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Making live and letting die: Nepali migrant workers returning from India encounter the state amid the COVID-19 pandemic

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Abstract: The paper analyses how the Nepali state imposed its sovereign power on the Nepali returning migrant workers from India during the COVID-19 pandemic. Through the deployment of border security forces, the state resorted to arbitrary detentions of these workers, leaving them stranded at Nepal-India borders. They were no longer wanted in India while being rejected and excluded by the state. To demonstrate the state's exclusionary bordering practices, we used the concepts of 'biopolitics' (Foucault, 1997), 'necropolitics' (Mbembe, 2019) and 'bare life' (Agamben, 1998). We employed visual methodology and the content analysis of the publicly available media reports and photographs pertaining to the interceptions of the migrant workers stranded at the Nepal-India borders when trying to enter the country. We contend that the attempts of some returning migrant workers to swim across the Mahakali River to enter Nepal were acts of agency and resistance in the face of the state's brutalities.

Keywords: biopower; COVID-19 pandemic; migrant workers; necropower; sovereign power.

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1 Introduction

The World Health Organisation (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic on March 11, 2020. An unexpected spike in COVID-19 cases put the world in an unprecedented crisis with innumerable deaths[1], economic depression, unemployment, unavoidable lockdown, quarantine, and travel bans. Migrant workers, particularly temporary/seasonal migrant workers, were among the most vulnerable groups as this workforce carries out some of the most precarious, difficult, and high-risk jobs in the global labour market (Jesline et al., 2021). In this context, the Nepali migrant workers returning from India were no exception to the precarity of neoliberalism. In the wake of the Indian government's decision to impose a nationwide lockdown on March 24, 2020, thousands of Nepali migrant workers lost their employment and were forced to leave India. Many walked hundreds of kilometres through the Indian lockdown and finally came to the border checkpoints, only to face another lockdown imposed by the government of Nepal. The returnees were barred from entering Nepal by the border authorities, citing them as a threat to the spread of the coronavirus. A statement by the chief district officer (CDO) of the Darchula district of Nepal, "we have orders not to allow entry to anyone and there is an agreement between the two countries…" [myRepublica, (2020), para 4], demonstrates the vulnerability of migrant workers to the impact of the COVID-19 pandemic, which has constrained both their ability to access their places of work in India as well as their ability to return to their homeland, Nepal.

The Ministry of Labour, Employment and Social Security (2020) estimated that 700,000 migrant workers from India alone had to return to Nepal upon the outbreak of the pandemic. When the returnees arrived at the India-Nepal border checkpoints, they were denied entry into Nepal due to the nationwide lockdown and border closure. The border checkpoints and bridges were sealed; the government had imposed various restrictive regulations, including deployment of security forces, arbitrary detention, and intrusive surveillance to restrict returning migrant workers from entering the Nepali territory, citing them as a threat to the spread of the COVID-19 virus. For example, Shrestha (2020a) states that the government of Nepal "deployed 5,000 Armed Police Force (APF) along the border, establishing 120 border observation posts (BoPs), six-to-ten kilometres apart in the plains and eight-to-fifteen kilometres apart in the hilly region" (p. 92). The government closed 22 out of 32 entry points with India on May 1, 2020, when the COVID-19 cases were rising exponentially in India. As a result, the returning migrant workers found themselves in a state of limbo at the border; the Indian security forces wanted them to leave the Indian territory while they were barred from entering Nepal by the Nepali authorities.

The temporary quarantine facilities set up by the Nepal government on no man's land were unmanaged and overwhelmed due to an influx of returnees (Pokhrel, 2020). Many migrants were held on crowded buses while others were left for days in the forests, often without food, water, or shelter, while they waited to be tested for the COVID-19 virus. Closed border checkpoints and bridges compelled a large number of returnees, including women, children, older adults, and the disabled, to seek alternative routes or evasively cross the border using alternative routes to enter their homeland. In their efforts to reach the Nepal border and clandestinely cross the border, many migrants were reported to have walked hundreds of kilometres without food. Some migrants lost their lives (Poudel, 2020), while others risked swimming across the Mahakali River only to be apprehended by the Nepali security forces for defying the state authority (Gautam and Sharma, 2020).

The spectacle at the India-Nepal borders in the immediate aftermath of the pandemic raised some critical questions relating to how the modern state relates and responds to the exigencies and existential imperatives of the migrant workers who constitute one of the most precarious and marginalised groups of common people. An equally pertinent question was to examine the ways in which the returning migrant workers resisted the state's use of its power to bar them from homecoming. Specifically, this paper explores three crucial questions: At the time of a crisis such as the pandemic, whose lives matter, and whose lives are expendable? In what ways does the Nepali state exercise its sovereign power over migrant workers returning from India? What explains the trivialisation of migrant workers who are otherwise fetishised as sacrificing 'heroes' in the political discourse for their contributions to Nepal's economy?.

In this paper, we contend that when the lives are under threat by crises such as the pandemic, it is the lives of the political and economic elites that are valued at the cost of the lives of the people at the margins, such as the temporary migrant workers whose lives are placed in jeopardy by the state authorities imposing various technologies of state's biopower citing safety and security of the populace. Paradoxically though, during times of normalcy, the same expendable temporary migrant workers are acclaimed as sacrificing heroes on whose backs the economic and political interests of the state rest.

We begin this paper with a discussion of the increasing rates of labour migration in the context of Nepal's geopolitics. In the next section, we contextualise the Nepali migrant workers within the policy and political discourse. The subsequent two sections employ the concepts of necropower and biopower to characterise the Nepali migrant workers in India as economic slave bodies and necro-citizens. In the final section, we explore the ways in which the migrant workers demonstrate agency and resistance even in the face of the state's atrocities.

1.1 Labour outmigration and Nepal's geopolitics

India has been the main destination for Nepali migrant workers. One of the primary reasons is the 1950 India-Nepal Peace and Friendship Treaty. This treaty allows citizens of both nations to move freely across the border without a passport or visa to live, work, own property, and participate in trade and commerce in either country. Article 7 of the Treaty states,

> "The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement that privileges of a similar nature (Ministry of External Affairs, n/a)"

Although exact data are not available regarding the total number of Nepali migrant workers in India, Kunwar (2020) estimates that about three million Nepali citizens work in India. In its *India-Nepal Bilateral Relations* report, the Kathmandu-based Indian Embassy states that nearly eight million Nepali citizens, including 32,000 Gorkha soldiers currently serving in the Indian Army, live and work in India (Embassy of India, 2020). While a small percentage of Nepali citizens are in professional jobs, a vast majority (approximately 86%) are daily wage earners in informal sectors, such as manufacturing industries, care and service, agriculture, and other personal services (International Labour Organisation, 2020). Most migrant workers work without any

formal employment contract or social security and employment benefits that place 'no contractual obligations on their employers to provide them with food, accommodation, and healthcare' [International Labour Organisation, (2020), p.3].

Labour migration has played a prominent role in Nepal's economy. Financial remittances have contributed to the household economy as it reduces household poverty by providing much- needed money for basic necessities. This has positive impacts on living standards, education spending, quality of healthcare, children's education, and the socio-economic well-being of many families in Nepal. The volume of financial remittances in Nepal has increased considerably in the recent past. According to the 2019 World Bank report, Nepal is the fifth most remittance – dependent economy in the world. In 2018, the remittances sent home by migrant workers accounted for 28% of the national gross domestic product. This ratio is just behind Haiti (29.2%), Tajikistan (31.5%), Kyrgyz Republic (32.8%) and Tonga (34.2%). The report further indicates that financial remittances have increased from 2.54 billion USD in 2010/2011 to 8.79 billion in 2018/19 (World Bank, 2019). With a massive increase of Nepali youth heading or travelling abroad as migrant workers, the remittance flowing into the country as a share of GDP doubled from 14.9% in 2005/2006 to 32.1% in 2015/2016 (Kunwar, 2020).

India is a preferred destination because of its proximity and open border, cultural affiliation, social and political ties between the two countries, easily convertible currency, easy and affordable travelling options, easy-to-understand language, and history of migration of family and village (Bhattrai, 2007). According to the 2019 World Bank report, the annual remittances from India constitute the third-largest share, behind Saudi Arabia and Qatar (World Bank, 2019). Since Nepali migrants in India are mostly seasonal workers, they bring the money back when they return home. It is thus reported that the remittances brought to Nepal by the migrant workers themselves may not have been counted in official records. As a result, it is difficult to track the exact proportion of remittances coming from India. The COVID-19 pandemic has, however, catalysed an unprecedented level of reverse migration of Nepali migrant workers, particularly from India. Moreover, the lockdown and closure of the border due to COVID-19 have negatively impacted the overall well-being of migrant workers. Loss of jobs and income has curtailed the purchasing power of households, especially affecting food insecurity in such households.

1.2 Nepali migrant workers in India: Where are they in the policy and political discourse?

Nepali migrant workers in India have remained almost invisible in Nepal's migration policy and political discourse, though they have made significant contributions to the country's economy. The odd absence of these migrant workers is reflected in the Nepal Migration Report of 2020, published by the Ministry of Labour, Employment and Social Security (MOLESS). A number of governing bodies regulate Nepal's foreign labour migration, including national, regional, bilateral and international policy instruments and understandings. The common denominator of these government policies and frameworks is to protect the rights of Nepali migrant workers in destination countries.

The government of Nepal has constituted a number of policy frameworks to govern foreign labour migration. For example, the Constitution of Nepal (2015) proposes to "regulate and manage foreign employment…free from exploitation, safe and systematic and to guarantee employment and rights of the labourers" (p. 40). The MOLESS is the

umbrella body of the state that formulates policies and guidelines to regulate and manage foreign labour migration. The Ministry of Foreign Affairs (MOFA) works to strengthen foreign labour promotions with various organisations and the countries of destination. Nepal Rastra Bank (NRB), which is the central bank of Nepal, manages and regulates remittances, keeps records, and conducts research in the field of remittances. The United Nations sustainable development goals (SDGs) 2030 has also included two goals related to labour migration that 'promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and reduce inequality within and among countries' (P.8).

Although efforts have been made in terms of labour migration policy, such as bilateral agreements, Nepali migrant workers, particularly in India, are the most neglected workers by the state. For example, the government of Nepal introduced the Foreign Employment Act in 1985 and Foreign Employment Regulation Act in 1999. The government has signed bilateral agreements or memorandum of understandings (MOU) with several countries (e.g., Qatar, UAE, South Korea, Bahrain) to address procedures for the recruitment of workers, employment contracts, resolving disputes, and workers' benefits and compensation in the respective destination countries. However, neither the Acts nor any bilateral agreements include Nepali migrant workers employed in India. Thus, the government of Nepal must develop and implement a bilateral labour migration policy with India. Such policy should be 'work-worker- centred' and focussed on ensuring labour migration and safeguarding workers' rights. Such bilateral labour policy must develop a mechanism to monitor employment situations, remittance behaviours, and the common vulnerabilities faced by Nepali migrant workers in India. Such policy also helps investigate and address the cross-border nexus of organised crime and advocates for the Indian government to comply with international standards that promote and protect the rights of Nepali migrant workers in India.

Nepali migrant workers have played a vital role in keeping the national economy afloat during times of political instability and conflict as the remittances they send become an essential source of income. However, an equally important but grossly neglected issue by the government concerning temporary migrant workers in India is the lack of systematic collection of data/information. The lack of data pertaining to their total numbers makes it impossible for the government to effectively harness its benefits in development planning in the country. Thus, there must be coordination between the federal and provincial governments for policy development and implementation. For example, the local government might create databases/profiles focusing exclusively on migrant workers, including those who leave for India. This could help track migrant workers and facilitate federal and provincial governments to build a robust labour migration policy to ensure informed and empowered labour migration processes.

In terms of migrant workers to India, the recruitment process often does not follow strict rules nor requires any specific skills. Studies have found that many Nepali citizens work in a precarious labour market and are the most vulnerable workers in India. For example, Dhungana et al. (2019) and Sharma et al. (2015) suggest that Nepali migrant workers encounter issues, such as long delays in paying wages, unpaid overtime, long working hours, lack of health insurance schemes, and lack of safety and security measures in India.

Moreover, the gender-disaggregated data on Nepali women working in India are completely absent. Nepal's National Human Rights Commission (2018) states that many female Nepali workers are employed in informal sectors in India, such as restaurants,

private homes, and brothels. As a result, they are potentially exposed to exploitation with no access to legal recourse. Yadav (2018) suggests that the trafficking of women and girls into prostitution or of children into circuses has long existed, but due to the lack of data, the information as to what extent and volume these issues prevail remain largely unknown. Yadav (2018) also suggests that some returning migrant workers employed in India have an increased risk of ill health and HIV disease.

The vulnerability of Nepali migrant workers was realised at the outset of the COVID-19 pandemic. When the government of India imposed a nationwide lockdown, it severely impacted tens of thousands of Nepali migrant workers, especially the daily wage workers. However, no systematic data are available about the total number of migrants who succumbed to death following the onset of the pandemic. In this paper, we specifically zero in on the conditions of the returning Nepali migrants at the Nepal-India border in western Nepal and on what unfolded as they tried to cross the border in the face of the state's refusal to let them in and its surveillance.

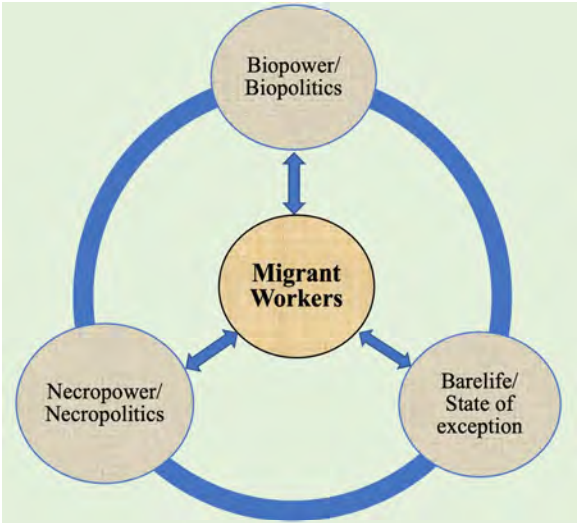
2 Theoretical framework

To analyse the bordering practices of the Nepali state against its own citizens, we engage with key theoretical concepts of three poststructuralist thinkers: Michel Foucault, Achille Mbembe, and Giorgio Agamben. We triangulate the concepts of *biopolitics*[2] (Foucault, 1997), *necropolitics*[3] (Mbembe, 2019) and *bare life* (Agamben, 1998, 2005) to examine the ways in which the Nepali state's sovereign power produces the *state of exception* that imperils the lives of Nepali migrant workers returning from India during the COVID-19 pandemic. We use and build on these theoretical concepts to unravel three dimensions of the Nepali state's use of power over the returning migrant workers and the resistance of the migrants against it. These concepts are useful in that Foucault's biopolitical notion of power focuses on how the state manages and controls its populations as a faculty of sovereignty (Foucault, 1997). Similarly, Agamben's notion of sovereign power helps us examine the ways in which the state produces a political order based on the exclusion of bare life (Agamben, 1998), while Mbembe's concept of necropolitics – *who may live and who must die* – resides in the power and capacity to dictate people (Mbembe, 2003). Based on this triangular framework, we argue that the biopolitical and necropolitical spaces within the borders of nation-states govern people, and the state's sovereign power becomes a persistent recurrence of the process of exclusion and dispossession of temporary migrant workers returning from India. The theoretical framework is presented in Figure 1.

Foucault (1991, 1997) uses the term *biopower*[4] to describe technologies of power concerned with the welfare of the population, including wellness, health, and material well-being. Foucault asserts that biopower is the domain of life over which power controls and regulates which bodies must live and which can be disposable. His notion is that the state exercises its power over populations in order to make them productive through technologies of disciplines, which he calls biopolitics or governmentality. He defines it as:

> "the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security [Foucault, (1991), p.102]".

Figure 1 Theoretical framework (see online version for colours)



Expanding on Foucault's concept of biopower, Mbembe's necropower[5] highlights a modern form of sovereignty that sustains life while simultaneously exposing citizens to conditions of death. Mbembe (2003) defines *necropolitics* as the "new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of *living dead*" (p. 40). He describes necropolitics to refer to Necropolitics "the ultimate expression of sovereignty" that "resides in the power and the capacity to dictate who is able to live and who must die. To kill or to let live thus constitutes sovereignty's limits, its principal attributes" [Mbembe, (2019), p.66]. It refers to the power of death, either killing people or reducing them to what Mbembe calls 'the living dead' who populate 'death worlds' – spaces with living conditions which allow them to barely survive [Mbembe, (2019), p.66]. We use the concept of necropolitics to refer to death not in the literal sense of dying but as a figurative and symbolic death that happens within the context of the structural conditions created by the state's mis/use of power.

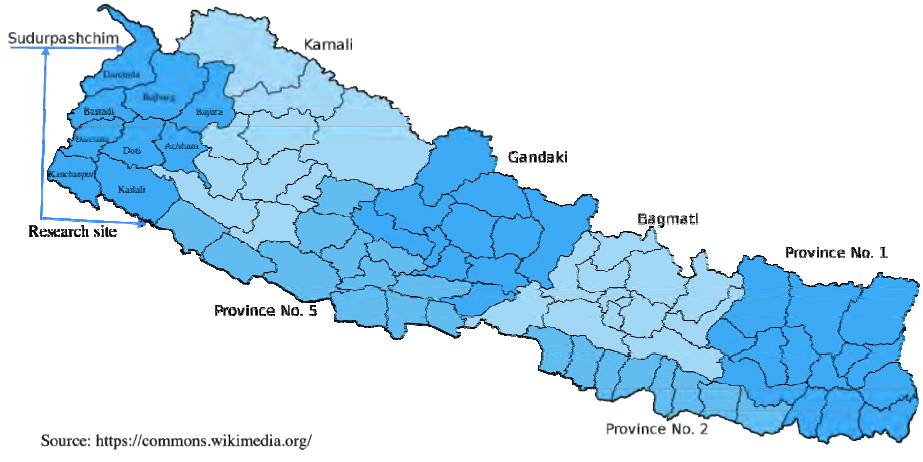
Building on the concepts of biopolitics and necropolitics, Agamben (2005) describes sovereign power in the context of contemporary society where 'the state of exception' appears totalitarian in nature; not only does it hold complete sway over the individual, but it is 'permanent, rather than temporary' (p.2). The state of exception for Agamben means the augmentation of government powers during times of emergency when state sovereignty is perceived to be under threat. Agamben's (1998) sovereign power rationalises how state sovereignty centres power over death or 'bare life' during the times of perceived threats to its sovereignty. These three theoretical concepts lend us a useful critical lens to examine the ways in which the state uses its sovereign power over its populations. We argue that these concepts, which were developed in the context of

contemporary Western society, fail to take into account the agency and resistance exercised by the populations who are subjected to the state's sovereign power. To analyse the Nepali state's use of its sovereign power over the returning migrant workers at the border, we engage with the concepts discussed above and simultaneously critique and foreground the agency displayed by the migrants to resist against the state.

3 Methodological approach

In the contemporary globalised world, the digital media has become a powerful tool not only in documenting injustices suffered by people but also in spreading information and creating and shaping public opinions in societies. During the COVID-19 pandemic, globally media has given enormous visibility to precarities faced by migrant workers which would otherwise have remained neglected and unheard. In this paper, we draw on the pictorial representation of the plight of Nepali migrant workers returning home from India during the pandemic. We carry out a qualitative content analysis of digital media images featured in various Nepali national media portals and other international media outlets in order to examine the situations of the Nepali temporary migrant workers who were stranded at the India-Nepal border while returning from India amid the COVID-19 pandemic. When the situation of the stranded migrant workers at the Nepal-India borders became front and centre on the print, digital and social media platforms, we chose the Suderpashchim province in the far-western region of Nepal (see Figure 2).

Figure 2 Map of Nepal (see online version for colours)



The rationale for choosing this province was that this province is often cut off from mainland Nepal. For example, Bhattrai (2007) states that the far-western region has been largely ignored in policy formation and development. Thus, there is a need to instate these migrant workers into mainstream policy and development. Similarly, many people from this region migrate to different Indian cities to work as temporary or seasonal workers due to geographical proximity, which makes travel to India more accessible and affordable. Further, given the longstanding history of migration from Nepal to India,

many Nepalis have networks of family members and neighbours which serve as an important factor.

As a part of the data collection methods, two co-authors collected news articles published in national and international daily newspapers between March 20th, 2020, and July 20th, 2020. We chose this four-month timeframe for two reasons:

a Nepal imposed a country-wide lockdown on March 24th, 2020, ending on July 21st, 2020, and

b India also announced a Phase 1 nationwide lockdown on March 24, 2020, and a subsequent series of Phases until May 31, 2020.

During this period, there was an influx of Nepali workers returning to Nepal from India. According to the Ministry of Labour and Employment report (2020), a total of 700,000 Nepali migrant workers returned home from India during the lockdown. Through an extensive Google search, we located a total of 92 news articles on Nepali migrant workers published in 25 different national and international daily digital news portals, which, among others

> "The Kathmandu Post, Kantipur, The Rising Nepal, Nagarik, Naya Patrika, the Himalayan Times, Himal Khabar, Online Khabar, Naya Page, Annapurna Post, Nepali Times, Republica, Nepali Times, the New India Express, Hindustan Times, the Times of India, the Telegraph, Al Jazeera, the Wire, the Record, the Guardian, the Times, DownToEarth, the British Broadcasting Corporation (BBC), and the Washington Post".

We created a shared digital folder where we compiled all the news items that covered the Nepali migrant workers to India. During our weekly meetings, we read the content of the news to decide whether it met our inclusion criteria. Since we were interested in utilising visual methodology (Banks, 2001; Barbour, 2014), we selected only those news articles that featured visual images or photographs of the Nepali migrant workers. The visual methodology is used to understand and interpret images, photography, videos, and paintings (Banks, 2001). Further, as Barbour (2014) states, the visual methodology is a new and novel approach to qualitative study that captures rich, multidimensional data by adding valuable insights into the everyday world. We argue that in the research on migrant workers, the use of image analysis places the human face at the centre of analysis. Methodologically, our paper thus uniquely contributes to the existing knowledge because available studies often discuss migrant workers' issues in terms of statistical facts and figures, which tend to eclipse the humane side quite dry.

Of the 92 news articles, 57 met our criteria, such as:

a news reports related to temporary migrant workers stranded at the India-Nepal borders

b photographs of these migrant workers

c the news reports that included the chosen research site.

In these 57 news articles, we were able to locate a total of 77 photographs, which were incredibly powerful portrayals of how temporary migrant workers were being dehumanised. These images also revealed the issues of immigration and border security.

In the analytical process, the 77 collected photographs were categorised based on emerging themes across the photographs. Finally, we selected 12 photographs capturing

the major themes for discussion. These photographs covered a wide array of topics, including photos that portrayed migrant workers sleeping on the open ground, swimming across the Mahakali River, being arrested by the police, sneaking into the dense forest, gathering at the banks of the Mahakali River, getting stranded at the iron-barred border, travelling in a crowded bus, and taking shelter under a tent. We also used the content analysis of the news articles through extensive reading and re-reading of the selected news articles. We selected some representative quotes from the news articles.

We used thematic analysis (Braun and Clark, 2006) as our analytical approach. In the first stage of analysis, we independently analysed the photographs and the content of the news articles and came up with themes and sub-themes. We then resumed our weekly meetings, where we shared our findings. This process involved an extensive discussion of themes and sub-themes. During these critical deliberations, we compared and contrasted our emerging themes, which involved rigorous and polyvocal analysis processes such as

a critical discussion of each other's themes

b using multiple coders to analyse photographs and news contents

c triangulating each other's themes and sub-themes to come to the final themes.

Lastly, we arrived at the following four themes:

1 Nepali migrant workers and necrocapitalism

2 Migrant workers as political and economic slave bodies

3 Migrant workers as necro-citizens

4 Migrant workers and their agency and resistance.

These themes were captured and portrayed through the selected 12 photographs. The processes that involved critical and methodical examination and cross-examination of the individual findings ensured the trustworthiness and credibility of our findings.

4 Discussion of the findings

4.1 Nepali migrant workers and necrocapitalism

No virus discriminates against human beings based on their race, nationality, ethnicity, age, or gender. But Mbembe's idea of necropolitics has ascertained this to be a false assumption. In a necrocapital society, the economy can not be stopped even if some of the population must die in order to guarantee productivity (Tyner, 2019). For example, in a television interview, the President of Brazil, Jair Bolsonaro's statement justifies how necrocapitalism works. He said, "I'm sorry, some people will die, they will die, that's life…you can't stop a car factory because of traffic deaths" (Fonseca and Rochabrun: Reuters, March 27, 2020). The statement of Pradeep Gyawali, the Foreign Minister of Nepal - in connection with bringing the stranded Nepali migrant workers back to Nepal – interestingly echoes Bolsonaro's statement. In an interview with the *Kathmandu Post*, Gyawali said,

> "This is not an emotional issue. The issue of coronavirus is not one limited to any particular country or nation, but it has become a global issue. And if we keep on opening the border in the lockdown, there is no meaning of the lockdown (Anil Giri, the *Kathmandu Post*, April 1, 2020)".

Unlike Bolsonaro's direct use of the language of death, Gyawali's allusive use of language suggests the exigency of protecting the economy in two ways, even at the expense of the migrant workers' lives. On the one hand, migrant workers, if not returned, will continue remitting money to keep the economy vibrant during the pandemic, and on the other hand, blocking their return will minimise the risks of spreading the virus and stalling economic activities. Further, preventing the migrant workers' return would mitigate the risks only for the elites and people in power to be infected by the virus since the marginalised people living inside the territory were confronted with the choice of either dying of hunger or the virus carrying on their labour. The images featured in the paper demonstrate how, in times of crisis such as the COVID-19 pandemic, the state persistently and ruthlessly imposes necrocapitalism to produce and reproduce a system that excludes and represses the returning migrant workers. In many countries of the Global South, governments resorted to varied technologies to protect their economies either by imposing exclusionary lockdowns or carelessly downplaying the health crisis created by the pandemic on the lives of the people on social and political margins.

Figure 3 Migrant workers sleeping on the ground (see online version for colours)

Source: Raman Poudel, *DownToEarth*, April 18, 2020

Necropolitics is not only sovereign power allowing the death of certain individuals or groups of people but also that these deaths become a means of accumulation. These individuals are often in lower positions within society. Therefore, some individuals are more vulnerable than others to have their life deemed insignificant and their death as a means of profit maximisation. In an interview with the *European Journal of Psychoanalysis*, Mbembe said:

> "The capitalist system is based on the unequal distribution of the opportunity to live and die…this logic of sacrifice has always been at the heart of neoliberalism, and it should be called necroliberalism. This system has always functioned with the idea that some are more valuable than others. Those of no value are expendable (Mbmbe and Bercito, 2020, p. n/a)".

Figure 4 Migrant workers sleeping in the open sky (see online version for colours)

Source: Maggie Doyne via Aditi Aryal, *The Kathmandu Post*, May 26, 2020

Figure 5 Nepali migrant workers stranded at the bank of the Mahakali river (see online version for colours)

Source: Narendra Karki via Subina Shrestha: *Al Jazeera*, April 1, 2020

According to Mbembe (2003), the concept of 'to let die' from a necropolitical analysis incorporates how some individuals' access to healthcare, safety, legal processes, and defence from aggressors are either directly or indirectly restricted. Given the emerging form of neoliberalism due to the reduction of worker's rights, it is no surprise that the concern of migrant worker abuse is something that deserves our immediate attention.

The COVID-19 pandemic has created an exponential global health crisis that has resulted in countries closing their borders. This led to imaginary walls being built between nation-states – a nationalistic tendency.

Figure 6 Nepali migrant workers at Nepal-India border at Nepalgunj Rupaidiha entry point (see online version for colours)

Source: Arjun Oli, My Republica, April 2, 2020

The outcome of the closed border crossings meant that migrant workers were stuck in a space where they were highly susceptible to the COVID-19 virus, surviving in poor living conditions and without a source of income. Thousands of Nepalis working across India have travelled long distances in the hope of returning to Nepal, only to find themselves stranded at borders without any further notice due to the travel restrictions placed by the government of Nepal (International Labour Organisation, 2020).

4.2 Migrant workers as political and economic slave bodies

A sudden nationwide lockdown in India created a state of desperation for thousands of Nepali migrant workers. They were forced to make difficult decisions to walk back to the Nepal-India border in hopes of being allowed to cross the border and return to their homes. They were challenged by many factors, including a lack of access to food, shelter, and income. In this context, Mbembe's notion of necropolitics clearly justifies that sovereign power dictates people and predicts life on the death of the *other*, the returning migrant workers. Figure 7, a picture of a quarantine facility, is a clear example of the impoverished situation of migrant workers being managed and monitored by the state authority.

The goal of necropolitics is to regulate a population by the disposal of individuals or larger groups when they are no longer determined to be useful for the functioning of the larger system. Both the images where the migrant workers are seen huddled together in the quarantine facility (see Figure 7) and the pictures where others are sleeping under the open sky (see Figures 3 and 4) represent two forms of state repression during the times of the pandemic. The government seemed to be biased toward these migrant workers with intra-nationalistic gestures and disposed of them by creating images of the border and/or deploying security forces. Moreover, the migrant workers were stigmatised and perceived to be "dangerous, troublemakers, and virus spreaders" [Jain, (2020), p. n/d]. Foucault's notion of biopower is equally relevant in this context to see how the state exercises its

power over populations in order to make them productive through technologies of disciplines. Foucault (1991) argues that biopower is the domain of life over which power controls and regulates which bodies must live and which can be disposable. As the Figure 8 shows, the returning migrant workers forced to live in the crowd under the tents with no masks demonstrates the state's insensitivity towards their risks of being exposed to the virus and, for that matter, to their death as long as the lives of the people in power and wealth can stay safe. As discussed earlier, the Foreign Minister's remarks that the state cannot be 'emotional' towards the returning migrant workers reveal that they are unwanted disease carriers.

Figure 7 Migrant workers at a quarantine facility in Uttrakhand's Darchula district (see online version for colours)

Source: Raman Paudel, *DownToEarth*, April 9, 2020

Figure 8 Nepali migrant workers are stuck on no man's land at the Sunauli border (see online version for colours)

Source: Mukesh Pokhrel, Himal Khabar via *Nepali Times*, May 10, 2020

Paradoxically though, the same migrant workers, during the times of normalcy, used to be fetishised as sacrificing heroes for their economic contributions to the country. Such starkly opposite narratives of the authorities display the state's double standards and duplicates toward migrant workers. The migrant workers can be understood as political and economic slave bodies whose labour is used to advance the nation's political and economic power. A stranded migrant worker said to a reporter of the *Wire*, "why do I have a citizenship card if my government won't make arrangements for me? [Is it] only for voting? I feel as if I'm not a Nepali citizen" (the *Wire*, April 10, 2020). Within this nexus, their fundamental human rights are abused. As can be seen in Figure 9, migrant workers, including women and children, are doomed to be necrocitizens. They are at an increased risk of the COVID-19 virus as a result of being abandoned by the state.

Figure 9 Migrant workers discarded onto the street (see online version for colours)

Source: Maggie Doyne via Asad Hasmin, *Al Jazeera*, June 10, 2020

Figure 10 Migrant workers use a tent to protect themselves from the rain (see online version for colours)

Source: Maggie Doyne via Asad Hasmin, *Al Jazeera*, June 10, 2020

The precarious living conditions turned this group of migrant workers into what Mbembe (2003) states as the 'living dead.' It is evident that the state, which has the capacity to dictate over life and death, displays a blatant lack of concern for migrant workers in the current crisis. The situation of migrant workers at the beginning of the pandemic revealed how elements of biopolitics, necropolitics, and sovereignty are combined in uneven and ever-changing ways.

4.3 Migrant workers as necro-citizens

The migrant workers are indeed necro-citizens whose remittances the Nepali state and its economy largely depend on are subject to exclusion, abhorrence, and dispossession, which became further aggravated and amplified during the pandemic. As Mbembe (2003) argues, authority figures exercise necropower over life and death. Evidence of this in the context of COVID-19 includes the bans, closures, and restrictions that citizens must abide by. They indicate techniques of territorial control and state power through border restrictions, business closures, and other restrictions such as social distancing. Such techniques and tactics of governing the people got further militarised and intensified through the narratives and discourses of public health protection on the one hand, and on the other hand, increasing alarms and fears in the global context, which also contributed to emboldening the state's exclusionary border restrictions.

Figure 11 Migrant workers returning home amid the COVID-19 pandemic (see online version for colours)

Source: Manoj Singh, *The Wire*, April 2, 2020

The Prime Minister of Nepal, Khadga Prasad Sharma Oli's statement justifies how authority figures exercise necropower over life and death. Prime Minister Oli publicly blamed the returnee migrant workers stating that they were the main cause of the spread of the virus in Nepal. For example, he made an off-the-cuff remark in Parliament that 85% of the COVID-19 cases in Nepal had come from India (Shakya, 2020; the *Times of India*, June 10, 2020).

Figure 12 Migrant workers returning to Nepal at the Nepal-India border in Dhangadi (see online version for colours)

Source: Shivaraj Bhatta: Al Jazeera, June 12, 2020

Overall, there has been a heightened mobilisation of the police force to curb and control the incoming migrant workers at the Nepal-India border. The police force was used as a tool to enforce the state's power and protect its sovereignty which signifies, during the times of crisis, the survival of those in pelf and power while creating conditions for the death of *others* represented by the migrant workers. During the pandemic, the migrant workers were thus designated as what Foucault (1991) calls the disposable bodies.

In the context of Nepali migrant workers, we argue that Agamben's notion of a "state of exception" depicts the intensification of government powers during the COVID-19 pandemic when the state's sovereignty is perceived to be under threat. The state's sovereign power establishes itself by producing a political order based on the exclusion of bare human life. The concept of bareness refers to a sense of physical life influenced by changes in legal and institutional systems that are out of our control (Agamben, 1998). Global capitalism has presented a form of governmentality where state actors monopolise terror, death, and freedom, which Mbembe calls 'war machines' (Mbembe, 2019). In this context, necrocapitalism goes beyond the characteristics of economic policies that influence social relations. This new form of governmentality is rooted in global political economies that contribute to global migration movements.

Neoliberalism produces jobs and ways of living that are based on uncertainty or precarity. Even prior to the COVID-19 crisis, Nepali migrant workers were already at heightened risk of vulnerability due to precarious work, low wages, irregular status, and exclusion from the state economy and social support services (Aryal, 2020; Giri, 2020). During the COVID-19 outbreak, they were the most vulnerable people. This uncertainty, however, is presented to the general public through a seemingly positive discourse, yet in reality, the general public is often left with fewer rights and is increasingly deprived. The necrocapitalist restructuring has strained the low socioeconomic status of labourers, such as migrant workers, to die in order for the indispensable lives to live (de Jesus, 2020). In other words, from this perspective, the government would not only govern over life but also dictate over death, both domestically and internationally.

4.4 Agency and resistance

While Agamben's notion of sovereign power does not explicitly rule out the possibility of resistance against the state, there does not appear to be much scope for acts of disobedience. Agamben's notion of a 'state of exception' describes the augmentation of government powers during times of emergency when state sovereignty is perceived to be under threat. In line with Agamben's notion, it is important to explore the possibility of resistance by migrant workers in the state of exception and the implications of non-compliance for the exercise of the state's sovereignty. To borrow from Rajaram and Grundy-Warr (2007),

> "bare life is, in extremes, that condition of abjection from which no thought of resistance is possible. Power and resistance are separated by the decisionist sovereign who identifies the space of the law and its limits. .... Sovereign power is the decisive exercise of control over subjects, including the confinement of subjects to a position of bar abjection." (2007, xxi)".

The migrant returnees were seen as biopolitical subjects because they were disciplined, surveilled, and militarised at the border by the Nepali government in the name of public health safety during the pandemic. The governments pursued policies of border closures and travel bans to avert threats to public health in the country. The implications were broad and created what could be seen as a Foucauldian 'truth regime' to monitor and control these returnees. Further, the unheard voices of these migrant workers were inherently linked to Mbembe's necropolitics of *who gets to live* and *who dies* amid the COVID-19 pandemic. The state's sovereign power instrumentalised human life to suppress the freedom and rights of these migrant workers. The temporary migrant workers were treated as disposable people and were considered interruptions to the nation's functioning.

Figure 13 A migrant worker crossing the Mahakali river to return home (see online version for colours)

Source: Manoj Badu: *The Kathmandu Post*, April 29, 2020b

Mbembe's (2019) notion of necropower suggests that the government's sovereignty resides in power to dictate who can live and who shall die. An extreme form of necropower and/or sovereignty could be imagined in Figures 13 and 14. A migrant worker, who was compelled to swim across the Mahakali River, risking his own life, only

to be apprehended by the Nepali security forces as soon as he landed on the other side of the river. As Figure 14 portrays, six security personnel were involved in arresting this poor and helpless person. After his arrest, he was taken into custody and escorted to the detention centre without clothes or shoes but in underwear. What a bare life!

Hashim (2020) reports in *Al Jazeera*, "many migrant workers travelled for days without food or water, and now [that] they are home, do not have faith in the government's quarantine facilities" (*Al Jazeera*, June 10, 2020). In her interview on the global crisis generated by the COVID-19 pandemic, Judith Butler (2020) writes,

> "It seems likely that we will come to see in the next year a painful scenario in which some human creatures assert their rights to live at the expense of others, re-inscribing the spurious distinction between grievable and ungrievable lives, that is, those who should be protected against death at all costs and those whose lives are considered not worth safeguarding against illness and death (p. n/a)".

Agamben's (1998) notion of *bare life* suggests a sense of unprotected life beyond legal and institutional arrangements where migrant workers' lives are worth very little. Thus, their deaths are not regarded as something exceptional or unusual. As seen in Figure 14, a migrant worker, who was dragged by the Nepali police, shared his experiences with an *Al Jazeera* reporter, "You can take me anywhere from here. Hundreds like me are stranded on the other side, sleeping like animals on the ground. This country needs to save them" (Subina Shrestha, *Al Jazeera*, April 1, 2020b).

Figure 14 Police caught a migrant worker after crossing the Mahakali River (see online version for colours)

Source: Kiran Dhami via Anna Gautam and Sanjaya Sharma. *The Record*, April 5, 2020

As demonstrated by the pictures and the narratives of the migrant workers, the biopolitical chain is evidence of reproducing a state of exception. There were several instances of heartlessness and ruthlessness in security personnel's treatment of the migrant workers. For example, according to Hashim (2020), the returning migrant workers reported that they continued to be harassed by the security force even after they crossed the border. One migrant worker said to a reporter, "Yesterday, the police came and told us you will not get food or water, just stay in the bus… whether you eat or not, we don't care" (Hashim, 2020). These painful scenarios and the suppressed voices of

migrant workers give us fertile ground to argue that biological life and politics have become inextricably linked with the current times of the pandemic. For example, the government of Nepal's use of populist symbolism seems not only to deviate attention from its failure to address the crisis of the pandemic but also to grab a nuanced form of necropolitics, which is evidenced by the government's apathy towards the migrant workers returning home from India.

5 Conclusions

In a pandemic such as COVID-19, temporary migrant workers were the most marginalised and vulnerable members of society who were further neglected and discarded by the state. In this paper, we endeavoured to explore the plight of Nepali migrant workers who attempted to return from India and became stranded at the India-Nepal border amid the COVID-19 lockdown. It brought into the limelight the adversities, vulnerabilities, and discrimination faced by these returnees. More specifically, we attempted to explore theoretically grounded overarching questions: During the crisis times such as the COVID-19 pandemic, whose lives are worth protecting and whose lives are expendable? In what way does the state exercise its sovereign power over marginalised people, such as temporary migrant workers, and how does the state's sovereign power become a persistent recurrence of the process of exclusion and disposition of these doubly victimised workers? Exploring these questions helped understand the exclusion and harsh treatment of temporary migrant workers in the name of public health safety and curbing the COVID-19 virus. The callousness of the Nepali state can be referred to as what Weber and McCulloch (2018) describe as the state's new penology – the technologies purposed to control migrant workers through surveillance, detention, punitive bordering, and removal – used as a pretext to deter and punish these returnees at the borders. The new penology is similar to what Mbebe (2019) calls the 'necropolitics' which refers to "the power to manufacture an entire crowd of people who specifically live at the edge of life, or even on its outer edge – people for whom living means continually standing up to death . . ." (p. 37). Amid the COVID-19 pandemic, the Nepali migrant returnees were subjected to necropolitical praxes, where the biopolitical techniques were designed to control them. The necropolitics, as it was exercised by the state's sovereignty over mortality, construed life as the deployment and manifestation of power. The manner in which the state imposed its sovereign power demonstrates the migrant returnees merely as the political minorities and economic slaves.

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Notes

1 As of November 03, 2022, more than 6.6 million people died with COVID-19 since the start of the pandemic (https://www.worldometers.info/coronavirus/).

2 Biopolitics refers to the diverse range of different specific measures and techniques that have deem drawn upon in many different settings to pursue this larger project (Hannah et al., 2020). In short, biopower and biopolitics denote new logics of governing oriented around human populations.

3 Necropolitics can be referred to the political and economic organization of powers that decide which populations most be murdered or should be left to die.

4 The terms biopower and biopolitics are not always used in strictly instinct ways (Rabinow and Rose, 2006), but it is helpful to think biopower as referring to this basic underlying rationality of cultivating the life of the population (Hannah et al., 2020).

5 Necropower can be referred to the technologies of control through which life is strategically subjugates to the power of death.