

INDIAN FEDERALISM PERSPECTIVES

2020 was an unusual year. In March 2020, the World Health Organization declared the COVID-19 outbreak as a pandemic and called upon all countries to do everything they could to deal with the calamity and save human lives. A year later, many countries across the world appear to have got a grip on the pandemic. We now also have a basket of vaccines at our disposal. While there are problems with adequate and speedy production as well as equitable access, it is hoped that vaccines will probably slow down both the infection and transmission and gradually end the pandemic.

In India, we are currently facing the brunt of a second and probably bigger wave of COVID-19, and we are not necessarily in a better position compared to last year. Our health system and infrastructure are clearly stretched beyond limits. Even today, we are only plugging leaks and attempting to manage a catastrophe with band-aid rather than putting in place long-term solutions.

There is enough evidence to show that the pandemic hit the marginalized sections of society much harder. Their low social and economic status reduces the scope for physical distancing and pushes them to live in crowded living places, increasing the risk of contracting COVID-19. Furthermore, if they were to fall ill, it can be economically devastating. With the complete lockdown, many of them lost employment opportunities and found it difficult to sustain themselves and were dependent on handouts. In an earlier issue, Dr Parul Bhandari underscored the gendered social and economic impact of COVID-19.

In this issue, Dr Saumya Tewari highlights the differential impact of the pandemic in the labour market, turning the spotlight on the unorganized labour force. She notes that the absence of a policy framework led to an unprecedented crisis where people moved across states on foot in the absence of proper transport facilities. Much of the chaos came from the lack of coordination between different levels of government and the absence of clear-cut policies. The centralization of policy-making also did no good. The lack of good points, according to her, has been singularly responsible for both the poor governance response and inadequate policy measures. As we probably contemplate another lockdown and plan to vaccinate more people, Dr Tewari urges us to improve our data collection for more effective policy-making. We cannot afford to be unprepared the second time around.

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The spread of the Coronavirus disease in the year 2020 and the resultant policy challenges marks a critical juncture for policy-making. With little or no information about the health consequences, inadequate infrastructure to support, isolate, and quarantine, the only policy measure the governments could think of was checking people's movement. However, economic activity is deeply associated with mobility, and the lockdowns brought them to a halt, pushing the unorganised workforce out of jobs. COVID -19 has thrown the spotlight on one of the most vulnerable sections of our population, the unorganised labour force. This article illustrates the plight of interstate migrants and underlines that they are missing in the policy discourse.

The article has three objectives, one, to highlight data inadequacies on internal migration in India. Shortfalls in data have led to glossing over the loss of civic agency and exclusion faced by migrant populations. Second, to intertwine the exposed weak nodes in the policy framework for interstate migrants during the lockdown with the data inadequacies on migration at state and local levels. The policy weak nodes in this context are policy deficiencies for interstate migrant workers that fail to provide access to welfare in destination states and, as a result, pushed them to further marginalization as restrictions on movement were imposed. Finally, to show how source and destination states prioritised policies for migrants and the multi-level policy web that emerged in the states as a response to the crisis.

India's lockdowns revealed that the most vulnerable sections were the interstate migrants who became jobless and wanted to return home. What the world witnessed was an exodus of the kinds primarily described in mythical literature². Some drew a parallel with the mass departures during the 1947 partition³. With the suspension of public transport services, many chose to walk- from one state to another⁴. As the interstate migrant workers became visible with these events, it opened up a public space for discourse on their condition and vulnerabilities.

Interstate Migrants in India: Data on the Human Condition

Unequal development among regions is a crucial factor leading to the migration of people in search of opportunities. 41.4 million (41,422,917) persons among all migrant categories during the census 2011 reported “work/

employment” as the main reason for migration. Other causes include business, education, and marriage (among women). Demographers have shown how economic factors and migration have a complex relationship. Poverty is not necessarily a push factor, especially if the people are under-skilled, cannot afford housing costs or fear that they will be evicted from urban spaces for being ‘illegal’ occupants. However, the shift from agricultural to non-agricultural activities impacted migration in regions after liberalisation⁵.

The National Sample Survey Office (NSSO) sixty-fourth round was titled ‘Migration in India 2007-08’. This survey covered household migration, short-term migration, remittances and economic activities of migrants⁶. A similar or follow-up survey has not been conducted. Another vital source of migration statistics is the census of India. But the census only records the movement of individuals or households, interstate, intrastate and rural-urban trends and reasons for migration⁷. Gendered data on migrant workers and the marginalisation of women who migrate also need further investigation.

The Economic Survey (2016-17) used both Census 2011 data and railway passenger traffic flows to estimate migration of workers in India between 2011 and 2016⁸. This report used the Cohort-based Migration Metric approach to estimate the flow of interstate migrants for work-related purpose. During the crisis, it was of little help to assess the number of stranded migrants⁹. The volume of migrants, duration and reasons for migration are the basic variables that are not sufficiently articulated in public policy discourses because of the lack of good data¹⁰. The recent crisis that was caused by migrant workers getting stranded revealed the policy neglect. But migration has been a pre-Covid-19 concern as well. Records of parliamentary questions and answers from the Sixteenth Lok Sabha show that five years before the Coronavirus crisis, debates about the registration of migrant workers and their welfare were prevalent¹¹. The government had no records even then. Data released during the February 2021 budget session had estimates of returning migrants from their home states¹².

When the migrant exodus raised concerns during the pandemic, the immediate policy response could only be an improvisation because of unclear data and earlier neglect towards policy¹³. The government could not even estimate the deaths of migrant workers caused during the lockdown period. When questioned, the government cited general data on fatalities in road accidents from March to June 2020 in parliament¹⁴. After much public debate, a new database to keep a record of migrant workers, was proposed in December 2020, as this article is being drafted¹⁵.

A migrant moving to a new place, whether interstate or intrastate, faces regional and civic identity loss. As a worker leaves her native place, she may face linguistic, cultural and social differences in the destination region; this is a loss of regional identity. This is especially true for seasonal or temporary migrants. Treated as 'outsiders', there is the loss of identity that comes from living far off from home. Recent studies show how migrant communities form identities living together in slums¹⁶. Civic identity here refers to identity in the context of quality of citizenship, welfare rights and participation¹⁷. While interstate migrant workers are still citizens of India; they are not ‘domicile’, hence second-grade residents in the destination states. This “devalues” citizenship in the destination states¹⁸. The loss of civic identity comes from the permanent address mentioned in their documents from their native places, such as AADHAR cards, voter identity cards, ration cards and job guarantee registration, which excludes them from domicile status in the respective destination states. Simply put, this implies that they can be denied access to bank accounts, public food grain distribution networks, cannot work under schemes such as MGNREGA and get disfranchised for lack of portability of documents in destination states or districts¹⁹.

Loss of identity leads to poor quality of life as well. Make-shift housing (often shared accommodation for those who move without their families), slum dwelling, lack of access to sanitation, piped water, and electricity are some of the amenities local-level policies cannot

address. A 2017 report from the Ministry of Housing and Urban Poverty Alleviation recommends developing “portable but nascent social protection architecture to make services like PDS, health insurance and school education accessible to migrants”²⁰.

The time for which a temporary migrant stays in the destination, s/he is merely a tool labouring to make money; a loss of agency. Data on duration of migrant stay, housing conditions, occupations of the workers and informality of the contracts will help social welfare policy-making. Construction, for example, is one of the top sectors that employ migrant workers. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 mandates state governments to constitute a Construction Workers’ Welfare Board (CWWB) and register all construction workers in the state to cater to their welfare. But the registrations under CWWB were found to be obscure, and the portability of this registration between states is still underway²¹.

In a Lok Sabha discussion, the ministry of labour and employment mentioned that it directed states to assist workers from the Building & Other Construction Workers’ Cess Fund (BOCWCF) under CCWB. Further, wages under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) were increased, and the unorganised sector workers were provided with food grains under the Pradhan Mantri Garib Kalyan Rozgar Abhiyan (PMGKA)²². However, the implementation architecture still struggles with establishing the identities of beneficiaries.

When Extractive Institutions Prevailed in the Lockdown: Multilevel Policy Web²³

The migrant crisis during the lockdown was not exogenous but endogenous²⁴. The pandemic was an external cause, and the lockdown seemed to be the only measure to check the spread of the disease. The crisis caused by the lockdown was a mere consequence of the already existing exclusion of this section of India's workforce. It revealed the levels of marginalisation faced by migrant workers.

In another Lok Sabha answer, the Home Ministry claimed that four days before the total lockdown on the 25th of March 2020, they were prepared with increased control room operations to help stranded people²⁵. In the same answer, the ministry also mentioned that the migrant crisis resulted from "fake news" regarding lockdown guidelines that created panic while there were provisions for necessities for all stranded citizens.

As the world witnessed the movement of migrant workers during the lockdown, the weak nodes in the policy arena were revealed. Weak nodes in the policy framework refer to the lack of safety nets to address the temporality (seasonal migration, informal sector) of work-related migration from a bottom-up approach. A migrant faces exclusion from identity, economic rights and basic amenities. Policy web from extractive institutions keeps the migrant workers on the margins.

The lockdown and physical distancing norms to check the spread of the disease shut down most economic activity. For private businesses, it meant terminating informal contracts resulting in job losses for temporary workers (including domestic workers)²⁶. As reports of job losses and return of migrants surfaced, the policy response from the centre was to procure food grains, direct benefit transfers (DBT) to the poor and employ workers under MGNREGS of newly launched Pradhan Mantri Garib Kalyan Rozgar Abhiyan.. But because of lack of documentation, many were estimated to have been left out²⁷.

As the railways and other means of transport were also shut, some migrant workers had no option but to use their tempos or even bicycles or walk. The Shramik Special trains were started on May 1, 2020, at the request of state governments²⁸. The Karnataka government decided to stop train services after a request from industry lobbies to retain the construction workers in the state as non-red zones were to be opened up for business activities²⁹. This move denied the workers their agency to return to their native places. Whereas states such as Maharashtra facilitated the return of migrants to

Table 1: The Multilevel Web of Policies that Impacted Migrants During the Lockdown	
Level of Government	Policy Scope and Implementation
Centre	<ul style="list-style-type: none"> ● Lockdown guidelines – for nationwide total lockdown. ● Railways – the central government ran special trains on requests by concerned states ● <i>Atma Nirbhar Bharat</i> package- job creation and food grains distribution, ● Direct Benefit Transfer (DBT) schemes for poor
State	<ul style="list-style-type: none"> ● Inter-state borders control ● Road transport – after orders from central government to ease movement of stranded persons ● Health surveillance- by ASHA workers in coordination with other healthcare staff ● Labour laws- ordinances suspending protection of labour welfare.
Local	<ul style="list-style-type: none"> ● Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) implemented at district/ bloc level ● PMGKRA- proposed skill assessment at district level

Source: Based on the researcher’s analysis, a detailed table on state-wise announcements for the top ten destination and source states for migrant workers attached in Appendix I. [Read Here](#).

their home states and announced fare waivers for busses and financial aid for train fare to help migrant workers. The Maharashtra government extended financial cover for treatment of COVID-19 under the Mahatma Jyotiba Phule Jan Arogya Yojana (MJPJAY) in all hospitals- government and private, to all domicile citizens in the state on May 2, 2020. The scheme earlier covered cashless treatment for specified illnesses for specific beneficiaries. Maharashtra and NCT of Delhi, also among the top ten source states for migrants to other states, had no specific policy announcements for returning migrants. The states of West Bengal and Gujarat, also important destination states for migrant workers, only used the Ministry of Home Affairs guidelines and the Supreme Court orders for policy measures towards stranded migrants from other states.

The central government also allowed movement across interstate borders for stranded people from May 4, 2020³⁰. But the movement of people was only allowed with health screening, and state governments were responsible for providing road transportation facilities such as busses. On the other hand, states like Uttar Pradesh (UP),

Madhya Pradesh (MP) and Gujarat passed ordinances to suspend labour protection laws³¹. UP ranks high, both as a destination and source state for migrant workers, as per Census 2011 data. The state government initiated a move to get district-level lists of migrant workers from other states and take written undertakings from those who did not wish to return to their home states.

The central government declared to procure food grains under the Atma Nribhar Bharat package and One Nation One Ration Card. But this scheme of portability of ration cards to access food grains is estimated to be enabled in all states of India by March 31, 2021³². This portability is still not available for the job cards under MGNREGS. Workers can only seek employment in their blocs, where they are registered. Also, work under MGNREGS is available only in rural areas. Job seekers’ data in the MGNREGS public portal (on April 3, 2021) shows that demand for work by individuals increased from 88.3 million in 2019-20 to 126.8 million in the 2020-21 financial year. In UP, the state which is the highest source state of migrant workers, the demand for work under MGNREGA doubled in

2020-21. Though, in the absence of data on records of last place of job seekers under MGNREGA it may be difficult to assess how many interstate returnees sought work under the scheme. The data on job seekers is also representative of intrastate migrant workers as well as those who may have lost livelihoods in the villages.

The PMGKRA was launched in June 2020 to provide livelihood opportunities for migrant workers returning to villages³³. This scheme aims to assess the skills of the returning migrants and allocate jobs accordingly, while MGNREGA is a job guarantee for unskilled workers.

Conclusion: Keeping the Discourses on Migrants Alive

To conclude, the pandemic proved to be more exploitative for the marginalised. This juncture calls for rethinking discourses on interstate migration for economic opportunities in the Indian context. The mobility crisis that the migrant workers faced under the lockdown led to underpin the need for portability of social welfare across district and state boundaries. But for equitable distribution and implementation of portability of welfare, the first step would have to be to improve public data on not just mobility but also social conditions of migrants. It is essential to keep this discourse active so that the multilevel policy web keeps institutions more inclusive for migrants.

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Notes

² See

1) The Lancet. (2020). India under COVID-19 lockdown. *Lancet (London, England)*, 395(10233), 1315.

2) Suresh, R., James, J., & RSj, B. (2020). Migrant workers at crossroads—the covid-19 pandemic and the migrant experience in India. *Social Work in Public Health*, 35(7), 633-643.

³ Lee, J. N., Mahmud, M., Morduch, J., Ravindran, S., & Shonchoy, A. S. (2020). Migration, externalities, and the diffusion of COVID-19 in South Asia. *Journal of Public Economics*, 193, 104312.

⁴ Venkatraman, T., Chauhan, S., Dey, S., & Mishra, R. (16th May, 2020) In long walk back home, migrants battle hunger, scourge of Covid-19. *The Hindustan Times*. [Read here](#).

⁵ See

1) Bhagat, R. B. (2010). Internal migration in India: are the underprivileged migrating more. *Asia-Pacific Population Journal*, 25(1), 27-45.

2) Bhagat, R. B. (2016). Changing pattern of internal migration in India. In *Contemporary demographic transformations in China, India and Indonesia* (pp. 239-254). Springer, Cham.

⁶ See

Ministry of Statistics and Programme Implementation, Government of India. (2010). *Migration in India 2007-08*. NSS 64th Round July 2007- June 2008. Report No. 533 (64/10.2/2).

⁷ Census 2011 data on migration can be accessed in the D series. [Read here](#).

⁸ Ministry of Finance, Government of India. 2017. India on the move and churning: New evidence. *Economic Survey 2016-17*. Chapter 12, pp 264-284. [Read here](#).

⁹ Nayak, V. (6th May, 2020). Chief labour commissioner's office has no data on stranded migrant workers, RTI reveals. *The Wire*. [Read Here](#).

¹⁰ See Kumar, A. and Bhagat R.B. (Eds.). (Forthcoming 30th June, 2021). *Migrants, Mobility and Citizenship in India*. Routledge India.

¹¹ See

1) Lok Sabha Unstarred Question No: 1341. Answered on 1st December, 2014. [Read here](#).

- 2) Lok Sabha Unstarred Question No: 1088. Answered on 27th July, 2015. [Read Here](#).
- ¹² Lok Sabha Starred Question No: 95. Answered on 8th February, 2021. [Read Here](#).
- ¹³ Tyagi, M. (5th August, 2020). How much do we really know about migrants who shuttle between Bharat and India? *The Wire*. [Read here](#).
- ¹⁴ See Lok Sabha Unstarred Question No: 2044. Answered on 22nd September, 2020. [Read Here](#).
- ¹⁵ Magazine, A. (10th December, 2020). Pandemic lessons learnt, database on migrant labour may be ready by June. *The Indian Express*. [Read here](#).
- ¹⁶ Thachil, T. (2017). Do rural migrants divide ethnically in the city? Evidence from an ethnographic experiment in India. *American Journal of Political Science*, 61(4), 908-926.
- ¹⁷ Hart, D., Richardson, C., & Wilkenfeld, B. (2011). Civic identity. *Handbook of identity theory and research*, 771–787. doi:10.1007/978-1-4419-7988-9_32
- ¹⁸ Baxi, U. (27th November, 2020). Exodus constitutionalism: Mass migration in covid lockdown times. The India Forum. [Read here](#). The writer expresses how the migrant crisis can be an indicator of devalued citizenship.
- ¹⁹ Mitra, R., Singh, P. & Rawat, C. (9th November, 2020). Kerala on top, Delhi near bottom in New Migrant Policy Index. *IndiaSpend*. [Read Here](#).
- ²⁰ Ministry of Housing and Urban Poverty Alleviation, Government of India. (2017). *Report of the working group on migration*. January 2017, p 66.
- ²¹ See Peer, K. & Saha, S. (2020) Migrant Construction Workers of India: Evaluating their Contemporary Welfare Framework. *The Urban World*, Volume-13, No.-3, July-September, 2020, 5-12.
- ²² See Lok Sabha Unstarred Question No: 1270. Answered on 19th September, 2020. [Read here](#).
- ²³ See Acemoglu, D. & Robinson, J. (2012). *Why nations fail: The origins of power, prosperity and poverty*. (p. 101). Profile. Kindle Edition. In this work, the authors have theorized how political institutions can be of two kinds, extractive, where a small number of individuals are able to exploit the rest of the people or inclusive, where governance protects people from being exploited.
- ²⁴ See Mukherji, R. (2014). *Political economy of reforms in India*. OUP, New Delhi. Mukherji has shown how endogenous factors, gradual changes can lead to a tipping point transformation. The crisis faced by migrants was also caused by prolonged policy neglect regarding migration. The lockdown was the tipping point that revealed the human condition of migrants.
- ²⁵ See Lok Sabha Unstarred Question No: 327. Answered on 15th September, 2020. [Read here](#).
- ²⁶ Business Standard. (23rd April, 2020). Lockdown, job loss impacted 40 mn migrant workers in India: World Bank. [Read here](#).
- ²⁷ Deshingkar, P. (16th June, 2020). Faceless and dispossessed: India's circular migrants in the times of COVID-19. *Down to Earth*. [Read here](#).
- ²⁸ Ministry of Railways, Government of India. (1st May, 2020). PIB Delhi Notice on Shramik Special Trains. [Read Here](#).
- ²⁹ Philip, C.M. (6th May, 2020). Karnataka govt cancels inter-state trains for migrant workers. *The Times of India*. [Read here](#).
- ³⁰ Das, S. (30th April, 2020). Centre allows interstate travel of migrant workers, tourists. *Mint*. [Read here](#).
- ³¹ See
1) Ram, A.B. (12th May, 2020). Relaxation

of labour laws across states. *PRS Blog*. [Read here](#).
2) Ghose, D. (21st May, 2020). Suspension of labour laws by UP, MP, Gujarat crushing workers' rights, says Bharatiya Mazdoor Sangh national general secy Virjesh Upadhyay. *Firstpost*. [Read here](#).

³² Ministry of Consumer Affairs, Food and Public Distribution, Government of India. (30th June, 2020). PIB notification on PMGKAY. [Read here](#).

³³ Prime Minister's Office. (20th June, 2020). PIB Delhi notification on launch of PMGKRA. [Read here](#).

Preferred citation for this contribution: Saumya Tewari. (2021). Institutional Weak Nodes Revealed in the Pandemic: Migration and Labour Policy Priorities. *Indian Federalism Perspectives*, 2(1) April.

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