising from this perspective that makes it possible for the rulers to keep the workers continuously in a vulnerable condition and suppress their agency. In my view, the alternative is a new politics of labour that fundamentally challenges the political economy of gradation and degradation of labour and economies. It must reject the charity-and-welfare approach of capital and state and affirm the rights approach instead, thus moving from an instrumentalist view to a substantive view of recognising labour as the principal force of civilisational development.

Political organisation is understood here as a form of politics based on a relevant historical and theoretical perspective. No doubt, there are a number of structural factors arising from the political economy which constrain the ability of the migrant workers to overcome the vulnerability that they face. We focus here on the thinking and practice that has evolved over time leading to the present-day condition of the workers.

Vulnerability, agency, and state responsibility

The missing link between vulnerability and agency

The migrant labour crisis in India, triggered by the COVID-19 lockdown in March 2020 was a window that vividly illustrated India's unequal political economy, precarious social ecology, and deepening faultlines (Mohanty, 2020). The principal aspects of that picture became clear in the course of the unfolding scenario of the first six months of the lockdown and unlocking process at which point there was a compelling question as to why such

a major social crisis was effectively pushed to the background by the rulers who encountered practically no protest. What was even more striking was the fact that despite the rise in COVID numbers, the regime went ahead with their neoliberal growth agenda of agrarian, industrial, educational, and legal reforms in an accelerated pace while negative economic indicators persisted.

There were signs of workers' agency, especially in the beginning, when most workers chose to leave for their villages when the work units were closed with the announcement of the lockdown. Faced with transportation difficulties and lack of amenities, thousands of migrant workers protested in many parts of the country. But the precarious conditions of their life and work became clear day by day. Their vulnerability enabled the rulers to carry on with their agenda. That between the workers' vulnerability and their potential agency there was a missing link became clearer than before during the pandemic. That is the question I try to explore in this chapter and suggest that a lack of political organisation is the missing link that kept the workers continuously vulnerable and blocked their capacity to play the agency role.

COVID-19 actually put labour on the centre stage of the spectacle of the unfolding scenario in India. In fact, all workers – both in formal and informal sectors of the economy – suffered losses due to the lockdown. Informal sector workers suffered more than the formal sectors workers, and among the former, the migrant workers were the greatest sufferers. After about two months and three spells of lockdown, gradual unlocking began, phase by phase, and the government and industry were keen to reopen the factories, shops, and other enterprises. They needed the workers, especially contract and migrant workers, to return to work. Some even took special steps, such as sending emissaries and making transport arrangement and paying advances, to get migrant workers back so that they could resume their enterprises and construction activities. Thus, the workers were on the centre stage not only as victims of lockdown and the disease but also as essential forces for recovery of the economy and society.

But both the state and the capital tried their best not to acknowledge the centrality of labour even in this situation. The economic recovery package announced by the finance minister in five tranches between 13 and 17 May mostly consisted of incentives to the employers, with a large set of support measures for the big corporations. The few relief measures announced for the migrant workers hardly met their basic requirements. Most conspicuously, exactly at this time came a series of ordinances curbing welfare and organisational rights of the workers. This presented the usual scenario evolved during the neoliberal era, namely incentives for market-driven, capital-led growth with expanding restrictions on labour rights unfolding rapidly during

the pandemic. The vulnerability of the workers, informal sector workers in general and migrant workers in particular, was evident at every stage.

Five lessons on migrant labour during COVID-19[1]

Magnitude high, but data missing

Absence of data on migrant labour was a crippling factor during the entire process of the lockdown and reopening. The political system's neglect of collecting data on migrant labour shows how precarious the condition of migrant labour was.[2] There is need for a comprehensive disaggregated data. If the invisibility of migrant labour in India's political economy was not bad enough, the particular way of invisibilisation of women among labour was especially disturbing. It is estimated that 40 per cent of migrant labour were women. But there are no reliable estimates on how many women were independent migrants. It is important that individual and family migration should be separately recorded. Migration of independent women should be specifically compiled.

Denial of right to living wage and dignified livelihood

Violation of the right to life under Article 21 of the Indian Constitution, which includes the right to minimum wages and several other basic conditions identified by the Supreme Court for living with dignity, was evident. There was no heed paid to the ILO norms of decent work. The minimum wage was paid in very few places, such as Kerala. The migrant workers were always forced to work and live under the mercy of the *dalal* or middlemen, officially called labour contractors, who exploited them in multiple ways. The harrowing tales of their life and work came out in vivid details during the lockdown. Payment of minimum wage varied from Rs. 750 in Kerala to as low as Rs. 150 in many places. For the brick kiln workers, the average earning was even less. Women were paid less than men for the same amount of work. In most cases, the dalal paid an advance to the family in the village and escorted the labourer to the destination. The advance amount was paid in the lean season when the poor had no source of income in the village. Thus, the condition of poverty turned the rural poor into bonded labour under the patronage of the middleman to whom the poor household was beholden. This story of 'dadan labour' in Western Odisha has been a longstanding phenomenon which came out in full-blown details during the pandemic.

Absence of a support structure from state, community, or union

The COVID-19 lockdown brought to the open the clear absence of a support structure that could come to the aid of a migrant worker. The worker

was at the mercy of the employer, who pleaded inability to pay more than a meagre sum. A string of short-term ad hoc measures was taken by governments and the actual performance depended on the particular civil servant or politician or a voluntary group working in an area. The lesson is that there is a dire need for the state to systematically lay out a support structure for migrant labour in dealing with crises such as the pandemic lockdown. The concept of a community support linkage in the home area, be it the panchayat or the municipal ward that is familiar with the worker and her/his household and can come to their support, does not exist. It was evident when the Odisha government decided to activate the panchayat system to collect information about migrants, organise quarantine centres, and undertake relief measures, giving even the power of the collector in some respects to the sarpanch. By early May the incapacity of the local bodies got exposed. They had become so dependent on the civil servants for implementing welfare programmes that came from above that they did not know how to discharge their new function. Again, Kerala was an exception in this. Where were the trade unions? In India the tragedy for the unorganised sector workers is the absence of effective trade unions. The double tragedy is the governing ideology of the trade unions that do not have any substantial degree of collective welfare programmes for their workers as a part of their normal trade union politics.

Absence of a support structure meant that people placed in unequal conditions got severely unequal support. The upper-caste male got quick relief from their connections while most of the Dalits and the Adivasis and lower OBCs who formed the bulk of the migrant labour were practically left to themselves. Women, especially from SC and ST communities, were left in the most disadvantageous conditions. Muslim minorities in many places had to face difficulties especially because of the Tablighi episode in Delhi in January–February (Rehman, 2020). Muslims returning from Gulf, even if well-to-do in many cases, also faced discriminatory treatment in many states. Most migrants were treated as automatic carriers of the COVID virus and were stigmatised in multiple ways (Srivastava, 2020). Thus, intersecting inequalities on multiple fronts was most conspicuous in case of the migrants.

Poor laws, indifferent institutions: Whose state?

How little support was available from the institutions of state for the migrant workers became clear during the COVID-19 lockdown. Under the Inter-State Migrant Workmen Act of 1979 there were a number of provisions which could provide protection to the workers, e.g., minimum wage, displacement allowance, home journey allowance, suitable accommodation

facilities, and medical facilities, among other things. There was also the confusion about the remaking of the labour laws, reducing all the laws into four Labour Codes. Three of them were passed in the Parliament during the boycott by the Opposition parties on 22 September which were welcomed by the employers and condemned by all the trade unions. Firstly, now any enterprise employing less than 300 workers could prohibit organisation of trade unions. Second, the employer's hiring and firing power, especially the power to terminate services, was enhanced. Thirdly, the working hours could be increased from eight to twelve hours and also the working conditions could be altered.[3] This further strengthened the hands of the corporate rich, especially monopolies who had been demanding 'labour reforms' to acquire 'flexibility' in utilisation of labour.

Several such aspects of the political economy came to the open in the COVID moment. This experience alerts the workers organisations, human rights groups, and democratic forces to insist on affirming the basic rights of the migrant workers with strong legal safeguards. In this context the demand for setting up a statutory National Commission of Migrant Labour appears justified.

Unequal political economy, faulty social ecology

The real challenge that came out boldly during the COVID-19 crisis was the need to ensure everyone's right to work with dignity in their home regions. Much of migration is distress migration. Therefore, the prevailing economic process must be re-examined so that people get work in their own village or town or nearby area and do not migrate. Thus, restructuring the political economy to facilitate local employment and local development is the urgent need. Once an area is developed, the migrant labour, more as mobile labour, can go with a higher bargaining power and adequate facilities to help meet the labour demand in certain areas of the country or abroad. We need to initiate restructuring of the rural economy as a whole so as to provide long-term solutions to poverty and unemployment. Rather than aiming at a five trillion GDP, achieving full employment should be our goal (Bhaduri, 2020). MGNREGS can be re-imagined to cover the entire rural economy rather than specific types of jobs listed in a schedule. A diversified rural economy combining traditional and modern technologies can be planned by the panchayats as a zero-unemployment development strategy. The prevailing system of neoliberal, growth-centric economic model steered from above which throws crumbs as relief to the poor under various programmes needs to be transformed into a decentralised self-propelling, sustainable development process at the grass-roots level that makes it possible for people to realise their fundamental rights to live with dignity.

Is the opposition, especially the workers' rights movement, ready to face this challenge? I argue that to acquire that political capacity and enable workers to play the role of agency, there is a need for fundamental questioning of the basic assumptions underlying the current development strategy. Two premises are central to a new politics of workers: It must question the persisting idea of gradation and degradation of labour and economies. Second, it must strongly reject the framework of charity and welfare shown by the employers and the state and insist of the framework of rights to guide transformation of unequal distribution of material, cultural, and political conditions into a more and more equitable and just system. A new politics of labour based on these premises may promise to raise politics of workers from an instrumentalist frame to a substantive frame as a historical agency. COVID-19 may have generated some opportunities to reorient politics of working classes.

Perspective on a new politics of workers

Who are the builders of civilisation – labour or capital? Gradation and degradation of labour and economies in history

There is a continuing struggle about understanding the history of civilisations and their builders. Dominant classes, castes, and races influenced the writing of the history of ideas in such a way that generations were made to believe that the possessors of wealth, knowledge, and status were the builders of civilisations. They set up power systems to enforce these ideas and oppressed large masses of people, terming them as 'physical labourers', 'men of appetite', 'slaves', 'untouchables', 'sudras', 'god's inferior creatures', and so on. The rulers claimed that they had 'wisdom', 'mental faculties', and 'knowledge', and were 'possessors of superior abilities' and 'god's chosen few' to be in the high pedestal and to exercise power. For centuries these ideas flourished in course of the evolution of slave society, caste order, racial order, feudal order, patriarchal order, and many such unequal systems around the world. The distinction between manual labour and mental labour originated from that history. But in all societies such hierarchies had been challenged from time to time. In the fifth century BC, Buddha's frontal attack on the caste order and assertion of equality of all humans was among the first in world history. From then on different justifications of social hierarchy and caste order and their opposition in course of social and religious reform movements in India continued with many reincarnations and gradation of labour got legitimacy.

In post-Renaissance Europe when the 'principle of equality of all men' began to acquire support, it accepted the gradation of labour as a foundational

premise. The equality principle was now applicable among one category of people. That premise guided the evolution of capitalism. The distinction between manual and mental labour got many divisions and subdivisions and skills were put in their descending order of value. Mental labour was put far above manual labour, which was degraded. Accordingly, money and status were assigned. Education and training in skills were organised on that basis. Rewards and remunerations were paid according to such gradation. Universities were set up with disciplines in arts and sciences, furthering the hierarchy of labour. Thinkers and theorists were put at a higher pedestal than those who 'applied' that. Colonialism propagated and institutionalised the capitalist notion of gradation of labour throughout the world. This is the brief outline of how the value of labour of vast masses had been suppressed through history.

For three hundred years or so rulers put capital as the central force for building society, making progress and advancing human civilisation. Attempts were made from time to time by social reformers to challenge it and assert that it is labour, human labour, that is the central force driving a society's development. All labour, manual, mental, and spiritual, involved all faculties of the human being. Labour, by definition, is the application of human energy on nature and society, seeking to add value. And that application of energy in every case involves application of the mind irrespective of who performed it. When industrialisation made rapid progress and the size of the working class grew, there was the beginning of some recognition of the contribution of workers to the production process. But the gradation principle still held fast. There were compromise frameworks presented in economic theory that descriptively identified four factors of production: 'land, labour, capital and organisation'. Such a view hides the reality that capital controlled the entire process and how labour, the principal force of production, was suppressed. It believes that capital – the class of entrepreneurs who take initiatives, use capital intelligently, understand the market, take risks, and improve their technology and management systems constantly to generate surplus and make profit – are the builders of the civilisation. The workers are supposed to be with limited understanding of the society and the economy, ill-equipped to take major decisions and fit only to follow production plans and technology developed by the capitalists and their expert advisers.

This history of capitalist treatment of labour had another element built into it, namely divisions among sectors of society and sectors of economy which were also subject to gradation and degradation. Industrialisation in Europe needed labour from the countryside move to cities, which became centres of mass production. Until then, cities were centres of trade and communications located on riverbanks, seaports, and intersections of travel

routes. This began the process of urbanisation becoming a mark of progress. Agrarian society was considered backward, and industrial society was a sign of development. Population got gradually concentrated in urban centres. Population migrated to cities and towns to seek jobs and avail better living conditions. Rural-urban contradictions gradually grew in terms of income, access to social services, and standard of living.

This process produced depressed conditions in the rural economy with many traditional occupations disappearing as a consequence of the availability of industrial goods. Colonial regimes enforced this political economy causing de-industrialisation of Asian, African, and Latin American societies. They not only degraded rural agrarian economy as backward but also degraded the local knowledge that guided the multifarious economic and social and cultural processes in the rural and tribal areas as 'unscientific' and 'lagging in the progress of civilisation'. What was remarkable was that the post-colonial era saw the continuation of the same process of industrialisation as development under national leaders. The normal process of expanding employment opportunities attracted rural labour to migrate to the cities and industrial centres. But when rural economy was unable to provide adequate employment, rural labour was forced to migrate in conditions of distress. In regions of continuing poverty distress migration thus became a regular phenomenon. For mining, industries, and construction of roads, bridges, housing and public buildings, and malls and highways more and more labour were needed as the process of development made steady progress.

Gradation of economies continued to grow. Industrialisation in the manufacturing stage was regarded less advanced than in the stage of service industries with finance capital, research and development, education and health services, and especially economic management being an advance over that heralding the Second Industrial Revolution. Manufacturing units which were also polluting industries were shifted to 'less developed economies' in Asia, Africa, and Latin America. Next was the stage of development of information and communication technology, which was described as the Third Industrial Revolution. The current stage is supposedly a further advance with e-governance and artificial intelligence handling 'big data' replacing human labour. This is regarded as the Fourth Industrial Revolution.

COVID-19 gave a rude shock, questioning this eschatology of progress. Many people all over world began to review this notion of development that had not only caused environmental decay, inviting pandemics and climate change, generated multiple inequalities and sources of alienation and violence, but also created many scarcities of essential goods in countries and regions during the health emergency when transport and communications

were suspended. It was realised by many all over the world that all the forms of the economies – agriculture, handicrafts, and various forms of industries manufacturing to services, ICT, and AI – were all needed simultaneously and had equal value.

When we put these two dimensions of history together – the gradation of labour and degradation of manual labour, and also gradation of economic activities and degradation of agriculture and rural economy following modern European history – we can understand the predicament faced by migrant labour today.

Instrumentalist view of labour

The dominant belief held by the rulers does not admit the centrality of labour in the production process. Labouring population has to gradually become 'middle class', which the European and US elites believe to be their agenda. This trend was accompanied by strong initiatives by neoliberal regimes for 'labour reforms', which meant giving added power to capital to restrict labour rights.

This perspective on the value of labour in production and the civilisational development has been a core principle of socialist tradition and Marx's critique of capitalism. But when the communist parties translated this principle into policy and practice it turned out to be an instrumentalist view of the role of labour in society. The Party as the vanguard of the working class accumulated power and exercised it in a centralised fashion. Instead of workers at every level exercising self-governance to realise the vision of a socialist society, the Party developed its notion of the 'dictatorship of the proletariat'. The Party leadership set up a centralised state machinery in the name of the workers and developed a planned economy that it claimed had represented the interest of the workers. This system of political economy in the USSR under different leaders over its 70-year history, no doubt had many achievements, but it did not pursue socialist democracy at the grassroots level. Its planned economy had the same economic goals of industrialisation and urbanisation with more and more advanced technology to achieve higher growth as in the capitalist society.

Liberation of labour from multiple bondages of class oppression remained a theoretical objective rather than a lived experience. In China it was called 'socialism with Chinese characteristics' also with a one-Party dictatorship called People's Democratic Dictatorship, pursuing the goals of industrialisation and higher growth. Not only did the extent of social inequality and regional disparity remain high and environmental degradation persist despite many measures to stem it, but the workers did not enjoy many important political rights, including the right to form independent

trade unions (Mohanty, 2018). The stated goal of China's 'reforms and open door' strategy was to create an expanding middle class and achieve higher levels of economic growth by using more and more advanced tools of scientific and technological innovation. Thus, the CPC as the vanguard of China's working class is the instrument for building a prosperous industrial society on the model of the Western advanced capitalist society. Deng Xiaoping's theoretical framework that guided this development strategy had identified three instruments of historical development in the modern age: 'science and technology, market and management' that did not have class character according to him.

That thinking enabled China to adopt Western science and technology, management practices, and market techniques from capitalist practice, and make economic progress. The contemporary Chinese political economy is governed not by the labour perspective on development but by the logic of capitalism (Mohanty, 2014). COVID-19 put the Chinese system to test too. The migrant labour who had been stranded in their native places where they had gone for the Spring Festival holidays faced enormous difficulties. Many of them did not return to their workplaces either because they were not welcome back in their former enterprises or because it was too risky under the prevailing health conditions. There were no employment opportunities to absorb them back in their villages and towns either. In fact, the crisis in the countryside during the past two decades had forced a large number of them to migrate to cities seeking work. Thus, China's cities currently have nearly 500 million 'floating population' looking for employment according to unofficial sources, even though the official estimates put them at 250 million (Roberts, 2020).

China presented the paradox of a Communist Party–ruled state where workers both in the city and the countryside faced a great deal of insecurity and tensions. Among them, the women workers, workers belonging to minorities, and workers living in underdeveloped regions suffered even greater hardships, discriminations, and repression in case they resorted to protest action. The Chinese case illustrated not only how gradation of labour continued under what was described as a form of socialism, but even how degradation of manual and similar forms of labour became a part of the education and evolving culture as their education, culture, and media were also patterned after the advanced Western capitalist systems.

Just when this trend of minimising the value of labour was gaining momentum in the neoliberal era of globalisation promoting growth came the COVID-19 pandemic, demonstrating the critical role played by labour in the production process and as a social force. In all countries labour was persuaded to return to work so that the economy could be reopened. It exposed how a well-organised system of exploitation of labour had evolved

using the vulnerable sections of society from far off regions of poverty and destitution for accumulation. Using cheap labour to construct modern infrastructure illustrated this phenomenon. Building smart cities out of the labour of the poor and perpetuating unequal living conditions in cities and villages was the norm.

The instrumentalist view of labour is manifest not only in centralised rule in the name of being the vanguard of workers but also in having an undifferentiated and monolithic view of the working class in the name of maintaining solidarity and thus not paying attention to issues of gender, caste, race, religion, disability, sexuality, and other characteristics of labour. In fact, true labour solidarity should result from acknowledgement of the intersectionality embedded in the class struggle against capitalism (Mohanty, 2019).

COVID-19 put to test the entire theory of progress that accompanied capitalism (Patnaik, 2020). The most developed countries suffered the largest fatalities. They regretted that several products that they needed urgently were not manufactured locally. There were reports from many parts of the world on the celebration of indigenous agriculture and tribal people's traditions of production and their knowledge systems as nature friendly and most relevant as a response to COVID-19-type infections. More and more people came to believe that climate change and destruction of natural environment by the current model of industrialisation and urbanisation had created the conditions for the viruses to spread and cause the pandemic (Vohra, 2020). In other words, the gradation of labour and economies was fundamentally challenged.

But the rulers still refused to accept this reality. They were busy trying to recover economic growth and restore 'normalcy'.

Rights vs. charity and welfare

The reopening of the economy would indeed need labour to resume manufacturing and construction and maintain the supply line. For that the prime minister of India announced a few 'welfare measures' (*Kalyan Yojana*) to provide immediate 'relief' to the migrant workers and the poor in general. These included a small, monthly cash payment of Rs. 500.00 into their bank accounts and free ration for 3–6 months. The employment opportunities in the rural areas were supposed to be enhanced to absorb returned workers. At the end of six months since the lockdown was announced, none of these measures proved adequate to meet the requirements of the millions of workers. Behind this way of treating the workers there is a perspective which must be understood. It is about capital and the state providing 'welfare' to the workers rather than respecting their 'rights' as a major contributor to the production process.

History shows how the gradation of labour played out and the value of labour was not acknowledged. As mass production grew and working-class population expanded, factory owners started giving 'welfare benefits' to workers. In feudal systems the estate owners and religious establishments distributed charity among the peasants and workers. After working-class movements were born and launched campaigns for workers' rights, charity was replaced by 'welfare'. Since the successful strike of workers in 1861 in Chicago for the eight-hour working day, this battle between 'welfare' and 'rights' perspectives has gone on.

Foundation of the International Labour Organisation (ILO) in 1919 put the rights perspective on the global agenda of states. But interpretation of its Charter provisions and their implementation have kept the 'welfare' perspective in the governing position, leaving the rights of workers to the specific campaigns in various countries. The Constitution of India puts workers' rights not in the chapter on Fundamental Rights but in Article 41 in the Directive Principles of State policy, which is not justiciable. But as a result of many movements the rights perspective has gained ground. Some important laws have been enacted guaranteeing minimum wages, regulating working conditions, protecting the right to form trade unions, and so on. Some landmark judgements by the Supreme Court such as the *PUDR* case of 1982 guaranteeing minimum wages and the *Bandhua Mukti Morcha* case of 1984 abolishing bonded labour both under Article 21 of the Indian Constitution have further expanded these rights.

Between 2004 and 2009 some major laws were passed to give rights to some basic facilities to citizens of India, such as the Right to Information Act (RTI), Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), Forest Rights Act (FRA), Right to Education Act (RTE), and the Food Security Act (FSA). They created a climate of great optimism about the coming of an era of people's rights. No doubt they were very welcome measures that addressed some basic needs of the common people. But very soon it became clear that they did not carry the full support of the capital and the state leadership who thought these were the case of wastage of funds that would violate fiscal discipline and would make the country bankrupt. These 'right-based laws' were partly a product of the political arrangement as that was a time when the Congress-led UPA was also supported by the Left parties. There was also an economic rationality underlying it. The advocates of these laws correctly pointed out that these public investments in human development would build a healthy, educated, and productive workforce for the economy and will also expand the demand side of the economy, giving more purchasing power to the poor and thus pushing the consumption demands especially in the countryside (Bhaduri, 2020; Dubey, 2020). But even in the Congress there was a section which

was lukewarm towards this line of thought, especially the MGNREGA. When the NDA regime came to power in 2014, Prime Minister Modi's statement on the MGNREGA in the Lok Sabha made the approach clear. He would continue the scheme, he announced, mainly to remind the country of the failure of the Congress's rule over six decades in eradicating poverty. All those laws faced retreats thereafter. When repealing was opposed by widespread protest, as in the case of the Land Acquisition Law of 2013, it was diluted substantially in practice.

Ironically, during the COVID-19 lockdown, it was the MGNREGA which was of great use when the migrant workers returned to their villages. After reducing the budget allocation for it for many years, the government increased the budgeted allocation by another Rs. 40,000 crores. But that was not enough to absorb the returned workers, many of whom were skilled.

The point of our discussion is that capital and state have not accepted the legitimate demands of workers as 'rights'. Even when laws are passed codifying some rights in them, even when the Constitution is amended to enshrine 'workers participation in management', or some memorable judgements are delivered by the Supreme Court, they are assimilated into the dominant power process. In fact, in 2009 itself it was apprehended by many that these so-called 'right-based laws' may turn out to be mainly the legitimation strategies of the rulers to give further momentum to their neoliberal growth strategy (Gopalan, 2020).

The tragedy is that all the mainstream political parties of India accept the 'welfare' framework for the workers, and they carry on the neoliberal agenda of economic growth propelled by privatisation and globalisation. Unfortunately, this debate between 'welfare' and 'rights' has not occupied series attention of the trade union movement of India. Even when they have struggled for a 'right' of the workers, they have accepted a very limited liberal democratic concept of right as a 'claim recognised by the state through law' rather than viewing rights as 'political affirmations through continuous struggle'. The COVID-19 experience brought out this paradox vividly.

To conclude, the migrant labour crisis vividly brought out how Indian political economy in the era of neoliberal capitalism thrived at the cost of the basic rights of workers. It carefully maintained their vulnerability, effectively suppressing their capacity to play the role of agency. The absence of a politics that fundamentally questioned the perspective of the rulers that graded and degraded labour and economies is what makes it possible for this system to keep going. That perspective based on an intersectional concept of labour needs to affirm rights of labour in a substantive way.

Notes

1 This understanding is not only based on readings on this subject but especially based on the field reports and insights gathered from the weekly web discussions with activists and researchers from various parts of India, including Odisha's KBK region, on the migrant labour situation, organised by the Development Research Institute (DRI) beginning April 2020. Many of the reports are available on www.gabeshanachakra.org. See particularly, Deepak Mishra et al. (2020) and DRI (2020).

2 The Minister of State for labour in a written reply to a question in Parliament on 11 September 2020, on how many migrant workers had died during the lockdown, said that they had no data on migrant labour. For a detailed account see *The Scroll*, 14 September 2020. https://scroll.in/latest/973074/migrant-crisis-no-data-on-deaths-of-workers-during-lockdown-1-04-crore-returned-home-says-centre.

3 In fact, several states, not only BJP-ruled states of UP, MP, Karnataka, and Haryana, but also Rajasthan, Odisha, and Punjab had passed ordinances during the COVID-19 lockdown increasing working hours and relaxing labour laws to improve 'ease of doing business' and fight to pandemic. See http://www.sacw.net/article14312.html.

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