



International migration, multi-local livelihoods and human security:

Perspectives from Europe, Asia and Africa

30 and 31 August 2007

Institute of Social Studies

The Netherlands

Panel 5

International Migration, Citizenship, Identities and Cultures

Title

Open borders, closed citizenships: Nepali labor migrants in Delhi

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Open borders, closed citizenships: Nepali labor migrants in Delhi

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ABSTRACT

Nepal and India share an 'open' border as per the agreements of a bilateral treaty signed in 1950. According to the treaty, Nepalis and Indians can travel and work across the border and are to be treated at par with the native citizens. Rural Nepalis, who have for long been suffering poverty, unemployment and more recently a civil war, have been migrating to India in thousands every year.

In this paper, I discuss the findings of a qualitative study conducted between 2003 to 2006 among two categories of Nepali migrants living in four clusters of Delhi: those who have and have not settled in India after prolonged period of work. The study entailed in-depth interviews with 100 labor migrants, and field observations. The interviews focused on day to day interaction between the Nepali labor migrants and the Indian state as it is embodied in the policemen and lower level administrators with whom the labor migrants mostly interact. The paper discusses the modes and processes of incorporation and subjugation of the Nepali labor migrants by the Indian market in close collaboration with the state apparatus. It also discusses the modes and processes of day-to-day resistance by the labor migrants.

Based on the analysis of the data, I argue that despite the legal rhetoric, the Indian state treats the Nepalis laborers as rights-less, non-citizens. Their precarious economic and political position means that they do not risk themselves further by demanding citizenship and labor rights from the supposedly liberal Indian state, but help grease its increasingly liberalizing economy as docile and cheap laborers. Are these the types of 'open borders' that the neo-liberal proponents of globalization trying to promote across the world? This issue is discussed at the end.

Keywords: Nepal; India; Labour Migration; Nepali Watchmen

Introduction

Nepal is one of the world's least developed countries in South Asia. About 85% of the population lives from subsistence agriculture in rural areas, coping with great disparities of caste, gender, and geography. Poverty, unemployment, declining natural resources, and more recently the Maoist insurgency are major reasons why international labor migration is an increasingly important source of income.

Due to its poor economic condition Nepal has been supplying labour to India since Nepalese were recruited as 'Gorkhas' in the British Indian army after the Anglo-Nepal war of 1814-15. Nepalis have been migrating to other countries as well, but India remains the main destination. The 1991 Census of Nepal recorded that absentee population from Nepal towards India constituted 89.2 per cent of the total migrants, though this phenomenon is changing in the recent years. Migration to Gulf and Tiger States, United States of America or Europe only instigate about 15 years ago. Most of the people from Nepal who have enough resource and are literate and skilled are migrating to the countries in Europe, America and Far East Asia. Others who are not that much skilled and have not enough resources are going to south East Asian countries, mainly to Malaysia, and Middle East. But this phenomenon is still limited within the cities and towns among the population who are knowledgeable, some what educated and have good access to information. But the first choice for a large illiterate or lowly literate, unskilled and marginal population of rural Nepal, which consists of almost 80% of the whole population of Nepal, still remains migrating to India, its bigger and more developed neighbour.

More than four-fifths of above said 89.2 per cent absenteeism from Nepal remained in four states of India i.e. Uttar Pradesh, (undivided mean Including New State of Uttrakhand) Bihar, Assam and West Bengal.

Economic prospective of the Migrants

The annual remittance from India takes the largest share, with one estimate in 1997 being that 23 per cent of all Nepali households receive remittances, of which 33 per cent is only from India. In rural areas, 40 per cent of rural remittances were from India. In that year, Nepali Rs 40 billion were remitted to Nepal by an estimated 1 million Nepalis working in India.¹ Most of this remittance is earned by ‘unskilled’, ‘skilled’, seasonal labour, those in military service, commercial sex workers and child labour. India is a preferred destination because of its proximity and open border, cultural affinities, easily convertible currency, easy and affordable traveling options, and histories of migration in family and village.

From 2001, as the internal armed conflict in Nepal intensified, the flow of migrants from Nepal to India has increased. This was visible to even a casual observer. According to the Asian Centre for Human Rights, from 1996, an estimated 350,000 to 400,000 Nepalis have been internally displaced from their villages, many of whom make their way into India. One record in late December 2004 puts the figure at 200 Nepalis crossing the border every hour. Had the displaced people no access to India, the IDP camps may have brought attention to the prevailing humanitarian crises in Nepal.²

The entire cycle of migration from the point of origin to the point of resettlement has not been chronicled. There is no count of the numbers pouring in through the open border. There is no record of where they come from, why they leave, where they go, how they survive, where they live or work, how they send money to the village, if at all, how they spend their money, family patterns, social and human rights violations experienced (just to begin a long list of gaps).

¹ Figures cited from the Nepal Living Standard Survey, 1996 and David Seddon, J. Adhikari and G. Gurung, *Foreign Labour Migration and Remittance Economy of Nepal*. These figures are estimates and speculation is that both the numbers of migrants and the remittance amount from India is higher, therefore contributing centrally to the economy of Nepal.

² *The Case for Intervention in Nepal: A report to the 61st session of the United Commission on Human Rights*, 14 March to 22 April 2005.

Peace and friendship Between Nepal and India

Nepal and India share a peculiar relationship from the ancient ages. They share the similar culture, the Hindi language of India is easy to understand and learn to the Nepali citizen. The political ties between both the countries has also facilitated for migration from either of the countries to the other. The Peace and Friendship Treaty of 1950 between the two countries provide the similar rights to the citizens of the other country in its land as is available to the citizen of that country, except voting rights. Treaty

Article 7 of the Treaty states

“The Governments of India and Nepal agree to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement that privileges of a similar nature.”

This is one of the major factors for Nepalese population migrating to India. It may seem like the migration only takes place that way. But the process of migration is not one-way traffic. People are also migrating from India to Nepal since long time as the Nepalese do to India. The process and factors determining migration may be different for migrating from the two countries, but it does take place.

The census of 1991 revealed that the number of emigrants increased to 6,58,337 between the periods of 1981-1991. This amounts to 3.6 per cent of the total population of the country. Nearly 9 out of 11 of these emigrants went to India (89.2). The percentage distribution for other countries and areas are: 0.76 to other countries of South Asia, 3.05 per cent to other Asian countries, 0.96 to Arabian countries, 0.97 to Europe, 0.33 to North America, and 0.9 per cent to rest of the countries. However, 4.64 per cent of emigrants' destination was not stated. Of these emigrants from Nepal, nearly two third had gone out for employment.

The census of 2001 revealed that the number of emigrants during the 1991-2001 Period were 762181. Persons immigrating to India constituted nearly 68 percent of the total

emigrants followed by Saudi Arabia with 8.9 percent. Figures for Qatar and Hong Kong are respectively 3.2 and 1.6 percent. Other countries accounted for nearly 18 percent.

History of Migration:

The migration between India and Nepal has not been difficult. The compact geographical nature, socio-cultural continuity and the open border have made it always easy. It is believed that migration between India and Nepal started in the ancient times. At that time the much flow was believed to be from India to Nepal. After the Mughal intervention in India, lots of the ruling class Hindus fled away to the hills of Nepal and even some established the reign. At the same period of time or may be before, it is believed that there may have been flow of Nepalese to India. But these evidences are still not accounted.

The known evidence of migration starts from the period after Gorkha established rule in Kumaon and Garhwal of current India in 1804. This was the time when first known flow of Nepalese to India started as they started moving to Kumaon, Garhwal and up to Sutej. At the same period of time, Gorkha moved beyond Sikkim towards the east and the flow started there simultaneously.

During the expansion process in 1905, Gorkha had battle with Maharaja Ranjit Singh of Punjab, who was assisting King Sansar Chand of Kangra. Although Gorkha lost the battle, impressed by the bravery and fighting skills of the Gurkhas, Maharaja of Punjab offered to recruit them in his Army. That can be considered to be the first professional migration from Nepal to India. There is an evidence of one of the great Nepali army commander Balbhadra Kunwar being recruited by the Maharaja of Punjab and fighting in an Afghan war for Maharaja of Punjab.

After 1814-15 war with the British India, the formal entrance of Nepalese to India is believed to begin. 4656 Nepalese recruited in the British Gurkha regiment is the first accounted evidence of Nepalese employed in India. At the same time large number of Nepalese migrated to India for better employment opportunity in tea-estates of Darjeeling

and wood works of Assam. Later on increasing number of migrants started working as watchmen, porters, gate-men and some as sex workers.

Findings of the study done by a non Government organization based at Delhi, India

In this paper, I am going to discuss the findings of a qualitative study conducted by a Delhi based NGO South Asia Study Centre (SASC) between 2003 to 2006 among two categories of Nepali migrants living in four clusters of Delhi: those who have and have not settled in India after prolonged period of work.

According to the findings of these studies, in India there are two types of Nepali migrants first, those who have settled in India after prolonged period of work and others are those who have not settled.

To know more about the Nepalese migrant, first it is important to know that what are the sector where Nepalese migrant working in India.

These sectors are

1. Restaurant worker either big or roadside 'Dhaba'
2. Factory worker
3. Watchmen
4. Driver
5. House Servant
6. Agriculture
7. Porter
8. Stone pulling
9. Coalmine worker
10. Rickshaw puller
11. Indian government Servant

Statistics of Nepali Migrants in Delhi

Factory Workers:

Nepali migrant factory workers in Delhi come from almost all the regions of Nepal. But the large majority of them are from the western region of the country. The

western region comprises of three zones viz. Gandaki, Lumbani and Dhaulagiri. Large percentage of factory workers is mainly from the two zones, Gandaki and Lumbini, from the districts Palpa, Syangja, Gulmi, Kapilvastu, Nawalparasi, Gorkha. Other important districts that supply Nepali factory workers are Darchula and Baitadi of Mahakali zone in far western region of Nepal, Pyuthan, Salyan, Dang and Dailekh of Rapti zone in Middle Western Nepal.

Factory Workers				
S.N.	Location	Number (approx.)	Source Region	Source Districts
1.	Okhla, Tekhand Village	3000-3500	Western	Palpa, Syangja, Nawalparasi, Gulmi, Kapilvastu, Gorkha
2.	Okhla, B-Block, Phase II (Palpali Camp)	600-800	Western	Palpa, Nawalparasi
3.	Okhla, B-Block, Phase I (Mazdoor Camp)	90-100	Western	Palpa, Gulmi,
4.	Okhla, Harkesh Nagar	4000-5000	Western, Mid-Western	Palpa, Gulmi, Dang, Pyuthan
5.	Naraina Vihar, Rajiv Gandhi Camp	225-250	Western	Gulmi, Parvat, Syangja, Tanahu
6.	Narela	1000-1200	Western	Gorkha, Nawalparasi, Kapilvastu
7.	Mangolpuri	400-500	Far Western	Darchula, Baitadi

South Asia Study Centre 2003-2004

Table 1

Watchmen

Almost all the watchmen come from the three districts of Seti zone in far western Nepal viz. Bajura, Bajhang and Achham. Some come from Kanchanpur and Kailali districts but are essentially migrated there from the above said three districts.

Nepali watchmen could be found in every locality and part of Delhi. It is estimated that there are 15000 to 20000 migrant Nepali watchmen working in Delhi. Majority of them come from Bajura district. The trend is such that those from Bajura work as watchmen in Delhi, while from Achham and Bajhang in Mumbai and Bangalore respectively.

Watchmen (Including Family)				
S.N.	Location	Number (approx.)	Source Region	Source Districts
1.	Rajendra Nagar, Ramesh Nagar	200-250	Far Western	Bajura
2.	Model Town, Nirankari, Guru teg Bahadur Nagar, Malik pur, Gud Mandi, Kamala Nagar	350-400	Far Western	Bajura
3.	Rajouri Garden, Hari Nagar, Khyala, Raja Garden, Tegore Garden, Shubhash Nagar,uttam Nagar, janak puri	800-1000	Far Western	Bajura, Bajhang, Achham, Kailali, Kanchan pur
4.	Bhajanpura	300-350	Far Western	Bajura
5.	Sonia Vihar (East Delhi),karawal Nagar, Khajuri, Dayal Pur, Shiv Nagar	300-350	Far Western	Kanchan Pur (Mostly) Bajura
6.	Durgapuri	300-350	Far Western	Bajura
7.	Krishna Nagar	500-700	Far Western	Bajura, Bajhang
8.	Rani Garden (Gandhi	100-150	Far Western	Achham, Bajhang

	Nagar)			
9.	Kashmiri Gate, chadani Chouk, Lal kila, Sadar Bajar, G.B. Road	600-700	Far Western	Achham (Mostly), Bajura, Kanchan puri , kailali
10.	Paschimpuri, Paschim Vihar	200-250	Far Western	Bajhang
11.	Shastri Nagar, sarai Rohilla, Gulabi Bagh	250- 300	Far Western	Bajura, Bajhang
12.	Shalimar Bagh, Adarsh nagar, Vazir pur Depot, Azad pur mandi, Asho Viahr	300-350	Far Western	Bajura, Kailali
13.	Jung pura, Neheru palce, sarai kale khan, Nizamudin,lazpat nagar	400-450	Far Western	Achham, Bajura, Bajhang
14.	Seema puri, Dilshad Garden	300 -350	Far Western	Bajura, Kalikot
15.	Gol market, Shivaji stadium, C.P.	250-300	Far Western	Bajura, Bjhang
16.	Punjabi bagh, Moti Nagar, Indra puri, Kirti Nagar	400-500	Far Western	Bajura, Bajhang
17.	Lodhi Road	100-150	Far Western	Bajura, Bajhang
18.	Pahar gunj, Karol Bagh, Anand Parvat	500-600	Far Western	Bajura, Bajhang, Achham
19.	Ghanta Ghar, Shakti nagar, Rana Prat Bagh	200-250	Far Western	Bajura, Bajhang, Kanchanpur

20.	Rohini, Avantika, Budh Vihar, Mangolepuri	500-600	Far Western	Bajura,(Mostly) Bajhang, Kanchanpur, Kailali
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South Asia Study Centre 2004-2005

Table 2

Others

Nepali migrants in Delhi work as unorganized workers in different other trades too like, porters, casual labours and a very few as construction labours. There is no such trend to show that where these migrants mainly come from. They are from many different regions and districts of Nepal.

Mixed Population (Porters, Daily labours, factory workers, watchmen, etc.)				
S.N.	Location	Number (approx.)	Source Region	Source Districts
1.	Kirti Nagar (Slum)	600-700	Middle West & Far West	Salyan, Pyuthan, Dang, Dailekh, Achham, Doti
2.	R. K. Puram, Sector 4 Slums (Rolpali Camp)	300-350	Middle West and Western	Rolpa, Gulmi

South Asia Study Centre 2004-2005

Table 3

Dhaba and Restaurant workers

Almost every small restaurant in Pahargunj and neighbouring areas have Nepalese workers and their number could be as high as 10,000. About 60 per cent of them are children and youths between the age of 10 to 18.

Domestic Helps and Sex workers

Domestic workers and sex workers are the most invisible migrants. They are very difficult to assess. These migrants, mostly women, are untraceable after they arrive at the destination. Though there are not much information on the Nepali sex workers in Delhi, many studies have been conducted among those in Mumbai and Kolkota. The following information shows the trend of Nepali domestic and sex workers in India.

- When the New Delhi police combed the Vasant Kunj middle class enclave they found that fully 400 out of 1,200 households kept servants from Nepal.³
- More than 40% of 484 prostituted girls rescued during major raids of brothels in Bombay in 1996 were from Nepal.)⁴
- Approximately 50,000, or half of the women in prostitution in Bombay, are trafficked from Nepal.⁵
- The brothels of India hold between 100,000 and 160,000 Nepalese women and girls.⁶
- In Bombay, one brothel has only Nepalese women.⁷
- 200,000 to over 250,000 Nepalese women and girls are already in Indian brothels.⁸

There are from 200,000 to 375,000 Nepali women in Indian brothels, according to a report the Indian non-governmental organisation Prayas helped to compile. About 30 to 40 percent of the total number of women in India's red-light districts are Nepali, Ravi Nair, executive director of the South Asia Human Rights Documentation Centre, told Reuters⁹.

Here in this paper I am going to discuss about the Migrant Nepali watchmen and those who are living from long period of time and more or less settled.

Migrant Nepali watchmen in Delhi.

The large section of Nepalese migrants is associated with the job of night security guard who moves on street to another for whole night only with bamboo stick and whistle.

Due to the lack of employment opportunities and indebtedness Nepalese are working in India for generations. India and Nepal have a free migration agreement (1950's peace and

³ Lowly labour in the low lands. Himal Magazine Jan/Feb 1997.

⁴ Masako Iijima, "S. Asia urged to unite against child prostitution," *Reuters*, 19 June 1998

⁵ Robert I. Freidman, "India's Shame: Sexual Slavery and Political Corruption Are Leading to An AIDS Catastrophe," *The Nation*, 8 April 1996

⁶ Radhika Coomaraswamy, UN Special Report on Violence Against Women, Gustavo Capdevila, *IPS*, 2 April 1997

⁷ Robert I. Freidman, "India's Shame: Sexual Slavery and Political Corruption Are Leading to An AIDS Catastrophe," *The Nation*, 8 April 1996

⁸ Soma Wadhwa, "For sale childhood," *Outlook*, 1998

⁹ AIDS fuels traffic of Nepali girls to India, By Sugita Katyal, Reuters AlertNet, UK - 9 Jun 2003

friendship treaty). It is estimated that about 5 to 7 million Nepalese are currently in India and 3 to 5 lakh in Delhi alone.

There is also long history of Nepalis from far western region of Nepal migrating to India to work as watchmen in different cities of India. Approximately 15 to 20 thousand of such watchmen are estimated to be working in Delhi alone. These Nepali migrants are marginalized and work under vulnerable circumstances. They are not covered under any of the Indian labour laws because they have no formal contract of their job and employee to employer relationship.

These cheap migrant Nepali labours provide security to the Indian society whole night carrying only a whistle and a bamboo stick in the name of security equipments. They have been doing this job for more than five decades. Even after that, this section of the Nepali migrant is one of the communities who have not settled in India after prolonged period of work.

For fulfilling his duty of providing security for a whole month, a Nepali watchman is paid a mere Rs. 5 to 10 per household per month. These watchmen, without being recognized and given their due, assist the police in keeping vigilance of thousands of Delhi Colonies. Those how are serving the society without any fear of casualty are blamed or even many times brutally harassed the police. Number of Nepalese watchmen have injured or even died while saving the property of their owners. But after that, nobody takes care of that injured, brave saver of their life and property. Many of these Nepali watchmen are losing their life in accident while they are doing their duty. Due to lack of basic knowledge of law and system, they are not even able to file the case for compensation. In turn many times they have to suffer in the hands of police itself.

There are lots of cases of harassment by the police and colony residents for whom they are working the whole night. Lots of the Nepali watchmen have led their lives performing their duty and many have been severely injured. Several Nepalese migrants have returned to their homeland after getting completely disabled. But none of them have got any compensation from any authority for their sacrifices till date. Even the media do not cover these stories. But right reverse of that, if there is any miss happening in the colony, like theft or any other unpleasant incident, they are the first to be blamed. Even the police keep them behind the bars for days without registering any case claiming they are not arrested but only under detention for some enquiry.

Who these Nepali Watchmen are?

These Nepali watchmen are mostly from far western region of Nepal. The Far West is the most marginalized area of Nepal, with the lowest Human Development and Gender-related Development Indices.

The escalated of the civil conflict due to Maoist insurgency was disrupting livelihoods in poorer, remoter rural districts in Nepal. Migration has increased substantially as a result of the conflict, particularly in the far and mid-west. Significant numbers (probably several hundred thousands) of people, mainly men, have left their homes on a temporary basis to find work, and security, elsewhere - leaving their families behind to look after their land.

The migrants from Far West Nepal have a very low socio-economic status and work as unskilled and informal workers like watchman and car cleaner, women do domestic work.

In Delhi migrants are stigmatized as backward and poorly skilled workers. They are socially segregated and face regular psychological and physical humiliation by higher authorities as well as indigenous residents. Job insecurity and low awareness about labour rights are common problems encountered. They lack knowledge about access to secure loans for managing their daily needs and safe remittance transfer, as well as public services in Delhi.

Staying abroad from their hometown for several months, they are exposed to gambling, alcohol, and multiple sex partners. Their living areas are without basic amenities of water, sanitation, and recreation and they do not have any emotional support. All this leads to alcohol and drug abuse sometimes accompanied with violence, indebtedness through gambling, and vulnerability to HIV/STIs.

Statistical information of the Migrant Nepali watchmen working in Delhi

As in my abstract I have affirmed that in this paper I discuss the findings of a qualitative study conducted by the Delhi based a NGO 'South Asia Study Centre (SASC)' in between 2003 to 2006.

This organization has conducted a program “*(Economic) Literacy, Labour Rights and Health Courses among Labour Migrants from Far West Nepal in Delhi, India*” among the Nepali watchmen working in Delhi in may 2003 to may 2004, in cooperation with ‘National Centre of Competence in Research, North-South Department of Human Geography, Zurich University, Switzerland’

The main objectives of the project were to promote the living standards of the Nepalese migrants in making the participants literate, to develop an understanding of what household economics and labour rights are and how it relates to their day to day lives Furthermore, health and nutrition training according to the new way of life in the urban environment of Delhi will be given. All that contributes to the fact that migrants can conduct their daily affairs with more ease.

Here I am presenting the findings of this study in this paper. This study is based on the sample size of 128 migrants Nepali watchmen working in Delhi and conducted with the help of pre-designed standardized questionnaire. In this questionnaire, there were different sections including personal information, labour rights issue, economic condition, living condition etc. Here I am going to discuss each of the section, which is appropriate for this paper.

Educational Attainment

The human development index (HDI) in Nepal is one of the worst in the world and far-western region has the lowest HDI in Nepal. The 2001 census indicated that literacy rate among men 6 years or older was 65.1 percent, while the corresponding figure for women was 42.5 percent. Though the detailed data from the 2001 census on literacy and education is till not available, a National Human Development Report in 1998 shows the literacy rate in far west as 31.5%. While among male it is 60.20%, among female it is a mere 9.80%.

The following table shows that, among the respondents, 82% were literate. It may be because the villages, which the respondents come from, have a slightly better educational facility than that of the rest of far western Nepal. Further it should be seen in

accordance with the age group. Most of the participants were in the age group of 19-30, which has a greater rate of literacy within Nepal too.

Educational Level	No. of Respondents
Illiterate	23
Literate but not having formal education	7
Primary (Std. 1 st to 5 th)	40
Middle (Std. 6 th to 8 th)	42
Secondary (Std. 9 th & 10 th)	12
Higher secondary (Std. 11 th & 12 th)	3
Graduate	1
<u>Total</u>	128

Table 4

Out of the 128 respondents, 64% have studied up to primary or middle. This is because of two factors. The first is that there is no educational facility to study higher than that at their village or the surrounding villages. They have to walk a long distance to go to a secondary school. The second is that, most of these people, after a certain age, leave their home and migrate to Delhi in search of jobs or better livelihood options. Hence they have to drop out of the school at that age.

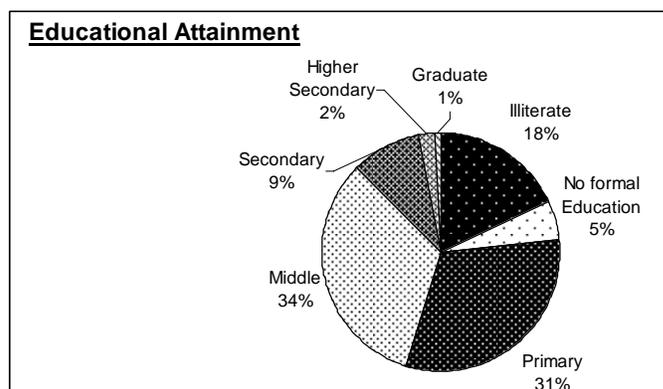


Fig. 1

Distribution by Age

Age Group	No. of Respondents
Up to 18	6
19 – 30	80
31 – 40	37
Above 40	5
<u>Total</u>	128

Table 5

As the table above and the figure below show, 91% of the respondents were of the age group 19-40. This is the most economically active group in any community. This shows that, there is a flow of the most productive group away from the source area, which in turn is a dangerous sign for the source area. As already said, the far western part of Nepal has a very low human development index and it lacks the basic amenities and developmental infrastructure, it causes more hindrance in development of the region. Moreover, since most of the active population being absent from the area, there is very little population left to raise the issues of development of the region.

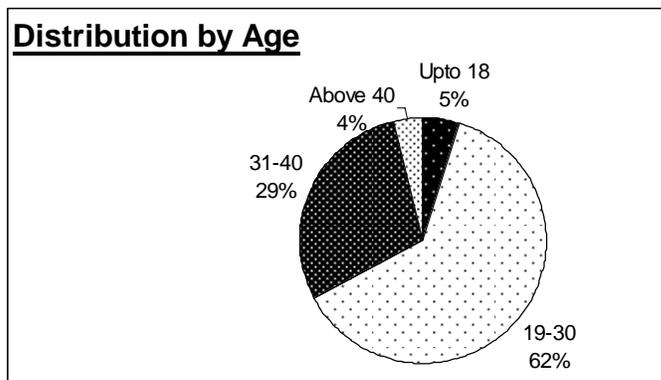


Fig. 2

Distribution by Marital Status

Marital Status	No. of Respondents
Married	118
Unmarried	10
<u>Total</u>	128

Table 6

The table above suggests that about 92% of the respondents were married. As described earlier, most of the respondents were in the age group of 19-40, among which a large number was of the age group 19-25. If we see the data of married respondents to that according to age, it clearly shows that there are a large number of respondents who got married in their teen age many in their early teens. This is because marriage in an early age is still prevailing largely in the far western Nepal. Further, another reason for getting married in an early age is that most of them have to migrate for earning and someone is needed to look after the home.

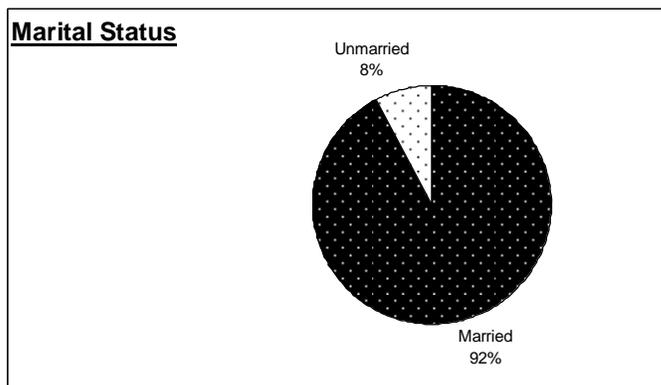


Fig. 3

Job Profile

The migrants from the Bhajang and Bajura districts to Delhi are mostly working as watchmen in the night and many of these also serve as car cleaners in the morning at the same colony where they do their night duty.

Type of Job	No. of Respondents
Watch man & car cleaner	47
Only watch man	37
Other jobs	35
Unemployed	9
<u>Total</u>	128

Table 7

As the figure suggests, 65.63 % of the total labour migrants interviewed are working as either watchmen or watchmen cum car cleaners. This is because these labour migrants from far western Nepal have a tradition of involvement in such job either in their family or in their village. This shows that, although they come here for better livelihood options, they still could not get a good job because of their low level of education and lack of skill. Further, many of them do not change their job either, because they can earn satisfactory money from this job to sustain and also there is no certainty of getting a good job even if they develop their skill. As one of them said, ***“What will I do after getting any vocational training? The job I will get thereafter will not fetch me more than Rs. 2000 to 3000. I am earning much more than that now although I am unskilled.”*** Only 27% of the respondents had other occupations, mostly working in factories and as office boys and the female as domestic helps. 7% were unemployed at the time of interview.

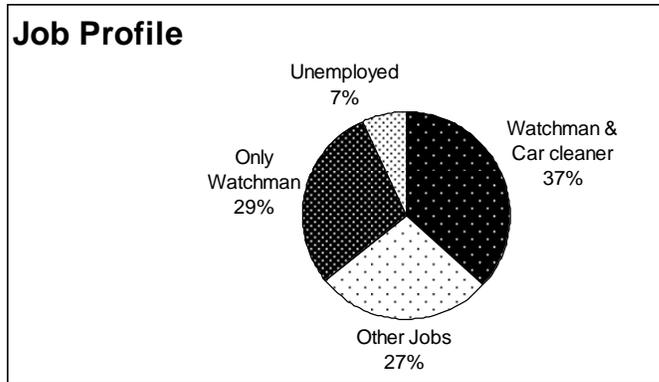


Fig. 4

Labour Rights

The job of watchmen, which, as already said, most of the migrants from the said area are into, is not an organised work. There is not even visible employer to employee relationship. Hence there are no defined rights of these labours in case of accident during duty, right to bonus, right to provident funds, etc. They are not aware of any kind of laws regarding the unorganized sector labours too. They have nowhere to go in case they want to if their rights are violated.

Whom will you consult if your rights are violated?	No. of Respondents
Friends/Co-villager	103
Migrant organisations	3
Police	0
Any Authority	0
Other	2
No Response	11
<u>Total</u>	119

Table 8

As figure shows none of the respondents go to police or any other authority, if they face any problem with their rights at work, one of the main reasons behind this is, they are not aware about their rights as migrants and as labourers. As these migrants are not aware of their labour rights, most of the time they even could not figure out that their rights are being violated.

In theory, Nepalis in India have the same rights as Indian citizens, with the exception of voting rights, yet they are often denied their basic legal rights and are vulnerable to labor rights violations and various forms of exploitation.¹⁰

Out of the 119 respondents who are employed in some kind of jobs, 86% said that they will talk to their friend, while 5% named migrant Nepalese organizations and some other persons. 9% did not respond to the question at all.



Fig. 5

Association with trade unions

Are you Member of Any trade Union?	No. of Respondents
Yes	4
No	124
<u>Total</u>	128

Table 9

¹⁰ www.refugeesinternational.org India: Nepali migrants in need of protection by Kavita Shukla and Michelle Brown

As already said, the job of a watchman is not an organised job. Hence there are no trade unions of these workers. That's why almost all the respondents (97%) answered that they are not members of any trade union. Further those who work as factory workers too do not have a contract job. Most of them are casual labours or daily wagers and ignorant about even the existence of any trade union in their factories.

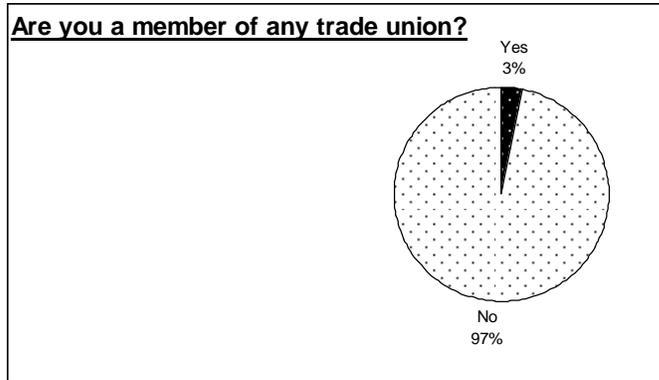


Fig. 6

Facilities at work (Working conditions)

The watchmen do not have any legal rights regarding their work. They have no contract of their job; they are not directly employed by any individual or body. One can say that they are not employees of any body or individual. Hence they get no facilities as the workers of organised sector get, like bonus, provident fund, health facilities, leaves, etc.

Do you get leave?	No. of Respondents
Yes	24
No	95
<u>Total</u>	119

Table 10

As can be seen from the figure, only about 20% said that they get leave. Number of those who said they get leave was working as factory workers at the time and they too were not getting any paid leaves. Those who work as watchmen, though go on leave to their home town/village, have not to take permission from any body or individual for it. They just appoint another person, generally a close relative or friend or co-villager, in their place. The appointment is done in different manners. Either, the former sells his job to the later at a price mutually decided, at times it could be around a lakh of rupees, or he lends that area to the later for the period till he comes back.

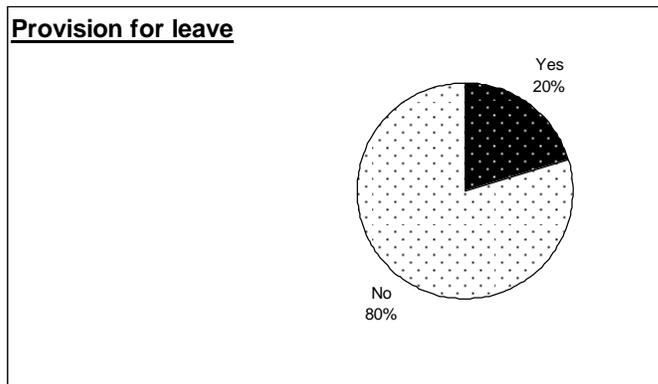


Fig. 7

When asked if they get bonus, 13% replied in affirmative, while 87% did not get any kind of bonus, most of those working as watchmen.

Do you get Bonus	No. of Respondents
Yes	15
No	104
<u>Total</u>	119

Table 11

But those who said they get bonus also were not getting as they should get legally. The bonus they were referring to was, in most of the cases, a small gift or a small amount of money which they received from the employers during the festivals, especially Diwali.

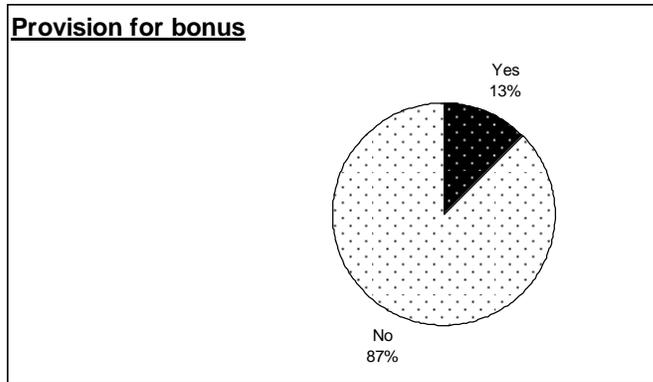


Fig. 8

Further most of them do not get any provident fund facility, health facility or accident compensation facility. See the following tables and figures for detailed analysis.

Do you get Provident fund	No. of Respondents
Yes	1
No	118
<u>Total</u>	119

Table 12

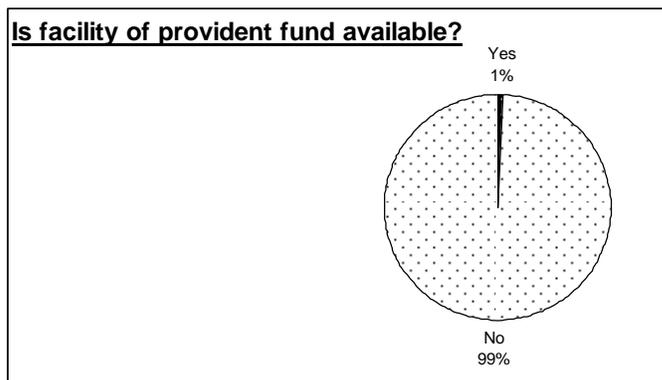


Fig. 9

Do you get Accident compensation?	No. of Respondents
Yes	9
No	110
<u>Total</u>	119

Table 13

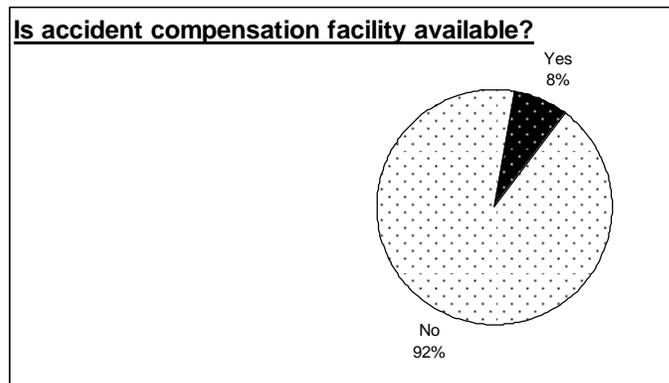


Fig. 10

Do you get Health facility?	No. of Respondents
Yes	9
No	110
<u>Total</u>	119

Table 14

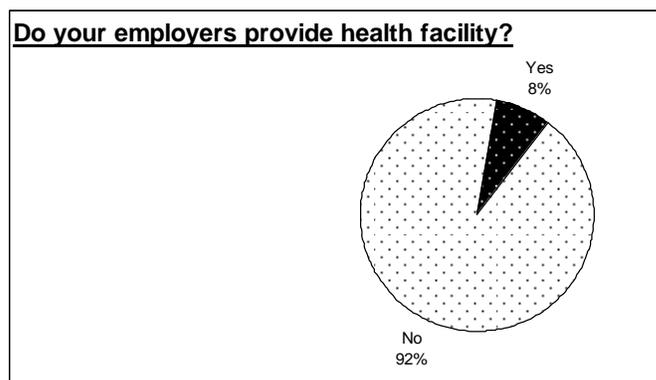


Fig. 11

Problems at Indo - Nepal border

While crossing the border, these migrants have to face lots of problem because of their ignorance of the laws and rules regarding the borders. The custom authority and police at the border trouble these people in different ways so that they can collect bribe from the migrants.

Do you face any problems at the border while traveling?	No. of respondents
Yes	88
No	40
Total	128

Table 15

69% of the respondents said that they face some kind of problems while crossing border. The problems they mainly face are harassment from the police and paying bribe. They have to pay bribe to cross even their used household things at the border.

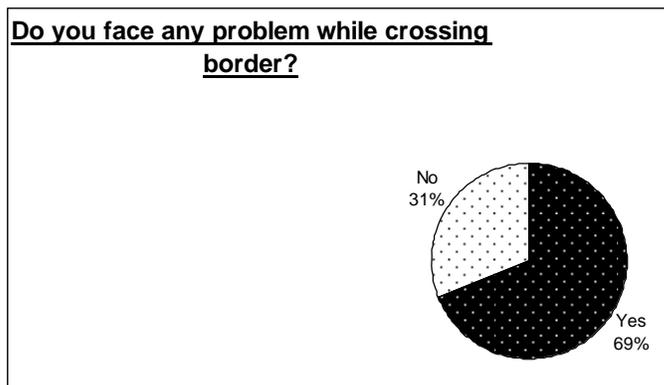


Fig. 12

Economic and living condition

Because of the poor economic condition of the far western Nepal, these people migrate to India for better livelihood options. But in India too their economic condition

and living condition remain poor. Since these migrants are uneducated and unskilled, they do not get good job and live in compromising environment to save money. This causes health hazards among them. Though they earn sufficient money to survive, more than those who work in factories, they cannot save much after sending money to their family at home because they have little or no knowledge about household economy.

Living Condition

Most of the migrants who come from the said region of Nepal normally live in resettlement colonies or slums in Delhi to save some extra money. They share the one room with 5-7 of their friends or relatives for the purpose of saving expenditure in rent. They have to compromise in their living conditions because of this. As rent for the living place, they pay around Rs. 1000 and share it among all the people that live together, which comes to be about Rs. 150 to 200 per person.

Where do you stay	No. Of Respondent
Rented	120
Owned	1
Work place	6
Other	1
Total	128

Table 16

As can be seen in the above table, about 93% of them live in a rented quarter, while 5% live at their working places. These are those migrants who work in factories or as office boys, which are very minimal in number. Only 2 persons among the 128 interviewed live in other places than mentioned above. One of them lived in his own house, who worked as a tailor and had his own shop and the other with relative.

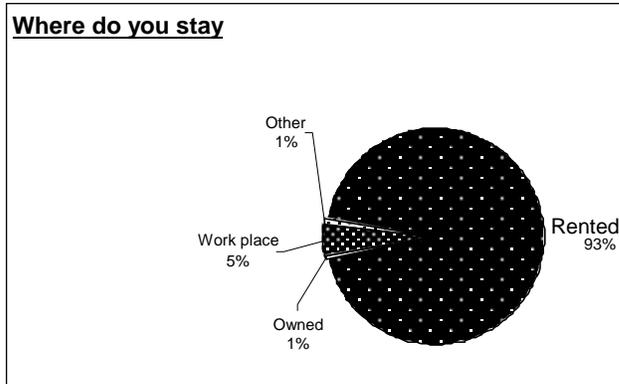


Fig. 13

Saving Institution

Where do you save money in Delhi?	No. Of Respondent
Banks	5
Committee	10
Chit	25
Society	19
With self	86
Loan to Friends	2
Other	0

Table 17

Most of the people who can save money do not save it in any bank because they do not have a bank account. Only 3% of them save money at a banker, while 59% keep them with themselves. 37% invest their savings at any of the micro credit organizations of theirs which are known as chit, society or committee among them. Only 1% said that they loan their savings to friends etc. But during the in-depth study, it was seen that, many of them are in habit of giving loan to their friends etc. at a very high rate of interest.

The chits, societies or committees are run by the migrant workers themselves and the people who invest in it are of the same village or surrounding villages. The person who take loan from these micro credit organizes have to pay a certain rate of interest to these organizations.

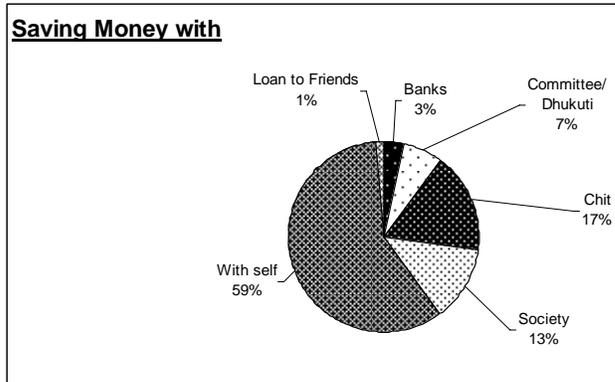


Fig. 14

As seen in the earlier table, only a negligible section of these migrants from the far western region of Nepal use the banks to save their money. As can be seen from the above table, only very few of them have their bank account knowledge it is because **to start a bank account, one needs some kind of identity proof and resident proof like ration card, voting identity card or driving license etc. and a guarantor. The migrants of this class cannot provide all these documents. Hence they are unable to start and use a bank account.**

Knowledge about banking

Have you any bank account ?	No. Of Respondent
Yes	21
No	107
Total	128

Table 18

Only 16% of the respondents said that they have bank account. But almost all of them do not use the bank for saving because of the requirements to open a bank account as mentioned above.

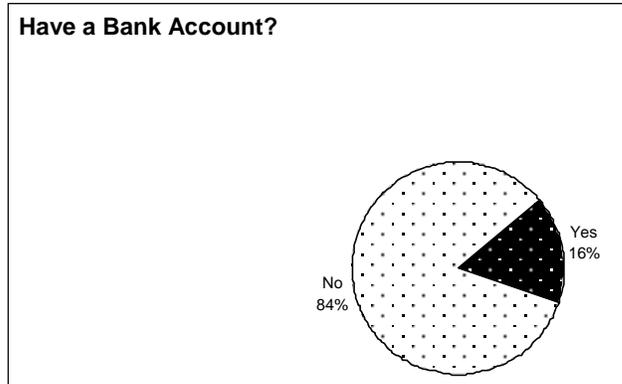


Fig. 15

Conclusion

The study revealed that the job in which they are mainly involved, i.e. as watchmen, is neither covered under organized sector nor unorganized sector Acts or Bills of India because there is no employee to employer relationship in this kind of job. Neither have they had contract of their job with any person or body. It makes them prone to violation of their labour rights and even human rights. Above study exposed that Nepali migrants even cannot open their bank accounts in India because of the requirements like Ration Card etc to open a bank account.

To quote Home Minister Advani, the MNIC project was set up to assist in “checking illegal immigration and infiltration and in tracing of criminals and subversives, especially in the border areas of the country.” These cards were also to be used for the issuing of passports, driving licenses and ration cards ¹¹

Above statement by the earlier home minister of India clears that the Nepalese migrants are not entitled to obtain ‘Ration Card’. This is another violation of Peace and Friendship Treaty.

Ration Cards are an important part of the Public Distribution System (PDS) in India.

They are of three types:

¹¹ Himal South Asia 2005 November issue: Peeking out of your pocket India’s national ID scheme is ‘on schedule’ by Aman Sethi

1. Antyodaya Ration Cards, issue to the poorest of the poor
2. Below Poverty Line (BPL) Cards
3. Above Poverty line (APL) cards

On the basis of their economic condition, people can buy goods like food grains, sugar, kerosene, etc. at varying prices, with the help of their ration cards. Ration card is not an identity card or a citizenship card. It is just to get the food in fare price.

Since these Nepali watchmen working in a low profile job, they have very little negotiation power. It makes them vulnerable to much harassment be it from side of police, local authority or the residence of the area where they work.

‘Once in India, the Nepalis become vulnerable to labor and human rights abuses, much like poor Indians. According to the *chowkidars*, they have no legal rights. If they are abused at work and complain to law enforcement officials, their complaints are not taken seriously. In case of robbery, for example, even if they have worked in a neighborhood for many years, the police assume that they are accomplices and the Nepalis are increasingly finding themselves being blamed for crimes. While the Nepalis in the formal sector in India enjoy the same legal rights as Indians by joining labor unions, the formal sector only includes 8% of the workforce, and the majority of Nepalis fall outside this sector’.¹²

Moreover, since Nepalese migrants to India are not registered or accounted by any authority due to the free migration agreement between India and Nepal in Peace and Friendship Treaty, 1950, the Royal Nepalese Embassy in India also has very little role to play in case of problems faced by these migrants.

India and Nepal have an open border and in terms of 1950 friendship treaty Nepali subject has almost similar rights as Indian citizen, in terms of employment. But as above study naked, with Nepali people there is a lot of discrimination. Therefore they do not enjoy the benefits accorded to the permanent workers, just as casual/contract workers. According to news published in the news paper ‘The Tribune’ on June 22nd, 2005 Himachal pradesh government enforced the condition of the Indian nationality mandatory

¹² www.refugeesinternational.org. India: Nepali migrants in need of protection by Kavita Shukla and Michelle Brown

for being regularised as daily wage earners in the state, it was a clear violation of the Indo-Nepal's Peace Treaty of July 31, 1950.

In the factory register their names do not appear and therefore they are denied PF, gratuity, and other compensations. In fact, nothing is available for them. Also they are being harassed and extorted during travel in to India and at the time of the return to Nepal. They also lose lot of hard earned money in the process of transfer to their native place. In India, the constitution does not allow discrimination. ILO and UN uphold the rights of migrant workers. They are not refugees; in fact they contribute substantially to the Indian economy. A large number of women and children are trafficked and sold in the sex and other hazardous and risky jobs in India. Their conditions are extremely exploitative and inhuman.

Nepalese migrants those who have settled in India after prolonged period of work.

Migration from Nepal to India is only regarded as migration of lower class labours, which have no means of livelihood options available in Nepal, which is not a fact. The fact remains that, there are many Nepali migrants in India, who are well settled here and have a decent job and earnings. Moreover, most of the Nepali migrants coming to India can have a satisfactory living, if they would stay in Nepal. But they come here in search of earning extra cash money.

Keeping this scenario in mind, South Asia Study Centre (SASC) had a study done among the well-settled migrant Nepalese in an around Delhi.

The study covered Nepali migrants in the region, who are well settled here in Government sector, private or public sector, MNCs and are business persons or self-employed. The idea behind the study was to get information from this class of migrants on various issues, like reason for migration, what they think about Nepal, the problems faced by them in India, their socio-economic condition, their desire about helping Nepal's economy and how their services can be used by Nepal, among many other issues.

Here in this paper I am going to flash some key points of that study.

Trend of Migration:

Although most of the migration from Nepal to India is of the unskilled labour class, who work in unorganized sector as watchmen or restaurant workers, when SASC studied the migration pattern of this well-settled class, found that most of them are the second-generation migrants. They are those people whose father had migrated to India many years earlier as an unskilled labour and started a decent living here after they settled in the job. This second generation of migrants treated themselves almost as an Indian citizen for the official purpose. They have shown themselves as Indian citizens in all the official documents. These people studied here and got the education of the same standard as their Indian friends. They got the job they are into by fighting different competitions and interviews, same as their Indian counterparts did. Most of them have Indian voter's identity cards and ration cards. In the sense, they are not the real migrants as the labour class, who visit their home regularly, send their savings home and have their family and a regular contact with home town/village. These are basically resettled migrants, who visit Nepal once in years and have no immediate family to support there. Many of these were even born here.

Opinion about Nepal:

While talking about Nepal we tried to study, if the migrants of this class also hesitate to disclose themselves being a Nepali. Prima-facie most of them said that they are proud to be a Nepali and there is no reason for hesitating to disclose themselves as a Nepali. They said their friends know about their identity well. But after further probe many of them agreed that many times they do not disclose themselves as being a Nepali. And they have reason for that.

Why do they not disclose their being a Nepali?

As said earlier, while talking to us they said they do not hide their identity. But what we got to know was, in front of another Nepali or a very close friend (even if he/she is an

Indian) they disclose the fact. But otherwise they do not do so. The reasons of not being so:

1. Since they have official documents showing themselves as Indian, they fear if they disclose the fact they may have to surrender all the documents.
2. They do not disclose themselves as a Nepali at the workplace because the documents they possess, like higher school certificates, college certificates and other supporting documents they have shown themselves as an Indian.
3. Few of these people are working in very important Indian central or state government department, which are only meant for the Indian citizens. This may draw a legal action against them if they disclose them as a Nepali.

Fear Factor:

Although the Nepali migrants do not fear to declare themselves to their friends as a Nepali and have a feeling of equality, but as stated earlier, they fear many times to disclose their identity. They have doubts that anything can happen anytime.

What happened in last few months to Bihari Workers in Assam and Maharashtra and what happened to Nepalese in Assam few years back, their doubts do not seem to be baseless. Many times when something happens in Nepal like the IC-814 plane hijack from Kathmandu to Kandhar and it happened during the Indian film star Hritik Roshan issue the Indian media show Nepalese as being Anti Indian. This increases fear in the Nepali migrants.

“If the government and the stateist media are to be believed, the nation of India is under threat from Pakistani terrorists, Bangladeshi Muslim immigrants, Nepali criminals and LTTE rebels. What makes these ‘infiltrators’ so particularly dangerous is that they look like ‘us’, talk like ‘us’, and think like ‘us’; in fact, they are ‘us’”.¹³

¹³ Himal South Asia 2005 November issue: Peeking out of your pocket India’s national ID scheme is ‘on schedule’ by Aman Sethi

Demand for Dual Citizenship:

Most of the Nepalese migrants have dual citizenship in an unofficial manner. They are doing all things here as Indian citizens but there is not any official policy towards providing dual citizenship. Most of the people wanted the Nepal government to formulate a policy towards his, which will help them in investing or doing business there.

Conclusion:

There are many well-settled migrants in India, which is shown by the study. These migrants, even though many of them are second-generation migrants, feel about Nepal as their first home and many of them also want to return back to their roots one day. They also like to help Nepal's economy as much as they could. The study shows that the migrants of far-western Nepal are more cut off from the mainland Nepal than those from other regions. That might be because far-west Nepal has been largely ignored in policy formation and development. There is a need to bring these people in mainstream.

Wrapping up:

Despite the legal rhetoric, the Indian state treats the Nepali laborers as rights-less, non-citizens. Their precarious economic and political position means that they do not risk themselves further by demanding citizenship and labor rights from the supposedly liberal Indian state, but help to grease its increasingly liberalizing economy as docile and cheap laborers. Are these the types of 'open borders' that the neo-liberal proponents of globalization trying to promote across the world?