



From the Editor's Desk

I. Essays

Domestic Migrant Labours in Kerala. <i>D. Narayana - C.S. Venkiteswaran</i>	4
Overseas Migration Of Women Domestic Workers From India : Implications Of A Restrictive Emigration Regime. <i>Praveena Kodoth</i>	44
Indispensable Yet Unprotected: Migrant Domestic Workers From India At Risk <i>Nalini Naik</i>	58
Friend or Foe: Can Community Policing and Homeland Security Co-exist? <i>Diana Bruns and Michelle Kilburn</i>	87

II. Practitioner's Notes

Security Aspects Related to Migrant Workers - Problems & Perspectives. <i>B. Sandhya</i>	99
Police Itself Must Push For Reforms. <i>Rohit Choudhary</i>	104
The War on Migration Can't Be Won <i>François Crépeau</i>	109

III. Policing News

Community Policing of Kerala : The Current Status and the Step Ahead	113
---	-----

From the Editor's Desk

The problems connected with democratic policing are diverse. One of them is the challenge of solving issues connected with the large scale influx of labour from distant areas. Their numbers in Kerala, as well as in urban conglomerates elsewhere in India, are growing rapidly.

Movement of labour force on a massive scale from one place to another is caused primarily by economic factors over which police have little or no control. All over the world, on an international scale, the phenomenon of migration of labour from low wage economies, where jobs are few, to high wage economies, where labour is scarce, has been observed. The phenomenon has also given rise to a social situation which is characterized by two factors which are of interest to the practicing police professional.

The first of course is the question of denial of basic human rights and living standards to the large numbers of floating labour. From the United States to Hong Kong, whether it be Mexicans or Filipinos, Governmental institutions, despite the best of intentions, are finding it difficult to ensure the application of domestic regulations to migrant labour. To make matters worse, many among them may not have joined the local work force in a lawful manner and do not, in general, voluntarily seek the protection of domestic labour laws.

The second is the question of ensuring suitable security systems to cater to the peculiar situations caused by the phenomenon. The social alienation of such labour groups makes them suspect in the eyes of the local population. Problems of identification, lack of cultural affinity, unfamiliarity with language, absence of fixed residential addresses, anonymity, non-traceability etc cause serious worries to the police when there is an outbreak of crime in areas serviced by such labour groups. Unfamiliarity breeds hostility; and even the innocents come to be viewed as suspect. At the same time, many anti socials from distant areas do join the labour influx to perpetrate their nefarious designs under the cover of relative anonymity.

Hence the Current issue of this Journal of Democratic Policing has its primary focus on **“Migrant Labour – Rights and Accountability”**. The studies and statistics available on the topic and notes of practitioners on the topic are included with a view to help the practitioners as well as researchers. The expression “migrant”, in the intra-Indian context, may be understood only to mean “inter-State”. Truly, each among them has a lawful right to work anywhere in India, unlike those who migrate across international borders. But they all have moved from one social and linguistic milieu to one which is vastly different. It is difficult to find a better phrase than “migrant labour”, to describe their social and economic situation.

Improving Community relations is essential for effective policing. Community Policing necessitates organizational strategies which support the systematic use of partnerships and problem solving techniques, to proactively address public safety issues such as crimes, social disorder and fear of crime. During recent times, most successful policing agencies have been able to recognize this fact and promote such strategies. Therefore the large groups of floating population, who occupy the urban and suburban space, contributing enormously to the economic strength of the societies they serve, have necessarily to be brought within the operational ambit of Community Policing. It is hoped that the current volume will serve to expedite this process.

Jacob Punnoose IPS (Retd),
Visiting Editor

DOMESTIC MIGRANT LABOURS IN KERALA

D. Narayana - C.S. Venkiteswaran

1. Introduction

The movement of people in search of better economic conditions and a more secure environment is as old as human history. Such movements not only affect the lives of the migrants profoundly, but also lead to significant economic and social transformation in the regions of origin and destination of the migrants. Until recently, large out migration was viewed as the result of poverty and deprivation and development was thought as an antidote to levels of migration. Large investments of foreign assistance by the US in Caribbean and Central America, or trade liberalization in Mexico, did not reduce pressures of migration in the region. European, in particular France's experience with co-development has also been no different. The discussions have, since, gradually shifted away from this perspective and now it is widely recognized that migration is an aspect of globalization.

Development and migration go hand in hand. But the historical record is deeply ambiguous. In several prominent countries- Germany, Great Britain, South Korea for example, - out migrEssayslation has

Dr. D. Narayana is former Director of Gulati Institute of Finance and Taxation (GIFT), Thiruvananthapuram.

Dr. C. S. Venkiteswaran is presently serving as Associate Professor in Gulati Institute of Finance and Taxation (GIFT), Thiruvananthapuram.

This study was conducted for Social Welfare Department, Government of Kerala.

coincided with social and economic transformation. But in several others such as Egypt, Lebanon, Mexico... - decades of migration have moderated poverty but have not led to sustainable growth. Between these two extremes lies a third group of countries that includes - Greece, Portugal, Russia etc. - where living standards have improved and migration process have subsided. There is little evidence of causality in success stories or failures and hence it is difficult to draw universal conclusions.

India is the largest recipient of international remittances in the world of which about 50% were classified as remittances towards family maintenance. Kerala accounts for about 40% of the Indian household remittances. Kerala along with Punjab and Goa also reports high international migration: whereas at the all-India level only 38 per 1000 out-migrants leave the country, it is over ten times that number for these states (Figure A 3, Czaika, 2011). The large international migration, precipitous fall in fertility, and rapid urbanization has seen Kerala attract domestic migrant labour in large numbers in recent years.

In many instances, large migrant population provokes substantial popular unease translated into xenophobia, racism, or lesser forms of hostility toward migrants. While the inflow of migrants has grown exponentially in recent years into the rapidly urbanizing- and rapidlygrowing- South Western and Punjab-Haryana- Delhi belt, policy makers have not woken up to this reality, except for knee-jerk reactions following Bangalore exodus, or Suzuki violence. It is politically imperative that policy makers pay attention to living conditions in the migrant centres.

Any government intervention, however, needs necessarily take into account the differing backgrounds the labourers come from, the different caste groups and their differing food habits amongst others. It would not suffice to think of the DML only as single set without differing backgrounds and needs. Only a culturally sensitive intervention would be useful in understanding the DML in Kerala and contribute to maintaining a healthy flow of DML to the State that is now so necessary to sustain the State's economic growth.

It was thus felt that a study was necessary to achieve that purpose. The objectives of this Study therefore were articulated as follows:

- ◆ To estimate the stock of DML in Kerala;
 - ◆ To estimate the net annual inflow of DML into the State;
 - ◆ To estimate the distribution of the DML by State (and where possible District) of origin;
 - ◆ To understand the Channels of Migration of the DML into the State.
 - ◆ To map the distribution of DML by location and sector in the State;
 - ◆ To map the skills of the DML in Kerala
 - ◆ To assess the age and sex composition of the DML;
 - ◆ To understand the nature of employment contracts entered into by the DML
 - ◆ To assess the wage and benefits obtained by the DML;
 - ◆ To understand the nature of accommodation and issues associated with it and
 - ◆ To understand the social and cultural problems if any faced by the DML.
- Estimation of Stock and Flows of Migrant Labour.

2. Estimation of Stock and Flows of Migrant Labour

Estimating the stock of DML in Kerala is not an easy task and some of the well known methods of estimation based on sample surveys are not of much help in the context of the state. The basic problem is one of not having a proper sampling frame. The conventional approach to overcome this problem would have required a detailed listing of the places of stay of DML in a large number of administrative units to build a sampling frame, selection of samples and survey- almost akin to the massive decennial population census. As this would have required huge resources and considerable time a different approach had to be conceived. What came in handy for the present purpose is the unique feature of

domestic migration into Kerala, namely that the migrants are from far away Uttar Pradesh, Bihar, Bengal, Assam and elsewhere and the only mode of travel available to them is the great Indian railway, for which Kerala is the Terminus; the DML get into the long distance trains to arrive in Kerala or to visit home and come back in these trains. The present study therefore came up with a unique method of estimation exploiting this exceptional feature of migration into the state to generate robust estimates of DML (the statistical theory of which is given in the technical appendix). This method would not have been suitable if the state were not a terminal point for the long distance trains.

2.1 The Method of Estimation

Let 'S' be the size of the stock of Domestic Migrant Labour (DML) in Kerala. Let | be the average number of visits home made by a DML in a year. The expected number of DML visiting home (and returning) on a randomly selected day is, say X.

Then,

$$X = (| * S)/365 \dots\dots\dots (1)$$

Alternately, S, the stock of DML in Kerala is given by $(X * 365)/|$ (* stands for multiplication)

X needs to be counted taking all the trains entering Kerala from all the outside destinations. It is possible that DML travel in both sleeper and unreserved coaches of trains. In order to manage this dimension of the work, let us take the proportion of DML travelling by sleeper class as s. Then, $X = X_u/(1-s)$ where X_u is the number of DML travelling in unreserved coaches of trains.

$$\text{Now, } S \text{ takes the form } (X_u * 365)/(| * (1-s)) \dots\dots (2)$$

S is implicitly assumed to be constant. However, S is a dynamic entity as there is continuous inflow (there is some outflow too!). The number of inflow X_{in} also needs to be observed which can be done exactly as that of X. (The assumption here is that first time inflow is only by unreserved coaches of trains.). The total count

of DML, both those who are already in Kerala and travelling home and coming back as well as those coming for the first time, $X_u + X_{in}$, is the number that is obtained by a full count of the DML in unreserved coaches of all the long distance trains entering Kerala.

The stock of DML grows at the rate of $(X_{in} * 365 * 100)/S$

$$= [(X_{in} * 365 * 100)^s * (1-s)] / (X_u * 365)$$

$$= [X_{in} * 100 * (1-s)] / X_u \dots(3)$$

The procedure adopted for counting the DML in trains is as follows. A complete list of all the long distance trains entering Kerala through the Konkan Railway and through Palakkad is made. It ran into 63 trains in all in a week excluding trains from Mumbai, Mangalore, Bangalore, Hyderabad and Chennai. Some were daily trains, some weekly, bi-weekly and so on. Each train was to be surveyed by teams entering the trains at Kasaragod or Palakkad as the case may be. Initially, it was thought that counting the number of DML travelling in the unreserved coaches, that is X_u and X_{in} , and canvassing the questionnaires SQ1 and SQ2 (See appendix for the questionnaires) on a sample from among them could be done simultaneously. Soon it became apparent that this was difficult to manage as many DML get down at Kasaragod and Palakkad and at all the train stops till the destination. Combining the counting of the number and canvassing the questionnaires was leading to a situation where many who got down at stations were missed out. So, it was decided to separate the two activities. During one full week in October November teams entered the unreserved coaches of the long distance trains and canvassed questionnaires SQ1 and SQ2. Later during one full week teams counted the number of DML. The two together generated the data for estimating X_u , and X_{in} .

Data for estimating s were generated by canvassing the questionnaire SQ3 on DML in a few locations all over Kerala. Some of the parameters are estimated using both the questionnaires and the differences pointed out.

2.2 The Estimates of the Stock of DML in Kerala

The estimates are as follows:

1. Number of visits a year by an average DML (λ) = 0.672; this is the estimate obtained from the data on canvassing SQ3.

2. Number of visits a year by an average DML (λ) = 1.00; this is the alternate estimate obtained from the data on canvassing SQ1. This is bound to be slightly higher as the sample would have a higher proportion of more frequent travelers.

3. Proportion of DML travelling by sleeper class (s) = 0.80; this is the estimate obtained from the data on canvassing SQ3. A lower estimate is 0.70; thus, the range of the value is between 0.70 and 0.80.

4. Proportion of travelers in unreserved coaches who are new comers = 0.338

5. Number of DML coming to Kerala on an average day = $13373/7 = 1910.43$; the total number is obtained by the count of DML in all the unreserved coaches of 63 long distance trains entering Kerala in a week.

6. Number of DML coming to Kerala on an average day after visiting home = 1264.7

7. Number of DML coming to Kerala on an average day (new comers) = 645.73

8. Annual remittances by an average DML = Rs 70,000 from SQ3; SQ1 gave a slightly lower amount; it is possible that in the midst of many others in the train the respondent would tend to report a lower amount.

[Both the number of DML returning after a visit home and the number of new comers are under- estimates as only the long distance trains have been covered in the train count. It has been noted that a very small number of other DML travel by trains to Chennai, Mumbai and elsewhere and change trains there.]

The stock of DML can now be estimated as follows:

$S = (1264.7 * 365)/(0.672*0.20)= 34,44,891$ when the proportion of DML traveling in sleeper class is taken as 0.80; the number will be 22,96,594 when the value is 0.70.

$S = (1264.7 * 365)/(1.00*0.20)= 23,08,077$; the number will be 15,38,418 for the lower value of 0.70.

At this point it is necessary to carry out a reality check. Taking the value of 0.672 as the number of visits home by a DML in a year and the value of stock at the highest as 34 lakhs, the number of travelers returning to Kerala in a year will be over 21 lakhs and the number per day would be over 5500. If 80% are travelling by sleeper coaches, then about 500 out of the about 800 berths (60% of all berths in a train) would have to be occupied by DML which seems unlikely. When we take the lower value of the stock (23 lakhs) and the lower value of the proportion traveling in sleeper coaches, it would come to about 280 DML travelling in a train in a day. It would imply that in a train of 11 sleeper coaches and 72 berths in each coach, it is expected that around 25 on an average are occupied by the DML returning after a visit home. Casual observation suggests that this number is reasonable. Thus, **the stock of DML is assessed to be over 25 lakhs.**

The population of Kerala in 2011 was 333.88 lakhs and the male population age 20-64 years is 87.36 lakhs (based on the Expert Committee's projection as the age composition data from the 2011 Population Census have not become available). Considering that this entire population is not in the labour force as the work participation rate for males is around 50%, the ratio of DML to the local male population in the working age group could be 1:2.5. Whichever way we look at it this is huge and needs necessarily be taken due note of.

Growth rate of DML (annual)=
 $(645.73*365)*0.672*0.30*100/1264.7*365=10.35\%$

Growth rate of DML (annual)=
 $(645.73*365)*1.00*0.30*100/1264.7*365=15.30\%$

The number of DML newly arriving in Kerala each year is around 2,35,000.

About 11.60 per cent of those going home in unreserved coaches say they will not return to Kerala, which implies $S \cdot 0.3 \cdot 0.116 / 365$ return from Kerala every day (that is about 3.48%). Then the growth rate will come down by that rate. Thus, the net growth of DML would be 6.87% or 11.82% depending on whether I or II above is taken as an estimate of the growth of the stock of DML. The net addition to the stock of DML is then 235000 less 53360 which is equal to 1, 82,300.

The annual remittances by the DML as a whole would be Rs 16076.16 crores or Rs 10,768.93 crores depending upon the stock of DML taken. It would definitely be over Rs 14,000 crores a year.

2.3 Some Characteristics of the Domestic Migrant Labour in Kerala:

States of Origin and Age Distribution of DML in Kerala: The surprising fact about DML in Kerala is that currently the state has migrant labour from almost all the states of India and Nepal. While the numbers are few from Punjab, Haryana, Gujarat, Maharashtra and so on, the largest proportion hail from West Bengal (20%), Bihar (18.10%), Assam (17.28%), and Uttar Pradesh (14.83%) (See Table 1) The DML are almost entirely male and 75% of them are in the age group of 18-29 years; there are few above the age of 36 years. A handful of the migrant labour report that they are below 18 years of age. There is not much difference in the age distribution of migrant labour across the states of origin.

Table 1. Distribution (%) of DML by State of Origin and Age:

State	Age Class in Years						Percentage Share
	Below 18	18-23	24-29	30-35	36 and above	Not reported	
Uttar Pradesh	0	38.53	38.53	15.6	7.34	0	14.83
Assam	1.57	50.39	34.65	10.24	2.36	0.79	17.28
West Bengal	1.36	46.26	29.25	14.97	7.48	0.68	20
Bihar	0.75	34.59	33.08	21.05	9.03	1.5	18.1
Orissa	2.04	34.69	30.61	20.41	10.2	2.04	6.67
Others	1.18	37.65	37.65	14.71	8.82	0	23.13
Total	1.09	40.95	34.29	15.65	7.35	0.68	100

Distribution by Religion: About 70% of the DML are Hindus, 24% are Muslims and the rest are either Christians or have not reported their religion. An important fact is that the DML from Assam and West Bengal are about 50% Muslims. Interestingly, about 20% of the DML from Orissa are Christians. From Assam about 12% of the DML are Christians (Table2).

Table 2. Distribution (%) of DML by State of Origin and Religion

State	Religion				Total
	Hindu	Muslim	Christian	Not reported	
Uttar Pradesh	81.65	16.51	0.92	0.92	100
Assam	40.16	45.67	12.6	1.57	100
West Bengal	47.62	48.98	1.36	2.04	100
Bihar	88.72	6.77	1.5	3.01	100
Orissa	73.47	6.12	20.41	0	100
Others	85.29	7.65	2.35	3.53	100*
Total	69.25	23.54	4.76	2.18	100

Note : * there is a small other religious group which has to be added to get the row total of 100.

Duration of Stay of DML in Kerala: The question regarding the duration of stay in the current place of residence went unanswered by about 38% of all the respondents. The rest reported almost equal percentages for duration below one year, 1-2 years, 2-3 years and above 3 years. However, it needs to be noted that this is not the total duration of their stay in Kerala for the reasons discussed below. That could also be the reason for such a high proportion of DML not responding to this question.

An interesting aspect of the mobility of DML is that they move around quite a lot within Kerala. A worker picked at random in Aluva might have worked earlier at Kannur, Kasaragod, Wayanad, Thalassery, or Kottayam. Similarly, a worker picked at random at Cheruthuruthy or Edapalli would have worked at Kadalundi, Kaladi, Kozhikode, Thiruvananthapuram or Malappuram. That is probably the reason only about 15% of all DML report having stayed in the current place of residence for 3 or more years.

Channels of Migration: Historically contractors have played an important role in labour migration. Is it a significant channel through which the DML arrive in Kerala still? It is still an important channel as 28% had used such channels to migrate to Kerala (Table 3). It is slightly higher for labour from Bengal and Bihar at close to 33% and lower at 16% for labour from Orissa. The most important channel is a friend with over 50% reporting it. It is much higher in the case of labour from Uttar Pradesh at 65% and lower in the case of labour from Bengal. Relatives and others come way below at around 10% and 5% respectively. On the whole, it is friends and relatives who are instrumental in channeling a large number of labour from far distant parts of India.

Table 3. Distribution (%) of DMLs by Channels of Migration and State of Origin

State	Channels of Migration					Total
	Relative	Friend	Contractor	Others	Not reported	
Uttar Pradesh	6.42	65.14	25.69	0	2.75	100
Assam	11.81	56.69	24.41	5.51	1.57	100
West Bengal	8.84	46.94	33.33	10.2	0.68	100
Bihar	9.77	54.14	32.33	3.01	0.75	100
Orissa	16.33	51.02	16.33	12.24	4.08	100
Others	12.94	54.71	28.24	2.94	1.18	100
Total	10.61	54.69	28.16	5.03	1.5	100

2.4. Work Arrangements

Nature of Employment Contracts: As mentioned earlier the information flow about the work environment is largely through friends and to a smaller extent through relatives. However, having reached Kerala the bulk of them (66%) work under contractors. This is higher with labour from Uttar Pradesh and Bihar and significantly lower with regard to labour from Orissa. Oriya labour seem to be largely on their own (Table 4).

Table 4. Distribution of DML by Work Arrangement and by State of Origin

State	Working with			Total
	Contractor	Casual Employer	Not reported	
Uttar Pradesh	77.06	21.1	1.83	100 .00
Assam	65.35	28.35	6.3	100 .00
West Bengal	62.59	32.65	4.76	100 .00
Bihar	72.18	23.31	4.51	100 .00
Orissa	38.78	55.1	6.12	100 .00
Others	66.47	27.65	5.88	100 .00
Total	66.26	28.84	4.9	100 .00

Sectors of Employment: The striking aspect of the DML in Kerala is that they have come to fill almost all occupations and sectors of the economy. A look at Table 5 and the observation that almost all cells have entries is enough to substantiate it. The train survey over two weeks, a small window to the world of DML, was enough to testify it. Their largest concentration is in the booming construction sector with 60% reporting it. Manufacturing, Hotel and Restaurants and Trade too report substantive numbers. Interestingly, Kerala agriculture has also become dependent on migrant labour. The others group contains a multitude of sectors. Thus, Kerala economy is driven by the large DML.

Table 5. Distribution of DML by Occupation and Sector of Employment

Occupation	Sector of Employment							Total
	Agriculture	Constru- ction	Hotel and Restaurant	Manufac- turing	Trade	others	Not Reported	
Carpenter	-	0.54	-	0.14	0.14	0.81	0.14	1.9
Electrician	-	-	0.14	-	-	0.41	0.14	0.68
Mason/Flooring	-	3.54	-	-	-	-	0.14	3.68
Sales person	0.14	0.27	0.14	-	0.14	-	-	0.68
Tailoring	-	-	-	0.14	-	0.27	-	0.41
Skilled work	0.14	10.61	0.54	3.13	0.14	3.67	0.27	18.5
Unskilled work	2.04	43.4	5.44	4.22	1.36	11.56	1.5	69.52
Others	-	4.91	0.54	0.67	-	0.15	-	2.45
Not reported	-	0.27	0.14	0.14	-	0.68	0.95	2.18
Total	2.31	60	6.94	8.3	1.77	17.55	3.13	100

While the largest concentration of DML is among the unskilled work, they are not just confined to it. The next largest category is that of skilled work whether it is construction, manufacturing or hotels and restaurants. Masonry, carpentry and electrical work too have seen their entry (Table 5). On the whole, the DML have begun entering all skills and all sectors in Kerala.

Unemployment and Under-Employment Amongst DML: Further, examining the number of days of employment, it is clear that there is no sign of unemployment or under employment amongst the DML in Kerala. Over 85% get employment six or seven days a week.

Table 6. Distribution of DML by Number of Days of Employment in a Week

Number of Days of Employment in a Week	Percentage of Labour Reporting
3	0.54
4	1.5
5	10.88
6	57.82
7	28.71
Non Reporting	0.54
Total	100

Another 11% reported working for five days a week. Only about two percent reported employment for less than four days a week (Table 6).

Wages Earned by DML: The daily wage rates are almost double the minimum wage rates in Kerala. About one-third the DML report receiving wages of over Rs 400 a day (Table 7); another one-third report wages between Rs 300 and 400 and the rest below Rs 300.

The wages earned by the DML does not seem to depend on whether a DML works under a contractor or as a casual labourer. Comparable distribution of DML by wage rates is seen in both the cases. For instance, the proportion of DML receiving a Daily Wage above Rs 400 per day is almost the same between the two classes. Similarly, the variation in wages across channels of migration is also insignificant.

Table 7. Distribution of DML by Daily Wages

Wages per Day (INR)	Percentage of Labour Reporting
NR	2.45
Below 300	29.12
300 - 399	35.51
400 - 499	23.13
500 & above	9.8
Total	100

Outward Remittances of Wages by DML: The money received as wages finds its way as remittances to their homes. The periodicity of remittance varies from monthly (32%), to once in two months (18%) to occasionally (42%) (Table 8). The amount remitted varies from ? 1000-5000 at the lowest to over Rs 20,000 at the last remittance (Table 9). In the aggregate it turns out to be around Rs 70, 000 per person in a year. And most of it flows through the banking channels (Table 10).

Table 10. Distribution of DML by Mode of Remittance

Mode of Remittance	Percentage Reporting
Own bank account	57.69
Others bank account	21.50
Post office	1.63
Other known person	6.94
Contractor	0.54
Others	0.68
Not reported	3.40
Never send money home	7.62
Total	100.00

Most importantly, almost all the DML have identity cards of one type or the other. Voter's ID card is the most widely held ID card; 83% hold it. Less than one percent have driving license. Almost eight percent have PAN card. A small percent —slightly over one percent- of DML have both PAN and Voter's ID cards. About three percent of the DML- mostly from Orissa - have an ID card issued by their Gram Panchayat. Only about five percent of the DML reported that they do not have any ID card.

2.5 Living Conditions of the DML

The Domestic Migrant Labour in Kerala are often living crowded in rooms with hardly space to move around. While about 8% of all those surveyed did not respond to the question, 'how many reside in your room', 42% reported seven or more in a room, 13% reported six in a room, 12% reported five, 13% four and 8% reported three in a room. Only about 5% of all DML reported one or two persons in the room. There is hardly any difference as regards crowding across the DML from different States. Further, almost 84% of them all congregate among their own language groups. Almost all the DML also reported access to toilets, but 95% of all are common

toilets. Language groups stay together and work together. And about 94% of all do common cooking with their own language groups. Individual cooking is reported by only 3% of the DML.

It has been noted earlier that the numbers of DML in Kerala is over two million. The numbers being large and the crowding in many places is well beyond the acceptable limits it is important to introduce policies and regulations to protect the DML as well as the local population.

3. Life and Work Environment of Migrant Labour

The current wave of migration which gathered momentum during the early 1990s is new both in terms of its quantity as well as sources. Earlier migrations to Kerala were mostly from the neighbouring states of Tamil Nadu and Andhra Pradesh, and they were mostly seeking employment in professions predominated by manual labour such as earth work, road works, unskilled jobs in construction, and in services like ironing clothes, and as cooks and waiters in small hotels and eateries. They were concentrated around cities and towns, with the construction workers congregated at the construction sites. They stayed mostly in temporary sheds or vacant shop floors and on rare occasions in accommodation provided by the contractor.

In terms of patterns of migration, settlement, employment and mobility, The present wave of migration differs from the earlier ones in terms of patterns of migration, settlement, employment and mobility,. As seen in the previous section, the present DML stock is spread across both rural and urban areas and has percolated into all professions. Though it is still predominantly linked to construction activities, their presence is significant in various other professions too, like hotels and restaurants, brick kilns, jewelry work, bakeries, head-load work, hospitality, and in manufacturing industries of all kinds. They have a very visible and considerable presence even in the small towns of Kerala, and it is a common sight during early mornings for these labourers in great numbers congregating in town centres waiting for prospective job offers. One can see crowds of DML ranging from hundreds to thousands in the suburbs of Thrissur, Kannur, Ernakulam and Thiruvananthapuram cities. They have not only outnumbered the local workers in many professions but they have also

totally replaced them. This is happening not only in manual labour sector, but also in the manufacturing sector and also in certain specific services/professions like hospitality. For instance, in Perumbavur Town and its surrounding panchayats, there are more than a thousand wood- based industries (according to sources there are 500 more units which are unlicensed) that engage around 30-40,000 workers, literally all of them are migrants! Most of the DML in Perumbavur area originally came to work in the wood industries, and many among them who are more enterprising and skilled, have consistently moved to other professions like construction and petty trade, hotels, petty shops etc. where wage levels or earnings are higher.

In order to get a bird's eye view of the range of issues around the life and work of DML, field studies were carried out in a number of sites spread over Perumbavur, Thiruvananthapuram and its suburbs, Ramanthali and Aluva. Unlike the previous chapter, this chapter and the next takes the approach of detailed case studies and personal interviews.

3.1 What triggered the migration to Kerala?

No one wants to leave one's home, family and surroundings to work in an alien place and under uncertain conditions. Obviously there were several factors that prompted these workers to leave their homes to come to the distant Kerala. Most of them have left home in their teens and have worked in several other Indian towns before coming to Kerala. The comparatively low level of wages, lack of employment opportunities, and the increasing unviability of the agricultural sector and its seasonal nature, have prompted most of them to seek employment elsewhere. Some of them have also come upon invitation by their friends/relatives in Kerala. In the case of Assamese workers, the first batches came to Kerala in the late 80's and early 90's in the aftermath of a legal ban on wood felling and the consequent closure of wood/plywood industries in their state. It was also a time when wood industrial units were being set up in Perumbavur; they came in groups to work here, and were much preferred due to their experience and expertise in it. Later, when the construction boom started in the mid-90's many of them moved to construction, where the wages were much higher.

The pattern was different in the case of construction workers in Ramanthali, where, most workers were recruited by labour contractors from Maldah district in West Bengal, and they were sent for a period of 60 days at a time; new batches came and went in response to the demand. In Thiruvananthapuram, the first batches came during the construction of the Southern Air Command campus in Aakulam.

3.2 Housing and Accommodation

The pattern and nature of the housing of the DML and the facilities available to and demanded by them, and their integration with local communities differ from place to place and profession to profession. The nature of housing of the DML is largely determined by the sector of employment and level of wages and skill: some live at the work site, in temporary shacks or sheds in common lands, in single room flats, one-room tenements, or one bed room houses and many of them live in open spaces or common lands in huts made of plastic or tin sheets.

The DML also stay in many semi-permanent tenements and huts. The lands in these cases belonged to local people, for which they paid rent. These hutments are either covered with tin or plastic sheets and did not have any facilities such as kitchen, or bathrooms and the toilets. Wherever they had facilities they were the bare minimum. There were instances of open defecation too. The hygiene around such settlements are pathetic and the settlements are littered with waste. Cooking, eating and sleeping are carried out in open spaces, and most of the occupants are unskilled workers with low wages. Most of them ate from a 'mess' nearby which was run by their fellow men. The local public has very low opinion about them and saw them as a threat to public hygiene, security and law and order.

The construction/infrastructure sector portrayed another dimension of the life of the migrant labour. In the case of workers engaged in temporary works like earth work along roads etc, the workers were accommodated in temporary structures in adjacent compounds. Even though most of them had a contractor as their almost-permanent employer, the nature of their job involves constant movement from place to place and site to site, which makes renting accommodation costly and unviable.

The temporary sheds and living arrangements in construction sites were a common phenomenon, and their condition differs with the number of

inmates and the scale of construction. In huge construction sites, workers stayed in semi-permanent structures made of brick walls and tin roofing. Water and electricity are usually available at such sites, which are extended to these temporary sheds too. The workers also slept in the completed portions of the buildings they are constructing. The cooking was common and in some places, different groups of workers, according to their place of origin and nature of work, lived in separate sheds, with separate cooking facilities.

Workers earning better wages (mostly masons and supervisors, petty traders, hawkers etc) lived in proper flats, with one room and a common veranda, a small kitchen and a toilet; these flats had electricity and water connection, and were occupied by an average of 5-6 persons. The 'official' tenant was a single person who enters into an agreement with the house owner; the average rent of such buildings ranged from Rs 4000 to 5000 apart from water and electricity bills. These houses were mostly rented for a period of time, with the official tenant accommodating his colleagues and friends. Very few of them had brought their families with them. In one of the buildings with 30-flats the team visited, local families were also living in them. According to them, these 'bhais' (as they are called in Perumbavur) were very timid and seldom created any problems.

3.3 Employment

All the employers of DML - construction firms, labour contractors, manufacturers, casual employers, business owners, quarry/brick kiln owners etc - are unanimous about their professional sincerity and work culture. As noted, DML are employed in all sectors - formal and informal, agriculture, industry, trade and services, and belong to all levels of skill, experience and work categories - unskilled, skilled, trained, apprentices, helpers, experts, middlemen etc.

Some employers expressed apprehensions about DML getting organized or 'unionised'. One mill owner openly said that 'now we (mill owners) are happy because they work well, they are happy because they get better wages here, the local people and traders are happy because the DML spend most of their earnings here, and all of us get cheap labour. If they get organized then everything will get upset.'" He substantiated

his argument by saying that the recent closing down of wood industries in the area literally paralyzed the local economy bringing it to a standstill.

Some sectors like brick kilns bring labourers on a seasonal basis. In this sector, the workers come with their families, settle near the kilns and stay there till the season gets over and work finished. There are workers who come regularly every year to Kerala for this work. They are paid on a lump sum basis.

Construction workers belong to two categories: those who work with a contractor and have some assurance about regular employment, and those who seek daily employment by casual employers. Though the casual workers who seek daily jobs independently get more wages, they don't get regular employment. Their employment is dependent upon market demands, and they have to be ready to move in search of better wages and employment opportunities. In the case of workers attached to a contractor, they usually get employed on a regular basis, with the employer shifting them from site to site where he has work. This kind of employment also helps the labourer to work with experienced workers and acquire expertise to become more skilled and earn/demand better wages. The casual labourers who live independently or in small groups in the suburbs are comparatively more aged, and many of them have their families living with them. In most cases, both husband and wife go for work and earn for the family.

There was unanimity from Local Self Government representatives, mill owners, contractors, health workers and local people that the DML were constantly on the move. Very few of them stayed for a long time in a particular house/settlement, many of them came for a few months or seasonally. Most of the DML had no long term plans about settling in Kerala; they wanted to earn enough money and go back to their natal families. In the case of plywood workers, it was quite common for them to shift from one firm to another, and many casual labourers even shifted residence and to casual work in the construction sector. This constant mobility and lack of fidelity to a particular firm also became an excuse for the mill owners to employ them on casual/daily wage basis perpetually. One Mill

owner reported that despite his efforts to register them under Employees State Insurance and Employees Provident Fund, they refused to get registered. The attempt of the Labour Department to register DML met with very limited success; they were able to register only 600 labourers in Perumbavur! According to the mill owners, the migrant labourers are not interested in such registrations, as they do envision their settling here for good. And as they never stay in one place or stick to one employer for long, the mill owners were not ready to register them as their employees. “After registering with the government as employees in my factory, and getting ID cards certifying that, if they leave my factory and engage in some mischief, I will be in trouble.” said one of the mill owners.

Such mobility was also posing problems to the Health Department, who are not able to follow up cases of communicable diseases. Once the disease is identified, and medicines prescribed, most of them do not come back. A few AIDS and TB cases were reported in Perumbavur area, and these cases are being followed up with great difficulty.

3. 4.Wages

A factor that contributes to the attraction of Kerala as a job destination is the high wage level here compared to that in the states of origin of DML. For instance one of the migrant workers from Assam who is working in construction sector in Thiruvananthapuram now, and has worked in various other places in India, describes it thus: “I am 25 and I have been in Kerala for one and a half years. During the last 8 years I was working in various cities in India like Chennai, Ahmedabad and Kolkata. What I find attractive about Kerala is that, it is a place whose terrain and climate are similar to ours, the people here are friendly, the bosses are professional in their approach, the fellow workers from Kerala are cooperative and ready to teach, and most importantly, we are paid the promised wages at the end of the day without fail. At present I work as an assistant and I get Rs 350-400 a day plus lunch”.

But wages differ from sector to sector, profession to profession, level of skill, supply of labour, and market demands. Migrant labour

being a population in flux and virtually being a reserve army of labour for various productive sectors, the level of awareness about minimum wages and demand for such legal rights are non-existent.

Almost everyone confirmed that wage rates were much lower in their states, which was one reason that makes Kerala an attractive destination for them.**3.5 Leisure**

In almost all the sectors, the DML work long hours during working days, and have only one day off on Sundays. For instance, in many construction sites, they work 12-14 hours a day, and thus have no time for any relaxation or entertainment. After coming home late in the evenings, they don't have much time for anything else but cooking, eating and sleeping. Sunday is the only day they get to enjoy and relax. Many people do their weekly chores during that day, like washing etc. Some people stay in their rooms watching movies on television. Elaborate cooking is a common feature on Sundays.

3.6 The Migrants and the Locals

One of the most striking characteristics of migrant labour in Kerala is their total insularity from the local population. Though they contribute their labour to sustain local economy and make possible infrastructure development, and their presence is gradually percolating into agriculture and services sectors, they are not accepted as equals. The local community has a lot of apprehensions - more often unfounded - about them. These fears arise out of the anonymity of these workers: "Nowadays when I go out in the morning, the streets and my residential area are filled with these people. The presence of these aliens make me uneasy.." "Who knows who they are, and from where they come? What if they have a criminal background? What if they rob us and run away? Is it possible to identify them?" etc are some of the common expressions of fear and apprehension about them. They are also seen as a health threat, as carriers of diseases that were eradicated from Kerala. An year ago, a case of Malaria was reported in Perumbavur, the source of which was a migrant labourer. They are also accused of dumping food and other wastes into common land and rivers/canals thus polluting the environment. As they are a shifting population, and the local community has no link with them, prevention of such activities or conscientisation

about the fallouts etc is almost impossible. Added to the class barriers are language barriers which makes communication with them difficult.

One indicator of the extent of integration of migrants into the local polity/society is the acknowledgment of their presence by the grass root level of government, the local bodies. Such concentration of DML population in certain pockets should be an area of concern for the LSGs, who issue licenses to small units and are mandated to provide basic facilities for sewage, waste disposal, drinking water supply etc. But the Development documents of the LSGs in the area do not make any mention of DML, leave alone any schemes/programmes addressing their welfare or problems. The DML are officially non-existent as far as the LSGs are concerned.

In almost all the places the Team visited, the local people did not consider DML as a threat to law and order in the locality. Though some stray theft cases were recorded against them in certain places, they were exceptions rather than the rule. DML were most often seen as a health threat due to their unhygienic living conditions in many places, and as carriers of HIV and other contagious diseases.

According to the LSG authorities and some landlords who rented houses to DML, the latter do not pose any security threats because,

- a) Almost all of them carry ID cards - either Election IDs or Certificates issued by their local Grama Panchayat;
- b) They come and stay in groups and are introduced to the landlord by a senior among them known to the landlord;
- c) Most of the settlements have people belonging to the same caste/ community/ religion, and so, they are a socially cohesive group. Individual tenants are not entertained, unless they have a proper job in a reputed firm;
- d) Moreover, the movements of each tenant were being closely monitored by group leaders and the local community, who, in most cases, seemed to have the power to oust them without any excuse, if they happen to suspect anything out of the way. As one of the landlords who rented more than 20 houses told the Team: "They are

always under our surveillance. The moment somebody is upto some mischief, we throw them out immediately”;

e) According to sources, altercations and disputes do occur among the DML, but it is in almost all the cases amongst themselves, or between different groups among them, and very seldom between DML and the local people.

But the clustering of settlements of people from the same caste/ community etc could pose social problems of communal dimensions, as there are chances of tensions/enmities between groups in their homeland being carried over to the present settlements. Also, there are chances of local communal elements manipulating and working in tandem with DML communities to foment trouble, taking advantage of the group dwelling and anonymous nature of the individuals. In such cases, the apprehensions about ‘anonymity’ and group habitation patterns of DML could give rise to social tensions and mistrust. In many places, local people quoted media reports about such settlements being used as hideouts by criminals and extremists.

But, as of now, in almost all the places, the contractors and group leaders seem to have strict control over the movement and activities of the labourers.

3.7. Demographic/Gender Dimensions

One has to take into account the demographic/gender dimensions of DML issue in the context of Kerala. As the age profile of DML presented in Section 2 shows, the vast majority of them are young able-bodied belonging to the age group of 18 to 30 years. More importantly, almost all of them are male, and only a very small minority has brought their families with them. (The female presence is limited to certain specific sectors like jewelry work and brick kilns etc). The most obvious and immediate issue such a huge population, that too so predominantly male and young, raises is that related to their emotional and sexual needs. According to the volunteers of Kerala State Aids Control Society, this sudden influx of migrant male population into Kerala, who earn wages and has extra money to spend, has given a boost to local sex industry. Prostitution is rampant among them, but is carried out under veils of

secrecy; moreover, they also are careful not to invite the wrath of local moral policing. All this, along with the total lack of knowledge about safe sex and the use of condoms make them a section that is very vulnerable to fatal infections and diseases. According to health volunteers, vast majority of them have not even heard of HIV or AIDS.

Looked at from a long term perspective, another potential area of concern is the stark contrast that is emerging in the demographic profiles of the host and migrant population in the state. The demographic profile of Kerala, due to various interventions like family planning programme, and factors like out migration to Gulf and other countries, is increasingly weighed towards the older age categories, and in another ten years, majority of the population will be 40 plus.

3.8. The Economics of Sub Contracting

The DML is large in number, docile and easy to manage, work long hours and are highly mobile. They are in one place today and in another tomorrow. Paradoxically, most of the DML are employed by very ‘formal’ but labour intensive sectors like infrastructure/construction, and manufacturing industries like wood. They also figure prominently in the service sectors - hospitality, beauty parlours etc.

It is interesting to note that in our public discourses and reports, we tend to categorise DML almost invariably as ‘casual’ or ‘informal’. But if one looks into their patterns of employment, labour conditions, wage rates and also attrition, nouns such as ‘informal’ ‘casual’ etc need to be seen as verbs. They are in fact ‘informalised’ or ‘casualised’ to suit the interests of capital and host society that employs them. On the one hand, their ‘anonymity’ or ‘lack of identity’ and low levels of integration to host polities help to institutionalize their disenfranchisement. In fact, they are very well integrated into the host economy but not into the host culture or society, which means they are often deliberately kept at bay, in order to ensure not only their social insularity but also to disempower them from asserting their rights - as citizens and labourers. This systematic exclusion works to the advantage of the

host society in various ways: to keep the wage levels low, rent levels high, services cheap, and to maintain a labour force that is at their beck and call, one that can be absorbed and driven out at will.

This is a universal phenomenon in migration where the host community reserves the 'right' to keep the migrants temporary and out of the purview of legal provisions that obligate them. What the ILO states very strongly in the global context rings very true here: "numerous governments informally tolerate irregular migration while they officially reinforce controls against 'illegal' migrant workers. The effects are, on the one hand, a continued supply of cheap labour, while on the other hand, 'illegal' migrants are unable to organize in the workplace to defend their dignity and decent work conditions, stigmatized and isolated as well from allies and support.

The practices of many states of tolerating the presence of migrant workers in irregular status to meet labour needs in certain sectors of the market constitutes a de facto employment policy in which part of the work-force becomes a variable which can be reduced or even eliminated (in theory) in periods of economic downturn, through exercise by states of their prerogatives to expel foreigners from their territory" (Patrick Taran and Eduardo Geronimi, 2003: p 6).

3.9 Formalizing Migrant Labour - Emerging Challenges

As is evident from the discussion in earlier sections, the DML presence in Kerala is a structural one that is closely and intricately linked to the state's economy and society, and whose presence has percolated into all walks of economic activity. But in public discourses and media they are still called 'anya-samsthana thozhilalikal' which though literally would mean 'workers from another state' can also with the usage of the prefix 'anya' often denotes workers from an 'alien' state or simply alien workers . This is a potent indicator of the insularity and distance of the DML from the local people.

There is a deep ambivalence in the way society and government - officials of Health, Social Welfare, Police, LSG, Labour etc Departments and employers from various formal and informal sectors and contractors - look at them. On the one hand, everyone is aware that the supply and labour of DML is absolutely essential for the State's economy; but on the other, they are also not very willing to accept the DML as equals, as citizens with all the democratic rights. Many of them look at the DML as a threat to security, health etc.

Evidently, most of the stakeholders who have some economic interests relating to DML, like the contractors, builders, manufacturers, local traders, and casual employers, would like the status quo to continue: that is, a situation where the flow of DML is unhindered and free, the wage levels and working conditions dictated by the local employers and the middlemen are accepted by them without much protest (which, in any case, is much above what that existing in their home states), their demands are minimal, they go on shifting jobs, places and employers, and live in the margins of our society. This kind of semi-illegal nature of residence help to keep DML population under constant surveillance and control, at the same time giving the host community the power to oust or redistribute them according to the push and pull of local economy.

Unless Kerala society and government address the DML question urgently and meaningfully, it is bound to throw up social problems and tensions of various kinds. Kerala, which has a huge population of men and women working all over the world, could be a model in ensuring the rights and freedom of the migrant population, and in integrating them with local society and culture.

Case Studies

4.1 Migrant Living

Perumbavur, Ernakulam District

The study team visited various settlements of Domestic Migrant labourers across the state including that of construction workers, factory workers, and casual labour.

Perumbavur is one of the oldest settlements of Domestic Migrant Labourers and is a place with a large concentration of migrants from north and north-east. The DML settlements are spread over Perumbavur Municipality, and the adjacent Grama Panchayats namely Vazhakulam, Vengola, Rayamangalam, Asamallur, Okkal, Koovapady, and Kalady. The size of DML population in this region is roughly estimated as 1.15 to 1.30 Lakhs as per the opinion of the elected members of various local bodies with whom the study team interacted. Approximately 3,000 migrants are settled in a single settlement in Palakkattuthazhath in the outskirts of Perumbavur municipality which the local people popularly call as 'Orissa Colony'. There are both multi storied flats and single storied sheeted rooms in clusters specially built for giving on rent to the migrants. In both kinds of settlements, the layout of the interior consists of a hall, a small kitchen and a toilet in a single row connected with a common passage veranda. On an average 10 migrants reside in a single unit of approximately 200 square feet. In some cottages the toilets are located outside the room for common use by the inmates of all the units.

In most of the multi storied buildings, there was waste water disposal facility connected to soak pits, but in case of many of the sheeted buildings the outlet is into the open area without any arrangement for disposal. Like any other densely populated settlement here also arrangement for disposal of household solid waste was near absent. Many LSG ward members from the Panchayats complained that the waste was dumped into nearby streams.

In the multi-storied cluster cottages, the migrant labourers and Malayali families were residing side by side harmoniously. In a three storied building of 24 units three units were occupied by the Malayali families and the remaining by the domestic migrant labourers from West Bengal, Odisha and Assam. The Malayali housewives with whom the study team interacted did not feel any inconvenience in living in these settlements. They had issues only regarding waste disposal and hygiene which they blamed on the large number of occupants per room. The migrant labourers staying in all the units in this building were single. It is not clear whether they were unmarried, or whether they were married, but had left their wives and families behind. In some of the units they have television and cable connections.

In most cottages the migrants pay rent individually or per head which ranges from Rs. 400 to 700 per month. In the multi storied buildings an occupant is charged Rs. 500-700 per head. In the sheeted structure the rent per head is around Rs. 200-300. In almost all the cottages, cooking is common by one or two persons in turn using Kerosene Stove. There are some hotels in the vicinity which are run by the migrants. In some other settlements of Bengali migrants, women from their villages are appointed for food preparation and other household chores.

In a settlement called Manjapetty in Vazhakulam Panchayat which is 12 Kms from Perumbavur town, the rent per head in the single storied sheeted building is slightly lower than that in other settlements. Here the rent per head ranges from Rs. 350 to Rs. 500. In one settlement seven units are constructed in a single storied sheeted building. All the inhabitants in this site are from west Bengal working in construction sites and a railway cement godown. The migrants live in this settlement under the strict control of the house owner and the local people. They are not allowed to consume alcohol or to play cards in their dwelling place. In case, such incidences are noted, the inhabitants are immediately ousted by the building owner. The area of a unit is around 180 square feet and has a hall and a small room. The hall is used as bedroom for 10-12 inmates, where they sleep on plastic mats. There are seven such units in this cluster cottage of 70-80 people. The small room is used as kitchen where food is prepared using the Kerosene stove placed on the ground. This settlement has only four bath rooms and five toilets for the use if all the inhabitants. Some of the immigrants were seen shaving and bathing in the open.

An auto driver living in a rented cottage near to this settlement said that the migrants in this settlement do not create any problems for the local people. But he expressed his concern over the rent escalation in recent times for the small cottages which has adversely affected the family budget of the families living in rented houses with limited income. For the migrant labourers, they do not feel much burden as 10-12 people share a unit. But for the local families the rent is unaffordable.

In a settlement in Manjapetty , a majority of the rooms were occupied by the migrants from Assam. Some of them were construction workers and some others working in the packaged drinking water bottling unit. The lay out of the building is same as in other places. Here also there are 10-12 Migrants per room, with the owner is charging Rs. 400 from each individual.

The study team also visited the migrant settlements inside the plywood and veneer making factories. The cottages in the plywood factories also have the same lay out seen in other settlements, but instead of the bath room they have constructed a bathing area with an open tank with space for bathing around the tank. Here also a large number is accommodated in each unit. In some of the factories they have provided TV and cable connection in a common area. In the well-established industries they have recently started providing free food to the workers to prevent a large turnover of employees.

In the construction sector, the contractors in major work sites provide temporary sheds in the site for the workers. This helps to reduce wages. When the sheds are full, the workers are accommodated in the partially completed buildings.

Chavadimukku, Thiruvananthapuram District

The living conditions of migrants in large size construction companies and under large contractors were studied in various locations in and around Thiruvananthapuram Corporation. Contractors in major work sites, like office complexes and flats, set up temporary sheds in the site to accommodate the migrant workers. The provision of accommodation is a means to reduce wages for the contractor. In the case of sites for office complexes, enough space will be available in the plot apart from the space marked for the building. So the temporary sheds constructed in such locations are retained until the work is completed and the building is transferred. . The building in progress also is used to accommodate the workers after the building raises to a certain stage. There are various sets of workers in the site, differentiated by the type of work, place of origin and otherwise groups brought by different labour supplier. In most sites, the labourers reside and prepare food together at the site. Generally a group consisting of five to ten persons

prepares the food including breakfast lunch and supper for everyone. Group members generally are from the same village and some of them are relatives and are lead by a team leader. Each one contributes daily for the purchase of food articles, but the cost sharing and settlement of account are done in the weekend. In the construction sector, wages are settled at the weekend.

In sites where flats are constructed, the sheds set up in the initial stage are used for a certain period only. Thereafter when more workers come to the site they are accommodated in that portion of the flats whose super structure has been completed. When the work progresses the temporary sheds are removed and all the workers are shifted to the building in progress.

Three or four temporary toilets are constructed for 50-60 workers. Bathing arrangement in many of the sites is in the open and in a few places; cubicles are made of construction materials. The sheds are set up with tin sheets and with minimum ventilation. Food and food articles are stored in the same space which is used for sleeping. Cooking in many settlements is in the open or under a temporary roof. Both Kerosene stove and firewood are used for cooking in this kind of settlements. Broken parts of wooden planks and runners used for shuttering and wooden remains of the carpentry work available in the site is used as firewood.

As kerosene is very expensive in the open market, the migrant labourers depend on the wooden waste available at the site for cooking to the maximum possible extent.

When the work stops due to scarcity of sand or for any other reason, the contractor permits the migrants to go for other casual employment while staying in these sheds. But they should join back his work on demand. The migrants stay in the work sites works up to seven days a week if work is available.

Thirumala, Thiruvananthapuram District

Thirumala is one of the settlements in Thiruvananthapuram suburbs, where migrants who work as casual labourers stay. Here, they occupy rooms and houses on payment of rent on a per head basis. There are a number of such settlements in various parts of the city.

In the settlement at Thirumala which is within Thiruvananthapuram Corporation, the Team found many casual workers from Orissa and West Bengal living in the upstairs of a commercial complex. Five to seven people live in the rooms with an area of 80-100 square feet. There are 24 such rooms in this settlement. Apart from these rooms upstairs, some rooms are constructed at the back portion of the ground floor. Migrants from Assam, Bihar and West Bengal live in these settlements. But each of the language groups stay in separate rooms or clusters. Out of the 24 rooms, one room is occupied by a Bihari Migrant family who is a carpenter with wife and three children. Two of his children are of the school-going age group, but they seldom attend school. The remaining 23 rooms are occupied by migrants who are single. Only 4 rooms in the second floor have attached toilets. There are only 4 toilets and 3 bathrooms for the 120 odd inmates in the remaining 20 rooms.

There is no separate space for cooking in any of these rooms. So they cook in the passage and corners of the building using Kerosene stoves. The migrants in this settlement very rarely depend on hotel for their food, except for some light refreshments at 10 pm. They prepare breakfast, lunch and supper at the dwelling place itself and take lunch with them while going for work. The building owner resides close to this building and the migrants stay under his close supervision. Environmental hygiene is too poor, the passage and the premises are littered with pan masala foils, beedi stubs and other wastes. Each inmate pays a monthly rent of Rs. 700 in advance before the last day of the month.

Unlike workers at work sites, generally Sunday is a holiday for casual labourers. Earlier they used to visit Gandhi Park in East Fort, a place of congregation for casual migrant labourers where they used to meet their friends and enquire about better job opportunities. But due to the restrictions imposed by the city police against the free entry of domestic migrants in Gandhi Park, they are forced to go to other places like Kovalam, Shangumugham Beach, Museum, Veli beach etc. to meet their friends and relatives. The restriction was imposed in the light of some stray incidents of violence involving domestic migrants. Though the police withdrew from imposing such restrictions upon the DMLs due to protest from

human right activists and social organizations, the migrants in this settlement said that they are hesitant to go there after that incident.

There are television sets in some of the rooms in these settlements. These televisions are owned by the inmates who have been staying here for a long time. The people residing in the nearby rooms also come to the neighboring rooms to watch the programmes in their language. Some of them prefer to stay back in the room watching TV even on Sundays as it is less expensive.

Majority of the inhabitants here are below 30 years. There are some masons from west Bengal and carpenters from Bihar above this age. Almost all the inmates use pan masala which add to the unhygienic conditions as they spit on the corners of the parapet and the staircase.

Ramanthali, Kannur District

The situation in the Construction site of the Naval Academy in Ramanthali in Kannur District was very different. The construction here is by large construction companies and some by their sub-contractors. The workers are arranged through 'tekkedars' or labour contractors for which the construction companies pay commission to these labour suppliers per working day. The migrants are provided accommodation in the temporary sheeted structures. There are three types of workers recruited here from outside the state. A majority of the unskilled labourers in the settlement are from Andhra Pradesh who comes along with their families including children. A majority of the masons in this site are from Odisha, and the workers in carpentry and bar bending are from west Bengal.

All the family members work in the site for upto 12-15 hours, the payment being made on piece rate and output basis. The local Gram Panchayat and the health authorities are not permitted to enter the site being a defense area. So they are not quite aware of the working and living conditions of these workers. The workers approach the local Primary Health Centre (PHC) to get treatment for ailments, as other health care facilities are not affordable. The PHC authorities provide health care services to them free of cost.

According to local information the situation of the unskilled workers brought by the labour suppliers is quite bad. It is reported that they are not permitted to go home before the agreed period as they receive a portion of payment in advance before migrating from their village.

Additional requirement of unskilled workers is met from Maldah district of West Bengal through labour suppliers. The unskilled workers are recruited through the local Panchayats in Maldah. Each batch of migrant workers stays for 60 days and return to the village, and they are replaced by another group that reaches the destination to work for another 60 days.

Entry to the defence academy is restricted by the authorities and no one is permitted to visit the location of the settlements of unskilled labourers living with families, one of which is known as 'Andhra Colony'. The suppliers and the local workers who frequent the settlement point out that the living condition of these migrants including little children was deplorable. A few months ago, following media reports about the prevalence of 'bonded labour' in the settlements, a team of officials headed by Tahsildar, visited the location. According to reports, they returned satisfied after meeting the labourers and inspecting their living conditions.

4.2 Case Studies - Migrant Lives

SA, Grocery Shop Owner, Perumbavur

SA is from an agrarian Muslim family in the rural part of Murshidabad district, West Bengal. He has two brothers and a sister. His father is a marginal farmer. Both his father and mother work in their land as well as in the lands of other large scale agriculturists. SA studied up to 12th standard but discontinued studies to find a job to support his father who was struggling to meet the needs of the family because of diminishing income from agriculture caused by increased input costs. According to SA, he stopped his education as there is little employment opportunity in West Bengal for well-educated youth. So he preferred to search for a job without delaying it for education. He left his village when he was 19 and came to

Kerala with the help of a relative working in plywood industry in Perumbavur.

SA first joined in a plywood veneer making factory and continued there for over eight months. Though the wage in veneer factories is lesser than for other manual labour, he used to get the payment promptly at the weekend. He was also provided accommodation by the factory. Later he left this work in search of better paid employment. He started working as a helper in building and road construction which was more remunerative than the work in plywood industry. Later he got an opportunity to work in a fruit stall in Perumbavur. SA learned to speak Malayalam very quickly from this fruit stall through having to deal with the local costumers. After two years, SA married a girl hailing from Murshidabad whose father was working in Perumbavur. His father in- law was supplying a Bengal brand beedi to the shops in Ernakulam district. Apart from this he owned a grocery shop in Palakkattuthazhe which is thickly inhabited by the Migrant labourers from Odisha, West Bengal and Assam. Now SA is running this grocery shop while his father in-law is in the beedi business. SA has established good relations with all his customers including the local Malayali families. He has a good customer base among the locals.SA's wife lives in his ancestral house with their two year old girl child. SA visits his home 3-4 times a year. During his return journey he brings local commodities including Murshidabad brand beedi for sale.

SA explained that his experience in the fruit stall as a sales boy has helped run his business. However, he added that there are many others from Murshidabad and Maldah doing various businesses in Perumbavur and Aluva. He also took our team to a nearby grocery shop and a hotel (mess and a light refreshment centre) which was run by Mr. FL, his friend from the same village. FL is living in a cottage with his wife and two children. His elder son was studying in the 2nd standard and the daughter in UKG in an English medium unaided school in Perumbavur. FL has brought two persons from Murshidabad including a woman to work in his shop and to cook at the 'mess'.

RS, Casual Labourer, Perumbavur

RS from Murshidabad of West Bengal state left his village when he was 14. He has been working in Permbavoor and nearby areas as a casual worker for the last 10 years. His father and mother are agricultural labourers. His family owns 33 cents of land in which they had an ancestral house. He has a brother and a sister both elder to him and married. His brother and his wife are doing their post-graduation, and RS is providing financial support for their study.

RS came to Perumbavur with one of his relatives working in a plywood factory. He also joined as a casual labour under a work contractor in a veneer making factory. He worked there nearly for a year and later shifted to the construction sector. Later for some time he joined a sand mining group in Perumbavur and nearby areas. It is more lucrative than any other work available in this region. As the district authorities and the police have increased raids against sand mining, for the last one year he is engaged in loading and unloading of cement in a railway godown. In his present work RS is earning Rs. 400-600 a day depending on the number of bags he loads/unloads. RS occasionally visits his village. Every month he deposits whatever he can save in to the bank account of his father in order to support his family and also for the study of his elder brother and sister in law.

RS is staying in one of the migrant settlements in Manjapetty in Vazhakulam Panchayat near Perumbavur. He is residing in a single bedroom cluster cottage with a kitchen and a common toilet outside the room. There are 10 persons in his room including himself and all are from Murshidabad. Those renting the accommodation have to pay the building owner individually. He is paying Rs. 400 for his accommodation in the small hall.

Recommendations

From the results emerging from the Study, there is clearly a need to address the following issues urgently:

1. A voluntary registration of DML based on which all benefits to the DML will converge.

2. Improving Housing and Living Conditions of the DML.
3. Social Security and Health issues.
4. Employment Issues.
5. Sustaining good relations between the DML and the local population in Kerala.
6. Help - line in different languages.

It is therefore suggested that Government may be pleased to consider taking the following steps and if found appropriate and feasible take measures to implement them expeditiously.

1. Registration on Arrival in Kerala

- 1.1 The issue of Domestic Migrant Labour concerns the domain areas and jurisdictions of many Departments of Government including the Labour, Health, Social Welfare, Police, Education and Local Self Governments. It is therefore important to link the provision of all government benefits to DML through a *common single point one-time voluntary registration system*. It is therefore recommended that the Government may expeditiously put in place a computerized common system of voluntary registration of the Domestic Migrant Labour in Kerala.1.2 The procedure for this voluntary registration would necessarily have to be a simple one with a registration form that can be filled up in a few minutes. Only the basic and necessary details including DML's place of origin, names of next of kin to be contacted in an emergency, copy or details of any identity card they are carrying, the place of work in Kerala, name of contractor if any, nature of contract, nature of work etc. need to be filled.
- 1.3 Thereafter a unique Registration Number needs to be generated and given to the DML along with the Registration Card.
- 1.4 This voluntary registration would be valid for availing benefits of all the Schemes that the different Departments of the State Government has to offer the DML including the benefits and services indicated in the Recommendations below. This would avoid duplication of registration of DML by different departments.

- 1.5 While the lead for the voluntary registration may be taken by the Department of Labour, the facilities for registration should be available at all the offices of the Local Self Governments. The format for the Registration may be developed by the Labour Department in consultation with all the relevant Departments mentioned in para 1.1 above.
- 1.6 It may also be examined if the Registration can be made available on-line at the Akshaya centres.
- 1.7 Wide publicity on the benefits of the voluntary registration may be given through TV, press etc. in Kerala in the different languages of the DML and in their States of Origin and on trains coming into Kerala. Every encouragement may be given to the DML to register on arrival in Kerala.

2. Housing and Living Conditions

- 2.1 Leaving the housing of DML to vagaries of the local market forces has led to the DML having to live in highly crowded and unhygienic conditions. It is important that the State Government initiates steps to provide affordable group housing and associated services (provision of water, electricity, sanitation, toilets, washrooms, ensuring a green environment etc.) to the DML in the state. It is also important that the Government provides subsidies in the State's Budget for such an Affordable Housing Scheme for DML.
- 2.2 It is suggested that the provision of affordable housing and associated services (water, electricity, sanitation, toilets, washrooms, ensuring a green environment etc.) to the DML may be done by the State Government through the formation of a non-profit Company under section 25 of the Companies Act.
- 2.3 Private enterprises with Public support may be encouraged to build and provide hygienic accommodation with electricity, running water, sanitation facilities, sufficient toilets, gin washrooms etc. on reasonable rent to DML especially in the major cities and towns where they work or near areas of major concentration of DML. This may also be done under the umbrella of the non-profit Company suggested in 2.2 above.

2.4 The benefits of these Schemes may be limited to those who register as per Recommendation 1 above.

3. Social Security and Health Schemes for the DML

3.1 There being a total lack of Social Security for the DML in Kerala, it is important for the State Government to have a Social Security Net for the DML. It is therefore strongly recommended that the *Government introduces appropriate Social Security Schemes* for the DML, taking into consideration the period of their stay in the State. The Social Security Schemes should include provision for payment to take care of cases of *accidents and serious illness, death, loss of limbs etc.*

3.2 The Social Security Scheme may also consider the setting up of a *Provident Fund DML* with contributions from the employers in the case of those who work under a contractor, and a non-contributory scheme fully paid by the DML in the case of those who work on their own.

3.3 The Social Security Schemes may be implemented by one of the Existing Welfare Boards now under the Labour Department of the State Government.

3.4 The Social Security Schemes may be limited to those who register as per Recommendation 1 above.

3.5 The DML are at times a health threat to the local community with reported cases of Malaria and AIDS. Therefore wherever the DML is eligible to be brought under the National Health Insurance Scheme, the *Rashtriya Swasthya Bhima Yojana (RSBY)* (ie. if the DML is from a BPL family), the DML may be encouraged to do so.

3.6 However, in view of the relatively high levels of income that the DML are earning in Kerala, it is quite possible that a majority of the DML working in the State do not fall within the eligibility criterion of RSBY. It is therefore suggested that the Government of Kerala design a *Kerala State Health Insurance Scheme* specifically targeting DML, most of whom may be above the poverty line. The scheme may be on a *contributory basis* and

with subsidies from the Government of Kerala. Being an issue of inter-state migration, both the Government of India (and the Governments of the States of Origin that are willing to do so) may also be encouraged to contribute to the Scheme.

3.7 The Health Schemes may be limited to those who register as per Recommendation 1 above.

4. *Employment Issues*

4.1 While only isolated cases of exploitation of DML by employers are reported, it is still important that steps are taken to make employers and the DML aware of the Labour Laws and their rights and responsibilities. Towards this it is suggested that the State Government *undertake awareness programmes both amongst the employers and amongst the DML*, the latter in their languages. The State Government may seek the support of the States of Origin of the DML in these awareness campaigns.

4.2 While no case of payment of wages below the Minimum Wages have been reported, efforts need to be taken that over-time etc. are given for work over 8 hours.

4.3 Similarly, while only very few cases of serious accidents at the work-place involving DML have been reported, efforts need to be taken to ensure sufficient minimum levels of *Occupational Safety at the workplace of the DML*. This may also have to begin as an awareness drive amongst both the employers and the DML and later as an enforcement effort.

4.4 The employers should also be informed that they should restrict employment only to DML who have registered themselves as above.

5. *Sustaining Good Relationships between the Local Population and the DML*

5.1 While as noted in the Sections above, there is at the moment fairly good relations between the local population in Kerala and the DML, it is important that this healthy relationship is sustained over time. Towards this it is important to *integrate the DML* with the local population by developing common platforms of interaction through cultural exchange programmes, specific schemes dedicated to the socio-

educational and cultural development of DML population; this needs to be a participatory programme with the active involvement of peer leaders/activists from amongst them.

- 5.2 It is also important for the Government and the people of the state to *make the DML feel welcome*, wanted and at home in the State. It is recommended therefore that the Department of Public Relations of the State Government in conjunction with the Department of Labour to put out advertisements in papers, local TV channels as well as Bengali, Assamese, Odiya etc. TV Channels that explain the State's Schemes for DML and encourage them to get the Identity Cards mentioned in 1 above and get themselves registered as per 2 above.
- 5.3 Similarly, advertisements and programmes targeting the local population in the state to sustain the good relationships that they have with the DML may also be telecast.
- 5.4 While publicity for ongoing schemes for DML may be given in TV channels in their States of Origin as well as in TV channels in Kerala in Bengali, Hindi, Assamese, Oriya etc. *Such publicity may also be given on long distance trains coming in to Kerala and on railway platforms.*
- 5.5 There is also need for initiating programmes at the level of the Local Self Government to address location specific and industry specific issues relating to the DML.

6. Help- line in different languages

- 6.1 It is recommended that the Government (either on its own or in partnership with voluntary agencies) set up a help- line for the DML with different numbers for DML speaking different languages (Particularly *Bengali Hindu Assames. and Oriya*). The help- line may be manned by persons who understand and speak these different languages and are fully conversant and trained to respond to and guide the DML on all matters including labour laws, health issues, social security, emergency issues etc.

OVERSEAS MIGRATION OF WOMEN DOMESTIC WORKERS FROM INDIA :

IMPLICATIONS OF A RESTRICTIVE EMIGRATION REGIME

Praveena Kodoth

Immigrant domestic workers in the Middle Eastern countries are tightly controlled through the *Kafala* system of sponsorship, which binds an employee to her sponsor-employer by not permitting change in employment during the period of a contract. The sponsorship system relegates all migrant workers to temporary resident status and seeks to protect the national workforce (Rahman, 2011, Kapiszewski, 2006, Winckler, 1998, Longva, 1999). Though reforms in the recent past have altered its severity in some of the Middle Eastern countries, they have excluded domestic workers. In legal terms, the sponsorship system forecloses the space for informality in the market for immigrant labour in the sense of an open 'informal' market, where workers and employers may negotiate diverse and multiple work arrangements. However, it is also the case that domestic workers are not protected under labour legislations in most Middle Eastern countries hence the market for paid domestic work is unregulated. The *Kafala* system and the unprotected status of domestic work have together placed domestic workers in the Middle East in the position of *de facto* bondage. Sending countries in Asia have responded to this situation from two kinds of policy perspectives. The Philippines, Sri Lanka and Indonesia have promoted the migration of women domestic workers while also affording them greater support at the destination, whereas India and Bangladesh have relied on barriers to restrict them from migrating while providing little or no support in the destination countries.¹ Despite variation in policy, large

Dr. Praveena Kodoth is presently serving as Associate Professor in Centre for development studies, Thiruvananthapuram

scale migration of domestic workers from Asia has been driven by economics (demand and supply factors) and the aspirations of workers to social and economic mobility. The economics of migration has made way for a practice of visa trading where recruiting agents pay nationals to sponsor emigrant domestic workers for an open ‘informal’ market that is outside the purview of the *kafala* system.

Despite evidence of significant levels of irregular migration, India has persisted with barriers to prevent women from falling into harm in the destination countries. Given the legal and economic contexts in the Middle Eastern countries, how appropriate is a restrictive emigration regime to protect the rights of overseas women domestic workers? The experiences of women domestic workers show that the legal-economic conditions that define the market for paid domestic work in the Middle East make it difficult even for those who migrate legally to redress abuse of rights.

2. Scale of Migration

India has been a significant source of domestic workers to several of the Middle Eastern countries since the 1970s. However, the flow of domestic workers is poorly documented at the source compared to the Philippines, Sri Lanka or Indonesia hence there is ambiguity on the scale of migration from India. The recent suggestions that India is not a major sending country of women domestic workers (Oishi, 2005, Rajan and Sukendran, 2010) may belie the large numbers of women domestic workers in the Middle Eastern countries. Scholars have noted the visibility of Indian women domestic workers on their weekly holidays in the churches and parks in the Gulf countries (Wernier, 2009, Bindulakshmi, 2012). The existing impression of the relatively small scale of migration of women domestic workers from India is from two sources of data – the statistics on ECR granted by the POE offices and sample surveys on migration undertaken from time to time at the state level. The number of domestic workers granted emigration clearance by the Protector of Emigrants (POE) offices in the southern states has fluctuated in the last

¹ *Policy perspectives on migration have corresponded to a feminization of migration from the Philippines, Indonesia and Sri Lanka compared to male dominated migration from India and Bangladesh (Oishi, 2005).*

decade. Only Hyderabad has registered a fairly consistent increase peaking at over 13000 in 2010 and declining to about 12000 in 2012 (POE, Hyderabad, Feb 22, 2013). Information on emigration granted suggests that Andhra Pradesh is the major source from India, but the numbers going from Tamil Nadu and Kerala are not negligible for the years for which there is information. Importantly, however, this information only tells us about workers who observe the due legal process when there is evidence of significant levels of irregular migration. Besides women who have been going overseas over the past many years have ECNR stamps on their passports and hence are not enumerated even when they go on a new visa. Sample surveys undertaken at the state level or in regions with high intensity of migration too underestimate the scale of movement of women domestic workers because the latter are geographically more concentrated in specific regions than migrants as a whole and because the high intensity migration areas do not necessarily correspond to the sending regions of women domestic workers.

Information from the destination suggests that India is significant source of domestic workers. India is among the largest suppliers of women domestic workers to Kuwait. Out of 294000 Indian residents in Kuwait in 2000, 113,000 were domestic workers and 49,000 were housemaids (MOIA, 2001).² A sample of 300 domestic workers studied in Kuwait in 2001 was constituted of 25 % Indians and 42 % Sri Lankans but among the 322 domestic workers employed by a sample of 200 employers 37 % were Indian (Godfrey et al, 2005). Destination related information from the POE office in Chennai shows that between 2005 and 2007 the number of housemaids cleared to go to Kuwait grew from 913 to 1289 but declined from 1035 to 153 to the UAE and from 1702 to 503 to Oman (Rajan and Sukendran, 2009). According to the POE in Hyderabad, over 90 % of the emigrations granted to women domestic workers from his field office were to Kuwait (Interview, Feb 22, 2013). In the early 1970s, domestic workers in the UAE were mostly from India but the Philippines began to dominate from the late 1970s. By the middle of

² In 2012, HRW estimated that households in Kuwait employ more than 600,000 domestic workers (HRW, 2013).

2000, it was reported that Indian and Filipino domestic workers were growing at a slower pace than previously and that Indonesian and Ethiopian domestic workers were taking the place of Filipino and Indian domestic workers respectively (Sabban, 2005). In Bahrain, some of the wealthy families hired Indian domestic workers as a sign of social prestige even before the oil boom. The Indian embassy estimated Indian domestic workers in Bahrain to be around 1500 in the early 2000s. A majority of them work for influential families and are from Kerala, Andhra Pradesh and Goa (Sabika al-Najjar, 2005). There may be over 30,000 Indian women domestic workers in Oman. According to an estimate for 2010 housemaids comprise 10 % of all workers in the less skilled workers, who are over 80 % of Indian workers in Oman (Deffner and Pfaffenbach, 2011). India is among the relatively smaller suppliers of domestic workers to Saudi Arabia. But as Saudi Arabia accounts for the largest number of domestic workers in the Middle East, the number of Indian domestic workers may be quite large (HRW, 2010). India is also a source of domestic workers to Qatar and Lebanon.

3. The Legal Frameworks and their Implications

The security of immigrants and the protection of their rights depend on appropriate and enforceable legal frameworks in the sending and receiving countries. The *Kafala* system takes its name, ironically, from the Bedouin custom of granting protection and care to strangers for as long as they stayed (Rousseau, 2005). As a modern-day mechanism for managing labour inflows into the Middle Eastern countries, it binds each immigrant worker to a *kafil* or sponsor, who is expected to assume full legal and economic responsibility over the worker during the period of the contract. Sponsors may be individuals, placement agencies or corporations (Rahman, 2011: 8) but in the case of domestic workers they are individuals. The sponsor is required to bear the costs of bringing the workers – recruiting fees, visa and other charges and air fare – besides paying their wages and return air fares. The contract of an employee is usually for two years but not all countries insist upon signed contracts (Manseau, 2006: 30). The possession of contracts by workers varied between destination countries.³ The first three months of employment for domestic workers is considered a probationary period when the employer or employee can terminate the contract (Manseau, 2006: 31). However, in

reality ‘when disputes arise the domestic worker is forced to continue working with a sponsor regardless of the situation (Sabika al-Najjar, 2005: 31).

Most importantly, the worker’s legal status is bound to the sponsor such that the worker cannot change jobs or leave the country without the sponsor’s consent. By implication, this provision grants to employers extraordinary powers over the lives of low skilled immigrant workers. Low skilled immigrant workers can scarcely afford to lose their jobs because they invest disproportionately high amounts in the migration process. Though the costs of sponsoring and recruiting workers are supposed to be borne by the sponsor-employers they are frequently denied this benefit by the recruiting industry. Hence, employers may use the threat of cancellation of visa to stretch them beyond acceptable norms of work burden and working time. Frequently, employers take possession of their legal documents to make it difficult for them to run away (Godfrey et al 2004, Sabban, 2004, HRW, 2008). In the event that a domestic worker attempts to run away or otherwise resists exploitation, the employer may slap charges of theft against her. Thus, to a great extent, the *kafala* system provides sponsor-employers with immunity against charges of infringement of rights by domestic workers.

In October 2011, a court in Jordan ordered the employers of a domestic worker to pay her fines for being in the country without documented residency status creating a judicial precedent in favor of migrant workers (HRW, Jordan, 2013). Under the *kafala* system, the sponsor undertakes to inform the immigration department of any change in the labour contract such as expiry, renewal or cancellation, and pledges to repatriate the employee upon termination of the contract (Rahman, 2011: 8). But employers may deliberately fail to renew the workers residency permit as a strategy to evade their legal responsibilities towards the worker. In such situations, migrant workers may be slapped with false charges of theft or absconding and jailed under the law (Chammartin, 2005: 21).

³ *In the UAE, domestic workers did not have legally binding contracts governing their employment (Sabban, 2005: 98); the contracts signed at home were replaced in Saudi Arabia, where contracts were mandatory to get work permits, by a different one (HRW, 2008: 21) and in Bahrain less than half the workers in a survey had contracts (Sabika al-Najjar, 2005).*

Legislative reforms to introduce greater flexibility in the *kafala* system in the UAE and Bahrain have excluded domestic workers from their purview. In 2005 the UAE amended its 1983 law to allow workers to change jobs with the employers' consent but excluded domestic workers. Similarly, a 2009 reform in Bahrain to allow workers to change jobs more freely does not apply to domestic workers.

According to a recent estimate 99 per cent of all domestic workers in the Middle East are outside the scope of labour legislation (ILO, 2013). Kuwait, Saudi Arabia, UAE and Oman continue to exclude domestic workers from the scope of the country's labour laws – there being no limitation on their weekly working hours, no provision for annual paid leave and no statutory minimum wage (ILO, 2013). In Kuwait, domestic workers are excluded from a new private sector labor law passed in February 2010 that sets maximum working hours, requires a weekly rest day and annual leave, and sets end-of-service bonuses. The approximately 1.5 million migrant domestic workers in Saudi Arabia are excluded from the 2005 labor law, which provides limits to working hours and restrictions on salary deductions, rest days and mechanisms for resolving labor disputes (Human Rights Watch, 2012). The UAE and Oman have introduced a standard contract for domestic workers (Esim and Kerbage, 2011). The UAE did so in 2007 to require “adequate breaks” but does not limit working hours or provide for a weekly rest day, overtime pay, or workers' compensation (Human Rights Watch, 2012). In May, 2012 a local newspaper obtained a copy of a new draft law for domestic workers, which the authorities are yet to make public. The draft reportedly provides for one weekly day off, two weeks of paid annual leave and 15 paid sick days while also making a domestic worker liable for prosecution and sanctions of up to six months in prison and a fine of 100,000 dirhams (US\$27,000) if she reveals the “secrets” of her employers. Also apparently the draft law also imposes harsh criminal sentences on those who “encourage” a domestic worker to quit her job or offer her shelter. Authorities have not made the draft law public. Domestic workers cannot engage in collective bargaining as they are barred from joining trade unions. Saudi Arabia does not allow trade unions whereas Bahrain, Kuwait, Oman and Qatar exclude domestic workers from joining them and the UAE excludes excluded them from professional bodies (Timothy and Sasikumar, 2012: 13).

Jordan covers domestic workers through labour laws (partly general laws and partly specific or subordinate laws) that entitle them to weekly rest from work and annual leave to the same extent as other workers and to minimum wage provisions (ILO, 2013: 133). Jordan does not entitle the women domestic workers to maternity leave or maternity cash benefits P.133, 'Domestic workers across the world: Global and Regional statistics and the extent of legal protection', (International Labour Organisation, 2013). Jordan relies on bilateral agreements for the import of domestic workers and does not have such an agreement with India. We did not come across women from Kerala or AP who had gone to Jordan directly. In one case during the problem in Kuwait in 1991, a woman from the coastal Andhra region had travelled to Jordan with her sponsor and stayed there for nearly a year. A law in 2012 extended coverage of certain provisions to domestic workers – including provisions relating to labour contracts, wage calculation, annual leave and dispute settlement but not limits to hours of work, weekly days off, and ability to leave their employers.⁴ A decree issued in Qatar in 2008 stipulates that domestic workers should not be forced to work in any way that insults them physically or mentally and that the sponsor must provide them with suitable accommodation and health care and must maintain proof of payment of the agreed upon salary (Breslin and Jones, 2010: 402). Because they lack protection under the national labour legislations in most Middle Eastern countries and because their work is performed in the household, the employer is able to control the worker's mobility and even to deny them contact with the outside world. Where legal protections exist, however, domestic workers are often reluctant to seek legal remedy fearing job loss and deportation (Breslin and Jones, 2010: 402).

Since 1947, emigration to the west and the early streams of migrations to west Asia occurred with little regulatory attention from the newly formed Indian state, but broadly within the framework of the Emigration Act of 1922. The current regulatory framework defined by the Emigration Act, 1983 was brought in at the behest of the Supreme Court of India to fill the gap created when the union government suspended the operative

⁴ Act No. 36 of 2012 Promulgating the Labour Law in the Private Sector, Official Gazette No. 3063 – 2 August 2012

part of the earlier legislation to remove barriers against emigration of unskilled workers (Nair 1998: 273; Weiner 2007: 171). Weiner (2007: 143) with the economic stakes running high, the Indian government is “willing to tolerate conditions for Indians in the Gulf that it would not tolerate for its citizens elsewhere and its interventions on their behalf are likely to be in a subdued and less public fashion”.¹³ However, the GoI prohibited the movement of single uneducated women to Kuwait in the 1980s following reports that domestic workers were being mistreated there. There were protests against this apparently from Goan and Malayalee families and “Indian officials *quietly* permitted resumption of the migration” (Weiner 2007; emphasis added).

Current restrictions on women domestic workers derive from two sources – (a) the Emigration Act, 1983, which enables the government to subject them to special protection/ scrutiny, and (b) administrative measures taken by the state from time to time through government orders, which give a specific form to protection/restrictions. Aspirants are classified as ECNR on the basis of possessing technical qualifications, special skills or a minimum specified level of education.¹⁴ Persons with education of less than Class 10 come under the ECR category. At present, the GOI prohibits women below 30 years of age from seeking employment in the ECR category. The Ministry of Overseas Indian Affairs (MOIA) maintains that the restriction on women is based on the recommendation of the National Women’s Commission and is to “prevent exploitation of Indian nationals”. However, it had set the 30-year minimum age limit for housemaids in the Gulf countries in July 2002, the intervention of the National Commission for Women in 2003 extended it to all foreign countries (Kodoth and Varghese, 2012). The ECR rule applies to men and women alike, but the age restriction is only for women workers in the ECR category. In 1999, the government banned the deployment of Indian workers as housemaids or male domestics in Kuwait citing the post-war turmoil and the resultant harassment of foreign workers, especially those working in the domestic sector. The Indian ambassador in Kuwait was reported to have announced the enforcement of the ban in March 2000 (Jureidini 2003: 11), but in May, the Ministry of Labour lifted the ban on male domestics. The age restriction of 30 years was put into place following this.

In recent years India has responded to reports of harassment of women workers by increasing the legal requirements for migration. A series of measures introduced in 2007 include that the aspiring woman migrant must present a direct work contract between the worker and employer attested by the embassy at the destination on payment of a security deposit by the sponsor-employer in order to get emigration clearance from the POE (Kodoth and Varghese, 2012). Agents point out that difficulty in getting the work contract is leading to greater use of illegal channels. A recent 'protective' measure requires women aspirants to present themselves personally before the POE to get emigration clearance. All applications to the POE for emigration clearance are made online. The information is used to generate the emigration clearance granted sticker that is fixed onto the passport after verification of documents produced personally by the aspiring domestic worker. Women as young as 15 years have received emigration clearance from the POE after personally appearing at the office because their passports that overstate their age. We found that overstating of the age is an entrenched practice in Kerala and AP, owing to the used of age to regulate flows at the source or at the destination at different points of time. According to her passport, Sumati's age is 58 years though in reality she is only 35 years. She went overseas at 24 years to work in a school as an ayah and returned recently because her mother died. Her husband married her because he was childless by his first marriage. They have a son of 14 years but she has left her husband because he ill treats her and does not take care of their child. She has been leaving her son in the care of her natal family when she goes overseas. She has high aspirations for her son who is studying in a private school at considerable cost. Hence she wants to go back to Kuwait but is in difficulty because the school will not employ her beyond 60 years.

Even in the recent past it is not uncommon for emigrant domestic workers to go overseas without the requisite qualifications and clearances. Among 25 workers who had returned not later than 2009 -10, nearly 70 % were less than 30 years when they first arrived in the Middle East (SEWA, 2012). The SEWA report notes that none of the returnee workers had been asked to produce the work contract, which is mandatory for emigration clearance. In our sample too, more often than not workers said they were 'pushed through' at the airport with the help of agents.

In the area of our fieldwork, it was more common among women who were less than 30 years to go overseas as domestic workers in the 1980s and 1990s. Among those who had gone since 2000, only three women were below 30 years. It was also rare that unmarried girls were sent overseas. Many of our respondents were of the view that families were reluctant to send young unmarried girls but once they were married it was the husband's responsibility. Agencies however enabled young women where necessary to flout the age barrier. Noor Banu was 29 when she went for the first time in 2010. She learnt about overseas employment possibilities from the recruiting agent. 'They said they are giving visas.. that girls are going through us. Then they took my passport. They were the ones who took us to the airport. At Trivandrum airport, I was sent back the first time after I had entered the airport, saying you cannot go before you are 30 years. I could not go. From Kochi airport through the 'adjustment' between the travels people by taking Rs 5000 from me and handing it to some 'sirs' (*sirmar*) I was sent.' Agents are able to push workers through immigration with the help of specific immigration officers with whom they have a pre arranged understanding. Workers' travel is arranged in accordance with the convenience of these officers. Respondents reported that agents would tell them to be prepared to leave but not the precise date of travel until close to that date. This is the case particularly when the worker is taken through Bombay or Chennai, where they would have to wait for weeks and sometimes even a month before boarding the flight.

4. Legal Migration and Protection of Rights

The legal framework in the Middle Eastern countries places domestic workers in a position of *de facto* bondage and gives sponsors immunity against complaints of abuse by domestic workers. In these conditions, even legal domestic workers tend to be willing to tolerate significant violations of their rights. They condone inadequate food and rest, verbal abuse and even occasional physical violence for fear of losing their jobs and having to leave the country before their debts are paid or their investments recouped. Yet when conditions become intolerable, they forgo documented status by running away unless they are unable to do so because of forced confinement. Respondents who had run away frequently pointed out that what they could not tolerate was not being paid their salaries. In 2000, Satya spent three harrowing months as

domestic worker in an Arab household in Oman. She had a work contract and her passport showed that she was granted emigration clearance by the POE in Trivandrum. Along with a group of women she had been trying to get a cleaning job through an agency when an agent she knew approached her with an offer of a job in a 'good house'. Satya spent her first month in the sponsor's house learning her job from Jalaja, a Malayalee worker she was supposed to replace. Before Jalaja left, she warned Satya that to survive she must humor the sponsor's sons.

They were 10, 12, 14 and 16 years old but they had the physiques of 20 and 25 year olds and manners also. After Jalaja left, at night the children told me to sleep in their room. Jalaja used to do that. When I refused their manner changed. They poured a bucket of water on me and insisted I go with them. That night I stayed awake till they fell asleep. My door did not have a lock. In the morning, when I was cooking, the youngest boy came in and hugged me. It was not done in the manner of a small boy hugging you. (She indicated to me that he held her at her breasts). When I forced his hands off me, he went and told the older boy who came and hit me hard on my back.

She subjected to relentless violence – had objects and hot tea thrown at her and was burnt with a hot iron ladle and locked up without food or water for two days. During this time, she tried to look unattractive, removed her jewelry and appeared unkempt, hoping the boys would leave her alone. After a particularly bad bout of violence when she threatened to kill herself with a knife, the sponsor and his wife took her to the police station. Through an interpreter she told the police that she wanted to go home because she could not bear the violence. According to Satya, the sponsor and his wife changed their tone when they heard this and pleaded that they had spent a large sum of money to bring her over and that they treat her with respect in future. But things did not get better so she resolved to escape. On the pretext of going to wash the car, she put on an Omani dress and walked till she came to a Malayalee shop and asked for help to rescue her from the sponsor. She gave him the numbers of two of her friends who worked as cleaners in a hospital in Muscat and her male relative. The next day her two friends as well as a third friend and her husband took her away from the sponsor's

house on the pretext that she needed treatment as she had become very weak. The sponsor let her go but later called and threatened to file a police case if she did not return in 24 hours. She had taken her belongings and the copy of a legal document that she had with her. She was able to return to India because her friends bought her a ticket. On being approached, the Indian embassy summoned her sponsors, who refused to pay her air fare but returned her passport. Satya did not receive any salary. Where legal migration affords little or no protection against abuse, migrant domestic workers may find themselves in similar situations irrespective of their legal status.

Another implication of taking the safer route was that workers may be paid significantly lower salaries. This was typically the case with Malayalee employers who recruited the domestic worker in Kerala and took them with all the paper work in place. Interestingly, women workers perceive a trade off between potential earnings and their security and a section of them were willing to forgo higher salaries for this reason. For instance, Thangam and Satya were aware that they were paid much less than the 'market wage' but were relieved that they did not have to worry about their security. After her return from Oman, Satya worked for two years (2003 -05) in Dubai for a Malayalee family she knew and trusted at a salary of Rs 3500 a month. Thangam received Rs 3000 a month from 1999 to 2006 and Rs 2000 for the three previous years as a full time live in domestic worker for a Malayalee family in Bahrain. A restrictive emigration policy could only have detrimental effects on women workers because it narrows the information base of migrants and strengthens stigma. This is at least partly because they are dependent upon agents. Also they are often suspicious about the government's intentions precisely because of the barriers they face. Not many of our respondents knew of the Indian embassy and even fewer knew where it was located or how to contact embassy officials. Some pointed out that their Filipino and Sri Lankan colleagues received a lot of support from their governments whereas their own government seemed not to care. Ironically, the conditions of migrants who have taken the legal route suggest that strong support in destination countries rather than barriers to movement from home could be critical for the protection of the rights of workers.

5. Promoting Irregular Migration? Implications of a Restrictive Regime

Evidence of extensive irregular migration of women domestic workers suggests that the existing barriers have not prevented movement. We have seen that the age restriction and the requirement for emigration clearance are flouted with impunity. Workers who said they had gone through ‘pushing’ also said that they have been charged extra for the ‘service’. Already, the services of recruiting agents come at a considerable cost to women domestic workers entailing not only financial payments but sometimes also sexual and other services during the process of transit.⁵ The Emigration Act sets a ceiling of Rs 2000 on the recruitment fees from unskilled migrants, which has remained unchanged for the past 25 years and even emigration officials are aware that the ceiling is flouted (Sasikumar and Hussain, 2008: 15). The commissions paid to recruiting agents by workers in our sample who had gone in 2012 ranged from less than Rs 10,000 to Rs 2 lakhs because the services or degrees of facilitation varied from responsibility for the entire emigration process to a single service such as getting a particular document or organizing passage through pushing at the airport.

In this context, adding to the costs and procedures for sponsoring domestic workers could have unintended deleterious effects for the worker. For instance, the stipulation that sponsors must have the work contracts of domestic workers attested by the Indian embassy at the destination upon payment of a security deposit of \$ 2500 could not only could sponsors to evade the process but also provides greater scope for recruiting agents to facilitate illegal migration at higher costs that will be passed on to the workers. In the UAE, for instance, the new procedures add to the existing requirement for nationals to make a refundable security deposit of 5000 dirhams to be made to the UAE authorities. It adds even more to the disincentives of non nationals to observe the law because they are already required to pay an annual fee of 4800 dirhams to the interior ministry over and above the security deposit (Pattadath and Moors, 2012). Take for instance the case of Meera’s Malayalee employer, who was

⁵ The SEWA study found that several of the returnee workers were made to provide sexual and other services to agents in Bombay en route to the destination.

named on her visa as her sponsor. It was comparatively rare to find a Malayalee as the *de jure* sponsor which means that the sponsor had paid the required fees and security deposit. Yet Meera who was preparing to leave for the UAE in July 2012, to do her second stint with the same employer, did not have a work contract. 'To go back, I have been given me a flight ticket and visa. I will not get emigration now. I was told that it will be possible only after three years or that I must be over 50 years. But otherwise there is no problem. The travels have said that they will send me through something called pushing (*eetho thallikayativeedamenu paranittunde*).' On her first visit in 2010, she had gone on a visit visa (thus bypassing the need for emigration clearance on an ECR passport).

Higher costs incurred on Indian domestic workers could induce sponsors to keep salaries low. Meera is paid Rs 8000. 'I take what they give me. The salary is low and that is a problem. In their brother's house there is a Filipino maid who gets [the equivalent of our] Rs 20,000.' In most such cases, however, the sponsor of the worker is an Arab reducing the financial cost incurred by the Malayalee employer. This was the case with Thangam who in 2006 received a salary of Rs 3000. In the 12 years that she spent in Bahrain, Thangam had visited her home in Kerala only once. Sponsors are able to save on air fares by dissuading workers from taking vacations. In view of the 'institutionalized' manner in which the irregular channels function, the recent raising of the bar for aspiring domestic workers to get emigration clearance may channel more aspirants to them and thus fail to make migration safer. It is also likely to raise the financial and other costs of migration for women workers.

INDISPENSABLE YET UNPROTECTED: MIGRANT DOMESTIC WORKERS FROM INDIA AT RISK

Nalini Naik

THE KERALA-ARABIAN GULF MIGRATION ROUTE

The demand for domestic labour is on the increase both within India and in several other countries. This indispensable yet unrecognised and invisible labour force is vulnerable and subject to abuse. This study seeks to understand the problems of migrant labour in domestic work and assesses the nature and extent of abuse with a view to ascertaining whether these workers have been victims of trafficking for labour exploitation as defined in the Palermo Protocol.

This part of the study examines issues of women workers in one of the most frequented migration routes for female domestic workers- an emigration route from the state of Kerala in south India to the Arab countries.

This study reveals that the need for money to meet present day exigencies is the major push factor for women, particularly widows and single mothers. In Kerala, despite the existence of informal networks that assist migration to the Arab countries, the majority of migrant workers depend on agents to facilitate the process and pay them large sums of money as service charges. The large majority of these women are ignorant of official emigration requirements and many unwittingly become illegal migrants.

Various loopholes in existing emigration procedures and lack of coordination between the Ministries of Indian Overseas Affairs (MOIA),

Nalini Naik is the General Secretary of the Self Employed Women's Association (SEWA), a registered trade union of poor working women with a 12.56-lakh membership.

Home and External Affairs have encouraged unregistered agents to exploit the legislative anomalies and the ignorance of potential migrants for monetary gain. These agents have succeeded in creating an efficient mechanism to not only facilitate illegal emigration through a process called 'pushing' but also to assist workers who get trapped in the process to return home through what has grown to be called 'the embassy'. This has given them greater credibility in the eyes of workers who thus prefer to choose the informal rather than the formal channel for emigration.

As a result of this, emigrant workers are prone to different kinds of abuse and even to forced labour both during the emigration process as well as at work. Besides, Arab citizens also make profit from immigration by issuing 'free' visas, thereby providing further scope for illegal transactions. Further, as the Arab countries do not recognize domestic workers as workers, they have no recourse to grievance redress from the labour establishments of either the host country or their country of origin.

Lured by better prospects and hoping they will not be the unlucky ones, women tend to play down the difficulties and hardships they face abroad. A few more vocal ones advocate for government intervention, for instance, by creating an appellate body for grievance redress.

According to Zachariah and Rajan (2009), Kerala is the largest sending State of workers in India. A recent survey shows that 14.6 per cent of emigrants from Kerala are women but only about half of them move as workers. However, Nair (1999), with a sample only from Trivandrum, found that one out of six returnee migrants were women and that most of them were engaged in menial tasks.

Interviews of 50 unskilled women who have returned from or desire to go to an Arab country to work gives us an understanding of the difficulties they encounter.

1 Returnees

1.1 PROFILE OF RETURNEES

There are several push factors that drive women to migrate for work, the most important being the need to earn more money. Whereas in Kerala the money earned

is used to pay dowries for daughters or to repay debts, in Jharkhand it is for mere survival. In the two samples of returned and potential female emigrants, 88 per cent and 84 per cent of them respectively stated that higher wages was the main reason to seek work abroad. The study reveals that this is particularly the case for single women heads of households. In both samples of returned and aspiring migrants, there were a significant number of widowed and separated women & 44 per cent among the returnees and 60 per cent among potential migrants. Husbands deserting wives is a growing phenomenon in Kerala and single mothers are under pressure to fulfil the aspirations of their daughters to study further or to marry men who expect large dowries.

Despite Kerala being a state with high literacy rates, 56 per cent of the returned migrants interviewed had received no formal education, 32 per cent had only a primary education and 12 per cent a secondary education. Levels of education were higher among potential migrants: only 8 per cent of them had received no formal education, 60 per cent a primary education only, 24 per cent had attended secondary school and 8 per cent higher secondary school. The lack of vocational skills and work opportunities force women into domestic work and their low levels of education influence the way women are treated and cheated.

Several of the returned migrants interviewed (68 per cent) had been engaged in some income generating work before migrating. Upon return, there was a shift in their occupations – 42 per cent of them were not employed as half of these expected to go abroad again; none of them went back to agriculture and the majority were engaged in domestic work in Kerala or were self-employed as tailors. Among the potential emigrants, 40 per cent of them were domestic workers, 24 per cent of them were self-employed either producing goods to sell or doing tailoring, 16 per cent of them did other wage work, some as part of the National Rural Employment Guarantee scheme (NREGA) of the government and 8 per cent worked in agriculture.

Among those respondents who had returned from the Gulf, 48 per cent of them came from small households of less than four persons, an equal number came from households of four to seven persons and just one from a larger household. In contrast, 60 per cent of those who intended to emigrate were from small households. This indicates that the nuclear family is increasingly under pressure to survive economically, forcing mothers to migrate for work. In both groups, around 80 per cent came from families in which other members had also emigrated for work, often a close relative such as a sister or brother.

1.2 EMIGRATION HISTORY

Among the returned migrants, 20 per cent of them were below the age of 25 when they arrived in the host country for the first time, 44 per cent were between 25 and 30 and the rest were older, one of them being above 40. Thus, the majority of them emigrated when they were under the prescribed minimum age of 30 years. Thirty-two per cent of them went abroad only once, while 12 per cent went twice, 52 per cent thrice and 4 per cent four times.

Table 1. Successive destinations of workers

Country	Number	Per cent
Saudi Arabia, UAE, Qatar	5	20
UAE, Oman(Muscat), Kuwait	3	12
Saudi Arabia &Oman (Muscat)	2	8
Oman, Saudi Arabia, Bahrain	2	8
Dubai, Qatar, Iran	2	8
Doha	1	4
Kuwait, Qatar, UAE	1	4
Oman (Muscat), Kuwait	1	4
NA	8	32
TOTAL	25	100

Table 2. Reasons for choice of country

Reason cited	Number	Per cent
Reliable person was taking them	9	36
Relative/friend was there	8	32
Heard the wages were good	4	16
Other reason (newspaper or agent)	3	12
Group was going from the area	1	4
Total	25	100

The majority of returnees interviewed (52 per cent) had found work through agents, 32 per cent through relatives and 16 per cent through friends. While a few had been influenced by information in the news papers, 68 per cent of them had got in touch with agents through relatives. All the agents except one were men and most of them were not located near the homes of the emigrants. Whereas many women knew the actual location of the agents, 20 per cent of them had only contacted them on the phone and did not know anything more about them. While most women had been helped by others through these procedures, especially the first time, there were some who managed them on their own, going alone to meet agents in other places, handing over the money etc. Several of them knowingly took great risks.

Table 3. Payments made for services rendered

Amount paid Percent	Indian rupees (INR)*	Number
No payment	5	20
Below 15000	1	4
15000-20000	7	28
20000-25000	8	32
25000-30000	2	8
Above 40000	2	8
Total*1 USD=45 INR (2011)	25	100

It is significant that 20 per cent of the respondents did not pay anything to go abroad. Whereas 68 per cent of them paid the money to agents, 12 per cent paid a relative who arranged their travel. The amounts paid for travel indicate that, like agents, relatives also charge for their services since a one-way air ticket to any of these countries costs less than INR 10,000 (USD 222). To cover their travel costs, 36 per cent of returnees

had sold their jewels, 32 per cent had borrowed money and the rest had managed to save enough on their own.

Surprisingly, none of the respondents were asked to produce the mandated work contract which means that none of them had actually got the required emigration clearance.¹ The four who were taken across by employers had signed some papers but could not describe their contents.² None of them, except two who went through their relatives, were told what to expect at the other end. The majority therefore were 'pushed'³ through at emigration and were thus undocumented emigrants. The majority of them were made to hand over their passports to the agents, 40 per cent of them said they had to do forced labour during the recruitment phase and even have forced sex with the agent or the middlemen. Two women had to go to Bombay to meet agents there and were made to work in their homes, cooking for them for three weeks. Two others were taken to Mumbai and forced to sleep with other men. They were threatened when they resisted.

1.3 TRAVEL EXPERIENCES

Whereas 40 per cent of these women had to travel by train to the airport from which they boarded their flight, the rest of them had left directly by air from a city in Kerala. Seventy-two per cent of them had travelled directly to their destination while the rest of them had had to stay *en route* from a week to a month. As many as 40 per cent of them were not told in advance about the route they would take and did not know what to expect.

Whereas 52 per cent of them were not accompanied by anyone on the journey, 16 per cent were accompanied by the employer, 16 per cent by relatives, and 16 per cent by other workers. Besides, 28 per cent of them did not have their travel documents with them. The fact that such a large number went illegally on their own means that the informal networks are so well organized that they manage to 'push' them across successfully.

On arriving at the port of destination 96 per cent of them were met at the airport, in most cases by strangers, only one of them was not picked up. She remained at the airport for two days before reporting to the

airport authorities. Two days later her Arab sponsor fetched her. She described the harrowing anxiety she experienced. The stories of the women from this point onwards are varied and reveal how the placement chain works. Those who were taken across by relatives and who had not paid any money went directly to the employer. The others went to houses maintained mostly by female agents, and in some cases by male agents with a female supervisor.

The family – agent connection

Three women from Trivandrum went to Dubai with the help of a relative, John, who worked in Kuwait. He directed these women to a local person whom they did not know earlier. This person charged them INR 50,000 (USD 1,111) each to arrange for their passports, tickets and visas. When they reached Dubai, they were received by another unknown person who took them to a house, run by a Keralite woman, in which there were several other workers. The local Arabs came there to recruit the women of their choice. The woman agent translated the employer's requirements to the migrants before they went to their place of work. They learned that their salary of INR 5,000 (USD 111) per month (in 2006) would be paid through the agent and the first three months' salary would go to John who had put them in touch with the agent in Trivandrum. This they did not know in advance. They were told that if the employer did not like them, they would be brought back to this agent.

1.4 WORKING CONDITIONS

The majority of women surveyed for the study migrated for work with a very minimal understanding of their working conditions that were

¹ As explained later, the legal age for emigration for unskilled and female domestic workers is 30 years. They require an emigration clearance to travel at which time they are also required to produce a work contract from the employer that gives the details of the employer and the wages to be paid.

² These could have been the mandated work contracts that are in English

³ 'Pushed' is the term presently used and understood to mean that palms are greased at emigration at the airport

communicated to them orally. They were told that the nature of the work was domestic labour but no details were given about the working hours, the exact types of household duties, days off etc. They were cautioned about being dependent on the employer who had provided the visa. In the employer's home, 64 per cent of them had several tasks such as cooking, cleaning, gardening, car washing and taking care of the animals, whereas the others did more specific jobs like cooking, child care or looking after the sick only.

Those that were taken across by the employer, (16 per cent) had signed a contract when they started work but were not able to explain the contents of the contract. In fact, these were probably not work contracts but documents for obtaining a visa as they could have gone as family members and not as workers. But this could not be ascertained.

There were major differences between the information given to the workers in advance and the situation they were put in. The majority of them said that the work and conditions of payment and living were worse than what they had been told. Indeed, 12 per cent were even taken to a different country. While 48 per cent of them got the payment they were promised and were allowed to leave after two years as agreed, 52 per cent of them had deductions made from their salaries of which they were not informed earlier. This was the money that finally went to pay their relatives and others who had got them their visas. So despite a significant number saying that they paid nothing to go abroad, the deductions in their salaries were made clandestinely by relatives. As many as 92 per cent said they had no choice but to accept whatever they got since they were in a foreign country and in need of protection. Some of them could not keep their passports and the others had to keep to the agreements they had made with the agents to work for at least two years even if they were exploited and abused. There were instances where exploitative employers registered false criminal cases against the domestic worker.

The Kasargod Embassy

Jameela (50), from Mallapuram, had no idea about her rights. She went abroad through an agent and was placed for work. She worked from 5 a.m. to 11 p.m., cooking, cleaning and ironing for the family

and their guests. If things were not done well, she was rudely scolded. She was given only leftovers for food and could eat only when she managed to find the time. When she was sick with fever and did not work, a week’s wages were deducted. She was not allowed to talk to other workers in the house.

There was an old man she had to attend to – giving medication on time and taking him to the toilet. He used to harass her physically. One of the children was mentally retarded and used to throw things at her. The lady employer slapped her a few times when unsatisfied with her work. She tolerated this for a year, since she had paid a lot for her visa and needed to earn money for her family.

Then she met another Keralite maid who had accompanied a visitor to the house. She told her about a possible escape route through a place called the ‘embassy’.⁴ Jameela called them and, after two days, she picked up the courage to leave the house, call a taxi and go to the ‘embassy’. She was taken in by a man and given place to stay. There were other women there too. She stayed there for a week and was then taken to the airport and sent home with another passport. She knew there was a police complaint against her.

All, except one, of the migrant domestic workers interviewed faced problems at work and had a series of restrictions imposed on them.

Table 4. Restrictions placed on the workers

	Number	Per cent
Not allowed to go outside the house	12	48
Not allowed to talk to other workers	7	28
No permission to make own food or go outside	2	8
No leave	2	8
No permission to make their own food	1	4
Total	24	96

⁴ The “embassy” refers to what is known as the ‘Kasargod Embassy’, a centre run by a network of unregistered agents that assists migrant workers in trouble to return.

Besides these restrictions, there were other pressures indicative of forced labour & 76 per cent of them had been forced to work overtime. They felt they could not refuse because they were at the mercy of their sponsor. Besides, they were threatened in different ways including loss of wages if they refused. Only two of them (8 per cent) had their passports in their possession as they had gone on a free visa while 92 per cent of them had handed over their passports to their employers. They had all taken for granted that this was the norm and had not asked when and how they would get their passports back. Except for one, none of them were free to leave the employer. They felt very insecure, as they thought that they could be pursued by the police, put in jail and may lose their passports permanently.

On the positive side, all of them were able to contact their families either on the phone or by post and 96 per cent of them were able to send money back to their families either through the bank, through friends or relatives or by money order. Moreover, in the case of 80 per cent of them, their families relied totally on their remittances.

The households the women worked in were generally large & 60 per cent of them had worked in households of 4 to 7 members, 12 per cent in those of 8 to 10 members, and 28 per cent in households of more than 10 members. The employers were professionals, government employees, police officers or business people. While 28 per cent of the returnees felt they were treated kindly, 44 per cent of them said they were treated very rudely, and the rest said that their employers were sometimes rude and sometimes kind. The majority of them (72 per cent) said that they received sufficient food while the rest did not and 76 per cent said they were paid on time while the others were not. The majority of them had heard stories of others being overworked, unpaid, very badly treated and even beaten, and in some cases sexually harassed.

While 48 per cent of them felt that they had no major problems and therefore did not feel the need for help, one said that she would approach the *pravasi* organization in case she needed assistance. Others felt they could rely on their relatives and friends who had advised them to go there and one even said she would seek help from the agent. There was a small group that was more vocal and said that domestic workers were treated so badly that the government should do something about it. Some

felt that there was really no appellate body when something goes wrong. Instead, in some cases, well-intentioned individuals respond to the needs of workers. They were aware that they are exploited both by the agents and the employers and that it is they who are at the losing end despite working so hard and spending so much money. They did not know that they were actually illegal migrants.

In case of accident...

Saleema, from Mananthawadi, emigrated for the first time in 1999 when she was 25 years old with a passport on which her age was stated as 32. Since then, she had worked in several places – Saudi Arabia, Oman, Bahrain and lastly Dubai. Although her travel arrangements were made by relatives, she had paid INR 25,000 (USD 555) initially and finally INR 75,000 (USD 1,665). It was in Dubai that she met with an accident and hurt her foot. The employer had her admitted in the Government hospital and then deserted her. She had to fend for herself. It was there that she came across a social service organization called Sneha Taalvara that publicised her case through the media, thus forcing the employer to pay her compensation. After three months spent in the hospital, it took three months more for her to walk normally. The employer was obliged to pay for her return ticket home. But by that time her visa had expired and when she went to board her flight she was put in jail for a month and a half. Once again the organization helped her to get another ticket to go home.

Although Saleema understands that all is not well for women who emigrate, she is totally unaware of the fact that there is an underground placement network. She knows that she has to be protected since she pays for her visas and does honest work. She knows many who have returned like her. She called a meeting of these women to encourage them to join the welfare scheme called Santhwana created by NORKA Roots for migrants that provides financial assistance to returnees in distress.

1.5 Response to harassment

While the majority of those interviewed did not report excessive harassment, 5 of them (20 per cent) did. Three of these actually ran

away because of the difficult working conditions & two went back to the agent and one took shelter with relatives. Of the two who went to the agent, one was placed in another house and the agent was able to get the employer to pay a part of the wages due to the other as well as a part of her return ticket. She was very disillusioned by the whole experience. The one who stayed with some relatives was able to earn more money through clandestine work but knew this was risky because she had overstayed. Finally, one day when a moratorium was announced, she managed to leave without major hassles as the 'embassy' gave her back her passport. In all these cases, it is mainly the informal Keralite network that helps the workers through the fake 'Kasargod Embassy' and not the Indian Embassy.

One of the workers was sexually abused by a young man of the household. When she complained to the lady of the house, she laughed saying he was only a boy. The worker used to hide herself whenever the young man came into the work area but she did not always succeed. He used to tease and touch her. When she rebuked him, he used to respond playfully. She said she could not leave despite this constant harassment because she needed money to get her daughter married.

One of them who had worked on a free visa was harassed by the police as she did not work in the place for which the visa was issued. She managed to escape but lived in constant fear although there were other Keralites who were willing to bail her out. As she was a good cook, she was able to make enough money working on an hourly basis. But she also had to grease the palms of the men who gave her protection. Then she befriended a man from Kerala with whom she lived. She was finally forced to leave the country and will not be able to return to Abu Dhabi again.

Interestingly, most women who return from the Gulf do not reveal the hardships they face abroad to others. They tend to play down the difficulties and are willing to go again hoping they will not be unlucky. Theresa, for instance, who had faced great harassment from the agent and was forced into prostitution from which she escaped, was still prepared to give it another try. This is a contradiction as the wages they receive abroad are not that much higher than the wages they receive in Kerala. Moreover, while the majority of domestic workers in Kerala refuse to be live-in workers, as they feel they have domestic responsibilities, they have no qualms about emigrating. Whenever they get an opportunity to migrate, they hurriedly make arrangements to put their children into hostels or orphanages, get the money somehow and leave.

Hence, there are still many women who intend to migrate although the numbers are considerably reduced.

1.2 Potential migrants

1.2.1 PROFILE OF POTENTIAL MIGRANTS

Of the 25 women interviewed, the majority were working & 40 per cent of them were domestic workers, 24 per cent were self employed mainly as tailors, 16 per cent of them did other wage work - some under the NREGA and 8 per cent worked in agriculture. The remaining 12 per cent that did not work were planning to go abroad because there were no job opportunities at home. Except for one, none of the potential migrants interviewed had worked abroad earlier.

1.2.2 MIGRATION PLANS

While 16 per cent of the respondents were planning to migrate within the coming three months, the large majority (72 per cent) were planning to migrate within the next 3 to 6 months and a few within the coming year. The majority of them had been encouraged to go abroad by their friends and relatives who would provide them with information and assist with their visas. Another 28 per cent had decided to go abroad on their own and one of them was trying to join her husband. 36 per cent of these women also knew agents who could get them across. Except for one of them, the others knew where they would like to go, some of them having only one preference and a few having two as indicated in the table below.

Table 5. Preferred country of destination (per cent).

Country	1st choice	2nd choice
Saudi Arabia	28	-
UAE	20	4
Oman	20	-
Kuwait	12	4
Qatar	8	-
Bahrain	4	8
Not sure yet	8	24
No option		60

1.2.3 PREPAREDNESS FOR EMIGRATION

Except for one, they did not know exactly how much they would have to pay to go abroad to work. Two of them who were going through relatives said they wouldn't have to pay any money, 48 per cent of them said it would be between INR 30,000 (USD 666) and INR 50,000 (USD 1,111), 20 per cent said it would be more than INR 50,000 (USD1,111) and another 20 per cent said it would be less than INR 30,000 (USD 666). Of these, 16 per cent of them had their own money to meet this expense and 12 per cent would sell some of their jewellery to raise it, but all the others said they would borrow the money or at least a part of it. While 36 per cent said they would take a bank loan, 28 per cent said they would borrow from relatives and friends and another 24 per cent proposed to get assistance from their micro credit groups. Except for 12 per cent of them, the others also knew that they would have to pay interest ranging from 5 per cent for those who would borrow from their micro credit groups to 20 per cent for those who would borrow from banks or money lenders. While 44 per cent of them had calculated approximately how long it would take them to repay the loans, the rest of them had not.

The majority of them, (80 per cent) knew that they needed a valid passport to travel and 64 per cent of them knew that they needed a visa. Interestingly, 44 per cent of them also knew that they required a contract if they went with an employer and 12 per cent said they needed a work permit. The majority of them knew that they needed a work contract in order to emigrate (78 per cent).

The existing mandatory work contracts only give details of the employer, the wages and the repatriation requirements. But a good number of the workers felt that such contracts should contain more information as indicated below.

Table 6. Contents of contracts expected by workers (per cent).

	Yes	Don't Know
Nature of work	80	20
Housing / Accommodation	76	24
Location of the employer	68	32
Number of hours of work per day	64	36
Number of leave days	56	44
Salary	52	48
Duration of employment	52	48
Return airfare	40	60
Provision that migrant workers can retain their identity or travel documents	20	80
Medical insurance	16	84
Legal status	12	88
Other Facilities	12	88

Interestingly, 80 per cent of these workers were unsure about the right to keep their travel documents with them while 20 per cent of them emphatically said that employers did not have the right to retain their travel documents. These were the workers who were going abroad directly with the employer.

Several of these workers had some idea of the difficulties that domestic workers faced abroad – not getting the wages promised, long working hours, being ill treated and even sexually harassed, yet these risks did not deter them. While 20 per cent of them did not know what they would do if they faced any problems abroad, only 8 per cent of them said that they would go to the Indian Embassy, 28 per cent of them said they would refer back to the agent while 28 per cent of them said they would seek refuge from their relatives or friends that were there. 16 per cent of them thought that they could go to the police. None of these workers were aware of the various schemes and welfare funds of the government for workers in distress.

Even if many of these women were confident about being taken abroad by relatives, they are aware that they have to finally get the assistance of agents who help them to migrate. But 72 per cent of these women did not know that only recruiting agents that are registered under the Emigration Act 1983 are permitted to recruit workers for overseas employment while 24 per cent of them were aware of this. This latter group comprised those who also knew other women who were taken abroad by employers directly.

It was revealing that while 96 per cent of them knew what sexual harassment implied, 80 per cent of them did not know what forced labour entailed. They knew that they would be expected to put in long hours of work and do any work that the employer wanted but had no concept of what an actual working day should be or under what conditions they should work. They expected to get decent food and some rest.

Despite the substantial financial implications for poor women who emigrate in the hope of making some money, the risks they have to take and the poor treatment meted out to them, the State does very little or nothing to protect them. The institutional anomalies are not only discriminatory but dismissive as well.

1.3 The legislative and institutional framework for migration

While unskilled women consider it their legitimate right to go abroad to work and are under great duress to pay for this facility, the majority of them are oblivious of the fact that they get entangled in an illegal venture. Friends and relatives together with placement agencies play a central role in matching domestic workers with the demand. They function with varied terms and conditions placed by the employer and in services offered to the worker and differ considerably in their objectives.

1.3.1 MINISTRIES THAT CONTROL EMIGRATION

The management of emigration and its necessary documentation procedures are currently being handled by three Central ministries – the Ministry of External Affairs that issues the passports and manages the functioning of Indian Missions in foreign countries, the MOIA that regulates emigration and undertakes the responsibility of protection and welfare of emigrants through the Protector General of Emigrants, and

the Ministry of Home Affairs that monitors the flow of emigrants from the country at the ports of embarkation. The Indian Emigration Act 1983 and the Indian Passport Act 1967 define the institutional contours governing emigration from India

Pursuant to the Emigration Act 1983, the office of the Controller General of Emigrants then in the Ministry of External Affairs was renamed the Protector General of Emigrants (PGE). The office was transferred to the Ministry of Labour and attributed new responsibilities and powers. The protection and welfare of emigrants, along with the regulation of recruitment practices in the country is now the responsibility of the PGE.

1.3.2 ANOMALIES IN THE EMIGRATION ACT AND PROCEDURES

This Emigration Act 1983 aims to safeguard the interests of migrant contract workers and ensure their welfare. Under the Act, only recruiting agents registered with the Ministry of Labour can recruit for overseas employment after obtaining a registration certificate from the PGE. There are eight offices located in Mumbai, Kolkata, Chennai, New Delhi, Cochin, Trivandrum, Hyderabad and Chandigarh under the PGE which appoint private agents for recruitment to various foreign jobs.

The Act, now in its 29th year of existence, has attracted strong criticism from several quarters due to its ineffectiveness and weak structure. From the unexplainable delays and harassment in procedure, to the limited security fee and penalties prescribed for recruiting agents who default, the Act has always fallen short of the aims it seeks to address (Menon and Bhushan, 2010). Amended several times, most recently in 2009, there are several provisions that still require revision if this piece of legislation is to be made more emigrant-friendly.

While the GOI has realized that the institutional framework created by the Emigration Act is ineffective and lacks coherent legal, administrative and policy structures necessary to implement it, there is little or no acknowledgement that the existing framework discriminates against 'low-skilled' emigrants from the country in general and 'low-skilled' women migrants in particular. The Act does not exempt any citizen from getting emigration clearance but divides them into two categories: low-skilled migrants whose passports are marked Emigration Check Required (ECR)

and others. Ostensibly, this is done in order to protect these migrants. However, it offers nothing substantial by way of protection to ‘low-skilled’ emigrants from the country in general and ‘low-skilled’ women migrants in particular. In fact, it prohibits the movement of specific categories of women – especially single, uneducated, domestic workers below the age of 30.

...it is this discriminatory state intervention that has served to produce and sustain a form of ‘controlled informality’ in the emigration process, a regulatory impasse that promotes the use of informal, largely unauthorized agents and procedures and indirect routes of acquiring clearance. This takes the form of a shadow institutional space and a powerful parallel economy with an extensive network across India and the Middle East that serves to replicate the functions of the State. Unauthorized agents not only organize emigration clearance, in the case of applicants who may not have the required qualifications, but, in association with state officials at airports, also manage ‘pushing’ i.e., sending women workers through without the requisite clearance.

(Kodoth and Varghese, 2011)

According to the Protector of Emigration (PoE) – Kochi, his office has very clear instructions regarding the granting of clearance to those passport holders who require emigration clearance and domestic workers come under this category. This clearance is given only if the worker is above 30 years of age and has a valid contract of work which includes the salary, the repatriation details, the employer’s details, etc. This ensures that the worker gets all the necessary assistance from the Indian embassy whenever necessary. At present, people who require clearance can register on-line and the clearance sticker is produced from the on-line data. Hence there can be no tampering with it. However, he is also aware that several domestic workers go to work abroad illegally without this clearance as they are ‘pushed’ through Immigration at the airport.

One reason for this is the lack of inter-ministerial coordination - the PoE comes under the MOIA whereas the Bureau of Immigration comes under the Ministry of Home Affairs which keeps the data concerning all

those who migrate. The MOIA does not have any comprehensive data as it is not expected to have information on people who have ECNR passports. It only has a record of people who require clearance with ECR passports. As most of the workers who require the ECR clearance are low skilled, poor women who are unable to secure the work contracts before applying for the clearance they are thereby at the mercy of unregistered agents who 'push' them through as ECNR emigrants, thereby absolving the state of its responsibility to also protect them. These agents while making large sums of money in the process, seem to have a more paternal approach with the workers who in return put their total trust in them. As workers travel abroad with visas and have made all due payments, they do not realise that they actually are illegal emigrants.

1.3.3 DISCRIMINATION AGAINST UNSKILLED WOMEN WORKERS

The frequent changes in government policy concerning emigration and the restrictions placed on migration of unskilled women workers has encouraged many to opt for unofficial channels of migration. Policy changes have been traced by Rajan et al (2009) as follows:

In 1999 the Government of India banned deployment of Indian workers for employment as housemaids or male domestics in Kuwait. The ban sought its justification in the post-war turmoil in Kuwait and the resultant harassment of foreign workers, especially those working in the domestic sector. The Ministry of Labour later lifted the ban on deployment of male domestics in Kuwait subject to attestation of documents by the Indian embassy at Kuwait. But the order, dated 29 May 2000, made "no change in the decision regarding the deployment of housemaids in Kuwait." The Ministry through another order (dated 26 February 2002), as instances of violation of the earlier order came to its notice, reiterated the decision. Further, through an order (dated 9 July 2002) the Ministry fixed 30 years as the minimum age prescribed for deployment of Indian citizens as housemaids in the Gulf countries, with immediate effect. Through still another order (dated 20 November 2003), in the light of the recommendation of the National Commission for Women, the Ministry directed all POEs

not to give emigration clearance to women who are below 30 years of age if they are seeking employment as housemaids/domestic-workers in any foreign country. The newly established Ministry of Overseas Indian Affairs (MOIA) brought an air of relief to prospective women emigrants when it issued its first order in this regard on 4 May 2007. The order lifted the prescribed minimum age criterion for all household service workers in the case of ECR countries. However, that order was not only short-lived but also a prelude for more proscribing interventions by the Indian Government. Exactly after 17 days, on 21 May 2007, the MOIA came out with another order directing all the PoEs that “women below the age of 30 years may not be granted emigration clearance, who seek any kind of employment including employment as housemaids, domestic workers, hair dressers, beauticians, dancers, stage artists, labourers, general workers, etc. in any foreign country.

The next ‘reform’ concerning women emigrants came on 1 Aug 2007, which reiterated that for the protection and welfare of women emigrants, the age restriction of 30 years would henceforth be made mandatory in respect of all women emigrants with an ECR passport (by that time the qualification for getting an ECR passport had been lowered to Matriculation pass), irrespective of the nature/category of employment. The order also made a direct employment contract between the worker and the employer mandatory, which should provide a minimum wage of USD 400 per month and a pre-paid mobile facility to be provided by the employer to every household service worker. This order has in effect virtually banned all recruitment of ECR categories of women by recruiting agents. Every foreign employer recruiting an Indian woman emigrant must also deposit a security deposit of USD 2,500 in the form of bank guarantee, with the Indian Mission concerned. The PoE may seek a copy of the bank guarantee duly attested by the Indian Mission before granting emigration clearance. Such stringent measures tend to prevent emigration rather than protect women workers overseas. Consequently, more and more migrants resort to informal and illegal channels of emigration.

On 12 September 2007, in the face of stiff opposition from all stakeholders, the Ministry withdrew its order on the minimum wage and the security deposit, which proved unrealistic at the time. It had however already had a negative impact on migration of women for unskilled and semi-skilled work. The recruitment of such categories came to be looked down upon as indecent. Almost all the credible recruitment agencies had withdrawn from recruiting unskilled women for overseas jobs and agents that continue to do so do not recruit openly.

1.3.4 ILLEGAL AGENT RACKET

An article in *The Hindu* on October 16, 2010 reported on the visa racket and how undocumented domestic workers are referred to a fake embassy – the ‘Kasargod Embassy’ to help them when in distress. Several such reports appear in the press after disasters such as the plane crash in Mangalore in 2009 when some of the victims returning from work abroad were found travelling on passports with false names (Radhakrishnan, 2010). The large-scale corruption that exists is therefore no secret.

In their study Rajan et al (2009) conclude that

Along with the mounting labour emigration, overseas recruitment practices have become increasingly complicated and pose a formidable challenge to the government and its regulatory organs. The process of recruitment allegedly involves corruption and exploitation on an enormous scale. In fact, the GOI has admitted that the system it had put in place to regulate and streamline the emigration process has failed to generate the desired results. On the other hand, this administrative apparatus itself has accentuated corruption as a result of the nexus formed between erring government officials and recruitment agencies, leading to increasing exploitation of the poor.

Our case studies reveal that regardless of the risks involved, those women desirous of emigrating have great faith in informal networks as they are more supportive than the government mechanism.

1.3.5 AMBIGUOUS STATUS OF MIGRANT WOMEN WORKERS

While bans and restrictions to prevent women workers from falling into abusive situations only drive the process underground, it is obvious that their security and rights depend largely on appropriate and enforceable legal frameworks in the receiving countries (Chammartin, 2004: p. 22). Labour laws in most Arab League States do not cover women migrant domestic workers hence they are not considered employees, and “the specificity of their employment relationship is not addressed in national legislation” (Ibid: p. 17). Significantly, in India too there has been a lack of clarity regarding the status of domestic workers as workers and it is only in recent years that they have been recognised. But there is still no legislation in place to guarantee them their rights and social protection.

State policy and social regulation have had serious consequence for the prospects of emigrant domestic workers in the host country. Sabban (2004 pp. 89 and 95) points out that the position of foreign domestic workers in the labour market in the United Arab Emirates (UAE) is linked to the status of women in the sending countries. Up to the 1970s, immigrant domestic workers in the UAE were mostly from India, drawing on a long history of cultural and economic relations, but since the late 1970s and 1990s, the Philippines and Indonesia respectively have grown as source countries. More recently, the numbers of Filipina and Indian domestic workers was “not growing at the same pace as before”, beginning a trend of Indonesians replacing Filipinas in the middle and upper income households and Ethiopians replacing Indians in the lower income households. Ethnicity and nationality are significant determinants of wage rates of domestic workers in the Gulf States.

The study conducted for the ILO in four Arab League States indicates that the exploitative and stressful working conditions of domestic workers are facilitated by the absence of a clear and just legal framework (Esim and Smith, eds., 2004). In particular, the *Kafala* (sponsorship) system keeps the domestic worker at the mercy of the sponsor / employer, for she does not have the right to change her job unless she leaves the country. Also the employer usually takes possession of her legal documents, depriving her of any bargaining power (Godfrey et al, 2004; Sabban, 2004).

The state needs to provide effective safeguards against exploitation and abuse alongside incentivizing legal emigration through social protection coverage. Problems with the legal framework generate illegal migration and related problems even where sending states are strongly supportive of migrants as is the case with the Philippines and Indonesia. The Philippines embassies in the Gulf countries mediate in disputes, refer cases to the courts and bear the expenses of litigation and where possible attempt, in association with recruitment agencies, to find new employers. In contrast, the attitude of the Indian embassies towards domestic workers is described as ‘negative’, ‘passive’ or ‘reluctant’. Al-Najjar (2004: p. 38) suggests that their attitude stems from a sense of shame over the issue of emigrant domestic workers, which is shared by influential sections of academics and the public on the one hand and on the other, the Indian Government’s lack of a clear policy on domestic workers and the embassy’s reluctance to confront local influential families in the Gulf who employ migrant domestic workers.

Several studies (Sabban, 2004; Pattadath, 2008) highlight the gender and labour discrimination that domestic workers face. Rajan et al (2009) suggest there is need to probe the implication of gender in the prevalent understanding of sovereignty as discussions on a new migration policy in 2008 opined that gender was not a serious concern, a) as women’s migration had gained momentum in the higher education categories and b) because the flow in depressed categories such as domestic work was on the decline. The latter statement was substantiated by the decline in numbers of women emigrating in the ECR category despite evidence that it is likely to under-enumerate them because of the use of illegal channels. Further, a survey of domestic workers in Kuwait in 2001 showed that 14 out of 43 Indian women workers had education of up to high school or above (Godfrey et al., 2004) indicating that they may migrate in the ECNR category as well. Thus there is need for a gender perspective in a broader sense.

1.3.6 RECOMMENDATIONS FOR CORRECTING INSTITUTIONAL ANOMALIES

Justice K Sukumaran (2005) opines that the Emigration Act in its current form is primarily regulatory in nature and consequently does not provide the much needed legislative basis for the promotional and welfare considerations related to migration in general. There is a lack of

communication and effective coordination among the various stakeholders: the two Ministries, the PoE, recruiting agents and Indian missions in the destination countries. The Act is also silent on the role played by the State Governments. Emigrations being a subject on the Union list of legislative powers, the State governments do not have the power to legislate in this area. Consequently, the State police do not act in a timely and efficient manner in cases of reported illegal migration due to this. The inadequacy of bank guarantees, lack of control over the recruiting agents or employers etc. pose added problems.

The Indian Overseas Workers' Welfare Fund is meant to provide the necessary funds to concerned embassies or high commissions for arranging return tickets for workers who are stranded in foreign countries, for assistance to migrant workers who become partially or permanently disabled or for transportation of dead bodies. It is operational at Indian Missions in about 17 countries for which emigration clearance is required. Such workers' welfare schemes would be more effective if all emigrant workers are entitled to them. The GOI also has an Overseas Workers' Resource Centre (OWRC) to provide information and assistance to intending emigrants and the family members of overseas workers on all aspects of overseas employment. Eighteen Migrant Resource Centres have also been set up but provide services only to those workers who have legal contracts. None of these centres assist or provide information on skill up-gradation required of the workers. Neither do they inform them of the laws in the host countries, or provide minimum language skills that would help workers face the new situation or defend themselves against possible accusations and law suits against them.

India, despite being the recipient of large remittances from its diaspora has not been proactive in protecting the citizens who generate them. Welfare officers should be posted both at the Missions in the destination countries as well as at various local centres within India to solve problems faced by emigrants and communicate these to the Ministry for follow-up.

The standard work contract that workers presently require for emigration clearance is very minimal. A model work contract should be drawn up so as to be universally applicable to all employers seeking to recruit workers from India. This model contract should contain certain basic

mandatory provisions such as salary, hours of work, overtime pay, conditions for termination of contract and provision of other benefits such as medical check up, legal services, compensation etc. The model contract should be flexible enough to allow adaptation to the labour laws of the receiving countries.

The particular needs of women migrant workers should be specifically addressed. The division between persons requiring emigration clearance and those that do not require it should be done away with. If State governments are given more powers within the framework of the Emigration Act, they would assist in legal placement of unskilled workers. They would also be able to develop more constructive programmes to assist them with better certified skills. It is crucial that the minimum age for women to migrate should be revisited in consultation with the National Women's Commission that has also developed a good draft Bill on domestic work in India.

1.4 Mitigation attempts

1.4.1 IN KERALA

In order to assist emigration processes in Kerala where the number of emigrants is large, Norka-Roots (Non Resident Keralite Affairs Department) of the Government of Kerala was created in 2002. It has three offices in the State in Trivandrum, Kochi and Kozhikode and two outside it, in New Delhi and Mumbai.

It has an integrated programme for overseas job seekers. It conducts pre-migration and pre-departure orientation programmes twice a year in each district, developing awareness among aspirants about the general job situation abroad and imparting essential information relating to passports, visas, emigration rules, employment contract laws, travel formalities etc. It is also an authorised agency for manpower recruitment by the GOI. It has an online platform(www.jobsnorka.gov.in) for employers to hire quality talent as well as a 16-hour call centre with a toll free number. It is noteworthy that even though the Overseas Department at NORKA is authorised to recruit domestic workers, they are reluctant to do so because domestic workers are not covered by any

protective legislation in the Gulf countries and hence they cannot obtain legal redress in the destination country.

Faced with numerous issues confronting the workers, NORKA has a scheme for providing legal assistance to weaker sections of returnees and another to give assistance to returnees in distress to cover medical bills, funeral expenses etc. as well as a *Karunya* scheme to repatriate deceased workers. NORKA also provides an identity card for those working abroad with residential permission for more than six months. Such persons are entitled to accident coverage of INR 200,000 (USD 4,444). In case of harassment, NORKA assists with repatriation.

There is also a programme called *Ujjwala* of the GOI, for rehabilitation of women workers. Nevertheless, very few women workers are aware of this programme and of procedures to access it.

There is a special Non Resident Indian cell at the Police headquarters in Trivandrum to deal with issues of the NRIs. It mainly takes up cases of cheating by recruiting agents. They say that in the last 9 years they have received complaints from only 9 domestic workers. Four years ago they had received a complaint regarding physical harassment and overwork, but as there was no clear evidence it was not possible for them to pursue the case. They have received no complaints of sexual harassment. Since the minimum age for migration is 30 years, women below thirty have migrated illegally and hence their cases cannot be registered. They did not seem concerned with the problems faced by female migrants.

1.4.2 IN SAUDI ARABIA

More recently, the Saudi government has taken some steps to improve the situation of migrant domestic workers. For example, the Ministry of Social Affairs operates a shelter in Riyadh for domestic workers who need assistance in securing exit visas to return home or in claiming unpaid wages from their employers. The Ministry of Labor has begun penalizing employers who have mistreated their workers by barring them from hiring foreign workers in the future for five years, and sometimes for life.

These reforms point in the right direction but are not sufficient to prevent abuse from occurring in the first place. The current system of sponsorship

means that an employer has immense power over a domestic worker because she cannot leave the country or change employers without his/her consent. Domestic workers are especially at risk of abuse because they are not covered under the Labor Law and its protections concerning limits on working hours, weekly days of rest, and overtime pay. Unfortunately, this deep power imbalance and lack of regulation too often results in exploitation.

The Ministry of Labor has proposed key reforms to address these issues, but the government has been slow to adopt them. One proposal is to change the sponsorship system so that a few large labour agencies would act as foreign workers' sponsors instead of individual employers. Such a change would help workers leave abusive employers more easily, though such agencies would need to be monitored rigorously and are likely to be more interested in their profits than in the rights of the workers they recruit.

The Ministry of Labor has also drafted, but not yet adopted, an annex to the Labor Law 2005 specifying the rights and duties of domestic workers. If this annex provides domestic workers with equal rights with all other workers, it could provide a model for the region.

1.4.3 RESPONSES FROM NGOS

Non-governmental organizations have also begun to highlight the exploitation that is occurring of unskilled migrants. Several NGOs working on labour and health have started incorporating the migrant dimension into their work. The Migrant Workers' Forum is one example of an NGO working solely on issues related to migrants particularly on what they refer to as the 'feminization of migration'. Their parent organization Caritas (2009) strongly feels that "if we don't regulate the sector of migrant domestic workers and leave them without a safety net, the burden on this group of people will double. Having no work to maintain the family at home and possibly returning with empty hands, puts the survival of the family at risk."

Caritas suggests some key elements that should be incorporated into regulation frameworks, namely:

§ Safe and affordable recruitment

- § Channels for legal migration of domestic workers
- § Regulation of work by a legal contract which determines duties and rights of the employees and the employers
- § Responsible States
- § An Ombudsperson for domestic workers.

These have been further elaborated by the organization. Admission to legal migration channels for domestic workers should not put an excessive financial and bureaucratic burden on families. Temporary employment-based visas for migrant domestic workers non-specific to employers and administered through labour authorities could be an option. Pre-departure information and counselling should be part of preparation for migration.

The employer/service receiver should get a well-informed and well-trained employee. The employee in exchange should have a reliable working agreement, guaranteeing labour rights. Both should be assisted, by public or private agencies, duly controlled, to ensure the quality of the working agreement.

The State has the responsibility to care for people within its territory and the country of origin should provide support for its citizens. Recruitment, mediating and au-pair agencies should be effectively controlled and licensed. Receiving states should draft legislation and or implement it to protect the rights of domestic workers, with a clear definition of domestic workers' duties

There should be an independent functionary in each country with whom domestic workers can file complaints independently, regardless of their legal status. This Ombudsperson should have the mandate – in close consultation with the domestic worker – to investigate cases and find means to solve them via mediation or bringing them to court. According to the evidence collected, necessary changes in legislation could be made or new legislation put in place

The Migrant Workers' Forum in Kerala organises pre-departure trainings in areas from where there is high migration. They also work with the

families of migrants in order to assist them in case of difficulties faced by their migrant members or to help them manage their financial affairs as they are often highly indebted.

1.5 Conclusion

Over 90 per cent of unskilled women workers who seek work as domestics abroad are cheated. As per the operational indicators of Human Trafficking developed by the ILO and the European Commission, they are victims of deception and exploitation. Forty per cent of them are also victims of forced labour.

Now that the ILO Convention on Domestic Work, 2011 (No. 189) has come into force, it will be up to the GOI to not only put the effective protective legislation in place thereby securing the rights of the women to emigrate but simultaneously to pressure the Arab countries to adopt local legislative measures so that the workers have a forum for grievance redress and security of employment abroad.

FRIEND OR FOE: CAN COMMUNITY POLICING AND HOMELAND SECURITY CO-EXIST?

Diana Bruns and Michelle Kilburn

Introduction

The events of 9/11 dramatically changed America forever. The culture, landscape, environment, and focus of policing rapidly came under public scrutiny: What role can local police officers play regarding counterterrorism and homeland security? Should we focus on being tougher crime fighters or should we direct our efforts to fostering support from the community to locate “sleeper cells” and localized terrorists? Can community policing still be a viable option for police departments in a post 9/11 era? Tony Blair (2004), Europe’s Prime Minister at the time, simply stated:

Firstly we want to revive the idea of community policing, but for a modern world. That means a big increase in uniformed patrol on our streets but linked to twenty-first century technology-to make sure they have the biggest possible impact on crime and the public’s fear of crime... And we’ll give local communities a real say in deciding the priorities for the new neighborhood policing teams (Home Office, 2004). In the United States, federal funding for community policing initiatives has not been

Diana L. Bruns is the Interim Dean of the College of Health and Human Services and the Chairperson of the Criminal Justice and Sociology Department and Professor at Southeast Missouri State University in Cape Girardeau, MO. Dr. Bruns teaches in the areas of research methods, statistics, criminology, and drugs and behavior.

Michelle Kilburn holds a doctorate in Educational Leadership from the University of Missouri, Columbia. Dr. Kilburn is currently teaching in the Department of Criminal Justice & Sociology at Southeast Missouri State University in the areas of criminology, sociology, juvenile justice, research methods, principles and practices of higher education and drugs and behavior.

privity to overwhelming consensus - neither politically nor in the policing profession. Crime rates have dropped and in tough economic times, government officials are scrambling to re-prioritize goals, recoup unnecessary costs and redistribute federal dollars. In February 2011, the United States House of Representatives voted to move \$298 million from NASA's budget to fund the Community Oriented Policing Services (COPS) community policing program (Roop, 2011). Nathan James, Analyst in Crime and Policy and author of *Community Oriented Policing Services (COPS) Current Legislative Issues* (2010), found that opponents of the COPS program stress that state and local governments should be responsible for funding police initiatives, not the federal government. Many opponents maintain that it is not necessary to increase funding at a time when deficits are so high and crime is decreasing. Proponents of COPS however, feel that the COPS hiring grants are one of the main contributors to the decrease in crime over the past 10 years. Similarly, the federal government should support local law enforcement because it is local law enforcement that is increasingly involved in homeland security and immigration enforcement.

Facing budget cuts, layoffs, and reduced tax revenues, at the local level, departments have to choose where to cut-back. Some departments are theorizing that well-trained neighborhood volunteers hold enormous potential - such as the case for Flint, Michigan - a national model for community policing (Charles Steward Mott Foundation, 2011). While, other strong community policing departments are choosing to return community policing officers to general operations, as evidenced in Kalamazoo, Michigan (News Channel 3, 2011).

By conducting a thorough review of current literature with research and theoretical ideologies regarding community policing, a clearer picture of the potential role of community policing, specifically pertaining to contributions to homeland security, is proposed and guidelines are postulated. Recommendations, founded in both theory and practice, on effectively utilizing community policing to enhance homeland security initiatives are provided.

Community policing

As defined by the Office of Community Oriented Policing Services (COPS) (2011), "community policing is a philosophy that

promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime” (Introduction section, para. 1) . Community policing is comprised of three primary elements: problem-solving, organizational change and partnerships. The problem-solving component focuses on reducing crime and disorder by addressing more immediate underlying conditions. Organizational change initiatives strive to develop a new policing culture that ensures the community policing philosophy can be successfully implemented. And, finally, partnerships help to position law enforcement to protect communities from crime and disorder, which could include terrorism (Chapman, 2008).

As discussed in Brown’s work (2007) it is not clear as to exactly when the community policing movement began in the United States; however, the roots can be traced back to the efforts of pioneering police reformers in the 1970s, such as New York Police Commissioner, Patrick Murphy (Wadman & Allison, 2004) and scholars such as Goldstein (1979) who argued that officers needed to move away from reactive tactics and address underlying causes of disorder. During the 1980s and 1990s police departments began considering this rather revolutionary approach to policing - community and/or problem-oriented policing (COP or POP). The traditional activities of policing (routine patrol, calls for service, reactive policing etc.) were replaced with more community-focused activities (building collaborative relationships within the community, providing access to information, problem-oriented policing initiatives, etc) (White & Escobar, 2008). The government also began “buying” into the concept by providing grants for community policing activities and/or methods in the 1980s and 1990s, furthering the prevalence of a community policing component in many police departments across the United States (Cordner, 1997; Community Policing Consortium, 1994).

Trojanowicz and Bucqueroux (1994) define community policing as “a philosophy of full service policing where the same officer patrols and works in the same area on a permanent basis from a decentralized place, working in a proactive partnership with citizens to identify and solve problems” (pg.3). In today’s environment almost all policing innovations tend to be categorized as community policing (Colvin & Goh, 2006). Terms, among others, include: community policing, community-

oriented policing, problem-oriented policing , neighborhood- oriented policing, quality of life policing, proactive policing, and community intelligence (Bullock, 2009; Cheurprakobkit, 2002; Zhao, Lovrich & Robinson, 2001; Read & Tilley, 2000). It should be noted that true community policing is not special programs, public relations, community harassment, anti-technology, soft on crime, paternalistic, cosmetic, and/or social work initiatives (Trojanowicz & Bucqueroux, 1994).

Honorable Pedro Pierluisi (2007), Puerto Rico's current Resident Commissioner and former Attorney General, testified before the 111th US Congressional Committee on the Judiciary:

The COPS program was created by Title 1 of the Violent Crime Control and Law Enforcement Act of 1994....As someone whose own family has been deeply touched by violent crime and who has spent countless hours talking with families that have been similarly affected, I am unyielding in my belief that the most basic human right a government owes to its citizens is the right to personal security. And although I might be concerned about fiscal constraints, I think that if there is any area in which we have to go the extra mile, it is in the fight against crime.

Whether you live in Detroit, San Antonio, Queens or San Juan, you deserve to feel safe in your own home and in your community. The COPS program is rooted in this simple premise and has done much to make it a reality. The mission of the COPS program is to enhance the security of our citizens (H.R. Rep. No. 1700, 2007, pg. 52).

Officer education has been linked to effective community policing and should be identified as an important component of developing a successful community policing initiative. An education is purported to require a greater propensity for innovation and creativity among first-line officers (Carter & Sapp, 2001). Bruns (2010) recommended, in a study of the one- percent of police departments that require four-year degrees, that the effect of educational attainment upon the community policing movement is an area that needs more focused research.

Over the past 10 years, policing agencies have been able to establish a closer relationship with citizens through community-oriented policing. This has afforded them the capability to identify threats within the community that often create a climate of fear and social disorder.

The emphasis on the community and its involvement in policing helps to establish a solid foundation in which homeland security efforts can be built (Docobo, 2005).

Community policing and homeland security

There are nearly 13,000 autonomous local police departments in the United States with more than 600,000 local police, as compared to 12,000 FBI agents. It may seem obvious to argue that the nation would maximize its ability to minimize attacks by enlisting local police in the search for terrorists (Thacher, 2005; Hickman and Reaves, 2001). Most police officers assigned to patrol or enforcement activities already formally (and informally) gather, analyze, and disseminate basic criminal intelligence on a daily basis (Henry, 2002).

It is communities who defeat terrorism.... [former CIA Director R. James Woolsey testified before Congress]..Only an effective local police establishment has the confidence of citizens is going to be likely to hear from, say, a local merchant in a part of town containing a number of new immigrants that a group of young men from abroad have recently moved into a nearby apartment and are acting suspiciously. Local police are best equipped to understand how to protect citizens' liberties and obtain such leads legally (Woolsey, 2004, pg. 12).

According to Robert Chapman (2008), Supervisory Social Science Analyst for Community Oriented Policing Services (COPS), by utilizing the community policing philosophy, the community can become the "eyes and ears" for the police. He provides the example that just as street-level knowledge is important in breaking up drug activity in a local neighborhood, community partnerships and close relationships can inspire the confidence of citizens to provide information that could help to uncover terrorist individuals or cells. By engaging key community stakeholders, who have rich knowledge, resources and the "capacity to collaborate", policing efforts can be improved, citizen fear and concern reduced and overall satisfaction with services increased. Forrest et al (2005) discussed how useful it is to capture the views of the public at various stages of problem solving in order to maintain and develop community engagement in future endeavors.

Community policing can play an integral role in homeland security. The problem-solving models that are typically used in community policing are well-suited for preventing and responding to possible terrorist activity (Chapman & Schieder, 2002). Docobo (2005) purports,

The new policing model for terrorism and homeland security must address the areas of crime prevention, intelligence gathering and information sharing. While these roles are not new to local policing, homeland security at the local level will require a shift in law enforcement's role if police are to ensure the safety and welfare of citizens. While some have suggested that community policing can fit into the overall national strategy for homeland security, little research specifically identifies community policing strategies and their direct application to the national strategy for homeland security. Many of the objectives of terrorism prevention parallel current law enforcement policies with respect to local crime issues. Because of these similarities, individual, neighborhood and community crime-prevention strategies should support law enforcement in the fight against terrorism (pg. 1).

There are a number of community policing practices that could support homeland security efforts. These practices include adopting the community policing philosophy organization-wide, decentralizing, assigning geographic territories and utilizing volunteers. New innovations such as integrated GIS mapping, emphasize the importance of requiring a geographic focus into problem-solving strategies (Docobo, 2005). According to Davies & Plotkin (2005), if community policing has taught us anything, it is that engaging the community and collaboratively solving seemingly intractable problems is the only way law enforcement will be effective - whether in controlling crime, reducing fear or identifying terrorists who live and operate in our cities across the nation. Local law enforcement also is uniquely positioned to protect communities by identifying critical infrastructure in their jurisdictions that are vulnerable to terrorist attacks (pg. 1).

Another element to bear in mind, as discussed in Henry's (2002) analysis, *The Need for a Coordinated and Strategic Local Police Approach to Terrorism: A Practitioner's Perspective*, the primary mission of law enforcement is the prevention of crime. "Terrorists are, in a sense, criminals of opportunity" (pg. 332). One could further theorize

that if we focus target hardening efforts, and increase security measures in major urban areas (or in other words make it more difficult to carry on terrorism activities in urban areas) terrorists could very well shift their attention to less-prepared, smaller or less densely populated areas. Federal officials cannot be in every small town in America. Local policing agencies and their communities can play a vital role.

Briggs (2010) suggests four unique ways in which communities can contribute towards effective counterterrorism strategies: (1) communities may be able to act as a type of early warning system, if terrorists are attempting to fully integrate into the local area (2) communities can work to prevent young people from becoming radicals and promoting/accepting violence, (3) communities can address and negate terrorists' messages that incite terrorism or violence and (4) the principle of "policing through consent is as relevant to counterterrorism as any other area of law enforcement" (pg. 973).

It is important to take note that community policing is an internationally utilized strategy practiced in Europe, Australia, Pakistan, Bosnia/Heregovina, Latin America, and Canada, among others (Anwar, 2010; Wisler & Onwudiwe, 2008). Proponents in Pakistan argue that in the face of terrorism, police who work very closely with communities can deliver far better counterterrorism results (Hassan, 2009) and that in the era of terrorism "the need for community policing has become more acute (Anwar, 2010, pg. 2). Dash (2010) after reviewing terrorists attacks in Deli, asserts that a lack of police engagement with the community politicizes acts of terrorism and generates distrust among the public.

Advocates of community policing often argue that improving community relations is essential for effective policing. However, it must be noted that there is little research and application analysis as to the effectiveness of community policing tactics as they relate to counterterrorism and critics do feel there are inherent risks (Richman, 2004-2005).

Risks and potential pitfalls

Can community policing and homeland security actually co-exist? The threat of terrorism post 9/11 has challenged the effectiveness of

community policing rationalizing that it is “too soft” for the “war against terror.” Many of today’s counterterrorism tactics violate the major principles of community policing (e.g., tapping phones, monitoring internet activities, detaining individuals for extended periods of time)(Murray, 2005). A canvass of empirical research conducted in 2011 (Schulhofer, Tyler & Huq) suggests that intensive law enforcement and readiness to arrest for low-level offenses is far more likely to arouse resentment, weaken police legitimacy and undermine voluntary compliance with the law. Others contend that a consequence of more traditional police activities to combat terrorism will adversely impact the cooperative relationships with communities and will likely increase hostility derived from aggressive security approaches (Brown, 2007). The purpose of community policing is to prevent alienation and encourage involvement and social integration; however, more aggressive and traditional policing tactics have created negative experiences by specific ethnic groups, particularly the Muslim community (Klausen, 2009).

In response, Tyler (2010), in his study on *Legitimacy and Deterrent Effects in Counter-Terrorism Policing: A Study of Muslim Americans*, discovered, among other issues, that accounting for Muslim American’s views about (1) whether they generally receive fair treatment in America; (2) whether they have the opportunity to play an appropriate role in the formation of public policy related to terrorism; and (3) whether the police implement policies fairly in their community influenced their corporation in the successful accomplishment of counterterrorism goals. Brown (2007) suggests that a community-oriented focus on counterterrorism would (1) reduce the violations of human dignity; (2) increase public support and cooperation of law enforcement; (3) help generate quality counterterrorism intelligence; (4) restore the international state of US authorities as protectors of basic human rights; and (5) provide US officials the opportunity to set an example of humane governance. While Brown is quick to acknowledge that aggressive tactics have their place, an abundant use of such methods is unwise. Advocates of community policing also suggest that the necessary factors to thwart terrorism can be adapted from broken windows policing, including training local police on indicators of terrorism, building a hostile local environment for terrorists, attacking minor offenses that support terrorism and using intelligence collection (Ransley & Mazerolle, 2009).

“Homeland security, like community policing, must be adopted agency-wide to realize its full potential and effectiveness (Docobo, 2005, pg. 4). Too often agencies devote one or two officers as their “homeland security officer” or “community-oriented police officer” and research tells us that unless the entire culture of the policing agency adopts a consistent philosophy, organizational change will never truly happen (Innes, Abbot, Lowe, & Roberts, 2009). Departments that half-heartedly add a community-oriented police officer might become disenfranchised by the lack of successful community participation and rapidly decide community policing simply does not work.

Police often reserve the right, or power, to determine/define which situations are deserving of police action and therefore selectively focus their attention on reactive versus proactive policing (Innes, et al., 2009; Herbert, 2006). “The idea of ‘community policing’ has been reduced to a free-floating signifier that can be, and indeed has been, applied to such a wide diversity of policing circumstances that its unique signature has been obliterated” (Innes, et al., 2009, pg. 100). If police departments choose to adopt the community-policing philosophy, they must openly and effectively incorporate the community into every component of the initiative.

Suggestions to enhance homeland security through community policing

Community cooperation can lead to invaluable information that could not be accessed using traditional policing tactics. “Cooperation is a more fragile commodity than compliance, because it is easy for people not to cooperate. Even when material incentives are the only limited impact on behavior, they are far more likely to influence compliance than cooperation...People must want to cooperate with the police.” (Schulhofer, Tyler, Huq, 2011, pg. 348). Even the most up-to-date technology, might not be able to gather the same type or quality of information that can come from community awareness and involvement:

The bottom line is that technologically advanced investigative and intelligence gathering techniques are no substitute for a cooperative public. This point was perhaps best illustrated by the case of the mail bomb terrorist known as the ‘Unabomber.’ Despite an 18-year

investigation, federal agents were unable to identify the serial bomber until several influential newspapers published the anonymous bomber's countercultural manifesto at which point David Kacqynski recognized the work and stepped forward to indicate that his brother, Theodore Kacqynski, was a likely suspect (Beck, 1995). Although science and technology continue to advance at a rapid pace, even the latest and most advanced technology has yet proven to be a quality means of gathering counterterrorist intelligence in a timely fashion (as cited in Brown, 2007, pg. 246 & 247).

Brown (2007) suggests that community-oriented methods of gathering counter- terrorism intelligence might not only yield rich/quality intelligence, it might also reduce the use of government power. The community-police relationship is built on trust and mutual respect and is much more likely to provide early warnings about terrorist activities. Although it might be tempting to resort back to a "get tough" approach the profound and ethically based principles of community policing should be championed (Murray, 2005).

Briggs' (2010) assessment and recommendations of community involvement in the United Kingdom, suggests the following: (1) communities need to feel they are trusted, equal and respected partners, (2) communities should be given various opportunities to share knowledge and information and be involved in decisions on how best to respond to localized needs, (3) various constituents or ethnic groups must not feel alienated and disinclined to engage because they do not feel their views are valued or that their involvement will not make a difference, (4) there should be an "opaqueness" of local authority decision-making processes.

Local police play a crucial role with the opportunity to elicit information from constituents in their communities. Cooperation cannot be taken for granted in this post 9/11 era. Shaping sound policy is vitally important (Schulhofer, Tyler & Huq, 2011). Simply giving "lip service" to community policing is not the answer. A 1994 survey analyzing community policing practices sampled (nearly one-half general law enforcement agencies in the United States) and yielded that (1) only 12% have a strategic community policing plan; (2) large agencies of more than 50 officers are more likely to practice community policing; and (3) only 31% provide community policing training to their officers

(Maguire, Kuhns, Uchida, Cox, 1997). A cultural shift must take place to infiltrate all levels of the policing agency for community policing to truly be effective.

This cultural shift must also include increased education among officers. A study of police agencies, conducted by Carter & Sapp (1990, 1992) through the Police Executive Research Forum (PERF), indicated that the adoption of a community policing model increased patrol officer responsibilities and required them to be better, more innovative and more tolerant officers. Carter & Saff (1990, 1992), assert that these findings make the need for a college education for police officers more relevant in today's policing environment, than in the past (Rydberg & Terrill, 2010).

Bruns (2009) noted that 80.6% of departments that require a four-year degree have formal community policing plans and 88.9% of such departments have citizens' police academies. Regarding whether police chiefs preferred a practical/vocational degree or a degree that was theoretical/academic in nature, or if they had no preference, the majority (63.9%) of chiefs had no preference—either orientation was acceptable, stating that it was precisely the four-year degree in itself that mattered. The expectations placed on our police officers are quite possibly greater than they have ever been before. We have always expected officers to solve crime, resolve disputes, respond to community concerns, etc. However, now we also demand our officers employ sophisticated problem-solving strategies, engage the community, utilize the most up-to-date technology and detect/protect us from new threats of terrorism. While the evidence linking a college education to greater police performance is mixed, one can certainly argue that the new and emerging skills required to be an effective police officer in the twenty-first century can only be further developed and enhanced through a college education (White & Escobar, 2008)

Conclusions

Community policing does not solely mean a few officers are assigned to a community policing unit, which is a typical distortion of its concept and philosophy. It requires a total reorganization of the department, from temporal to geographical as the basic structure, with all personnel assigned and accountable for community policing. This

involves changing the culture of the department, from acting aggressive, isolated and independent from the people to that of a friendly, integrated mode maximizing the combined resources of the police and the people. The basic approach is to recommend and implement changes in the organization, staffing, policies and procedures, and including municipal public administration in order to create a state-of-the-art police department/city government. The end result will be the incorporation of the best research/knowledge of policing and management into the formation of a comprehensive, integrated community-policing department within a totality of community services enhancing quality of life.

In order to effectively change the culture of policing and utilize community policing as a viable tool in homeland security, the authors suggest police departments (1) understand the definition and true focus of community policing (2) adopt the community policing philosophy department-wide; (3) place greater emphasis on education, diversity and ethics in their hiring practices; (4) focus on developing a relationship of trust within the community; (5) provide access to training and education for administrators in the areas of organizational leadership, cultural change, management through diversity and ethical leadership in an effort to authentically change the traditional crime fighter mentality; (6) encourage open, direct and authentic participation from the community; and (7) maintain an openness with the community as to how their participation is valued and utilized in their communities.

While research indicates that community oriented policing might not be the “end all solution” to counterterrorism, it could and should be implemented on a nationwide scale. Many police departments have developed an organizational infrastructure that is capable of supporting community oriented initiatives. These initiatives, when implemented correctly, could prove to be valuable tools and methods of gathering counterterrorist intelligence (Brown, 2007). Our local, state and federal policing agencies simply cannot be everywhere at anytime. Our communities are our greatest, and arguably, most under-utilized resource. Community policing has the potential to provide law enforcement officials the tools to tap into a wealth of counterterrorism intelligence.

Security Aspects Related to Migrant Workers - Problems & Perspectives

B. Sandhya

Today's phenomenon of migration into Kerala is primarily due to plenty of employment opportunities in many of the organized and unorganized sectors due to lack of willing youth from inside to take up such employment. It is also linked to the lack of employment opportunities at home which drives many of the Bengalis, Bangladeshis, Oriya and other state people to take up employment in Kerala. Even the statistics of total number of personnel so employed are not correctly estimated. It is said to be somewhere between 13-30 Lakhs.

We need to establish a link with various other state Governments to regulate migration through the promotion of legal temporary migration. Strengthening labour migration management as a strategy to reduce risk of migrants health and other problems as well as crimes involving labourers should be thought of. Bilateral agreements between State Governments with a view to exchange information would make a long way in solving the problems.

When more than 25,000 persons are moving out from a District to another District of a different State speaking a different language, the donor State may be entrusted with the responsibility of providing all personal information related to the migrants. The information related to health, communicable diseases, crime and criminals, cultural traditions and many other relevant data should be periodically transmitted. A communication network need to be established in this regard. Railway

Dr. B. Sandhya, belongs to the Indian Police Service. She is presently serving as Additional Director General of Police, Armed Police Battalions, Kerala, and is the Nodal Officer for Community Policing in Kerala Police.

may be roped in to update on the travel inflows. The Policy should try to foster regional dialogues across the States. There should be a full fledged. Migration Department rather than the mere responsibility of Labour Department to deal with the problem. Internal Migration Department will be equipped to deal with education, culture, health, security and all related matters. The department may try to rope in International NGOs and other funding agencies to establish projects to deal with specific problems. Such projects should be aimed at promoting access to services like health, education, labour opportunities and temporary housing.

If not catered properly not only the problems of migrant labourers like health hazards may become detrimental to both the host State people and the migrants but also new problems like sex trade may flourish in Kerala, as most of the migrants are single males between the age group of 18-35.

Without knowing the socio economic and cultural background of migrants and without knowing the language and habits of the migrants, it will be extremely difficult for the Police to cater to the security need of this population, which may include labour exploitation, sexual exploitation, or any other security needs. For eg: when we had to take the statement of an Odiya girl, who was sexually assaulted it became very difficult to take her statement. Only due to the presence of the District Police Chief who was a Odiya man helped us to solve the case.

When there was a murder for gain case of an old woman, we could detect that case immediately, only because the old woman who was living alone as well as the migrant labourer who was the culprit were registered in the Police Station and hence known to us.

In order to help the victim and to knob the perpetrator, we need to know their full details. Thus a full fledged digital dynamic data bank is a must with respect to migrant labourers, just as in the case of other vulnerable sections like the single senior citizens living alone.

Protection of Migrant Labourers - A Project Linked to Janamaithri and Akshaya

A study by the Kerala Labour Movement – Unorganised labourers in Ernakulam District carried out by Martin Patric a former

Economics Professor showed that the working and living conditions of the migrant labourers are pathetic. Though there are 2 Lakhs inter state migrant workers in Ernakulam District, only around 5000 are registered with the Migrant Labour Welfare Board.

The proposed law to take care of the migrant population in Kerala should be with a very wide perspective. Any move to take a census of the migrants may be viewed with suspicion as if the migrants are being viewed as potent criminals or carriers of disease. As a progressive society Kerala has to make its ' views ' very clear that the purpose is basically to ensure the rights of the migrant population who are contributing to our economy.

Trade Unions, NGOs focusing on issues of migrants, Builders, Department of Health, Police and various other stake holders like Panchayaths and Municipalities should work in tandem with each other to solve the issues of migrant labourers and integrate them well with the host society. The contribution of migrants to the building of our economy can not be underestimated. Civic society has to be guarded against any exploitation of the labourers and their contribution needs to be recognized. The areas of their contribution include industries like construction, plywood and other manufacture, head loading, low end retail, hospitality, brick-kiln work, gardening, house hold work etc. Because the extent of vulnerability is more for the migrant workers, instead of universalism we have to depend upon targeted services. The problems with people coming from far of lands, women, young girls, children, those employed in hazardous industries etc vary. Services that are specific to migrants from particular places / to particular sector may be necessary.

As far as Police Department is concerned, particularly vulnerable /needy sections of the society like the senior citizens register themselves with the Police Stations for getting better protection. However when the Department tries to register the migrant labours, it sometimes gets interpreted as being targeted. In the above circumstance, to ensure civic rights of migrant labours, though it is necessary that the Police Department needs to have a full list of migrant labourers, it is possible to keep an up to date list only with the help of Labour and other Departments. Unlike senior citizens etc, the Police finds it difficult to prepare a list of migrant labourers on voluntary basis.

Being the major Stakeholder Department, the Labour Department may maintain, an updated data regarding every panchayath / Municipality and share the data with each concerned Police Station. We may chalk out a mechanism through which data collection and maintenance is done on a regular basis in each Panchayath/Municipality.

If ward level committees are formed for collection of data, Janamaithri Beat Officers would also join the team and work. Janamaithri Beat Officers are present mainly in Municipal (or single Panchayath) areas within 248 Police Station limits.

IT Linked Incentive Scheme

The migrant labourers may be encouraged (their contractors too) to register with the nearest Akshaya Centres. Those who register with Akshaya Centres may be offered Health Insurance or a similar incentive from the Labour Department. The data so obtained could be shared with all Police Stations. Janamaithri Beat Officers may be asked to spread the message among migrant labourers in their beat. Special Migrant Labourers Protection Project could be started in the Janamaithri Police Stations.

Long term strategies

Approximately 25 Lakh Keralites are said to be working outside India. We have an NRI cell in the Police and NORKA to deal with their problems. Approximately equal number of migrant labour is said to exist in Kerala. This number is almost equal to the population of one District in Kerala. They speak different languages and their cultural background is varied. We need to have separate department to deal with their problems. District administrations in every District should have a Help Desk having links with the mother Districts. A centralized Department Headquarters is also required. Similarly Police should have a migrant labour cell in the Headquarters with District Cells in charge of a DySP. Police Stations like Perumbavoor should be equipped with Police personnel who understand the language of migrant labourers. The Government may invite Police personnel from mother District to come and interact with the migrant population and sensitise Kerala Police about the problems faced by the migrant labourers. Migrant labourers Help

Desk facility should be known to the target groups. Complaint boxes may also be set up in the migrant labourer colonies. Panchayath Jagratha Samithis and Janamaithri Suraksha Samithis co-opt one migrant labour representative as member when their local population is around 10% or more. This will help to develop accountability and responsibility.

The scope and strategies of the proposed migrant labour Departments are totally different from that of the Labour Department. It needs to have multipronged approach and it can not work like a water tight compartment. It should be part of every District Administration.

Conclusion

Security aspects related to migrant labourers should be seen in a wider perspective. Their protection and dignity are extremely important for a progressive society like Kerala. In Democratic Policing, it is inevitable for the Police to have complete knowledge about them for ensuring their safety as well as that of the society. This only would further help us to weed out lumpen elements if any among them, just like in the rest of the population.

Police itself must push for reforms

Rohit Choudhary

(Courtesy : The Express Tribune Dated : November 11, 2013)

Efforts are under way to reform the police by ensuring political neutrality and autonomy. But it is important that the police on its own tries to evolve into a democratic force and be determined to tread the path of reforms.

In a landmark reformative verdict, the Supreme Court has passed orders for the establishment of Civil Services Boards (CSBs) to ensure good governance, transparency and accountability in governmental functions. This has raised hope among the public and well-meaning bureaucrats on the cleansing of the administrative system. Also this year, taking a serious note of the continuing police excesses against women across the country, the Supreme Court said it would go into the issue of the states setting up security commissions as part of the police reforms directed by it in the Prakash Singh case. The court in its judgment dated September 22, 2006, had directed the states to constitute a State Security Commission, Police Establishment Board, Police Complaints Authority and Central National Security Commission. The order is aimed at insulating police administrators from inappropriate pressure; promoting greater transparency in transfers and postings; and acknowledges that the administrators have the authority and responsibility for administration of the department while being accountable to the law and the people.

Taking note of the fact that though most states have set up security commissions meant for ensuring that police functioned free from unwarranted political interference, they have conferred upon them only

Rohit Choudhary, belongs to the Indian Police Service. He is presently serving as Additional Director General of Police in the Punjab Police.

recommendatory powers, the apex court Bench said this was not acceptable. The states should give the commissions adequate powers as the commissions would need teeth to prevent police excesses, it pointed out.

Autonomy essential

The Korean police had been under the direct control of the interior ministry, which oversees various elections including the presidential election. There had been no independent civilian oversight, which could check and prevent the politicisation of the police. Promotions of high-ranked officers have not been based on the performance of their duties, but rather on their relationship with the ruling parties and loyalty to the regimes. In addition to the lack of external control mechanism, the structure of the police itself — a highly centralised and vertical paramilitary structure from the top to the bottom — makes it easier to be manipulated as a political tool by appointing and assigning politically oriented officers in high ranks.

There was a long standing demand from civilian organisations and even the police at various forums to have a mechanism that could insulate it from political misuse. Finally, with the enactment of the Police Act in 1991, the National Police Board was created to ensure political neutrality and autonomy. And the current police, Korean National Police Agency (South Korea) KNPA, was brought out of the direct control from the Ministry of Interior.

However, despite the enactment of the Police Act, it has not been effective in ensuring political neutrality. The reasons are: the board belongs to the Minister of Interior as an advisory committee, thus significantly diminishing political neutrality of the Korea Police Board itself; the board is only responsible for advising police policy such as budget, equipment, and personnel administration. It is not given actual power to supervise the operation of the police, becoming a perfunctory organisation, useless for ensuring and increasing political neutrality and transparency of the KNPA; and the National Police Board did not become a superior office, and is not vested with actual authority to administer the KNPA in many areas, especially the appointment of high-ranked officers in top administrative positions, including the Commissioner General. The Commissioner General has been frequently changed at the will of the

President. The average tenure has been around a year, thus significantly diminishing the political neutrality and autonomy of the police.

The Korean example highlights the fact that despite the constitution of regulatory mechanism for police there has been no improvement in police functioning due to lack of independence to these bodies. Countries like the UK ensure that these bodies function in a totally independent and objective manner. The experiences from other nations like Korea provide important lessons for India, to ensure independence and effective functioning of the regulatory security commissions.

Commission members

The commission should not be just a glorified and perfunctory replication of departmental committee of serving bureaucrats with some members from political executive. It should be ensured that it is representative of the community so that they enjoy the confidence of all sections of the community and the police. Selection of commission members should be done carefully as the members need to think boldly, have a vision, focus on results and have the ability to think strategically. The membership of the commission should also be reviewed periodically to ensure that no one interest group dominates the proceedings.

Another concern would be the post-appointment conduct of the members of these commissions. There is a danger that without adequate safeguards these members may start misusing their authority, and these commissions slowly may act as another power centre.

While the regulatory body is meant to make police accountable, it is also equally important that accountability mechanism for the members should be created. The authorities should be able to negotiate with the government concerning which policy or programme outcomes should be achieved on priority. When these goals are met, the members should be rewarded. When the goals are not met, the government should review the role of members from time to time.

More teeth

Truly, mere constitution of commissions with recommendatory powers will have no impact unless these bodies are given sufficient

powers to enforce their decisions. If their decisions have no impact, the commission members would lose interest in participation. The State Police Commission can play an important role to improve policing, therefore, care should be taken that its work is properly resourced, so that recommendations can be based on research and surveys for which it has an effective secretariat to document and support its work.

The commission will also have to guard against the reluctance to determine the law enforcement and police service policy on the assumption that the police receives all necessary guidance in law enforcement from the courts, the prosecution, and the law. This is not true, as most police operations are outside criminal justice process and there are vast areas of police discretion with which the law, the courts, and prosecutors are not concerned. The commission can effectively contribute in these areas by forthrightly providing policy guidelines.

However, it should also be seen that the commission is not allowed to step over the line into the day-to-day operations and functioning of the police department. It must let the leadership in the police develop and implement action plans to carry out strategies and show outcomes.

While it is essential to give teeth to the commission, the effective and impartial functioning of such bodies would largely depend on functional autonomy, self sufficiency in terms of infrastructure and operating expenses, and the manner in which the members of the authority are selected.

Road ahead

No mechanism can be a panacea for all the ills in any department. In the event of the setting up of such commissions too, how much the police is able to keep itself aloof from the politicians in power, is difficult to predict. Unless a strong will to resist the pressure from outside is exhibited by the police officers themselves, no amount of outside support or legislation can ensure police neutrality. There is always a possibility of mutually beneficial nexus being formed between some police officers and politicians. In various other logistics and service matters, the police would remain by and large dependent on the government and cannot ignore the ruling party in its functioning. Also, too much should not be

expected too soon from the security commissions as it takes time to produce results. Even the infrastructure and building, for such bodies to operate, would take several years.

In order to provide greater autonomy to the police, accompanied by greater accountability to the people for their performance and ethical conduct, a beginning has been made with the establishment of State Security Commissions. Their composition, functions and procedures that are established at this juncture would be critical in determining whether they would merely work as rubber stamps or would develop into instrument of substance for reforming the police in India in future.

While efforts are under way to reform the institutional system of the Indian police by ensuring political neutrality and autonomy, it is important that the police itself makes

sincere efforts to evolve itself into a democratic force and show genuine determination to reform it.

WHAT SECURITY COMMISSION NEEDS

- Independence in functioning and decision making.
- Teeth to enforce decisions.
- Sufficient secretarial support and funds.
- Membership that is representative of the community.
- Rotation of commission members to avoid 'capture'.
- Accountability for members.
- Strong will by police officers to resist pressure from outside.

‘The War on Migration Can’t Be Won’

Interview with François Crépeau, U.N. Special Rapporteur

(Courtesy : The Hindu Dated : October 24, 2013)

What lessons are we taking away from the Lampedusa tragedy?

Who is ‘we’? I’m not sure politicians are taking away the same thing that I’m taking away.

What I’m taking away is that most European migration policies in great part are blind to the reality, and that more tragedies like that will happen unless they change tack quite dramatically. That will require political courage because they will have to explain uncomfortable truths to their nations, and with the Extreme Right and the anti-immigration movements that are flaring up everywhere, this is going to be difficult. But it’s unavoidable.

So what is the situation now?

We have a confluence of two movements. One, states want to reaffirm their state sovereignty, their territorial sovereignty, because they’ve been losing it. There’s no national industrial policy; there’s no national energy

*Professor **François Crépeau** holds the Hans and Tamar Oppenheimer Chair in Public International Law at the Faculty of Law of McGill University. In 2011, he was appointed United Nations Special Rapporteur on the Human Rights of Migrants. The focus of his current research includes migration control mechanisms, the rights of foreigners, the interface between security and migration, and the interface between the Rule of Law and globalisation. In the wake of the Lampedusa tragedy on October 3, where over 300 African migrants drowned off the Italian island, Professor Crépeau spoke to **Vaiju Naravane**. Excerpts.*

policy; no national research policy. Because all this is now globalised and they no longer have any control over it. Even social policy is threatened because the tax base is not there and there is fiscal competition between states trying to attract businesses with tax-breaks. Instead, to exercise sovereignty they now over-invest in the border, not wanting to recognise publicly that again this is the wrong way of affirming sovereignty because it doesn't work. Sealing the border is a fantasy. Every immigration minister says he or she will do it during his or her mandate.

Immigrants globally contribute to the economies to which they go, and they get absorbed in the host economy, so there are jobs. How does one square that with 40 per cent youth unemployment in Spain, or 13 per cent overall unemployment in France?

Migrants don't come to countries where there is no employment. Migrants want jobs because then they can send money home, which is what they want to do most. They don't come to beg, they don't come to get welfare — those claims are ridiculous, and the EU just published a report showing that what is called “welfare tourism” is a fantasy. There's a small percentage of migrants who are on welfare, but it's much smaller than the percentage of the national population on welfare. Migrants come because there are employers ready to employ them. The example I always give is that of picking strawberries in Quebec in June. It's hard, painful, back-breaking work and the pay is very little because the margins are low. The full minimum wage is not a cost that the employers can bear. The whole of agriculture, in construction or the back-room jobs in the hospitality industry — the dish washers, the room cleaners, these workers do not earn more than •3 an hour — way below the minimum salary. In these sectors of industry you have lots of exploitation. At \$2 or \$3 an hour you are exploiting someone. That's how you can have four million unemployed and four million immigrants who are all working.

Are you suggesting that the illegal migrants or even legal ones who are perforce accepting these highly exploitative jobs are subsidising an army of unemployed people living on the dole?

I wouldn't put it that way. I would say they are subsidising industries that have low profit margins. Societies have decided to protect these industries by turning a blind eye to such exploitation. If we had effective labour inspections, most exploitation would not occur. We are accepting

a situation where migrants are subsidising whole sectors of our economies, and we do this because if we start asking these industries to pay fair wages they will no longer be competitive. So the question that I'm asking as part of a social dialogue is: how do we make these industries competitive without doing so on the backs of migrants? Couldn't we say that low-margin industries should be subsidised through taxes? And then we don't need the irregular migrants and you reduce the pool of irregular jobs available. You clamp down on irregular employers. You subsidise industries like agriculture, hospitality or construction so they do not suffer from the fact that you improve wages and working conditions. Could we not have such a conversation? At present, we cannot.

Why is that?

That's because typically of any vulnerable part of society, migrants don't vote; so politically they don't count and they don't complain or protest, except occasionally. The salary must be raised until you find the takers. Like on oil rigs where the work is dirty, the risks are high but the pay is good because the margins are high. The second part of the discussion we must have is that we need migrants. We need 150 million people by 2050. This is an accepted report that has not been challenged. But this part of the story has not been included in the conversation. Politicians are still not up to the task of telling their populations that we need migrants — doctors and engineers, but we also need low-skilled or unskilled migrants. Germany and the U.K. have started to look at these issues. But it is not happening in France or Italy or other parts of Europe because then it becomes a quarrel over national identity. We should have a discussion on diversity policies — on who we are and how we see ourselves in 50 or a hundred years.

India is in a peculiar situation because it is both an exporting and importing country in terms of migration, but otherwise countries of the South say we want free exchange not only in goods and services but for the labour market as well. Is that dialogue blocked? Where can it take place? Is the World Trade Organisation (WTO) outside it?

Globalisation is often presented as a major threat to identity instead of being presented as a major opportunity for boosting cultural exchange

and increasing our connections to the world and our creativity. At present, because of the nationalist reflex on territorial sovereignty, states have said yes to the free exchange of goods, services and capital but no to movement of people. I think we need much more fluidity in the movement of people. I don't think the WTO is ready to embark on that path. The WTO likes technical agreements like TRIPS that do not stir political controversy. On migration, because of the big cultural issue on identity, I'm not sure trade negotiators are ready or willing to tackle that.

All these are long-term solutions. What can be done in the short term to avoid tragedies like Lampedusa?

There is no short-term policy solution that the politicians will like. If you want to stop people dying in the sea like this, you have to open up a lot more channels for regular migration; you have to stop trying to intercept ships at sea and you have to stop trying to empower neighbouring states to intercept people on their territory. Because all this is creating, entrenching and empowering smuggling rings to get around barriers. You create a barrier, and if you have a push-pull factor with a barrier in between you create a market for a smuggling ring. This was the case with prohibition. This is the case with the war on drugs. We should understand that the war on migration will not be won because it can't be. Open up the channels for legal migrations so that people will not try to use smuggling rings. If you don't want people to die, more border controls will not help; they will inevitably result in more tragedy.

Community Policing of Kerala : The Current Status and the Step Ahead.

Improving community relations is essential for effective policing. Community Policing is a philosophy that promotes organizational strategies which support the systematic use of partnerships and problem solving techniques, to proactively address public safety issues such as crimes, social disorder and fear of crime. During the recent times, most successful policing agencies have been able to recognize this fact and promote community policing strategies.

Janamaithri, the Community Policing Project of Kerala Police has completed five years of its existence in Kerala. From the 20 pilot police stations in 2008, the project is now spread over 248 police stations all over Kerala, including 50 tribal stations. As envisaged in the Kerala Police Act, the State is now preparing itself to extend the project to all the police stations. The Kerala Police Publications, viz, 'Janamaithri, A Journal of Democratic Policing' and the 'Janamaithri Varthapatrika' are becoming popular among stakeholders.

Universalization of the project requires extensive manpower and logistics. However the most needy thing is right attitude and training for the police personnel. The fact that in a democracy, public order maintenance and crime control depends largely upon public co-operation and trust is by this time known to the public at large and all the political parties in Kerala. Ensuring public confidence is part and parcel of core policing in a democracy. As the general public have picked up nuances of the community policing / democratic policing practices in Kerala, the Janamaithri policing project can move only forward.

All police personnel of Kerala Police have to be sensitized to Janamaithri Suraksha Project. With the above objective, the Government of Kerala has allotted Rs. 50,000/- each to every police district in Kerala for the financial year 2013-14 to impart Janamaithri basic training to all the police personnel in all the 248 Janamaithri police stations. Apart from that Rs. 5 lakhs is allotted to impart Janamaithri advanced training for Beat Officers who have worked in that capacity for around 2 years. Apart from giving specialised training on counseling skills, communication skills, various legal provisions etc. to Beat Officers, we have decided to hold a number of workshops on various subjects like role of Janamaithri Police in the protection of women and children, role of Janamaithri Police in making tribal colonies more safer, role of Janamaithri Police in crime prevention and role of Janamaithri Police in the protection of senior citizens, migrant labourers etc. The first such workshop of its kind was conducted at Kanakakkunnu Palace, Thiruvananthapuram on 21st and 22nd of October, 2013 on the 'Role of Janamaithri Police in the protection of women and children'. 270 officers participated in the workshop. Experts from various fields like Social Justice Department, Social Welfare Board, Kudumbasree Mission, Juvenile Justice Board, members of Kerala State Legal Services Authority, representatives from the NGOs, media, academicians, community policing practitioners etc participated in various panel discussions. The panel discussion on 'The role of various government agencies and NGOs in protection of women and children' was moderated by Shri. C.P. Nair IAS, Chief Secretary (Rtd.). Second panel on 'Welfare of women and children – problems and solutions' was moderated by Shri. Alphonse Louis Erayil IPS, Director General of Police (Rtd.). The third Panel on 'Legal remedies for protection of women and children' was moderated by Dr. Sukumaran Nair, Director General of Police (Rtd.) and the fourth Panel on Challenges & Threats in the protection of women and children was moderated by Dr. P.M. Nair, Director General of Police (Rtd.)

The deliberations were done with a view to prepare a model guide book for Beat Officers as well as to improve the Beat Officers' performance in the field of protection of women and children. Many valuable suggestions were put forward during the deliberations. Officers from different Government Departments and members from NGOs could acquaint with each other and they exchanged telephone numbers. While

some of the Beat Officers shared their experiences in early detection of delinquencies of adolescents in schools, providing palliative care to the needy, even building houses for some of them, preventing domestic violence, preventing violence at public place etc., the whole participants encouraged them with applauds.

Dr. P.M. Nair who lead one of the sessions described the Broken Window Theory in the New York city. The broken window theory is a criminological theory of the norm-setting and signaling effect of urban disorder and vandalism on additional crime and anti-social behavior, introduced in 1982 (article by social scientists James Q. Wilson and George L. Kelling.) The theory states that maintaining and monitoring urban environments in a well-ordered condition may stop further vandalism and escalation into more serious crime and reiterated the role of Beat Officers in preventing crimes.

The uniqueness of the Kerala model of community policing lies in the house to house visit of Beat Officers. This empowers the Beat Officers with all informations and trust of the citizens of the local community. There are many instances in which the mere visit of the Beat Officers prevented violence against bedridden women and children, domestic violence against housewives and ill treatment of children leading to delinquencies later on. Some of the school drop outs resumed education after the intervention of Beat Officers. Timely information from the housewives lead to prevention of serious crimes like robberies and theft. These are all living examples of how crime prevention happens through Janamaithri. The traditional concept that crime could be actually prevented only by running after and shooting at the criminals is being broken.

There are many research findings that an adolescent's character is shaped and influenced more by his or her neighbourhood rather than by the character of his or her parents. When cleaning up of the neighbourhood is happening by the positive influence of Beat Officers' regular visits, the birth of many criminals are prevented. A number of such stories were narrated by the Beat Officers during deliberations.

In the District of Kasaragod, under the auspices of Janamaithri police some women self help groups were formed. The members belong to various communities. Some of them had severely suffered during

communal riots. The women learned, Jewellery making, bridal make up, painting, embroidery etc and they are able to eke out a living out of the trade they have learnt. Above all the opportunity to work together made them grow in communal harmony. They work in groups of two or three and in each group there are members of different communities. In Hosdurg beach, there was a communal flare up with massive loss of property in April 2012. After that incident the Janamaithri Police, the District administration, the local MLA and the local Municipal Chairperson worked together and they started using only the white 'Janamaithri flags' for all type of functions and jathas in the locality. Communal harmony was re-established. The mothers of both communities are now having a sigh of relief, as not even a single incident has been reported for the last one and a half years.

Sainudeen, a Beat Officer of Kumbala police station is a certified international swimming coach. Under his leadership, the Kumbala police started a swimming coaching camp for children below ten years during the last summer vacation. In a State like Kerala where a number of persons die every year by drowning in water bodies, this is a great step towards safety of children.

Punalur Janamaithri police has developed a special software for documenting migrant labour.

Along with the workshop, an exhibition on Janamaithri was also put up which was open to public. Children from 25 schools in the city came to watch the exhibition. Short films on traffic safety, self defence, Janamaithri police etc. were screened in the Mini Hall of Kanakakkunnu Palace for the public. All police helpline numbers and various tips on cyber crime, snatching etc. were available in the touch screen kiosks put up in the exhibition. Children happily used the kiosks and noted down relevant phone numbers etc. National Police Academy, Hyderabad on our request had prepared and sent a special video on self defence for women and children for the use of Janamaithri Beat Officers. This training CD was a centre of attraction for many women and girl children visiting the exhibition.

The students from the National Institute for Speech & Hearing (NISH) participated in the exhibition by putting up a few posters designed

by them. They highlighted the need for a common Emergency Helpline number like 111 instead of having various Helpline numbers. Kerala Police has decided to take up the matter seriously. We are also contemplating putting up the exhibition in every District, and putting up the information kiosks in schools etc. as these were found extremely informative and popular.

While inaugurating the workshop, Sri. Thiruvanchoor Radhakrishnan, Minister for Home, Kerala said that the Government is committed to enhancing the strength of Janamaithri police and extending the project to more police stations. He reminded that the Kerala Police was the first to create 760 additional posts exclusively for Community Policing and that the Chief Minister Shri. Oommen Chandy is committed to allot 500 more posts for the purpose.

One of the moderators, Dr. Sukumaran Nair, Director General of Police (Rtd.) pointed out that the booklet published by Janamaithri Police, viz, “Jagratha Nirdeshangal for Women and Children” is of top quality and this small booklet should reach every house in Kerala. He also appreciated the efforts made by Smt. Ajeetha Beegum IPS, District Police Chief, Thrissur Rural in compiling all the latest legal provisions for including in the guide book for Beat Officers. Dr. M.K. Devarajan, Director General of Police (Rtd.), Member, Human Rights Commission, Rajasthan told that at present the Kerala model of community policing is the best in India and it has the capacity to be the best model in the world. However he cautioned that states like Orissa which has copied the Kerala model are also growing very fast. Orissa has given two wheelers and mobile phones to all its Beat Officers. He also congratulated the present State Police Chief of Kerala Shri. K.S. Balasubramanian for taking the project forward, without succumbing to predecessor successor syndrome while inheriting a great legacy from the former State Police Chief Shri. Jacob Punnoose.

During the valedictory session, Dr. M.K. Muneer, Minister for Social Justice, Kerala opined that the world is now looking at the Kerala model of community policing as the best available model. He expressed his happiness over the fact that the Social Justice and Juvenile Justice Department personnel along with the NGOs working in the field came together on a single platform for two days. He also promised that he will

take up the matter of recruitment of women Sub Inspectors and women Beat Officers for a better running of Janamaithri Suraksha Project as well as the Nirbhaya Project of the Government of Kerala.

The media representatives who were panelists highlighted the need for adequate publicity for the project. They also highlighted the need for giving women police equal role and status in the Janamaithri Project.

The Kerala Police is preparing itself to step ahead in the field of community policing with bolder footsteps. The Department has to develop organizational infrastructure and working philosophy that is capable of supporting community policing strategies. Community policing has the potential to provide law enforcement officials the tools to maintain openness ensure participation of communities in their own security and instill confidence.

In Kerala, the success of the project and the step ahead would largely depend upon the speed with which every Police leader and Police Officer recognizes the fact that community policing does not mean a few officers are assigned to a community policing duty, which is a typical distortion of its concept and philosophy. It actually means a total reorganization of the department, from the temporal to geographical as the basic structure, with all police personnel assigned and accountable for community policing. This involves changing the culture of the department, from aggressive, isolated and independent from the people to that of a friendly integrated mode, maximizing the combined resources of the people and the police. The end result would be an efficient police service and an improved quality of life for the people.

INSTRUCTIONS TO CONTRIBUTORS

'*Janamaithri*' - *A Journal of Democratic Policing* is published bi-annually in January and July every year by the Community Police Research Centre, Kerala Police, Police Headquarters, Kerala, India.

The Community Police Research Centre, is a research arm of Kerala Police, fully funded by the Government of Kerala, which by establishing deep rooted collaborations with academia, and civil society, aims at breaking new ground, in developing cutting edge practices for Policing in democratic societies, particularly in the developing world.

The journal welcomes contributions in respect of theoretical and practitioner perspectives, empirical studies, critiques, brief write ups in respect of recent good practices in Democratic Policing, comparative studies, book reviews, cartoons, etc; that is of relevance to the policing world in developing and transitional societies. The journal particularly encourages contributions, in respect of current policing innovations, backed by rigorous quantitative analysis. Argumentative essays dwelling on the core thoughts in Police sciences are also welcome. The journal also publishes news of advances in democratic policing in Police forces across the world. Academic articles/ essays should ideally not exceed 6500 words, and practitioner notes should not exceed 1500 words. Contributors are also requested to include an abstract of 100 words, as well as a brief biography of not more than 50 words. Submissions may be made electronically to janamaithri.pol@kerala.gov.in, or janamaithri.journal@gmail.com or by regular mail to the Editors, '*Janamaithri*' - *A Journal of Democratic Policing*, Community Policing Research Centre, Police Headquarters, Thiruvananthapuram, Kerala, India- 695003.

The journal follows the American Psychological Association (APA) reference style, based on the *Publication Manual of the American Psychological Association* (5th ed).

For more information please visit
www.democraticpolicing.org

DISCLAIMER

The views published in Janamaithri – Journal of Democratic Policing express solely the opinions of the respective authors. Authors are responsible for the citing of Sources and the accuracy of their references and bibliographies. The editors cannot be held responsible for any lack or possible violations of third parties' rights.

Janamaithri – Journal of Democratic Policing may contain links to web sites operated by other parties. These links are provided purely for reference purpose. Such links do not imply Janamaithri – Journal of Democratic Policing's endorsement of materials on any other sites and Janamaithri – Journal of Democratic Policing disclaims all liability with regard to the access of such linked websites.