

# Towards Building Safe and Fair Migration Practices within the Domestic Workers' Communities in Kerala - Both Cross Border and Interstate Migrants



*A Feminist Participatory Action Research Project*



**Global Alliance Against Traffic in Women**

## **Towards building safe and fair migration practices within the domestic workers' communities in Kerala - Both cross border and interstate migrants**

SEWA Kerala

Photo Credit: SEWA Kerala

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.



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## Background of SEWA-Kerala's Research

The concepts feminization of work and feminisation of migration are the upshots of informalisation and the increasing temporary and casual nature of the work. The breakdown of traditional economies<sup>1</sup> followed by the huge economic crises have scattered the industrial base of developing countries. This has diluted the notions of full –time or permanent employment. Inability to find work on a permanent basis has altered the economic situations of the families where women were forced to engage in the available livelihood options which are highly informal. Migration from poorer countries to rich countries or from poorer to more prosperous states is one of the options many chose. This includes both cross border and internal forms of migration. Domestic work is considered as one of the possibilities for those who chose this path and domestic workers now constitute substantial numbers among migrant workers internationally. Many of the developed or rich countries always entertain migrant women for domestic labour because of the cheap labour they offer and also the invisibility of these workers in the labour market. More than three quarters of all domestic workers are employed in just two regions: Asia and the Pacific which is the largest employer of domestic workers with a share of 41 percent in the global total. Even though domestic work is common in the Middle East, the region's relatively small size means that only 4 percent of the world's domestic workers are employed there(ILO,2013). An indispensable labour force, they were neither considered as workers in any of the migration literature in India nor in the policy making process. Aspects of gender and the dynamics of integrating it to the development politics have created some voices of recognition for these most vulnerable groups. These women migrants have developed counter geographies of globalization which Sakkia Sassen<sup>2</sup> has mentioned it as the 'feminization of survival'(Sassen:2004)

Self Employed Women's Association (SEWA) has been involved in taking up the issues of domestic workers who are emigrants to the Arab countries and have been organizing them for the last 7 years. The dominant socio cultural influences like patriarchy and caste place women at risk in the process of migration. Therefore, it is important to link this migration of women domestic workers to the larger politics of work, migration and survival needs. In 2012, SEWA has conducted a study for ILO titled "Indispensable yet unprotected: Migrant Domestic Workers from India at Risk" to understand the concerns of migrant labour in domestic work and to assess the nature and extent to which these workers face exploitation in the migration process and in the workplace. This initial study has brought out the intricacies involved in the migration

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<sup>1</sup> The crisis in the world economy have affected the traditional base of the Indian economy like the agricultural, fisheries, handloom etc.

<sup>2</sup> Sassen uses the notion of feminization of survival to refer to the fact that households become increasingly dependent on women for their survival where transnational circuits also contribute to this survival mechanism

process and how women have been cheated by illegal agents in the process of migration. Following this first level intervention, SEWA organized a public hearing bringing together migrant workers from different parts of the state who have experienced violation of their rights and dignity in the workplace. There is a predisposition to think that when women migrate, they are trafficked and many of the anti-trafficking policy frameworks have stringent criminal provisions. This undermines the hard won labour rights such as recognition and dignity of the migrant workers (ILO,2019). Mainstream trade unions did not consider it their responsibility to address the issues of migrant workers especially women. The recent anti trafficking law<sup>3</sup> proposed by the government of India also focuses only on rescue and rehabilitation by the state thus preempting a labour rights perspective. It is in this context and because they are being exploited at both ends of the migration chain that SEWA chose to organize migrant domestic workers. The complexities of the family, the official process of emigration, the illegal chain of agents and subagents in the process and the exploitation by the sponsors or house owners at the work place – all these reflect the reality of the workers and the kind of social context they are dragged into. The experiences of migrant domestic workers have a common thread as they underline the shared struggle to survive after early marriages or early widowhood or irresponsible husbands. The expectations about a foreign world where their struggles will come to an end turns out to be the motivation held out by agents. Their trajectories explain this very well and many of them have been continuously working in different countries.

The increasing migration of women has to be linked with the global changes in the economy and the interconnections between the countries of origin and destination. The socio economic inequalities that prevail in the developing countries seem to be the main push factor of migration (Ghosh ,2004). The structural adjustment policies and the neoliberal transition have influenced the labour market globally with the demand for more feminized jobs especially in the care sector. The link between migration and development debates establishes well the stakes that migrants have in the process. Rising unemployment, reduced demands for male labour due to the economic slowdown and the shift in economic emphasis to service industries too have influenced the migration pattern. These shifts have added to the growth of inequalities and insecurities by intensifying informalisation (Piper,2009). Lack of availability of local jobs and income also are the reasons for women to migrate. The nature of these migrations are also temporary which normally ends in precarious jobs (ILO,2003). There are

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<sup>3</sup> In India the Ministry of Women and Child Development has introduced The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 which aims to create a law for the investigations of all types of trafficking, and rescue protection and rehabilitation of trafficked victims. This bill is addressed only from a victim point of view and pause rescue and rehabilitation as the solution for trafficked persons



divisions within the jobs that women take. Some women only prefer to take up certain jobs like care for the children and others cooking and cleaning jobs.

Debates on safe and fair migration have to seriously consider these elements in the frame. The state's inclination towards certain kinds of migration is well evident from different laws, policies and bilateral agreements that facilitate migration. The dominant migration pattern is mostly formal with educated categories going abroad through the official formalities and contracts. Most of the migration policies are derived from a 'male bread winner' format thereby facilitating skilled and unskilled jobs of male workers (Sassen, 2004). Women's migration from Kerala is conspicuous in the context of the considerable amount of literature that discusses male dominated gulf migration from the state and the economic prosperity it has generated. From a popular Kerala perception, Gulf migration is a success story which brought enormous wealth to the state salvaging its drooping economic situation. Narratives of migration represent the affluent male, the key breadwinner of the house, who brings prosperity through his hard work and stupendous performances (Kodoth and Varghese, 2012).

### **Objective of the Research**

This FPAR research is facilitated as a continuation of the existing work of SEWA with the migrant domestic workers. This includes both cross border migrant workers and also internal migrants who are coming to Kerala. The first group consists of women mostly above 35 years who have migrated to Middle-East countries and the internal migrants are young girls from the age of 12 who are brought by agents as domestic helpers. Both the migration processes depend on the recruiters mostly categorized as illegal and hence the informality in the process. This is followed by the kind of uncertainties that are involved which could lead to poor preparedness and poor working conditions. The main objective of this research is to understand this informality in recruitment and its implications for the poor women and girls who are looking for migrant work opportunities. It is intended to look at the state policies in relation to both kinds of migrations reflecting on the migration experiences of these workers. From there it looks towards safe and fair migration policies and process at the intersection of women's realities and the fallouts of the policies.

## **Literature Review**

### **Inter-State Migration**

Inter-state migration is a very common phenomenon in India as women and men crisscross the country in search of work. The Economic Survey of India 2017 estimates that the magnitude of inter-state migration in India was close to 9 million annually between 2011 and 2016. Agrarian

distress, climate change, increasing urbanization and displacement due to developmental projects are some of the important reasons for this large scale migration. Migrant labour provides comparatively cheap labour to the destination areas where they arrive usually with the assistance of middlemen like contractors or agents. Young women from tribal and other socially backward areas are more prone to migration as they provide cheap labour and they may be undertaking migration also through very manipulative conditions. Exploitative chains of middle men, workplace in households that render domestic workers invisible and poor working conditions, sexual exploitation are the realities of the process of this migration. Many girls migrate from the age of 10 onwards which is a blatant violation of labour regulations in the country. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 was enacted by the Indian Parliament to regulate recruitment and employment conditions of inter-state labourers. This act is formulated to protect the inter-state migrant workers through addressing their unjust working conditions and it gives importance to employment through middlemen contractors or agents. The act is applicable to migrant workers coming in group of 5 or above through contractors. There have been voices arising from concerned people working in this sector to amend this act to enable workers to access their rights. Since the migration scenario has changed and as the number is going up every year, the act is insufficient in addressing the vulnerability of these workers.

### **Cross-Border Migration**

In India the former Ministry of Overseas Indian Affairs(MOIA) and the Ministry of External Affairs(MEA)<sup>4</sup> used to deal with the issues related to the overseas Indians. There were lot of fallouts and uncertainties related to the policy matters of the migrants from the country concerning which ministry is the authority when matters of dispute and violation arise. Another noticeable fact is that the labour ministry has no stake over any such issues related to these workers who migrate from the country for work. In 2016 the Indian government decided to merge MOIA with MEA citing that the substantial work of MOIA was done through the missions abroad, i.e., through MEA. They also say that this merger is in tune with its overall policy of minimum government and maximum governance. This merger has invited many criticisms terming it as a blow to millions of overseas Indians and will curb the opportunities of the government to intervene in the issues of the workers. After this merger also, MOIA does not link with labor ministry while dealing with the issues of the workers. While approached the labour ministry also has an understanding that issues of migrant workers are beyond their

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<sup>4</sup> The Ministry of Overseas Indian Affairs was handling all matters related to overseas Indians, comprising Persons of Indian origin(PIOs) and Non-Resident Indians(NRIs). But it was not able to effectively implement the policies, programmes and initiatives due to MOIA's dependence on Ministry of External Affairs(MEA) and Indian Missions Abroad. There were many times duplication in the functions of two ministries too.

portfolio as they are not workers in India. The issues of the workers are directly managed within the MOIA structure.

The Emigration Act, 1983 regulates migration and recruitment from India. It is under the purview of this act that protection for workers is envisaged. But the institutional support this act provided is so limited and is ineffective when crucial issues of the workers had to be addressed. The Protector General of Emigrants (PGE) administers the act across the country and the Protector of Emigrants (POE), is in charge of the recruitment process and grants emigration clearance to citizens who have Emigration Check Required passports. Any citizens requires emigration clearance but the Emigration Act is operated by the logic of 'protection by exception', that bifurcates the status of citizenship into Emigration Check required (ECR) and Emigration Check Not Required (ECNR)<sup>5</sup>. Many times this exercise only ends up checking the educational status and the documents but has no essential mechanism to provide any protection (Kodoth and Varghese,2012). The present act (1983) was formulated under the directions of Supreme Court where the Emigration act of 1922 failed to address the issues of unskilled workers. But these efforts went in vain as the government included provisions of special protection to the workers which turned out to be a blight where more administrative interventions to control the movement surfaced through government orders.

At present emigration of women below 30 years is banned under the ECR category by the Government. This was a recommendation given by the National Commission of Women in the name of preventing exploitation faced by Indian nationals. This order ensures the requirement of a written employment contract with \$400 as minimum salary and also the employer has to deposit 2500\$ in the embassy if he/she requires the service of an Indian domestic worker. Due to the strict opposition of the stakeholders this requirement of minimum wages and security deposit was withdrawn but the age barrier continues. After many years of dissuasive experiences of migrant workers this act fails to support any coherent legal or institutional support to their problems or offer solutions. It discriminates against low-skilled workers especially women (Kodoth, 2016)

Since domestic work is considered as unskilled work and in fact not even treated as work, this migration process becomes more informal and illegal. Various loopholes in the existing emigration procedures and the restrictions imposed by the government of India on the migration of unskilled workers such as domestic workers have created a chaotic situation in the

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<sup>5</sup> ECR stands for Emigration Check Required. When an Indian citizen has not finished his 10<sup>th</sup> class then he or she has to obtain emigration clearance before migrating for work. As per the Emigration Act, 1983 Emigration check required(ECR) categories of Indian passport holders, required to obtain 'Emigration Clearance' from the office of the protector of emigrants(POE). ECNR denotes emigration check not required and this is for people with qualification above 10<sup>th</sup> class. This is particularly for 18 countries which have no strict laws regulating the entry and employment of foreign nationals.

emigration process. So many illegal networks have become active in the recruitment process and managed to overcome the emigration process in a subtle way. They misuse the age restriction through unauthorized ways as a means to support the workers. These measures come as providing special protection for vulnerable categories of workers. The unauthorized and illegal agents are skilled in acquiring passports altering the real age of the potential migrants. This shows how a restriction becomes counterproductive through the transgressions they produce.

Recognizing the intrinsic limitations in addressing the contemporary migration process, government of India has decided to bring a new emigration bill this year (January,2019). The drawbacks of the emigration act, 1983 pointed out by GOI are- the sub-optimal utilization of existing resources, delays in prosecution of illegal agents, lack of legislative provisions in working out effective framework for whole-of cycle of migration programmes like pre-departure trainings, skill upgradation and other systems like the welfare and protection of migrant workers. The draft bill that is introduced is supposed to introduce categorically these lacunas with an enabling institutional and legislative framework. They claim that this will lead to an efficient management of emigration and to address migration related issues in a comprehensive manner with a holistic approach ([www.mea.gov.in](http://www.mea.gov.in)).

Meanwhile India has entered into a bilateral agreement with Saudi Arabia for the recruitment of domestic workers. This agreement is called the Agreement on Labour Cooperation for Domestic Service Workers Recruitment between the Ministry of Overseas Indian Affairs of the Republic of India and Ministry of the Kingdom of Saudi Arabia. This agreement which was signed in 2014 desires to enhance cooperation between two countries to secure the rights of both domestic workers and the employers pursuant to the prevailing laws and regulation of both parties. But the implementation part is not yet sorted out. Saudi Arabia is a country with restrictive labour regimes and limited trade union access. But if an issue arises, the mechanisms for dispute settlement or rescue operations are still not in place.

Another remarkable move that has happened in the emigration scenario is that since August,2016, emigration clearance of all female workers having ECR (Emigration Check Required) passports, for overseas employment in 18 ECR countries<sup>6</sup> has been made mandatory through seven state-run recruiting agencies<sup>7</sup> only. Potential migrant workers have to approach these agencies for a safe and official migration process. These agencies will direct them to find

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<sup>6</sup> Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, Saudi Arabia, Sudan, South Sudan, Syria, Thailand, UAE, Yemen

<sup>7</sup> These are NORKA (Non Resident Keralites Affairs) Roots and Overseas Development and Employment Promotion Consultants(ODEPC) of Kerala, Overseas Manpower Corporation Ltd.(OMCL) of Tamilnadu, Uttar Pradesh Financial Corporation(UPFC) of Uttar Pradesh, Overseas Manpower Company Andhra Pradesh Limited (OMCAP) of Andhra Pradesh and Telengana Overseas Manpower Company Limited(TOMCOM) of Telangana.

jobs in the destination countries and also facilitate the process of migration like obtaining job contracts, regulation of work and social safety measures. Embassy attestation has been made mandatory in respect of direct recruitment of all ECR passport holder women workers in respect of all ECR countries. An online complaint registration system, MADAD<sup>8</sup> Ministry of External Affairs(MEA) in aid of Diaspora in Distress) is accessible for migrant workers to register their grievances.

The Government of India has introduced an e-migrate system, which is an online recruitment portal introduced by India for foreign employers to recruit Indian workers. This was introduced to curb the malpractices of unscrupulous recruiting agents who exploit job seekers with bogus offers. With effect from June, 2015, registration of foreign employers in the e-migrate system has been made mandatory. Employers who want to recruit workers from India must register in the e-Migrate website<sup>9</sup> and Indian embassies and consulates must approve the job offers before the worker gets a clearance to travel abroad<sup>10</sup>.

The state of Kerala with its economy having serious dependency on gulf remittances is extremely cautious in taking care of the migrant population. NORKA, the Non Resident Keralites Affairs is formed exclusively to redress the grievance of Non Resident Keralites. It is an effort of the government to strengthen the relationship between the NRKs and Government of Kerala through addressing the issues in the destination countries, safeguarding the rights and also rehabilitation of the returnees. It has also formed a state welfare scheme for Non Resident Indians which offers pensions depending on the contributions of the members. Domestic workers are completely out of the purview of the schemes of NORKA and welfare board. Since the recognition of domestic work is not yet a common notion, the women who have all alone struggled to fetch a livelihood as single mothers or widows are not recognized. They are not even included in migration literatures as human beings having significant contribution.

Following the central government order, NORKA has taken the initiative to recruit domestic workers. SEWA was constantly lobbying with NORKA regarding the procedures for recruitment, especially on pre-decision training, pre-departure training and skill trainings. Apart from this, creative methods to evolve the emigrant system also were discussed. Linking with local governments was one of the possible ideas suggested.

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<sup>8</sup> This is the Consular Services Management system which has been setup for Indian citizens to log and track grievances pertaining to the Consular services offered by the Indian Embassies abroad

<sup>9</sup> [www.emigrate.gov.in](http://www.emigrate.gov.in), The e-Migrate system fully automates the operations of offices of Protector of Emigrants (PoE) and Protector General of Emigrants(PGoE). Also all key stakeholders in the emigration lifecycle like Indian Missions, PGoE, PoE, Employers, Project Exporter, Recruiting agents, Emigrants and Insurance Agencies are electronically linked on a common platform

<sup>10</sup> Workers who need Emigration Check Required stamp on their passports should get e-Migrate clearance. Blue collar workers and domestic workers fall under this category.

## **Feminist Participatory Action Research**

This research has been carried out as part of the research project entitled 'Safe and Fair Migration: A feminist perspective on women's rights to mobility and work'. This action research was outlined keeping the framework of 'Feminist Participatory Action Research' (FPAR) which necessitates the need to understand the process of migration through multi-faceted experiences of women workers. The goal of using FPAR framework was to locate a space for the marginalized women in their socio, economic and cultural contexts to demand for the creation of this space and to bring about structural change. The approach is to explore the agency of the women in addressing the inequalities they face through mapping their experiences in the context of larger global realities. Here women who migrate for domestic work to other countries and who migrate internally are the targeted community where the FPAR methodology is experimented. The subservient situations of work and the trivializing surroundings they had to face both in their countries of origin and destination aggravates their vulnerability which is concealed most of the times. Nevertheless, these workers have taken bold decisions at critical points in their life responding with commitment to the compulsion of the social reproduction responsibilities incumbent on them and bearing the consequences of their decision. Locating these experiences enriches a new subversive tool for feminist politics to understand the complex notions of women, work, labour and rights.

SEWA has been involved in organizing women migrant domestic workers in their localities for more than 7 years. Through identifying the potential migrants and also women who are working abroad, SEWA began forming community based networks of these women. There are many returnee migrants also in these areas and they also are part of the group. It was not easy to enter into these localities and mobilise women. But we have intervened in different ways like documenting their cases, rescuing many women from the countries of their work, connecting them with government welfare schemes and also to local government mechanisms and through these we have established a base for the activities in their areas. Their migration has a history of more than 30 years. SEWA has tried to organize these women workers through manifold strategies. Bringing awareness amongst them on safe migration and its procedures is an ongoing process that is happening in the community. In the initial phase of organizing in Kerala in 2013, 8000 members attended awareness classes in 5 districts. This opened up the possibility for many women to identify the legal ways of migration and / or to refer to the organizers cases where fraud was evident. Discussions on the kind of job contracts, minimum wages, kind of visa promised etc. normally take place in the group. Illegal agent networks that defraud emigrants are very common in these areas. They use shared connections to reach out to potential migrants. Through this FPAR, attempts have been made to move beyond from a



victim narrative to an agential terrain where safe and fair migration would be seen as the right of these migrant women.

## **Methodology**

SEWA has already developed a base in some of the migrant prone areas in India through identifying and organizing migrant workers across different states. As a national union of informal sector women workers, the collective formations at the grass root level was intended to have strong worker consciousness about their rights at work and involvement in issues of violation of rights and freedom of work. In the migrant local groups, members are mostly returnee migrants, some potential migrants and existing migrants. Members meet in local units once in a month to discuss about their issues and the need for organizing under a union. These units consist of women of different trades in the informal sector. The awareness raising in a larger scale has made these women recognize their real issues and think about safe and fair migration chances. Many women were rescued from their distress situations in the workplace and they have also come back and joined the group. Some of them have become active as convenors of the local units of the union and they disseminate information to other women in their nearby areas. This has brought many women into the group who as part of the union were following up their cases and also linking women with the social security schemes. In between the Kerala government system for the Non-Resident Keralites(NORKA) has gone back on its promises to the organization as part of the negotiation with SEWA. The government had agreed to start working with the local governments in the migration prone areas to get the potential migrant workers to get registered and link them with the e-migrant system. Pre-departure skill trainings were also agreed and NORKA had asked SEWA to develop a module for the same. Including the migrant domestic workers in the existing social security scheme for migrants and also initiating some rehabilitation programs for the return migrants were also designed at that time. The change in government and the transfer of then CEO were the main reasons of this negligence from the state.

This is the context where FPAR is conducted. The process has been facilitated through the trade groups of SEWA with the existing members, both returnees and existing migrants. In the local level SEWA has formed the trade groups or mixed groups including migrant women workers. These groups will meet between once in a month to discuss their issues and to inform the leaders about new cases of migration and potential migrant areas. The members themselves have introduced new migrants also through reference of their issues and to the union. Our work is concentrated in the North and also Southern parts of Kerala. 15 women each from both the areas participated in the process with others included in focus group discussions.

These women have been selected with respect to their migration status, experiences and also membership in the organization.<sup>11</sup> 2 FGDs each have been conducted in the north and the south also with the same concerns prioritized. Around 5-6 women participated in each FGD's.<sup>12</sup> Internal migrations have been approached in a different manner as the migrants are usually young girls and the channels of migrations are invisible through the individual agents nexus. Kerala is a hub of migrant workers from other states of India. Studies and surveys by institutions<sup>13</sup> have estimated that around 2.5 million to 4 million such workers are engaged in various works as informal labourers in the state. This is also a major concern for us as many girls and women migrate from their states to other states for domestic work. Many of them are below the age of 18(which is the official age to start work). These girls are completely invisible in the migration chain and their movements are entirely controlled by illegal agents between the source and destination states. In the last four years of identifying the source areas in states like Orissa and Tamilnadu, we have interrogated into these processes of recruitment and mapped the movements of women and girls. The illegal and haphazard nature of the migration and labour make the process of collectivizing difficult. Awareness raising in the potential migrant areas and collecting information on migration through these programmes have helped us to gather the number of migrants and some kind of links to their destinations (with the limited information about their workplace). The migration from Tamilnadu is focused for this research. We have identified the festival times when the migrants usually visit their homes and conducted field visits and meetings in their localities during these days. This has given us a picture of this stream of migration and its implications. The survey identified around 500 girls who migrate from one particular locality in Villupuram district of Tamilnadu itself. The FPAR study was also conducted during the festival season this year (17-19<sup>th</sup> January,2019) where the girls have reached their native place during their annual leave. Compared to the previous years, this year the girls were found to be more interactive, open to discussion and with the determination to fight for their rights. 25 girls gathered in three areas for focus group discussions and some of them interacted in detail explaining their life as migrant workers. The age group of the girls vary from 14-23. The eldest in the group already has completed 9 years of work as a domestic worker. This means many of the girls are starting their work life between 12-15 years. Most of them have work experiences of more than 3 years. Some of them are planning to stop work if a good marriage proposal comes. The FGDs took place in three areas where there were more than 5 girls who have come back for holidays.

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<sup>11</sup> Detailed profile of women who have taken part in the research is given in the annexure

<sup>12</sup> Details of women who participated in FGDs are given in annexure ii

<sup>13</sup> Gulati Institute of Finance and Taxation(GIFT) has undertaken a study in 2013 to find out the numbers and socio economic situations of internal migrants in Kerala. They have estimated about 25 lakhs with the population being entirely male and within the age group of 18-29. But this study avoided female migrants as they are completely invisible in the process of migration.

## **Findings and Analysis**

### **Part I. Inter-State Migration**

#### **Background of the Inter-State Migrants**

Girls between 10-20 years migrate from Tamilnadu villages to Kerala. They are from very poor families that mostly have little ability to support their education. Both the parents are usually agricultural workers and they have limited income. People in the regions cultivate sugar cane, paddy, groundnut, millets, cotton and sun flower. The landless labour are scheduled caste (SC) people from the Adi Dravidar caste. Other caste people are Vanniyar, Chettiyar, and a visible number of Muslim families. Ulunthoorpeetai Taluk is a sensitive area known for human rights violations as there are conflicts in the name of caste. Among the backward caste there are 8 sub caste and few people own a piece of land. The schedule caste people are landless agricultural labours. Due to scarcity of rain, agricultural land owners, sell their lands and invest their capital in other businesses. The labourers who were dependent on agriculture for survival in the beginning migrated to Chennai and Bangalore either as a family or individually. Leela Kasturi has conducted a detailed study of Tamil migrant workers who have migrated to Delhi in the 1960s. These women, who worked as domestic servants, migrated with economic motives with their husbands or parents or immediate relatives accompanying them. They are from the south Tamilnadu areas like Salem and Madurai and migration has improved their economic status (1990). Rising poverty is one of the main push factors for the families to send young girls to work in different parts of Tamilnadu and other states like Kerala. Previously, migration was looked down on by people in the village but now this mind set had change totally, with no hesitation to migration. Rarely can we find in these villages children who have finished their secondary school education. There are no supports or monitoring mechanisms to pursue their education and the numbers of dropouts are increasing. These young children migrate to other states for better living conditions, to support the family and also to save some money for their marriages.

#### **Migration Pattern**

Most of these children are migrating as domestic workers. Some are going to Tirupur garment industry too. They go through local women; either their relatives or neighbours act as the agents and bring them to Kerala. These women have many contacts with the clients in Kerala and will take them in groups to supply to different houses. The agents will collect one-month salary promised to the girls from the clients as their commission and also travel expenses. In between also these agents will go to the houses where the girls are working and will demand money for their service. In some cases, the monthly salaries of the girls are paid through the agents or they will take the money together when they go home for leave. The agents have the

full control of the girls and they are afraid of them too. This local network is being exploited at the cost of the vulnerability of the families.

### **At the Destination**

These girls are supplied to rich houses especially in the Northern Kerala area. Some houses have more than one helper. They use the cheap labour of these children for housekeeping, looking after the children, assisting them in the kitchen etc. The average salary ranges from 6000-9000 Indian Rupees.

Many of the girls look for a better living situation compared to their home. They feel that working inside the house and eating food three times is a much better condition than their life at home. Pavithra<sup>14</sup> from Ulunthurpettai says that “ I don’t have to work outside and since I am inside home, it will make my body more beautiful and I am happy about it”. Since most of them dream of a marriage after a few years it is a preparation for them. In most of their houses they prepare food only twice a day with very minimal dishes. In many of the houses they work, they can eat good food and mostly in Muslim houses non-vegetarian foods are very common.

There is no uniformity in the wages paid to these girls. Some of them who have worked from their very young age recollect that they were offered to be paid 2000 Rupees<sup>15</sup> but they never asked who was collecting money on their behalf. Agents have good contacts with the houses and mostly their commission is the one month’s salary offered. In between also they will visit the houses to collect money. Most of them collect money when they go home for annual leave and give it to their parents. Some of them are working to pay the debts in the family. The wages these girls get are comparatively less than the wage for the same kind of work in Kerala. Some of them were offered gold when they leave the house mostly in the name of marriage. Nisha was saying that “I will go back to the same house for some more months as they have not given me any gold. They promised it if I go back”.

It was a disturbing experience to meet Anandi and Abhi who are just 14 and 15 years old. When they came to the local meeting they thought that somebody from Kerala had gone to the village to bring girls to work. They together approached us and said “please take both of us to work, we will come if we are allowed to work together in a house, we will do all the work”. Later while talking to them they shared their experiences. Anandi had gone to work last year in Kozhikode district. Her sister was a domestic worker in Kerala for many years. Last year she got married and her parents had to borrow money to pay her dowry and gold. Anandi is thinking that it is her turn now to earn money and payback the debts. Their parents both work in Bangalore as construction workers. But she couldn’t stay in the house she was taken to work

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<sup>14</sup> Pavithra,,17, from Nonayavadi is working for the last 3 years in Kerala

<sup>15</sup> Rukmini, aged 23 who has completed 9 years of work in Kerala, said this.

for more than 6 months. Her next door akka (elder sister) is the agent who took her to Kerala. Since she couldn't adjust she ran away from the house. This is the same story of Abhi too. She went twice and stayed for 6 months and came back. Her father is an alcoholic and every day people come to the house asking the money he had borrowed. These vulnerable underage girls are pressurized by the family situations to go to work. Now they are planning to go to school, still the situation urges them to go to work too.

Employers do not allow them to use phones, they take away the phone and give it to them only once a week. Even if they have phones, they would not be allowed to talk over the phone in some houses. Nisha who is 17 says "they don't even think that we also have families and we need to talk to our dear ones. They are quite bothered about their work to be done and we work as slaves in their houses. Our situation drags us into such conditions and I am not happy" Most of them shared about the long working hours starting from 5 -6 in the morning till 10-12 at night. No rest is allowed in between and many are engaged in child care responsibilities which need great attentiveness. They used to get beaten up when the children they are taking care of cry or make noises. So they have to be extremely careful. Some of them have to sleep in the kitchen and they feel unsafe sometimes. But in those cases many of them have asked the agents to shift them from the house. Everything related to their work and movement is completely dependent on the agents.

None of these girls are identified as workers either in their own states or in their destination states. Many of them have more than 5 years of work experiences. Although they start to work from a tender age, they might have worked for few years beyond 18 years. Rukmini has worked for 9 years and now she is 23 years old. But she is still not aware of any of the entitlements due to her as a worker. There are limitations in organizing them in both the source and the destination states. In a country where child labour is prohibited, these young girls are not considered as workers. The agent chain is so well entrenched that it operates inconspicuously with the support of employers and parents in the sending regions and many parents are afraid of the agents. Many of the parents are sending their daughters through the agents who mostly will be their neighbor or a distant relative. They think that the children are working at the mercy of these agents and if they send them back their income source will be affected and they threaten them about this.

In the destination, their work in the homes of people makes it seem like a private matter. The schemes developed for migrant workers in Kerala are not applicable to them as they are not enumerated or visible. This dilemma has to be unraveled in the safe and fair migration context. In the destination states also they should be able to get free times and gathering together to connect to the schemes of the state for migrant workers.

If they are organized at the source state, there is a possibility of collectivizing them towards skill development and better working situations. As a result of SEWA's work in Orissa, now a girl got trained in domestic work and she is working as a full time domestic worker. She gets reasonable wage with all other benefits like weekly off. Discouraging child migration and also facilitating a fair migration process will help protect the rights of these girls.

## **Part II. Cross Border Migration**

### **Socio Economic Situations**

Almost all the women who participated in the research shared similar stories of their life. The hardships they had to face at home were similar in many cases and owed to irresponsible husbands, separations, early marriages, poor conditions of living among others. Many of them were engaged in local jobs like tailoring, domestic work, agriculture etc. before migrating. The income they used to get from these jobs was minimal to run the family alone. Main thrust of many of them seeking jobs abroad was the possibility of getting good money with the hope of bringing prosperity back home. Malini from Malappuram district went to Dubai as a domestic worker in 2002. After her husband's death, Malini had to deal with finances and she had to take up her family's responsibility. Pramila from Malappuram also had to migrate with the unexpected demise of her husband and the huge crisis she went through to look after the children. Cases show that they acquired the courage to leave their children back home to give them proper food and education. Radhamani from Kozhikode migrated at the age of 28 when her children were 3 years and nine months old. Her husband never took any responsibility after the marriage and eventually she decided to leave him and stay with her parents. A woman like Bivathu<sup>16</sup> who had to face divorce at a very young age, left her six year old daughter with her mother and went abroad. She had to work there until her daughter got married. When they come back the children keep a distance from them and they become helpless many times to cater this situation. They will be more inclined to whom they were living with.

### **Illegal Agents Networks**

Many of the workers have migrated through illegal agent networks. The workers' life situations and the search for work have some way connected them to the agents. There is no mechanism to verify whether they are legal or illegal. These agents have facilitated them to acquire their

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<sup>16</sup> Bivathu who is 48 now is a divorcee is from North of Kerala, Tanur. She had migrated to Saudi Arabia, Qatar and Dubai. It was at the age of 28 she started working abroad and her age was entered as 35 in the passport



passports, visas and also flight tickets. Many of them have realized that after ensuring their arrival in the destination, the agents will disappear from the scene itself. They had to face the issues thereafter mostly through the mechanisms they explore for themselves. Many of the case studies have shown how the agent nexus is strong that the women are connected to them even after going through a number of cycles of migration. Ruksana, aged 49 who migrated to Saudi Arabia at the age of 31 says that in her two travel experiences the agents were visible only till the emigration, then there were no contacts and she had to manage the situations by herself. Maya from Kollam was taken to Kuwait in a visiting visa with the promise of converting it to working visa. Once she reached the destination, she realized that she was cheated and that the agent is planning to sell her body. She couldn't resist it and she jumped from the 2<sup>nd</sup> floor of the flat and got severely injured. All the research participants were cautious about the agents and consider it as the major hindrance to fair migration.

### **Forging Age/Passport**

Since there is an official ban for domestic workers to travel to the Middle East if they are below the age of 30 years, many of them have got their passport with an appropriated age. It is not even noticed while many of them emigrate through 'pushing'<sup>17</sup>. The Kasargodu embassy which was referred in some cases works like an authorized government agency where the names are changed, photos are exchanged and age forging is also made. Bivathu travelled with a passport showing 35 years while she was 28 years old. The agents manage the pushing very cleverly. Mumbai was the airport for many of them as the agents had some kind of nexus with the airport emigration desks for the pushing. Nabeesa and Maimoona questioned about going to Mumbai and the agents have responded strategically. To one of them agent said that it was because of the rush in the Karipur (Kozhikodu) airport and the other had the impression that domestic workers can only emigrate through Mumbai.

Sheeja<sup>18</sup> explains that she got her passport issued when she was 26 years old when trying to migrate to Muscat. The agent informed her that since she was below 30 she had to pay Rs.15,000 more to get her emigration cleared. It is clear that this is the money being paid to make the pushing possible. She faced the same experiences later also and she had to pay huge money for her travel.

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<sup>17</sup> *Pushing* is the term normally used to indicate that in the emigration process, the workers are pushed to migrate with internal adjustments with emigration officers through the agents without proper documents.

<sup>18</sup> Sheeja from Kulathupuzha, Kollam district had worked in Bahrain, Muscat and Kuwait for around 7 years and now she is an intrastate migrant worker in Kerala, working as post natal assistant

## **Wages**

Regardless of the different type of jobs and tasks, most women were paid very little. In most of the cases, these women had the responsibility of taking care of the entire family. With hopes of a better life they migrate and many of them expressed that they never got the promised salary by either the agents or the mediators. But they had no means to complain and they have adjusted with the given situations. In her case, Malini<sup>19</sup> narrates that she left the first Arabic owner because of the over work she had to do and the salary which was less than the promised amount. Later she went to a Malayalee family in Dubai itself with the promise of a decent salary. But there also she was cheated with no food and pay and she had to run away from that house. Absence of a proper contract with wages and other social security provisions usually turns to be a blow on these workers as they are exploited in all possible ways. Mariyam Beevi<sup>20</sup> has shared that she worked in a house for 25 years from 1994 onwards with 5000 Rupees as salary. Even though she asked for an increment they have never considered it as her right. Majority of the women who have taken part in the research had not received good salaries compared to the status of domestic workers who work in Kerala. In many cases they have been cheated through not paying the promised salaries and since there were no written contracts, the possibilities of demanding it became impossible later.

## **Kafala to Free Visa**

The Kafala system has emerged in the 1950's to regulate the relationship between employers and migrant workers in the Gulf Cooperation Council (GCC) countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE) and also in the Arab states of Jordan and Lebanon (Migrant Forum Asia, 2013). Under this system the individual employer or sponsor is legally responsible for migrant workers' immigration with a contract period. All her mobility will be associated with Kafael's (the sponsor) permission. This has often resulted in Kafael exerting further control over the worker by confiscating their passport and travel documents. Many of the workers who have migrated through agents and travel agencies have migrated through this kind of visas with a sponsor and when the work situations turned exploitative they struggled to escape. The workers will go to other houses with the direction of the employers in order to save money and also with more burdens of work. Sofia from Trivandrum was asked by her employer in Damam to work in their friends houses from morning till evening. She feels that they collect money for her work and she was not paid anything extra. Many of the earlier migrations were through these kinds of visas which the agents acquire by paying to the sponsors. Rukiya from Kozhikodu explains her story while she was working in Kuwait. Since the

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<sup>19</sup> Malini from Malappuram District is 42 years old with 15 years of working experience in Dubai.

<sup>20</sup> Mariyam Beevi who is 65 years old worked in the same house in Oman for 25 years for the same amount. She migrated when she was 42 years

Arab had some business, she had to clean the rooms with lot of chemicals. She used to suffer with abscess in her body. The Arab asked her to move out and he would give her free visa so that she can stay there and work for other families. Since the Arab was her sponsor every year he renewed the sponsorship. The Arab showed a house to stay and from there she visited three houses for work and she got her salary between 6000 and 9000 from three houses. Preetha from Kollam faced a situation where she was taken to Sharjah for job and the Arab took her to Oman finally. She had to cook for 16 people and had no proper food. The three boys of the Arab also started assaulting her sexually. Finally she grabbed her passport and *pathak* from one of the cupboards. One of the boys helped her to get a taxi to Muscat. There she found a malayalee family and they helped her to get in touch with few women who also had undergone similar experiences. She stayed with them and worked in 3-4 families where she was able to get good money.

These experiences of exploitation and deceitful behaviors mainly caused by the Kafala system have forced migrant domestic workers to find other possibilities of work. After escaping from the employers houses many have tried to settle there and worked in different houses and earned money until they are caught. They have found ways to get new passports too. Free visas<sup>21</sup> ensure work in multiple houses with the surety of getting more money and they are free to change the houses also. Maya<sup>22</sup>, who was forced to migrate to Kuwait at the age of 27 because of her familial situations, explains well her plight in the journey. She was cheated by the agent, was forced to engage in sex work and she jumped from the terrace to escape herself. But again she tried in different kind of visas to work abroad. In one house she grabbed her documents, found other women who went through similar situations as her and stayed with them. From there she worked in many houses and earned money. She has managed to return when the public amnesty was declared.

### **Work in Visit visa**

In one of the FGDs, 4 out of 6 women have shared their work experiences as going for three months visa and extend their stay after that. This is a new trend now as the families from Kerala based in GCC for their immediate needs like post natal help and caring the new born bring women from their vicinity in visiting visas. There is no risk for the employer in such kind of visa and their purpose will be served without any official process. When they migrate on visiting visa, they could come back if they didn't like the work, they could work in as many houses as

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<sup>21</sup> When the worker escapes from the employers' house some of them are smart enough to find out methods of survival by themselves until deportation or public amnesty is announced. They will find accommodation with women of similar experiences and find work in two to three houses through which they are able to earn enough money. They call this as situations of free visa

<sup>22</sup> Maya from Kollam has worked for more than 20 years as domestic worker in many GCC countries

they don't depend on a sponsor, they can get good salary, and they can stay outside and make their own food. Sabeena who went in visiting visa from Vallakadavu explains: "the employer where I did house work asked me if I would go abroad to take care of a relative who was pregnant and who had a younger child. They arranged a visiting visa for me and I stayed there for three months and returned. I had to repay the debts I made for our daughter's wedding and my husband who is a fisherman, could not make this up on his own." Sameema whose husband was working in Dubai went on a visiting visa and got 35000-40,000 rupees through working in many houses. She says "Working on a visiting visa is a risky job but I got paid well. We can also extend the visiting visa now". They had all gone abroad as they needed the money as 4 of them had children below the age of 18. None of them had any former understanding of what the life and work procedures would be like there. What they did know was that they could come back any time and what attracted them was that they could earn depending on the number of houses they worked in. One of them went abroad on a visiting visa and they changed her visa to work visa after three months. But this is not a good trend as the workers are losing their workers status and they are not documented as cross border migrant domestic workers. If any issues arise during their migration, there will not be any support systems provided as they are not registered as migrant workers.

### **Working Conditions**

Without any proper contract, the women were forced to do any kind of jobs the employers ask them to do. In some houses they were happy with the situations, but in many cases they were forced to do things which were never expected. Preetha from Kulathupuzha, Kollam narrates her hardships like this: " I worked in a house in Kuwait and didn't have much salary and the work situation was dreadful. The Arab women abused me physically and in fear and anger I asked to return to Kerala. But they didn't listen and so I tried to scare them by fasting for three days and said I will commit suicide. After three days my agent came and took me to the office". Nabeesa from Nilambur was taken to Oman to look after a new born baby. Once she reached there, it was found that she had to cook for around 50 people in the Arab's house. From early morning to midnight there were visitors and she had no rest at all. Shobhana<sup>23</sup> also narrates her hardship where the employer lady was so cruel and not even giving proper food or water. She was forced to drink water from the bathroom. They had taken away her documents. She couldn't call home at all as her mobile phone was with the employer. If they react against any such actions, they had to face unexpected backlashes which even caused injuries. Many women have escaped from the houses and searched for temporary shelters. Some of them managed to

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<sup>23</sup> Shobhana from Trivandrum

find new jobs from these shelters or shared accommodation with other women of similar experiences.

### **Post Migration**

Post migration scenario of these women migrant workers draws very serious attention. Many of the women migrate in the early age of their children. Due to their abysmal situations they will make arrangements with their mothers or sisters to look after the children and they go abroad. They work hard to earn money for the children's education, daughters' marriages, etc. When they return, the children would have lost all the personal attachments and they show greater affinity towards their local guardians. The savings had been completely spent for the education or marriage expenses. Many of them have finished their first contract and have returned to conduct first daughter's marriage and with the plan of next migration for the next one. Some have bought land, but were not able to build the house. Pramila<sup>24</sup> got a sanction from the local government for a house but it was rejected after her expatriate status became known. This is the same situation with the Public Distribution System too. Being out of the country for some years had changed their social status. Many of them reported about the denial of priority status for the Public Distribution System (PDS) because of this. The women who have travelled with fake passport, no proper contracts, who had to run away facing serious abuses or worked only for the better future of the children- all of them are considered on par with the above poverty line people. This is the denial of their worker status and also their real life situations they face post-migration.

### **Towards Safe and Fair Migration**

When SEWA started organizing migrant domestic workers, series of dialogues with NORKA was also started. First step towards it was to organize a public hearing bringing these migrant domestic workers to the state's attention. All stake holders in the process were invited to bring this issue into public attention. Then Executive officer of NORKA had taken special interest in understanding the issues of domestic workers and their working conditions. He had given special instructions to all NORKA regional offices in the state to include domestic workers also in the 'swanthana' scheme, which is a health assistance scheme to the migrants. Many of the SEWA members have submitted their application and they got their one-time assistance for major surgeries they had. Saraswathi from Nilambur, who had a valve impairment issue, got 40,000 Rupees as assistance for her surgery. Suhara from Tanur, Malappuram has got assistance for the marriage of her daughter through SEWA's intervention. Bivathu has joined

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<sup>24</sup> Pramila from Malappuram, 58 years old

the welfare scheme for migrant workers. From 2017 onwards the Unorganised Sector Social Security Board which was formed according to the Unorganised workers' social security act, 2008 of the Government of India has merged many of the welfare schemes for the informal sector workers. Domestic workers scheme also is amalgamated to this board and now SEWA is enrolling many of these migrant domestic workers in this board. Domestic workers from the age group of 18-59 can join in this scheme and through this board they are entitled to get pension after the age of 60 and also marriage assistance for the daughters, maternity benefits, educational assistance for the children etc.

### **Government Approved Migration-NORKA Recruitment Procedure**

Since the issuing of the government order designating 7 agencies to recruit domestic workers, NORKA is the only agency that has developed a system to recruit domestic workers. It has already entered into a contract with a Kuwait based recruitment agency, Al Durra. This agreement facilitates the migration of domestic workers free of cost. Al Durra will pay NORKA's commission of Rs. 30,000 per recruit as well as visa and travel and expenses and the cost of medical examinations. Monthly salary specified in the contract is 110 Kuwaiti Dinar for 12 hours of work and six days a week (7<sup>th</sup> day is not discussed here but the domestic workers will remain in the employers' houses). The worker will be provided with a local sim card to contact the call centers set up in the destination countries in case of emergency. The workers are allowed to learn the job for six months and to get adjusted to the workplaces during this time. Al Durra will relocate workers according to the need of the employers or workers. Al Durra will also provide insurance cover for repatriation expenses of workers after a period of six months but if a worker decided to return before that or is deported, the expenses are to be paid by the NORKA.

Advertisements were made in popular local newspapers by NORKA and 300 women responded out of which 120 women accepted offer letters from NORKA. But finally only 59 women have received visas. NORKA conducted a one day pre departure orientation for the potential migrants. A batch of 30 women has migrated to Kuwait. But there was no such surge of enquiries or interest in applying even. NORKA has organized 300 hours skill training also for potential migrants through an agency named SP Global which is an accredited agency of the National Sector Skill Council. It was conducted in a training centre of Trivandrum Archdiocese of the Catholic Church with the intention of reaching to more women. The training which was conducted in December-to January, 2018 ended incompletely. Now the latest information from the officers is that 23 out of the 30 have returned even before completing 6 months which was a breach of agreement and NORKA certainly has to pay the compensation. It was a serious uproar to the officers in charge. On the contrary many domestic workers are going to Kuwait through illegal recruiters. Long term history of suppression of women workers' mobility in the name of protection would definitely have swayed the potential areas and the information



regarding the migrants will not be easily communicated. Having no experience as a state agency, NORKA would have had more consultations with organizations like SEWA and integrated its expertise to training and pre departure orientations. Negotiations made by NORKA clearly lack workers perspective and the patriarchal ground of looking at women's jobs<sup>25</sup> have really hijacked the concept of decent work itself.

## Lessons Learned and Recommendations

This FPAR process was an attempt to reflect on the progress of initial phase of work<sup>26</sup> among the migrant domestic workers towards a safe and fair migration process. This included returnee migrants, present migrants and potential migrants<sup>27</sup>. It has helped to map the current trajectories of migration with new trends and changes. The current regime is catering women's migration functions without any right based approach. When we look at the policy trends, there is a move forward towards more formal contracts and recruitment policies but within a non-binding framework of fair migration. Decent work aspect is missing in all the approaches. Khadeeja, who worked for 20 years abroad, opines that "If there is government, that has the database and a helpline and especially spokesperson, things would be much easier". Even after identifying potential official recruitment agencies, the government machinery is not able to provide any guideline for these agencies to follow. This results in a chaotic situation where no negotiations on improved working conditions occur. The workers now also tend to rely on illegal agencies for their migration and more fragile and flexible forms of migrations like visit visa, free visa etc., are flourishing. According to Subaida to regulate agents is one main thing to make migration more transparent. This invokes the attention of the policy makers with caution. The link between source and destination countries/states plays a key role in this. The failure in implementing the Saudi bilateral agreement is a good example to rethink the lacunas of policy interventions. It is necessary to rethink about ensuring decent wages and to ensure mobility rights. The sponsorship or Kafala system combines with the normative expressions of protection constricts the workers' rights and are leading to stressful working environments and tensions. India should develop systems to bargain for its workers like leave with pay, leisure times, health care and other social security measures. Concerted efforts to include labour inspections and also better dispute settlement mechanisms in the destination countries have to appear in the priorities of bilateral discussions. Repealing poor migration control policies such

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<sup>25</sup> When women migrate as domestic workers, their service is taken as granted with 24X7 accessibility without mentioning their duty time, rest, off and other social service they are entitled to.

<sup>26</sup> SEWA as a trade union has started organizing these women migrants from 2013 onwards. That was a beginning and to enter into a second phase working towards safe and fair migration this FPAR was placed. Number of migrant workers' groups SEWA has formed in 2015 is also given in the annexure

<sup>27</sup> Details of the number of women who have participated in FPAR is given in the annexures i,ii &iii

as migration bans in the name of protecting vulnerable workers needs sustained advocacy efforts from the part of organizations. This is applicable for both countries of origin and destination. Discrimination in wages and social security measures are very common and there should be measures to tackle these kinds of exclusions. Accountability of the recruiters in both cross border and internal migration including employers has to be prioritized in the fair recruitment process. Trade unions should be definitely involved in standard setting of fair recruitment practices. Pre departure and skill training inputs should include all these nuances of migration. NORKA's new recruitment structure has emerged as a model to resist the vulnerabilities in existing recruitment policies. But without ensuring decent work and social security measures, these systems won't serve the purpose. Working conditions should be assessed specifically and negotiations could be worked out after interactions with workers' groups. Malini who have undergone a lot of suffering and who migrated when she was below 30 years says that women under 35 years are not safe as well as going through an agent can be risky. In India government officials ignore those who are labeled as expats as well as domestic workers, they don't get any benefits. Pramila from Malappuram says that there are lots of plans and programs by the government but it never reaches the required people. The government gives enough advertisement and gives awareness still those plans never get to the ones who are in need. The government has to implement such plans then only women can migrate safely and take care of her family.

Towards a fair migration process, it is vital to build and nurture workers groups both at the countries/states of origin and destination. Involving workers themselves in the process of awareness generation and development of training modules will engender the process of intervention meaningfully. Raheema's<sup>28</sup> observation is that the emigrant should have some education. She stated that "I am not educated so that people made me fool. First thought that I have a good experience, so everywhere it will be same situation. But I am wrong. I have to say that don't trust anyone in this game."

Promoting women's trade unions to this end together with women's groups and anti-trafficking organizations supporting each other to the cause will enrich the struggle. A holistic approach to women workers issues which include integration of policies supporting care work and also acknowledging their economic contributions to the sustenance of families would help towards valuing women's work. There is a long road to link the source and destination in the case of cross-border migrations. Existing bilateral agreements are not practically helpful in any of the problems that arise out in the process or in the destination. Union to union linkages, engage in lobbying of pro worker perspectives in multilateral discussions and putting special agencies responsible for the monitoring of the process may improve the situations step by step.

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<sup>28</sup> Raheema is from Trivandrum

Nabeesa says, "Nobody should go abroad without asking details of the job. We do not have any information. So we should belong to organizations like SEWA where we can inform about our issues and get help when needed. Everyone should keep in contact with the organization even after migration so that others know that we are supported and we will not be exploited so much."

The pre decision orientation programmes have to be linked with the locally available resources and employment opportunities connecting with structural factors leading to migration which will enable a decision making environment. FPAR method should lead to more action oriented programmes developed from the experiences of migrant women themselves and furthering from it. Maya from Kollam who have undergone negative experiences in her migration strongly asserted from her experience that it is necessary to have courage and language to work in a foreign country. In some areas women themselves have identified locally available jobs which offer better opportunities than out bound migration. They have made local mechanisms to tackle it through their own networks. Even the men in the community are unaware of this many times. Maya herself after going through all the wistful experiences finally works in her own state but in a different district with 20,000 rupees monthly salary. This gives her more dignity and security.

Building links with the source and destination states can only facilitate decent work discussions with inter -state migrant workers. Safe and fair migration for young girls from their resourceful areas to other states is not just addressing inter-state possibilities but here also the pre decision orientations within the communities that exhilarate possibilities of education, locally available jobs and skill development are imperative. Invisibility of migration which mostly occurs through local middlepersons has developed a kind of uncertainty in the process where there are no possibilities of rightful interventions. Ensuring freedom of association and collective bargaining at both the levels will entertain worker identity to the migrant girls. Effective facilitation of such a process will prevent child labour and develop more right based consciousness. Negotiations on accelerating Memorandum of Understandings between governments and inclusion in the social security schemes have to become the main priority of the unions.

This FPAR process with selected communities certainly gathered the nuances of the process of migration both at the source and destination states. It mapped the variable and unpredictable trajectories of migration underlining the players at each node. This was not only ascribing to discussions surrounding domestic work but more feasible outreach opportunities towards addressing the various needs of women workers. Journeying with the workers at different levels with constant lobbying and advocacy for inclusive policy changes can only trigger safe and fair migration interventions.

## Case Study

47-year-old Shobhanakumari called Esther lives in Piranppancode, Nedumangadu Taluk in Trivandrum District. Her family consists of husband and 2 children. Her husband is a daily wage worker and he is suffering from respiratory diseases. Her 22-year-old son completed graphic design course and is working as a graphic designer in a studio and her daughter completed high school. At the age of 20 she got married and shifted to Pirappancode. It was very hard to fulfill the basic necessity of life as the wages which Shobhana's husband earned were very low. For 10 years she was at home looking after the house and children. After 10 years she decided to go for domestic work to earn money herself. Shobhana went for cooking and cleaning work at different houses 13- 16 km away from her villages where she used to earn around Rs. 3000 to 4000.

During this period one of her employers offered her a job in Dubai as a helper in his daughter's family for Rs.10000. Her daughter was an IT professional. Shobhana discussed this with her husband and family. Since they knew the family, she agreed and applied for a passport (she was 36 years old). All the formalities were done by the family itself and she got emigration clearance. Shobhana said that she didn't sign any papers but she was sure she got a contract. Her job was to do the cleaning, cooking and take care the child who was 5 years old. All the travel expenses were met by the employer's family. It was a nice house and family. They provided a separate room for her. The salary was given to her husband's hand in the home town. Once a week they allowed her to call her family. She worked there for a year but in 2008 her mother-in-law suddenly passed away and she had to return home.

By that time there were many others going to the Gulf countries with the help of agents and relatives. As she wanted to return for work, one of her distant relatives told her that there was an opportunity in Bahrain. He was a driver at Bahrain and his sponsor's sister's house needed a domestic worker. He promised a salary of Rs. 12000 per month. All the legal formalities like emigration clearance and medical check-up was done by him. For the visa and other formalities she paid Rs. 30000. The ticket was sent by the employer. So that year itself, in 2008 she went to Bahrain. The sponsor came to airport to pick her up. It was a young Arab family where the man had a government job and the woman was a teacher. They had a 2-year-old baby. Her duty was to look after the kid and clean the house and occasionally to help the madam in the kitchen. The living situation and the working conditions were good there. She had a separate room, toilet facility and she was also allowed to make her own food. She worked with them 3 years continuously. During this time, she made a small house and although it was not completed, her dream came true.

In 2011 she returned home. After two months leave she went back. But after six months her husband got sick and she came back. Her sponsor took the return ticket and gave her two months' salary in advance. Her husband could not work after the surgery and her daughter was 13 years. So it was difficult to go back to work. So she decided to work locally. Again she started to work at different houses and she was registered in the employment exchange. After some months, she got peon job on a daily wage scheme at university office. With the small income she was happy with the family. Her husband also started to go for work. After six months she went to work as a domestic worker where she received Rs. 300 as a daily wage.

In April 2017 one of her neighbors who was working in Kannur as a swimming instructor told her that there was an opportunity in the palace of the Saudi Prince. The salary offered was Rs. 30000 and also annual leave. Shobhana thought this would be good as she needed to make money for her daughter's marriage as she was now 18 years old. One day the main agent, Subaida and Nisar came to her village and talked to the women and explained about the details of work. Subaida was a nice woman aged around 35 and nicely spoke to everyone. So Shobhana and others were impressed. Shobhana and one other girl gave their passport to Subaida. Subaida also said her husband had an office in Saudi Arabia so they don't have to worry for anything. Medical check-up was done in Trivandrum itself and the agent accompanied. There was no emigration clearance.

All the formalities were done very fast. On May 2nd they went to Saudi. But the ticket was from Nedumbassery (Cochin) to Delhi and then to Saudi Arabia. Shobhana and her son, the other girl went to Nedumbassery airport by train and from there Nisar accompanied with them to Delhi. When they reached Delhi Nisar told them that Shobhana won't have any problem may be the other girl she may have problem at the immigration desk. Shobhana said "Nisar waited outside the hall till the clearance and asked us to call. He has informed us to go by the 2<sup>nd</sup> counter of the immigration desk". Unfortunately, the other girl couldn't go through the 2<sup>nd</sup> desk and she didn't get clearance and they denied her clearance". Shobhana got the clearance and she went to Saudi Arabia. With new expectations Shobhana boarded. She had to transit at Sharjah which was informed at the time of travel only. Her agent Subaida's husband came to receive her at the airport. She travelled 3 hours to reach the house at night. She was tired and went to another house of an agent she fell asleep very fast. When she awoke in the morning there were 2 other Malayali women there. That afternoon an Arab person came and took her to the house, a two floor building. There were 7 in the family. Two of them big boys and rest of them were small kids. 'Mama' (the Arab woman) explained to her about the daily work details. As Shobhana knew the language well it was very easy for her to communicate. Every day she works from 4 am till midnight. She had to cook food, clean the house. No rest and no proper food. She was not allowed to call home. The mobile phone was with the Arab since day one. After two days the sponsor took her to the hospital for the medical check up to get the *Pathak*

(ID card) and that time she met a nurse who was a Malayali. She asked the nurse to use her phone to make a call to her family. At that time, she got to know that the place she was in was called Hail. It was very far from Riyad. She informed the family that she was trapped and she wanted to return home.

The real struggle started after that. Every day Mama would beat her. She was given food only once a day and that too only Khuboos. She had to repeat the work every day until the lady was satisfied. She had to drink water from the toilet. If the work was not completed she was not permitted to drink water. In between the agent called her and Shobana cried at him and pleaded to rescue her. But she rejected her request. That same night, the Sponsor, the Arab made a missed call to Shobhana's husband and he called her back. She told the family to take her from this place. After a month's work her salary was not paid. Her family approached the agent Subaida and told her to bring back Shobhana. But the agent said that was a good house and there was no need to complain. She also threatened that the Arab family could file a case. Shobhana's husband made a complaint to the Police and that complaint was transferred to the NRI cell of Kerala Police. The police called Subaida and asked the details. They said she was happy there; she had a contract for two years. She called Shobana's husband and threatened again.

One of the SEWA's leaders in the area shared this story with the organiser and asked for help. The organiser talked to the family and collected all the details, like copy of passport and the copy of Visa. Fortunately, the copy of visa was on her son's phone. The SEWA organiser took all the details to the Protector of Emigrant office, and registered a complaint. The POE was helpful. She checked the visa and found that it was stamped from a Bombay based registered recruitment agency. The POE sent a written complaint to the Bombay POE. The SEWA staff called the agent and tried to find out the situation of Shobana.

The Bombay POE had issued notice to the recruitment agent to bring Shobana back otherwise the agency would be cancelled. The Trivandrum POE did continuous lobbying and follow-up and she also wrote to the embassy. The Sponsor was called to the embassy and told to send Shobana back immediately. After Ramzan the Sponsor took the tickets and gave her full salary. The travel agent booked the return ticket to Bombay. One of Shobhana's brothers was in Bombay and picked her up at the Airport. Then they went to POE office for the official procedures, where she made a complaint against the agent. She asked for compensation of Rs.2 lakhs for being cheated and she got Rs. 1.5 lakh Rupees and air ticket back to Kerala.

After one week she came back to Kerala. She felt that it was a miracle as she never expected that she would come back alive. When she returned she weighed only 40 kg while she was 65 kg when she left. Moreover, she was badly traumatized. After one year she is still suffering from continuous headache and back pain. She feels that in order to migrate safely, the agents should

be abolished. There should be proper system for recruitment. In her case she thought Subaida was the agent. But there was a Bombay agent and another agent in Saudi Arabia. Also she shared that if anyone plans to migrate she should share this with others. She said she did not know earlier that agents were so treacherous as she had not discussed this with anybody. If she had asked someone else before migration may be she could have been safer. Also there should be proper enquiries at the workplace. There was no inspection in her sponsor's house.

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## Annexure I

### Details of women who participated in FPAR

#### (Cross Border Migration)

Sl. No	Name	District	Age	Marital status	Countries migrated	Age at the time migration	Age at Passport	No of children	1st migrated year	caste
1	Bivathu	Malappuram	48	Divorced	Saudi Arabia, Qatar, Dubai(UAE)	28	35	1	1999	Muslim
2	Kahdeeja	Malappuram	60	Divorced	UAE	28	33	3	1987	Muslim
3	Malini	Malappuram	42	Separated	Dubai, Kuwait	26	30	1	2002	Ezhava
4	Mariyam Beevi	Malappuram	65	Widow	Oman	39	39	1	1993	Muslim
5	Pramila	Malappuram	58	Widow	Abu Dhabi	41	41	2	2002	SC
6	Radhamani	Kozhikode	58	Separated	Kuwait	28	31	1	1989	Ezhava
7	Suhra	Malappuram	45	Widow	Kuwait, Saudi Arabia	34	34	5	2008	Muslim

8	Haseena	Kozhikode	62	Divorced	Saudi Arabia	30	30	1	1987	Muslim
9	Nabeesa	Malappuram	56	Widow	Oman	36	36	3	1998	Muslim
10	Maimoona	Malappuram	52	Divorced	Oman	39	39	2	2006	Muslim
11	Zubaida	Kozhikode	48	Divorced	Saudi Arabia	30	30	0	2001	Muslim
12	Ruksana	Malappuram	49	Divorced	Saudi Arabia	31	31	2	2001	Muslim
13	Shakheela	Malappuram	46	Divorced	Oman	38	38	3	2011	Muslim
14	Ramani	Malappuram	52	Divorced	Saudi Arabia	42	42	3	2009	SC
15	Fatima	Malappuram	63	Widow	Saudi Arabia	38	38	5	1994	Muslim
16	Shahida	Malappuram	45	Divorced	Dubai	33	33	2	2007	Muslim
17	Soudha	Malappuram	60	Married	Kuwait	35	35	0	2004	Muslim
18	Saraswathi	Malappuram	51	Married	Bahrain, Sharjah	36	36	2	2004	Nair
19	Rukhiya	Kozhikode	55	Divorced	Dubai, Oman, Abudhabi, Saudi Arabia, Kuwait	23	30	3	1987	Muslim
21	Naseema	Kollam	33	Married	Oman	30	30	2	2016	Muslim
22	Raheema	Trivandrum	49	Separated	Dubai, Oman	29	31	1	1999	Muslim
23	Shobhana Kumari	Trivandrum	47	Married	Dubai, Bahrain, Saudi Arabia	36	30	2	2008	Sambava

24	Sofia	Trivandrum	42	Divorced	Saudi Arabia	39	39	0	2016	SC
25	Kamila	Trivandrum	50	Widow	Oman, Saudi Arabia, UAE	28	30	3	1997	Muslim
26	Preetha	Kollam	35	Separated	Kuwait	30	30	2	2014	SC
27	Selin	Trivandrum	55	Separated	Kuwait, Oman, Qatar	27	33	2	1997	Latin, Mukkuv a
28	Sheeja	Kollam	39	Married	Oman, Bahrain, Kuwait	26	30	2	2006	Muslim
29	Leela	Trivandrum	54	Married	Abudhabi, Kuwait	37	37	3	2002	Ezhava
30	Jameela	Kozhikode	43	Married	Kuwait	29	30	1	2005	Muslim

## Annexure II

	Name	Age	District	Countries worked
FGD 1	Khadheeja	58	Malappuram	Saudi Arabia
	Bivathu	55	Malappuram	Saudi Arabia, Oman, UAE
	Nafeesa	63	Malappuram	Saudi Arabia
	Nabeesa	65	Malappuram	Qatar
	Mariyam Beevi	66	Malappuram	Qatar, Saudi Arabia
FGD2	Sabeena	50	Trivandrum	UAE(Abu Dhabi)
	Sameena	36	Trivandrum	UAE(Abu Dhabi)
	Haseena	36	Trivandrum	UAE(Abu Dhabi)
	Nadiya	35	Trivandrum	UAE(Dubai)
	Rubeena	48	Trivandrum	UAE(Dubai)
FGD3				
	Bivathu	50	Malappuram	Saudi Arabia, Qatar, Dubai,

				Oman
	Alimma	65	Malappuram	Saudi Arabia, Dubai
	Sulekha	52	Malappuram	Oman and Qatar
	Safia	60	Malappuram	Oman and Saudi Arabia
	Zabida	21	Malappuram	Saudi Arabia
	Zubaida	54	Malappuram	Oman and Saudi Arabia
FGD4				
	Preetha	33	Kollam	Saudi Arabia, Kuwait
	Shakunthala	50	Kollam	Saudi Arabia, Kuwait, UAE
	Sheeja	39	Kollam	Kuwait, Oman, Bahrain
	Nabeesa	48	Kollam	Kuwait, Saudi Arabia, Oman, Qatar
	Sulfath	49	Kollam	Saudi Arabia

### Annexure III

Details of interstate migrant girls who participated in the research

Sl. No	Name	Age	Area	Work Place	Work Experience	Wages
1	Rukmini	23	Nonayavadi	Kannur, Thalasserry,Kozhikodu	9	9000
2	Pavithra	17	Nonayavadi	Kannur, Kozhikodu	4	7000
3	Nisha	17	Nonayavadi	Kannur	3	7000
4	Saumya	19	Nonayavadi	Kannur,Thrissur	4	10000
5	Lavanya	18	Nonayavadi	Thrissur	3	6000
6	Bhawani	21	Vadakurumpoor	Thalassery and Kozhikodu	7	9000
7	Bharati	17	Vadakurumpoor	Kannur and Kozhikodu	2	7000
9	Pavithra	16	Vadakurumpoor	Kozhikodu	3	7000
10	Rani	18	Vadakurumpoor	Farooq,Kozhikodu	2	7000
11	Mahalekshmi	20	Vadakurumpoor	Kannur, Kozhikodu, Thalassery ,Ernakulum	9	8000
12	Anandi	14	Vadakurumpoor	Kozhikodu	1	4000
13	Abhi	15	Vadakurumpoor	Kozhikodu	1	4000
14	Aiswarya	20	Peral	Kozhikodu	6	8000
15	Kausalya	18	Peral	Kozhikodu	4	7000
16	Kala	18	Peral	Kozhikodu	4	7000

17	Selvy	19	Peral	Kozhikodu	3	10000
18	Sudha	17	Peral	Kozhikodu	3	8000

