

INDIA



AMY Map by Boyet Rivera III

A. Total Stock (Number) of Migrants, as of 2005

MIGRANTS ABROAD		
ESTIMATED STOCK: MIGRANTS OUTSIDE THE COUNTRY		
TOTAL		
a. By visa status	Documented migrant workers*	2,444,709****
	Emigrants/residents	-
	Undocumented migrants**	-
	Refugees***	16,285
b. By sex	Male	-
	Female	-
c. Top destination countries (estimates)****	1. UAE	6. Bahrain
	2. Saudi Arabia	7. Qatar
	3. Kuwait	8. Libya
	4. Oman	9.
	5. Malaysia	10.

MIGRANTS IN INDIA		
ESTIMATED STOCK: MIGRANTS IN THE COUNTRY		
TOTAL		
a. By visa status	Documented migrant workers*	-
	Emigrants/residents	-
	Undocumented migrants**	-
	Refugees***	139,586
b. By sex	Male	-
	Female	-
c. Top countries of origin	1. Bangladesh	6.
	2. Nepal	7.
	3. Tibet	8.
	4. Sri Lanka	9.
	5.	10.

* Non-resident, temporary, or contract workers.

** Includes illegal entrants, overstayed or "jumped" visas, trafficked/smuggled people

*** As defined by the government, or in accordance with the UN refugee convention.

**** No stock figures; this estimate based on government deployment data in 2004.

B. Annual Socio-Economic Data and Migration Flow

Annual indicators	2005	2004	2003	2002	2001	2000
Population (billion; mid-year estimate)	1.08		1.06	1.05	1.02	1.00
% population below poverty line				25.00		
% population living in rural areas					72.1	
Economic growth: real GDP (%)	7.1	6.2	5.5	6.0	5.4	4.0
Per capita GDP (US\$)			564		462	
Per capita GDP: purchasing power parity (US\$)	3,400	3,100		2,540	2,840	
Inflation rate: CPI (%; annual ave.)	4.4				3.9	4.0
Exchange rate (Indian rupee per US\$; annual ave.)	43.60	45.32	46.58	48.34	47.19	44.94
International reserves (US\$ billion; yearend)				64.62	48.20	40.15
Foreign direct investments: actual (US\$ billion; yearend)				2.68	1.59	2.32
Trade balance (US\$ billion; yearend)						
Foreign (total external) debt (US\$ billion; yearend)	119.700				100.6	99.062
Foreign (total external) debt as % of GNP						21.1
Budget balance (US\$ billion; fiscal yearend)				Rp 554.96 bln	Rp 560.79 bln	
Budget deficit as % of GDP						
Budget deficit as % of total budget				40.9	48.2	
Labor force (million)	496.4	482.20	473			
Women as % of labor force			33			
Number unemployed						
Unemployment rate (% of labor force)	9.0	9.2		8.8		
Underemployment rate (% labor force)						
Women unemployment rate (% of labor force)						
Average income (US\$/month)						
Average income: women (US\$/month)						
Adult literacy rate (% of age 15 & above who can read/write)			59.9		58.0	
Net migration rate (net # of migrants per 1,000 popn)	(-0.07)			(0.07)		(0.08)
Annual outflow/deployment of MWs (thousand)						
% women in the annual outflow						
Annual inflow of MWs						
% women in the annual inflow						
Annual migrants' remittance (US\$ billion/yr)				0.79		
Reported # of migrant deaths during the year						
Estimated # deported during the year						
Jailed/detained during the year						
HIV/AIDS adult prevalence rate (adult PLHA as % of adult popn)				0.79		
# People living with HIV/AIDS (thousand)				4.58	3.97	3.90
# AIDS deaths during the year (adults+children)						
Cumulative #: HIV/AIDS cases among migrants (living+died)						

Sources: CIA World Factbook, UN/ILLO/UNDP statistical yearbooks/websites

AMIC Information Bank



Photos courtesy of MFI

Women gather to celebrate Domestic Workers Day in Bihar, India.

INDIA

This report was compiled with the assistance of information provided by Migrant Forum India and the Centre for Indian Migrant Studies.

Political and Economic Update

The 2004 Boxing Day Tsunami hit India hard in certain areas, particularly in the Andaman and Nicobar Islands, killing over 10,000 people. Many people were displaced by the destruction, and aid and reconstruction efforts were a priority for the government, IGOs and NGOs for a great deal of 2005. The Indian government, in collaboration with NGOs and GOs, carried out relief and emergency services for those affected by the tsunami. Temporary

shelters, trauma counseling and other social services were also provided. Following initial relief services were permanent measures such as building homes for tsunami victims, as well as livelihood programs to support the sustainable resettlement of the families. In total, the Indian government promised a INR27 billion reconstruction package.

Monmohan Singh, who took office in May 2004, worked hard on the India-Pakistan peace process, including re-establishing bus links between India and Kashmir. Singh also worked to improve relations with Afghanistan by making an historic visit, the first in 29 years.

The UPA-led government launched a massive project to address rural poverty in a program called the National Rural Employment Guarantee Scheme 2005. The bill will guarantee

100 days of employment to every rural household in 200 districts, to eventually be extended to 600 districts; one-third of the proposed jobs are to be reserved for women. One of the biggest issues surrounding the scheme is the cost of the extensive program. Many NGOs considered the move a brave step on the part of the government to alleviate poverty among the rural poor as guaranteed in the constitution of India. Others, however, commented that NGOs were not sufficiently involved in the process, which hindered the implementation of the program.

The government also extended dual citizenship rights; while the parliament had already approved dual citizenship in 2003, applicability was limited to specified countries. In the extension, dual citizenship rights would be granted to all Indians who left after 1950, and who currently lived in a country which allowed dual citizenship.

The country prepared for the South Asian Free Trade Association (Safta), which is to come into effect on 1 January 2006. Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka agreed to the deal at the Saarc meeting in Islamabad in January 2004, which is expected to more than double regional trade, according to a *BBC* report.

With the third largest economy in Asia, behind Japan and China, India's GDP grew 6.9% in 2004 and 8.5% in the 2005-2006 fiscal year. The services sector, accounting for over 50% of GDP, contributed strongly to growth. Manufacturing expanded in 2005, comprising about 28% of GDP. Foreign direct investment (FDI) maintained growth, particularly US investment estimated at over USD5 billion

in 2005-2006, contributing greatly to foreign exchange reserves. India continues to prioritize market-oriented economic reports, with experts noting that the country still needed to ease restrictions on foreign investment, reform labor laws and cut duties.

While India's economic growth is observed with excitement, with commentators debating on the strengths and weakness between the Chinese and Indian economy, India's large population of rural poor remain an area of concern. The rural population is high, at 75%, with more than 60% of the labor force dependant on agriculture;



Photos courtesy of MFI

despite this, agriculture accounts for only around one-quarter of the total GDP.¹ Its human development indicators are surprisingly low; in regard to infant mortality rate, for example, India ranked the lowest among Pakistan, Sri Lanka, Bangladesh and China in 2005.

Migration Update

There are large numbers of internally displaced persons (IDPs) and internal migrants in India, as well as international migrants living and

working in India. According to the Group of Ministers (GOM) report, there are about 15 million emigrants from Bangladesh, 2.2 million emigrants from Nepal, 70,000 from Sri Lanka, and about 100,000 Tibetans living throughout India. This report, however, will focus on international migration of Indians overseas. Information on these other groups can be found in past issues of *AMY*, including *AMY2004* and *AMY2002-2003*.

In addition, there are large populations of international migrants living and working in India.

Indian Migrants Overseas

The number of documented migrant workers deployed overseas every year continued its steady increase, with 475,000 workers leaving in 2004, and another 549,000 in 2005. The majority of these migrants originated from the states of Tamil Nadu, Andhra Pradesh, and

EMIGRATION FOR EMPLOYMENT: 2000 - 2005

Year	Number of workers
2000	243,000
2001	279,000
2002	368,000
2003	466,000
2004	475,000
2005	549,000

Source: Ministry of Labour & Employment, MOIA Annual Report

Kerala. Top destinations for Indian migrant workers remains the Gulf region, with UAE receiving the largest number of Indian workers, followed by Saudi Arabia and Kuwait. Approximately four million Indian workers are said to be employed in the Gulf region; around 70% are engaged in semi-skilled and unskilled work, while 20-30% are classified as professionals. There are also a small number employed as domestic workers. Increasing numbers of Indian migrants have also been deployed to Malaysia over the past five years.

While overseas, migrant workers suffer from a well-documented host of problems, including nonpayment or underpayment of wages, unilateral changes in contract terms, harsh and/or unsafe living and working conditions, high agency fees, confiscation of passports, and lack of assistance and rights protection mechanisms.

DISTRIBUTION OF ANNUAL LABOUR OUTFLOWS FROM INDIA BY DESTINATION (2000 – 2004)

No.	Country	2000	2001	2002	2003	2004
1	U.A.E.	55,099	53,673	95,034	143,804	175,262
2	Saudi Arabia	58,722	78,048	99,453	121,431	123,522
3	Kuwait	31,082	39,751	4,859	54,434	52,064
4	Oman	15,155	30,985	41,209	36,816	33,275
5	Malaysia	4,615	6,131	10,512	26,898	31,464
6	Bahrain	15,909	16,382	20,807	24,778	22,980
7	Qatar	--	13,829	12,596	14,251	16,325
8	Libya	1,198	334	1,339	2,796	2,303
	Others	61,402	39,531	81,854	41,248	17,765
	Total	243,182	278,664	367,663	466,456	474,960

Source: MOIA Annual report



Photos courtesy of MFI

Bridge education is provided for children of rural-urban migrants working in brick kilns in Patna, India.

Although the Protector-General of Emigrants is assigned to take action and address complaints, many NGOs believe the number of workers who need assistance is far greater than the current capacity of India's redress mechanisms.

The registration certificates of 23 agents were suspended or cancelled in 2004, with another 28 who had their registration suspended and 16 cancelled in 2005. In addition, 21 employers were blacklisted in Malaysia, Qatar, Kuwait and others in 2004. This number jumped in 2005, when 265 employers

PRIVATE REMITTANCES	
Year	USD (millions)
1999-2000	12.29
2000-2001	12.873
2001-2002	12.125
2002-2003	14.807
2003-2004	18.885
2004-2005	14.494
2005-2005*	12.043

*Through 30/9/05
Source: MOIA Annual Report

were blacklisted. The Protector General of Emigrants, appointed to hear migrant workers' complaints, handled 1,585 in 2004, and another 3,120 cases in 2005. This is probably only a very small number of the overall problems migrant workers experience, however; due to the sheer number of migrant workers, their weak bargaining position with their employers and vulnerability, combined with the relatively small resources to address their problems overseas, NGOs estimate there are many more who migrants experience abuse.

In response to reports of one publicized suicide of an Indian

India Significant Events July 2004 - December 2005

2004

July

(4) The Indian Embassy in Baghdad helps repatriate 10 of 24 Indian workers stranded in Iraq. They were recruited by Daoud & Partners for catering work in Jordan, but were taken to Iraq where they worked in poor conditions, and their wages were withheld.

(16) At least 80 children are killed and more than 100 injured in a school fire in the southern state of Tamil Nadu.

September

(3) Three Indian truck drivers taken hostage in Iraq for 42 days are repatriated. Their employer, Kuwait and Gulf Link Transport Co., paid USD500,000 for their release.

(6) India and Pakistan agree to grant tourist visas to each other's nationals.

(7) Indian government repeals the Prevention of Terrorism Act (POTA) of 2002, which allowed the use of torture to extract confessions, the holding of individuals for up to 180 days without filing charges, and a wider application of the death penalty. The POTA has often been used against marginalized groups and the political opposition.

(21) India joins Brazil, Germany and Japan to launch a joint bid for permanent seats in the UN security Council.

November

(14) A USD445 million food-for-work program is launched. Poor farmers affected by drought will earn food and some cash for building roads, bridges, and water conservation and flood prevention projects.

(16) Indian Prime Minister Manmohan Singh announces that India will begin to withdraw its troops from India-administered Kashmir. Many consider this to be a historic move, and a first step towards better cross-border relations after 15 years of conflict.

(21) A revered Hindu religious leader, Jayendra Saraswathi, is arrested for killing a former accountant working at the Hindu temple.

December

A total of USD21.7 billion in remittances has been sent home in 2004 by overseas Indians, making India the largest recipient of remittances worldwide. **(14)** A collision between two passenger trains in the northern Indian state of Punjab kills at least 27 people and injures 47 others.

(26) Tsunami waves cause the death of more than 10,500 people in India, with another 5,500 more missing are presumed dead, while thousands are left homeless.

migrant worker in Malaysia, for example, a local NGO worker responded that she was not surprised. The NGO staff said that Indian migrant workers were more vulnerable than other nationalities in Malaysia, and were sometimes exposed to further exploitation by Indian Malaysians.² Another NGO worker reported that the Indian high commission in Malaysia does not have a list of workers in Malaysia or maintain statistics of the numbers

employed there.³ Reports of abuses against migrant workers of all nationalities in the Gulf states are also widespread (see Gulf Country Report on p.115 for further details).

Migrant workers continue to provide a major source of remittances, estimated at USD12-15 billion annually by official government statistics. Others put the amount even higher; the Reserve Bank of India reported that Indians living abroad remitted USD24.6 billion in 2005-

2005

January

(7) Prime Minister Manmohan Singh announces that India will extend dual citizenship rights to all Indians who emigrated after 1950, with exception to those residing in Pakistan and Bangladesh and countries that do not allow dual citizenship. There is an estimated total of 25 million Indians overseas.

(20) India and Nepal sign a new extradition treaty (Extradition Treaty and the Agreement on Mutual Legal Assistance in Criminal Matters).

April

(7) Srinagar-Muzaffarabad bus services operating between Indian-administered Kashmir and Pakistani-administered Kashmir are resumed for the first time in 60 years.

July

Floods and landslides caused by monsoon rains in Mumbai and Maharashtra regions leave more than a thousand dead.

October

(8) An earthquake in Pakistani-administered Kashmir, registering 7.6 on the Richter scale, kills 73,276 according to Pakistani government's official figures.

(21) Police begins a crackdown on irregular Burmese migrant workers, many of whom are weavers and street vendors.

(29) A bomb in Delhi kills 62 people. A Kashmiri group takes responsibility for the attack.

November

(10) A funeral for former Indian President KR Narayanan is held in Delhi. He died on 9 November after a week in a coma. Ten days of national mourning have been called.

December

(3) Indian Prime Minister Manmohan Singh launches a USD23 billion National Urban Renewal Scheme that would improve infrastructure in major cities, enabling more households to have access to basic services such as water supply, sanitation, and housing.

(20) Ten Members of Parliament are suspended after a videotape made by news website Cobrapost and TV news Channel Aaj Tak showed they were accepting bribes in return for asking questions in Parliament.

(21) A bill that requires private universities to admit quotas from disadvantaged low castes and tribes was passed 331 to 17 votes in the lower house of India's parliament.

Sources: BBC News, Human Rights Watch, Scalabrini Asian Migration News, www.timesofmoney.com, www.tribuneindia.com

2006 to represent over 3% of its GDP, making it one of the top recipients of remittances in the world.⁴

Despite the large number of migrants and their enormous contributions, Indian legislation regarding migration is outdated. While the Emigration Act 1983 does provide a legal framework for migration, it fails to provide welfare schemes for migrant workers. The Emigration (Amendment) Bill 2002 currently

pending before parliament would provide setting up a central manpower export promotion council and an Indian Overseas Workers' Welfare Fund.

Responses

Government

In December 2004, it was promulgated that the oversight of migrant workers was transferred



Photos courtesy of MFI

Capacity building sessions for domestic workers in Patna.

from the Ministry of Labour and Employment to the MOIA.

The compulsory insurance scheme for migrant workers, Pravasi Bharatiya Bima Yojana, which came into force on 25 December 2003, is applicable to Indian citizens required to obtain emigration clearance. Under the 2003 regulations, all entitled workers receive a minimum insurance cover of INR200,000 for death or disability; INR50,000 in the event of accident or sickness; and INR20,000 maternity coverage, among others. According to the MOIA 2004-2005 Annual Report, insurance companies settled 63 out of 167 claims, and have issued 435,000 policies.

MOIA has reported that it plans on organizing pre-employment orientation and pre-departure training programs for migrant workers; a press campaign on the “Do’s and

Don’ts for OIW’s” has already been launched. The MOIA has also recognized the need for on-site welfare measures in its 2005-2006 Annual Report, recommending: legal/medical/financial counseling in destination countries; bench marking of best practices of progressive sending countries like the Philippines and Sri Lanka; establishing migrant worker resource centers in Gulf states; and instituting a welfare fund for overseas workers, among others.⁵ Its proposal is currently pending for government approval.

The government has prioritized entering into bilateral agreements with major receiving countries, in order to provide better protection for Indian workers. MOUs with Kuwait, Qatar, Oman and Malaysia have been marked as priorities.



Photos courtesy of MFI

Children celebrate the International Day of Hope for Children.

IGOs

IOM carried out its Economic Rehabilitation of Survivors of Trafficking (ERST) in 2005, the successor to its Economic Rehabilitation of Trafficked Victims in India (ERTV) project. The program works to promote the social integration and economic rehabilitation of trafficking victims. According to IOM's website, since 2003 it has helped a total of 516 trafficked people throughout India, including Since 2003 IOM has reached out to 516 (ERTV – 304 and ERST

– 212 respectively) survivors of trafficking in the states of Andhra Pradesh, Tamil Nadu, Karnataka, Goa, Maharashtra, Delhi, West Bengal and Orissa. It has also built partnerships with local governments, NGOs and other stakeholders.

UNIFEM engages in anti-trafficking activities, and includes the protection and promotion of the rights of women migrant workers as one of its key focus areas.

NGOs

Migrant Forum India (MFI) is a network organization working in 18 states throughout India, engaged in awareness raising activities to inform migrant workers and members of their families about problems related to migration. MFI also conducts campaigns and advocacy on the rights of migrant workers and the need to protect their rights through an appropriate policy framework. MFI interacts with governmental departments such as the Labour Department, External Affairs department and the Overseas department to ensure

the welfare of the migrant workers.

In addition, MFI provides responses on the issues of the migrant workers and members of their families relating to recruiting, and problems in the receiving country. It also addresses the issues of migrants from Burma, Bangladesh, and other nearby countries. Carrying out initiatives to support international migrants at Mizoram and Manipur is a challenging experience in the context of the growing ethnic and political situation of the country. In addition, MFI conducts a reintegration programme through

INDIAN WORKERS HELP BRING SINGAPORE EMPLOYERS TO JUSTICE

The struggle by a group of Indian workers, along with their Bangladeshi, Thai and Chinese co-workers, led to a critical court decision in Singapore. Under the decision, three senior managers of the Wan Soon Construction company were found guilty of withholding wages and were charged substantial fines. Although much more needs to be done to discourage the all-too-common practice of non-payment, delayed payment or underpayment of wages, the collective action of these workers illustrates the difficulties migrant workers face in enforcing their contractual rights.

On 28 June 2004, more than 200 Indian workers gathered in front of the Indian Embassy, demanding that the High Commission assist them in their claim for up to 6 months of unpaid salaries from Wan Soon Construction. The construction company had refused to pay half a year's salary to 354 migrant workers from India, Bangladesh, Thailand and China. Though the company later agreed to pay an initial SGD600 settlement to each of the workers in a deal negotiated on 25 May with the Ministry of Manpower (MOM), Wan Soon Construction did not honor the agreement. Instead, the company offered an even lower

settlement. Discouraged, 118 workers accepted the settlement terms and were sent home with only SGD400, a mere fraction of what they were owed. Despite their financial difficulties, the remaining 236 workers continued to refuse the reduced settlement.

They subsequently acquired passes from MOM to remain in Singapore as they waited for their claims to be settled. Not having received their wages for half a year, they would have had to borrow money to buy food. Fortunately, with the support of local charity groups, concerned individuals, and NTUC Migrant Workers Forum, the workers were provided three meals a day and dormitory housing.

On 16 July, more than 150 workers protested peacefully again to demand the full payment of their wages. At a meeting on 28 July with Wan Soon Construction's representatives arranged by the MOM, the Indian High Commission, and the Building Construction and Timber Industries Employees' Union (BATU), the workers were offered a new settlement package that included an air-ticket and a payment of between SGD1,000 and SGD1,500. Though the negotiated amount was only 35% to 65% of their

saving for alternative employment, initiated through the family members of the migrant workers.

The Centre for Indian Migrant studies (CIMS) runs a media program called "Pravasalokam", ("Migrants' World") which provides assistance to migrants and their families. In particular, it helps families in Kerala locate missing relatives who migrate for employment overseas, especially in the Gulf States, by providing information about the missing persons. CIMS staff also provide legal, consular and travel assistance to help reunite migrant workers with their families. CIMS currently has 1,128 pending cases, and

has helped locate 321 missing persons in the Gulf states.

The success of the programme in assisting families to locate their missing relatives has prompted several people to seek the intervention of CIMS in other major issues including sexual exploitation, delayed or denial of wages, disputed insurance claims, torture, and the like. On average, CIMS receives about 20 applications per week for help. People from other states in India, especially neighboring states like Tamil Nadu, Andhra, and Karnataka, are also contacting the organization.

In addition, organizations including the

claims, they were promised that the remaining balance would be remitted to them in their home countries. Wan Soon Construction also agreed to pay for accommodation and food during the rest of their stay. If the workers found alternative employment, MOM would consider requests for extended stay.

Members of Parliament questioned MOM on why it had failed to intervene sooner. Migrant workers in the construction industry are protected by the Employment Act, which requires that they be paid at least once a month. Employers must ensure that wages are distributed within 7 days after the end of a pay period, and within 14 days for overtime work. Levies are also collected from employers to ensure that workers receive their wages regularly. The withholding of wages for six months of more than 354 workers had prompted a meeting of three Members of Parliament and the MOM to discuss new measures that would protect foreign workers from nonpayment and better assist them in settling disputes.

Charges were filed against the CEO, the former director, and the CFO of the company. On 1 August 2006, two years after the workers have been repatriated, the directors of Wan Soon Construction were found guilty for withholding wages. Former director and CFO of Wan Soon

Construction, Alan Koh Koo Yong and Sam Koh See Kwang, respectively, pleaded guilty to 20 counts of failing to pay their workers in 2004. They were fined SGD1,000 for every charge, each totaling SGD20,000. They also gave SGD58,000 in ex-gratia payment to the MOM to be distributed to the workers. In November 2006. Giam Siang Hai, CEO of Wan Soon, was found guilty on 32 counts of a total of 283 charges, and fined a SGD32,000. He also made an ex-gratia payment of SGD94,000.

Sources: "Wan Soon workers recover up to 65% of salary arrears in MOM - mediated settlement" 30 July 2004, "Former Director and CFO of Wan Soon Construction Pte Ltd Convicted of 20 Counts Each of Failing to Pay Salary to Workers and Fined \$1,000 on Each Charge" 1 August 2006, Ministry of Manpower (Singapore), Last accessed at: www.mom.gov.sg; "Singapore: 200 Indian Workers protest at Indian Embassy " 29 June 2004, "Indian Migrant Workers Protest Again" 17 July 2004, "Today in Parliament: 3 MPs will question the MOM on non-payment of salaries to foreign workers" 20 July 2004, "Wan Soon Construction fined for non-payment of salary" 17 October 2006, Think Centre, Last accessed at: www.thinkcentre.org

Migrants Rights Council, National Centre for Labour, Asian Domestic Workers Union India, Peace Trust, and Center of Education and Communication (CEC) engage in activities related to migration, and are members of the international network, Migrant Forum in Asia.

Endnotes

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³ Ibid.

⁴ Chishti, Muzaffar, "The Rise in Remittances to India: A Closer Look", *Migration Information Source*, February 2007. Last accessed at: <http://www.migrationinformation.org/Feature/display.cfm?id=577>.

⁵ MOIA, "Annual Report 2005-06", MOIA website, last accessed at: <http://moia.gov.in/shared/sublink2images/32.pdf>.

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