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**EMIGRATION OF WOMEN DOMESTIC
WORKERS FROM KERALA: GENDER, STATE
POLICY AND THE POLITICS OF MOVEMENT**

**Praveena Kodoth
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THE POLITICS OF MOVEMENT**

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ABSTRACT

Restrictions imposed by the Government of India on the emigration of women in 'unskilled' categories such as domestic work are framed as measures intended to protect women from exploitation. Special protection for certain categories of emigrant women workers makes way for gendered conceptions of citizenship and sovereignty through the use of gender to assert control over space in ways that curtail women's access to mobility and emigrant work opportunities. However, restrictions have directed potential migrants to the use of informal / illegal processes in connivance with state agencies. Whereas, intermediaries, including recruiting agents and government officials, profit from the use of informal / illegal processes by prospective emigrants and hence they have an interest in rendering these more effective than formal processes established by the state, we argue that the gender politics around movement provides an enabling condition for both state restrictions and the burgeoning of informal / illegal processes. To spell out the implications of state policy on emigrant women domestic workers, the paper compares their position and experience of migration with that of emigrant nurses on the one hand and outmigrant fish processing workers on the other. It also explores the nature of women's agency involved when domestic workers resist state policy and social norms to emigrate through informal / illegal means.

Key words: International Migration, Gender, Citizenship, State Policy, Domestic Workers.

JEL Classification: J49, J71, J78

I. Introduction

In January 2006, at a workshop on Social Protection of Migrant Workers at the Centre for Development Studies, Trivandrum, a senior scholar of international migration recommended a total ban on the movement of women domestic workers to the Gulf region citing extremely harsh working conditions. This was in accordance with a strong sentiment at the workshop that severe exploitation of women migrant domestic workers warranted measures to curtail/control their movement. Puzzled by this course of reasoning, a middle-aged woman, a teacher from a local college, had pointed out that women seeking to migrate as domestic workers were unlikely to expect a life of comfort in the destination country. Indicating that migration was an option precisely because of their compelling need for work with relatively better returns than at home, she asked, why should poor women be prevented from seeking work abroad? Responding to this, a trade union representative cited an ILO survey which, according to him, had found that over 60 per cent of women domestic workers in the Middle East experienced sexual abuse. Were these appropriate conditions for women to seek work in? The question virtually silenced middle ground voices such as that of the teacher by turning the issue into one of female sexual security and in consequence one of morality. The workshop had already encountered the thin dividing line between migration for domestic work, illegal recruitment and trafficking, an issue that had served to mobilize opinion in favor of restrictions.

The exchange of views cited here exemplifies the gender politics around movement that informs policymaking. The mode of validation of restrictions on the movement of women is crucial. For instance, the

same senior scholar who made the extreme recommendation of prohibition revealed later that he was prompted to do so by firsthand observation of their working conditions in the Gulf region. For him it was “unthinkable that women should be subjected to such conditions.” Struggling for words to describe the nature of exploitation, he admitted that it was no different for male workers, and yet did not think that there should be similar restrictions on them. The easy conflation of a problem of exploitation (sexuality being an important aspect) with a problem over movement in the case of women belies acknowledgement that women’s mobility is constantly under the social scanner and takes us to unexamined assumptions that are at the core of patriarchy in the state.

Government of India’s restrictions on the emigration of women in ‘unskilled’ categories such as domestic work is conversant with such a perspective and is framed as measures intended to protect women from exploitation. Special protection for certain categories of emigrant women workers draws implicitly upon a framework of protectionism, which relies on marriage as the principal means of protecting women or securing their movement. Thus, mobility outside marriage (by single women or without the husband) is seen as potentially transgressive. In the case of women, the right to protection of property, including in the person, an important dimension of citizenship, is mediated by marriage, socially and implicitly, at the level of the polity. Further, in the context of emigrant women domestic workers, protectionism is used to foster a gendered conception of sovereignty that constitutes exploitation outside the country as transgression but is silent on similar forms of exploitation within the country.

Restrictions have directed potential migrants to the use of informal / illegal processes in connivance with state agencies. What prompts the state to espouse protection on the one hand and facilitate a permissive polity on the other? Intermediaries, including recruiting agents and government officials, profit from the use of informal / illegal processes

by prospective emigrants and hence they have an interest in rendering these more effective than formal processes established by the state. However, we argue that the gender politics around movement provides an enabling condition for both state restrictions and the burgeoning of informal / illegal processes. The gender norm as an expression of power relations is elaborated importantly through control over women's mobility / sexuality. In this context, protectionism by the state reflects its investment in the gender norm entailing that, the social and the political, the legal and the licit coalesce in substantial ways to constitute the gender problematic in the context of emigration. Protectionism also contributes to the production of a shadow institutional space that animates the emigration process and enables poor women to aspire to work opportunities that are difficult to access through legal means. Here we advance the term 'controlled informality' to designate the nature of the emigration process that sustains a porous polity either deliberately or as a fall out of legal restrictions.

Emigrant women domestic workers from Kerala confront the dilemma of pursuing a livelihood in defiance of protectionism i.e., one that presumes mobility and compromises extant gender/social norms, but their resistance and agency seem to be directed substantially towards achieving the means to conform to protectionism. Here, we need to spell out the challenge of the state to address the dominant gendering of social class. This paper is in five parts. Section two discusses the shared perspectives on women's migration by the state and an influential strand of social science scholarship which by adopting a framework of protectionism on women advance gendered conceptions of citizenship and sovereignty. Section three historicizes and genders state policy on emigration and considers its implication in an emigration regime that fosters corruption. Section four engages with the gendered meanings of movement that underpins protectionism and shapes both women's resistance to social and state regulation and also their desire to conform to social norms. We conclude the paper in section five.

II. Gender, the State and Scholarship on Emigration from Kerala

Abraham and van Schendel (2005) draw our attention to the difficulty in the social sciences to fully understand movement linked to a preoccupation with the state and its ways of seeing. As “moving people are typically characterized in relation to fixed social formations”, scholars of international movement have struggled to understand ‘why people move’, more often than not directing attention to the economic motivations underlying migration theories (Ibid: 10-12). They propose that, “movement by itself should not be seen as a primary marker of social distinction but needs to be relocated within an ensemble of social practices which are mobilized at different times for different purposes”. The key methodological move is a change in the analytic demands of the study of mobility “moving away from questions of ‘why move’ to how movement takes place and what meaning is attributed to movement, especially by those who are moving” (Ibid, 13). This is underpinned by a shift in focus from the domain of state sponsored legality (the political) to that of the licit (social), where participants in movement negotiate, strategize, and generate meanings.

There is a considerable volume of literature on migration from Kerala to the Gulf countries, which was framed until the late 1990s by a developmental perspective that centered economic motivations.¹ This policy-oriented literature presents international migration as a success

1. For a sample see Mathew and Nair, 1978, Nair 1987, Prakash, 1998, Zachariah, Mathew and Rajan, 2003, Zachariah, Prakash and Rajan, 2007; Zachariah and Rajan, 2009. There are at least two other significant strands of literature on migration from Kerala. One of these offers a counter-narrative on the voluminous flow of remittances and foregrounds its negative consequences to the good producing sectors of the state (Harilal and Joseph, 2003). The second strand of literature draws upon ethnographic research to suggest that migration and remittances have reconfigured ethnicities and the social fabric and have paved the way for the emergence of a new a class-cum-caste category of cash wielding people (Osella and Osella, 2000; Kurien, 2004).

story leading to individual prosperity and providing a lifeline to Kerala's otherwise sagging economy. More recently it has been argued that migration has contributed significantly to the 'turnaround' in growth witnessed by Kerala's economy in the 1990s (GoK, 2006). Even in the case of the 'return migrant', a category characterized as needing 'rehabilitation' because they represent a potential drain on the economy, the broader strain of the narrative is of a trouble free migration experience, the returnees having only themselves to blame for having squandered the gains from the process through intemperate lifestyles (Nair, 1999). Cutting across disciplinary orientations and perspectives narratives on international migration from Kerala tend to prefix the category of migrant as essentially affluent and prosperous. Without undermining the importance of migrant remittances to Kerala's economy, it may be said that the literature has consistently overlooked questions of subalternity involved, something we hope to take up in this paper through the case of women domestic workers.

The state has been an active partner in the production of this kind of narrative.² Government attention was drawn to emigration when its economic importance became evident with the Gulf oil boom in the 1970s and since it has been involved increasingly, at the central and state levels, in promoting the process and developing networks to support it.³ There are also indications that the Indian state has been reluctant to assert control over the process. This is quite contrary to the

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2. In Kerala, feeder organizations of the government such as the Bureau of economics and statistics have conducted studies on migration and the utilization of remittances (GoK, 1987, 1994). Numerous conferences have been held by the state government to discuss the issue.
 3. Overseas Development and Employment Promotion Consultants Ltd. (ODEPC) has been set up by the government of Kerala way back in 1977 as a public sector recruiting firm for overseas work (<http://www.odepc.org>). Non Resident Keralite's Affairs Department was set up in 1996 to network, build a data bank and to guide aspiring migrants. 'Roots' was set up in 2002 to interface between non-resident Keralites and the Government (www.norkaroots.net).

understanding that states resent movement across international borders as it portends loss of control over people, the everyday sense in which state control over territory is expressed (Abraham and van Schendel, 2005: 14). Indeed there seems to be a governmental and social sanction favourable to this migration (Weiner, 2007: 135). A new regulatory framework - the Emigration Act, 1983 – brought in at the behest of the Supreme Court of India filled the gap created when the Union Government suspended the operative part of the earlier legislation so as to remove barriers against emigration of unskilled workers (Nair, 1998: 273, Weiner, 2007: 171). Throughout the 1980s and 1990s workers were moving without formal contracts and valid visas (Nair, 1998: 274). Nair suggests that rapid rise in emigration in the 1980s was facilitated by ECR ‘suspensions’ obtained from the Protector of Emigrants (POE), making emigrations for work on visit visas legal.⁴ Weiner (143) points out that with the economic stakes running high, the Indian Government is also “willing to tolerate conditions for Indians in the Gulf that it would not tolerate for its citizens elsewhere and its interventions on their behalf are likely to be in a subdued and less public fashion” (Ibid: 143).⁵ Sharing the state’s lack of angst over erosion of sovereignty, on one occasion a senior migration scholar, recommended that the geography and culture of the Gulf region be included in the school syllabus in Kerala as it is likely to be more relevant to students here than learning about other more distant regions of India.⁶

4 ECR suspension allows ECR passport holders to visit countries requiring emigration clearance. This channel has been used to emigrate for expatriate work on visit visas. However, the ECR suspension has been repealed with effect from 1 October 2007, making it possible for people to ‘visit’ without a ‘suspension’.

5 In one instance, when 60 illegal immigrants expelled from the UAE arrived in Kerala in 1980, an alarmed Chief Minister urged the Centre to intervene fearing a deluge of returnees. Subsequently, an Indian delegation was sent to the Gulf subsequently and the number of Indian’s repatriated was small (Weiner, 2007: 135, 171).

6 Comment by K. C. Zachariah at an open seminar, ‘The Gulf Revisited’ at the Centre for Development Studies on July 15, 2004. See also Zachariah and Rajan (2004: 7).

Instructively, however, the approach (of the state and of social scientists) changes quite dramatically on the question of poorly educated women workers seeking to emigrate for jobs like domestic service. The policy-oriented literature is marked by a strong tendency to naturalize gender norms both in constructing the story of successful migration and in the uncritical portrayal / appraisal of an admittedly male dominated process.⁷ Women appear in this work foremost as wives of migrants who are transformed through a process of painful separation into industrious managers of family fortunes and their experience of migration is largely in terms of what marital separation is expected to entail for wives (Gulati, 1993, Zachariah et.al 2003).⁸ In dealing with women as emigrant workers, the tone of the literature is set by the quantum of their participation. Kerala is the largest sending state within India and the most recent survey shows that 14.6 per cent of emigrants from Kerala are women (significantly up from 9.3 per cent in 1998 but down from 17 per cent in 2003) but only about half of them move as workers (Zachariah and Rajan, 2009).

The near total absence of women in studies of return emigrants (Nair 1998, 1999, Zachariah et. al., 2006) implicates the lack of concern with the very nature of women's emigration. Nair (1991: 24) notes that the total absence of women in his sample of return migrants chosen from

7 The literature fails to probe questions of serious importance to gender and institutions (the constitution of domains of licit and legal) that are implicit in its data. For instance, why is it that the huge gender gap favouring women in terms of educational qualifications not translate into higher levels of employment?

8 From this perspective, Kerala may even appear in favorable light in comparison with Sri Lanka or the Philippines, where the predominance of women in the emigration process has made visible a 'domestic chaos' emerging from the relative neglect, even abuse, of children and alcoholism among men. In the case of Philippines the recent references are mostly to the 'social costs' of migration, a reference here to the consequences of the absence of women as wives and mothers from their domestic responsibilities, which is in contrast with the earlier studies that emphasized how the absence of the husband gave women more decision making power. (Ogaya, 2006: 126-27).

the high migrant intensity areas of the state appears to be because “women from Kerala in employment in the Arab countries – mostly as nurses and other paramedical personnel – are quite few in number and have yet to be repatriated.” However, the same author found in a later study with a sample from Trivandrum alone that one out of six return emigrants were women and that most of them were engaged in menial tasks (Nair, 1999). Because of the overwhelming male domination of the process, the choice of high intensity migration areas (as in Nair’s 1991 study) is likely to under enumerate women’s migration. For instance, there are suggestions of a concentration of emigrant domestic workers and poor out migrant women workers in poverty prone areas like the coastal stretch (see also Pattadath, 2008, Saradmoni, 1994).⁹

III. Protection by Exception: Constituting State Policy

Of late the government has realized that the institutional framework sustained by the Emigration Act of 1983 is ineffective and lacks coherent legal, administrative and policy structures necessary to implement it.¹⁰ But there is little or no acknowledgement that the existing framework discriminates against ‘low-skilled’ emigrants from the country in general and ‘low-skilled’ women migrants in particular. The Protector General of Emigrants (PGE) administers the Act of 1983 through eight field offices across the country, i.e., Protector of Emigrants (POE), which regulates overseas recruitment practices and grants emigration clearance. The Act does not exempt any citizen from getting emigration clearance¹¹

9 In January 2008, office bearers of the Domestic Workers Movement in Trivandrum referred us to the coastal villages, and identified several returnee domestic workers and families who had members working as domestic workers abroad. Families also had considerable information about visa ‘traders’ and were on the look out for work opportunities.

10 This recognition underpins the ongoing attempts on the part of government of India to enact a new Emigration Law and formulate a national policy on international migration

11 The Emigration Act of 1983, Section 22 (1).

but a logic of “protection by exception,” which is used to administer it, bifurcates the status of citizenship into Emigration Check Required (ECR) and Emigration Check Not Required (ECNR). Though it generates two classes of citizens through a promise of protection, the emigration clearance system offers nothing substantial to the ECR category. It turns out to be a document verification exercise, which in the absence of mechanisms to test the validity of documents, relies on the ‘common sense and experience’ of the POE (Rajan et.al, 2009).¹²

The rationales underlying the current regime of protection / discrimination may be traced to the colonial era. The passport of colonial India that offered its holder the protection of the British Crown inversely was available only to a privileged few; it was an official attestation of civility open to men of means or of “education and respectability” (Mongia, 1999; Singha, 2006; Lake and Reynolds, 2008). The emigration regime devised for indentured migration was more at the service of the empire and it bears an uncanny resemblance to the regime currently in place. The colonial office of the ‘Protector of Emigrants’ was in charge of determining the eligibility of coolies to emigrate, based on production of documents, especially the ‘contracts on free will’ or the ‘coolie agreement’.¹³ It was also expected to exercise a degree of control over recruitment practices but effectively had little control (Lal, 2006). “[I]t was not unusual that a trustworthy emigration agent

12 Emigration clearance, is provided on the basis of valid documents like work contract, employment visa, insurance policy, etc. and an affidavit that s/he emigrating at his/her own will is aware of the details.

13 Protector of Emigrants was appointed by the colonial Indian government in response to increasing reports of ill-treatment of indentured workers in the destinations and outcries that indenture represents yet another form of slavery (Tinker, 1974). The first Protector of Emigrants was established at Calcutta in 1843 and Bombay and Madras got the office subsequently (Vetcha and Bhaskar, 2003). The Protector of Emigrants was “to safeguard the rights of the ignorant, defenseless natives against illegal recruitment, to grant certificates of embarkation, and to see that all rules and laws governing the embarkation of transports were observed” (Erickson, 1934).

[appointed by the labour receiving country/colony to supervise the recruitment of natives as required by the colonial Indian government] to serve also as protector of emigrants”! (Erickson 1934). Further, the ‘coolie agreement’ did not ensure protection due to the vagueness of local laws in the destinations; but the documentation served disciplinary purposes - binding the coolie to a five-year contract with one plantation owner and to stagnant wages, and made breach of contract a criminal offence (Singha, 2006). Subsequently, in response to the growing demand from the nationalist elite in India for nationalisation of labour and for the protection of unskilled emigrant coolies, the government attempted to stop the outward labour flows (Ibid). Calls to prevent movement of Indians with “hard hands, healthy bodies, ample chests and muscular limbs” animated the context that shaped The Emigration Act of 1922, the Passport Rules of 1917 and the Passport Act of 1920 (Singha, 2006; Metcalf, 2007).¹⁴

The gender related discourses and practices too of the colonial era find strong resonance today. Indentured labour migration from India not only involved significant numbers of women but also witnessed not so successful efforts to regulate the sex ratio of migrants. The colonial government though reluctant initially, encouraged indentured women’s emigration through measures like a quota rule and rewards to recruiting agents for female emigrants (Mohapatra, 1995; Shameem, 1998). Measures promoting female migration, mainly at the behest of planters and the governments in the receiving locations, coincided with a colonial discourse that portrayed women emigrants as ‘low’ in caste and in character (Mohapatra, 1995). Colonial administrators, planters and missionaries shared the position that “respectable” woman and single women of the “honest and decent class” would be reluctant to emigrate (Shameem, 1998). This brought to the fore family migration as a moral

14 The passport Act of 1967 tightened the passport regime and the individual discretion to decide whether to migrate with or without a passport as allowed by the Passport Act of 1920 was taken off.

strategy for the colonies endangered “by the scarcity of honest women and want of family life” (Sen, 2004). The nationalist discourse too shared this perspective on individual women migrants suggesting that the indenture system enslaved men, made women prostitutes and destroyed the family and brought shame to Indians as a nation (Mohapatra, 1995).

Since 1947, emigration to the West and the early streams of migrations to the Middle East occurred with little regulatory attention from the newly formed Indian state but broadly within the framework of the Emigration Act of 1922. Current restrictions on women domestic workers derive from the Emigration Act, 1983 which enables the Government to subject them to special protection/scrutiny, and administrative measures taken by the state from time to time through government orders, which give specific form to protection / restrictions. Aspirants are classified as ECNR on the basis of possessing technical qualifications, special skills or a minimum specified level of education, and as ECR, when they fall below a specified educational level, currently Class 10.¹⁵ Under the Emigration Act, 1983, the ECR category was specially subject to state ‘protection’ from exploitation through scrutiny by the office of the POE. At present the Government of India prohibits women of less than 30 years from seeking employment in the ECR category. Over 2008 and 2009 there was a spate of advertisements in the visual media warning the public that it is illegal and dangerous to disregard the age restriction. The Ministry of Overseas Indian Affairs maintains that the restriction on women is based on the recommendation of the National Women’s Commission’, a Government body set up with a mandate of protecting and promoting the interests of women, and is to ‘prevent exploitation of Indian nationals’.¹⁶ However, it had set the 30

15 See thirteen different categories of people/workers who do not require emigration check in (MOIA 2007)

16 See pre departure training manuals for various countries prepared by CDS for the MOIA accessible on www.cds.edu.

year minimum age limit for housemaids in the Gulf countries in July 2002,¹⁷ the intervention of the National Commission for Women in 2003 extended it to all foreign countries.¹⁸

The ECR rule applies to men and women alike, but the age restriction for domestic work aspirants applies only to women. Nor are there any restrictions that apply only to men. In 1999, the government banned the deployment of Indian workers as housemaids or male domestics in Kuwait citing the post-war turmoil in Kuwait and the resultant harassment of foreign workers, especially those working in the domestic sector.¹⁹ The Ministry of Labour later lifted the ban on male domestics subject to attestation of documents by the Indian embassy at Kuwait, but made “no change in the decision regarding the deployment of housemaids in Kuwait.”²⁰ Through a subsequent order the Ministry reiterated its decision citing violations that had come to its notice, suggesting that the Government’s response to violations is to clamp down with restrictions.²¹ It was following this that the age restriction of 30 years was put into place. In the past the Government has been less than firm about implementing restrictions. On one occasion in the 1980s, when the Government of India prohibited the movement of single uneducated women to Kuwait following reports that domestic workers were being mistreated there, it faced protests “from Goanese and

17 Office Memorandum no Z-11025/57/2000-Emig. dated 9 July 2002, Emigration Division, Ministry of Labour.

18 This order also directed all the POEs to accept the date of birth mentioned in the passport as proof of age for the purpose; Office Memorandum dated 20 November 2003, Emigration Division, Ministry of Labour.

19 Letter of Under Secretary, Ministry of Labour, to all POEs, dated 4 June 1999.

20 Letter of Under Secretary, Ministry of Labour, to all POEs, dated 29 May 2000.

21 Office Memorandum with the Subject ‘Clearance of Indian citizen for deployment as Housemaids in Kuwait’, Ministry of Labour, dated 26 February 2002.

Malayalee families” and “Indian officials *quietly* permitted resumption of the migration” (emphasis added) (Weiner, 2007).

Since the Ministry of Overseas Indian Affairs (MOIA) came into being in 2004, it has been overseeing the process of emigration governance. In one of the first orders that it passed with reference to women workers, the MOIA lifted the prescribed minimum age criterion for all household service workers in the case of ECNR countries and permitted relaxation of the rule with the approval of Joint Secretary in deserving cases²² only to beat a hasty retreat. Exactly 17 days later, it directed all the POEs that “women below the age of 30 years may not be granted emigration clearance, who seek any kind of employment including employment as housemaids, domestic workers, hair dressers, beauticians, dancers, stage artists, labourers, general workers, etc. in any foreign country”.²³ Its next move reiterated that, in the interests of women and for their protection, the age restrictions of 30 years was mandatory in respect of all women emigrating on ECR passports irrespective of the nature/category of employment.²⁴ The order made it mandatory for prospective women emigrants to produce a direct employment contract between the worker and the employer, which provided not only a minimum monthly wage of US\$ 400 but also a pre-paid mobile facility to the worker. Further, every foreign employer recruiting an Indian woman emigrant is required to deposit a security of US\$ 2500 in the form of bank guarantee, with the Indian Mission concerned and the POE may seek copy of the Bank Guarantee duly attested by the Indian Mission before granting emigration clearance.

22 Office Memorandum with the subject “Measures for protection of Indian emigrants”, dated 4 May 2007, MOIA, Emigration Policy Division.

23 Letter by Under Secretary to the Government of India, MOIA, to all POEs, dated 21 May 2007.

24 By that time the qualification for getting an ECNR passport had been lowered to Matriculation pass. Letter by Under Secretary to the Government of India, MOIA, Emigration Division, dated 1 August 2007.

Faced with stiff opposition from all stakeholders soon after, the Ministry withdrew its order on the minimum wage and the security deposit, which was seen as unrealistic by many in the prevailing conditions.²⁵

The prohibition on the movement of specific categories of women - single, uneducated, domestic workers – impinges on women’s access to citizenship and indicates the use of gender to assert control over space, an expression of sovereignty. The nature of interventions suggests the working of governmentality, where power is effected through seemingly benevolent institutions (Foucault, 1991). Restrictions and protection have not only reinforced prevalent social norms but also positions women emigrating for domestic work as outliers both among the low-skilled emigrants and among women emigrants. As a move to ‘prevent exploitation of Indian nationals’, it has gone hand in hand with gross failure to address violations in the destination countries in general and the generation of illegal migrants, whose culpability could be used to mask the failures of the Indian state. Indeed, on the fronts of addressing violations and incentivizing women’s migration, India compares very poorly with the Philippines and Indonesia, an issue that is discussed later.

At stake in the emigration process are the interests of people going beyond the prospective migrant and the agents; people (in government) who facilitate the circumvention of legally prescribed methods.²⁶

25 Letter by Under secretary to the Government of India, MOIA Emigration Section, to all POEs, dated 12 September 2007.

26 There has been a spate of news reports in recent months on illegal recruiting agents and the nexus of corruption involving state officials. In a recent incident shrouded in mystery following the arrest of POE Chennai and a subsequent raid of PGE’s office and residence by the CBI, the PGE killed several members of his family and committed suicide leaving a note saying, “I am innocent. My simplicity betrayed me.” (‘CBI arrests Protector of Emigrants, two agents on corruption charges’, in *The Hindu*, July 21, 2009; ‘CBI to check antecedent of emigrants at random’ in *The Hindu*, July 22, 2009; ‘IAS officer, four family members found dead’ in *The Hindu*, August 1, 2009; ‘Probe into multiple murder case begins’ in *The Hindu*, August 2, 2009).

Notably, the government has stopped short of extreme restriction on women workers emigrating in the ECR category but also has retracted the removal of all restrictions. It is in this context that we argue that, state intervention has served to produce and sustain a form of ‘controlled informality’ in the emigration process, a regulatory impasse that promotes the use of ‘informal’, largely unauthorized agents and procedures and indirect routes of acquiring clearance. This takes the form of a shadow institutional space and a powerful parallel economy with an extensive network across India and the Middle East that serves to replicate the functions of the polity. Unauthorized agents not only organize emigration clearance, where the applicant may not have the required qualifications, but also in association with state officials at airports organize ‘pushing’ i.e., sending women workers through without the requisite clearance.²⁷ Run away (hence illegal) women domestic workers in search of documents in the UAE are routinely referred to the ‘Kasargod embassy’, an operational network relied upon to ‘produce’ documents in place of

27 The report of a recent instance of ‘illegal migration’ from Kerala to Israel, referred to the mode of circumvention of emigration check. Deportees said that “a woman emigration officer at the Chennai airport had initially refused to clear them for travel. However, the agent who was with the group had then spoken to two other officers who ushered the woman away and gave them emigration clearance” (Visa Racket: Kerala Police order Investigation, *The Hindu*, October 16, 2010). Circumvention of the requirement of emigration clearance is quite common (‘No end to illegal recruitment of women for the Gulf, in *The Hindu*, May 28, 2005; ‘41 Kuwait-bound women arrested by Hyderabad Police’, in www.rediff.com, September 21, 2000; ‘Kuwait-bound woman arrested’, in *The Times of India*, May 15, 2008; There is an increasing amount of complaints recently against POE offices and hence they are under the scanner of the Vigilance and Anti-Corruption Bureau (‘Role of Emigration Officials under Scrutiny, in *The Hindu*, August 1, 2009).

those provided by the Indian state²⁸. Not surprisingly, emigrant women domestic workers from Kerala evince greater faith in these networks as being more approachable, friendly and supportive than in the government mechanism, a perception that masks the cost that controlled informality entails for poor emigrant workers. But also recruiting agents with some reputation at stake tend to withdraw from recruiting unskilled women for overseas jobs - they consider it as an 'indecent' segment that could be touched only "at the cost of our reputation".²⁹ Importantly, controlled informality also renders informal processes more effective than directly approaching the state through formal processes, thereby directing to them even those aspirants who may have the necessary documents. Controlled informality is a liminal condition that neutralizes a stricter formal-informal dualism and giving space for fluid practices within a seemingly definite structure. The dilemma/ease of simultaneity it represents is either something conceded by institutional gaps or something negotiated by concerned stakeholders to serve their interests.

28 This term is familiar to Gulf migrants and to people in the northern coastal region. It came into the limelight recently in the wake of an air crash in the southern city of Mangalore that involved an ill fated passenger traveling on the passport of another migrant who was then safe in the Gulf. There were at least ten passengers traveling on fake passports in the ill fated aircraft (Radhakrishnan 2010). The production of fake passports entails information sharing by travel agents regarding authentic passport holders. Other practices are to acquire passports through theft or at a price from desperate people and replace the photograph on it with a new one (referred to as *thala vettal* or chopping off the head) or simply to sell the original passport of one person to another person who bears a strong resemblance. The IG (Intelligence), Kerala Police, who is in-charge of immigration at all the three international airports in the state, notes that a passport can be bought anywhere from Rs 65,000 to Rs 70,000 and is usually bought by poorer migrants. With new technology that can detect tampering, there has been increasing seizure of passports. An official is quoted as saying that 42 cases were detected between May and June 2010 alone (Radhakrishnan, 2010).

29 In a recent survey of Recruiting Agents in India, only 4.7 percent admitted that they recruited housemaids for overseas employment (Rajan et.al 2009).

IV. Gender and the Politics of Movement

In Kerala, the notion of economic mobility is deeply interwoven into a notion of spatial mobility, such that the latter is a precondition for achieving the former; but strikingly groups like the low skilled women emigrants are not present in such a sub-national commonsense. The gender politics of movement in Kerala shapes the boundaries of the socially acceptable for women and works into the position of the state and scholarship on international migration. Normative constructions of womanhood are bound by restrictions on uninhibited or free movement. Imbued with gendered meaning, literally and metaphorically, movement is said to be arrested when a woman fails to get married - '*ninnu poyi*' or '*erunu poyi*', are local usages that mean 'to come to a stand still' or 'to be stopped in one's tracks'. Marriage not only allows a woman to move ahead in life substantively i.e., to achieve the positions of wife and mother, the principal identities she is trained for, but also decrees access to a greater degree of physical mobility than she may previously have had. Thus, a woman who has failed to enter into a marriage is viewed as 'weighing down the house' through her immobility, '*pura niranhu nilkkuka*'.

As the cultural framework within which women may pursue their livelihoods, marriage is expected to protect women and to 'secure' their movement. Not surprisingly then marriage appears prominently in the patterning and motivations of migration and explicitly or implicitly even in its regulatory framework. Women's emigration is least contentious when it is with their husband, reflected in the matter of fact way this is presented in the policy-oriented literature. However, women domestic workers can scarcely afford this. Marital protectionism is implicated also in the prohibition on or special protection accorded to women below 30 years which assumes that they are more prone to material, especially sexual exploitation than women over 30 years or men of the same age group. In the Indian context, by the time they reach 30 years, women are more likely than not to be married. As young men

are not subject to similar concern and as there have been instances of single uneducated women being barred from emigration for work, the underlying tension seems to emerge from the social priority accorded to the protection of the sexuality of young-unmarried women. As there is nothing to suggest that older women are free from exploitation, sexual abuse or sexual desire, do we then understand from this that marriage is expected to endow women with a level of social and sexual maturity and make them less likely to 'go astray'?

To understand better how the gendered meanings of movement position emigrant women domestic workers shaping their identity, we discuss the experience of two low status segments of women migrants – emigrant nurses, who enjoy a relatively higher status than domestic workers and out migrant fish processing workers who are similarly positioned as domestic workers. Needless to say, emigrant nurses and domestic workers are drawn from rather different sections of Kerala society. Though there are no formal estimates, it is understood that the vast majority of nurses are Christians, mostly belonging to the relatively poorer sections of the socially privileged Syrian Christian community (Percot, 2006: 44, George, 2000).³⁰ Emigrant job opportunities for nurses in Government and private hospitals are premised on access to nursing education i.e., the ability to mobilize information and resources for investment in higher education.³¹ It is not uncommon for families of nursing students to borrow money from relatives or from banks to finance the education of their wards and they may expect to recoup this money when their wards find employment (Percot, 2006: 50). Besides, a typical

30 The sample of nurses studied by Percot in the Gulf (UAE and Oman) comprised 90 % Christians (70 % Syrian and 30 % Latin Christian) and 10 % Ezhava or from other parts of India. The Latin Christians are included in the OBC category.

31 The qualification for a staff nurse in Government or private hospitals in the UAE are a bachelor's degree or diploma and two years experience in a hospital (<http://nas.moh.gov.ae/Staff%20Nurse.pdf>). Advertisements indicate that the same is the requirement in other Gulf states as well.

feature is for nurses, once they start working, to save for their own dowries, which otherwise their families would have to mobilize. Further, connections involving family and friends could be crucial for gaining employment abroad. These factors place the socially marginal communities at a clear disadvantage with respect to accessing nursing education and employment. Though published work is scarce, it is understood that emigrant domestic workers are drawn from socially marginal communities and from poor families as are out migrant fish processing workers. The coastal fishing community, an outlier in terms of social development in Kerala, furnishes a large number of emigrant domestic workers. For instance, Kuttichira, a poor fishing enclave of predominantly Mappila Muslims in coastal Calicut has a large number of domestic workers in the Gulf, and still more intending to go (Pattadath, 2008: 7). In the coastal fishing village of Trivandrum, where we conducted fieldwork in early 2008, it was Latin Christian women who went as domestic workers to the Gulf States and to South east Asia. Apart from belonging to marginal communities, not infrequently emigrant domestic workers too are socially disadvantaged – women married very early and divorced, widowed or abandoned by their husbands and with young children to take care of (see cases in Pattadath, 2008). Fish processing workers too were drawn from the coastal fishing communities until more recently when the eastern highlands areas too have begun to contribute migrants in this category, from families dependent on casual labour (Warrier, 2001: 3556). A large section of out-migrant fish processing workers are unmarried, at least partly because the fish processing units are reluctant to employ them once they are married (Gopal et. al. 2009: 6). There is evidence that a significant section of these workers may be underage.³² Whereas nursing is perceived

32 In a study of 309 workers in various sites across the coastal stretch of India, 59.5 % of workers were in the age group 19 – 28, approximately 17 percent were between 14 and 18 years. The author notes that there were reports of girls below 14 working in some units (Warrier, 2001: 3556, see also Saradamoni, 1995).

by those who pursue it as an avenue for sustained upward economic and social mobility, owing largely to the emigrant opportunities associated with it, domestic work is sought out by desperate women / families in search of a means to extricate themselves from debt, to save up to pay for treatment for ailing children, to get daughter's married or to be able to afford a slightly better life than they would be taking up similar work within the country. Fish processing workers are the worst off most often citing sheer everyday survival needs of their family as the reason for taking up work in the sector (Warrier: 2001: 3558).

Despite these distinctions, nursing is not devoid of the stigma that is generally associated with low status menial jobs undertaken by women, especially jobs that entail proximity to men or physical contact with them. Cultural prejudice is used to castigate young emigrant nurses 'who live alone abroad' as 'easy women' (Percot, 2006: 166). Better prospects have reduced the stigma of emigration but nursing remains a choice undertaken to achieve economic mobility and under social pressure to tap financial returns (Nair and Healy, 2006, George, 2000). Percot (2006: 48) argues that young nurses are clearly aware of the prospects and are defining their goals increasingly in individual terms involving not only economic security but also the pleasures of travel and living abroad. Interestingly, the social position of emigrant nurses had been leveraged by their worth on the marriage market, linked to the opportunities they offer for emigration of men. Matrimonial advertisements in newspapers and internet sites indicate their preference for nurses, 'nurse wanted' or 'nurse working in the Gulf will be preferred', appearing frequently (Percot, 2006a: 166, 2006b: 49, Nair, 2007: 150). However, these factors have not changed the general social profile of the profession. Nursing aspirants from better off backgrounds have to struggle against their families, which continue to perceive it as an inferior option. Also, extreme forms of stigma still operate against nurses in the immigrant community in the US, where upper 'caste' / class Christian

families, looking for matrimonial matches, discriminate against nurses' children and even against families with nurses (George, 2000: 154).

The stigma on nursing is linked to the nature of work it involves. 'Twenty years ago, there was no respect for nurses. They used to say we were no more than servants. People were gossiping because we have to touch men in our job and they used to give us a bad reputation' (nurse cited in Percot, 2006a: 153). Perceiving this, nurses shun many of the tasks of cleaning associated with care work (Nair and Healy, 2006: 18). Domestic work is not only considered inferior to nursing but also is burdened with being at the root of some of the stigma on nursing. Further, the economic returns to emigrant domestic work are uncertain at best and its household context and 'invisibility' only heightens the possibility of sexual abuse as well as the suspicion of sexual transgression.³³ Emigrant domestic workers bear the full brunt of stigma in sending and receiving countries (Sabban, 2004: 91, Pattadath, 2008). A successful emigrant domestic worker is the likely subject of local rumors that read success as suspect – the result of dubious ways of money making overseas. In this context, a factor that promotes women's migration as domestic workers over that of their husbands is the relatively lower price to be paid to agents involved in garnering a visa (Pattadath, 2008: 6). Thus, families in straightened circumstances, which have to borrow money or mortgage property to afford passage, may prefer to send women, despite the associated 'social cost'. In the destination country too, the more affluent sections of Kerala / Indian society voice suspicion regarding the practices domestic workers adopt to make money and they rarely gain entry into civil social associations like the Indian associations (Pattadath, 2008: 12).

33 Within the Indian context too women domestic workers struggle to maintain their integrity in the face of constant suspicion from their husbands and harassment from male employers (Kaur, 2006: 209).

In terms of the stigma associated with their work and the social disapproval they are subject to, the position of emigrant domestic workers is comparable to fish processing workers from impoverished families in Kerala working in other coastal states. In the coastal village in Trivandrum where we conducted fieldwork these were sometimes alternate livelihood options though women emigrated as domestic workers not only to the Gulf but also to Malaysia, Singapore and West Asia. Owing to the uncertain nature of livelihoods in the coastal fishing sector and to the loss of the traditional occupations in fishing villages, large numbers of women are recruited by agent-contractors and remain in their control in the destination (Saradmoni, 1995: 194, Warriar, 2001: 3558). These are factors that have contributed to making women workers a plaint workforce that employers are happy to have (Ibid). The working and living conditions of migrant women workers in the fish processing units of the coastal states are harsh (Ibid, 1995).³⁴ The popular perception is that migrant workers are more skilled and yet they are paid less than local workers (Ibid). Contrary to this perception, however, most workers learn the trade after joining the units and the predominance of migrant workers, largely from Kerala, seems to be linked to the fact that the contractors too are from this region and the latter are able to supply large numbers of contract workers, who then work in virtually captive conditions (Warrior, 2001: 3557). That migrant workers live near the worksite, above the peeling sheds or near them virtually facilitates severe exploitation in terms of extraction of work, and flexible timings. Also there have been reports of sexual abuse of workers sometimes even leading to their death and trafficking. Not surprisingly, these workers and their families are the subject of gossip, the general perception being

34 Saradmoni draws extensively to two studies on migrant women workers from Kerala in fish processing units elsewhere in India prepared by the Institute of Social Studies Trust, New Delhi and Indian Institute of Management, Ahmedabad.

that parents were selling their girls into sexual servitude (Saradmoni, 1995: 184, see also Warriar, 2001: 3557).³⁵

The case of low status women workers reveals the gendering of citizenship and sovereignty in the relation of states and societies to ‘their’ own people. When the condition of fish processing workers was the subject of policy discussion in 1984, two alternative measures were suggested a) to provide work to migrant workers in fishing or allied occupations in Kerala and b) to improve living and working conditions of migrant workers in Gujarat.³⁶ Significantly, the first measure was ruled out citing the inability of the state to create employment for these women (Saradmoni, 1995: 192).³⁷ It is pertinent here that the age barrier to women’s emigration for domestic work, supposedly to protect them from exploitation and sexual abuse, is devoid of concern for women workers security within the country. Indeed, prohibition may well be forcing women into even more hazardous and less paying occupations within the country. And though many of these workers are young the state did not see the need to advance any protection or measures to address violations nor did it see it as possible to create better work opportunities at home to stem the migration. ‘In fact, the possibilities of migrant work are regarded with relief and as matters best left to be decided by individuals’ (Saradmoni, 1995: 194), in contrast to emigrant work where, by implication, the individual is deemed to be not capable

35 Despite this depressing scenario, women valued the opportunity of a livelihood offered by migration, which allowed them to contribute to their families and to save for their own dowries. But more importantly, they spoke of not wanting to go back and live under the restrictions they were subject to in Kerala (Joseph, 1999), saying volumes about the nature of social regulation in the state.

36 This was at a round table discussion in Trivandrum in the wake of a study undertaken for the Ministry of Labour by the Institute of Social Sciences Trust, New Delhi, following publicity over the death of a young worker from Kerala.

37 An action plan was drawn up to implement the second measure but no further action was taken (Saradmoni, 1995: 192).

of taking the decision. More importantly, relinquishing control over poor women out-migrants does not agitate state policy makers nor does it pose a threat to sovereignty. In this context, women are rendered symbolic of a notion of national honour / shame that constitutes exploitation only outside its boundaries as a violation. The position of the state and public opinion in the country is echoed, if anything more vocally, by Malayalee civil social groups in the Gulf countries. Civil social groups such as the Indian associations in the Gulf countries take pains to impress visiting researchers about the inadvisability of allowing women to migrate for domestic work even taking them to the shelter homes to show them women who have faced some of worst consequences of migration.³⁸ Their sense of injured honor reflects the angst of the middle class emigrant in having to share the emigrant social space with women workers, whose mobility and nature of work threaten dominant standards of sexual morality and transgress the gender norm (Pattadath, 2008: 12, 25). In this context, a gendered conception of sovereignty impinges on citizenship rendering the security of poor women particularly fraught i.e., at one and the same time, especially subject to state scrutiny / protection and especially open to abuse.

Despite the risks involved, women aspirants seek to emigrate to take up domestic work because they see it as more remunerative than similar work within the country. In this context, the restrictions on their movement not only demonstrate the collusion between the domains of state legality and social regulation but also underscores the viciously gendered and debilitating character of social regulation, in terms of the 'social cost' it imposes on the workers i.e., the suspicion they are subject to and the risk of disruption of family ties. Women emigrants and their

38 Researchers from the CDS who visited Kuwait in 2009 to study the impact of the global recession on migration were particularly exercised about the condition of domestic workers and convinced that their migration should be halted after witnessing women workers who had found their way into shelter homes after being battered and sexually abused. Personal conversation with M. Parameswaran.

families are known to resist and violate legal restrictions and other rules for getting clearance from the state. Despite the constraining circumstances, emigrant women domestic workers have expressed their ‘agency’ in the process of migration in categorical terms including a sense of adventure, and the desire to travel.³⁹ However, it is much less clear that they contest social norms or social perceptions of their activities. On the contrary, domestic workers and nurses legitimize their movement precisely in the terms of the domain of the licit i.e., in terms of ‘higher’ social aspirations, embodied in earning for their families and in investment in cultural capital i.e., in dominant conceptions of womanhood achieved by paying dowries for their daughters to enter into socially approved patriarchal marriages. Domestic workers may exhaust their entire savings of many years on a single daughter’s dowry. For instance, Haajira Beevi had used all her savings of 11 years of work in the Gulf to pay off the mortgage on her property and the dowry for one of her three daughters and was planning to return to save for the dowries of two remaining daughters (Pattadath, 2008: 7 - 8). Notably, when there are men in the family, the emigration of women for domestic work is neither viewed favorably by them nor does it serve necessarily to alter relations of power. From the cases presented by Pattadath it is possible to surmise that for women’s migration becomes a means to a return to normative domesticity, under the protection and patronage of the husband. The trajectories may differ. For instance, emigrant domestic workers may take up work so as to fund the passage of their husbands and then they may either return home to take care of the family or set up

39 Housemaids seem to have relatively greater mobility and freedom to socialize in ways that are restricted in Kerala. ‘The ayahs are a particularly conspicuous part of the local scene in several Gulf States. In Kuwait, for example a thousand or more Indian ayahs can be seen on a Sunday evening in front of the city’s Catholic church talking and strolling with one another and with young Indian boys (Weiner, 2007: 138). Pattadath (2008) writes of Karama Park as a place where domestic workers socialize on their weekly holidays with fellow workers and with their boyfriends i.e., men with whom they form emotional ties while in the Gulf, usually men who have helped them to manipulate the system and to find cover when they are rendered illegal.

home abroad with their husbands. However, women also risk the possibility that husbands may fritter away the hard earned savings they remit. Women in such situations or from broken or abusive marriages have formed new relationships sometimes leading to remarriage and renewed domesticity. This, however, could be a costly move, likely to earn social disapproval for women and sometimes even to ostracism by close family and children. The pain of ostracism resonates in the narrative of a domestic worker who made it exceptionally good through the generosity of an Arab employer and went on to settle down with her boyfriend. “I cannot blame them [her children]. They did not see their mother with them. They grew up with my sister. But they never knew the hardships I faced for them both in Kerala as well as here. My sister got married off [sic] my two daughters. They did not even inform me. They were angry with my relationship with Haris... Now I have wealth, car, big house everything except my daughters’ love. Sometimes I wonder why should I live like this” (cited in Pattadath, 2008: 26).

Nurses too, though they are in far better circumstances socially and economically, do not contest the gender norm that is at the root of the stigma they face, rather they too invest in the dominant gender norm. Indeed, the literature highlights the investments they make in normative conceptions of womanhood especially by saving for their own dowries and by paving the way for other marriages in the family by providing the finances for dowry and expenses (see Gallo, 2004, Percot, 2006b: 49). There does not seem to be any kind of attempt to change the situation [on dowry]; the nurses save every paisa that they earn by even sacrificing the quality of their diet’ (Nair, 2007: 150).⁴⁰ In immigrant contexts, especially in the West, where nurses habitually earn more than their husbands and therefore work long hours, George (2000) points out that husbands who take responsibility for housework are held in scorn.

40 Nurses who returned after a stint of migration were observed to withdraw from work, when there was no economic compulsion unless they could move into higher status work (Percot, 2006a: 162).

State and social regulation have had serious consequence for the prospects of emigrant domestic workers in the host country. Sabban points out that the position of foreign domestic workers in the labour market in the UAE is linked to the status of women in the sending countries. Up to the 1970s, immigrant domestic workers in the UAE were mostly from India, drawing on a long history of cultural and economic relations, but since the late 1970s and 1990s, the Philippines and Indonesia respectively have grown as source countries (Sabban, 2004: 89). More recently, the numbers of Filipina and Indian domestic workers was ‘not growing at the same pace as before’, beginning a trend of Indonesians replacing Filipinas in the middle and upper income households and Ethiopians replacing Indians in the lower income households. Ethnicity and nationality are significant determinants of wage rates of domestic workers in the Gulf States. ‘A college educated foreign female domestic worker from the Philippines [in the UAE] is paid the same wage as a high school graduate or a middle school-educated Filipina, but would earn much more than a foreign female domestic worker from India, *regardless of the latter’s skills*’ (emphasis ours) (Sabban, 2004: 95).

While bans and restrictions to prevent women workers from falling into abusive situations only drives the process underground, it bears recognition that their security and rights depend strongly on appropriate and enforceable legal frameworks in the receiving countries (Chammartin, 2004: 22). Labour laws in most Arab League States do not cover women migrant domestic workers hence they are not considered employees, and ‘the specificity of their employment relationship is not addressed in national legislation’ (Ibid: 17).⁴¹ Studies

41 Significantly, in India too there is lack of clarity regarding the status of the domestic worker as workers and domestic work remains unregulated, not covered even under the minimum wages Act. In the wake of media reports of exploitation of tribal girls by placement agencies and employers in Delhi, efforts were initiated in 2008 to legislate for the protection of domestic workers but the Bill drafted by the National Women’s Commission is still pending (Neetha, 2008: 28).

conducted for the ILO in four Arab League States indicate that the exploitative and stressful working conditions of domestic workers are facilitated by the absence of a clear and just legal framework (Esim and Smith ed., 2004). In particular, the Kafala (sponsorship) system renders the domestic worker at the mercy of the sponsor / employer, for legally she cannot change her job unless she leaves the country. Also the employer usually takes possession of her legal documents, depriving her of any bargaining power (Godfrey et al 2004, Sabban, 2004).

Yet, there is much that the Indian government has failed to do so far that could alleviate the position of emigrant domestic workers. First, far from seeking to change their public and social profile through enabling measures like establishing training programmes to upgrade their skills and to orient them towards the higher-end market in destination countries, the Indian government's moves have strengthened pejorative social perceptions of domestic workers. In contrast, the Philippines has been intervening actively to upgrade skills of workers and to move them out of the domestic work category and the Indonesian embassy too offers training (Sabban, 2004: 102). In India there continues to be no recognition even of the need for training opportunities for domestic workers. Ironically, when the Kerala State Women's Development Corporation announced plans recently to launch a finishing school, it was to impart personality and communication skills for nursing graduates seeking jobs outside the state (The Hindu, July 26, 09). Emigrant nurses benefit hugely from Government efforts to promote training and to improve the quality of nursing 'by trying to meet the exact international standards in training institutions. Nursing schools are being transformed into colleges, and this sector is being opened to foreign investment' (Percot, 2006a: 155 - 156).⁴² Further,

42 It is also notable that more than a third of nursing schools are located in Kerala and besides, Malayalee women go in large numbers all over India to study nursing (Ibid: 158)

nurses find specific mention as a group not required to take emigration clearance if they have qualifications recognized under the Nursing Council Act, 1947. Pertinent here is the economic clout that emigrant nurses wield, in the form of financial remittances, which distinguishes them from domestic workers. Thus, restrictions on the movement of domestic workers strengthens a vicious circle of poverty involving low social status and low skill and generates perverse incentives to resort to illegal means of migration.

Second, the state needs to provide effective safeguards against exploitation and abuse along side incentivizing legal emigration through social protection cover. Problems with the legal framework generate illegal migration and related problems even where sending states are strongly supportive of migrants as is the case with the Philippines and Indonesia. The Philippines embassies in the Gulf countries mediate in disputes, refers cases to the courts and bears the expenses of litigation and where possible attempts in association with recruiting agencies to find new employers. In contrast, the attitude of the Indian embassies towards domestic workers is described as ‘negative’, ‘passive’ or ‘reluctant’. al-Najjar (2004: 38) suggests that their attitude stems from among other factors, the Indian government’s lack of a clear policy on domestic workers and the embassy’s reluctance to confront local families in Bahrain, where a majority of Indians work for influential families. In the UAE, due to the large number of regularized male workers and the decreasing number of foreign female domestic workers, the Indian embassy ‘does not give the issue of female domestic workers priority’ (Sabban, 2004: 101). This exemplifies the attitude of the Indian state and migration scholars close to the policy establishment – the hope that the question of domestic workers will quietly fade out.

V. Conclusion

In occupations at the lower end of the skill/education hierarchy such as domestic work there is no dearth of procedural hurdles for aspiring

women migrants. Further, policymakers are either unwilling or unable to confront the implications of protectionism. Prohibition as a policy tool pushes the process underground, endangering the security of the women involved and rendering their livelihoods precarious. It also enables the state to abdicate responsibility towards their citizens who are illegal migrants in another country. Further, restrictions on movement are supposed to protect women from exploitation, but they assume either that women (in this case domestic workers) are not subject to similar forms of exploitation within the country or that exploitation within the country is not a matter of similar concern. In this context, we have argued that the Indian government subscribes to a sense of shame over the issue of emigrant domestic workers, which is shared by influential sections of academics and the public.

The question of policy-level clarity on domestic workers is clearly important. Measures announced by the government in recent years suggest a move towards a more repressive regime. The ability to resist such moves is weakened by the lack of specialized research on this category of workers that is directed at engaging with and informing policy. We also need more effort to probe the implication of gender in the prevalent understanding of sovereignty. In the course of discussions on a new migration policy in 2008 there was a view that gender was not a serious concern, a) as women's migration had gained momentum in the higher education categories and b) because the flow in depressed categories such as domestic work was on the decline. The latter statement was substantiated by the decline in numbers of women emigrating in the ECR category despite evidence that it is likely to under enumerate them because of the use of illegal channels. Further, a survey of domestic workers in Kuwait in 2001 showed that 14 out of 43 Indian women workers had education of up to high school or above (Godfrey et al., 2004) indicating that they may migrate in the ECNR category as well. More importantly, such views discount the need for a gender perspective in a broader sense.

Praveena Kodoth is Associate Professor at the Centre for Development Studies, Trivandrum. Her research interest is in Gender Studies.

Email: praveena@cds.ac.in

V.J. Varghese is Assistant Professor at the Centre for South and Central Asian Studies, Central University of Punjab, Bathinda. He was Assistant Professor at CDS prior to this. His areas of interest include modern South Asian history, transnational migrations from South Asia, Making of modern subjectivities and regional modernities in South Asia.

Email: vjee@gmail.com

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