



Gender and Migration: Legal Complexities in Interstate Migration in Kerala

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ABSTRACT

Interstate migration to Kerala has experienced a significant surge over the past decades, drawing millions of workers from various states across India. Among these migrant laborers, women constitute a growing yet overlooked demographic. Traditionally, migrant women arrived in Kerala with their families, but recent trends show an increasing number of women arriving independently in search of employment. These women are engaged in informal sectors such as domestic work, small businesses, agriculture, hotels, brick-making units, and garment factories, contributing substantially to the state's economy. However, their presence raises critical issues regarding legal protection and gender-based discrimination. Despite the implementation of the Inter-State Migrant Workmen Act, 1979, women migrant workers in Kerala often face systemic neglect in both policy and practice. This is exacerbated by a lack of comprehensive gender-sensitive frameworks that address the specific needs and vulnerabilities of women. Many female migrants fall outside the scope of the Act, leaving them unprotected and exposed to exploitation, unsafe working conditions, wage discrimination, and limited access to healthcare and social security. The absence of formal recognition and enumeration in

government reports and academic studies further deepens this marginalization. Furthermore, constitutional provisions that prohibit gender-based discrimination remain largely unimplemented in the case of female interstate migrant workers, particularly those in unorganized sectors. The evolving migration trends in Kerala demand a critical reassessment of existing labor laws, ensuring they are inclusive of women migrant workers. Legal reforms should not only safeguard their rights but also address the unique challenges they face, including gender-based violence and labor exploitation. The growing presence of women in Kerala's migrant workforce highlights the urgent need for gender-sensitive policies that promote their well-being, dignity, and equal access to legal protections. The research would explore the gender-specific challenges faced by women migrant workers. It requires examining existing laws, like the Inter-State Migrant Workmen Act, 1979, and their applicability to women, identifying gaps in protection against exploitation and discrimination. The study would involve fieldwork, including interviews and surveys, to assess working conditions and access to social security. Additionally, it would analyze Kerala's policies compared to other states and recommend gender-sensitive reforms. An intersectional approach, considering class and caste, is vital to understanding and addressing these complexities.

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1. Article Methodology

This research employs a qualitative methodology to examine the legal complexities faced by interstate migrant women in Kerala, focusing on parts of the Kollam district where a significant population of migrant workers resides. The study, conducted from August to December 2023, involved in-depth interviews, surveys, and focus group discussions with migrant women, civil society organizations, and legal practitioners. The methodology also incorporated an analysis of government reports, legal documents, and academic papers to support findings. Specific case studies were examined to illustrate



the legal challenges, particularly concerning social security and identity documents. First-hand data was collected through site inspections and investigations using structured approaches during field visits.

2. Literature Review

Migration in India, particularly interstate migration, is a complex socio-economic process traditionally dominated by male-centered academic discourse and policy considerations. However, research increasingly highlights the integral role of women in both international and intra-national migration. Women's migration is often underrepresented, particularly when driven by marriage, masking their significant economic contributions post-migration (Sharpe, 2011). The 2011 Census of India identifies marriage as the predominant reason for women's migration, but recent studies show that women also migrate independently for work, seeking economic opportunities and personal agency (Agarwal, 2006).

Women's migration in India is also facilitated by social networks, which provide both emotional and economic support (Agarwal, 2006). Gender and caste further intersect in these dynamics, with women increasingly participating in various sectors of the economy, including domestic work, agriculture, and manufacturing (Rajan, 2015). Fieldwork by Narendran and Peter (2017) reveals that women, particularly from marginalized communities, form a significant part of Kerala's workforce, yet face numerous challenges like workplace exploitation and pay discrimination (Ravikumar, 2017).

Several studies focus on the challenges migrant women face in Kerala. For example, Prasad Ravikumar (2017) explores pay discrimination and exploitation in Ernakulam, while Khadar and Sudhakaran (2022) delve into the health issues and workplace challenges of migrant women. They suggest reforms to improve their working conditions and health outcomes. Khadar (2021) and Khadar & Bijulal (2021) emphasize how the COVID-19 pandemic exacerbated the vulnerabilities of interstate migrant workers, particularly women.

Legal frameworks like the Inter-State Migrant Workmen Act of 1979, the Unorganized Workers' Social Security Act of 2008, and the Immoral Traffic (Prevention) Act of 1956 provide varying levels of protection to migrant workers, but often fail to adequately address the specific needs of female migrants (Narendran & Peter, 2017). Khadar et al. (2022) argue that these laws require more gender-sensitive approaches to ensure inclusivity and protection for migrant women. Their work, along with studies by Khadar, Anjali, & Bijulal (2024), emphasizes the need for legal reforms to address the unique challenges faced by migrant women, particularly in Kerala's labor sectors.



The literature reveals that while women are significant contributors to India's migrant labor force, they continue to face systemic barriers, including workplace exploitation and inadequate legal protection. Future research should focus on gender-sensitive policies and legal reforms that recognize and address the specific challenges of migrant women, ensuring their economic empowerment and social inclusion.

3. Gendered Migration: Theoretical view

Incorporating gender relations into our understanding of migration processes and engendering migration research has become increasingly crucial for several reasons. Firstly, women globally constitute nearly half of international migrants, highlighting the need to address gendered dimensions in migration studies (Morokvasic, 1975, 1984; Phizacklea, 1983; Simon & Brettell, 1986). Gender is a key social differentiation that intersects with other divisions such as age, class, ethnicity, nationality, race, disability, and sexual orientation. Migration impacts men and women differently due to these intersecting social categories, which influence their migration patterns and experiences.

Historically, gendered perspectives on migration emerged slowly. Initial studies in the 1970s and 1980s, such as those by Morokvasic (1975) and Phizacklea (1983), began to challenge the gender blindness prevalent in migration research. The 1984 special issue of *International Migration Review*, titled "Women and Migration," was pivotal in highlighting the overlooked contributions of women to migration, both in historical and contemporary contexts (Simon & Brettell, 1986). Prior to this, women had often been marginalized in migration discussions, portrayed primarily as dependents rather than independent actors.

By the 1990s, the paradigm shifted to viewing migration as a gendered process, with a focus on how gender practices and representations shaped migratory experiences (Castles & Miller, 1993; Cohen, 1995). Feminist scholars highlighted the significance of household roles and reproductive labour, emphasizing that migration impacts gender relations within households and communities (Truong, 1996). The development of intersectionality as a concept further refined the analysis by considering how gender intersects with other social variables, such as class and ethnicity (Nash, 2008).

Recent developments in gender and migration research reflect three major socio-economic and political changes: the enlargement of the EU and increased mobility within Europe, the financial crisis and its impact on migrant women, and conflicts in the Middle East and Africa driving asylum flows (Lutz, 2011; Marchetti, 2013; Freedman et al., 2017). These changes have led to a deeper engagement with



gendered aspects of migration, including the global demand for reproductive labor and the challenges faced by transnational families (Sassen, 2000; Bryceson & Vuorela, 2002).

Despite the growing recognition of gender in migration studies, the concept of "feminization of migration" has been contested. Recent critiques argue that the proportion of female migrants has not significantly increased and that migration flows have historically been gender-balanced (Donato & Gabaccia, 2015; Schrover, 2013). Additionally, the rise in highly educated female migrants and the focus on skilled migration challenge earlier notions of feminization (Dumitru, 2017; OECD, 2016).

Moreover, the migration discourse has evolved to encompass a broader understanding of how gender, alongside other factors like class and racialization, stratifies migratory outcomes (Engbersen et al., 2013; Favell, 2008). The complex nature of modern migration, including the fluidity of migration intentions and the interplay of various socio-economic factors, underscores the importance of integrating gender perspectives into migration research to better understand the nuanced experiences of both men and women.

Thus, incorporating gender into migration studies provides a more comprehensive understanding of the diverse experiences and challenges faced by migrants, reflecting the complex interplay of gender with other social categories and the evolving nature of global migration patterns.

The theoretical framework of gender and migration is best understood through the lens of intersectionality and the feminization of labour. Intersectionality, first conceptualized by Kimberlé Crenshaw in the late 1980s, sheds light on the overlapping and interconnected forms of discrimination and disadvantage that individuals face based on their gender, caste, class, and ethnicity. Crenshaw's work (1989) critiqued the limitations of antidiscrimination law and feminist theory by pointing out how these frameworks often failed to consider the unique experiences of Black women, whose oppression could not be explained by gender or race alone. In the context of migration in India, especially interstate female migration, intersectionality becomes particularly relevant as women migrants experience multiple layers of marginalization due to their intersecting identities (Crenshaw, 1989).

In India, female migrant workers are disproportionately impacted by their gender, caste, and socio-economic status, with these factors shaping their migration experiences. For instance, women from higher castes or privileged social classes tend to have smoother migration experiences compared to lower-caste women, such as Dalits or Adivasis, who encounter systemic discrimination. The case of



women migrants from Bengal and Assam illustrates this intersectional complexity. While Bengali women often lead more independent lives in Kerala, Assamese women are more likely to experience bonded labour, a form of modern slavery (Khadar & Sudhakaran, 2022).

Crenshaw's concept of intersectionality is crucial in analyzing the layered nature of female migrants' experiences, revealing the role of gendered and caste-based inequalities in shaping access to employment, health care, and education. These social identities vary significantly based on factors like the region of origin, caste, and religion, with migrant women often navigating multiple, sometimes contradictory, identities as they move across India. Marginalized women, particularly those from lower castes, face numerous barriers to migration and are often denied opportunities available to their upper-caste counterparts, thus underscoring the importance of an intersectional approach to understanding their experiences.

The feminization of labour, a concept popularized by American feminist economist Heidi Hartman, refers to the increasing participation of women in the workforce, often in low-wage, precarious, and informal sectors. According to the 2011 Census of India, the number of female migrants entering the labour force grew by 4.7 million between 2001 and 2011, outpacing male migration during the same period (Hartman, 1980). Despite this rise, female migrant workers remain subject to gendered occupational segregation, wage inequality, and labour market discrimination. Hartman's analysis of the feminization of labour, which emphasizes women's increasing participation in both traditionally male-dominated and precarious jobs, offers a critical framework for understanding the evolving role of women in India's labour force.

Women migrant workers in Kerala, for example, frequently work in informal sectors such as domestic work and manufacturing, where they face wage discrimination, poor working conditions, and a lack of social protection (Narendran & Peter, 2017). These women are often forced to bear the double burden of wage labour and domestic responsibilities, a situation exacerbated by patriarchal family structures and male-centred public policies that deny them equal opportunity (Khadar et al., 2022). Furthermore, the gendered labour market segmentation means that women are disproportionately represented in low-skilled jobs, reinforcing their marginalized status within the workforce.

The feminization of labour in India, as highlighted by Hartman, underscores the need for policies that address the systemic inequalities women face in the labour market. While the increased participation of women in paid employment is a significant socio-economic change, this alone does not eliminate the



challenges of wage inequality, occupational segregation, and labour market discrimination that female migrant workers continue to face.

Intersectionality and the feminization of labour provide a comprehensive theoretical framework for examining the migration experiences of women in India. These frameworks reveal the intersecting dimensions of identity that shape women's migration, as well as the systemic inequalities that limit their access to decent work, education, and social protections. To address these challenges, it is essential to develop gender-sensitive migration policies that acknowledge and address the unique needs and experiences of female migrants.

4. Interstate Migration in India: Overview

According to the 2011 Census, India witnessed a staggering 21 crore migrations within the preceding decade, with intra-state movements dominating at 88% compared to inter-state migrations at 12%. This data underscores the complexity of internal migration dynamics in India, reflecting both the scale and the nuanced nature of this phenomenon. While intra-state migration is primarily driven by marriage and often involves females, inter-state migration is largely motivated by employment opportunities, predominantly involving males. Despite its crucial role in socio-economic development, interstate migration remains hindered by administrative barriers and policy gaps, warranting urgent attention and reform.

Interstate migration in India is characterized by its semi-permanence, with migrants typically sending remittances back to their home states. The primary destinations for these migrants are states like Maharashtra, Delhi, Gujarat, Tamil Nadu, and Kerala. Despite the growing significance of this migration pattern, it constitutes a modest proportion of total migration flows—less than half of internal migration and just 13.5% of overall migration. This limited mobility is exacerbated by administrative hurdles and the loss of entitlements when crossing state borders.

The reasons for interstate migration are diverse. While marriage is a significant driver of intra-state migration, employment is a predominant factor for interstate movements. According to recent data, 45% of male interstate migrants cite work as their reason for relocating. However, despite the critical role of employment in facilitating economic advancement and alleviating poverty, interstate migrants face substantial barriers, including loss of access to entitlements and services linked to domicile status.



One of the most pressing issues faced by interstate migrants is the administrative barriers that complicate their integration into new states. These barriers often include bureaucratic hurdles, the loss of access to government schemes, and restrictions tied to domicile status. For instance, central government benefits, including public distribution systems and educational opportunities, are typically administered at the state level, leaving interstate migrants vulnerable to entitlement losses.

A study by the World Bank highlights these administrative challenges, noting that state borders often act as significant obstacles to interstate migration. This is reflected in the relatively stagnant rate of interstate migration over the past three decades, despite its importance for economic and social development.

To address these challenges, there is an urgent need for comprehensive policy reform. The Interstate Migration Policy Index (IMPEX) offers a framework for evaluating and comparing state policies on migrant integration. Preliminary evaluations suggest that states like Kerala have more inclusive policies compared to others like Delhi and Gujarat. This highlights the need for a standardized approach to migrant integration that can be adapted to various state contexts.

Kerala's progressive stance on migrant integration, marked by inclusive policies and support systems, provides a model for other states to follow. In contrast, states with lower scores on the IMPEX, such as Delhi and Gujarat, need to urgently reassess and enhance their policies to better accommodate and support interstate migrants.

Interstate migration is not merely a demographic phenomenon; it has profound implications for socio-economic development. It serves as a critical livelihood strategy for low-income households and contributes significantly to poverty alleviation. Migrants often engage in informal sector work, which, while offering essential economic opportunities, also exposes them to precarious working conditions and limited access to health and social services.

The challenges faced by interstate migrants extend beyond employment. They often live in unsafe and unhygienic conditions and face barriers to accessing education and healthcare. Reports highlight that a significant proportion of migrant children lack access to education, and many migrant workers are exposed to health risks without adequate support.

Addressing the challenges of interstate migration in India requires a multifaceted approach that includes policy reform, improved administrative processes, and targeted support for migrants. By learning from



states with effective policies and implementing changes based on comprehensive frameworks like IMPEX, India can better facilitate the integration of interstate migrants. This will not only enhance the well-being of migrants but also contribute to the overall socio-economic development of the country.

The Indian government must recognize the crucial role of interstate migration in economic and social progress and take decisive steps to eliminate barriers and ensure equitable access to entitlements and services for all citizens, regardless of their state of residence. The path forward involves creating a more inclusive and supportive environment for interstate migrants, thereby harnessing their potential to drive sustainable development and growth across the nation.

5. Dynamics of Female Migration in India

Migration has long been a defining feature of India's socio-economic landscape, and the narrative around female migration is particularly telling of broader shifts in our society. According to the 2001 Census, out of a total of 309 million migrants, 218 million are female, highlighting a significant gender imbalance in migration statistics. This represents a notable increase from previous decades, underscoring the evolving nature of female migration and its underlying causes.

Historically, female migration in India has been predominantly associated with marriage, a pattern driven by traditional societal norms. However, contemporary data reveals a more complex picture. While marriage remains a major factor, the trend towards economic migration is increasingly prominent. Technological advancements in agriculture have displaced many women from rural employment, compelling them to seek alternative livelihood opportunities in urban areas. Additionally, the rise of gender-segregated labour markets, driven by globalization, has created new employment opportunities in sectors such as garment industries and export processing zones, which in turn act as pull factors for female migrants.

The shift in migration patterns reflects broader economic and social changes. The 2001 Census data indicates that the percentage of female migrants has increased significantly, with a notable rise in those migrating for employment rather than solely for family reasons. This change can be attributed to several factors, including increased educational attainment among women, advancements in transportation and communication, and economic reforms that have altered traditional labor markets.

Despite the significant growth in female migration, the issue remains underexplored in migration studies. Often, migration is framed through an economic lens focused on male migration, while female



migration is viewed primarily in terms of social and familial roles. This gender bias obscures the economic motivations driving many women to migrate. For instance, the transition from agriculture to industry has created both opportunities and challenges for women, leading to increased mobility in search of better job prospects.

The evolving dynamics of female migration are also evident in spatial patterns. Recent trends show a rise in long-distance migration, including inter-district and inter-state movements. This indicates that women are increasingly undertaking longer journeys for employment, a significant shift from the predominantly short-distance migration observed in the past. Factors such as urbanization, changes in agricultural practices, and environmental degradation have contributed to this shift, further highlighting the need for a nuanced analysis of female migration.

Furthermore, the role of economic factors in female migration cannot be overstated. As traditional employment opportunities decline, many women are compelled to migrate in search of better economic prospects. The emergence of gender-segregated labour markets has created new job opportunities, particularly in urban areas, which attract female migrants seeking employment. Additionally, higher literacy rates and the development of educational institutions contribute to better job opportunities, further influencing migration patterns.

The increasing economic significance of female migration underscores the need for a more comprehensive understanding of its determinants. While marriage remains a prominent factor, the growing trend of migration for employment and economic reasons reflects a broader transformation in societal roles and opportunities for women. Recognizing these changes is crucial for developing policies that address the specific needs and challenges faced by female migrants.

The Census 2011 data provides a rich tapestry of migration patterns across India, shedding light on the evolving reasons and dynamics behind why people, particularly women, move from one place to another. A key takeaway from this data is that nearly 38 out of every 100 individuals enumerated were identified as migrants, highlighting the significant role of mobility in India's demographic landscape. Notably, about 25 of these 38 migrants were women, underscoring the increasing participation of women in migration trends.

Historically, migration for women has often been linked primarily to marriage. Indeed, Census data indicates that about two-thirds of female migrants relocated for this reason. Marriage has traditionally



been a dominant factor influencing female migration patterns, reflecting deep-rooted societal norms and practices. However, a more nuanced view of the Census 2011 data reveals a substantial shift: over 100 million women have migrated for reasons other than marriage, including employment, business, and education.

This shift is indicative of broader socio-economic transformations occurring in India. The rapid urbanization and economic development in recent decades have created new opportunities that are increasingly attracting women from rural areas. As India continues to evolve economically, the migration of women from rural to urban areas for work and employment is becoming a prominent trend. This migration is not merely a response to immediate economic needs but also reflects a broader reconfiguration of gender roles and opportunities in the labor market.

Examining state-level patterns of migration reveals that the movement of women from rural to urban areas is often driven by the search for better economic prospects. For instance, states with significant urban centers and growing industries tend to see higher rates of female migration. This trend is a testament to the expanding role of women in the workforce and their increasing economic independence.

The shift from rural to urban areas is driven by several factors:

1. **Economic Opportunities:** As industries and services expand in urban areas, they create job opportunities that attract women seeking better employment prospects. This includes roles in sectors traditionally dominated by women, such as textiles and domestic work, as well as emerging fields in the service and technology sectors.
2. **Educational Aspirations:** Higher educational institutions and vocational training centers in urban areas also draw women from rural regions. Education is increasingly seen as a gateway to better career opportunities, prompting many women to migrate for academic and professional advancement.
3. **Changing Gender Roles:** The evolving societal norms and attitudes towards women's work and independence have contributed to the rise in female migration. As women's roles in the economy expand beyond traditional boundaries, migration patterns are reflecting these changes.
4. **Infrastructure Development:** Improvements in transportation and communication infrastructure have made it easier for women to move and settle in new locations, further facilitating migration for work and education.



Despite these positive trends, challenges remain. Female migrants often face significant hurdles, including limited access to social protection, housing, and healthcare. Addressing these challenges requires targeted policies and support systems to ensure that the benefits of migration are equitably shared and that female migrants can thrive in their new environments.

The Census 2011 data highlights a transformative shift in female migration patterns in India. While marriage continues to be a major factor, the growing trend of women migrating for economic reasons reflects broader changes in societal norms and economic structures. Recognizing and addressing the needs of female migrants is crucial for ensuring that their contributions to India's development are fully realized and that they can participate in and benefit from the country's ongoing economic growth.

6. Migration and Kerala Society

In the early 20th century, Kerala began experiencing a significant demographic shift characterized by increased movement across state boundaries, a phenomenon often overshadowed in traditional historical accounts. This shift is expertly documented in the works of scholars such as K.V. Joseph and K.C. Zachariah. Joseph's meticulous research details the migration of Kerala's natives to other states between 1900 and 1930.

Simultaneously, Kerala's lush landscapes and promising economic prospects began attracting migrant workers from neighboring states. Zachariah's research highlights that these migrants, primarily from Tamil Nadu and Karnataka, sought employment in agriculture, construction, and trade. Their arrival played a crucial role in transforming Kerala's agrarian economy, with non-Malayalee laborers increasingly populating the state's agricultural fields.

The period from 1930 to 1960 marked a pivotal moment in Kerala's migration history, witnessing a dramatic surge in interstate migration, particularly in agriculture. This influx of migrant laborers created a symbiotic relationship between the local population and the migrant community, underscoring their significant role in supporting Kerala's agrarian economy. It wasn't until 1957 that Kerala achieved statehood, and before this, interstate workers were informally categorized as "other state workers," a term that failed to acknowledge their substantial contributions to the state's socio-economic fabric. The year 1979 was crucial as the Indian Parliament enacted the "Interstate Workmen Act," formally recognizing interstate migration as a significant socio-economic phenomenon. The implementation of



this Act in 1980 ushered in an era of increased awareness and legal scrutiny regarding the rights and welfare of interstate migrant workers.

The 1960s marked another turning point as Kerala experienced a mass exodus of its native workforce to the Gulf Cooperation Council (GCC) countries, driven by the Gulf oil boom. Rejimon Kuttapan's 2021 research indicates that over 3 million Keralites found employment in the GCC during this period, contributing significantly to Kerala's modernization and development. This migration was not confined to any particular demographic; individuals from various socio-economic backgrounds sought better opportunities abroad. The resulting labor shortage in Kerala's critical sectors, such as agriculture and construction, led to an influx of workers from Tamil Nadu and Karnataka, who were essential in sustaining the state's economy from the 1960s to the 1990s.

By the 1990s, a generational shift in the aspirations of Kerala's youth became apparent, with younger generations increasingly pursuing blue-collar and white-collar jobs abroad. This trend led to a labor shortage in traditional sectors, prompting another wave of migrants from Tamil Nadu and Karnataka to fill essential roles in agriculture, plantation, brickmaking, and construction (Peter & Narendran, 2017). Research in districts like Palakkad, Wayanad, and Idukki revealed the presence of multi-generational migrant communities, highlighting the enduring impact of interstate migration on Kerala's demographics and economy.

The post-1990 era introduced a new migration corridor from Eastern and Northeastern states, including Assam, West Bengal, Bihar, Jharkhand, and Odisha. This shift has significantly altered Kerala's social, economic, and cultural landscape (Peter & Gupta, 2012). The 2011 Census shows this paradigm shift, with migrants from these states contributing to various sectors. West Bengal migrants have become a substantial part of the construction workforce, while those from Assam have bolstered the wood and plywood industry, particularly in Kozhikode (Kallayi). Migrants from Jharkhand and Bihar have filled labor gaps across various sectors, and those from Odisha have contributed to the gold and textile industries (Kerala Institute of Labour and Employment, 2020).

Kerala's status as a major recipient of migrant workers is evident from recent data. According to NSSO 2020-21, Kerala ranks fifth among states receiving migrant workers, with West Bengal leading in numbers, followed by Assam, Bihar, Jharkhand, Chhattisgarh, and Manipur. The Kerala Planning Board's 2021 estimate pegged the migrant worker population at 3.4 million, projected to reach 5 million by 2050, with over 14,000 migrant families currently settled in the state. The SERB project "Effect of



Social, Institutional and Technological Interventions on Access to Healthcare Among Interstate Migrant Labourers in Kerala" (2023) identifies 80 job categories for migrant workers, with daily wages ranging from 500 to 1400 rupees.

The acceleration of migration from various Indian states to Kerala can be attributed to a range of factors. Kerala's economic growth, better employment opportunities, and higher wages compared to migrants' states of origin make it a desirable destination. Despite the challenges of long-distance migration, including linguistic and cultural barriers, the economic incentives and improved living conditions in Kerala outweigh these obstacles. The state's economic expansion, particularly in the service sector, and urbanization have further enhanced its appeal.

Overall, the study underscores the unique dynamics of interstate migration in Kerala, demonstrating how long-distance migration from distant states is driven by a combination of economic opportunities and regional disparities.

7. Female Migration and Legal Complexities: Case Study of Kollam District

Kollam district, situated in Kerala, India, stands as a prominent example of the complex interplay between migration and labour markets. Known for its economic diversity, Kollam attracts a significant number of female migrants who contribute substantially to sectors such as textiles and apparel, seafood, hospitality, and construction. This essay delves into the legal complexities faced by these female migrants, exploring their employment conditions, living situations, and the regulatory frameworks that govern their labor rights. By analyzing the case study of Kollam district, the aim is to uncover the multifaceted issues surrounding female migration and propose potential legal reforms to address these challenges.

7.1. Employment Patterns and Origins

7.1.1. Textile and Apparel Sector

In Kollam district, the textile and apparel industry is a significant employer of female migrants, predominantly single women and girls. These workers predominantly hail from eastern and northeastern Indian states, such as Odisha, Jharkhand, Assam, Arunachal Pradesh, Manipur, Tripura, Meghalaya, Karnataka, Tamil Nadu, and West Bengal. Notable source districts include Balangir and Malkangiri in Odisha, Lohardaga and Godda in Jharkhand, and Sivasagar in Assam. These migrants often face legal complexities related to



labor contracts and working conditions. Many are employed through intermediaries or labor contractors, which can obscure the direct employer-employee relationship. This intermediary model often results in ambiguous contractual terms, delayed wages, and inadequate legal protection.

7.1.2. *Seafood Industry*

The seafood sector in Kollam, particularly in areas such as Neendakara, Sakthikulangara, and Aroor, also employs a significant number of female migrants. Workers in this sector come from Assam, Karnataka, Odisha, and Jharkhand, with notable presence from Lohit and Namsai in Arunachal Pradesh. The sector often involves both direct and indirect employment arrangements, with many workers engaged in both fishing and fish processing. Legal challenges in the seafood industry include the lack of formal employment contracts and insufficient health and safety regulations. Migrant workers in this sector often work under informal arrangements, leading to vulnerabilities related to job security, health insurance, and workers' rights.

7.1.3. *Hospitality Sector*

In the hospitality sector, female migrants from northeastern India and Nepal are predominantly employed in beauty parlours, saloons, hotels, restaurants, and resorts. Workers from Darjeeling in West Bengal and various regions of Nepal are also present. These workers frequently encounter legal issues concerning labor rights and working conditions. The hospitality industry often relies on temporary or seasonal contracts, which can lead to instability in employment. Additionally, the lack of regulation in the sector means that migrant workers might face discrimination, inadequate wages, and lack of access to grievance redressal mechanisms.

7.1.4. *Construction Sector*

Female migrants in the construction sector, particularly in the plywood industry in Ernakulam, come from tribal areas of Jharkhand, Madhya Pradesh, Assam, and West Bengal. The construction sector is characterized by both temporary and long-term projects, with varying employment arrangements. Legal issues in this sector include the lack of formal contracts and the prevalence of subcontracting. Workers often face hazardous working conditions without adequate protective measures or insurance. The informal nature of employment in construction exacerbates the challenges related to labor rights and safety regulations.



7.2. *Living Conditions*

7.2.1. *Accommodation*

Female migrants employed in large-scale industries generally receive hostel accommodation provided by their employers. Areas with high concentrations of migrant families include Vathuruthy, Binanipuram, Kandanthara, Nellikuzhi, and Elamakkara in Ernakulam, as well as Kanjikode in Palakkad and Vagamon in Idukki. However, migrants from Uttar Pradesh and Bihar, often accompanied by their families, may live in rented facilities or on pavements, particularly in Ernakulam district. The quality of accommodation varies widely, with some workers living in substandard conditions that lack basic amenities and security.

7.2.2. *Self-Employment Aspirations*

Some migrant women, particularly from Uttar Pradesh and Bihar, express a desire for self-employment opportunities. These women seek avenues to work from home, such as in small-scale enterprises or home-based production, as a means of gaining financial independence and improving their living conditions.

7.3. *Legal Complexities*

7.3.1. *Employment Contracts and Rights*

One of the primary legal challenges faced by female migrants in Kollam is the issue of employment contracts. Many migrant workers are employed through intermediaries or contractors, which can lead to ambiguities regarding employment terms and conditions. The lack of formal contracts makes it difficult for workers to claim their rights or seek legal recourse in case of disputes.

7.3.2. *Health and Safety Regulations*

Health and safety standards are often inadequately enforced in sectors such as seafood processing and construction. Female migrants working in these industries may be exposed to hazardous conditions without adequate protective measures. The absence of comprehensive health and safety regulations exacerbates their vulnerability to occupational injuries and illnesses.

7.3.3. *Grievance Redressal*

Migrant workers in Kollam often face difficulties in accessing grievance redressal mechanisms. The informal nature of their employment and the lack of effective channels for complaints mean that many workers are unable to address issues related to wages, working conditions, or discrimination.



Enhanced policy support is crucial for improving the conditions of female migrants. This includes developing and enforcing regulations that ensure fair labor practices, provide access to healthcare, and offer legal assistance. Policies should also address the need for formal employment contracts and clearer employment terms. Implementing skill development programs can empower female migrants by providing them with opportunities for better employment and career advancement. These programs should focus on enhancing skills relevant to various industries and offering training in entrepreneurial activities for those interested in self-employment. Facilitating access to microfinance and entrepreneurial training can support migrant women in pursuing self-employment. By providing financial resources and business training, policymakers can help women start their own enterprises and achieve greater economic stability.

Strengthening monitoring mechanisms is essential to ensure compliance with labor laws and regulations. Effective enforcement of health and safety standards, along with regular inspections of workplaces, can help protect migrant workers from exploitation and hazardous conditions. The case study of female migrants in Kollam district highlights the complex legal and practical issues faced by these workers. Despite their significant contributions to various industries, female migrants often encounter challenges related to employment contracts, health and safety regulations, and grievance redressal. Addressing these issues through targeted policies and legal reforms is crucial for improving their overall well-being and ensuring equitable migration practices. By focusing on enhancing policy support, skill development, self-employment opportunities, and monitoring mechanisms, stakeholders can work towards creating a more inclusive and fair environment for female migrants in Kollam and beyond.

8. Indian Legal System and Migration Integration Policies in India

The Indian political system operates under a federal framework, distributing power between the Central government and individual States. The Indian Constitution enshrines the principles of free migration in clauses (d) and (e) of Article 19(1), guaranteeing all citizens the fundamental right to move freely throughout the country and to reside and settle in any part of India (Working Group on Migration, 2017). Despite these guarantees, integrating interstate migrants presents significant challenges, which are partly addressed through central and state-level policies.

To facilitate the integration of interstate migrants, central-level provisions generally include broad policies applicable nationwide. These policies include the National Policy for Children, Integrated Child Development Services (ICDS), and Integrated Child Protection Services (ICPS), which offer

frameworks for state-level policies (Government of India, 2018). Specific laws directly impacting interstate migrant workers include:

- 8.1. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979: This Act regulates the employment conditions of interstate migrant workers, ensuring fair wages, suitable accommodation, and healthcare. However, it does not specifically address the unique challenges faced by female migrant workers, such as gender-based discrimination or lack of maternity benefits (Inter-State Migrant Workmen Act, 1979).
- 8.2. Minimum Wages Act, 1948 : This Act sets standards for minimum wages across various industries, aiming to ensure fair pay for workers, including interstate migrants (Minimum Wages Act, 1948).
- 8.3. Contract Labour (Regulation and Abolition) Act, 1970: This Act regulates the conditions of contract labor, including those employed as interstate migrants, and seeks to prevent their exploitation (Contract Labour Act, 1970).
- 8.4. Equal Remuneration Act, 1976**: This Act mandates equal pay for equal work, addressing wage disparities that may affect interstate migrant workers (Equal Remuneration Act, 1976).
- 8.5. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996**: This Act specifically targets workers in the construction industry, including many interstate migrants, ensuring their welfare and safety (Building and Other Construction Workers Act, 1996).

Challenges in Policy Implementation

Despite these policies, integration of interstate migrants remains problematic due to several factors:

- A. *Non-Portability of Social Benefits* : Migrants often face difficulties transferring social benefits and rights from one state to another, a problem exacerbated by administrative barriers (Kone et al., 2017). For instance, schemes like the Public Distribution System (PDS), which provides food to low-income households, rely on ration cards that are not easily transferable between states (Dreze & Khera, 2013).
- B. *Identification and Residence Issues*: Migrants frequently lack proper identification in destination states. The process of transferring documents like ration cards and obtaining domicile certificates is time-consuming and complex (Kone et al., 2017). This lack of proper identification complicates access to essential services such as housing, education, and healthcare.



C. *Voting Rights* : Although Indian citizens are theoretically entitled to vote anywhere, practical barriers exist for migrants. Voter registration is linked to local constituencies, making it difficult for transient migrants to exercise their voting rights (Tata Institute of Social Sciences, 2015).

Existing policies often assume a sedentary lifestyle, failing to adequately address the needs of mobile populations (Srivastava & Sasikumar, 2003; Ashok & Thomas, 2014). The lack of targeted measures for interstate migrants highlights the need for greater coordination between central and state governments to improve the delivery of social support services (Working Group on Migration, 2017). Health and Social Security: In health, national policies like the National Health Policy 2017 and the National Population Policy 2002 promote equitable access to services. However, state-specific health schemes and insurance programs often have domicile restrictions, limiting their effectiveness for interstate migrants (Faetanini & Tankha, 2013). The Unorganized Workers' Social Security Act, 2008 provide social security but often fall short in implementation, particularly for female migrants (Unorganized Workers' Social Security Act, 2008). The Immoral Traffic (Prevention) Act, 1956 addresses trafficking but faces challenges in effective implementation (Immoral Traffic Act, 1956).

Interstate migrants in India face numerous obstacles in accessing economic, social, and political resources in their destination states. Addressing these issues requires improved policy measures, better intra- and inter-governmental coordination, and targeted interventions to ensure that migrants can fully participate in all aspects of life in their new states (Kone et al., 2017; Nayyar & Kim, 2018).

9. Findings

Based on the fieldwork, existing data, and discussions with internal migrants, policy experts, trade union leaders, social activists, and government officials, the following findings and suggestions have been observed.

9.1.1. *Employment Contracts and Ambiguities*: Female migrants in Kollam often face ambiguities related to their employment contracts due to intermediaries or labour contractors. This obscures the direct employer-employee relationship, leading to delayed wages and inadequate legal protection.

9.1.2. *Health and Safety in Seafood Industry*: Female migrants working in the seafood sector face significant health and safety challenges due to inadequate enforcement of safety standards and lack of formal employment contracts.



- 9.1.3. Seasonal Employment in Hospitality Sector : The hospitality sector employs female migrants under temporary or seasonal contracts, leading to job instability and inadequate legal protections.
- 9.1.4. Hazardous Conditions in Construction: Female migrants in the construction sector, particularly in big construction sectors, work under hazardous conditions without proper protective measures or insurance, exacerbated by subcontracting and informal employment.
- 9.1.5. Varied Accommodation Conditions: Accommodation for female migrants varies widely, with some living in substandard conditions without basic amenities. This is particularly true for those from Uttar Pradesh and Bihar, who may live in rented facilities or on pavements.
- 9.1.6. Self-Employment Aspirations : Migrant women from Uttar Pradesh and Bihar express a strong desire for self-employment opportunities, indicating a need for support in starting small-scale enterprises or home-based businesses.
- 9.1.7. Legal Challenges with Employment Contracts : The lack of formal employment contracts for female migrants in Kollam makes it difficult for them to claim their rights or seek legal recourse in disputes.
- 9.1.8. Inadequate Grievance Redressal : Migrant workers often struggle to access grievance redressal mechanisms due to informal employment arrangements and lack of effective complaint channels.
- 9.1.9. Non-Portability of Social Benefits : Interstate migrants face challenges in transferring social benefits between states, such as access to the Public Distribution System (PDS), which affects their access to essential services.
- 9.1.10. Identification and Residence Issues: Migrants often lack proper identification in destination states, complicating access to services like housing, education, and healthcare, and making it difficult to obtain domicile certificates.
- 9.2. Suggestions
 - 9.2.1. Formalize Employment Contracts: Implement regulations requiring formal, transparent employment contracts for all migrant workers, particularly in sectors relying on intermediaries, to ensure clarity in employment terms and rights.
 - 9.2.2. Enhance Health and Safety Regulations: Strengthen and enforce health and safety regulations in the seafood and construction industries, ensuring that protective measures and insurance are provided for all workers.



- 9.2.3. Stabilize Hospitality Sector Employment: Develop policies to offer more stable employment contracts in the hospitality sector, reducing the reliance on temporary or seasonal contracts.
- 9.2.4. Improve Accommodation Standards: Establish minimum standards for migrant accommodation and ensure that employers provide safe and adequate housing for female workers.
- 9.2.5. Support Self-Employment Initiatives: Create programs to support female migrants in starting their own small-scale enterprises, including access to microfinance, business training, and entrepreneurial resources.
- 9.2.6. Facilitate Grievance Redressal Mechanisms: Develop and implement effective grievance redressal mechanisms tailored for migrant workers, ensuring they have access to fair complaint channels and dispute resolution.
- 9.2.7. Address Non-Portability of Social Benefits: Reform social benefit schemes to allow for the portability of benefits across states, simplifying access to essential services for migrant workers.
- 9.2.8. Streamline Identification and Residence Processes: Simplify the process for obtaining and transferring identification documents and domicile certificates to improve access to services and reduce bureaucratic barriers for migrants.
- 9.2.9. Enhance Policy Coordination: Improve coordination between central and state governments to better address the needs of mobile populations and ensure the effective implementation of migration-related policies.
- 9.2.10. Strengthen Legal Frameworks : Review and update existing legal frameworks, such as the Inter-State Migrant Workmen Act and the Equal Remuneration Act, to address the unique challenges faced by female migrants and enhance their protection and rights.

Conclusion

The effective integration and protection of migrants, both internationally and within India, hinge upon robust policy mechanisms at multiple levels. At the international level, global frameworks and agreements, such as the International Labour Organization's (ILO) conventions and the United Nations' Global Compact for Safe, Orderly, and Regular Migration, provide critical guidelines for safeguarding migrant workers' rights and ensuring equitable treatment. These international mechanisms emphasize the importance of comprehensive migration policies that address the diverse needs of migrants and promote their well-being across borders.



Nationally, India has implemented several key legislative measures to regulate labour conditions and protect workers, including the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, and the Minimum Wages Act, 1948. These laws aim to provide a basic safety net for migrant workers, but challenges remain, particularly in addressing the specific needs of female migrants and those in informal sectors. The Indian legal framework needs to evolve to better integrate interstate migrants, focusing on enhancing the portability of social benefits, simplifying identification processes, and ensuring access to grievance redressal mechanisms.

At the state level, Kerala's policies demonstrate a proactive approach to migrant welfare, with specific initiatives aimed at improving living conditions, employment standards, and access to healthcare. However, state policies must continuously adapt to address emerging challenges, such as the informal nature of employment and the diverse needs of migrants across various sectors. Strengthening monitoring mechanisms and enforcing labour laws more effectively will be crucial for safeguarding the rights of migrant workers.

Overall, the intersection of international, national, and state policy mechanisms must be harmonized to create a cohesive support system for migrants. By addressing gaps in legal protections, improving policy coordination, and implementing targeted reforms, stakeholders can work towards ensuring that migrants receive fair treatment, access to essential services, and opportunities for advancement. A holistic and integrated approach will not only benefit migrants but also contribute to more inclusive and equitable economic and social systems.

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