

Labour Migration and Their Exploitation: A Case Study in Hill Towns of West Bengal

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Abstract:

Darjeeling is a small tourist hill station located in the Mahabharata Range or Lesser Himalaya at an average elevation of 6,710 ft (2,050 m) with 27°02'N latitude and 88°10'E longitude. As it is closely associated with the international boundaries of Nepal, Bangladesh and Bhutan, it has attracted and still attracting lots of migrants in the form of tourist as well as labours (workers). As demand for cheap labour is so high, people are trafficked into domestic work, farm work, organized begging, and factory work. By holding trafficked victims under situations of slavery-like conditions, specifically forced labour or services, domestic servitude, or other types of debt bondage, traffickers benefit from what seems to be a continuous pool of cheap labour. Migration between Nepal and India has been easy due to an open- porous border and strong familiar links. International migration mainly based on economic purposes has become a serious topic of debate in the present scenario of the place. This paper emphasize mostly on the problems related with the migrants, their exploitation in various aspects and their socio-

economic struggle in Darjeeling region. The international migration is more male selective as the main motive of the majority migrants is determined by economic aspects. The Darjeeling & Kalimpong towns were being analyzed on the basis of migrants, especially labour migrants and their exploitation. Individuals who are forced to migrate in Darjeeling Hills from surrounding regions mainly include male labours, maid servants and even child labours.

Both qualitative and quantitative information was generated from the primary and secondary sources in this study. For the collection of data and information, baseline field sample survey were carried out by questionnaire method. In course of the fieldwork a number of labourers from the sample area were interviewed.

Key words: international migration, migrants, illiteracy, exploitation, forced migration.

1. Introduction:

Darjeeling is a small tourist hill station located in the Mahabharata Range or Lesser Himalaya at an average elevation of 6,710 ft (2,050 m) with 27°02'N latitude and 88°10'E longitude. As it is closely associated with the international boundaries of Nepal and Bhutan it has attracted and still attracting lots of migrants in the form of tourists as well as labours (workers). As demand for cheap labor is so high, people are trafficked into domestic work, farm work, organized begging and factory work. By holding trafficked victims under situation of slavery-like conditions, specifically forced labor or services, domestic servitude, or other types of debt bondage, traffickers benefits from what seems to be a continuous pool of cheap labor. Migration between Nepal and India has been easy due to an open, porous border and strong familial links. International migration mainly based on economic purposes has become a serious topic of debate in the present scenario of the place. This paper emphasize mostly on the problems related with the migrants, their exploitation in various aspects and their socio-economic struggle in Darjeeling Hills. Here mainly

three international boundaries are considered namely boundaries with Nepal, Bhutan and Bangladesh. The international migration is more male selective as the main motive of the majority migrants is determined by economic aspects.

The notion of labour exploitation refers to labour conditions that are in violation of international law and standards. This is a broad notion, which encompasses phenomena of different gravity. This diversity is generally described by reference to a “labour exploitation spectrum”, a continuum of situations the gravity of which depends on working conditions, the worker’s personal circumstances and other factors. At one end of the spectrum, situations of no or little labour exploitation include freely chosen and regular work. Along the spectrum, irregular labour and exploitative labour would be followed by forced labour and slavery.

2. Objectives:

The main objectives of the study are -

- i) to analyze the socio-economic problems faced by labours.
- ii) to analyze their exploitation on cut-off wages because of their illiteracy.
- iii) to examine the compelling factors of their migration.
- iv) to analyze the basis of labor migrants’ exploitation.

3. Data Base & Methodology:

Both qualitative and quantitative information has been obtained from the primary sources and as well as from the secondary sources. For the collection of primary data and information, baseline field sample survey had been carried on by questionnaire method. In course of the fieldwork a number of laborers from the sample area were interviewed.

4. Background of Labour Migration:

Across the world, millions of people are on the move in search of work. But many are not looking simply for better work. Driven by poverty and insecurity, they are looking for any work. The number of migrants crossing borders in search of employment and security is expected to increase rapidly in the coming decades due to globalization and regional integration. Migrant workers contribute to the economies of their host countries, and the remittances they send home help to boost the economies of their countries of origin. Yet at the same time today's migrant workers face many challenges - poor conditions of work, discrimination, little social protection and vulnerability to exploitation and human trafficking.

Nepal shares an 1850-km-long border with India to its east, south and west. It is an open border as far as the movement of the citizens of the two countries is concerned. 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.

Lack of economic opportunities in the hilly & terai area of Nepal, scarce arable land and population pressure forced the people of Nepal down from hill and work as labourer in West Bengal and other states of India. Socio-economic condition in Nepal is bad and the Nepal Government is unable to provide education and health for its population. However, geographical realities forced Nepal to look towards India for transit purposes. This form of migration to India has long served to diversify the livelihood base of Nepal's rural economy, particularly in the Far-West. The continuous movement across the border, however, makes it all the more difficult for Nepal to

keep track of the exact number of its citizens who have migrated to India.

5. Results & Discussion:

5.1 Reasons behind the Labour Migration towards Darjeeling and Kalimpong:

- i) *Unemployment:* One of the major cause why the labours of Nepal and domestic labours of India as well migrates towards Darjeeling & Kalimpong is huge unemployment in their native places. Lack of money as well as poverty compels labours especially needy and those living under BPL to migrate towards Darjeeling and Kalimpong. Today, many poor people leave Nepal in search of employment, mainly to India specially in border areas. This is encouraged by the open border policy as well as by the terms of the Indo-Nepal Treaty of 1950. The vast majority return to Nepal, after some months or a few years, and most pay regular visits home. This seasonal or semi-permanent migration is mainly comprised of male workers, who leave their families behind.
- ii) *Lack of opportunities:* Migrant workers are motivated by a lack of opportunities at home and the belief that they can achieve a better life in a foreign country. They join the supply of migrant labour when the combination of these “push” and “pull” forces overwhelms the wrench of leaving familiar surrounds and the risks of the unknown.
- iii) *Attraction of destination place:* The choice of destination is greatly constrained by the expense of travel and official permit fees. The majority of poor households cannot even contemplate such a move. For similar reasons, about 40% of all international economic migrants head for the nearest country. So they have

shifted their destiny from Nepal towards Darjeeling and Kalimpong.

- iv) *Demand for labour supply:* Demand for migrant labour is determined by the extent to which a domestic workforce is unable or unwilling to meet the needs of its national economy. There may be shortages of skills or, more typically, vacancies arise in jobs rejected by the local population, often described as “3D” (dirty, dangerous and difficult). Thus Darjeeling and Kalimpong has obtained most of the skilled labours from outside, mostly from Bihar, Islampur and Nepal.
- v) *Economic Purpose:* The most important cause of migration towards Darjeeling and Kalimpong is the economic purpose. Mostly all the labour migrates to earn some money. Their main motive to migrate is basically for economic purpose. Their poor economic condition compels them to migrate towards those areas where they could earn something for their sustenance.
- vi) *Indeptness:* Most of the labour migrants migrates not only to earn or to run their livelihood but to repay their debts. Their indeptness compels them to migrate towards those areas where they could earn more than to sustain their livelihood.
- vii) *Sustain their livelihood:* The labour migrants migrates for the sustenance of livelihood. The place of destination becomes the place of their survival. Most of the labours from Bihar, Bengal as well as Nepal has been staying at Darjeeling and Kalimpong for many years and are still running their livelihood.
- viii) *Common language:* Most of the Nepali labour migrants from Nepal has migrated towards Darjeeling and Kalimpong because of the common language i.e. Nepali. They find it easier to

communicate with the people in nepali language. Because of the common language they gets their seasonal or temporary works very easily.

5.2 Exploitation: Migrants' Experience:

Many migrant families have greatly improved their fortunes, especially in accessing higher standards of health and education for their children. However, many experience the unacceptable face of international as well as internal migration. Anxious to create a flexible labour supply and to avoid social costs, the receiving country or the regions often extends only minimum protection to workers, whilst refusing entry to family members. Weak labour laws encourage unscrupulous employers to withhold wages, confiscate identity documents and deny reasonable time off work. Often concealed within private households, workers are vulnerable to physical abuse and slave-like labor conditions.

The hunger for work, the reliability and flexibility of migrant labors are employers' terms for long hours, lack of overtime pay, unpaid duties, improper food during their work etc. In a world with national borders, governments easily claim the newcomers from other countries have "no rights", so the migrants become a convenient foe in the politics enforcement.

5.3 Exploitation of Labour migrants in Darjeeling & Kalimpong Town:

Darjeeling is a place of attraction. Tourists visit Darjeeling throughout the year enabling it to develop its economy and economy attracts lots of labours from Nepal and within India as well. Migrant workers, especially those working in low-skilled jobs, such as those who find temporary or seasonal employment in the agricultural sector, are often victims of severe labour exploitation, in particular wages below the minimum wage agreed between unions and employers' organisations, arbitrary wage/salary reductions, delays or non-payment of wages and

long working hours. Out of serious labour exploitation victims, 47 per cent of the workers interviewed indicated that their exploitative working relationship was characterised by false promises on the part of the employer to conclude residence contracts and/or other documents necessary to regularise the worker's status. In other words, the workers could not regularise their migration status because of the lack of cooperation on the part of the employer, which kept the worker in a situation of risk, resulting in labour exploitation.

Kalimpong is a hill station in Mahabharata Range in the Indian State of West Bengal. It is located at an average elevation of 1250 meters. The town is the head-quarters of the Kalimpong sub-division, a part of district of Darjeeling. Exploitation of labour has become a general trend in Kalimpong. Most of the labours gets exploited in the hands of employers. They not only gets low wage as per their work but they have to work overtime without extra wage. Employers, large and small, take advantage of undocumented workers willing to toil for low wages. They are bound to work under vulnerable conditions since they have migrated from different areas. It is obvious that they have to suffer exploitation.

5.4 Some evidences of exploitation of labour migrants:

One of the respondent, Mr. Tez Bahadur, who have migrated from Okhaldhonga, Nepal, and working in Kalimpong said that he is not given full wage as per his labour. The carriage charge which he asks normally is Rs. 50 but most of the time he has to satisfy himself with Rs. 30 and Rs. 20 per his carriage charge. He says he has to suffer this exploitation because he is not of an Indian Origin. For the sake of running his livelihood he somehow earns Rs. 100 to Rs. 200 per day and with that money he has to support his family as well. He has been staying at Saat Dhara, Kalimpong since 35 years and most of his earnings goes for paying rent and visiting to Nepal.

Another respondent, Mr. Bhim Chettri, said that he has

been residing at Kalimpong since 34 years but still could not manage his children with better facilities. He could not provide them 3 times of meals. His children could not get better education since his daily earning is low. He said that not only he but also his sons carries loads along with him. His condition is very miserable. He said that since he is not of Indian origin he does not get any facilities like rationing, drinking water facilities at proper times and even a chance to send his children to a good school. During the time of political unrest, his life totally becomes worst and that time he can't even earn a single rupee. He has to remain hungry along with his family for a day or two during the time of strikes. He always remains in a hope to earn a minimum of Rs. 200 for the sustenance of his livelihood.

Mr. Ramesh Kumar Kharel, a labor migrant from Bumbusty, Jhapa, Nepal lives in a very miserable condition. He said though he is literate, he has to suffer exploitation in the hands of employer just because of his needs and his critical condition. He works with his groups comprising seven members for carrying loads of Bajla Transport Company, Kalimpong and are always paid low wage. They should get a minimum of Rs. 250 per day but they are always given Rs.100 to Rs.150. Mostly Rs.50 to Rs.100 are always deducted from their wages. But they can't speak anything since they are earning something for the sustenance of their livelihood.

Another respondent, Mr. Tanvir, from Purnea, Bihar working as painter said that he works with his four members but none of his members gets proper wage as per their work. Whole day long they are engaged in painting and they expect a wage of Rs. 250 per day but surprisingly they are given Rs.100 to Rs.150. He said that his earning is too low which does not support his family as well. They have to struggle a lot for the living. He said if these things continue then he will never come out of poverty. His condition is really miserable. He said that he has been staying at Bhalu Khop, Kalimpong since 4 years but

couldn't manage a single asset for him neither he had bought a single cloth for him just because of the exploitation he suffers.

Mr. Udeen Pakhrin, a porter from Jhapa, Nepal expressed his grievances saying that he is living his life as a slave. He works in a ration shop for carrying tons of rice, wheat and potato but apart from this he has to work as a servant for his employer's family and in return he doesn't get wage rather he gets loads of scolding. In addition to his work, his labour includes cleaning, gardening, and decorating.

Mr. Chakree Thami from Chori kot, Dolakha, Nepal aged 41 said that he is living in Darjeeling since 7 years working as porter but he is unable to support his family staying at Nepal. He has 4 children, 3 sons and 1 daughter for whom he works. He could not send the money because he is always exploited on his. He demands a wage of Rs. 250 per his carriage charge but he is given only Rs. 100 or sometimes Rs. 150. He also works overtime but still he is not given good wage. Besides this, he has to suffer lots of problems such as problem of housing, electricity, ration facility, etc. because he is not of Indian origin. His condition is really miserable.

Non-payment of wages, as well as delayed and/or partial payment are reportedly very common. Mr. Raju Thami, a Nepali migrant worker from Dolakha, Nepal who does not have documents and works without a contract – said “I work 9-10 hours a day from Monday to Saturday, then 5 hours on Sunday morning, for Rs 30 an hour. The employer should pay me Rs. 5000- Rs. 6000 a month and my plan was to send Rs. 2500 a month to my father, mother and sister in Nepal. However, the employer has not been paying me my full salary for the past seven months. He gives me just Rs.1000 a month for living expenses. My family in Nepal had to ask for money from other families. I don't have a contract with the employer, so I cannot leave because I would lose my money. I can't go to the police because I don't have documents: they would take my fingerprints and I would have to leave. The only option for me

is waiting to be paid.

Mr. Bidiyant Das, another respondent from Mainaguri, Jalpaiguri, aged 35 said that he is working as carpenter at Daali Faatak, Darjeeling since 4 years but he is not willing to work at Darjeeling anymore because he is very much exploited by his employer. He said that he is not only given low wage but he is not given the wage of his over-time work. Usually he has to work for 10 to 12 hours but he is paid only Rs. 200 per day. Really this exploitation hurts him a lot. Besides this he is not given proper food during his work. He has decided to leave Darjeeling and to work somewhere else.

Mr. Sanjay Rai from Mai Mauza, Nepal aged 37 said that he is being exploited at Darjeeling since 8 years but he has to suffer this exploitation just because of his poor condition and his needs. Anyhow he earns Rs. 400 per day and 50% of his wage goes to his family staying at Nepal. He has been supporting his family comprising of his wife and his one son with his wage that he earns at Darjeeling.

Mr. Bhaju Thami, another respondent from Dolakha, Nepal has been working as porters at Darjeeling town said that he has to work overtime daily just to support his family and in return he does not get the proper wage. His daily earnings is Rs. 300. Sometimes it goes to Rs. 50 also and at that time he cannot send his earnings to his family. Not only he but his family too has to suffer at the time of strike (bandh). He does not get rationing facilities, drinking facilities, housing, electricity, etc. just because he is not of Indian origin. He too has to face the problem of undocumented migrants since he flew from Nepal.

Mr. Som Kumar Rai, aged 28 from Ilaam Nepal, said that he has been working at Darjeeling as painter since 8 years but still he could not earn a good wage. He expects a wage of Rs. 400 per day but he always gets a wage of Rs. 200 to 220. He is not given the full wage he demands. He works overtime to earn more but his wage still remains the same. He is not given

even a tea during his work. He has to work under unhygienic condition just to earn some extra money. His condition too is worst.

Mr. Abinash Basnet, aged 20 from Dolakaha, Nepal said that he has to work as porter at Darjeeling just because his family condition is very poor. There is no one to earn for his family, so he decided to carry loads and to earn something for his family. He has to work overtime just to support his family but in return he does not get good wage. Somehow he earns Rs.200 to Rs. 250 per day to support his family.

6. Conclusion:

It has been found that most of the labor migrants have migrated at Darjeeling and Kalimpong for the economic purpose. These labourer migrated to earn for living and for the family to support so that they can improve their living condition. But in many cases, these migrants are being exploited mostly on economic basis i.e. cutoff wages. They have been compelled to migrate and to work in unhygienic condition for the sake of their needs. But still their conditions can be improved if we co-operate with them. We should not discriminate between local labours and migrants labours. We should treat them equally. "A person, who enters a State and assumes an employment relationship, should acquire his labour human rights in the State of employment, irrespective of his migratory status, because respect and guarantee of the enjoyment and exercise of those rights must be made without any discrimination. In this way, the migratory status of a person can never be a justification for depriving him of the enjoyment and exercise of his human rights, including those related to employment. On assuming an employment relationship, the migrant acquires rights as a worker, which must be recognized and guaranteed, irrespective of his regular or irregular status in the State of employment. These rights are

a consequence of the employment relationship.

The authorities and employers should respect, protect and fulfill the right to just and favourable conditions of work of all migrant workers, regardless of their migration status. Government and concerned authorities should provide legal assistance and support to migrant workers who are victims of labour exploitation, in order to facilitate their accessing justice. They should also ensure that the scope of the legal protection offered to migrant workers at the domestic level is in line with the requirements of relevant international instruments. Government should manage migration for employment purposes, including bilateral and multilateral agreements between host countries and countries of origin addressing different aspects of migration such as admission procedures, flows, social security, family reunification possibilities, integration policy and return. Government should promote decent work for migrant workers. Government should take steps for:

- preventing abusive practices, migrant smuggling and trafficking in persons;
- protecting and promoting the human rights of all migrant workers;
- promoting measures to ensure that all migrant workers benefit from the provisions of all relevant international labour standards;
- promoting awareness of migrant workers' rights;
- preventing and combating irregular labour migration;
- improving labour inspection and creation of channels for migrant workers to lodge complaints and seek remedy without intimidation;
- measures to reduce the cost of remittance transfers;
- incentives to promote productive investment of remittances;
- measures to ensure that all migrant workers are covered by national labour legislation and applicable

- social laws;
- policies to encourage return migration, reintegration into the country of origin and transfer of capital and technology by migrants;
 - promoting guidelines for ethical recruitment of migrant workers and exploring
 - mutually beneficial approaches to ensure the adequate supply of skilled health and
 - education personnel that serve the needs of both sending and receiving countries, including through bilateral and multilateral agreements;
 - addressing the specific risks for all migrant workers, men and women, in certain occupations and sectors with particular emphasis on dirty, demeaning and dangerous
 - jobs, and on women in domestic service and the informal economy.

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