

SESSION 8: GENDER AND MIGRATION IN INDIA

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Objectives

1. To deliberate on sociological perspectives on gender.
2. To discuss the evolution of gender analysis in migration studies.
3. To analyse the trends and patterns of female labour migration.
4. To examine the implications of labour codes on women workers.

Outline(Key Themes and Issues)

- Sociology of Gender
- Evolution of Gender Analysis in Migration Studies
- Migration and Gender Dynamics
- Female labour Migration- Trends and Patterns
- Women Workers in labour Codes

Sociology of Gender

- Sociologists distinguish between sex and gender.
- Sex refers to the biological differences between male and female bodies.
- Gender concerns the psychological, social and cultural differences between men and women.
- Some people argue that differences between men and women are genetically determined.
- However, there is no conclusive evidence to suggest a biological basis to gender differences.

- Writers who subscribe to the 'natural differences' school of thought argue that the division of labour between men and women is biologically based.
- Women and men perform those tasks for which they are biologically best suited.
- Anthropologist George Murdock saw it as both practical and convenient that women should concentrate on domestic and family responsibilities while men work outside the home.
- Murdock(1949) concluded that the sexual division of labour is present in all culture.
- While this is not the result of *biological programming*, it is the most logical basis for the organisation of society.

- Talcott Parsons (1956), a leading functionalist thinker, concerned himself with the *role of the family in industrial societies*.
- In Parsons' view, the family operates most efficiently with a clear-cut sexual division of labour in which females act in *expressive roles*, providing care and security to children and offering them emotional support.
- Men, on the other hand, should perform *instrumental roles*-namely, being the bread-winner in the family.
- Because of the stressful nature of this role for men, women's expressive and nurturing tendencies should also be used to stabilise and comfort men.
- This complementary division of labour, springing from a biological distinction between the sexes, would ensure the solidarity of family.
- However, in the new economy, women have entered into labour/job market, hence there is reversal of gender roles.

Evolution of Gender Analysis in Migration Studies

- ▶ The integration of gender analysis in migration studies first emerged in the 1970s and early 1980s with a conception of gender as an individual-level, static category determined at birth.
- ▶ Scholars have referred to this stage as the ‘add women and stir’ approach.
- ▶ This approach limited the empirical analysis of gender to an individual-level analysis of differences between women and men, using a binary variable of male versus female to measure gender.

- ▶ As the field evolved into the mid- and late-1980s, feminist migration scholars shifted their analysis from studying women to studying gender.
- ▶ The difference being that instead of contrasting women to men, they focused on gender as a system of relations which was influenced by migration.
- ▶ The most recent stage of the evolution of the gender and migration literature draws heavily upon gender relations theory, particularly work that focuses on how gender relations shift as a consequence of migration and settlement.
- ▶ Australian Sociologist R.W.Connell described 4 dimensions of gender relations (power, production, emotional, and symbolic relations).

Migration and Gender Dynamics

- ▶ Traditional migration theory is largely gender-blind.
- ▶ In his classic '*A theory of migration*', Everett Lee (1966) wrote that 'children are carried along by their parents, willy-nilly, and wives accompany their husbands though it tears them away from environments they love'.
- ▶ In fact, women were nearly always conceptualized as accompanying dependants and therefore not given much attention in theoretical accounts of migration.

Migration and Gender Analysis in the Indian Context

- ▶ In the present Indian context, understanding the role of women as economic migrants is significant.
- ▶ There has been a rapid increase in labour mobility in contemporary India(Rajan et.al.2017).
- ▶ Large scale surveys as well as village studies across the country report an upsurge in the incidence of out-migration from rural areas.
- ▶ These accounts reveals that while migration streams may be differentiated by their historical origins, regional, caste, class and gender attributes, there has been a spatial reconfiguration of work and employment in rural India.

- ▶ In particular, migration has emerged as a significant livelihood strategy among the rural households.
- ▶ The New Economics of Labour Migration suggests that migration decisions are jointly made by family members and are mediated by remittances (Stark 1991).
- ▶ Livelihood approaches emphasize on migration as a household strategy of rural livelihood diversification (Ellis, 1998).
- ▶ Census data on migration shows that female migration for work has rapidly increased between 2001 and 2011.

- ▶ Studies on female migration in India, by and large, reveals that women migration is driven by *marriage and associated reasons*.
- ▶ However, most recently, a few other higher studies have highlighted the issue of *employment-driven female migration*.
- ▶ Migrant women in India normally do not participate in the labour market immediately in the post marriage period because of existing socio-cultural constraints.
- ▶ However, with increasing duration of migration, they tend to participate in wage employment in increasing numbers.
- ▶ Household poverty and low standard of living are the major determining factors behind their decision to participate in the labour market.

- ▶ Earlier studies on migration focused only on male migration, assuming that female migration would not have many social and economic implications (Neetha 2004).
- ▶ The existing theories based on the social, cultural, and economic factors are also male-centric and consider female migration by two factors - marriage and dependency on the principal bread-earner of the family.
- ▶ However, in the recent times, because of change in gender-specific demand of labour and increased educational attainment of women in almost all parts of the world, women have a chance to participate in activities outside their home boundaries.
- ▶ The two related processes in the Indian economy is explained by the scholars as the '*feminisation of labour*' and the role of '*social networks*' in women's migration.

Census Data

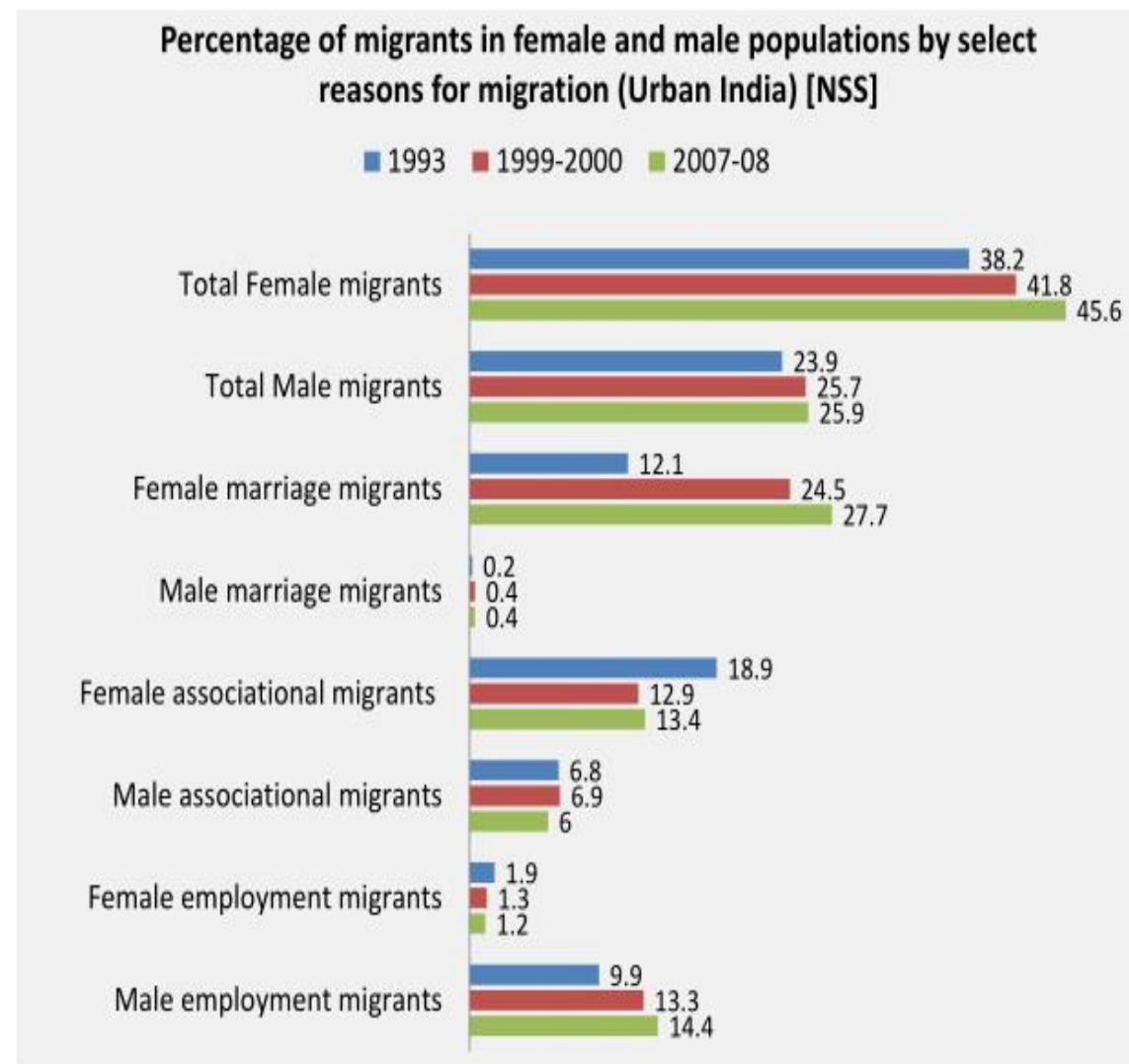
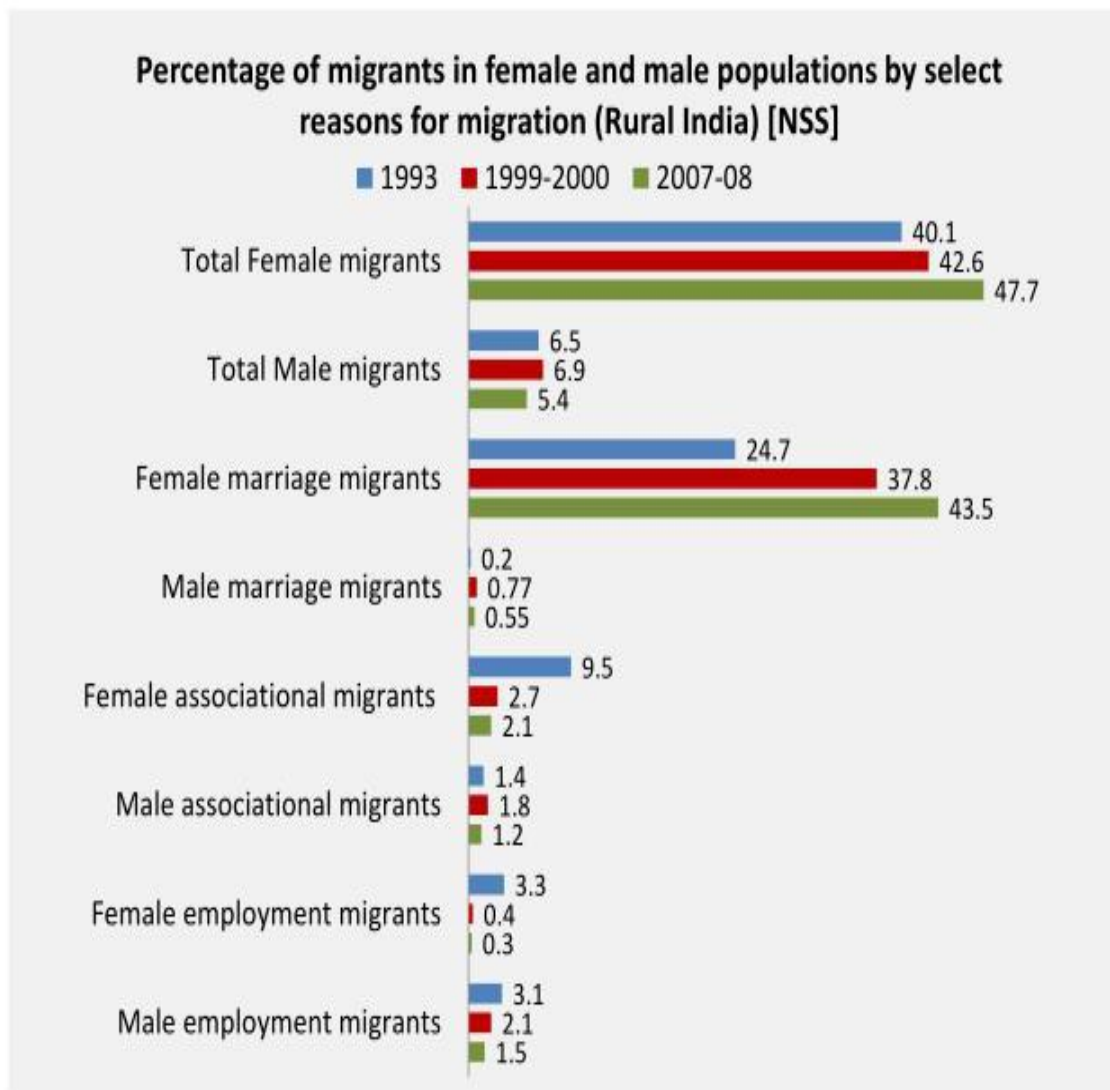
- ▶ There exists a strong male bias in labour migration in India.
- ▶ According to Census 2011, 84% of persons migrating for work were male.
- ▶ A problem with the migration data, in both the NSSO's last migration survey in 2007–08 and the 2011 Census, is that they ask only one reason for migration, although many migrant women workers may have migrated for marriage or associational reasons.

- ▶ However, if all women who have migrated (for marriage) are workers, and are counted as migrant workers, it would be a gross overestimation of female mobility, at least for the rural areas.
- ▶ In contemporary India, there is rising numbers and proportions of women migrating for work to urban areas.
- ▶ Census figures showed a spurt in female migration for employment and business (from around 41 lakh in 2001 to 85 lakh in 2011), and an increased female share of such migrants from 12% to 16%.

- ▶ Census data also showed a shift in the pattern of female labour migration from predominantly rural destinations towards urban destinations.
- ▶ 47% of all women migrating for work/business were in urban areas in 2001.
- ▶ By 2011, migration to urban destinations had jumped to 58%.
- ▶ Urban women migrants for work/business, whose last place of residence was rural, doubled from over 11 lakh in 2001 to over 23 lakh in 2011.
- ▶ Although the urban women migrants with last place of residence as urban, trebled from a little over 7 lakh to close to 22 lakh, for the same period, a significant proportion would be circulating migrants in construction, with an original start in rural areas.

NSS 2007-8: Labour Migration in India

- ▶ Estimates of the NSSO, 2007-08 suggests that 327.7 million people in the country were internal migrants, which was roughly about 29% of the population.
- ▶ 80% of the migrants were female, and they accounted of 48% of the rural female population and 46% of urban females respectively.
- ▶ A decade and a half before-in 1993, the rate of female migration were much less, at 40% of the rural and 38% of urban female populations.
- ▶ In contrast, migrants in the rural male population of India declined from 6% to 5% between 1993 and 2007-08, and increased only by 2% from 24% to 26%.
- ▶ The data shows that the significant increases in female migration rates have however been driven by marriage migration and not employment (Agnihotri, Mazumdar and Neetha (2012)).



Source: Agnihotri, Mazumdar and Neetha (2012). Gender and Migration in India, UNICEF & ICSSR Workshop Compendium, Vol. 2 Workshop Papers.

Estimated Numbers of Labour Migrants in sectors/industries (2007-08) [NSS]

Industry	Paid/Income earning Migrant workers excluding migrants for marriage (UPR) [000s]		Short term Migrants [000s]		Total labour Migrants [000s]		Female Share of Total [%]
	Male	Female	Male	Female	Male	Female	
Agriculture, Hunting, Forestry, Fishing	6,430 (14.53)	2,399 (31.74)	2,449 (19.32)	922 (43.47)	8,879 (15.60)	3,321 (34.31)	27.22
Construction	4,257 (9.62)	402 (5.32)	5,289 (41.73)	700 (33.00)	9,546 (16.77)	1,102 (11.39)	10.35
Mining, Manufacturing, Electricity	11,258 (25.44)	1,575 (20.84)	2,412 (19.03)	306 (14.43)	13,670 (24.01)	1,881 (19.44)	12.09
Trade, hotels, restaurants	8,027 (18.14)	474 (6.27)	1,190 (9.39)	32 (1.51)	9,217 (16.19)	506 (5.23)	5.20
All services other than trade, hotels, restaurants*	14,280 (32.27)	2,698 (35.70)	1,338 (10.56)	161 (7.59)	15,618 (27.44)	2,859 (29.54)	15.47
Total	44,252 (100.00)	7,556 (100.00)	12,675 (100.00)	2,121 (100.00)	56,927 (100.00)	9,677 (100.00)	14.53

Labour Law Reforms: The New Codes for Enhanced Social Security

- All 44 Central labour laws administered by MoLE were reviewed.
- Thereafter, 29 Central labour acts have been subsumed in 4 codes.
- The passage of the three labour code bills by Parliament — the Industrial Relations Code (IRC) Bill, 2020, the Code on Social Security (CSS) Bill, 2020, and the Occupational Safety, Health and Working Conditions Code (OSHWCC) Bill, 2020—and the Code on Wages (CW) Bill enacted in 2019 is the first major milestone in labour market reforms in over three decades.
- The four labour code bills that were first introduced in Parliament in 2019, and of which three were replaced in September 2020, consolidate 29 central labour laws.
- These codes seek to amalgamate, simplify and rationalise the core features of central labour legislations.
- The new laws will reduce complexities, improve ease of compliance, usher in more transparency and accountability, and help both employers and workers.

Women Workers in labour Codes

- ▶ Implementation of the recent labour codes have certain implications for women workers in the country.
- ▶ Experts suggest that the recent labour codes, on the whole have failed to address the gender sensitivity in the labour laws, and/or the gap between the lip service to gender equality and the actual ground-level experience of the women workers (Mazumdar and Neetha, 2020).

Implications of Code on Wages for the Women Workers

- ▶ **Code on Wages(CW):** defines an employee or a worker only in relation to the establishment or industry, thus precluding private households.
- ▶ **Limitations:** It does not mention about the outworkers/home workers, among whom home-based beedi workers, at least, were earlier covered by the minimum wages and other regulations.
- ▶ Home-based beedi workers, mostly women, are similarly disentitled to minimum wages, equal remuneration, mechanisms to ensure payment of wages, and entitlement to bonus.

► **Occupational safety, health and working conditions code (OSHWCC):** amalgamates 13 labour laws, of which 11 are for particular sectors/types of establishment (including for the beedi workers), the other two being the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act (ISMWA) and the Contract Labour (Regulation and Abolition) Act (CLRAA).

► **Limitations:** OSHWCC considers a wide range of enterprises from factories, to mines, plantations, motor transport undertakings, newspapers, beedi establishments, etc, with respect to which it defines an employee, again excludes private households.

► None of its regulations regarding safety, health, or working conditions (weekly and daily working hours, leave, overtime, night shifts, etc) are applicable to domestic workers or home-based workers as among the *beedi* workers.

► OSHWCC has chapters that summarise the industry-based labour laws that are being repeal. In the process, some important health stipulations in relation to crèches under the Factories Act have been dropped.

▶ ‘Special Provision Relating to Employment of Women’ is the briefest chapter, which essentially sanctifies night work for women workers (after 7 pm and before 6 am), ‘with her consent,’ and without any obligation on the part of employers to provide safe transport.

▶ Such obligations were earlier necessary for exemptions to prohibition of night work for women under various acts, and specified for working journalists.

▶ Significantly, prevention and protection from sexual harassment finds no mention in the OSHWCC bill, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) has been kept out of the amalgamation process.

Code on social security(CSS): This code specifically includes home-based workers and domestic workers in its definition of “wage worker” as well as “unorganised worker.”

► **Limitations:** Although no actual social security schemes are specified in CSS, it lists the types of benefits for “social security organisations,” of which are the Employees’ Provident Fund Organisation(EPFO), Employees’ State Insurance Corporation (ESIC), National Social Security Board (NSSB) for unorganised workers, and the state level Building and Construction Workers’ Welfare Boards (BCWWBs), whose administrative structures and modes of funding are delineated in the code.

► All schemes, under these social security organisations, have been left to ‘as may be framed’ at the government’s discretion, thereby creating uncertainty regarding the well-functioning existing schemes.

- ▶ The chapter on maternity benefits in CSS reiterates the provision for 26 weeks' paid maternity leave by employers, and the discriminatory provision for a maximum of 12 weeks' leave for any pregnancy beyond two children, as introduced by the 2017 amendment to the Maternity Benefit Act.
- ▶ It also reiterates the provision of crèches with four visits a day for establishments with 50 or more workers, and all other health protective provisions from the original 1961 act.
- ▶ The chapter remains applicable only to organised sector—factories (minimum 10 workers with power, and 20 without), mines, plantations (minimum 10 workers), government institutions, and shops or establishments with 10 or more workers.
- ▶ For unorganised workers and construction workers, maternity benefits as provided by their respective boards (not employers) are in the form of cash assistance.
- ▶ Transfers conditional upon institutional delivery under the public health programme of Janani Suraksha Yojana (JSY)— Rs. 700 for high performing and Rs.1,400 for low performing states—to Rs. 6,000 under the 2018 Model Welfare Scheme for Construction Workers of the central government.

► The top end of these schemes (Pradhan Mantri Matru Vandana Yojana) is equivalent to just 22 days at wage rates under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) in Haryana and 35 days for Bihar (MGNREGS wage rates taken as a proxy for a national floor), the absence of any criteria for calculation of maternity assistance for construction and other unorganised sector workers that could be equal to 26 or even 12 weeks of paid maternity leave, is particularly glaring.

Industrial relations code (IRC): This bill assumes a special importance for women workers.

▶ A dynamic and increased role being assumed by women in the trade unions, is evident not only in their increased visibility, but also their share in membership.

▶ Women's membership reached 32% of total trade union membership in 2014, which is far greater than women's share in the country's workforce, hovering between 22% and 23% between 2011–12 and 2017–18.

▶ IRC gives legislative sanction to fixed term employment (FTE) that had been introduced by a backdoor amendment to the rules under the Industrial Employment (Standing Orders) Act in 2018, thereby removing restrictions on easy hire and fire.

▶ FTE has particularly adverse implications for the “sumangali” workers, who have been fighting for regularisation after their peculiar fixed term contracts come to an end.

▶ In all, the thrust of the IRC seemingly aims at subverting a basic framework of labour laws of allowing countervailing collective force of actions of workers against the inequality that inheres in their employment relationships.

- With this I come to an end of the session on Gender and Migration in India and leave you with few questions which you will find easy.
- Thanks for watching the video.

Quiz Questions

Q.1 Who explained gender relations in four dimension (such as power, production, emotional, and symbolic relations)?

- (a) Frank Ellis
- (b) S Irudaya Rajan
- (c) Indrani Mazumdar
- (d) R.W.Connell

Q.2 Which one of the following is the main reason for increase in female migration rates in India?

- (a) Education
- (b) Work and Employment
- (c) Business
- (d) Marriage Migration

Q.3 Which one of the following is dominated by male migration in India?

- (a) Rural-Rural
- (b) Urban-Rural
- (c) Rural-Urban
- (d) Urban-Urban

Readings

- Mazumdar, Indrani, N Neetha(2020), 'Crossroads and Boundaries Labour Migration, Trafficking and Gender', EPW May16, Vol. LIV No. 20, p.66-75.
- Mazumdar, Indrani, N Neetha, Indu Agnihotri(2013) 'Migration and Gender in India', EPW March 9, Vol. XLVIII no. 10, p.54-64.
- Rajan, Irudaya, S. Sumeetha M. (2020) (eds.) Handbook of Internal Migration in India. New Delhi: Sage Publications.



Thank you