

# Women Migrating in India: Evidence from Odisha

**Final Report**

*Supported by:*



**CENTRE FOR WOMEN'S DEVELOPMENT STUDIES**

An autonomous research institute supported by the Indian Council of Social Science Research  
25, Bhai Vir Singh Marg (Gole Market), New Delhi - 110 001.

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**Centre for Women's  
Development Studies**



**London School of Hygiene &  
Tropical Medicine**



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## **Women Migrating in India: Evidence from Odisha**

### **I**

#### **Introduction**

This study is the outcome of an in depth research engagement with 20 villages in two blocks of one district of Odisha. Its objective was to develop a more detailed evidence base on factors determining women's labour migration, the social profile of women migrant workers, recruitment practices and modes of intermediation, the conditions of work to which women were migrating, the nature of destinations and the forms of migrant women's work, their experiences and vulnerabilities, and the precepts and practice of policy frameworks addressing gender, migration, and forced labour.

As is the case with all such locale specific studies in the vastly diverse countryside of India, the evidence is ultimately partial and in many ways specific to the period and area of study. It is indeed unfortunate that no macro-survey of migration has been conducted since 2007-08, at a time when all indications are that the arena and direction of women's migration in India is undergoing significant changes, as are the conditions of work, the regulatory frameworks, all of which are throwing up new challenges for gender practice in lawmaking, development policies in general, and including programme interventions directed against forced labour.

Nevertheless, the study has brought out several new facets and attempted to develop a more rigorously grounded and informed view of some emerging dimensions and aspects of migrant women workers' life conditions, whose relevance extends much beyond the local. The elements of a rapidly changing situation, and indeed the special volatility in employment and gender relations that emerge from the study, are elements that practically define our times, while some of the enduring structural features of the matrix of women's exploitation and inequality that have been analysed with reference to mobility and migration, are certainly not confined to any one region in India.

The study locates its evidence in an engagement with the changing paradigms and intersections of labour and anti-trafficking policy frameworks. It analyses the ongoing changes taking place

in legal regimes governing labour and trafficking at the national as well as state level, to argue the need for a more critically nuanced understanding of issues in relation to gender, labour migration, trafficking, and forced labour.

In this report, we have tried to bring out the elements that are new or changing on the ground as well as at the policy level. At the same time, given the longstanding tradition of blindness to the specific concerns arising from women's migration for work (despite a new tokenism), some of the basic characteristics of women's migration that have emerged and confirm the findings of prior studies, have also been reiterated.

### *Background*

The study is a part of the South Asia Work in Freedom Transnational Evaluation (SWiFT) Project at the London School of Hygiene and Tropical Medicine (LSHTM) to assess and inform the ILO/DFID-funded "Work in Freedom" (WiF) intervention to minimise women's vulnerability to labour trafficking in South Asia and the Middle East. The Odisha study, which focused exclusively on internal migration, was conducted by the Centre for Women's Development Studies (CWDS) in collaboration with LSHTM, and involved partnerships in the process of research with students and teachers of Utkal and Ravenshaw Universities in Bhubaneswar and Cuttack respectively.

The decision to locate the study in the district of Ganjam in the eastern state of Odisha, was taken when no intervention by the WiF programme had yet taken place in the district. The administrative blocks in which the study villages are located were also decided upon before the formalisation of the collaboration between LSHTM and CWDS. LSHTM had initially considered the option of a randomised control trial study to assess the impact of WiF's intervention in India, for which discussions with the WiF team in ILO had led to the idea of locating the study in Ganjam, Odisha. The WiF Programme was being implemented in Odisha by a women's trade union Self Employed Women's association (SEWA) and in particular by those SEWA leaders who had been associated with domestic workers' unions. SEWA's intervention in Odisha was through the state unit of the National Alliance of Women's Organisations (NAWO), a network of women's groups that had come into existence for the World Conference on Women in Beijing (1995). SEWA led WiF interventions were already in place in other districts of Odisha that were more known for women's migration. This

included Ganjam's neighbouring district of Kandhamal where SEWA was working in collaboration with a local NGO AAINA, but Ganjam was still untouched by the programme at the time of the initial discussions between ILOs WiF team and LSHTM.

Difficulties in coordinating with the proposed WiF intervention in Ganjam for an RCT study inevitably occurred as multiple organisations with different institutional processes that straddled across the national, local, and transnational, were involved. More importantly, pilot investigations in the field area brought about the realisation that RCT would not be an appropriate or reliable methodology. The reasons as to why it would not be appropriate include: a) The field context was clearly not homogenous, and had demonstrably wide variations related to caste, community, gender and economic relations/status, etc., b) it followed that the elements that would need to be controlled for were too various and diverse to make RCT a meaningful exercise for assessing the impact of a WiF intervention, c) since the WiF programme is mobility/migration oriented, an RCT in the source area would ultimately be of limited value as an evaluation exercise, d) preliminary engagement with the field had indicated that a small proportion of women were migrating for work (a quite general phenomenon in India where a male bias to labour migration from rural areas is quite pronounced), which indicated that a wide angle lens was required that could not be accommodated by the RCT method.

Pilot field investigation and discussions with the various stakeholders in the programme, suggested the need for an in depth study of the factors that shaped women's migration, and a methodology that could adequately amplify both diversity and commonality of factors, drawing out the interconnections and intersections that need to be reckoned with in any programme on women's migration that sought to address questions of forced labour. It was felt that such a study could contribute more effectively towards developing a more deeply grounded perspective on the considerations of the WiF programme in India, by laying out the complex of factors involved in women's migration for work in the region, and identifying the forms of vulnerability that were more prominent in the contemporary period. CWDS on its part, had only recently completed a study involving a set of surveys across 22 states in India, and was interested in the opportunity for a more in depth engagement in one location.

It was out of such a process that it came to be recognized that only one method would not be able to capture the factors involved in women's migration while simultaneously investigating

the dynamic processes that shape the experiences and vulnerabilities of women migrants. The study thus evolved into a mixed methods research engagement involving a one-time questionnaire based survey and a more protracted series of open ended interviews with a cohort of women migrant workers across time. While the surveys and interviews were taking place, a SEWA/AAINA led WiF intervention was initiated in the same area, including in some of the study villages, however, the intervention programme and study did not intersect to a great degree. As such, the study does not provide an evaluation of that intervention, although there is a brief discussion about the intervention in the concluding section of this report.

*Research Methods:*

The study combines questionnaire based village surveys and longitudinal semi-structured interviews (4 rounds) with a cohort of women migrant workers from the same village sites. Analytical methods thus contain both quantitative and qualitative elements. As a sampling frame for the questionnaire survey, a census of 4,671 households in the 20 probabilistically sampled villages identified households with migrant women in the two blocks. Census questions covered household composition, demographics, economic status, and current, past, and intended labour migration from households by gender.

20 villages from two purposively selected WiF intervention blocks of Ganjam district were covered by the survey in 2015-16, and a cohort of women migrants from the same 20 villages were interviewed across four rounds through 2016-18.

The study is distinguished by the adoption of mixed methods research design centred around a probabilistic sample survey – unusual in the field of labour migration generally and particularly so in the fields of ‘forced labour’ and ‘trafficking’. These are fields in which genuinely probabilistic samples remain elusive (Tyldum and Brunovskis 2005, Scullion 2016). This matters since the validity of dominant modes of inferential statistics are founded on sampling theory – requiring that data are probabilistically sampled (Siegel 1956). Where the sample is too small to support analysis or (regardless of sample size) non-probabilistic, the use of inferential statistics is invalid. This fundamental rule of design-based inference has long

been widely misunderstood and/or flouted (Watts 1991; Gorard 2015)<sup>1</sup>. The criteria for a probabilistic sample, i.e. that the size and boundaries of the ‘population of interest’ are known, and that a sampling frame – a listing of all those eligible to take part in the survey (in a particular geographical location) – is available or can be constructed (Siegel 1956), are very difficult to fulfil given the ‘hidden’ nature of forced labour (Tyldum and Brunovskis 2005). In the absence of representative survey data, invalid - and often misleading - statistical analyses of non-random (and otherwise biased) survey samples have proliferated. Inferences about the extent and characteristics of forced labour in general are routinely made on the basis of surveys conducted with highly specific populations (e.g. those identified as eligible for assistance as ‘victims’, or apprehended / deported as ‘criminals’), or with self-selecting samples (See Tyldum and Brunovskis 2005, Mahmoud and Trebesch 2010, Weitzer 2014, Scullion 2016 for a detailed review and critique of this tendency). This study – enabled by the WiF focus on ‘source communities’ thus represents an important departure from a general tendency – and an overcoming of the limitations common to the field(s) of interest.

The relatively low levels of women’s out-migration from the two pre-selected intervention blocks of Ganjam, together with an absence of data on individual migration status for the study population guided the survey design in important ways. Given their relative rarity, households with current or former women labour migrants would be unlikely to be sampled in sufficient numbers, in the absence of measures to ensure their deliberate ‘oversampling’ relative to their occurrence in the population. Sampling and oversampling relatively rare sub-populations and / or domains present a challenge for any probabilistic survey design. In the absence of a sampling frame recording the distinguishing characteristic(s) (in this case migration status) the sample cannot easily be listed in advance. A variety of methods are available to overcome and / or compensate this situation, including one or more of large-scale screening, disproportionate stratified sampling, two-phase sampling, multiplicity sampling, and multiple frame use (Kalton 2009).

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<sup>1</sup>See Watts 1991 for a historical overview and Gorard 2015 for a recent review of the routine misapplication of inferential statistics to non-probability sampled surveys in the published Social Science literature.

The probabilistic survey design employed both screening and disproportionate stratified sampling in a two-phase sample design, composed of i) a household census and ii) a multi-stage household survey. Probabilistic sampling was employed at all stages of selection (within the pre-determined intervention blocks). The probabilistic selection of primary sampling units (villages), secondary sampling units (households), and ultimate sampling units (individuals) thus support inference beyond the sample to the population of the intervention blocks. The sampling frame for the selection of PSU's (villages) was drawn from the 2011 Indian census. While this was the most up-to-date comprehensive village population listing available, the measure of size used to establish PSU probability of selection was unavoidably outdated. As a result, we employed selection on probability proportional to estimated size (PPES) in preference to the more usual probability proportional to size (PPS)<sup>2</sup>. Prior to sampling, we allocated every village<sup>3</sup> within the study blocks into six independent and exhaustive strata, based on village caste composition and a measure of remoteness, based on distance to nearest 'pukka' road. Stratification variables were selected to permit statistical comparisons across characteristics relevant to the WiF intervention's targeting approach and underlying assumptions. Villages with high rates of Adivasi (ST) and Dalit (SC) populations, and more remote villages with mixed caste composition villages were oversampled relative to frequency. Less remote villages with mixed caste composition were under-sampled relative to frequency. The concentration of scheduled caste and scheduled tribe households in particular villages further promoted disproportionate sampling on the basis of caste composition. Standard probability weights are being developed to account for unequal probabilities of selection.

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<sup>2</sup>Additional considerations dictating the use of PPES include i) PSU's (villages) varied considerably in size; and ii) SSU's (households) were selected from an updated sampling frame based on a primary census of the selected PSU's, meaning the measure of size used to establish PSU probability of selection differed to the measure of size used to select the SSU's

<sup>3</sup>48 villages known to be subject to Maoist activity were excluded from the sampling frame on the grounds that the safety of intervention and research personnel could not be assured. Only villages considered to be active Naxalite areas were excluded. Villages in close proximity to Naxalite controlled areas, but considered safe to access, were retained.

A total of 20 villages<sup>4</sup> across the two blocks were selected. The WiF intervention was to operate in 12 of these 20, with possibilities of retrospectively splitting into intervention (n = 12) and non-intervention villages (n = 8).

Every residential household in the selected 20 villages was listed and visited during the primary census phase. The primary census served as a screening phase to identify households with former, current, or intended women labour migrants (supporting their over-sampling relative to their occurrence in the population) and enabled the household listing to be updated to permit probabilistic sampling of SSUs (households)<sup>5</sup>. The census recorded a total of 4,672 households across the 20 villages. The short census questionnaire gathered information on gendered household migration episodes as well as basic household composition, demographic, and economic data.

In order to ensure an adequate sample of households with women migrant workers, census households were first stratified into those with and without current, prior, or intended migrant women workers. A sample of 1,249 households was selected. Due to their relative scarcity, all households reporting women migrant workers were included in the sample (n = 349). The remaining 900 households reported no women migrant workers (though many had male members who were migrant workers).

The survey consisted of three modules: a household module, completed by the household head or other knowledgeable household member), an individual module, completed by one working age woman (above 14) and her spouse (if married) or father (if unmarried) from each household (selected with the aid of a modified Kish grid where relevant)<sup>6</sup>, and a migration module, completed by any individual with past experience of, or future plans for, migration (as identified by the household and / or individual survey modules). In households with more than one eligible woman migrant worker, all were invited to complete the individual and migration modules, along with their spouse (and / or father). While this resulted in unequal probabilities of selection for individuals within households we deemed it appropriate given the need to maximise the sub-sample of migrant women workers present during the survey timeframe. This approach

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<sup>4</sup>The 2011 census lists a total of 379 villages in the two study blocks

<sup>5</sup>We defined selected villages by their bounds, not their central point, to ensure that outlying households were kept within scope.

<sup>6</sup>In households with no married couple (or daughter-father substitute), only the household head was surveyed.



(combined with post-hoc weighting) is standard in surveys designed to capture ‘rare’ or hidden populations.

A longitudinal interview series, conducted over two years, similarly offered important opportunities to advance knowledge in the fields of women’s labour migration and the conditions and relations of exploitative labour in India. Here again, the ILO intervention’s focus on ‘source communities’ re-focussed attention on the nature of lived experiences of – and the structures maintaining - labour exploitation in India.

The census provided the frame for drawing a cross-sectional, representative, randomly drawn sample of 1,255 households (with oversampling of hh with women migrant workers bearing the object of the study in mind) for detailed survey at a single time-point.

A key instrument was the use of three sets of questionnaires - one set for collecting household characteristics, including some migration details of household members, another for collecting more in-depth information on individual experiences and perceptions by gender, and a third dealing with specific questions related to migration experiences. Macro surveys in India have tended to use household surveys as the basis of individual data, and indeed the household as a unit remains a primary source for eliciting individual and family/household details, including the identifying markers of caste, class and socio-economic status. However, for eliciting experiences of work, employment relations, and migration, a household survey can at best provide limited information.

The survey therefore covered 1,218 individual women and 1,156 individual men (one working-age couple per household) from the sample households. From among these individuals, 117 women and 429 men were identified as migrants for survey on questions related to their migration experiences.

It was from the individual and migrant questionnaires, that it was possible to generate a data set for migrants and non-migrants with respect to working conditions, gender relations, nature of insecurities, violence, voice, and levels and nature of awareness of labour rights as well as other migration issues.

Qualitative methods included interviews with a cohort of migrant women workers across 3 to 4 rounds, depending on availability in the source villages. Semi-structured and open-ended

interviews drew out their experience of migration, life histories, and voices of women migrants for insights into experiences and perceptions of migration and labour, and overall trajectories and outcomes of migration. 72 women migrants were interviewed in December-January, 2015-16. 45 migrants from this cohort were interviewed again in September-October 2016. A third and fourth round of interviews covered 44 from the same cohort, who were interviewed again in December-February, 2017-18. An attempt was made to overcome the difficulty in finding the migrant women workers at their source villages by trying to meet some of them at destination sites, which had very limited success, and it was possible to interview only six of them at destination. However, field observations and interviews at destination brought out significant elements of the changing dynamics of recruitment that had not emerged from the source area interviews.

The review of policy, relied on a primary reading of policy statements, comparing earlier laws and current draft legislations, government notifications, parliamentary committee reports, state and district reports as well as discussions with policy-makers and officers/staff located on the frontlines of implementation in the local area, and the district anti-trafficking unit. Although formal/recorded interviews with policy practitioners were not possible due to procedural constraints on government personnel, informal discussions drew out their beliefs about women's labour migration and developments therein. These discussions at the state, district, and sub-district level, were supplemented by policy presentations and discussions by Odisha government representatives from the departments of Labour, Women and Child Development, and Panchayati Raj from Odisha that were made in a policy review session at a workshop in November, 2018, where the findings of the field study were also discussed.

## II

### **Regional Context: Social Topographies of the Local**

#### *The Study in Context*

Among the poorest states in India, Odisha has an official poverty rate of 32.6 per cent as against the all India average of 21.9 per cent. With agriculture contributing 20 per cent of the state's GDP while supporting 62 per cent of its workforce and showing a negative growth every alternate year, the state reflects the conditions of agrarian crisis that has emerged as a key feature of the 21<sup>st</sup> century Indian development story.<sup>7</sup> That agrarian crisis has been accompanied by a steep fall in women's work participation and employment in agriculture that has not been adequately compensated for by access to other sectors of employment is by now a well-known story to which Odisha is no exception.

Quinquennial employment surveys of the National Sample Survey Office (NSSO) have shown a steep fall in the female work participation rate (FWPR) in the state from 32.2 per cent in 2004-05 to 24.6 per cent in 2011-12. Labour Bureau surveys for the following period indicate a further drop in FWPR to 23.7 per cent in 2015-16.<sup>8</sup> Although the decadal Census figures had shown an increase in FWPR in Odisha from 24.7 per cent in 2001 to 27.2 per cent in 2011, the census also showed a significant drop in the number of female cultivators (from 9 lakhs in 2001 to 7.29 lakhs 2011). Drawing on the census figures, the Odisha Economic Survey 2017-18 points out that the shares of cultivators and agriculture labourers in the state's workforce fell by 3 percentage points from 64.8 per cent to 61.82 per cent between 2001 and 2011 because of lower participation of women cultivators, which decreased by 19 percentage points during the same interval. While women constitute 32% of the state workforce, their share of organized sector employment in Odisha was still half of that at 16.5 per cent.

Odisha is particularly diverse in community composition. A broad division is usually made between western Odisha which is considered more underdeveloped and poor, and the fertile

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<sup>7</sup> Data source: Odisha Economic Survey 2017-18

<sup>8</sup> Since 2011-12, there have been no employment unemployment surveys by NSSO. Results of the quarterly periodic labour force survey (PLFS) launched in 2017 in place of the earlier major quinquennial NSSO employment surveys, are as yet unavailable in the public domain.

coastal region to the east of the state, which is relatively better off. Western Odisha has significant tribal populations. Some parts are mineral rich, while large parts are drought prone and have become the prime hunting grounds for contractor driven migration, most famously to the brick kilns of Andhra and Telangana. For domestic workers the northwest district of Sundergarh has become well known as a recruiting ground for work as live in domestic workers in metropolises like Delhi.

The state has also been in the eye of the storm so to speak, having been hit by the strongest and most devastating Orissa cyclone (1999), and later by other cyclonic storms in the years since. It is particularly susceptible to weather extremities. A particularly large presence and voice of NGOs is a feature of the state, with some having been engaged with migration for several years (primarily in western Odisha). NGOs have been influential in shaping discourses on gender in the state – including in the formulation of the Odisha State Policy for Girls and Women, 2014. Odisha has also been in the forefront of policy debates around migration, and has pioneered some significant initiatives in law and policy vis-a-vis migrant workers, albeit again focused on the more well-known patterns of labour migration from western Odisha.

The rising importance of Odisha in the migration map of India, became evident in the last major migration survey conducted by NSSO (2007-08). With 33.45 per cent of rural households in Odisha sending out migrants, the state emerged as among the most prominent states receiving domestic remittances, of which the major part (63%) came from inter-state transfers. Remarkably, in comparing the remittances from out-migrants that left the state anytime within 5 years before the migration surveys of 1993 and 2007-08, it has been shown that the maximum increase in such remittances had taken place in Odisha.<sup>9</sup>

So where do women figure in Odisha's migration story? There are two prominent modes of approach towards women's migration that dominates public discourses. One is the human rights framework that has particularly been invoked in discourse on bonded labour migration from western Odisha, where there is a consensus that migration is distress driven, survival oriented, and includes a critical mass of women who migrate in family units. The inhumanly harsh and physically oppressive conditions to which these women are subjected, the horror

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<sup>9</sup> Chinmay Tumble (2011), 'Remittances in India: Facts and Issues', Working Paper No. 331, Indian Institute of Management, Bangalore.

stories of sexual assaults and peri-natal mortality, the depletion of women's bodies under such conditions, are what informs the approach to gender in such cases. A second prominent approach addresses the migration of young women from tribal families to far off metropolitan cities like Delhi, from a few pockets in the state. The district of Sundergarh is well known as being a source area for this kind of single migration, primarily for paid live-in domestic work. Exploitative chains of middlemen, poor conditions of work and remuneration, sexual exploitation and reports of these girls being sold to brothels frames the concerns around such a stream of women's migration, intersecting with anti-trafficking frameworks. An emerging third approach that is gaining momentum in policy perspectives, is a promotional approach towards particularly young women's migration, facilitated by skilling programmes that are linked to the demand of some industries for supply of migrant women workers (particularly garments and textiles).

This study is the first to investigate the contours of female migration from Ganjam, a district that does not figure at all in the broader debates in Odisha on gender in labour migration. Although Ganjam had been on India's labour migration map from colonial times, in sending men and women to work in the tea plantations in Assam, in the contemporary period, the district is primarily known for male outmigration, particularly for work in the power-looms and diamond factories of Surat. It is asserted in the District Gazetteer (2016) that "Migration in Ganjam District is not attributed to distress. It is rather attributed to the quality of expertise people possess. Ganjam traditionally sends more than half a million people to Gujarat to work in textile Industries, Diamond Cutting and Polishing Industries and ship breaking yards. Such huge migration to Gujarat is not due to distress condition but due to the demand of such labourers in these Industries." Studies detailing the harsh conditions of work to which workers of the district migrate may have a different view, but be that as it may, what is common to either viewpoint is that women's migration from the district is hardly ever referred to.<sup>10</sup>

The general assumption has been that women from the district do not migrate for work (although almost a decade ago, we had ourselves observed a distinctive presence of women

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<sup>10</sup> See for example Zaineb Ali and Amrita Sharma (2014) 'Migration Trends from Coastal and Western Odisha : A Study of Migration' in CMLS, Aajeevika Bureau, *Studies, Stories and a Canvas: Seasonal Labor Migration and Migrant Workers from Odisha*.

workers from one of Ganjam's Telugu speaking communities in the construction workforce in Bhubaneswar. We had also observed skilling centres in the coastal part of Ganjam District, where records were available of scores of young girls who had been trained in industrial tailoring and then placed in garment factories in Chennai, Kerala, Bangalore, and Noida).

This study provides empirical evidence that such an assumption needs to be revised. Women are indeed migrating for work from Ganjam to other parts of Odisha as well as many other states in India, a considerable proportion of whom are going for work as individuals rather than with families.

Where women's labour migration from Ganjam has remained invisible and not attracted any specific policy attention, the district has figured prominently in reports of trafficking of girls, related discourses, and interventions. The principal railway station of the district in Berhampur, is widely considered to be a preferred route for traffickers of 'minor girls', since it is directly connected to several major cities across the country and said to be the 'busiest railway station' of Odisha.<sup>11</sup> Regular, and periodic stories appear in the press of raids on trains and railway stations, particularly led by child rights campaigners with the help of Government Railway Police (GRP) personnel to foil trafficking. An analysis of news reports on trafficking through Berhampur across the years suggests that where the emphasis in earlier reports on trafficking (2011), was predominantly on 'grownup girls' being sold to brothels, more recently the emphasis in the reportage is on minors (2016-18).<sup>12</sup> In a later section we discuss how the anti-trafficking interventions have been undergoing change and being redefined. Here we merely note that the shifts of emphasis that have occurred at the local level, mirror and reflect the changes in definitions and discourses in law and policy with reference to human trafficking in India.

### *Introducing the Study Area*

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<sup>11</sup> Soch for Children (2014): Berhampur Survey Report,

<sup>12</sup> See for example, the report by Santanu Barad, ' Berhampur becoming transit point for trafficking of girls' 28 February, 2011, <http://www.merineews.com/article/berhampur-becoming-transit-point-for-trafficking-of-girls/15844237.shtml&cp>

Located in the south-eastern part of Odisha bordering Andhra Pradesh, Ganjam is the most populous district of the state. The district is broadly divided into two distinct parts i.e (a) coastal plains in the east (b) hill and table land in the west. As noted in the Ganjam District Gazetteer (2016), while the coastal plains are fertile and close to irrigation sources, the western hill and table land is rocky and has less irrigation facilities. The hills are a continuation of the great line of Eastern Ghats mountain range. Some of the hilly tracts along the western parts of the district are thickly forested. The plains lie between the Eastern Ghats and the Bay of Bengal but are narrow because of the absence of big rivers. Since the hills are close to sea, the rivers flowing from hills are not very long and are subject to sudden floods, sometimes triggered by cyclonic events.

Overwhelmingly rural, 78 per cent of the district population was counted in rural areas in 2011. Such a figure is somewhat lower than the state average of rural areas accounting for 83.3 per cent of Odisha's population. The relatively higher share of urban population in Ganjam is partly explained by the district having the highest number of towns (18), in comparison to other districts of Odisha, although all but one of them are small towns having populations of less than 25,000. Agriculture forms the backbone of the District's economy, with more than 70 per cent of the population being dependent on it (Ganjam District Gazetteer, 2016).

The study villages were located on the western side of Ganjam, in the tehsils of Bhanjanagar and Surada, touching the forested hills of north and west Ganjam including one undemarcated protected reserve forest area. The village sites were located in both flatlands as well as hilly terrain. Administratively the region falls under the Bhanjanagar (Ghumusur) sub-division of the district, headquartered in Bhanjanagar town (population 19,699 in 2011). The other important town located in the study region is Surada (population of 14,867 in 2011).

Among the 20 study villages, some were very small (4 with populations below 300, the smallest having just 132 residents), others were considerably larger (4 with populations above 2,000, the largest having a population of 3,800). While the size of three of the larger villages could be explained by their plains character, as well as proximity to a town or highway, the fourth was located in a far more remote tract surrounded by forests.

Figure 1 presents a bird's eye view of the terrain of the study region. The study villages were roughly located on either side of a notional line between the top edge of the map through

Bhanjanagar and Surada to Badagada in the map. As may be seen forests, hills and plains marks the terrain.

Figure 1: Terrain of the study region



The study villages are located in the catchment area of the 165km. Rushikulya river which flows through Surada. Among its tributaries are the two (Badanadi and Loharakhandi) which meet at Bhanjanagar. The two water bodies in Bhanjanagar and Surada that are visible on the map are reservoirs constructed under the Rushikulya Irrigation Project, initiated in 1884 as a famine relief measure. The largely hilly terrain is particularly poorly irrigated.

#### *Caste/Tribe Demographics and Social Topographies*

The social characteristics of the households of the study area, as collected from the primary census of households conducted in May, 2015 for the study, demonstrated a strikingly higher proportion of Other Backward Classes (OBC) and Scheduled Castes (SC) than the average in rural areas of the state, the country, and even the district. On the other hand, the share of Scheduled Tribe (ST) households was far less than the state average, but within the district of



Ganjam, whose ST population was 3.37 per cent of the district population, the study region showed a significantly higher concentration.

*Table 1: Distribution of Caste Categories of Study Villages in Context*

<b>Caste Categories</b>	<b>Study villages</b>	<b>Rural India*</b>	<b>Rural Odisha*</b>	<b>Ganjam population (Census 2011)</b>
Upper Castes	14.3	23.7	18.3	N/A
Scheduled Castes	25.3	20.9	20.7	19.50
Scheduled Tribes	10.7	11.2	25.2	3.37
Other Backward Classes	49.7	44.2	35.8	N/A
Total	100	100	100	100

\* Source for rural India and Odisha : NSS Report No.563: Employment and unemployment situation among social groups in India.

Considerable variations exist in caste/community composition across villages. 5 of the 20 villages had no OBC presence, 8 had no STs, and 10 had no upper castes and were almost exclusively SC dominated. Only one small 100% ST village had no SCs and another with high ST presence had negligible numbers of SC households. Otherwise SCs had critical mass in most of the villages, and were numerically dominant in 4 (100% in one).

Legally constituted caste categories reflect a broad view of social stratifications, but as is well known, much of social experience is mediated through the actual social location of individual castes within variable regional histories, through which the texture of elements of social life is shaped, and through which gender relations are defined.

The 2016 District Gazetteer, states that Ganjam was ‘a meeting ground of northern and the southern portion of India and owing to the prevalence of different races, the number of castes in the district is very large.’ No fewer than 283 were counted in the Ganjam District Manual of 1880, when the district was part of the Madras Presidency and included regions that later became part of Andhra Pradesh (Srikakulam).

Table 2 presents a bird’s eye view of the caste/community composition of the study villages drawn from the census of households conducted for this study in 2015. The 20 study villages

demonstrated some aspects of that diversity, with the household census counting some 88 castes.

**Table 2: Distribution of Households by Caste and Caste Category**

	Caste Name	Number of Households	Distribution of Households (%)
<b>Scheduled Castes (SC)/Dalit</b>			
1.	PANO HINDUS	456	9.8
2	KHADALA	332	7.1
3	HADI	122	2.6
4	DHOBA	121	2.6
5	DANDASI	47	1
	Others	103	2.2
	All	1181	25.3
<b>Scheduled Tribes (ST)</b>			
1	KANDHA	327	7
2	SABAR	69	1.5
	Others	104	2.2
	All	500	10.7
<b>Other Backward Classes (OBC)</b>			
1	KURUMA	640	13.7
2	GAUDA	444	9.5
4	PANO CHRISTIAN	403	8.6
4	TELI	112	2.4
5	RANGANI	89	1.9
6	BADHAI	75	1.6
7	SUNDHI	61	1.3
8	BENAYATI ODIYA	47	1
9	KUMBHARA	42	0.9
	Others	410	8.8
	All	2323	49.7
<b>Upper Castes (General)</b>			
1	BRAHMIN	266	5.7
2	KHANDAYAT	89	1.9
3	KUMUTI	42	0.9
	Others	270	5.8
	All	667	14.3

Source: CWDS/LSHTM village census

Within the broader contours of such diversity, the numerically more dominant included Panos and Khadadas from the Scheduled Castes, Kuruma and Gouda from the OBCs. Among the upper castes, although Brahmins were the numerically largest, Kumutis were dominant in some villages, despite being numerically less significant.

In the local caste hierarchies, Pano and Hadi, are stigmatized as the lowest of the communities considered to be untouchable. The Anthropological Survey of India's project on 'People of India' (POI, 2013) refers to the **Pano** as a numerically dominant Scheduled Caste of Odisha, and mentions H.H. Risley's having listed them as a semi-Hinduised community living with the Kondh (tribals) as its subgroup.<sup>13</sup> Thurston (1909) gave their traditional profession as "weaving or brass work, the monotony of which they vary by petty trading in horns, skins and live cattle."<sup>14</sup> Panos were the only SC community that was found in all the study villages, albeit with some variations in degree of concentration.

**Khadadas**, numerically second to the Panos among the SCs in the study area are mainly concentrated in Ganjam (60 % as per census of 1981). The Ganjam District Gazetteer (2016) suggests that they are a sub-caste of the Bauris, and Thurston (1909) referred to 'Khadalo' as a 'polluting caste' of basket weavers, who have a slightly higher status than the Dandasis, and Hadis.<sup>15</sup> Khadala households were concentrated in only 4 of the study villages.

A smaller presence of **Hadi** households was spread across 9 of the study villages. According to POI, 2013, the Hadi constitute one of the largest major Scheduled Castes in Odisha, and cleaning of streets, scavenging, collecting bones and drum-beating are their traditional jobs.

**Dhobas**, who are otherwise the largest SC community in the district of Ganjam, were around a tenth of the SC households and spread across 8 of the study villages. POI, 2013 refers to the

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<sup>13</sup> K.S. Singh et al (eds) (2013):*People of India: Odisha, Vol. XVI, Part Two*, Seagull Books, Calcutta. Herbert Risley, the colonial official, was the high priest of what has been termed 'pseudo-scientific' racism (see Crispin Bates (1995): 'Race, Caste and Tribe in Central India: the early origins of Indian anthropometry', *Edinburgh Papers In South Asian Studies* Number 3.

<sup>14</sup> E. Thurston (1909): *Castes and Tribes of Southern India*, Vol. 1 A and B, Government Press, Madras. Reflecting a colonial racist caste prejudice, Thurston adds that Panos also indulge in "house-breaking and theft at the expense of the Khonds", and further, "The Panos are drunken, immoral, and dirty in their habits." Such prejudice is unfortunately echoed in the 2016 Ganjam District Gazetteer, which states that the Panos "work in their [Kandha] farms and collect buffaloes for sacrifice. They also act as their intermediaries and exploit other tribal people economically. They are the craftiest caste among the entire tribal and Harijan people." The irony in such a statement which suggests that the labourers are supposedly exploiting the landowners may be noted

<sup>15</sup> Ibid

Dhoba as living in the midst of those Hindu castes to whom they render the service of clothes washing, most of them being landless.

A significantly smaller proportion of **Dandasi** households were concentrated in three of the villages. POI, 2013 refers to the Dandasi as a de-notified community, who used to be employed by ex-zamindars and landlords to realise taxes and tolls from their tenant holders.<sup>16</sup> The Ganjam district gazetteer adds that they were also engaged as village watchmen to guard the village at night against robbery or theft.

Among the smallest SC communities in the study villages, **Domba** households (all in one village), were involved mainly in wood and bamboo work. The Domba were viewed by early commentators (Thurston, etc.) as synonymous with the Pano. POI 2013 also held that the Domba in southern Odisha were similar to Panos, with basketry and drum beating as their traditional occupation.

Regardless of definitions of traditional occupations, the heads of households in an overwhelming majority of these SC communities, were labourers/daily wagers in agriculture and construction, that is largely unrelated to caste based occupations, although they are indeed deployed in all the village tasks and services that are considered dirty and polluting, and therefore not performed by upper castes or most OBC communities. The practice of untouchability and stigmatization of SC communities is pronounced in the study area. It is sustained by residential segregation along caste lines within the villages, with *sahis* (streets) where SC communities reside tending to be along the outskirts. Interestingly, there were local twists regarding the caste categories in the minds of the local population. In one village Kui speaking Kandhas (Kandhas are counted as a Scheduled Tribe) insisted they were Scheduled Castes, and in another it was claimed that Panos were actually tribals who had been wrongly classified as Scheduled Caste.

The large presence of Panos in the study villages is particularly striking. Odisha is the primary homeland of the Panos who constitute the numerically largest community among the Scheduled Castes in the state. In the 2001 census, they accounted for 18 per cent of the SC

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<sup>16</sup> Under colonial rule, a number of communities were notified as criminals under the infamous Criminal Tribes Act of 1871. After independence, the Act was repealed, and hence the category of denotified communities.

population of the state. In the study villages however, they constituted more than double that, accounting for 39 per cent of the SC households.

**Christian Panos** are officially listed as among OBCs, not as SC, although the untouchable status of the Panos, whether Christian or Hindu was a palpable phenomenon across villages in the study area. With Christians accounting for 47 per cent of the Pano households, Panos constituted an overwhelming majority (88%) of Christian households in the study villages.<sup>17</sup> Beyond constitutional categorization /legally defined caste categories, in actuality, the Panos were by far the single largest caste in the study villages, alone accounting for close to one fifth (18 %) of *all* households, and overwhelmingly dominated by labourer households, regardless of whether they were Christian or Hindu. Usually, in multi-caste villages the Pano *sahis* would be at a distance from the village centre. Often, while defining their village area, locals would not, in the first instance, include the Pano areas as part of the village.

Three tribes – the Kandha, Sabar, and Gond constituted the Scheduled Tribe population of the study villages. The **Kandha** were the great majority (65%) among them, and their numbers and proportions were probably larger than what is given in the table above, since many of the households who merely gave Adivasi as their tribe name were Kandha. They are numerically the largest among all the 62 tribes of Odisha constituting 17% of the total tribal population of the state. In the study villages, the Kandha households were roughly evenly divided between cultivator/farmer/agriculturists and labourers. **Sabar/Savara** (also known as Sudha Saora), is referred to as a small community of South Odisha (POI, 2013). The District Gazetteer refers to their concentration in Ganjam, the district being considered the homeland of the Savara. The Savara had a much smaller presence in the study villages, their households being primarily of cultivator/agriculturists with fewer labourer households. There were very few households of the **Gond** tribe in the area.<sup>18</sup>

The significantly higher proportion of OBCs in the study villages constituting almost half the households, is partly explained by the inclusion of Pano Christians in the OBC category. If

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<sup>17</sup> Pervasive social prejudice vis-à-vis Panos is reflected even in the Ganjam District Gazetteer, according to which “They [Panos] are the craftiest caste among the entire tribal and Harijan people.” The Gazetteer also asserts that they “have a close relationship with the Kandhas... work in their farms and collect buffaloes for sacrifice.. [and] also act as their intermediaries and exploit other tribal people economically.

<sup>18</sup> Gonds are otherwise second largest of the ST communities in India, next to Bhils.

Pano Christians were not counted as OBC, this most diverse category of castes would be 41 per cent of the households in the study villages. Among the numerically larger OBC communities, the Telugu speaking **Kurumas**, otherwise numerically second only to Panos (Hindu + Christian), were concentrated in just 4 of the 20 villages. POI, 2013, seems to have missed listing this community in its Odisha volumes. In traditional caste structures of Andhra Pradesh and Karnataka, they were shepherds, but in the study villages Kuruma households included farmer, business, and labourer households, with a few service households (carpenter, driver, teacher).

Odiya speaking **Gauda** households, although less in number than the Kurumas, were more spread out across 12 of the study villages, and were predominantly cultivators/farmers, but also had substantial numbers of labourer households, although there were also a significant number in business and other service occupations (driver, etc.). By tradition, the Gauda were cowherds. **Telis**, who by tradition were oil pressers, had a much smaller number of households in the study villages, but were even more spread out than the Gauda households, with a higher proportion in business and varied service occupations, but still dominated by agriculture and labourer households. Most other OBC communities were similar in terms of the occupation of household heads, although the Khandayat households, thinly distributed across 5 of the study villages, had the greatest diversity of occupations. However, agriculture was not a significant occupation among the **Rangani**, one among the several weaver communities of Odisha, who according to POI, 2013, were initially engaged only in dyeing thread, but later took to all work related with weaving, along with dyeing. In terms of occupation, there were no weavers in the study villages.

Among the upper castes, **Brahmin** households were spread out over 11 of the villages with occupations including business, government service and their traditional caste occupation of priest. The relatively small number of Telugu speaking **Kumuti** (traders by tradition), who were mostly traders, owned land, and relatively more prosperous, were found in 6 of the villages.

Almost 90 per cent of the households were Hindu. Christians accounted for one tenth of the households. Only 3 of the Sabar households gave their religion as 'other'. Christian presence in the study area is considerably higher than the 3 per cent Christian population in rural Odisha

and the 2 per cent for rural India as a whole. 12 of the villages had only Hindu communities, while Christians were the majority in two villages. There were no Muslim households in the study villages, which is not surprising since Muslims, who constitute 2.2% of Odisha's population, are concentrated in just 4 out of 30 districts of the state.<sup>19</sup>

As we shall see from the findings of the study, and particularly from the qualitative interviews of women migrants, social processes and community trajectories of specific castes within the larger categories determine the patterns and thrust of women's migration differently.

Beyond the census of households, the sample survey questionnaire individuals (one man and one woman) in each household, brought out the scale of coercive discrimination including untouchability, and sharply delineated the differences between how men and women experienced such discrimination (Table 3).

**Table 3: Proportions of men and women who reported experience of caste/community conflict and being subjected to untouchability practices**

	<b>Men (%)</b>	<b>Women (%)</b>
Caste/community conflict	13.7	20
Conflict with household members	7.4	7
Faced restriction on access to facilities	24.4	33.9
Faced restriction on access to temple	23.5	43.8
Faced restriction on access to common water source	26.9	50
Faced restriction on access to common land	32.1	17.8
Faced restriction on access to private homes	22	46.4

Source: Survey of individual men and women in the sample survey

In Table 3, it is striking that 50 per cent of the women reported that they faced restriction on access to the common water source. 44 per cent reported restriction on access the temple, and 46 per cent faced restriction on access to private homes. Open caste/community conflict had been experienced by 20 per cent of the women and 14 per cent of the men. In all such cases, the indications are that the experience of these forms of untouchability/social discrimination

<sup>19</sup> There was however, an observable presence of Muslims in Surada town.

in their daily lives and even conflict, are more acutely experienced and felt by women compared with men.

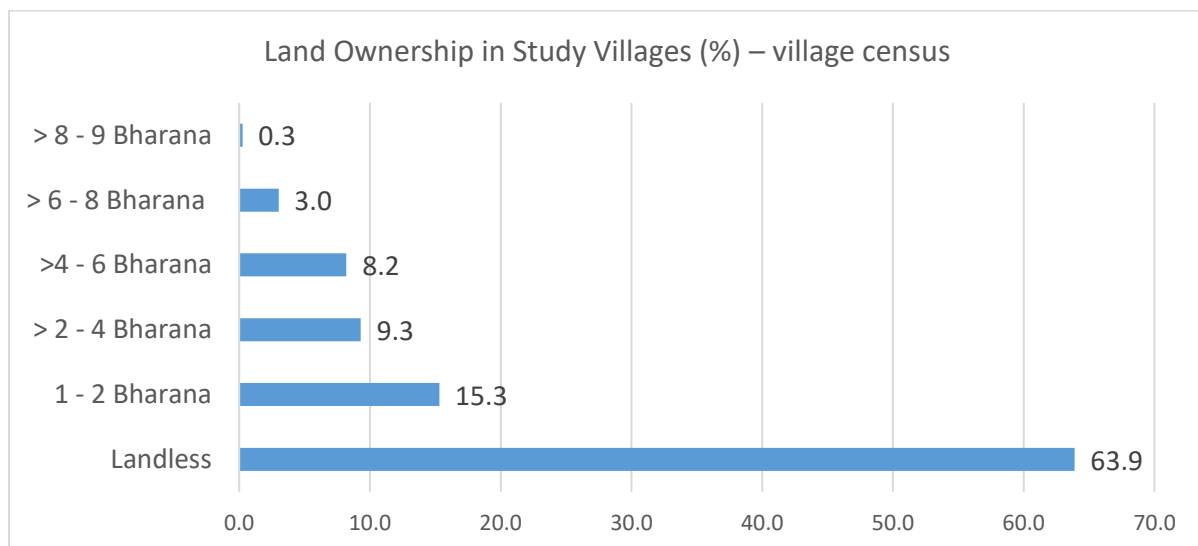
Importantly, the proportion of individual women experiencing forms of untouchability were far higher than the proportion of officially designated Scheduled Castes in the study area.

*The Question of Land and Agriculture: Patterns of Ownership and Lease-holding*

A striking feature of the study area was the very high proportion of landless households (64%), in that they did not own any agricultural land. This is far higher than the all India average of 42 per cent of landless households in rural areas.

The local land measurement unit is called Bharana (5 bharanas equal to one acre). From the village census, it is evident that the majority of those that did own some land had small amounts ranging from 1-5 bharanas. Only 187 (4%) of the households owned 20 bharanas or more, of which 52 (1%) had larger landholdings – ranging from 50 to 100 bharanas.<sup>20</sup>

*Figure 2*



The more detailed sample survey brought out the distribution of land ownership and the degree of leased in and leased out land among various social groups in greater detail. While the degree

<sup>20</sup> Only one household was above the 100 bharana mark and owned 200 bharanas of land.



of landlessness among the SC households (80%) was found to be the highest, such a phenomenon was along the expected and well known link between low-caste status and landlessness. Something that is not so widely considered was the finding that the majority of upper castes and OBCs (56% and 57% respectively) also did not own any land. Among ST households on the other hand, the majority (71%) were found to own some land. Yet across the board, among the land owning households, the majority were marginal farmers. Landless and marginal farmers thus accounted for 92 per cent of the upper caste households, 93 per cent of the OBC, 99 per cent of the SC and 86 per cent of the ST households. In sum, the study villages were overwhelmingly characterized by landless and marginal land owning households.

Further, while just a little over 4 per cent of the households leased out their land, 17 per cent of the households were working on leased in land. Among the households working on leased in land SC households were the largest group (37%) followed by OBC (34 %) and then ST (23%), with upper castes accounting for only 6 per cent of the households that had leased in land. On the other hand, among the households that had leased out land, upper caste households were the single largest group (43%), followed by OBC (35%), with SC and ST households accounting for only 11 per cent each of the households leasing out land. Thus, within a limited lease market in land, the concentration of upper castes in rent seeking from land, and of SCs in paying rent is noticeable.

*Agriculture (cultivation or farming) not a primary occupation for most men and women, but significant as secondary employment*

The survey highlighted that agriculture (farming) was no longer the primary occupation for a majority of both men and women in the study villages, although it remained a significant secondary occupation (Table 4). Only 27 per cent of the women and 35 per cent of the men reported agriculture (farm work) as their principal/primary occupation. Given the pattern of land ownership, the limited number of households who have land – and also the low proportions of leased out land - and the predominance of rain-fed agriculture in the area, such a finding should not be surprising. Nevertheless, it perhaps needs to be emphasized that agriculture remains significant in the overall livelihood pattern of villagers, evident in the fact that 64 per cent of the women and 42 per cent of the men gave agriculture as their secondary

occupation. Interestingly, 80 per cent of the women said they had a secondary occupation in comparison to 49 per cent of the men.

We know from studies based on the macro-data (NSS) that the period between 1999-2000 and 2011-12 saw a major shift in the rural workforce from farm to non-farm employment in both principal and subsidiary status employment in India, predominantly to construction. Across this period of just over a decade, the percentage of rural workers in non-farm work in India had jumped from 29 per cent to 41 per cent for principal status employment among male workers, and from 16 per cent to 26 per cent among female workers. Even in secondary status rural employment, the increase in non-farm work was from 19 per cent to 42 per cent among male workers and from 10 per cent to 33 per cent among female workers. The national trend was evident in rural Odisha as well, where as a principal activity, the share of non-farm work rose from 23 per cent to 41 per cent among male workers, and from 19 per cent to 34 per cent among female workers.<sup>21</sup> It is of course difficult to posit the extraordinarily high proportions in non-farm work in our study area as reflecting any further acceleration of the shift from farm to non-farm work without any local benchmark data. But the high proportions of non-agricultural workers is indeed a significant characteristic that has a bearing on how and why people migrate for work.

***Table 4: Primary and Secondary Occupations (agricultural and non-agricultural), and employment status (%)***

Sector and Employment Status	Women		Men	
	Primary occupation	Secondary occupation	Primary occupation	Secondary occupation
Agriculture	28	64	35	42
Non-agriculture	72	36	65	58
Total	100	100	100	100
Casual labour	28	67	51	69

<sup>21</sup> Partha Saha and Sher Verick (2016): 'State of rural labour markets in India', *ILO Asia-Pacific Working Paper Series*

Regular salaried	9	2	12	1
Unpaid worker	47	4	1	1
Own account	15	22	28	24
Employer of hired workers	1	5	8	5
Total	100	100	100	100

Source: CWDS/LSHTM Sample Survey (Individual Questionnaire)

More detailed data from the survey of individual men and women, also indicated that women were in a majority among agricultural labourers in the area, accounting for 57 per cent of those (men and women) who gave daily wage work in agriculture as their principal occupation, and 61 per cent of those who gave daily wage work in agriculture as their secondary occupation. In contrast, the share of women in own account agriculture was much less, i.e., they were 20 per cent among those who gave own account agriculture as their principal occupation and 45 per cent of those who gave own account agriculture as their secondary occupation. The higher share of women in secondary own account agriculture was mainly a facet of the significantly lower number of men who gave own account agriculture as a secondary occupation (see supplementary tables).

*Gender Dimensions: Higher shares of unpaid women workers in non-agricultural occupations*

A significant finding that runs counter to the common assumption that unpaid work by women is more in agriculture, was that only 3 per cent of the women workers in agriculture, whether as a primary or a secondary activity, were unpaid workers. In contrast, in both principal and secondary non-agricultural work, unpaid work by women was more prominent. A big majority (64%) of the women who gave non-agricultural work as their principal employment were unpaid, although among the women who gave non-agriculture as their secondary occupation, only 6 per cent were unpaid. Overall, among the men and women who gave non-agriculture as their principal occupation, the female share was 36 per cent and among those who gave non-agricultural work as their secondary occupation, the female share was 34 per cent.

70 per cent of the men who gave non-agricultural workers as their principal occupation were daily wage workers. In the case of women however, the pendulum swung towards unpaid

workers, leaving only 18 per cent as daily wage workers. Regular salaried workers constituted just 18 per cent of both male and female principal non-agricultural workers.

Notably, among non-agricultural workers, the number of employers of hired workers were negligible for men and women regardless of whether it was their primary or secondary employment. Among those employed in agriculture as their primary activity on the other hand, 21 per cent of the men whose primary work was agriculture were employers of hired workers compared with just 6 per cent of employers among women working primarily in agriculture. Among those whose secondary occupation was agriculture, the gender disparity among employers of hired labour was less with 11 per cent of the men and 7 per cent of the women being employers.

This information enables us to arrive at a more accurate picture of the gendered features of rural occupations and employment, whose implications would have a relevance for propelling women's migration from the study area, as well as for the rural landscape beyond the study villages. In sum, what emerges is the following:

- 1) Non-agricultural employment is the primary occupation for both men and women, although agriculture continues to be a significant secondary occupation, more so for women. Women now constitute a majority of the class of daily wage agricultural labourers in the area, but are a poor minority in own account agriculture.
- 2) A majority of women non-agricultural workers were unpaid workers in contrast to the insignificant proportion of unpaid women workers in agriculture. Thus non-agricultural employment in the area is offering less opportunities for women to earn independent incomes,
- 3) With only a small proportion of the workforce - male and female - having access to regular salaried jobs, casual labour in agriculture and non-agriculture dominates the primary and secondary occupations among men in the study villages. Among women, unpaid work dominates principal non-agricultural employment, while casual labour is dominant in primary agricultural and secondary employment.

The question before us is how gender within the social and economic topography of the study area, with its diversity in caste and related hierarchies of oppression, high rates of landlessness, occupational patterns, all relates to women's labour migration. To this we now turn.

### III

#### Aspects and Features of Women's Migration

Since the purpose of this study was to investigate the factors determining women's labour migration, the definition of migrant was limited to those who had migrated for the purpose of employment/income. This is quite different from the definition of migrant used by national migration surveys that are more focused on the demographics of population movements. For example in NSSO's migration surveys, a person is treated as a migrant if he/she had moved usual place of residence from one village or town to another village or town. The use of such a definition has meant that women routinely outnumber men in migration statistics (women constituted 77% of migrants in the last available survey of Migration in India) mainly because of the prevalence of patrilocal village exogamy, which meant that the majority of married women were being counted as migrants simply because their usual place of residence had moved from their parental home village to the village of their husbands or in laws.

In this study, the movements of women out of their natal villages for marriage was not included in the definition of migrant. We did however, include those women who may have moved out of the village with the initial purpose of joining husbands or family and taken up employment at destination later. The team of surveyors were thus specially oriented towards looking out for the known tendencies to discount or invisibilise women who may have migrated as associates of other migrants or relations, but were in fact, migrant workers at destination. It was with such a definition that the census of households in the study villages was conducted in May-June, 2015, followed by the more detailed sample survey from October, 2015 to February 2016.

#### *Male Bias in Labour Migration*

Conforming to and indeed confirming the larger pattern of a male bias to labour migration in India, the census of village households had showed that women were migrating out of only 292 households, i.e., from only a little over 6% of the households (6.25%) in the study area. In contrast, men were migrating out of 2035 out of 4672 households (around 44%). This aspect of the gender bias in migration and its implications for the conditions in which women migrants live and work, does not emerge from studies that focus only on visible segments of women

migrant workers at destinations. As a general feature, it may be noted that migration by women is not the norm, even in areas of otherwise high rates of labour outmigration.

Why such a bias exists, has to be located in the sexual politics of village society that has its roots in feudal caste based notions of 'honour' and 'shame', with the former associated with confinement of women to work inside the home, and the latter with comingling of women with men outside the confines of family and kin. Caste and tribe endogamy is also a factor that adds an additional element of sexual suspicion of any independent interaction by women with a world outside the village that affects even those communities where women have traditionally worked on lands beyond their own.

A male bias to out-migration for employment from villages points to the structuring of a male bias in the formation of labour markets beyond the boundaries of the village from within the milieu of the village India. Is it then surprising that those women who do migrate face a hostile environment and greater risks. Further, the male bias in migration is a factor in shaping a tendency for all male or predominantly male workforces in most industries and services, and for migrant women to become concentrated in only a few occupations associated with the employment of family labour or where a specific preference for women exists through which they acquire critical mass.

#### *Predominance of Medium term Migration*

Among the most striking findings of the primary village census, was that 45 per cent of the village households had at least one migrant, and some 39 per cent of the population aged 14 and above, had migrated for work or business in the 5 years preceding.

A broad categorization of types of migration had been made for the census, comprising of 1) Permanent migrants whose main residence was elsewhere and who had no intention to return to settle, 2) Medium term migrants with stay(s) outside of 10 months or over with intention to return to settle, and 3) Short term migrants whose stays outside were of less than 10 months. Expectedly, medium term migration, whose migratory pattern could be annual or in stretches of up to a few years in one round, was the dominant pattern for male migrants (64%). It was however, remarkable that medium term migration also accounted for a majority of the women migrants as well (52%) from the study area.

**Table 5: Distribution of Male and Female Migrants by type of migration**

Type of Migration	Number (Female)	Distribution by type of migration (%)	Number (Male)	Distribution by type of migration (%)	Share of Women in each type of migration (%)
Permanent migrants*	114	23.9	126	4.6	47.5
Medium term migrants**	247	51.8	1737	63.9	12.4
Short term migrants***	116	24.3	855	31.5	11.9
<b>Total migrants</b>	<b>477</b>	<b>100.0</b>	<b>2718</b>	<b>100.0</b>	<b>14.9</b>

Source: Primary Village Census

\*Main residence elsewhere, no intention to return to settle

\*\* Stay(s) of 10 months or over at destination, intention is to return to settle

\*\*\* Stay(s) at destination lasting under 10 months

Our earlier studies of migration from rural source areas suggest that the pattern of women’s labour migration in rural areas is more concentrated in short term or circulatory migration (CWDS, 2012).<sup>22</sup> Studies on women’s migration from the western districts of Odisha have also emphasized the pattern of circulatory migration for brick kilns, etc.<sup>23</sup> The migration pattern from Ganjam clearly showed a different dynamic and trajectory and brings to the fore a new range of experiences and questions for Odisha’s policy makers as well as analytical perspectives on women’s migration.

<sup>22</sup> See CWDS, (2012), Gender and Migration: Negotiating Rights, A Women’s Movement Perspective, (Key Findings), <http://www.cwds.ac.in/researchPapers/GenderMigrationNegotiatingRights.pdf>

<sup>23</sup> See for example Agnihotri, Indu and Indrani Mazumdar (2009), ‘Dusty Trails and Unsettled Lives: Women’s Labour Migration in Rural India’, Indian Journal of Gender Studies, no.16. and CMLS, Aajeevika Bureau (2014), Studies, Stories and a Canvas: Seasonal Labor Migration and Migrant Workers from Odisha’.



We will discuss the factors, destinations, and occupations that have shaped this larger presence of the medium term in female migration from the study area further on. But first we may note that the distribution of women migrants was starkly different from the males.

While male migration was more spread out across the villages, women's migration pattern was simultaneously sparse and concentrated. The proportion of households with female out-migrants thus ranged from zero in some villages to 13.6 per cent in others, while the proportion of households with male out-migrants ranged from 23.4 per cent to 76.5 per cent. The pattern of concentration emerged even more sharply in the fact that the majority of women migrants (64%) were from just 4 of the 20 villages. In half of the villages, there were only one or two women migrants. One village had none. The sparse distribution, as well as the concentrations in female migration, also correlate with the distribution and concentration in occupations/sectors to which women were migrating and the caste/community features of the source villages.

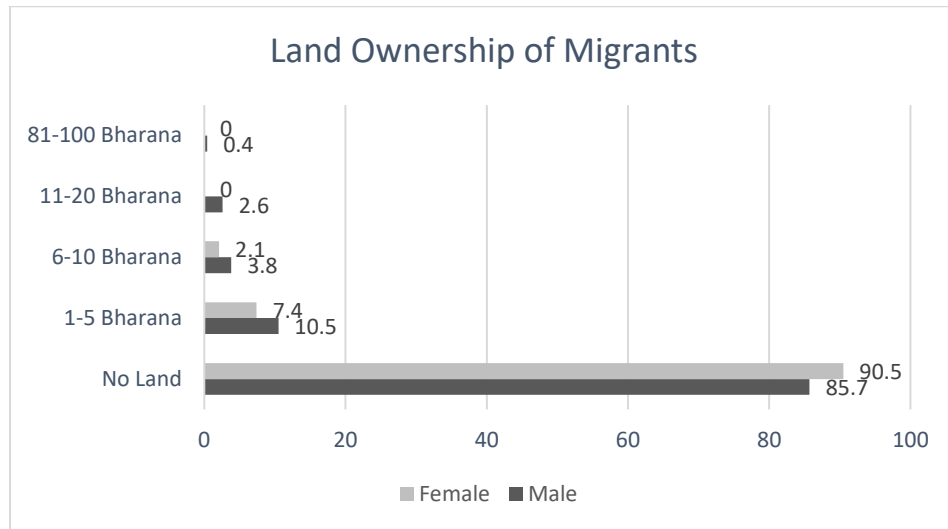
The detailed sample survey in the study villages covered 117 women migrants, of which 99 were current migrants. 429 male migrants were covered, of which 396 were current. The sample survey showed that among the short term migrants, shorter spells (of less than 3 months) was less significant. 80 per cent of the short term migrants among males and 77 per cent among females were migrating for longer spells of 3-8 months. Among medium term migrants on the other hand, the overwhelming majority were migrating over a period of 1-5 years. Still, it was puzzling that a higher proportion of women migrants (16%) had been migrating for more than 5 years in comparison to less than a tenth of male migrants. As we shall see from the age data from the survey as well as the qualitative data, one of the factors was that a higher proportion of female migrants started their migration rounds when they were children.

*Women migrants predominantly from landless OBC/SC households, with significantly higher proportions of Christians*

In introducing the study villages, we pointed to the extremely high rates of landlessness that prevailed in the area. Analysis of the land ownership of migrants revealed a distinctive pattern of higher proportions of the landless among women migrants, lower proportions from

landowning households and no women migrating from households with more than 2 acres of land (Fig. 3).

*Figure 3*



With more than 90 per cent of the women migrants and almost 86 per cent of the male migrants coming from landless households, the share of the landless among migrants, whether male or female was considerably higher than the prevailing rate of 64 per cent landlessness among all households in the study villages. Nevertheless, it is noticeable that the extraordinarily high proportions of the landless was even more of a defining feature of women migrants.

Table 6 shows the composition of migrant workers from the study area by religion and caste categories. A strikingly higher share of SC communities among migrants (both male and female) in comparison to the share of SCs in the general population of the study area is noticeable. 45 per cent of the women migrants and 43 per cent of the male migrants were from SC communities, in comparison to roughly 25 per cent share of SCs in the general population. Yet, again we see that among women migrant workers the share of SCs is slightly higher than among male migrants. On the other hand, upper castes have a significantly lower share among women migrants. While among male migrants, the share of upper castes is roughly the same as in the general population, among women migrants it is less than half.

STs also have a lower share among women migrants, and where among male migrants, the share of STs is slightly higher than in the general population, among women migrants, it is less. This is possibly because a higher proportion of ST households in the study area own some land.

At the same time, a distinguishing feature in the profile of women migrants was the greater proportion of Christians among women migrants. Where Christians accounted for just 10 per cent of the households in the study area, 40 per cent of the women migrants were Christian, almost all of whom were Pano Christians. It is the dominant presence of Pano Christians in the caste/social group profile of women migrants that has driven up the share of OBCs to over 51% of women migrant workers, almost double the share of OBCs among male migrants. Among male migrants, the proportion of both Christians and OBCs was in fact lower than in the general populace of the study area (Table 6).

*Table 6: Distribution of Migrant Workers by religion and caste category*

Religion	Distribution of Migrant Workers (%)		Caste Category	Distribution of Migrant Workers (%)	
	Women	Men		Women	Men
Hindu	60	92.8	Upper Castes	7.0	14.2
Christian	40	7.2	Scheduled Castes	44.8	42.6
Muslim	0	0	Scheduled Tribes	7.0	15.9
All	100	100	Other Backward Classes	51.3	27.2
			All Caste Categories	100	99.9

The concentration of Christians (Christian Panos in particular) in the female migrant profile correlates with the concentration of women migrants in a few villages. It explains the outlier of higher levels of female migration from a few villages, within the more general trend of low female labour migration rates. What it does draw attention to is the important role of social processes and gender dynamics of specific castes or communities, which must be taken into

consideration as determinants of who among women migrate, why and how they migrate, and as we shall see, also which occupation they migrate to.

Nevertheless, the higher proportions of landless combined with the higher proportions of SCs, and even the higher proportions of Christian Panos, when put together, suggests a more general feature of the relatively greater weight of the land deprived and most discriminated against in female migration from the study area.

### *Shifting Dynamics of Distress*

The sample survey of migrant workers for this Ganjam study, as well as the more detailed series of qualitative interviews of individual women migrants, also highlights the fact that poverty/distress as a driver of migration is relatively higher for women migrant workers. At the same time, what is also significant is that there is a changing dynamic in the nature of distress for both men and women.

In this study, in the first instance, we identify inability to meet basic needs in the area of origin as the main reason for migration as the first marker of distress, and lack of local employment as a secondary marker. Reasons for migration were sought for two rounds of migration – the first round and the last (most recent) round.

As may be seen from the table below (Table 7), among the drivers of the first round of migration, distress, i.e., chronic or seasonal inability to meet basic needs, emerged as the principal factor for both men and women. It is noticeable however, that its importance was significantly greater among women. For the first round of migration, inability to meet basic needs was the first reason for almost three quarters of the women migrants (74%) in comparison to a little over half the male migrants (51%) suggesting a greater weight of distress in compelling women to migrate.

For the last round, the search for better payments than what was available in their area was far more significant for male migrants than for females. Almost a quarter of the male migrants (24.3%) gave better payments as the first reason for migrating in comparison to just 7 per cent of the female migrants.

Again, among male migrants, lack of local employment was a relatively more prominent factor for the first round of migration of men (15%) and less significant for women (6%). On the

other hand, aspirations for qualitative social advancement, including of the family, did not appear as a significant driver among either men or women, although it was the prime reason for 7 per cent of women migrants compared with just 3 per cent of the male migrants for the first round of migration.

It is in the comparison between the first and last round of migration that the shifts taking place in the nature of compulsion and purpose involved in migration become strikingly apparent. For both men and women, the force of inability to meet basic needs as the primary reason for migration declined, (possibly a result of migration itself). However, while it declined relatively more for women, it still remained the primary driver for the majority of women migrants. On the other hand, for male migrants, the decline appears relatively slightly less, but significantly the majority of male migrants were no longer giving inability to meet basic needs as their primary reason for migration at the time of their most recent round of migration.

What is equally striking is the rising trend of migrants citing lack of local employment as the primary reason for migrating among both men and women. For the first time we see the appearance of women migrating to fill the deficit caused through loss of income or financial requirements in agriculture in their last round of migration. Yet, even as the edge of aspiration for better payments appeared to be wearing off for men, it rose for women. Why this may be so is probably linked to the different sectors/segments of the migrant labour market where men and women were finding jobs as well as what is usually referred to as a lower reservation wage for women.

While chronic inability to meet basic needs and lack of local employment are indeed interconnected aspects of agrarian distress, a shift in emphasis to employment has to be seen in a context of high levels of landlessness, the fact that agricultural employment is no longer the primary occupation and non-farm employment is the primary occupation of the majority among both men and women in the study area. It suggests that the much touted dramatic increase in the share of non-farm employment in rural India that is sometimes projected as a Lewisian turning point in the evolution of the Indian economy is overstated. Rather, in the context of our study area, the inability of non-agricultural employment to provide gainful employment appears to have become a factor of agrarian distress.

*Table 7: Distribution of migrants by reason for migration across first and last round of migration*

Most Important Reason for Migration	Distribution of Female Migrants (%)		Distribution of Male Migrants (%)	
	1st migration round	Last migration round	1st migration round	Last migration round
Chronic or Seasonal inability to meet basic needs	73.9	58.1	51.4	38.5
Lack of local employment	6.1	14.3	15.4	21.1
Loss of income/job or to finance agriculture	0	2	5	5.9
To seek better payment	7	11.4	24.3	23.4
Other aspirations (quality of employment, advancement of self/hh/children)	7	6.7	3.2	10.1
To help/care for family members	3.5	3.8	0	0.2
Accompany/join spouse	1.7	2.9	0	0.2

*Higher proportions of teenagers among women migrants: Rising proportions of older women*

For some of the migrant workers, migration began at a very early age. Eight per cent of the women migrants and 6 per cent of the males, entered migrant work as child labourers (below 14 years of age). By the last migration round, the number of child labourers had dropped to zero for both sexes. Teenagers (14-19 years of age) on the other hand, were in significantly higher proportions among women migrants. Among male migrant workers, the proportion of teenagers showed a sharp decline between the first and last migration with teenagers

accounting for only 2 per cent of male migrants in their last round of migration, in comparison to almost one third being teenagers in the first round. Although the proportion of teenagers also dropped among women migrants, teenagers still constituted one fifth of female migrants at the time of their last round of migration.

*Table 8: Distribution of Migrants by age across first and last round of migration*

Age at time of migration	Distribution of Female Migrants (%)		Distribution of Male Migrants (%)	
	1st migration round	Last migration round	1st migration round	Last migration round
<14	8.0	0.0	6.2	0.0
14-19	28.6	20.4	31.4	2.3
20-29	29.5	31.0	36.2	17.5
30-39	13.4	17.7	14.9	36.8
40-49	7.1	11.5	7.2	25.2
50+	13.4	19.5	4.1	18.3
	100 (Oldest 60)	100.1 (Oldest 70)	100 (Oldest 68)	100.1 (Oldest 78)

A common presumption is that migration is propelled by younger people. The shifts in the age profile of the migrants across first and last migration suggests that this assumption may no longer hold true (Table 8). Among male migrants, the larger concentrations appear to be veering towards the older age groups, with almost 44 per cent in the above 40 age group in the last round of migration in comparison to less than 20 per cent in their 20s and below. This is quite a reversal of the trend at the time of first migration round when almost three quarters were in their 20s and below.

The number of women migrants in their 20s appears to be increasing and the majority (51%) are still below 30. This indeed suggests the building of a momentum to young women's migration. Nevertheless, the much sharper increase in the proportions above 40 from 20 per cent at the time of first migration to 31 per cent at the last migration suggests that the propensity to migrate among older women is also increasing. Very little thought is given to the special conditions of older women migrants in the various programmes for safe migration, and it is perhaps time for some greater focus on the concerns of older women migrants. Looked at from another angle, the probability of increasing proportions of older people migrating would indeed follow from an increasing dependence of rural households on migration incomes, as agriculture based livelihoods become more and more stressed.

It may be mentioned here that in 2016, the law prohibiting child labour in India was amended, imposing complete prohibition on employment of child labour (i.e. a person below the age of 14 years) in any establishment. The amendment also introduced a separate category of adolescent labour (ages 14-18), whose employment is permitted except in hazardous processes or occupations. The list of hazardous industries/occupations includes domestic work, employment in mines, plastic units, handloom and powerloom, dhabas, etc. in its list of 18 occupations. In a later section, we discuss the occupational profile of the adolescent migrant girls as well as the older age cohort in our sample, but first an overview of what our sample survey revealed about the occupations and destinations of migrant workers from the study villages.

*Occupations and Destinations: Wide radius of destinations, narrow field of occupational options*

Destinations of women migrant workers were dominated by inter-state movements, even though a larger proportion (two fifths) of the women migrants were going to destinations within the state in comparison to a much smaller proportion (one fifth) of the male migrants going to destinations within the state (Table 8). The larger pattern of women's migration in India has been of a bias towards intra-state migration. Yet in our study area, the majority of women



migrants (60%) and male migrants (80%) were migrating outside the state, with Mumbai as the top destination for women and Kerala for men.

**Table 9: Destinations of Migrant Workers**

<b>Destinations of migrants</b>			
<b>Women</b>		<b>Men</b>	
Odisha (Bhubaneswar, Cuttack, Puri)	40.4	Kerala	37.3
Mumbai	16.7	Odisha (14 )	20.3
Tamil Nadu	10.5	Surat/Gujarat	16.0
Kerala	9.6	Tamil Nadu	9.5
AP & Telangana	6.1	Bangalore	5.0
Goa	4.4	Northeast (9)	4.0
Surat/Gujarat	4.4	Mumbai/ Maharashtra	3.5
Bangalore	3.5	AP & Telangana	2.0
Kolkata	2.6	J&K	0.8
Ahmedabad	0.9	Kolkata	0.5
Medinipur/West Bengal	0.9	UP	0.5
Total	100	Abroad (Nepal/Russia)	0.6
			100

Among women migrants, the single largest occupation was of domestic worker, with more than one third of the women migrating for paid domestic work. Such an extraordinarily high proportion of women migrating for paid domestic work from the study area has been propelled by a particularly high density corridor emanating from only 2 of the study villages. Most of the migrant domestic workers were live-ins, which is another particular feature that makes for a degree of exceptionalism, since it is well established by several surveys that migrant live-out domestic workers (mostly residing with their own families in the cities) are much larger in numbers than live-ins. As we shall see from the qualitative interviews, the dynamics of migration for live-in domestic work has not only gathered momentum, but the range of destinations too is simultaneously widening, and consolidating towards one major corridor from two of the study villages to Mumbai. Leaving aside the exceptionalism of the two villages, a distinctive trend towards movement of women across greater distances and a wider canvas of destinations than one would expect, was the hallmark of women's migration not only for domestic work, but also for construction as well as for agriculture and allied work.

A little more than a quarter of the women were migrating for construction work in comparison to the overwhelming 67 per cent of the men who were migrating for construction. We know from the NSS employment surveys that within a broader pattern of low employment growth, of all non-agricultural sectors, the most dramatic expansion in numbers of workers had been in construction (epitomizing the quintessential migrant worker) from around 17 million in 1999-2000 to over 50 million by 2011-12, among whom rural workers increased their share from less than 60% in 1999-2000 to more than 77% in 2011-12.

When read alongside the pauperization of the peasantry, evident in the Census of India, showing a striking decline in the numbers and proportions of 'cultivators' (from 40% of the rural workforce in 2001 to 33% in 2011), a simultaneous increase in the numbers and proportions of agricultural labourers (from 33% to 39%), and an increase in the share of marginal workers to an all time high (31% of the country's agricultural workforce and 30% of the rural non-agricultural workforce), the link between the convulsing nature of agricultural employment and the emergence of construction as the default option for circulating rural labour has become a defining feature of the contemporary conjuncture. So it is not surprising that construction is so important in the male migration profile. Even for women, if one removed

the exceptional effect of the 2 villages that have specialized in sending out domestic workers, then migration for construction and agriculture (including a combination of the two) would be the most significant in women’s migration, reflective of the larger pattern of rural women’s migration in the country.

**Table 10: Occupations of Migrant Workers**

<b>Distribution of migrants by Occupations (%)</b>			
Women		Men	
Domestic worker	33.6	Construction	68.6
Construction	25.9	Artisan	14.0
Agriculture	17.2	Agriculture, fisheries, cattle	2.4
Manufacturing (factory workers)	10.3	Factory worker	1.9
Non-factory manufacturing	5.2	Electrician/plumber/mechanic/gardener/carpenter	2.7
Artisan	4.3	Taxi Driver	0.7
Formal Services	1.7	Formal Services	1.9
Other services	1.7	Other services	1.7
	100.0	Other	6.0
			100.0

Yet even within this more normative pattern of a wider significance of construction and agriculture in rural women’s migration, an examination of migration rounds by women by occupation (Table 11) points to certain shifts taking place. While one third of the women had migrated once, two-thirds had migrated more than once, of which more than half had gone for five or more rounds of migration.

*Slackening in migration for construction, momentum in migration of domestic workers*

Across the spectrum between those who had migrated only once and those who had undertaken more than 5 rounds of migration, the concentration of numbers was more at the extreme ends.

**Table 11: Occupations of Women Migrants by number of rounds of migration**

<b>Number of Rounds of Migration</b>	<b>Number of Women migrants</b>	<b>Destination Occupations</b>
1 round	32	Domestic Workers – 13 Construction – 4 Agriculture – 4 Poultry farms – 2
2 rounds	20	Domestic workers – 9 Construction – 5 Agriculture – 2 Factory work – 1 Other – 3
3 rounds	9	Construction – 3 Domestic Worker – 2 Tailors – 2 Agriculture – 1 Other – 1
4 rounds	7	Domestic worker – 3 Construction – 3 Agriculture – 1
5 rounds	12	Agriculture – 3 Construction – 3 Domestic Worker – 2 Factory worker – 1 Other – 3
More than 5 rounds	28	Construction – 10 Domestic Worker – 9 Agriculture – 5 Textile factory – 3 Waiter – 1

The fact that the largest group among the women migrants (around 30%) had undertaken only one round of migration indicates both a recent spurt as well as a falling off after one or two treks. At the other end, more than a quarter of the women migrants had migrated more than 5

times. Our qualitative data suggests that these migration rounds are not always, or even predominantly, for any single employer, but they remain largely for a single occupation. As such the significant proportion of repeat migrants indicates an established regularity to their migration and occupational practice, if not their employment relations. Among those women who had migrated more than five times, construction was the top occupation followed by domestic workers. Among those who had migrated only once, domestic workers were the most prominent by far. While it is true that migration for construction work is more circular and involves repeated migration, the fact that only 4 out of the 32 who had gone for only one round or were recent entrants into migration were construction workers, is indicative of a slackening of fresh entries into migrant construction work.

Noticeably, construction workers and domestic workers were equally prominent among those who had migrated across 5 rounds and more. But among those who had migrated across one or two rounds, a distinct decline in the numbers of construction workers is noticeable. This is matched by a rising prominence of domestic workers (primarily from 2 villages) in the study area, but it still raises the question as to whether the significance of construction driven migration is declining. On this, no definitive answer is possible from one area specific study. Yet, as we shall see, the age of migrants by occupation throws up some revealing tendencies that provide clues as to what may be happening.

*Older women predominate in migration for agriculture, middle aged in construction, younger women more prominent in domestic work*

What is most obvious from Table 12, is that migrants for agriculture are almost all older women, with the exception of one adolescent, who our interviews revealed had accompanied her grandmother to work in a coffee farm in Karnataka. Most of the women migrating for agriculture were above 50, with a few in their 40s. Women in their 30s were more prominent among those migrating for construction work. There are few construction workers below 30 and most of them tend to be older at the time of migration, although some are found in all age categories other than adolescents.

From the qualitative interviews, it appears that construction contractors are now trying to avoid hiring adolescents, which may be a result of the amendments to the Child labour law in 2016. What is particularly striking is the rising numbers and proportions of domestic workers in the

younger age groups. Among those who recent migrants in the age cohort of 18 to 30, the overwhelming majority (63%) were domestic workers.

The observed increase in prominence of domestic workers among younger women migrants was also reflected in the longitudinal interviews. All 24 domestic workers interviewees were young, between 17 and 26 years of age. It appears that paid domestic work may be driving young women’s migration, construction and agriculture is where the older women migrants are finding work.

**Table 12: Age and Occupations of Migrant Women Workers**

<b>Age at last migration</b>	<b>Number of Women migrants</b>	<b>Destination Occupations</b>
14 – 17	5	Domestic Workers – 3 Tailor – 1 Agriculture – 1
18 – 25	38	Domestic workers – 24 Construction – 2 Manufacturing/tailors – 4 Other – 7
26-30	11	Domestic worker – 6 Construction – 2 Textile manufacture - 1 Other – 3
31 – 40	22	Construction – 14 Domestic worker – 3 Textile manufacture – 2 Agriculture – 1 Other – 2
41 – 50	15	Construction – 7 Agriculture – 4 Textile & factory - 2 Domestic Worker – 1 Factory worker – 1
Above 50	22	Agriculture – 13 Construction – 5 Domestic Worker – 2 Textile factory – 1 Other – 1

*High Rates of Single Migration among Women, many the first to migrate from their families*

A high proportion of the women migrants (60%) were the first persons to migrate from their households/families. Similarly, a higher than average proportion (46%) were migrating singly. When this is put together with the 15 per cent who migrated in all female groups, the trend of single migration by women appears even more dominant in the study area.

Among those women who were the first to migrate from their families, the most prominent were domestic workers (39%), but such female led migration was also significant for construction and agricultural labour. While considerable attention has been given to single migration by women for paid domestic work, little attention has been paid to the similar single migration for construction or agriculture, where a different set of issues obtain and of the workforce is of mixed gender.

**Table 13: Modes of Migration**

<b>Mode of Migration</b>	<b>Distribution of Migrants</b>	
	<b>Male (%)</b>	<b>Female (%)</b>
Alone	53.4	45.7
With spouse Only	2.6	12.9
With spouse and family/children	4.3	18.1
With other family members	2.1	4.3
All male or all female group	36.9	14.7
Mixed gender group (non-family)	0	4.3

*Domestic workers mostly unmarried, construction workers mostly married, high proportion of widows among women migrating for agriculture*

A general comparison of the marital status of migrants and non-migrants among women and men in the study area shows that among men the proportions of never married and widowed are roughly the same for migrants and non-migrants, and a marginally higher proportion of

male migrant workers are currently married in comparison to non-migrants. Among women however, there is a significant difference in the pattern of distribution of marital status between migrants and non-migrants. Considerably higher proportions of women migrant workers from the study area are never married (close to six times the proportion among non-migrants). Migrant women workers also have a higher proportion of widows and separated women, compared with non-migrants, although the difference is not on the same scale. A corollary to the higher proportion of never married women among migrants, is that the higher proportions of currently married women among non-migrants. This suggests that in the pockets from where unmarried women are migrating in some numbers, the propensity to migrate has not extended to married women. Divorce rates are negligible for both migrants and non-migrants.

**Table 14: Marital status of Migrants and Non-migrants**

Marital status	Women		Men	
	Migrants (%)	Non-migrants (%)	Migrants (%)	Non-Migrants (%)
Never Married	30.2	5.8	11.4	11.8
Currently Married	56.3	87.0	87.3	85.7
Divorced	0	0.6	0	0.1
Separated	3.1	0.3	0	0.4
Widowed	10.4	6.3	1.3	1.9
Total	100	100	100	99.9

There is a logical relationship between the high number of unmarried women and the young age and prevalence of live-in domestic workers among women migrating from the study area. Most of the domestic worker migrants were unmarried with 54 per cent of the migrants in the never married category. The detailed interviews reveal that an even larger proportion were unmarried when they actually migrated (some of the interviewees were returnees, who were currently not in migration mode).

At the time of the survey, only 38 per cent of those who had migrated for domestic work were currently married, with a small proportion (5%) who were widowed or abandoned. On the



other hand, a majority of the construction worker migrants were married (71%), and only a little over one tenth (11%) were unmarried. Close to one fifth (18%) were widowed or abandoned. Among the women migrating for agriculture, a strikingly high proportion (one-third) were widows, and while the largest segment (44%) were married, one quarter were unmarried. Among the relatively few number of women migrants in manufacturing, more than one third were unmarried, probably reflecting the state pattern.

*Low levels of Education, but not so Illiterate*

Although half of the women migrants were illiterate, in all occupations there were some who had studied up to high school, except among those migrating for agriculture. Unsurprisingly, the lone woman migrant who was working in bank/insurance was the most educated having passed 12<sup>th</sup> Class. Domestic worker migrants had a relatively higher proportion of those who had studied from Class 8 to Class 11 (22%), although the majority (57%) were still illiterate. Half the agricultural worker migrants were illiterate, and of those who had some education, none had gone beyond Class 6. Among construction workers, more than half (53%) were illiterate, but among those who had had some schooling, while the majority had not crossed Class 6, a few had studied up to Class 9. One fifth of those women who migrated to manufacturing jobs were illiterate, but at the other end another fifth had studied up to Class 9, although the majority had again not crossed beyond Class 6.

When a comparison is made between migrants and non-migrants, it is apparent that migrant workers tend to be more capable of reading and writing, albeit more so among men (see Table 15).

**Table 15: Literacy among Migrants and Non-Migrants**

<i>Can Read and Write</i>	<i>Women</i>	<i>Men</i>
<i>Migrants (%)</i>	58.2	77.0
<i>Non-migrants (%)</i>	44.3	43.3

It is perhaps pertinent to mention here that some of the survey based quantitative characteristics that have been presented as aspects and features of women’s migration should be taken only in the context of the study area, including in the occupational pattern, the

particular social composition of migrant women workers, the modes of migration, the related marital status, etc. Without such contextualization they lose meaning, particularly because of the elements of exceptionalism to which we have repeatedly tried to draw attention. Nevertheless, in our view, at an abstract level, it is important to understand that elements of exceptionalism are intrinsic to the pattern of migration in general, and female migration in particular, especially when viewed from diverse vantage points in village India. What our survey data has indeed shown us is how interconnected the various aspects of age, marital status, community concentrations, etc. are to occupational structures, and that is a universal that applies almost anywhere. It is through the nature of the interconnections that elements feeding the larger picture and trends therein may be discerned.

### ***Qualitative Evidence:***

#### *An Explanatory Preface*

The longitudinal interview process was somewhat constrained by the fact that not all of the cohort who were interviewed in the first round were available in the villages for subsequent rounds of interview. Although great efforts and repeated trips were made around the time when migrants were expected to visit/return to their villages (festival times, etc.), the full cohort with whom contact had been established for the first round of interviews could not be reached in the later rounds. The last round of interviews thus covered less than two thirds of the original cohort.

A belated attempt to follow some of them to destinations during the last round of interviews, was only partially successful due to time constraints as the deadline for completion of the research was too close. Nevertheless, the experience of the destination interview process brought out some aspects that were less visible in the source area, particularly in relation to the evolving modes of recruitment and job search and the social life of migrant workers at destination. In our view, following migrants from source areas to destination sites is necessary for migration research as well as for facilitating effective interventions. The importance of lateral social networks established by migrants across a continuum from source to destination would otherwise get missed.

Before developing on some of the narratives and case studies of the interviewees, it is useful to lay out a quick summary of some key features that emerged from the interview discussions.

From the interviews with 24 **domestic workers** interviewed, broad features that emerged included:

- 1) All domestic worker migrants who were interviewed were between 17 and 26 years of age.
- 2) They were overwhelmingly unmarried – only 3 were married. There was one 18 year old divorcee and one 19 year old who had been deserted by her husband.
- 3) They all came from just 4 of the 20 villages (21 of the 24 were from only 2 villages and remaining 3 from two other villages).
- 4) All the domestic workers were Panos and all but one were Christian. Most were live-in domestic workers.
- 5) Mumbai is the top destination (13), followed by Kerala (4). Only 3 migrated within Odisha (Bhubaneswar, Cuttack and Rayagarh). Some others had started working within the state and later moved outside, of which one had moved to Gujarat. 2 were working in Hyderabad. One worker, who had returned from Surat was in a different category in that she was working as a domestic along with her husband.
- 6) Although the survey had indicated Goa as a prominent destination, none of the migrants interviewed were currently employed in Goa.
- 7) Wages were Rs. 3000 and below, in Gujarat and Hyderabad. In Kerala Wages ranged from was 3000 to 6000 (1) Most were receiving 4000. These wages are all below minimum wage levels for unskilled workers in the respective states. Only in Mumbai, were wages somewhat higher varying from 5500 to 10,000, with 2 getting 7000, 3 getting 8000, 1 getting 9000, and 2 – 10,000. (Monthly minimum wages (statutory) for unskilled workers in this period were 8280 in Kerala, 8928 in Gujarat, 8256 in Maharashtra, 6083 in Odisha, and 8071 in Andhra Pradesh).
- 8) Where the survey data did not indicate the presence of middlemen, the interviews brought out the fact that ‘agents’ from other villages did indeed mediate their migration for domestic work, particularly for the Mumbai corridor. Some girls shared their experience about their wages being taken by the agents, and not reaching their

parents/families in the village. The importance of the agents appears however, to have declined, although informal channels of labour market information/placement through migrating menfolk is still prevalent.

- 9) A range of contacts have been established by the girls themselves, and information flows among the women workers have become common.
- 10) Social sanction to migration for domestic work among Christian Panos laid the ground for the two villages to emerge so prominently as suppliers of live-in domestic workers. Among Christian Panos, migration for domestic work has now acquired a momentum of its own and become a viable medium term option for young women. It remains to be seen as to what will happen as more and more of them start getting married.
- 11) Love marriages have been quite common (usually within the same caste though) and the parents of some of the girls had also had love marriages. Most of the domestic worker migrants who were married had arranged their own marriages.

26 of the interviewees migrated for **construction work** (including 3 who also went for agriculture, of which 1 also worked in a coffee plantation). Key features emerging from the interviews with construction workers included:

- 1) 2 were below 20 and 2 above 50. 8 were in their 30s, 11 in their 40s. Overall, the construction workers were more varied in age - between 17-55.
- 2) They were more spread out across the source villages than domestic workers - migrating from 7 villages.
- 3) Their caste/community composition was also more varied. Although the majority were SC, only 2 were Pano, 9 were Khadala, 3 were Dandasi (village watchmen). So even the SC characteristics were different from domestic workers.
- 4) OBC construction workers included Kurumas and Goudas (cattle herders or shepherds). Upper caste Kalinjis (temple priest, cultivator) were also among the migrants for construction.
- 5) Destinations included Bhubaneswar (10), Tamilnadu (8), Kerala (4) and Bangalore (4).
- 6) Daily wages were highest in Bhubaneswar (150-350) followed by Kerala (150-250), Bangalore (140-170) and Tamilnadu (150-170) Only in Bhubaneswar were some of the

workers receiving minimum wages and above. In all other states of destination, the workers from Odisha received less than the statutory minimum.

- 7) Migration within the state was not mediated by contractors. Contractors were, however, instrumental in inter-state migration.

13 interviewees were **migrants for Agriculture**

- 1) Women migrants in agriculture tended to be significantly older. 11 of the 13 were in the age group 35-60. More than half (6) were above 40.
- 2) More than half (7) migrated within the state (intra-state).
- 3) Inter-state destinations were Andhra Pradesh and Karnataka for poultry farms and plantations. One worker had gone to a Kerala tea plantation some years ago, but had moved to construction work in Tamil Nadu.
- 4) Despite being a relatively small number, they were relatively spread out, coming from 6 villages.
- 5) Most of the migrants for agriculture were from two SC communities - Pano and Khadala.
- 6) Wage rates were higher in Odisha ranging from Rs 200 to 220 per day with one getting Rs 250, and with almost no variations.
- 7) Coffee and Tea plantations in Karnataka and Kerala paid between 220 and 250 per day.
- 8) Poultry farms in Andhra Pradesh had the lowest wage rates, ranging from 90 to 150 per day.

12 of the interviewees had worked in **manufacturing** mills and factories, and 2 workers had worked in outsourced homebased production.

- 1) It was only as manufacturing workers that any migrants from the tribal communities were netted for interview. The survey data had shown that ST presence among women migrants was barely 7 per cent. Of the 72 first round interviewees, only 2 were ST workers – both in manufacturing. Among the factory workers, 3 were of the Kumbhar potter caste (OBC), 4 were Panos (SC), 2 were Khadala (SC) one was Kaliniji (upper caste), and 2 were Kandha (ST).
- 2) Migrants for manufacture were distributed over 6 of the study villages.

- 3) A plastic factory, a sugar mill, a carton company and a spinning mill in and near Bhubaneswar was where 5 of the interviewees had been working. One worker had received some training in stitching and been taken to Bangalore by her 'teacher' and was employed in a garment factory there. One had travelled to Coimbatore and worked in the packing department of a garment factory, another had spent some time in a plywood factory in Kerala counting the ply. One had been working in a cotton mill in Surat/Gujarat cutting threads, and three had migrated for work in oil mills in Hyderabad. Outside factories, two workers were in outsourced homebased production, one making snacks in Cuttack, and the other making lace designs (crochet) in Surat.
- 4) Half the workers were in their 40s and others were very young from 18 to 22. A missing middle was noticeable.
- 5) The plastic factory and spinning mill in Bhubaneswar had drawn 2 very young tribal girls, who stayed in hostels attached to the factories where they worked, as was the girl working in Bangalore. This trend of young women migrants being retained in their factories through accommodation in hostels suggests a preference for hiring female migrants.
- 6) Oil mills had older workers with one young woman, but all had migrated with their husbands who were also working there.
- 7) A relatively unstable relationship between women from the study area with the factories is evident in the switchover of at least three of the workers to construction and one to domestic work. One of the young girls who stayed in the hostels in Bhubaneswar had been withdrawn from work in preparation for marriage.
- 8) Monthly salaries received in the plastic factory in Bhubaneswar were Rs 6500 per month, whereas in the garment factory in Bangalore the girl (current migrant) had a salary of Rs 3,000 after one and a half years. All others were working on daily wages, of Rs 200 a day in the oil mills and the Kerala plywood factory and Rs 220 a day at the sugar factory.

Among some general features that stand out in the interviews was an oft repeated refrain of not having enough to eat as a part of the lived experience in their home villages. An unusually large number referred to deaths in the family (usually a parent/guardian or husband) as a turning point in their lives. Many, referred to the experience of facing gendered moral

disapproval of their migration in the village community, even when family members were involved in the decision to migrate.

*Interconnected nature of distress, migration decisions, and attenuated social reproduction of labour*

While the survey data clearly brought out the distress factor as a reason for migration, in the narratives of the interviewees, we find a range of interconnected facets of distress through which the nature of force, compulsion, and vulnerability in distress migration can be understood. Within the general malaise of poverty, some elements that do not normally get included as indicators of distress, but seem to have a special force in the lives of women come out quite sharply.

Let us begin with the story of a 40 year old woman migrant of SC background who migrated for construction and then agriculture. Let us call her 5N. She was interviewed first on 11.01.16 and last on 29.01.18. When first met, 5N was living with her 8 year old son in a thatched *kuccha* house in a hamlet outside the main village. She had two daughters who are married, one of whom was 18 years old and married recently. The hamlet comprises of three *sahis* (streets), each named after castes belonging to SC communities (as per the survey, more than half of the 187 households in that village are SC). Share cropping and wage labor (agriculture and construction) defines the economy of the hamlet, and reportedly many of the men migrate out for work in construction and Kerala plywood factories. In narrating the story of how and why she had taken to migrating, she said during the first round of interview:

*We faced many difficulties in my childhood days. Many times we had nothing to eat. My parents struggled a lot for us. They were completely illiterate. We children are also illiterate. How could we read and write, when most of the time we had nothing to eat and nothing to wear....*

The memory of those days had a palpable effect in shaping her adult anxieties and the decisions she felt compelled to take when faced with the situation following her husband's death. Note how she talks about his death and later developments:

*Around 6 or 7 years ago my husband died of illness because of lack of money for his treatment. He was working in Tamil Nadu. I had to run the family after his death. For this reason, I had to go outside in search of work.... Some of our village men work in Bhubaneswar from whom I*

*heard about the availability of work for us there. First, I travelled to Bhubaneswar with my brother which was approximately around 5 or six years ago.....*

*[From Bhubaneswar] I visited my village once in a month. I carried whatever I had earned with me. I used to buy some clothes for my children from the Unit -1 market in Bhubaneswar. I used to return after staying back for a week or a little more. Slowly it became very difficult to work in construction. Still I worked for 4 to 5 years there. I could not continue working there because of knee and waist pain... It is really painful to carry concrete.*

*Many women from our village are travelling to Kapasi [a village in Cuttack district some 250 km from her village] to work in the farm fields. I first went to Kapasi with them along with my neighbor K and some others. I travelled to Kapasi for the first time this year. We reserved a vehicle. ... altogether nine people set out for Kapasi. K's husband was also with us. I didn't feel any fear as I had the experience of working outside for several years....*

*I am in debt which I would repay slowly after working outside. I would not be able to repay my debt, if I stay back in the village or do not go out to work. That's why I have to go outside to work. We would only have to suffer from hunger, if we do not go out to work. See, the other day I reached home after returning from Kapasi. And, I went to work immediately on the next day, to weed out grass in an agricultural field in the village. See, my condition is such that I have to work and earn in order to provide a square meal to my children. Would I have to work like this, if my husband was alive? My husband himself lost his life in want and scarcity... The government should provide us work here. We are going outside to work with much pain and difficulty.*

So how are the factors involved in this woman's decision to become an intermittent circular migrant worker perceived? Is it the poverty that is evident in her refrain of not having had enough to eat and the lack of money to pay for her husband's treatment? Is it because of the death of her migrant husband and her widowhood? Is it because of indebtedness? Or is it because of the widely held view of a development 'opportunity' having been opened by the construction boom in Odisha's most rapidly growing city of Bhubaneswar? Is it because of the pathway opened by male migration from her village? Is it not because she found no other



way to feed and clothe her children? Is the turn to migration for agriculture (from circular to short term seasonal migration) not because her body was in pain as a consequence of the hard labour involved in construction, and the implied lack of facilities to deal with occupational health hazards? Are not the harsh conditions of work in construction industry attenuating the social reproduction of labour? Does not the death of her husband, himself a migrant labourer, due to inability to pay for treatment reflect the same attenuation? Does the consequence of migrant labour itself not add another element of force to what appears to be volition and choice in changing occupation?

Through her narrative, it becomes evident that 5N's migration decisions involve a complex of interpenetrated factors, marked by multiple aspects of distress as well as crisis in the sphere of social reproduction that are only partially mitigated/resolved by migration. The interconnectedness between poverty, poor conditions of work (including as a migrant labourer), illness, death of husband, absence of child support, thus appear to constitute a composite of compelling factors.

It is also interesting that whereas her pathway to construction work in Bhubaneswar had been opened out by male migration from her village, and facilitated by association with a kinsman, her migration for agricultural work was female mediated, the movement was in a predominantly female group, and did not involve any kin. The constitution of female groups for migration is a recurrent theme emerging from several interviews and is not confined to agriculture.

*Political economy of wage labour, self-employment, and domestic social reproduction in circular and seasonal migration*

Beyond the factors that have shaped her subjective decision to migrate, 5N's account also presents a view of important elements of the broader political economy of production and reproduction - the intersections between agricultural and non-agricultural work, the social support required to enable women's labour migration and the role of migration incomes in mitigating household poverty.

Apart from her repeated refrain of having had nothing to eat and nothing to wear across all rounds of interview, other facts that emerged from later rounds of interviews included a) Wages

that she received for construction had risen from an initial Rs 100 per day (when men got Rs 150/- or 180/-, and the mason 250/-) to Rs 200/- for women (for men and masons 250/- and 350/- respectively); b) Across the 14 months between her first and last interview, she had made another two seasonal treks for agricultural work, each of around two months and her wage rates, over and above the cooked food provided by the farm employer, had increased from Rs 200 to to Rs 220/- per day; c) What was she doing when last met in 2018? She was going into the forest every day to collect dry twigs and branches, which she then and sold for Rs.50/- . But she also said that she would soon be going to work in a nearby village head-loading bricks for which she would be paid Rs.120/- per day adding that her 18 year old daughter, who had married more than a year ago, had come to stay with her for the past six months. Her words: *“as I am going to work outside, she manages the house in my absence.”*

How are these facts to be interpreted?

- 1) It is clear that local self-employment in foraging for and selling wood provides an income that is below the official poverty line.<sup>24</sup> Intermittent wage employment in construction work in nearby areas provide more income than what she earns in self-employment. Agricultural work in the source area is obviously limited, although weeding is still being performed manually by women.<sup>25</sup>
- 2) Her work outside (including at the nearby village) requires a married daughter to come and take over domestic responsibilities in her mother’s household when she moves out of her village. The daughter who, as an unmarried teenager, had earlier borne the unpaid social reproduction functions in her natal family when her mother migrated, is thus called upon/needed to continue this function even after marriage, without which her mother cannot go out for work.
- 3) The inclusion of the married daughter increases the number of members to be supported by the mother’s wage income from 2 to 3 indicative of additional costs of reproduction that women who migrate may have to incur. (It may be mentioned that a 10 year old

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<sup>24</sup> Since 2014, the official poverty line in India is pegged at expenditure/income of Rs 32 per person per day in rural areas and Rs 47 in urban.

<sup>25</sup> Such a picture provides a more fleshed out understanding of some of the features regarding primary and secondary occupations that are highlighted in the questionnaire based survey.

- son of 5N had died by drowning and there is a clear concern at leaving her other son unattended).
- 4) Seasonal migration for agriculture at prevailing wage rates at destination, lifts the household income to above the poverty line for around 4 to 5 months in the year. Intra-state circular migration for daily labour market based construction in Bhubaneswar potentially has more potential for year round income, but wage rates are lower, particularly when the additional cost of maintenance of the worker at destination (no food is provided by the employers) is factored in, and health hazard is greater.
  - 5) Market wages in construction are perennially unequal, with women's wage rates maintained at two thirds of the male wage, regardless of increases.
  - 6) Migration for agriculture is more feminized.

*Of Human Bondage and Dilemmas of Definition: Migration, Trafficking, and Child Labour*

We previously mentioned the turn towards linking redefinition of child labour, migration and trafficking in practice. Yet, regardless of definitional distinctions, the migration stories of the 72 interviewees covered by the first round of interviews, highlight the fact that two fifths (28) of them were children when they first migrated (one was still an early adolescent at the time of interview). This was a far greater proportion than what was recorded in the survey. Further, the labour of child migrants was across various occupational categories – domestic workers, construction labour, wage labour in agriculture, and factory work. Child labour was a feature in both intra-state as well as inter-state migration. The experience of these former child labourers raises several questions that challenge the simplistic perspectives and definitions that abound in the interlinked discourse around trafficking and child labour, which tends to conflate all forms of child labour migration with trafficking.

It may be pertinent to mention here that through the entire gamut of research methods - surveys, the several rounds of interview, enquiry into the kind of cases recorded by the district anti-trafficking unit, discussions with a range of local informants - we found no evidence of the involvement of any large scale system of organized crime. What was observed was a dispersed range of petty and informal processes of establishing connection between source areas and destination employments that had sector specific characteristics but were not permanent and

were indeed changing, a point that is discussed in a later section. There was no evidence of any organized core controlling these dispersed processes. Most of the accounts of child migration were located in a complex of family dynamics spawned by a scale of poverty that the development pathway that is being followed, has been unable to address. So if indeed organized crime was to be located, it would lie in the political economy of inequality.

With this in mind, we examine what the young adolescent migrant worker said. Let us call her 8S. 14 years old, the young girl had just returned from a 3 month stint of working on a coffee farm in Karnataka at the time of the first interview on 11.01.2016. At the time of the second interview on 27.09.16, she was about to again migrate for the same work and was away at destination during subsequent rounds. In her migration story, we again see a ruthlessness in family dynamics in which poverty, landlessness, a death in the family, and exploitation all operate together.

8S lives with her father, stepmother and grandmother. Her own mother died when she was 5 years old, and her brother works in the district capital and does not support the family. Her father sells wood and earns Rs 50 a day on which the family subsists in the village. In both interviews she repeats the refrain of ill treatment by her stepmother whom she fears, and complains that she was taken out of school when she had wanted to study. What happens after being taken out of school becomes evident from her account.

*I get up very early in the morning at 5:00am and immediately start to clean the house. After taking a bath I join in the work in the kitchen with my step-mother. Regardless of the amount of work I do, my step-mother does not like me and continues to treat me badly.....*

*My father stopped my studies and advised me to do all the work of the house like cooking, washing etc. I cooked food for all, washed all clothes. My step mother didn't feed me properly. All these things my father was seeing but he did not say anything to her. My step mother told me to chop wood and do other work of the house.*

*My grandmother had once been to Karnataka in search of some work. In 2015, she asked me to join her to go to Karnataka.....*

*Our work was nothing but plucking and collecting of coffee seeds, packing them all in big bags and loading them in the vehicle. I was also plucking tobacco leaf. There were leeches in the tree. You can see my foot, the leeches were biting me..... (first round of interview)*

In the second round the interviewer observes, that 8S's grand-mother might be around 80 years old, but mentions that nobody around is very sure about this. When asked about her father, 8S said, *"There is no work available in the village. My father is suffering from polio which does not let him to do some heavy work.*

And then she goes on to say that he receives an old-age pension (probably under the Madhubabu pension scheme in Odisha, in which old age pension and disability pension schemes were merged. The amount of pension is a paltry Rs 300/- per month)

*My step-mother makes me work throughout, though my grandmother helps me in some things. However, she has also grown too old. She feels sorry for me.... she loves me a lot..... I was admitted in high school for higher studies but my father did not allow me to go ....*

*Ranka uncle [one of the grandmother's relatives] had told us that one can work and earn in the coffee farm over there with a good amount of wage. I along with my grandmother and another woman of my village planned to travel to Karnataka for work once again. My father said, "what would I do at home; and if I travel, I can also bring some money home". However, my step-mother was not willing to send me, yet I stepped out to travel with my grandmother.*

*Being a girl of 14 years also the owner [of the coffee plantation] allowed me to work there....It was truly a big farm and looked beautiful. Many women and children were engaged in work there. We were supposed to pluck coffee and sometimes weed out the grass.*

*My grandmother could not stand for a long time to pluck coffee. Intermittently she used to sit..... ..Once my grandmother had fever. For two days she did not work. I had to go alone with others. We didn't get the wage for those two days...*

*We do not understand the language spoken over there for which we were not feeling good.  
I was good in terms of health....*

On return to the village:

*My only brother stopped talking to me because I had gone to work outside.*

*Since my return to the village, I have suffered from fever twice. My grandmother borrowed money from the neighbors to buy medicines. Whatever I earn from work I keep as savings with my grandmother. She brings me whatever I need. To be frank I don't have any other plans. I wish to continue my study. However nobody cares for it.*

Yet in the same interview she says:

*There are a lot of problems at home right now. Next Wednesday, my father and I along with my grandmother are travelling to Karnataka to work in the same coffee farm. My stepmother would go back to her parents. We will lock our house. ...I know only that when we work, we eat. I don't know anything about labour rights.... (second round interview)*

In this summary account, we are confronted with a process full of contradictions that also pose several conceptual dilemmas. Routine poverty is of course evident in the fact that at the village level, the family of 4 subsists on less than half the official poverty line for rural areas, into which the family dynamics – death of the mother, difficulties with the stepmother, the demand on the young girl to dropout of education and do housework, and the role of the grandmother in taking her on the migration journey are all intertwined as compelling child or adolescent migration. Further, in taking her on the migratory trek, the old grandmother, is also depending on the child to sustain herself (the wage is obviously for a unit of two headed by the grandmother since no wage is paid for the days 8S works alone)<sup>26</sup>. The coffee plantation is seen to be employing many other children. Even though only agricultural processes involving machinery is barred for adolescents (14-18) under the amended Child Labour Act (2016) and Rules (2017), a large operation employing many children should attract the charge of exploitative practice.

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<sup>26</sup> At one point in the interview, she says that she helps her grandmother, who is illiterate, to put her thumbprint marking attendance at the coffee plantation.

The question however is, whether the process of this young girl's migration could be called trafficking and should the 'Ranka uncle', who also works as a labourer on the coffee farm or the grandmother, be called a trafficker? Should the grandmother who induces the girl to migrate, uses her labour to support her income and keep the earnings in her hands, be given the 10 year imprisonment provided for under anti-trafficking law? Since the father was also complicit in granting consent and ultimately joining the migration trek, should he also be punished with arrest? What would be the emotional consequences for 8S if her grandmother was to be separated from her in this fashion? Such dilemmas would remain even under the unlikely circumstances that 8S was not left under the sole guardianship of the stepmother whom she fears, or was 'rehabilitated' in an institution and perhaps granted her wish to be educated.

#### *Negotiating Social Opprobrium at home and Risks outside*

As may have been noted, 8S mentions that her brother, who was himself a migrant worker, had stopped talking to her because she had gone to work outside. This is just a minor indication of the typically discriminatory attitudes to migration in village society. References to having become objects of malicious village gossip, sexual taunting, and general social stigma because they had migrated, was voiced by most of the interviewees who had migrated singly, especially those who went at a young age. Having stepped out of the normative social boundaries that define women's role and status in villages by migrating for work, many spoke of facing direct and behind the back taunts, insults and denigration of character from people in their villages.

Some were dismissive of such taunts, others swung between anger and despair. Most referred to derogatory remarks calling them 'characterless' (a euphemism for sexual promiscuity), some to other forms of derogation that they saw as products of jealous rivalry because they had brought new commodities and managed to improve their conditions (repaired or constructed their houses and acquired some limited household assets). That such social opprobrium could destabilise marital relations was also evident, with one having felt compelled to hide her migratory past from in laws, and quite a few becoming so conflicted in their marital

homes that they returned to live with natal kin. This is notwithstanding the fact that a number of such marriages were love matches, of which some had developed in the migration process.<sup>27</sup>

A fairly representative perception of the opprobrium which migrant girls have to confront on return to their villages is given in the words of one 19 year old girl [54M]

*When we returned from Mumbai many people in the village said many things - they called us characterless and other things. But I don't care for these words because I know well why I had gone there and what I am doing there. If we listen to people we can't do anything. If we stay here the same people would say that these children are of no worth... they just eat and waste time. When we go out to work, they say that we eat by doing all sorts of low menial work..... why should I feel guilty? I work as a domestic help for a living. So, I do not care if people try to demean my situation.*

A local hostility to brokers is also apparent in her following words, but also a sense of the difficulties and risks girls face outside

*People say such things because many girls went through a broker. They also have difficulties. When we enter a house, the house owner checks our identity proof, residence proof etc. ... Many girls are kidnapped and are in bad situation. We should also take care of ourselves. We have to be very careful while we are outside....*

*There are big differences between J [her pet name] of G [her village name] and J in Mumbai. J in G lives her life in a free environment, free atmosphere. Everything I do in my own way. But J has no freedom in Mumbai. I just wait for Sunday to go outside of the house.*

*Mumbai is better than the village. Because earning is more in Mumbai than here. In my own mind, I know I work outside my village for my family....*

But she added a bad experience she had herself had while working outside:

*One thing happened to me... there was a bad intention on the part of the house owner. He was blackmailing me, saying that he had seen my belly and other parts of my body*

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<sup>27</sup> Incidentally, a significant proportion of the interviewees had either had love marriages themselves or among their family members. These included Christian as well as Hindus.



*while I was coming out of the bathroom. He said he would expose me in the society [apartment block run by a society] if I went out of the house by showing my photographs. I told him you had done all this without my knowledge. I don't care for you. But I was afraid and tactfully left the house by telling them a lie.*

### *Intersections between the personal and the social at village and destination*

The account of one young 24-25 year old (herein referred to as 66S), brings out another side of how shame and scandal can operate and create a situation of compelling migration. The scandal story is actually her sister's, but the account by 66S reflects her imbrication in it. 66S was first interviewed on 24.12.15 and last met on 09.01.18. Daughter of a Christian mother and Hindu father, she lives with her mother, infant son, and sisters in a thatched house made of mud and straw, the roof showing chinks open to sun and rain.<sup>28</sup> She says that when she was a child, her father disappeared after his business collapsed, leaving her mother alone and destitute. With a devastated mother and no land or money for food, on the suggestion of her maternal aunt, she accompanied her 17 year old cousin when she was herself 13 years old. Their intention was to work in a convent in Andhra Pradesh (AP). After a circuitous journey through Vijaywada and Guntur involving 1) being placed against their will in the household of a doctor to do domestic work by the broker who had accompanied them, 2) a stout resistance put up by the girls to working there because of which they were let off and sent to a nearby convent, and 3) mediation by some nuns in placing them in convent related employment as they had planned, the two girls landed up in a college hostel run by nuns in Hyderabad (in the last round of interview, she says that the hostel was in Guntur which is the most likely location. Hyderabad is probably used to signify the entire state of AP). 66S started in cleaning and washing work and then graduated to cooking in the hostel kitchen for 5-6 years. She stayed in the hostel premises with her cousin.<sup>29</sup>

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<sup>28</sup> She said that her house was burnt twice and that they had received no compensation where others had. It is not clear what caused the fire.

<sup>29</sup> The story of the first migration round of 66S was as follows: Her cousin had approached a broker (labour contractor) to take them to the convent in Hyderabad, but he took them instead to a doctor couple's apartment in Guntur for domestic work. Since they saw the doctor pay some money to the man, the cousins feared that they had been sold, so they dug in their heels, refused to work, and demanded that they be taken to the convent. They

Her monthly salary was given as Rs 3000 plus board and lodging in her first interview. In the same round she narrates how she married an electrician from her own community (family in neighbouring district Gajapati) who was working in Hyderabad. She said that she developed a relationship with him only through phone conversations (the marriage proposal also came on the phone) and they had not seen or met each other before he proposed. She refers to the proposal as a 'ray of hope'. The marriage was arranged with the consent of parents on both sides. She then left her job, and lived as a housewife with her husband in a rented accommodation in Hyderabad for some time. He was injured in a fall from a height while working. His treatment was prolonged, painful, expensive, and he could no longer continue in his old job. She moved back to the village when pregnant and the husband moved to Kerala for work.

In her first round of interview, 66S described her shock in encountering the city, her fear regarding what the broker was doing, fear of the doctor in whose house she was for a few days. When she saw the doctor giving some money to the broker, she feared that she had been sold to him. Speaking of the doctor's house and the man himself, she said:

*I had never seen such grand buildings before.... I did not feel free when I entered into the building.... I had no knowledge of how to maintain a living standard. I had a great fear for my safety in such a new place.... I had a great fear of him [the doctor]. It was my sole aim to escape from this place.*

In the second round of interview, she refers to a fear of another sort that gripped her with a physical force, this time in the hostel:

*Once I was in the bathroom suddenly the power was cut off ..... In the darkness of the night I felt that someone was embracing me. I was frightened ...and ran away to escape from the situation. I had heard that a man had died on the spot a few years ago. The fear was unbearable and I fell down unconscious... taken to the hospital... was bed ridden for 2 days.*

By the last round of interview, after staying in the village for two years, she looked back at her experience of working as a migrant:

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were then sent to a convent nearby, where they told their story to the nuns. The nuns made enquiries and found that there were some jobs in a convent in Hyderabad, and they were then taken there by one of the sisters.

*In the beginning I didn't like anything as I was not acquainted with their language in the workplace. But, I learnt Telugu after a while.... Then I loved working there. For one year I worked as an assistant in the kitchen. After one year I worked there as a cook.....*

*I was so happy there that I even forgot my mother and sisters who were back in the village. ..I came back for one month during summer vacation. .. again went to the same place for two years .... then again came back for one month with my cousin and again went for two years without gap. We were leading a prestigious life. It was more than a worker. There were two drivers in the convent who would take us for shopping if we needed anything. I want to go back to that place. But I can't, as my son is only a few years old. I was earning Rs-8000/- every month. I was not able to send the money but when I come back to village, I would bring an aggregate amount of money.... I can't remember the actual amount. But I used to buy new clothes and several cosmetics for my sisters when I come back to home.*

What happened in her village home after she returned? Here 66S's story becomes intermingled with her sister's story which begins within days of the arrival of 66S at her mother's home:

*One day my middle sister had gone to school to receive the incentive remuneration for pre-matric scholarship... some strangers kidnapped her... The kidnapper kept my sister in his sister's house. ... the news spread inside and outside the village. There was talk about my sister having left home with a man....[It] was humiliating for me, my husband and my mother. I was at that time staying at my parental house for delivery of child .... My husband was also with me....we waited for my sister.... When she did not return, I informed my mother [who was out at work] asking her to come back quickly. So we went together to the nearby police station to lodge an F.I.R regarding kidnapping of my sister.*

*The police were very dutiful and supported us in the search for my sister. The man was caught by the police and my sister was handed over at 2.00am in the morning. The accused was sleeping alone having consumed alcohol and meat. He was arrested by the police. His relatives threatened and targeted us for causing his arrest. They reprimanded us for having sent him to jail on a false case; they also threatened to drive us away from village. The police interrogated the accused and he stated that he had not misbehaved with my sister.*

*Due to no fault of hers, my sister was insulted by the villagers for this incident. .... She could not show her face before the villagers. ...She decided to leave home. .... she requested me to take her away .....she came with me and I helped her to get engaged in service at the college in Hyderabad.. She has completed 2 years there now. She is well there..... doing her work properly with interest.*

*She has reached a marriageable age but proposals are not coming from groom's side due to the problem of a bad reputation; but she is well there and safe and enjoying her duty.*

What about 66S herself? Why is she staying in the village? Where is her husband? In the last round of interview, she provides a glimpse into her marital life in Hyderabad and then into why she is back in her mother's home.

Of her life as a married woman in Hyderabad:

*When I was nine months' pregnant I decided to come back to home. My husband was very concerned about me as I was pregnant. Every month, he used to take me to the hospital for regular check-up.*

*We were staying near Charminar, where the room rent was 5000 rupees. I was not working there after my marriage. My husband worked in an IT Company. He usually talks in English which I can't understand and I often tell him to talk to me in Odia. ..There are many Odia people who are staying near the Charminar area.*

Of her reasons for staying at her mother's house:

*The climate of my in-laws' place doesn't suit my little son. His health condition gets bad there. That's why I don't prefer to stay at my in-laws' house. Another thing is that no-one takes care of us after my husband migrates outside for work. ... My in-laws should cooperate but here the case is opposite.....*

She adds that she stays there to support her mother, although it appears that her mother also supports her:

*When I earned I lived more happily and spent money in my own way. Now, my husband sends money to my mother's account. After getting the money I also think of how to spend*

*the money judiciously. I stay at my mother's house, because no one is here to assist her and she will become lonely. She goes to work every day and with whatever my husband sends me, we manage our family. She earns Rs-170 per day.*

In the account of 66S, an interweave between the personal, the social and the economic through which freedoms and unfreedoms operate is apparent. Poverty and destitution propel her into migrating. Deep seated fear and aspiration for security fuels resistance to working anywhere other than with nuns. Sympathy from the nuns and their networks of institutions helps her find a placement. Fear is still powerful, but eases along the way. Skills in cooking are acquired. A language is learnt. There is improvement in her condition, but probably not as much as suggested in her last interview.<sup>30</sup> Still, vulnerabilities of loneliness is hinted at in an emotional relationship established with someone from her own community who speaks her language purely on phone.

Marriage is associated with leaving her job as she moves to her husband's location. Rent is too high there and necessary childbirth assistance is possible only back in the village. Her husband's illness drains resources and capacity to earn. Return to the village becomes inevitable. Yet migration by the husband is also inevitable for the sustenance of the unit of 3, but so is the need for local support from a daily wage earning mother in the village. Encapsulated in this we have the elements that have gone into the making of an enduring interdependence between rural and urban in the life of migrant labour with neither source area nor destination able to sustain families and their reproduction. There are indeed questions that need to be asked of a forward moving development pathway that is assumed in mobility and migration debates. The pullback effect and its reasons are rarely discussed.

Back at the village, we also have a carefully constructed version of the incident with her sister from 66S that adheres to the case of kidnapping that had been registered with the police, but does not tell us either the reasons or whether her sister went willingly. Finally, we see her helping her sister to migrate as a way of escaping shame and scandal in the family. At the same time, we see elements of tension in the traditional structures of patrilocal residence.

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<sup>30</sup> Recall that in her first interview she says that her salary was 3000. The 8000 figure that came in the last interview is probably based on what her sister is being paid. There is evidence of a peak wage of 5000 in her own career.

None of this is may be important from the viewpoint of law and policy for migrant women workers. But it does raise several questions regarding what may be understood as elements of unfreedom for migrant women workers and the intersections between the personal, the social and the economic. It calls for a broadening of any perspective in interventions and engagements that seek to advance freedoms for women migrant workers, towards incorporation of such elements. Traditions of honour and shame, and social humiliation are issues that deeply affect migrant women workers and generate conditions for unfree mobility. When it is combined with poverty, the situation of humiliation can become unbearable. As 66S said:

*The poor always face a lot of trouble. Usually the poor are humiliated by others. Being a poor woman from a rural area I was also humiliated by the villagers.*

## IV

### **Changing Dynamics of Intermediation: Vulnerabilities to harassment**

Responses to survey questions regarding how migrants found their jobs, how the decision to migrate was made, who were the intermediaries and their relationship was with the migrants, suggested that contractors were not major figures in determining the migration process in the study area. Barely one per cent of both men and women accorded any role to contractors with regard to their decision to migrate, although recruitment/placement through and by contractors was indeed the norm in construction and to a lessening degree for agricultural migrant workers (Table 16).

When asked how much involvement they had in the decision to migrate with reference to the most recent round of migration, the majority of responses of women (58%) pointed to a decision taken jointly with others (mostly family members), while well over two-thirds of the men emphasized that the decision was their own, either completely or mostly. Similarly, when asked who actually made the decision to migrate, only 46 per cent of the women stated that they took the decision themselves in comparison to 93 per cent of the men. Depending on whether they were married or not, almost one third of the women's responses were that their spouses took the decision to migrate, and 18 per cent said other relations took the decision. Among male migrants, less than 1 per cent said that their spouses had taken the decision.

Around one tenth of the women said that the decision to migrate was mostly or completely made by others, and some 6 per cent of them felt that they had been forced/coerced to migrate, mostly by family members. Even though the number and proportions of ST women who migrated was small, among them one third said they had been coerced or forced. A reluctance to migrate was thus more marked among ST women.

At the other end, the responses of a small number among the younger girls (9 in all) was that they had kept their decision to migrate secret and migrated without informing their families. Within this larger picture of multiple levels of negotiation, the overwhelming majority of the women migrants (96%) said that they undertook their migration trek with family consent.

The picture that emerges from the sample survey and the interviews indicates a complex decision making process that is influenced at one level by hearing about the experiences of other migrants, augmented over second or third rounds of migration by personal experience of migration. In terms of job search, the majority of women migrants (52%) responded to survey questions by asserting that they secured work at destinations independently, and negligible proportions of women migrants (<1%) said that they sought employment at destination through a contractor whether based in the source area or at destination.

**Table 16: How Migrants found employment**

<b>How work was secured at destination</b>	<b>Women</b>	<b>Men</b>
Independently	51.8	77.3
Through family members relatives	33.3	5.7
Through acquaintances friends, neighbors	3.5	10.6
Via source area contractor agent	0.9	2.4
Via destination contractor agent	0.9	2.4
Via source area employer	1.8	0.9
Through caste network	7.9	0
Via destination employer	0.0	0.2
Roadside recruitment area	0.0	0.5
Total	100	100

Source: CWDS/LSHTM Sample Survey (Migrant Questionnaire)

A greater dependence on kin and caste networks in their search for jobs was, however, apparent among women migrants with one third obtaining jobs through relatives, and another 8 per cent through caste networks. In comparison less than 6 per cent of the male migrants found work through family and relatives, and none depended on caste networks. In their stead, the role of



friends and neighbours was more among male migrants. From the questionnaire based survey, it appeared that among women, finding work through friends and neighbours was far less significant, although qualitative interviews conducted in Mumbai indicated that new networks of friends are indeed growing among domestic workers as the corridor from the study area to Mumbai in particular reached a higher critical point.

Nevertheless, inevitably some form of intermediation in the way workers obtained work was also indicated. In answer to a question as to what was their relationship with the recruiters/intermediaries, while the majority of women migrants (51%) said there was no relation, close to one third mentioned their relationship with the recruiter was either natal family or in laws, or caste community.

**Table 17: Relationship of Migrants with Recruiters/Intermediaries**

<b>Nature of Relations</b>	<b>Women</b>	<b>Men</b>
No relation	51.0	61.7
Natal family member	15.3	9.1
In law	8.2	1.1
Non family member shared caste community	9.2	11.4
Member of locally prominent household	0.0	1.4
Other	16.3	15.1
	100	100

Source: CWDS/LSHTM Sample Survey (Migrant Questionnaire)

Ultimately, the survey data is able to provide us with only limited information regarding intermediation. It was from the semi-structured interviews that a clearer picture of the forms and modes of intermediation emerged which showed that patterns of intermediation varied according to occupation. Where the role of contractors was less important than might be expected in survey responses, the interviews showed that the presence of contractors was more

prominent in some occupations, and less so in others. It also became evident that the term contractor was unable to capture the nature and function of the various types of intermediaries or what the workers perceived as their role that has implications for the definition and role attributed to contractors in labour laws. Modes of intermediation were diverse and could be understood better with reference to the occupations of migrants.

*With neighbours, kin, and feminized groups: Lesser role of intermediaries in intra-state migration for agriculture*

For example, among migrants for agriculture, it becomes clear that mostly women migrated in groups, connecting through neighbours and kin, and moving towards a direct connection with landowners at destination. Below are two descriptions of how women migrating for agriculture found work.

*Our distant relatives and women from village neighbourhood got together to migrate to Kapasi for work. We were 8 female workers along with 2 male worker candidates. My husband had allowed me to migrate there. Money was arranged from relatives to meet the expenses for the travel.*<sup>31</sup>

*I was very nervous about travelling during the first term of migration. We were going to a new place where so many strangers were out there. We migrated there with my 2 brothers. They are D.. and J.... They had gained earlier experience of migration... I had listened to their descriptions of migration, so we became inspired by them. We asked them about the possibility of getting work there. They assured us about availability of work and suggested that we migrate there. We had faith in them. So we decided to migrate there. [Interviewee code name 1A]*

Where the above description refers to a mixed gender grouping and some intermediation by co-workers, the following description draws attention to more direct contact with the employer and all-female group of migrant workers:

*There were some other women from our village neighbourhood setting out to Bhubaneswar. So, I also decided to go along with them... Hence, we were a good*

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<sup>31</sup> Kapasi is a village in Cuttack district, Odisha

*group of women from the village along with my son-in-law had set out for Bhubaneswar for the agricultural work.*

*The land owner had come here and contacted us for work. We had taken his phone number. There were another 10 to 12 women from our village who were also planning to go to Bhubaneswar for farm work. I decided to go along with them.... No one opposed my decision since I was planning to go with the other village women.”*

[Interviewee code name 7S]

Both the above descriptions come from women who were migrating for agriculture within the state. Intra-state migration for agriculture seems to have moved in the direction of less intermediated modes of migration to same destinations, even as the groups migrating particularly for paddy in irrigated areas have become feminized.

#### *Contractors the primary intermediaries for inter-state migration for construction*

On the other hand, when migration beyond state borders is involved, whether for construction and for poultry farm work, contractors emerge as important intermediaries. Less so for the coffee plantations, where again, it is a workforce getting constructed in groups by way of information circulating among potential migrants themselves.

Nevertheless, across the board, except in two cases, the contractors in the study area were mostly approached by the workers themselves. Most of the contractors were from the villages and only one was town based. From the descriptions of the workers, it is also obvious that some of these contractors (and their family members) were migrating workers themselves.

For example, for work in a poultry farm collecting eggs in Andhra Pradesh, one 39 year old interviewee said:

*....one labour contractor from Andhra Pradesh came to our village looking for labourers. He explained the nature of work involved and wage amount. Some of our village people agreed to his proposal and decided to go to Andhra Pradesh. ....We both (husband and wife) decided to go to Secunderabad along with a few other villagers”*

*The contractor was also with us, when we had gone to Andhra Pradesh. .... He belongs to Bhanjanagar. He takes labour from villages to the workplaces. At that time, he was*

*also taking his family to Andhra Pradesh, when we all together planned to move to the destination. He managed all our journey expenses. [Interviewee codename 36S]*

Two features of the intermediary contractor in the above case that are important markers of the nature of intermediation are: a) although it is said that the contractor came from Andhra Pradesh, he is actually from the same district, and in this case the same tehsil as the recruits, and b) although he paid for the journey expenses and must have taken some commission from the employer for that, the contractor was himself a worker and was taking his own family members as fellow migrant workers. In other words, he was primarily a co-worker of the migrants he was recruiting.

Another who had gone for construction work to Bangalore said:

*I approached my nephew for migrating to Bangalore. He works as a labour contractor at Bangalore. He supplies the labour from our local area to the owner at Bangalore. I contacted with him. Another family member - my husband's elder sister - also wanted to go with us. Thus, a group of 8 family members had decided to migrate to Bangalore which included my husband and 3 sons. [Interviewee code name 10A]*

Here a kin based relationship appears between the worker and the contractor. What is perhaps more significant is the fact that the woman approached the contractor rather than the other way around, and indicates that it is a labour supply push that is more determinate in this case than the demand determination apparent in the description of migrants for agriculture including inter-state.

Similarly, another 40 year old construction worker said:

*We came back to the village after two or three months stay in Tamil Nadu during our first round migration. Then, we again set out for Shivaganga in Tamil Nadu. There was a labour contractor in the village who informed us about the work. We were three couples together decided to go to the destination for work. For me and my husband, this was our second term migration. We paid our journey expenses. [interviewee code name 14K]*

And again another 35 year old construction worker said:

*My mother was also working in Bangalore. My husband, sister-in-law, her husband, my uncle and his wife and I travelled to Bangalore with a contractor of our village. My husband and I together decided to travel outside” [interviewee code name 17M]*

In the case of 14K, it is notable that she was informed about the availability of work in Shivaganga by a labour contractor from her own village. Importantly the expenses for the journey are borne by the workers themselves, which again indicates a supply push. In the case of 17M, again the decision is their own, but the contractor accompanied them. In this particular case, elements of control that the contractor had over the workers also came out in their report that despite being from the same village, the contractor had deprived them of 2-3 days earned wages and they were unable to effectively challenge that.

Another worker going to Chennai said:

*This contractor told us about the work in Chennai. At that time, I was getting only Rs.110/- here for construction work. But at Chennai I would be getting Rs. 150/- for only carrying the concrete to the building - the contractor told me so. Then, I called my husband to go to Chennai with me. He agreed with me. So, I, my husband and child along with a few more people from our village set out for Chennai. The contractor paid for all the bus fare and train journey. He had apparently got money from the Chennai contractor for arranging labour from the village. He paid for the food expenditures that we had on our way to the destination. [Interviewee code name 20R]*

At a broad level, it seems that while some contractors are primarily workers themselves, others are primarily professional contractors, albeit linked to other contractors at destination. The informal and often kin based contacts that some workers have with the contractors poses a challenge for the forms of regulation of contractors that exist under current labour laws. More importantly, an overall view from what several of the interviewees said makes it clear that it is not advance based mobilization of labour that is the norm. The more prevalent pattern in the study area was of workers approaching the contractors themselves.

At the same time, the exploitative edge that the system of contractor mediated recruitment spawns is also evident. The most common complaint was of non-payment of the full earned wage.

One 45 year old construction worker going to Bhubaneswar made a generalization which reflects their commonly held view that the exploitative contractor was an exception:

*Each of the contractors was of same nature. But, there was one whose name was Prabhakar. He was a goonda. He didn't pay my wage as well as of my husband for 14 and 18 days respectively.*[Interviewee code name 67A]

The use of muscle power by some contractors to shortchange the workers is evident in the above statement, but the suggestion is that it is more the exception than the rule. When relatively stable relationships between contractors and workers develop, there is another suggestion that some bonus like payments and overtime wages are also given. One 35 year old construction worker reflecting on her experience said:

*I got my daily wage every-day, in the evening after the work. I find if people work continuously with some particular contractor for a longer period of time, let's say for 3 or 4 years, then the contractor gives some extra money while we set out for our village. The contractor also gives some extra money to buy new clothes during festive occasions. There are also provisions that pay extra amount of money of Rs.100/- or Rs.150/-, if somebody works till 8p.m. or 9p.m. in the night instead of coming in the evening at 5:00pm.*

*We have worked under many contractors. Some would pay us at the right time, and some used to trouble us while making payments.*

*My daily wage was Rs.200/-. But, the contractor kept the money with him. I mean, the general practice was he gives us the full payment at the end of the month or after the work gets over. We were of course, getting some money for our food on a weekly basis. We needed to inform him a week before about our money requirements. And, the contractor gave us the money when we ask for it as per our needs. Our health expenses were borne by us only.*

*The contractor would pay us our wage only after getting the same from the owner during our stay over there. However, the contractor of our village was not a good man. He hasn't paid us for our work of 2/3 days. He is just delaying paying our wage till date.*

*We returned after working there [Bangalore] for two or three months. We could not save anything. [Interviewee code name 71T]*

The casual nature of construction work is maintained by even large scale construction companies, which has meant that workers are compelled to work with multiple contractors. In such a process, their experiences are perhaps too variable to pin down in a single frame.

Nevertheless, the issue of cheating the workers by not paying their earned wages is common. One 38 year old worker speaking of experiences in Chennai:

*The contractor takes us to the work site from the habitation on an open jeep. But, the contractor cheated us. Although, we had worked for two months, he only paid us for 18 days. He said that as the owner had not given him the full payment, he himself could not pay us on his own. [Interviewee code name 36S]*

Yet another 18 year old construction worker talked about how she was not paid fully for work done in Bangalore when she asked to leave:

*Everything was ok; but, some conflict took place among the kannad community as a kannad couple were in love with each other and the girl's parents harassed the boy's family.... a big fight took place among them. I didn't like such an environment and decided to come back with my parents. We told the contractor that we wanted to go back to our village as it was difficult to stay in such an environment. The contractor got angry, he scolded us and said he was repenting keeping us for the work. He deducted some amount of our salary as well and gave us only Rs.5,000/- and our transport charges. [Interviewee code name 16L]*

On the surface, accounts of non-payment of full wages given above indicates how contractors were short-changing the workers, a well-known experience of construction workers everywhere. However, it does seem that at the core of most of the stories is a principal employer, who may not be paying in time. This draws attention to the capital side of the construction industry that has seen a boom (with signs of deceleration in the immediate present). The boom since the 1990s has been accompanied by an unprecedented degree of corporatisation on the capital side of construction, while the manual labour workforce remains casual, mobile, and flexible, precisely through the use of contractors. Importantly, none of the

women migrants who were interviewed reported registration with the Construction Workers' Welfare Board, despite the fact that the board in Odisha has opened registration for workers who migrate outside the state as well.

*Multiple modes of intermediation for Domestic Workers*

The mode of intermediation for domestic workers was completely different from either construction or agriculture, and demonstrated a greater variety of intermediaries. There is the figure of the 'agent', 'broker', the 'bhaina' (brother), the 'uncle', the 'cousin', the 'sister' (nun), and 'friend' - all brought into the migration scheme for live-in domestic workers. Such agents were most prominent in the cases of teenager/adolescent migrants.

Two cases, both in their teens, illustrate the range of intermediaries who played a role across the several rounds of migration that they had undertaken, but also indicate how workers themselves had dealt with some of the risks and exploitative practices. The first case is of an 18 year old who migrated along a single corridor from her village to Mumbai several times. She says:

*When I was 13.. one day my brother was angry with me that I was not doing any work in the house. That's why I thought of leaving the village ....*

*I went to Mumbai with a Bhaina. That brother is no one but an acquaintance in this village. He took me to Andheri (Mumbai) for domestic work in a family.*

Her salary was fixed at Rs 2000/- but the money was given to the intermediary, not her. After one and a half years, she shifted to another house through the same 'bhaina' where Rs 3000 was fixed as her salary. There too the bhaina took her money for six months. She then asked her employer to give the salary directly to her. As she said:

*The bhaina's native place is our village. That boy had taken all my money and run off village. He didn't tell anybody or my brothers that he had taken all my money with him....*

Now on her own in Mumbai she was confronted by a difficult situation of an alcoholic employer. Although it was a family with children, as she says:



*In the house, the husband was not at all a good person. He was not working anywhere. His wife was working. The husband was in the house the whole day. So his wife said I need not stay there when her husband was at home till she returned from her work. I used to spend the whole day at a near-by house because the whole day the malik (employer) would be drinking. ....I was very afraid of him.*

At the same time, after she had asked to be given her payment directly, the family did not give her the full salary. As she says:

*I don't understand why they gave me money/ my monthly wage and then took it away from me. They never gave me my salary while I was working there.*

*When I came finally left that house after 3 years they kept back half of my total salary and gave me only 10,000 rupees in my hand.... They said "you go to your village, we will send you your rest amount."*

*... I went to VT road to station secretly with the 10,000 rupees and bought a ticket for myself...*

*I think of going to Mumbai again but don't know how I can go safely.*

*I will never return to the house that blocked all my money. If I go there, they will never leave me, and forcefully keep me with them. [Interviewee code name 41J]*

If in the above case, we see a young adolescent running away from home, dependent on a middleman whom she calls brother to get her a job, we also see her dispensing with the middleman, but still unable to get her due wages for the earlier period from the middleman or for the later period from her employer. She partially manages to assert her right to leave her employer, but it has to be in secret, with only a fraction of what is due as wages since the employer insists on holding back a major part of her wage in order to force her to return. Despite that the girl did not go back.

The second case is of a girl who was 17 years old [50A] at the time of the first interview, and whose experience epitomised the mix of assertion and dependence that defined the relationship of particularly younger domestic worker migrants with intermediaries. Despite being so young,

she was able to generalise the totality of her experience and pointed to a decline in the role of agents over time. Her words:

*It was 2010, when I was 12 that I first went to Bhubaneswar to work. There is a story behind it. ... So when I was small, at that time I had a friend. Her parents used to quarrel with each other all the time. Her father used to drink a lot. At that time there was an agent working in our village. One day my friend went to him and asked him to give her some work. So he took her with him. Then there was no one to play with me. So I cried a lot. I told my parents that I also want to go outside for work. But they refused to let me...*

*Then without telling my parents, one day I went to the uncle who had taken my friend...I don't know his name. I asked him to take me as well to my friend. I went to Bhubaneswar stealthily. There my friend was also working in another house. ...My madam was working as a teacher. My friend who was working in another house, they [husbands of employers] were brothers of each other...When I met her I felt very happy. There, I was working as a maid and I had to take care of a child also. ...*

Describing why and how she left the job, she first described her long day of work which started at 6 am and ended at 11 pm. She said:

*"Sometimes when I was very tired. Then I cried a lot. Sometimes I felt like who am I? What am I doing here? It was good in the village..... I talked with my father and told him that I want to go home. So my father told madam to give me leave for some time. But she didn't want me to go..... One day my father called and told my madam that he would file a case against her if she did not let me go. So she finally agreed to leave me. Then my father also asked that uncle [agent] to bring me home. And I came home.... At the time of return to my village my madam gave me 1000 rupees by hand. So at the end of the year she had given me 1200 rupees....."*

Here we have a partial replay of what happened with 41J. But for a closer destination and a different name for the intermediary, and a different response from the girl whose escape was facilitated by her father. Later:

*In the year 2011, I went to Kerala. There was a girl named N..., working in Kerala. She had a cousin brother... also working in Kerala. He had come visiting our village... A mother (nun) had called him saying they needed some girls for work.... I talked with the mother about the work and about the payment. She told me that she would give me 3000 rupees per month. So I agreed to come.*

50A went with her sister. The work was from 5.30 early morning to 10.30 at night in a convent where 15 nuns were staying and teaching in a school. What was her workday like?

*“preparing breakfast.....cleaning the utensils, cleaning the kitchen, giving the pigs food, the grass to the cows, sweeping the whole convent and preparing the lunch etc. We were also giving food to the rabbits and dogs there. We were also cutting grass for the cows.... collect[ing] a kind of fruit which has used as a medicine. So we had to clean them and dry them in the sun....also watered the flowers and the vegetable garden.... preparing and serving tea to them. They also eat boiled sweet potatoes at tiffin in the evening. So we had to bring the sweet potatoes and clean them. Then prepare dinner... cut the vegetables, prepare the rice, roti, dal and curry for them... So there was no time left for rest. .... After living there for one year we told them that we want to go to our village for month. So both I and my sister came back to our village.*

She refused to return to the Convent in Kerala, but her sister went back. 50A advised her sister thus:

*“I told my sister to tell her [the senior nun] that she would return if there was only cooking... otherwise not. When my sister told her that, she agreed and told her – I will increase your salary - I will arrange another person for outside work and you only cook here.*

*But I refused. I don't like that work.” So now my sister is getting 5000 rupees per month and cooking there.....<sup>32</sup>*

*“Then in 2012, I went to Mumbai again with an uncle. His name was S... B..... there was an old lady. She was unable to move properly. ..My work was to take her to the Church*

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<sup>32</sup>In 2014, the two sisters' father became an 'uncle' for another girl and escorted his daughter and the other girl to Kerala]

*and to come back with her. To take her out in the evening. To give her medicines in proper time..... I worked there for 3 months. They gave me 3000 rupees per month. But after her death I came back to my village again.....*

*“At another time, I again went to Mumbai with that same uncle. ..two more girls travelled with me. In the train we became friends.... After reaching Mumbai station he [the uncle] called my Madam to take me to her home. ... the agent and my madam talked separately for some time. Then I went with the Madam in the car. I can't say what happened with the two other girls. ....”*

Explaining the changed situation today, she rounded off her story in these words:

*“Now nobody is taking the help of the agent to go outside. Everyone is contacting by phone. When they get a contact they are going for work by themselves. In this way they can also save their first month's salary and the outing charges.”* [Interviewee code name 50A]

50A's account brings in the 'uncle' rather than the brother as the intermediary for a child migrant. Then we have more direct contact with the nuns who want to employ them, facilitated by a migrant boy from the village. In the second case, the connections are established in a religious community through which demand and supply of workers is taking place. In the first place, the employers (as we know from the whole interview) are of a different religion, and the agent uncle is unknown. We see rejection as well as bargaining taking place regarding conditions of work and wages, even within the firmament of subservience and acceptance of religious institutions. We see a return to the use of agents. And then we see that the situation move towards more direct contact on phone, where travel is covered directly by the employer and there is no middleman fee involved.

*Emergence of autonomous pathways of domestic workers and flows of information among workers: A preliminary view at destination Mumbai*

Only a few of the original cohort of the domestic worker interviewees could be interviewed at destination (August, 2018), in part because of the on call nature of their employment. Some of those contacted could not get leave to travel out of their employers' households even after fixing to meet with the research team at an appointed hour and place in the city of Mumbai.

The preferred meeting point was a park next to the church where many of the girls used to attend a Hindi service on Sundays. Whether they attended the service or not (which was ongoing and overcrowded), it was observed that more than a hundred girls were gathered at the park, sitting around, walking about holding hands, and chatting with each other. In this milieu, 50A moved with polite and happy grace from group to group, and of course became impatient with trying to link the researchers with their interviewees. The park was a zone of freedom, an important venue for socialising and fraternising with friends from home villages, and also with similar domestic workers from other parts of the country working as live-ins in Mumbai. A special bond of friendship was noticed between one of our cohort of interviewees and two girls from Assam that had been forged and developed in the park. The park is mentioned in the interview of 43P at the village level interview, as the place where the boy who later became her husband first saw her.

From the interviews at destination, in accounts of how workers had found their current employment along with direct observation of the process, three modes of finding placement emerged. The first was through a telephone call from an elder sister (also a live-in domestic worker), who informed her younger sister of a prospective employer. The prospective employer family, who was known to the employer of the elder sister, and lived in the same neighbourhood/apartment block, had asked her if she could find someone like herself for them. As the younger girl met her sister at the gates of apartment block, the sister appeared tense and constrained by the fact that she was on duty and had just a little time to hurriedly get her sister through the watching security guards.

The second was through a destination based placement agency where a 20 year old girl (let us call her B) from one of our study villages, had started working just two months before at a promised salary of Rs 12,500. The placement agency was being run by a man from Assam. B had herself first come to Mumbai as a 15 year old along with two other slightly older girls from her village. They had a friend who was also working as a live-in, and B got her first job as a domestic worker through that friend of her friends after arriving in Mumbai. After that she made several trips to and fro from Mumbai to her home village and worked as a live-in for a series of employers. In B's story of how she got all these jobs, there is a one time appearance of a source area agent from a nearby village, and a *Bua* (aunt) in Mumbai.

B's most recent return to Mumbai in early 2018, was by travelling from the village alone and on her own (although she told her parents that she was travelling with some other girls). She met some other girls on the train and went to a placement agency in Mumbai with them, stayed in a room with 4-5 other girls and was placed in a job by the agency. After leaving that last job, she had moved to working with the placement agency, whose office was on the city's outskirts and where she stayed in one of the office rooms. She had been instrumental in placing at least 3 migrants from our study area, of which two had earlier worked in Kerala. The reason for the move to Mumbai by migrants who had earlier had durable employment in Kerala was due to the higher wages they could get in Mumbai. According to B, placement agencies for domestic workers were no longer taking any fees from workers, and had shifted to commissions only from employers that were taken three months after the workers had been placed. The three month clause suggests that retention of live-in domestic workers in their employment may be an issue between employers and placement agencies.

A third mode of search for placement was a direct approach to prospective employers by going to apartment gates and asking if any family required a fulltime domestic worker. In the accounts of workers at destination, some bargaining by workers around wages was reported, with one worker having asked for Rs 12000, and settling on a wage of 10,000, and another asking for Rs 8000 and settling for 7000. What emerged from the destination interviews at Mumbai, was a growing confidence in finding employment. A degree of insouciance in going directly to apartment blocks to find work was observed among seasoned migrants who had some familiarity with the city. These may be taken as only preliminary observations, as the interviews at destination, although based on longitudinal contact with the interviewees, had a limited scope, coming at the tail end of the research project. Nevertheless, the insights so generated suggest the need to follow the destination end with more rigorous follow up research. There are indeed possibilities for self-organising amongst workers themselves that may be explored.

As mentioned in the explanatory preface to the qualitative evidence, domestic workers in Mumbai received relatively higher wages that could also go above the statutory minimum wage. What the destination interviews and field observations showed was a resultant

movement away from going to other states towards a more concentrated corridor of migrant domestic workers from the study area towards Mumbai.

All three modes described here are not unknown or new, and are linked to a situation where demand for live-in domestic workers has been increasing due to increased care requirements of children and old people, as well as an increased ability to pay among richer classes that is concentrated in metropolises. (In discussions with the workers at the destination, a significant minority were found to be working in households with two or more live-in domestic workers). What is perhaps novel and new, is the varied practices through which very young workers are rapidly transiting towards acquiring greater autonomy and negotiating abilities while engaging with a maturing labour market for live-in domestic work. Yet, noticeably such a labour market for live-ins remains segregated by its distinctive manner of migration directly from source area to employers' homes that are secluded and separate from the residential communities of either live-out domestic workers or other classes of manual workers in destination areas. While elements of autonomy may be appearing in the migration process, the conditions of work to which they are migrating remain marked by their having to remain at the beck and call of employers, long hours of work, and a degree of confinement that allows for little autonomy in their day to day lives. As we shall see, the vulnerability to harassment in such confined lives is particularly acute.

#### *Of Harassment, Coercion and Humiliation*

From the questionnaire based survey, very little information was garnered regarding harassment during migration. In response to a question regarding whether they had experienced any harassment at their destination residence, only six of the migrant women said yes. Of these six, three gave blackmail as the form of harassment, of which two had experienced it at the hand of their employers, and one by the intermediary/contractor. One said that she was harassed/arrested by the police and threatened with violence, one reported similar threats of violence by public authorities. Taunts and verbal abuse were reported in one case by a relation.

Regarding the destination workplace, a much larger number (30) of instances of various forms of harassment were reported. 3 Construction workers reported verbal abuse by co-workers, another 4 by local residents. Again 3 construction workers reported extortion and 1 reported verbal abuse by police.

2 more experienced extortion, and 1 verbal abuse at the hands of other public authorities. Blackmail/extortion by relations were experienced by 1 domestic worker, 1 construction worker, and 1 manufacturing worker. The largest number of cases of harassment was experienced at the hands of employers (6), and 3 at the hands of an intermediary/contractor. It is however of some importance that reports of harassment by public authorities, including the police were not insignificant.

While no instances of sexual or physical abuse were reported in the survey, the qualitative interviews bring out several aspects and dimensions of harassment that were not reported in the survey.

*From childhood to adulthood as a domestic worker: The case of a syndrome of repeated sexual abuse*

One of the most disturbing cases of repeated victimization can be seen in the story of a worker who was practically brought up as a live-in domestic worker in migrant settings. She is a 20 year old woman today, and has migrated across eight rounds as a domestic worker. Her migration practice began at an extraordinarily young age and requires a more detailed telling. Her migration story begins when she was less than 10 years old:

*When I was 6 my mother was working outside the village for thatching houses and my father would go for collecting wood. My parents had to leave the house very early in the morning at 3am or 4am and then they came back home in the evening at 7 or 8pm. During that period I would be alone at home to take care of my two younger brothers. Sometimes my father had to leave the house for 10 to 15 days in a month. So I was closer to my mother and my little brothers. My little brothers are my world. Because all the time I had to take care of my brothers when my mother was not there ...My mother suffered a lot just because of my drunken father. ....*

*I had to take care of my brothers along with going to school. ...There was also another reason for going to school. At that time there was nothing to eat in our home. But in school the afternoon meals were provided for the students. So I brought them and fed the meal to my hungry brothers. ...*

*When I went to the Mahajanas (sahukara) [trader] for buying rice they scolded me. ... Some of the neighbours also treated me as a mad girl and beat us up. ..When my mother*



*was not at home and we had a lot of hunger in our stomach, my aunt and grandparents did not give us any food.*

*The first place I went to was **Berhampur** ... perhaps in the year 2003. Then I was in standard – V. .... My aunt took me to the convent in Berhampur. This place provides shelter to those old-aged people with physical ailments.*

*My parents agreed to send me to the convent due to our poor family condition. They understood from my aunt that the sister would take some children to provide them further opportunities for schooling.*

*Then, Sister R sister took me to **Kerala** from Berhampur. Me and one of my friends M..... The sister paid for our journey expenses. ...I came back from Kerala at the age of 12. After living 6 months with my family again, I went to Bombay for work ....Another Father of Chhatrapur took me to Bombay. After Bombay, I stayed at home for a month or two. I had to go to Delhi for my work. A Sister of the Chhatrapur Church took me to Delhi for domestic work. Then again I came home. After living for 2 months at home, I had to move to Goa for work. An agent named K... N... took me to Goa with a group of girls for working there. ... My cousin brothers came to my home and took me to Mumbai for domestic work. Then staying at home for 2-3 days, I went to Kerala for 2 months. Sisters in the Chattarpur Church arranged this work for me. After returning from Kerala, I went to Bombay (Bandra) again after a very short stay in the village. I may again go out to work in June.*

By the time the young girl reached adulthood, she had experienced seven rounds of migration to destinations within Odisha and outside in Kerala, Mumbai, Delhi and Goa, through a variety of intermediaries including nuns, priests, agents, cousins. What was she doing in these destinations?

*In Berhampur, we were working at the hostel itself ...clean the rooms, do some gardening work along with our studies there.... [no payments] but, they had arranged one house for my parents to stay in Chhatrapur.*

*In Kerala utensils for washing. ....asked to sweep the whole house and outside as well.... wash the clothes..... fetch the water... work on the farm.*

*In Bombay, .... cook, clean the house and massage her [woman employer].*

*In Delhi I worked as a servant.....In Goa, there was a lot of work at their house.*

*In Bombay (Dadar) ....I worked as a baby-sitter in a Marathi family. ...*

*Again in Kerala I worked in a hostel of the Church sisters there. There were so much of work in the hostel..... We used to sleep only after 12 in the night.*

*[In Bombay – eighth round] I worked as a domestic worker there.*

Talking about her first round in Kerala she says:

*At that time I had also some wish to eat some good things [not what was given] ....but I couldn't tell anyone since I didn't know how to speak their language. So the only thing was to weep and weep. ... the sister's husband misbehaved with me. ... I was frightened. And I wanted to go home. I couldn't speak to anyone about this matter. Because language was a big problem. Towards the end of my 5 year stay, I deliberately became more disobliging. ..me along with that other girl who was also brought to Kerala during the same time, were sent back to home.*

*The unpleasant experience with that old man in Kerala has indeed left a lifetime [impact] on me. Those difficult days cannot be described in words. That old man was not good. He put his hand on me and always looked at me with bad intent. Once I shouted and rushed to his wife. I don't know whether she knew about what he did, I was very young and could not express myself. I used to spread a mat under the bed of a room and sleep there like a dog in fear. Even today, I am very afraid of darkness, which keeps reminding me of those incidents.*

Of her experience in Mumbai:

*The woman there used to scold and beat me whenever she got upset. She was a teacher. ....I ran away to the near-by church... I tried to get some help from the Church in order to contact my family to return back. But, it was my bad luck that the family found me out at the Church and then after some discussion in English they took me to the police station.*

*They lodged a case against me. The woman used to threaten me and beat me though, I used to do all the household chores. Her husband assaulted me many times. I was 13 years old then. Later on, the father of my village Church and my father were informed ..... My father then reached Bombay to bring me home.....*

**In Delhi:**

*The family in Delhi was nice to me, especially the younger daughter of my employer was very friendly with me. ....But, I was very fearful because of my previous experiences. ....He [The mistress's husband] would misbehave with me while I was sleeping. I used to get very frightened..... But, I have not told this to anybody.*

**In Goa:**

*I was 15 years old then. I used to eat once in the night only since, I had so much of work to finish all through the day. .... I fell sick and had vomited blood. They [the employers] took me to the hospital and informed my parents. They did not want to bear my medical expenses. My father came to take me home. But that family did not give us any payment We had no money for returning home. We met a Madam by chance after walking so much from their house. This Madam offered us work. Then, we stayed back in Goa, worked as daily labourer to arrange money. Then after 2 months we were able to return home after managed [to cover] our expenses.*

**Again in Bombay:**

*I stayed for 3 years with this family..... They used to treat me like their own daughter. They also allowed me to contact my family back in the village. They twice sent money to my home when both my brother and father were hospitalized. I came back home when my mother fell ill. This family allowed me to go back and arranged my train reservation to home. It was a painful separation for me though as we liked and missed each other. Then my father got ill and I had to come home immediately.....*

**Again in Kerala:**

*There were a lot of work all-through the day. But, they did not even give enough food to eat. After 2 months I wanted to leave that place and come back home. My brother reached*

*there to bring me back. But those hostel people did not even pay me my wage.... .. when I came back they gave my parents a sum of rupees 7700 only for my work.*

What happened when she returned to the village?

*The villagers criticized me. ....The villagers also said bad things - about the character of the girls and so on. I was really hurt by most of the village people. I know what I am..... I don't need anyone else's judgment about me and my work..... because of this attitude of the villagers I don't want to live in this village. I want to live outside. I want to ignore the opinion of the villagers. Now I can feel the jealousy of the villagers towards us, for our little bit of improvement.....If the people who are working outside are men then it's okay for the society, but if girls are going to work outside then it is seen as shameful and [they] say bad things about their character.*

Summing up her experience she said:

*For me, the life outside the village is in one way good for our employment and in another way it's not safe for girls at all. Although I work outside ... life is not good nor safe for me and for other girls as well. In different places there are different types of situations and we have to adjust just because of our need to earn a livelihood.*

*Now I am at home but if I get a chance then I will definitely work somewhere else outside and my brothers are also thinking the same. We hope that if we will work together then definitely we have great savings and we will start building our own new house on our own land. [Interviewee code name 50B on 14.11.2015]*

By the time of the second round of interview on 19.19.16, 50B was unofficially married - unofficially because her husband to be, was underage. Although both families initially disapproved of the relationship, 50B said that they had come to accept it, and was already staying with her to be in laws. In such a context, she became reluctant to speak about her experiences of harassment, and merely said:

*I am not planning to go out for work in the near future, as I shall get married soon. I may do some stitching work here, if possible. Nobody will ask me about going outside for work because, I had eloped from my home and soon we will get married.*

*....Everybody here loves me at my in-laws' house. There is only one problem - I have not got married yet. My parents were very happy, when I was sending money to them. My family members appreciate me for that. Although, in the beginning, I never realised that I was being taken to work since I was too small then to understand anything. Gradually I came to realize the reality when I grew older. ....I have been participating in many such interviews since last few months now. It will be good if I get any facility out of all these. There are many girls who go outside for work like me. If they get any work here.....there will not be any more rumour about the girls or their character anymore.*  
[Interviewee code name 50B on 14.11.2015]

In later rounds, she refused to speak at all, and remained hidden inside her in laws' house. The interviewers had a brief glimpse of her and had the impression that she may have been beaten. There were bruises.

The experience of interviewing 50B marks a reluctance to discuss her experiences of harassment in her marital home. Interviews in the villages are rarely in a completely private space, and inevitably there are others present. Yet she was frank in the first round which was at her parents. Her refusal to even meet the researchers who were only a few years older than her, suggests that she did not want her experiences to be discussed at all. Intervening developments may have changed her situation (including what she calls an elopement – running away with a boy – and then moving in with his parents). One of the researchers commented that rather than opening up more over time, she became progressively silent. But her story of repeated abuse is suggestive of an abusive syndrome in her life that began with neglect in poverty, and acquired a sexual dimension in the course of her migratory employments.

### *A Me Too moment?*

On the other hand, there are also girls who have no hesitation in making public their complaints about sexual harassment, as evident in the following account of a 17 year old girl who had gone to Bombay as a domestic worker:

*Among the male servants there was servant named 'Radhaa'. He was a very wicked person. I didn't like him at all. He was doing the dusting of the house. Once there was no one in the house and every one was engaged in the outside work. On that day after finishing the dusting Radhaa was taking out the clothes from the washing machine for drying them. But I didn't know that. ...I went for taking a bath. He was watching me ..... But I didn't realise. Then when I was coming from the bathroom, he had touched my breasts very tightly. So I cried and shouted a lot at him. .. at that time he touched my feet and asked me to forgive him and not to mention about this to the owner of that house. Because if I would tell the owner, then he would throw out Radhaa from his work and Radhaa also has a family. His wife will also leave him for this thing. But I told everything to my employer ....She scolded him very much and threw him out... Then I came back home. At that time she asked me, 'why you are going to your village? I have already thrown him out. So please you don't worry at all. But I told her that I want to see my family members. I have not been to my village for 2 years. And so I returned.*

*One of my friends also told me that the man was not at all a good person, he tortured many girls before. So it was better for me to leave the house. [Interviewee code name 55M]*

#### *Beyond the sexual: Other forms of harassment*

Harassment for many domestic workers occurred in various other forms, especially given the close scrutiny and levels of control exerted by their employers. The constrained circumstances of live-in workers led to persistent feelings of confinement or 'unfreedom' for the live-in worker, who was highly dependent on the employer for all of her daily decisions and basic needs. We end this section with a description from a 27 year old, who is somewhat disabled with one weak leg that does not support her body. She explained what she felt was intolerable harassment and said:

*I used to wake up at 5:30 in the morning. I had to clean the house, prepare breakfast, and pack the tiffin for both the children. After all the work was done I would get my little breakfast. The lady employer would give me to eat from whatever was left by them in the morning. After so much of work from the very morning, I would be terribly hungry, but, I was not given anything to eat before their breakfast. I had to clean the*

*two storey building, clean all the utensils then, after all these tasks, I used to have my breakfast which was of leftovers. After that small breakfast, I had to prepare lunch for them because they were having their lunch at 2.00 p.m. After everyone's lunch, I used to have my lunch at 3.p.m. When something was left by their mercy, it was my good fortune otherwise, I used to starve as at times nothing was left for me. Like this, after their dinner I had to clean all the utensils and wind up all my work then, I used to go to bed by 11.30pm or 12.00am. There were days, when I would have gone to sleep at night empty stomach....*

*I was severely tortured there in Gujarat. Very often, I would be left starving without anything to eat. I did not like to eat chapati in dinner but, that's what they ate at dinner. Which was why I starved at night for one month. I was not allowed to eat anything on my own. The lady employer measured the grocery and even spices for cooking food on a daily basis.*

*When I had first gone to work with this family in Bhubaneswar, there was another girl already working there. We stayed together in Bhubaneswar. About the male employer, she told me that 'he is a nice person, he will come near you, touch your hands but its nothing to worry about or mind because, he would not harm anything'. While in Bhubaneswar, I had seen that girl with the male employer in certain compromising positions. They were apparently having illegitimate relationship. ... This girl went home on leave and I started working there alone. I never went outside of their house there for even shopping. I was also never called by them to visit outside. Both the Doctor couple and their sons were visiting many places together. I stayed alone in the house while they went out.*

Later she accompanied her employer family to Gujarat.

*I was given an asbestos house to stay outside their house in a closed compound in Gujarat. When the wife was in deep sleep, the man used to come to my room late at night and knock the door. This happened for three or four times. I was very frightened but, I could not tell this to anyone. So, I asked the wife to allow me to sleep inside their house, as I was feeling scared. After that, I was given the T.V room to sleep in, which*

*had no door. It was on the ground floor. Both the husband and wife used to sleep upstairs. There too, this man had come down at around 1:00a.m. or 2:00a.m. when his wife was asleep. He would roam around but did not say anything. ... I did not like his attitude. I knew that he wanted to molest me. When he could not do anything, he complained to his wife that I was not working properly, and just sitting idle.*

*I called up my nephew when nobody was around in the house and told him to help me out of the situation. I did not want to stay there any longer. I was starving and putting myself at risk, after doing all the household work there. The next day my nephew called up and told the lady employer that some terrible mishap had occurred in my house back in the village. The lady employer heard it and then she called up the other girl who had been working in their house in Bhubaneswar in order to cross check the matter. That girl's village is near my village. She denied that any such incident had taken place in the village and hence, I was not allowed to leave.*

*The lady employer would make false allegations that I was stealing things. She would deliberately drop her gold earring under the bed to check on me. I returned her stuff when I found it while cleaning the floor. Her husband would ask her to treat me kindly. But, the lady employer would continuously disparage me for every single thing.*

*One day, some glass utensil fell down from my hand by chance. She got angry and started to scold me rudely. She would demean me and denigrate my family, and familial background. [Interviewee code named 47S interviewed on 31.12.17]*

In an earlier interview she had specified in greater detail:

*The madam behaved badly with me. Her behaviour towards me was getting worse day by day. She scolded me for every single thing I did or did not do. She accused me of stealing from her house. She had made several other complaints against me. I was doing a lot of work in her house. Physical strain and her sharp words used to hurt me. So I decided to quit this place. Her sharp words were getting unbearable for me.*

*My cousin sister had worked in the house of my madam's sister. My cousin sister did not do her work properly. This matter was discussed between my Madam and her sister.*



*And then, I was insulted and scolded by my madam for my cousin sister's laziness. I responded by telling my Madam that I would only be responsible for my faults, but not for my cousin's activities. My madam insulted me badly for this reply of mine. Her behaviour hurt me. I could not tolerate her unkind and inhuman behaviour. I told them that it is only my terrible family situation which compelled me to work in their house. Being an orphan and poor, my personal tragedies have forced me to work in another's house.*

*Again she said "Naveen Govt. in Odisha provided you people rice, so you do not know about hardship". In reply I told her that my father had brought us up with much difficulty but never punished us. After his death, I came here to work due to our poor condition, and then I have to hear such language. .... I clearly told them that I did not want to stay or work in their house. I expressed my wish to return back to the village. Then, they said that the first girl who was working in their house in Bhubaneswar was to come to Gujarat. After she reached, only then was I allowed to leave. But, they did not pay me the full remuneration. It had been decided earlier that I would be paid Rs.5000/- per month. But, I got only the half of that - Rs. 2500/-. When I asked for my full money, they told me that half of my wage money had been already given to the cousin sister who had found this particular work for me. However, later I got to know that my cousin sister had not got any money either. I realized that they must have deducted the money from my wage as they had spent for my train travel to Gujarat and back to village. I came back from Gujarat with the other domestic help's brother who had accompanied the girl to Gujarat....*

*While leaving from their house, I had to show them my bag, since the Madam suspected me of stealing her stuff. I told them that, I had stolen nothing from their house, and they were welcome to check my bag. Nothing is hidden.*

*Lastly sir had come with me to drop me at the railway station. Sir purchased a ticket for me. He gave me Rs 3000/- as my salary. But, I had been assured of a higher remuneration i.e., a monthly pay of Rs.5000/-. Then, Sir told me that SN had taken an advance amount of Rs 2000/- to engage me in their house, though without informing*

*me nothing. I was very sad. They did not pay me a genuine salary. They did not keep their word.* [Interviewee code named 47S as interviewed on 29.12.15]

The nature of harassment that emerges from this one account encompasses several common forms of abuse, discrimination, and humiliation that comprise forms of harassment, some aspects of which are poorly understood. Take food for example. 47S' inability to eat chapatti is not a matter of choosing not to eat, but because for someone who has been bred on an unvaried diet of rice, there is often an inability to eat wheat based chapatti (and is known to be vice versa for people hailing from the northwest). Denial of rice is thus a factor in keeping the girl hungry. The feeding with leftovers is another common syndrome. Similarly, unsubstantiated accusations of theft is a widespread form of abuse of domestic workers, who are particularly vulnerable to such abuse because their workplace is the home.

Further, dependence of the live-ins on their employers for everything from food to sleeping quarters, functions also as a form of confinement, as well as the long hours of work that leave them desperately tired and physically depleted. On top of these are the particular humiliations and insults that cut into their basic identity as workers. The continued absence of any regulations governing the working conditions of domestic workers leaves such abusive practices completely unchecked.

## V

### Wages and Working Conditions

As discussed earlier there are sectoral and occupational concentrations of workers that emerged from the survey. Further there were specific destinations across sectors. For agriculture and construction, destinations were closer. In or near Bhubaneswar and Cuttack were the prominent locations. For paid domestic work, Mumbai and Kerala were the prominent locations followed by Bhubaneswar.

*Table 18: Destinations of Migrant Workers across sectors*

	<i>Agriculture</i>	<i>Construction</i>	<i>Dairy and poultry farming</i>	<i>Manufacturing</i>	<i>Paid domestic work (cleaning)</i>	<i>Other, specify</i>	<i>Total</i>
<i>Around Bhubaneswar</i>	72.2	51.7	25.0	18.2	15.6	10.0	34.2
<i>Mumbai</i>	5.6	3.4	0.0	0.0	31.1	30.0	16.2
<i>Kerala</i>	0.0	3.4	0.0	9.1	20.0	10.0	9.4
<i>Tamil Nadu</i>	0.0	10.3	50.0	0.0	4.4	0.0	6.0
<i>Bangalore</i>	5.6	10.3	0.0	9.1	0.0	0.0	4.3
<i>Around Cuttack</i>	16.7	0.0	0.0	0.0	4.4	0.0	4.3
<i>Goa</i>	0.0	6.9	0.0	0.0	4.4	10.0	4.3
<i>Calcutta</i>	0.0	0.0	0.0	9.1	4.4	10.0	3.4
<i>Surat</i>	0.0	0.0	25.0	9.1	4.4	0.0	3.4
<i>Hyderabad</i>	0.0	0.0	0.0	9.1	4.4	0.0	2.6
<i>Others</i>	0.0	13.8	0.0	36.4	6.7	30.0	12.0
	100	100	100	100	100	100	100

Source: CWDS/LSHTM sample survey (Migration Questionnaire)

There were clear differences in terms of the nature of domestic work by destination – Mumbai and Kerala the dominant destinations for migrant domestic workers from the study area, were all live-in workers while in Bhubaneswar, there were live-out workers also.

*Table 19: Employment Status of Migrant Workers*

<b>Employment Status</b>	<b>Male (%)</b>	<b>Female (%)</b>
Casual Wage Labour	87.9	57.5
Regular salaried	11.9	35.4
Own account	0	2.7
Unpaid helper	0	3.5
Currently not working	0.2	0.9
<b>Destination</b>		
Rural	10.5	12.6
Urban	89.5	87.4

Source: CWDS/LSHTM sample survey (Migration Questionnaire)

Although the destination of the overwhelming majority of migrant workers were urban areas (90% of men and 87% of women migrants were migrating to urban destinations), the predominance of casual labour among them suggests that labour circulation might more appropriately reflect the nature of their migration, even though by duration of stay at destination exceeding 10 months, they may be considered medium term migrants. Casual labour predominated in construction, agriculture, and loading work in manufacturing concerns.

A higher proportion of regular workers among women migrants is congruent with the proportions of domestic workers among them. Yet, despite the fact that they receive regular salaries, the evidence from the migration histories of some of the interviewees show changes in employers, changes in destinations, long hours of work and no protection against coercive conditions. With reference to wages, again the interviews show that most of the workers receive wages below the statutory minimum. A few relatively higher wage islands exist in the

midst of a larger picture of low wages that are often not paid to the worker herself, and in an occupation where no regulations of working conditions exist.

*Table 20: System of Wage Calculation across sectors of Migrant Workers*

Sectors	Daily	Weekly	Monthly	Never paid	Total
Agricultural labour	94.1	0.0	5.9	0.0	100
Construction labour	88.0	8.0	4.0	0.0	100
Dairy and poultry farming	100.0	0.0	0.0	0.0	100
Manufacturing	18.2	0.0	81.8	0.0	100
Cook	0.0	0.0	100.0	0.0	100
Paid domestic work	8.3	0.0	88.9	2.8	100
Carer, paid (child and elder care, etc.)	25.0	75.0	0.0	0.0	100
Other, specify	16.7	0.0	75.0	0.0	100
	42.5	4.4	52.2	0.9	100

Wages and working conditions of many of the sectors where migrants work are known for exploitative conditions and wages, irrespective of the destinations of work. The system of wage calculation differed across sectors with manufacturing and domestic workers mostly paid on a monthly basis while construction and agriculture workers were paid on daily wage calculation – but many were paid weekly or after the completion of the work. However, domestic workers who were live-out workers in Bhubaneswar reported payment according to daily wage calculations. Domestic workers who were paid on weekly basis were all into care work, mostly taking care of children or elderly primarily and were based in Bhubaneswar. One domestic worker reported that she was not paid at all while working in Goa. Working since 2001, she

was taken for work at the age of 6 years and was never paid, though some money was given to the relative who took her to Goa.

Wages across occupation varied across and within sectors. The lowest wage reported for domestic workers was Rs. 300 (a part time worker in Bhubaneswar) and 4 domestic workers were earning less than Rs. 1000. The highest wage reported was Rs. 12,000 by a worker in Mumbai. Between these extremes, concentration in terms of wages is visible in the range of Rs. 4000-6000. In general, wages in Kerala, one of the destinations of domestic workers was found lower than that of Mumbai. This could be the reason as to why some domestic workers who have migrated to Kerala in the beginning shifted to Mumbai in the subsequent rounds. Wages for workers in manufacturing was mostly in the wage category of Rs. 4000-6000 with one worker employed in the garment industry in Bangalore reporting Rs. 14000.

**Table 22: Monthly Wages across occupation of Migrant Workers**

Monthly Wage/Income	Agricultural labour	Construction labour	Manufacturing	Paid domestic work	Other, specifically	Total
Less than 1000	-	-	-	4	0	4
1000-2000	1	0	1	1	0	3
2000-3000	0	1	0	8	0	9
3000-4000	0	0	1	4	0	5
4000-5000	0	0	3	6	2	11
5000-6000	0	0	2	8	1	11
6000-7000	0	0	0	4	0	4
7000-8000	0	0	1	4	0	5
Above 8000	0	0	1	1	1	3
	1	1	9	40	5	55

Source: CWDS/LSHTM sample survey (Migration Questionnaire)

Daily wages for agricultural workers ranged between Rs.70 and Rs. 250 (one worker each) with a concentration in the wage cohort of Rs. 100- 150 with about 60 per cent of workers in this category. As discussed earlier, the main destination for agricultural work was the areas and nearby villages in the Bhubaneswar to Cuttack area. Construction workers were more dispersed and their wages were on the average slightly higher than that of agricultural workers; 55 per cent in the wage category of Rs. 150-200, but there were 3 workers receiving less than Rs 150 a day and the highest wage reported was Rs. 275. Two workers employed in manufacturing also reported daily wage as the norm, with wages Rs. 200 and Rs.220 respectively.

Though wage calculations were made on a monthly, daily or weekly basis, wages were not always paid on an individual basis. This was especially in construction where 7 workers were paid either as a couple or family unit. Further, 6 workers, 3 domestic workers, 2 agricultural workers reported of deductions from wages by the employer.

**Table 21: Systems of Wage Payment across sectors**

	Individually	Couple based	Family unit based	All
Agricultural labourer	100.0	-	-	100
Construction labourer	75.9	20.7	3.4	100
Dairy and poultry farming	100.0	-	-	100
Manufacturing	100.0	-	-	100
Cook	100.0	-	-	100
Paid domestic work	93.9	-	6.0	100
Carer, paid (child and elder care, etc.)	100.0	-	-	100
Other	83.3	-	16.7	100
All workers	90.3	5.8	3.9	100

Source: CWDS/LSHTM sample survey (Migration Questionnaire)

On other working conditions such as hours of work, weekly offs and overtime, 7 workers reported an absence of any leave and they were mostly domestic workers. Part time domestic workers and few agricultural workers reported less than 8 hours of work and 23.1 per cent of workers reported 8 hours as the normal hours of work. Two domestic workers who are live-in workers reported more than 15 hours of work. Construction workers and workers in manufacturing had long working hours of 10-12 hours.

7 workers, who were all domestic workers (about 17 per cent) reported of absence of any leave. However, 8 live –in domestic workers reported having a day or half day off in a week. As the system of employment contracts in the construction and agriculture was different, weekly offs was not prevalent. Among workers in other sectors, if employed on a monthly basis, one day weekly off was reported.

The quantitative data captures the larger picture, but the life experiences of conditions come out in the interviews. Many of the women interviewed who had worked in construction observed that the work was heavy and difficult.

*Long Hours of work in construction, no off day in agriculture*

Expressing the long working hours and harsh conditions, a construction worker aged 40 years shared:

*We wake up at 5.00 in the morning. After a few other household works we used to cook. Around 9 AM we set out to work. We walk to the workplace if it's a nearby one. If the workplace is a little far the owner provides money for travel. We begin working at 9 or 10.00am. It is really painful to carry concrete. We stop working at 1.00pm for lunch. We take rest for a while after having some food that we had carried with us from home. Again we work for three hours from 3.00pm to 6.00pm. [Interviewee code name 5N]*

On long hours of work and absence of off days, one agricultural worker aged 60 shared:

*There was no holiday in our work and I'm not payable if I'm not coming to work. At that time I went to work from 6:00 am in the morning to 6.00pm in the evening. Thus, it is a*



*12 hours work. My employer gives us food for three times a day. [Interviewee code name 6S]*

On the other hand, a 35 year old women migrant working in a poultry farm in Andhra Pradesh did not feel that her work as heavy. Yet her account of the long working hours and poor wages for work are revealing:

*"Normally, I used to wake up early at 6.00am. After preparing food for my children I would start for work around 8.00am. I used to leave my children back at home and would visit them intermittently after completing the assigned work over there at the farm. The owner never said anything. We would work from 8.00am to 2.00pm. We would work again after having our meal at 2.00pm. We didn't use to take rest as it was not heavy in nature or difficult. I would collect eggs, clean the feeding trays and hold the chickens while the chickens have to be getting some injection.*

*I used to love the work but the foul smell of the chicken farm was unbearable.*

*Earlier I didn't know Telugu. I could understand Hindi. But, Telugu remained a problem to understand this language.*

*The farm owner assured to pay us on a monthly basis with Rs.110/- for a day's work. We had to bear our expenses for food.*

*The owner was not a good person. I could not understand what he used to say. For this reason he could keep our wages pending and never pay on time. I don't know much about him. We used to work every day with no holiday whatsoever.*

[Interviewee code name 21S]

### *In private households: when workplace and residence combined*

Where the form of labour combines residence and worksite as in the case of live-in domestic workers, provision of adequate food is an assumed part of the wage contract. Yet, the feeling

of being starved is a recurrent theme in the interviews with domestic workers. One domestic worker aged 22, recalled her experience in Hyderabad:

*“I was doing all the household work there, like, cleaning the floor, washing the dishes and clothes by hand and cooking. I used to wake up at 6.30am. Then I finish all my personal daily rituals and prepare breakfast. There were a husband and wife, and their two daughters. They used to eat their breakfast first. Then, I got to eat if something was left. Otherwise, I had to starve at times until the lunch time. I had to prepare the lunch for them. Madam served the food to me. I was not allowed to take the food on my own. Thus, I had faced difficulties there even for a sufficient amount of everyday food.*

*One day, I was very hungry and had eaten two biscuits from the kitchen without actually asking anybody. .... Then, Madam scolded me a lot and asked me not to eat anything without permission. She said that, she had bought those biscuits for her daughters.*

A teenager domestic worker speaking of her experiences as a child worker in Bhubaneswar shared:

*'There I had to wake up at 6.00am. Because I had to prepare breakfast (sattu, bread, pao, banana, milk etc.) for the child and all. I had to also get the child ready for school. She used to go to school at 7.30am. Then I had to clean the house, sweep the house, dusting and everything...also had to water the garden. Then I had to cut the vegetables and arrange the materials for cooking. Then after coming from the temple my madam cooked lunch. Then she went to school at 10.00am. Then I had a bath and had to clean the utensils, the kitchen. The clothes were washed in a machine. So I only had to put them in the sun to dry. I had to iron them. At 1.30pm the girl came from school. I had to feed her lunch. Then at 2.30pm my madam's husband came for lunch. Then I had my lunch. Then I had rest for some time. My madam came from school at 4.00pm. In the evening I had to again clean and sweep the rooms. Then I played for some time with the child. I had to make tea and to serve them as well. By that time it was already*

*7.30pm. So then I had to prepare dinner. I made the roti and cut the vegetables for dinner. My madam only cooked the curry or fries etc. for dinner.*

*After dinner I cleaned the kitchen and utensils also. By that time it was already 11.00pm and time to sleep. I felt so tired. [Interviewee code name 50A]*

22 year old domestic worker elaborates various forms of harassment implicit in the conditions of work

*I was getting up at 4.00am. I was not able to sleep properly because I was afraid of getting scolded for waking up late in the morning. I was also afraid of getting fired if they found me lazing at any time.*

*I did not know the use of telephone. My lady employer did not allow me to use their phone. So, it was not possible for me to contact my parents.*

*The lady employer scolded me rudely if she found any fault in the work. She insulted me on several occasions. Her comments were hurtful like, “you have never seen such a grand house, never tasted such delicious food, never seen such costly cloth etc”. She derided my poverty and paucity. But I tried not to pay much attention to all of these. I rather tried to concentrate on my work. I tried to take her sharp words in a rather light manner.*

*I prefer rice. Rice eating is a habit since my childhood. But, they did not eat rice in their meals. They also did not allow me to prepare rice either for them or for me. ... They did not want me to cook rice separately for me alone. I was upset and missed rice in my daily diet there. I was sad for not getting my staple food. I tried to adapt to the new food items and soon got accustomed whatever meal I was given there....*

*Madam used to scold me for some reason or other. But, her husband advised her not to behave in such a bad manner. He was never rude to me. Moreover he is a gentleman. The children were good to me. [Interviewee code name 42M]*

Not all domestic workers were employed in homes and hence were engaged in a range of activities other than household cleaning and cooking, as shared by a worker at a convent in Kerala:

*My day started at 5am there. I took a bath and went to church for a prayer. Then I helped in making the breakfast. After taking the breakfast they [the nuns] went to school. After that we washed clothes, cleaned the utensils, cleaned the kitchen, gave food to the pigs, grass to the cows, swept the whole convent and prepared the lunch etc. We also gave food to the rabbits and dogs there. We also grass for the cows. In cooking there was much use of coconut. So we had to grind the coconuts by hand. It was very hard work there. Then they [the nuns] came at 2pm for their lunch. After they had their lunch, we would eat ours, then clean the kitchen and the utensils. Then we had to collect a kind of fruit which has used as a medicine. So we had to clean and dry them in the sun.*

*Then I also had to water the flowers and the vegetable garden. So there was no time left for rest. Then we prepared tea and also served them. They also eat boiled tapioca, sweet potatoes at tiffin in the evening. So we had to bring the sweet potatoes and clean them. Then we had to prepare dinner. We cut the vegetables, cooked the rice, roti, dal and curry for them. Then at 8pm after taking a bath we went for prayer. Then we all had our dinner. After that we had to clean the utensils and the kitchen. By then it was almost 10.30pm and time to go to bed. [Interviewee code name 50A]*

For such a 14 to 15 hour workday, this 14 year old girl (at the time) was paid a wage of Rs. 3,000 per month.

*The Organised Sector: elements in working conditions of young women migrants in factories*

Evidence regarding working conditions of migrants in factory work is limited in this study. Only one of the interviewees was working in a garment factory in Bangalore and another had earlier worked in the packing department of a garment factory in Coimbatore/Tamil Nadu but had moved to domestic work later. Some explanation for the missing middle in terms of the age profile of manufacturing workers may be found in the following account.

Speaking about her experience in Coimbatore the worker said:

*There, the duty hours stretched from 8.00am in the morning to 8:00 p.m. in the evening. We ate at the company canteen.<sup>33</sup> I was getting a monthly wage of Rs. 7500/-. The entire cash amount was handed over to me... I was initially told to work in the company till 5:00 p.m. but, they used to ask us to stay back and work till 8:00pm. That was too much of tasking. Tell me, who would work for 12 to 13 hours in a day! Then, I decided to switch from that company.....There were a total of around 40 to 50 girls staying in that company's accommodation. [Interviewee code name 62S]*

Similarly, long working hours were reported for a plastic toy factory near Bhubaneswar:

*I cannot remember the name of that company where I worked, although it is a big company. There were more than 300 girls like us working there. There were also a lot of men. ... I felt a bit sad and lonely at the beginning but gradually, I made friends and adjusted to the situation. ... I was living at a hostel where there were only girls and widows. There were no families staying there. After two months of staying at the hostel and eating the hostel food, some of us decided to cook our own food. ...Hence, me and L were cooking together and sharing the food.... We were 8 to 10 girls in each room in the hostel. Our hostel was a safe place for us. There are guards who remain at the entry points of the hostel. No boy could enter inside the hostel....*

*I used to wake up at 6.00am....complete my daily routine...and leave for the company at 9.00am. I came back to hostel for our lunch from 2.00pm to 3.00pm. And again I had to go to the factory [by 3.00pm]... At 6.00pm we would go to the nearby market for tea and snacks. We returned for duty and then at 9.00pm we came back to the hostel. Thus, we were engaged for 12 hours duty ... [Interviewee code name 26R]*

For this 12 hours, she was paid a wage of Rs 6500/-per month of which Rs 1500/- was deducted for boarding, and 2000 for lodging. Her friend and co-worker added:

*I was getting my salary on time. ...C.C cameras were installed for observing anything suspicious..... We had no chance to cheat or loiter. They scolded us for any mistakes*

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<sup>33</sup> In an earlier round of interview she had said that the food was good – dal, vegetables, fish and meat.

*made, directed us to concentrate on the work and not waste time. But they never harassed us. We did not face any difficulties during working period. We were living happily. ..co-workers were very cooperative too. We took advances from the owner when necessary.*

But based on her experience at that factory, the same girl who in an earlier round of interview had said that she didn't like working in the plastic factory and had asked her contact in Bhubaneswar to get her a job at another place, after which she returned to her village, concluded by saying:

*I was called by a lady of Udayagiri to migrate to Kanyakumari and she offered work. The salary was very attractive. I would get between from Rs 8000/- to Rs 9000/- as salary..... But I refused to accept the offer because I am not interested in working so far from home. Secondly, my parents would not agree...*

*We have the right to engage ourselves in different sectors... But I shall not go. We feel free here. In the village we go for work according to our own interest and will. ...One does not need to rent a house. ... Here we are free from tension, survival issues, barriers etc. We get ample scope of liberty at home. But outside we have to finish our work in time. [Interviewee code name 15L]*

On the other hand, another young woman who had been trained under skill development programme and was working in Bangalore felt more adjusted to her life there. Her story brings out another aspect of organized sector employment. First, she was oriented to working according to industrial time through a residential skill programme:

*I had been to Aska for a two month stitching course... with two of my friends. We enjoyed our hostel life a lot. This course was free of cost. ..The course was for 2 months. My class was from 10.00am to 5.00pm.*

*In hostel they gave us breakfast like puri, idli etc. at 1 pm they had given us our lunch, and it was rice, dal and some curry. After eating our lunch we went again for our class. In the evening at 8 pm they had given us our dinner like rice, dal and some fries. At 10 pm we all went to sleep there. So hostel life was very good. I will never forget that.*

*Then the teachers of the institution had advised us to go to Bangalore for jobs.*

How did she go?

*We together went to Bangalore with our stitching teachers by train. We didn't pay anything. Our fee was given by the teachers.*

On her conditions of work at destination, the information is sketchy, and unfortunately despite several efforts in her village and attempts to meet her in Bangalore, we were unable to have more than one round of interview. Nevertheless, the low wage that she was receiving may be noted, and the evidence of a number of girls from her district in the same situation

*There I stay in a hostel. My working hours are from 9.00am to 6.00pm. We cook there by ourselves. 8 of us are staying in one room. All of us are Odia and others are from Aska. In the morning we cook rice and curry. We take that as breakfast and also we pack this for our lunch. After returning at 6 pm we cook curry and prepare roti for dinner. Then I have my dinner at 10 pm and at 11pm I go to bed.*

*I am getting 3000 rupees per month for my work. My work is to write down all the information about the bills. [Interviewee code name 22S]*

The three girls whose testimonies are presented above were unmarried at the time of the first round of interview. The arrangements for their stay are also for single women and suggest a preference for young unmarried women who would be expected to not continue to work in these factories after marriage. Employment is therefore oriented towards the temporary, and raises the question of how organized sector employment is no longer offering secure permanent jobs.

## VI

### **The Policy Dimension**

How does the evidence from the field study relate to the policies and interventions at state and national levels? We need not dwell here on the broader realm of economic policies, notwithstanding the fact that the mismatch between growth and employment as an outcome of the prevailing economic paradigm of development is fundamental to understanding the migration and mobility patterns in India. In this study, we have focused on the labour and trafficking policy frameworks and the relationship between skill development and women's migration. Arguably, these three elements of policy are at a new crossroads in India. Labour Policy frameworks, earlier determined by the practice of tripartism in interaction with economic policies and priorities, are in the process of undergoing drastic change involving fundamental reconfiguration of labour laws towards bringing them in line with ease of doing business priorities. Anti-trafficking laws and policies are being redefined by a shift away from a preoccupation with sex work/prostitution to a new emphasis on forced labour, bringing criminal law, police raids and rescues, and surveillance/intelligence based institutions into the field of labour migration. Skill development policies have adopted a government funded but privatized model of implementation, bringing in a variety of new private interests, through which many principles of past practice and governmentality are being overturned.

In such a fluid context, understanding the particularities in the range of policy responses to the factors determining women's migration, to the modes of their migration, the dynamics of recruitment and intermediation involved and related gender concerns and experiences, acquires a special salience. Labour policy, anti-trafficking frameworks, and skill programmes geared to migrant occupations/destinations are thus approaching an intersection that perhaps requires more integrated frameworks and perspectives. Yet it must be said that even in their separate tracks, the entire policy field is marked by such a state of flux that it is difficult to arrive at any stable point for integration. Nevertheless, a survey of the field of policies does throw up some possibilities that may be explored and taken forward. Odisha, which stands on the frontlines of migration policies in India, provides a particularly interesting context for such an exploration.



### *Odisha: a Frontline State in Migration Policy*

As a state sending out large numbers of migrants over several decades, Odisha has long been in the forefront of labour policy initiatives for migrant workers in India. The state pioneered the first legislation on *Dadan* Labour in the 1970s - which laid the ground for a central law on inter-state migrant workers.<sup>34</sup> More recently, it initiated non-legislative institutional arrangements with states receiving migrant workers from Odisha, and has even more recently formulated a 'State Action Plan for Safety and Welfare of Inter State Migrant Workmen'. The state has thus played a significant role in leading legal and policy discourse in relation to migrant workers in the country. But as is the case for approaches to labour in general, gendered forms of unfreedom and inequality have yet to be addressed by the evolving labour policy frame for migrants of the state.

At the same time, the state's initiatives must needs be located within larger uncertainties that permeate India's labour policy terrain in general. At the level of the Centre's legislative domain, 44 labour laws are in the process of being restructured and amalgamated into 4 labour codes. While the final contours of the proposed codes are still in the process of being defined, a host of other changes in fundamentals of law and policy towards labour have already been effected through executive orders by the central government.<sup>35</sup> These have injected new questions and uncertainties that cannot but impinge on the frame of state government policies towards migrant workers. The role of the state of Odisha in labour policies towards migrant workers, its gender dimensions, relationship with central labour laws and policies, and how the state relates to the policy flux at the national level, is still an unfolding story. The following account of some key developments with respect to migrant workers, focuses on some significant tendencies.

The Orissa *Dadan* Labour (Control and Regulation) Act, 1975 (ODLA), which was later superseded by the central law for inter-state migrants in 1979, defined *Dadan* labour, as

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<sup>34</sup>*Dadan* is a word of Persian origin which means advance, and the Orissa *Dadan* Labour (Regulation and Control) Act, 1975 addressed advance based tied labour migration.

<sup>35</sup> According to the Constitution of India, labour law and policy are located in the concurrent list, i.e., within the domain of both central and state legislatures and governments. The concurrent list includes Trade unions, industrial and labour disputes, Social security and social insurance, employment and unemployment, Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits.

labourers ‘recruited under contract (either express or implied) from the state of Orissa for doing any skilled, semi-skilled or unskilled manual work outside the state.’ Labour contractors and manual labour thus constituted the universe of ODLA, both of which remain typical characteristics of labour migration from Odisha to the southern states of India for brick making, construction, and plantations. The state government sought to regulate such labour contracting through registration and licensing of contractors under ODLA. Notwithstanding the broad definition of labourer in the Act, the sub-textual meaning of the term *dadan labour* (*dadan* means advance) signified a focus on debt based forms of peonage. It implied that the law was for workers who were recruited or tied through advance payments or in other words systems of labour mortgage.

The normative pattern in brick kilns across India, has been of recruitment of at least a man-woman pair (*Jodi*) or a mixed gender family unit, particularly for the task of moulding green or raw bricks. They are usually given an advance in their home villages by contractors well before the work season, which itself is usually six to eight months in a year. The advance lays the ground for debt induced family labour migration. Women have thus long been an integral part of the labouring units so recruited. Yet, like most other labour laws of its time, women workers or gender concerns weren’t specifically addressed.

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (ISMWA), which was the central legislation that replaced ODLA also addresses contractor recruited labour, and through the same mechanism of registering and regulating contractors.<sup>36</sup> The central law added specific provisions for a displacement and journey allowance for migrating workers, equal pay for equal work regardless of sex, provision of suitable residential accommodation, free medical facilities, protective clothing, etc. It augmented the bare provisions in the earlier state law which had only called for minimum wages and other conditions ‘not less favourable’ than other ‘employees in engaged in work similar in nature to that performed by the *dadan labourer*’. ISMWA also included some liabilities of the principal employer (at destination) and clearly states that any outstanding

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<sup>36</sup> The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 [ISMWA] was the central law that replaced ODLA. The destiny of ISMWA is itself uncertain as it is scheduled for repeal with most (but not all) of its provisions due to be incorporated in a consolidated labour code, and particularly in the Code on Occupational Safety, Health and Working Conditions, which is currently in a draft form released into the public domain by the Union Ministry of Labour.

amount of loan/advance after the contracted period of work, would be extinguished. In this, it drew on the iconic Bonded Labor System (Abolition) Act, 1976, which was the first labour law in India to explicitly define forced labour.

The extinguishing of any outstanding debt, was an advance on ODLA, where the issue of continuance of advance based debt when the contracted season of work was over, had been left ambiguous and subject to negotiation. And of course, while ODLA's jurisdiction was confined to contractors within the state of Orissa (now spelt Odisha), the central law also includes registration of destination based establishments employing recruits brought from other states by contractors. ISMWA was conceived as an intervention against labour bondage in migration. Yet, in common with the Bonded Labour Abolition law, it elides gender concerns and the specific elements of female bondage in labour migration.

ISMWA has been strongly critiqued for non-implementation by two national commissions, but substantive questioning from a perspective of gender did not find any place in such critiques.<sup>37</sup> A sidelining of gender remains the case even when a new phase of public action for migrant workers was initiated in Odisha from 2000 onwards that also sought to revive an almost dead ISMWA.<sup>38</sup>

### *Recent Policy Initiatives in Odisha*

It was concerns regarding the dropout from schools by children of seasonal migrant households from western Odisha who were making an annual trek to brick kilns in other states that kicked off the present phase of public intervention in the state. Tying into the turn of the century construction boom, *Jodis* were being recruited in hundreds of thousands from the poorer and

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<sup>37</sup> The definitive Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector (NCEUS, 2007) noted that ISMWA had been ineffective due to non-implementation and lack of awareness among workers. Very few enterprises and contractors have been registered under the Act and the record of prosecutions and dispute settlement has been weak (see page 165). Similarly, the Report of the 2<sup>nd</sup> National Commission on Labour (2002), had characterized it as most ineffectual. Regarding the Orissa Act, it was said to have 'remained merely in pen and paper without any evidence of its enforcement during its existence' Nanda, S K, Labour Scenario in Odisha, *Odisha Review*, May, 2017.

The absence of a gender approach vi-a-vis the ISMWA remains an issue, notwithstanding the frivolous amendment brought before parliament in 2011, which merely wanted to insert worker instead of workmen in the Act in the name of gender equality. The amendment was sent back for a more substantive and comprehensive review by the parliamentary Standing Committee on Labour (2011-12).

<sup>38</sup> At the policy workshop for this study in November, 2018, the official representative of the Odisha State labour department, Dr. B.B. Acharya, had argued that ISMWA was dying because of neglect, but could and should be revived.

drought prone areas, and particularly what is referred to as the KBK region (undivided districts of *Kalahandi, Balangir, Koraput* in western Odisha) for 6 to 8 months of hard labour in the brick kilns in the southern states of Andhra Pradesh (then including Telangana), Tamil Nadu and Karnataka.<sup>39</sup>

In a sense, this initial concern set the tone for a local development and welfare perspective in the renewed focus on migrant workers. NGOs were asked to prepare a strategy to bring migrant children back into the fold of school education in 2000.<sup>40</sup> The strategy so led to the opening of ‘seasonal hostels’ for the children of migrants in migration prone districts of Odisha.<sup>41</sup> It also led to experiments with sending primary school level teachers from the state to some brick kilns in Andhra Pradesh for onsite education in Odia language.<sup>42</sup> An extension of Odisha state government interventions into destination states was a novel idea at the time, and propelled new institutional engagement of the labour departments of Odisha as a sending state with destination states, primarily in southern India.

At the same time, evidence of debt bondage and child labour in brick kilns were pouring in and highlighted by human rights activists and NGOs in the state. Reports included horror stories of how women and children, and particularly pregnant women, had been subjected to physical abuse in destination areas, prevented from returning home, and of perinatal mortalities. Raids carried out by destination state labour departments led to repatriation of some migrants to Odisha, but these had little effect on the continued seasonal outflow of migrants from the state, with even repatriated workers feeling compelled to migrate again in similar debt bonded conditions.

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<sup>39</sup> Migrants were also recruited from the same area for the brick kilns in coastal areas, but it was their migration to the southern states, and particularly Andhra Pradesh (then undivided) that was most in focus.

<sup>40</sup> Umi Daniel (2009), ‘Far from home-close to education’ <http://orissamigration.blogspot.in/2009/> Daniel mentions that in 2000, the former district collector of Balangir and the district project director of DPEP (District Primary Education Programme) requested the NGOs and civil society organisations to devise a comprehensive strategy to bring back migrant children into the fold of school education.

<sup>41</sup> The seasonal hostel generally starts from the month of October and ends in the month of June. The hostel is residential at source point and non-residential at destination point in work site. By 2015-16, 255 such seasonal hostels catered to 9800 children. <http://opepa.odisha.gov.in/website/Achievement8.aspx>, accessed in March, 2017.

<sup>42</sup> For an account of such initiatives, see Umi Daniel (2009) ‘Far from home-close to education’. In his presentation at the CWDS/LSHTM workshop in November, 2018, B.B. Acharya, consultant in Odisha labour department, mentioned that the initiative for onsite education in Odiya in destination states was facing the difficulty of lack of textbooks in Odiya since it is not provided for under the Sarva Shiksha Abhiyan, the Central Government’s flagship programme for universalization of elementary education in India.

In 2011, a special Memorandum of Understanding (MoU) with regard to migrant workers was signed between the Government of Odisha, the Government of the then united state of Andhra Pradesh (AP), and the Government of India, through a process facilitated by the ILO. This was an important initiative since it opened up possibilities for concerted action by the governments of a sending and a receiving state, with the potential to provide legal protections for workers of an otherwise defunct ISMWA. As it happened, following the bifurcation of Andhra Pradesh, the MoU process could not be taken further. Since then, discussions between labour departments of Odisha and of Tamil Nadu, Andhra Pradesh, Telangana and Karnataka have moved towards establishing 'Help Desks' for migrants from Odisha through institutional cooperation between the labour departments of Odisha and the destination states.<sup>43</sup>

Brick kiln workers have been central to the renewed policy focus on migration in Odisha, and most of the government and non-governmental initiatives from the state are still mainly directed at this one category of migrant workers. In the several reports of the conditions of brick kiln workers from Odisha by human rights activists and journalists, much was written about the plight of women and children in brick kilns.

Yet, some crucial characteristics of female labour in the brick kilns have remained outside the focus of otherwise ground-breaking initiatives. For example, the wage setting mechanism of piece rates (including in minimum wage notifications) that ensures that women who work in family labouring units are deprived of any individual wage has not received due attention.<sup>44</sup> Piece wages in brick kilns are paid to the male head of a family labouring unit for a product involving the labour of men and women.<sup>45</sup> The denial of an independent wage for women workers is not addressed in the reports written by a range of organizations, which otherwise detail human rights violations and exploitative mechanisms. Contractors do not negotiate with women, even when they explicitly recruit them as part of male female pairs (*jodis*). The

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<sup>43</sup> The four southern states where such help desks of the Odisha Government have been located in the labour offices of destination states are Andhra Pradesh, Telangana, Tamil Nadu, Karnataka. In Delhi the help desk of the Odisha Government is not however, linked to the Delhi government's labour department. Source: Govt. Odisha, Annual Activity Report of the Labour & ESI Department, 2012-23, 2015-16, 2016-17.

<sup>44</sup> In brick kilns, minimum wages for the tasks of moulding bricks, loading raw bricks and unloading baked bricks, etc. are set per 1000 bricks.

<sup>45</sup> Even though the piece wages may result in an income for the household that is slightly higher than a time rated minimum wage of a single male, nowhere is it equivalent to the sum of time rated minimum wages for each member of the labouring unit.

absence of women in the wage negotiating process has been discussed by some of us in an earlier paper.<sup>46</sup> We do not wish to belabor this point further, yet, it remains a matter of note that policy has remained silent on the denial of wages to women in the very industry that has been so central to public debates on migrant workers in Odisha.

Why there is such a persistent silence on the matter of women's wages when otherwise the rhetoric of women's empowerment has become so universalized and central in policy pronouncements is indeed curious. Is it because wages are not considered a women's issue? Or is it because the exploitative nature of piece rates is yet to be confronted by labour policy? If piece wages were paid to each individual member of the laboring unit, would it not become obvious that the daily wage per worker would be well below time rated minimum wages for any unskilled workers? What is the nature of the social agenda for women's empowerment if it fails to address the mechanisms of denying women workers the right to minimum wages for their labour? Why do contractors for brick kilns insist on negotiating only with male *mukhias* (heads) and never with women directly?<sup>47</sup> Is it fear of moral censure against women acquiring an independent status as workers rather than as wives, daughters, or even mothers forever under the aegis of a male family member? Or is it because the contractors and the principal employers they serve would have to pay more if each member of the labouring unit was paid their due? Is it that governments and their labour policy find such ways of profit maximisation acceptable? These are indeed reasonable questions to be asked of the several stakeholder organisations and institutions that have been so active in relation to brick kiln migrants.

It is true that the poverty and distress that compel mortgaging of labour through advances are indeed of families or households. The grounds for acceptance of the advance and the purpose

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<sup>46</sup> For a discussion on this, see Agnihotri & Mazumdar, 'Dusty Trails and Unsettled Lives: Notes on Women's Labour Migration in Rural India' *Indian Journal of Gender Studies* 2009 16: 375. Based on their field investigations in Balangir, Odisha, the authors ask. "Is it only patriarchal prejudice that drives the sardar to say that he will not negotiate with the woman? Is the 'jodi' unit in pathri work a modern day transposition of an earlier mode of household production or is it a mode of extracting unpaid work wherein the labour of the woman is written into the contract even her wage entitlement remains unstated despite overt visibility to her labour. And how, for that matter, is the 'jodi' constructed. Of course the marital unit forms the standard, but what of the units that are formed by ensuring that a sister-in-law, unmarried daughter, mother, even an old widowed mother-in-law are enlisted to ensure that the unit can function. The basis of wage negotiation is linked to the unit of work as envisaged in the scheme of work process organization. That is the key to the extraction of surplus in this sector where informality is virtually defined by the removal of women from the contractor worker negotiating process."

<sup>47</sup> Ibid. A contractor is quoted as saying "We cannot enter into direct agreement with women because we can't take responsibility because there can be risk for women. The agreement has to be with the male mukhia."

it serves may also be family based. Women may even be part of the decision making process in relation to the advance. Further, quantifying the individual values of wage work in family labour is also difficult. All these elements do not make for easy answers or solutions. Yet, the side-lining of women in wage payments and negotiations combined with the piece rate mechanism, also lays the ground for wage depression by making invisible the woman's presence as an employee. If the process of negotiating with the male *mukhia* reinforces patriarchal social norms and it also works as a profit enhancing mechanism for brick kiln owners. It is our contention that patriarchal social norms, married to profit maximisation makes for particularly gendered forms of coerced labour that are uniquely hidden. Such invisibility is then carried forward into policy making processes, of which the absence of gender in labour policies towards migrant workers in brick kilns is just one example.

Since migration to brick kilns is not a feature of the sites in Ganjam, the above discussion may not relate directly to the field research findings. Nevertheless, the blindness to gender in labour policy that arises from the discussion above, including in new initiatives for migrant labour, are indeed pointers to the several vexed questions that relate more directly to the field findings of this study.

#### *Focus on Individual Women's Migration yet to develop in Labour Policy*

Issues that have emerged from the CWDS/LSHTM Ganjam study, include evidence of a momentum to young women migrating alone or in peer groups for employment as domestic workers in Mumbai, Delhi, Kerala, etc. The phenomenon of women migrating alone or in all female groups, has yet to enter the framing of labour policy in Odisha, and receives a focus only from an anti-trafficking perspective. Interestingly, the state labour department provides financial support to the Integrated Anti Human Trafficking Units (IAHTUs) that function under the district superintendents of police (SPs). The tendency to frame the streams of individual migration by women as trafficking remains deep rooted in the body politic of the state, despite the fact that at another level, there has been policy support to and public funding of training and placement of young women in industries and occupations outside the state, which is not included in the framework of trafficking.

For example, Odisha has been at the forefront in implementing the Deen Dayal Upadhyay Grameen Kaushal Yojana (DDU-GKY) under the Union Government's Ministry of Rural

Development, which is a government funded skill training and placement scheme for boys and girls from **BPL** households. The scheme's target is the 15-35 age group, and placement is explicitly in forms of wage employment that are implicitly in the private sector.<sup>48</sup> Odisha has in fact been winning successive awards for the best performance under DDU-GKY for training and placing the highest number of workers in comparison to other states. The state also has the highest number of 'business partners' (private project implementation agencies) for DDU-GKY<sup>49</sup> and is number one in disbursement of payment instalments to them.<sup>50</sup>

ORMAS (Odisha Rural Development and Marketing Society) is the institution tasked with overseeing and implementing DDU-GKY in the state.<sup>51</sup> We were informed by the deputy director of ORMAS, that in order to prepare young girls for adjustment to alien surroundings when they are placed in jobs outside, the training programme has been made fully residential in Odisha, precisely so that the trainees get used to staying away from their families and villages. We were also informed that more than 75 per cent of the placements under DDU-GKY were outside the state, and that across the last three years boys were outnumbered by girls in the outside state placements. From 2014 to 2018, a total of 54,683 girls had been trained under DDU-GKY in Odisha, of which 33,976 had been placed in jobs, overwhelmingly outside the state.<sup>52</sup> Incidentally, the figures up to January, 2019, available on the ORMAS website, showed that while girls were 41 per cent of the trainees, they were 51 per cent of the placements.<sup>53</sup>

Skill training and placement programmes in partnership with private sector industries have a longer history than DDU-GKY in Odisha and were earlier implemented by a variety of institutions and agencies such as the District Rural Development Agency (DRDA), the State

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<sup>48</sup> The upper age extends to 45 for some specific category of candidates including 'rehabilitated bonded labour and victims of trafficking.'

<sup>49</sup> Under DDU-GKY Government pays the project implementation agencies per candidate plus some additional incentives. Per candidate costs that are provided are by categories maximum of Rs 23,270 per candidate for 3 month trainings, 46,540 for 6 month trainings, 69,811 for 9 month trainings, and 93,081 for 12 month training. At the minimum end (depending on location and characteristics of course), they are paid Ts. 16,588 for 3 months, 33,170 for 6 months, 49,766 for 9 months and 66,355 for 12 months.

<sup>50</sup> See <http://www.ormas.org/content/19/29>

<sup>51</sup> ORMAS was established by the Odisha Government department of Panchayati Raj and Drinking Water.

<sup>52</sup> Source: Presentation by deputy director ORMAS, Dr. Sanghamitra Nayak in the Odisha policy session at the CWDS/LSHTM workshop on Nov. 27<sup>th</sup> 2018.

<sup>53</sup> <http://ormas.org/content/19/32>, accessed on 31.01.2019.



Employment Mission, etc. in partnership with private industry. So the model of training in Odisha and placement outside has a lineage that is more than a decade old.

At present however, the fully government funded but completely privately implemented model of the DDU-GKY, has created a new benchmark in the policy regime. Without any oversight by the tripartite mechanisms that are standard in labour policy frameworks, there is a real danger of the skill and placement programme spawning a profiteering nexus between the DDU-GKY project implementation agencies and private employers, leaving the women trainees without any counter to or protection from exploitative working conditions.<sup>54</sup>

The significant numbers of women workers who have been encouraged by skill development programmes to migrate from Odisha has added momentum to migration by young women that emerged from our present field study. It may be that the skill programmes are feeding organized industry, while more unorganized forms of employment that are designated as unskilled (such as paid domestic work) are more prominent in our study area. However, what is common is that the mode of migration is of individual women/girls without their families, and that labour policy with an emphasis on labour rights has not engaged with either stream. Anecdotal evidence suggests that the skilled trainees mainly migrate to work in garment factories in all the southern states and some northern states as well, where exploitative conditions of work, violations of basic labour rights, and employing migrant girls for the purposes of wage repression are well documented.<sup>55</sup> In our study, violation of minimum wage law in the case of one such migrant was evident.

The need for a labour policy focus on single migration of women for unorganized forms of migrant employment, particularly domestic workers, takes even greater importance. The absence of any legislation or national policy for regulating the conditions of domestic workers

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<sup>54</sup> Some signs of such a nexus became evident when representatives of SEWA found that the written employment contracts of some of the women workers placed outside the state by skill development programme in Odisha, cited wages that were well below the statutory minimum wages of either Odisha or the destination states. (As reported by Nalini Nayak, General Secretary, SEWA Bharat in the CWDS/LSHTM workshop, Nov. 27<sup>th</sup> 2018).

<sup>55</sup> Noticeably, the issue of labour rights and working conditions does not appear among the challenges that in the list of challenges listed by ORMAS for DDU-GKY, which only include issues of “selection of right candidates for the right trade, training delivery as per industry standards, migration of trainees for placement, adaptation of trainees to new environment and post placement retention of candidates” Source of quotation: <http://ormas.org/content/19/32> accessed on 31.01.19

remains the most critical constraint. Although most of the destination states, and Odisha itself, have begun the process of bringing domestic workers within the purview of the Minimum Wages Act, enforcement procedures that can address the peculiarity of employment in private households are undeveloped, and there is as yet no central law or framework for regulation of the conditions of work in paid domestic work. It is therefore unsurprising that the exploitative conditions of migrant live-in domestic workers have tended to enter the policy domain through anti-trafficking interventions, rather than from a labour rights framework in both source areas in Odisha as well as destinations. That such a framework is inadequate for domestic workers has been discussed in an earlier section. It points to the need for a central legislation and policy for domestic workers as a key policy issue and the need for a greater focus on the labour rights of these workers.

*Aggravated uncertainties in labour law and policy: Decoding the Reforms agenda*

New uncertainties have been injected into the labour policy over the past few years by an accelerated restructuring of the labour policy regime at the national level under the rubric of what is often termed ‘labour reforms’. Integral to the agenda of neo-liberalism that has dominated India’s economic policies through successive governments from the 1990s, the thrust of these ‘reforms’ has been towards reducing regulatory controls restricting retrenchment of workers, removing restrictions on contractualisation and short term employment, increasing the permissible hours of overtime work, curbing the powers of the labour inspectors and the freedoms of trade unions, exempting increasing proportions of industries/establishments from the ambit of laws related to safety measures, health and welfare of workers, etc. Proponents of such ‘reforms’ argue that these are necessary for promoting economic growth and enhancing efficiency, flexibility, and competitiveness in national or international markets, all expected to lead to increased private - particularly foreign investment in India, which in turn is expected to provide more employment and thus benefit workers.<sup>56</sup> Critics argue that the logic of the reforms is flawed and point to the phenomenon of jobless growth. Some argue that a denuding of workers’ rights and sidelining of aspirations of workers

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<sup>56</sup> FICCI/AIOE, Suggested Labour Policy Reforms, 2014.

for a decent work regime with workers' rights/protections and social dialogue, has only led to consolidated and increasing resistance from workers.<sup>57</sup>

Running parallel to the reforms discourse, which primarily targets labour laws applied in the organized sector, there is much talk about the neglected conditions of unorganized workers. A special legislation for social security of unorganized workers enacted in 2008 however, did not expand the framework of their entitlements and merely incorporated some existing government health programmes as social security schemes for unorganized workers.<sup>58</sup> These were quite different from the conception of workers' regulatory and welfare needs as laid out in the sector specific law (BOCW Act, 1996) enacted for the typically unorganized workforce in the construction industry. The BOCW Act came into existence in the mid-90s, but drew on pre-reform conceptions of workers' rights and tripartite structures of labour laws. It was however left languishing without serious implementation for many years, requiring intervention by the Supreme Court to really get going.

Since 2015, the discourses on reforms and unorganised workers have fed into the reworking of existing labour laws into labour codes. As of 2019, of the 4 labour codes (Code on Wages, Code on Industrial Relations, Code on Social Security, and Code on Occupational Safety, Health, and Working Conditions), only one Code (on Wages) has so far been introduced in parliament.<sup>59</sup> Three other codes are still in draft form. These labour codes have emerged as the prime legislative arena for labour policy to take the reforms agenda forward, and have the potential to undermine even the limited initiatives taken at the Odisha state level.

Concerns regarding worker rights and representation: Although no detailed analysis of the codes is possible here, we may mention some concerns that are of special relevance for migrants and women. For example, ISMWA (which is one of the laws to be repealed or

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<sup>57</sup> Shyam Sundar, K R & Rahul Suresh Sapkal, 'Labour Law, Governance Reforms, and Protests: Are They Legitimate?', *Economic and Political Weekly* September 23, 2017

<sup>58</sup> Several commentators pointed out that the recommendations of the Second National Labour Commission (2002), the Report of the Petitions Committee of Lok Sabha, the Report of the Parliamentary Standing Committee for Labour and the Report along with draft laws prepared by the National Commission for Enterprises in the Unorganised Sector had all been ignored in the Unorganised Workers Social Security Act, 2008.

<sup>59</sup> Labour matters are largely in the Concurrent List in the Indian Constitution, i.e., within the jurisdiction of both the Central and State Governments. An architecture of central laws provides the backbone to labour laws in India. Some of these laws have state level additions/amendments. Various states have also legislated Independent state level labour laws for some categories of workers.

amalgamated), stipulates that migrant workers should be paid not less than other (local) workers in the same industry. While other elements of ISMWA have been incorporated in the draft Code on Occupational Safety, Health, and Working Conditions (COSHWC) that is set to repeal ISMWA, the above stipulation has not. Nor does it find any mention in the Wage Code. From the time when the first drafts of the labour codes became available (2015), trade unions have been arguing that replacement of earlier laws by these codes is depriving workers of some of their existing rights without adding any. In the case of ISMWA, this is certainly true.

With reference to special provisions for female workers, a similar process is visible. In the main, existing provisions for equal remuneration for same or similar work, maternity benefit of 26 weeks for organized sector employees, separate rest rooms and creches in establishments of some size, etc. have been retained at the level of principle in the Code on Wages and the Code on Occupational Safety, Health and Conditions of Work (COSHWC). No new benefits have been added, and the demand for regulation of working conditions for domestic workers that had acquired some momentum over the last two decades, has not been taken on board.

Domestic workers, for whom the National Commission for Women drafted a bill, have been kept outside any regulatory provisions of COSHCW, as have homebased workers, among whom at least beedi workers had long established a place for themselves in existing labour laws.<sup>60</sup> Further, while provision has been made for representation of women in some of the advisory and implementing committees being established by the various codes – with reference to equal remuneration, women’s share has been reduced from what exists in the Equal Remuneration Act that is to be repealed. What is astonishing is that the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been left outside the labour law regime, and protection from sexual harassment is not included in the codes. The drafters of the codes perhaps failed to understand that sexual harassment in the workplace is

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<sup>60</sup> For unorganized workers, maternity benefit had been linked to general health schemes that provided a cash incentive to pregnant women for delivery in hospitals and ante-natal check-ups, etc. Cash assistance under the Janani Suraksha Yojana (JSY) for example was a general government scheme under the Health Mission that was later incorporated in schemes for unorganized workers. JSY promotes child birth in an institution by providing financial assistance (of Rs 700 or 1400) and social support by health workers for women below poverty line (BPL).

an occupational hazard for women workers and that prevention of such harassment ought to be counted as an essential aspect of the working conditions of women.<sup>61</sup>

Social Security: The draft Code on Social Security (COSS) aims to bring the entire workforce in the Country within the ambit of what is called Universal Social Security. Migration is however, invoked in the draft only for the purpose of making Aadhaar (UID - Unique Identification) mandatory for the purposes of ‘true identification of the worker’ and to ‘prevent malpractices of multiple registration of same person’. Portability of social security benefits had already been introduced for schemes under Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (EPF), the Employees State Insurance Act, 1948 (ESI), and the Unorganised Workers Social Security Act, 2008 (UWSS). Its iteration in COSS is indeed important for migrant workers. The problem however, is that the actual benefits themselves are not delineated, even in the revised draft of the code. Whilst a list of benefit headings is provided, the formulation of the actual benefits has been left to the new national authorities and bodies and institutions proposed in the Code.<sup>62</sup>

Whether the benefits under existing laws and schemes (which are all to be scrapped) will continue to be received is unclear. Nor is any alternative given. The executive summary of the Code merely states that beneficiaries under existing schemes shall be entitled to draw the benefits which are ‘on the whole are not less favourable than the benefits they were entitled to draw under the ceased schemes’. In other words, existing benefits that are in place will be suspended, but what will come in their place remains unclear. For migrant workers in the apparel industry or other manufacturing, this introduces a new uncertainty regarding the future of the entitlements and benefits that they may presently have under EPF and ESI.

Does universal social security mean bringing all workers under the existing benefits under EPF or ESI, or does it mean a reduced set of benefits for those presently covered by EPF and ESI? As of now, this question is not addressed by the draft code, but the future of the Provident Fund that is accumulated from contributions by individual workers is particularly uncertain since no

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<sup>61</sup> Even the existing Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and its rules do not provide any role for the involvement of the labour department, and remains outside the realm of labour policy.

<sup>62</sup> The listed benefits include Pension, Sickness Benefit, Maternity Benefit, Disablement Benefit, Invalidity Benefit, Dependent's benefit, Medical Benefit, Group Insurance Benefit, Provident Fund, Unemployment Benefit.

rate of workers' or employers' contributions for PF is specified, nor is any share of the overall contributions of individuals allotted for PF.

What of unorganised workers who have not had access to either EPF or ESI? The Code proposes that a range of parameters, including income, social and demographic profile, land and assets, etc. be used to divide workers into 4 graded categories and classes. The list of parameters imply categorization of households rather than of individual workers. That a household based criteria can be regressive for women workers who may be straining for autonomy from household patriarchy, has not been considered. Further, no distinction is made between organized and unorganized sector wage workers in calculating their rates of contributions to the Social Security Fund. Both are expected to contribute at the same rate (12.5% of their wage). How this can be sustained for the more volatile and uncertain employment characteristics in the unorganized sector or for migrant workers. Whether involuntary suspension of contributions will affect benefits is not clear.<sup>63</sup>

Workers placed in the lowest (still undefined) grade/category in COSS are however, exempted from any contribution and their benefits are to be subsidized by government. The rates of such subsidy has been left unspecified, and will probably remain of a discretionary nature. Notably, domestic workers are not included in this exempted category. The draft specifies that employers of domestic workers are to be responsible for depositing both their own and their workers' contribution to the Social Security Fund.

Under the health insurance scheme for unorganized workers (RSBY) that covered hospitalization expenses up to Rs 30,000, the premium costs for 11 categories of unorganized workers (including domestic workers, street vendors, mine workers, rag pickers, etc), was paid for by the central and state government at a ratio of 75:25.<sup>64</sup>

RSBY is being subsumed by a newly inaugurated National Health Protection Scheme (NHPS), which (it is said) will provide coverage of hospitalization expenses up to Rs 5 lakhs per eligible

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<sup>63</sup> The Code allows for differential rates of employers' contribution to be decided on by the Central government, subject to a ceiling of 17.5% of the wage paid. At present, under ESI, the employer's contribution is 4.75% of the wage and the employees' is 1.75%. Under EPF, employers and employees pay 12% each (employers' share divided into 8.33% for pension, and 3.67% for provident fund.

<sup>64</sup> Under the Unorganised Workers' Social Security Act, 11 segments/categories of workers were listed to be covered by RSBY.

family with premium costs to be shared by the centre and state governments at a ratio of 60:40. Although eligibility for NHPS is to be on the basis of deprivation criteria in the socio-economic caste census (SECC) of 2011, the 11 categories of workers that were listed for RSBY under UWSS are also eligible. Some states have refused to sign on to NHPS on the grounds that their own state schemes cover a larger population and provide more benefits.<sup>65</sup> Odisha is one of the states that has not accepted the new scheme on the grounds that it will exclude existing beneficiaries of state based health assurance schemes. Further, the gap between the government's budgetary allocation and the amount required for NHPS has been much commented on, with one state finance minister calling the whole scheme a hoax.<sup>66</sup> The question that arises in the context of the draft labour code for social security, is whether the contributions of domestic workers or indeed of other workers under the code, would now be incorporated in government schemes such as NHPS. Or to put it in other words, would funds generated for workers' social security feed into various government schemes in which workers will have no say?<sup>67</sup>

The frame of social security laws for workers since independence had been structured around tripartite institutions, across different mechanisms of funding. EPF and ESI relied on contributions from workers and employers, transmitted by employers, and depended on identifiable and more durable employment relations (characteristic of the organized sector) which also enabled meaningful benefits. In the few industries where employment relationships were informal but labour had become organized, laws for levying of a cess or excise duty on the products had created statutory funds for workers' welfare in those specific industries. The institutions created for administration of the various social security schemes for workers and management of their funds, nevertheless, all functioned under tripartite boards with a significant presence of worker or trade union representatives.

The new institutional architecture for social security proposed in the draft Code is quite different. A National Council headed by the Prime Minister is envisaged as the prime

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<sup>66</sup> See T.M. Thomas Isaac, 'Ayushman Bharat: gamechanger or another hoax?' Sep 27 2018, Deccan Herald <https://www.deccanherald.com/opinion/panorama/ayushman-bharat-gamechanger-or-695006.html>

<sup>67</sup> Government providing for welfare of any citizen is always welcome, but such provision would be expected to be supported by government revenues rather than a social security fund constituted by worker's contributions and subscriptions as a part of worker entitlements.

regulatory body that is to devise the schemes and benefits as well as regulate the investment and management of workers' social security funds. In this council, trade unions and employers' organisations have been given only token representation (trade unions would have only 2 representatives in a council of some 40 members, the two being individually nominated by the government) as per the draft code. It has been argued by a prominent trade union leader that the Code on Social Security removes the existing oversight over the management of workers' funds and schemes of EPFO, ESIC and other sector specific funds, and effectively places all existing accumulations and future funds under arbitrary Government control.<sup>68</sup>

Outside the process of amalgamation of labour laws, the introduction of a uniform Goods and Services Tax (GST) in 2017 had already led to the repeal of most of the labour welfare cesses. The cess on construction activities for the welfare of Construction Workers is the only one among them to have escaped the GST axe and has been retained in the Code on Social Security, albeit with a proviso that Government has the power to stop levying the cess. The cess of one per cent on construction activities, had generated a collection of more than 326 billion rupees (equivalent to more than 4.4 billion dollars), available with various state welfare boards between 1998 and 2017.<sup>69</sup> In the absence of any substantial budgetary provisions for social security of unorganized workers and the withdrawal of most of the other welfare cesses, the accumulated funds for construction workers has acquired singular importance.

The Odisha Building and Other Construction Workers Welfare Board (OBOCWWB), for example, with an accumulation of some 11 billion rupees, has expanded the outreach of its schemes to include migrant workers, even if they worked for a major part of the year in other states.<sup>70</sup> The OBOCWWB has however, resisted proposals of the Central Government to

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<sup>68</sup> In a critique of the Code on Social Security, Tapan Sen of the Centre of Indian Trade Unions (CITU) has calculated that the accumulated corpus currently with the EPFO, ESIC, the Coal Mines Provident Fund (CMPF), and other cess funded schemes as an estimated Rs. 11 lakh crores or 11 trillion INR (more than 150.7 billion dollars). Of this, 9 lakh crores is the corpus of the EPFO, 75000 crores of the CMPF, 57,000 crores with ESIC. Given that the Union budget for 2018-19 estimated a total expenditure of 24.4 lakh crores, the amounts involved cannot be thought of as insignificant. See Tapan Sen, 'Code on Social Security: An Exercise of Deception & Fraud', CITU, 2018.

<sup>69</sup> Under The Building and Other Construction Workers Cess Act, 1996, the cess was imposed from 1998, although it has taken a long time for the various Construction Workers' Welfare Boards to be constituted, and the registration of workers under the board has remained uniformly low. In such a context there has been an accumulation of funds with the various Boards.

<sup>70</sup> According to Subash Singh Chairperson of the BOCW Board in Odisha, they have adopted a flexible policy of registering migrants, including large numbers of women migrant workers.



become associated with centrally sponsored schemes, for the funding of which the Board was being asked to pay the costs from its funds on behalf of the workers. The fate of this Board is itself hanging on a balance since the Code on Social Security makes no mention of a separate welfare boards for construction workers, but is set to repeal the Act under which they have been constituted. In general, the structure of bodies under COSS suggests that regulation of Social Security Funds, formulation of schemes, and powers to decide on policy matters will be with the Central Government controlled bodies, while implementation is for State level bodies/boards. As in the case of the NHPS, there are likely to be some tensions between the Centre and the State around this question, if and when the draft is placed before parliament.

*Anti-Trafficking Frameworks: Expanding parameters*

While labour policies for migrant workers have tended to elide issues of gender, the second pillar of policy perspectives towards women's migration derives from an anti-trafficking framework, whose precept and practice has been honed by a focus on women in sex work. Rooted in a criminal law framework, the structural foundations of anti-trafficking interventions have been moulded in what has been termed a 'raid, rescue, and rehabilitation' mode of intervention. Such a framework is fundamentally and qualitatively different from the practices of labour policy which incorporates systems of collective bargaining in its frame, and provides a legal framework for the use of countervailing collective action by workers and enforcement of worker entitlements as delineated in labour laws.

As is the case with labour laws, the field of anti-trafficking law is also undergoing significant changes in recent years. The policy framework against trafficking in India was initially established in the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA), amended and renamed Immoral Trafficking Prevention Act (IPTA) in 1986. SITA was enacted in pursuance of the International Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others that came into force in 1951. An exclusive focus on brothels and prostitution in both SITA and IPTA reflected the preoccupations and frames of the international conventions and national discourses of their times. They were less engaged with forced labour, despite the link between the two that was established by Article 23 (1) in the chapter on Fundamental Rights of the Indian Constitution, which specifically prohibited 'Traffic in human beings and *begar* and other similar forms of forced labour'.

Nevertheless, while both SITA and IPTA implied that trafficking was solely for the purposes of commercial sex, they did not actually define human trafficking.

It was after the adoption of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children in 2000 (Palermo Protocol) that anti-trafficking frameworks and perspectives in India started shifting ground. A definition for human trafficking first entered Indian law with the enactment of the Criminal Law (Amendment) Act, 2013 through Section 370, of the Indian Penal Code (IPC). Section 370 now defines the offence of trafficking and includes recruiting, transporting, harbouring, transferring, or receiving a person or persons, by using threats, or using force, or any other form of coercion, or by abduction, practising fraud, or deception, abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person, for the purposes of exploitation. It specifies that the consent of the victim is immaterial in determination of the offence of trafficking. Exploitation is further explained as any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs. Section 370 draws almost word for word from the Palermo Protocol in its definition of trafficking, leaving out only ‘abuse of a position of vulnerability’ ‘prostitution of others’ and ‘forced labour’ as specified in the international protocol.<sup>71</sup>

Interestingly, in its list of purposes of human trafficking, the most recent National Crime Records Bureau data (Crime in India 2016), includes forced labour, domestic servitude, forced marriage, begging, and various other crimes along with prostitution and other forms of sexual exploitation under Human Trafficking. NCRB data shows that forced labour actually accounted for more than 45 per cent of the recorded victims of trafficking in 2016. In practice, anti-trafficking police action has cast a wider net than may be assumed from the text of Section 370 IPC or IPTA.

The 2013 Criminal Law Amendment had also raised the age of consent from sixteen to eighteen. The impact of this change for anti-trafficking interventions may be gauged from the six-fold increase in the number of so designated minor girls in the data records of trafficked

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<sup>71</sup> Section 370 however, goes on to define exploitation – “The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude..”

persons since the amendment. The share of minor girls who are recorded as victims of trafficking rose from 23 per cent in 2012 to 48 per cent of the women victims of trafficking in 2016. Further, girls below 18 years account for more than 62 per cent of the increase in numbers of trafficking victims between 2012 and 2016. NCRB data does not provide more details regarding the age of trafficking victims, so we don't know the proportions of borderline young adults among those above 18.

A question as to whether this increase in numbers of minor girls among India's trafficking victims reflects a real shift or whether it is a product of a changed definition of minors, cannot unfortunately be answered without research into the cases. Is it that a criminal colour now being lent to single migration by young women or girls, whose minor status is indeed not always apparent in fact, and may be questionable in principle? As discussed in an earlier section, the difference in the age profile of migrants between first and last migration in the CWDS/LSHTM survey had indicated a reduction in child labour, declining proportions of minors, and an increasing proportion of older men and women. Although peak levels for men are in the age group 30-39, while for women it is 20-29, it is clear that although they may have started as children, they are getting into a regular groove of migrant work that ought not to be considered as trafficking.

### *Some Questions from the Field*

How are these women who were all migrating for work viewed by those who have emerged as the prime drivers of anti-trafficking interventions and who are playing a driving role in framing the issues. In Odisha, integrated anti-human trafficking units (IAHTU) have been established in several districts, including our study district. When we tried to find out what was the nature of the cases in Ganjam, we were informed by the police officer in charge of the anti-trafficking unit that there were only two cases that were registered with the unit and both were in fact cases of elopement. As mentioned earlier the main railway station in Ganjam (Berhampur) is seen as an important site from where girls were being trafficked. Upon enquiry with the most active local NGO who was heavily involved in anti-trafficking interventions at the local and state level, we were again told that this area was a trafficking hub.

The practice of the NGO, which has a primary focus on child rights, was of keeping a lookout for groups of girls alighting at the local bus stop, and sending their people to follow them. We

were told by the NGO head that when girls realised that they are being followed, they would run into a temple, church, or other social institution to escape surveillance. The NGO personnel would then inform the police and the girls would be picked up by the police from the local station, train or even the next station (since the railway police would be brought into action) and this would be seen as rescuing them from trafficking. The girls would then be brought by the police to the NGO who would house them in a hostel that they ran. There was an admission that several of the 'rescued' girls tried to run away from the hostel whilst others were returned to their home villages. It did not seem to us that there was any malicious or underhand intent in the activities of the NGO, which focused on child rights. It was just that they had a perspective that girls who were going out for work were all being trafficked. And that appeared to justify putting them under surveillance and getting the police to pick them up.

What such 'rescue' means for the girls became apparent in one of our study villages, from where a significant number of girls were migrating as domestic workers. There we were told that two girls had been arrested by the police and brought back to the village. The NGO associated with the IAHTU also mentioned that they had picked up some girls who hailed from that particular village. Thus, we find that what appears as 'rescue' for the anti-trafficking NGO and police is perceived as 'arrest' in the source villages. The 'two girls whose case was mentioned to us were however, untraceable, and their families had left the village. Local reports suggested that they had again migrated somewhere, but no one knew where. Certainly the IAHTU and the NGO felt that their job was completed once the girls had been 'rescued' and returned to their village.

The stigma and shame of what such arrests mean was evident from the account of one of the interviewees in this study, whose sister migrated to Hyderabad to escape the shame and humiliation she was subjected to in the village. To us it seems that in the absence of a sensitivity to the social milieu in which these girls are located, police intervention only compounds the vulnerabilities of these young women. So how does this approach fit into the actual local realities in which women, young and old are migrating? Our evidence from the villages (including the one on the trafficking radar) indicates that if in the beginning, the compulsion for women to migrate was definedly poverty and inability to meet basic needs, over the years

it is lack of local employment that is increasing. These are social problems and economic compulsions for which criminalization of migration can hardly be a good practice.

*Absence of labour rights in the reconfiguration of anti-trafficking law and practice*

The legal landscape of anti-trafficking is now in the throes of major change. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018, was passed in the Lok Sabha and is presently before the Rajya Sabha. As of now, in the ongoing discussions around the bill, the lack of any recognition of women's needs or rights as workers is glaring. Initially, a draft bill titled Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill (TIP) that was circulated by the Ministry of Women and Child Development in 2016 had shifted to a gender neutral vocabulary with reference to victims of trafficking. A change in tone was also evident in the elimination of 'immoral' from its text. Perhaps more importantly, women 'engaged in prostitution' were only mentioned with reference to the creation of special schemes to enable them to come forward to 'reintegrate in mainstream society.' The brothel too had no place in the bill. Instead, it included a provision for registration of 'placement agencies', defined as a person or body of persons whether incorporated or not other than a Government agency, department or organisation engaged in the business of providing the service of employment to any person.' What such registration entailed was left unclear.

This earlier draft has been set aside and a completely different Bill was introduced in Parliament and passed by the Lok Sabha. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 that was finally tabled in parliament in July, 2018, provides for additional offences under the category of 'Aggravated form of trafficking' over and above those defined by Section 370 IPC. These include (i) for the purpose of forced labour or bonded labour by using violence, intimidation, inducement, promise of payment of money, deception or coercion by subtle means including allegations of accumulated debt by the person, retention of any identity paper, threats of denunciation to authorities; (ii) for the purpose of bearing child, either naturally or through assisted reproductive techniques; (iii) by administering any narcotic drug or psychotropic substance or alcohol on a person for the purpose of trafficking or forcing him to remain in exploitative condition; (iv) by administering hormones for the purpose of early sexual maturity; (v) for the purpose of marriage ; (vi) by causing serious injury; (vii) who is a pregnant woman or the offence results in pregnancy; (viii) by causing AIDS; (ix) for the

purpose of begging; (x) who is a mentally ill person. For such offences, it prescribes a minimum punishment of rigorous imprisonment for ten years extendable to life. Repeat offenders are to be imprisoned for the rest of their natural life.

The present bill no longer mentions placement agencies, but introduces punishment of rigorous imprisonment up to five years for keeping or managing premises to be used as a place for trafficking. Yet, even after the inclusion of forced labour in the definition of aggravated forms of trafficking, the bill makes no provision for worker rights, entitlements, recovery of dues, or mechanisms to free workers without leaving them unemployed. It thus leaves the victims of trafficking to negotiate their livelihoods without access to any additional rights. Instead, it vests Magistrates with the power to reject applications, made by even adult victims, to be released from any Rehabilitation Home where they may be sent, which opens the door to criminalizing the trafficked person. Further, a National Anti-Trafficking Bureau has been vested with extraordinary powers of surveillance and the state and district level committees and officers have been given powers and responsibilities designed to support the penalizing thrust of the bill.

A separate criminal law infrastructure for trafficking in the earlier 2016 draft had been critiqued for being rooted in a ‘conventional raid-rescue-rehabilitation model and emphasis on sex work’. The new bill is far more draconian and has been vested with far greater powers for punitive action and surveillance. What has been removed is the more considered emphasis on rehabilitation that was being considered in the earlier 2016 draft. Although in parliament it was claimed by the Minister, (Women and Child Development) that the 2018 bill emphasized rehabilitation, such a claim is not borne out by a closer scrutiny of the bill in comparison to the earlier draft. The new bill does indeed delink rehabilitation processes from recording of any offence of trafficking, which is a welcome step. However, as we have seen from a spate of cases of sexual exploitation in shelters and homes that have received public exposure over the past several months, the rehabilitation process needs to be far more oriented towards providing victims with greater autonomy and freedom rather than incarceration in policed institutions, of those identified as victims of trafficking. Going in the opposite direction, the provisions in the 2018 anti-trafficking bill allow for a magistrate overruling the victim’s desire to leave a rehabilitation institution, which is indeed a regressive step.

Withal, and through various rounds of amendments and institutional policies, the anti-trafficking framework has excluded employment rights and entitlements from its frame in precept and practice in India. This is notwithstanding public acknowledgement that debt and duplicity driven control over women migrating for work, is the more significant phenomenon in India. Yet at no level has there been any discussion or proposal for putting in procedures for recovery of such dues or negotiating better the conditions of work. Changing the unfree terms and conditions of work, or addressing trafficked persons' needs and concerns as workers finds no place in anti-trafficking frameworks, even as the definitions of trafficking are being widened to include forms of labour that are not connected with the commercial sex industry. Amendments to Sections 370 in 2013 have brought in an additional focus on minors. Yet, how the criminal law based anti-trafficking frameworks and agencies relate to problems of women and girls who have been working in other occupations, or how these workers can access labour rights and dues when rescued by anti-trafficking units remains an area where public discussion is long overdue.

For trafficking victims, convergent approaches between anti-trafficking measures and labour policy could indeed open up new doors for accessing their rights. In the case of Odisha, It would help cement the State Government's commitment to establishing migrant support services for girls and women at source and destinations to enable them secure their rights and entitlements laid out in the Odisha State Policy for Girls and Women.

## VII

### Conclusion and Recommendations

In this concluding section, we present a summary of the key findings of the field study with some points that are of relevance to the policy and suggested areas for future research. Finally, we present a brief report on some elements of the WiF intervention in Ganjam, some recommendations for policy and suggestions for WiF programming.

#### **Key Findings**

The field study findings challenge the general assumption that migration from Ganjam is only of men. Women are indeed migrating for work from Ganjam with a significant proportion moving to other states, more as individuals than with families, and in conditions that call for policy attention requiring an emphasis on gender rights in labour policy and labour rights in anti-trafficking interventions.

#### **Profile of Study Area**

A preliminary census of households in the 20 study villages provided evidence of a strikingly higher than average proportion of landless households (63%), and greater concentrations of Scheduled Castes (SC) and Other Backward Classes (OBC). 25 per cent of the households were SC, 50 per cent were OBC, 14 per cent were upper caste, and 11 per cent were Scheduled Tribe (ST). 90 per cent of the households were Hindu, Christians accounted for one tenth, and only 3 of the ST households gave their religion as ‘other’.<sup>72</sup>

Evidence from the detailed survey of individual men and women from a sample of households drawn from the census, showed that agriculture (cultivation/farming) was no longer the primary occupation of either women or men in the area. Only 27 per cent of the female workers and 35 per cent of the male workers gave agriculture as their primary occupation. Agriculture however, remained significant in local livelihoods as a secondary occupation. The majority of male and female workers in the area were casual daily wagers in construction, agriculture, and petty services.

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<sup>72</sup> There were no Muslims in the study area.



Within agriculture, women constituted the majority among the class of agricultural labourers (57% among primary wage workers and 61% among secondary wage workers in agriculture), but only 20 per cent of the own account workers. Only 3 per cent of the women in agriculture were unpaid workers in contrast to primary non-agricultural employment where, a strikingly high 64 per cent of the women workers were unpaid.

*Male bias to migration: Female out-migrants sparsely distributed with a few concentrated pockets*

The census of village households revealed that 45 per cent of the village households had at least one migrant, and some 39 per cent of the population aged 14 and above, had migrated for work or business in the 5 years preceding. Women however, were migrating for work from only a little over 6 per cent of the households.

Such a male bias to migration from the study area conforms to the larger pattern of labour migration in India. It is argued that male bias in the formation of labour markets beyond the boundaries of the village, is thus propelled from within the milieu of village based restrictions and constraints on mobility of women. This in turn, leads to a hostile environment, greater risks for women migrants and lower bargaining power, coupled with a tendency for women to become concentrated in only a few occupations where a specific preference for women exists, and where working conditions are either unregulated or at best poorly regulated.

The number and proportion of households with female out-migrants was found to be insignificant in most villages and heavily concentrated in a small number of villages. Households sending out women migrants ranged from zero to 14 per cent across villages. In contrast, the proportion of households with male out-migrants ranged from over 23 per cent to around 77 per cent across villages. The phenomenon of a generally sparse distribution of women migrants in rural villages with a few pockets of concentration was further delineated sharply by the fact that the majority of women migrants in the study area (64%) were from just 4 out of the 20 villages.

## Profile of women migrant workers: Sample Survey Results

### *Predominantly landless from stigmatized castes/communities*

With more than 90 per cent of the women migrants and almost 86 per cent of the male migrants coming from landless households, the share of the landless among migrants, whether male or female was considerably higher than the prevailing rate of landlessness in the area.

SC communities were found to be in significantly greater proportions among migrants (female and male) in comparison to the share of SCs in the general population of the study area. 45 per cent of the women migrants and 43 per cent of the male migrants were from SC communities.

More than half of the women migrants were from OBC communities (51%), marginally higher than the share of OBCs in the general population. Among male migrants, OBCs were significantly under represented (27%). While among male migrants, the proportion of upper castes (14%) was the same as in the general population, among women migrants, upper castes were just 7%.

The overwhelming majority of women migrants from OBC were Pano Christians who, in common with Hindu Panos (SC), are considered untouchable in local caste hierarchies, (because of the assumption that Christians have no caste, they are not included in the constitutional category of Scheduled Castes).

Communities that face the oppression and stigma and of untouchability, thus actually constituted more than 75 per cent of female migrants. 40 per cent of the women migrants were Christian, which is almost 4 times the proportion of Christians in the population of the study area. Among male migrants the proportion of Christians were just 7 per cent.

### *Wide Radius of destinations: Majority Inter-state migrants, many first to migrate from family*

A wide radius to migration from Ganjam was evident for both women and men, although a larger proportion of women were intra-state migrants. 40 per cent of the women migrants remained within Odisha compared with 20 per cent of male migrants.

The majority of both female and male migrants were inter-state migrants. For the 60 per cent of women migrants going outside the state, main destinations were Mumbai/Maharashtra followed by Tamil Nadu, Kerala, A.P. & Telangana, Surat/Gujarat, and Bangalore. For men,

main destinations were Kerala, followed by Surat/Gujarat, Tamil Nadu, North-east India, and Mumbai/Maharashtra.

Contrary to the findings of cross regional studies that suggest that the pattern of women's labour migration in rural areas concentrated in short term or circulatory migration, the majority of women migrants from the study area (52%) were found to be medium term migrants (with stay(s) in excess of 10 months or more, with intention to return to settle).

A surprising 60 per cent of the women migrants were the first to migrate from their families, and again 60 per cent migrated alone or in all female groups.

*Relatively higher proportions of domestic workers, unmarried women among migrants*

Sharp gender differences in the occupational profile of migrants at destination was evident with more than one third of women working as domestic workers (34%), with a concentrated supply line of live-in domestic workers emanating from two of the villages in the study area.

Construction dominated the occupational profile of male migrants (67%) and also accounted for the second largest population (26%) among women migrants. Agricultural labour remains more prominent among women migrants (17%) compared with male migrants (2%).

Manufacturing (factory, non-factory, artisanal) had slightly greater representation of women migrants (20%) compared with male migrants (18%). The number of women working in services other than paid domestic work was insignificant (3%), and less than 12 per cent of male migrants worked in services.

A relatively high proportion of the women who migrated were either unmarried or widowed. For example, 30% of migrant women reported never having been married in comparison to 11% of male migrants and 7% of women who did not migrate.

Similarly, 10% of women who migrated were widowed compared to 1% of male migrants and 6% of non-migrating women. Migrant women (56%) were also less like to be married than women in the general local population (87%).

Analysis of the data from the sample survey as well as the qualitative interviews, showed that domestic worker migrants were mostly unmarried, construction workers were mostly married and a higher proportion of widows were migrating for agriculture

A greater proportion of migrants could read and write compared with non-migrants of both genders, although the proportion of women migrants who could not read and write (42%) was more than male migrants (33%).

#### *More teenagers among female migrants*

The age of female migrants tended to be younger than that of male migrants. Teenagers (14-19 years of age) constituted 20 per cent of the women at the time of their last round of migration in comparison to 2 per cent of the men. 31 per cent of the women migrants were in their 20s compared with 18 per cent of men.

On the other hand, 18 per cent of female migrants were in their 30s and 12 per cent in their 40s compared with 37 per cent and 25 per cent respectively among male migrants. In the oldest age group, the trend moved slightly in the reverse direction, with 20 per cent of women migrants in the 50 plus age group compared with 18 per cent among men.

#### Changes on the ground: Developing Trends

##### *Shifting Dynamics of Distress*

Chronic or seasonal inability to meet basic needs as the primary form of distress, was given as the principal reason for migration by both men and women, albeit to a far greater degree among women.

Yet in comparison to the first round of migration, for which 74 per cent of the women had given inability to meet basic needs as their reason for migration, by the last round the emphasis on basic needs had dropped to 58 per cent. A similar drop from 51 per cent to 36 per cent was observed among male migrants.

Instead, the evidence points to a rising importance of a lack of local employment, which increased as a reason for migration from 6 per cent in the first round of migration to 14 per cent in the last round among women, and from 15 to 21 per cent among men.

While the two reasons are indeed interconnected aspects of agrarian distress, a shift in emphasis to lack of employment as a reason for migration has to be seen in the context of high landlessness and low levels of agricultural employment. It points to the inability of non-farm

employment in the rural economy to provide adequate employment becoming a factor of rural distress.

This then provides the backdrop to the pronounced urban direction of migration in the study area, which is evident in the fact that 87 per cent of the females and 90 per cent of the males were migrating to urban destinations.

*Sustained momentum to young women's migration, increased propensity to migrate in the 50+ age group:*

Comparison between the age of migrants at the time of first migration and last migration provided evidence of a sharp decline in child and adolescent migrants from 38 per cent to 2 per cent among males, less so for females among whom the drop was from 36 per cent to 20 per cent.

The momentum of young women's migration has, however, been sustained. More than half (51%) of the female migrants were below 30 years of age at the last migration (including 20 per cent who were teenagers). In comparison, just 20 per cent of male migrants were below 30 at last migration.

At the same time, an increased propensity to migrate among older women and men was also evident in the 50+ age group having increased from 13 per cent to 20 per cent between the first and last migration rounds among women, and from 4 per cent to 18 per cent among men.

*Evolving patterns of intermediation and job search: Qualitative Evidence*

In the responses of women migrants to the survey, the majority (58%) said they had taken the decision to migrate jointly in their families. Eight per cent of young girl migrants said they had initially migrated secretly; however, 96 per cent said they migrated with family consent in their most recent round of migration.

Regarding how they secured employment at destination - 52 per cent of the women migrants said 'independently', 33 per cent said through relatives, and 8 per cent said through caste networks. Only 2 per cent said they found employment through contractors.

However, the qualitative interviews provided evidence that locally based contractors were the primary intermediaries for inter-state migrants in construction, but less prevalent in intra-state

migration where most workers sought employment at local daily wage markets. Some ‘contractors’ were just workers collecting co-workers, others were more professional labour contractors. These contractors were mainly approached by women workers themselves through informal and often kin based contacts, indicative of a supply push rather than demand driven mobilization of labour. This makes it particularly difficult to bring these contractors under regulatory oversight of the two labour laws governing conditions of work of inter-state migrants and construction workers.

Intermediaries for domestic workers were of a more varied and different order. They included the recurring figures of ‘agent’, ‘broker’, the non-kin ‘*bhaina*’ (brother), the ‘uncle’, the ‘cousin’, the ‘sister’ (nun), and ‘friend’ at various moments in the migration histories of teenagers and young women. From the interviews, it became apparent that some of these culturally embedded intermediary figures played a key role in negotiating social sanction for single migration of women and girls towards meeting the demand for live-in domestic workers among middle class households and providing low cost labour for the running of all women institutions (hostels, convents). There were several instances of the *bhaina*, the agent, or simply the ‘boy’ who took the girls and fixed up their employment, taking the whole or part of their wages directly from employers, and disappearing after some time.

Interviews and field observations in destination Mumbai, pointed to the emergence of more autonomous flows of information from destination to source area and within destination area among live-in domestic workers themselves. High demand for live-in domestic workers among Mumbai’s rich and middle classes, and a large congregation of live-in domestic workers in Mumbai seems to have propelled a growing confidence in easily finding placement in the city among migrant domestic workers, leading to a reduced role of middlemen. Further, relatively higher wages in Mumbai compared with other destinations appears to be consolidating the migration flow from source villages to Mumbai as workers who had earlier gone to other states and destinations have diverted their routes towards Mumbai. Noticeably both social networks and congregation of live-in domestic workers remains segregated from other classes of workers in the city, including live-out domestic workers.

From the interviews with factory workers, most found employment by just asking around among relatives and friends, and appeared autonomously driven. One worker however, had

been involved in a training and placement programme where a trainer appears as an intermediary, and where all costs of in-residence training and travel for placement were provided for. The interview of the worker going to Bangalore did reveal that there were other girls in and around her village with whom she had been oriented to such migration through a residential training programme (in stitching) in the neighbouring tehsil/block with no fees. The girls were taken to Bangalore by one of their teachers, similar to many others from Ganjam who were in the same hostel and factory. The question is whether such training and placement agents may be considered as a new form of labour contractor and brought within the purview of labour laws in relation to contractors.

### Conditions of Work and Wages of Migrant Women

#### *Majority Casual Labour in Construction and Agriculture*

The survey results showed that 58 per cent of the women migrants were employed as casual labour. 35 per cent were employed as regular salaried workers, 3 per cent were in own account work, and 4 per cent were unpaid helpers.

Casual labour is the hallmark of wage employment in construction and agriculture that has remained unchanged in the midst of significant growth of corporate capital in the former. The high proportion of casual labour in the profile of women migrants, reflects the share of these two segments of migrant workers. Qualitative data from the interviews showed that wage rates for inter-state migrants in construction were lower than for intra-state.

*Construction: Relatively higher wage rates for intra-state migrants: Below minimum wages for inter-state migrants, universal gender based wage inequality, health issues*

Intra-state migrants mostly operated from the daily wage markets in Bhubaneswar, and connections with a range of contractors in the city. Their wage rates were uneven, ranging from a low point below the statutory minimum to a high point that even went above official minimum wage (150 – 350).

Inter-state migrants on the other hand, whose destinations were the three southern states of Kerala, Tamil Nadu, and Karnataka, were all working at wage rates below the statutory minimum. The bottom line of Rs 150 per day was common to almost all destinations inside

and outside the state. Only in Bangalore did the bottom line drop to Rs 140. The highest wage received by inter-state migrants was Rs 250 per day in Kerala, but even that was far below the minimum wage for the state. Yet, workers continued to migrate outside the state, precisely because in contractor mediated migration there is an assurance of work throughout the period. Finding work in daily labour markets is less certain.

What was, however, most striking in the findings was the universality of wage inequality between men and women construction workers. Generally, women were getting two thirds to four fifths of the male wage (including very often their husband's). Not one interviewee mentioned registering with the Welfare Board for construction workers. Some workers reported that the contractor helped out with medical expenses, whilst others had to bear all their expenses. The medical expenses issue was frequently mentioned due to the physically demanding nature of the work. As one middle aged interviewee who switched from construction to other forms of labour because of acute pain in her knees repeatedly said, *"It is really painful to carry concrete."* The issue of health and safety of migrant construction workers, mentioned only in passing by the construction workers themselves, also emerged from the reports by other interviewees - of illness and early death of family members who were migrant construction workers.

*Agriculture: Wage plus food for intra-state migrants but no off days, only cash for inter-state, lowest wage rates in poultry*

The experience of better conditions of work for intra-state migrants repeats itself with reference to migrants for agriculture, with the additional aspect of feminization of such migration. Wage rates for intra-state agricultural migrants were relatively standardized and had risen from Rs 200 to 220 per day plus food. Food was not provided migrants to poultry farms around Hyderabad, or in coffee plantations of Kerala and Karnataka. Monetary wage rates in plantations were slightly higher, ranging from Rs 220 to 250 per day, and lowest in poultry farms where husband-wife couple based migration appeared to be the norm and wages received ranged between Rs 110 to 150 per day.

*Live-in Domestic Workers: Pittance wage rates for intra-state migrants, highest in Mumbai, majority denied minimum wages, long hours of work, at beck and call, food deprivation*



The reverse was the case for domestic workers, where wages received within Odisha appeared as lower, and sometimes as beggarly tokens - especially in the case of child workers. Several rounds of migration was inbuilt into the experiences of the domestic worker interviewees (all live-ins), and a criss-crossing through multiple destinations. Their collective testimonies covering a period of 5-7 years showed that where child migrants in live-in domestic work within Odisha had received payments (monthly) ranging from Rs 200 to 600, the wage of an adult fulltime residential 'caretaker' at the time of interview was Rs 3000. Monthly wages received in Gujarat and Hyderabad were Rs. 3000 and below, and in one case had risen to 6000 in Hyderabad. They ranged from 3000 to 6000 in Kerala, where most were receiving 4000 at the time of interview. These wage rates are all below statutory minimum wage levels for unskilled workers in the respective states. Only in Mumbai, were wages somewhat higher varying from 5500 to 10,000, where a few had indeed crossed the minimum wage benchmark.

The lack of any regulation of working conditions of domestic workers is a key policy issue. Excessively long working hours that combined household tasks with personal attendance on employers, leading to excessive tiredness was a common experience. It was repeated by many among what was a set of very young set of live-in domestic worker interviewees. In some cases they were tending kitchen gardens, feeding animals, and foraging - tasks not normally included even in the market based wage setting practices for domestic workers.

Long working hours with too many tasks was a factor that had impelled migrant workers to change both employers and destinations. It may be mentioned here that even as the process of including domestic workers in minimum wage schedules has acquired some momentum, there is as yet inadequate comprehension of the multiplicity of tasks performed by them, or the hours of work required to perform them, especially for live-ins. The evidence from this study highlights the importance of limiting not only hours of work, but also the number of tasks, as well as restricting the practice of having workers at beck and call.<sup>73</sup>

A recurrent theme in the interviews with domestic workers was the problem of food. Many of the workers complained of being 'starved' both in terms of quantity of food provided, as well as the inability to eat what they were given. As live-ins they were dependent on their employers

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<sup>73</sup> The practice of having workers at beck and call was at one time considered a form of bonded labour in India. See Thorner, Daniel and Alice Thorner (1962), *Land and Labour in India*, Asia Publishing House, London

for what and how much they ate. Hailing from rice eating rural backgrounds, when deprived of rice, many felt starved. Inadequate quantity of food provided, delayed timings of their meals (eaten after all others had eaten), restrictions on cooking for themselves and eating biscuits when hungry, being deprived of meat in vegetarian households (there was no vice versa in our cohort of interviewees – all were meat eaters), were experiences through which food emerged as an important issue for the workers. Although this is not usually considered as an aspect of freedom, the loss of the freedom to eat what they felt they needed or wanted was evident in many interviews and appears as an aspect of working conditions when workplace, residence, and food are united under the control of employers. There is some irony in such an issue arising among girls who had experienced hunger and poverty in their home villages and were working in richer and plentiful households. With reference to the common phrase that beggars can't be choosers, the question that arises from the concerns raised by the workers is, are domestic workers beggars?

*Factory work: Organised Sector employment and sweated conditions, hostels for young unmarried flexible female workforce*

Evidence regarding the working conditions of migrants in factory work is limited in this study. The distinctive phenomenon of young unmarried girls working in factories that provided some kind of hostel residence, however did emerge in a few qualitative interviews. While such a phenomenon is a known feature of the textile and garment industry in Tamil Nadu for over two decades, and more recently in the garment sector in Bangalore, the evidence from this study points to its emergence in Odisha as well. In what may be seen as a nascent stream of single migration by young women workers (ages between 17 and 22) for factories with residence, one of the interviewees was currently working in a garment factory in Bangalore, another had earlier worked in the packing department of a garment factory in Coimbatore but had later moved to domestic work. Two of the workers however, were working under a similar regime of factory with hostel for young girls (and widows) in a plastic product factory in Khorda district of Odisha.<sup>74</sup>

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<sup>74</sup> One had worked for a short time in a cotton ginning factory, again with residence, but could not recall the details.

With relatively large workforces, these factories have to be considered firmly in the organized sector. Yet they were marked by poor working conditions, with the worker in the Coimbatore garment factory having a 12 hour workday from 8 am to 8 pm for a wage of Rs 7,500. A similar 12 hour work day was reported for the plastic product factory in Khorda, for a wage of Rs 6,500 from which 3,500 was deducted for board and lodging in a hostel with 8-10 girls to a room. The worker in Bangalore had a shorter work day from 9.00am to 6.00pm, but a salary of just Rs 3000.

### *Child Labour and Trafficking*

The sample survey of migrants shows that 8 per cent of the women migrants and 6 per cent of the males originally entered migrant work as child labourers (below 14 years of age). The in depth interviews however indicated a higher scale with around one fifth of the interviewees having experience of being child migrant workers.<sup>75</sup> Such child labour cut across all major occupational categories – domestic workers, construction labour, wage labour in agriculture, and factory work in both intra-state as well as inter-state migration.

The conditions and context of such child migration, as brought out in the accounts of the interviewees who were either older adolescents or adults at the time of interview, raised several questions that challenge the simplistic perspectives and definitions that pervade the interlinked discourse around trafficking and child labour, which tends to conflate all forms of child labour and adolescent migration with trafficking. Most of the accounts of child migration were located in complex family dynamics spawned by a poverty that development pathways had failed to eradicate. Experiences of hunger, of not having enough to eat in childhood, a life changing death in the family - of a mother or father, was a repetitive motif in the accounts of several interviewees, particularly those who had been child migrant workers. Further, the people who facilitated the entry of these children into migrant labour were sometimes those who they felt closest to – a mother, a grandmother, a sister, a friend, etc. Some interviewees recounted how they had insisted on migrating, had sought out facilitators themselves, and had migrated without the consent of their parents.

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<sup>75</sup> As mentioned in the main report, a 2016 amendment to the law prohibiting child labour introduced a separate category of adolescent labour (ages 14-18), whose employment is permitted except processes or occupations designated hazardous.

A question that is posed by such accounts is whether criminal law and punishment is the appropriate way to deal with such situations, or whether the criminal justice system is equipped to engage with the issues involved. At the same time, the accounts of the interviewees of their experiences as child workers pointed to highly exploitative conditions of work – long hours of labour, exceedingly low wages, sometimes no wages, and some cases of sexual abuse that indeed call for stringent action. With all these accounts, it was also evident that child migration was in decline and the centre of gravity of female migration in the study area has shifted to the young adult age group. It is paradoxical that it is precisely at such a moment that the anti-trafficking discourse in Ganjam has shifted its emphasis from predominantly on ‘grownup girls’ to ‘minors’ or children migrating for employment.

This shift in focus is due to a combination of raising of the age of consent from 16 to 18, and the enactment of an anti-trafficking law along the lines of the Palermo Protocol, through amendments to the Indian Penal Code in 2013.<sup>76</sup> It is argued that this combination has led to an increase in girls who are minors recorded victims of trafficking from 23% in 2012 to 48% in 2016 (National Crimes Records Bureau) and a greater propensity to associate the migration of girls under age 18 with the crime of trafficking. Such a tendency was observed in the practice of anti-trafficking interventions in Ganjam district. Discussions with the anti-trafficking unit in the district police headquarters and local child rights NGO yielded evidence of the practice of surveillance of young girls at key bus stops and the principal railway station in the district, and forcible ‘rescues’ being effected by getting them picked up by police. Two girls from one of the study villages had been so ‘rescued’ by the police and then sent back to their homes in the village. Such ‘rescue’ was described as ‘arrest’ in the village. Village level sources reported that the girls had since then, left the village with their families and nobody knew where they had gone. Further, the only two live cases registered with the anti-trafficking unit in the district were found to be cases of elopement, suggesting that the power of the anti-trafficking law was being used beyond its remit. It is argued that adding a criminal dimension to young women’s migration by such interventions could contribute to socially regressive attitudes towards female mobility.

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The interviews with women migrants indicated discriminatory disapproval of women's migration for work, and widespread shaming of migrant women workers (calling them characterless), particularly young women. Ironically, these discriminatory attitudes towards migrant women contribute to the hostile environment often experienced by returnees who were often at very real risk of sexual harassment and abuse at their workplace, especially live-in domestic workers.

### *Policy Questions*

In the various labour policy initiatives in Odisha directed at migrant workers, some concerns that have emerged from this study are the absence of a gender perspective and a lack of focus on single migration by women.

This trend is being given further momentum by the skill development programmes and particularly the DDU-GKY that has created a new benchmark in its fully government funded, but fully privatized model of implementation. In Odisha, it has promoted young women's migration that is feeding a demand for young and unmarried women workers in some industries, mainly outside the state. Evidence from the field study indicates that such a model may promote women's entry into low wage employment under sweated conditions. It is suggested that there is a need to keep in check the possibilities of a profiteering nexus of training and placement agencies and private employers, by bringing the placement programme under the oversight of labour departments.

The future of labour legislation is uncertain, because there are currently discussions about replacing 44 labour laws with a set of four Labour Codes. Examining the codes from the perspective of migrant women workers, there is reason to believe that certain rights for migrants and for women workers may be lost.

The legal landscape of anti-trafficking is also changing. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018, has been passed in the Lok Sabha and is presently before the Rajya Sabha. As of now, in the ongoing discussions around the bill, the lack of any recognition of women's needs or rights as workers persists. It is argued that the anti-trafficking framework requires the incorporation of a labour rights perspective.

### *The WiF Intervention: SEWA/AAINA activities in Ganjam*

As mentioned in the introduction, the village sites of this CWDS/LSHTM study were located in an area of an ILO/ WiF intervention implemented by SEWA/AAINA, but this study was not designed as an evaluation of the actual intervention. As such, even though there was a degree of overlap in time between the CWDS/LSHTM study and the SEWA/AAINA activity programme under WiF, the study process and the intervention processes were not connected with each other.

Not all the study villages were sites of the WiF project, but neither was the intervention confined only to villages being covered by this study. Before moving on to some recommendations that flow from the research study, it may be useful to highlight some of the aspects and questions that emerged from the discussions at the policy workshop organized for the CWDS/LSHTM study in which SEWA/AAINA representatives shared their experiences. The components of the SEWA/AAINA the intervention in Ganjam under the WiF programme included :

- 1) Identification of women migrants, including returnees and potential migrants, and organizing pre-departure training for them as per WiF guidelines.
- 2) Drawing women into the SEWA unionizing process and providing migrants with information and contacts of SEWA at some of the destinations, particularly Kerala and Mumbai.
- 3) Facilitating registration of migrants at the Gram Panchayat level as mandated by the Odisha policy for migrant workers
- 4) Mobilising local Self-Help Groups (SHGs) for the disabled associated with AAINA to act as migration information centres.
- 5) Formation of women's groups among the landless, and linking them with government schemes for development including MGNREGS.
- 6) Promoting organic farming and SRI (system of rice intensification) among those who had some land and help in marketing of their organic products
- 7) Other cooperative activities for local livelihood, including formation of milk cooperatives.

As reported in the CWDS/LSHTM workshop, some 2000 women in the area had been covered by the SEWA unionization process and another 600 new members had been enrolled in 2018. 400 women had been linked to MGNREGS, 60 women had been organized into milk cooperatives, and organic farming had been initiated with 5 groups of women.

It must be said that these activities did not find reflection in the study, as during the questionnaire-based survey, the programme was in its early stages, and very few of the migrant women covered by the semi-structured interview process across the various rounds had heard or knew about SEWA/AAINA or its activities. Only in one village did two or three of the interviewees report that they had attended a pre-departure meeting, but since they were seasoned migrants, they felt that those without any experience of migration might benefit more from such meetings. This should not be taken to retract from the value of the SEWA/AAINA intervention for those women who they were able to reach through their activities.

### ***Recommendations:***

#### Policy

The study has emphasised the need to incorporate a gender perspective in labour policy initiatives towards migrant workers, which includes engendering the operations of the two key labour laws that address forced labour and migration. It also points to the need to incorporate an employment and labour rights perspective in anti-trafficking interventions. Thirdly, it suggests the need for labour policy oversight of government funded skill and placement programmes. The findings of the study have also highlighted the need for regulation of the working conditions of domestic workers. Given the flux in the law and policy, the following recommendations may be taken as issues for discussion

#### *Recommendations*

- 1) Introduce legislation regulating the conditions of employment in the feminized sector of domestic workers and framing of a national policy for domestic workers that fully accords them their role and rights as workers.
- 2) Incorporate provisions that ensure an independent wage to women migrant workers as part of the Inter-State Migrant Workmen's Act.

- 3) Compile and release of gender disaggregated data for bonded labour.
- 4) Sensitize the labour law enforcement machinery regarding the provisions of the prevention, prohibition and redressal of sexual harassment in the workplace and convergent action between the labour department and other administrative authorities under the act towards constitution of local complaints committees that will cover migrant workers;
- 5) Re-examine of the provisions of the anti-trafficking bill, 2018 towards inclusion of a labour rights perspective, wider consultations with women's organisations, trade unions, and NGOs that have worked with migrant workers and reference of the bill to a Parliamentary Committee

### WiF Programme

There is a long tradition of government schemes for women that aim at self-employed income generating activities through women's collectives in rural areas. We suggest a shift of emphasis to wage workers in the source areas rather than merely adding one more set of groups to the existing format. As the study has shown, two sectors dominate wage employment in rural areas – namely construction and agriculture, and most of the women migrant workers (especially those who migrate singly) are associated with one or other or both. We would suggest that:

- 1) In its rural area activities, WiF could focus on construction workers and agricultural labourers and enable them to build platforms of solidarity for migrant women workers. It would give the ideas of WiF programme a wider and deeper traction, and create an opening to build support networks for women who undertake migration. The study has shown that the majority of local workers are in construction, as the principal form of non-agricultural employment. Even domestic worker migrants on return to their villages work in construction or agriculture. In our study area, construction worker migrants were the second largest among women. In most other places they would be the largest. We would urge that more attention be paid to the wage workers in construction and agriculture in source area interventions of WiF.
- 2) Providing opportunities to develop self-organising capacities among migrating women workers, rather than a top down programme, may become more important for WiF to remain relevant to the evolving needs of migrants. Unionization is the key instrument



in this, but as we have seen in the congregation of domestic workers in Mumbai, there are other organic processes that may be built upon. One possible method of providing such opportunities would be to hold joint conferences of workers on the issues and problems as they see it. Beginning with regional conferences and culminating in national conferences of migrants in paid domestic work, construction, and apparel industry would go a long way towards the creation of worker driven networks and focus on migration and conditions of work.

- 3) One of the key findings of the study was the link between migrant occupation and caste or community, with almost all live-in domestic workers coming from just one community. However we believe that targeting any one community for intervention would have dangerous consequences in such a deeply stratified society where relationships between communities is particularly volatile. Broader occupation based platforms, groups and organisations will we believe be more effective.
- 4) Returnees are a key resource in this and formation of groups of returnees, and allowing them to discuss and formulate activity plans may help develop a local cadre.
- 5) On the policy front, WiF may continue to have dialogue with policy makers at various levels, and to facilitate interaction and dialogue between different groups including the labour policy/law track, the anti-trafficking track, and the skill development track towards a more integrated perspective.
- 6) A strategy towards intermediaries may need to make a distinction between those who are workers themselves and those who are professional contractors or agents. The issue of regulation of placement agencies may be receding from source areas, but appears to be coming to the fore in destination areas.
- 7) Initiate qualitative studies of registered trafficking cases and long-term review and analysis of how rescued victims fared post rescue.

#### Areas for future Research

This study points to four areas of future research, including:

1. While source area research has opened up several issues, the lack of being able to follow effectively at destinations was acutely felt. Longitudinal research, following the

- life and work trajectories of migrants over at least three years is called for. The Odisha study has a database of migrants who could be followed up.
2. Intermediaries is an area where more research is required. While some broad contours of the types of intermediaries are indicated in this study, their own situation and financial trajectories need to be recorded for a better understanding of the several tiers. This is particularly important for the three sectors of domestic workers, construction workers, and apparel workers, where the economics of intermediation is still poorly understood.
  3. Conceptual research into methods of classification of tasks and calculation of wage rates of domestic workers.
  4. More detailed study and analysis of the operations of anti-trafficking units and interventions is an urgent necessity in the light of the trafficking bill that may still get passed in the Rajya Sabha in the coming months. A study of registered and unregistered cases, and select cases as have gone to court is an area of enquiry.
  5. Tracking the designated victims of trafficking and their life trajectories is another important area that calls for more research.

## Aims and Objectives

In order to develop, promote and disseminate knowledge about women's roles in society and economic trends which affect women's lives and status, CWDS

- Undertakes, promotes and coordinates both fundamental and applied research on women and development;
- Organises and assists training programmes for scholars, planners, administrators, development agents, communicators, members of women's organisations/ cooperatives etc.;
- Promotes and collaborates with academic institutions, grassroot level organisations and individuals engaged in allied activities;
- Provides advisory and consultancy services on allied issues to institutions and organisations, within and outside the Government, including development agencies and cooperatives;
- Develops and promotes (in collaboration with other agencies) educational training and action programmes for women, especially under-privileged women;
- Undertakes activities that are consistent with the objectives of CWDS and helps to bring about attitudinal and other changes for effective participation of women from all levels of society.

The CWDS sees itself primarily as a catalyst in assisting women to realise their full potential and exercise their active influence on society and its transformation. The national policy of equal participation of women in all spheres of national development is possible if the ideas and institutions that marginalise women's role and contribution in society are weakened or eliminated. Thus, CWDS aims to concentrate on:

- Seeing women as active participants in politics and plans for national development and not merely as passive recipients of marginal hand-outs;
- Focussing attention on women's pressing and special needs for maternity protection, child care, literacy education, widening opportunities for employment and training etc. So that they receive adequate attention and resources from various sections of society, and;
- Re-examining educational and other value generating process which promote mystification, ignorance and distortions regarding women and their roles in society.



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