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CHALLENGES AND VULNERABILITIES OF FEMALE MIGRANT LABOURERS IN INDIA: LESSONS FROM THE RECENT PAST

AUTHORED BY -VISHAL VERMA

ABSTRACT

In India, the majority of the workforce, estimated at over 90%, operates within the unorganised or informal sector, with migrant labourers constituting a significant portion. Recent data suggests that India hosts approximately 600 million internal migrants, half of whom are women. These women often find themselves compelled to engage in the shadow economy due to limited opportunities, exposing them to risks such as human trafficking, workplace abuse, discrimination, and violence. Additionally, they face obstacles like restricted access to education for their children and employment termination based on menstrual leave, marriage, or pregnancy, exacerbating their pre-existing vulnerabilities.

The COVID-19 pandemic further exacerbated the challenges faced by these vulnerable migrant populations. They bore the brunt of the pandemic's impact, enduring heightened suffering and hardship due to their marginalized status, minimal social protection, and inadequate access to government assistance.

To create a supportive environment for potential female migrants, there is an imperative need to establish a robust legislative framework addressing the diverse health and welfare needs of interstate female migrant workers. Initiatives such as establishing migration information and support centres in high out-migration areas and prominent in-migration destinations could significantly assist and facilitate independent migration for women.

KEYWORDS: Informal Workforce, Female Migrant Labourers, Vulnerabilities, Workplace Challenges, Migration Support.

INTRODUCTION

A migrant worker is someone who has relocated within the same nation or across nations in pursuit of employment and subsistence. The definition of a migrant worker according to the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is a person who will be engaged in, is engaged in, or has been engaged in a paid activity in a state of which they are not citizens.¹ For the bulk of migratory workers, economic and job possibilities, globalization, and urbanization are crucial factors. The phrase "migrants" typically conjures up images of men leaving their communities in search of employment in urban areas. Women have been migrating in recent years in search of jobs with greater salaries and Women have been emigrating in recent years in search of better jobs and salaries for themselves and their families.² Contrary to male migrants, female migrants may nevertheless encounter more prejudice, are more susceptible to abuse, and may face double discrimination as foreigners and as women in their host countries.

TYPES OF FEMALE MIGRANTS

Autonomous Female Migration: Many women from the middle and upper middle classes move to cities to further their education and to find acceptable work.

Relay migration: Families with landholdings in the country send their daughters to work mostly as domestic workers, where they are secure under the care of a mistress, to increase the family's income. First, the second daughter steps in to take the position of the older one.

Family migration: In this case, the woman chooses to migrate with her husband in the aim of finding work in the new location rather than staying behind in the hamlet.

FEMALE MIGRANT WORKER IN INDIA

Frequently, migrant women are crucial to maintaining and revitalizing their families and communities. The IOM reports that wherever they may be, women migrants send a larger percentage of their foreign earnings home than men do, and they frequently take on more care obligations for family and domestic matters. One all-too-common factor underpinning the unique difficulties that female migrants encounter on the migration path is the problem of violence against women.

A fair and better-regulated labour market, a guarantee of decent employment, and the option to join a union are now requirements for the complete respect and acknowledgment of all migrant women's rights without any gender discrimination. We stress the significance of the battle against sexual assault, exploitation, and trafficking of women, who are typically migrants.

Female migrants' circumstances were not always favourable in the past. The migration of women was prohibited in several regions.³ Several facets of civil society, including women's organisations, labour organisations, professional groups, and others, reacted angrily to this. They said it violates the constitution and discriminates against women.

CAUSES OF WOMEN MIGRATION

India has one of the lowest percentages of female labour force participation worldwide. Generally speaking, migrant workers have strong emotional ties to their birthplaces. But there are two reasons why people move away from their homes and places of birth: (i) push factors like natural disasters like flood, drought, cyclones, earthquakes, and tsunamis, as well as wars and regional conflicts, which also give people an extra push to migrate; and (ii) pull factors like the availability of steady employment and relatively higher wages. Better health and educational possibilities draw individuals from all around the world. To examine the determinants of female migration, the theoretical approach for the study is drawn from the push-pull approach framework. This approach is mainly situation oriented, in the sense that it attempts to study the conditions at home which compel persons to move out of their place of origin on the one hand, and the conditions and situations outside that attract persons on the other. In this framework, migration of females is considered to be the outcome of interplay of push forces and of attractive forces. For the purpose of the study all the variables considered here, are divided into four groups of indicators namely economic, socio-cultural, and demographic and amenity indicators which determine female migration.

ECONOMIC FACTORS:

The need for improved employment, a scarcity of arable land, and population increase are the main driving forces. Prior to industrialization, villagers were forced to relocate as a result of cottage industries and agricultural automation.

Poverty, unemployment and work participation: The destruction of traditional occupation structures and the reduced survival opportunities in the area of origin lead to female migration (Sasson, 1982). Kottegoda (2006) states that in Sri Lanka, poverty and lack of employment opportunities have become the fundamental push factors for female migration. Village studies conducted by Adhikari, 1996; Seddon et al, 2001 reveal that poor women migrate to other villages and near by towns and cities where development work is being carried out. Economic hardships in the form of poverty and lack of employment opportunities force them to migrate to other places for survival. Therefore, women may be compelled to migrate owing to their economic condition (Araya, 2005). On the other hand, the creation of a gender segregated labour market through the process of globalisation creates a demand for female labourers in the informal labour market (for example, export processing zones, garment industries) which acts as a pull factor for female migration (Shanti, 2006).

Irrigation & Female Migration: The provision of irrigation facilities is the most significant factor in the creation of employment opportunities for they induce changes in the system, pattern and intensity of cropping. Female work participation rate is highest in irrigated areas as compared to non-irrigated areas (Sahu, 1986). A village study by Epstein, et al (1998) in the southern states of India shows that expansion of irrigation facilities creates more employment opportunities for landless labourers and also attract migrant labourers. A study carried out by Jan Berman (1985) in district of Surat in South Gujarat finds that certain structural developments like canal irrigation, electrification programme and capital accumulation have led to diversification of rural activities, which in turn have induced leading to in-migration of skilled or caste-specific groups and out-migration of local labour and poor tribal. In his study 58 percent of all migrant labour is women. In his view their migratory behaviour is highly rational since the risks to be faced in the event of moving out are less than those of starvation back in the village.

Land holding and Female Migration: Land is considered as one of the major economic assets of a household as it provides economic security to people, apart from being a permanent source of income. Landless and land-poor households typically rely on the sale of their labour for farm and non-farm activities. Control over cultivable land is critical to livelihood security and thus provides a choice whether or not to migrate (Rafique, 2003). The evidence to date suggests that those with limited access to land and other assets are more likely to migrate (Desihnger, 2004).

SOCIAL FACTORS:

Apart from economic factors, non-economic factors also influence female migration. Economic factors provide only the necessary condition of migration; the sufficient conditions are the other socio-cultural factors which motivate them to move (Rao,1984).Several complex factors account for greater female migration besides the usual factors of pull and push, poverty being important among these; new factors such as newly developing markets for women's work, improving levels of education and skill development, a great desire for improving one's own and one's children's lot, and the loosening of parental and societal control over women are becoming equally important. Social capital, in the form of community and family networks, however, remains important for facilitating such movement (Kaur, 2006).

As a result of the rising number of women who forsake their homes, more of these women are migrating in search of work. Data from All India shows that more women migrate from rural-rural destinations than from rural-urban destinations. Until they find employment, the male migrants are dependent on female income. People move from one area to another due to societal traditions and tradition. A case in point is intercaste marriage. Either they are social outcasts or are despised by their neighbours and kin.

Social-Network: The role of personal and social networks appears to be the key to facilitating female to migrate for work. Social networks are the key in providing access to opportunities for migration and employment; of course migration creates new networks (Hann, 2006). Through network effect, women are more likely to access to information and support exchanged between family members. The chain migration that develops among the relatives and friends of migrant workers reflects the function of networks (Gurrero et al, 2001). Kaustri (1990) study of female Tamil migrants engaged in domestic service in Delhi reveals the importance of socio cultural factors in influencing migration. The study shows that many of them are from low caste groups. Social barriers force them to migrate to other places for work as domestic servants. Another study by Neetha (2004), which corroborates the above findings, shows that a majority of domestic workers from Tamilnadu belong to Schedule Caste. In her study 80.7 percent of live-out workers belong to the scheduled castes and 14.4 percent to the other backward class. Besides, NSS data on domestic service employment category in India shows an increasing feminisation with an increase from 1.2 million females domestic workers in 1983 to 2 million in 1999; during the same period, the number of males working as domestic helps stayed stagnant at 0.3 million (Kaur,

2006). It implies that majority of females join as domestic workers through social networking effect and is expected that females particularly, from lower caste join such kind of occupations.

Education: Education can also affect women's migration pattern, as it does with men. It has been widely observed that propensity to migrate increases with education (Connell, et al 1976). Increased education seems to encourage more migration of women (UNESCAP, 2003a), and in turn foster greater education of females. The role of education in shaping female migration patterns needs to be investigated further, especially in the light of increasing educational attainments of women throughout the developing world (Hugo 1993).

Child-Women Ratio: Married women and women with larger numbers of children have higher out migration rates. If one compares the marital status of migrants with non-migrants in urban areas, the share of being married is higher among migrants compared to non-migrants (Mitra et al, 2008). A study carried out by Oberai and Singh (1983) in Ludhiana district of Punjab, addressing the effect of rural-to-urban migration on fertility finds generally higher fertility among migrants than non-migrants. There are economic factors relating higher fertility to higher rates of migration.

AMENITIES

The migration of people living in villages is also influenced by social factors such as lack of educational opportunities, poor health care infrastructure, lack of career opportunities etc. These factors are especially important for young people and very often play a key role in pushing them out of rural areas.

Absence of schools, health services and modern housing facilities motivate rural women with children to move to larger cities where such facilities are found (Adepoju, 1998).

As institutions of higher learning, particularly professional and technical institutions, are not available in each district, an urge for higher education motivates urban dwellers as well as some of the rural folk (both male and females) to migrate (Premi, 1990).

Taking into account the importance of various socio-economic factors influencing female migration an attempt is made in this paper to examine the significance of economic factors as

predictors of female migration. Although micro level studies are available on the economic causes of female migration, there are few studies at the district level. On the other hand, district is also an important unit for capturing migration flows as defined in census data on migration. Therefore, in this paper a district level analysis is made by taking in to account all the streams of migration to examine the impact of various socio-economic factors on female migration.

Population increases and an uneven rise in literacy rates are two key demographic drivers. Higher educated and more experienced workers relocate to new places in search of greater pay. Human migration is also influenced by mortality and birth rates. Population growth causes labour demand to rise, and extra labour from rural regions moves to urban areas.

As a result, India has fallen short in its efforts to offer social and economic protection to its migrant labourers. The fast growth of COVID-19 and its significant economic effect have further exposed India's outdated protection systems and disregard for migrant labourers in national policy.

MARRIAGE

The main factor driving women to relocate is marriage. Nearly 154 million of the 221 million migrant women reported migrating after they got married, in contrast to the majority of males who relocate for employment. Female migration increased from 4.1 million to 8.5 million between 2001 and 2011. Women move for reasons that are social and economic.

1. In economically developed regions, there are better work chances and higher earnings; in economically underdeveloped regions, there are no employment prospects and as a result, life is difficult.
2. According to the National Commission on Rural Labour, the most significant factors are economic need, interregional discrepancy in economic growth as a result of uneven development, and inequality across socioeconomic groups.
3. Although migrant workers are hardly aware of these provisions, Article 19 of the Indian Constitution's guarantees of freedom of movement throughout all of India's territory and freedom to engage in any occupation of one's choice legally allow people to migrate in search of better employment opportunities.⁴ As a result, migration cannot be outlawed.
4. Despite hardship and exploitation, migrant workers' incomes may typically be higher

than

5. what they might have made otherwise.

PROBLEMS FACED BY WOMEN MIGRANT WORKERS

The women migrant workers endure terrible living circumstances and have difficulties including sexual exploitation, denial of their rights, and discrimination on the job.

Only 50% of the women were illiterate, and only 24% of the migratory women labourers had completed basic education.⁵ This demonstrates the extremely low level of education among women migrant labourers. The likelihood of employment satisfaction is relatively low. In a rapidly developing consumerist culture, the annual family income of the female migrant worker is insufficient. There were no high-quality child care facilities in the area, and the demand for work without holidays and unrest is contrary to labour rules and also causes stress-related psychological issues and health issues.⁶

The bosses did not make any accommodations at the job site. The lack of accommodations causes the women migrant workers, who travelled great distances, to be late for work. There are no safety precautions in place at work. The women workers were denied their rights because they were migrants.

Many of them lacked ration cards and were not citizens with the right to vote. It is clear that the majority of migrant women workers did not get any social security benefits when unwell, and many of them were refused maternity benefits while pregnant.⁷ Due to their ignorance of the government programmes offered through the unorganised sector, the majority of employees did not benefit from welfare measures. Although the NGO has spent the last 10 years advocating locally for women migrant workers.⁸ The majority (60%) of the female migrant workers have not benefited from any NGO assistance to improve their quality of life.

- Discrimination in the labour market.
- Exploitive conditions at work.
- Violence in the workplace.
- Restrictions to collective association and organization.

- Limited access to health services, including for their children (boys/girls).
- Obstacles in accessing education for their children (boys/girls).⁹
- Restrictions to freedom of movement.
- Barriers for family reunification.
- Obstacles in accessing an identity for their children. ¹⁰
- Barriers in access to justice.
- Barriers in accessing migration documentation (residence permit and authorization to work).¹¹

IMPACT OF COVID -19 PANDEMIC ON WOMEN MIGRANT WORKERS

Women who work as migrant labourers are more likely to lose their jobs, have their labour and humanrights violated, and have the coronavirus. They most typically work in the unorganised sector of the economy, mostly in the care and domestic service industries, with precarious employment, no paid time off, and no remote work options.¹² They also have a higher likelihood of working part-time, temporary jobs. Their employment is typically not covered by contributory social insurance programmes, therefore they have little to no access to health care and maternity benefits as well as few or no social safety nets to replace lost income. Women, particularly migratory women, are frequently engaged in low-paying positions that generally include duties that are socially and legally undervalued. The Crisis Management Act, 2005, which gives the Central Government the authority to impose limitations and adopt particular rules with the objective of controlling the disaster and so preventing its hazards, was used by the Prime Minister of India to proclaim a 21-day countrywide lockdown.¹³

GOVERNMENT LEGISLATION AND POLICIES

The colonial era and the well-known incidents that occurred during Gandhi's Satyagraha activities in the Champaran area, Kheda, and in the form of the Ahmedabad Mill Strike in the pre-independent period are both important points in the history of labour exploitation in India.¹⁴

Since years, the living conditions of migrant workers from rural households have been appalling. During the pandemic, the sudden suspension of all modes of transportation required by Clause 6 of the 2020 Guidelines of Essential Commodities Act, 1955, without the establishment of any kind of substitute arrangements for commuting, made the situation even worse for this group of the population.¹⁵ The rules made it clear that transportation may only be used for vital items and in cases of fire, law, order, and emergency services. Due to the pandemic's unpredictability, the working poor in India have also experienced a lack of financial stability. In India, 89% of all employees fall into this category.¹⁶

Constitutional Rules In addition to daily loss and suffering during the COVID-19 crisis, those affected by the same issue were treated unfairly and unequally. When one side had the means to stock up on basics, food supplies, and toiletries lasting for over a month, and on the other hand, some people on the road could not even get one meal a day, the gap between the fortunate and unprivileged segment started to become more apparent.¹⁷ Article 14 of the Indian Constitution declares a person's right to equality. The migrant issue further highlights the flagrant disregard for the Article 14 norm of "equal compensation for equal effort."¹⁸ *State of Orissa v. Balaram Sahu*¹⁹ expanded and defended the same idea. In order to promote socioeconomic fairness, the Court made it plain in its ruling that the State must make sure that minimum wages are set and paid to employees.

The current situation, in which migrant labourers are frequently denied access to basic essentials like food, clothes, and shelter as well as safe and sanitary living circumstances, can be characterised as a blatant violation of Article 21 of the Indian Constitution. With the historic Indian ruling in *Kharak Singh v. State of Uttar Pradesh*²⁰, the concept of "personal liberty" was broadened to encompass more than only animal existence.

The Indian Preamble's demands for a welfare state, social, economic, and political justice, as well as equality of opportunity and position, are further aided by the Directive Principles of State Policy included in Part IV (Articles 38-51) of the Indian Constitution.

THE INTERNATIONAL COMMUNITY HAS DEVELOPED A SERIES OF INSTRUMENTS FOR PROTECTING WOMEN MIGRANT WORKERS' RIGHTS

The most important tool for the protection of this particular demographic is the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CTM, 1990).

The CTM provides access to human rights regardless of a group's status as migrants by granting human rights to the migrant population in accordance with the idea of equality among all people. Since 1999, Mexico has been a State Party to this Convention.

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) works to end gender-based discrimination and exclusion, which, when combined with other factors like ethnicity, financial standing, nationality, age, and occupation, among others, restrict the ability of women migrant workers to exercise their rights. In 1981, Mexico approved the CEDAW. The CEDAW General Recommendation No. 26 (2008) discusses in depth the factors that make many migrant women particularly vulnerable to discrimination based on gender and sex, describing this vulnerability as both a cause and an effect of the violation of their human rights. This suggestion stresses that migration is not gender-blind because it has diverse effects on men and women. It contends that a gender perspective must be taken into account when analysing female migration and developing public policies to stop violence and discrimination against women, advance their rights, and ensure their social and economic involvement.
- The rights protection for women migrant workers is complemented by a number of International Labour Organization (ILO) Conventions. ²¹In particular, the Domestic Workers Convention (No. 189) (2011), a crucial tool that, after being approved by States, helps to secure the rights of both domestic worker nationals and migratory women.

CONCLUSION

The plight of women migrant workers in India is underscored by multifaceted challenges ranging from low wages and inadequate healthcare to the harsh realities amplified by the COVID-19 pandemic. The findings of this study offer a poignant insight into the lived experiences of these

women, shedding light on the profound hardships they endure, exacerbated by the sudden and unplanned lockdown and the subsequent socio-economic and health crises.

A critical revelation from the study is the severe loss of livelihood and the ensuing debt burden faced by these migrant women. Forced to compromise on essential daily necessities, they grapple with the weight of responsibility and the confines of their circumstances, resulting in heightened stress and mental anguish. The disruption of access to essential services further compounds their vulnerabilities, leaving them isolated from critical support systems.

Despite government initiatives aimed at assisting women migrant workers, the benefits of these measures have largely eluded them, highlighting a significant gap between policy intent and on-ground implementation. It is imperative to recognize the indispensable contribution of migrant workers, particularly women, to the sustained urban economy. Their resilience and labor are foundational pillars that drive economic activities and growth

Women Migrant workers are faced many constraints in their works such as low paid, no proper healthcare etc., and in covid times their life is in question mark? The present study is one of the documenting the experience of migrant women in India. The study light upon the dismal state of migrant women workers and their families, due to the unplanned lockdown and subsequent period of socio-economic and health crisis.

The major issues arising from the study about women's experience include the loss of livelihood and debt. The participants had to compromise many essential requirements in their daily living.

The burden of responsibility and captivity made the life of women stressful. Women experienced a significant disruption of access to services. The government measures devised for the women migrant workers in society haven't reached them. The migrant workers are contributed for the sustained urban economy. We should made efforts to restore economic activities of migrant women workers feel confident, secure, and safe.

Suggestions for Improvement and Supportive Measures:

Financial Support and Livelihood Restoration: Implement targeted financial assistance programs specifically tailored for women migrant workers to help alleviate debt burdens and restore livelihoods. This could include microfinance initiatives, skill development programs, and

job placement services.

Healthcare Access: Enhance healthcare provisions by establishing mobile health clinics and awareness programs focusing on women's health issues, ensuring equitable access to essential healthcare services.

Social Protection Measures: Strengthen social protection mechanisms by expanding the coverage of social security schemes and providing comprehensive insurance coverage for migrant workers.

Awareness and Education: Launch awareness campaigns to educate women about their rights, entitlements, and available support services, empowering them to assert their rights and access available resources effectively.

Migration Support Centers: Establish migration support centers in high out-migration and in-migration areas to provide information, counseling, legal assistance, and other essential services to prospective and returning migrant women workers.

Policy Implementation and Monitoring: Enhance the implementation of existing policies and ensure rigorous monitoring and evaluation mechanisms to track the effectiveness of interventions and address gaps in policy implementation.

By adopting a multi-dimensional approach encompassing financial support, healthcare access, social protection, awareness, and policy implementation, concerted efforts can be made to restore the economic activities of women migrant workers, fostering an environment where they feel confident, secure, and safe. It is imperative to bridge the existing gaps and prioritize the welfare and empowerment of women migrant workers to build a more inclusive and equitable society.\

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