

Migrant crisis in Kerala: Need to change the political culture



Source: <http://www.telegraph.co.uk/women/life/the-brutal-rape-and-murder-of-jisha-shows-that-life-for-indias-w/>

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Lead Essay

Migrant crisis in Kerala: Need to change the political culture

In the aftermath of the police action in the Jisha rape and murder case, the Kerala government is under pressure to enforce action to deal with the rising migrant population in the state. The government is mainly concerned with keeping track of the migrant population in the absence of an identification database, which would have violated the constitutional provisions of the right to work. However, even though the government plans to do this by launching an insurance scheme to incentivize migrants to voluntarily register themselves under the voluntary registration system, the genesis of the measure can be traced to the controversial proposals of profiling migrant workers by blaming them for the law and order situation in the state. Profiling by the state, even under the garb of welfare schemes, will further justify the existing middle-class ire against domestic and regional migrant labour, while giving a convenient cover for locals to feel guilt-free about rights violations in their state.

The construction of the migrant

With the rape and murder of a Dalit law student, Jisha, in Kerala triggering a series of protests on the gross violations of women's rights in the state and becoming a massive issue during the recent assembly elections, the major brunt has been borne by the migrant population in Kerala. This only intensified further with the arrested suspect turning out to be a migrant worker. The place at which the murder took place was only a few kilometers from the town of Perumbavoor or the 'mini-North India', which houses the majority of migrant population in the state. Even prior to this incident, migrants across the state have been targeted heavily by the local population for crimes as petty as theft and on grounds of mere suspicion.

The events across Kerala come at a time when migrants all over the world, and especially in Europe, are being constructed as a convenient 'other' on whom the systemic economic and socio-cultural problems can be foisted. This perception is in marked departure from the manner in which migration has been viewed as a predominantly policy issue throughout the decades of 1990s and 2000s. The inflow of migrants to developed countries was welcomed as a panacea to the ageing population and demographic decline, with the number of international migrants rising from 36 million in 1991 to 191 million in 2005.¹ The fact that the pre-2008 period was also characterized by an optimistic world economic and financial outlook helped in not explicitly highlighting the ire caused as a result of distribution of welfare services among the incoming populations, especially if they were skilled personnel, while unskilled personnel continued to remain largely unwelcome.

In Kerala too, migrants have filled the gap created by the exodus of Keralites to the Gulf countries, since the local Malayali population tends to opt only for white collar jobs. While the current political patterns across the world are increasingly being premised on ire against all migrants, in general, the primary material fallouts of such an attitude are on the migrant workers who live in conditions of economic precarity. This precarity of the migrants persists primarily through the soft governance techniques of power deployed by the state to ensure that the migrant – who contributes critically to the economy – is neither settled nor driven out, but continues to exist as an object of economic extraction and exploitation by the state. In David Harvey's *Right to the City*, the larger process behind this was documented through the depiction of cities as contentious, competing spaces with rampant exploitation of the worker to sustain the consumption of the population.

This is precisely what is happening in Kerala.

Migrants in Kerala

Migrants in Kerala, whose numbers, in the last three years, have swelled to almost over 7% of the population, are mainly employed in low-skilled jobs. They work in almost all major sectors – such as, hospitality, transport and

¹ (Arnold 2012)

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construction – as masons, farmhands, security guards, waiters, drivers etc.² They suffer deplorable living conditions, and face a situation where they are both necessary to the basic economic functioning of the state – Kerala will have a massive vacuum if migrants were to leave these services – and are yet seen by the society as outsiders who vitiate the traditional culture and misbalance law and order.

In the last five years, migrants have been increasingly blamed for the rising crime rates – 1770 cases naming migrants as the accused³ – and the import of insurgents from India’s borderstates.

Sl.No	Crime Heads	2008	2009	2010	2011	2012	2013	2014	2015 (Provisional)	2016 (up to March)
1	Murder	362	343	363	365	374	372	367	318	73
2	Attempt to commit murder	434	408	361	521	497	603	676	586	149
3	CH not amounting to murder	95	100	86	105	107	104	84	76	34
4	Rape	568	568	634	1132	1019	1221	1347	1263	375
5	Kidnapping & abduction	253	256	261	299	281	252	222	262	49
	of women & girls	166	173	184	221	214	185	89	177	29
	of others	87	83	77	78	67	67	133	85	20
6	Dacoity	91	112	74	71	72	67	71	94	23
7	Robbery	816	830	636	741	725	784	869	766	245
8	Burglary	3882	3554	2682	3001	2710	2929	3452	2872	657
9	Theft	5818	5564	4380	4704	4078	4079	4700	4428	993

Source: On Manorama⁴

The state is almost always complicit in the mainstream social thinking. The migrants are paid lower wages than the locals working in the same job and they have been subjected to routine checks by the state’s health department which they perceive as discriminatory rather than welfare-oriented.⁵

The government is currently looking for ways to keep a track of the migrant workers entering the state, without violating the Constitution by forcefully registering them. This was spelled out clearly by Kerala’s labour minister, TP Ramakrishnan, recently, when he said that the government will kick-start a process of registration of migrant workers

² (B 2016)

³ (Sudhir 2016)

⁴ (Ilankath 2016)

⁵ (Twocircles.net 2016)

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under the Kerala Migrant Workers Welfare Scheme, 2010.⁶ Though the approximate number of migrant labourers in the State, as per a report submitted by the Gulati Institute of Finance and Taxation in 2013, was 25 lakh, only 53,136 of them had registered themselves.⁷

The way to go about it is complicated and the government is planning a system of incentives, like an insurance scheme, where the migrant workers would be motivated to register themselves voluntarily. The minister clearly said that the purpose for these incentives would be assist in creating a databank of migrant workers, as mandatory registration prior to employment was not an option.⁸ It is only to ensure that this step would not be seen as a headcount or a census that the government has proposed the measure of a voluntary insurance scheme.⁹ For, the existing legal framework has no way of ensuring that a systematic registration of migrants could be done. The existing Inter-state Migrant Act is seen as toothless, since it puts the onus of registering the labour on the contractors, and many migrants, today, are also coming in independent of the contractors.

However, the pertinent point is that a system of inclusive incentives will not work in the favour of improving local attitudes towards the migrants, if the political culture of discrimination continues to prevail, as is happening now. Since the discrimination already exists, these measures will only exacerbate the constant vilification of the outsider and will keep giving the majority local populations righteous reassurance, often becoming a garb for masking the crimes that are committed by the locals, since the policy uses paternalistic beneficence to generalize a trend against the migrant populations.

Endemic systemic discrimination and the policy fallouts

The political institutions in Kerala have not treated migrants on an equal footing and the latest policy proposal by the labour minister – which underscores a rationale of profiling – is not the only reflection of that. According to reports,¹⁰ the police in Ernakulam district, home to almost 80% of the migrant population in the state, are collecting thumb impressions as a security measure, with all police stations in the district directed to maintain a registry to record the profiles of migrant labours coming for employment. Apart from thumb impressions, the migrants' labour profile will also include name and address of the labourer, a copy of identification documents like voters ID or Aadhar, details of employer, contact number and photo.¹¹ Such police actions have taken place in other districts of Kochi as well, and raised concerns of serious human rights violations in Thiruvananthapuram.¹²

Moreover, historically, such actions have always been undertaken through the medium of data-collection for various welfare schemes. Besides the Migrant Labour Act, 1979, several such schemes were launched by the government, for providing night shelters, basic amenities, basic hygiene, medical care, fatal accident care, etc. to the migrant workers. While these schemes are well-meaning, in order to fulfill the welfare provisions under them, the police can be legally empowered to undertake the necessary profiling actions.

In fact this attempt by the government to registering migrants for delivering welfare schemes to them is a classic case of welfare schemes launched by government failing to realize their stated objective of inclusion and achieving the unstated objectives by intrusive profiling by the local bodies, rooted in the everyday discriminatory social attitudes.

And now, with the intent behind the recent policy announcement by the Kerala minister centering on 'keeping track' of migrants, the extent to which inclusive welfare schemes will work becomes questionable.

⁶ (PTI 2016)

⁷ (Special Correspondent 2016)

⁸ (Special Correspondent 2016)

⁹ (M.K. 2016)

¹⁰ (Thomas 2015)

¹¹ (Thomas 2015)

¹² (Thomas 2015)

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Immediate implications

While the government's ostensible official stand behind the latest policy proposal is that not all migrant workers are criminals, there are numerous challenges that the government needs to navigate lest the step leads to the worsening the situation of the migrant workers and exacerbating the local-migrant conflict, especially given that there are about 40-lakh odd migrant workers in the state growing at a rate of about 2.3 lacs every year.¹³

The immediate implications of the government's policy proposal would be two-fold:

First, the induction of migrants into special or general workers' schemes will have to be preceded by the necessary preparation of a database on them –as is the actual intent of the government. Such an activity is questionable, since all migrants are Indian citizens with the right to work and freedom of movement in any part of the country. The Kerala government cannot violate these rights. The only way to do so would be by empowering the local bodies to collect data by launching social welfare schemes. This raises the pertinent question of whether the profiling becomes the real motive in the garb of inclusive welfare; for, the real intent behind the launch of welfare schemes becomes clear by the fact that the proposal has been spelled out in response to the escalating migrant crisis.

Second, it is not sufficient to launch housing schemes for migrants without spelling out the detailed infrastructure that will ensure that the migrant workers are not further ghettoized, such as spelling out whether the government will reduce the presence of exploitative contractors and middle-men that prevent the integration of migrants in the society and lead to overall corruption. This is in context of the fact that the government is planning to launch the Labour department's Bhavanam Foundation Kerala, the housing scheme for migrant labourers, known as "Apna Ghar", in Palakkad at Rs. 8 crore, and also in Thiruvananthapuram, Ernakulam and Kozhikode.¹⁴ These schemes will undoubtedly help in accommodating the migrant workers within the system as well in curbing the crime rates among the migrant workers; for, several investigations by police teams across Kerala have led to the observation that migrant workers living in illegal spaces lent out by the contractors –mostly in the plywood industry – and segregated from the society have led to a hike in crime rates. Recently, the Kerala High Court made a similar observation in its ruling on a petition on a labour camp in Ernakulam, which highlighted the inhuman living and sanitation conditions in nearly all of these camps.¹⁵

However, the challenge lies not only in creating better infrastructure for them, but in recognizing that migrant workers have no real vested interest in the external state and can, therefore, afford to ignore the way the locals would perceive crimes. Unless such real interest is created through conditions of actual inclusion, mere physical infrastructure and schemes would continue to become victims of rampant corruption and anti-migrant political culture in the state.

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¹³ (Nair 2016)

¹⁴ (Special Correspondent 2016)

¹⁵ (John 2016)

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Headlines

Will a Ban on Triple Talaq Truly Change the Life of a Deserted Muslim Woman?

(Nausheen Yousuf, *The Wire*, July 01, 2016)

Discussions on the ban on triple *talaq* are getting heated and the positions of the contesting parties are getting rigid – the All India Muslim Personal Law Board (AIMPLB) at one end and aggrieved women, and their supporters, at the other. Even in progressive circles there is a presumption that a Muslim man can instantly divorce his wife by just uttering ‘talaq’ three times and thereafter she is devoid of any rights. The support for a ban rests on this premise.

Read more: <http://thewire.in/47625/will-a-ban-on-triple-talaq-truely-change-the-life-of-a-deserted-muslim-woman/>.

Date Accessed: 5.7.2016

Where to after 25 years of reforms?

(Baijayant Jay Panda, *Live Mint*, July 05, 2016)

The longer we delay taking heretical steps, the further we extend our arrival at the next stage of development. The perceived ambivalence in public support for reforms has been mirrored among political parties, depending on whether they are in government or opposition. Which is why, even after a quarter of a century, India’s economic reforms are still very much a work in progress.

Read more: <http://www.livemint.com/Opinion/KpxfQzeLOmguHtaF4MbcK/Where-to-after-25-years-of-reforms.html>

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GOVERNMENT

New Mineral Policy gets Cabinet approval

(Anupam Chakravartty, *Down To Earth*, June 30,2016)

The Union Cabinet lead by Prime Minister Narendra Modi approved the National Mineral Exploration Policy (NMEP) drafted in 2015. While Union Minister for Steel and Mines, Narendra Singh Tomar has stated that an amount of Rs 2,116 crores would be required to implement the policy, it also envisages private investment from domestic as well as foreign companies in the mineral exploration sector. On the other hand, environmentalists have said that the policy undermines some of the important court judgements and accused the Modi government for not holding a consultation with various groups on the policy.

Read more: <http://www.downtoearth.org.in/news/new-mineral-policy-gets-cabinet-approval-54657>

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SECURITY

IS Using Bengali Medium for Propaganda in India

(*The Assam Tribune*, July 4, 2016)

Uploading of publicity material in Bengali may also help IS to influence youths of eastern part of India, particularly in West Bengal and parts of Assam, sources admitted. There have been a sizeable number of Bengali speaking people in Assam also, while most people of the State can read Bengali. Under this backdrop, the uploading of publicity materials in Bengali by the IS should be viewed seriously as over the years, the IS has been able to influence youths to join the outfit with propaganda launched through the internet.

Read more: <http://www.assamtribune.com/scripts/detailsnew.asp?id=jul0516/at053>

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CONNECTIVITY

UN says disruption of internet access human rights violation; India opposes

(*Down To Earth*, July 04, 2016)

The resolution, aimed at “the promotion, protection and enjoyment of human rights on the Internet”, is non-binding. However, it puts pressure on India to refrain from blocking the Internet, at least in case of minor issues. At the same time, it gives encouragement to digital rights advocates who have been calling for freedom of expression on internet.

To put it into perspective, internet shutdowns, which are frequent in India, will now go against formal UN policy.

Read more: <http://www.downtoearth.org.in/news/un-says-disruption-of-internet-access-human-rights-violation-india-opposes-54717>.

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HEALTH

Centre Approves Ayurvedic Drug But It's Science is Missing

(Manasi Gandhi, *The Wire*, July 6, 2016)

In what has been hailed as a scientific revolution in the field of ayurveda, the Council for Scientific and Industrial Research (CSIR) recently launched BGR-34, an anti-diabetic, ayurvedic drug designed for type 2 diabetes mellitus. Developed jointly by the National Botanical Research Institute (NBRI) and the Central Institute for Medicinal and Aromatic Plants (CIMAP), it claims to control

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blood sugar and enhance your metabolism. However, the manner in which BGR-34 is being promoted leaves many questions unanswered.

Read more: <http://thewire.in/49297/csir-ayush-bgr34-ayurveda-diabetes/>

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Keeping Ethics Relevant in Private Healthcare

(Neelam Phadke, *The Huffington Post*, July 6, 2016)

Instead of lamenting the corporatization of healthcare, we should be worried about moral corruption spreading its wings. If done well, corporatization should help in raising accountability, giving power to the consumers, reducing leakages and bringing pricing transparency. In its current form, this cannot become a reality even for the people who have the ability to pay. For the poor, even the most well-intended government schemes for increasing access and affordability will face the challenge of adoption due to lack of trust. The growing discomfort with the healthcare system will eventually challenge the very existence of the current model.

Read more: http://www.huffingtonpost.in/neelam-phadke/corrupting-the-health-of-_b_10590684.html?utm_hp_ref=india

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TRANSPORT

Pink autos or salmon orange, Mumbai unions could learn some lessons from Ranchi's female drivers

(Aarefa Johari, *Scroll*, July 5, 2016)

Why are transport unions in Mumbai opposing state plans to introduce distinctly-coloured women-only autos? In 2013, Ranchi became the first Indian city to introduce “pink autos” driven by women, as a safety measure after the Delhi gang rape case of December 16, 2012. Gurgaon launched them for a few months in 2014, failed, and then re-introduced them a year later. Over the past two years, pink autos have been plying the streets of Bhubaneswar, Ghaziabad, Rohtak, and some other cities, with varying degrees of success. This year, Mumbai and neighbouring cities will join the club, but only if auto unions resolve their curious opposition to the “salmon orange” colour that the state wants to introduce for women's special autos.

Read more: <http://scroll.in/article/811066/pink-autos-or-salmon-orange-mumbai-unions-could-learn-some-lessons-from-ranchis-female-drivers>

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ENVIRONMENT

Government Brings Changes in Approach to Disaster Management

(*The New Indian Express*, July 5, 2016)

The government has brought about a change in its approach to disaster management from a relief-centric to a holistic and integrated coverage of the entire matter, Home Minister Rajnath Singh said today. This approach is based on the conviction that development cannot be sustainable unless disaster mitigation is built in the development process. Singh told the MPs that the National Institute of Disaster Management (NIDM) has been entrusted with the responsibility for human resource development, capacity-building including training and education, research, documentation and policy planning in the field of disaster management.

Read more: <http://www.newindianexpress.com/nation/Government-brings-changes-in-approach-to-disaster-management/2016/07/05/article3513740.ece>

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LAW AND JUSTICE

The Battle Over Market Liberalisation

(Bar and Bench, July 4, 2016)

In one of the most unequivocal statements regarding the entry of foreign law firms, the Bar Council of India has admitted that liberalisation will “*go a long way*” towards the growth of the Indian legal market. This is just one of the reasons cited by the BCI for framing the draft rules for the “*registration and regulation*” of non-Indian lawyers in the country.

Read more: <http://barandbench.com/market-liberalisation-bci-silf/>

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India and World

INDIA IN THE WORLD

In or Out of NSG, New Delhi's Carried Out a Diplomatic Masterstroke

(Harsh V. Pant, *The Diplomat*, June 23, 2016)

India's diplomacy in pursuit of membership of the Nuclear Suppliers Group shows the country at its best. It's going right down to the wire and Indian diplomacy has never looked more self-assured and confident. New Delhi is openly taking on China in a manner few states have dared in recent times. By so doing it is laying down new terms for global politics and setting new parameters for Indian foreign policy. India may not have gotten a seat at the Nuclear Suppliers Group (NSG) this week, but Indian diplomacy will never be the same again.

Read more: <http://thediplomat.com/2016/06/in-or-out-of-nsg-new-delhis-carried-out-a-diplomatic-masterstroke/>.

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