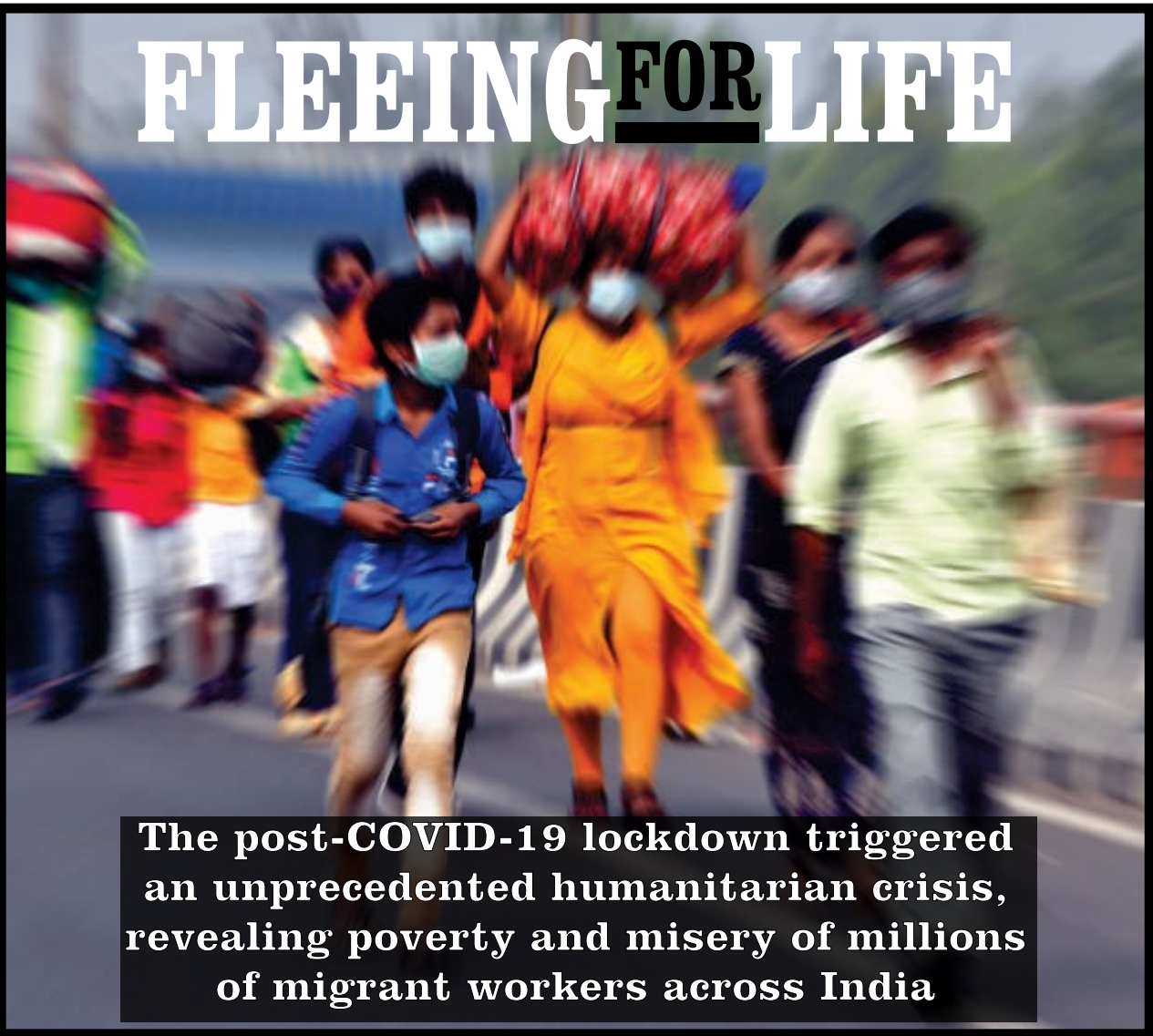


COMMON CAUSE

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POLICY-ORIENTED JOURNAL SINCE 1982

FLEEING FOR LIFE



The post-COVID-19 lockdown triggered an unprecedented humanitarian crisis, revealing poverty and misery of millions of migrant workers across India

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STATUS OF POLICING IN INDIA REPORT 2019

POLICE ADEQUACY AND
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The SPIR 2019 studies the experiences of the police personnel and their attitudes towards incidents of crime, use of violence and torture, marginalised communities, juvenile delinquency and incidents of mob lynching.

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LONG MARCH TO FREEDOM AND DIGNITY

Migrant Workers' Long Ordeal is Far From Over

Covid-19 has altered lives in more profound ways than we acknowledge. The virus has no caste, class or religion but somehow, like all calamities, it has hit the poor more severely. Not only because the marginalised people tend to have more comorbidities and limited access to healthcare, but also because social-distancing is more difficult for people with smaller houses, larger families and compulsions to go out and earn for the day.

The pandemic has exposed the underbellies of all societies. In the US and Europe, the victims are more likely to be the blacks, Hispanics or the immigrants. In India, these tend to be people who come from society's poorer and weaker sections like the SC/ STs or the minorities. The pandemic has also exposed the inadequacy of the public health infrastructure in our country.

It has revealed our un-freedoms and disparities to us which we should have known anyway. The UN High Commissioner for Human rights, Michelle Bachelet, said in a recent address that "the appalling impact of COVID-19 on racial and ethnic minorities is much discussed, but what is less clear is how much is being done to address it." She points out something even more serious than the disease: There is no evidence that this revelation has led to prioritising monitoring and testing of the more vulnerable or increasing their access to healthcare.

The pandemic is also a story of lost livelihoods and reverse-migration for millions who work in the cities. The most abiding image of the COVID crisis in India is of families walking on the highways in unbearable heat, often without food or water. The lucky ones used motorbikes or hitched a ride on anything that moves. They rushed back to villages in the belief that their families will be relatively better off without having to pay house rents or food bills. But the villages had their own hardships too. The lockdown had paralysed farm activities like harvesting or the sale of grains or vegetables.

While it took weeks before the trains and buses restarted, the government focused more on controlling the media narrative rather than the actual crisis. Spectacular events were mounted such as the Air Force helicopters showering petals, the naval ships shooting flares in the skies or the nation clapping or switching off the lights. These massive media spectacles transfixed audiences, overshadowing all other problems. And by abandoning its adversarial role, the mainstream media helped the bungling authorities at the cost of the public. For a long time, an influential section of the media blamed the spread of the virus on a gathering of the minority community, ignoring similar congregations of other faiths. The media's framing of the pandemic, however, merits a separate debate.

Now, after many months have passed, three sets of questions confront us which we have tried to address in this issue of your journal: how many people travelled back to villages, was it avoidable, and could we have handled the lockdown better?

First, the massive numbers which underline the importance of the matter. The government is yet to release authoritative figures but the Solicitor General told the Supreme Court that "no one is on the road." It was perhaps the most blatant and insensitive of lies ever to be told officially in the temple of justice. This, at a time when images and videos of migrant families were trending everywhere. Unofficial estimates by urban geographer Amitabh Kundu and migration specialist Chinmay Tumbe put the number in the range of 22

to 30 million. And yet, the apex court accepted the government's claim without a question or a probe. In fact, the court showed no particular hurry in knowing the numbers and was curiously generous in granting adjournments in a petition seeking urgent action. The case was finally dismissed on the ground that the government was "looking into" the matter. It seems, it still is.

Second, was it necessary? While a lockdown was inevitable, the four-hour notice was still a shocker for a nation of 1.3 billion people. It worked well for those with homes and incomes, but walking back seemed a more dignified option to the poor. Stranded Workers Action Network (SWAN), a civil society initiative, found in a survey that eight out of 10 workers to approach them did not receive any government rations and more than 85 per cent had to pay for their journey home. True, the Supreme Court later directed the state governments to bear the cost of transportation but that was perhaps too late for those already on the way. It was not just for the fear of the disease but also the lack of jobs, incomes or food which forced them into taking the decision, the report concluded.

And finally, could we have handled the lockdown better? It is now clear that just as the four-hour notice was too little, a complete lockdown for 21 days was too severe. *The New York Times* called it "the biggest and most severe action taken anywhere to stop the spread of coronavirus." The government would have known better if it had consulted stakeholders like the state chief ministers or the heads of the country's vast transport networks before announcing the grand order. To its credit, the government did announce free rations for the poor but the distribution was marred by huge exclusion and lack of clarity. Many state governments abdicated oversight as ration dealers shut their shops in the name of COVID. At some places, even the police shut down the food stores in violation of the orders.

With the government nearly invisible, people did not know who to contact when ration shops were shut or when hospitals turned away patients. And the migrant workers, who walked through unknown cities with no local address, were denied entitlements to healthcare or government supplies. They had to face the wrath of the police which became the face of the state. The migrants were treated particularly harshly at the inter-state borders. At some places, they were sprayed with disinfectants which was an act of both stupidity and cruelty. The police, without capacity or training, were given unfair duties such as contact tracing, insulating contamination zones and enforcing compliance of the Aarogya Setu App, along with organising the distribution of relief and medicines.

At many places, police personnel also went out of the way to help. But for every example of compassionate policing, there are stories of harassment and brutality, even custodial killings. But as a group of citizens, the homeward-bound workers and their families were the worst sufferers of the lockdown. The cities virtually evicted them, the highways treated them with hunger, exhaustion and harassment, and quarantines awaited them at their destinations. As nowhere people, many are ready to leave for the cities yet again in the hope of earning a livelihood.

Like always, your feedback is welcome at commoncauseindia@gmail.com

Vipul Mudgal
Editor

THE MIGRANT CRISIS AND THE WAY FORWARD

Based on First-hand Experiences

Divya Varma, Amrita Sharma and Rajiv Khandelwal*

Migration in the Times of COVID-19

The devastation faced by migrant workers in the aftermath of the lockdown will remain etched in public memory for a long time. Losing their employment overnight as a consequence of the hastily announced lockdown, lakhs of workers were brought to the brink of starvation in a matter of days. While a large number of them were asked to vacate their homes by their landlords, lakhs of them travelled on foot for days in a bid to get back to the relative safety of their homes. This included several families with infants, pregnant women and people with disabilities, thus turning this exodus into a full-blown humanitarian crisis.

When trains were finally declared after almost two months of the first lockdown announcement, their operations were marked by incredible apathy and lack of coordination between sending and receiving states. This led to mass deprivation of food and water for passengers undertaking long-distance journeys, resulting in the deaths of several migrant workers. Migrant workers, who were unfortunate enough to be still stranded in cities, were almost entirely out of the

purview of the relief operations of urban local bodies. Trapped in congested living spaces, with very little access to water, sanitation and basic public health facilities, frequently in the periphery of the city, they were exceedingly vulnerable to infections and diseases. At the same time, those who braved the arduous journeys to reach their villages were also victims of wide-spread stigmatisation and harassment, as they were believed to be potential carriers of the disease.

In an economy paralysed by a massive liquidity crisis, where major labour-intensive industries are still struggling to get back on their feet, the biggest brunt is being borne by the workers who have raked up huge sums of money in wage arrears. Struggling to maintain even a basic level of consumption in their households, the lockdown has pushed a vast majority of such migrant families into severe indebtedness, acute poverty and malnutrition.

It is important to remember that many of these issues were not simply induced by the lockdown. In fact, they were pre-existing, structural issues that were merely aggravated by these unprecedented

circumstances. This article attempts to examine in greater detail, the wide range of issues faced by India's internal labour migrants and the systemic factors that drive these vulnerabilities. It then proceeds to describe how Aajeevika Bureau, a pioneering public service initiative, has been working with communities dependent on labour and migration for over a decade now. The article also offers recommendations for reimagining our social contract with this vulnerable community of workers.

Prominent Migration Corridors

Economic Survey 2017 estimates that the magnitude of inter-state migration in India was close to nine million annually between 2011 and 2016, while Census 2011 pegs the total number of internal migrants in the country (accounting for inter-state and intra-state movement) at a staggering 139 million. Uttar Pradesh and Bihar are the biggest source states, followed closely by Madhya Pradesh, Punjab, Rajasthan, Uttarakhand, Jammu and Kashmir and West Bengal; while the major destination states are Delhi, Maharashtra, Tamil Nadu, Gujarat, Andhra Pradesh and Kerala. This also reflects a

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movement from low Human Development Index states to the prominent economic centres in the country.

While some migration corridors such as UP-Mumbai, UP-Delhi and Odisha-Gujarat have been historic migration streams, West Bengal-Kerala and North East-Bangalore have gained prominence on India's migration map more recently.

South Rajasthan - Heavy Migration and High Distress

In the last three decades south Rajasthan has emerged as a

major labour exporting hub in western India. The rapidly shifting livelihood scenario of the region has shaped the heavy out-migration reality facing its people. South Rajasthan comprises five districts- Udaipur, Dungarpur, Banswara, Rajsamand and Pratapgarh, all of which have a significant proportion of tribal population. In fact, the Scheduled Tribes account for 13.4% of the total population of Rajasthan. The five districts of south Rajasthan account for almost half (49.71%) of the total ST population of the state. Further, 55.47% of the population in these five districts

comprise Scheduled Tribes (Primary Census Abstract, 2011).

The region receives low and erratic rainfall and the hilly terrain makes agriculture a high risk and uncertain livelihood option. Less than 27% of the total land is sown and most households are able to sow only a single crop in a year. Forest resources have dwindled over time and do not account for much in the household economy except in very isolated regions. Mining is widespread and other than construction activity and now MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act) there is little by way of the non-farm sector enterprise. Labour is thus the most abundant resource in the region, driving the local economy. Primary surveys and studies conducted by Aajeevika to assess the incidence of migration across various blocks of south Rajasthan show that 57% of all rural households have at least one migrant worker.¹ The estimated total number of migrant workers from the region is over 800,000 and of this number, an overwhelming 80% comprises inter-state migrants.²

While southern Rajasthan witnesses slow growth and stagnant employment opportunities, the adjoining states of Gujarat and Maharashtra have emerged as major labour markets, given the high growth in their industrial and service sectors. These have become attractive destinations

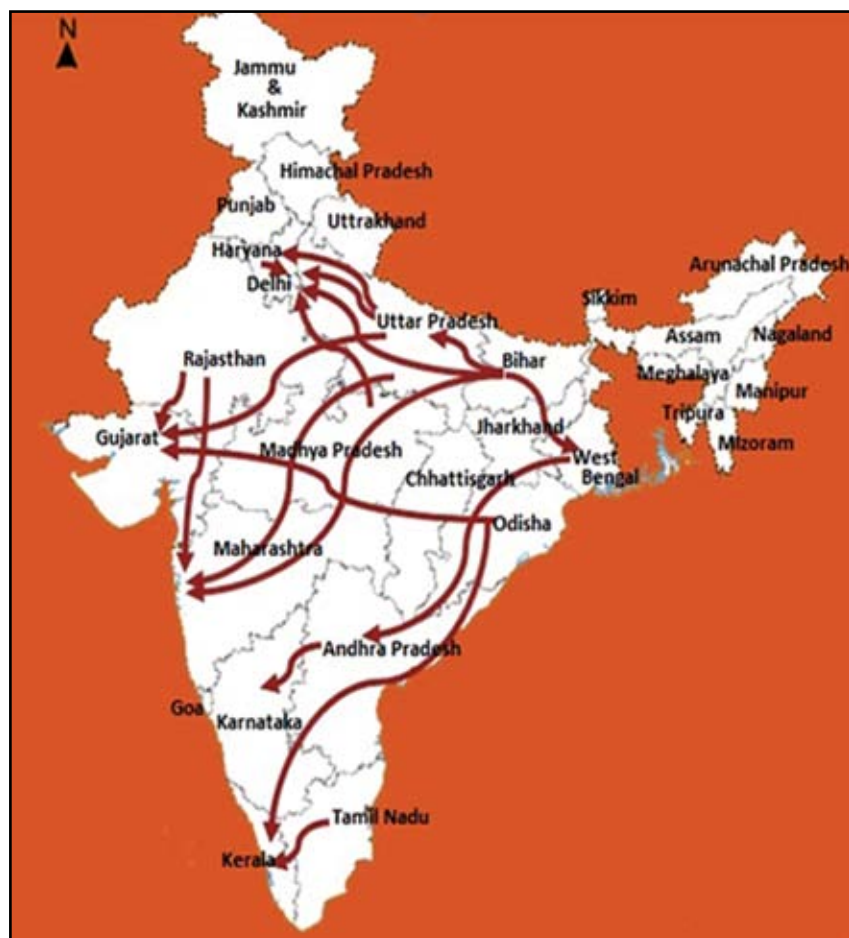


PHOTO CREDIT: [Adapted from IIPS, Mumbai- 2009]

for migrant workers from across the country, particularly so from south Rajasthan, given the proximity of the region and the ease of access.

Circular migration has become an essential livelihood strategy for rural poor in south Rajasthan. Even for households with some access to land and water resources, cash incomes earned from migration often become the means of sustenance above threshold level, paying for food, health expenses, social expenditures and education. In fact, in many communities, the poorest households often are those who are unable to send out a working member away to earn a living.

Moving Far and Wide

Wage labour as a means of livelihood is not new for tribal households, given their meagre private assets. However, their engagement in the labour market long remained confined to close-by regions within a district, and mostly on government sponsored employment programmes. Long distance migration has picked up considerably as distant labour markets grew and developed an informal recruitment mechanism penetrating deeper into the remote tribal populated areas of Rajasthan. Improved road networks and private transportation became the enabler for large scale labour movement from rural to urban and industrial areas.

Construction work and mining activity engage the largest number of tribal migrant workers from this region. In fact, the mining and quarrying enterprises have thrived on the availability of cheap tribal labour. Other employers of labour from south Rajasthan include brick-kilns, hotels and restaurants, domestic work, head-loading, factory work, textile markets, and farming. Brick kilns across Gujarat particularly engage tribal workers from Rajasthan who migrate with their family. The terms of employment in this sector are notably retrogressive – cash advances against pledged labour are common, frequently leading to bondage like conditions. The hotel and restaurant establishments across towns, cities and highways of the nearby states of Gujarat and Maharashtra, are sites of individual male migration but involve a significant proportion of hidden child labour. Among the rest, it is commonly preferred by the rural youth for better employment conditions and low risk, but payments are quite low with no social security benefits. In the industrial areas, factories and commodity markets of Gujarat, migrant labour is engaged in head loading or pushing carts. This is a physically punishing form of wage labour but employment is steady and the wages are relatively better, compared to other sectors. Small manufacturing and processing units are the other major, diverse clusters which provide

employment. The textile market of Surat attracts thousands of young migrants, but few find long-term employment. A large number of tribal families seasonally migrate to farms in north Gujarat to work as share tenants, usually for a paltry share of the harvest.

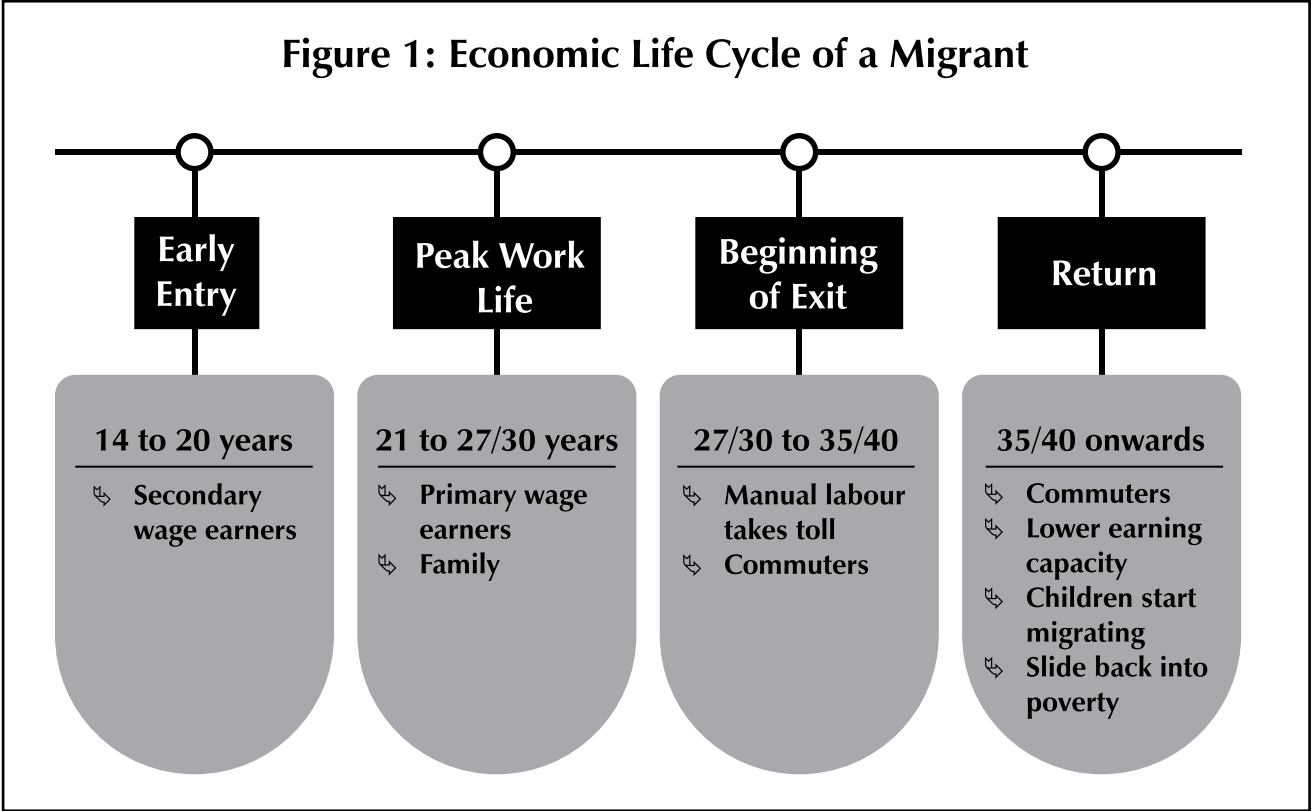
Migration in India- a Life of Hardship

Low quality schooling in villages and a general consciousness that earning has to begin quickly drive young people out in the world of work quite early on. Most of the migrant youth end up in the lowermost, unorganised segment of the economy where work arrangements can be highly exploitative, offering survival wages, controlled by multiple layers of middlemen and ridden with abuse of workers' rights. The informal nature of work contracts, often verbal, also makes it difficult for labour to seek legal recourse or counsel in case of workplace accidents and wage-related disputes. In case of accidents or non-payment or withholding of wages, there are few platforms for workers to reach out to. There are several cases where workers enter the labour market, only to leave incapacitated, at a relatively young age. The gap in the labour markets, however, is readily filled by a younger pool of labour, only too eager to replace the older lot at cheaper wages. The economic life cycle of workers

is short, starting at 14-15 and ending at 35-40 years of age. Often the attempt to escape poverty at home does not lead to an improvement in the well-being of the family and the next generation is found embroiled in the same vortex (refer Figure 1).

and sanitation facilities. A recent research report by Aajeevika Bureau --- *Unlocking the Urban: Reimagining Migrant Lives in Cities Post COVID-19 (2020)* chronicles these living conditions in great detail. For instance, migrants living in worksites

one time daily for each family member) to use pay-and-use toilets. Lack of proper sanitation facilities poses a big burden on women workers, who have to relieve themselves in the open in wee hours of the morning, compounding difficulties during



In cities, workers are compelled to live in very poor conditions, in open spaces such as pavements, railway tracks, under flyovers; within the precarious confines of their worksites such as construction sites and small manufacturing units; in congested rental rooms in informal slum settlements. Excluded systematically from public provisioning in cities, migrants struggle to access even basic amenities such as water

in Ahmedabad reported that they are able to access only an average of 50 litres of water per capita per day while a minimum of 100 litres per capita per day is recommended for a healthy life. Similarly, about 83% migrants surveyed in Surat accessed shared toilets, with no upper limit on the number of people sharing; sometimes shelling out more than 1/10th of their monthly incomes --- (₹15-₹25

menstruation or pregnancy, sometimes even facing harassment from local caretakers for defecating in the open.³ Migrant workers are also completely left out of the ambit of the Public Distribution System (PDS) since they do not have ration cards that are valid at the destinations. Our study suggests that migrants thus end up spending up to 50% of their incomes on food and fuel. This

“***Struggling to maintain a basic level of consumption in their households, the lockdown has pushed a vast majority of migrant families into severe indebtedness, acute poverty and malnutrition.***”

exclusion extends to the health front as well. Therefore, despite having high disease burdens as a result of precarious work and living conditions, more than 90% of the migrants interviewed in the study reported that they preferred private clinics, including quacks or chemist shops. Migrant settlements, on account of being unenumerated or unrecognised as legitimate settlements, are also not serviced regularly by ASHA or ANM workers, thus posing a serious threat to nutrition and early child care for migrant children.⁴

Poor and congested living conditions, exorbitantly priced food, high levels of health risk and a near absence of urban public provisioning converge to create a complex web of distress around the life of a migrant worker. Though it does diffuse in certain aspects of migrants' urban life, a strong caste and social reality still overrides mobility, choices and opportunities available to migrant workers from disadvantaged backgrounds.

There is a visible segmentation in the job markets along caste lines, delimiting chances of occupational diversification and upward mobility for certain groups, including the workers from the tribal communities.

Back home, in the villages, the households of migrant workers are affected by fluctuations in incomes and increased insecurity. Women, in absence of their husbands, find it difficult to access institutional health services (Mohan *et al.*, 2014). They also face challenges in accessing their entitlements, such as work under the MGNREGA, which is often the only local wage labour option available to them. In a study covering two blocks in Udaipur and Dungarpur, a large number of women (37.5%) from migrant households reported that they never got work under MGNREGA, much lower than the incidence in non-migrant households.⁵ Women from migrant households face greater exclusion and find it particularly difficult to access state welfare systems and its benefits.

Governance Exclusion

High mobility and long periods of absence from the native villages bring with it a whole set of added vulnerabilities for migrant workers. There are limited spaces for them to engage with local governance processes and voice their concerns. Migrants are often unable to participate in the

electoral process not only in the villages which they have left behind but also in the cities where they live and work for most part of the year. Not being a vote bank of significance, they remain at the margins of consciousness among political representatives. In India, the right to vote is tied to domicile and is not portable. The current electoral infrastructure and rules within the country do not allow postal ballots for this group. Another study done by Aajeevika Bureau⁶ revealed that 49% of workers had missed casting their votes due to migration more than once. There are instances of workers returning during elections for casting votes, but those are largely limited to elections at the Panchayat level. The engagement of the migrant families with Panchayat institutions is quite low. In the same study (Sharma *et al.*, 2011), the researchers found that neither the worker nor any of his family members ever approached a Panchayati Raj Institutions (PRI) representative from 57% of migrant families, for access to a government scheme or resolution of any civic problem.⁷

The situation was worse at the destination, where almost the entire sample of workers surveyed (98%) had never interacted with any official in a political party or local administrative bodies. A stark absence of local documentation compounded this exclusion. Over 95% of workers surveyed

did not have a ration card that was valid in the city, while over 80% of migrants did not have a Voter ID card. Over 90% did not have an electricity bill. All these documents are generally furnished to establish domicile, in the absence of which they get completely excluded from the scope of public provisioning in cities.⁸ Urban governance frameworks of the country do not have an imagination of the issues faced by migrant workers and urban local bodies (ULB) do not consider them a legitimate presence in the cities. Their settlements are not recognised, nor are they part of the official enumeration of settlements by ULBs. This means that even basic urban infrastructure such as water and sanitation networks laid by the city do not reach migrant settlements. Devoid of voting rights in the city, migrants do not have any leverage with the local political actors, due to which they are absolutely outside all frameworks of decision making of urban governance institutions.⁹

Owing to this political apathy there is no credible documentation of seasonal labour movement at any level of the government in India. While on one hand, Panchayats have no records of the number of people migrating and their whereabouts, on the other hand, destination states or cities do not have any institutional mechanisms for enumerating migrant populations. The National Sample Survey (NSS)

and Census are both deficient in defining and capturing seasonal labour migration suitably. This deficiency has serious costs as the large scale and growing circulation of footloose labour, largely comprising the more vulnerable groups from disadvantaged backgrounds, remains unaccounted for in our national policy frames. There is limited and poor understanding of labour recruitment channels, payment systems, terms of employment and problems faced by workers in transit and at work. The deficiencies of our statistical systems translate into policies with a perceptible sedentary bias. There is an emphasis on checking migration through employment generation programmes such as MGNREGA. There are few welfare schemes that allow portability of entitlements. The ones that do, such as the recent Ayushman Bharat and One Nation One Ration Card are ridden with significant design and implementation related challenges. The labour institutions viz. the labour departments and the labour courts, the custodians of labour interests, are increasingly incapacitated with limited local presence and ever-scarce resources.

Finding Voice, Visibility and Dignity for Seasonal Migrant Workers

Aajeevika Bureau was established in 2005 as a specialised organisation, offering livelihood

and support services to migrant workers. It recognised the growing centrality of migration in rural livelihoods and the myriad problems that went unattended in all forums of local and national governance. Aajeevika works in pockets of high out-migration in southern Rajasthan and its major city destinations with the mandate of reducing hardships for vulnerable migrant groups, and enabling conditions that help them to leverage migration as a positive opportunity.

The walk-in resource centres, namely *Shramik Sahayata evam Sandarbha Kendras*, run by the organisation, offer a wide range of services (pre-departure registration, counseling, skill training, job placement etc.) to workers. They are located at both the ends of the migration corridor – the source, wherefrom workers migrate and at the destination, where they go out to work. This is partly in response to the reality that migrants are not a sedentary population but also in recognition that there is a strong rural–urban continuum in their lives and livelihoods. There has been a consistent effort to

“***It is imperative that the vulnerabilities and unique needs of the migrant community get recognised and accounted for in India's social policies.***”

create sustainable community processes, comprising volunteer cadres, women leadership groups, workers' collectives and unions, community based advisory groups and engagement with the local governance structures, both in the villages and in the cities. It is within the framework of these community processes that the initiative is located and has become more impactful.

Thoughts on the Way Forward

The plight of migrants as a consequence of the nationwide lockdown has resulted in immense public and policy attention to the issue. This needs to be leveraged to push for a systematic institutional response towards labour migration. It must be embedded in the intersection of 'informality' and 'mobility' since the vulnerabilities faced by migrants are driven by a combination of both these phenomena. The following are some of the broader approaches that can go a long way in fostering the inclusion of labour migrants in India's social policies:

- Enumeration of migrants and their movement at all levels of administration through

self-registration so that there is a definitive account of the magnitude of this phenomenon.

- Recognition of the living spaces and settlements of migrants in cities so that they are purposefully embedded into the ambit of public provisioning and urban governance.
- Universalising social rights and public provisioning, irrespective of permanent domicile in cities, tenure security of settlements or employment status in the city so that migrants have dignified access to basic needs such as food, fuel, water and health.
- Legal liabilities on employers and landlords for the provision of decent living arrangements for migrants in cities.
- Approaches towards formalising work arrangements of labour migrants so as to ensure fair conditions, dignity and safety of work.

It is imperative that the vulnerabilities and unique needs of the migrant community get recognised and accounted for in India's social policies. It calls for a radical re-imagination of the notions of citizenship and

universal access to social rights, so that the contribution of migrant workers in powering our economy is rewarded with hope, dignity and equity.

(Endnotes)

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3. Aajeevika Bureau, "Unlocking the Urban: Reimagining Migrant Lives in Cities Post COVID- 19"
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9. *Id.*

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Nothing can stop the power of a committed and determined people to make a difference in our society. Why? Because human beings are the most dynamic link to the divine on this planet.

John Lewis

”

LABOUR RIGHTS OR WRONGS?

Covid-19 is Leading to Dilution of Labour Laws

K.R. Shyam Sundar*



PHOTO CREDIT: Paranjoy Guha Thakurta

Migrant workers congregate at the Anand Vihar Interstate Bus Terminal on the border of Delhi and Uttar Pradesh during the lockdown in late-March, waiting for buses to their hometowns.

“...Until recently, one of the peculiarities about Indian migration was that you saw migrants everywhere except in the data collected by the Census and National Sample Surveys. ... As a result, migration escaped the attention of policymakers under incorrect assumptions of low spatial mobility in India.” writes Ahmedabad-based scholar Chinmay Tumbe, in his seminal book *India Moving: A History of Migration*.

The country's economy largely stands on the shoulders of this invisible workforce --- the migrant labourer. But the coronavirus pandemic and its corollary, the 2020 lockdown, has suddenly swung a wrecking ball through the Indian labour market and set in motion a

domino effect in the statutory framework around labour.

Labour Law Disruptions

COVID-19 has disrupted the labour market by complete and partial lockdowns during March-June. Later, the problem was compounded by micro lockdowns and even stop-start-stop kind of lockdowns at the local level. What was the cumulative effect? Incredible uncertainty on the part of both employers and workers. The order of the Ministry of Home Affairs (MHA) regarding compulsory payment of full wages was withdrawn from May 18 onwards, although we had witnessed its ineffectiveness.

The current situation is pretty dire. Industries in some regions

face labour shortages. At the same time, urban unemployment peaked in April and May and later plateaued stubbornly. Workers receive wages erratically and if they are lucky, partial or full payment in some months. The net outcome: a great economic distress, poised to cause national income to grow negatively.

In this calamitous environment state governments have resorted to three types of changes in labour laws, viz. extension of maximum hours of work, a package of changes in several labour laws, and changing the thresholds of labour laws.

1. Extension of Maximum Hours of Work

The state governments have introduced changes in the central labour laws of varying magnitudes on three grounds. One, labour shortages hurt businesses and labour supply can be augmented in two ways. One is to increase the quantity of labour and another, to increase the work hours expended by the existing labourers. Several state governments preferred the latter. A little more than a dozen state governments amended the Factories Act to extend the maximum hours of work from the current eight hours in a day and 48 hours in a week to

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“
***12 hours of work
in a day translates
into greater scope
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drop in productive
efficiency.***”

10-12 hours in a day and 60-72 hours in a week respectively. The amended overtime compensation ranges from 1.5 times to twice the wage rate (the latter is per the law).

This is in contravention of the Hours of Work (Industry) Convention, 1919 (C001) of the International Labour Organization (ILO), which India ratified. It provides for eight hours of work in a day and 48 hours in a week. In fact, the primary crusade of the May Day struggle was for the implementation of the eight-hour work day. This right was achieved after nearly seven decades in 1948 after the first Factories Act (FA) was enacted in 1881.

There’s no doubt that 12 hours of work in a day translates into greater scope for workers’ fatigue, rising potential for unsafe work, drop in productive efficiency, discouraging women workers’ participation in work, among others. Recently, to the queries made by the Parliamentary Standing Committee (PSC) with

regard to these amendments, the Labour Ministry averred that the amendments conflict with the ILO Convention and the increase in hours need to be compensated with overtime pay or leaves. However, Gujarat has extended the increase in hours of work promulgated by an Ordinance for April 20 to July 19, 2020 for another three months till October 19, 2020.

2. Package of Changes in Several Laws

Two states --- Madhya Pradesh (MP) and Uttar Pradesh (UP) --- as well as reportedly Gujarat have introduced wide-ranging changes in labour laws. MP has retained only the clauses relating to regulation of retrenchment and closure in Chapter V-B in the Industrial Disputes Act, 1947 (IDA). It has left out the rest, relating to raising of industrial disputes, access to conciliation and compulsory adjudication, strike conduct, works committee, grievance redressal committee, etc. This is applicable to new factories to be registered in the next 1,000 days. It has retained clauses in the Factories Act relating to safety and hazardous processes and left out clauses relating to health, welfare, major provisions of hours of work, inspection, etc. This will be applicable to all the registered factories for the next 1,000 days.

UP has suspended 34 labour laws like the Trade Unions Act, 1926, the IDA, Industrial Employment (Standing Orders)

Act, 1946 (IESOA), etc. It has retained the provisions in Factories Act and Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (BOCWA) relating only to safety. In addition, it has protected payment of minimum wages (while omitting complementary clauses like hours of work, overtime payment, claims process, etc.) in the Minimum Wages Act 1948, ensured payment of compensation as provided for in the Employees Compensation Act, 1923 and protected the provisions relating to women and children, among others.

The UP Ordinance is just a two-page document. It is an incomplete and vague instrument which will give rise to a lot of complications with respect to both the labour rights it seeks to protect and even abrogate. For instance, the safety of workers depends on their health, inspection, welfare and hours of work. How can safety be compartmentalised and separated from the other components listed above? The central government has sought clarification from UP and Gujarat as to which of the laws they seek to exempt by their ordinances.

These sweeping changes can be read as virtual demolition of historically constructed and Constitution-provided labour rights like trade unions, collective bargaining, raising industrial disputes, strikes, access



to conciliation, compulsory adjudication, protection from unfair dismissal, standard employment conditions, bonus, gratuity, etc. States cannot suspend labour laws and substantive rights using the excuse that labour falls in the Concurrent List.

3. Changing the Thresholds of Selected Labour Laws

The central government has reportedly written to state governments to introduce reforms like Fixed Term Employment (FTE) and changes in the thresholds of selected labour laws. This is intended to afford labour flexibility to businesses. In recent weeks, following the pre-COVID-19 pattern, states like Tripura, Goa and Bihar increased the threshold for application of Contract Labour (Regulation & Abolition) Act, 1970 (CLRAA) from 20 to 50. Himachal Pradesh (HP) increased it from 20 to 30. Bihar and Gujarat have increased

the threshold of Chapter V-B of IDA from 100 to 300 and HP from 100 to 200. HP has increased the retrenchment and closure compensation from 15 days to 60 days. The conditions for striking under S.22 in the IDA are so tough that they render legal strikes well-nigh impossible. They have been applicable to “public utility services.” Now they apply to “non-public utility services” as well. Bihar, Assam, Gujarat and HP have increased the thresholds of FA from 10 to 20 (those using power) and 20 to 40 (not using power). It may be recalled that several states, starting with Rajasthan, carried out similar changes immediately after the assumption of power by the NDA government at the Centre in 2014. The changes will be applicable for a period ranging from six months to nearly three years. Karnataka has introduced fixed term workmen (FTW) by amending the Karnataka Industrial Employment (Standing Orders) Rules 1961,

offering flexibility to the industry to hire and fire easily.

Increase in the thresholds means one thing: More workers and more establishments/contractors are removed from the purview of the concerned laws. Gradually many states have amended Chapter V-B threshold from 100 to 300 (or 200), as has been demanded by the employers. This, along with extension of thresholds for CLRAA and FTE, provide substantial labour market flexibility to employers and extend opportunities to reduce regular workers’ appointments.

The above review of labour law reforms and changes clearly shows that the state is finding clever routes in these inconvenient times to effect changes in labour laws and governance systems. It is an attempt to afford labour flexibility to businesses at the expense of labour rights. What is more galling is that the labour rights, which are historically constructed (since 1881), constitutionally guaranteed and in alignment with ILO treaties are being diluted in a myopic and unscientific quest for capital.

Not surprisingly, the states have become convenient venues to implement the four waves of reforms/changes because the unity of political parties and trade unions are weaker at the regional levels, as opposed to the national level. Social dialogue is conspicuous by its absence in states. There’s frequent resort

to ordinances and government orders bypass legislatures. In the process they have ignored the social dialogue which India is committed to. This includes both bypassing the legislatures and the country's ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (C.144).

Further, state governments ushering in labour reforms introduces competitive federalism in India. Due to competitive changes in labour laws we are moving away from "national law-making" to "regional law-making" centres, from legislatures to the Governor's office, from pluralistic social dialogue to unilateralism and from the Constitution to market forces. We are moving away from national labour market governance, which provides a host of labour market securities to regional models of labour market flexibilities. Further, the states are muzzling inter-state migrant workers' rights by legislating job-reservations to the local (read regional) workers.

The regional labour reforms also seriously question the national law-making processes via labour codes. Hence, the Parliamentary Standing Committee has posed tough questions to the states. However, the latter are in no mood to listen. They seem to be encouraged by the Union Labour Ministry, which has sent out letters urging them to introduce reforms to afford labour flexibility to businesses.

In the next section, we will look at how the labour market got affected once the virus started making its way to India from different geographies.

How the Migrant Crisis Unfolded: COVID-19 and the Labour Market

The pre-COVID-19 labour market was already fragile. The virus has further shaken it up and brought into sharp relief shocking aspects of the malfunctioning labour market governance. The exodus stories of migrant labourers have been heartrending. Lakhs of migrant workers lost their jobs and/or sources of livelihood.

The relief offered to the working class by the central government was paltry and ill-conceived although in some senses it was effective. The Labour Ministry was largely missing from the site of action, save for issuing inconsequential advisories to the employers. These included not to retrench workers and pay up their wages as well as float a partial survey of job losses in the central sphere. The rebellious and the spontaneous episodes of flight by imperilled migrant workers led the MHA to issue a directive on March 29, 2020. This required the factories, shops and establishments to pay full wages on time at the worksite till the lockdown. The ILO estimated that 400 million workers were rendered vulnerable by COVID-19 shocks. Eventually the MHA order was challenged in

the Supreme Court by employers and the Court left the wage payment issues to be sorted out by direct negotiations between employers and workers, and for conciliation should the former fail. In the case of travel and livelihoods of migrant workers, the Court woke up rather late to take cognisance. By that time much damage had been done as state governments showed apathy and shifted the burden of relief on the workers.

Despite the Inter-State Migrant Workmen Act, 1979 (ISMWA), the government unabashedly threw up contrasting and often fantastic statistics of migrant workers. The central government's Solicitor General submitted to the Supreme Court that close to 10 million migrants returned home while the Labour Ministry's figures stood at 2.62 million! While announcing the AtmaNirbhar package on May 16, the Finance Minister mentioned 80 million migrant workers. The World Bank and the experts estimate the number of migrant workers to be anything between 40 million and 100 million. The RTI query regarding the data base on the migrant workers at the Central Labour Commissioner drew an indifferent response as there was no data. None of the state governments could show data despite the elaborate administrative procedures contemplated under the ISMWA and BOCWA. Employers then complain of these as "drags on efficiency of firms."

The sequence of events exposed the huge void in labour administration and the so-called strong labour laws become incredulous. Statistically the migrant workers do not exist. Legally they do not exist as they are not registered under the ISMWA. Politically they are disenfranchised as they lack residential validation documents, do not often get their electoral registrations and hence cannot cast their votes.

The Finance Minister's package for migrant workers provides little relief while the state governments have made ad hoc noises about setting up Migration Commissions (without revealing its composition), registration of workers and extending some meagre sums as social security. The Finance Minister, under the AtmaNirbhar package, provided 5 Kg of food grains to an estimated 80 million migrant workers who are not covered by the National Food Security Act, 2013. The problem in the delivery of this measure is the "identification" of the faceless migrant workers which the government has admitted. The government has also announced the launch of affordable rental housing complexes for migrant workers/urban poor under the Pradhan Mantri Awas Yojana. Then, it has set the deadline for its well-meant "One Nation One Ration Card" as March 2021. The Finance Minister has also offered ₹10,000 as special credit facility to 50 lakh street vendors who could also

be migrant workers. Thus, we see the government, in pursuit of the misguided and ill-placed notion of self-reliance, offered liquidity and cheaper loans and short-term work under schemes and some meagre cash transfers in some states to uprooted migrant workers. Meanwhile, it completely refused to implement what the academics and activists, and even employers cried out in a collective voice: direct benefit transfer to all poor people in an encompassing manner.

It's a known fact that construction workers constitute another class of the vulnerable workforce. An expansive legal framework exists for this sector, offering a social security net through the creation of a welfare fund sustained by levying cess on employers. It is shocking to note that millions of rupees in the construction workers' cess fund remained unutilised or mis-utilised. Even after a federal directive to provide cash and other benefits to the construction workers, of the estimated ₹31,000 crore available funds, 16% has been spent on 19.91 million workers, according to official data. Less than half (46.85%) of the estimated 55 million workers in the construction sector 2017-18 are registered under the BOCWA (Data from the Labour Ministry, GoI). This is another gaping hole in the labour administration.

Labour Rights: A History

Labour rights in a pluralistic and democratic country such as India

“Millions of rupees in the construction workers' cess fund remained unutilised or mis-utilised.”

are derived from two primary sources, viz. the Constitution and international treaties. In the case of labour, the instruments of the United Nations and those of the ILO, viz. the Conventions and Recommendations, are the relevant international treaties. Article 253 empowers Parliament to make any law, for the whole or any part of the territory of India, for implementing "any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

ILO's Conventions and Recommendations form the "international labour standards" (ILS) framework. The objective of ILS is to promote "opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity." Till date the ILO has adopted 190 Conventions and 206 Recommendations. India has ratified 47, of which 39 Conventions are in force. India has not yet ratified two of the eight Core Labour Standards, viz. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise

and Collective Bargaining Convention, 1949 (No. 98).

Labour Rights: The Beginning

A series of versions of Factories Act since 1881 were enacted, which initially, were largely concerned with regulation of juvenile workers and women. Later, owing to powerful and spontaneous representations made by socialist-minded leaders like Narayan Meghaji Lokhande and S.S. Bengalee, who were instrumental in mobilising inchoate workers' organisations and opinions, the government started to guarantee workers' rights for weekly off, rest hours during the day, among other things.

Legal Framework in Independent India

Soon after independence the Constitution of India was framed. It envisages a socialist, secular and democratic republic and holds that society must be founded on the principles of justice, fraternity, and liberty. The law and policy makers preferred state intervention to pluralistic voluntarism to govern the Industrial Relations System (IRS). The legal framework governing the IRS and labour market comprised central and state labour laws and other regulations. The central labour laws could be classified under five subjects, viz. Generic Laws providing for registration and also regulating conditions of

work, including safety and health; Industrial Relations; Wages; Social Security; Special Categories of Workers. Generic Laws comprise Factories Act, 1948, Plantations Labour Act, 1951, Mines Act, 1952, etc. Industrial Relations laws include the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946 (IESOA), and the Industrial Disputes Act, 1947. Wages laws include Minimum Wages Act, 1948, Payment of Wages Act, 1936, the Payment of Bonus Act, 1965 and Equal Remuneration Act, 1976. The Social Security laws include Employees' Provident Fund Act, 1952, the Employees' State Insurance Act, 1948, the Payment of Gratuity Act, 1972 and the Maternity Benefit Act, 1961. The laws under 'Special Categories of Workers' include the CLRAA, Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the ISMWA and the BOCWA.

The colonial institutions of tripartite social dialogue (Indian Labour Conference, ILC) and Labour Ministers' Conference have been continued in independent India.

The exploitative practices relating to the migrant workers in several parts of the country and especially in Odisha led to the enactment of ISMWA in 1979. The law requires formalisation of ISMW in terms of registration of enterprises using them and contractors securing their labour services. It provides for equal

pay for equal work, safe working conditions, shelter, travelling and return journey allowances unconnected with regular wage payments, etc. Though it provides for registration of principal employers and the contractors through license system, it does not explicitly provide for registration of ISMW.

Though not belonging to the command economy but during the infancy of the neo-liberal period, 1991+, another important legislation concerning construction workers was enacted. The central government, in pursuance of the 41st Labour Ministers' Conference in 1995, enacted two laws, viz. BOCWA and the Building and Other Construction Workers' Welfare Cess Act, 1996, to address the conditions of work and welfare of millions of workers in the largely unorganised construction industry.

Labour Law and Governance Reforms During the LPG (Liberalisation, Privatisation, and Globalisation) Period

Even though reforms started taking place since the mid-1980s (e.g. turning the policy attention on exports) concrete reforms began to be introduced since 1991, as the new economic policy was introduced in June 1991. Then, over the decades, wide ranging economic reforms

took place --- to liberalise the product market internally (e.g. removing industrial license system, scrapping monopoly regulation laws, greater play for the market forces, etc.), privatise the economy (by reducing the space for public sector, privatising public sector enterprises or disinvesting shares in them, etc.) and open the economy for free trade, investment, technology, etc.

Neo-Liberal Reforms Agenda and Labour Rights

There are three major reforms with respect to labour laws. One, labour laws must be modernised, rationalised and amalgamated in the form of Codes. Two, laws provide for rigorous and intrusive labour inspection system (pejoratively called as “Inspector-Raj”) and this has to be liberalised. Three, restrictive labour laws and clauses need to be liberalised. These are the major demands, and all of them abridge and even dilute labour rights.

Laws for Unorganised Workers – A Blip in the Dark Sky

The enactment of the two laws concerning the BOCWA galvanised the mobilisation efforts of workers in the unorganised sector. It came into the spotlight and made an entry into the labour law reforms debate arena.

The labour law reforms took a positive turn as the government, especially UPA-1, academics as well as the labour movement (civil society organisations, new forms of labour organisations like the National Centre for Labour, among others) lobbied for legislation for unorganised workers. As a result, though circumscribed by conservative fiscal politics and neoliberal concerns, the eventual defective law, the Unorganised Workers’ Social Security Act (UWSSA) was passed in 2008. It provides for registration and delivery of portable smart identity cards which will facilitate receipt of social security benefits conceived under the Act. Simultaneously, other segments of unorganised workers --- domestic workers, home-based workers and street vendors --- were demanding national policies and laws on their rights, social security and the right to vend, among others. After much struggle by street vendors, with international solidarity and litigation, the central government enacted the Street Vendor (Protection and Regulation of Street Vending) Act 2014.

Labour Law and Governance Reforms in the Post-Reform Period

There have been four waves of labour law and governance reforms and these occurred largely since 2000. The first wave started with the amendment of the CLRAA by the then Andhra Pradesh (AP) government in

“***The exploitative practices relating to the migrant workers in several parts of the country and especially in Odisha led to the enactment of ISMWA in 1979.***”

2003. This allowed contract labour employment in non-core and even in core economic activities under some conditions. However, despite the pressure exerted by the employers’ associations in other states to “imitate” the “AP Model,” no reforms took place. Meanwhile, Karnataka, in a bid to facilitate the ease of doing business, rationalised bureaucratic procedures concerning starting of business, including those related to labour. Punjab, Gujarat and Maharashtra introduced the ‘Self-certification’ system, under which, firms can opt for self-declaration of compliance of labour laws. This particular category of businesses will be inspected once in five years.

Substantial liberalisation of labour inspection and simplification of labour bureaucracy measures were introduced in special economic zones (SEZs), information technology (IT) and IT-enabled Services (ITeS) and bio-tech industries in many states. Several declared them as “public utility services” under the IDA which

made legal striking virtually impossible. Thus, the first wave of reforms signalled that “regional spaces” will be major sites of reforms.

The NDA-2 government, under the leadership of Narendra Modi, came to power in 2014. The industry was buoyed with a huge anticipation of labour law reforms. It has not been disappointed though the reforms process has not been as smooth as was expected.

The second wave of reforms again took place at the regional spaces. The Rajasthan government kickstarted the ‘hard’ reforms --- affording labour flexibility (hire and fire) and removing many small establishments and contractors from the purview of labour laws, as the Factories Act, the CLRAA and the IDA were amended. Several states imitated Rajasthan, referring to the reforms process as the ‘Rajasthan Model.’ Several state governments, such as Haryana, Assam and Jharkhand, have carried out reforms either partially or like Rajasthan.

The Third Wave of reforms have been taking place at the national level, though haltingly. The central government has

initiated some innocuous reforms of registration procedures and firm compliances in the central sphere (Shram Suvidha Portal) and has randomised the inspection system in it. On the other hand, since April 2015, the Government of India has been preoccupied with the Codification of the so-called numerous central labour laws into four Codes, viz. Code on Wages, Code on Industrial Relations (CIR), Code on Occupational Safety, Health and Working Conditions (OSHWC) and Code on Social Security (CSS). The Parliamentary Standing Committee (PSC) has submitted its Reports on CIR and OSHWC while its report on CSS is pending. The Code on Wages was gazetted in August 2019 but the Rules under it are still pending. Hence this Code has not come into effect at the time of writing (July 2020).

Despite a plethora of labour laws and regulations as well as a robust institutional framework to govern the IRS and the labour market, things don’t seem to look very upbeat for the worker. Either these laws cover few workers or even if they do, they are not effective.

“***Despite labour laws and regulations as well as a robust institutional framework to govern the IRS and the labour market, things don’t seem to look very upbeat for the worker.***”

Today, the world is battling one of the worst pandemics in history. Simultaneously, the COVID-19 virus has exposed extreme vulnerabilities of many labour laws and administrative systems, especially related to precariously placed workers like migrant labourers across multiple sectors and daily wagers.

Make no mistake. Social security for unorganised workers, unemployment allowance/ insurance, right to work in both rural and urban spaces, among other rights, are the need of the hour. In fact, the best reform right now is to implement the unfulfilled labour laws, rather than bring in massive relaxations in that domain.

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THE HEAVY BURDEN OF MIGRATION

When the lockdown was announced on March 24 to prevent the spread of the coronavirus, migrant workers in towns and cities across India saw their lives upended.

The loss of livelihoods loomed large, as did mounting food insecurity. Home, in distant villages, seemed the only way out of a life suspended in the thin air of grave uncertainty and biting hunger pangs. So, they began their long journeys, frequently on foot, and occasionally by any vehicle that came their way, to destinations that lay hundreds of kilometres away.

With mountains of luggage on their heads, men, women and children trudged through highways, braving adversities of nature and fate.

Here are a few snapshots of those moving feet --- on the roadsides of Faridabad and at a bus stand in Agra--- telling stories of deep distress and anguish.

Photographs courtesy: Amitesh Kumar/The Lallantop







MIGRATION AND GENDER

Women Bear the Cost of the Lockdown

Drishti Agarwal and Manju Rajput*

The 21-day nationwide lockdown was announced on March 24, 2020, in order to limit community transmission of the disease and to flatten India's curve of coronavirus cases. In the wake of this hasty decision taken by the government, thousands of migrant workers were left stranded in the cities, as the state borders were sealed, public and private transportation banned and the roads were patrolled by the police. *The Economic Times*¹ reported that over 50,000 workers left on foot from Ahmedabad alone, to get to their homes in Rajasthan. As per the cases reported to Labour Line, a helpline run by Aajeevika Bureau, while many workers left for their homes on foot, many remained left behind in the cities, stuck in remote industrial areas of Ahmedabad, Mumbai, Jaisalmer, and were being forced to work by their employers.² The mass exodus of migrants from India's fast developing cities uncovered a serious crisis that has been lying at the heart of our economic growth. It showed the sedentary bias --- a concept in migration studies that hold that being sedentary is the norm while movement is a disruption ---in our policymaking which largely remains pro



PHOTO CREDIT: Noel

An Ujala Samooah (local women's solidarity group) woman in Udaipur's Sayra block preparing meal for her family and taking care of the young.

industry and overlooks the needs of the workers. However, lurking beneath images of walking migrants, were also the challenges of migrant households back in the rural hinterlands. Very less is known about how these migrant households sustained themselves during the lockdown, once the workers were back in their villages. What transpired once the men returned -- within the households and in their communities? The present paper attempts to find answers to these questions in addition to what this movement of migrants means for their village-dwelling families.

As the lockdown persisted, the increased house work for women was accompanied by their increased anxiety around managing the house. This included drawing a loan, arranging for food, water and fodder for the cattle and most importantly, caring for the family members. The nature of these tasks remained highly domestic and were seen as women's responsibilities, increasing their unpaid work burdens within the household. The present paper is based on the evidence collected from the remote villages of southern Rajasthan and uses gender analysis to understand

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“
As the lockdown persisted, the increased house work for women was accompanied by their increased anxiety around managing the house.”

the impact of the nationwide lockdown. In-depth interviews with 30 Adivasi women from migrant households of Udaipur district's four blocks reveal that these households remained some of the smallest yet most vulnerable units during this treacherous time.

Seasonal Male Migration from southern Rajasthan --- Not a New Phenomenon

The movement of people across state borders in search of work has been a decade long phenomenon. This movement of internal migrants has seen a steep rise in the last three decades as captured in the 2011 Census. Eminent journalist P. Sainath highlights that the Census of 2011 noted for the first time after 1921, that 'the number of people urban India added to its population was more than the number of people rural India added to its population.'³ In southern Rajasthan, this phenomenon is characterised by the movement of Adivasis in the region having low nutritional levels, health, and education

towards the adjacent states of M.P and Gujarat, occupying the 'lowest of the heap'⁴ jobs in the labour markets. The historical depletion of natural resources in the region has decreased the dependence of these migrant communities on their traditional livelihoods,⁵ rendering them out of work and desperate. The industries use this desperation to employ them in exploitative work conditions only to maximise their own profits. Jain and Sharma⁶ explore the exploitative work conditions of these workers in the cities, characterised by complete suspension of labour protection, vertical mobility, dignified living conditions and safety. Sharma *et al.*'s analysis in 2014⁷ found that the median monthly income of an unskilled Adivasi seasonal migrant worker from southern Rajasthan is ₹5000. While the cost of living for a single male migrant worker in the city of Ahmedabad (a major destination for the migrant workers) was found to be around ₹3500-₹3800 monthly.

This is exclusive of any kind of support provided by the employers towards workers' food and lodging. It was further understood that in cases where the employers contributed towards their food and lodging, their wages did not even meet the minimum wage threshold.⁸ A recent analysis by Aajeevika Bureau (2019-2020) shows that the wages remained stagnant and same, while inflation has grown so much in this five-year

period from 2014 to 2019.⁹ This is accompanied by delay in payments, and wage disputes which further hinder the monthly flow of wages in the economic basket of the migrant household. Additionally, they have severe implications on the consistency of remittances sent back to the families in the villages.¹⁰ Thus, the sudden suspension of work in the month of March, brought a new array of problems for the migrant workers. They were already reeling from the impact of low wages, along with long standing delayed payments and work-related disputes. Therefore, many workers had no other option but to head back home in a state of complete helplessness.

The next section of the paper offers a close analysis of the working of a migrant household in southern Rajasthan. Evidence collected from the literature suggests that the migrant household has been dependent on the 'care duties and social reproduction' performed by women of these migrant households.¹¹ The concept of Social Reproduction is understood as the process of reproducing the labour power itself before that labour power is exchanged for value in the market. As Antonella Picchio explains in *Social Reproduction: The Political Economy of the Labour Market*, "housework is the production of labour as a commodity, while waged work is the exchange of labour. To be exchanged, labour must be produced."¹²



PHOTO CREDIT: Noel

A woman collecting plums from the jungle, while her child rests beside her.

Jain and Jayaram further highlight the intensity of women's responsibilities from migrant households and challenge the notion of 'left behind women',¹³ a popular term to address women from areas having high incidence of male migration. Using field evidence, the current paper argues that the existing women's duties of reproducing a migrant household was further intensified during the lockdown.

Role of Social Reproduction in Sustaining a Migrant Household

In southern Rajasthan 80% of the interstate migrants are males who migrate towards Gujarat and Maharashtra, as their families (wives and children) remain in the village.¹⁴ Ravi Srivastava has highlighted such a trend in the national migration data as well,¹⁵ where 85% of the short distance

seasonal migrants are male who move without their families.

Aajeevika Bureau's estimate around women's contribution towards a household accounts to over ₹50,000 monthly!¹⁶ This is the valuation of the free labour that women perform for their families. This amount can be seen as household savings as families would have to pay around ₹50,000 if they were to pay wages to someone to perform the services that the household's women perform for free.

Before the lockdown was imposed and the male members were away in the cities, a typical day¹⁷ of an Adivasi woman's life from migrant communities of southern Rajasthan was characterised by a variety of tasks. The tool of time use employed through participatory workshops with over 400

Adivasi women suggests that their day starts early at dawn and is soon engulfed by daily tasks of looking after the cattle (cleaning and milking them), cleaning the house and cooking for all the family members. In addition, there's going to Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) work or local construction sites whenever work is available. There are serious overlaps between the paid and unpaid care work performed by women from these communities. As highlighted by participant observations at the construction and (MGNREGA) work sites, tribal women also engage in the collection of firewood during the lunch break at the latter. Similarly, care is provided to the young children who often accompany women to their work sites, as there is no one to take care of them at home. In a study conducted in 2016, Mohan *et al.*,¹⁸ found that women spent a median of three hours in managing farms and two hours in collecting firewood and grazing cattle. It is to be noted that 50% of those women were also engaged in local wage labour which takes around eight hours of their time. For that work they are paid somewhere between ₹100-₹200 a day, which is much lesser than the wage received by their male counterpart for the same job. The study found that another five hours of their time is spent in travelling outside to go to the market- to buy basic goods, ration, and fulfill other

social and religious obligations. The rest of the evening is spent in cooking and cleaning for the family members.

This work done by women is crucial in processing the wages earned by the male migrant as well as to make up for the gaps in it. She makes up for the vagaries confronted by the male migrant in the city through her physical, mental and emotional labour.

It is through this lens of social reproduction that we are going to analyse tribal women's experiences from migrant communities in southern Rajasthan during the lockdown. Thirty women between 25 and 45 years were interviewed at length in April and May (the third month of lockdown in Rajasthan) on their experiences of going through the difficult phase. Two group discussions were also conducted, one with women between the age group of 40 and 60 years, and the other one with women who survived domestic violence at home. The next section looks at these diverse experiences of women from these communities and places them in the larger framework of social reproduction.

Findings: Gendered Implications of the Lockdown

Increased Amounts of Unpaid Work

Conversations with women from migrant households during the

lockdown suggests that their unpaid responsibilities had doubled during the lockdown as the male migrants had returned home. The nature of their unpaid work has also undergone a major transformation. Tasks that were traditionally not considered women's responsibility --- drawing a loan, arranging food on credit, managing their credit worthiness, or harnessing meagre ways of earning money --- became essential towards sustaining the household.

Ramli bai* from Sabla shared: "My husband is back home now. He orders me directly from his bed if he needs anything, or just claps while lying on the bed. He never takes anything on his own." The increased work load has been accompanied by extreme amounts of stress for women as the entire responsibility of managing the house fell on their shoulders.

The feeling resonated with every woman interviewed. As Gomli Bai from Bhabhrana's Amalva panchayat explains: "The task of fetching water cannot be done by the husband. If he will bring water, people will think I am not a good wife...sitting in the house, while the husband goes out to get water. Izzat (respect) is more important." Household tasks have always been associated with the idea of a good woman and bad woman. Even in a crisis situation, there has not been any discount on these tasks, however, women's other responsibilities have increased manifold. Earlier,

“Work done by women is crucial in processing the wages earned by the male migrant as well as to make up for the gaps in it.”

male migrants would return to their villages during monsoons, mainly to work on their farms.¹⁹ Women reported that men only work in the fields ---building boundary, watering the fields, sowing and ploughing. Devlibai says: "When he comes back, he works in the field, however it was not the farming season this time. He helps there but when he is home, he doesn't do any work." The farm work has a productive value assigned to it because of the monetary value it fetches for the family. However, similar contribution by male members is not made in the unpaid household tasks. German sociologist Maria Mies²⁰ argues that the process of housewifisation of women's labour blurs the sources of value. It hides the productive contribution of women to the market and devalues their contribution by terming them as non-value producing.

Almost every household reported facing serious resource and money crunch during the lockdown period as there was no work at all. With the 10 kg wheat of the Public Distribution System, basic food requirement

was taken care of for those who were covered by the Food Security Act. However, those falling outside its ambit (due to problems at the operational end), faced serious difficulties. A garasiya (a tribe residing in Rajasthan and Gujarat) woman from Gogunda's Shivadiya shared that they have a family of 10 and only eight members have been enlisted in the food security list. She says: "Only I know how I am managing the house. There is no food at all. We go to people's houses to ask for dry chilli or buy it from a shop. We then eat it with chapatis."

The scarcity of resources, dysfunctional implementation of social security and meagre savings also increased women's responsibility for arranging things on credit. Manka Bai from Gogunda's Palasma panchayat shares that her husband does not share her worries of managing the house. Even during the lockdown when all kinds of construction and allied activities were suspended, women took on the task of earning money through available resources. For Kerpura's Hansa, stitching and selling clothes remained the only option while for Palasma's Mirkibai, selling vegetables that she procured from her parents' village became the only source of income.

The intimate nature of these diverse tasks, as argued by Jain and Jayaram, forms the basis of women's relationship with the household, as a wife, mother,



PHOTO CREDIT: Noel

An adivasi woman in Kherwada, carrying water to meet the household's requirements.

daughter or sister in law and interlaces their tasks with the duties of love, care and sex. It was this expectation of love and care that increased the work burdens of women during the time of a crisis like the present one. In cases where this expectation was not fulfilled, women were met with violence from their husbands and in laws. In fact, the very same intimate quality of these responsibilities further justifies this kind of domestic violence. Sarita, a Rajput woman from Barwada's Boramcha panchayat, wishes for the lockdown to last for another six years. She managed to come to her mother's house in Boramcha after a month of the nationwide lockdown to escape her husband and his family. She decided to leave when the fights, verbal abuse and attacks on her character started becoming unbearable --- all stemming from the in-laws' dissatisfaction regarding her household work

responsibilities. "Earlier they had issues with whatever we (she and her sister in law) cooked. But now that we both have left the house, they are making and eating khichdi every day," says Sarita. In a different context, Yeoh *et al.*,²¹ while studying transnational wives in Singapore, argues that the social contract of marriage, renders all forms of work as intimate to a greater or lesser degree and the quality of work is often demanded and seen as a measure of love within a marriage. Thus, when that quality of work is not met, violent retaliation towards hurting women's dignity and their bodies is often justified.

Kokila from Udaipur's Kherwada block shares that her husband's long-standing affair started becoming a reason for their increased quarrel till the day her husband beat her up and threw her out of the house at midnight.²²

Women's testimonies prove that the domestic quarrels have not only increased during the last three months but have also turned more violent. With limited resources and increased stress levels, women are at the receiving end and are accepting physical blows on their bodies.

These responses also determine the impact of migration on women's lives. Even though many acknowledged that they would have been worried about the husband if he had not managed to come back, around 50% also confessed that they would have preferred it otherwise. "It is better when he is away in the city working. I feel freer and he also sends money back home," said Gopi Bai.

Single Women Households

Single women had no one to share their work and worries with. Households headed by this category of women reported not receiving goods on credit during the lockdown as their credit worthiness is low. Many single women from Salumbar's Banoda panchayat have even described coronavirus as a 'hunger crisis'.²³

In addition to this, panchayat officials pose a set of challenges for these households, making it impossible for them to access government schemes. "When I went to the panchayat to demand work under MGNREGA, the watchman outside the office started asking me all kinds of questions," says Gamani Bai. Challenging Adivasi women's

knowledge and reprimanding them for coming to the panchayat office have long been practised in these remote areas.²⁴ For single women, this unfair experience becomes even more frequent and is further worsened by unrealistic demands by panchayat officials.

This highly stigmatised group of single women live in acute social isolation and discrimination, with serious implications on their mobility and ability to earn. While the occurrence of child labour is not limited to such families and is a broader phenomenon, Aajeevika Bureau's 2017 analysis found that it was more common in women-headed households. Not only were more children seeming to drop out of school to work, they also seem to start younger and work more regularly than other children. Such pressures continued during the lockdown, with many young children from single women headed families, bearing the cost of their families alone. In Salumbar's Baroliya, 14-year-old Mukesh had to return to his village during the lockdown. He was working in an eatery in Ahmedabad earning ₹8000 but he is back now in the village and is working on other people's farms as every other work has been shut. Mukesh is the primary earning member in his family of six. His widowed mother suffered from tuberculosis and was not able to toil for long stretches.²⁵ Mukesh lost his mother to the treacherous disease in June.

The industry, using migrant labour as well as the labour of these women, to reproduce these households and for their own capitalist accumulation, rendered them completely helpless during the lockdown. Left with no income or savings, these migrant households simply relied on their womenfolk and their meagre resources in the villages to sustain themselves. The public health emergency presented through the pandemic, has been borne with the cost of the lives of the most vulnerable, who walked thousands of miles to get back home. And most importantly, the wives of these migrant workers who stayed back in the villages bore this cost of the sudden and unplanned lockdown through their labour, mental and physical exhaustion and by bearing the blows on their bodies. The labour of these women ensured that the male workforce remains available for the industries when work resumes in the cities. Even though the often-referred 'left behind women' did not walk thousands of miles to get home, their struggles in sustaining those houses have not been any less. The cost of the continuous social reproduction performed by these women, has remained hidden and unvalued.

Note: * Names of interviewees have been changed to protect their identity.

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HOMeward BOUND

The Epic March of the Migrants

Common Cause Team

The nationwide lockdown to prevent the spread of coronavirus underscored the unequal and excluded status of migrant workers. There has already been a surfeit of news reports and studies documenting how this vulnerable population has been dealt a cruel blow. However, we have curated a list of research-based and data-driven articles as additional reading material, offering multiple perspectives and a nuanced understanding of the crisis.

To be sure, these vulnerable workers have been hit hard. Many perished along with their dreams of a better life. According to the non-profit SaveLIFE Foundation (SLF), which works on improving road safety and emergency medical care across India, 198 migrant workers were killed during their commute back home, and they comprise 26.4% of the overall deaths during the lockdown (between March 25 – May 31, 2020).¹

Those who managed to survive had hunger to contend with. There was food insecurity even when they returned to their origin states. Government data has revealed that only 13% of eight lakh metric tonnes of free food grains allocated

for returning migrant workers under the Atmanirbhar Bharat package have actually reached migrants during May and June. This is apropos to the special allocation made by the Centre in May. Data shows that at least 26 states and UTs have lifted 100% of their allocation from the Centre but not one of them distributed full quantities to the beneficiaries in the last two months.²

Will the hardships of the neglected and underserved communities ever abate? Philip Alston, the UN's outgoing special rapporteur on extreme poverty and human rights has pointed out in a report that "many world leaders, economists, and pundits have enthusiastically promoted a self-congratulatory message, proclaiming progress against poverty to be "one of the greatest human achievements of our time," and characterising "the decline [in poverty]... to less than 10%, [as] a huge achievement."³ However, he contends that the success story airbrushes out the situation of hundreds of millions, often from groups disproportionately affected by poverty, including homeless people, pastoralists, migrant workers and many others.⁴

Following is a selected list of article summaries for an overview of the humanitarian crisis. The links to the original articles are also provided below each summary.

'To Leave or Not to Leave? Lockdown, Migrant Workers, and Their Journeys Home'

The Stranded Workers Action Network (SWAN), featuring volunteers from various civil society groups, academics and students enrolled in university education, released its third report on June 5, 2020. The study details the hunger, trauma and despair of migrant workers who have built our cities and kept them running. Amidst the lockdown-induced uncertainty, homelessness and dispossession, these are tales of acute deprivation. This report reveals that nearly four-fifth of migrant workers (out of 5,911) who called SWAN volunteers for help (a total of 821 distress calls were made) between May 15 and June 1, could not access rations provided by the government.

Stranded migrants faced similar levels of food distress during the second half of May as it existed during the first phase of the COVID-19 lockdown i.e. during March 25 to April

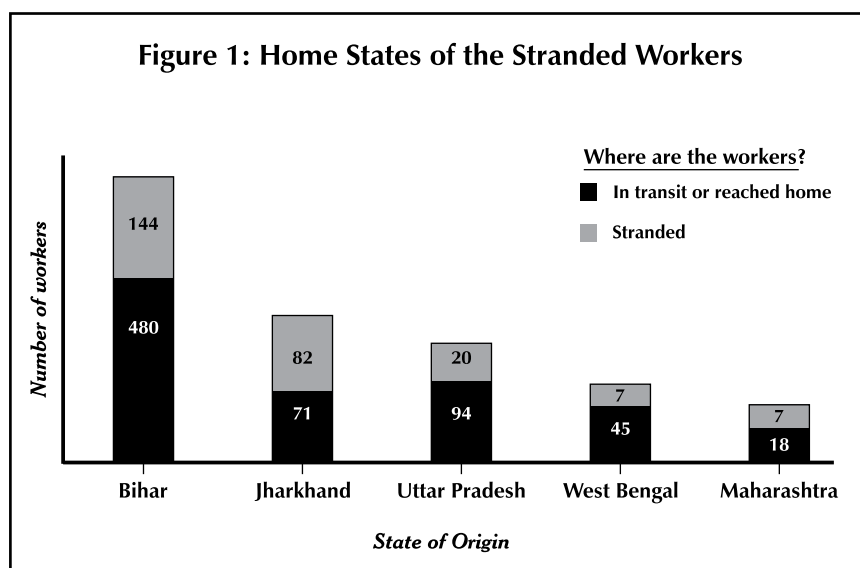
14. This happened despite the announcement of various schemes and relief measures/ packages by the Central and state governments, including the Pradhan Mantri Garib Kalyan Yojana (PMGKY) and Atmanirbhar Bharat.

The latest report to a large extent covers the situation of migrants during the fourth phase of lockdown i.e. May 18 to May 31. It has been found by the report that almost three-fourth of people (i.e. 76%) who called SWAN volunteers since May 15 had less than ₹300 left with them, whereas 72% of people had less than ₹200 left with them. Almost 63% of people had less than ₹100 left with them.

Roughly 57% of the people sent in 'SOS' calls (representing 820 people) with no money or rations left or had skipped the previous meal. It indicates a sharp hike of seven percentage points in comparison to the second phase of lockdown.

The SWAN volunteers also collaborated with Gram Vaani (<https://gramvaani.org/>) -- a social tech company incubated out of IIT-Delhi -- to collect responses from 1,963 workers (to questions asked) using Interactive Voice Response (IVR) calls.

It was found during these IVR-based interactions that two-third (of 1,963) migrants were still stuck in the same place since the lockdown began, whereas only 33% were able to leave. **Figure-1**



shows that Jharkhand has the highest proportion of migrant workers (i.e. nearly 54%) who reached home.

Of those who were stuck, 55% (out of 1,166) were eager to return to their homes/ native place immediately. When the same set of workers were asked the question at the end of April this year, then only one-third wanted to leave immediately after the second phase of lockdown ended.

Almost three-fourth i.e. 75% (of 1,124) of migrants who were still stuck in places they had migrated to for work earlier, did not have any employment due to the lockdown. So, there were concrete economic reasons behind migrants' willingness to return back to home/ native place, instead of mere 'sentiments.'

About 44% of those who left took buses and 39% managed

to get on Shramik special trains. Nearly 11% travelled in trucks, lorries and other such modes of transport while 6% just trudged back home, risking their lives.

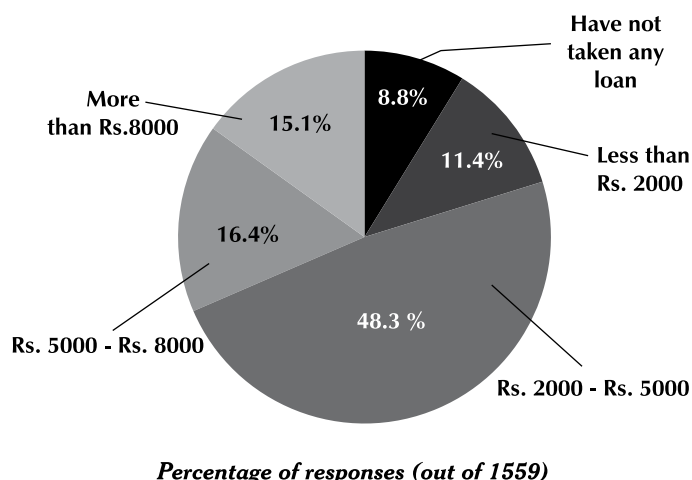
The Supreme Court had issued an interim order on May 28 that migrants will not have to pay for travel. However, that order came too late, according to the latest SWAN report. Over 85% of the migrant workers who returned home or were in transit had to incur expenses for their journey. Of those who travelled, more than two-thirds had to pay more than ₹1,000 for the journey.

Out of 1,559 migrant workers, over 90% had taken loans during the lockdown period and about 15% had borrowed more than ₹8,000 (**Figure-2**).

The latest report also provides detailed testimonies of migrants, highlighting the range of travel-related problems they faced.

Report: <https://bit.ly/3i33or6>

Figure 2: Since the beginning of lockdown, how much have you taken as loan for rations, etc?



The percentage of female workers who lost their employment during the lockdown was higher in all categories (casual, regular-salaried and self-employed) and in both urban as well as rural areas.

Respondents have also reported a significant drop in earnings. Average earnings of casual workers from urban and rural areas dropped by 53% and 50% respectively. For self-employed workers from urban and rural areas, the average fall in earnings was 82% and 89% respectively.

More than half of the urban wage workers received either reduced or no salary during the lockdown period.

'Azim Premji University COVID-19 Livelihoods Survey'

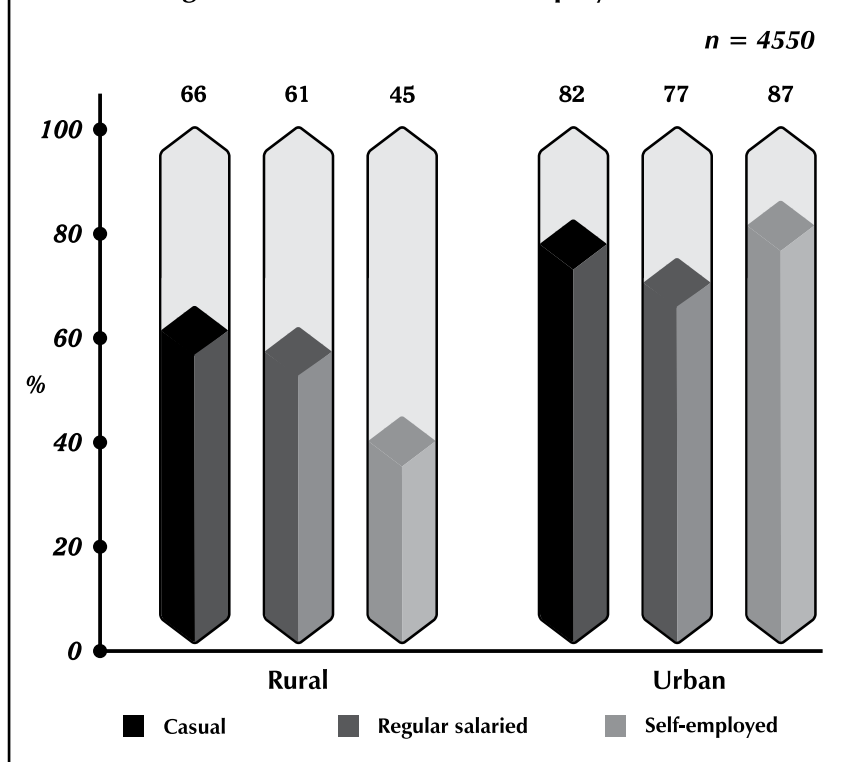
Azim Premji University, in association with 10 civil society organisations, conducted a survey in several major states to understand the impact of the lockdown on livelihoods and knowledge of and access to relief schemes. For the study, over 5000 telephonic interviews were conducted between April 13, 2020 and May 20, 2020.

Impact on livelihood

The study reveals that nearly two-thirds of urban and rural workers lost their employment during the COVID-19 lockdown. The self-employed in urban areas were the worst hit by the lockdown. In fact, 87% of them reported that they lost their employment. Regular salaried workers from urban areas were the least affected. In rural areas,

casual workers, including daily wage workers, construction workers etc., were affected the most, with 66% losing their employment (**Figure-3**).

Figure 3: Workers who lost employment(%)



Impact on household

The study highlights the adverse impact of the lockdown on urban as well as rural households. However, data clearly indicates that the impact on urban households was much worse. Eight out of 10 urban households were forced to consume less food during the lockdown. Nine out of 10 urban households didn't have money to pay the next month's home rent and almost two third migrants from urban households reported that they didn't have enough money to buy even a week's worth of essentials (**Figure-4**).

Most urban (41%) and rural (33%) households had even

taken loans from informal sources to meet their daily expenses.

Access to relief measures

Percentages of households who received relief measures like ration and cash transfer during the lockdown were significantly higher in the rural region.

In order to help the poor during the COVID-19 lockdown, the government had on March 26, 2020 declared that an ex-gratia monthly payment of ₹500 would be given to women Jan Dhan account holders for the next three months, starting from April. Data from the survey indicates that nearly 41% and 24% of

the Jan Dhan account holders from rural and urban regions respectively had received the cash transfers. However, among the 3535 workers surveyed, more than half said that they don't have Jan Dhan accounts.

Reach of direct cash transfer is weaker in urban areas as almost two third of urban migrants reported that they didn't receive a single cash transfer (**Figure-5**).

Report: <https://bit.ly/30uz4hl>

For additional reading: <https://bit.ly/2VJAONh>

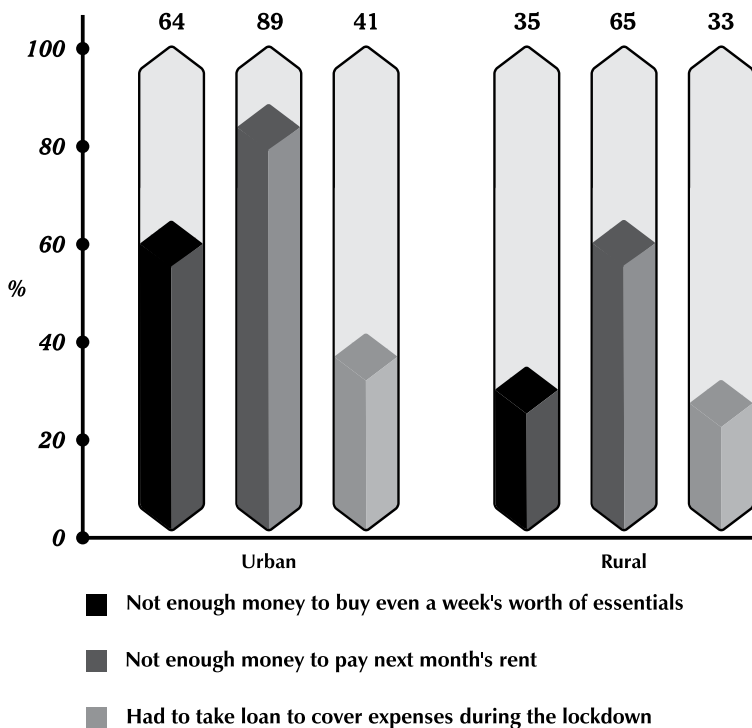
'86% jump in MGNREGA demand in districts most migrants returned to'

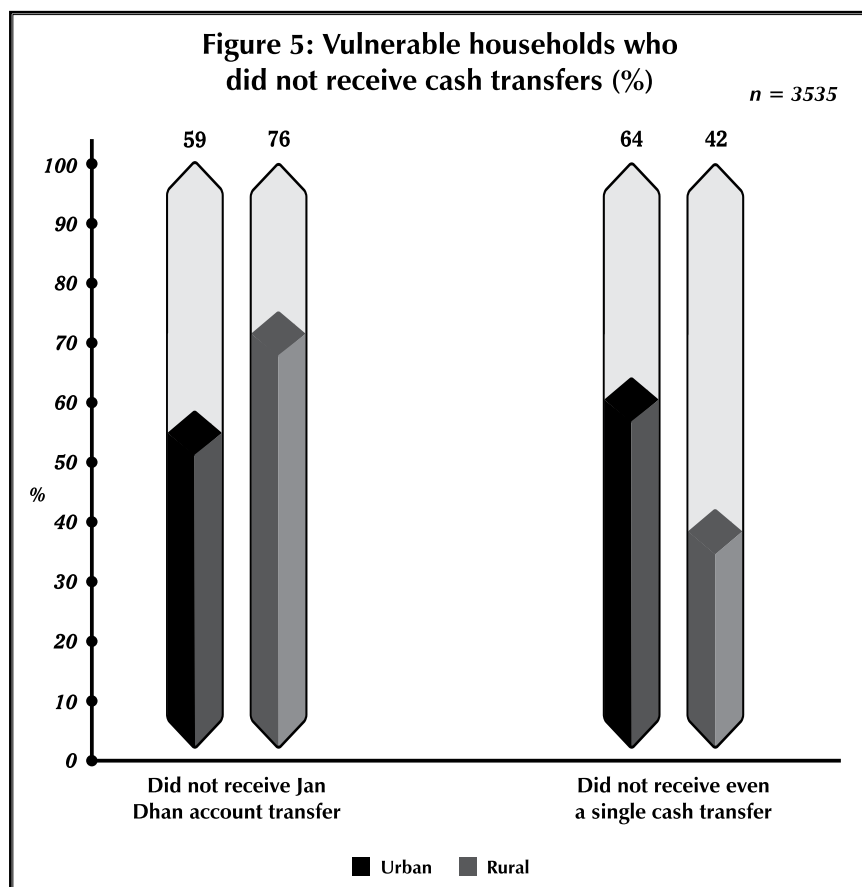
In an article by Harikishan Sharma in *The Indian Express*, data analysis on the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) portal shows that the number of households availing MGNREGA work in districts most migrants returned to jumped to 89.83 lakh during May. This is a jump of 86.27% from 48.22 lakh in the same month last year.

As migrant workers wound their way back to their hometowns during the lockdown, work demand under the MGNREGA saw a dramatic swell in May in 116 districts across six states. Each of these districts received more than 25,000 returning migrants. Among these 116 are 32 districts from Bihar, 31 from Uttar Pradesh, 24 from Madhya

Figure 4: Households without enough money to buy even a week's worth of essentials (%)

n = 4570





Pradesh, 22 from Rajasthan, three from Jharkhand and four from Odisha.

Earlier the government launched the Garib Kalyan Rojgar Abhiyan in these districts to provide employment to those who have returned.

Out of the six states, Uttar Pradesh accounts for the highest jump of 313.81% in the number of households availing MGNREGA work. The number of households availing household work in the state's 31 districts went up to 27.78 lakh this May against 6.71 lakh in the same month last year. These 31 districts received a total of 17.47 lakh migrant workers.

Out of the 116 districts, nine — Ghazipur, Lakhimpur Kheri, Mirzapur, Deoria, Varanasi, Gorakhpur, Amethi, Rohtas and Maharajganj — saw a jump of over 500% in the number of households availing MGNREGA in May as compared to the same month last year. Similarly, a jump between 401% and 500% was registered in seven districts, 301-400% in six districts; 201-300% in 11 districts and 101-200% in 18 districts. The majority of districts registering the highest jump in demand of MGNREGA work are in Uttar Pradesh.

Only six districts out of these 116 — Saharsa, Bhagalpur, and Madhepura in Bihar, Karauli, Jodhpur and Hanumangarh

in Rajasthan, and Giridih in Jharkhand — registered a decline in number of households availing MGNREGA work in May as compared to May last year.

The full-month data is available up to May, when the reverse migration process was not complete. These 116 districts have received a total of more than 63 lakh returning migrants.

Across the country, the number of households that availed work under MGNREGA this May reached the highest ever figure of 3.29 crore — the figure was 2.12 crore in the corresponding month last year. Till June 26, the figure has crossed 2.70 crore.

Read more at: <https://bit.ly/3i9RvQ9>

‘The Covid-19 Lockdown in India: Gender and Caste Dimensions of the First Job Losses’

In a June 2020 Discussion Paper series on Economics published by Ashoka University, Indian economist and professor Ashwini Deshpande brings out the increased economic vulnerability of women and Dalits as a consequence of the Covid-19 lockdown.

The paper, *The Covid-19 Lockdown in India: Gender and Caste Dimensions of the First Job Losses* investigates the immediate after-effects of the lockdown on the employment status of individuals, particularly with reference to women, SCs, STs

and OBCs. Based on national-level panel data from Centre for Monitoring Indian Economy (CMIE)'s Consumer Pyramid Household Survey (CPHS) database, this statistical analysis provides insights into how women, and Dalits in particular, have been disproportionately affected by the economic shutdown caused by one of the most stringent lockdowns in the world. As pointed out in the study, India had already reached the highest possible level of stringency by March 22, 2020, according to the Stringency Index developed by the Blavatnik School of Government at the University of Oxford.

Deshpande's analysis reveals the following findings:

1. The main effect of the lockdown was that in the first month (April 2020) individuals were 12.8 percentage points less likely to be employed, compared to the pre-lockdown period, which translates into a 33% reduction in likelihood of being employed. However, individuals who were already employed in the pre-lockdown period were 53% more likely to be employed in the post lockdown period compared to those who were not employed earlier.
2. In absolute numbers, due to the pre-existing gaps in labour force participation rates and employment,

more men have lost jobs in the post-lockdown period compared to women. However, the pre-lockdown employment, which is the strongest predictor of post-lockdown employment, has a much stronger effect for men than for women. Women who were employed in the pre-lockdown phase were 23.5 percentage points less likely to be employed in the post-lockdown phase. Put simply, while the overall drop in male employment is greater than female, women who were employed pre-lockdown are less likely to be employed post-lockdown compared to men.

3. The lockdown also had a differential effect on caste groups. The employment of OBCs, SCs and STs declined by 6, 12.3 and 9.4 percentage points more respectively in the post-lockdown period compared to upper castes. Further, pre-lockdown employment made upper castes 12.8 percentage points more likely to retain employment compared to the base category of STs. Thus, as with women, SCs, STs and OBCs who were employed pre-lockdown are less likely to be employed post-lockdown compared to upper castes.

The above analysis brings out the precariousness of

the employment status of vulnerable groups in the face of an unprecedented economic shutdown. As pointed out by the author, the pandemic has exposed the many fault lines that lay beneath the surface across the world.

Deshpande also contextualises the above findings with the ground situation of women and Dalit workers, many of whom are employed as frontline health workers (ASHA or Accredited Social Health Activists), manual scavengers, etc. In doing so, she touches upon the choice, or perhaps the lack of it, between unemployment on the one hand and the increased risk of exposure to the virus on the other.

Read more at: <https://bit.ly/2COOTHt>

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CASE AND ADVOCACY UPDATES

Supreme Court Cases

Writ for Police Reforms: This matter was taken up on June 12, 2020, when the Court, as an exception, allowed Tripura to give relaxation of five years in the appointment of Director General of Police (DGP). The Apex Court held that the reduction of the experience period for appointment as DGP from 30 years of service to 25 years was a one-time exception, and maintained that the original rule will stay intact.

It stated in its order that “as a result of the Union of India declining to release one eligible candidate Shri Amitabha Ranjan, IPS, for appointment as DGP, there was only one other candidate available for appointment as DGP in the State of Tripura.” The amicus curiae suggested that the monitoring of the implementation of the guidelines resulting from the present case be relegated to the jurisdictional High Courts. In response, the Court felt that the matter required further consideration and directed the matter to be listed after four weeks.

Illegal Mining in Odisha: This matter was taken up twice on March 23 and March 27, 2020, where the Court granted relief to an applicant for sale of iron ore

based on certain circumstances. The matter is likely to be listed on July 9, 2020.

Advocacy Updates

Comments Submitted to the Ministry of Corporate Affairs regarding the Draft Companies (CSR Policy) Amendment Rules, 2020

In response to the Ministry of Corporate Affairs publishing the Draft Companies (CSR Policy) Amendment Rules, 2020, Common Cause submitted its comments and suggestions on March 25, 2020. The main provision of concern was Rule 4 (2), which suggested that registered trusts and societies would no longer be eligible to receive CSR funds once the Act is in force. Common Cause highlighted the unprecedented nature of the move, citing past Ministry initiated Committee reports. This included the High-Level Committee on Corporate Social Responsibility (HLC), set up on September 28, 2018, where there was no mention of removing registered trusts and societies from the CSR funding pool. We also underlined various negative impacts this move would have on the overall civil society activity portfolio and CSO- government collaborations. In addition, we advocated for this provision to be reconsidered,

so that registered trusts and societies continue to receive CSR funds.

Comments Submitted to the Election Commission of India

In response to the Election Commission of India's (ECI) call for comments/suggestions for recommendations of the ECI Working Groups on Various Aspects of Electoral Management, Common Cause submitted both general and specific comments on March 30, 2020. Along with our comments, we also submitted a 'call to action' document titled 'Safeguarding Democracy from Digital Platforms,' for increased regulation on the use of digital platforms for electoral campaigning. This was a follow up to the press conference organised by Common Cause on April 5, 2019, in collaboration with Constitutional Conduct, Internet Freedom Foundation, Free Software Movement of India, Association for Democratic Reforms, and many former public servants as well as former Chief Election Commissioners, Dr N. Gopalaswami and Dr S. Y. Quraishi.

Comments by Common Cause to the working groups' recommendations included:

- The need to monitor and regulate expenditure and use

of digital and online social and news media platforms by political parties.

- Repeal of Electoral Bonds to ensure elections remain free, fair and autonomous from undue corporate deal making and foreign influence.
- Transparency and accuracy in publication of election data by the ECI, and the recommendation to create a grievance cell for investigation of discrepancies in election data and for responding to the elector's queries.
- Transparency in the appointment procedure of Chief Election Commissioners and Election Commissioners via implementation of the recommendations of the 2002 Justice MN Venkatachaliah Commission.
- Ensuring democracy within political parties through increased oversight of the Election Commission.
- The need for expanding voter registration among less represented communities in the country.

Summary of letter submitted to the Union Ministry of Consumer Affairs, Food and Public Distribution regarding the rise of food insecurity of vulnerable populations in India due to the nation-wide coronavirus lockdown:

On May 4, 2020, Common Cause sent a representation to the Union Minister of Consumer Affairs, Food and Public

Distribution Ram Vilas Paswan, providing suggestions to address the mounting food insecurity among vulnerable populations owing to the coronavirus lockdown. Underscoring the need for urgent action to mitigate hunger and distress, we pointed out how crores of people were going hungry despite surplus buffer stocks in government granaries. Common Cause also suggested a bevy of measures to address the food security crisis. Specific suggestions included:

- Releasing excess grain stocks with the Food Corporation of India (FCI) and other government agencies for public distribution.
- Better monitoring and implementation of the PDS on the ground through specialised committees for grievance redressal, and doorstep delivery of rations in areas far from fair price shops.
- Initiating a system, temporarily at least, for universal distribution of food, with or without Ration Cards or Aadhar Cards.
- Immediate, stringent implementation of the One-Nation, One Ration card system in all states.
- Including all eligible persons under National Food Security Act (NFSA) as per the estimated population of 2020-21, instead of still using the outdated 2011 census data.

Representation to the Prime Minister to ensure that the

rights of children are protected during the Covid-19 pandemic

Common Cause, along with Right to Education Forum, numerous academicians as well as several civil society organisations, urged the government on May 11, 2020, to take steps to ensure that children enjoy their rights to survival, protection, education and development during and after the COVID-19 pandemic without any discrimination based on religion, gender, class and caste. Some of the suggestions included:

- To safeguard food security of India's children, ensure smooth implementation of the notification for home delivery of mid-day meals and the Supreme Court's suo moto order for providing nutritional food for children and lactating mothers through the Anganwadi Centres (AWC) for children on an urgent basis.
- Steps should be taken for child protection, including identification of children at risk of violence and abuse during the lockdown. Helplines and other child protection measures should be declared essential services and kept open. Child protection committees at district and block levels should be activated to monitor child protection.
- Wherever possible, the children and parents within the vicinity of the neighbourhood school

should be connected through messaging service groups comprising SDMC/SMC members and parents. These groups can be used to keep in constant touch with parents (if teachers are not in the same locality) and children. These groups must be used only for matters relating to children's education and nothing else. Wherever necessary, the teachers can visit children to offer counselling or advice and ensure that the mental health of children is safeguarded. The same procedure needs to be followed in case of AWCs and Crèches. Educational materials could be provided along with relief and dry food packages by the Government.

Representation to the Union Ministry of Home Affairs for immediate action to mitigate the suffering and to safeguard the interests of India's domestic workers

On May 12, 2020, Common Cause submitted a representation to Mr Amit Shah, Union Minister of Home Affairs, highlighting the plight of domestic workers during the COVID-19 crisis. It requested the Government of India to issue a specific order to include domestic workers in the category of 'migrant workers' and 'daily wagers,' so that they receive at least 50% of their monthly wages under the aegis of the urban local bodies and the residents' welfare societies. This was in response to a circular issued by the Ministry of Home

Affairs on March 29, 2020, detailing protections for migrant workers as a specific category. Common Cause's suggestions are summarised as follows:

- Local government bodies should immediately ensure that domestic workers are paid by their employers during the lockdown in a non-coercive way. (If the employers themselves are in acute financial distress, the wages should be paid from an especially created fund). MHA had earlier issued directions to employers to make wage payments on due dates to all employees for the entire period of the closure of their industries. We recommended the immediate issuance of a similar order for domestic workers, to mitigate their miseries.
- If the states do not possess data on domestic workers, we suggested that a registry of names and contact details of all domestic workers/ households be created in conjunction with Resident Welfare Associations (RWAs) and other similar bodies. The Municipal Corporation should work with the RWAs to ensure their wage payments for the lockdown period.
- The Union Government has been working on a national policy to regulate domestic workers. We pointed out that the present crisis is a good opportunity to take steps in the same direction in the spirit of cooperative federalism.

- We also advocated for the creation of a national-level task force to provide a just solution to the long-term problems of domestic workers.

Response to the Draft Environmental Impact Assessment (EIA) 2020 Notification

On June 24, 2020, Common Cause submitted its response to the Draft Environmental Impact Assessment 2020 Notification to Mr. C.K. Mishra, Secretary, Ministry of Environment, Forests and Climate Change. Our representation stated how the Draft Notification significantly dilutes the provisions of the EIA Notification, 2006, and waters down several provisions of the parent legislation, the Environment (Protection) Act, 1986. This results in the erasure of long-standing principles of environmental jurisprudence, such as the Polluter Pays Principle, Precautionary Principle, Public Trust Doctrine and the standards set out in international conventions such as the Rio Declaration on Environment and Development, 1992 and Paris Agreement, 2015. We stressed how the notification went against precedents set by the Indian courts and the National Green Tribunal. Additionally, comments on specific sections of the notification were also included and explained. Our suggestions included:

- Nomenclature of terms such as Projects and Strategic Projects

should be clarified to explain the specific focus.

- Requirement of Prior Environment Clearance.
- Public Consultation – we recommended an increase in the notice period of a public hearing from the suggested 20 days to 60 days.
- Not granting Post-facto EC – We emphasised our stand against granting post facto

Environment Clearance as it would regularise industries which had commenced operations without valid environmental clearances.

- Project Exemptions for EC – We recommended that self-compliance reports be submitted every three months, instead of the stipulated 6 months. We also suggested an increment in penalties in the event of compliance failure.

- Removal of restrictions for registering noncompliance complaints – The draft notification imposes numerous restrictions on the citizenry, regarding who is qualified to register their grievances. We suggested the removal of any condition requiring prior government approval for citizens to communicate project grievances.

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OBJECTIVES

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