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How 'Sons of Soil' Laws Hamper Economic Development

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States have resorted to anti-migrant legislation to paper over failures to create adequate and quality jobs. These policies neither work nor aid development.

In recent years, several Indian states have adopted policies and enacted laws that prioritise the employment of the *local* populations in the private sector. These include relatively prosperous states such as Punjab, Haryana, Andhra Pradesh, and Karnataka, as well as poorer states such as Jharkhand and Madhya Pradesh. State governments reason that since private industries receive resources - such as incentives and concessions - from the state, it is only natural that the 'locals' should have the first claim on employment created by such industries.

Nativist tendencies and 'sons of the soil' conflicts rear their ugly heads during economic downturns and crises. The recent spate of legislation needs to be viewed as an outcome of India's neoliberal services-led economic growth that has failed to create adequate employment or improve poor employment conditions for its working population (Ghose 2020, Kannan and Raveendran 2009, Kannan and Raveendran 2019). Both migrant and local workers are affected by this structural inability of the economy to create adequate decent jobs for a growing labour force.

A new urban bias

The intensification of migration is embedded in India's post-1991-reforms economic model. Jobs are predominantly concentrated in the services-oriented urban economy. The processes of globalisation and urban agglomeration have led to the emergence of a *new urban bias* (Krishna 2018). Migrant workers in rural source regions have responded to labour demand in cities, where there has been higher growth and better economic opportunities. For example, my research shows that in rural Bihar - one of the major source states for rural-urban migration in India - outmigration has substantially increased, and migration streams have become longer term.

> Migration economically benefits migrants, source regions, and destination regions.

Millions of inter-state migrant workers provide skilled labour to the manufacturing and services sectors and contribute to the upkeep, growth, and development of cities. This migrant workforce contributes to increased labour productivity, the competitiveness of firms in destination regions, and, in turn, to India's economic growth and development. Empirical research shows that migration economically benefits migrants, source regions, and destination regions.

Yet, despite spending much of their working lives in the cities, many rural migrants find it economically impossible to settle there. Low wages and inadequate social support mean migrants must return to source regions. Migrants also face social isolation and cultural exclusion in destination regions. Nativist tendencies amplify the circularity of migration: as migrants experience hostility, strife and even violence at destination regions, they eventually prefer to return to their villages. That this migration remains circular suggests that rural areas bear the cost of the production and reproduction of this labour force, subsidising India's urban development (Datta 2022).

Discriminating against the poor migrant

The political scientist Myron Wiener (1978) attributed anti-migrant political movements of the late 1960s and 1970s - in Assam, western Andhra Pradesh, southern Bihar (now Jharkhand), Bombay, and Bangalore - to high in-migration and the subsequent erosion of ethnic homogeneity. Weiner noted that anxieties related to employment led to policymakers choosing restrictive policies. Nativist demands and policies towards the prioritisation and reservation for the local population in employment could be seen as attempts by the state governments to restore the ethnic division of labour.

Half a century later, employment remains the primary motivation for the recent proliferation of nativist legislation. A clear anti-migrant sentiment is embedded in these policies favouring locals, which in turn, leads to the discrimination of migrant workers.

> The state chooses to pit blue-collar migrant workers against locals by enacting a law that discriminates against the former

For instance, let us examine the Statement of Objects and Reasons of Haryana's act to reserve jobs for locals:

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The influx of a large number of migrants competing for low-paid jobs places a significant
impact on local infrastructure and housing and leads to proliferation of slums. This has led
to environmental and health issues which has been acutely felt in the urban areas of Haryana
affecting quality of living and livelihood. Therefore, giving preference to local candidates
in low-paid jobs is socially, economically and environmentally desirable and any such
preference would be in the interests of the general public.
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The act negatively views low-wage labour migration to Haryana. Job reservations for the local population are seen as a solution to the state's infrastructural and environmental problems. Had the state wished, it could have addressed these problems by introducing urban development programmes such as housing, infrastructure, slum development, etc. However, the state chooses to pit *blue-collar* migrant workers against locals by enacting a law that discriminates against the former in the labour market.

Indeed, as Weiner notes, these policies are not "an attempt by government to find a solution to the tension between natives and migrants, but rather as an instrument by one group… in the struggle to maintain or transform the ethnic division of labor" (Weiner 1978: 11).

Ironically, it is the poor migrant who takes the hit. Such laws seek to exclude *only* those migrant workers who work in jobs that pay below a designated monthly wage. (For instance, the floor is Rs 30,000 in Haryana and Rs 40,000 in Jharkhand). This arbitrary cap creates two classes of migrant workers and discriminates against blue-collar migrant workers. The law will enable high-wage migrant workers to reap the financial gains of migration, while low-wage workers will be rendered immobile and forced to *lose* their livelihoods.

In addition to conflict over employment and lack of job creation, environment and climate change cloak the anti-migrant sentiment of nativist legislation. An aestheticised environmentalism is used to build support for and shape migrant regulation.

> Xenophobic messages [...] diverted focus from structural causes of the environmental crises.

For instance, the Haryana legislation squarely holds migrants responsible for being a strain on the state's infrastructure and resources and in turn, causing environmental problems, severely affecting the quality of urban life in the state. In Assam, the movement of migrants due to floods and environmental factors created widespread resentment and fear among the native population. In the context of economic stagnation, this gave rise to a political movement against migrants and manifested in ethnic strife and conflict in the state. More recently, migrants have been blamed for the onslaught of floods and subsequent collapse of infrastructure in Bengaluru. Xenophobic messages and hashtags such as 'Leave Bengaluru' and 'Get Lost Migrants' gained prominence on social media and mainstream media, and diverted focus from the structural causes of the environmental crises, such as poor city planning, unplanned construction and development, and encroachment of lakes and stormwater drains. (Ironically, contemporary labour migrations to Bengaluru and other urban centres in India are marked by precarity and are predominantly in response to climate change and environmental factors - floods, droughts, and agrarian crises in rural India - in source regions.)

Insider and outsider

Who is a local, though? In India, the legal conception of a local resident is territorial: based on birth or residence in a particular state (Weiner 1978). This legal definition is in fundamental tension with the popular understanding of 'local', which people tend to identify as signifying ethnicity: the religious, linguistic, tribal, or caste group to which they belong.

Typically, anti-migrant legislations define a local candidate as someone domiciled in the state. In many cases, states that have adopted such legislation have diluted their domicile definitions. The tensions between the territorial and ethnic conceptions of the local will not sit well with the nativist politics and policies, whose interpretation of a local is not just framed by territorial domicile but also ethnic affinity with the native population.

The Indian Constitution's Articles 14 and 15 prohibit discrimination on the grounds of place of birth, respectively. Additionally, Article 19(1)(g) provides all citizens with the right to practice any profession and to carry on any occupation, trade, or business. In this light, the Supreme Court has come down against the practice of domicile-based reservation by state governments in several judgments. In *Pradeep Jain vs. Union of India*, the court noted, "We allowed 'sons of the soil' demands to develop claiming special treatment on the basis of residence in the concerned state, because recognising and conceding such demands had a populist appeal. The result is that 'sons of the soil' claims, though not altogether illegitimate if confined within reasonable bounds, are breaking asunder the unity and integrity of the nation by fostering and strengthening narrow parochial loyalties based on language and residence within a state."

> Domicile-based restrictive employment policies that pit local workers against migrant workers have not worked in the past.

In a similar vein, in 2008, when nativist movements in Mumbai turned violent against migrant workers from Bihar and Uttar Pradesh, the Supreme Court unequivocally termed this tendency as dangerous, and proclaimed, "This is one country and we will not accept son-of-soil theory. We will not permit Balkanisation of this country."

Inclusive development

Anti-migrant legislation has adverse implications for India's slow rural-urban transition, urbanisation, and economic development. The circular nature of migration is an outcome of both nativist tendencies and the urban bias in our development process. Nativist legislation officially renders migrants as second-class citizens in the country.

The evidence tells us that domicile-based restrictive employment policies that pit local workers against migrant workers have not worked in the past. Instead, enhancing human capital by the provision of quality education and skilling the workforce, along with an expansion of urban development programmes that benefit all workers, may be a surer pathway for inclusive development in tandem with the spirit of the Indian Constitution.

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