



Nepalese Women Domestic Workers in Delhi



Working Paper

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Preface

Over the years, and in particular during the recent standard-setting efforts, a rich body of literature has come up on the unique characteristics of domestic work as a phenomenon as it has evolved historically and as it exists in its contemporary forms. Most significant of the insights of this literature is the articulation of domestic work as nothing other than the commodification of household tasks performed by women, generation after generation. Mainstream economics does not consider women's engagements at home as 'productive work' and, therefore, it is not recognised as work in official economic and social policy documents. Challenging this patriarchal conception of work, women's movements and feminist literature have emphasised the social, economic and political value of 'reproductive tasks' undertaken by women. Simultaneously, women's movements have raised issues of the rights of women to be employed in those vocations considered productive and the exclusive domain of men, and the need for men to share household tasks relegated as women's exclusive domain. Though not much has happened in terms of men sharing responsibilities with women, women have entered areas of work hitherto undertaken only by men, or emerging areas of work, or as instances of emancipation of women from the drudgery of the kitchen. This 'increasing participation of women in the labour market', as it is usually put, and the reluctance of men to share household work results in a 'double burden' of work for women responsible both for their work in the office or factory and their household work which, in turn, required that household responsibilities be taken over by someone else. Mainly, two aspects of the 'reproductive work' of women in households have been commodified and have become possible as paid work, namely, care work addressing the physical and emotional needs of family members including husbands, children, sick and the elderly, etc. and 'dirty' work maintenance of the household, including cooking, washing, cleaning, etc.

The coincidence of the commodification of household tasks and their displacement to another set of people is the basis of the second unique characteristic of domestic work this 'other set of people' are also women. Domestic work is usually given as an example of the feminisation of work. In many countries, domestic work constitutes more than 15 per cent of women's employment and women constitute more than 90 per cent of domestic workers. However, what we see is not feminisation of work that was previously done by males, but the continuation of work done by women by other women, as poorly remunerated and protected wage work, within a framework of class, caste, religious, regional and ethnic divides, and with serious consequences for the capacity of these 'other women' to care for their own families or selves. Women who opt for domestic work in the households of the middle class and the rich in India are mostly women from impoverished peasant families or women, who have lost access to natural resource-based livelihood systems. As a result of this kind

of work, necessary care functions are cruelly denied to the family members of those, who provide those same services as paid service to others. In Delhi, a domestic worker revealed that she ties her two children to a cot while she is working in the homes of others because there is no one to watch over them and nowhere to take them, and no other way to ensure that they remain safe when alone at home. The resolution of a work-life imbalance for some leads to serious work-life deficits for others, and an overall reinforcement of a gendered division of labour in society.

Third, the commodification of unproductive and private household tasks has not translated into its recognition as 'work' and the possibility of its 'valuation'. Domestic workers remain under- enumerated or non-enumerated in national statistics. For instance, the National Sample Survey Organisation (NSSO) 2004–05 estimate of 4.75 million domestic workers in India is the number of workers employed in private households, which includes domestic workers, but does not exclude other categories of persons working in households. The 'invisibility' of domestic workers is not only because they work in private households but also because they are engaged in performing traditionally invisible, non-enumerated and unpaid tasks. In most states of India, domestic work is not included in the schedule of the Minimum Wages Act 1948, and even when included, domestic workers are not paid notified minimum wages. Domestic work is generally the option of those who do not have any other skill to enter labour market and are classified unskilled. In Delhi, domestic workers rarely get Rs. 5,272, the notified (w.e.f. 01 February 2010) monthly minimum wage for unskilled workers for eight hours of work or Rs 203 per day. Live-out domestic workers are paid according to tasks performed, but their payment never adds up to a daily wage of Rs 203. Non- recognition further results in the de jure and de facto partial or total exclusion from the protection of other labour laws, pertaining to working conditions, occupational safety and health, social security, right to bargain collectively, etc. With the normative and legal exclusion of the household as a place of work, enforcement too becomes impossible to achieve.

A fourth unique feature of domestic work is that domestic workers are overwhelmingly migrants, either migrating from low-income to high-income countries or within countries from impoverished regions to affluent regions. In Europe, the Gulf countries and the Middle East, the majority of domestic labourers today are migrant women from Asia. Similarly, high-income Asian countries receive a large number of women domestic workers from low-income Asian countries. The intensified female migration for domestic work in the context of the current phase of globalisation and uneven development has been variously designated as a 'global care chain', 'the new international reproductive labour' and a 'new domestic world order'. Such terminologies denote informal and institutionalised mechanisms and processes that facilitate movement of women for care work along power axes defined by gender, economic growth, race, ethnicity, colour and religion. The flow of migrants are regulated and controlled by private agents and contractors, as well as public policies, without the least consideration for basic rights of those who migrate. Often, a combination of a demand for domestic work and restrictions on mobility result in the trafficking of potential domestic workers, especially women and children. Many remain undocumented and are subject to the attendant risks of insecurity and criminalisation. Domestic work is among the most racialised and segregated

occupations. Racialisation happens when one group of workers are preferred or discriminated against, based on race, colour and ethnicity. Domestic workers from the low-income countries, who work in the high-income countries of Europe and the Gulf, are generally temporary migrant workers who do not enjoy the right to become permanent residents in their host country, to take up any other job in the labour market or to enjoy any social security benefits. A replica of this international 'global care chain' is seen within India, where women in large numbers migrate to urban households to perform domestic work mediated through well-entrenched but uncouth agents, and controlled and regulated by the unwelcome urban policies of the state. They enjoy abysmal housing and civic amenities, and are shunted from place to place, denied education for their children, often denied citizenship rights due to non-availability of identity proof and criminalised, often based on prejudices. Domestic work carried out in India in the private spaces of homes is an area where caste discrimination gets reinforced, though the issue has not come for public debate so far. Domestic tasks are not decided based on skill levels, but based on the caste of the worker. Preferences or rejection based on ethnicity, religion, colour and caste is a manifestation of prevailing racialisation of domestic work in India.

A fifth unique feature of domestic work is the relationship of the worker to the employer and the conditions in which they work, which qualifies domestic work as it currently is performed to be classified among the contemporary forms of slavery by the UN Special Rapporteur on Contemporary Forms of Slavery. Domestic work, in the form that exists today, has recently been recognised as a form of slavery by the Parliamentary Assembly of the European Council in its adoption of a recommendation on Domestic Slavery: Servitude, Au pairs and "Mail Order Brides" (1663/2004). In India, wives of bonded labourers were compelled to perform domestic work in the households of their masters although, in most cases, the kitchen was not accessible to them owing to caste considerations. Whereas such practices are not uncommon today in some parts of rural India, we have seen how it gets reinvented in the urban set-up.

In commodified domestic work, it is not the labour power of women that the employers are purchasing but the personhood of women the socially reproductive characteristics of women. Especially for live-in domestic workers, the surrender of their personhood to their masters makes them extremely vulnerable to severe physical and emotional exploitation, the slavery-like practices of the contemporary era. There is no limit to working hours for domestic workers, including night work. Wages are often an important tool of control of domestic workers. Payments in kind, inclusion of food and lodging as in-kind remuneration, non-payment or late payment of wages, extracting unpaid labour, etc., are widely used to control domestic workers. Domestic workers usually share their employers' houses as their place of residence, which is also their place of work, restricting mobility and any sense of privacy. Verbal abuse, physical abuse and torture leading to death are not uncommon. Domestic workers also face sexual harassment and abuse.

Such unique features of domestic work have acted as constraints in organising domestic workers, making this sector among the least organised. The lack of legal status, fear of loss of employment, fear of deportation if migrants, the inviolable privacy of households, the scattered nature of employment, long

working hours and having more than one employer are factors that make domestic workers often hesitant to speak up publicly and demonstrate. However, the spread of commodified domestic work and the intensity of exploitation have also offered opportunities for the development of innovative strategies to organise the workers, by providing them opportunities to interact, exchange views and discuss political issues.

The present study explores, through case studies, the nature and characteristics of domestic labour market for Nepalese women in India. The study points out that domestic work is the preferred job of Nepalese women who migrate to India. Absence of remunerative employment opportunities in rural Nepal compels women to migrate out. Growing urbanization in India, open border, cultural and linguistic similarities make India the primary destination for Nepalese migrants. However, low education and skill levels of women migrant workers makes domestic work their entry level job. Only few diversify their income by picking up homebased work, which is hard to come by. Recruitment is largely through informal and social networking channels; nevertheless, when agents are involved, close link between domestic work and trafficking is observed. Women are trafficked for sex work in India and abroad; in the latter case, India becoming a transit point in spite of ostensible hard border controls with regard to cross movement of women. A matter of serious concern is labour rights and human rights deficits the Nepalese domestic workers experience while in India, in spite of some preference for Nepalese women as domestic workers due to the colour of the skin in Indian caste ridden society and in spite of the guaranteed non-discrimination clauses in the Indo-Nepalese agreement. They are ghettoised, are denied civic amenities, fall easy prey to criminal charges and are looked down upon by the general public.

The study also comes at a time when the International Labour Organization (ILO) has taken the initiative to set standards for domestic work, a giant step towards the recognition of domestic work as work and domestic workers as workers by the international community. Hope governments of Nepal and India actively support the adoption of the Convention and follow it up with national legislation and bilateral agreements that recognise and articulate the entitlements of domestic workers.

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Chapter I

Introduction

The study intends to investigate two crucial situations — cross border migration and domestic work in India. Since domestic work in the Indian peninsula is mostly gender specific, it also addresses the issue of women. There are three assumptions with which the study begins:

First, an open border and loosely defined laws and regulations between Nepal and India entail considerable cross-border migrations from Nepal. (However, after migration the Nepalese workers have to live within the grip of fear. The question of their citizenship not only denies them basic civic rights, it also results in a certain degree of 'slavery' in case of domestic work). Secondly, in the labour market of domestic work, Nepalese women have a relative advantage — the identity of being a fair-skinned Hindu who is also a vulnerable migrant provides additional value. This suits the expectations of the Indian middle class which still values the medieval notions of purity and status in terms of caste and religion. The increasing proportion of Nepalese women in domestic work attests to this development. However, despite such advantages, Nepalese women end up in unequal exchange of labour value and are vulnerable to exploitation. Finally, India emerges as a transit point for Nepalese migrant women. After a short stay in India, a considerable number of them migrate or are trafficked to the Middle-East or Western countries. This triangle migration emerges more specifically in the case of Nepalese women domestic workers

This research attempts to understand the existence and extent of these issues and further explores how a small section within the Nepalese workforce can overcome its difficulties and address its issues collectively by being organized. Choosing a Nepalese Migrant Workers' organisation for observation, the study documents and investigates the lives of various workers attached with these organisations. Detailed case studies, collected with assistance of structured guidelines, enable us to reach a certain preliminary understanding on this issue.

Complexities of Domestic Work

Despite various attempts, the world of domestic workers still remains unexplored. Various studies on this subject have noted the complexities involved in this work. Defining domestic work itself is a challenging task to begin with. According to the ILO, the following describe a domestic helper/cleaner:

Domestic helpers and cleaners sweep, vacuum clean, wash and polish, take care of household linen, purchase household supplies, prepare food, serve meals and perform various other domestic duties. Tasks includes sweeping, vacuum cleaning, washing floors and furniture, or washing windows and other fixtures, b. washing, ironing and mending linen and other textiles, c. washing dishes, d. preparing, cooking and serving meals and refreshments, e.

purchasing food and various other commodities, f. performing related tasks, g. supervision of other workers.¹

While we appreciate the detailed depiction of domestic work by ILO, still one can observe its inadequacy. Actual domestic work goes beyond any such comprehension. For example, a domestic worker defines as one of her tasks, 'take the dog outside at 12.30PM and wash its anus if it has defecated'. According to Bridget Anderson, among the many tasks which have not been included in the ILO definition, the task of caring as performed by domestic workers is very important. Taking care of children, elderly, the sick and animals constitutes this task.² In the countryside of India under the feudal landlord system, domestic workers, mainly lower-caste women, even needed to breast-feed the children of their employers if needed.³ It gives an example of how domestic work moves beyond the categorisation of organized and unorganized work. Precisely in this context, it is argued that in the employment relations of domestic work, it is not just the labour power of the workers that is exchanged but the 'personhood'.⁴

Caste, Race and Domestic work

In recent times, the domestic work has evolved into a much more complex structure in rapidly industrialising countries such as India. The traditional role of women and lower caste people in domestic work has been restructured. The migration of domestic workers within and outside the country is increasing. In addition, there is also growing demand for domestic help. As middle-class women increasingly seek employment outside, liberating themselves from traditional homemaking tasks, more employment opportunities are created for domestic workers. Even if middle-class women are not employed, they still need domestic help. Scholars argue that the deployment of domestic workers promotes middle-class housewives as home manager. This managerial role places them in a relatively better position in the patriarchal system.

Traditionally, Indian lower castes were assigned the task of domestic help. In the countryside, lower castes were given all tasks other than cooking. They were not allowed inside the homes. But urbanisation necessitated and resulted in the breakdown of traditional taboos and allowed lower castes to work as domestic help inside houses. However, caste hierarchy and social rules are still maintained. Based on the caste of a worker, different tasks are assigned. Cleaning toilets is considered a dirty task within the domestic work and is generally meant for those on the lowest rungs of the caste structure. Cleaning other rooms and utensils is sometime separated from the task of cooking, again based on caste. There is also caste and age preference in the case of live-in domestic workers. Identifying the caste of domestic workers before they are employed for various tasks is a common phenomenon in India. This preference to particular castes and races differentiates domestic work from other work.

The issue of racialisation of domestic work has been discussed in the Western context. For example, domestic work in western countries was given to black women, many of whom were migrants. Similarly in India, Indian dalits were traditionally employed in domestic work. As discussed, the domestic work/workers were not a homogenous category; rather there were a lot of internal divisions based on caste. The increasing number of Nepalese woman in

domestic work is a recent phenomenon which is further connected with industrialisation and the racial and caste psychology of the Indian middle class.

Migration and Domestic work

As discussed, the demand for domestic workers has caused the movement of women from rural to urban areas and similarly from underdeveloped countries to developed or relatively developed countries. What with the tediousness of domestic work and the associated 'dirty' identity it carries, it becomes less preferred for native people and the urban poor who have access to other better income options. Studies indicate that migration for domestic work has been on the rise in the last few decades. In particular, the migration of single women for unskilled work has seen a significant increase. Migrant domestic workers are generally preferred by the employers since they have no hold in the migrated places. Many who migrate to other countries do not go through proper channels. This illegal migration status in many cases becomes an instrument of the worker's exploitation and puts the workers in harsh working and living condition. Many have to become live-in domestic worker due to illegal migration and the fact that they have no passports. Further, since the migrant workers have to live in alien cultural and lingual regions, they are coerced and subjected to extreme exploitation which often includes sexual abuse.

Trafficking and Domestic Work

Human trafficking is another aspect which is associated with domestic work but has not yet been studied systematically. Children and young girls are the major victims of trafficking. Being employed mainly in caring work, they are subject to abuse in various ways. They are bought at their home country, transferred to several intermediaries and finally sold to employers in alien regions. Trafficking earlier used to be generally high in case of sex and brothel work, but due to the demand for live-in domestic help in developed countries, trafficking domestic workers has increased in recent times. There are also cases where girls thus trafficked are used for both sex and domestic work.

Sex work and Domestic Work

Sex work and domestic work are connected in many ways. Generally, girls trafficked to brothel houses are forced to become fulltime sex workers, while for many domestic workers, sexually entertaining their masters becomes a part of domestic work. A number of sex workers are initially employed in domestic work before they are sent to various entertainment industries. For example, trafficked Nepali girls are employed in Delhi for domestic work for short period, till the time their forged passports are ready to send them to Gulf countries, where they can be employed either for domestic work or for sex work.

Slavery and Domestic Work

Illegal migration and trafficking bring the migrant workers to the situation of slavery, forced labour and servitude. Workers are forced to stay at the employer's house and made to work on call for 24 hours. Many are not paid, provided poor food and forced to live and sleep in unhygienic circumstances. Being physically and mentally harassed, these live-in domestic workers find no avenue to escape. Many thus happen to live in a life-long servitude. Withholding payment, stopping

communication with outsiders and family members in home country, hiding passports, use of violence and threats, etc. are certain ways which help employers to retain domestic workers within their house. Lack of any legal protection for domestic workers also benefits the employers. Slavery in domestic work is in practice not only with international migrant but also with migrant workers within a country, though the number of such cases may be less.

Research Problem

The aforesaid problems are common to domestic workers across the globe. The present research intends to bring the issues of Nepalese domestic women workers to the focus. Unlike the migrant workers in Western and Gulf countries, the issues of Nepali migrant workers in India are different. They don't need to hold a passport to enter this country. Further, the Nepalese share cultural and social life with the Indian Hindus. They speak Hindi, the widely spoken language of India. The question of illegal migrant status does not arise in case of Nepalese migrants in India since Indian laws give them equal status. However, these conditions give a wrong impression that Nepalese workers in India, in general, enjoy considerable freedom and are not subject to any extreme forms of exploitation.

In contradiction, various media reports reveal the trafficking of the Nepalese to India, the employment of Nepalese women and children as in-house domestic workers and all other associated issues as discussed above. Several Nepalese girls were rescued from brothels in Delhi. There were several incidents of Nepalese girls being trafficked to other countries via India. Delhi, in particular, emerges an important transit point in trafficking of Nepali women. The Indian draft bill of 'Domestic Workers (Registration Social security and Welfare) Act-2008 itself accepts stating 'it is also a known fact that many women and children are trafficked and exploited by placement agencies which operate openly without any form of restriction'. It also refers to the sexual exploitation of women by agents during transit, 'at the office of agency and at the work place in house of employers'.

Though the bill did not refer to any particular section of domestic workers, human trafficking in this case mainly is meant for Nepali workers. Among the neighbouring countries, Nepal is the origin of a higher number of people, most of whom are unskilled workers and a considerable numbers of whom are women. What one can also observe in recent times is the Nepalisation of domestic work in Indian metro cities. The proportion of Nepali women in Domestic work is increasing. Few reasons can be cited for this development. First, India is a rapidly industrialising neighbour to Nepal and Nepalese provide more cheap labour than Indians. Second, though they make up a majority of domestic workers, the Indian urban poor, a big source for domestic labour, prefers to look for work in other sectors than domestic work. Third, the caste-oriented mentality of the Indian middle class also contributes to the Nepalisation of domestic work. Fair-skinned Nepalese are preferred to Indian workers particularly, for in-house domestic help, caring work, and cooking, where Nepali women suit the expectations of Indian middle class households which measure their status also by the appearance of its domestic help!

Above all, the most important factor why Nepali women are preferred for

domestic work is the existing precariousness on their citizenship statues in India. As noted, though Indian agreements with Nepal provide equal status to Nepalese, in practice they are treated as illegal migrants. Many Nepalese are not ready to disclose their nationality due to fear of being tortured by police. This issue of citizenship disables them from accessing civic facilities such as rations card, schools, hospitals, etc. With growing industrialisation in India, the cheap labour of Nepalese workers plays a very significant role but their own living standards have deteriorated considerably.

Structure and Methodology of the Study

The main objective of this research is to study the hypothesis proposed at the beginning. It is the first stage of an ongoing research wherein achieving a preliminary understanding on these issues is attempted. It is being carried out at two levels— a. Systematic Review of existing literature on Nepali workers in India and b. Documenting the Lives of Nepali women Domestic Workers, in association with a Nepali workers' organisation in Delhi, namely MINA and the further study of how far their association with MINA has improved their living.

Chapter-2 Systematic Review. All relevant literature has been collected and analyzed. This review explores the objectives, methodology and findings of these studies. Since there is no literature exclusively on Nepali women domestic workers, studies on Nepali workers in general have been taken for review. The review focuses on three aspects a. Living conditions of the Nepali workers in India b. Migratory process and channels and c. Issues of Nepali women domestic workers and trafficking.

The findings of the Systematic Review help us analyse the living standards of Nepali domestic women workers of who are members of MINA and compare them with that of those unassociated with any workers' organisation. Reaching out live-in domestic workers becomes virtually impossible in countries like India; any understanding on this highly exploited section needs to be gained mainly from newspaper reports on police actions and the details collected from workers who are accessible to the researchers.

Chapter-3 attempts this task. At this preliminary analysis certain focused questions have been identified and they were analysed according to details provided by the workers. As the study progressed further, it was decided to keep in touch with these workers and to collect required information at different levels. Since workers were reluctant to speak about various crucial aspects, sexual exploitation by employers and agents in case of live-in domestic worker, the complete story of these workers is yet to be gained. It can be done only through long time interaction with workers. Therefore at this stage, the research focuses mainly on identifying/confirming issues.

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1. ILO International Standard Classification of Occupations Geneva 1990
 2. Brideget Anderson, *Doing the Dirty Work? The Global Politics of Domestic Labour*, Zed Books, London and New York, 2000, p.16
 3. Viramma, Josiane Racine, and Jean-Luc Racine, *Viramma—life of a Dalit*, Social Science Press, New Delhi, 1997, p.125
 4. Ibid

Chapter-2

Studies on Nepalese Workers in India - A Systematic Review

This chapter undertakes a Systematic Review of relevant literature. Considering the main objectives, three categories of literature are analyzed—literature on (a) Migration of Nepalese workers and Indian State Policies (b) working and living condition of Nepalese workers in India (c) Migration of Nepalese women domestic workers and trafficking. The analysis focuses on major findings of these studies/reports and thus attempts to evolve a certain level of understanding with the help of the existing literature.

I. Migration of Nepalese workers, Government Policies and implementation

Policies are in theory not in practice: The precarious condition of Nepali migrants and the fear of Citizenship have been empirically analyzed by Raju Bhattarai in his *Open Borders, Closed citizenship: Nepali Labour Migration in Delhi*.⁵ Bhattarai studies the extent to which the 1950 treaty of peace and Friendship between Nepal and India is respected and the benefits for Nepali migrants in Delhi. As already discussed, per the treaty, the citizens of Nepal can enter, reside, work and access other services including schooling and health in India without a visa. It further provides that ‘in the matter of residence, ownership of property, participation in trade and commerce, movement and the privileges of a similar nature’, the Nepali migrants in India are entitled to the same privileges as Indian Nationals. Therefore, except the right to vote, the Nepalese should get the benefits of all other rights.

Bhattarai explores the actual implementation of the treaty and the ground reality. His interviews with workers conducted between 2003 and 2006 reveal the harsh life of Nepali migrants in Delhi. The migrants are categorised into two: long term residents and new arrivals. Of these, the study concludes, the latter are subjected to vulnerability and various sorts of exploitations. Migrants of this category are involved in low-income work such as domestic work and working as watchmen. They are treated by Indian states as right-less and non-citizens, they undergo police harassment and are looked upon as criminals by local residents. The labour exploitation and abuse is high in the case of these workers, and their complaints are not accepted by Indian authorities. They also face problems while crossing the border due to their ignorance of rules and the law. At the border, the treatment by the police itself creates an inherent fear that stays permanently with them, facilitating a space for exploitation. They have been tortured by the police for bribes. Precisely due to this situation, many Nepalese are afraid of disclosing their identity. In North-Eastern states like Assam, there have been frequent attacks on Nepali migrants. This also creates the uncertainty among Nepalese living in other parts of India that anything may happen to them at anytime.⁶

The findings of Bhattarai’s study are very important to understand domestic work

and slavery in case of Nepali migrants. Fear factor due to illegal migrant status is understood as an important cause for extreme exploitation of domestic workers across the globe. However, it has not been studied in case of Nepali migrant workers in India, because they were more or less treated equal with the natives according to law. But Bhattarai's observation proves that the condition of Nepali migrant workers in India, by and large, is the same as that of other countries.

Authorities' Offensive: The migrant-raping police. A newspaper report endorses one of Bhattarai's findings about how Nepali migrants are harassed by Indian police at the border. According to the report, two constables of Gorakhpur Cops sexually abused two 'held' Nepali girls. The cops held 5 girls and 3 boys in a room and sexually exploited 'some of the girls', the report says.⁷ While we need strict monitoring at border to stop human trafficking, innocent migrants often fall into the hands of tainted authorities, leading to severe human right violations. So the question is, how far are the security forces are efficient enough to control trafficking?

Procurer-pimp-police network: This can be understood from a report published in The Outlook magazine. It informs about the prevalence of a 'procurer-pimp-police network and connections. According to this report trafficking girls from Nepal to India is less risky than smuggling narcotics and electronic equipments. 'Traffickers ferry large groups of girls at a time without the hassle of paperwork or threats of police checks' due to the larger network with Indian police.⁸ Though one cannot generalize it, the extent of human rights violations is evident from various similar reports.

How safe is India for a Nepali migrant? Researches which were undertaken in order to study whether India would be a safe place for Nepali migrants who migrate in large-scale due to local insurgence (Maoist insurgence problems) came out with a negative opinion about Indian policies towards the Nepalese. For example, the Australian government's Refugee Review Tribunal has interviewed Raju Bhattarai for its country advice report to Nepal. In responding to a question 'do the Indian authorities respect the friendship treaty between India and Nepal', Bhattarai has opined that 'there were lots of cases where the treaty has been exploited. Even after 60 years of the treaty the senior police officers do not respect the treaty and many do not know about the friendship treaty between India and Nepal'. When asked what problems might be faced by Nepalese who relocate to India, Bhattarai restates, 'problems start from the Nepal-India border. While crossing the border, these migrants have to face lots of problems because of their ignorance of the laws and rules regarding the border. The custom authorities and police at the border trouble these people in different ways, so that they can collect bribe from the migrants'.⁹

Nepalese cannot be refugees in India: While India and Nepal friendship treaty, (even if it is not respected), is advantageous for the Nepalese migrants, it also prevents them from being given the special status of refugees. The civil war between the State of Nepal and the Maoists has been one of the important pushing factors for Nepali migration. Since there is no legal hurdle (at least in theory) in entering India, and since they are supposed to be treated at par with Indian citizens, the Nepalese cannot avail any special assistance from the State. In this regard, a study conducted by UN concludes 'Nepalis who have fled to India in search of asylum do not come under the mandate of the Office of the UN

High Commissioner for Refugees (UNHCR) because the Government of India insists that the 1950 Indo-Nepal treaty accords Nepali residents in India the same rights as Indians and therefore they do not qualify as refugees'. It further reads, 'the Nepalis in India appear to lack organisation and to be ignorant about the labour rights entitled to the community, such as fair wages and compensation in case of death or injury. This fragmentation and lack of awareness among the Nepali community is in stark contrast to the knowledge about rights and opportunities possessed by nationals of some of the other countries who have fled to India to escape conflict, such as the Burmese'¹⁰

II. Working and Living conditions of Nepalese workers:

Though the proportion of Nepalese in Indian working force is increasing, only a few attempts have been made to study the working and living conditions of Nepali workers. Nepalese in India work in various sectors, mainly unorganized, including security service, domestic work, entertainment and sex industry, garment factories, etc. However, conducting research with domestic and sex workers becomes very difficult as meeting these workers is virtually impossible for researchers. Newspaper reports, news about police raids, stories of escaped workers, experiences of retired sex workers (due to HIV), etc. help us to understand and estimate the harsh conditions and exploitation of these workers.

Nepali watchmen live a miserable life in Delhi. Systematic work on living and working conditions of Nepali workers comes once again from the afore-mentioned Bhattarai's study. Bhattarai drew his conclusion after analysing the working and living conditions of Nepali watchmen in Delhi. In addition to his comments on policies, Bhattarai makes the following statement with regard to the living condition of Nepali watchmen: 'The work of a watchman is covered neither under the organised sector nor under the unorganised sector by Acts or Bills in India, because there is no employee to employer relationship in this kind of job. Specially because they have no work contract with any person or body, they are vulnerable to the violation of their labour and human rights'. Bhattarai further points out that Nepali workers cannot even open a bank account in India since they are not issued a ration card. Thus, they have very marginal negotiating power.¹¹

No school for children of Nepali migrants

The lack of documents like ration cards and bank accounts and its consequences has been once again reported by Kavitha. The report emphasises on the fact that due to the absence of proper documents, the children of Nepali migrants are not admitted in schools. 'The 1950 Peace and Friendship treaty allows Nepalese free access to Indian government schools, provided they have the correct documentation. However, for many migrants, it is difficult to obtain papers, especially since no documents are needed to cross into India. Without documentation, the Nepalese have no choice but to pay for their children's education in private schools or keep their children out of school. Lack of documentation also hinders Nepalese from opening bank accounts in India which would make the process of remitting money to Nepal much simpler. In the absence of access to bank accounts, the Nepalese have no choice but to send money via people travelling to and from Nepal. Many of these couriers become the victims of extortion at the hands of petty border officials and guards'.¹²

While India is not providing any basic civic amenities to Nepalese, cheap labour exploited from Nepalese migrants is central to the growing industrial economy of India. Sectors like hotels, the entertainment industry, the garment industry and dairy production have benefited from cheap Nepalese labour. While minimum wages, long working hours and other benefits are an issue for all workers, Indian and Nepalese, living becomes very difficult for the latter since they do not get any benefit from the state such as ration cards or health services.

III. Migration of Nepali women Domestic Workers and Trafficking

Researches with specific focus on Nepalese domestic women workers are few, if not totally absent. However, the migration of Nepalese women and their recruitment as domestic workers in various Middle East countries has benefited from considerable attention from researchers. With regards to trafficking, various Non-Governmental Organisations working on Health-HIV issues and Human Trafficking for sex work have produced a number of reports which indicate the enormity of the issue. There are also several News paper reports that deal with police raids to rescue in-house Nepali domestic workers and to reduce trafficking of Nepali women from India to Gulf countries, etc.

It is stated that from the '1950s to the 1970s the movement of migrant labourers from Nepal to India was limited only to men but in the last 20 years this trend has been changing, and Nepal has become a major exporter of Nepali girls to India, the Middle East and elsewhere'.¹³

Nepalese Girls in Indian Brothels

The Nepalese are also largely found in the entertainment sector. According to studies more than 40 per cent of 484 prostituted girls rescued from Mumbai brothels were from Nepal (1996). Approximately 50,000 or half of the women in prostitution in Mumbai are trafficked from Nepal. The brothels of India hold around 1 to 1.6 lakh Nepalese women and girls. One brothel in Mumbai has only Nepalese women. Between 2 and 2.5 lakh Nepalese women are already in Indian brothels.

Sex work and Child Trafficking

Trafficking of girl children has been widely reported. According to estimates, between 5,000 and 7,000 Nepalese girls are trafficked into red light districts in Indian cities every year. Many of the girls are barely 9 or 10 years old. The report further reads, 'the girls are sold by poor parents, tricked into fraudulent marriages, or promised employment in towns only to find themselves in Hindustan's brothels. They're locked up for days, starved, beaten, and burned with cigarettes until they learn how to service up to 25 clients a day. Some girls go through 'training' before being initiated into prostitution, which can include constant exposure to pornographic films, tutorials in how to 'please' customers and repeated rapes".¹⁴

There are also several other reports in this regard giving fact and figures of trafficking Nepali girls.

- a. The trafficking of girls from Nepal into India for the purpose of

prostitution is probably the busiest 'slave traffic' of its kind anywhere in the world.¹⁵

- b. In Nepal, trafficking has become a highly profitable business, with high profile political connections. Nepali, Bangladeshi and Pakistani women are trafficked to India and through India trafficked to Eastern Europe and Saudi Arabia.¹⁶
- c. More than 9,000 girls are trafficked each year from Nepal and Bangladesh into bondage in India and Pakistan, often with the acquiescence or cooperation of state officials.¹⁷
- d. Around 10,000 Nepalese girls, most between the age of nine and 16, are sold to brothels in India every year.¹⁸
- e. 7,000 Nepalese women and girls are trafficked for prostitution to the Asia Pacific area.¹⁹
- f. 5,000 Nepalese women are trafficked into India yearly. There are now 100,000 Nepalese women in India in prostitution.²⁰
- g. More than 200,000 Nepalese girls are involved in the Indian sex trade.²¹
- h. Nepalese women who are trafficked and prostituted in debt bondage in India's sex industry are forced to work longer hours and have more clients than local women.²²

Prostitute and Domestic Labourers

How far are sex work and domestic work connected? As discussed in previous chapter the connection between domestic work and sex work has not yet been adequately established. Domestic workers may also be used for sexual entertainment. These workers may be differentiated from the full time sex workers of brothel houses. Many in-house domestic workers' duties also involve 'entertaining' their masters.

Though the aforesaid report did not reveal whether or not these girls were sexually exploited by their masters, a brief report by Prativa Subedi discusses how, traditionally, Nepali girls were trafficked for the combined purpose of domestic work and sexual entertainment in Nepal. According to the report, 'the process of trafficking girls and women in Nepal has been evolving from traditional times. Long ago, girls were brought from different parts of the country to the palaces and wealthy houses of Kathmandu to serve as attendants and cooks. Many were used as objects of recreation and sexual pleasure. Although in a different form, this process continues today as girls and women from Nepali villages are trafficked to cities in India and elsewhere to work as prostitutes and labourers.'²³

Doing domestic work before being trafficked to Dubai

The connection between domestic work and sex-work can be further understood by Newspaper reports. The reports quote police statements. Five Nepali girls, including two minors, were rescued from the captivity of two Nepali nationals in South Delhi. The girls were brought to the capital via Patan by a woman on promise of employment. However, from the time they arrived they were confined to a house in Julaina in South Delhi. According to the police, 'the girls were

supposed to be either employed as domestic help or were to be sold abroad'.²⁴

Delhi as a Transit Point

what is emerging from the analysis of above reports is that Delhi is one of the transit points for Nepali migrants to Middle East countries. It is also a place for various human trafficking groups. Trafficking seems to be a long process; during this time the Nepali girls are assigned different tasks, primarily domestic work. A news item reported in September 2009 bears this theory out. It reports the rescue of four Nepali women, in their 20s, who were being taken to be sold in the Gulf. Kashidi Miyan, who was arrested, in this case, 'confessed he lured the four women, who are in their early 20s, on the pretext of providing them high-income jobs in Delhi. He admitted that as per the plan, the women were to be sold to some clients from Kuwait'.²⁵

Similarly, a woman from Nepal has been arrested for running a human trafficking network in Delhi. She had been supplying young Nepali girls to a placement agency based in Kuwait before she was arrested by Delhi police. An investigation about forged passports being carried by two Nepali girls led to the arrest of the women. According to the report, the police also recovered 'several incriminating documents including forged nationality-cum-character authentication certificates and a stamp of Nepal's home ministry from her'.²⁶

Employment Agencies and Trafficking

The main channel of trafficking is through employment agencies which are located in India and Nepal. Since there is no proper mechanism to monitor the functioning of these agencies, they find trafficking an easy way to make money. It is reported that there are 150 such agencies in Nepal. Of these, many are involved in trafficking. 'These organisations send unskilled labourers to countries in the Middle-East and other parts of the world, but often it is just a cover up for supplying Nepali girls into prostitution.'²⁷

Prativa Subedi analyses the economic benefits that Nepal receives from its nationals who have migrated to different countries. According to her, Nepal encourages migration since the country receives huge amounts as remittances from the poor migrants. Subedi writes, 'the economic 'contribution' of trafficking is no small thing. According to the IOM, the million people who are smuggled and trafficked around the world each year generate about 5-7 billion dollars annually. According to recent estimates of the International Monetary Fund, migrant workers remittances accounted for 77 billion dollars, second only to world petroleum. Knowing this financial contribution of migrant workers, the Nepalese government is encouraging young people to go to foreign countries to find work instead of creating more jobs in the country'.

Conclusion

Scattered information gleaned from various reports as reviewed above indicate the multitude of issues associated with Nepali migrants in Delhi. Trafficking, sex work, slavery in domestic work, labour exploitations, police repression, etc. are all interlinked with one another in case of Nepali migrants. When one studies the condition of Nepali domestic workers in India, s/he must look at these aspects as well.

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Chapter-3

Preliminary Analysis of Case Studies

Introduction

What emerging concretely from the previous chapter are: 1. various factors force Nepali workers to work as illegal migrants in India. As a result, they are forced to accept the harsh-condition imposed on them. It leads to extreme labour-rights violations 2. Domestic workers and Sex-workers are more vulnerable among the Nepali migrants in India. 3. Human trafficking is mainly associated with these two categories of workers. 4. Though the issues of Nepali Domestic workers and Sex-workers are different, a small section within the Nepali Domestic workers is forced for both the work. Many of them are in-house domestic workers 5. Delhi is important transit point in trafficking Nepali women for domestic and sex work in Middle-East countries.

As stated elsewhere, at this level, the research find difficult to reach the most vulnerable sections within the Nepali work-force viz., 1.live-in domestic workers, 2.live-in child workers 3.live-in sex-domestic workers. Various issues discussed in previous chapter are generally associated with these workers. In this chapter, we take up cases of more accessible Nepali workers, who are 'relatively better-off' and active participants of a Nepali Migrant Association called MINA. While our interaction with this section indicates the 'relative' advantages of being organized, it also testifies the precarious condition of most invisible of sections of Nepali migrant workers. And thus helps us to develop certain extent of understanding on this subject.

MINA

It is a social organisation of Nepali Migrant workers, engaged in community education (with focus on adult education) and creating awareness among the Nepali migrants in Delhi. MINA helps Nepali migrants to stand up and be self reliant and its activities are framed towards these objectives. Having hierarchical organisational structure viz., Prarambhik Samiti, Nagar Samiti, Rajya Samiti, they conduct awareness raising classes at different clusters. In addition, they also have their monthly periodical meetings to provide a platform for migrants to express and share their experience with others.

The structure of the organisation is as follows: Forty Prarambhit Samiti, eleven Nagar Samiti (Dakshin Delhi, Dakshin Paschim, Paschal – Hari nagar, Uttar Dilli, Mukherjee Nagar, Uttar Dilli B – Rohini Badli, Uttar Paschim – Nagloi, Bahri Dilli – Uttam Nagar, Sagarpur, Madhya Dilli – Karol Bagh, Madhya Paschim – Moti Nagar, Madhya Poorvi – Dariya Ganj, Okhla) and a Rajya Samiti. According to Tika Ramji (MINA), 'once the people become members of the organisation – people know that they cannot be taken for granted. People will not misuse them – people will say that 'yeh sangathan ka aadmi hai, iske saath nahin peena.' Dar hai isliye hi sangathan aage badh pata hai'.

Following is a statement of a Nepali domestic worker. Durga is very active in MINA. She seems to be well aware of various issues associated with Nepali workers. Many from her husband's side are living in India for longer periods. Further, as we understand from the statement, her awareness about labour rights, long experience in domestic work and regular participation in organisational activities helped her to achieve ascertain living in Delhi. She speaks about divergent issues—conditions in Nepal, Delhi and abroad.

Case study of Durga

(Hari Nagar, Delhi)

Nepalese in General

Nepalese used come to India in large number. Now fewer people are coming to India, due to lack of opportunities. Nepalese these days prefer to go to Saudi Arabia. Anyone who has completed education till 10th goes outside for work. Majority of women who go abroad are illiterate. They mainly go for domestic work. They earn around Rs. 6000 to Rs. 8000 per month. Even though the people know that they will be stuck there, still they are ready to take the risks. Women know of the atrocities which domestic workers are subjected to yet they go outside for domestic work. Men go outside to work mostly in companies, as gardeners, as water suppliers and so on. But the income is not much.

There was a time when people going abroad were literally worshipped. The crowd would gather at the house of the person once he returned. People would worship him, touch his feet. But now the situation is different, everyone goes to a foreign country for a job. If you go to a rural village in Nepal there will be not a single man at home. They all work abroad. Earlier agriculture was the major occupation in Nepal. Wheat, rice crop, corn, and vegetables were cultivated.

India as a Transit Country

My elder brother in law's daughter has gone to Kuwait. She was eighteen years old when she left. She went five years ago and now she has come to India with a return ticket for Kuwait. She is here for a 6 months leave. But she says she will not go back anymore. She went through an agent. The agent was a lady and took 1 lakh as fees. She went to Mumbai and from there she went to Kuwait. She was trying to come home after two years itself but was not being allowed and only after five years did she come back home. She used to call home from Kuwait and would express her desire to come back home but was simply not able to come. The agent has nothing to do once the employee reaches Kuwait.

Agent

This agent is from Nepal. She married twice. The first husband had T.B and so she left him. Due to the situation in the family she was asked to go to India and work. She came to work in India but here she married a Hindu from Mumbai. Now her husband is abroad and she is staying in Nepal. She has her own house. The guy whom she married has another wife in Mumbai. People do anything in the

name of going abroad. Whatever the agent demands he is given, people borrow the money and then send their daughters outside no matter what they have to do.

Everything is pre decided from here itself. The employer at Kuwait comes to pick up the prospective employee at the airport in a car. The employee is made to wear a placard around the neck on which the details of the employer is written, name and photo of the employer, name and photo of the employee and number of the car in which the employer comes to pick up the employee. Once they reach there they have to submit their passport to the employer due to which they becomes bonded slaves. They cannot go out of the country without the permission of the employer as he has the passport. They only allow the employee to go after a period of two years. Before that they are not allowed to leave, whether male or female. In fact if the employer wants to extend the visa he calls the Nepalese government from Kuwait and he gets it done without any difficulty. They cannot do anything because there is a risk of getting killed also. Nobody will even get to know if one gets killed in another country. So nobody raises their voice and they do whatever they are asked to do. Due to their sorry condition they are forced to compromise with the situation.

Condition of Women and Men employed in countries other than India - Saudi Arabia, Dubai and Malaysia

The way the salary is given to women in Muslim countries is not good at all. I have heard so many cases where they are first sexually exploited and then given their salary. It is better to work in domestic houses in India than to go outside. You never know if one will live or die [in Saudi Arabia, Dubai and Malaysia]. There are so many cases of sexual harassment.

There is also the case of my neighbour who has three girls. The three girls as well as the mother used to work as domestic maids. Their father went to Kuwait to work for two years and asked one guy to take care of his family. They have their home in Mehrauli, Delhi. The younger daughter was influenced by that guy. The girl fell for him so much so that she even forgot her own family. She refused to see them or listen to them. She was made to eat something because of which she went against her own family members and married that guy, who was already married. Then her mother went to Nepal and met a pundit who gave her some remedy and asked her to make the daughter eat that. That woman came to India and gave her daughter the remedy. Subsequently, the girl left the guy. Realizing that nobody would marry her, she decided to become independent and do a job.

She went to Dubai after giving one lakh to an agent. It happened very recently, just days back. There, she was forced into the sex trade. She was made to do all the wrong things (sic) for 8 to 10 days, after which she was killed. Her mother was devastated. The girl went to work as a domestic worker but was forced into something else completely. The person who got her this job is in jail in Kuwait.

Incidences of this sort have become frequent. It is so scary I cannot even think about it. People yearn to go outside; for that they do anything. In the name of going abroad these people give any amount demanded. The agent arranges everything, including their passport, their job and their trip to the destination country.

My sister's son also went to Malaysia. He went there and he got stuck. One of my relatives' sons also went to Saudi Arabia to work as a gardener.

My elder brother in laws son is also abroad. He delivers water to every household. They gave Rs. 90,000 to the agent. He is earning Rs.6,000 to Rs.7,000. They do not earn more than that. I do not understand the point of going out for such little salary. He was not even allowed to get back at the time of his mother's death. The advantage of staying in India is that if there is any emergency one can easily go to Nepal from India. But that is not possible if somebody goes outside.

People still prefer sending their children outside. They come after two to three years and they are given lot of importance as they would have returned after a long time. We go twice or thrice a year and that is why we do not get acknowledged. The money earned is the same. In fact they have to go through torture for their earning.

India- it needs to be developed more

Nepalese men in India work mostly in companies as guards. They get paid around Rs. 2,000 to Rs. 3,000. Those who work in houses get paid according to the work they do. But they do not get paid much. Nepalese are scattered all over India. A large number of them stay in Darjeeling, Arunachal Pradesh, in the South and in Delhi. Nepalese in Delhi usually stay in areas of Uttam Nagar, Dhaula Kuan, Vasant Kunj, Vasant Vihar and Mehrauli.

Many come through family relatives or somebody they know from their village. Women were not allowed to come alone earlier as there were chances of them getting dragged into the sex industry. Earlier, girls who were unmarried would come to India but now they mostly come after marriage or with their family.

People in Nepal do not earn much as the only source of income for them is agriculture. People who come here for work do not get employed easily. They have to find about jobs through relatives. They start with menial jobs and slowly they get to know about other jobs. For the first six months, people usually do not do anything. Men find jobs more easily as compared to women.

People in Nepal also speak Hindi, because of widespread access to television in Nepal. In fact, everybody understands Hindi. Even elderly people speak Hindi and understand it well. The influence is so much that the villages have become like India. They only see Bollywood movies and programs. Nobody watches Nepali movies any more. But there are different dialects back home as well. Some dialects I too do not understand. Most of those who come here from Nepal are from villages.

There are large numbers of Nepalese in India but that does not guarantee any help from the Government of Nepal. The treatment meted out to Nepalese is not very good. We are treated worse than the lower caste people here. We do not get any help from the government. Ration cards are also so difficult to obtain. There are people who wanted to renew their ration cards but they were unable to do so. In fact, while renewing their ration cards, some of their ration cards were cancelled.

Nepalese from Darjeeling do not work in companies or in similar jobs but are into

prostitution. Girls leave the house pretending to go to college but are involved in other activities.

Interaction with Indian Domestic Workers

In one of the house where I cook, I have a Punjabi employer. One lady who works there is from Uttar Pradesh. She is very innocent. She is slightly deaf and due to that, she is paid less. She does the house cleaning, washing utensils, sweeping and mopping and yet is paid the meagre amount of Rs. 300. The house is very big. I told her so many times that she was working for very little money. People try to take advantage of the fact that she is very innocent. So I advised her that she should not come to work for two to three days. I even told the landlord jokingly one day, 'Why are you inviting curses from the poor? You should not take advantage of them.'

Personal Details

I came to Delhi after marriage. My husband used to work in a company at Mayapuri. We used to stay on the company premises for six months. My husband has two more brothers and they also used to work in the same company. I could not even go out of my house as the workers would be there. So we had to change our house. There, we brought a dry cleaning machine and hired one guy to help us. That man and I would do the job but somebody in the company complained about that and as a result the manager started creating problems for us. This was further aggravated when the boss even sent company goons to hit my husband. They threatened us so many times. But the people in the locality were really good and they helped us in times of need. These neighbours were from Bihar and Uttar Pradesh and though they are not perceived very well by everyone, they were very nice to us. In fact there were times when the manager threatened us that he would send goons to our house. When I told my neighbours this, they promised their support. They all took out knives and waited for his men to come. When the goons came, they saw this and went back without doing anything. My husband was to contest election from the union. But later on he stepped down. The manager was so bad that he refused to sign our provident fund and refused to give us our dues of Rs.50,000. We had asked the union to settle the issue, giving them Rs. 5000. We left that place and then came here (Hari Nagar).

My husband had also got the offer to work in Malaysia but I stopped him. He learned driving, got his license made and took the job of a driver. We earn well here, so what is the point in going out and working outside India? There is no point in paying so much money to the agent.

My father in law was in the Indian army. He has four sons and four daughters. One son stayed back home and three are here in India. After his retirement, he got 12 lakhs for bravery and his contributions during the time of India's Independence. He used to get a pension of Rs 30,000 as well. He would stay with his daughter. He told me that he would give the money to his daughters. But after he passed away his money was sent to Nepal and divided amongst the brothers and sisters. The four brothers got Rs.1, 50,000 each, the daughters Rs. 80,000 each. The nephews were given Rs. 2,000 and the nieces were given Rs. 1,000 each.

Even my own father was in the army. Many of my relatives were in the army. Even

my father's elder brother was in the army. In those times, the term Bahadur was very famous.

Education of Children

Both my daughters are in government school. The advantages of that are many. We get money for the enrolment of girls into school. After they complete their tenth, they get 1 lakh from the Ladli Laxmi scheme. The bank accounts have been opened for all children by the school. Those who pass the 12th class will be entitled to that money.

The teachers are not very good though. The elder one goes to three tuition classes. Each charges Rs. 500 per month. The younger one goes takes two tuition classes. Therefore, I have to work really hard to educate my children.

Domestic Work

Why does she only cook in houses? Is there any segregation? Any caste discrimination?

I cook for six houses. I leave at 8 in the morning and come back in the afternoon at three. I work like a machine, continuously. I get up early in the morning, cook food for my children and husband, fill water, wash clothes and then go for work. I sometimes do not even have my breakfast and leave for work without food. I recently left working in one house, earlier it was seven.

Pen Assembly - apart from domestic work

The pens we make are exported to America. They are of good quality and are disposable. They are in high demand in America. There is a chain of work; different contractors have different tasks. One contractor brings the pen to be assembled. The contractor engages people in the locality to put refills inside the body of the pen and punching it once with the machine. Each packet has 3,000 pens and we get paid Rs. 80 per packet, while the contractor gets Rs. 300 per packet. After the task is completed, the contractor gives the packets to the company. Putting the cap on the pens is a different task which is given to a different contractor.

The contractor from whom I take these pens is a Punjabi and if the work is not done properly, she insults us in front of everyone. We have to be very careful with the task. Sometimes she returns the entire packet and asks us to redo it. So I make sure that the task is done properly. But this lady is happy with my work and often asks me to become the contractor and offers to introduce me to the company people. She says that I am very hard working and should be rid of this task. I would have to pay Rs. 50,000 to the company people initially. But due to the lack of storage space in my house, I am unable to take up this work. There are around 600 women, Nepalis and Indians, in this locality doing this job. There is no dearth of people who want to do this job. I easily earn around Rs. 10,000 to Rs. 12,000 a month doing this. So there is no need for me to go out anywhere in search of a job. But the only reason I work so hard is to meet the educational expenses of my children. Everything is becoming very expensive today. My husband also helps me out with this. We stay up to 1:30 AM to finish the work, then get up in the morning to do the remaining work as we have to finish it in time.

However, my children do not regularly help us. I have been doing this job for the last six years now.

Durga's Sister

My brother-in-law works in a company on Hyderabad; a good company but I do not know its name. He works there as a guard. He gets paid Rs. 8,000 per month. My sister does not work. They have been staying there ever since my sister got married. Her husband was working there before they got married. There are many people from our village there and therefore it was not difficult for him to find a job. Of late, they are facing problems in their personal life. One man from the village who was her husband's acquaintance got him into trouble. This man used to drink and eat at various places without paying money and as a result incurred huge debts of around Rs. 65,000. This man ran away from Hyderabad. The people whom the man owed money are now after my brother-in-law as he was his acquaintance. People come daily and threaten him to pay back their money but he does not have it and moreover he is not the one who should be repaying somebody else's debt. One person came to their house and took their television and their DVD player in lieu of the money that the man owed my brother-in-law.

We tried to trace this man and finally located him in Chennai. My husband went to Chennai to trace him. He told my husband that my sister's family should also leave the place so that nobody harasses them. My husband planned to get him along with him but he ran away in the morning again. I have been asking my sister and her husband to come to Delhi as there is nothing left for them in Hyderabad. He can earn here too.

My sister's daughter, Anita, is also going to stay with us to pursue her studies in the second standard. Her parents stay in Hyderabad. But there was a complication when I went to get her admitted in the government school. The teacher asked me to get an affidavit made from Tees Hazari Court; I argued with her that for the admission of my children I never went to Tees Hazari. However the teacher refused to listen. I even told her that I would get permission from the vidhayak but she refused to listen. One of my employers' also said that there was no affidavit required.

Durga's words indicate the emerging migration trend. Income from the work abroad becomes vital for many poverty-driven agricultural families of Nepal. Women's migration is an emerging trend. Further, many of these migrations, especially to the Middle East happen through India. The duration of stay in India varies from six months to several years. Since the workers happened to live under virtual dependency on agents who promise them jobs abroad, this short stay becomes more exploitative. Durga's statement also acknowledges issues such as sex-domestic work. While Durga has a ration card, a voter ID card and got her children admitted to government schools under the Ladli Lakshmi scheme, it understandably is not easy for all Nepali migrants. Durga also explains the difficulties she encountered when trying to get her sister's daughter admitted to government school. Despite working in six houses, Durga has to engage in home-based work (pen assembly) to increase her income. Moreover, Durga

expresses her anger towards the government. 'There are large numbers of Nepalese in India but that does not guarantee any help from the Government of Nepal. The treatment meted out to Nepalese is not very good. We are treated worse than the lower caste people here. We do not get any help from the government. The ration cards are also so difficult to obtain. There are people who wanted to renew their ration cards but they were unable to do so. In fact, in the process of renewing the ration cards, some ration cards got cancelled and did not get made'.

Many workers associated with MINA have similar stories. They feel that they could make a decent living by being members of this organisation. It gives them a platform for discussion and an avenue for exchanging experiences. What can also be observed is that this organisational support frees them from 'fear-factor'. This fear regarding their identity is the main issue with Nepali domestic workers, a fear that sometimes subjects them to harsh and exploitative conditions.

The following are indicative observations from case studies which largely reaffirm the arguments discussed in the previous chapters yet give glimpses of empowerment by being a part of an organisation.

Informal work and informal residence

Migrant Nepalese mostly work in the informal sector and receive low wages. Due to the lack of literacy they do not have access to the formal or organised sector. Though they do not require any official documents for crossing the border and coming to India they find it easy to get jobs in informal sector. The majority live either in slums or in jhuggi-type settlements. Nepalese migrate to different states of India in search of job opportunities.

Those who had migrated to India long back with their parents are better placed. In addition, families whose members were in government jobs such as in the Army are seen as occupying a better place. Education also plays an important role here as that determines access to jobs. This access to jobs also varies according to the kind of social contacts one has. Those staying in government areas have all the identification proof from Nepal which everyone doesn't carry.

Preference for India as a country of migration

The treaty signed between India and Nepal facilitates the free movement of people across the border. There is no requirement for passports; this further facilitates the movement of Nepalese from rural areas. Due to the proximity to the country, India is a popular destination for Nepalese. Added to this is the fact that there is cultural similarity which makes it easier to adjust to the Indian culture. Nepal is well connected to India by buses. Though there is no direct bus or train, commuting is easy.

Nepalese migrate according to the place where their relatives reside or the place where their village people are settled. It is not necessary for them to migrate to Delhi as such and they travel all over India in search of jobs. Depending on the availability of jobs, they settle in certain places. Those interviewed were mostly settled in Delhi from the very beginning. Their husbands came when they were young. And they have been working in India for quite some time. After marriage, they also came along with their husbands.

Access to welfare schemes

Some Nepalese have access to ration cards which make them eligible for certain benefits. Their girls who study in government schools are entitled to the Ladli Lakshmi scheme. Such workers are very few in number. These workers had migrated to India a long time ago and have some awareness of their rights.

Access to basic civic amenities

Sanitation facilities are inadequate. Ten to fifteen families share one bathroom. There is no proper disposal of garbage. A huge heap of garbage lies in the playground of the Nepalese camp in RK Puram.

Discrimination vis-à-vis Indian domestic workers

Nepalese domestic workers receive the same wages as their Indian counterparts as the rate of each task in domestic work is fixed. At times it was noticed that they were preferred over their Indian counterparts as they were perceived to be cleaner. This was acknowledged as a distinguishing mark from other Indians workers by the interviewees themselves.

Entry into India by potential women domestic workers

There is no problem in terms of entry as no official passport is required. Many keep visiting India frequently and have been doing so since their childhood as in the case of men. There is thorough checking of the luggage they carry back home at the border. Women or girls are not allowed to travel alone and even when accompanied they are subject to verification to determine the relationship they share with the accompanying men. In certain instances, even if a girl is accompanied by her own father the border police conducts detailed verification before permitting her to cross. There is a general awareness about the reason for this strictness, trafficking.

Better opportunities for work in India

Nepal is an agricultural country. Families which migrate do so in search of jobs due to lack of opportunities back home. Men migrate much earlier than women, who migrate only after marriage. Men usually come at a very young age and start working. Nepalese who grow up near cities get work but people from Nepalese rural areas find it difficult to find any jobs back home. However, in India, though they are not getting very high wages, they feel it is better than their earnings at home.

Women who were interviewed migrated after marriage and accompanied their husbands. After coming here due to the increase in expenses, they had to start working. But sometimes women migrate specifically to support their family.

Nepalese Women in Labour Market

Men are usually employed as guards, drivers, as cooks in hotels, in the transportation business and also in offices as peons. There are also small street side business which are set up by them such as momos stalls.

Jobs are found through social networking. It is through social contacts that people find occupations. Men migrate at a young age with their relatives and start

working. The initial job is usually related to domestic work or work in hotels or in factories. For women the most common work is working as domestic workers.

Women are mostly seen in domestic work. Apart from that there are also women who are seen working in factories where there is assembly of pen for export.

Women and men are involved in agricultural work in rural Nepal. Without any other skills, when they come to India, they find it easier to work as domestic workers. Some of them do not even prefer going back as they find agricultural work difficult. Some of them do not inform their family that they are doing domestic work but if someone finds out they do not even deny it.

Women also accept domestic work, as it is easily available. They do not have to struggle for this job. Also the fact that they are not even as educated as their husbands makes it difficult to get any other job. They find it convenient and safe as well as they do not have to stay for long. Also they have freedom to leave the job after a month if the employer doesn't treat them well. The labour market is limited as women are unable to find any other job which gives decent wages and is safe at the same time. It should also be noticed that husbands do not prefer their wives to work outside much and domestic work comes easy. There are also restrictions imposed on them by their husbands to not work outside. Due to the conservative mentality of the husbands they sometimes stop working altogether even if they do not have sufficient income to run the family.

Adequacy of Wages and Social Security

Men get higher wages as compared to women. The monthly salary of a driver can vary from Rs. 6,000 to Rs. 8,000 and security guards earn somewhere around Rs. 5,000. The income varies across sectors, but does not exceed Rs. 8,000. Women on the other hand can earn somewhere around Rs. 2,000 to Rs. 4,000 if they work in three to four houses. Women who cook get more than those who only do domestic work.

Their income is insufficient. They do not have any benefits in terms of social security. They end up doing more work for meagre salaries. Some of them (who work in the houses of government servants or army officers) to whom living spaces are provided for stay, get only Rs. 400 for the work. Only if they cook as well do they get Rs 2000..

Nepali domestic workers lack the capacity to negotiate wages. The wages are fixed individually according to the prevailing rate for a particular domestic task, and vary by Rs. 200 to Rs. 400. For example, a Nepali domestic worker may earn Rs.1000 to Rs.1500 for sweeping, cleaning utensils and mopping. But the payment for a cook is higher. She may earn Rs. 1,500 to Rs. 2,000 in one house. The wages may slightly vary depending upon the capacity of the household and the locality.

Trafficking that beats Vigil

Due to increased trafficking there are restrictions on women's migration at the border. Even when women are accompanied by their husbands, verification is done at the border. Young girls accompanied by their father are also stopped until the police at the border are assured that the girl is not being trafficked. But in spite of these regulations girls still get trafficked and there is a police and agent

network as pointed out by some of the interviewers..

Live-in and Live-out workers

Nepali women domestic workers prefer staying outside the place of employment. They feel that as a result, if they do not like a particular job or employer, they can leave the job without informing the employers; if they live with their employer, it becomes more difficult. Men are conservative and do not trust their wives' employers. Therefore, they prefer that their wives stay at home. On the other hand, young daughters are often sent away to work as live-in domestic workers.

Slight Advantage for Nepali women domestic workers

Nepalese women do not have problems finding a job as they are preferred to their Indian counterparts. Many say it's because they are clean and maintain hygiene. But it can also be said that there is bias in terms of skin colour; since Nepalese are fairer than many Indians, they are sometimes preferred as a result. Also there are instances where the employer refuses to hire anyone else even though the Nepali domestic maid leaves for a month.

Unstructured Recruitment

Nepali women domestic workers mostly come through family network and social ties. Recruitment agencies are not active players. However, there was a mention by one domestic worker of an agency which does not take money from the workers but takes money from the employer.

The role of agents was prominent in trafficking but not many knew how the system operated. However, one lady pointed out that there are agents in both India and Nepal who ensure that women are trafficked across the border safely. However, this arrangement was seen as more common where India was a transit point for onward trafficking.

Agents, when trafficking women abroad, took huge money from the families to arrange for passports and tickets. One of them pointed out that the women in destination countries, are photographed wearing a placard with the name of the employer and their name along with the photograph and number of the car of the employer.

In one of the instances pointed out by a domestic worker, a woman was tricked into trafficking but because she was educated she immediately contacted the police officials and was sent home immediately.

Recent Trends in Nepali migration to India

Geographic proximity and job opportunities are two main factors that drive Nepalese migrants to India. Recently, a reduction in the influx of migrants is being observed compared to earlier times due to decreasing job opportunities in India and an exposure towards job opportunities in the Middle East and Western countries. Ten to twenty years back, people going to Middle East and Western countries were adulated when they returned and were given special attention not only by the neighbours but also by the entire village. Now, it is quite common for people to go abroad for work though the job — unskilled to semi skilled — fetches low wages, though the working conditions are harsher and though their

passports are confiscated in many cases.

It is known to many that girls going abroad are common targets of sexual exploitation. Nepalese women in India see this as a loss of honour and feel that it is better to work in India and earn less than going abroad and face sexual exploitation.

Dignity of domestic work in India

In spite of the fact that there is no restriction in the movement of the people at the border, migrant Nepali domestic workers in India feel marginalised in terms of realisation of basic human rights in India. Some of them are of the opinion that they are treated worse than the lower castes in India. Women in particular feel threatened and are looked down upon due to the stigma of trafficking of women and girls to India. They feel that they are seen as objects. They face discriminatory remarks from men and are always careful about their movements.

Analysis: Questions for further research

Certain crucial issues such as trafficking, the condition of live-in domestic workers and the role of employment agencies did not come up in the primary analysis of case studies. Further, many of the case studies have been collected from relatively better-off migrants, who have been living in Delhi for longer period and participate in Nepali Workers Association activities. Few of them even hold ration cards and voter ids. These case studies are examples of the maximum benefits Nepali migrants living here can get from the Indian state. However, if we look at the living and working condition of even this section of workers, it is far from satisfactory. These case studies also substantiate some of the issues such as police harassment and the fear of illegal migration. Whatever better life the workers enjoy mainly comes from their social network and organisational support from organisations such as MINA. Getting their voter identity card and ration card and getting their children admission to schools are major issues among this section of workers. It actually connects them with the question of citizenship and the denial of basic human rights. While their contribution to the 'fast growing' industrial economy of India is significant, they are yet to get the attention of the Indian state for their basic needs.

However, these details gathered from these case studies remain inadequate to support various issues that are emerging from the review of secondary literatures. As noted, many of these issues have been brought out by Newspapers after police raids. No detailed study however, has been done of Nepali domestic workers. Further, whatever is known about Nepali women domestic workers comes mainly from live-out, part-time, domestic workers; who were easily accessible for researchers. The condition of live-in domestic workers and the role of employment agencies involved in trafficking has not yet been studied.

The benefit from the current stage of the study is that it establishes not only the proposed issues in the objectives, but also adds some new aspects to it for further research. First of all, it becomes very clear that even though the Indian Law provides equal status to Nepalese, they are in practice treated as illegal migrants. Therefore, they need to live in constant fear. It helps employers exploit Nepali migrant workers. The situation is aggravated in the case of live-in

domestic workers, particularly women. Both the review of previous reports and the case studies of live-out domestic workers establish this fact.

Second, the analysis of reports also indicates how Delhi has become an important hub for trafficking Nepali women. Many are trafficked to Delhi while many are trafficked to the Middle-East through Delhi. It has been also discussed extensively about how far the domestic work by Nepali girls in Delhi is connected to human trafficking. We have seen three categories of trafficked Nepali women. First, those who were trafficked for sex work in the metropolitan cities of India. Secondly, girls trafficked for domestic work and permanently employed as live-in domestic workers. Finally, some trafficked girls were employed as domestic workers for a short period in Delhi before they were sold, probably for the same work, to clients in the Middle East. Various Newspaper reports record these aspects.

Finally, the study has also raised the issue of interconnection between sex work and domestic work. Based on the reports of police raids in certain upmarket areas in Delhi, one could presume a larger network involved in this. As per these reports, Nepali girls were employed by individual employers for domestic work and were later sexually exploited. Further we understand from these reports that these girls after their brief stay in Delhi are sold to clients in the Middle East. These three aspects are thus suggested for further research. Case studies need to be collected to confirm these issues.

In addition, based on the findings of current research, a campaign, demanding decent living, minimum wages, civic amenities, ration cards and school and health facilities for Nepali migrant women domestic workers is also recommended.



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