



**Women's Right to Mobility and Right to Work**  
**Perspectives from Migrant Women in**  
**India's National Capital Region**



**Women's Right to Mobility and Right to Work**  
**Perspectives from Migrant Women in India's National Capital Region**

Society for Labour and Development  
April 2019

This research report is part of a multi-country Feminist Participatory Research Project implemented by The Global Alliance Against Traffic in Women (GAATW) in partnership with colleagues in South, South East and West Asia. GAATW gratefully acknowledges the financial support of Women's Fund Asia to carry out this project.

GAATW and the Research Partners stand by the process and findings from the researches. Views and Opinions expressed in this report do not necessarily reflect the views of Women's Fund Asia.

## **About GAATW's Feminist Participatory Action Research Project on Safe and Fair Migration in Asia**

In 2018-2019, the International Secretariat of the Global Alliance Against Traffic in Women (GAATW-IS), in collaboration with eleven organisations across nine countries in Asia carried out a Feminist Participatory Action Research (FPAR) focusing on 'Safe and Fair Migration: A feminist perspective on women's rights to mobility and work'.

In our study, FPAR is used as a framework and approach to capturing women migrants' complex realities and perspectives on labor and migration. What distinguishes FPAR from conventional research is that it is deliberately women-centered and participant driven, the knowledge comes from the women (community) and owned by them, and based on their lived experiences, the research participants propose solutions so the research results become a tool to collectively organize advocacy actions. Therefore, this is an outcome of deconstructing the dominant understanding of safe migration and fair migration and reshaping the concepts from a feminist perspective. We believe our approach of building knowledge from ground up and creating evidence base will add value in addressing the structural causes of power disparities that affect women's migration and mobility.

Our research community ranges across South, Southeast, and West Asia offering views from both countries of origin and destination, as well as adding the perspective of internal migration from rural to urban areas. Three distinguished sectors of work are covered in this study including domestic work, garment industry, and entertainment work.

The lead researcher groups who facilitated discussions with women migrants include Anti-Racism Movement (Lebanon), Cambodian Alliance of Trade Unions (Cambodia), International Domestic Workers Federation (Lebanon), Karmojibi Nari (Bangladesh), Legal Resources Center for Gender Justice and Human Rights (Indonesia), MAP Foundation (Thailand), Sandigan (Kuwait), Self Employed Women's Association (India), Society for Labour and Development (India), Women Forum for Women in Nepal (Nepal), and an independent researcher based in Jordan.

*"Two people will shout as much as they can. But ten people are louder than two."*

Borrowing from one of our FPAR research participants' words, we hope each piece of our collective study will help amplify women migrant workers' voice to bring about structural change for a safe and fair migration that works for women.

GAATW-IS gratefully acknowledges the support of Women's Fund Asia in conducting this research project. A consolidated regional report and the country research briefs are available on the GAATW ([www.gaatw.org](http://www.gaatw.org)) website.

## FOREWORD TO THE 'SAFE AND FAIR' RESEARCH SERIES

In the past several decades neoliberal globalisation, increasing inequality between and within countries, conflict, climate change and environmental degradation have prompted unprecedented levels of migration. We are seeing a major trend towards increasing internal migration and urbanisation within countries – by 2050, the global population living in urban areas is expected to reach 66 per cent. Meanwhile there are around 250 million international migrants worldwide, of whom half are women. In some destination countries, demographic, labour market and economic changes (the privatisation of public services, aging societies, women's increasing participation in the workforce) have created a demand for care and service sector work, with an expectation that this demand will be filled by low-wage female workers, in the domestic, care, manufacturing and entertainment sectors. In origin countries, climate change, economic restructuring and industrialisation have led to the loss of traditional livelihoods, agricultural decline, environmental degradation, wage stagnation and a growth in precarious work – resulting in gross inequalities, and creating push factors for women to seek alternative income generating activities, including through migrating for work.

While these structural changes play a huge role in shaping “push and pull factors” for migration, it needs to be acknowledged that women are not merely passive agents in their migration, but that for many, migration is a way of asserting agency and finding freedom from patriarchal societal norms. Many women choose to migrate in order to see the world and gain new experiences, find economic opportunities, to be able to support families and to exercise autonomy and social independence. Despite the many risks and the challenges in accessing information about migration processes and opportunities, women continue to migrate all over the world, including from marginalised communities and rural villages. However, there is a lack of recognition of migration as a right, and of women workers as independent economic actors. States' labour migration policies are broadly missing a human rights and gender-transformative approach to migration and work.

Activists on the left have long critiqued the exploitative nature of some cross-border labour migration schemes that employ workers on poverty wages in substandard conditions, while outsourcing the costs of social reproduction to countries of origin. In the past 20 years, feminists, including GAATW, have tried to bring attention to the particular discrimination and risks created for women migrants by laws and policies governing, and failing to govern, labour migration. Although such initiatives have tried to stress women's perspectives, the conversation about migration has sometimes backfired and produced unintended consequences. Governments of origin and destination countries have in some instances responded not by making migration protective of human rights, but by curbing it through restrictions on women's mobility on the basis of age, marital status, pregnancy and maternal status, and category of work, especially for low-wage workers, and increasing border controls. Much of this is done with the supposed aim of 'protecting' women from trafficking and exploitation; however, what these protectionist restrictions have done is open up a market for clandestine and debt-financed migration, creating or exacerbating the very vulnerability, violence, and exploitation they were intended to prevent.

While non-governmental organisations (NGOs) have tried to bring issues of human rights to the table, they have, perhaps unintentionally, contributed to the repressive government agendas. Some anti-trafficking NGOs perpetuate narratives and images of migrant women as victims, and infantilising women by portraying them as inherently vulnerable and in need of protection. As a feminist alliance, GAATW sees its role as supporting the empowerment of migrant women to move and work safely and with dignity. This feminist participatory action research project is our collective effort to deconstruct and reshape a narrative of labour migration that is safe and fair for women workers, especially those in the most marginalised segments of society. We hope that this study serves as evidence to fight for the rights of migrant workers and amplify women's voices in the local, regional, and international migration agenda.

## Table of Contents

<b>OVERVIEW</b>	<b>7</b>
<b>MIGRATION CONTEXT</b>	<b>7</b>
WOMEN'S MIGRATION WITHIN INDIA	7
MIGRATION FOR EMPLOYMENT IN GARMENT WORK	8
LABOUR MARKET CONTEXT OF INTERNAL MIGRATION IN INDIA	9
<b>METHODOLOGY</b>	<b>11</b>
RESEARCH PHASE 1	11
RESEARCH PHASE 2	12
<b>FINDINGS</b>	<b>12</b>
MIGRATION CATALYSTS	12
EXPERIENCES OF MIGRATION TO THE DELHI-NCR	14
PERSONAL MOBILITY AND INDEPENDENCE	14
WORK IN THE GARMENT SECTOR	15
LIVING CONDITIONS	22
FAMILY LIFE	24
<b>POLICY CONTEXTS AND RECOMMENDATIONS FOR CHANGE</b>	<b>26</b>
LIVING CONDITIONS	26
FAMILY LIFE	26
GARMENT WORK	28
<b>ACKNOWLEDGMENTS</b>	<b>31</b>
<b>BIBLIOGRAPHY</b>	<b>31</b>
<b>APPENDIX I: CONVERSATION GROUP DISCUSSION FORMAT</b>	<b>32</b>
<b>APPENDIX II: REPORTING DOMESTIC VIOLENCE</b>	<b>33</b>
DEFINITION OF DOMESTIC VIOLENCE UNDER THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 (PWDVA)	33
RELIEF UNDER PWDVA	34
APPLICATION TO MAGISTRATE	35
KEY COMPONENTS OF AN APPLICATION UNDER PWDVA:	35
CASE REFERRAL CONTACTS TO KEEP ON HAND	36
FORMS TO ASSIST FILING UNDER PWDVA	37
FORM I	37
FORM II	46
FORM III	54
FORM IV	57
FORM V	64

## Overview

How has migration to the Delhi-National Capital Region (NCR) impacted employment conditions, personal safety, health, and feelings of fair treatment for women who migrate for employment within India? What changes do migrant women seek to make in order to improve their safety, health, and treatment within the NCR? Using Feminist Participatory Action Research (FPAR) methodologies, this report presents insight from three community conversation groups, comprising a total of 25 women who migrated to the NCR from rural areas of Bihar, Jharkhand, Madhya Pradesh, and Uttar Pradesh, and currently hold employment within the garment sector. This particular segment of women who migrate for employment is significant in understanding safe and fair migration due to the significance of this sector in propelling migration within India, and the disproportionate representation of women employed within the sector. Accordingly, this sample provides a window into understanding the experience of women who migrate for employment to urban industrial hubs within their countries to work at the base of global supply chains.

The perspectives shared by these women migrant workers are used as a prism for filtering and compiling research findings from other streams of SLD research with migrant women garment workers, conducted from January 2018-April 2019. In addition to the perspectives shared by these women and to strengthen them, we have drawn upon other streams of SLD research conducted between to compile the research findings. This approach both foregrounds the concerns of migrant women workers, and provides additional evidence to bolster their critiques and visions for change.

## Migration context

### Women's migration within India

Women's migration within India is precipitated by both increased opportunities for employment in urban industrial centers; and disruption of livelihoods and food security in high migration sending areas.<sup>1</sup> In key source areas for rural-urban migration—including in Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand and the Northeastern States—factors precipitating migration may include conflict-related displacement, development driven displacement, public divestment from social protection, agricultural decline, natural resource erosion, natural disasters and household-level economic and social distress.<sup>2</sup>

---

<sup>1</sup> Jagori. MIGRATION, TRAFFICKING AND SITES OF WORK: RIGHTS AND VULNERABILITIES—A PILOT STUDY: REPORT OF INITIAL FINDINGS IN RAJASTHAN AND GUJARAT (2016), <http://www.jagori.org/wp-content/uploads/2006/02/migration%20final%20report.PDF>.

<sup>2</sup> Deshingkar, P., & Akter, S. (2009). Migration and Human Development in India. Human Development Research Paper (HDRP) Series, 13. Retrieved July 14, 2015, from [http://mpr.ub.unimuenchen.de/19193/1/MPRA\\_paper\\_19193.pdf](http://mpr.ub.unimuenchen.de/19193/1/MPRA_paper_19193.pdf)

Upon arrival in destination areas, women workers from marginalized communities most typically find employment in the informal or unorganized sector as domestic workers, in brick kilns, in the entertainment sector and in low skill positions within garment factories and at the production base of global supply chains. Undervaluation of women’s work in the paid economy exacerbates the already precarious nature of women’s employment.<sup>3</sup>

## Migration for employment in garment work

The Indian export garment industry has emerged as one of the leading industrial segments in the Indian economy since the adoption of liberalized economic policies beginning with the economic reforms of 1991. In 2013, textiles and clothing contributed 4% to the gross domestic product. Export earnings of the apparel industry alone were valued at USD 15.7 billion in 2014 and combined textile and apparel export earnings were valued at USD 40 billion. In 2014, the Indian textile and garment industry employed 45 million workers. Despite the significant segment of Indian workers employed in the garment industry, national level data on economic and social profile of the garment workforce remains thin.<sup>4</sup> Approximately 60% of garment workers in India are women, although workplace demographics shift depending upon the region (Kane 2015).

India’s National Commission for Enterprises in the Unorganized Sector (NCEUS) recognized garment workers as “informal workers in the formal sector”.<sup>5</sup> This designation appropriately accounts for the range of informal sector roles garment workers fill, including home-based work, daily wage work, and contract labor in small production units. Within the textile industry, this trend has been most apparent in the Ready-Made Garment (RMG) industry—a leading destination for outsourcing by multinational enterprises for the past two decades.<sup>6</sup>

Today, the major hubs of garment manufacturing are located in the industrial clusters of the Delhi-National Capital Region (NCR); Bangalore, Karnataka; Ludhiana, Punjab; Mumbai, Maharashtra; Jaipur, Rajasthan; Kolkata, West Bengal; and Tirupur, Tamil Nadu. The gender-based composition of the RMG sector across these production hubs is quite diverse, with the highest concentration of women workers in Bangalore and Tirupur. A large number of women workers employed in the garment sector migrate with their families for employment from Uttar Pradesh, Bihar, Jharkhand, Orissa and West Bengal. By contrast, a greater proportion of single women migrate for employment to RMG production hubs in South India.

Within a single factory in the Delhi-NCR, very few positions, highly skilled positions—such as sample tailors—are permanent positions. These permanent positions, however, are usually held by men. Women workers are concentrated on production lines in the production department, as

---

<sup>3</sup> Deepta Chopra, *Policy Briefing: Balancing Paid Work and Unpaid Care Work to Achieve Women’s Economic Empowerment*, Issue 83 [online] (2015), [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/5623/PB83\\_AGID316\\_Balancing\\_Online.pdf;jsessionid=8B4181F85350383FC8878A3B78AB112E?sequence=1](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/5623/PB83_AGID316_Balancing_Online.pdf;jsessionid=8B4181F85350383FC8878A3B78AB112E?sequence=1).

<sup>4</sup> Shikha Silliman Bhattacharjee, *PRECARIOUS WORK IN THE H&M GLOBAL VALUE CHAIN* (2016).

<sup>5</sup> National Commission for Enterprises in the Unorganised Sector (NCEUS), *THE CHALLENGE OF EMPLOYMENT IN INDIA: AN INFORMAL ECONOMY PERSPECTIVE* (2009), [http://nceus.nic.in/The\\_Challenge\\_of\\_Employment\\_in\\_India\\_\(Vol.%2011\).pdf](http://nceus.nic.in/The_Challenge_of_Employment_in_India_(Vol.%2011).pdf).

<sup>6</sup> Susana Barria, *NATIONAL PEOPLE’S TRIBUNALS ON LIVING WAGE FOR GARMENT WORKERS IN ASIA* (2014).



sewing machine operators and thread cutters. It is common for factory owners to outsource hiring by production line. In this arrangement, different contractors may be responsible for sourcing, hiring, and paying workers employed on their lines. Some workers may be employed as daily wage workers for an entire production cycle, whereas others may be brought in for shorter periods of time. Line contractors may also function as supervisors. High levels of labor mobility between factories within the garment sector in India also undermines collective bargaining.

The vulnerability of women garment workers is heightened by their socio-economic status. Most are from socially weaker or marginalized sections of Indian society.

Within India, low income women from marginalized communities who travel to industrial and service hubs in search of employment include a large proportion of Scheduled Caste (*Dalit*), Scheduled Tribe (*Adivasi*)<sup>7</sup> and Muslim women. These women frequently lack literacy, do not have access to income generating opportunities at source, and/or do not have land and assets. With fewer options for employment, they may be willing to take more risks to meet their personal and family needs. They may also have fewer networks and less information to guide them in their migration processes. Migrant, women, child, *Dalit*, *Adivasi* and Muslim workers are at severe risk of exploitation and exclusion from decent work. Workers at the intersection of these categories are particularly vulnerable to rights abuses. While India's *Equal Remuneration Act, 1973*, requires an employer to pay workers doing same work or work of similar nature to be paid equally, this protection does not get used/enforced to protect workers from wage discrimination along gender, caste, tribal or communal lines. Without adequate enforcement of protection against exclusion and wage discrimination, the market in India consolidates rather than reduces social processes of exclusion.

## Labour market context of internal migration in India

Women workers who migrate for employment to the Delhi-National Capital Region enter markets where formal employment models are in rapid decline due to systematic erosion of labor standards and promotion of trade liberalization, international competition and privatization.<sup>8</sup> Although India has seen relatively high economic growth in the past decade, employment opportunities in public enterprises, the formal private sector and agriculture have declined and very few jobs have been added—the majority of which fail to meet decent work standards. Due to economic, political and social governance practices—such as patriarchal norms that undermine women's education and skill development, concentrating women workers in low wage employment—by 2010, without accounting for informal sector workers within the public sector, 92 percent of all workers in India were effectively in informal sector employment—

---

<sup>7</sup> Scheduled Caste and Scheduled Tribe groups, also known as *Dalits* and *Adivasis* respectively, are eligible for quotas in education and government jobs and protected under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989. See Shikha Silliman Bhattacharjee, *Cleaning Human Waste: Manual scavenging, caste and discrimination in India* (2014).

<sup>8</sup> See *generally* Shikha Silliman Bhattacharjee, *India's Labour Law Changes: Towards advancing principles of rights, inclusion and employment security* (2016).

characterized by low wages, little job security and no entitlement to state protection of their rights at work.

The proportion of unorganized workers within the organized sector—workers employed in industrial contexts but without regular contracts or labor protections—moreover, rose to 51 percent in 2009-2010.<sup>9</sup> India's central government has pursued legal and market reforms that systematically increase workforce flexibility, decrease the bargaining authority of trade unions and diminish the reach of India's state labor regulations and regulatory apparatus.<sup>10</sup> Measures to achieve labor flexibility have included increased use of contract labor, outsourcing and subcontracting.<sup>11</sup> As a result, workers are channeled into delivering flexible, labor intensive production activities at low cost and without wage, employment or social security.<sup>12</sup> The growth in the unorganized sector has been backed by judicial precedents stripping contract workers of labor protections and fueling unorganized employment within the organized sector.<sup>13</sup> Labor law reforms have simultaneously reduced the bargaining power of what remains of the organized industrial sector.<sup>14</sup>

Casualization and contractualization of the Indian labor force is well underway in the manufacturing sector—a key site for employment for women who migrate for employment to urban industrial hubs in the Delhi-National Capital Region. More than 80 percent of all workers in the organized manufacturing sector have no written contracts or contracts that are valid for less than a year.<sup>15</sup> This trend toward casualization and contractualization has put a large section of the labor force outside the purview of India's labor protections. Casualization in the

---

<sup>9</sup> Coen Kompier, Labour Markets: Exclusion from 'Decent Work' in INDIA EXCLUSION REPORT 2013-2014 (Harsh Mander and Gitanjali Prasad ed., 2014).

<sup>10</sup> T.S. Papola and Jesim Pais, Debate on Labour Market Reforms in India: A Case of Misplaced Focus, INDIAN J. OF LABOUR ECONOMICS, Vol. 50, No. 2.

<sup>11</sup> See e.g. Anamitra Roychowdhury, Recent Changes in Labour Laws and their implications for the working class, SANHATI (January 13, 2015), <http://sanhati.com/excerpted/12592/>; R. Nagaraj, Fall in Organised Manufacturing Employment: A Brief Note, ECONOMIC AND POLITICAL WEEKLY, July 24, 2004, at 3387-3390; R. Zaghera, Labour and India's Economic Reforms, in India in the Era of Economic Reforms (JD Sachs et. al. ed., 1999).

<sup>12</sup> Surendra Pratap, The Political Economy of Labour Law Reforms in India, Part I, SANHATI, (December 2, 2014), <http://sanhati.com/excerpted/12159/>.

<sup>13</sup> For instance, in 2001, in *Steel Authority of India Ltd. v. National Union Waterfront Workers*, the Supreme Court ruled that the Contract Labour Act, 1970 did not require mandatory absorption of contract workers as "permanent workers," even if they were employed for long periods at the same workplace but under different contractors. This judgment abolished entitlements protecting secure employment of contract workers, facilitating workplace flexibility. The Supreme Court further rolled back protection for casual and temporary workers by ruling that they could not seek regularization of their services, even after employment of more than 10 years, in *Secretary, State of Karnataka v. Umadevi*. In 2005, in *Haryana State Co-Op Land Development Bank v. Neelam*, a worker who was illegally terminated was not entitled to reinstatement. Such precedents stripped contract workers of labour protections and fueled unorganized employment within the organized sector. See *Steel Authority of India Ltd. v. National Union Waterfront Workers*, Appeal (civil) 4263 of 2006 (Supreme Court); *Secretary, State of Karnataka v. Umadevi*, Appeal (civil) 3595-3612 of 1999 (Supreme Court); *Haryana State Co-Op Land Development Bank v. Neelam*, Appeal (civil) 1672 of 2002 (Supreme Court).

<sup>14</sup> 2001 amendments to the *Trade Unions Act, 1926* required unions to have at least 100 members or to represent at least 10 percent of the workforce in order to register under the Act—making the formation and registration of unions far more challenging than had previously been the case. *Trade Unions (Amendment) Act, 2001* (Act 31 of 2001)(section 5 inserted section 9A into the *Trade Unions Act, 1926*).

<sup>15</sup> V. Sridhar, The curse of cheap labour: A society that systematically shortchanges its workforce will have to pay dearly, FRONTLINE, October 29, 2014, <http://www.frontline.in/cover-story/the-curse-of-cheap-labour/article6540760.ece?homepage=true&css=print>.

manufacturing sector disproportionately impacts women workers who are rarely appointed to permanent positions.

## Methodology

Guided by Feminist Participatory Action Research (FPAR) methodologies, this study sought to make space for migrant women to discuss experiences of gender, mobility, labour, and violence. Accordingly, rather than a focus group discussion format that sought specific outcomes through a consistent structure, our interaction with migrant women sought to facilitate a fluid conversation with space for women to bring up the issues that concerned them most. For instance, while our initial questions did not address domestic violence and barriers to seeking relief, this issue came up consistently—both as a personal challenge and gap in available services. This approach allowed women migrants to play a leading role in the research process, defining the core issues discussed in this report and the change processes catalyzed by this FPAR process.

### Research phase 1

Research Phase I sought to bring out the perspectives of migrant women on the following questions:

1. How has migration to the Delhi-NCR impacted their employment conditions, personal safety, health, and feeling of fair treatment?
2. What changes do migrant women seek to make in order to improve their safety, health, and treatment within the NCR?

To answer these questions, SLD researchers conducted three conversation groups with migrant women workers in the NCR. Conversations lasted between two and three hours and were facilitated as a group conversation that followed a series of semi-structured discussion questions (Appendix I).

Research phase 1 included three conversation group discussions conducted in September 2018, including 25 migrant women. Interviews took place in Kapashera, South West Delhi.

While gender identification and migration to the NCR were the only conditions in selecting respondents, the majority of women who participated in research phase 1 were employed in the garment sector. The overwhelming representation of migrant women employed in garment work reflects both high concentration of garment workers in Kapashera—a residential section of an urban industrial hub—and high representation of women garment workers in SLD programmes due to SLD's dual sectoral focus on advancing the social and economic rights of migrant garment and domestic workers.

## Research phase 2

In addition to the perspectives shared by these women and to strengthen them, we have drawn upon other streams of SLD research conducted between to compile the research findings. This approach both foregrounds the concerns of migrant women workers, and provides additional evidence to bolster their critiques and visions for change. Research phase two includes:

- Findings from focus group discussions with 45 women garment workers in India. The vast majority of women workers who engaged in focus group discussions worked as sewing machine operators.
- In-depth factory profiles of 3 factories from India. These factory profiles provide a demographic snapshot of the garment supply chain workforce that demonstrates the concentration of women workers in temporary, low-wage production jobs within the garment supply chain. Factory profiles also sought to understand working conditions, presence of trade unions and dispute resolution mechanisms.

Women and girls who participated in conversations groups and FGDs ranged from 16-48 years old and included both married and unmarried participants, with and without children. Women were not asked to identify education levels, caste, or religious identities.

The vast majority of women workers who engaged in conversation and focus group discussions worked as sewing machine operators or helpers and reported being employed in the garment industry for between 3 and 20 years. Girls reported working in the garment industry from as young as 16 years by showing false identity documents establishing their age as 18 years.

## Findings

### Migration catalysts

Migrant women overwhelmingly named lack of employment in rural parts of India as the key driver of migration. One woman explained:

Work is the main reason why people come here. If a person gets a job in the village, he will work there. Those of us who cannot get a job in the village come here to work.

Their analysis of rural unemployment included drought and the investment capital required to not only cultivate but also irrigate agricultural land:

We come here to work so that we can live in a better way. With agriculture, you have to invest before you can get a return, but where can we get the money to invest? You need money to irrigate the land and then to cultivate it. These days there is no rainfall either. So, it all comes down to money.

**Migrant women reported that challenges in finding employment in rural areas extended across educational attainment and gender:**

My husband was already working here when I got married, so I came. He was not able to get a job in his native place, so he came here after graduating.

**Women were explicit in their preference for living in their native villages, but reported feeling compelled to migrate for employment:**

Who would not prefer to live in a village? Who wants to leave their native place? It is the need for work that forces us to this alien city.

**Although all respondents migrated for employment within India, some described themselves as foreigners within the NCR:**

This is foreign land and we are foreigners. We cannot settle here. Why would someone come so far from their native place? We come here to work.

**One woman who migrated based upon her husband's improved employment prospects explained that she only accompanied her husband because employment in Delhi was too far from their home for him to work away from home and return frequently:**

If there was a factory in a city near to our village, I would not leave [the village]. We would not have a problem living separately from our husbands if they could come home whenever there was a need. Delhi is a long way from our native village, though, so I came here along with my husband.

**Women described finding jobs through kinship networks. In one such case, a migrant woman explained that her sister was not only the first from their family to migrate, but also instrumental in helping her brother-in-law to find work:**

I have four children. Our income was less than our expenditure, so we came here to earn. My sister was here. My husband came first. After she helped him to get a job, I joined him. It was hard here as well when we arrived, but a lot of things have improved for us. It all comes down to money. If you have money you will eat well. If you do not, you and your children will go hungry.

**Migrant women who participated in focus group discussions included younger women, ages 20 and below, who migrated with their parents and then took up employment to help support the family. One sixteen-year-old girl recounted:**

My father came here to work. It was not pre-decided that I would work here, but I do work in the garment factories.

While employment was the primary driver of migration for almost all women who participated in these conversations, women also described leaving the village for other reasons. One woman described initially staying at her marital home while her husband migrated for employment to Delhi. In the end, she left to join him in order to avoid social stigma in the village:

I came here after seven years of marriage. My husband was already here. He brought me to be with him because I was not able to conceive and people in the village started saying things about me and taunting me. We lived here and I had a daughter.

Although for most women personal or family employment was the primary catalyst for migration, as detailed in the next section on experiences of migration to the Delhi-NCR, women identified both benefits and challenges associated with migration.

### Experiences of migration to the Delhi-NCR

When asked to reflect on their experiences of migration to the Delhi-NCR, migrant women discussed experiences related to personal mobility and independence, shifting expectations of community, work in the garment sector, living conditions, and family life.

#### Personal mobility and independence

Migrant women reported increased personal freedom and mobility in the NCR. One woman explained:

Here in the city, I can move freely and go out at my own wish. There are no restrictions from relatives. I can work here. I have a sense of responsibility and independence.

Other women described newfound independence in choosing her attire and living without her in-laws without social repercussions:

You can wear what you want and eat what you want. In the village, you live according to the wishes of your family members—according to their directions. If you do not obey and there are problems, you may have to live separately. Then the neighbors talk. We do not have to worry about any of this in Delhi.

Migrant women compared their comparative freedom in the NCR to restrictions in their villages, including: curtailment of their ability to move freely in and out of their homes by elders within their families and families-in-law; perceptions that they are disrespectful of elders if they leave the home after 6 pm; and taunts and criticisms directed against women and their families if women transgress these boundaries.

Women who identified as Scheduled Caste described feeling higher levels of restriction and discrimination from groups considered higher caste in village contexts. Scheduled Castes refer to

caste groups, also known as Dalits,<sup>16</sup> that are eligible for quotas in education and government jobs and protected under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989. Within enduring sociopolitical caste schema, *Dalits* are relegated to the bottom of the caste hierarchy. Many are still limited to livelihoods viewed as menial or deplorable—including working as manual scavengers, leather workers, and cobblers.

Experiences and understanding of restriction in village life were not, however, monolithic. One woman explained her comparative freedom in the village context in relationship to her educational opportunities:

There are not many restrictions at my place. I completed my graduation from my village. Education has an influence over people [implying that there were fewer educational restrictions within her family because she was educated and came from a family that valued education for girls].

Another woman linked restrictions on mobility in the village context to lack of employment opportunities rather than educational attainment:

Restrictive patterns are still followed in the village. Where can a girl go to work? At best, she can go work in the fields.

By contrast, women in the NCR described moving freely within Gurgaon and Delhi, including for shopping and work. Most women across all three conversation groups attributed their increased independence to their personal earning capacity in the NCR.

### Work in the garment sector

Migrant women who participated in conversation groups included both women who had worked in the garment industry for ten or more years, and young women who had recently begun to work in the industry. All conversation group participants were casual or contract workers, employed in the production departments of garment factories as tailors or checkers.

While the majority of women participants were employed at the time of interview, workers commonly reported working ten months of the year, with July and August as routine periods of retrenchment due to fashion production cycles. Workers reported returning home to migration source areas during these periods of unemployment. Accordingly, it is common for workers to engage in recruitment and placement following these annual periods of unemployment. Workers also reported regular shifts between and among garment fabricators and factories. Due to the regularity with which migrant women garment workers seek employment, they find employment through formal contractors, subagents, or skills training centres.

The employment profiles of migrant women conversation group participants are consistent with SLD findings that within garment factories, the vast majority of women workers are employed in

---

<sup>16</sup> Dalit is a self-designated term for so-called “untouchables” who occupy the lowest place in the caste system.

the production department in subordinate machine operator, checkers, and helper roles. Despite their numerical majority within the garment sector, women workers rarely reach leadership positions in their factories and unions.

**Table 1: Factories and number of workers by department**

Department	Fabric Store	Cutting	Fusing/pasting	Production	Finishing/packing
<b>Department</b>	Fabric Store	Cutting	Fusing/pasting	Production	Finishing/packing
<b>India Factory 1</b>	5 workers	115 workers	16 workers	1,153 workers	358 workers
<b>India Factory 2</b>	6 workers	16 workers	[Not applicable to this factory]	120 workers	185 workers
<b>India Factory 3</b>	6 workers	50 workers	14 workers	445 workers	59 workers

**Table 2: Gendered hiring by department, range across factories**

Department	Fabric Store	Cutting	Fusing/pasting	Production	Finishing/packing
<b>Management</b>	Manager male	Supervisor Male	Supervisor male	Supervisor 0-100% male 0-100% female	Supervisor 90-100% male 0-10% female
	In-charge male	Quality Control 60-100% male 0-40% female		Quality Control 0-100% male 0-100% female	Quality Control Male/female
	Supervisor male			Line In-Charge	



				70-100% male 0-30% female	
				Group leaders 0-30% male 70-100% female	
Specialized roles	Store Keeper male	Sticker Master 0%-100% male 0%-100% female	Fusing machine Operator 20-100% male 0-80% female	Record Keeper 0-100% male 0-100% female	
		Cutting Machine Male			
		Layer Man male/female			
Checkers		Checker 0-100% male 0-1000% female		Checker 70-100% male 0-30% female	
Machine operators		Button Machine 0-100% male 0-100% female		Line Tailor 0-100% female 040% male	
Helpers		Helper 70-100% male 0-100% female	Helper 20-100% male 0%-100% female	Helper 0-20% male 80-100% female	Helper 0-30% male 70-100% female

Note: This model was developed based upon detailed profiles of 3 supplier factories in India

## Rising costs of living and below living wages

A more senior woman worker, employed in the garment sector in the Delhi-NCR for ten years, reflected on the increasing number of women employed in the garment sector in the NCR:

Earlier, there were very few ladies working in the factories, but over time, the numbers of women have increased.

Among conversation group participants, the primary explanation for the rise in women's employment in the NCR garment sector was the need for two salaries in order to support family needs. One woman provided a literal accounting of her decision to seek employment in a garment factory.

These days, a family's needs are not fulfilled with just one person earning. So, ladies work. The maximum one person can earn is INR 15,000 a month. What can we get with INR 15,000? We have to pay for food, education for children, rent—then we have to send money home to the village. It is not possible in one salary, so I work to support our family needs.

This assessment that a worker earning INR 15,000 per month will be unable to meet their personal and family needs is supported by the detailed formula for calculating living wages across national contexts developed by Asia Floor Wage Alliance (AFWA), a global coalition of trade unions, workers' rights, and human rights organisations. The AFWA definition of a living wage specifies that living wage calculations must include support for all family members, basic nutritional needs of a worker and other basic needs, including housing, healthcare, education and some basic savings. Accounting for high inflation, Asia Floor Wage figures are calculated annually based upon regular and ongoing food basket research.<sup>17</sup> The Asia Floor Wage is calculated in Purchasing Power Parity \$ (PPP\$), a fictitious World Bank currency built upon consumption of goods and services that allows standard of living between countries to be compared regardless of the national currency. For instance, the 2017 Asia Floor Wage figure is PPP\$ 1181. These wage figures are then converted into local currency—23,588 Rupees in India.

While women garment workers reported earning up to INR 15,000 per month, migrant women workers in the NCR employed in domestic, garment, and home-based work may earn as little as INR 7,222—15% less than the minimum wage in the NCR, set at INR 8,497 at the time of writing.

---

<sup>17</sup> AFWA's living wage calculation is based on the following considerations: a worker needs to support themselves and two other consumption units [one consumption unit supports either one adult or two children]; an adult requires 3000 calories a day in order to carry out physically demanding work in good health; within Asia, food costs amount for half of a worker's monthly expenditure.

**Production targets, verbal abuse, and extractive labour**

Migrant women conversation groups discussed verbal abuse and health consequences associated with employment in the garment sector:

- We work even though we are treated badly and verbally abused in the factory. We work for 12-13 hours daily in order to live in a rented home here. We have to listen to the in-charge’s instructions and taunts. Our legs get swollen from standing.
- Our backs ache from standing for 12 hours with only half an hour to take a break.
- The abuse we face from our supervisors is far worse than we hear from our husbands.

As documented in previous research with 45 women migrant workers employed in Gap and H&M garment supplier factories in Bangalore, Gurgaon, and Tirupur, India, conducted between January and April 2018, migrant women garment workers in India face a spectrum of gender based violence.<sup>18</sup> These include accounts where women garment workers were targets of violence on the basis of their gender, or because they were perceived as less likely or able to resist. Women also described being disproportionately impacted by forms of workplace violence perpetrated against both women and men.

**Table 3: Gender based violence documented in garment supplier factories in India**

	<b>Violence against a woman because she is a woman</b>	<b>Violence against a woman that affects women disproportionately due to high concentration of women in high risk production departments and gendered barriers to relief</b>
		Assault, including pushing to the floor, beating, slapping and kicking
		Low wages (calorie deficit), high temperatures, and poor air circulation leading to fainting

<sup>18</sup> Focus group discussions sought to identify forms of gender based violence in the workplace and risk factors for violence. In identifying forms of gender based violence, researchers used the definition of gender based violence set out in General recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women (CEDAW). Researchers used risk factors identified in the October 2016 Conclusions by the Meeting of Experts on ‘Violence against Women and Men in the World of Work’ as a benchmark for understanding risk factors for violence in garment supply chains. These findings were first published in Asia Floor Wage Alliance et al (2018) *Gender Based Violence in the GAP Garment Supply Chain: Workers Voices From the Global Supply Chain, A Report to the ILO 2018*. Available online, Global Labor Justice Website: <https://www.globallaborjustice.org/gap-report/>; and Asia Floor Wage Alliance et al (2018) *Gender Based Violence in the H&M Garment Supply Chain: Workers Voices From the Global Supply Chain, A Report to the ILO 2018*. Available online, Global Labor Justice Website: <https://www.globallaborjustice.org/handm-report/>

Acts that inflict physical harm		Long hours performing repetitive manual tasks lead to chronic health issues
Acts that inflict mental harm		General verbal abuse, including bullying and verbal public humiliation
	Verbal abuse linked to gender and sexuality	
		Verbal abuse linked to caste or social group
	Verbal abuse targeting senior women workers so that they voluntarily resign prior to receiving benefits associated with seniority	
Acts that inflict sexual harm or suffering	Sexual advances from management and co-workers and retaliation for reporting	
	Unwanted physical touch, including inappropriate touching, pulling hair, and bodily contact by managers and male co-workers	
Coercion, threats, and retaliation	Retaliation for reporting gendered violence and harassment	
	Blacklisting workers who report workplace violence	
Deprivations of liberty		Forced to work during legally mandated lunch hours
		Prevented from taking bathroom breaks
		Forced overtime
		Prevented from using legally mandated leave entitlements

Migrant women linked the physical consequences of extended working hours and verbal abuse to production targets:

If you give a piece less than your target then, they say “do not come from tomorrow.” You are fired. You get your account cleared. If you want to stay, you have to beg them not to fire you and promise you will reach the target next time. Then, in order to meet the target, you can’t risk taking any breaks at all, even to use the toilet.

Verbal abuse and physically extractive labor practices are a predictable outcome in an industry where women workers in subordinate, low-wage employment roles are driven to meet

demanding production targets for below living wages in order to keep pace with fast fashion trends. Indian women employed in the Gurugram industrial hub (within the Delhi-NCR), described typical targets as 30-40 pieces per hour. However, during heavy production periods, they may be driven to meet inflated and unreachable targets of up to 100 pieces an hour.

Women stated that the sewing section was the most stressful section to work in because of production targets which increase daily. Women workers reported that supervisors will shout at them and push them if targets are not met.

Women reported being forced to work through lunch, as well as overtime late into the night, in order to reach production targets. Workers who failed to reach production targets reported being belittled and abused. Without safe transportation options, women workers reported facing harassment, robbery, and other crimes on their way home. One woman described the walk home after dark in Gurgaon:

After 10 pm at night it's really scary to come alone on that road. It is not well lit. There are some street lights, but they are placed far apart. There are dogs everywhere and they bark. Theft and purse snatching is also common. Last week, one of my friends was robbed. Her purse was stolen. We are also teased by men on the street as we walk home from work.

In addition to exposing women to unsafe commutes, the combination of low wages and relentless working hours in the garment industry violently extracts labor from women's bodies. Introduced by SLD and Global Production Network researchers in 2018, the term, body mining refers to the physical toll on women that results from poor nutritional intake, no weekly rest day, and the physical demands of work. Our recent study found that among 38 garment workers (21 women and 17 men) in two garment factories in India, 33.3% of women fainted at work and 28.6% received a glucose drip within the last year. All of the women reporting fainting had worked overtime. No man reported fainting, a finding contextualized by the authors in relationship to anemia among Indian women, a common condition due to discrimination in access to food; and women's heavy burden of unpaid work at home. According to a randomized survey conducted by India's Employees State Insurance Corporation in 2014, 60.6% of garment workers surveyed were anemic.<sup>19</sup>

### **Threats of termination, isolation, and barriers to solidarity**

Migrant women discussed how routine and ongoing threats of employment termination discourage women workers from resisting abuse and overwork. One woman mimicked the conduct required to stay employed for her peers:

---

<sup>19</sup> Ceresna-Chaturvedi, L. (2015). A Study of Occupational Health and Safety in the Garment Industry in Bangalore. Cividep, accessed August 31, 2018: <http://cividep.org/wp-content/uploads/2017/04/25-2-Occupational-health-safety-13.pdf>

You have no choice but to smile and talk sweetly to the in-charge. If you reply back when they abuse you, you may be removed from the factory.

While migrant women talked freely between one another during conversation groups, they described feeling made to compete with one another while in the factory. One woman explained:

We are compared on our ability to meet the target. This leads to jealousy and hurts cooperation between women. New comers who want to secure their job may complain about other employees. They may say, “that lady has been at the toilet for the last half an hour and not working”—just to secure their own job.

One young migrant woman described feeling high levels of competitiveness from other women in the factory:

People are two-faced over here. Even if you help someone, they may come back and hurt you—out of greed and competition. People backbite. They cannot see anyone at peace and earning well and living well. I learned the hard way by helping people who did not try and help me in return. I don’t feel I can trust anyone now. If you help someone get a job, they may turn around and try and get you removed from yours. If the supervisors in the factory praise me, other women get jealous of me because I am a young lady worker. They find fault in my work. They have even damaged my pieces.

As documented in 2018 SLD research on gender based violence in Gap and H&M supplier factories, in addition to managerial practices that foster competition between women workers, the very structure of work in garment supplier factories undermines solidarity between women workers. Long working hours deny workers opportunity to engage with one another. In Manesar, Gurgaon, women reported that they were prevented from speaking with one another during breaks in the workday. Workers are forbidden to leave factory premises—during their tea and lunch break they are required to eat at the canteen inside the unit. Prohibitions on leaving the factory for breaks during working hours, combined with extended working hours—at times up to 17 hours a day—functionally eclipses the potential for workers to exercise their fundamental rights to freedom of association and collective bargaining.

Denying freedom of association and collective bargaining forecloses important pathways for redress by women workers. Barriers to freedom of association and collective bargaining prevent workers from responding collectively to violence, furthering cultures of impunity around gender based violence.

### Living conditions

Women migrants discussed their living conditions in Kapashera, including with housing, sanitation, and security. The challenges described below were discussed in light of personal ways of turning these subpar living conditions into a place where they can feel at home. For instance,

one woman shared: “My building from outside looks very sluggish, but from inside I keep my place very clean. I clean daily, and every Sunday I really clean properly.”

### *Housing*

Women discussed challenges associated with high rent, at times requiring all members of the family to work—even children.

Women also described feeling unsafe in their homes in the NCR. One woman explained:

Anyone can enter the building where I live at any time. There is no security in this locality. Police do not listen if we report because they are bribed.

SLD (2018) research has documented that deregulation of land in Gurgaon has led to skyrocketing rental prices for migrant workers.<sup>20</sup> Through multiple levels of policy making, land use in Delhi-NCR has been deregulated through measures including repeal of land ceiling laws that aimed to limit monopolistic land accumulation; and modifications in rent control protections that once protected lower income housing. While migrant settlements once took hold on public or rent controlled lands, migrant workers are relegated to an ever-receding periphery. They are increasingly concentrated in areas of the NCR that fall outside the bounds of municipal authorities. Within these deregulated zones, there is little if any accountability among landholders to provide stable rent or formal lease agreements to tenants within slums and tenement housing—with rents increasing at up to 28% a year.

### *Sanitation*

Women unanimously described their villages as cleaner than the NCR. Numerous women described unsanitary living conditions and complete absence of government intervention in Kapashera:

In Delhi, only the gardens and parks are cleaned—the places visited by tourists are clean, but not the places where we live. In Kapashera, the drains are all open so mosquitos come to live there.

Lanes are very dirty. Municipal workers don’t even enter Kapashera to clean. It is filthy where we live.

There are no places that are as dirty as Kapashera where we live.

In Kapashera, the area described by migrant women in their conversation groups, migrant workers and their families live packed, side by side, in single rooms, under the strict control of unregulated landlords. In this workers housing unit, more than 70 families share 8 toilets. Lacking

---

<sup>20</sup> See Shikha Silliman Bhattacharjee, *Megacities and the Spatial Unmaking of Citizenship* (2018).

sanitation and waste disposal, human waste and garbage collect in an open stream that is less than 10 meters away from workers' homes.

In addition to health hazards associated with poor sanitation, including bacterial and mosquito born health conditions, open drains in Kapashera also present the risk of drowning. On January 27, 2016 in Kapashera, five-year old Ankit Kumar, the son of a migrant construction worker, drowned in an open septic tank just outside his school while on his way to the toilet (Indian Express 2016).



This image of the “ganda nala” [dirty stream] area of Kapashera is taken from *Lockstitch Lives: Migrants in the Megacity* (2016), a 360-degree interactive documentary by SLD and HELM Studio that transports the user to the neighbourhoods of Gurgaon, providing vivid insight into living and working conditions for migrants in the Delhi, National Capital Region.<sup>21</sup>

### Family Life

When asked to reflect on the changes they would like to see in their communities and workplaces in order to make their migration experiences more safe and fair, migrant women workers identified a need to address verbal and physical abuse in their homes. One woman explained:

To feel safe in our homes, the environment should be improved. We face both physical and verbal abuse. This needs to be stopped.

This sentiment came up in each of the three conversation groups, and met with widespread affirmation within each group. In one conversation group, this discussion went beyond identifying household violence as a common problem, and also identified lack of services to support reporting and relief. In particular, women mentioned that while they were able to report

---

<sup>21</sup> The Lockstitch Lives interactive documentary is available at [www.lockstitchlives.org](http://www.lockstitchlives.org).



workplace abuse and violence to the SLD legal team, they did not have an appropriate channel to report and address domestic violence. Accordingly, SLD produced a domestic violence tool kit, included in this volume, as a response to the needs articulated by participants.

## Policy contexts and recommendations for change

### Living conditions

#### *Policy context*

While internal migrants are legally entitled to a range of rights and entitlements, including around maternal health; housing; water and sanitation; and food and nutrition, in Gurgaon, structural impediments to accessing rights and entitlements can emerge from a range of sources, including:

- policy failures in recognizing and facilitating access to the basic needs of migrant workers;
- gaps and conflicts in determining administrative authority due to the presence of multiple jurisdictions governed by distinct laws and policies; and
- social norms exacerbating marginalization of migrant women, especially from certain social groups like Dalits, Adivasis, and religious minorities.

Difficulties in establishing identity for migrant workers—due to out of state residency status and withholding of formal lease agreements—make women garment workers particularly vulnerable to exclusion from basic services. Functional and effective grievance redressal mechanisms—aimed at providing migrant workers living in informal settlements with a direct channel to communicate with government officials—are integral to addressing these gaps in implementation of constitutionally grounded protections. However, for migrant women garment workers and other residents of informal settlements in the Delhi-NCR, widespread failure of this social safety net and inability to access relief through grievance redressal mechanisms have devastating consequences for access to safe and clean living environments, food, health, and livelihood security.

#### *Recommendations from migrant women garment workers*

- Living environments should be clean.
- We should have access to kitchens and toilets where we live.
- We need parks, health centres, and police that will respond when we need help.

### Family life

#### *Policy context*

#### *Domestic violence*

Domestic violence is a global problem, reaching across national boundaries as well as socio-economic, cultural, racial and class distinctions. According to United Nations estimates, around 2/3 of all married women in India face domestic violence.<sup>22</sup> India's National Family Health Survey

---

<sup>22</sup> Report by United Nations Population Fund 2005, available at [http://www.expressindia.com/fullstory.php?newsid\\_56501](http://www.expressindia.com/fullstory.php?newsid_56501).

2005-2006 estimates that 33.5% of all women above age 15 have experienced domestic violence.<sup>23</sup> Dowry related deaths also persist at an alarming rate and sexual violence within marriage, child marriage, incest and child abuse remain rampant. Instead of feeling safe and secure in their homes, many women feel extremely vulnerable. Widespread and deeply engrained, domestic violence causes not only physical injury, but also seriously undermines the social, economic, psychological, spiritual and emotional health and well-being of women and their children. Domestic violence violates women's human rights and represents one of the greatest obstacles to their accessing and realising their fundamental rights as citizens—namely their rights to dignity, equality, freedom, security, bodily integrity, education, livelihood and life.

### *Barriers to legal action*

Women also frequently choose not to take legal action against their abusers due to the intimate nature of domestic relationships. Women who do seek legal relief from violence in their homes face obstacles at every stage of accessing the criminal justice system. Women report that when they go to police stations to seek protection, they are blamed and made to feel ashamed of making their private lives public. If they do successfully file charges, their battle in the courts has just begun. They are often unable to afford skilled lawyers and frequently face hostile, male-dominated court environments and patriarchal mindsets of lawyers, court officials and judges. Court proceedings are frequently drawn out and even when women get relief, they must fight yet another battle for the implementation of these orders.

### *Protection of Women from Domestic Violence Act, 2005 (PWDVA)*

PWDVA, which came into force on October 26, 2006, is a secular, quasi-civil law that recognizes the right of women in domestic relationships to live free from violence within their households and provides legal remedies when this right is violated. PWDVA provides both a comprehensive definition of domestic violence, and easier access to the justice system through magistrate courts. The Act is applicable to women, girls and male children under the age of 18 of all religions, castes and classes. Using the term “shared household” instead of “matrimonial home,” PWDVA protects not only married women, but also women living in relationships in the nature of marriage as well as any single, unmarried, divorced, separated or widowed, women within a family. Sisters, daughters, mothers, aunts and other female relatives are thus protected from domestic violence under the Act.

PWDVA expands the definition of domestic violence to include all forms of abuse: physical, sexual, mental, emotional, verbal and psychological as well as threats of abuse and demands for dowry. It provides relief by way of protection from violence, right to residence, monetary relief, temporary child custody and compensation. In order to authorize immediate action from the court in domestic violence cases, PWDVA provides interim relief and designates a short time frame to pass final orders. Women can initiate proceedings under PWDVA as well as seek relief under this Act in existing proceedings. Not only are some of these remedies new to family law,

---

<sup>23</sup> Government of India, Ministry of Health and Family Welfare, *National Family Health Survey (NFHS-3)*, Volume I, p. 498.

but the Act also allows these reliefs to be claimed under one statute. This relieves women from having to approach different courts for remedies and aims to avoid the time, expense and stress related to multiple proceedings.

PWDVA also provides mechanisms to help women in accessing justice in cases of violence. It introduces protection officers charged with assisting women to get relief and coordinating a multi-agency response to domestic violence between service providers, police, legal aid services and medical and shelter facilities. Protection officers and police are also tasked with providing immediate assistance in implementing court orders. Finally, PWDVA places responsibility on the State to publicise the law, provide gender sensitization training to police and members of the judiciary, coordinate services between concerned Ministries and Departments and monitor implementation of PWDVA.<sup>24</sup>

*Recommendations from migrant women garment workers*

- Physical and verbal abuse at home should be stopped.

## Garment work

*Policy context*

The Textile, Clothing, Leather and Footwear (TCLF) industry is characterized by geographically dispersed production and rapid market-driven changes.<sup>25</sup> Brands engage in high value market research, design, sales, marketing and financial services. They typically outsource garment production to Tier 1 companies. Tier 1 companies may, in turn, subcontract some or all of the garment production process to manufacturing companies known as suppliers. This production structure allows brands and retailers to drive coordinated production of goods by capitalizing upon new technology, relaxed regulatory frameworks and a supply of low wage labour in developing countries.<sup>26</sup> While brands and retailers do not carry out production, they drive sourcing and production patterns overseas. This production model has been characterized as a buyer-driven value chain.<sup>27</sup>

The structure of garment value chains can be divided into five main segments (Figure 1).

Figure 1: Structure of garment value chains

- Segment 1: raw material supply, including natural and synthetic fibers;
- Segment 2: component supply, including yarn and fabrics;
- Segment 3: production networks, including domestic and overseas subcontractors;

---

<sup>24</sup> PWDVA, Chapter 3, Section 11(a)-(d)

<sup>25</sup> International Labour Organization (2016). "Textiles, clothing, leather and footwear sector," accessed online, May 7, 2016: <http://www.ilo.org/global/industries-and-sectors/textiles-clothing-leather-footwear/lang--en/index.htm>.

<sup>26</sup> Ghosh, S. (2015). "Global Value Chains and the Garment Sector in India," Towards an Asia Floor Wage: A Global South Labour Initiative for Garment Workers (Bangalore: Books for Change).

<sup>27</sup> Barria, S. (2014). National People's Tribunal on Living Wage for Garment Workers in Asia, Asia Floor Wage Campaign: Delhi.

- Segment 4: export channels established by trade intermediaries;
- Segment 5: marketing networks at the retail level.<sup>28</sup>

Assembly (segment 3) is typically separated organizationally and geographically from other value generating aspects of the value chain. Product suppliers and their workers (segment 3) depend upon orders from marketing networks, firms and brands (segment 5).

Firms that control design, branding and marketing (segment 5) also control sourcing decisions. Production costs are one significant factor in determining sourcing preferences. Decisions regarding how value addition activities and profits are distributed along the value chain, in turn, have a significant impact upon employers, workers and markets in producing countries. Profit generation by capitalizing upon price differentials between markets has been referred to as “global labour arbitrage”.<sup>29</sup>

Due to the structure of garment value chains, workers bear the brunt of global uncertainties within the industry. Industrial uncertainty caused by buyer purchasing practices is displaced upon workers through the use of flexible job contracts, unemployment during fluctuations in production and downward pressure on wages. Obstacles to freedom of association and collective bargaining further undermine workers’ negotiation power.

Gender based violence in the garment industry is not simply a factory-level problem, but is instead rooted in gendered segmentation of the garment workforce. Migrant women garment workers are concentrated in low-wage production jobs where they are hired on short term contracts. Within these roles, they are driven to reach unrealistic production targets through excessive hours of work in unsafe workplaces. These risk factors for violence<sup>i</sup> stem from the structure of garment supply chains, including: asymmetrical relationships of power between brands and suppliers; brand purchasing practices driven by fast fashion trends and pressure to reduce costs; and proliferation of contract labor and subcontracting practices among supplier firms. In short, gender based violence in the garment industry is a by-product of how multinational brands do business. The structure of production in global production networks (GPNs), involving several companies across multiple countries, allows brands and retailers to dictate sourcing and production patterns while deflecting accountability for how purchasing practices drive severe violations of rights at work.

#### *Recommendations from migrant women garment workers*

- There should be more companies where we can get jobs so there is less competition.
- There should be no verbal abuse in the factory.
- We should have less pressure to meet production targets.

---

<sup>28</sup> Ghosh, S. (2015). “Global Value Chains and the Garment Sector in India,” Towards an Asia Floor Wage: A Global South Labour Initiative for Garment Workers (Bangalore: Books for Change).

<sup>29</sup> Roach, S. (2004). “How Global Labour Arbitrage will Shape the World Economy,” accessed April 28, 2016: <http://ecocritique.free.fr/roachglo.pdf>.

- We should get permanent jobs with leave.
- We need to have workers collectives, even though the factory owners will not allow this.

The undermining of the safety of migrant women workers and their lack of access to fair recruitment and employment processes need to be drawn out of the narratives and the discussion in the groups and then the links need to be made more explicitly with the existing policy context and legal framework – for internal migration and for employment in factories.

## Acknowledgments

This research brief has been designed and prepared by Shikha Silliman Bhattacharjee, Senior Researcher, Society for Labour and Development. Field research was conducted by Khusnoda Tabassum and Anjum Shaheen.

## Bibliography

Susana Barria, NATIONAL PEOPLE'S TRIBUNALS ON LIVING WAGE FOR GARMENT WORKERS IN ASIA (2014).

Coen Kompier, Labour Markets: Exclusion from 'Decent Work' in INDIA EXCLUSION REPORT 2013-2014 (Harsh Mander and Gitanjali Prasad ed., 2014).

Shikha Silliman Bhattacharjee, INDIA'S LABOUR LAW CHANGES: TOWARDS ADVANCING PRINCIPLES OF RIGHTS, INCLUSION AND EMPLOYMENT SECURITY (2016).

Shikha Silliman Bhattacharjee, PRECARIOUS WORK IN THE H&M GLOBAL VALUE CHAIN (2016).

Ceresna-Chaturvedi, L. (2015). A Study of Occupational Health and Safety in the Garment Industry in Bangalore. Cividep, accessed August 31, 2018: <http://cividep.org/wp-content/uploads/2017/04/25-2-Occupational-health-safety-13.pdf>

Deepa Chopra, Policy Briefing: Balancing Paid Work and Unpaid Care Work to Achieve Women's Economic Empowerment, Issue 83 [online] (2015), [https://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/5623/PB83\\_AGID316\\_Balancing\\_Online.pdf;jsessionid=8B4181F85350383FC8878A3B78AB112E?sequence=1](https://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/5623/PB83_AGID316_Balancing_Online.pdf;jsessionid=8B4181F85350383FC8878A3B78AB112E?sequence=1).

Deshingkar, P., & Akter, S. (2009). Migration and Human Development in India. Human Development Research Paper (HDRP) Series, 13. Retrieved July 14, 2015, from [http://mpira.ub.unimuenchen.de/19193/1/MPRA\\_paper\\_19193.pdf](http://mpira.ub.unimuenchen.de/19193/1/MPRA_paper_19193.pdf)

Ghosh, S. (2015). "Global Value Chains and the Garment Sector in India," Towards an Asia Floor Wage: A Global South Labour Initiative for Garment Workers (Bangalore: Books for Change).

Government of India, Ministry of Health and Family Welfare, *National Family Health Survey (NFHS-3)*, Volume I, p. 498.

International Labour Organization (2016). "Textiles, clothing, leather and footwear sector," accessed online, May 7, 2016: <http://www.ilo.org/global/industries-and-sectors/textiles-clothing-leather-footwear/lang--en/index.htm>.

Jagori. MIGRATION, TRAFFICKING AND SITES OF WORK: RIGHTS AND VULNERABILITIES—A PILOT STUDY: REPORT OF INITIAL FINDINGS IN RAJASTHAN AND GUJARAT (2016), <http://www.jagori.org/wp-content/uploads/2006/02/migration%20final%20report.PDF>.

National Commission for Enterprises in the Unorganised Sector (NCEUS), THE CHALLENGE OF EMPLOYMENT IN INDIA: AN INFORMAL ECONOMY PERSPECTIVE (2009), [http://nceus.nic.in/The\\_Challenge\\_of\\_Employment\\_in\\_India\\_\(Vol.%2011\).pdf](http://nceus.nic.in/The_Challenge_of_Employment_in_India_(Vol.%2011).pdf).

V. Sridhar, The curse of cheap labour: A society that systematically shortchanges its workforce will have to pay dearly, FRONTLINE, October 29, 2014, <http://www.frontline.in/cover-story/the-curse-of-cheap-labour/article6540760.ece?homepage=true&css=print>.

PWDVA, Chapter 3, Section 11(a)-(d)

Report by United Nations Population Fund 2005, available at [http://www.expressindia.com/fullstory.php?newsid\\_56501](http://www.expressindia.com/fullstory.php?newsid_56501).

## Appendix I: Conversation Group Discussion Format

### 1. Introductions

*Facilitator note:* Ask each person to introduce themselves and answer the following questions:

- Where are you from?
- Where have you lived?

### 2. Why did you move?

- If fork, what sector? What type of job? What working conditions?
- If family, did you have a role in this decision?
- Are there other reasons?

### 3. What is different since you have migrated?

- What is better?
- What is worse?
- What would you change? Can you make this change? What helps you? What stops you?
- What is safe?
- What is unsafe?
- What would you change to feel more safe? Can you make this change? What helps you? What stops you?



- What is healthy?
- What is unhealthy?
- What would you change to make your life more healthy? Can you make this change? What helps you? What stops you?

- What is fair?
- What is unfair?
- What changes would make your life more fair? Can you make this change? What helps you? What stops you?

#### **4. What can migrant women work to change together?**

- Of the changes we have discussed, what are the most important changes you would like to see in your life?
- How can we work together to achieve these changes?

## Appendix II: Reporting domestic violence

### Definition of Domestic Violence under the Protection of Women from Domestic Violence Act, 2005 (PWDVA)

PWDVA provides a comprehensive definition of domestic violence that includes physical, mental, emotional, economic and sexual abuse. Section 3 defines “domestic violence” as follows:

For the purpose of this Act, any act, omission or commission or any conduct of the respondent shall constitute domestic violence in case it—

- (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- (b) harrasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry; or other property or valuable security; or
- (c) threatens the aggrieved person or any person related to her by any conduct mentioned in clauses (a) and (b); or
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

This definition of domestic violence encompasses actual violence as well as the threat of violence. The final provision of the definition expands the definition to incorporate any other

behavior that injures or causes harm to the aggrieved person, whether or not it is expressly mentioned in the earlier provisions.

## Relief under PWDVA

Briefly stated, the legal remedies available to women in domestic relationships under PWDVA include:

- **Protection order:** a “stop violence” order that prevents the respondent from committing any act of domestic violence against the aggrieved woman.<sup>30</sup>
- **Residence order:** an order to prevent the respondent from displacing the aggrieved women from the shared household or disrupting her peaceful occupation of the shared household; or alternately, an order to provide another residence.<sup>31</sup>
- **Monetary relief:** an order to the defendant to cover expenses incurred as a result of domestic violence, including medical expenses, lost earnings, loss of property and maintenance for the woman and her children.<sup>32</sup>
- **Temporary custody order:** an order granting temporary custody of any child or children to the aggrieved woman, or visitation rights to the respondent if necessary.<sup>33</sup>
- **Compensation order:** in addition to monetary relief, a monetary compensation order that covers damages for physical injury and emotional distress.<sup>34</sup>

In order to prevent immediate threats, these reliefs can be granted as interim orders or ex parte orders.

- **Interim orders:** under Section 23(1) of PWDVA, since a final order in a case may take a long time, the court can pass an interim order under Sections 18, 19, 20, 21 and 22 of PWDVA while proceedings are pending to prevent further violence and provide immediate relief to the affected woman.
- **Ex parte relief:** An *ex parte* order is one that is passed in the absence of the other party to the dispute, without prior notice to the opposing party. In the normal course of proceedings, once a petition is lodged with the court, the court will serve notice to the other party so that both sides can be heard before an order is given. Section 23(2) of PWDVA makes an exception to this rule under limited circumstances. To facilitate quick judicial action in situations where the aggrieved person reasonably fears danger to her physical or mental wellbeing, an *ex parte* order may be passed if the court decides, based upon the aggrieved person’s application, that the respondent has committed or will commit domestic violence.

---

<sup>30</sup> PWDVA, Chapter 4, Section 18(a)-(g)

<sup>31</sup> PWDVA, Chapter 4, Section 19

<sup>32</sup> PWDVA, Chapter 4, Section 20(1)(a)-(d)

<sup>33</sup> PWDVA, Chapter 4, Section 21

<sup>34</sup> PWDVA, Chapter 4, Section 22

## Application to Magistrate

An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act.<sup>35</sup> In order to initiate court proceedings under PWDVA, a woman has the following options:

- Approach the magistrate directly;<sup>36</sup>
- File a DIR with a protection officer or service provider<sup>37</sup> and work with them to approach the court; or
- Authorize a lawyer to file the application on her behalf.<sup>38</sup>

An application under PWDVA can be made using Forms II and III (included below) as outlined in Rule 6 of the PWDV Rules. Alternately, an application can be made without using these formats.

### Key components of an application under PWDVA:<sup>39</sup>

1. **Name(s) and address(es) of the aggrieved person(s):** If the cause of action is the same and the respondent(s) are common, more than one aggrieved person can file a common application, such as mother and sister against the son-brother(s), wife and children against the husband-father, etc.
2. **Name(s) and address(es) of the Respondent(s):** A common application can be made against more than one Respondent if there is a single cause of action but the reliefs sought are different. For example, a wife can ask for a protection order against her mother-in-law and a compensation order against husband.
3. **Detailed chronological history of violence that corresponds with any documentary evidence and contains all details of the alleged violence.** Evidence can include complaints to police, protection officers, service providers, women's commissions or any other authorities; and medical, injury, mental health, counseling and other reports. If there is more than one respondent, mention incidents of violence committed by each respondent.
4. **Copy of the Domestic Incident Report (DIR) filed with a Protection Officer:** A DIR is a report prepared by the protection officer, service provider or medical facility notified under the Act based on a complaint of domestic violence received from an aggrieved person. A DIR is presented in the format prescribed in Form I (below)

---

<sup>35</sup> PWDVA, Chapter 4, Section 12(1)

<sup>36</sup> (Karnataka H.C.) CrI.Pet. No. 2004 of 2009 (12.08.2009), paras. XX-XX. See page XXX of this compilation for full text of judgment.

<sup>37</sup> PWDVA, Chapter 3, Section 9(1)(b), 10(2)(a) and PWDVR 5.

<sup>38</sup> PWDVA, Chapter 4, Section 12(1)

<sup>39</sup> These tips are drawn in part from Lawyers Collective, HANDBOOK ON LAW OF DOMESTIC VIOLENCE, Indira Jaising ed. (LexisNexis: Nagpur, 2009),

5. **Details of any related cases, including the reliefs, if any, granted in the other proceedings**
6. **Request for specific reliefs and corresponding implementation orders** in order to help the magistrate grant immediate relief. Strategies for requesting implementation orders are given in the remainder of this section.
7. **Detailed listing of family assets, background and earning capacity** in order to secure appropriate maintenance, compensation and residence orders. Provide the pay slip of the respondent, proof of property ownership, income tax returns, etc.
8. **List of witnesses**, if any (apart from the aggrieved person)
9. **Basis of the court's jurisdiction**
10. **Affidavit** of the aggrieved woman detailing the alleged violence.
11. After compiling all the documents, clearly number the pages for easy reference.
12. In addition to the original set that will be filed in court, make identical copies. One set for the woman, one set for the lawyers and one for each respondent.

#### Case referral contacts to keep on hand

Fill in the information below so you have contact information to refer cases on hand.

#### Contact information for local Protection Officer:

#### Contact information for legal support referral:

Forms to assist filing under PWDVA

Form I

[See rule 5(1) and (2) and 17(3)]

**Domestic Incident Report under sections 9 (b) and 37 (2) (c) of the  
Protection of**

**Women from Domestic Violence Act, 2005 (43 of 2005)**

1. Details of the complainant/aggrieved person

(1) Name of the complainant/aggrieved person:

(2) Age:

(3) Address of the shared household:

(4) Present Address:

(5) Phone Number, if any:

2. Details of Respondents:

S. No.	Name	Relationship with the aggrieved person	Address	Telephone No, if any.

3. Details of children, if any, of the aggrieved person:

(a) Number of Children:

(b) Details of children:

Name	Age	Sex	With whom at present residing

4. Incidents of domestic violence:

S. No.	Date, place and time of violence	Person who caused domestic violence	Types of violence	Remarks
			Physical violence	
			Causing hurt of any kind, please specify.	
(ii) Sexual violence				
Please tick mark [X] the column applicable.				
			<input type="checkbox"/> Forced sexual intercourse. <input type="checkbox"/> Forced to watch pornography or other obscene material <input type="checkbox"/> Forcibly using you to entertain others <input type="checkbox"/> Any other act of sexual nature, abusing, humiliating, degrading or otherwise violative of your dignity (please specify details in the space provided below):	

**(ii) verbal and emotional abuse**

- Accusation/aspersion on your character or conduct, etc.
- Insult for not bringing dowry, etc.
- Insult for not having a male child.
- Insult for not having any child  Demeaning, humiliating or undermining remarks/statement
- Ridicule
- Name calling
- Forcing you to not attend school, college or any other educational institution.
- Preventing you from taking up a job
- Preventing you from leaving the House  Preventing you from meeting any particular person
- Forcing you to get married against your will

			<input type="checkbox"/> Preventing you from marrying a person of your choice	
			<input type="checkbox"/> Forcing you to marry a person of his/their own choice	
			<input type="checkbox"/> Any other verbal or emotional abuse (please specify in the space provided below)	

**(iii) Economic violence**



			<ul style="list-style-type: none"><li><input type="checkbox"/> Not providing money for maintaining you or your children</li><li><input type="checkbox"/> Not providing food, clothes, medicine, etc, for you or your children.</li><li><input type="checkbox"/> Forcing you out of the house you live in.</li><li><input type="checkbox"/> Preventing you from accessing or using any part of the house.</li><li><input type="checkbox"/> Preventing or obstructing you from carrying on your employment.</li><li><input type="checkbox"/> Not allowing you to take up an employment.</li><li><input type="checkbox"/> Non-payment of rent in case of a rented accommodation</li><li><input type="checkbox"/> Not allowing you to use clothes or articles of general household use.</li><li><input type="checkbox"/> Selling or pawning your stridhan or any other valuables without informing you and without your consent.</li></ul>	
--	--	--	--	--

			<input type="checkbox"/> Forcibly taking away your salary, income or wages etc. <input type="checkbox"/> Disposing your stridhan <input type="checkbox"/> Non payment of other bills such as electricity, etc. <input type="checkbox"/> Any other economic violence (please specify in the space provided below)	
--	--	--	---	--

**(iv) Dowry related harassment**

			<input type="checkbox"/> Demands for dowry made, please specify; <input type="checkbox"/> Any other detail with regard to dowry, please specify. Whether details of dowry items, stridhan, etc. attached with the form <input type="checkbox"/> Yes <input type="checkbox"/> No	
--	--	--	---	--

(v) any other information regarding acts of domestic violence against you or your children				

(Signature or thumb impression of the complainant/aggrieved person)

5. List of documents attached

<b>Name of document</b>	<b>Date</b>	<b>Any other detail</b>
Medico legal certificate		
Doctor's certificate or any other prescription		
List of Stridhan		
Any other document		

6. Order that you need under the Protection of Women from Domestic Violence Act, 2005

<b>S. No.</b>	<b>Orders</b>	<b>Yes/No</b>	<b>Any other</b>
(1)	Protection order under section 18		
(2)	Residence order under section 19		
(3)	Maintenance order under section 20		
(4)	Custody order under section 21'		
(5)	Compensation order under section 22		
(6)	Any other order (specify)		

7. Assistance that you need

<b>S. No.</b>	<b>Assistance available</b>	<b>Yes/No</b>	<b>Nature of assistance</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>

(1)	Counsellor		
(2)	Police assistance		
(3)	Assistance for initiating criminal proceedings		
(4)	Shelter home		
(5)	Medical facilities		
(6)	Legal aid		

8. Instruction for the Police officer assisting in registration of a Domestic Incident Report:

Wherever the information provided in this Form discloses an offence under the Indian Penal Code or any other law, the police officer shall-

(a) inform the aggrieved person that she can also initiate criminal proceedings by lodging a First Information Report under the Code of Criminal Procedure, 1973 (2 of 1973)

(b) if the aggrieved person does not want to initiate criminal proceedings, then make daily diary entry as per the information contained in the domestic incident report with a remark that the aggrieved person due to the intimate nature of the relationship with the accused wants to pursue the civil remedies for protection against domestic violence and has requested that on the basis of the information received by her, the matter has been kept pending for appropriate enquiry before registration of an FIR.

(c) if any physical injury or pain being reported by the aggrieved person, offer immediate medical assistance and get the aggrieved person medically examined.

(Counter signature of Protection Officer/Service provider)

Place:

Name:

Date:

Address:

(Seal)

Copy forwarded to:-

1. Local Police Station
2. Service Provider/Protection Officer
3. Aggrieved person
4. Magistrate

Form II

[See rule 6(1)]

**Application to the Magistrate under section 12 of the Protection of Women  
from  
Domestic Violence Act, 2005 (43 of 2005)**

To

The court of Magistrate

.....  
.....  
.....  
.....

Application under section  
\_\_\_\_\_ of the

Protection of Women from  
Domestic Violence

Act,2005 (43 of 2005)

**SHOWETH:**

1. That the application under section.....of Protection of Women from  
Domestic Violence Act, 2005 is being filed along with a copy of  
Domestic Incident Report by the:-

- (a) Aggrieved person
- (b) Protection Officer
- (c) Any other person on behalf of the  
aggrieved person

(tick whichever is applicable)

2. It is prayed hat the Hon'ble court may take cognizance of the complaint/Domestic Incident Report and pass all/any of the orders, as deemed necessary in the circumstances of the case.

(a) Pass protection orders under section 18 and /or

(b) Pass residence orders under section 19 and /or

(c) Direct the respondent to pay monetary relief under section 20 and /or

(d) Pass orders under section 21 of the act and /or

(e) Direct the respondent to grant compensation or damages under section 22 and /or

(f) Pass such interim orders as the court deems just and proper;

(g) Pass any orders as deems fit in the circumstances of the case.

3. Orders required:

**(i) Protection Order under section 18**

Prohibiting acts of domestic violence by granting an injunction against the Respondent/s from repeating any of the acts mentioned in terms of column 4(a)/(b)/(c)/(d)/(e)/(f)/(g) of the application Prohibiting Respondent(s) from entering the school/college/workplace

Prohibiting from stopping you from going to your place of employment

Prohibiting Respondent(s) from entering the school/college/any other place of your children

Prohibiting from stopping you from going to your school

Prohibiting any form of communication by the Respondent with you

- Prohibiting alienation of assets by the Respondent
- Prohibiting operation of joint bank lockers/accounts by the Respondent and allowing the aggrieved person to operate the same
- Directing the Respondent to stay away from the dependants/relatives/any other person of the aggrieved person to prohibit violence against them
- Any other order, please specify

**(ii) Residence Order under section 19**

- An order restraining Respondent (s) from
- Dispossession or throwing me out from the shared household
- Entering that portion of the shared household in which I reside
- Alienating/disposing/encumbering the shared household
- Renouncing his rights in the shared household
- An order entitling me continued access to my personal effects
- An order directing Respondent (s) to
  - Remove himself from the shared household
  - Secure same level of alternate accommodation or pay rent for the same



Any other order, please specify

**(iii) Monetary reliefs under section 20**

Loss of earnings, Amount claimed

Medical expenses, Amount claimed

Loss due to destruction/damage or removal of property from the control of the aggrieved person.

Amount claimed

Any other loss or physical or mental injury as specified in clause 10 (d)

Amount claimed

Total amount claimed

Any other order, please specify

**(iv) Monetary reliefs under section 20**

Directing the Respondent to pay the following expenses as monetary relief:

Food, clothes, medications and other basic necessities, Amount  per month

School fees and related expenses Amount  per month

Household expenses Amount  per month

Any other expenses Amount  per month

Total  Per month

Any other order, please specify

**(v) Custody Order under section 21**

Direct the Respondent to hand over the custody of the child or children to the

Aggrieved Person  Any other person on her behalf, details of such person

**(vi) Compensation order under section 22**

**(vii) Any other order,  
please specify**

4. Details of previous litigation, if any

(a)  Under the Indian Penal Code,  
Sections..... Pending in the court of

Disposed off,  
details of relief

(b)  Under CrPC,  
Sections.....Pending in the court of

Disposed off,  
details of relief

(c)  Under the Hindu Marriage Act,  
1956, Sections.....Pending in the court  
of

Disposed off,  
details of relief

(d)  Under the Hindu Adoptions and Maintenance  
Act, 1956, Sections.....Pending in the court of

Disposed off,  
details of relief

(e)  Application for Maintenance,  Act  
under section.....under

Interim  
maintenance  p.m.  
Rs.

Maintenance  
granted Rs.  p.m.

(f)  Whether Respondent was sent to Judicial Custody  
 For less than a week       For less than a month  
 For more than a month

Specify  
period

(g) Any other  
order

**Prayer:**

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to grant the relief (s) claimed therein and pass such order or orders other order as this Hon'ble Court may deem fit and proper under the given facts and circumstances of the case for protecting the aggrieved person from domestic violence and in the interest of justice.

**Place**

**Dated:**

**COMPLAINANT/AGGRIEVED PERSON**

**THROUGH**

**COUNSEL**

**VERIFICATION:**

Verified at .....(place) on this day of that the contents of Paras 1 to 12 of the above application are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

**DEPONENT**

**Countersignature of Protection Officer with date.**

Form III

[See rule 6(4) and 7]

**AFFIDAVIT UNDER SECTION 23 (2) OF THE PROTECTION OF WOMEN  
FROM DOMESTIC VIOLENCE ACT, 2005**

**IN THE COURT OF.....; MM,.....**

P/S:.....

**IN THE MATTER OF**

Ms..... & Others .....COMPLAINANT

**VERSUS**

Mr. .... & Others .....RESPONDENT

**AFFIDAVIT**

I,.....W/o Mr. ....,  
R/o..... D/o Mr.  
.....,  
R/o....., presently  
residing at..... do  
hereby solemnly affirm and declare on oath as under:

1. That I am the Applicant in the accompanying Application for  
..... filed for myself and for my daughter/son.
2. That I am the natural guardian of  
.....
3. That being conversant with the facts and circumstances of the case I am  
competent to swear this affidavit.

4. That the Deponent had been living with the Respondent/s at ..... since ..... to.....

5. That the details provided in the present Application for the grant of relief under Section (s) ..... have been entered into by me/at my instructions.

6. That the contents of the application have been read over, explained to me in English/Hindi/any other local language (Please specify .....).

7. That the contents of the said application may be read as part of this affidavit and are not repeated herein for the sake of brevity.

8. That the applicant apprehends repetition of the acts of domestic violence by the Respondent(s) against which relief is sought in the accompanying application.

9. That the Respondent has threatened the Applicant that .....  
.....  
.....  
.....  
.....  
.....  
.....

10. That the reliefs claimed in the accompanying application are urgent in as much as the applicant would face great financial hardship and would be forced to live under threat of repetition/escalation of acts of domestic violence complained of in the accompanying application by the Respondent(s) if the said reliefs are not granted on an ex-parte ad-interim basis.

11. That the facts mentioned herein are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

**DEPONENT**

**VERIFICATION:**

Verified at ..... on this ..... day of  
..... 20 ..... That the contents of the above affidavit are correct to  
the best of my knowledge and belief and no part of it is false and nothing material  
has been concealed there from.

**DEPONENT**



Form IV

[See rule 8(1) (ii)]

**Information on rights of aggrieved persons under the Protection of Women from Domestic Violence Act, 2005**

1. If you are beaten up, threatened or harassed in your home by a person with whom you reside in the same house, then you are facing domestic violence. The Protection of Women from Domestic Violence Act, 2005, gives you the right to claim protection and assistance against domestic violence.

2. You can receive protection and assistance under the Act, if the person(s) with whom you are/were residing in the same house, commits any of the following acts of violence against you or a child in your care and custody -

1. Physical Violence:

For example-

- (i) Beating,
- (ii) Slapping,
- (iii) Hitting,
- (iv) Biting,
- (v) Kicking,
- (vi) Punching,
- (vii) Pushing,
- (viii) Shoving or
- (ix) Causing bodily pain or injury in any other manner.

2. Sexual Violence:

For example-

- (i) Forced sexual intercourse;

(ii) Forces you to look at pornography or any other obscene pictures or material;

(iii) Any act of sexual nature to abuse, humiliate or degrade you, or which is otherwise violative of your dignity or any other unwelcome conduct of sexual nature;

(iv) Child sexual abuse

### 3. Verbal and Emotional Violence:

For example-

(i) Insults;

(ii) Name-calling;

(iii) Accusations on your character or conduct etc.;

(iv) Insults for not having a male child,

(v) Insults for not bringing dowry etc.;

(vi) Preventing you or a child in your custody from attending school, college or any other educational institution;

(vii) Preventing you from taking up a job;

(viii) Forcing you to leave your job;

(ix) Preventing you or a child in your custody from leaving the house;

(x) Preventing you from meeting any person in the normal course of events;

(xi) Forcing you to get married when you do not want to marry;

(xii) Preventing you from marrying a person of your own choice;

(xiii) Forcing you to marry a particular person of his/their own choice;

(xiv) Threat to commit suicide;

(xv) Any other verbal or emotional abuse.

#### 4. Economic Violence:

For example-

- (i) Not providing you money for maintaining you or your children,
- (ii) Not providing food, clothes, medicines etc. for you or your children,
- (iii) Stopping you from carrying on your employment or,
- (iv) Disturbing you in carrying on your employment,
- (v) Not allowing you to take up an employment or
- (vi) Taking away your income from your salary, wages etc. or
- (vii) Not allowing you to use your salary, wages etc.,
- (viii) Forcing you out of the house you live in,
- (ix) Stopping you from accessing or using any part of the house,
- (x) Not allowing use of clothes, articles or things of general household use,
- (xi) Not paying rent if staying in a rented accommodation, etc.

3. If an act of domestic violence is committed against you by a person/s with whom you are/were residing in the same house, you can get all or any of the following orders against the person(s)-

(a) Under section 18:

- (i) To stop committing any further acts of domestic violence on you or your children;
- (ii) To give you the possession of your stridhan, jewellery, clothes etc.
- (iii) Not to operate the joint bank accounts or lockers without permission of the court

(b) Under section 19:

(i) Not to stop you from residing in the house where you were residing with the person/s; (ii) Not to disturb or interfere with your peaceful enjoyment of residence,

(iii) Not to dispose off the house in which you are residing.

(iv) If your residence is a rented property then either to ensure payment of rent or secure any other suitable alternative accommodation which offers you the same security and facilities as earlier residence,

(v) Not to give up the rights in the property in which you are residing without the permission of the court.

(vi) Not to take any loan against the house/property in which you are residing or mortgage it or create any other financial liability involving the property,

(vii) Any or all of the following orders for your safety requiring the person/s to-

(c) General Order:

(i) Stop the domestic violence complained/reported

(d) Special Orders:

(i) Remove himself/stay away from your place of residence or workplace;

(ii) Stop making any attempts to meet you,

(iii) Stop calling you over phone or making any attempts to communicate with you by letter, e-mail etc.

(iv) Stop talking to you about marriage or forcing you to meet a particular person of his/their choice for marriage;

(v) Stay away from the school of your child/children, or any other place where you and your children visit;

(vi) Surrender possession of firearms, any other weapon or any other dangerous substance

(vii) Not to acquire possession of firearms, any other weapon or any other dangerous substance and not to be in possession of any similar article,

(viii) Not to consume alcohol or drugs with similar effect which led to domestic violence in the past.

(ix) Any other measure required for ensuring your or your children's safety.

(e) An order for interim monetary relief under sections 20 and 22 including -

(i) Maintenance for you or your children,

(ii) Compensation for physical injury including medical expenses,

(iii) Compensation for mental torture and emotional distress,

(iv) Compensation for loss of earning,

(v) Compensation for loss caused by destruction, damage, removal of any property from your possession or control.

**Note.** - I. Any of the above relief can be granted on an interim basis, as soon as you make a complaint of domestic violence and present your application for any of the relief before the court.

II. A complaint of domestic violence made in Form I under the Act is called a "Domestic Incident Report")

4. If you are a victim of domestic violence, you have the following rights:

(i) The assistance of a protection officer and service providers to inform you about your rights and the relief which you can get under the Act under section 5.

- (ii) The assistance of protection officer, service providers or the officer in charge of the nearest police station to assist you in registering your complaint and filing an application for relief under sections 9 and 10.
- (iii) To receive protection for you and your children from acts of domestic violence under section 18.
- (iv) You have right to measures and orders protecting you against the particular dangers or insecurities you or your child are facing,
- (v) To stay in the house where you suffered domestic violence and to seek restraint on other persons residing in the same house, from interfering with or disturbing peaceful enjoyment of the house and the amenities facilities therein, by you or your children under section 19.
- (vi) To regain possession of your stridhan, jewellery, clothes, articles of daily use and other house hold goods under section 18.
- (vii) To get medical assistance, shelter, counseling and legal aid under sections 6, 7, 9 and 14.
- (viii) To restrain the person committing domestic violence against you from contacting you or communicating with you in any manner under section 18.
- (ix) To get compensation for any physical or mental injury or any other monetary loss due to domestic Violence under section 22.
- (x) To file complaint or applications for relief under the Act directly to the court under sections 12, 18, 19, 20, 21,22 and 23.
- (xi) To get the copies of the complaint filed by you, applications made by you, reports of any medical or other examination that you or your child undergo.
- (xii) To get copies of any statements recorded by any authority in connection with Domestic Violence.
- (xiii) The assistance of the Protection Officer or the Police to rescue you from any danger.

5. The person providing the form should ensure that the details of all the registered service providers are entered in the manner and space provided below. The following is the list of service providers in the area;

Name of Organization	Service Provided	Contact Details

Continue the list on a separate sheet, if necessary.....

Form V

[See rule 8(1)(iv)]

Safety plan

1. When a Protection Officer, Police Officer or any other service provider is assisting the woman in providing details in this form, then details in columns C and D are to be filled in by the Protection Officer, Police Officer or any other service provider, as the case may be, in consultation with the complainant and with her consent.
2. The aggrieved person in case of approaching the Court directly may herself provide details in columns C and D.
3. If the aggrieved person leaves columns C and D blank and approaches the Court directly, then details in the said columns are to provided by the Protection Officer to the Court, in consultation with the complainant and with her consent.

Sl. No.	A	B	C	D	E
	Violence by the Respondent	Consequences of violence mentioned in column A suffered by the Aggrieved Person	Apprehensions of the Aggrieved Person regarding violence mentioned in Column A	Measures required for safety	Orders sought from the court



---

<sup>i</sup> The October 2016 report on the outcomes of the ILO Meeting of Experts on ‘Violence against Women and Men in the World of Work’ presents a detailed set of risk factors for violence in the world of work that lends insight into the conditions under which violence is more likely to occur. These include risk factors associated with the nature and setting of work as well as the structure of the labour market. The report calls for an international labor law instrument that can respond to the new challenges and risks which might lead to violence and harassment in the world of work, such as those arising from changing forms of work and technology (GB.328/INS/17/5, Appendix I, para. 18).