

Neoliberalism and the Challenges of Social Justice: Covid 19 and Migrant Labour Crisis in India

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Abstract

Neoliberalism, governed by the organising principle of the market and its role in influencing society's socio-economic and political spheres, has raised contradictions in the state's capacity to ensure social justice for the vulnerable sections of the political society. This article seeks to analyse the role of the state, as envisaged in the neoliberal framework, in delivering on promises of welfare and social security for marginalised people and, specifically, for informal migrant labourers in India. It documents a strong nexus of neoliberalism and state institutions that undermines the state's willingness to take the kinds of policy interventions that could mitigate many socio-economic elements of the informal labour market as manifested in the informalisation of labour, privatisation, precarious work conditions, and inadequate social security. The Covid–19 crisis in India exposed the sharp inequalities in India's democracy. The article assesses the Indian state's attempts to address the socio-economic reality of migrant labourers. Through this theoretical and empirical exploration, the article delves into questions of how the idea of 'social justice' and the role of the state have been reconceptualised and reframed in the neoliberal world order. Finally, the article argues that it might be impossible to reclaim social justice for the vulnerable within a neoliberal framework: we might require a paradigm shift in terms of constituting and re-imagining new political rationalities, embodied in a political discourse of rights and dignity of labour, as a prelude to redefining the principles of social justice from the vantage point of the vulnerable groups.

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Introduction

Neoliberalism can be characterised as a political and economic paradigm of configuring society that incorporates processes and policies that seek to benefit private interests that already control a significant portion of social life. It enumerates the form of ‘free-market policies that encourage private enterprise and consumer choice, and reward personal responsibility and entrepreneurial initiative’ (Chomsky 1999: 7). It proposes that the free market is the only rational, democratic and fair distributor of goods and, therefore, any interference with the same hinders the progress of a free society. Though it claims to be beneficial for entire societies, the circumstances of many people and nations have far from improved since the introduction of neoliberal policies worldwide. Rather, such policies have contributed to further accentuating and sharpening the socio-economic inequalities prevalent in various societies, and to increasing the vulnerabilities of the poor and marginalised sections of society. The covid pandemic manifested as a breakthrough moment that intensified the crises built within the neoliberal framework, raising pertinent questions about the state’s capacity to secure welfare for its citizens and, specifically, for the vulnerable socio-economic groups amongst them.

This article begins by reflecting on the various contradictions and inconsistencies within the neoliberal framework that raise significant questions related to the state’s capacity to provide social justice and welfare, showing how it has been compromised and overlooked within the neoliberal paradigm. It takes the discussion forward through an empirical exploration of India’s neoliberal era, which has its roots in the liberalisation reforms of the 1990s. It explicates how the ensuing neoliberal reforms further transformed the nature of state functioning in terms of receding state functions that otherwise could facilitate the provision of socio-economic rights for the country’s large informal labour workforce. It then delineates the various vulnerabilities encountered by informal migrant labourers and perpetuated by a state that was guided by its neoliberal reforms while locating the same in the context of the Covid pandemic.

Exposing Neoliberal Contradictions in Relation to Social Justice

The contestation between values of individualism and profit maximisation advocated under neoliberalism, as opposed to social justice concerns premised on unjust and unequal social relations and inequalities of distribution, have been of utmost salience in contemporary times. The political rationality of neoliberalism, which guides nation-states

around the world, has been confronted with varied questions concerning the equitable and just distribution of wealth and resources, and how, within neoliberal constraints, the goal of social justice concerning equitable rights, resources and opportunities to its citizens can be optimally realised. This section proposes to explain the functioning of the neoliberal framework and its rationalities of governance in order to calibrate how it regulates, restrains and redefines the state's welfare function towards the marginalised sections. It delineates the various conflicts that neoliberalism entails as it reconceptualises the meaning of a state's social life and the impact of this meaning on concrete outcomes in economic, social, political, and moral spheres.

The neoliberal economic framework advocates the market logic of economic growth and progress, with choice and economic freedom dominating the market space. David Harvey (2005: 2) observes that '[n]eo-liberalism is in the first instance a theory of political economic practice that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong private property rights, free markets and free trade'. Milton Friedman, the prime advocate of neoliberalism, postulates that profit-making constitutes the essence of any democracy. Therefore, any government that inhibits the process of market freedom is perceived to be anti-democratic. Being individual-centric, neoliberalism encourages individuals to exploit their labour and work incessantly, and this behaviour is perceived to be a symbol of freedom over subordination. Neoliberalism advocates profit maximisation and individual interest-seeking as legitimate, both for individuals and, eventually, for society.

However, under the garb of individual autonomy, choice, and self-realisation, structural limitations such as radically uneven capacities to act within the market are overlooked. Therefore, neoliberal outcomes in the form of policies that encourage labour market flexibility, while aiming to enhance individual opportunities within the market space, have also contributed to the marginalisation of the labour potential of society's most vulnerable sections. However, this reality goes missing in discourses of autonomy, individual choice and market competition, which intensifies the precariousness of the market space for labour. As Toynbee puts forth, workers remain excluded from the consumer choices that the market claims to offer, and this has profound implications for social justice and equity. Therefore, as a consequence of the embedded power relations operationalised through the market, 'neoliberal economic policies, by lifting the constraints on the exercise of unequal

power, increase injustice and trigger a downward economic and social spiral' (Smith, Stenning and Willis 2008: 7).

The corporate–state nexus is equally evident within the neoliberal framework, and this also poses a challenge to realising the state's welfare function. As Noam Chomsky (1999:13) underscores, big corporations 'want and expect governments to funnel tax dollars to them, and to protect their markets from competition, but they want to assure that governments will not tax them or work supportively on behalf of non-business interests, especially on behalf of the poor and working class.' Thus, the state's role under neoliberalism caters explicitly to corporate interests, without exercising any pretence of working for the interests of non-corporate sectors. Therefore, as a political-economic project, neoliberalism endeavours to transform institutions of the state apparatus in ways that legitimise market competition and forbid collectivism; labour organisation and bargaining are vilified as 'market distortions'. Neoliberalism based on the proposition of individualism and market independence has contributed to a rolling-back of the state from both providing public services and pursuing social welfare for its population. This has accentuated the precariousness of the people engaged in the economy's informal sector. The state's welfare domain has been further reshaped and transformed with the reordering of community practices under the neoliberal framework. As Fraser (2018: 438) explicates, '[n]eoliberalism is a process which involves the spreading of principles and values shaped by the market (and business) into community development, and the opening up of new markets in public services', implying that changes in welfare services have been in sync with the expansion of market-based principles into community development and public services delivery.

Besides community, the role of the individual citizen also is redefined in the market space, and this further legitimises the nature of state functioning, despite the social justice consequences for vulnerable groups. Within neoliberal structures, human agency is constructed in ways that hold individuals accountable for their own circumstances; there is no space for questioning poor collective outcomes or claiming that the state has an obligation – much less lives up to it – to pursue collective goals like social justice and economic redistribution. These structures hold individuals as obliged to work for their welfare and wellbeing, thus implying that an individual's life experience, for better or worse, is a product of individual effort. Manish Jha and Ajeet K. Pankaj (2021: 200) observe a similar pattern as they highlight the role of neoliberal governmentality: in its practice of managing, regulating and disciplining populations through persuasion, 'even

the withdrawal of the state from welfare has been presented in the name of care and welfare of the population'. In this spectacle, groups of vulnerable workers are supposed to perceive themselves as responsible for providing for their own needs, and are expected to hold themselves accountable if those needs are not fulfilled. This further produces a neoliberal ethics under which the state should not respond to claims for 'entitlements and rights', as doing so would undermine the neoliberal project of developing 'responsible' individuals. Far from a side effect, a weaker state social welfare apparatus is an intended outcome, more so in a state like India, where any extra allowances for claims may immediately trigger expectations among many millions of potential claimants.

These dynamics contribute to the further depoliticisation of structural inequalities and poverty as the state, by design, functions in ways that advance market interests. It can therefore be suggested that 'neo-liberalism is a political rationality that tries to render the social domain economic and to link a reduction in (welfare) state services and security systems to the increasing call for "personal responsibility" and "self-care"' (Lemke 2001: 203, quoted in Pyysiäinen et al. 2017: 216). This further contributes to what Robert McChesney (2003) describes as a depoliticised citizenry and apathetic political culture where citizens are reduced to atomised individuals with a marginal sense of the collective. The cycle continues as the state loses its capacity to create a democratic society based on principles of equality and justice. Similarly, Žižek (2020: 20) argues that a neoliberal re-conceptualisation of 'citizens' as 'subjects who become self-exploiters' lends stability to and sustains the evolving neoliberal political system. Today, everyone is an auto-exploiting labourer in their own enterprise. People are now masters and slaves, combined. Even class struggle has transformed into an inner struggle against oneself. He further states, 'the individual does not believe they are subjugated "subjects" but rather "projects: always refashioning and reinventing ourselves",' which 'amounts to a form of compulsion and constraint—indeed, to a more efficient kind of subjectivation and subjugation' (Ibid.). In this way, Žižek points to a manipulative neoliberal regime whose subjects are constructed such that they remain unaware of their subjugation and, therefore, are incapable of recognising social injustice, much less organising in pursuit of social justice.

The foregoing demonstrates that, within neoliberal structures, power operates by shifting the focus onto individual 'self-improvement'; pro-active state intervention in the social realm probably would not help and certainly is not a necessity. Neoliberal state governance thus emphasises the construction of new, individualism-embedded subjectivities and identities, distancing itself from governance associated with collective identity formation.

As Friedman proposes in *Capitalism and Freedom* (1962), real equality would be ensured through individual freedom maximisation, which can be served efficiently through competitive capitalism delivered through flexible market processes. Beck-Gernsheim (quoted in Smith, Stenning and Willis 2008: 6) asserts that ‘the underlying premise is that when individuals are given choices within a free market, they are empowered; explanations for inequalities are then transferred from embedded unequal societal structures to individual recklessness or application’.

Therefore, as a cultural project, neoliberalism reshapes the human consciousness such that members of the precariat hold themselves responsible for their social and economic conditions, without questioning the structural and institutional sources of their predicament. As Harvey (2005: 3) proposes, ‘the market exchange is an ethic in itself, capable of acting as a guide for all human action’. This position is premised on the belief that the idea of human agency is itself radically inversed within the neoliberal project, where individuals are seen as partners and players in the market system. Such a starting point inhibits the process of placing individuals as members of a collective public.

Simultaneously, with the shaping of human consciousness in terms of market norms, the idea of ‘justice’ itself has been reconfigured in a way that fulfils neoliberal political and economic objectives. This has been followed by a negation of the ‘social’ in issues of ‘justice’ or ‘injustice.’ A reconfiguration of the political sphere accompanies this tendency in a way ‘that promises justice not by fighting against the injustice of larger structural and institutional forces, but against the unjust ways of governing oneself’ (Wilson 2007: 98). The neoliberal political and cultural project does not even seek answers to political questions about changing social conditions to address inequalities and injustices against the vulnerable. Instead, those who raise social justice concerns are denigrated in neoliberal language accusing them of promoting a “welfare state mentality” that erodes self-reliance, inducing them to wait for government help instead of saving themselves’ (Wilson 2007: 98). Pertinent questions of social justice based on making claims of equal citizenship rights on the state are thus overshadowed.

Further, the realm of social and welfare services is equally redirected under neoliberal political and economic rationality. Neoliberal pressure puts the onus on individuals to become ‘self-directed, responsible, efficient, rational, and independent participants in the newly privatised realm of social services’ (Chaudhry 2019: 1119). As a consequence, ‘neoliberalism depoliticizes poverty, structural marginality, and disability by treating them

as individual-level problems with technological solutions' (Ferguson and Lavalette 2006, quoted in Chaudhry 2019: 1119). Social work practice is thus depoliticised by guiding social work organisations away from macro-level determinants of welfare and toward micro-level interventions (Garrett 2009, quoted in Chaudhry 2019). This has implications for social justice concerns that are centred on demands that the state redistribute economic resources and advance the social rights of its citizens, because the reorientation of social work practices around the individual and away from a critique of unequal distributions of power reinforces existing institutional arrangements while ameliorating their worst effects on marginalised people (Reisch 2013, quoted in Chaudhry 2019).

Besides, the economic language of neoliberalism to ensure the welfare of the workforce engaged in the neoliberal market further decapitates the state from securing the welfare of migrant labour. This is clearly evident in the Indian case, as underlined by the labour minister: 'Keeping the social security and welfare aspects of workmen better and intact; we are working in the direction of bringing reforms in various labour laws with the objective of ease of doing business in new future' (*Economic Times* 2018). Here, the intent of labour welfare is projected to forward the interests of the capitalist classes. This has been demonstrated through the dilution of various labour laws through revisions in the Contract Labour Act, 1970 (revised 2017), the Industrial Disputes Act, 1947 (revised in 2010) and the Factories Act, 1970 (revised 2016). Therefore, the spectacle of neoliberal growth as emancipatory and favourable for labour welfare is constructed while, simultaneously, the process of undertaking welfare by the state is substantially reduced. Therefore, the challenges posed by the neoliberal framework towards fulfilling the goal of social justice need to be engaged with and assessed at the various levels of hierarchical and unequal power relations, embedded in a neoliberal economic framework, that both incapacitate the state in realising its welfare function and transform citizens into neoliberal subjects.

Mapping Socio-Economic Vulnerabilities of Informal Migrant Labour in India in the Post-Liberalisation Era

This section explicates how the neoliberal political and economic framework has shaped India's political, social and economic reality. It contextualises the reconfiguration and receding of the state's welfare role since India launched economic reforms in the 1990s. The post-liberalisation era is marked by a preponderance of international labour and capital flows and the introduction of labour flexibility to ensure higher economic

growth. In the process, the nature of the state's approach to social welfare policies has been fundamentally transformed. Neoliberal pressure to maintain and sustain market competition has altered the state's priorities: economic growth has acquired precedence over the state's role in securing society's health, literacy and general wellbeing. Therefore, efforts to engage in the latter are perceived to be costly meddling in the capital market, thus undermining capitalistic production. Prabhat Patnaik (2007) proposes that, since the 1990s, the nature of the state – as an institution above society and working for the socio-economic interest of the society through its interventions in the economic realm – has been transformed into a neoliberal state that advocates objectives and economic interests associated with finance capital. In practice, this has meant facilitating privatisation and disinvesting from public services. The result is a shrinking of the state's capacity to perform its welfare function, because *economic logic* has acquired precedence over the *social logic* of development and inclusivity.

Dreze and Sen (2013) assert that while liberalisation in India created a visible consumer class that benefitted from the economic reforms, real wages stagnated, especially when individuals were faced with new costs as the state reduced its provision of basic services like health care, education and nutrition for the vulnerable population. In addition, this period marked the growing informalisation of work. The informal sector constitutes economic units engaged in producing economic goods, but in ways that are largely unregulated and beyond the purview of labour, fiscal and tax laws. Therefore, unlike the formal sector, workers in the informal sector are exceptionally vulnerable. As propounded by the International Labour Organization (ILO), informal employment entails when the 'employment relationship is, in law or in practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits (advance notice of dismissal, severance pay, paid annual or sick leave, etc)' (Bureau of Statistics, International Labor Office 2003).

The massiveness of the economic transformation is explicated in the form of NSSO data from 2011, which indicate that 92 per cent of the new jobs created since India began to liberalise its economy were in the informal sector (Salve 2019). As per the ILO (2017), approximately 450 million Indians work in the informal sector and 5–10 million are added each year. According to a 2018 University of Calcutta study, half of the workers in the informal sector in 2012 were self-employed with a marginal asset base, and 30 per cent of them were casual workers.

This has altered the structure of relations between labour and the state, as ‘policies designed to decentralise structures of production in the name of global competitiveness have distanced the state from labour by filing down state regulation and protection for work’ (Agarwala 2008). Supporting labour market flexibility in the competitive economy, social policy has been relegated to a residual role (Jessop, Kennett 2004: 4). Harris (2013: 564) underlines that, further, privatisation during this period was accompanied by a ‘clients and consumer citizen approach’ to framing social policy objectives. This decapitated the state’s ability to ensure a minimal social protection floor for informal sector labourers, who became the major-risk bearers during Covid. By exacerbating economic inequalities and increasingly uneven development on the two sides of the rural–urban divide, this period is also notable for a spurt in seasonal labour migration. The 1990s saw the migration of around 3 million workers from the impoverished states of UP and Bihar to the flourishing states of Punjab and Maharashtra, as well as Delhi (World Bank 2009:18). This figure of seasonal migration post-liberalisation era has ballooned to 100 million seasonal migrants each year in India. Taking the period 2001–2011, while overall population growth was approximately 18 per cent, the migrant population grew by 45 per cent (Census 2011). Emphasising the spurt in the migration growth, it is of salience to mention that in 2011, out of the total migration growth, 99 per cent was constituted by internal migrants. The NSSO estimated the migrant labour population in India at 70 million in 2007–2008, while the Economic Survey 2016–2017 estimated approximately 60 million interstate labour migrants between 2001–2011. Therefore, it can be said that a substantial interstate migrant workforce is engaged in the informal economy in urban areas. As per the 2011 Census, rural–urban migration accounts for around 80 million people who engage in informal economic activities in urban regions.

Here, it must be emphasised that since the 1990s, seasonal in-migration has been perceived as symbolic of a state’s economic potential, and migrant labour has been understood as contributing to national prosperity. Thus, labour mobility by states was encouraged by international institutions like the World Bank. This implies that while labour mobility expanded India’s economy and contributed to minimal poverty reduction, all the risks were borne by the individual migrant. Migrant labour was at the forefront, absorbing the shocks of recurring economic crises in the contracting agrarian sector (Bird and Deshingkar 2009). More than this, although migration contributed to growth and economic development in 21st century India, it simultaneously reduced the capacity of the country’s vulnerable citizens to secure their socio-economic rights. As affirmed by Benton (1990), Kundu (2001) and Schaufli (1993), the pursuit of neoliberal policies since the

1990s created a precarious working environment for the labour class, and specifically for informally employed migrant labourers. The internal migrant labour population has grown substantially since the 1990s and continues to work under insecure conditions with minimal wages and no accountability from the state or their employer. In fact, they constitute the neoliberalisation era's most vulnerable and marginalised section.

It can be said that, given the nature of the informal sector and trends of migration flows, these migrant labourers have few social security benefits and health facilities. Most are unskilled or semi-skilled daily-wage workers in insecure, low-level jobs. The uncertainty embedded in their employment renders them more vulnerable to being hired and fired at the will of the employer and, geographically separated from familial and other networks, migrants have limited access to social safety nets and limited capacity for organising as a collective. Hence, it is no surprise that migrant labourers become docile subjects who accept whatever an employer offers. Employers know this, and it shows up in the data. As per the Periodic Labour Force Survey (PLFS) 2017–2018, approximately 70 per cent of workers engaged in non-agricultural work, mostly migrants, do not have written job contracts; 50 per cent do not have any social security benefits, and 55 per cent are not eligible for any paid leave (Government of India 2019). In this context, neoliberal state disinterest is particularly egregious. Failure to regulate terms of employment, including work conditions and minimum wages, and lack of portability of various state-ensured benefits through the Public Distribution System (PDS) are among the multiple challenges encountered by migrant labour.

Housing is another perennial issue for migrant labourers. Migrants comprise around 47 per cent of the urban population, and the Ministry of Housing and Urban Affairs (2015) acknowledges that migrants to urban spaces are in dire need of affordable housing. However, due to the limited availability of low-income housing in urban regions, informal settlements with poor hygienic conditions have emerged and expanded. The Inter-State Migrant Workmen Act 1979 was intended to respond to these and related issues, but a Standing Committee on Labor report (2011) concluded that the implementation mechanism of the Act's social protections largely relies on employer reports to identify beneficiaries. Since the formal relationship between these workers and employers ranges from tenuous to nonexistent, reports have not been forthcoming and most migrants have been deprived of the various benefits encompassed within the Act, owing to the wilful failure of employers to register their workers, legal obligations notwithstanding. The nature of their migration for work also renders them without any substantial benefits and

entitlements of the PDS system, which is premised on holding a ration card for a specific region or state. Migrants crossing state lines in search of informal sector employment typically do not qualify for PDS benefits in their destination state.

It can be argued here that the liberalisation era and ensuing economic developments exacerbated the unevenness of India's development, as labour migrated from India's backward regions to its developed regions. The migrant labourer continues to be engaged in the informal economy, which expanded considerably after liberalisation. While this development story reduced absolute poverty in India, it simultaneously added to the precariousness of the migrant labourer, who remained vulnerable to fluctuations in the informal economy even as he was deprived of various economic and social benefits. It can be suggested here that the situation in the informal sector after liberalisation became ever more fragile and vulnerable for the migrant labourer. These issues were brought to the forefront during the pandemic, but the structural crisis was already well established.

The Covid Pandemic and the Unfolding Migrant Crisis in India

The Covid pandemic was a breakthrough moment that exposed the precariousness of the informal labour market and the stark socio-economic inequalities encountered by migrant labour. As underlined above, the crisis of the informal economy predates the pandemic, but pandemic-related public health initiatives rendered the lives of already vulnerable informal migrant labourers even more uncertain. The nature of their vulnerabilities remained the same, but they gained visibility when the Indian state declared a national lockdown, in March 2020. The lockdown, an immediate attempt to contain the pandemic, included the suspension of various services and production activities throughout India. Public transportation services were halted, including passenger trains and bus services. These restrictions, more than the health crisis itself, came down heavily on migrant labour as a crisis of livelihood, as major industries in urban areas shut down, leading to a massive loss of jobs in the informal economic sector. Migrant labourers were left with little option but to return to their rural conglomerates, often in other states, where they had a negligible capacity to earn a livelihood and little income or social security. Their sense of misery was further augmented with little avenue for public transportation available at their disposal. Many walked hundreds of kilometres.

The state's immediate pandemic-containing response barely acknowledged the miseries and livelihood crises of migrant labourers during their mass exodus from the cities. In

consonance with the neoliberal policy framework, the state's response was embedded in disassociating politics and administration from public accountability. Therefore, various regulatory functions of the state were assigned to autonomous bodies, away from executive liability. This was marked by the invocation of the National Disaster Management Authority (NDMA) following the declaration of the National Lockdown. Around 978 NDMA orders were issued at the Central level, and nearly 6,500 state-level NDMA guidelines and enactments were issued. This indicates that the government took the crisis seriously and took some pro-people measures to ensure survival, but it also vividly reflects the growing bureaucratisation of power in the hands of the central government, besides directing the states to follow the guidelines without providing them with the necessary resources to fulfil them (*The Economic Time* 2020). Therefore, while the Centre shifted the responsibility for regulating the health crisis onto a rapidly expanding bureaucracy, the absence of political scrutiny led to further state violence in the form of stringent police action against citizens who seemed to demonstrate non-compliance but, on closer inspection, had no viable alternatives.

Rather than fulfilling the public health responsibility endowed with the state, the primary state action was reflected through a strict observance and deployment of the state's law-and-order machinery. Police forces and special security forces were deployed at entry points to various states and cities to ensure strict compliance with the provisions of various acts, including the Epidemic Diseases Act 1897, the Indian Penal Code 1860 and the National Disaster Management Act 2005. Therefore, while the welfare function of the state took a backseat during the pandemic, the state's coercive apparatus was well-demonstrated through stringent surveillance norms where non-compliance was marked with police violence and arrests, with impunity. The coercive apparatus came down heavily on the 40 million migrant labourers who were desperately trying to return home, as cities promised no jobs, no income, no food, no shelter and no means of survival. These people bore the brunt of police action on their way back home: they were tear-gassed, lathi-charged (*Hindustan Times* 2020) and, at at least one checkpoint, even sprayed with hazardous chemicals (*The Hindu* 2020).

The spontaneity of the lockdown and the magnitude of the crisis incapacitated what little was left of the state's ability to secure the right to life and livelihood for migrant labour. As an April 2020 survey enumerates, '96 % had not received rations from the government and 70 % had not received any cooked food' (SWAN 2020). The following month, 'about 82 % had not received rations from the government and 68 % had not received any cooked

food' (Ibid). The state limited itself to providing dry rations to migrant labourers who could not access the PDS, owing to a distant registration residence. Under the PM Poor Relief Scheme (PMGKY), the Indian government declared that each of 330 million poor citizens had received about Rs 1000 (about 12 euros) in financial transfers that totalled Rs. 312,350 million (All India Radio News 2020). Along with it, under the Prime Minister Ujjwala Scheme (PMUY), the government distributed 26.6 million LPG cylinders to the poor. Other relief measures included the provision of food grains for the poor and cash payments to farmers, senior citizens and women. As Sengupta (2020) notes, 'an assessment by the International Monetary Fund (IMF) shows that overall support by the central and state governments through various cash and kind transfers and other measures, such as healthcare infrastructure, testing facilities and tax relief, was only about 0.2 per cent of India's GDP' (IMF Policy Tracker).

To be clear, these relief packages largely constituted regular government welfare measures for eligible beneficiaries in normal circumstances. They did not address the pertinent exigencies confronted by marginalised groups including the informal migrant labourers in terms of loss of income, and livelihood as a result of pandemic-related policies. Even highly touted support from the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) left seasonal migrants, who had been forced to return home, with only 28 per cent of their pre-Covid income period (Lokhande and Gundimeda 2021). One can argue that these measures saved lives, but it nonetheless demonstrates the nature of state functioning and its priorities under the neoliberal apparatus, and the negligible state footprint in securing welfare for vulnerable groups. As Gudavarthy (2020) explains, the nature of neoliberal development, including dismal investments in social security, further alienated the already insecure workforce from the rule of law and its capacity to ensure justice to them via its regulatory mechanism. Jean Dreze's (2020) assertion that the Indian economy is not equipped to absorb an unanticipated shock is supported by the country's experience during the lockdown period, when some 90 per cent of informal workers were excluded from any sort of comprehensive, holistic social protection package.

As suggested in the preceding sections, neoliberalism as a global cultural framework deploys the language of self-reliance and self-care to maintain the legitimacy of its status quo within political systems. In the Indian case, the meagre relief packages were promoted as gifts by a benevolent state; the idea that they were the obligations of a state that had made a social contract with its citizens simply was not entertained. This is further corroborated by Sengupta (2020): 'the cash transfer given to inter-state migrants

by some state governments, and cash support to workers registered under Building and Other Construction Workers Welfare Boards illustrates how the minimal support was seen as compassion by the state rather than insufficient delivery of entitlements' (quoted in Jha and Pankaj 2021). It suggests how neoliberalism diminishes the idea of social justice through its construction of neoliberal subjects as self-reliant, where making claims on the state is projected as perpetuating a welfare mentality and antithetical to the idea of being autonomous. Therefore, the projection of the benevolent state in terms of providing free food grains, cash, and subsidised LPG was conspicuously evident in the public image, which effectively glossed over the state's failure to deliver: 'while minuscule relief entitlement was construed as the state's benevolence, the misery was internalised as self-responsibility' (in Jha and Pankaj 2021: 204), which vividly describes the nature of neoliberal government functioning. This implies that the neoliberal discourse distracts attention from the state's incapacity to secure welfare for the poor while augmenting the socio-economic misery of marginalised groups. Besides, most significantly, it does not alter or transform the status quo without foregrounding the structural inequalities embedded within the neoliberal system. Thus, it inhibits the process of securing justice for the vulnerable, which is constructed as individual responsibility and not as the state's responsibility for welfare.

While the state's failure even to attempt to secure the right to livelihood for migrant labourers was evident, this responsibility was robustly taken over by various civil society organisations that worked tirelessly to fill the vacuum caused by the absence of state action. The Centre sought help and appealed to NGOs to support efforts by state governments and district administrations to provide food and shelter, and to ensure that migrants' other needs were met as they returned home. The government asked 92,000 NGOs to provide food and shelter to migrant labourers (*Times of India* 2020). They were also delegated the responsibility of creating awareness regarding prevention, hygiene and social distancing, as well as distributing sanitisers, soap, masks and gloves. Their assistance was also sought in working with local administrations to identify hotspots, and providing volunteers to help the vulnerable groups. Various citizen groups volunteered to distribute essential items, medical supplies and food ration kits to the migrant labourers. Community kitchens were organised to feed people in migrant camps like the one in Pune (*Times of India* 2020). Various Delhi-based NGOs, including Tank across Delhi and Chintatn, distributed cooked food and groceries to various undocumented migrant labourers there (*FirstPost* 2020). Other organisations, notably Khalsa Aid, Sewa Bharat and Diversified Intervention for Youth Awareness, worked in various regions of Delhi where government schemes remained

dysfunctional or inaccessible. Jan Sahas distributed rations and PPE kits to migrant families across states and districts in India, and also provided cash transfers and sandals to bare-footed migrants who were walking home (TheLogicalIndian 2020). While the NGOs are to be commended for reaching out to secure the migrant labourers' basic needs, it also brings to focus the retreating role of the state while defusing the tension and contradictions that emanate from the neoliberal state apparatus. By doling out assistance aid or benevolence, in Arundhati Roy's (2014) view, NGOs dissipate public anger over state inaction and denial of basic rights to life and livelihood for everyone. In this way, the funded NGO phenomenon, which accompanied the dawn of the neoliberal era in the late 1980s and 1990s, reaffirms and strengthens the state's neoliberal apparatus. It does so by legitimising the receding role of the state in providing welfare and social security to its citizens while defusing the resistance and tensions that necessarily emerge from the unequal distribution of power relations within a neoliberal economic framework.

The state response during the pandemic also demonstrated the further weakening of labour rights by introducing various structural changes in support of labour mobility and market freedom, which rendered the position of migrant labour in the informal economy even more precarious. New labour codes have further limited informal labour by restricting the workers' right to strike, while allowing enterprises to lay off workers with impunity. Besides, the inadequacies of Social Security Code 2020, whose categorisation excludes many marginalised workers in the informal sector, are notable. For example, 'Section 2 (6) retains the old threshold of only those sites with 10 or more buildings, and other construction workers need to be covered by the Code. In addition, "personal residential construction work," which forms a large component of daily-wage work, is excluded from the provisions of the Code' (Working People's Charter 2020). No 'floor social security' exists for migrants within the code, nor is there any provision for unemployment protection catering to the unorganised workforce, and only a slap on the wrist for employers who renege on their obligation to contribute to the Employee Provident Fund.² The OSHWC code is equally a concern for the informal workforce. Informal workers in various unorganised sectors (e.g., small mines, construction, hotels, and brick kilns) are not covered within the scope of the code. Besides, in the case of migrant workers, the onus has been shifted onto contractors who are mere intermediaries,

2 The Employee Provident Fund is a government saving scheme for the employees of an organisation involving monetary contributions from side of the employer as well for ensuring long term savings to facilitate and support the employees when they leave an organisation.

while the prime employers escape any major liability in the event of failures of worker protection. The code proves inadequate in laying down any minimum standards for workers' occupational safety and the number of working hours.

It can be inferred that state policy towards labour welfare is sharply inclined towards reducing labour costs and managing demand for labour as per market conditions, with considerable authority at the disposal of the state and the employer. It has also shifted the risk from the employer to the workers, in the name of 'flexibility'. Here it has been observed that, in service of the neoliberal agenda of promoting efficiency and austerity, the state has facilitated the processes of private enterprises upholding the individualised approach to governance, thereby veiling the state's responsibility to ensure justice and social protection for the vulnerable. Therefore, it can be observed that owing to the failure of the neoliberal state apparatus to deliver social protection to vulnerable informal migrant labour, accompanied by the construction of welfare discourse in the neoliberal language of individual responsibility for protection, the issues of social justice remain all but inaudible in the public discourse, or are reframed in the language of benevolence and humanitarian assistance.

Conclusion

Through the analysis drawn in the paper at a theoretical and empirical level, it can be suggested that there is a need to understand and calibrate the language constructed by this dominant neoliberal imagination of society and politics and critically engage with it from a socio-economic and political lens, in order to capture a holistic picture of what it offers to us as a society and as a state. The Covid pandemic, a watershed moment, has necessitated a critical enquiry into the neoliberal political rationality of the state. This rationality, once calibrated, enables us to address questions of vulnerability and social justice for the marginalised sections of society, and to look for alternative solutions to their predicament. It has been observed that, apart from the advocacy of an individualistic approach to development and the various structural inequalities perpetuated by the neoliberal economic and political framework, neoliberal rationality has distanced the state from its social and moral responsibility towards its citizens. Thus, it offers a vision of a dystopic society of segregated and alienated individuals; therefore, there is a need to look deeper. By delving into the mechanisms of governance adopted by the neoliberal state, one can see that these legitimise a status quo that favours the rich while inhibiting the process of securing welfare for the poor. As Zizek (2020) emphatically states in his general argument, it is pivotal to

raise the question: ‘What is wrong with our system, that we were caught unprepared by the catastrophe despite scientists warning us about it for years?’

With this in mind, we must rethink and develop an alternative imagination of a collective, self-institutionalised politico-economic framework that is built on cooperation, values of solidarity – and not contestation – trust, and responsibility, while also reinterrogating and redefining the significant relationship between the state and the individual. In this way, we can reclaim the idea of social justice and realise the same in our society and institutions. This re-imagined relationship would include transformations of various realms of today’s society to ensure a model of governance and development based on values of inclusivity and sustainability while fostering a harmonious relationship among all sections of society. As Zizek (2020) puts it, to handle such a crisis in the future, ‘you need extra trust, an extra sense of solidarity, an extra sense of goodwill’. It requires the reinforcement of mutual trust between the state apparatus and its citizens to develop alternative imaginations of how political society and its institutions might be constructed. Strengthening the idea of democratic participation and welfare function of the state requires the development of a sense of the ‘social’, which implies the cultivation of collective ethos among individual citizens to associate with their fellow beings. Indeed, this mission is firmly stated in Article 51-A of India’s constitution. Nevertheless, the present framework, embedded as it is in the ethos of neoliberalism, besides being antithetical to the collective ethos in the economic and political realm, does not offer the paraphernalia required to build and cultivate a sense of trust in state institutions and fellow citizenry through the deployment of the language of the market in the social realm.

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