Blue-collar Emigration from India and Governance

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Abstract

Indian expatriates numbering about 6.5 million, i.e. one-third of the Gulf population, have been engaged in skilled, semi-skilled and unskilled work since the time of the oil boom in the Persian Gulf regions. Putting monetary benefits to one side, emigrants’ problems, such as false promises of recruiting agents, high visa charges, hurdles at workplaces and a defective system to address the grievances of Indian workers in the 18 Emigration Check Required (ECR) countries, are still unaddressed. With this background, the aim of this article is to concentrate on emigration from India to the 18 ECR countries listed by the Ministry of Overseas Indian Affairs (MOIA), Government of India (GoI). The GoI has identified these 18 countries because they are not labour- (emigrant-) friendly, and are vulnerable to exploitation with regard to their labour standards. The article begins with conceptualizing ‘emigration’ in the Indian context. By focusing only on the ECR countries, the real picture concerning the situation of Indian emigrants is unfolded. These 18 ECR countries are almost the same in their treatment of blue-collar emigrants. So, only this category of countries is selected for this work. The following key areas are discussed in this article: the role of the MOIA and the respective state governments in supporting and protecting these emigrants and their families; shortcomings in Indian embassies’ administrative structure in protecting blue-collar Indian workers; and the existing legislative provisions and welfare schemes for Indian emigrants working in the 18 ECR countries. In addition, the existing programmes at both central and state government level for returning and deporting workers are covered in this article.

Keywords

India; Emigration Check Required countries; Emigrants; Blue-collar workers; Welfare; Legislative

Introduction

The contemporary flow of emigration from India is of two kinds: the first is highly skilled professionals, workers and students with tertiary and higher educational qualifications emigrating to developed countries, particularly to the USA, the UK, Canada, Australia and New Zealand. This flow started after Indian independence and gained momentum with the emigration of Information Technology (IT) professionals in the 1990s. The second flow is the emigration of unskilled and semi-skilled workers emigrating to Gulf countries and Malaysia following the oil boom in the Gulf countries, mainly from

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Kerala and other south Indian states. Of late, however, northern states of India such as Uttar Pradesh (UP) and Bihar have also emerged as the leading states of origin for such emigration (GoI 2013).

The Indian sub-continent being driven by poverty, perceived wage differentials and persistent demand for cheap labour, encouraged and motivated workers to migrate to the Arabian Gulf for over four decades (Rajan and Joseph 2013). Oil-rich gulf countries such as the Kingdom of Saudi Arabia (KSA) and the United Arab Emirates (UAE) first imported labour from India and Pakistan, then from the Philippines, Indonesia, Thailand and Korea, and later from Bangladesh and Sri Lanka (Castles and Miller 2009). For more than four decades, millions of Indian emigrants have been substantially supporting the Gulf economy through their hard work, friendly mindset and distanced from any political affiliations.

Benefits from emigration – Indian perspective

Remittances are the main benefit of international migration, providing foreign exchange and the scope for higher level of savings and investments. Researcher Yang mentioned that remittances from international migrants are vital for many developing countries including India in improving the livelihoods of millions of people (as cited in Bhagat et al. 2013). During 2010, researcher Satyanarayan explained that even during the time of British rule in India, most colonial officials held the view that emigration mainly from southern India to Burma and Malaysia was beneficial for lower caste Indian workers (Satyanarayana 2010). The officials felt that emigrants worked abroad for a few years, returned with cash and bought a plot of land to cultivate themselves. It was also perceived that emigration raised the general level of prosperity, and that returned emigrants were better off than they had been before. More than economic and material benefits, emigration inculcated a sense of independence, equality, self-respect, self-reliance and dignity among people belonging to lower castes and classes who went abroad.

In the present scenario, India remained in the top spot, with US$70 billion in remittances in 2013 followed by China (US$66 billion) (World Bank 2012). During 2012, more than US$15 billion was remitted to India from the UAE, compared with US$11 billion from the USA (Ayres 2014). The UAE is one of the Gulf countries where Indian workers are engaged in blue-collar works. About two-thirds of Indian migrant workers leave from South India (20 per cent each from Kerala and Tamil Nadu). Over 95 per cent of India’s migrants moved to the Gulf oil exporters (Migration News 2008). More specifically, in India some less developed regions have benefited from remittance-based migration. In India, five states – mainly, Kerala, Punjab, Goa, Tamil Nadu and Andhra Pradesh (AP) – contribute 65 per cent of all emigration taking place from India (Bhagat et al. 2013).

Low per capita income and slow economic growth induced many Indians (notably from Kerala) to seek their fortunes on Gulf shores (Zachariah et al. 2014b). In Kerala, one of the core determinants of migration is the prevalence of unemployment in the state. Therefore, people from Kerala migrate
to other parts of India and overseas in search of employment. The constant flow of migrants from Kerala shows that they are finding jobs at different destinations. Hence, unemployment in Kerala is reduced by Gulf emigration. International migration and in-county migration have significantly reduced the number of unemployed by 32 per cent and the proportion of the unemployed by 20 per cent in Kerala (Zachariah et al. 2014a). Kerala’s economy heavily depended on its workers’ remittances from the Gulf countries. Kerala’s foreign remittances to its state economy has been seven times of what the state received from the Government of India (GoI) as budget support (as cited in Barbora et al. 2008, citing Zachariah and Rajan 2006). Remittances to Kerala state have continued to grow ever since Keralites started migrating to the Gulf region. Total remittances to Kerala during the 12-month period ending 1 March 2014 were Rs 72,680 crores (US$13.46 billion). As stated in the Kerala Migration Survey (KMS) 2014, the UAE attracted 38.7 per cent of Kerala emigrants and retained the first position with respect to emigration among all countries in the Gulf regions (The Indian Express 2014).

The Goa Migration Survey (GMS) conducted in the year 2008 showed most of the emigrants from Goa went to the Gulf (Government of Goa 2008). Emigrant households in Goa heavily invest their remittances for their children’s education and medical treatment by enrolling children into private unaided and self-financing educational institutions and visiting private and super speciality hospitals in Goa for treatment, respectively. Likewise, emigrant households in Dharmaj village in Gujarat stated that remittances were enough to meet the families’ basic minimum needs, including food, clothing and other household amenities. It was also observed that remittance income forms the second most important source of income for households in Dharmaj. Medical expenses and investment in business and micro enterprises were found to be quite high among emigrant households. Alongside this, remittance money was utilized for deposit (fixed period savings) or savings in banks and improvement of land (Sil 2014).

Meanwhile in India, Muslims are the weakest community in socio-economic and development indicators, where they are even worse than the scheduled caste and scheduled tribes of this country in some indicators (Ministry of Minority Affairs 2006). In 2011, the KMS reported that the unemployment rate was high among the Muslim community, but that this community dominated the share of emigrants from Kerala state (44.3 per cent). Emigrant Muslim households received an average remittance of around US$2,129.76 in a 12-month period. In a pilot study conducted by the Centre for Development Studies, unlike Kerala, where a huge Muslim population seeks its fortune abroad, the study found that 74.7 per cent of Hindus from Tamil Nadu leave the country to make a living, followed by 14.2 per cent of Muslims (Mariappan 2015).

Female international migration from villages of the Thiruvananthapuram district in Kerala led to the enhancement of their housing conditions after their migration. The effect on living conditions included improvement in lighting, drinking water, toilet facilities and the use of cooking fuel. Furthermore, the possession of consumer durable items among the migrated
households was increased. A majority of female migrants also reported that
migration has helped their standard of living (Reshmi and Unisa 2013). In
Muscat, the Keralite community has formed useful social networks to help
them with day-to-day life. Unskilled or low-qualified Indian workers in Oman
sent sizeable amounts of their salary as remittances to their families back
home (Deffner 2014). Similarly, in Bahrain, Indian workers sent the major
share of their salary to meet family expenses (Kanchana and Rajan 2014).

The India Human Development Survey, 2005 discussed female participa-
tion in household decisions. It found that venturing outside the home without
seeking permission and participation in the labour force are more likely
among women with migrant husbands than women whose husbands have
not migrated. Husbands’ migration has an influence on their wives only when
they (wives) live independently (nuclear family), i.e. not living in an extended
household. In this situation, women heading the nuclear family are more
likely make decisions independently regarding daily activities, the well-being
of their children, and have greater mobility and liberty than women living
with their husbands (as cited in Desai and Banerji 2008).

International migration from UP to the Gulf is a relatively new phenome-
on. Basti and Gonda were major sources of overseas migration from UP.
Data released by the Ministry of Overseas Indian Affairs (MOIA) on state
labour emigrations highlighted the dominance of emigration from UP, which
became a major source of international migration (Tumbe 2012). In the
meantime, UP has outnumbered Kerala emigrants in recent years. In
2009, UP surpassed Kerala, and during 2012 the emigration clearance from
UP was 95 per cent higher than that of Kerala – 191,341 versus 98,178.
Also, newcomer Bihar state was spotted in second position, having overtaken
Tamil Nadu, a state with a long-established emigration tradition (Kumar and
Rajan 2014).

Disruptive side of Indian emigrants

The living and working conditions of unskilled and semi-skilled Indian
workers in the Gulf leave much to be desired. The majority of these emigrants
are young males. More than half of them have invariably come from Kerala,
while the remaining persons have mostly been from AP, Goa, Karnataka and
Tamil Nadu. Over 60 per cent of them have had little formal education. So,
in the Gulf, they are usually fed and housed in barrack-like tenements and
engaged as labour on construction projects. As recruitment normally takes
place for fixed periods and for specific employment, there is a high turnover
of these migrants, though many of them have been known to have gone back
to the region after a while, with fresh job contracts (Ministry of External
Affairs 2011).

Although migration flow to the Gulf and Malaysia is dominated by semi-
skilled and low-skilled workers, they face many more problems in both origin
and destination countries than skilled workers and professionals. There is also
an unknown share of migrants of informal and irregular status in the Gulf
countries who may arrive on visit visas or via the free visa system or whose
sponsors have forced them into irregular status, but there is no reliable
information on their numbers. The share of female workers migrating independently for overseas employment is also important. India only permits women who are at least 30 years of age to migrate for low-skilled occupations. The commercialization of the recruitment industry has paved the way for a thriving industry of intermediaries in both origin and destination countries. It is well documented that the recruitment industry has been responsible for various malpractices and for the growth of irregular migration in the region (Wickramasekera 2002, 2011).

Arranging money for the migration process and repayment through remittance is to be taken account of in the economic cost acquired due to migration. In 2006, human rights activist Hadi Ghaemi reported that some workers could not raise money for the visa fees even by borrowing from friends and family or selling land to take loans for recruiting agents with exorbitant monthly interest rates (Ghaemi 2006). Ghaemi also told the story of an Indian construction worker living in the Al Quoz labour camp on the outskirts of Dubai city, who said the he had taken loan from an agent in India for US$1,343 and was paying 10 per cent monthly interest.

Further, the following list published by the MOIA highlights the common problems faced by blue-collar migrants in Gulf countries (The Indian Diaspora 2012):

1. The employment contract was unilaterally changed to the disadvantage of the workers by the foreign employers.
2. The worker was assigned to a different job from the one for which he or she was recruited in India.
3. The worker was not given any employment at all by the employer, or was made to look for a job himself or herself and forced to pay a commission out of his or her salary.
4. The registered recruiting agent charging a higher service charge than prescribed.
5. The employer did not pay wages on time.
6. The employer terminated the employment contract prematurely.
7. The worker was subjected to unsatisfactory living and working conditions or harassment.
8. The worker encountered a delay in payment of death or disability compensation.

**Need and Methodology for this Study**

In 2010, Krishna Kumar, a former Secretary of the MOIA, pointed out that India has operated hitherto in a policy vacuum in so far as international migration is concerned. As mentioned earlier, labour flow to the Gulf countries from India is dominated by low-skilled or blue-collar workers. As there is no policy framework in place in India for emigrants, issues concerning them must be given more importance and addressed through the MOIA (Thimothy 2013). Most Indian workers in the Middle-East are low-wage earners without any long-term benefits such as pension and deferred wages in the form of a
bonus. What is worse, they are often victims of exploitation by their employers, who do not give them the promised wages or provide proper living conditions (Misra 2014).

As per the survey conducted during 2009 by the Reserve Bank of India (RBI), foreign exchange from Gulf countries accounted for 27 per cent of total remittances during the first half of 2009–10 (RBI 2010). So, it is very apparent that low-skilled workers supported the Indian economy through foreign exchange, but their long-standing problems in both origin and destination countries remain unsolved. This situation interested the author to look into the existing nature of legislative provisions available to protect blue-collar emigrants moving from India and their left-behind families. Additionally, social security schemes available for present emigrants, deported emigrant returnees and families of emigrants in major labour-sending states, such as Kerala, Tamil Nadu, Goa, etc. are presented in this article. Lastly, the role of Indian embassies in Emigration Check Required (ECR) countries in dealing with labour issues is analyzed.

Data collection for this article was mainly dependent on grey data and secondary data sources. A desk review methodology framework was developed to address the desk review objectives as outlined above, based on the desk review criteria. The author conducted a desk review of documents at both global and national (India) levels. Global documentation included International Labour Organisation (ILO) and World Bank documents. Grey data was collected from national level documents from the MOIA, Indian embassies in ECR countries, the Tamil Nadu state government (TNSG), and other documentation from the Indian Parliament, the Indian Migration Report, states migration survey reports, etc. This study is a desk review which applied content analysis of GoI data especially while dealing with activities of Indian embassies and issues related to deported emigrants from different Gulf countries. The results of the analysis are presented in following sections.

**Concepting Emigration**

Due to circumstantial changes, migration took different forms. Since the usage of the term ‘migration’, it has taken several shapes. Usually, the level of migration is the focal point while explaining the term ‘migration’. Interstate migration, intra-state migration and overseas migration broadly come under different categories of migration. When people move from one state to another state within a country, it is called ‘inter-state migration’, whereas when they move from one place to other place within a state, it is called ‘intra-state migration’. The crossing of one nation’s border and entering into another nation’s border is broadly covered under ‘emigration/overseas migration’. Concept mapping of the term ‘emigration’ was derived upon the literature exclusively based on the Indian context.

The emigrant is the major player in the emigration process. So in this article, both the terms ‘emigration’ and ‘emigrant’ are used as complimenting each other rather than substituting each other. The term ‘emigration’ is used to refer to intending migrants or emigrants already moved from the country of origin (India) to some other country. At the same time, apart from the word
‘emigration’, there are different terminologies used for explaining overseas migration, such as ‘international migration’, ‘diaspora’ and ‘expatriates’. In Indian context, the term ‘non-resident Indians’ (NRIs) is often used to denote persons of Indian origin (PIOs) who have acquired the citizenship of some other country and live outside India.

Indian diaspora literally means dispersion of Indians from India ( homeland), though there are many reasons for the dispersion of Indians in the post- and pre-independence period. To be more precise, Indian emigrants and their descendants reside outside India either temporarily or permanently, but have affective and material ties in India. According to the GoI, in the Indian context, diaspora as a generic term includes both NRIs and PIOs. Therefore, Indian diaspora is the broader spectrum which further classifies different types of overseas migration or emigration. The entire focus of Indian diaspora is based on ‘identity’ issues of Indian origin.

The Report of the high level committee on Indian Diaspora in 2001 defines NRI as Indian citizens, holding Indian passports and residing abroad for an indefinite period, whether for employment or for carrying out any business or vocation or for any other purposes. In this definition, the emphasis is on the Indian citizen’s indefinite stay/residence status abroad. At this juncture, it is useful to be reminded of the NRI definitions set out in the Foreign Exchange Management Act, 1999 (FEMA) (GoI 1999) and the Income Tax Act, 1961 (IT Act). In relation to the collection of tax from NRIs, the FEMA treats them as NRI irrespective of the number of days they stay in India; whereas the IT Act gives importance to the duration of stay, i.e. the emigrant is called NRI if his or her stay in India does not exceed 181 days (Ministry of Finance 1999). As a whole, duration is the main gauge used in FEMA and IT Act definitions to explain NRIs. So, the above mentioned definitions go beyond temporary and contractual emigration.

We now introduce another category of emigration process followed in India, under which intending emigrants must obtain clearance from a regional Protector of Emigrants (PoE) before taking up a job in any one of the 18 ECR countries. Currently, the India Emigration Act, 1983 is implemented to protect ECR emigrants. In this Act, section 2(f)(d) and (f) covers intended emigrants and those who have emigrated outside India who are employed in any ECR countries. Further, section 2(d)(o) includes the nature of work, such as unskilled work, domestic work, driver, mechanic, technician, skilled labourer, artisan, typist, stenographer salesman, nurse (author’s emphasis), operator of machinery, non-managerial services in hotels, restaurants, tea-houses, cinema houses, exhibition or entertainment centres and other places of public resort. But in practice, nurses are not covered under this Act because they are qualified above matriculation and concurrently skilled labourer is not further classified. This article has, so far, dealt only with issues of ECR emigrants. Now, the wider viewpoint of Indian diaspora is narrowed down/sub-divided into emigration and further classified as ECR emigration.

KMS and GMS are two exclusive surveys undertaken in India to estimate both migration within India and outside India, i.e. emigration. In these surveys, KMS defines emigrants as persons who are usually members of a household in Kerala, but living outside India at the time of the survey.
Emigrants are not the same as persons of Kerala origin or diaspora. Children born outside Kerala to Kerala-born parents are not emigrants. Emigrants are only a sub-group of diaspora. In GMS, members of the household who had moved out of Goa and were living outside India at the time of the survey are considered as emigrants. The dilemma has always existed of the inclusion and exclusion of dimensions while framing the operational definition of emigration.

By studying parliamentary data, irrespective of context, in question hours and debates in the Indian Parliament there were substitution of terminologies and meaning between NRIs, diaspora, emigrants and expatriates. Using appropriate terms is vital because the problems faced by emigrants are dependent on their work, economic and citizenship status at arrival countries. For example, the USA provides the Green Card facility for Indian professionals based on the offer of permanent employment in the USA. Later, they are classed as NRIs because of their residential status. Therefore, Indian Green Card holders’ status in American society is more powerful than temporary migrant Indian workers in Gulf countries.

Even though there are dissimilarities between NRIs and ECR emigrants, these terms are often used interchangeably. Apart from holding an Indian passport, it is the type of work and the destination countries which determine the fate of emigrants. Table 1 highlights some major distinctions among NRIs and ECR emigrants.

It is very important to classify NRIs and ECR emigrants under the emigration category. At present, these two categories of emigrants cannot avail dual citizenship, but it is a long standing demand of NRIs. Usually, emigration or emigrants are classified under the term ‘Indian diaspora’. However, to recognize the large overseas Indian workforce community, a separate classification

| Table 1 |
| Distinctions between non-resident Indians and emigrants to Emigration Check Required countries |

<table>
<thead>
<tr>
<th>Non-resident Indians</th>
<th>Emigrants to Emigration Check Required countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>White-collar emigrants</td>
<td>Blue-collar emigrants</td>
</tr>
<tr>
<td>Professionals, students</td>
<td>Labourers</td>
</tr>
<tr>
<td>and entrepreneurs</td>
<td></td>
</tr>
<tr>
<td>Emigrated to western countries such as the USA, the UK, etc.</td>
<td>Largely in Middle-East countries (oil-rich countries), such as Kuwait, Saudi Arabia, Qatar, Oman, etc.</td>
</tr>
<tr>
<td>Provision for conversion of temporary residence into permanent residence at destination countries is available</td>
<td>No such provisions are available</td>
</tr>
<tr>
<td>Emigration with family is offered</td>
<td>Individual emigration by leaving family in origin country (India)</td>
</tr>
</tbody>
</table>

of ‘labour diaspora’ must be included under the term ‘Indian diaspora’. Respectively, more sub-sections of emigrants based on their qualification, nature of work, labour policy at destination countries, etc. can be included based on the dynamic nature of emigration. Lastly, while conceptualizing emigration, the dimensions outlined in figure 1 can be considered for better conceptualization of ECR emigrants.

**Legislative Provision for Emigrants**

The Emigration Act, 1983 is the only predominant legislative provision which covers almost all the major stakeholders in the process of emigration from India to the 18 ECR countries. This Act comprehensively lays down regulations for recruiting agents and devolution of powers to emigration authorities, but less focus (coverage) for the welfare of emigrants and their families. The major players in this Act are intending emigrants, registered recruiting agents and foreign employers of direct labour. These three players are managed by the emigration authorities in India; they are called PoEs and are directed by one Protector General of Emigrants (PGE). Both PoEs and the PGE work under the MOIA to provide better emigration services, particularly for the 18 ECR countries. At present, there are ten PoE offices located in different states in India: Mumbai in Maharashtra, Chennai in Tamil Nadu, Delhi, Hyderabad for both AP and Telangana states, Kolkata in West Bengal, Cochin and Thiruvananthapuram in Kerala, Jaipur in Rajasthan, Rae Bareli in UP, and Chandigarh. PoE offices are opened in response to the flow of emigration to

![Figure 1](image-url)

**Conceptual dimensions of emigration**

- **Pattern of migration**
  - Moving from one country to another country

- **Nature of migration**
  - Voluntary/unforced migration

- **Economic migrant**
  - Purpose is to earn money, not to settle in destination country

- **Education**
  - Below matric (below 10th standard)

- **Skill**
  - Unskilled and semi-skilled

- **Duration**
  - Temporary

- **Type of employment**
  - Contractual

- **Visa duration**
  - Initially for 3 months then extended up to 2 years by the employer

- **Emigration clearance**
  - Through regional PoE office

- **Destination countries**
  - 18 ECR countries

- **Accompanying family**
  - Restricted

- **Dual citizenship**
  - Restricted

*Source: Prepared by the author, 2014.*
Gulf countries. However, although the recent emigration trend, especially among blue-collar workers, tends to show that there is emigration movement from Bihar state, there is no PoE office there to facilitate the intending emigrants from this state.

The role of PoE offices is not only to monitor registered agents but also unregistered agents. The authorities receive complaints from emigrants stating that they were cheated by fraudulent/unregistered agents by fake offers of overseas employment through advertisements in local newspapers, emails, etc. charging exorbitantly and sending people abroad on visiting visas. See table 2 for complaints registered with various PoE offices under different categories. In addition to this, in PoE offices complaints are also received against registered recruiting agents, which generally relate to overcharging, violation of contractual provisions of workers in destination countries, ill-treatment by the foreign employer, adverse working conditions of workers, harassment, etc. (see table 3).

The Emigration Act 1983, which was in force for over two decades, was replaced by the Emigration (Amendment) Rules, 2009. The major highlights of these amended rules concentrated only on recruiting agents. Moreover, this amendment has increased the service fees charged by recruiting agents up to US$316 for intending emigrants. Previously, service fees were US$31.6 for unskilled workers, US$47.4 for semi-skilled workers, US$79 for skilled workers and US$158 for the remaining categories of workers (if any). But,

### Table 2

Number of complaints received against unregistered agents from 2011 to 2014

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>225</td>
</tr>
<tr>
<td>2012</td>
<td>254</td>
</tr>
<tr>
<td>2013</td>
<td>272</td>
</tr>
<tr>
<td>2014 (to 30 June)</td>
<td>88</td>
</tr>
</tbody>
</table>

*Source: MOIA 2014.*

### Table 3

Number of complaints received against registered recruiting agents from 2011 to 2014

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>212</td>
</tr>
<tr>
<td>2012</td>
<td>267</td>
</tr>
<tr>
<td>2013</td>
<td>220</td>
</tr>
<tr>
<td>2014 (to 30 June)</td>
<td>60</td>
</tr>
</tbody>
</table>

*Source: MOIA 2014.*
section 2(o) of this Act gives an imprecise definition of work; therefore, there are no categorical definitions for both unskilled and semi-skilled workers. Moreover, the GMS shows that the average cost of migration is about US$978, of which US$447 is the cost of the recruiting agents which is above the ceiling fixed under the Indian Emigration Act 1983.

The major features of the Emigration Act, 1983 are as follows:

1. sets out the various functions of emigration authorities;
2. sets out the procedure for registering recruiting agents;
3. permits the procedure for recruitments by employers of foreign countries;
4. sets out the procedure for providing emigration clearances for emigrants and exempted emigrants under this Act; and
5. sets out the offences and penalties for wrong doing of recruiting agents, persons and unregistered agents engaged in cheating emigrants.

In this Act, sections 2(d) and 22 expand the requirement for an emigrant to get emigration clearance under this Act. So, those emigrants who have not passed the matriculation examination (10th standard) and are moving for employment purposes to any of these 18 ECR countries should get clearance from the relevant PoE office. Obviously, emigrants who passed the matriculation examination and other higher studies are exempted from applying clearance at PoE offices.

The MOIA imposed an age restriction for female emigrants (aged 30 years or below) going to the 18 ECR countries for domestic/housemaid jobs. At the same time, there are no age restrictions for nurses and teachers working in the 18 ECR countries. The reasons cited by the MOIA for imposing an age regulation is based on complaints received by Indian embassies in the 18 ECR countries from women workers, particularly housemaids, about:

1. non-payment of salaries;
2. long working hours;
3. inadequate living conditions;
4. physical harassment; and
5. refusal of leave.

At this juncture, it is vital to be reminded that Amnesty International’s recent report spotlights that one-third of migrants working in KSA faced problems with their salary, such as underpayment, late payment, non-payment, underpayment or no payment for overtime work, along with sub-standard living conditions (Amnesty International 2014). So, the above mentioned problems are common for male workers too; physical harassment, especially, of male workers takes place in different forms. Therefore, will the MOIA come forward to impose the same kind of age regulation for male workers? So, unnecessary stoppage such as age limitation must be reviewed by the MOIA because it is the right of every person to designate the appropriate means for securing the necessary source of income to enhance their quality of life.
State Government Schemes for Emigrants

Kerala

The Government of Kerala (GoK) constituted the Non-Resident Keralites’ Affairs Department (NORKA) in response to the high magnitude of emigration from Kerala to Gulf countries and to ensure the welfare of Non Resident Keralites (NRKs). The aim of the NORKA is to address NRKs’ problems, safeguard their rights and rehabilitate returnees from abroad. This is the only state government department which has comprehensive welfare measures for emigrants, essentially focusing on low-income Gulf emigrants. Intending emigrants are given a pre-departure training programme at various regional offices in Kerala. The purpose behind this training is to make intending emigrants aware of job situations, visa regulations, employment contracts, the way in which to approach Indian embassies during situations of distress, etc. The GoK regularly conducts a series of KMSs to estimate NRKs and remittances, and through these surveys the NORKA is able to build a reliable database on various aspects of NRKs in order to frame welfare schemes.

We now describe three welfare schemes for NRKs.

Santhwana. The Distress Relief Fund for NRKs entitled ‘Santhwana’ was constituted by the GoK. This scheme provides assistance for only NRK returnees who worked for at least two years in foreign countries, provided their family annual income does not exceed US$1,580 and the NRK returnee does not engage in any activities at the time of applying under this scheme. The major features of this scheme are:

1. medical assistance for the NRK and dependent family members;
2. death assistance to NRK family members;
3. assistance for the NRK returnee’s daughter’s marriage;
4. to obtain artificial limbs, crèches, wheelchairs or other aids to overcome the physical disability of the NRK or his or her dependents.

The GoK official record shows nearly 1,009 NRK returnees benefited through this scheme from 1 April 2012 to 31 March 2013. See table 4 for further detail on the quantum of maximum monetary help NRK returnees can avail.

Pravasi Welfare Fund. Recognizing rehabilitation benefits and to promote saving habits among Keralites both abroad and in India (working or residing outside Kerala), the GoK came forward to organize a welfare fund to provide welfare schemes for NRKs/NRKs in India. Benefits are restricted only for welfare fund members, at present there are about 8,000 members in the Pravasi Welfare Fund. The Non-Resident Keralites’ Welfare Fund Act, 2008 has developed some welfare schemes for the benefit of NRKs, such as:

1. a pension scheme;
2. a family pension scheme;
3. a pension scheme for invalids;
4. a scheme for financial assistance to dependents of a deceased member;
5. a scheme for financial assistance for medical treatment, accident-cum-death insurance scheme;
6. a scheme for financial assistance for marriage of daughters of members;
7. a scheme for payment of financial assistance for maternity;
8. a scheme for payment of educational grant;
9. a scheme for payment of loan for housing and self-employment.

NORKA Department Project for Return Emigrants. Emigrants who, after living or working abroad for two years, return permanently are eligible under this scheme to receive a capital subsidy for undertaking activities such as agribusiness, pisciculture, dairy farming, food processing, integrated farming, trading, services such as restaurants, tax-services, etc., and for commencing micro small and medium enterprises. In order to encourage returnees with low skills and little savings, the Kerala government set up the NORKA Department Project for Return Emigrants (NDPREM). Within this scheme, returnees are given training to start small scale enterprises. Under this scheme, returnees are defined under two categories:

1. return emigrants are individuals who have returned permanently after living abroad for at least two years;
2. in the case of companies/partnerships/societies, all shares/membership should be held by the return emigrants themselves.

A capital subsidy of up to 10 per cent, i.e. a maximum of US$3,160 of the project cost not exceeding US$2 million (maximum sanction under NDPREM) is provided under this scheme. Table 5 further discusses the other major initiatives taken by the GoK.

Table 4

Benefits of various assistances under Santhwana scheme

<table>
<thead>
<tr>
<th>Assistances</th>
<th>Maximum amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death compensation</td>
<td>US$1,580</td>
</tr>
<tr>
<td>Aid for serious health problems and other diseases</td>
<td>US$790 and US$316, respectively</td>
</tr>
<tr>
<td>Marriage-related aid</td>
<td>US$237</td>
</tr>
<tr>
<td>Purchasing wheel chairs, crèches, artificial limbs</td>
<td>US$158</td>
</tr>
</tbody>
</table>

Source: NORKA 2014.
Goa

To protect and aid Non-Resident Goans (NRGs) abroad, a separate NRI commission was constituted under the Government of Goa. Under this commission is the government support programme entitled the Non-Resident Goans Emergency Repatriation Fund (NRGERF), which mainly benefits distressed and low-income NRGs abroad (NRI Commission 2011). This programme provides assistance for:

1. transportation of the mortal remains of deceased NRGs abroad in extremely deserving cases;
2. repatriation of NRGs with serious medical conditions; and
3. repatriation of distressed NRGs employed in low paid jobs.

Furthermore, the Goa NRI commission established the Overseas Employment Agency of Goa to help the youth of Goa to upgrade their skills and grasp opportunities in the Middle-East and South East Asian countries. Training is provided free of charge, and such skill upgrading training and foreign orientation programmes have been conducted for electricians, plumbers, welders, refrigeration and air-conditioning mechanics, fitters, diesel mechanics, IT

Table 5

<table>
<thead>
<tr>
<th>Programmes</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman fund</td>
<td>By this fund financial assistances are provided to meet the funeral and medical expenses of NRKs and their family members. It is not mandatory that NRKs and their dependents availing help through this fund need to be NRK returnees</td>
</tr>
<tr>
<td>Karunyam</td>
<td>One-time grant for assisting the repatriation of the mortal remains of NRKs who died abroad. Reimbursement is made for original payment made by the applicant. This scheme is available for NRKs serving at least 2 years abroad, and his or her family caught in extreme financial distress are eligible up to US$790 for assistance in bringing back the mortal remains of the NRK</td>
</tr>
<tr>
<td>NRK identity card project</td>
<td>This plan started in 2008 for issuing identity cards for NRKs working a minimum of 6 months abroad. It also enables a database to be maintained of the full details of NRKs in various countries</td>
</tr>
<tr>
<td>Tracking missing NRKs</td>
<td>NORKA-Roots joins hands with relatives of missing emigrants abroad to trace them by getting help from different governments and other agencies</td>
</tr>
</tbody>
</table>

Source: NORKA 2014.
operators and hospitality workers. Goa is one of the few states in India to have conducted an exclusive survey (the GMS, published in 2008) in order to highlight different features of both internal and international migration from Goa (Government of Goa 2008).

Tamil Nadu

Tamil Nadu is one of the states in India that sends a considerable number of migrant workers to Malaysia and the Gulf countries. To promote the welfare of migrants, the Government of Tamil Nadu has set up a Non-Resident Tamils (NRT) cell in the Commissionerate of Rehabilitation. By the order of this Commissionerate, each district in Tamil Nadu is instructed to open an NRT cell to redress the grievances of migrant workers and their families. Recently, in 2014, the TNSG through its Commissionerate allotted one crore rupees (US$10 million) to assist troubled Tamil workers in major labour receiving countries such as Malaysia. The NRT cell is in the process of developing comprehensive schemes for NRT, very similar to benefits under the Non-Resident Keralites’ Welfare Fund. But unfortunately these schemes are still under the consideration of the TNSG. The main function of the NRT cell is to refer the complaints of NRTs or their families to the MOIA or in some cases, to refer the complaints directly to Indian embassies abroad. A separate welfare board to safeguard NRTs is yet to be set up by the TNSG. The main function of this welfare board would be to implement and monitor the welfare schemes available for NRTs and their families. The absence of data on NRTs is a major setback in formulating appropriate welfare measures for emigrants from Tamil Nadu.

Other states

The AP Government has an NRI department to govern the affairs of overseas residents and workers from AP. Due to the recent bifurcation of the AP state and the formation of a new state called Telangana, it is better to give these two state Governments a reasonable amount of time to frame initiatives for their overseas working population in the Gulf. However, the Government of AP provides an online grievance redressal platform to address various issues of AP NRIs abroad. The NRI department of the AP government also initiated a data management system to develop comprehensive data on emigrants from AP to the Gulf countries.

The case is quite different in UP, where the state Government has an NRI cell functioning under the department of infrastructure and industrial development. From this it is obvious that the UP Government only expects and facilitates NRIs from UP to make investments in the industrial sector, infrastructure and service sectors in the state. In contrast, no welfare measures at the state level are in place to help the lakhs of low-income workers in Gulf countries.

As far as the Government of Bihar is concerned, recent trends in emigration from India to the Gulf countries show that Bihar is emerging as a new
spot for emigrants. Again there is no department and there are no institutions functioning under this state Government to protect and frame welfare programmes for emigrants. The point to consider is, even now, there is no PoE office in this highly emigrant concentrated state to regulate and monitor the emigration process. So, this might be a major reason for registered and unregistered recruiting agents concentrating on this state for comparatively cheap labour to oil-rich countries.

Issues Related to Deported and Returning Workers in India

The deportation of Indian workers working in different countries is usual and it happens based on the policy of the migration receiving countries. There may be several reasons for any foreign nations to deport foreign workers from their country. Answering a question in Lok Sabha (24 November 2010), the MOIA stated that the deportation of Indian workers from Malaysia and the Gulf countries is quite common. Based on parliamentary data, it is noted that more than two lakhs Indian workers had been deported from 2007 to 2010 due to not having valid visas or work permits. These are the core issues faced by a myriad of workers in their respective destination countries. Almost 7,923 Indian workers left UAE during the two-month amnesty period announced by the same Government (4 December 2012 to 4 February 2013). The Embassy of India (EoI) in Abu Dhabi and the Consulate in Dubai issued Emergency Certificates for the safe exit of Indian workers from UAE.

While answering a question in the Indian Parliament, the Minister of the MOIA gave an assurance that necessary actions would be taken to address the issues of deported Indian workers. However, the ministry has not even taken a single step in resolving the pending issues. For an Indian emigrant, at the time of deportation, assistance must be provided in both destination countries such as UAE, KSA, etc. and the origin country (India). In some destination countries such as Dubai and UAE, the ministry has established an Overseas Workers Resource Centre (OWRC) with a 24-hour helpline. India has signed memoranda of understanding and bilateral agreements with major labour-receiving countries in the Gulf. Besides that, by using the Indian Community Welfare Fund, the EoI in Gulf countries provides all assistance for the safe return of distressed/illegal emigrants. However, the functioning of the OWRC is debatable, but this topic is not within the scope of this article. On the other hand, in India, effective steps have not been taken to facilitate the returning migrants.

The Ministry answered in Parliament (18 August 2011), that the GoI constituted a ‘High level core-group’ to prevent illegal migration. This group was headed by the Secretary of the MOIA and the group circulated a template to all state governments to formulate action plans to control irregular migration from their states. However, no such plans were framed by any state governments for controlling illegal migrants except Punjab and Kerala. As mentioned in the previous section, Kerala is the only state in India that encourages returnees and assists them through the welfare scheme under the state Ministry NORKA. There is no psychological or social support system in place to handle deported migrants from any kind of crisis when they return.
to India or in their respective states. See figure 2 for brief snapshot of existing services for ECR emigrants.

**Indian Embassies in Gulf Countries**

Indian embassies in the 18 ECR countries are in a position to determine the fate of ECR emigrants besides their employer and the labour policy of destination governments. For ECR emigrants, Indian embassies are the major source through which they can solve their labour issues, bringing back mortal remains, providing shelter for distressed emigrants, etc. Visiting labour camps (if any) in the 18 ECR countries is not mandatory for embassy officials, but it is the duty of the EoI to ensure the safety of Indian workers staying in labour camps. This minimal duty is not executed by embassy officials; the major reason stated by the EoI is that it does not have sufficient staff members to execute the duty of visiting labour camps. To some extent, the above reason can be acceptable but by analyzing the documents supplied by the EoI in Kuwait, it is understood that the EoI indirectly safeguards the companies in Kuwait (i.e. employers) and does not fully care for and protect Indian workers (i.e. employees). In a reply under the Right to Information Act, 2005 (RTI) dated 18 June 2013, the EoI in Kuwait admitted that if a complaint is received from an Indian worker working in a reputable company, and if no previous complaints have been received against the company, then there will be no labour camp visits to investigate the
complaint lodged by worker(s). This practice by the EoI clearly showed how far the EoI distanced itself from workers in getting out of trouble. The EoI should remember that its first priority is to safeguard workers rather than supporting and facilitating the wrong doing of big or small companies in the Gulf.

The MOIA has stated that best practices of the Philippines model will be used while dealing with overseas Indian workers. Philippines embassies in the Gulf countries make periodical visits to labour camps and report the situation to their country officials. Based on this, the Philippines Government negotiates with destination countries to improve and protect their labourers. However, the MOIA through Indian embassies has completely ignored the good practice implemented by the Philippines Government for labour welfare.

In another case, as per emigration rules of India, it is mandatory for all work contracts for recruitments of manpower from India to be attested by the EoI in the 18 ECR countries. Some embassies in the 18 ECR countries carry out attestation of contracts online and some in person. While examining the contract forms, especially in major Indian labour-receiving countries such as UAE, Kuwait and Malaysia, it is mandatory for the employers to register the name of Indian employees with the EoI after their arrival. Depending on the EoI, the maximum period is fixed for the employer to register the arrived Indian workers. This compulsory registration features under the ‘Terms and Conditions’ in the contract form. Consequently, the foreign employers are bound to abide all the requisites while recruiting Indian workers. Apart from this requirement, providing various facilities for the workers such as free food, accommodation, transportation (between work place to labour camp), leave benefits, etc. are included in the contract deal. Now, it is duty of embassy officials to check whether the employer is fulfilling or abiding by the agreed terms and conditions.

By analyzing the documents supplied by the EoI regarding the details of ECR migrants currently working or who have worked in any of these 18 countries, it is very clear that no such records on workforce details are maintained by the EoI. Even now there are no tracking systems in place to ensure the safety of Indian workforces working in difficult conditions in Arab nations. A serious question then arises, what mechanism is in place especially in Gulf countries and some South Asian countries to protect our blue-collar workers through the EoI?

The MOIA or the EoI cannot easily escape from their duties by saying that compelling employers or big companies will affect the relationship or create adverse effects in both countries’ relationships. If this irrelevant argument is maintained while making compulsory the registration of Indian workers by the employer with the EoI, then how was it possible for the GoI to fix minimum wages for different categories of workers in major Indian labour countries such as KSA, Malaysia, Kuwait, UAE, etc. (whether all the companies in these countries implemented these minimum wage structures is debatable and not within the scope of this article)? Therefore, when we compare the implementation of minimum wages in major labour-receiving countries with the registration of workers in the same countries, the latter is a relatively easy
process, which should be taken up by concerned authorities for developing better tracking system on Indian workers.

**Discussion**

Remittances from emigrants are a crucial source of livelihood for many individuals and households (Sikder and Ballis 2013). As discussed in previous sections, existing literature has extensively covered the economic outcomes of remittances at the household level. Particularly in Kerala, great importance was given to assess different dimensions of emigration. International migration from Kerala significantly reduced the rate of unemployment, and remittances assisted in improving basic needs, better medical treatment, child education, purchasing consumer durable items, etc. Similarly in Goa, households receiving remittances from emigrants also showed a positive impact. Emigrations seem to enhance the standard of living of households in Kerala and Goa. However, the initial costs, i.e. the economic cost of emigration such as brokerage expenses, medical expenses, travel expenses, visa expenses, etc. incurred by emigrants indicates that the poor cannot afford overseas migration. By seeing the cost incurred by emigrants from Kerala and Goa, both central and state governments failed to frame appropriate measures to regulate both registered and unregistered recruiting agencies.

Nearly all Gulf Cooperation Council countries have declared an official ban on the holding of employees’ passports by employers. Yet the actual practice on the ground is different – the retention of passports of migrants by employers is still a recurrent and *de facto* practice (Kanchana and Rajan 2014). This practice is evident from KMS and GMS studies which depicted the living conditions of Indian blue-collar workers in the Gulf countries and Malaysia. Unfortunately, the issue related to the confiscation of workers’ passports by overseas employers is still unaddressed. Therefore, in emigration, there are disruptive effects on both the emigrants themselves at their destination and on the family members left behind at home (Oh 2014). In the Indian context, there exists a knowledge gap of the actual impact of remittances on the well-being of emigrants’ family members.

The India Emigration Act, 1983 is regulatory in nature. Therefore, in this Act, not much importance has been placed on raising awareness among migrants to overcome exploitation (Sasikumar and Hussain 2008). The context of using ‘regulatory’ with this Act connects with recruiting agents and emigration authorities, but not with the dimensions of emigrants’ protection and welfare. Concurrently, this Act is not gender sensitive and there is no separate dimension dedicated to address problems faced by female workers. Moreover, families of emigrants are entirely ignored in this Act.

According to Kenichi Hirose (Hirose *et al.* 2011), due to the principle of territoriality, the migrant’s home country often excludes him or her from the social security system, therefore this principle restricts the boundary of social security measures within the country to its territory. At the same time, due to the principle of nationality at the destination countries, the basic rights of the migrant workers may be affected. At the same time, due to the principle of nationality in destination countries, the basic rights of the migrant workers...
may be affected and they are also excluded from social security programmes of destination countries. So, most of the migrants engaged in blue-collar work are completely excluded from social security (as cited in Thimothy 2013). Both the principles explained above fit perfectly in the Indian context. The lack of existing knowledge on the various welfare schemes introduced by different states in India led the author to outline the current schemes. The GoK has comprehensive welfare schemes when compared to other major emigrant sending states such as Tamil Nadu, UP, Bihar, etc. By realizing the contribution of emigrants to the Kerala economy, the Government established a separate ministry, NORKA, to govern emigrants. In fact, Kerala is the only state in India to have a separate ministry for its overseas migrants.

Until now, the MOIA is unable to fix the problems of illegal migrants which lead to deportation. By examining MOIA documents, it is apparent that there are no schemes and rehabilitation programmes to assist deported workers. As argued in the previous section, the roles of the labour attaché wing in Indian embassies in assisting blue-collar workers are not satisfactory. Thus, Indian embassies always lacked transparency and accountability in their functioning.

Conclusions and Summary

To protect migrants from the various exploitations that are discussed earlier, the MOIA must frame and implement a comprehensive separate policy at the national level by giving priority to factors such as arranging loans for migration, welfare for deported workers, social security for migrants’ families, scholarship support for migrants’ children, resettlement packages, separate taxing procedures for money sent by blue-collar migrants. The ministry must form a separate cell or department to monitor the condition of Indian labourers who are working in the 18 ECR countries. Steps must be taken to increase the human resource of Indian embassies in the 18 ECR countries.

In Indian embassies, effective tracking and documenting of workers who are working in the 18 ECR countries must be undertaken. Making a pre-departure orientation programme mandatory for each and every migrant moving to any of these 18 ECR countries on a work visa would be the one big step in resolving the issue. Recruiting agencies must be streamlined and their monitoring must be handed over to a separate department. For safe migration, state government should participate in the process of migration to the 18 ECR countries. There must be special arrangements for starting a new career for all returning migrants. Families of migrants should be covered under separate schemes which provide education concession for their children and employment opportunities for remaining family members. States such as Tamil Nadu, UP, Bihar, etc. need to appreciate the importance of emigrants and frame comprehensive welfare schemes, and state governments need to inaugurate a separate ministry to address the issues related to emigrants. Lastly, the existing Emigration Act, 1983 has to be re-looked at and updated according to the changing situation.
Acknowledgements

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Notes

1. United Arab Emirates (UAE), the Kingdom of Saudi Arabia (KSA), Qatar, Oman, Kuwait, Bahrain, Malaysia, Libya, Jordan, Yemen, Sudan, Brunei, Afghanistan, Indonesia, Syria, Lebanon, Thailand, Iraq (emigration banned).
2. Lok Sabha Question, Starred Question No: 205, answered on 24 November 2011 by the MOIA, Shri Vayalar Ravi.
3. Minutes of the Meeting taken by the Honourable Minister for Overseas Indian Affairs in New Delhi with Ministers and Officials from State Governments to discuss various issues relating to returning workers from KSA under the ‘Nitaqat System’.
4. Lok Sabha Question, Starred Question No: 411, answered on 23 February 2011 by the MOIA, Shri Vayalar Ravi.
5. Lok Sabha Question, Starred Question No: 235, answered on 17 August 2011 by the MOIA, Shri Vayalar Ravi.
6. RTI reply for the MOIA, 2014.
7. RTI reply from Indian embassies in 17 ECR countries
8. RTI reply dated 17 June 2013 from the EoI, Kuwait.
10. RTI reply from Indian embassies in 17 ECR countries.
11. Lok Sabha Question, Unstarred Question No: 2528, answered on 24 November 2001 by the MOIA, Shri Vayalar Ravi.

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