

The Centre and States' Relation: The Management of Migrant Workers of India During Recent Pandemic

Sanjit Pal*

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Abstract: *This paper attempts to highlight the nature of centre-states relation in India in the context of the Management of Migrant Workers during the recent pandemic. India is one of the few federations in the world where federalism is said to be working smoothly. During the British period, the government in India was basically unitary. The trauma of partition and the rise of local chauvinism in some regions of India prompted the Constitution maker to opt for a strong central government within a federal structure. With the passage of time, keeping in mind the growing agitations, the central government had enacted several laws and formed commissions to lessen the regional tensions as well as to provide more autonomy for the states. Unfortunately, their hope was not fulfilled in the subsequent years. The centre states relations came under strain due to recent pandemic Covid 19 and subsequent problems of migrant workers of India. As a result of the recent lockdown, the migrant workers not only lost their job but also their life became uncertain and risky. State governments accused the Central government of failing to inform in time about the lockdown measures that triggered the migrant crisis. Instead of playing blaming game, both governments have taken co-operative approach to address this situation. The recent pandemic has given rise to unprecedented policy challenges that warrants systematic and sincere cooperation between the Centre and States.*

Keywords: *Federalism, Autonomy, Lockdown, Uncertain, Blaming Game, Cooperation.*

* Assistant Professor, Dept. of Political Science, Naba Barrackpur Prafulla Chandra Mahavidyalaya.
e-mail: sanjitpal76@gmail.com

India is one of the few federations in the world where federalism is said to be working smoothly. The Indian system is more complex than other federations of the world like the United States, Canada, and Australia. India is a federation composed of 28 states and 8 union territories¹, consisting of two layers of government—the federal or central government, and the state government. Under the British rule, the Government in India was basically unitary. Though, there were well-known demands for provincial autonomy and a federal system of government.

The Indian National Congress used to voice the demand for a federation with full provincial autonomy. It first expressed its demand for provincial autonomy in its 31st session in 1916, in which Congress demanded 50-125 members strong Provincial Legislative Councils with four-fifths elected and one-fifth nominated members, the elected members being directly elected by the people on “as broad a franchise as possible”². In its resolution on August 8, 1942, the National Congress said about the new India’s constitution: “This constitution, according to the Congress view, should be a federal one, with the largest measure of autonomy for the federating units, and with the residuary powers vesting in these units”³. Even in the Constituent Assembly, Jawaharlal Nehru’s Objectives Resolution moved on December 13, 1946, assured that the British Indian Provinces “shall possess and retain the status of autonomous units together with residuary powers”⁴. Finally, the Union Powers Committee set up with Jawaharlal Nehru as chairman took a decision on June 6, 1947, to make the constitution of India “federal with a strong centre”⁵ and this recommendation was finally approved by the Constituent Assembly.

The disturbance of partition and rise of local chauvinism in some regions of India prompted the Constitution maker to opt for a strong central government within a federal structure and they even abandoned a proposal to describe India as a federation and designated it as a ‘Union of States’. Some Constitutional experts like K.C. Wheare described India as a ‘quasi-federal’⁶ state since the Constitutional arrangements gave clear signs of leaning towards a strong Centre. India was a federation without the strong financial or legislative position of States or provision of dual citizenship. It also allowed a constitution amendment procedure and unified judiciary and an integrated civil service. The Constitution empowered the Centre to admit a new State, decrease the area of a State change the name or boundary of a State without taking the views of any State (Article 2 and 3)⁷.

The provisions in the Constitution related to the distribution of financial, executive and legislative powers made the centrist tendency of the Indian federation is quite evident. Thus, exclusive jurisdiction is enjoyed by the centre on issues included in the Union list along with the residuary issues. States can make laws on the issues included in the State list and Concurrent list. But the will of the Centre will succeed in case of any conflict on the issues contained in the State and Concurrent list. In some conditions, the Constitution strongly backs the Centre by allowing it to legislate on issues contained in State list. Any Bill passed by the State Assembly can be reserved by the Governor for President’s consideration, who can hold it for an indefinite period.

An uneven positioning of the states is also evident in the area of executive and economic powers. The Constitution also limits the states’ power of the exercise of executive power so that

it does not hamper the exercise of executive powers of the Centre. The Constitution empowers the Centre to give orders in this regard to the States. An Emergency can be invoked by the Centre if these orders are not complied with. In relation to any treaty or agreement, Article 73(1) also provides the Centre, the authority and jurisdiction to exercise executive powers⁸. The Article also provides that the States can have executive powers only, regarding issues contained in the Concurrent List. The financial power provided by the Constitution also shows a clear asymmetry between the functional responsibilities and the taxation powers. The States have more functional responsibilities whereas the Centre has been assigned with higher revenue potential taxes. Article 292 and 293 regulates the borrowing powers of States and Central Governments.⁹ Without the prior consent of the Union Government the States cannot borrow from Sources outside India.

There was, however, substantial autonomy provided for the states. With the passage of time, keeping in mind the growing agitations, the central government had enacted laws and formed several commissions to lessen the regional tensions as well as to provide more autonomy for the states. Unfortunately, their hope was not fulfilled in the subsequent years. The states have been demanding greater autonomy particularly in the field of economy. Linguistic and other regional agitations in the early 1950s led to a reorganisation of states in 1957, reducing the number of states to 14, each of which was fairly large.¹⁰ Unfortunately, that hope was not fulfilled in the subsequent years. Bitter agitations erupted in some regions. There were growing demands for the creation of new small states and delegation of more powers to the elected bodies at the district and lower levels. There was also increasing tension in union-state relations, especially where these were ruled by different political parties.

Until the late 1960s, the Central government and most of the state governments were ruled by National Congress Party. But with the declination of the dominance of the congress party in many states and a rise in opposition ruled states, the Centre–States confrontation has come to the fore. Therefore, from this time the demand for restructuring the centre-state relationship has been gaining pace and some state governments had taken several initiatives by which they demanded restructuring the Centre-State relations. For example, the ruling party in Tamil Nadu, the Dravida Munnetra Kazhagam (DMK) appointed a committee under the chairmanship of Rajmanna (1969). Left Front Government of West Bengal also submitted a Memorandum on Centre-State relations in 1977. The centre did respond to the growing demands by setting Sarkaria Committee to look into the issue which gave 247 recommendations out of which 179 have been accepted till date.¹¹ Also the second commission on centre Panchhi Commission (2017) was appointed to examine the persisting and new issues that influenced this relation.¹²

The centre and state relations has changed considerably due to multi-party coalition government and alliance politics in the 1990s, which made these alliance parties become more powerful and bargain with the centre. From this time the negotiation power of states has increased and reduced the capacity of the centre to ignore the views of the states. Even few states have been enabled to influence foreign policy decisions, which are entirely the domain of

the Central government. As for example the opposition for signing of the Teesta water accord between India and Bangladesh by West Bengal CM Mamata Banarjee although the union has treaty the signing powers.¹³

The centre states relations came under strain due to recent pandemic Covid 19 and subsequent problems of migrant workers of India. As a result of the lockdown declared by the central and state governments migrant labourers not only lost their job but also their life became uncertain and risky. State governments accused the centre of failing to inform in time about the lockdown measures that triggered the migrant crisis in the first place and later not giving enough time to states to make preparations to receive migrant workers. As the reports of the sufferings of the migrant workers in many states came to the forefront, the governments of their native states have accused the host states of mistreatment of their people. This development might give rise to hostility amongst these states and their people which might discourage inter-state mobility of workers in the future. The people who had to face terrific hardship during the lockdown might not want to return to their workplaces in the host states and might try to find work in their native state that might trigger a serious labour crisis in the host states. Under this situation some attempts have already been made by some states to stop the flight of workers and decided to recruit more workers from their states, this might create regional stigmatization which is harmful to inter-state cooperation. Under this situation, Centre should come forward as an efficient mediator to minimize the confusion and misunderstanding amongst the states.

Though, in the case of management of migrant labours, the Centre-States relations have witnessed some frictions in its initial period. But, with the media and civil society raising a hue and cry, the Central government took several initiatives to address this problem. The Central government announced to give free rations to 80 crore people in the country 5 Kg of rice or wheat and one kg of pulses of their choice free of cost for the next three months¹⁴. The central government instructed the State Disaster Response Fund (SDRF), to which INR 29,000 crore has been allocated, for providing food and shelter to workers. It has also instructed the state governments to set up camps and do mandatory health check-ups for the returnee migrant workers as announced by the Joint Secretary in the Ministry of Home Affairs, Punya Salila Srivastava¹⁵. The union finance minister Nirmala Sitharaman announced packages under the PM Garib Kalyan Yojana for critically impacted people due to the lockdown. The total amount for the package is INR 1.7 lakh crore which will be provided as relief to the migrant workers. The regular wages of workers under the Mahatma Gandhi National Rural Employment Guarantee Scheme have been increased from INR 182 per day to INR 202 per day. The government predicts that this hike will result in an additional income of INR 2,000 per worker¹⁶.

With the declaration of the Central government, state governments also declared different projects for the welfare of migrant workers. The Kerala government, on the other hand, promised to provide free milk to all the migrant worker camps. This will solve the problem of excess production of milk while also providing migrant workers with a portion of necessary dietary requirements.¹⁷ The Delhi government had urged the migrant workers who were leaving for home to stay back as it promised to use school buildings as night shelters. Arvind Kejriwal, the

Delhi Chief Minister said that the government has arranged food and shelter for migrants as going back home will defeat the purpose of the lockdown.¹⁸ West Bengal have also announced free ration for 8.5 crore people for the next six months starting from 1 April.¹⁹ West Bengal also arranged bus services to reach workers from stations to their destination, provide food and also established quarantine centres in different schools and colleges. The Government of West Bengal has already constituted a high-level committee comprising eminent specialists like the Nobel Laureate Abhijit Banerjee, public health experts, medical experts etc., to deal with the ongoing crisis and also to design policies to deal with the fall-out of the Corona pandemic.²⁰ West Bengal Chief Minister's letters to the Chief Ministers of eighteen (18) states urging them to take care of the migrants from Bengal and her assurance to provide protection to migrant workers from other states is a case in point²¹. This is done so that the migrants don't march in their home states without medical tests as they are perceived to be the potential carrier of the virus.

Conclusion

We can conclude that, by initiating different measures, both the Central and State governments have taken a co-operative approach to address the problems of migrant workers and keeping aside their initial strategy of playing blaming game to each other. This problem has given rise to exceptional policy challenges that warrant systematic and sincere cooperation and coordination both between Centre and States as well as among the States. It may be possible to say that the recent pandemic and subsequent problems of migrant workers have created a new type of cooperative federalism, instead of central tendencies. To cope up with this present situation the Central government as well as State governments should try to improve their cooperation through the existing institutional mechanisms like Inter-State Council; NITI Aayog etc. Governments at both levels should formulate a long-term plan to deal with the problems of migrants. Both governments should try to create an opportunity to generate income at the local level by improving local employment facilities. There is a need to strengthen the database on migration through Census, National Sample Survey (NSS), National Family Health Survey (NFHS) and Migration Surveys. This database will be helpful in formulating comprehensive policies and programmes in the country. However, in the interest of resolving the problems related to the recent pandemic, including the problems of the migrant workers, both governments should abandon the policy of political opportunism and expand their cooperation to strengthen the spirit of cooperative federalism.

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