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## Indian Workers Migration to GCC Countries: Problems and Challenges

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### Abstract

This research paper focuses on the problems and challenges faced by the Indian migrant workers to the Gulf Cooperation Council (GCC) countries. The Gulf region has been a prominent destination for Indian migrants seeking employment opportunities and higher wages. However, this migration corridor involves complexities and hardships, which can have significant implications for the migrant workers, their families, and the sending and receiving countries. The primary objective of this study is to analyse and identify the key problems and challenges faced by Indian workers migrating to the GCC countries. The research examines various dimensions, including labour rights violations, exploitation, inadequate legal protection, and living conditions. The study also explores the social and cultural challenges that migrant workers encounter, such as discrimination, language barriers, and separation from their families. This paper provides an in-depth analysis of the problems and challenges faced by Indian workers. It investigates the underlying factors contributing to these issues, including the kafala sponsorship system, recruitment practices, and the lack of effective mechanisms for dispute resolution and redress.

**Keywords:** Indian workers, migration, GCC countries, labour rights, exploitation, policy

### Introduction

Migrant workers in general and international migrant workers in particular face challenges and hardships from the very beginning of their process of emigration. "Despite the positive experiences of migrant workers, a significant number face undue hardships and abuse in the form of low wages, poor working conditions, virtual absence of social protection, denial of freedom of association and workers' rights, discriminating and xenophobia as well as social exclusion (ILO, 2004)". Despite the efforts from the Indian government Indian emigrant workers face miseries in the process of emigration and during their stay abroad.

Unskilled, semi-skilled and low skilled workers many of whom fall under the ECR category in India are more likely to get trapped in very precarious situation in India as well as abroad due to their inherent problems. These people mostly migrate temporarily for 3D (dirty, demeaning and difficult) type of jobs in the segmented labour markets abroad with very poor working and living conditions and with very limited labour rights. "Temporary workers and migrant domestic workers often have limited legal rights, may be excluded from social security benefits and may face multiple disadvantages (ILO, 2004)". Out of the total emigrant workers many of them turn out to be irregular either upon arrival itself or during their course of stay abroad.

The irregular Indian emigrant workers are particularly more vulnerable to physical abuse, exploitation, debt bondage, confiscation of identity documents and threat of denunciation

to the authorities with inadequate and ineffective legal and social protection system. Women migrants are at even greater risk of sexual, physical, and mental abuse.

The narratives of abuse, exploitation and human rights and labour rights violations have been given by the respondents during the field surveys for which we had no mechanism to verify independently. Nevertheless, the same have been corroborated with the narratives of different respondents unrelated to each other and the same is also confirmed by the media reports and literature on this murky side of emigration. Humanitarian agencies like Human Rights Watch (HRW), Gulf Centre for Human Rights (GCHR), Emirates Association for Human Rights (EHRA) and Amnesty International are actively engaged in the Gulf region and regularly document these violations. The sad fact is that neither any of the labour importing Gulf States nor India has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICPRAMWTF) of the UNO. So, these Gulf States are not under any international obligation to protect their immigrants. Among other things, the convention also proposes to eradicate irregular migration by eliminating the propaganda of persuasion by PRAs inciting people to emigrate. Since India is not a signatory of this convention, Indian government is not under any obligation to eradicate irregular emigration. The Philippines as a major labour exporting country to the Gulf has set a benchmark for Indian government by ratifying the ICPRAMWTF to ensure decent conditions of its workers abroad.

In the hindsight of the above preliminaries, this paper proceeds to explore the problems and challenges of the Indian emigrant workers in the Gulf countries in more detail. This paper contributes to the existing literature by providing a comprehensive analysis of the issues, shedding light on their implications, and offering recommendations for policy reforms and interventions.

**Dynamics of Indo-Gulf Migration of Workers**

The Indo-Gulf labour migration corridor is replete of narratives by the emigrants, their households, the returnees, media reports and the documentation of the non-governmental human right agencies of the cases of miseries and sufferings of emigrants in the pre departure and post departure both the phases. Many emigrants and their relatives use social media and other digital technology mediums to expose the darker side of the Gulf emigration.

The peculiar characteristic of the Indo-Gulf labour migration is that bulk of it is temporary in nature and majority of the emigrant workers are youths. These emigrant workers are not allowed to take their family members with them and they must return home after the expiry of their contract period. So, at the outset of their journey they bear psychic pain of leaving their family behind.

Many of the Indian workers have reported of being persuaded by the local sub agents of the main recruitment agents (RAs) to go abroad for work. There is a chain of intermediaries between the authorised recruitment agents and emigrants. These intermediaries not only escalate the initial cost of emigration but also persuade ignorant and low qualified people to migrate to the Gulf with exaggerated promises for better job and lifestyle prospects. This is particular aspect is the root cause of the miseries and hardships of the emigrant workers because the intermediaries resort to all sorts of manipulations and malpractices to bypass the emigration rules in India and to secure a jobs at compromised terms for these emigrants.

**Problems and Challenges of Indian Migrant Works to GCC Countries**

The problems and challenges of the emigrant workers have been classified into two parts:

1. Pre departure problems in India
2. Post departure problems and challenges abroad

**Table 1:** Box 1 below shows a matrix of category and nature wise hardship levels of the emigrant workers to the Gulf.

Box 1: Migration Hardship Matrix		
Category	ECR Category	ECNR Category
Nature		
Regular Emigrant	High	Low
Irregular Emigrant	Very High	Very High

- Regular Emigrant workers are those emigrants who enter in the foreign country legally and whose documents (Passport, Visa, Medical Fitness and Employment Contract) are compatible with the immigration laws of the host country.
- Irregular category of emigrant workers includes emigrants,
  - i). Who enter illegally violating the immigration law of the host countries.
  - ii). Who enter legally as regular emigrants but turn out to be irregular when,
    - a) They overstay their visa period,

- b) Violate their terms of contract,
- c) Change their employer,
- d) Change their occupation

As shown in the box the level of hardships differs for different categories of emigrant workers. It is the ECR-Irregular category of emigrants that are the most vulnerable to hardships and miseries. The analysis of the problems and challenges in the following parts has been structured to trace the specific problems of each category of emigrant workers.

**1. Pre-Departure Problems and Challenges for Indian Emigrants**

The pre departure problems of the emigrant workers from the ECNR and ECR categories are highlighted below separately. Their common problems have been explained separately.

**i). ECNR Category of Emigrant Workers:** Emigration check not required (ECNR) status is endorsed on the passports of an individual having at least high school qualification or a two year diploma from National Council of Vocational Training (NCVT) or State Council of Vocational Training (SCVT) and three year diploma/degree from other recognised technical institution. All people above the age of fifty years are also accorded ECNR. All diplomatic/official passport holders, gazetted government servants, income tax payers, all professional degree holders and their spouses and dependent children up to the age of twenty-four years are also accorded ECNR status. It is evident that ECNR status is accorded to all except illiterate people and people having very low qualification below secondary. This provision exists in the Emigration Act, 1983 to screen the emigrants who need special attention. At present an ECR/ECNR endorsement is given on all the passports. Any passport, issued after the year 2007, having no endorsement automatically considered as ECNR passport. Pre-departure problems of the ECNR category of emigrants are less severe than ECR category of emigrants. They can get a foreign employment abroad either directly through project exporters, foreign employment or through recruitment agents. Since this category of emigrants is exempted from emigration clearance from the Protector General of Emigrants, they do not depend upon the recruitment agents as much as ECR category of emigrants depends. Furthermore, the ECNR category of emigrants are more educated and to some extent more capable of reducing their pre departure hardships than the ECR emigrants.

During the field surveys, emigrants from ECR category reported to have faced pre departure hardships and post departure miseries. Nevertheless, the cost of emigration for them has been reportedly high.

**ii). ECR Category of Emigrants:** This is the most important category of emigrant workers to the Gulf in terms of the numbers. They are more likely to face all sorts of problems during the process of their emigration than the other categories of emigrants. They have to inescapably depend on the recruitment agents for securing their overseas employment and clearance from the office of the Protector General of Emigrants. It has also been observed during the field surveys that the sub agents of the PRAs persuade the people to go abroad for work. Although the ministry of external affairs has instructed the RAs to charge not more than Rs. 20,000 from the emigrants yet the agents charge the emigrants a number of other expenses thus escalating the total initial

cost of emigrants. This malpractice is going on unchecked and unabated in spite of the strictly laid out emigration rules which mandate upon the RAs to arrange for the emigrant workers through their prospective foreign employers all the expenses in connection with the foreign employment. Majority of the surveyed emigrants have revealed that they had to cover their all costs related to emigration. Average initial expenditure by emigrants is found to be three to four times more than stipulated twenty thousand rupees by the government. This cost is particularly found to be more escalated for the ECR category of emigrants.

**iii). Malpractices by the Recruitment Agents:** The provisions of the Emigration Act, 1983 resulted in a mushrooming of recruitment agencies and agents across the country. Many of them are unauthorised and operating illegally or just operating as intermediaries between the emigrants and the authorised recruitment agencies. The number of sub agents has increased to lure people from countryside to work in a foreign country. In fact, there is a chain of intermediaries who all get their share of commission and escalate the initial cost of emigrant. The entire process is handled by the sub agents and most often the emigrants never get to know their authorised recruitment agents. This phenomenon increases the risk of fraudulent practices by the recruitment agents.

In many instances as narrated by returnee emigrants, the recruitment agents sent the emigrant workers on tourist visa. This malpractice has increased more since the government fixed the minimum referral wages. The recruitment agents, being unable to secure the minimum referral wage for the worker in the employment contract, prefer to bypass the entire process of emigration check at the office of the PGE. Such emigrant workers who leave India for work abroad on a tourist visa become irregular emigrants abroad and face tremendous hardships. Many of such emigrant workers are detained at the immigration check posts at the time of departure from India at the airports and sent to police custody and then jail for judicial proceedings which impose upon them unimaginable hardships and huge pecuniary burden of bribing authorities for bail. They are charged for the act of forgery under the Indian Penal Code. In all such cases the recruitment agents are never apprehended and at the most only a sub agent is caught by the police and thus whole onus of proving himself not guilty lies upon the detained intending emigrant worker. Many of such illegally transported workers succeed in bypassing the emigration check posts at the airports but some of them are unfortunate to be detained upon arrival in the destination and deported back to India with much hardships and legal complications.

**iv). Common Pre-Departure Problems:** Majority of the Indian emigrant workers to the Gulf migrate for manual and menial types of jobs abroad. Majority of them are not economically sound at the time of emigration and therefore face difficulty in arranging money to meet initial costs of emigration. Majority of the surveyed emigrants in the sample either partially or fully depended upon borrowed funds from their friends, relatives and money lenders. Financing of initial cost of emigration is a challenge for many of the emigrants for which many of them sell their assets like land and jewellery. The emigrants who borrow from money lenders and

financiers typically find their costs of emigration escalated to the equivalent of about six months of their earnings abroad.

## 2. Problems and Challenges Faced by Indian Emigrant Workers Abroad

Highly segmented Gulf labour markets in have become very competitive because of surge in the inflow of unskilled low income and predominantly male emigrant workers emigration from South Asian and South East Asian countries like India, the Philippines, Pakistan, Nepal, Bangladesh, Sri Lanka and Indonesia (Fargues, P. & Nasra M. Shah, 2012) [2]. The Gulf labour market is characterised by rigidity, imperfections and absence of labour rights. In spite of that wages for lower rungs of jobs in the Gulf countries are still quite higher in comparison with the wages in labour exporting countries. This is due to the fact that demand for labour for manual and menial jobs in these countries is very high. The labour force entering in the Gulf for these jobs from other countries get absorbed in blue collar jobs which are characterized by delayed payment, long working hours and poor working conditions.

There are notable differences between the working and living conditions of regular and irregular Indian emigrant workers in the Gulf. The condition of irregular emigrant workers is very plightful and precarious. Table 2 gives an overview of the common problems faced by the emigrants in the GCC countries. We had a question on the problems faced by the emigrant in each of our two questionnaires. Common problems faced by the emigrants were recorded as reported by the household members in the case of current emigrants and by the returnee emigrant himself/herself during the survey.

**Table 2:** Common Problems Faced by the Emigrant Workers in the Gulf

Nature of Problem	Number of Emigrants	Percentage of total Emigrants
No Unionisation	221	100
Accommodation Problem	208	69.3
Poor/Difficult Working Condition	192	64.0
Overtime/Extended Working Hours	180	60.0
Unavailability of Weekly off Day	164	54.7
Discrimination at the Place of Work	142	47.3
Food Problem	135	45.0
Delayed Payment/Underpayment of Wages	130	43.3
Harassment/Abuse by Employers	75	25.0
Any Other Problems	120	40

**Note:** The numbers are derived from a field work based on a questionnaire as a part of a wider study on the determinants of international migration and remittances carried out by the author.

Accommodation problem is observed to be very common among the emigrants as it is reported by about seventy percent of the respondents. Many emigrants are kept in congested accommodations in the labour camps. The second most important problem was related to the pathetic working conditions reported by about sixty four percent of the respondents. Sixty percent of the respondents reported that the emigrant workers were forced to work overtime or working hours were extended on a regular basis. Apart from that about

fifty four percent reported unavailability of even a weekly off day without any pecuniary consideration for the extra day worked.

Workplace discrimination has also been found to be faced by the emigrant workers in the GCC countries between Indian and other workers by the employers. Forty three percent of them reported the payment related problem. They are not compensated for their work at the fixed time and adequately. Food is also a major problem among the Indian workers in the Gulf in terms of the menu and the quality both. Above everything labour unionisation is not allowed for immigrant workers. So, they cannot even bargain collectively for their basic right. Further detailed discussion on the problems is given below.

**i). Regular Indian Emigrant Workers in the Gulf:** As mentioned earlier regular emigrant workers are those who fulfill all the documentary requirements and do not violate any terms and conditions of employment contract and the visa granted to them. Even many of these regular Indian emigrant workers face tremendous difficulties and experience an unexpectedly miserable life in the Gulf. Plight for many of them begins from the day one in the Gulf immediately after landing at the airport. Many workers reported that they were left unattended at the airport after their arrival without any food or water. The agents of the recruitment agents leave the emigrants on the airports for many hours to avoid their cost of feeding and lodging the emigrants at hotels. The false promises made by the recruitment agents get exposed for most of them.

**ii). Contract Substitution and Passport Confiscation:** The gravest problem surfacing among the regular Indian emigrant workers across the Gulf countries is the practice of contract substitution and confiscation of passports by the foreign employers which has become a usual practice in Gulf emigrants' employment. Recruitment agents, in connivance with the Gulf employers, forge recruitment contracts which meet the Indian regulatory requirements under the Emigration Rules just to secure the emigration clearance from the PGE. These initial contracts are specified in English language which an intending emigrant can understand at least with the help of other people. Upon arrival, at the place of work in the Gulf countries, the initial contract is substituted by the foreign employer with a fresh contract prepared in Arabic which the emigrant cannot decipher. The original contract is confiscated by the employer and destroyed. The emigrants are compelled to sign the new contract which stipulates worse and more difficult working, living and social protection conditions than promised initially to the emigrant in the original contract. The emigrants are left with no option but to accept and comply with them or face police action and stringent Islamic legal proceedings and even in some cases jail.

In the new contract the emigrant Indian workers are forced to accept the following:

- i). Accept Skill and Medical Reassessment and Lower Wages
- ii). Accept Daily Extended and Overtime Working Hours
- iii). Forgo Decent Working Conditions
- iv). Accept Inhuman and Pathetic Accommodation
- v). Accept Shackled Employment
- vi). Forgo security of Tenure

**a) Skill and Medical Reassessment and Lower Wages:** Skill and medical reassessment have emerged as a new problem in the Gulf migration due to the increasing competition among the labour from various labour exporting countries. Some labour exporting countries, like the Philippines, are aggressively promoting emigration of their workforce to other countries to reduce domestic unemployment, poverty and to get foreign exchange. In this direction they have initiated labour training programmes which meet the international standards of skills. The Philippines have emerged as a leader in the skill training (soft skills as well as technical skills) to its labour to find decent employment opportunities in other countries.

Apart from that, another important factor is inadequate and inefficient public health system in India due to which Indian workforce in general is unhealthy. With unparalleled health, education and training standards, Kerala is the only exceptional state in India in skill training and maintaining health standards of people. Because of weak health and training infrastructure, Indian emigrant workers despite being very hard working, lag far behind in the occupational skills and in health standards. The practice of skill reassessment of Indian workers is an outcome of the inflows and requirements of skilled, trained and healthy labour force in the Gulf from various countries.

The inherent weaknesses of Indian labour on these parameters not only push them behind other foreign nationals in the Gulf labour market but also compel them to accept inferior wages, living and working conditions and other pecuniary and non-pecuniary benefits. Poorly calibrated Indian emigration policy helps in putting more strains on the emigrant workers. Skill reassessment, in particular, is an outcome of setting rigid emigration rules which are inadaptive and oblivious of emerging global labour market realities and opportunities. The Gulf employers resort to skill and medical reassessment and lower the entitlements of Indian emigrant workers upon arrival at the place of workers and offer them lower wages in the new contract.

**b) Daily Overtime Working Hours without Commensurate Compensation:** The other problem, due to the contract substitution, which Indian emigrant workers usually face is that they are compelled to work overtime every day and many respondents also reported that emigrants are not given a day off weekly. The wages are cut for the day on which a worker does not report on the work site. Some emigrant workers even prefer to work overtime to earn more income to repay their debts in India. This is aggravated by the fact that many of them do not get adequate and timely compensation for overtime.

The practice of compelling workers for overtime work is a gross violation of minimum working hours stipulated in some Gulf countries which have implemented labour laws for emigrant workers. The issue of overtime work is grave due to the fact that majority of Indian workers are engaged in difficult and hazardous occupations which endanger their health and life.

The picture becomes clearer when we compare with the standards stipulated in Indian labour statutes which are effective only in the formal sector. For example, Indian Factory Act, 1948 stipulates that an adult cannot work more than nine hours and 48 days in a week and the Minimum Wages Act, 1948 specifies maximum nine working hours for an adult in a day. However, the real

picture in the formal sector in India is not as pleasant as envisaged in these statutes let alone the informal sector which has got notorious distinction in the exploitation of workers.

- c) **Indecent Working Conditions:** The emigrant workers perform their work in plightful and dangerous condition particularly those engages in construction sector, mining and in factories without adequate safety measures. Chances of occupational injuries are very high. There are no provisions for compensation for occupational injuries and there is no legal framework to support claims of injured emigrants. At the most the injured worker is sent back to India. Apart from that many workers do not get fair treatment from their Arab employers.
- d) **Inhuman and Pathetic Accommodation:** The emigrant workers are given much worse housing and food in the labour camps than promised by the recruitment agents. The rooms they are forced to live are overcrowded beyond capacity. They survive on unhealthy and unhygienic food and beverages.
- e) **Shackled Employment:** Under the employment contract they sign abroad, workers are shackled to only one employer. Moreover, their passports are confiscated by the employer upon arrival. The workers can neither change their employer nor run away from the current employer. They do not have any freedom to move horizontally or vertically in the labour markets and therefore remain shackled to their initial employers. If the change their nature of employment and employer they immediately become illegal according to the law. This manipulation of the contract gives the Arabic employers unlimited freedom to subjugate and exploit the workers. The emigrant workers become docile and behave like bonded labour.
- f) **No Security of Tenure:** While Indian emigrant workers cannot change their employers, the employers remove this restriction upon themselves by altering the terms of contract. They can remove any worker anytime on their whims. So, there is no security of the tenure of the contract. Their employers can terminate the job contract and deport the emigrant workers back to India. Though workers have legal remedies against errant employers but they cannot exercise the same due to the fear of retaliation from current employer and other employers.
- g) **No Unionization and No Bargaining Power:** The emigrant workers are not allowed to form/join trade unions. And therefore, they have no bargaining powers against their mighty employers. Lack of unions and bargaining power perpetuate the violation of labour rights.
- iii). **Particularly Vulnerable Groups of Migrant:** The international labour conference (2004) resolution on global migrant workers identified different categories of vulnerable migrant workers which included women migrant workers (particularly those in informal economy and in domestic services), temporary and irregular migrant workers. Women migrant workers are prone to become victims of double discrimination, one as a woman and other as a worker. The case of domestic workers (domestic helpers, maids and cooks etc.) highlights the inhuman condition some of them face in the Gulf countries. "Domestic workers often fall completely outside the destination country's labour and employment system not being covered by laws on pay and working conditions. In many countries, migrant domestic workers do not enjoy equality of treatment in

respect of many protections and rights, particularly social protection (ILO, 2010)." Each native Arab can hire domestic servants with prior approval from the government. Some of these workers, particularly female workers, get horrific experiences. They face cruelty, violence, sexual abuse, harassment, mental pain and gross human rights violation. They are kept in solitary confinement in the sprawling Arab houses without anyone nearby to talk or share their feelings. They are not given good food and forced to live in dingy store room. Many such instances have been reported so far. The Indian emigrant workers in such situation have no mechanism to contact anyone including the embassies because they are kept in complete confinement and completely cut off from the outside world. Even if the migrant domestic workers are protected under labour laws, they remain ignorant about the benefits from the protection these laws offer to them and therefore the violations of laws are rampant. In this context, Asia Regional Summit on Foreign Migrant Workers (CARAM) 2002 also recognised the need for labour and employment laws to protect them.

- iv). **Problems and Challenges of the Irregular Emigrant Workers in the Gulf:** A variety of reasons lead to irregular status of an immigrant. The irregular immigrants fall easy victim to the abuse, extortion and exploitation by recruitment agents and employers. Irregular women emigrants are at double peril including sexual exploitation. As a matter of fact, all the problems which regular emigrant workers face turn out to be more severe for the irregular emigrant workers. Apart from that they face other hardships and problems. Their condition is much more precarious and miserable.

Most of the regular emigrant workers going to these countries remain oblivious of the reasons which can make their emigration irregular. As a consequence, many of the Indian workers become irregular either upon reaching the work place or later on and face uncountable problems. Irregular emigrants find it extremely difficult to hide themselves from the authorities. Due to the fear of being exposed to the authorities, they remain completely in the servitude of the foreign employers. Most of the irregular emigrants face common problems of accommodation, food, health and discrimination at workplace. They do not get proper accommodation. After falling sick or getting injury they cannot get proper treatment in the civil hospitals due to the fear of being caught as illegal immigrant. They are deliberately offered lower wages and face more discrimination in the labour market.

- v). **Common problems of All Indian Emigrant Workers in the Gulf:** Almost all Indian emigrant workers face some common problems in the Gulf which are briefly discussed below.

a) **The Kafala System: A Gateway to Slavery**

*Kafala* system is basically a sponsorship system that regulates employment and residency of the emigrant workers in the Gulf countries except in Bahrain which repealed the system in the year 2009. It is also used to monitor the emigrants, particularly in construction and domestic employments. Under this system each native resident is allowed to locally sponsor unskilled immigrant workers by depositing specified security deposits to his government. In other words, each unskilled emigrant worker should have a sponsor (*Kafil*) from the country of destination. The local sponsor is responsible to

arrange for Visa and legal formalities apart from bearing the entire cost of emigration. The system has turned out to be viciously exploitative causing gross violation of human rights. The sponsors confiscate the passports of the workers so that they do not run away from the workplace due to exploitation. This system gives the employers full control over the emigrants. The system causes rigidity and imperfections in the domestic labour markets. Domestic workers, particularly, have been the biggest victims of this system. The *Kafala* system, in its present vitiated form, may be rightly called a slavery system where the sponsors pay huge amount of fee to their governments to almost enslave a foreign worker.

#### **b) Common Rules Under the *Kafala* System**

- i). A contract is signed between the sponsor and the recruitment agency.
- ii). The Sponsor is responsible for all financial and legal implications arising out of the contract apart from the recruitment fee and security deposit payable to the government.
- iii). The contract is signed for a period of two years.
- iv). If any emigrant worker breaches the contract, he/she will be prosecuted, jailed and deported under the law of the country except when he or she proves abuse or violation by the employer.
- v). The worker cannot change employer or job without consent from the employer and cannot leave the country without an exit visa from the sponsor.

In the place of notorious *Kafala* system, Bahrain has created a Labour Market Regulation Authority from the year 2009. Emigrants are now sponsored by the LMRA and they are allowed to switch their occupations and their employers without the consent of their employers with a prior notice of three months.

Qatar government also announced the abolition of the *Kafala* system in the year 2016 and brought out a new labour law to give tangible benefits to the emigrant workers. The emigrant workers shall be allowed to change their employers, jobs and even to leave the country. The two most important labour importing countries, UAE and Saudi Arabia, still have the *Kafala* system. The implications of the contract under *Kafala* system are so severe that if emigrant workers who escape from their employer, even to save themselves from exploitation, lose all their legal rights and become illegal immigrants.

#### **c) Nativization Policies in the Gulf Countries**

Gulf countries have been following Nativization policies in the labour market for a long time. Saudi Arabia has been a pioneer of this system. With a fall of more than seventy percent in annual ECR clearances to Saudi Arabia since 2015, it is no longer the destination country of most of the emigrants. UAE has surpassed it and emerged as the favorite destination for Indian emigrants. A major factor behind this phenomenon is the nationalisation drive in the Gulf countries. Nativization is called *Nitaqat* in Saudi Arabia. The Nativization in the Gulf States is an attempt to create space for domestic labour in the employment. Nativization requires private firms to hire a specified proportion of domestic workers in their total employment (Martin, P., 2017) [7]. Segmented labour markets in the Gulf States are flooded with cheap labour from India, Nepal, Philippines, Indonesia, Sri Lanka, Pakistan and Africa. The domestic labour force has also increased in these countries. Domestic workers prefer

public sector employment but even if a few of them are willing to work in the private sector they fail to compete with the cheap labour from other countries. Private firm make huge rent by hiring cheap foreign labour. Gulf States are oil-based economies and oil prices are highly volatile due to high price elasticity of demand. If the oil price falls by a small percentage these countries suffer huge loss in their revenue. There is a positive correlation between oil price and Gulf employment opportunities. Oil price fell continuously after 2009 causing job loss for many. Apart from the global events, like recession of 2009, also affect the domestic labour markets. Domestic workforce unemployment rates in GCC States are rising particularly among the youth. These factors have compelled the Gulf States to adopt Nativization policies. Nativization policies adversely affect the current emigrants as well as prospective emigrants. The current emigrants fear job loss and the chances of getting a remunerative job become dim for the prospective emigrants. A burning example of the fall out of the Nativization policies in Saudi Arabia is the evacuation of a large number of Indian emigrant workers who were retrenched from their jobs in August 2016. These workers were stranded in Saudi Arabia for many months since their retrenchment hoping to get their dues with the employers (Sasikumar & Martin, 2017) [11].

#### **d) Lack of Knowledge of Local Language**

A major problem, which is common for all the Indian emigrants in Gulf, is that they are unable to understand even the basic Arabic language which is spoken in all the Gulf countries. So they are unable to read and understand the fresh contract which is slapped upon them immediately after the arrival at the place of work. They cannot understand that their pecuniary and non-pecuniary gains have been curtailed in the new contract.

Indian Emigrant workers, due to their language handicaps, cannot converse with the local authorities to put before them their grievances. So, lodging grievance against exploitation and abuse and getting it redressed remains only a dream for the Indian workers in Gulf Countries. In case of any emigrant is detained by the local authorities either without fault or for petty crime he/she is unable to explain the facts and circumstances which led them to such situation.

#### **e) Criminalisation of Irregular Workers**

The emigrant workers face discrimination in all aspects of their day-to-day life. They are subject to criminalisation by their employers and the native people. Local authorities often detain emigrant workers for crimes happening in an area. Irregular emigrants are declared as criminals under the immigration laws of the Gulf countries. Problem of criminalization of irregular emigrants has been recognised even on the international forums. For example, New York Declaration on Refugees and Migrants is a novel initiative at the international level to decriminalize irregular emigrants and refugees. It addresses the problems faced by them. It has separate commitments for refugees and emigrants both.

#### **f) Rising Suicide Rate among Indian Emigrant Workers in Gulf**

The miseries of the Indian emigrant workers in the Gulf are evident from an alarmingly rising suicide rate among them. Reportedly 322 and 303 Indians committed suicide in four Gulf States in year 2017 and 2016 respectively. Highest number of suicides has been reported from Saudi Arabia (Firstpost, 18<sup>th</sup> June 2018). The MEA placed whole blame on

the fake recruitment agencies in response to a parliamentary question over the miseries of the emigrants on 4<sup>th</sup> April 2018 seeking written explanation on the following points:

1. Workers migrating to Saudi Arabia and other countries of the Middle East through fake recruitment agents.
2. Specific measures adopted by the government to stop the cheating of Indian emigrant workers by the fake recruitment agencies.
3. Number of emigrant Indian workers compelled to work in a cruel and exploitative environment abroad.
4. Details of the measures taken by the government to stop the torture of emigrant workers in the Middle East.

In response to the parliamentary question the MEA enlisted the measures taken by it and the standard operating procedure adopted by the government in nabbing the fake recruitment agencies. The issue of the rising number of suicides is a grave matter and cannot be overlooked by simply blaming the fake agencies. The deeper and serious concern behind suicide is that many emigrants are subject to exploitation and abuse due to which they go into depression and end their life. It is not an issue of illegal migration because any legal immigrant can become illegal on the whims of the employer.

The most tragic part is that many of the emigrants facing abuse and exploitation in the foreign country helplessly accept the deprivation of their human rights because they consider themselves as powerless and without any effective way out. The emigrant workers enter the foreign land without any concrete idea of their rights and the law of the land under which they can find protection against mistreatment from their employers. In the absence of any labour mobility partnership agreement (LMPA) with the destination countries, Indian mission/posts remain incapacitated passive pawns. The apathetic attitude of the Indian government and the state governments further increases the helplessness of the Indian missions and posts in the Gulf countries. Surprisingly the Government of India and Indian missions and posts abroad are clueless of the number of emigrants living or working in the Gulf countries let alone keeping track of their whereabouts.

#### vi). Limited Adoption and Ineffective Implementation of Labour Laws

Gulf countries have not adopted labour laws at least in practice for the immigrant workers in their territories though there is variation from country to country within the region. They do not comply with the labour standards set by International Labour Organisation and India has not signed LMPA with any of them so far. Highly segmented labour markets in the Gulf give discriminating superiority and social prestige to the native workers who are mostly confined to the government sector. Poor implementation of labour laws for immigrant workers in the Gulf abases the position of Indian emigrant workers to a dismal level. Overall, the working and living conditions of the emigrant Indian workers, particularly unskilled, semi-skilled and low skilled workers in the GCC countries are inhumane and worrisome.

#### Conclusion

The findings of this study reveal the multifaceted nature of the problems and challenges faced by Indian workers in the GCC countries. It highlights the need for comprehensive reforms in labor migration governance, including improved legal frameworks, enhanced protection of labor rights, and better enforcement mechanisms. The research underscores the

importance of bilateral cooperation between the sending and receiving countries to address these challenges effectively. Understanding and addressing the problems and challenges faced by Indian workers in the GCC countries are crucial for ensuring the well-being and rights of migrants and creating a more equitable and sustainable migration system.

In conclusion, this research paper has shed light on the problems and challenges faced by Indian workers migrating to the Gulf Cooperation Council (GCC) countries. This migration flow is accompanied by a range of difficulties and complexities that have significant implications for the migrant workers, their families, and the sending and receiving countries. The study has identified and analyzed several key problems and challenges encountered by Indian workers in the GCC countries. These include labor rights violations, exploitation, inadequate legal protection, and poor living conditions. The research has also highlighted social and cultural challenges such as discrimination, language barriers, and the strain of being separated from their families. The analysis has uncovered various underlying factors contributing to these problems and challenges, including the kafala sponsorship system, Nitaqat, recruitment practices, and the absence of effective mechanisms for dispute resolution and redress. These structural issues have perpetuated the vulnerabilities and hardships faced by Indian migrant workers in the GCC countries.

The impacts of these problems and challenges are far-reaching. Migrant workers often experience compromised physical and mental well-being, limited access to healthcare and social services. Addressing the problems and challenges faced by Indian workers in the GCC countries requires comprehensive and coordinated efforts from various stakeholders. It is essential to advocate for labor migration governance reforms that prioritize the protection of workers' rights, ensure fair recruitment practices, and establish effective mechanisms for addressing grievances and resolving disputes. Bilateral cooperation between the sending and receiving countries is crucial to create a more equitable and sustainable migration system.

#### References

1. Gardner, Andrew M. *Labour Camps in the Gulf States. Viewpoints: Migration and the Gulf*. Washington DC: Middle East Institute, 2010.
2. Fargues P, Nasra M. Shah. *Socioeconomic impact of GCC migration*. Gulf Labour Market & Migration Programme, Gulf Research Centre, 2012.
3. Fargues P, Nasra M. Shah. *Migration to the Gulf: Policies in Sending and Receiving Countries*. Gulf Labour Market & Migration Programme, Gulf Research Centre, 2018.
4. Hertog S. *Arab Gulf: An Assessment of Nationalisation Policies*. The Gulf Labour Markets and Migration (GLMM) Research Paper 1, 2014.
5. ILO. *Towards a fair deal for migrant workers in the global economy*, ILO Geneva, 2004a.
6. ILO. *International Labour Migration: A Right-Based Approach*. New Delhi: Academic Foundation, 2010.
7. Martin P. *Merchants of Labour: Recruiters and International Labour Migration*. : Oxford: OUP, 2017.
8. Naidu K. Lakshmaiah. *Indian Labour Migration to Gulf Countries*. Economic and Political Weekly, 1991, 26(7).
9. Nayyar D. *Migration, Remittances and Capital Flows: The Indian Experience*. New Delhi: OUP, 1994.

10. Rahman A. *Indian Labour Migration to the Gulf: A Socio-economic Analysis*. New Delhi: Rajat Publications.
11. Sasikumar, S.K. & Philip Martin. *New Era in India-Gulf Labour Migration*. In *Labour & Development*, 2017, 2001, 24(1), VVGNLI publication.
12. Shah Nasra M. *The Management of Irregular Migration and its Consequence for Development: Gulf Cooperation Council*. ILO Asian Regional Programme on Governance of Labour Migration. Working. Geneva: ILO, 2009, 19.
13. Zachariah BA, Prakash S, Irudaya Rajan. *Gulf Migration Study: Employment, Wages And Working Conditions of Kerala Emigrants in the United Arab Emirates*, Working Paper No. 326, 2002.