

COOPERATIVE FEDERALISM IN INDIA FEDERAL ASPECTS OF INDIA'S EMERGING INTERNAL MIGRATION GOVERNANCE FRAMEWORKS

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FEDERAL ASPECTS OF INDIA'S EMERGING INTERNAL MIGRATION GOVERNANCE FRAMEWORKS

ABSTRACT

The exodus of millions of migrants during the 2020 Covid lockdowns resulted in an uptick in migrant-inclusive policy initiatives. Leaning on concepts developed in migration studies and organizational theory, this paper analyses emergent policy responses with a focus on the role of government. Without a coherent and explicit approach to governing migration from the Centre, State governments have actively worked towards improving governance responses to migrants. The location of initiatives outside of the nodal State labour department, convergence between departments and bilateral arrangements between States demonstrate how horizontal and vertical boundaries within the governance system were bridged innovatively by temporary orders, enterprising bureaucrats, state-society collaborations and by leveraging hitherto under-utilized provisions in existing schemes. The paper highlights migration governance as an example where the rearrangement of federal relationships under crisis conditions has offered new policy imaginations. A nascent transition away from a centralist model of migration governance has emerged, which can be accelerated and sustained by institutionalizing successful initiatives, including boundary-spanning mechanisms.

INTRODUCTION

Mobility is a tricky issue in federal democracies. Inter-State water disputes and, more recently, the discourse around air pollution have underscored the contentiousness of mobility governance—who has claim over waters that flow across state borders, and who is to blame for poor air quality when the airshed stretches across the entire Indo-Gangetic plain?¹ Similar conceptual questions exist about human mobility. Globally, anxiety around immigration has made the governance of mobilities an important area of policy studies. In India, the 2020 migrant exodus sensitized both government and civil society to the urgent need for long-term policy on the management of internal migration.

Despite the Constitutionally guaranteed rights to move freely and reside anywhere within India's territorial borders,² migrants in India experience discrimination in terms of labour markets, political citizenship, access to public services, and welfare entitlements.³ Globally, governance approaches to migration have emerged in a dualistic manner: on the one hand, framing migration as a crisis elicits securitized responses; on the other, it is treated as a humanitarian issue.⁴ In India, however, a coherent and explicit approach to governing migration does not yet exist. Until now, legal frameworks have treated migration as a subset of labour and dedicated institutions to address human mobility have been absent.

This might now be changing. In 2016 and 2017, internal migration briefly received attention in policy circles. In the wake of the United Nations Human Settlement Programme's efforts to evolve its New Urban Agenda and the growing conversation around the Sustainable Development Goals (SDGs), India's Ministry of Housing and Urban Poverty Alleviation constituted an inter-ministerial Working Group on Migration to 'address the impact of migration on housing, infrastructure and livelihoods'.⁵ The working group submitted its report in 2017,⁶ however its recommendations were not formally addressed. A chapter on mobility in the 2016-17 Economic Survey not only outlined the role of labour mobility in leveraging India's demographic dividend but used analysed age cohorts and transportation data to demonstrate high levels of mobility in India.⁷ However, despite the recognition of the urgency and complexity of addressing internal migration in the government's own policy documents, the inclusion of migrants was not taken up in a focused way.

The migrant crisis following the national lockdown because of COVID-19 in the summer of 2020, when millions of migrant workers returned home under challenging circumstances, forced policy actors to respond with a slew of relief measures and has triggered policy momentum in the area of internal migration. This large-scale migrant exodus was a response to several underlying issues: (a) labour market segmentation and exploitative employment processes that reproduce social hierarchies and prejudices along the lines of caste class and gender and place migrants at a relative disadvantage to local workers; (b) a lack of political citizenship in States of employment that denies them patronage at their employment locations; (c) exclusionary forms of urbanization, including inadequate housing and poor access to social

1 Alan Richards and Nirvikar Singh, "Inter-State Water Disputes in India: Institutions and Policies," *International Journal of Water Resources Development* 18, no. 4 (2002): 611–25.

2 Ministry of Housing and Urban Poverty Alleviation, *Report of the Working Group on Migration* (New Delhi: Government of India, 2017).

3 Priya Deshingkar, Mukta Naik, and Nabeela Ahmed, "COVID-19 and India's Ongoing Migration Fiasco: Some Lessons for Policy and Research," *Economic and Political Weekly* 57, no. 16 (April 2022): 30–5.

4 Valeria Bello, "The Spiralling of the Securitisation of Migration in the EU: From the Management of a 'Crisis' to a Governance of Human Mobility?," *Journal of Ethnic and Migration Studies* 48, no. 6 (2022): 1,327–44.

5 Working Group on Migration, "Terms of Reference," (letter no O17034/18/2015-H/FTS-12940, Ministry of Housing and Urban Poverty Alleviation, Housing Division, July 28, 2015).

6 Ministry of Housing and Urban Poverty Alleviation, *Report of the Working Group on Migration*.

7 Ministry of Finance, *Economic Survey 2016–2017* (New Delhi: Government of India, 2017).

welfare; (d) inability to meet documentation standards for welfare eligibility, typically domicile or proof of residence; and (e) invisibility in official datasets, especially for circular and seasonal migrants.⁸ In his paper in this series, Chinmay Tumble adds data paucity and lack of coordination between individual States and between State governments and the Union government as additional vital contributors to the 2020 migrant crisis. To address migration, therefore, policy-makers must respond to multiple aspects of the migration experience that might contribute to migrants' vulnerability and consider the role of institutions and institutionalised mechanisms in implementing inclusionary measures.

In this paper, I develop a preliminary analysis of internal migration governance and policy action in India in this post-pandemic moment. I examine the sectoral and hierarchical locations of emergent policy actions and how they impact the nature of migration governance in India. Using internal migration as a case study, I discuss the strengths and limitations of Indian federalism in dealing with complex policy issues characterized by the particular challenges of territorial mobilities.

To do so, I draw on several sources of data, including: (a) an archive of 72 qualitative interviews with government officials, civil society actors, and academics in five Indian States, which were conducted by the Centre for Policy Research in 2021 as part of a UNICEF-funded research project; and (b) a roundtable discussion organized in December 2022 by the Centre for Policy Research, UNICEF, and the Initiative for Migration Action and Knowledge Engagement, where six States presented initiatives towards the inclusion of internal migrants.

This chapter is divided into four segments: first, a literature review that places this analysis within organizational and migration theory; second, an outline of the legal and institutional framework for migration governance in India; third, a description of the multi-level and multi-sectoral nature of policy responses; and finally, a critical analysis of how India's federal structures are responding (and could potentially respond) to the challenges of governing migration and mobility.

LITERATURE REVIEW: ORGANIZATIONAL AND MIGRATION THEORY

Globally, the governance of migration has been a particularly thorny policy issue. Not only is the phenomenon complex and systemic or credible data scarce, but different actors in the policy ecosystem hold wildly conflicting political perceptions, values, and positions.⁹ Such intractable policy problems—where contending parties hold different structures of belief, perception, and appreciation, and where solutions cannot be found merely by appealing to facts of reasonable argumentation—are often found in domains like climate change, gender, land use, and immigration.¹⁰

In this paper, I deconstruct the public component—the government—as the key actor in migration governance. I understand the government as a highly bounded and institutionalized organization comprising actors and institutions with precise responsibilities and functions, related to each in vertical (hierarchical) and horizontal (sectoral) ways and supported by bureaucracies comprising cadres and processes. Of course, this is embedded in a larger societal context where actors and institutions function

8 Deshingkar, Naik, and Ahmed, "COVID-19 and India's Ongoing Migration Fiasco."

9 Christina Boswell, Andrew Geddes, and Peter Scholten, "The Role of Narratives in Migration Policy-Making: A Research Framework," *The British Journal of Politics and International Relations* 13, no. 1 (2011): 1–11.

10 Donald Schön and Martin Rein, *Frame Reflection: Toward the Resolution of Intractable Policy Controversies* (New York: Basic Books, 1995).

simultaneously within a de jure policy ecosystem and a mutually constructed set of de facto rules. In sum, governance comprises a set of pluri-centric processes that bring together public, private, and societal actors to solve specific problems in horizontally or vertically structured arrangements.¹¹

To examine the vertical processes, I lean on a four-fold typology developed by four Dutch sociologists: centralist (top-down), localist (decentralized), multi-level (one that provides 'vertical venues' for different levels of government to work together) and decoupled (vertically disconnected).¹² I pay attention to 'where' in the vertical system initiatives and innovations are located and how they interact with other levels.

To understand horizontal processes, I lean on the concepts of boundaries and boundary work, which I have previously used to analyse state-society relations.¹³ To understand how bounded governance systems respond to mobilities, it is crucial to recognize that nation-states—and, indeed, governments at all levels—use 'territory' as an essential organizing principle.¹⁴ They treat territories as bounded jurisdictions within which administrative functions take place. During the COVID-19 pandemic, lockdowns were implemented precisely by making these boundaries watertight. We saw how the failure to acknowledge that the mobility of goods and people is fundamental to everyday life triggered the migrant crisis.¹⁵ Beyond territorial boundaries, I identify the emergence and location of categories and ontological boundaries.

Addressing complex policy problems requires the continuous dismantling and reassembling of these boundaries to 'shape new orders and propose new possibilities', as Karen Coelho et al. demonstrate in the context of urban regeneration.¹⁶ For example, during the lockdown, state-society boundaries dissolved when surveillance powers were outsourced to resident welfare associations and Civil Defence Corps, and when relief solutions were co-produced by district administrations and civil society organizations.¹⁷ I look for such instances of boundary work in migration initiatives.

This paper poses critical questions to interrogate a diverse range of policy responses seeking to address the vulnerability of internal migrants. In what ways did these responses challenge the boundedness of the existing governance system? What sort of reconfigurations of institutions and processes do we observe? In what ways were boundaries shifted, in temporary or more permanent ways? What new configurations are emerging, and what is their relevance for Indian federalism?

LEGAL AND INSTITUTIONAL FRAMEWORKS FOR GOVERNING MIGRATION

In public policy terms, internal migration has been addressed mainly as a sub-component of labour, which features on the Concurrent List under the themes of labour welfare, trade unions, and social security. Migrants are also addressed in other policy areas, especially in the context of universal entitlements, through central sector schemes (CS), which are fully funded by the Union government, and centrally sponsored schemes (CSS), which are partly funded by the Union government, in basic education, primary

¹¹ Peter Scholten, Godfried Engbersen, Mark van Ostaijen, and Erik Snel, "Multilevel Governance from Below: How Dutch Cities Respond to Intra-EU Mobility," *Journal of Ethnic and Migration Studies* 44, no. 12 (2018): 2,011–33.

¹² Ibid.

¹³ Karen Coelho, Amita Bhide, Lalitha Kamath, and Mukta Naik, "Disassembling the Urban: Understanding Struggle and Contestation Through Borders," *Urbanisation* 5, no. 2 (2020): 75–84; Mukta Naik and Nitin Bathla, "By Sealing Delhi NCR borders, Covid Has Ended Fluidity Between Where Labourers Live and Work," *The Print*, May 25, 2020, <https://theprint.in/opinion/by-sealing-delhi-ncr-borders-covid-has-ended-fluidity-for-labourers/428151/>.

¹⁴ Anssi Paasi, "Boundaries as Social Processes: Territoriality in the World of Flows" *Geopolitics* 3, no. 1 (1998): 69–88.

¹⁵ Naik and Bathla, "By Sealing Delhi NCR Borders, Covid Has Ended Fluidity Between Where Labourers Live and Work."

¹⁶ Coelho et al., "Disassembling the Urban."

¹⁷ Naik and Bathla, "By Sealing Delhi NCR Borders, Covid Has Ended Fluidity Between Where Labourers Live and Work."

healthcare, early childhood care, and food security. Among these, public health is a State subject, while education and economic and social planning come under the Concurrent List, which also addresses the category of 'vagrancy, nomadic and migratory tribes'.

In federal terms, migration governance depends on collaboration between the Union and States on policy design and implementation. This includes two types of arrangements: first, a centralized scheme design with States as implementing arms; second, State-led scheme design and implementation. This section elaborates on how centralized schemes address human mobility from the perspective of institutions and implementing mechanisms.

Envisaging the need for coordination between States to address the needs of inter-State migrants, the Constitution of India explicitly placed inter-State migration under the Union government's purview. However, the institutional location of this function remains unclear and has, by default, been addressed as a subset of labour.

A Labour Issue

Policy approaches to addressing the vulnerability of labour migrants have primarily focused on resolving issues arising from the unorganized nature of their work. Notably, the 1979 Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act (ISMWA) regulates the employment and conditions of work for labour migrants.

The chapter on migration and mobility in the 2016-17 Economic Survey indicated the importance of mobile workers to India's economic development agenda.¹⁸ Concurrently, in 2017, before the Union government started consolidating 29 central laws into four labour codes, the Working Group on Migration suggested that the vulnerabilities of short-term and seasonal migrants would best be addressed through universal social protection and enhanced security for all unorganized workers alongside the strengthening of access—including enabling portability—to essential services and housing.¹⁹

The Ministry of Labour and Employment coordinates several schemes for unorganized workers. The Building and Other Construction Workers (BOCW) scheme (under the 1995 BOCW Act) is particularly relevant because, as per the 2001 census, one-third of males and two-thirds of females engaged in construction work were migrants.²⁰ Although it is central legislation, the act is implemented through State boards, which register workers, collect cess from construction companies, design schemes, and disburse benefits to registered workers. However, State boards have been long criticized for their failure to spend large amounts of cess money. During the COVID-19 pandemic, it became apparent that mechanisms for registering highly mobile workers must be strengthened.

Education for the Children of Migrants

The 2009 Right of Children to Free and Compulsory Education Act (RTE Act) creates a statutory entitlement that every child in the country, regardless of their location or other identities, can claim free and compulsory education as a right from the state. The act is implemented through the Samagra Shiksha

¹⁸ Ministry of Finance, *Economic Survey 2016-2017*.

¹⁹ Ministry of Housing and Urban Poverty Alleviation, *Report of the Working Group on Migration*.

²⁰ Shamindra Nath Roy, Manish, and Mukta Naik, "Migrants in Construction Work: Evaluating their Welfare Framework," Centre for Policy Research, June 12, 2017, <https://cprindia.org/briefsreports/migrants-in-construction-work-evaluating-their-welfare-framework/>.

scheme, whose framework document recognizes migrant children as ‘belonging to most underprivileged groups...[deserving]...special priority and focused action.’²¹ The scheme is funded and managed by the central Ministry of Education and implemented by States and Union Territories, which are required to annually conduct or update household surveys to identify out-of-school children—a priority group under the Sarva Shiksha Abhiyan (SSA), India’s universal elementary education program—including collecting information on children affected by migration.²²

The SSA recommends the identification of migrant-intensive districts and adopting ‘innovative and effective strategies’ to ensure enrolment, retention, and continuation of education across source and destination.²³ It suggests broad strategies, including seasonal hostels or residential schools to retain children at source schools, special training centres at parents’ worksites, peripatetic educational volunteers to manage migrant children’s education between schools at source and destination, and tracking of children through migration cards or other records to enable continuity in their education. Mobile schools, examinations on demand, bridge courses, residential camps, and drop-in centres for street and slum children can also be provided through the SSA and its subcomponents, the Education Guarantee Scheme and Alternative and Innovative Education scheme. The SSA framework document makes receiving districts and States responsible for ensuring the continuity of migrant children’s education in age-appropriate classes and encourages the involvement of civil society in the processes of migration mapping, intervention planning, and implementation.²⁴ The scheme envisages financial accountability through scrutiny of the Annual Work Plan and Budget of migrant-intensive receiving districts. It also provides financial support for non-residential and residential interventions for out-of-school, dropout, and migrant children.²⁵ Despite the detailed articulation of measures of migrant inclusion in the scheme, implementation is poor and persistent data gaps inhibit action (De and Mehra 2016).²⁶

Early Childhood Care

The Integrated Child Development Services (ICDS) scheme addresses malnutrition, health, and developmental needs of young children aged 0–6 years, as well as pregnant women and nursing mothers. A CSS anchored by the Ministry of Women and Child Development, it offers supplementary nutrition, pre-school non-formal education, nutrition, and health education anchored by the ministry as well as immunization, health check-ups, and referral services provided by the Ministry of Health and Family Welfare. These are all converged through Anganwadi centres, which offer childcare and healthcare for pregnant women and young children.

Under the ICDS, Anganwadi workers are required to maintain monthly records of food distribution to both temporary and permanent residents. They must record new in-migrants as well as delete persons who no longer live in their jurisdiction. ICDS guidelines from 2006 suggest a portability mechanism in the form of certificated provided by Anganwadi centres in villages of origin, to be carried by migrants to

21 Department of School Education and Literacy, *Sarva Shiksha Abhiyan: Framework for Implementation* (New Delhi: Ministry of Human Resource Development, 2011), 52–53 https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/SSA-Frame-work.pdf.

22 Asaf Ali Lone et al., “Assessing the Portability of Social Protection and Services for Children Affected by Migration: A Study Across Five Indian States,” Centre for Policy Research and UNICEF India, December 13, 2021, <https://cprindia.org/briefsreports/assessing-the-portability-of-social-protection-and-services-for-children-affected-by-migration-a-study-across-five-indian-states/>.

23 Department of School Education and Literacy, *Sarva Shiksha Abhiyan: Framework for Implementation*.

24 Ibid.

25 Asaf Ali Lone et al., “Assessing the Portability of Social Protection and Services for Children Affected by Migration.”

26 Anuradha De and Chander Shekhar Mehra., “Estimating the Number of Out-of-School Children: Methodological Problems and Alternative Approaches - India Case Study.” (Canada: UNESCO Institute for Statistics: 2016)

avail services at their destination.²⁷ The framework document recommends the study of census data for demarcating the population for an Anganwadi centre and to reach out to children from socially excluded groups, including in hamlets, scattered deserts, hilly areas, slums, and unauthorized urban settlements for poor people, migrants, and construction labourers. The Eleventh Five-Year Plan (2007–12) proposed walk-in ICDS centres in railway stations and bus stands, where migrant children are most likely to arrive. While civil society efforts in some locations have resulted in mobile Anganwadi centres, the provisions for migrant workers are unheeded; in fact, Anganwadi workers are incentivized to minimise dropouts and therefore tend to exclude seasonal migrants.²⁸

Food Security

The 2013 National Food Security Act (NFSA) provides a rights-based framework for food security in India and guarantees subsidized foodgrains to poor households. These are delivered through the public distribution system (PDS) via neighbourhood-level fair-price shops. The PDS is jointly operated by the Ministry of Consumer Affairs, Food and Public Distribution and State governments. While the Union is responsible for food procurement, storage, allocation, and transportation, State governments must identify eligible households, issue ration cards, and supervise fair-price shops. Some States distribute additional items through the PDS, such as pulses, edible oils, or salt. States also have their own schemes, which may target specific issues like anaemia or providing cooked meals to the poor.

THE LANDSCAPE OF EMERGING POLICY RESPONSES

In recent years, the Union and State governments have taken a number of actions across various sectors to address the vulnerability of migrants. This section provides a brief account of these different policy responses.

Union Policies

Undoubtedly, the imperative to provide relief to migrants adversely affected by the COVID-19 pandemic spurred the Union government into action, specifically in the areas of registration, food security, and housing.

While registration is also a key feature of the ISMWA, the Ministry of Labour and Employment responded to a Supreme Court order to improve databases on migrants by setting up the E-Shram portal for self-registration of unorganized workers across India. This is the first at-scale attempt to set up a digitally backed database that enables unique links to individual beneficiaries. According to the E-Shram website, over 281 million workers have registered under the portal.²⁹ While the portal is expected to smoothe the delivery of welfare, challenges related to identifying inter-State migrants as a specific subset are still being addressed.

The distribution of free foodgrains through the PDS was a key element of the Union government's pandemic relief package. The One Nation One Ration Card (ONORC) scheme, though first floated in 2019, was prioritized during the COVID-19 pandemic to make PDS benefits accessible to seasonal migrants.

²⁷ Orlanda Ruthven, "Labour Migration and Business Responsibility in India" (New Delhi: Centre for Responsible Business, GIZ India, 2012)

²⁸ Asaf Ali Lone et al., "Assessing the Portability of Social Protection and Services for Children Affected by Migration.

²⁹ E-Shram portal, <https://eshram.gov.in/>.

State governments were urged to hasten the seeding of their ration card databases with Aadhaar information in order to enable portability under the ONORC system. While logistical and fiscal challenges remain, this is a significant step forward in recognizing and addressing mobility as a critical axis of exclusion.

In 2020, the Ministry of Housing and Urban Affairs announced the Affordable Rental Housing Complexes (ARHC) scheme, which sought private sector participation to retrofit unoccupied public housing for rental purposes and build new affordable housing stock. While framed as a response to help the urban poor and facilitate the integration of migrant workers in cities, the scheme addresses a broader need to diversify urban housing supply. Currently, according to the scheme's official website, nearly 30 retrofitting projects and one greenfield project are in the pipeline.³⁰

The NITI Aayog—the Union government's public policy think tank—convened a sub-group on the issue of migrant labour during the migrant crisis and prepared a draft policy document. Though not officially in the public domain, the draft recognizes the crucial role of the Union government in coordinating and supporting State governments to implement migrant-inclusive policy and proposes a comprehensive institutional mechanism. However, the draft has not been finalized or tabled in Parliament, indicating that the NITI Aayog's priorities may have shifted away from migration.

The Election Commission of India recently announced a pilot program to test the viability of enabling internal migrants to vote in locations away from home. This addresses a critical concern regarding the political citizenship of internal migrants, but its impacts remain to be seen.

State Policies

Despite the attention to migration in the schemes mentioned above, migrants have uncertain access to social welfare because the logic of universalisation that informs policy design is countered by applying eligibility criteria in practice.³¹ Fiscal and political considerations introduce eligibility requirements to most government schemes at the level of implementation.

Migrants, especially those moving between States, are particularly impacted by language and domicile requirements. They constantly carry the onus of proving their eligibility through documentation that they can rarely produce. As implementers of CS and CSS schemes as well as their own, exclusions usually occur at the State level. For example, inter-State migrant workers do not benefit from welfare schemes under the centrally legislated BOCW scheme, funded through a cess levied on construction, because boards are organized by States, which prefer to register residents who can demonstrate domicile in some form.³² Even when not formally introduced, exclusions may be practised procedurally by bureaucracies at the lower levels.

In addition to this tension between central legislation and State implementation, migrants also experience differential treatment in rural and urban contexts. A strong sedentary bias and more effective decentralization in rural contexts have retained the focus on preventing migration through strengthening rural development. At the same time, migrant inclusion in cities is severely constrained by a lack of capacity and resources.³³

30 Affordable Rental Housing Complexes (ARHCs for Urban Migrants/Poor, <http://arhc.mohua.gov.in/>).

31 Asaf Ali Lone et al., "Assessing the Portability of Social Protection and Services for Children Affected by Migration."

32 Roy, Manish, and Naik, "Migrants in Construction Work."

33 Biao Xiang et al., "Shock Mobilities During Moments of Acute Uncertainty," *Geopolitics* (2022): doi.org/10.1080/14650045.2022.2091314.

Given these base conditions, responses were surprisingly varied when State governments were mandated to deal with workers' issues during the 2020 migrant crisis. Some built on previous experiences and others tried novel approaches.

Initiatives Led by State Labour Departments

Being the nodal department for migration initiatives, State labour departments at source and destination states were active in their responses to the 2020 migrant crisis. The most common responses were linked with data collection and database building. Source States like Jharkhand, Chhattisgarh, Uttar Pradesh, Bihar, and Odisha, backed with a clear political mandate to protect the interests of their voters, captured data on migrants who returned during the pandemic. They also conducted skill-mapping exercises to design better interventions for livelihood support and skills development, though in most cases it is unclear how these databases have been utilized.

In States with significant populations of seasonal migrants—like Jharkhand, Chhattisgarh, and Odisha—the narrative around safe migration gained ground during the pandemic, pushed by civil society actors that have, for decades, been involved with humanitarian aid to vulnerable migrant households who experience exploitation at work. The Jharkhand government's Safe and Responsible Migration Initiative (SRMI), anchored in the Department of Labour, Employment, Training and Skill Development, is an experiment in building dynamic databases that improve linkages with government schemes. Building on a highly effective control room for managing migration flows during the pandemic, the SRMI is being piloted in six districts of Jharkhand. It involves a detailed mapping of the magnitude and spatiality of migration within and outside the state through a State-level migrant workers registration portal and a State migration survey that are both under implementation. Migrant resource centres are being piloted in several districts to proactively connect migrants to welfare schemes through awareness drives, field outreach, and collective action.

Other source States may have contemplated such initiatives but could not implement them. In March 2021, the labour department in Chhattisgarh announced the formulation of the Chhattisgarh State Migrant Workers Policy 2020,³⁴ which envisaged the creation of a reliable database that would enable the State government to safeguard the interests of their workers in other States through memoranda of understanding (MoUs) and strengthen support to migrant households at the source. The policy also envisaged improving the prospects for migrants through technical and soft skills development. Unfortunately, it appears that the State was unable to move forward despite their intentions.

Among destination States, low registrations of migrant workers under the BOCW boards was a significant facet of exclusion. Labour departments worked to bridge this gap and revamp State boards to be more responsive. For example, after the migrant crisis, the Department of Labour in Delhi, where almost all construction workers are from outside the State, has worked to digitize files, simplify and facilitate registration and claims processes, and deliver services to the doorstep. Acting on feedback collected from workers at construction sites across the State, schemes are also being reworked to address transportation, skill development, on-site childcare, and mobile medical care. Notably, the department has also been able

³⁴ See notification: "Raipur : Notification of Chhattisgarh State Migrant Workers Policy 2020 issued : Migrant Workers Policy Formulated to Ensure Protection, Welfare and Social Security of the Migrant Workers," Government of Chhattisgarh, March 25, 2021, <https://olddpr.cgstate.gov.in/post/1616680362/Raipur-Notification-of-Chhattisgarh-State-Migrant-Workers-Policy-2020-issued-Migrant-Workers-Policy-formulated-to-ensure-protection-welfare-and-social-security-of-the-migrant-workers>.

to increase the disbursement of welfare. About 9.14 billion rupees have been disbursed to nearly a million workers over the last two years.³⁵

Initiatives Led by Other State Departments

Before the COVID-19 pandemic, education was an active sector for migration interventions, especially motivated by the imperative to strengthen the implementation of the RTE Act. States have tapped sub-components of the SSA to design specific interventions to improve the continuity of education for migrant children. In the past, Gujarat's migration card and online tracking initiative and Maharashtra's education guarantee card scheme have reduced the number of school dropouts. In Gujarat, on-site temporary schools at worksites have enabled alternative schooling for migrant children during the migration period. Kerala has made efforts to improve the enrolment of migrant children in government schools and ensure they acquire proficiency in Malayalam to improve integration.

At the source end, Odisha's seasonal hostel programme, which started in 2003, has effectively provided continuous education access for children from households engaged in seasonal inter-State migration to work in brick kilns. These hostels are co-located with schools in source communities and, aside from schooling, provide boarding, meals, uniforms, books, stationery, basic services, healthcare, medical insurance, safety, and security. About 44 such hostels have been opened in Odisha, with approximately 2,076 migrant children enrolled in them.³⁶

Older initiatives by the Gujarat and Odisha governments addressed the portability of immunization and maternal health services through Mother and Child Protection cards that ensured access to complete data by auxiliary nurse midwives and Anganwadi workers at both source and destination. In the case of Gujarat, these cards have associated online tracking systems that facilitate limited portability of ICDS benefits for pregnant inter-State migrants.

The latest development is Maharashtra's Migration Tracking System (MTS), developed by the Department of Women and Child Development, which enumerates and tracks women and children who migrate seasonally from vulnerable source areas to their work destinations (primarily within Maharashtra) to ensure continuity in the related schemes to maternal and child health and nutrition. Based on data that showed the nutrition levels of migrating children fell drastically during periods that they were away from home, the MTS was piloted in six districts with significant tribal populations to address the problems of vulnerable intra-State migrants. It is now being scaled up across the State. Specific inter-State migration corridors with destinations in Gujarat and Telangana have also emerged, for which bilateral negotiations are ongoing. The distinctive feature of the MTS is that it flips the State's response from a business-as-usual demand-driven system to a supply-driven system with clear accountability for the last-mile delivery of services. The central Ministry of Women and Child Development is already considering the possibility of the MTS informing improvements in the nationwide ICDS Poshan Tracker. There is also ongoing deliberation about how delivery improvements for other services can be facilitated by expanding the scope of the MTS in the future.

³⁵ Harshil Sharma, Research Consultant, Labour Department, Government of National Capital Territory of Delhi, Presentation at CPR-UNICEF-IMAKE round table on 10th December 2022

³⁶ D C Behera, District Education Officer, Balangir District, Government of Odisha, Presentation at CPR-UNICEF-IMAKE round table on 10th December 2022

Convergence Across Departments and Beyond

It is important to note that these departmental efforts in State governments often rely on collaboration and convergence mechanisms involving multiple departments. Chhattisgarh's notification of its policy for inter-State migrants expects that implementation will require collaboration between departments including revenue, panchayat and rural development, skill development, employment planning, industry, health, finance, and home. In Jharkhand, the SRMI is anchored at the district level under the aegis of District Magistrates, in order to enable convergence where needed.

In Kerala, a converged initiative emerged in Ernakulam district, which receives a large number of inter-State migrants. The initiative, called which is Aditi Devo Bhava, is anchored in the district's health department. It leverages State resources and community volunteers towards widespread outreach to migrant communities across the areas of health, education, skill building, employment, and overall well-being.

Some initiatives have started at a smaller scale. In Telangana's Ranga Reddy district, one police commissionerate took the lead in bringing employers, civil society, and government departments to the table to bridge the education gaps of children from migrant families working in brick kilns. Now, the Telangana government is piloting a converged approach towards migrant inclusion in Ibrahimpatnam in the same district by involving six departments: education, health, women and child development, labour, civil supplies, and police.

Models to facilitate access to services for migrants also involve multi-actor collaborations. State governments, employers, and civil society organizations have all collaborated to pilot the migrant resource centre as a model to support migrants. This model has gained traction since the pandemic. In parallel, State governments and civil society organizations run common service centres that connect unorganized workers, including migrants, to government services through agents.

Bilateral Arrangements Between States

Inter-State coordination was important to successfully transport migrants back to source locations during the 2020 lockdown. Many bureaucrats gained valuable experience in this regard during that period. However, bilateral arrangements between States have been used to address the vulnerability of inter-State seasonal migrants for some time.

Notable in this regard was the MoU between Odisha and the undivided Andhra Pradesh, which enabled the delivery of education and healthcare services to brick kiln migrant workers from western Odisha at destination locations in Andhra Pradesh.³⁷ At present, Odisha has similar arrangements with Telangana and Tamil Nadu. An important element of this has been the facilitation provided to migrating communities. In collaboration with civil society organizations, the government of Odisha addresses the language barrier that migrant children face in education by facilitating the movement of teachers and learning materials to destination States.

Not all these bilateral efforts originated in MoUs. At the destination end, the role of proactive bureaucrats and other powerful policy actors is essential to overcoming the political apathy towards inter-State migrants. The dovetailing of source-State funding and convergence initiatives at the destination end enhances the efficacy of these efforts.

³⁷ Ministry of Housing and Urban Poverty Alleviation, *Report of the Working Group on Migration*.

ANALYSING INDIA'S INTERNAL MIGRATION POLICY RESPONSES

That the 2020 migrant crisis triggered several policy reactions is not a surprise, given the scale and visibility of the problem. Policy responses have built on pre-existing Constitutional, legal, and programmatic frameworks. The multi-sectoral nature and sub-national location of these policy responses show how India's federal democracy, whose governance institutions are ordered in territorial and hierarchical terms, responds to the fluidity of migration.

While the Union government provided relief to the vulnerable on a massive scale, it has been unable to articulate clear policy directions or specify governance mechanisms for internal migrants. For example, central initiatives like E-Shram or ARHC broadly target unorganized workers and do not address vulnerable migrants specifically. The NITI Aayog has not taken forward the draft policy on migrant workers, which also included a proposal for an institutional mechanism for vertical and horizontal policy coordination. Especially in the context of inter-State migration, which is explicitly within the Union's mandate under the Seventh schedule, no institutional mechanisms or processes have emerged in response to the crisis. Nor has the Union government adequately addressed the dangers of nativism and fragmentation in how states respond to inter-State migration, as Chinmay Tumble demonstrates in his paper in this series.

Without a clear direction from the Union government, diverse policy actions at the State level are shaping migration policy. One genre of State government initiatives has focused on innovating within the purview of national schemes, some of which articulate a space for migrants in entitlements and provide frameworks and guidelines for States to experiment with inclusion solutions. For instance, successful efforts like Odisha's seasonal hostel scheme were possible only because of the framework and funding under the SSA. Within the framework of national missions and programmes, States have innovated using new configurations of institutions, actors, and technologies. States have also made autonomous efforts towards migrant inclusion.

Similarly, the Union government's investments in digital technology and its efforts in implementing what is popularly known as the JAM trinity—the Jan Dhan bank accounts, the Aadhaar identity system, and widespread access to mobile technology—provided the backbone for many State-level innovations. For example, Maharashtra's MTS relies on the Aadhaar to track migrant households. In fact, through the ONORC scheme, the Union is demonstrating the possibility of portability of benefits using Aadhaar as a unique identity and Aadhaar-enabled biometric technology for beneficiary verification.

A remarkable feature of these emergent responses has been their diverse location across governance sectors. While labour is a nodal department for responding to migrant vulnerability, States have leveraged multiple inclusive and universal policy frameworks and programmes to do so. Responses have pushed outside the boundary of labour framings to examine migration as a broader developmental problem with implications for multiple sectors—including education, health, and food security—and for various vulnerable groups like women and children.

The relaxation of these horizontal institutional boundaries concomitantly indicates an ontological shift. In addition to seeing migrants as a type of worker, migrant households have emerged as a category as well in understanding beneficiaries of public welfare. The large influx of returning migrants during the pandemic helped policy actors at the State level broaden their perspectives and recognize the agency of migrants—a

change from the established narrative of distress and sedentarism that previously dominated policy imaginations around migration.³⁸ These changes in perception are already impacting policy. For example, understanding that migration often splits households across source and destination has garnered support for portability in delivering social welfare.

The lack of mechanisms for horizontal and vertical coordination is a feature of the Indian governance system that has been observed in diverse sectors, most urgently in the area of climate action.³⁹ This was also evident in migration governance during the COVID-19 pandemic. Despite initiatives originating from diverse sectors, the boundedness of State departments inhibited a more converged approach. Providing relief to returning migrants during the pandemic required bureaucrats to coordinate with their counterparts in other State governments and collaborate with other departments within the State. Many of the successful solutions—for instance, the exercise of organizing transport for returning migrants—were possible through complex collaborative arrangements with contributions from multiple stakeholders, including state actors, nongovernmental organizations (NGOs), citizen volunteers, and private corporations.

The dissolution of horizontal boundaries and their subsequent reconstruction after the pandemic highlighted the need for boundary-spanning mechanisms. Overall, successful migration initiatives have emerged through solid collaboration between different types of actors in the policy space. NGOs and entrepreneurial bureaucrats have played that critical boundary-spanning role in state-society collaborations. For instance, an enterprising commissioner in Ranga Reddy, Telangana, convinced employers to support efforts to run schools for children of inter-State migrants.

In India, the response to migrant vulnerabilities during the COVID-19 pandemic was inscribed within a particular federal structure. With the 2005 National Disaster Management Act in force, governance during the pandemic was top-down and centralist in nature. Of course, mobility controls through the closure of national borders were a global feature of the pandemic era, triggering panic flight of students and immigrants worldwide.⁴⁰ In India, though, the large-scale shock mobility of internal migrants occurred in the context of a centralized nationwide lockdown that sealed state borders and suspended public transportation (as Tumbe also points out).

The rearrangement of federal relationships under crisis conditions resulted in particular experiences among State-level bureaucrats, raising awareness of the complexities of internal migration and compelling them to bridge governance gaps in vertical and horizontal ways. For example, States had to negotiate with the Union government to secure Shramik trains and coordinate bilaterally with other States to work out the logistics of transporting stranded migrants back home.

Centralist governance did not necessarily mean a smooth flow of information through the system, nor did it mean that local governments had nothing significant to do. Some good practices emerged—for example, Odisha gave grants to panchayats to build infrastructure to respond to returning migrants—but communication gaps often left lower levels of government in the dark. In one such case, State officials told us that detailed guidelines for ONORC took quite a long time to reach districts, leaving food and supplies

38 Asaf Ali Lone et al., "Assessing the Portability of Social Protection and Services for Children Affected by Migration.

39 Martien Aartsen et al., "Connecting Water Science and Policy in India: Lessons From a Systematic Water Governance Assessment in the city of Ahmedabad," *Regional Environmental Change* 18 (2018): 2, 445–57; Rahika Khosla, Ambuj Sagar, and Ajay Mathur, "Deploying Low carbon Technologies in Developing Countries: A View from India's Buildings Sector," *Environmental Policy and Governance* 27, no. 2 (2017): 149–62.

40 Biao Xiang et al., "Shock Mobilities During Moments of Acute Uncertainty."

departments unaware of how to implement the portability scheme. Mechanisms to bridge vertical boundaries has, in general, been a significant challenge in migration governance.

Such vertical boundaries have allowed local bureaucrats and civil society to pose ad hoc bureaucratic impediments to migrant inclusion and made it harder to export local innovations to other contexts. For example, the experience of district-level convergence initiatives in Ernakulam, Kerala, and Ranga Reddy, Telangana, is not widely known, let alone has it been replicated. The experience of responding to an issue as complex as migration has affected the nature of State government response. States are far more aware of the paucity of migration data and are trying to fill this gap through surveys, tracking, and registration.

In the absence of centralized coordination on the issue of migration, States have experimented with bilateral arrangements over several years. As noted above, bureaucrats had to coordinate with other State governments and work in collaboration with a variety of departments. State-level policy documents and discourse reflect increasing confidence in bilateral measures to address migrants' vulnerability. Source States are particularly invested in this idea, with plans to set up migrant resource centres and send cadres to facilitate solutions to problems migrants may face at their destination. Bilateral arrangements have also garnered the support of destination State governments, who have demonstrated initiative in setting up new institutions for convergence and coordination at local levels.

CONCLUSION AND RECOMMENDATIONS

Policy responses to the 2020 migrant crisis highlight how India's federal governance system has the potential to address human mobility and migration. The multi-level and multi-sectoral nature of emergent responses shows that horizontal and vertical boundaries within the governance system can be breached—at least in times of crisis. Successful convergence between departments at the State and district level and bilateral arrangements between source and destination States was often enabled by enterprising bureaucrats and temporary orders. However, the inability to recognize and institutionalize these boundary-spanning mechanisms means the system may also return to business as usual after a crisis ends.

The experience of addressing the needs of stranded and returning migrants resulted in a heightened awareness among State government bureaucracies, which helped recognize the complexity of internal migration as a policy issue. With much of the policy action happening at the State, district, and local government level, it could be argued that migration governance is emerging bottom-up. We may potentially be seeing the beginning of a transition away from a centralist model of migration governance. An analysis of prevalent and emerging policy frames would be helpful in figuring out trends; their convergence could lead to multi-level governance, but divergence could result in decoupling. Moreover, more policy venues and structured arrangements are needed to encourage and streamline collaborations.

Responding to complexities may also demand new imaginations. For example, since migration corridors are well-established and source-destination pairs at the district level have been stable for decades, there is an opportunity to think about district-to-district dialogue and coordination. For example, adjacent districts across State borders, where a significant amount of inter-State mobility occurs, may need new coordination mechanisms that do not require minute oversight from State capitals.

Despite the existence of sectoral policy initiatives and State-led action, the Union government could play a larger agenda-setting and coordination role in anchoring, sustaining, and scaling the emergent responses. Moreover, formal recognition of migration governance as a policy priority would help sustain the momentum built during the COVID-19 pandemic. It would provide the impetus to document, streamline, and scale existing initiatives and enable the involvement of societal actors who would bring critical experiences and resources to the table. Above all, to evolve mechanisms and mainstream migration across governance levels and sectors, the governance ecosystem needs to deliberate the characteristics and roles of institutions, the building of capacities of state and non-state actors alike, and the mediation of political dialogue.

REFERENCES

- Aartsen, M., Koop, S., Hegger, D., Goswami, B., Oost, J., & Van Leeuwen, K. "Connecting water science and policy in India: lessons from a systematic water governance assessment in the city of Ahmedabad." *Regional environmental change*, 18, (2018): 2445-2457.
- Bello, V. "The Spiralling of the Securitisation of Migration in the EU: From the Management of a 'Crisis' to a Governance of Human Mobility?" *Journal of ethnic and migration studies*, 48(6), (2022):1327-1344.
- Boswell, C., Geddes, A., & Scholten, P. The role of narratives in migration policy-making: A research framework. *The British Journal of Politics and International Relations*, 13(1), (2011): 1-11.
- Centre for Policy Research & UNICEF India. *Assessing the portability of social protection and services for children affected by migration: A study across five Indian states*. New Delhi: UNICEF, 2021.
- Deshingkar, P., Naik, M., and Ahmed, N. "COVID-19 and India's Ongoing Migration Fiasco: Some Lessons for Policy and Research." *Economic and Political Weekly* 57(30), (2021): 30-35.
- Geddes, A. & Hadj-Abdou, L. "Changing the path? EU migration governance after the 'Arab spring'" *Mediterranean Politics*, 23:1, (2018): 142-160. DOI: 10.1080/13629395.2017.1358904
- Ministry of Housing and Urban Poverty Alleviation. *Report of the Working Group on Migration*. New Delhi: Government of India, 2017. https://mohua.gov.in/upload/uploadfiles/files/WGreport_Migration.pdf.
- Government of India. *Economic Survey 2016-2017*. Ministry of Finance, Government of India, 2017.
- Khosla, R., Sagar, A., & Mathur, A. "Deploying Low carbon Technologies in Developing Countries: A view from India's buildings sector." *Environmental Policy and Governance*, 27(2), (2017): 149-162.
- Naik, M, & Bathla, N. "By sealing Delhi NCR borders, Covid has ended fluidity between where labourers live and work." *The Print*, 25th May 2020.
- Paasi, A. "Boundaries as social processes: Territoriality in the world of flows." *Geopolitics*, 3(1), (1998): 69-88.
- Richards, A., & Singh, N. "Inter-state water disputes in India: institutions and policies." *International Journal of Water Resources Development*, 18(4), (2002): 611-625.
- Roy, S. N., Manish., & Naik, M. *Migrants in Construction Work: Evaluating their Welfare Framework*. Centre for Policy Research, 2017.
- Scholten, P., Engbersen, G., van Ostaijen, M., & Snel, E. Multilevel governance from below: how Dutch cities respond to intra-EU mobility, *Journal of Ethnic and Migration Studies* 44, no. 12, (2018): 2,011-33.
- Shön, D., & Rein, M. *Frame reflection: Toward the resolution of intractable policy controversies*. New York: Basic Books, 1995.
- Xiang, B., Allen, W. L., Khosravi S., Kringelbach, H. N., Ortiga Y. Y., Liao K. A. S., Cuéllar J. E., Momen, L., Deshingkar, P., & Naik, M. "Shock Mobilities During Moments of Acute Uncertainty." *Geopolitics*, 2022. doi.org/10.1080/14650045.2022.2091314.



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