

Series No. 2  
November 2023



Kerala Institute  
of Labour and  
Employment (KILE)

# KILE LABOUR POLICY PERSPECTIVE SERIES - 2023

**KILE Labour Policy Perspective 2023** is a publication series launched by Kerala Institute of Labour and Employment (KILE) to disseminate perspectives of renowned experts and practitioners on contemporary concerns related to labour and labour relations in Kerala within the larger context of transformations in the world of work.



## ABOUT KILE

Kerala Institute of Labour and Employment(KILE), established in 1978, is an autonomous body constituted by Government of Kerala and hold the distinction of being the first state-level institute focused on training, research and publications related to labour sector. KILE's core competencies align with the labor policies and priorities of Government of Kerala. Kerala's approach to labour policies, which prioritizes the need of society, has gained recognition as a role model for other states. In this context, the institute plays a pivotal role in strategizing, supporting and accelerating the capacitation programs for Government of Kerala and Department of Labour. KILE contributes to elevating the living standards of Kerala's labour class fostering social justice and creating a fair and inclusive labour environment.

## VISION

Advance social justice and equity; promote harmony among social partners; contribute to the prosperity of the State and enhance quality of life.

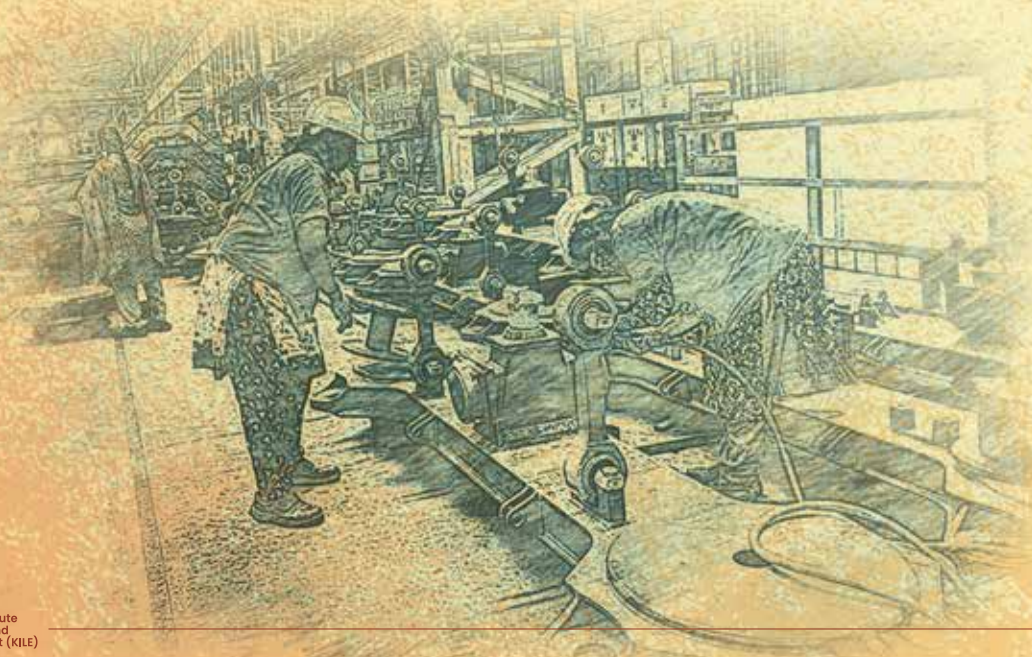
## MISSION

The mission of the institute is to identify nurture promote and propagate the best practices in work, labour relations and management through training, research and vibrant interaction among social partners.



# KILE LABOUR POLICY PERSPECTIVE SERIES 2023

KILE Labour Policy Perspective Series 2023 is a publication series launched by Kerala Institute of Labour and Employment (KILE) to disseminate perspectives of renowned experts and practitioners on contemporary concerns related to labour and labour relations in Kerala within the larger context of transformations in the world of work. We fervently hope this series will contribute towards highlighting the importance of labour in contemporary public policy discourses. The articles in this series will also focus on the strategies and interventions required in the domain of labour and employment to facilitate the transition of Kerala into a knowledge economy. We express our sincere gratitude to Shri. Elamaram Kareem, Member of Parliament and renowned trade unionist, for contributing an article for the Inaugural Issue of KILE Policy Perspectives.



# “RIGHT-MAKING IS STATE-MAKING; STATE-MAKING IS RIGHT-MAKING”



D.r K. Ravi Raman

In the context of European history, Charles Tilly (1975:42) asserts that “war made the state, and the state made war.” This remark needs to be rephrased in light of current events, Kerala’s historical backdrop in general, and interstate migration in particular: “Right making is state making; the state ensures the rights of the guest workers.” As a symbol of appreciation and esteem for their contribution to the state’s economy and society, we refer to them as guest workers.

Given the fact that the labour migration in India is largely circular, an extensive analysis of the magnitude of workers’ migration becomes difficult. In addition, there isn’t a scientific method to for the data accumulation upon the migrant workers, who move at regular intervals. One of the earlier studies estimated that there were 2.5 million migrant workers in Kerala in the year of 2013, with a net annual addition of 1,82,00 workers every year (Narayana and Venkiteswaran 2013). However, this study was based on the long distance trains which could have missed out the workers from the neighboring states like Karnataka and Tamilnadu, who usually rely

upon other modes of transportation. In a study carried out by Parida and Raman (2020), the size of the migrant labour was figured out around 3 million during the pre-Covid period of 2017-18. In this way, the outward migration of labourers from Kerala to the Middle East and elsewhere is counterbalanced by the inflow of guest workers to Kerala. The author has depicted this migration process through the metaphor of currents and eddies (Raman 2012). Here, the currents signify the trans-national migration while the eddies indicate the intra-national migration cycles. This migration process states that this movement from one place to other creates subsequent emigration as well a flow of people from peripheral sub-national states who occupy the niches vacated by the transnational migrants. In this way, these migrants are producing a new sense of social and economic inclusion/exclusion patterns. Being the ‘welfare magnet’ state in the nation as well, Kerala is flagging a net in-migrant state.

Given that a net in-migrant state is in the making as the outcome, the migration shifts would

have far reaching consequences in the labour market. In addition to the demographic factors such as decline in the growth of population, the increasing urbanisation has also played a crucial role in attracting workers to the urban centres in India and Kerala. The rate of urbanisation in the country is only increasing. During the period of 1971-1981 and 1981-1991, the urban migration growth rate was 4.5 per cent and 3 per cent respectively. However, there was a decline in the growth rate of -1.4 per cent during 1991-2001. Since 2001, the growth rate was increased by 11 per cent, indicating a sudden structural transformation and intensified urbanisation-migration dynamics (see Parida, Jajati and Raman, Ravi 2018; 2021). The declining population and increasing urbanization will only catalyse the process of in-migration, which would make the state's task of creating a welfare system for the workers more taxing and imaginative.

## **Right-making is state-making. State-making is right-making**

The idea of migrant rights as a standalone notion does not exist in the broader Indian context because becoming a migrant often robs people of their rights. Most often in the context of India, greater mechanisation, structural change in rural areas, and employment losses are blamed for rural-urban migration. A sizable portion was also brought on by rural strife, notably those involving caste and religion. We are forced to map the labour market migration corridors as a result, and we discover that

there are multiple migration channels from the rest of the nation to Kerala. The majority of the workforce, however, travels along the Assam, West Bengal, Jharkhand, Bihar, and Uttar Pradesh corridors. These states, which are lagging behind in terms of human development, are where more than half of the migrants living in Kerala from. A few of the guest workers who were asked about their motivations for travelling from Jharkhand and Odisha to Kerala said that in addition to the high pay, the rationing system (public distribution through ration shops) and the state's high standards of education also attracted them. This supports the "welfare magnet hypothesis" (Borjas 1999), which holds that generous welfare systems abroad would draw immigrants. The aforementioned anthropological insight offers a special starting point for comprehending the welfare programmes Kerala offers temporary employees. Now we focus on the same.

The state of Kerala sees it as its responsibility to uphold migrant rights. The 13th Five Year Plan document (2017-22) specifically states this, and according to the writers, Kerala is the first Indian state to adopt a social security programme for migrant workers (Srivastava 2020). The state has also established a Working Group on Labour Migration as part of putting them under the planning process for the 13th and 14th Five-Year Plans (2022-2027). Kerala is the only Indian state that has regularly created welfare laws solely for the benefit of temporary employees. This is a direct result of the state's historically developed political will. Instead of state resources, it has

more to do with the egalitarian and moral nature of the state. The guest workers in the state are being organised by almost all the mainstream trade unions. The left wing trade unions take the lead.

## Kerala's Best Practices

In India, Kerala is the only state which considers the welfare of migrants as the "duty of state". In 1979, the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act was passed by the government. Two of the primary objectives of this act was to create a registry of the persons who brings the migrant workers to the state and to provide comprehensive packages to these workers. Apart from this, in 2010, Kerala Migrant Workers Welfare Scheme (KMWWWS) was also launched which initiated several social protection policies catering to the guest workers. These projects are often collaboratively executed by the Kerala Building and Other Construction Workers' Welfare Board (KBOWWB) and the Labour Department.

The 2010 scheme can be availed by any guest workers with a job in Kerala who is between 18 and 60 years of age. As of now, 55,319 workers have registered under the scheme. However, given the huge population of migrant workers in the state, this number is relatively less. The voluntary nature of the scheme and the ambiguous definition of who constitutes migrant worker are often cited as the primary reason for the lower participation of the guest workers. For instance,

it was specified that only contractors who employ at least 5 workers could be registered under the scheme. As per the data, 25,979 workers from West Bengal have registered under this scheme, which is the highest, followed by 8,529 workers from Odisha, 6,036 workers from Assam and 5,263 workers from Bihar.

The scheme provides financial assistance for medical needs of the workers, school education of their kids in Kerala and also retirement benefits to those who have finished five years under the scheme. For those who have enrolled, the scheme provides compensation in the case of injury, monetary aid to the family of the worker upon death and for the repatriation of the dead body. The government would cover up to Rs25,000 as the medical expenses for those who ail chronic diseases and up to Rs10,000 for the immediate family member in case of death. If the death is caused during work, an accident death benefit of Rs50,000 would be given to the immediate dependant. Moreover, depending on the distance to their native place, an amount between 5000-15000 would be given to the immediate family members for the repatriation. However, several reports show the poor living conditions of the guest workers without proper sanitation facilities and lack of unpolluted drinking water, which expose them to diseases such as cholera and malaria. Taking these issues into account, the government has launched a new scheme called Aawaz, a comprehensive health insurance scheme.

## 2017 Scheme: Aawaz and Apna Ghar (New Scheme)

Kerala maintains excellent performance in terms of health indicators, especially in comparison with the states from which the guest workers come from. Under the Aawaz scheme, more than 2 lakh guest workers have registered with the LD. This health insurance scheme aims at a cashless medical treatment using biometric cards in empanelled hospitals, including private hospitals. Since there are more than 300 empanelled hospitals across the state, this becomes a major welfare aid. This is in addition to an accidental death insurance of Rs.2 lakh. As this scheme comes under RSBY, the Government of Kerala has requested the federal government to share 60 per cent of the total expenditure.

The scheme is being implemented through digital technology which helps with coverage and identification and access to health facilities. For this purpose, separate portal has been created by the government in order to improve the functioning of the scheme. The enrolment of guest workers in the scheme commenced from November 1 (the formation day of the state in 1956), 2017 and is operational in all districts with enrolment offered round the clock. The task of enrolment is made simpler with any of the identity cards recognized by Central/State Government such as Aadhar, Passport, Election ID, or Driving License being acceptable as evidence of identity. As of now, more than five lakh guest workers have enrolled under this scheme (Economic

Review 2022: 335).

In Kerala, the scheme Aawaz has changed its policy of health insurance to provide an Assurance model to guest workers. In the earlier scheme, the guest workers had to pay first and then claim reimbursement from the government. However, considering the incapacity of the guest workers to pay for their medical needs, the Assurance model provides free treatment up Rs 15,000 across 56 identified general hospitals. The state encourages the trade unions in helping the guest workers to enrol in these welfare schemes as many can be ignorant of the schemes and its significance. Mobile apps are being put to use to locate and identify those workers who have not yet registered and to bring them under the welfare schemes.

There are two major schemes aimed at the education of the guest workers and their families. They are provided education benefit in the range of Rs1000-3000 for school admission and for other associated expenses. The State Literacy Mission has launched a programme with the aim of including the migrant workers in the state literate in Malayalam and Hindi (Kerala Development Report 2021); interestingly enough, the Malayalis who are otherwise reluctant to speak Hindi, now learn the language from the migrants through their everyday interactions. The cultural exchange that has taken place in the migrant dominant regions is particularly conducive for the Malayalis to learn Hindi. Sarva Shiksha Abhiyan has also addressed the issue of language barrier by appointing volunteers in



various places. It has been pointed out that the in-migrants are at the greatest disadvantage when they consult doctors and nurses, owing to language barriers, an aspect that the government agencies have taken into consideration.

Accommodation for the guest workers is another major issue being addressed by the government. Apana Ghar is an ambitious project launched by the government of Kerala towards the resolution of the accommodation crisis of the workers (see Economic Review 2022; Kerala Development Report 2021: 252-255). The community housing project is aimed at catering decent hostel facilities at affordable rates basis to migrant workers while working in the state. The hostel will have proper beds, cupboards, kitchens, dining rooms, clothes washing area, bathrooms and toilets all within the building. This project is being implemented in various phases. In the first phase, a flat complex, with the capacity to accommodate 620 residents, has already been completed in Palakkad in the Kinfra Industrial Area at Kanjikode. In the second phase, the LD intends to develop similar flats in Kochi followed by Kozhikode and Thiruvananthapuram. The project has been implemented by the Bhavanam Foundation of Kerala which also intends to implement such housing projects in the plantation belts.

Assurance of legal provisions is significant for the implementation these welfare schemes. Although the labour laws under the state and central governments are equally valid and applicable to the migrant workers, Kerala

has stressed on the well-being of its migrant workers through the Kerala Migrant Workers Welfare Scheme. The Central Government Act 1979 covers only the interstate migrants who are recruited through licenced contractors under a registering authority and whose establishments that employ five or more such workers on. The Contractors are required to issue a passbook to every worker, giving their basic details including payments (see Surabhi and Ajith Kumar 2007). There are several Inspectors recruited by LD, and Task Force consisting of representatives from Health, Factories and Boilers, SG departments and so on to oversee the implementation of the Act and provisions assured through the Building and other Construction Workers' (Regulation of Employment and Conditions of Service) Act 1996. The Act 1979 assures basic rights and facilities such as drinking water, sanitation and safety measures as mandatory.

In addition, the Labour Department has also initiated a Legal Awareness camp, the first of its kind in India. This comprehensive programme aims at the legal empowerment of the migrant workers through various awareness programs regarding the government schemes available to them. The first such camp conducted by the District Legal Services Authority (DLSA) was held in Thiruvananthapuram district. On a single day, 916 migrant workers registered for the awareness camp which shows the fact that workers are sensitised and interested in getting enrolled in the schemes. In addition to these awareness programmes, a complaint redressal

cell was also formed at the venue which helped the workers to express their own concerns and complaints. The same camp was also notable for the higher enrolment of workers in the Aawaaz health insurance scheme.

The state has also set up Facilitation Centres in various districts. Centres are aimed at assisting the migrant workers with their everyday grievances, and they are further assisted through direct contact with the Labour Department via the Labour Call Centre at Thozhil Bhavan in Thiruvananthapuram and in the KSRTC Bus Terminal Complex to make them easily accessible for the workers. The Government has also formed monitoring committees which would work as grievance redressal mechanisms in various districts. The Labour Department has also been actively involved in organising medical camps, in association with the Health Department and the Kerala Legal Aid Centre.

## **Covid-19 Pandemic and Guest Workers**

During the pandemic period in Kerala 4,34,280 guest workers lost their jobs and income, as estimated by the Department of Labour. The state launched a helpline cell along with call centres run by the Labour Commissionerate in every district, working round-the-clock to address guest workers' grievances with the help of interpreter services in several languages such as Odiya, Assamese, and obviously Hindi. The Department of Labour estimated that the

number of guest workers who lost their jobs and income would be 4, 34,280. These workers were sheltered in 21,556 camps all over the state. Food, water and recreational facilities, including television and indoor games were provided to them in these camps. These proactive interventions from the Labour Department made sure that no guest worker was deprived of food, drinking water or other physical amenities. Building owners and landlords had been warned strictly against any kind of unlawful eviction of guest workers. Another welfare program by the State was the supply of food to workers through 'Community Kitchens', the first of its kind in India, managed by Kudumbashree women. During a crisis period especially for migrant workers, thanks to pandemic, (see Rajan S.I., Sivakumar P., Srinivasan A 2020), Kerala set an example for others by providing the guest workers with decent accommodation, health care and all the other needs during the lockdown period. In certain cases such as plantation sector, work was reinstated immediately after the quarantine period; other sectors also provided employment on a part time, like the case of fish peeling factories. The workers were also provided 10 kg rice and 2 kg pulses under the ATMA NIRBHAR BHARAT initiative which was executed through the state civil supplies department in the state, which later implemented portable rights with respect to public distribution of rations. The Labour Commissioner had issued circulars which directed the employers that wage reduction should not be made upon the absence from duty

during the period of lockdown and no worker should be dismissed from work as a result of lockdown. During this period, around 4,34,000 guest workers in the State were shifted to 21,556 relief camps with bedding and basic facilities and the necessary arrangements were made to ensure social distancing and other adequate safety measures. For this purpose, adequate budgetary allocations were also made.

## Concluding Remarks

The Kerala model of the management of migrants, applauded by several scholars can be called as the Kerala Model of Migration and Development (KMMD). This Kerala Model of Development has undergone two stages, first, a significant human development experience and second, the consistent democratic processes for right-making. The third stage is still in process, the Kerala Model of Migration and Development (KMMD). By recognizing, honouring and protecting the rights of guest workers, this state-making stage is advancing, which makes Kerala as India's welfare magnet state. Here, the process of right-making become state-making and conversely. This is what I call as the democratisation of democracy. Here, the modern welfare state isn't reduced to a state-machine which brings growth and development, but one that erases spaces of multiple exclusion, which is also constantly conscientised from below.

## Reference

---

- <https://mronline.org/2021/10/15/the-opposition-emocracy-exposed-keralas-landmark-left-victory/>
- <https://academic.oup.com/cjres/article-abstract/13/2/319/6000509>
- <https://academic.oup.com/cjres/article-abstract/13/2/319/6000509>
- <https://thirst.international/wp-content/uploads/2020/06/Can-the-dalit-woman-speak-Ravi-Raman.pdf>
- <https://www.cambridge.org/core/journals/business-history-review/article/abs/business-ethnicity-politics-and-imperial-interests-the-united-planters-association-of-southern-india-18931950/8EFA885492BFF0A17035BD64FF94F464>
- <https://www.cambridge.org/core/journals/ps-political-science-and-politics/article/abs/federalizing-citizenship-the-kerala-state-governments-protests-against-the-caa/4D541E9F84A49DC25F0461256B81DD69>



**Kerala Institute  
of Labour and  
Employment (KILE)**



[www.kile.kerala.gov.in](http://www.kile.kerala.gov.in)  
[kiletvm@gmail.com](mailto:kiletvm@gmail.com)  
0471 2309012