

WHERE THE PANDEMIC HAS LED US

*Teesta Setalvad**

It was in a strange way that the COVID-19 pandemic and lockdown hit India and Indians. I still recall the dates, March 17, 2020: for personal reasons entirely, I had to cancel a trip to Delhi. My travel schedule is hectic and once or twice a week forays by train, air or road are regular to my life routine. On the road, I write as I move, jotting down thoughts on pieces of paper, tracking developments with our fantastic grassroots teams in Gujarat, Sonbhadra, and Assam. Exhausting but normal.¹

The weeks and months preceding the lockdown were exhilarating as the streets of India and Mumbai, and even the *kasbahs* of small-town India, were reverberating with a citizens' protest of the kind we had not witnessed in a long time. Who was to think that within months—six months—of a majoritarian regime being voted in, in May 2019, for the second time, it would stand seriously shaken? That too by protests from a section of citizens it had done everything, really and otherwise, to demonize? Indian Muslims! Jamia, JNU, Shaheen Bagh, Pune, Mumbai, Allahabad, Kolkata, even Gujarat, interiors of Maharashtra, Bihar, and Uttar Pradesh, protesters poured out, in open defiance of a law—the Citizenship Amendment Act (CAA) 2019² that posed a serious existentialist threat to Muslims in India. The CAA was brought in along with the threat of an all-India National Register of Citizens (NRC) and a National Population Register (NPR) (in that chronology). It was politically aimed at isolating Muslims, even though Assam's experience³ had shown us at Citizens for Justice and Peace (CJP)—and everyone else willing to see—that once an unconstitutional threat of documentary citizenship was employed,⁴ large sections of Indians would stand disempowered, a corrupt bureaucracy would rule the day, and the society would stand seminally fractured and divided on sectarian lines.

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¹ See *Citizens for Justice and Peace* <cjp.org.in>.

² 'How Dangerous is the CAA + NRC?' (*YouTube*, 2 January 2002) <<https://www.youtube.com/watch?v=bjGIT5jfoEY>>.

³ 'Empowering Assam: CJP Conducts Paralegal Training Workshop' (*YouTube*, 26 August 2019) <<https://www.youtube.com/watch?v=oF2mU9nP4bw>>.

⁴ 'Behind Shadows: Tales of Injustice from Assam's Detention Camps' (*YouTube*, 27 August 2019) <<https://www.youtube.com/watch?v=z5UeVs6hURM&t=81s>>.

Back to March 17 when I could not travel to Delhi; within days, Maharashtra took the decision to curtail office-going traffic. By the weekend and next week, the lockdown was in place. Did we have time to absorb the implications?

Mumbai is vast, complex, overcrowded, and disparate. We are based here, our team at CJP and Sabrang located here. Whispers of food shortage led the more privileged of us to stock up, but before we could even begin to experience what impact this lockdown would have on our *bastis* and high-rises, panic calls for rations started pouring in. In 2005,⁵ when in the month of July we had been hit by a terrible flood, we suspended all our other law-and-justice work and joined hundreds of others in providing relief. That then was what the end of March, April, May, and June meant for us. Providing ration relief; buying, packaging, reaching, delivering. This time the work was more taxing and tense: our team was risking itself moving out, buying bulk rations; we were all taking risks packaging and delivering monthly kits. It had to be done.

The first time I realized the value of a mobile during conflict was on February 27, 2002. I had acquired my first Nokia mobile in the September of 2001 and it was an expensive business, Rs. 22 per minute. As news of the ghastly Godhra train burning came in, within minutes my phone was ringing with distress calls from over twenty of Gujarat's thirty-three districts.⁶ My mobile record reflected the distress on the ground: local police were not responding as attacks with systemic precision were organized and amplified.

Switch to 2020. The smartphone and India's migrant workers. CJP was working with partner organizations in Bengal, Orissa, UP, and Mumbai to provide relief where it was really needed. Each day, calls would come in, and we would frantically tabulate, cross check, access food and deliver. There was always the question of raising resources. Yet, the CJP community proudly delivered. We managed through this mammoth collective effort to reach 55,000 families all over Greater Mumbai.

We built an understanding of how the migrant worker lives and made lasting connections. And we also resolved to ensure a lasting relationship.⁷ We began the Migrant Diaries Conversations:

Our Migrant Diaries series brings you these wonderful Indians who use the smartphone, celebrate, mourn but stoically, navigate a difficult life trajectory simply because the Indian Constitutional Dream—Articles 13, 14, 15, 16, 17, 19, 41, 41A, 43—have just not been realised. A real India will only be born or seen or

⁵ 'Hand in Hand: Saluting the Unsung Heroes of the 2005 Deluge' *Communalism Combat* (August-September 2005)

<<https://www.sabrang.com/cc/archive/2005/sep05/cover.html>>.

⁶ Teesta Setalvad, *Foot Soldier of the Constitution: A Memoir* (Leftworld Books 2017).

⁷ Teesta Setalvad, 'A Call to Our Conscience' (*CJP*, 8 June 2020) <<https://cjp.org.in/a-call-to-our-conscience/>>.

heard when the vast sections of us, not just the twitterati, the middle classes or the entitled, get representation, power and a voice to decide policy, to make choices, to guide the country forward.

Bets are that these people, our Tinku Shaikh, Hurdanand Behra, Dilip Rana, Ganesh Yadav, Pradeep Mal, Lipton Shaikh, Rocky Ali, would all opt for environmentally friendly solutions and lifestyles! Bets are they would believe in a culture of “share and care” and not “consume and acquire”. Romantic as that may sound, it can and will happen. If the vision of the policy representation comes from a position of real understanding of denials and discrimination (remember our own Phule, Ambedkar, Kabir?), solutions will also be more real and more effective, impactful, and compassionate.

Will the Covid 19 pandemic lockdown and its utterly cynical implementation that harrowed and uprooted millions, lead to this kind of seminal change? Where our social discourse speaks of the solutions while not whittling down the problems, where our political agenda is set by this huge upheaval and displacement, where subsequent policies and laws are made and (those unjust) are unmade in response to what these 56 crore, or 34 crore, Indians actually need and want.⁸

So the conversations were recorded. With Tinku Shaikh, Ganesh Yadav, Hrudanand Behra, Dilip Rana, Rocket Ali. The names are as fascinating as the persons we got to know and love.

“63 of us travelled four days and four nights in an open six-wheeler truck,” says Tinku Sheikh, describing the journey he and his friends undertook from Kapurbawdi in Thane, Maharashtra to Rampurhat in Birbhum, West Bengal. “In the truck we took turns to stand and sit during the day. At night sometimes we had to pile up on each other in order to sleep. Our bags hung above us, on a rope line that we suspended across the truck,” said Sheikh describing how they all managed to fit into the small space.

27-year-old Sheikh has a young wife and a 4-year-old girl back home. His parents also live in Bengal. “If not for *obhab* (want), why would we leave our parent’s house and the comfort of our birthplace,” he asks. “We never owned a significant amount of land. Whatever little we had was divided between my father’s three brothers,” he explains.⁹

What now? Will urban India choose again to slumber and forget? The mass exodus was called shameful, shocking, and worse and more than what India had encountered during Partition. What will be the lessons that will stay and we will learn?

Not used to pontificating about others, lets speak about both myself and CJP. My closest friends and lawyers fought valiantly for rights of migrants in courts. The courts were slow and distant, distinctly a failure. We all fumed.

⁸ *ibid.*

⁹ ‘Migrant Diaries: Tinku Sheikh’ (*CJP*, 8 June 2020) <<https://cjp.org.in/migrant-diaries-tinku-sheikh/>>.

What could be a lasting engagement, I asked? In between the enchanting phone calls from Hrudanand, Tinku, Boshir, Lipton and Rockly—all sending us lovely “thank you, miss you pics and videos”—I wondered how we could make some meaningful contribution towards ending this existentialist exclusion: fellowships among the migrant workers, hunting for sustainable solutions, was one that we have launched.

But there was something more fundamental. An idea grew and sprung within me suddenly. It has now become a core campaign for us. Why should India’s migrant-worker population not have the right to vote?¹⁰

India’s gaze has, for the first time, been turned towards the “migrant labourer”. For Indian democracy to learn the right lessons from the plight that a sudden lockdown has caused this vast section of Indians, a condition that has been brought before the more settled and privileged sections, including politicians, one crucial element must surely be to secure to them the right and facility to vote.

Migrant labourers mostly hail from most poverty-driven rural areas and from among the most marginalised sections (SC/STs and OBCs, and other minorities, including Muslims). They are mostly uneducated, and lack assets including land. As of 2011, Uttar Pradesh and Bihar were the largest source of inter-state migrants, with 83 lakh and 63 lakh migrants respectively.

Most migrant voters have voter cards for their home constituency. A 2012 study showed that 78 per cent of the migrant labourers surveyed possessed voter ID cards and had names on voters lists in their home cities. Economic constraints disable a majority of them from voting as they cannot, in the midst of harsh work cycles, commute to their home states on the polling day. One survey shows that only 48 per cent of those surveyed voted in the 2009 Lok Sabha elections, when the national average was 59.7 per cent. These patterns have stayed consistent. In the 2019 Lok Sabha polls, major sender states such as Bihar and UP had among the lowest voter turnout rates at 57.33 per cent and 59.21 per cent respectively, while the national average was 67.4 per cent.

Given the nature of migration being circular and seasonal, migrants are not permanent/long-term residents in host cities and do not satisfy the requirements of being an “ordinary resident,” under Section 20 of the Representation of People Act, (RP Act), in the host state to obtain voter cards. They are, therefore, unable to transfer their constituency. Only 10 per cent of migrant labourers surveyed possessed voter IDs in their host cities. This is where we are at, on the cusp of a political campaign that could, potentially, alter India’s political landscape.¹¹

CJP has with us an alliance of partners from Bengal, Orissa, UP, and Assam. We urge that all right-thinking Indians lend their voice. Ends.

¹⁰ Teesta Setalvad, ‘The Migrant’s Right to Vote’ *The Indian Express* (18 July 2020) <<https://indianexpress.com/article/opinion/columns/election-comission-right-to-vote-migrant-workers-6511095/>>.

¹¹ ‘#LetMigrantsVote’ (CJP) <<https://cjp.org.in/let-migrant-vote/>>.

Painful Postscript: On the morning of August 6, we suffered an unspeakable tragedy. Ayesha Tirmizi, life partner of our lawyer in arms from Gujarat, advocate from the High Court, Suhel Tirmizi, who had valiantly fought the 2002 Survivor battles with us, died from being burnt alive in the Shrey Hospital fire that claimed eight lives in its ICU. Ayesha fought COVID valiantly despite co-morbidities and was to be moved out of the ICU on the same day, at 3 a.m., that the fire consumed her life. This Pandemic and Lockdown will forever for me then mean losses that are deeply personal and political.¹²

¹² 'Ayesha Tirmizi was Recovering When Her Life was Cut Short' (*Sabrang*, 7 August 2020) <<http://sabrangindia.in/article/ayesha-tirmizi-was-recovering-when-her-life-was-cut-short>>.