

Protection of Human Rights of Migrant Labour from India to Middle East: A Suggestive Framework

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Abstract

The paper explores the pressing issue of human rights protection for Indian migrant laborers in the Middle East. Despite the economic benefits of labor migration, these workers often face significant challenges, including exploitation, discrimination and inadequate legal safeguards. The study aims to shed light on these challenges and propose a comprehensive framework to enhance the protection of their human rights. The suggested framework includes strengthening bilateral agreements, legal reforms, pre-departure orientation, empowerment through information, monitoring and accountability, international collaboration and community support networks. The paper underscores the importance of a collaborative approach involving the Indian government, host countries and international organizations to ensure the safety, dignity and rights of Indian migrant laborers in the Middle East.

Keywords: Legal Reforms, Pre-departure, Orientation, Empowerment

Introduction

The migration of labor from India to the Middle East has been a significant economic and social phenomenon for several decades. This movement is driven by the search for better employment opportunities and the demand for labor in the Gulf Cooperation Council (GCC) countries. While this migration has contributed to the economic growth of both the sending and receiving countries, it has also raised concerns about the protection of human rights for Indian migrant laborers. These workers often find themselves in vulnerable situations, facing challenges such as exploitation by employers, inadequate legal protection, poor living and working conditions and social discrimination.¹ The lack of effective mechanisms to address these issues exacerbates their plight and undermines their fundamental human rights.

The importance of protecting the human rights of migrant laborers cannot be overstated. It is not only a matter of legal and moral obligation but also essential for sustainable development and social cohesion. Therefore, there is a pressing need to develop and implement a comprehensive framework that ensures the safety, dignity and rights of Indian migrant laborers in the Middle East. This paper seeks to analyze the challenges faced by these workers and propose a suggestive framework for the protection of their human rights. It emphasizes the role of the Indian government, host countries and international organizations in collaboratively addressing these issues. The paper aims to contribute to the ongoing discourse on labor migration and human rights, with the hope of fostering a more equitable and just treatment of migrant laborers in the Middle East. **Background**

The migration of Indian labor to the Middle East has a long history, with significant numbers of Indian workers moving to Gulf Cooperation Council (GCC) countries since the 1970s. This migration has been driven by the economic disparity between India and the oil-rich Middle Eastern countries, which offer higher wages and better employment opportunities. As a result, millions of Indian workers, particularly from states like Kerala, Tamil Nadu and Uttar Pradesh, have migrated to the Middle East in search of work. Indian migrant laborers in the Middle East are employed in various sectors, including construction, hospitality, healthcare and domestic work.² These workers play a crucial role in the economies of their host countries, contributing to infrastructure development and service provision. Remittances sent by Indian migrants back to India are also a significant source of foreign exchange, bolstering the Indian economy. Many workers are subjected to exploitation by their employers, including non-payment of wages, excessive working hours and poor working conditions.

The sponsorship system prevalent in many Gulf countries, known as the Kafala system, ties the worker's legal residency to their employer, giving employers significant control over the workers' mobility and employment status. Migrant workers often have limited access to legal protection and may face difficulties in seeking redress for grievances due to language barriers, lack of awareness and fear of deportation.³ Workers may be housed in overcrowded and unsanitary accommodation, with inadequate access to basic amenities. Migrant workers may face discrimination and social exclusion, impacting their mental and emotional well-being. India has entered into bilateral labor agreements with several Middle Eastern countries, outlining the rights and responsibilities of workers and employers. Many host countries are signatories to international conventions, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Indian diplomatic

missions in the Middle East provide assistance to Indian nationals, including legal aid and support in cases of rights violations. Various NGOs work to advocate for the rights of migrant workers, providing legal assistance, conducting awareness programs and offering support services.

Framework for Protecting Human Rights

To address the multifaceted challenges faced by Indian migrant laborers in the Middle East and ensure the protection of their human rights, a comprehensive and collaborative framework is proposed. Enhancing the scope and enforceability of bilateral labor agreements between India and Middle Eastern countries is crucial.⁴ These agreements should include specific provisions for the protection of migrant workers' rights, such as fair wages, safe working conditions and access to legal recourse in case of disputes. Advocating for legal reforms in host countries to recognize and protect the rights of migrant workers is essential. This includes ensuring that labor laws are inclusive of migrant workers and that there are mechanisms in place for workers to access justice without fear of retaliation. Implementing comprehensive pre-departure orientation programs for workers can significantly improve their awareness of their rights and the legal and cultural norms of the host country. Training should also cover practical aspects such as language skills, financial management and ways to seek assistance in case of rights violations.

Establishing information centers and helplines in both India and the Middle East can provide migrant workers with timely and accurate information regarding their rights, available support services and avenues for redress in case of grievances. Setting up independent monitoring bodies to oversee the working and living conditions of migrant laborers can help ensure that employers adhere to labor standards and human rights norms. These bodies should have the authority to investigate complaints and hold employers accountable for violations. Enhancing cooperation with international organizations, such as the International Labour Organization (ILO) and the United Nations, can provide additional support and resources for the protection of migrant workers' rights.⁵ Collaborative efforts can also help in advocating for global standards and best practices in labor migration. Encouraging the formation of support networks and community organizations among migrant workers can provide them with a platform for mutual assistance, information exchange and collective advocacy. These networks can also play a crucial role in raising awareness of rights and available support services. By implementing this framework, stakeholders can work towards creating a safer and more

dignified environment for Indian migrant laborers in the Middle East, ensuring that their migration experience is characterized by respect for their fundamental human rights.

Law protecting migrant worker rights in India

1. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979:

This Act specifically focuses on migrant workers who travel between states for employment.⁶ It guarantees them fair treatment by ensuring:

- **Registration of establishments:** This helps track migrant workers and employers, promoting accountability.
- **Regulation of terms of service:** Ensures migrant workers get a written contract outlining wages, working hours and leave provisions.
- **Travel and subsistence allowance:** Provides some financial support for travel costs and basic living needs during travel.
- **Prohibition on unfair deductions:** Protects migrant workers from unjustified deductions from their wages by employers.

2. The Minimum Wages Act, 1948:

This law applies to all workers, including migrants and sets a minimum wage that employers must legally pay for different types of work. This ensures migrant workers aren't exploited with very low wages.

3. The Payment of Wages Act, 1936:

This Act regulates timely payment of wages. It ensures migrant workers receive their earned wages within a stipulated timeframe after the work period is over. It also restricts deductions that can be made from their wages.

4. The Employees' State Insurance Act, 1948:

This Act provides social security benefits like medical care and income protection in case of sickness, workplace injury, or maternity leave. Migrant workers covered under this Act are entitled to these benefits.

5. The Bonded Labour System (Abolition) Act, 1976:

This Act aims to eliminate bonded labor, a practice where people are forced to work to repay debts. Migrant workers are particularly vulnerable to such exploitation. This Act prohibits bonded labor and offers legal recourse for workers trapped in such situations.

6. The Contract Labour (Regulation and Abolition) Act, 1970:

This Act regulates the employment of contract labor, which is common in the sectors where migrant workers are employed. It ensures contract workers, including migrants, get fair wages and working conditions that are at par with directly employed workers doing similar jobs.

These laws are crucial for protecting the basic human rights of migrant workers in India.⁷ However, effective implementation remains a challenge and migrant workers still face hardships in accessing their rights.

Challenges Faced by Indian Migrant Laborers

Indian migrant laborers in the Middle East encounter a range of challenges that affect their well-being and human rights. These challenges stem from various factors, including the nature of the migration process, the legal frameworks in host countries and social and cultural differences. Migrant laborers are often vulnerable to exploitation and abuse by employers. This can include long working hours, low wages, withholding of passports and poor working conditions.⁸ The Kafala system, prevalent in many Middle Eastern countries, ties the legal status of migrant workers to their employers, giving employers significant control over their lives. This system can lead to situations of abuse and exploitation, as workers may fear reporting violations for fear of losing their jobs and legal status.⁹ Migrant workers may face barriers in accessing legal protection due to language barriers, lack of awareness of their rights and limited access to legal services. This can leave them vulnerable to exploitation and unable to seek redress for grievances. Many migrant workers live in overcrowded and substandard accommodation, with limited access to basic amenities such as sanitation, healthcare and education for their children. Migrant workers may face discrimination and social exclusion in host countries, which can affect their mental health and well-being. This can be exacerbated by language barriers and cultural differences. Migrant workers often work in hazardous environments, such as construction sites, where they may be exposed to health and safety risks. Limited access to healthcare and occupational safety measures further exacerbate these risks. Some migrant workers may fall into debt bondage, where they are forced to work to repay debts incurred during the migration process. This can trap them in exploitative situations and

limit their ability to assert their rights. Migrant workers are often separated from their families for extended periods, leading to emotional stress and challenges in maintaining family ties.¹⁰ Addressing these challenges requires a comprehensive approach that involves collaboration between sending and receiving countries, international organizations and civil society. Efforts should focus on enhancing legal protections, ensuring access to justice, improving living and working conditions and promoting social integration and inclusion for migrant workers in the Middle East.

Conclusion

The protection of human rights for Indian migrant laborers in the Middle East is a complex and multifaceted issue that requires urgent attention and action. Despite the economic benefits of labor migration, many migrant workers face significant challenges, including exploitation, abuse and lack of legal protection. Addressing these challenges requires a comprehensive and collaborative approach involving sending and receiving countries, international organizations and civil society. The suggested framework outlined in this paper provides a starting point for addressing these challenges. Strengthening bilateral agreements, advocating for legal reforms, providing pre-departure orientation and training, empowering workers through information, enhancing monitoring and accountability mechanisms, promoting international collaboration and supporting community networks are all critical components of this framework.

The successful implementation of this framework requires commitment and cooperation from all stakeholders. The Indian government must prioritize the protection of migrant workers' rights in its diplomatic relations with Middle Eastern countries. Host countries must reform their legal frameworks to ensure the rights of migrant workers are protected and enforced. International organizations must provide support and resources to assist in the implementation of these reforms. The protection of human rights for Indian migrant laborers in the Middle East is not just a moral imperative but also a legal and economic necessity. By ensuring the safety, dignity and rights of migrant workers, we can create a more just and equitable society for all.

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