

COOPERATIVE FEDERALISM IN INDIA TOWARDS AN INTER-STATE MIGRATION COUNCIL

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TOWARDS AN INTER-STATE MIGRATION COUNCIL

ABSTRACT

Migration in India has tended to create friction—between the Union government and State governments, and between different State governments. This chapter reviews the nature of migration in India and its relationship with nativist sentiments and political conflicts. It argues for the establishment of an inter-State migration council, either nested within the existing framework of the Inter-State Council or led by the Ministry of Labour and Employment, that would uphold the constitutional provisions on mobility, lead on the collection and dissemination of statistics on inter-State migration, promote the portability of social security benefits, and work towards resolving migration-related disputes in the federal system.

'The Constitution of India guarantees freedom of movement for all citizens. The foundational principles of free migration are enshrined in clauses (d) and (e) of Article 19 (1) of the Constitution, which guarantee all citizens the right to move freely throughout the territory of India, and reside and settle in any part of the territory of India. Article 15 prohibits discrimination on the basis of place of birth, among other grounds, while Article 16 guarantees equality of opportunity for all citizens in matters of public employment, and in particular prohibits the denial of access to public employment on the grounds of place of birth or residence.'

Report of the Working Group on Migration¹

INTRODUCTION

Migration has, at various times, created tensions in the federal polity of India. Immigration from other countries, emigration to other countries, and, above all, internal migration within India have affected some States more than others, creating friction between the Union and the States and between States themselves.

The internal migration crisis of 2020, induced by India's stringent national lockdown during the COVID-19 pandemic, is a case in point. The Union government shut down the railways—the lifeline of millions of migrant workers in India—on 24 March, 2020, with just a four-hour notice period. What followed were horrific scenes of migrant workers walking hundreds, if not thousands, of kilometers back home to their origin States. States blamed the Union government for the hastily drawn lockdown while the Union government blamed States for not doing enough to keep migrant workers from travelling back home. In key internal migration corridors, some origin States signaled that they would not welcome the migrants back home. Destination states found it difficult to maintain lockdowns with the constant reverse flow of migrants towards their borders.

Throughout this crisis, the lackadaisical, outdated, and problematic nature of official statistics on Indian migration meant that a key piece of information—how many migrants from one State were in another—was difficult to obtain. In Gujarat, for example, official statistics suggested there were between 1 and 2 million migrants leaving the State; the number turned out to be closer to 3 million. Overall, by the Union government's own admission, some 11 million inter-State migrants were estimated to have made the reverse exodus in India (though private estimates were several times higher). This crisis was compounded by the lack of coordination across States, between states and the Union government, and the paucity of real-time data on migration.

For another example, consider the growing call to reserve jobs in the private sector for locals. Several State governments have recently enacted nativist policies and laws that go against the spirit of the Indian Constitution as outlined in the quote above. Politicians routinely abuse migrant workers from other States and blame their problems on outsiders—a common feature in the discourse on international migration that has become starkly visible in the world of internal migration in India as well. Every time the political rhetoric is dialed up, there are skirmishes and a temporary reverse exodus of migrants back to their homes. This increase in so-called nativism across the political spectrum merits the need for an arbitration mechanism to uphold the spirit of the Constitution, which guarantees free mobility, and protect the rights of migrant workers.

¹ Ministry of Housing and Urban Poverty Alleviation, Government of India, *Report of the Working Group on Migration* (New Delhi: Government of India, 2017).

While the pandemic-related migration crisis of 2020 brought a previously invisible class of workers to the forefront of policy discussions, the growing nativism across India does little to assuage the concerns of the migrant workers. As political scientists Rikhil Bhavnani and Bethany Lacina pointed out in a cross-country study on internal migration and nativism, “finding the means to defuse internal nativism is both a complicated research problem and an urgent policy issue.”² Is there then a role for new bodies or institutions to engage with migration under India's federal structure? If the movement of goods and services across States can lie under the ambit of the inter-State Goods and Services Tax (GST) Council, a parallel body for the movement of people may also be an option.

In this chapter, we argue for the creation of a formal inter-State migration council to help protect the ideals of mobility enshrined under the Indian Constitution. The first section presents the magnitude of migration in India and the challenges of measurement. Next, it highlights the contours of political conflicts related to inter-State migration. Third, it lays out the possibility of setting up an inter-State migration council to resolve conflicts. The chapter concludes with observations on the emerging trends in this field.

THE MAGNITUDE OF MIGRATION IN INDIA

Per the last Indian census in 2011, there were 450 million internal migrants in India. Close to 40 percent of the population of India has moved from one place to another at some point in their life—most via railways or buses, though higher-income migrants may use air transport. Table 1 provides a breakdown of the stated reasons, gender, and inter-State movement of migrants. The bulk of internal migration documented by the 2011 census occurred across the following categories: ‘marriage’ (210 million); ‘moved with households’ (64 million); economic reasons such as ‘work/employment/business’ (45 million); ‘moved after birth’ (34 million); education (5 million); and a residual category called ‘others’ (93 million). According to the census, there were roughly 6 million immigrants, concentrated in States with international borders, especially in eastern India. And other studies report over 15 million Indian emigrants in the world, drawn disproportionately from the States of Kerala, Punjab, and Goa.³

Virtually every adult Indian woman is counted by the census as a migrant because they disproportionately leave their home upon marriage and move to another village or city. Most of this migration occurs within State boundaries. When marriage-related migration does occur between States, it tends to be along adjacent districts across a State border—therefore, inter-State migration for marriage is typically reciprocal and not heavily imbalanced in favor or against a particular State.

From the perspective of federalism, what matters more is inter-State migration for economic reasons, which can be heavily imbalanced and directly stoke nativist sentiments. Table 1 shows that there were over 50 million inter-State migrants counted by the census in 2011, of which 14 million—mostly men—were documented for economic reasons. Over the past two decades, researchers have systematically demonstrated the deficiencies of census-based statistics, pointing out that the official numbers for migrants for economic reasons are vastly undercounted.⁴ The primary reason is that work-related

2 Rikhil Bhavnani and Bethany Lacina, *Nativism and Economic Integration Across the Developing World: Collision and Accommodation* (Cambridge: Cambridge University Press, 2018), 13.

3 Chinmay Tumble, *India Moving: A History of Migration* (Gurgaon: Penguin, 2018).

4 Ram B. Bhagat, “Assessing the Measurement of Internal Migration in India,” *Asian and Pacific Migration Journal* 17, no. 1 (2008): 91–102.; Priya Deshingkar and John Farrington (eds), *Circular Migration and Multilocal Livelihood Strategies in Rural India* (New Delhi: Oxford University Press, 2009).; Ministry of Finance, Government of India, “Chapter 12: India on the Move and Churning: New Evidence,” in *The Economic Survey of India 2016/2017* (New Delhi: Government of India, 2017).; Gaurav Nayyar and Kyoung Yang Kim, “India's Internal Labor Migration Paradox: The Statistical and the Real,” *World Bank Policy Research Working Paper* 8356 (2018).

migration in India is highly circular in nature, which means it is easily omitted from census-based returns that are geared towards capturing permanent mobility. For instance, workers could be living in temporary sites not captured by the census in the destination region or could have returned to their origin states and not report themselves as being a return migrant. Women who migrate and work often report their reason for migration as marriage, which omits the large number of women migrant workers from official statistics.

An early estimate of circular migrant workers pegged the number at over 100 million in 2009 across a vast range of informal activities, including construction, manufacturing, trade, and restaurants.⁵ The 2007–08 National Sample Survey showed tens of millions of ‘seasonal’ migrants that were not captured previously by the census.⁶ The Ministry of Finance’s 2016–17 Economic Survey relied on a variety of alternative methods to confirm that there were well over 100 million migrant workers in India, comprising between 17 and 29 percent of the labour force—more than double the census-based figure. It also estimated the number of inter-State migrant workers to be closer to 50 million, rather than 10 to 20 million as observed by the census. Further, there was a marked uptick in migration rates since the 1990s that was not visible in the decades before, likely associated with higher economic growth rates observed in the same period.⁷

Internal migration for work in India is thus not as low as it may seem in cross-country studies.⁸ Figure 1 shows the key hotspots of out-migration in India at the district level, revealing clear clusters within most States. Figure 2 compares the State-level migration statistics with per capita income levels. These figures indicate that relatively richer States generally have higher in-migration rates than poorer ones. While this is true for internal migration, relatively richer States like Kerala, Punjab, and Goa also have substantial out-migration or emigration to places outside India.

Key regions of origin for migration include the northern hinterland—the States of Bihar, Uttar Pradesh, Uttarakhand, Rajasthan, Madhya Pradesh, Jharkhand, and Chhattisgarh—and the coastal State of West Bengal, which has emerged as a major labour exporter in the past two decades. Migrant workers move from these regions towards the North (mainly Delhi), West, and South. States with relatively high inward internal migration rates include Delhi, Goa, Maharashtra, Gujarat, Tamil Nadu, Kerala, and Karnataka. Kerala and Goa are thus states with both high internal in-migration and international emigration. However, every State has a cluster of districts with some out-migration, including in relatively richer States like Maharashtra and Gujarat.

While migration and federalism are typically studied at the State level, migration patterns are more revealing at the district level in India. Some of the key inter-State migration corridors link relatively poorer regions with India’s nine most-populous cities—Delhi, Mumbai, Kolkata, Bengaluru, Chennai, Hyderabad, Pune, Ahmedabad, and Surat. Rural-to-urban migration is particularly stark in Surat (where over half its workforce is made up migrants from other States), Delhi, and Mumbai; urban-to-urban migration is more prevalent in Bengaluru, Chennai, and Hyderabad in the South.

5 Priya Deshingkar and Shaheen Akter, “Migration and Human Development in India,” *Human Development Research Paper 2009/13* (New York: United Nations Development Programme, 2009).

6 National Sample Survey Organization, Government of India, *Migration in India, 2007-08* (New Delhi: Government of India, 2010).

7 Amitabh Kundu and Shalini Gupta, “Migration, Urbanisation and Regional Inequality,” *Economic & Political Weekly* 31, no. 52 (1996): 3391–98.; Sampa Kundu, Sushil Kumar Haldar, and D. Chakraborty, “A Study on Inter-Regional Migration in India During 1951–61 to 1991–2001,” *Demography India* 37, no. 2 (2008): 303.; Amitabh Kundu and Lopamudra Ray Saraswati, “Migration and Exclusionary Urbanisation in India,” *Economic & Political Weekly* 47, no. 26–27 (2012): 219–227.; Government of India, “Chapter 12: India on the Move and Churning: New Evidence,” *The Economic Survey of India, 2016-17* (New Delhi: Ministry of Finance, Government of India, 2017).

8 Martin Bell, Elin Charles-Edwards, Philipp Ueffing, John Stillwell, Marek Kupiszewski, and Dorota Kupiszewska, “Internal Migration and Development: Comparing Migration Intensities Around the World,” *Population and Development Review* 41, no. 1 (2015): 33–58.

The only law regulating inter-State migration is the 1979 Inter-State Migrant Workmen Act, which requires contractors to register workers with labour bureaus.⁹ That law has rarely ever been enforced over the past four decades. As a result, there are no real-time statistics available on inter-State migrant workers. Further, until recently, the lack of portability of social security was a major deterrent for long-distance migration. As one study showed, more migrants move to adjacent districts within States than across State borders.¹⁰ Crossing a State border significantly raises the costs of migration, as migrants forego some of the welfare benefits provided by their States of origin.

There are large welfare gains that accrue via inter-State migration. Poorer States release surplus labour to States that are relatively deficient in labour and generate remittances in return. Labour reallocation through rural-urban migration is a central feature of the structural transformation of economies—that is why relatively richer States also tend to be more urban. Apart from the constitutional provisions to free mobility, the economic logic towards barrier-free mobility rests on strong grounds.¹¹

Migration has been largely overlooked in studies on Indian federalism. While some analyses have focused on the impact of international immigration or emigration,¹² only a few studies have considered the relationship between inter-State migration and federalism.¹³ Rather, inter-State migration has appeared more often in the literature on so-called nativism and political conflicts—the subject of this chapter's next section.

MIGRATION AND POLITICAL CONFLICTS

'In the developing world, surging population movements and economic integration are on a collision course with the politics of domestic nativism.'

*Nativism and Economic Integration across the Developing World*¹⁴

Inter-regional migration and political conflict have a long and intertwined history in India. In the late nineteenth century, the Nizam-ruled Hyderabad State instituted the Mulki rules to favor local employment after protests erupted over the large-scale recruitment of migrant elites running the administration.¹⁵ That foundation for the local recruitment of government employment still exists today across India, disguised through language tests and other bureaucratic procedures that restrict migrants from entering the sector.

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- 9 Government of India, *The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979*, National Law (New Delhi: Government of India, 1979).
- 10 Zovanga L. Kone, Maggie Y. Liu, Aaditya Mattoo, Caglar Ozden, and Siddharth Sharma, "Internal borders and migration in India," *Journal of Economic Geography* 18 (2018): 729-759.
- 11 World Bank, *China: Integration of National Product and Factor Markets- Economic Benefits and Policy Recommendations* (USA: World Bank, 2005).; Michael Clemens, "Economics and Emigration: Trillion-Dollar Bills on the Sidewalk," *Journal of Economic Perspectives* 25, no. 3 (2011): 83-106.
- 12 Prasenjit Maiti, "Understanding West Bengal's Refugee Crises as an Informant of Federal Tension in India," *Indian Journal of Federal Studies* 2, no. 1 (2001).; Mihir A. Desai, Devesh Kapur, John McHale and Keith Rogers, "The Fiscal Impact of High-Skilled Emigration: Flows of Indians to the US," *Journal of Development Economics* 88, no. 1 (2009): 32-44.
- 13 M. R. Narayana, "Fiscally-Induced Inter-Regional Migration in India: Some New Empirical Evidence," *Indian Journal of Regional Science* 25, no. 2 (1993): 1.; Paul Cashin, and Ratna Sahay, "Internal Migration, Center-State Grants, and Economic Growth in the States of India," *IMF Staff Papers* 43, no. 1 (1996): 123-171.; Chinmay Tumble, "A case for including migrants remittances in inter-state comparisons," *Ideas for India*, June 21, 2013.
- 14 Rikhil Bhavnani and Lacina Bethany, *Nativism and Economic Integration Across the Developing World: Collision and Accommodation* (Cambridge: Cambridge University Press, 2018).
- 15 K. V. Narayana Rao, *Internal Migration Policies in an Indian State: A Case Study of the Mulki Rules in Hyderabad and Andhra* (Cambridge: MIT, 1977).

After Independence, anti-migrant sentiment continued to flare up. In the 1960s, the political party Shiv Sena stoked anti-South Indian fervor in the cosmopolitan city of Mumbai. Later decades saw anger against North Indian migrants, too. But despite the political rhetoric and occasional reverse exoduses, the population of Mumbai continued to expand through migration—political rhetoric, however virulent, was not sufficient to slow migration flows to the city and rarely translated into active anti-migrant laws or policies.

Until very recently, nativist sentiments were unique to just a few States and a handful of fringe groups. In the nativist-leaning northeastern States, special provisions in the Constitution have reserved space for locals in nearly every sphere of life. In Assam, major anti-migrant political battles are still not fully resolved. Other salient examples of anti-migrant politics include the Ho tribe's hostility to migrants in Jharkhand or the Karnataka Rakshana Vedike in South India. Myron Weiner's famous study on nativism in India, *Sons of the Soil*, pointed out that such sentiments were less expressed when regions were themselves exposed to cross-cultural mobility.¹⁶ For example, nativist movements rarely occurred in Gujarat or Kerala, where the locals themselves participated in out-migration. Research studies based on data from the 1991 and 2001 censuses show that rainfall-induced male migration was associated with more rioting in the destination states, especially where host states were not politically aligned with the Union government¹⁷—that is, political parties were better equipped to handle nativist sentiments and mitigate incidents like rioting via fiscal transfers when they simultaneously governed at the Union and State levels.¹⁸

The political compact on mobility in India has traditionally been tilted towards stopping rural-urban migration to reduce pressure on cities. The flagship job creation programme—the Mahatma Gandhi National Rural Employment Guarantee Act, or MGNREGA—has a stated objective to reduce distress migration. Yet worldwide, the trend has been towards more, not less, urbanization via large-scale rural-urban migration, which has led to the proliferation of nativist sentiments.¹⁹

In the past few years, nativism has surged across India and, most worryingly, across the political spectrum. Violence, racism, and crimes including sexual violence against migrant workers appear to have spiked. Table 2 summarizes a snapshot of newspaper headlines in the past five years pointing to attacks on migrant workers in several States, especially in key destination regions and in Northeast India. 'Not a single Bihari should be seen' was one rallying cry in Assam.

Playing on locals' anxieties about 'outsiders', political parties are adding anti-migrant positions to their manifestos—despite the Supreme Court's 2014 ruling in *Charu Khurana v. Union of India* that residence-based restrictions on employment are unconstitutional.²⁰ These demand for locals-only job reservations in the private sector are cropping up not only in States of destination but, remarkably, also in States of origin. In nearly every State-level election, at least one political manifesto calls for a large portion of jobs to be reserved for locals—usually somewhere from 75 to 100 percent.

Anti-migrant political rhetoric is now increasingly being translated into laws and policies that actively dissuade inter-State migration in blatant violation of the Indian Constitution. Table 3 details the nativist

16 Myron Weiner, *Sons of the Soil: Migration and Ethnic Conflict in India* (Delhi: Oxford University Press, 1978).

17 Rikhil Bhavnani and Bethany Lacina, "The Effects of Rainfall-Induced Migration on Sons of the Soil Violence in India," *World Politics* 67, no. 4 (2015): 760–794.

18 Rikhil Bhavnani and Bethany Lacina, "Fiscal Federalism at Work? Central Responses to Internal Migration in India," *World Development* 93 (2017): 236–248.

19 Rikhil Bhavnani and Bethany Lacina, *Nativism and Economic Integration Across the Developing World: Collision and Accommodation* (Cambridge: Cambridge University Press, 2018).

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

laws and proposed laws in selected States. In Andhra Pradesh, for example, the State government passed a law in 2019 that reserved 75 percent of private sector jobs for locals. A legal challenge to the bill remains before the courts.²¹ Madhya Pradesh and Goa are attempting something similar. In March 2021, Haryana passed a bill reserving 75 percent of private sector jobs for locals—but only when the monthly salary was under Rs. 30,000 per month. In other words, rich Indians were free to come to Haryana without restrictions, but employers would have to think twice before recruiting lower-income migrants from other States. Industrial bodies have challenged the law, which remains pending in the courts. The government of Jharkhand, a State that exports labour, passed a similar notification in January 2022 that reserves 75 percent of lower-paying private sector jobs for locals.

Tables 2 and 3 collectively show that in the past five years, something has fundamentally changed in the way people, States, and political parties view inter-State migration. Despite the 2020 internal migration crisis, which briefly elicited sympathy for migrant workers, anti-migrant worker political rhetoric has been dialed up considerably in recent years. The reasons for this drastic change in public perception are unclear. Unemployment and economic stagnation typically seed nativist sentiments; these factors cannot be ruled out in the case of India. However, the Union government's lack of oversight on an issue that is clearly federal in scope can also help explain why such sentiments have spread. No political party has taken a principled stance in support of the rights of migrant workers and the right to mobility that is enshrined in the Indian Constitution. Instead, it is employers and industrial bodies that are taking the matters to court.

AN INTER-STATE MIGRATION COUNCIL

Against this backdrop, it is perhaps time for an institutional response to issues of inter-State migration—an inter-State migration council, similar to bodies set up to deal with matters like inter-State water-sharing agreements or the inter-State movement and taxation of goods and services. Having defined the two key problems—the lack of real-time information on migration and the political conflicts arising from inter-State migration—the proposed inter-State migration council should have a clear scope of work.

Above all, an inter-State migration council should strive to uphold India's constitutional provisions on mobility. This would mean standing up for the rights of migrant workers and barring states from enacting nativist policies that go against the spirit of the Constitution. Although some States, especially in the Northeast, have enshrined their restrictive policies in their Constitution, most states have a constitutionally mandated open labour market. Job reservations in the private sector would be struck down by the council, ending the current race to the bottom. The council would provide an institutional safeguard to ensure that all states respect India's constitutional provision granting free mobility.

Just as the Goods and Services Tax (GST) Council tracks the States' contribution to federal finances, an inter-State migration council should produce the necessary statistical framework to measure inter-State migration on a real-time basis in India. Such a database would require information from the transport offices that deal with the railways and buses, mobile analytics firms, and data collected from employers, especially in the micro, small, and medium enterprises (MSME) sector that absorbs the vast inter-State migrant workforce.

This database should be able to map out inter-State migration corridors and sectors of work, as well as provide disaggregated statistics by gender. It could also collect data on the usage of social security by inter-

²¹ Chinmay Tumble, "The real victims of nativist labour laws? Low-income migrant workers," *Indian Express*, March 9, 2021.

State migrants as more benefits are rolled out, such as the recent One Nation One Ration card. Inter-State women migrant workers face especially high vulnerability in health matters, as they are locked out of their local Anganwadi child-care centers. Providing information on destination locations would enable more targeted roll-out of portable health programmes. More generally, the council should attempt to promote the portability of social security benefits and identify gaps that need to be plugged. Ration card and health-care access portability are top priorities; educational benefits for the children of migrant workers are equally important. A database on contractors would also help generate accountability, as they are instrumental in facilitating the migration of millions of people, especially in the construction sector.

The Council could also step in to resolve migration-related disputes between States. Such disputes were common in the context of the pandemic-induced national lockdown, and could proliferate if nativist sentiments lead to more violence and attacks against migrants. Currently, it's left to the Chief Minister of Bihar, for example, to voice their anguish at the treatment of migrant Biharis in other States. The Council, however, would represent all of India, and therefore would exercise greater pressure on any State in which hostilities are rife. For the idea of 'One Economic India' to flourish, seamless inter-State mobility, along with GST, must be maintained as an important pillar of the project.²²

There are at least two ways for an inter-State migration council to be anchored. The first would be within the existing framework of India's Inter-State Council, formally established in 1990 under Article 263 of the Constitution of India at the recommendation of the 1988 report of the Sarkaria Commission. The Council, which is nested in the Ministry of Home Affairs, consists of the Prime Minister, the Chief Ministers of all States, the heads of Union Territories, and six Cabinet-rank ministers. However, the Council has met only eleven times since its inception and migration has generally not been a topic of discussion. One advantage to this system is that because Council members sit within various political parties, it may be an effective mechanism to prevent nativism from becoming further entrenched in party politics. The clear disadvantage is that the Council meets irregularly and has, thus far, mostly focused on Centre-State relations rather than relations between the States.

An alternative approach would be anchoring the proposed inter-State migration Council within India's Ministry of Labour and Employment (see Table 4). Here, the focus would be on State-State relations rather than Centre-State relations, with an inter-departmental agenda similar to the process used to draft the first internal migration policy in 2017 (which was presented by the Ministry of Housing and Urban Poverty but included representatives from other relevant ministries). The council would consist of representatives from the Union Government and from all the States and Union Territories of India. Representatives from other ministries or departments dealing with housing, health, and education could address the promotion of portable social security benefits, and representatives from the MSME, Statistics, Rural, Urban, and Home Affairs departments could also be considered. State-level Labour Departments could work with each other to produce the statistical database, augmenting the e-SHRAM web portal—currently used to register all unorganized sector workers—to capture details on migration.

The council could also handle issues that pertain to migrant remittances if they are seen to distort fiscal federalism, and provide inputs to the Finance Commission. (At present, however, international migration induces more distortions to fiscal federalism than internal migration and does not appear to be a pressing issue.)

The political parties of India may instinctively oppose the idea of an inter-State migration council; many

22 Arvind Subramanian, "One Economic India," *Business Standard*, February 1, 2017.

did during the grand debates on the GST Council for nearly two decades before its establishment. To build consensus, the benefits of migration—including balancing labour market needs, moderating wage growth for employers, and the positive spillovers of migrant-staffed businesses on native employment—must be clearly demonstrated. The large demographic differences emerging between many States on what is roughly a North-South axis makes migration even more inevitable. This must be conveyed to political parties across the ideological spectrum. Using fiscal transfers as a bargaining device could be one option to get political buy-in.

Any new institutional design could have unintended consequences. Data collected on migrant workers, for instance, could be used by political parties to further their nativist rhetoric. The council should therefore strive to collectively downplay such anti-constitutional provocations by collecting and revealing data on the number of migrant workers *returning* to their native States to placate nativist sentiments, since so much of work-related migration in India is circular in nature.

CONCLUSION: FUTURE TRENDS AND THE CASE FOR THE COUNCIL

More than seventy-five years since Independence, India is still a predominantly rural country. In the coming decades, however, increased mobility—largely through inter-State migration—will increase the rate of urbanization to well past 50 percent. There will be tens of millions, if not hundreds of millions, of inter-State migrants moving across the country. Political tensions are likely to intensify, especially in the North-South migration corridor, as vast income differentials overcome traditional linguistic barriers to mobility. Climate-related migration is also likely to increase, especially from low-lying coastal regions. If the current movement of nativist legislation continues, India could suffer from a disintegration of its internal labour market, impeding recruiter choices and overall productivity. Other large federal nations, such as Canada and the United States, have no barriers to internal mobility—even China has dismantled its *hukou* licensing system of regulating internal labour mobility.

India needs an institutional response to the coming wave of inter-State migration and the political conflicts that will likely ensue. The proposed inter-State migration council is one way to anticipate and resolve these challenges. If the council does not materialize, the scope for bilateral memoranda of understanding (MoUs), currently limited to very few states, could be expanded.²³ These MoUs can build a shared understanding of migration-related issues between states of destination and origin, as demonstrated by Andhra Pradesh and Odisha's work towards improving the welfare of migrant workers.

To stem the tide of nativism, several steps will be key. First, migrants must receive voting rights. Further, the Union government needs to play a more active role in censuring state governments that are operating against the spirit of the Constitution. A consensus across political parties has to be fostered that inter-state migration should be free and fair and that an open labour market is in the best interest of the country. (After all, even the protagonist of a 2019 movie released on the life of nativist politician Bal Thackeray of Shiv Sena was played by Nawazuddin Siddiqui—a talented inter-State migrant worker from Uttar Pradesh!) The free flow of skills and talent within the country is imperative for India's economic development and any effort to impede it should be discouraged. In addition, greater portability of social security could have large spinoffs on inter-generational mobility as the children of migrant workers benefit from better access to health, education, and housing. In that context, an inter-State migration council

²³ Ministry of Housing and Urban Poverty Alleviation, Government of India, *Report of the Working Group on Migration* (New Delhi: Government of India, 2017).

could play an important role in securing the fortunes of millions of Indians in the coming decades.

Table 1: Migration in India, Census 2011, in Millions

Reasons for Migration	Internal Migrants			Inter-State Migrants			% Inter-State		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Work/Employment	41	35	6	13	11	1	31	33	21
Business	4	3	1	1	1	0.2	25	27	17
Education	5	3	2	1	1	0.2	14	16	11
Marriage	210	5	205	17	0	16	8	8	8
Moved after birth	34	20	14	3	1	1	7	7	8
Moved with households	64	29	35	13	5	8	20	18	22
Others	93	49	44	8	4	3	8	9	8
Total	450	143	306	54	24	30	12	17	10

Source: Census of India, 2011, Table D-3. Figures rounded off.

Table 2: Selected Anti-Internal Migrant Incidents in India, 2017-2022

State	Anti Internal-Migrant Rhetoric/Incidents
Maharashtra	Migrants attacked in Dhule fearing them as child-lifters
	Attack on UP and Bihar migrants on basis of spoiling Maharashtra culture
Gujarat	Migrant Workers Clash With Cops in Surat
	Migrants attacked in Gujarat after rape of 14 month old girl
	7 Migrants Attacked In Gujarat Allegedly For Wearing Lungi
Andhra Pradesh	Lathi-charge by Police; Attacked over wages
Karnataka	After rumours, northeast people flee Bangalore
	Indians from Assam flee 'Muslim threats' in Bangalore
	Anti Tamil violence in Karnataka
Tamil Nadu	Migrant worker beaten to death by a gang, 4 injured in Tiruvallur
	Woman migrant worker thrashed in Coimbatore
	Migrants killed in Chennai over suspicion of child lifters
Kerala	Migrant workers attacked in Kochi's Nettoor
	Migrant workers hacked to death by co-worker
Haryana	Migrant worker beaten to death
	Migrant woman gang-raped, threatened in Dadri
Jammu & Kashmir	Migrant workers shot dead in Kashmir
Assam	'Not a single Bihari should be seen': Inside the Veer Lachit Sena's war on 'outsiders' in Assam
	Migrant Labourers in Assam Narrowly Escape Mob Lynching
	Militants kill 8 migrant workers in Assam
Meghalaya	Masked Mob Attacks Migrant Workers In Meghalaya
Delhi	Racist attacks on North Eastern Migrants
Manipur	The Attack on Migrants in Manipur
Punjab	Attacks on Migrant Workers in Ludhiana
	Hindu Migrant Workers Flee Punjab After Sikh Attacks
Rajasthan	Migrant worker killed in Rajasthan
Himachal Pradesh	Migrants attacked in Himachal Pradesh; J&K migrants beaten up in HP

Source: Various Newspaper Report Headlines, 2017-2022.

Table 3: Nativist laws and policies in the private sector across selected states

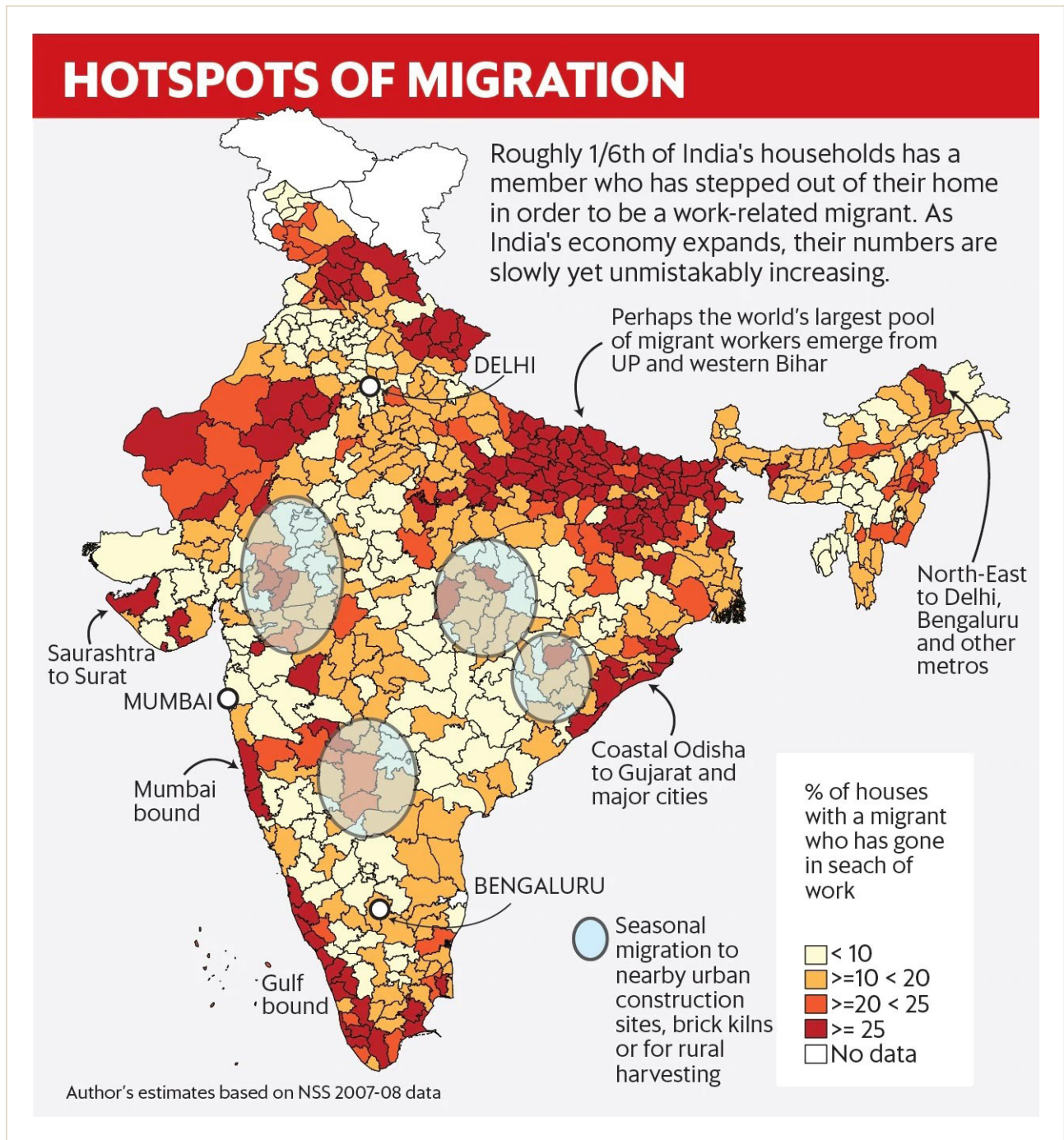
State	Job Reservation for Locals in the Private Sector
Maharashtra	Proposed 80% local reservation
Gujarat	Industries taking state reservation are mandated for local hiring
Goa	Political parties proposed reservation for locals in the state elections
Tamil Nadu	Demand for job reservation for locals by political parties.
Karnataka	Notification passed for giving priority to locals for clerical and factory jobs
Jharkhand	75% job for locals with less than Rs. 40,000 salary
Andhra Pradesh	75% job for locals with no salary cap. Matter in the courts
Telangana	Incentives for industries to provide local employment
Haryana	Haryana 75% reservation for locals <30,000 salary. High Court stayed the reservation recently
Punjab	Proposed - Punjab to reserve government and private jobs for locals
Rajasthan	Rajasthan plans 75% quota for locals in private jobs
Bihar	Demand for 50% reservation of jobs in private sector
Chhattisgarh	Incentive given to industries hiring local people as per Industrial Policy
Madhya Pradesh	Incentive for industries to hire domicile youths
Uttarakhand	AAP proposes 80% quota for locals in government and private jobs
Uttar Pradesh	40% reservation for locals in Greater Noida

Source: Various newspaper articles and government notifications, 2017-2022.

Table 4: Proposed Inter-State Migration Council of India

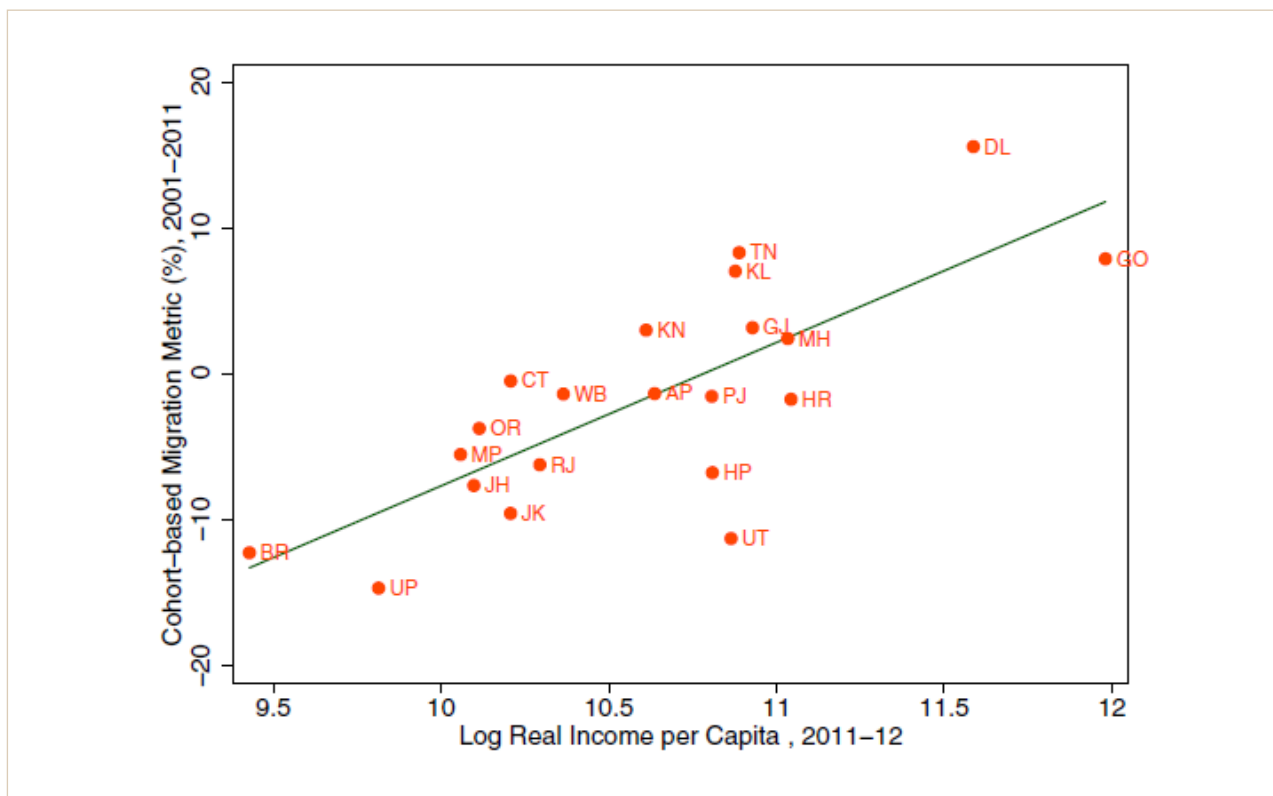
State	Job Reservation for Locals in the Private Sector
Coordinating Authority	Ministry of Labour and Employment
Other Bodies/Ministries	Housing, MSME, Home, Health, Education, Rural, Urban
Objectives	(1) Uphold constitutional provisions on inter-state migration
	(2) Collect and disseminate real time information on inter-state migration by location, sector of work and gender
	(3) Promote the portability of social security benefits across states
	(4) Resolution of inter-state migration disputes

Figure 1: Hotspots of Outmigration in India, 2007-08



Source: Tumbe, C. 2019. 'A Million Migrations: Journeys in Search of Jobs', *Mint*, January 16. Legend covers Andaman & Nicobar Islands.

Figure 2: Net Internal Migration and Per capita Income across Indian states



Source: Gol (2017b), Figure 2, p. 269. High Cohort-based Migration Metric (CMM) scores reflect more net in-migration on a per-capita basis while negative values reflect more out-migration.

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