

**Migration Patterns and Challenges for Indians  
Seeking Work Abroad**  
*A Special Focus on South India*

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## INTRODUCTION

This paper, which focuses on the issues particular to those leaving India in the search of work, is authored by Dr. Bernard D'Sami, who heads the National Forum of Migrant Workers' Rights, and also the department of History at Loyola College, Chennai. Dr. D'Sami has conducted extensive research on out-migration and asylum seekers, has attended the summer institute on 'forced migration' in the Refugee Studies programme of Oxford University, and has experience in organising refugee students at the national level. Presently he is involved in Participatory Action Research, with CARAM Asia and UNDP HIV-SSWA, to explore more deeply into the push and pull factors of out-migration and the HIV vulnerability of the migrant workers.

This research concentrates mainly on out-migration in an analysis of primary and secondary sources available with government agencies such as the Emigration Division, the Ministry of Labour (Union Government), and the Overseas Manpower Corporation. Research institutions, journals on labour economics and other publications have also been used for further information. In addition, the experiences from organisations such as the Christian Workers Movement, The Young Christian Workers, the Migrant Forum and The Peace Trust have also been used to supplement the research contributing to this paper. Consultation meetings were held in Chennai on 14<sup>th</sup> August and 15<sup>th</sup> & 16<sup>th</sup> December 2000, from which personal accounts and recommendations for action emerged, as reflected in this document.

Issues related to internal migration, which are not a focus of this paper, have been researched and documented extensively by the V.V. Giri National Institute as well as other institutions. The challenges of migration, mobility and HIV vulnerability are gaining increasing importance as we learn more about HIV and how it is spread in India. Research has shown that the large majority of infections found in rural areas are directly linked to migration. The link between HIV vulnerability and migration has become recognised as a crucial element of the epidemic, and the scope for responses through government programmes and NGO initiatives is built into the India National AIDS Control Plan II, which identifies migrant workers as a "bridge population".

## INDIA'S MIGRATION SCENARIO

India is a country with a population of about 1 billion people. In landmass, it is one of the largest countries in the world and there are numerous entry and exit points. India has had a long history of migration, starting when the British moved parts of the population to Sri Lanka, Malaya and other countries to work in developing plantations. Movements of unskilled labour increased in the 1970s and export of labour to the Gulf countries began in recent decades. Of late, movement to South East Asian countries has become increasingly popular.

## The number of those who left the country for employment purpose

Year:	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
No in millions:	1.14	1.25	1.70	1.26	1.44	2.02	4.17	4.38	4.25	4.15	4.14	4.16	3.55

Much of the migration in recent years has been a direct result of the prevailing idea that jobs abroad are more lucrative than those found within the borders of India. Further, it has been found that returnees glorify their experiences in other countries, and minimise the challenges they may have faced. As of late however, media and individual reports of exploitation are exploding these myths. Non-governmental organisations and government agencies are also bearing the brunt of this reality as more and more Indians are returning to the country disenfranchised, disillusioned, often financially burdened, and sometimes emotionally and physically weakened.

### Migrants - A Definition

The population of any country is altered by three factors namely fertility, mortality and migration. The third factor is the most difficult to measure as it is a fluid, continuous, non-discrete and poorly defined measure. Two major sources of information on migration in India are the Census of India's migration tables and National Sample Survey Organisation's (NSSO) reports on internal migration in India. The Census of India defines migrants as those people whose place of enumeration is different from their place of birth. The place of birth is the main criteria used to distinguish a migrant from a non-migrant. As of 1971 the Census also included a criterion on place of last residence in addition to the place of birth to identify migrants from non-migrants. The place of last residence states that migrants are those individuals whose last residence is different from the place where they are enumerated. Return migrants are those who have returned to their place of origin. The NSSO uses the concepts of native place and usual place of residence in their definition of migrants, but neither the NSSO nor the Census considers the movement of people from India to other countries. (Migration in India: Data sources by Gayathri Balagopal in 'Review of Development and Change, Vol IV NO 2, July- December, 1999).

### Migrant Workers: The Numbers

The Census of India does not record out migration from the country. The data maintained by the office of the Protector of Emigrants at the Federal Labour Ministry is one source of information, but it is limited to those who require emigration permission in order to leave the country. Those people possessing graduate and professional qualifications or those who travel to join subsequent contracts after completing the first do not require the clearance of the emigration authority. The annual outflow during the eighties has been estimated at well above 100,000 people. Skilled and white-collar workers constituted nearly 20% of the total migrant workforce, which means that the vast majority of migrants were from the unskilled sector. The Gulf countries were a major attraction for Indian migrants as this region was keen for help in building modern

infrastructure throughout the 70s and 80s. Large numbers of unskilled Indians received contract work to assist in the process of construction in the difficult conditions of sandy deserts and hot weather. This meant that as soon as the buildings, shopping complexes and industries were completed, the Indian migrants were repatriated.

### **Destination: Gulf**

In Gulf countries, migrant workers are often temporary contract workers. According to estimates made by the Indian government, there were over 1.5 million Indian migrant workers in the Middle East in 1991. The number jumped to over 4 million in 1995. They are the largest group of migrants in the Gulf. Most workers are low skilled workers coming from lower income families. They are mostly temporary migrants who could not qualify for residency. Most women work as domestic workers and nurses. Male migrants are also hired as domestic workers, construction site workers and technicians.

Though no specific or recent numbers are available, a report from Birks, Sinclair & Associates estimated the migrant non-national population of the 6 countries of the Gulf Co-operation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates) at 7,075,851 people, of whom over 20% were Indians. About one in three of these were construction workers, whereas the rest included domestic workers, nurse aids, technicians, engineers, accountants and other labourers. According to the ILO figures of 1996, of the one million construction workers in the Gulf countries, 425,000 were from India.

### **Destination: East Asia**

Domestic workers and temporary contract workers are also popular in East Asian countries including Taiwan, Hong Kong and Singapore. For example, in 1995, a memorandum of agreement was signed between the Indian Personnel Export Promotion Council and the Foreign Maids Employment Agencies Association of Singapore for a total of 75,000 maids. Hong Kong is also a popular destination for domestic workers. In 1995, about 1300 legal domestic workers were accounted for in the receiving country.

### **Legal Framework for Migration**

The 1970s witnessed the Gulf countries opening up to a 'petro-dollar' economy that required cheap labour. As a result, India became a country to supply that cheap labour. The Government initiated a system of registration for recruiting agents and laid down rules and regulations that had to be followed by the agents. The government itself started the Overseas Manpower Corporation (OMC) in the State of Kerala (from where the majority of Gulf-bound migrants are located) in November 1978. A second such agency was started in New Delhi and a third in Chennai. The OMC sends only qualified

and skilled workers as per the requests and requirements of foreign employers. The employer overseas contact OMC directly for their employee needs.

### **Emigrants to Europe, America and Oceania (Knowledge workers)**

France	42,000
Germany	32,000
Netherlands	103,000
UK	790,000
USA	815,000
Portugal	102,000
Canada	250,000
Australia	200,000
Indonesia	30,000
New Zealand	30,000

In Chennai today, there are about 13,000 candidates on a waiting list to leave the country. Most from this office are sent to Middle Eastern countries and some to South East Asian countries. The categories of workers being sent are doctors, para-medical personnel, cooks, engineers, electrical technicians, cost estimators, machinists, sheet-metal workers, electrical supervisors, accountants, draftsmen, architects, helpers, carpenters, masons, welders, fitters etc. From 1999 to February 2000, the corporation was only able to place 111 individuals in the categories mentioned above.

### **Contract Workers in Service Jobs to West Asia and the Gulf**

Bahrain	110,000
Kuwait	150,000
Oman	280,000
Qatar	80,000
Saudi Arabia	700,000
UAE	500,000
Yeman	103,000
Libya	36,000

(Source : Jain (1989))

The emigration check on Indian passports has been in place since 1922. Before 1981, the Ministry of External Affairs handled issues related to overseas employment. As a result of the increase of emigration in the seventies due to the oil boom in the Gulf countries, coupled with the weaknesses of the Emigration Act 1922, a new Emigration Act was created in 1983 and responsibility for overseas employment was transferred to the Ministry of Labour. The aim of the 1983 Act is to facilitate the emigration of Indian workers for overseas employment on a contractual basis as well as to safeguard their interests 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 Protector General of Emigrants (PGE). Under the Central Government's PGE, there are eight offices located in Mumbai, Kolkata, Chennai, New Delhi, Cochin, Trivandrum, Hyderabad and Chandigarh. These offices work with the PGE to appoint private agents for recruitment to various foreign jobs.

In addition to the government offices, private agencies are prime recruiters for individuals to move overseas. Though most are legitimate organisations, a number of private agencies have been reported to exploit the rural and urban poor. Though they are promised a variety of jobs with lucrative returns, many unaware Indians are assigned to menial tasks including domestic help and construction work when they arrive in their host country. There have been several cases reported of individuals who are recruited to be teachers, nurses, secretaries, but end up being housemaids. Men who have been recruited as electricians and machinists end up in Gulf Countries herding camels in the desert. Much of this is due to the high demand for manual and domestic help and the laws by the government which state that women cannot be recruited as domestic help, and men cannot be hired for manual labour. Should any individual elect to migrate in one of these categories, they require certification by the Indian Embassy in their host country, and the amount worth one-way airfare to be deposited with the POE.

The legal provisions of the 1983 Emigration Act are inadequate for dealing with the numerous types of problems and exploitative acts faced by the migrants. For instance, there are numerous cases of death and disappearance of Indian migrant workers. Family members in these cases receive no compensation or other remedial measures, and have no legal recourse whatsoever

### **Case Studies**

*The following cases were reported at a consultation organised in March 2000 by consumer protection groups. At the district level, they receive numerous complaints against agents who are primarily responsible for the exploitation of migrant workers.*

**Mr. S. is a qualified ITI technician, as a welder. He paid Rs.70,000 (approximately \$1550 USD) to a overseas employment agency based in Chennai for finding him a job with a company in Malaysia and providing him a visa. When he landed in Malaysia, to his shock, he found that no such job existed. He was stranded without job, little money and no accommodation. Though he found shelter at an ashram two weeks after the ordeal, he was levied a fine of \$500 for overstaying beyond the validity of his visa. He has no money to live or to return home. The agency in Chennai claims to have arranged a proper job and refuses to pay either the fine or the return ticket.**

**Mr. G. was a bakery-owner in Tiruppattur. As his business was not very profitable, he decided to go abroad and try his fortunes in the new land. He was recruited as a driver in Qatar. Without any hesitation, he sold his bakery and paid the agent Rs. 60,000 (approximately USD \$1300). His dream was to establish a full-fledged bakery after 2 years of hard labour. There was no driver's post when he arrived in Qatar. Instead, he was expected to be a postal worker, delivering mail to villages lying not less than 10 km from the office. No matter what his morning destination, he was expected to return to his office by noon, otherwise he would miss his lunch. After just 2 months of service, he had developed a severe stomach problem and had to return to India.**

**Mr. R. was recruited as a Maintenance Engineer in a laundry and dry cleaning company in Bahrain in June 1993. Though his family received regular correspondence from him, the last letter they received was at the end of October 1993. The company claims that he was unhappy with his work and had expressed his desire to be released. They claim that he had not reported for duty on 23 November 1993. The government of Bahrain has certified that it has received no notice of either his death, or departure from the country. Despite continuous search attempts by his family, Mr. R. is still missing, almost 8 years later.**

## **Problems Faced by the Migrant Workers**

Despite the enormous support that migrant workers provide to the economy (see Table on remittances), bureaucratic red tape in processing documents for would-be migrants has spurred the proliferation of illegal agencies who get the job done faster. This leads to the exploitation of people wishing to migrate, both financially as well as physically. Also, often due to a lack of awareness accompanied by misleading employment agencies, many migrants are given false or inappropriate visas for employment, which can lead to them being classified as illegal migrants in the receiving country.

The following problems have been identified by migrant workers and organisations working with them:

- They are often exploited by the agents from the time of getting the passport till leaving the country at every level: it is the middle-man [broker] who plays a major role.
- Most of the service workers pledge their jewels or dispose of their property to pay huge sum demanded by the agents.

- Many migrants are cheated by the agents by being given a menial job in the place of the promised one.
- There are also cases in which the migrant worker receives much lower salary than what is promised before departure by the agent.
- Domestic workers face sexual abuse in the host country as a result they are not in a position to return as they fear social boycott by the family and the community.
- There are cases in which the migrants are given severe punishments with shocking cruelty. There are several cases in which the migrant worker either has died or missing.
- Many migrant workers become undocumented workers and thereby lose their status of 'equality before law' because they are sent by the agents on either tourist visa or social visit visa.

There are too many unfortunate stories of the exploitation of migrant workers by their employers and the citizens of the host country. Employers have been known to change or violate agreements, underpay or not pay their employees, provide unhealthy working and living conditions, demand long working hours and expose their employees to unnecessary risks. Many migrant workers report being subjected to physical, sexual and psychological abuse, and occasionally, are also subjected to cruel, inhuman or degrading treatment. Sometimes, their identity documents, residence and work permits are confiscated or destroyed.

Migrant workers often do not have equality with nationals of the state before the courts and tribunals. The police and immigration authorities arrest, detain and sometimes summarily deport them without due process. There are also reported cases of physical and psychological suffering by migrant workers in the custody of immigration authorities.

In addition, migrant workers in a foreign country have difficulty accessing the social, medical, legal and cultural support they need. They are often denied the right to organise, join or form associations for the protection of their economic, social, cultural and other rights, as well as being excluded from activities of Trade Unions, where they exist.

Migrant workers have very little preparation for what they are going to face in a new country. This often causes much emotional stress on the individual. Through the POE offices, the government of India offers basic information for those leaving the country to take up jobs in the Gulf and Southeast Asian countries. The information comprises the contact information of Indian Embassies and Consulates and basic orientation information regarding the history and culture of the host country. A look into the government and NGO programmes suggests that there are no dedicated or developed

programmes for assisting in the pre-departure, post-arrival or reintegration of migrant Indians.

Non-governmental organisations have only recently begun to realise the exploitation that is occurring. The Migrant Forum is one example of an NGO working solely on issues related to migrants. Several NGOs working on labour and health have started incorporating the migrant dimension into their work.

**Remittances to India by Regions of Origin, 1995-1996 (in millions of rupees)**

North America	86,385
Western Europe	28,561
Britain and Australia	33,617
Middle East	117,961
Other countries including SE Asia	21,086

## **India – A Migrant Receiving Country Too**

Another major trend in the migration patterns of India is the high degree of cross-border migration between India and neighbouring countries. It has been estimated that there are anywhere between 1.8 million and 3 million Nepalese migrant workers in India and conversely an estimated 800,000 to 3.2 million Indians in Nepal. While the majority of these come and go voluntarily, there are also reports of coerced migration and trafficking. For example child-workers from Bihar have been taken illegally by private contractors to build roads in Nepal, and trafficking of Nepalese women and girls as sex workers to Mumbai and other destinations is taking place. As well as weaknesses in the support given to migrant workers who are leaving India for work abroad, there is also little support for those individuals who come to India for work.

## **HIV Vulnerability of Migrant Workers**

These conditions of exploitation make it very difficult for migrant workers to protect their health. The casualisation and feminization of migration has brought untold misery in terms of health of the workers. The violation of human rights takes place from the day a migrant worker decides to go abroad. They are kept in the capitals or in big cities for months before they leave for the host country as their agents keep them in the waiting, supposedly, to prepare papers etc. This time of waiting, confusion, and sudden removal from the familiar home environment can lead to exposure to HIV. Men usually get their exposure to red-light areas during this period, and women migrant workers are often exploited at this stage .

The transit stage is an important stage during the migration process where often the rights of migrants are blatantly violated by recruiting agents and other intermediaries, setting aside the health of the migrant workers. The case of Indonesian women

migrants who are housed during transit in overcrowded agency houses marked by sub human living conditions in Jakarta for extended periods of time, often up to a year, is a classic example where no/poor access to sanitation, nutrition, access to medical care as well as the threat of rape and sexual abuse impacts the health and HIV vulnerability of migrants in transit. The practice of confining prospective migrants to long periods of stay in 'hostels' also takes place in Cambodia. In India it is in Bombay where the migrants are kept in almost slave like conditions while they await employment in the Gulf countries.

Undocumented migrants, especially women migrants who are without legal identities, are more vulnerable to abuse by corrupt and fraudulent recruiting agents, enforcement officials and others at borders who wield much power over migrants. Looking at the transit stage of migrants it is clear that many of the violations of their human rights contributing to their HIV vulnerability arises from irregular migration and of irregularities in the migration process. HIV vulnerability of migrant workers is impacted by the simultaneous violation of their rights to information, freedom of movement, protection from the law, right to health etc.

## **Mandatory Testing**

Many receiving countries in South East Asia, the Far East and Middle East require potential migrant workers to undergo mandatory tests for HIV and other infectious diseases. The question of mandatory testing on migrants for HIV raises many concerns. The first is at the level of the migrant workers' rights. The second is with regard to issues involved in using mandatory HIV testing on migrants as a strategy to manage the HIV epidemic. To assess the logic and ethics of mandatory HIV testing of migrants as a strategy to manage the HIV epidemic we need to look at two other issues - of notification and deportation of HIV positive migrant workers.

For migrant workers it is quite clear that mandatory HIV testing and deportation brings more anger than anything else, especially because of the manner in which it is done. An HIV positive result means that the migrant stands to lose their livelihood. This is everything to people who have been forced out from their land and country by poverty, often after selling or mortgaging their small piece of land or cattle for a job which they thought would help their family and loved ones escape from and hunger and destitution. If they have tested HIV positive but not been informed about the result, or have been informed wrongly or improperly, the human and financial cost and pain for them and their families when they return home is immeasurable.

Mandatory testing is not fair either to migrant workers or to the host population in receiving countries. It gives a false sense of security to the local population in the receiving country who think that they are free from HIV because of the mandatory testing and deportation of migrants with HIV. Research and experience clearly indicate that the migration experience puts migrants at the risk of acquiring HIV.

Thus in the issue of mandatory HIV testing and deportation, the rights of migrant workers are violated and include the right to equality and non-discrimination, the right to health, right to social security, right to work and right to freedom of movement. It also isolates them and reduces their participation in fighting the AIDS epidemic.

The host country health care system should take responsibility for the health of the migrant workers, [not first class fees and third class treatment]. In the receiving countries the migrant workers must also be included in national health/HIV information campaigns. Migrant workers also face discrimination in the host country's public hospitals and often fear to go to the doctors of the company/factory for the fear of deportation if identified HIV positive.

## **CHALLENGES AND RECOMMENDATIONS**

These challenges and recommendation emerged from a consultation meeting held in December 2000. The list of participants and the agenda of the event are annexed below.

### **For Government**

The challenge to provide full employment, job security and decent wages to all its citizens. In absence, citizens elect to find work in other countries.

The State should give priority to protecting the interests of migrant workers, keeping in mind that they bring in much needed foreign exchange through remittances.

Where laws and employment contracts for migrant workers exist, they are often either inadequate or work against the interests of the migrant. Laws specifically relevant to migrant workers are urgently required. Where laws are absent, a labour ordinance in which the status and rights of the migrant workers are defined is required.

Bilateral and multilateral agreements between labour sending and labour receiving countries with the migrant workers' needs and interests at their centre are urgently required.

India must sign the 1990 UN Convention on Migrant Workers and their families.

A Central Manpower Export Promotion Council is needed. This body would undertake the task of promoting the employment of Indians abroad. It would provide technical support services, undertake publicity and promotional work for Indian manpower abroad, communicate and establish links with international agencies and foreign employers, and act as a focal point for dissemination of information and market intelligence.

South Asian Countries as labour exporting countries lack a policy framework for dealing with migrants at the regional level. A collective agreement would strengthen the bargaining power of sending countries to protect their workers abroad. Strengthened regional co-operation for this is essential.

Pre-departure information is the need and right of the migrant worker. Thus pre-departure programmes with information on migration as well as on health, including sexual health and HIV/AIDS, should be given to the migrant workers before departure.

### **For Civil Society**

Close collaboration between labour unions and associations of migrant workers is needed for the effective implementation of laws.

A welfare fund for migrants and their families is needed for emergency situations.

It is important to document the HIV/AIDS vulnerability of the migrant workers. It can be done only through Participatory Action Research.

Human rights education and pre-departure information need to be integrated especially into community based intervention efforts to increase the awareness of people who migrate.



## **APPENDIX I**

## **AGENDA**

### **The National Consultation on Issues Related to Migrant Workers 14<sup>th</sup> August, 2000**

- 10:00 am Dr. Bernard D'Sami, National Forum of Migrant Workers-  
Introduction to CARAM ASIA
- 10:05 am Mr. E. Rajarethinam, PEACE TRUST- Welcome Address &  
Purpose of the National Consultation
- 10.10 am Introduction of Participants by themselves
- 10:20 am Ms. Madhu Deshmukh, UNDP –The Role of UNDP in protecting the  
health and rights of migrants through social mobilisation and  
institutional partnership
- 10:30 am Ms. Sharuna Varghese, CARAM ASIA – Migrant Situation in  
Asia
- 11:00 am Dr. Bernard D'Sami, National Forum of Migrant Workers –  
Overview of Migrant Situation in India
- 11:45 am Mr. E. Rajarethinam, PEACE TRUST – About the PEACE TRUST
- 12:20 am Migrant Voice
- 12:40 am Mr. Benny, Government General Hospital – AIDS and Indian  
Migrant Worker
- 14:00 pm Mr. P. Balasubramanian, Protector of Emmigrants – The Response  
of Indian Government to the problems of Migrants
- 15:00 pm Workshop groups
- 15:45 pm General session with Group Reports

## **APPENDIX II**

# LIST OF PARTICIPANTS

## National Consultations on Issues Related to Migrants 14<sup>th</sup> August 2000, Chennai

<b>S. No.</b>	<b>Name</b>	<b>Organisation</b>
1.	Mr. Natarajan Chettiar	Migrant Worker
2.	Mr. A . Purushothaman	Migrant Worker
3.	Mr. G. Balasubramaniam	Protector of Emigrants
4.	Fr. Manu Alphose	TNPFSD
5.	Sr. Jeanne Devos	National Forum for Workers
6.	Prof. Packiaraj	Loyola College
7.	Fr. S. Maria Martin	YCW – India
8.	Mr. K.J. Madhavan	Consumer Rights      Protection
Council		
9.	Ms. Virgil D’Sami	Arunodhaya
10.	Mr. A. Lakshmanan	Consumer Protection Council
11.	Mr. K. Chandrasekar	D.E.W
12.	Mr. B. Thomas	R.D.B.NET
13.	Mr. R.Edwin	R.E.W.S
14.	Mr. Parthasarathy	Migrant worker
15.	Mr. S. RamaChandran	Peace Trust
16.	Mr. E. Rajarathinam	Peace Trust
17.	Dr. Bernard D’Sami	National Forum for Migrant Workers
18.	Mr. Banadict Jan	DESH
19.	Mr. G. Albin Joseph	Rural Education Working Society
20.	Mr. K. Ramesh Babu	Freelance
21.	Mr. V. Susai Raj	Jeeva Jyothi
22.	Mr. K. Arumugam	Peace Trust Dindigul
23.	Mr. G. Prem Kumar	Peace Trust Dindigul
24.	Mr. Andrew Sesraj.M.	National Forum for Migrant Workers
25.	Mr. P. Jayarama Chandran	Makkal Shakti Iyyakam
26.	Fr. Henry Jerome SJ	AICUF
27.	Mr. L.D.R. Manimaran	PatteeswaranConsumer      Protection
Council		
28.	Ms. M. Suganthi	Migrant Worker
29.	Mr. Jai Shankar	Liberty General Service
30.	Fr. Charles Stephen	Christian Workers      Movement
31.	Mr. Christian Rutges	CIMIC
32.	Ms. Sharuna Verghis	CARAM Asia
33.	Ms. Madhu Deshmukh	UNDP
34.	Mr. Mariappan	Narasingapatti
35.	Mr. Sunder Rajan	Narasingapatti
36.	Mr. A.M. Selvaraj	Ajit Enterrises

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|-----|---------------------|------------|
| 37. | Mr. G. Sudhagar     | CARE India |
| 38. | Mr. Feroz Khan      |            |
| 39. | Mr. B. Nandha Kumar | Arunodhaya |

