

Policy Brief No. 8

Internal Migration in India:
Addressing Gendered
Vulnerabilities and
Access to Rights

Migration, Gender and Social Justice: Connecting Research and Practice Networks



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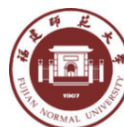
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Internal Migration in India: Addressing Gendered Vulnerabilities and Access to Rights

Executive Summary

Internal migration in India is a widespread phenomenon involving very large numbers of people, the majority being women, who move for familial and economic reasons. Official data, made available by the Government of India on the internal movement of people, provide a reasonable estimate of those who change their place of residence. However, the design of the data collected is such that it gives an incomplete picture of the motivations behind women moving and changing residence, resulting in an underestimation of the full scale of economic and, particularly, temporary migration. This policy brief is based on the results of a large-scale survey conducted across India among migrants, in which two questionnaires were served in tandem, to gather individual as well as household details. It highlights how the lack of attention to women's migration results in an incomplete understanding and lack of acknowledgement of their specific needs and vulnerabilities along with a general lack of access to essential civil rights. It suggests specific policy recommendations to ameliorate the problem.

Policy Brief No. 8: Internal Migration in India: Addressing Gendered Vulnerabilities and Access to Rights

This policy brief has been prepared within the IDRC-sponsored project 'Migration, Gender and Social Justice', and is based on research undertaken for the project 'Gender and Migration Negotiating Rights: A Women's Movement Perspective' (2008-2011), by the Centre for Women's Development Studies (CWDS), New Delhi, and funded by the IDRC. The Project Research Team members are: Indu Agnihotri; Indrani Mazumdar; Neetha N. Pillai.

For additional insight into the findings of this research, see:

CWDS (2011) 'Gender and Migration: Negotiating Rights. A Women's Movement Perspective (Key Findings)', (New Delhi: CWDS). Full text available at: <http://www.cwds.ac.in/researchPapers/GenderMigrationNegotiatingRights.pdf> and a summary of the Key Findings at: <http://www.cwds.ac.in/researchPapers/SummaryKeyFindings.pdf>

Introduction

The primary source for internal migration data in India is the decadal Census—the latest available being for 2011, though only provisional data has been made available and the migration data is still to come—supplemented by the periodic surveys and reports brought out by the National Sample Survey Office

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(NSSO). As per available data from the NSSO, there were 327.7 million internal migrants—defined as persons ‘whose last place of usual residence, anytime in the past, was different from the place of enumeration’—in 2008, an estimated 80% of whom were women. Of the total internal migrants, about 66.6 million could be classified as labour migrants that year, accounting for just under one-fifth of all internal migrants, and women were estimated to represent 15% of this working population on the move, across both rural and urban India. Thus, the NSSO data apparently seems to show that women’s migration within India is primarily the result of (a) marriage, with women relocating to join

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the household of their husband or (b) associational migration where women move as members of a migrating family. Based on reports from the ground, micro studies and the CWDS survey, it is widely felt that this narrow picture painted by government statistics fails to grasp the complexity of both the scale and motives of women who migrate for reasons other than the two mentioned above, or who may enter the labour force after migrating as a member of a migrating household.

Above all, due to the way ‘internal migrants’ are defined, official figures exclude large numbers of both men and women who migrate on a temporary basis, thus failing to adequately capture the extent of internal migration in India. Temporary labour migration in India includes short-term (less than a year, including those who move for seasonal work), medium-term (for a period of up to two years) and circular migration (without any long-term workplace or residence at any particular destination and with return to origin for more than a month per year). These are all fuelled by the growth of informal and intermittent employment sectors, and the contraction of the formal employment market over the past three decades.

This policy brief is based on a meso-level survey conducted by the Centre for Women’s Development Studies (CWDS, Delhi) across 20 states in rural and urban India between 2008 and 2011: covering over 5,007 individual migrants and 5,558 households in towns and villages across 75 districts, with 3,073 individual respondents being women migrant workers in rural and urban areas. The aim of the research was to collect extensive information that could address some of the limitations of current statistical data on migration from official sources. The research shows that the flawed perception of women’s internal migration resulting from the official statistics has implications for women migrants’ access to certain rights, benefits and protections. The sample households were selected after a

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village census was conducted in selected villages, based on their representativeness in terms of caste and with a view to capturing different streams of migration. In the case of urban migrants, a pre-selection of industries/ sectors was made and individual and household details gathered from these.

Research findings

The bulk of labour migration within India is temporary and circular in nature, and driven by persistent rural and urban poverty, despite marked economic growth at the national level. The neo-liberal shift in the Indian economy over the past two or three decades has resulted in a severe agrarian crisis. Rural India is characterized by

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high rates of unemployment/underemployment, as agricultural wage work is scarce and opportunities for diversification of work are largely absent. Given that a large portion of the population of India—and an even larger proportion of women—survives on agriculture, the trend of stagnation in the agrarian economy has deep social ramifications, particularly in the realm of gender and migration.

According to official statistics, female migration rates for both rural and urban India registered a phenomenal increase between 1993 and 2007-08, even as male migration rates fell and moved towards stagnation in rural areas after an initial increase in urban centres.

However, the sharp increase in overall migration figures is yet to be given sufficient attention due to the prevalent assumption among policy makers and academics that it can be explained by women's movement mostly for marriage. The data underestimates the scope of labour migration taking place within India and its motivation, especially with respect to women. The current method of determining the scale of internal migration based on changes of residence, and ascribing a single reason to it, cannot capture the large number of temporary movements taking place, on the part of both men and women. As part of this study, an effort was therefore made to draw up a more detailed typology to understand the complexities of long-, medium-, short-term and circular migration. This is also required if concrete interventions on behalf of internal migrants to assist them in accessing rights and entitlements are to be strengthened.

For women in particular, official data portray their movements almost entirely as having to do with marriage or as 'associational', given the widespread cultural practice of patri-locality, i.e., wives relocating to the husband's home. This framework is also seriously

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limiting, however, in that it locates women primarily in the category of non-workers, obfuscating women's labour and economic contribution. It also ignores the fact that often—in the working population groups identified, such as tribals in brick-kiln construction and seasonal labour migration—marriage and family also provide the conduit for drawing women into the unrecognized/ invisible labour force. This is apart from the vast number of women who enter work after initially migrating for marriage or family reasons. The continued non-recognition of a large number of women as workers and of women's work as work also contravenes the ILO's provisions with regard to decent work.

The result of under-numeration of migrants is that most of them lack access to basic civil rights and social entitlements, and women migrants are even more vulnerable to exploitation and other threats also on account of their invisibility/non-recognition. These vulnerabilities are compounded by the fact that women are now migrating farther from their home/communities than they have historically, both on account of work and cross-

regional marriages, resulting in additional legal, cultural, linguistic and geographical barriers to accessing their rights and entitlements.

While migration, poverty alleviation and labour come within the ambit of a number of existing laws related to work, discrimination against women, and human rights, the legislation is not effectively applied and hardly ever

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in the case of women migrants, most of whom are not officially recognized as workers. There is evidence in the research to suggest, for instance, that women migrant workers are more vulnerable to violence and exploitation in the workplace than their male and non-migrant counterparts. Significantly, 23% of women surveyed reported being subject to threats, violence and forced labour in their places of work, 75% of which was perpetrated by the initial contractors, principal employers or supervisors (as opposed to fellow workers or the police).

Existing laws include the Land Ceiling and Tenancy Reform Laws, which provide the backdrop to the existence of small and marginal households which face livelihood issues on a day-to-day basis; the Minimum Wages Act of 1948; the Inter-state Migrant Workman's Act of 1979, which mandates decent conditions of work and payment of travel expenses, wages during travel time and displacement allowances for migrants workers; the Contract Labour (Regulation and Abolition) Act of 1970; the Bonded Labour System (Abolition) Act of 1976; and the Unorganized Workers' Social Security Act of 2008. The National Rural Employment Guarantee Act (NREGA) of 2005 provides for 100 days of work per household in rural areas and is aimed at addressing issues of livelihood and survival in rural areas.

Legislation that addresses discrimination against women and their rights, includes the Equal Remuneration Act of 1976; the Maternity Benefit Act of 1961; the Hindu Succession Act, amended in 2005 (additional amendments are under consideration with regard to matrimonial property); the Muslim Women's (Protection of Rights of Divorce) Act of 1986; the Domestic Violence Act; and the Supreme Court guidelines of Vishaka 1997 with regard to sexual harassment at the work place.

Large-scale labour migration in recent decades has brought to the fore the issue of portability of rights and entitlements. Migration is often a barrier to accessing these benefits, many of which are linked to place and

proof of official residence. The most tangible example of this problem is lack of access to subsidized food rations and other poverty alleviation schemes that require documentation of permanent residence. Food-

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ration cards under the Public Distribution System (PDS) are the single largest area of concern, because validity and enforceability of the card remains conditional on the cardholder's presence in their official place of residence.

The requirement for documentation to access welfare entitlements disproportionately affects women in a negative manner. Asset holding, official documentation and household identification in the name of women are still largely uncommon. Registering women-headed households and single-women households in the case of unmarried women and widows remains a struggle, which often means that such households are also left out of poverty alleviation schemes. In this context, for migrants, accessing food and other basic necessities is difficult and acts as a push towards debt incurred for consumption loans, bringing on further hardship.

Another important right internal migrants tend to lose out on is the exercise of their right to political franchise. Since voting is linked to residence and most migrants

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do not possess electoral cards in their destination areas, they are often not able to exercise their right to vote unless they are present in their place of origin at the time of elections. Furthermore, migrant communities are a low-priority constituency for those seeking elected office because of prevalent political ideologies and hostility from 'locals', with negative rhetoric often peaking at election time.

Women who migrate because of cross-regional marriages face additional vulnerabilities and barriers to accessing their civil rights and entitlements—as well as rights related to property, inheritance and children. To date official registration of legal forms of marriage across regions is not mandatory, despite a clause in CEDAW to this effect, with GOI exercising this as one of the points of reservation. The lack of rights endured by these women, combined with the hardships of being positioned far from their familiar communities, cultures and languages, leaves them more vulnerable, being open to additional pressures, domestic violence (a

growing trend in India), economic exploitation and poverty.

Indebtedness resulting from contract work featuring advanced payments of anywhere from 4,000 to 60,000 rupees (depending on sector of employment) made by recruitment agents to contracted migrant workers—money that is usually paid out and spent several months before the migration is undertaken—is another important facet of internal migration in India. Though the Supreme Court of India has ruled that such advance-based employment is a form of 'tied labour' and violates human rights provisions, a large part of

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migration within the country, including women's labour migration and the migration of entire families, continues to fall under this category of work. In the present study, 25% of women who migrated to rural destinations and 9% who migrated to urban areas stated they were not free to leave their employment due to being in such 'tied labour' agreements/arrangements. Those who seek or are involved in tied labour are vulnerable to exploitation by unscrupulous recruitment agents and usurious moneylenders. Such advance-based contract labour remains a marked feature of seasonal migrant work in India.

Conclusion

The design of data collection efforts on the part of Census and the NSSO has resulted in available data that does not allow for fully ascertaining the true scale and nature of internal migration within India with respect to temporary migration and more so of temporary and non-familial-related migration among women. Women migrants, who represent the majority of all internal migrants, are thus greatly under-represented in official government statistics with respect to their motivations for moving and economic activities at their destination. Unrecognized and invisibilized as they are, they suffer on account of their citizenship entitlements. Categorized as non-workers, these women suffer from lack of access to both civil rights and social benefits such as welfare entitlements and often find themselves in vulnerable situations.

Implications and recommendations

The current legislative framework for addressing the specific needs and vulnerabilities of all internal migrants is insufficient given the pervasiveness of internal migration within India and the persistent rural and urban poverty that drives it. This is especially true with respect to the growing number of women migrants, many of whom move for work or enter into work after they have migrated for familial reasons. There is a need to implement, amend and strengthen provisions of many of the existing laws, to provide for basic guarantees for the protection of human rights and dignity of all. For these reasons, the following recommendations are made to the Indian government:

1. *Improve design, collection and reporting efforts to allow for better data to provide a good basis for informed policy making and implementation at all levels of government.*

The operational definition of internal migration in both the Census and the NSS surveys, which is based on change of residence and lack of sufficient option to

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record reason for migration, fails to capture the complex reality. The data fails to record the magnitude, scale and types of movements occurring within India. Furthermore, the methodology for identifying 'reason for migration' in mono-causal terms needs re-visiting in view of its inability to capture the social reality and its built-in bias with regard to women, most of whom select familial reasons, thereby disguising and erasing the multiple causes underlying a large proportion of female migration in India. In fact, the present research shows that many women in India are involved in labour migration or enter the labour market after migrating for familial reasons. Official data design and collection efforts must allow for more accurate recording of all motivations driving the internal migration of women and of their economic activities once they have moved.

There is a need to expand the subset of questions in the Census or add supplementary questions so that the data can more accurately reflect the reality on the ground, particularly with respect to temporary migration and the internal migration of women. Though a separate category for short-term migrants and an additional question on temporary migration were added to the NSS migration survey in 2007-08, definitional weak-

nesses that exclude a large proportion of temporary migrants persist.

Secondly but just as importantly, there should be a thorough analysis and reporting of the improved statistics so that policy makers can craft legislation that truly responds to the reality of internal migration in India, through to the phase of implementation. The improved data should also be made publicly available, so that women's and labour organizations can be made more knowledgeable about the vulnerabilities, needs and experiences of the multitude of women who migrate within India for work and for marriage.

2. *Ensure equality of access to civil rights and social entitlements for migrants and non-migrants, paying particular attention to the challenges faced by migrant women.*

The problem surrounding the portability of rights and entitlements must be addressed if India's economic boom is to acquire any real meaning in the lives of the majority of the country's people, especially of migrants. The issue of portability of PDS food-ration cards, which double as documentation for other welfare schemes and entitlements, is critical. Official policy should allow for migrants to access subsidized rations close to their places of work rather than their residences, thus increasing portability. This would, in turn, open a route of access for migrants to other government-sponsored welfare schemes in their current place of residence, such as schemes that aim to increase hospitalized childbirth for women.

Secondly, there is a need to provide migrants with an opportunity to exercise their right to political franchise in destination communities. This can be accomplished through administrative planning and by involving local governance (Panchayati Raj) institutions. The linkages with these fora for democratic decision-making need to be strengthened so that they can play a crucial role in ensuring that migrants have better access to their franchise and other rights in destination areas.

For example, local authorities can maintain records of individuals or households that migrate and a register of individuals, agents and networks through which they move. This can be used as a basis for the provision of rights in migrants' place of relocation, help maintain a record of migrants and work to reduce the vulnerability of single women migrants.

3. *Prioritize the reduction of gendered vulnerabilities in the context of internal migration.*

Firstly, efforts must be made to address gender concerns at all levels in the conceptual frame of migration, labour and social policy-making. Given what the research shows with regard to why women migrate and

their economic activities after moving, it is no longer sufficient to work within a context where women are described merely as 'associational' or 'marriage' migrants. Indeed, women make up the vast majority of all internal migrants in India, and their numbers are growing. Future policies can only be effective following a paradigm shift from seeing women as wives to understanding women also as workers.

Secondly, the bias/social prejudice surrounding the registration of women-headed households must be overcome. This would allow for easier acquisition of the necessary documentation to access those civil rights and social entitlements that require proof of residence, and to improve the experiences of women migrants as they attempt to support themselves and their families.

Thirdly, the increase in the phenomenon of cross-regional marriages needs to be paid more attention.

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It is imperative that registration of legally recognized forms of marriages—a requirement of the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW), ratified by India in 1993—be made compulsory and implemented with some rigour. This would facilitate social recognition of cross-regional marriages and ensure the rights of women with regard to property, inheritance and children.

Due to their geographic positioning and varying cultures, women in cross-regional marriages are in need of additional support after migrating. Programmes to assist migrant women in accessing their rights and to stave off domestic abuse and other types of violence against women should be created.

