Introduction

The labour conditions of workers in the Arabic-speaking Persian Gulf are under considerable scrutiny, and domestic workers are thought to be particularly vulnerable.¹ Recently, Amnesty International found that some domestic workers...

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¹ The countries of the Arabic-speaking Gulf are Bahrain, Kuwait, Qatar, Saudi Arabia, the United Arab Emirates, and Oman.
workers are abused, over-worked, and not compensated for their work (Amnesty International 2014). Transnational institutions, such as Amnesty International and the United Nations Office on Drugs and Crime (UNODC), argue that a central contributing factor to the abuse of domestic workers is the prevalence of trafficking in the Arabian Sea. Trafficking of persons to the Gulf countries, according to the United Nations, leads to the exploitation of workers’ physical and sexual labour (United Nations Committee on the Elimination of Discrimination Against Women 2014). In the worst cases, poor women from South Asia or the Philippines are recruited to work in the Gulf by people who promise them good paying jobs. In these scenarios, after women arrive in the Gulf, they are treated poorly by their employer and not paid for their work. They are unable to return to their home countries due to a lack of funds, the large amounts of debt borrowed to pay for their emigration, and/or physical restrictions on their movements from their employers. In discussions by Amnesty International and other nongovernmental organizations, the exploitation of trafficked women is often explained as largely the result of the practices used to exclude non-citizens in the Arabic-speaking countries of the Persian Gulf.2 In response to the potential abuse of domestic workers and building upon historic laws developed to protect ‘vulnerable’ migrants, the Indian government enforces emigration procedures that aim to decrease the number of trafficked persons travelling to the Gulf.

In 2009, I began a research project examining the migration of Indians to the Arabic-speaking Persian Gulf.3 This project looks at how workers find jobs in the Gulf and how potential migrants negotiate emigration regulations. During the course of my research, I followed some of the almost one million workers travelling annually to the Gulf: I met them in villages in rural India and then followed them to recruiting agencies in Mumbai or Hyderabad, and onward to positions in the Gulf.4 Due to Indian government

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2 An increasing number of scholars have focused on the experiences of migrant workers and how these experiences are connected to citizenship practices in the Gulf. The unique relationship between citizenship and Arabness in the Gulf continues to be debated (Gardner 2010; Limbert 2014; Vora & Koch 2015; Wright 2015).

3 This paper is based on ethnographic and archival research I conducted in India, the United Arab Emirates, and at private archives beginning in 2006 and continuing to the present. From 2009 to 2011, I conducted continuous research in India and the United Arab Emirates funded by the Fulbright Hayes Doctoral Dissertation Abroad Award. I am also indebted to Aligarh Muslim University, the Dubai School of Government, and, especially, the University of Michigan. These universities provided additional financial and institutional support for this project.

4 In 2012, over 720,000 men who required emigration clearance migrated to work in one of the countries of the Arabic-speaking Persian Gulf. Because only the least educated emigrants require emigration clearance, hundreds of thousands of additional migrants travel to the
regulations regarding emigration, most of the unskilled or semi-skilled workers I met found jobs through recruiting agents. These agents act as middlemen between companies in the Gulf and potential employees. To learn about the migration process, emigration laws, and the actors involved, I travelled throughout Mumbai and visited some of the over three hundred recruiting agencies located in the city. As I visited these recruiters, I realized that recruiting offices were highly gendered spaces: most of the owners and employees of the recruiting agencies were men. What I found most surprising, however, was that there were no women looking for work abroad in these agencies. Postings for work in the Gulf would draw hundreds of Indian men for interviews, but I never, in over two years of research, ran into a woman looking for work in the Gulf at a recruiting agency.

As I met with recruiting agents, I learned that they were often reluctant to facilitate the migration of working-class women due to popular perceptions that working-class women are trafficked to the Gulf for sexual exploitation. This chapter examines how emigration policies are constructed as the Indian government attempts to protect vulnerable women and the consequences of these laws on women’s ability to migrate. To understand the multiple approaches to trafficking that impact current emigration practices in India, I look at how trafficking is perceived and publicly narrated in the contemporary moment. I then trace how the idea of trafficking was constructed historically. I pay particular attention to how the British colonial administration used the concept of trafficking as a way to regulate both women’s labour and their movement, and I contrast this approach with the attitudes of Indian nationalists and later postcolonial bureaucrats. Using a case study from the 1950s concerning the illegal trafficking of women, I examine how the contemporary restrictions on emigration developed from colonial and postcolonial practices. I argue that these policies unevenly impact working-class women and, particularly, Muslim women. What emerges from this conversation is the uneven distribution of state power as bureaucrats attempt to restrict emigration.

Migration and Morality

The lack of women in the recruiting agencies I visited surprised me, given that approximately 20 per cent of the Indian workers in the United Arab Emirates (UAE) are estimated to be women (Zachariah, Prakash, & Rajan

Gulf without obtaining emigration clearance and are therefore not counted in the Ministry’s emigration numbers. (Ministry of Overseas Indian Affairs 2013).
André Wright 2004: 2229). Having spent time in the Gulf, I knew that a common job for an Indian woman was working as an aaya (‘nanny’) or domestic worker. In an attempt to understand how women migrated to the Gulf, I began looking for and trying to meet women in India who were looking for jobs there. When I met recruiting agents, I asked if they facilitated the migration of women. This was not an easy topic to broach, and it required me to perform a certain tact so that agents would not think I was suggesting they participated in unsavoury business practices. For example, when I first began my research, I asked bluntly if agents helped place women in jobs as domestic workers, food servers, or salespersons in the Gulf. My poorly framed questions provoked offended responses from the recruiting agents, and they would express moral indignation that I would ask such questions of them. One of the reasons for this moral offense was the assumption that working-class Indian women in the Gulf must be trafficked persons. Agents explained to me that women who migrated in search of unskilled labour, in particular, were exploited and forced to work in the sex industry.

I had one such awkward conversation with Mr. Mohammad, an owner of a recruiting agency in Mumbai. I first met Mr. Mohammad at an association meeting for recruiting agents, and he immediately invited me to his office. About a month later, I ventured to a small office park located in the suburbs of Mumbai. I sat drinking tea and Mr. Mohammad explained to me the current jobs for which he was interviewing workers. As we talked, we were repeatedly interrupted by men who wanted to drop off their resumes, receive updates on recent interviews, or learn if there were any upcoming job interviews. I asked Mr. Mohammad why there were never any women looking for work at the recruiting agencies I visited. He responded by explaining that only ‘unscrupulous’ agents work with women. The reason, he continued, was ‘ve faydain utha raha hain’, or ‘they [unscrupulous agents] take advantage [of women]’. In particular, he said, it was commonly known that women would be sexually exploited while in the Gulf. Given the predominance of this knowledge, he assumed that a woman who wanted to work in the Gulf could best be characterized as achchhee larki ki tara nahin or ‘not the good type of girl’. This euphemistic expression was used not only by Mr. Mohammed, but also by other recruiting agents with whom I spoke. The phrase was meant to convey that women, and particularly uneducated women, who wanted to travel abroad must be sexually promiscuous.

The names of individuals, with the exception of politicians acting in their official capacity, have been changed.
Newspapers also repeated this view that sexually promiscuous women migrate to work in the Gulf, and Indian women working in the Gulf as entertainers faced particular scrutiny. While I was conducting my research, newspapers frequently ran articles concerning Indian ‘dancing girls’ working in the Gulf (Lall 2009; DNA Investigations Bureau 2011). In these articles, reporters interviewed ‘concerned patrons’ who claimed that ‘girls ply the trade’ – meaning that women dancers were also selling sex. Patrons supported this claim by stating that performers were not allowed to take tips and, therefore, the only reason to dance well would be to entice clients. In these articles, the Gulf was portrayed as a place where unskilled women could make large amounts of money, but only by participating in the sex industry.

In both newspaper accounts and the stories told to me by recruiting agents, working as a sex worker was considered inherently exploitative, and working-class women were particularly vulnerable to this type of exploitation once they travelled outside of India. This understanding of sex work and coercion is strikingly similar to the *Immoral Traffic (Prevention) Act*, which was passed by the Indian government in 1956 and amended in 1986. One of the original reasons for writing and implementing the Act was the United Nations’ work against trafficking. In the *Immoral Traffic (Prevention) Act*, ‘prostitution’, defined as ‘the sexual exploitation or abuse of persons for commercial purposes or for consideration in money or in any other kind’, is conflated with trafficking (Government of India 1956, section 2f). This association between trafficking, sexual labour, gender, and class means that recruiting agents are reluctant to help facilitate women’s migration, as they do not want to be seen as profiting from women’s sexual exploitation.

In the stories about women migrants to the Gulf related by newspapers, government bureaucrats, and agents, the emigration of uneducated women is linked to their potential sexual activity and the commercialization of sex. Even though there are a wide variety of experiences reported by women working in the Gulf, the intersection of sex work, class, and migratory status meant that women were left rapidly vacillating between an excess and absence of sexuality. This is seen in the two most common characterizations of working-class women migrants. The first is that these women are of ‘loose morals’, and they participate in sex work for financial gain. The other is that

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6 In her discussion of Indian women working in call centres, Reena Patel points out that educated women working in non-traditional jobs has not led to greater gender equality in India (Patel 2010).

7 For example, Anna Stirr discusses the wide variety of experiences of female performers in Dubai’s nightclubs (Stirr 2017).
Indian women who are of a morally high character, and therefore generally sexually unavailable, are forced to participate in the sex trade when they travel to the Gulf. This tension between promiscuity and purity restricts the possibilities for female emigration. Because working-class women are thought to have limited options outside of sex work, all emigration by poor women becomes suspect. As working-class women are envisioned and treated as potential victims of sexual predation, their vulnerability means that the state needs to protect them by regulating the emigration process. For recruiting agents, government officials, and newspaper reporters, trafficking is the means by which women are coerced into sex work. The result is that the discursive power of trafficking both categorizes working-class Indian women as vulnerable and constrains their ability to emigrate.

To protect vulnerable citizens, women who have not graduated from Class X face legal impediments to overseas migration. In fact, according to the *Emigration Act of 1983*, it is impossible for an uneducated woman under 30 years of age to migrate to the Gulf for work. The order that prohibits these women from travelling abroad for work reads, ‘Women below the age of 30 years may not be granted emigration clearance, who seek any kind of employment including employment as housemaids, domestic workers, hairdressers, beauticians, dancers, stage artist, labourers, general workers, etc. in any foreign country’ (Government of India 1983). This policy, according to Didar Singh, the Secretary of the India’s Ministry of Overseas Indian Affairs from December 2009 to November 2011, is not based on the Indian government’s desire to interfere with migration. Rather, Dr. Singh told me, emigration regulations are because the government ‘only wants to protect the most vulnerable of workers’. With the goal of protecting these workers, the Indian government regulates both emigration and recruiting agent activities.

In addition to these national policies, Indian states have recently attempted to implement laws that would regulate emigration and discourage trafficking. During my time in Mumbai from 2009 to 2011, recruiting agents were particularly concerned about the Government of Punjab’s proposed Prevention of Human Trafficking Act, 2008. This proposed legislation placed the blame for trafficking on recruiting agents:

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8 This construction of Indian women as innocent victims of trafficking neatly fits into what Diana Tietjens Meyers calls the ‘pathetic victim paradigm’. Central to this paradigm is the idea that these victims did not consent to their treatment. As Meyers argues, there are a couple key drawbacks to understanding victims in this way. First, the pathetic victim paradigm can only work if the trafficked women are passive victims and women lose their agentive power. This focus on innocence and passivity also does not permit an understanding of how more complicated actors are also victims (Meyers 2011).
Innocent/illiterate/gullible persons fall in the trap of unscrupulous persons who allure and induce such persons with false promises to send them abroad by charging heavy amount of money. But thereafter these persons are exploited by these elements for their illegal monetary gains by giving them false assurances for arranging their visas to foreign countries in general and advanced countries like Canada, USA, UK etc. \[sic\] particular. (Government of Punjab 2008)

This proposed state legislation has many similarities with the United Nation’s definition of smuggling of migrants. Recruiting agents believed that the proposed act by the Punjabi state contradicted the Emigration Act in place at the federal level. The result was that the facilitation of some types of migration became fraught for agents. Agents feared the vague wording of the proposed state law would be used to imprison or levy large fines against them because both smuggling and trafficking were thought to be caused by people who misled vulnerable individuals for their own financial gain. In this approach to trafficking, the problem is neither labour laws nor sex work. Rather, the recruiting agent or smuggler is the root of the problem.

In the view of many Indians, recruiting agents are central to the poor treatment of workers in the Gulf. My neighbours and acquaintances in India were surprised that I would spend time with such undesirable people. It was common to refer to recruiting agents as ‘racketeers’ who are ‘sending unskilled workers abroad for a life of misery’ (Banerjee 2010). Given the increased attempts (starting from 2000 and continuing to the present) to stop trafficking at both the national and the state levels and the conflation of working-class women emigrants with sex workers, it is not, with the perspective gained by hindsight, surprising that the recruiting agents I met in Mumbai did not help facilitate the migration of women to the Gulf. Because large, established firms with connections to legitimate companies in the Gulf feared legal or moral reprisal, women who wanted to emigrate for work were left relying on less reputable firms. This contributes to a cycle in which the women who do migrate are more likely to go through irregular means, thereby opening themselves to more possibilities of trafficking.

9 In 2001, the United Nations’ General Assembly passed the United Nations Convention against Transnational Organized Crime. This resolution defines smuggling of migrants as ‘involves the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident’ (United Nations 2000, Article 13).

10 For example, S Irudaya Rajan et al. 2010 argue that corruption arises in the migration process from a ‘nexus formed between erring government officials and recruiting agents.’ In addition, Nasra Shah finds that workers who migrate without recruiting agents earn higher salaries and state they are happier with their jobs in the Gulf (2000).
Discourses of Trafficking

Trafficking in the Arabian Sea is considered a pressing issue: the Gulf countries face scrutiny for their treatment of labourers, and South Asian countries, particularly India, are the source, destination, and transit countries of trafficked persons (US Department of State 2015). Despite the popular discourse that imagines trafficking as the movement of South Asians to the Middle East, most trafficking incidents are internal to South Asia. In 2015, the vast majority of trafficking cases that India’s National Crime Records Bureau reported were internal to the country or coming into India through its land borders with Nepal and Bangladesh (National Crime Records Bureau 2015). One way the Indian government addresses this trafficking is through international engagement. Indian laws draw heavily on international definitions of trafficking – most often from the United Nations or the United States. The UNODC defines human trafficking as ‘the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them’, and the Indian government mobilizes a similar definition of trafficking in the Criminal Law (Amendment) Act, 2013 (United Nations Convention against Transnational Organized Crime 2000). To police trafficking, India implements suggestions found in the United States’ Trafficking in Persons Report. Central to the state’s definition and policing of trafficking is the perception that young, poor women and children from minority communities are at the greatest risk for trafficking.

Trafficking permeates contemporary international politics, and UNODT argues that ‘virtually all countries’ are impacted. Despite the prevalence of this discourse, the numbers of confirmed cases of trafficked persons are relatively small. Further obscuring cases of trafficking are that when people identifying as survivors of trafficking come forward, their histories are questioned and their stories disputed. Furthermore, initiatives to help trafficking victims are often underutilized. For example, in response

11 The Government of India defines trafficking in a similar way: ‘Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons by using threats, or using force, or any other form of coercion, or by abduction, or by practicing fraud, or deception, or by abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking’ (Government of India 2013:5).

12 Perhaps the most recent major dispute of a trafficking survivor concerns Somamly Mam, a Cambodian anti-trafficking activist. In 2012 and 2013, news stories that disputed Mam’s history were run first in Cambodia and then in the United States. As a result, she closed her foundation.
to international pressure arguing the ubiquity of trafficked persons in the Arabic-speaking Gulf, safe houses were created in Dubai, UAE, as a place for trafficking victims to stay. These shelters, however, are usually empty. One shelter that could accommodate 150 people, for example, only housed a total of 21 victims in all of 2007 (United Arab Emirates National Committee to Combat Human Trafficking 2009: 17-19).

In discussions of trafficking, the horrific experiences of a few trafficked person are taken as signs of systemic and prevalent abuse. This is reinforced by trafficking’s slippery numbers and contested stories. In practice, trafficked persons seem to be hard for law enforcement officials to find and trafficking cases are difficult to successfully prosecute. In India, for example, trafficking cases are prosecuted only 13 per cent of the time. Of the cases that are prosecuted, less than half of the people accused of trafficking are convicted of any crime.13 The difficulty in locating and identifying trafficked persons stands in stark contrast with the prevalence of trafficking in popular culture. Pardis Mahdavi has pointed out the conflation of sex work and exploitation often underlies scholarly approaches to women’s sexual labour. In her work on Dubai, Mahdavi asks: ‘How do global conversations about trafficking (and media and journalistic representations such as Taken or MTV’s EXIT program) create an image of the experiences of migration, forced labour, and sex work in the minds of the public?’ (2011: 11-13). She approaches this question by exploring how trafficking is rooted not only in international policy, but in activist discourses in North America and Europe. She finds that ‘trafficking’ means both ‘too little and too much’: the term collapses social, economic, and gendered differences (Mahdavi 2011: 11-13). As seen in the case of Indian emigrants to the Gulf, this discourse is also prevalent in social commentaries regarding female migration. Trafficking often appears vague and unspecific when viewed by law enforcement, but the discursive power of trafficking has a wide impact on emigration policies.

So how are we to understand this pervasive, yet hard to find problem? One approach taken by scholars is focusing on the role of policies originating in the United States and Western Europe to define and lend weight to the category of trafficking. For example, Simanti Dasgupta has examined how Indian policies are consciously constructed so that India avoids being downgraded in the United States’ annual Trafficking in Persons Report. The result, Dasgupta argues, is that sex workers in Calcutta, India, are ‘rendered inaudible’ (2014). Both Dasgupta and Mahdavi find that narratives

13 Out of 17,599 cases of trafficking, only 2,284 cases were brought to court in 2014. These court cases resulted in 1,029 convictions (National Crime Records Bureau 2014:106).
of trafficking arise in Western Europe and North America, and then these discourses and their accompanying policies shape practices in South Asia and the Middle East. A central aspect of these international approaches to trafficking is that some people are more vulnerable than others. Martha Fineman argues that vulnerability is ‘inherent in the human condition,’ and, by examining vulnerability in this way, she argues a more responsive state (2008: 1). Prabha Kotiswaran explains that Fineman’s engagement with vulnerability means that scholars should not examine vulnerability through the lens of victimhood, but, rather, as a critique of liberalism. Through this critique, Kotiswaran finds trafficking is not exceptional to sex work, but rather a systemic problem of vulnerable labour (2012). Kotiswaran’s approach highlights the power imbalances and ambiguities inherent in the discourse of trafficking.

In the case of Indian migration to the Gulf, the discursive strength of trafficking simultaneously builds upon and further entrenches the vulnerability of working-class women. The Indian government regulates emigration using the assumption that certain citizens face greater vulnerability when abroad, and the border is therefore a site where citizens who are considered vulnerable face greater scrutiny and restrictions. These restrictions arise out of an effort to stop trafficking at the border, but it is through this differentiated citizenry that trafficking produces power imbalances. Often, this approach to trafficking is viewed as an extension of Euro-American anti-trafficking policies and incentives. However, attempts to stop trafficking illuminate how present practices by the Indian government are informed not only by Euro-American policies, but are also shaped by the history of Indian emigration procedures. Both historically and in the contemporary moment, some citizens are conceived of as vulnerable. Bureaucrats argue the nation-state must protect its citizens, even if protecting them entails curtailing their rights. Examining this context reveals how Indian women, and particularly Indian Muslim women, are seen as being particularly susceptible to sexual predation. In this analysis, gender, class, and religion are all central elements in defining what restrictions a person faces while attempting to emigrate.

**Vulnerable Subjects and Dependent Citizens**

The assumption that some citizens are more vulnerable than others and require greater protection from the state can be traced back to British colonial laws overseeing emigration. The contemporary construction of
Indian emigrants as vulnerable builds on the Emigration Act of 1922, which was written by the British colonial government after indentured labour became illegal. The Emigration Act of 1922 outlined three types of emigrants that were similar to those specified in the Emigration Act of 1908, but in 1922 the categories were defined more broadly. According to the Emigration Act of 1922, the first type of emigrant category was composed of unskilled workers or labourers, such as agriculturalists, porters, and rickshaw pullers. These workers were prohibited from migrating to any country that was not approved by Parliament. The second type of emigrant were categorized as skilled workers ‘of a comparatively low order and status, belonging to classes of persons who by reason of their ignorance, were likely to be imposed upon or by reason of the number in which they emigrate were likely to create political or economic problems in the country of immigration’. This category included domestic servants, artisans, clerks, shop assistants, entertainers, and food servers (Ministry of External Affairs 1954a; see also the Indian Emigration Act of 1922, section 2). The third category of emigrant consisted of professionals, such as businessmen, doctors, lawyers, and students. These professionals were assumed to have a ‘higher degree of intelligence or knowledge’ and were thus left outside of the scope of the 1922 Act and not required to obtain ‘No Objection Certificates’ from the government (Ministry of External Affairs 1954a; Ministry of External Affairs 1953b; Ministry of External Affairs 1954b). Women and minors faced additional impediments to emigration. Classified together, they were prohibited from emigrating unless the Protector of Emigrants, upon ‘examination’ of the potential emigrant, was ‘satisfied that he/she can take care of himself/ herself in the country of employment’. Using the discourse of protecting vulnerable groups, these laws reduced the ability of women, children, and unskilled workers to migrate.

The Emigration Act of 1922 is one historical tendril connecting colonial policies and the discursive construction of trafficking. It is clear that the protection of vulnerable populations was central to the Emigration Acts, but the history of trafficking is also intertwined with colonial expansion. The British Raj was interested in not only moving, but also regulating populations

14 Countries approved for migration by unskilled workers were printed in the Gazette Notification by the Central Government after receiving approval by Parliament (Ministry of External Affairs, 1954a; Ministry of External Affairs, 1953a).

15 Limitations on women’s ability to emigrate relates to their precarious citizenship status. As discussed by Vazira Zamindar, the domicile requirement for citizenship established in 1949 formalized women’s statuses as citizens who were dependent upon their father or husband (Zamindar 2007; Ministry of External Affairs 1953a).
Within the context of regulating prostitution in India, the kinds of work in which women could legally and productively participate were reduced. In legislation written by the British colonial government, such as the *Contagious Diseases Act* and the *Emigration Act of 1922*, women were conceptualized as a vulnerable and dependent population. Centrally, women were defined through their relationship to men; when women were not acting as wives or mothers, they were thought to be participating in the sex industry.

The role of women in nationalist and anti-colonial discourses has also influenced India’s current attempts to stop human trafficking. For nationalist and anti-colonial thinkers, women – particularly middle-class Hindu women – became metonymically representative of the Indian nation (Sangari & Vaid 1999 [1989]: 14). The association between womanhood and the nation coincided with the re-imagination of the public and private spheres in India and entailed a split between the material and spiritual worlds in which the material, outer world was the realm of the colonized and the spiritual, inner world was the realm of the home and of women. The result was that women became not only symbolic of India, but also of the country’s morals. While Indian women were able to enter the workforce, they were expected to ‘remain essentially unwesternized’ and to participate in the reformation of ‘vulgar working class women’ (Chatterjee 1989). These projects to reform women were not only articulated by Hindu nationalists; Muslim women were also seen by the ‘ulama (‘Muslim scholars’) and Muslim nationalist leaders as a population in need of education and refinement (Metcalf 2002; Minault 1982: 60–61).

In these nationalist and anti-colonial discourses, women were key figures for defining the future nation, but their roles were confined to the home. Women were envisioned primarily as members of their families, and the definition of a woman was inherently tied to her role as mother and wife. Within this conception, the citizenship of women was dependent upon their husband, and the (re)production of future citizens was of more importance than a woman’s own citizenship (Rajwade 1938: 83). Motherhood was women’s primary role, and beginning in the late eighteenth century, and the idea of *Bharat Mata* (‘Mother India’), became increasingly popular. As *Bharat Mata* grew in popularity, India became representable pictorially and verbally as a woman (Ramaswamy 2010: 9; Gupta 2002). Through this

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16 The exclusion of women from political life was also lamented in Pakistan. For example, Kishwar Naheed’s poetry critiques the social structures that do not encourage women to ‘enter into the streets’ (Naheed 1985).
repeated association, women came to not only represent, but also embody, the Indian nation.

In postcolonial India, working class women's interactions with the state continued to be mediated by their relationships to men. As India and Pakistan made the transition from one to two states, the Indian government was challenged to define who was a citizen of India and who was a citizen of Pakistan. Even before the Indian constitution was passed on 26 January 1950, citizenship provisions were brought into force. As shown in Vazira Zamindar's work on Partition, these citizenship provisions linked 'birth, residence, migration, and citizenship'; a “domicile” and birth “in the territory of India” were needed for a person to be a citizen of India. By following the legal doctrine of coverture and defining citizenship by domicile and birth, women's citizenship became contingent upon their husbands (Grapevine 2015). The close association between women, the home, and the nation meant that women needed to be located within a family if they were to make claims for rights. The nation took on a familial role as well, with the goal of protecting Indian women. The close association between women and the Indian nation also meant that trafficking and, particularly, sexual predation were affronts to the national honour and morality.

Managing Emigration in the Postcolonial State

These discursive constructions of women were reinforced by the policies enacted by the postcolonial state as bureaucrats in the Indian government debated and shaped emigration regulations and procedures. Beginning in the 1950s, the Indian government developed bureaucratic apparatuses to oversee the emigration of workers. In bureaucratic approaches to emigrants, two competing notions of Indian citizens were articulated. In one, citizens were vulnerable; in the other, citizens were rational liberal actors (Wright 2015: 61-102). Indian bureaucrats shaped emigration regulations and practices in the attempt to ensure both the rights of Indians to emigrate and the rights of Indian citizens abroad. Furthermore, as questions regarding the nature of the state and citizens were debated and implemented, bureaucratic practices developed a conceptualization of the Indian state and its citizens that is still at play in emigration policies today.

Zamindar points out that this is derived from colonial law, and that the domiciles of children under eighteen are dependent on their fathers and the domiciles of women are dependent on their husbands (2007).
India’s new status as an independent nation provided an important framework and context for this debate. One official wrote that the Indian government’s view was that ‘emigration from dependent British India was a source of embarrassment; emigration from free India may be a source of strength’ (Ministry of External Affairs 1954b). To ensure that emigration was a source of strength, any proposal for Indian emigration had to be considered on its own merits and would only be permitted if emigration was sure to be on ‘honourable terms, consistent with the dignity of India’ (Ministry of External Affairs 1954b). In such arguments, the honour of India was embodied in each migrant and it was the Indian government’s duty to oversee emigration and thereby maintain India’s reputation abroad. Also, in the 1950s, many members of the government considered migration to have been a problem in the past, but no longer a pressing concern. In postcolonial India, they argued, emigration affected only a ‘fringe’ of the Indian population (Ministry of External Affairs 1954b). Emigration was also understood to be a permanent activity, whereby Indians settled abroad for the entirety of their lives. Conflating emigrants with indentured labourers, many government bureaucrats characterized Indians abroad as having moved out of India between the 1850s and 1920s (Ministry of External Affairs 1954b).

Emigration laws, assumptions about the permanence of emigration, and histories of coverture meant that Indian women were not envisioned as potential emigrants by the early Indian state. When women did emigrate, the assumptions were – and continue to be today – that they were either moving with their husbands or participating in ‘immoral activity’. This was particularly exemplified in a series of complaints brought to the Indian government regarding the ‘immoral traffic in women’ in the 1950s and 1960s. In 1950, the Indian government ratified the International Convention for the Suppression of the Traffic of Persons and of the Exploitation of the Prostitution of Others. In 1956, the government passed the Suppression of Immoral Traffic in Women and Girls Act, which lays out the legal penalties for the trafficking women and girls. While this Act was a fulfilment of the Indian government’s commitment to the 1950 United Nations convention, the way in which the Act was and continues to be mobilized reveals Indian genealogies of trafficking.

Most tellingly, in the 1950s and 1960s, were the complaints received by the Indian government from Indian citizens regarding the marriage of

18 For a more detailed discussion of indentured labour, see, for example: Carter 1995; Bates 2000; Yang 1989.
Indian Muslim women to Muslims from the Persian Gulf. Allegations were made that Gulf Arabs married these women, but then, once in the Gulf, their husbands threw off their marital ties and would ‘sell them’ sexually (Ministry of External Affairs 1961; Ministry of External Affairs 1963). These cases of ‘immoral trafficking’ were difficult to track because Indian women travelled on their husbands’ passports after marriage (Sethi 1963; Embassy of India, Kuwait 1964). The result was that Indian bureaucrats were left responding to the individual petitions of concerned Indian citizens.

One case of the immoral traffic in women was brought to the attention of the postcolonial Indian state through letters written from Rubiyabai, a Muslim woman from Bombay. In her letters, Rubiyabai was concerned because her daughter, Zuleka, had married a man she identified as ‘Arab’ and she was afraid that Zuleka had been forced into prostitution in Bahrain. Rubiyabai was illiterate, but she dictated letters to the Indian Government asking for help. One of these letters reads:

I have heard from people who are coming from Bahrain, that my daughter is kept in a sort of Jail under lock and key, and that the said Saba Bin Rashid [Zuleka’s husband] desires to make my daughter into a prostitute, and as such I am deeply grieved by this, and request you to be kind enough to make some special speedy enquiry into this matter and redress my grievances and save my daughter from the HELL that she is being put to, for which act of kindness I shall be much obliged, and it would be far better on my part if you could kindly arrange to send my said daughter back to India. (Rubiyabai 1961)

In response to this letter, the Indian Government asked the British Agent in Bahrain to look into the situation. In this and in the other cases I found in the archives, neither the allegation of forced prostitution nor the allegation of a wife’s ill treatment by her ‘Arab’ husband was substantiated. However, fears of the ill treatment of women and neglect of the marriage contract continued.

Rubiyabai’s fears were spurred by community gossip that circulated from the Gulf to India. Friends of friends with connections in the Persian Gulf told Rubiyabai that Zuleka was trapped within her home and Zuleka’s new husband was not honouring the marriage. They reported that the husband had misused Zuleka and forced her into prostitution. One reason Rubiyabai believed Zuleka was not free in Bahrain was because Zuleka began practicing purdah (physical segregation from men). The British political agent that visited the home found no problems with this arrangement and he also found
that Zuleka had embraced the practice of purdah (Rubiyabai 1961). Despite the conjectural nature of these claims of the ‘immoral traffic of women’, in 1965 the Ministry of External Affairs still found – citing this case and similar ones – that ‘Arab nationals from the Persian Gulf area are connected with immoral traffic in Indian women’ (Office of the High Commissioner of the United Kingdom 1961). This ‘immoral traffic’ was the given reason for a series of passport requirements instituted in 1965 in collaboration with British Agents in the Gulf with the intention of regulating women’s travel to the Arabic-speaking Persian Gulf (Ministry of External Affairs 1965).

In the contemporary moment, women’s dependency on male relationships for migration is most clearly seen in the process women who are over 30-years-of-age must go through to migrate – particularly the ‘No Objection Certificate’ that must be signed by a husband or father, and the need for those wishing to hire maids to be ‘vouched for’ by an Indian national (Consul General of India, Dubai 2016). This rule is meant to protect women and the reputation of Indians abroad. For men and women who are considered vulnerable to migrate legally, they must first receive permission from the Indian government via a local Protector of Emigrants (POE) office. At the POE offices, the officials are required to check the documents of migrants who have ‘Emigration Check Required’ stamped in their passports. The POE officers ensure that the worker has a valid job offer with a company that is not blacklisted by the government. The stated purpose behind this form of checking is to reduce the exploitation of vulnerable Indians. When unskilled or semi-skilled workers migrate legally, it is the job of the recruiting agent to ensure that the government guidelines are followed and that the jobs they are going to meet the government’s standards. In the process of migration, women become imbricated in familial and paternal relationships that are mirrored by the Government of India.

Conclusion: The Contemporary Moment and Women’s Migration

The current policies regarding women migrating to the Gulf and the Indian government’s interest in the moral position or virtue of women in the Gulf are not new. Connecting concerns, shared by such people as Rubiyabai, concerning ‘immoral traffic’ and the contemporary moment are the fears for women’s virtue, the assumed obligation of the Indian government to protect that virtue, and the subtle backdrop of class as an analytic space in which these gendered anxieties about virtue play out. Poor women have unequal access to migration and employment abroad, and this reinforces
the inequalities they face in India due to their gender and their economic position. This inequality is a marked contrast to the relative freedom that upper-class women have in moving abroad. For example, upper-class young women, such as daughters of recruiting agents, frequently go abroad to England or the United States to study. Recruiting agents would tell me proudly about how their daughters studied at American universities, and no one ever suggested that this was an immoral activity.

Trafficking discourses do not impact all Indian women equally. Some Indian Muslim women wished they could travel to the Gulf to mitigate the economic and social inequalities they experienced in India. One woman I met in the Gulf, Fahmida, told me that she loved living in the United Arab Emirates because she felt she was allowed to openly practice her Islamic faith. In particular, Fahmida said in the Gulf she could wear hijab (‘head covering’), without fear of harassment. The harassment she experienced in India, Fahmida told me, meant that she understood herself to be wrapping not only her headscarf, but also her jur’at (‘boldness’) whenever she left her home. She felt that this boldness was required so that she would not be intimidated by people’s negative comments when she walked down the road in India. For Fahmida, living in the Gulf allowed her to express her faith as she chose and avoid some of the stigma she experienced in India because she was a Muslim.

While upper-class women may travel with more ease, the barriers that poor women face when trying to travel internationally cannot be explained by simply a lack of certain skills or capital. The restrictions put on travel by the Indian government in an effort to protect the most vulnerable citizens create obstacles to emigration. As news articles highlight the potential for women to experience trafficking, less opportunities for Indian Muslim women arise. The conflation of India with Indian women permeates the contemporary moment and informs the restrictions on women travelling internationally. India’s reputation is located in the body of women abroad, and poorer women are constructed as unable to protect themselves. The effect is that working-class and most middle-class women are unable to enter the oil economy. Instead, women must rely on their fathers or brothers not only for legal status, but also financial support. Furthermore, the current implementation of trafficking policies calls into question how much the policies actually work to protect women. As emigration is currently regulated,

19 This reason for emigration was shared by Indian Muslim men as well; social and economic discrimination are two of the reasons Indian Muslim men emigrate to the Gulf in disproportionately large numbers.
young women who have not matriculated are unable to travel legally for work. This elides the ability of these women to migrate in order to inform their marriage decisions or access the larger salaries that are available in the Gulf. It also means these women may only work abroad illegally. Women are put in positions where they may be imprisoned by Gulf governments and are made vulnerable to violations of their labour rights, as they have no legal status in their host country. The invisibility of women to recruiting agencies means that the process through which women migrate creates the very problem that trafficking policies and procedures attempt to address.

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**About the Author**

**Andrea Wright** is an Assistant Professor in the Department of Anthropology and the Program in Asian and Middle Eastern Studies at the College of William and Mary. Her current book project looks at the development of the oil industry in the Arabian Sea and the role Indian migrant labourers have played in shaping that industry.