CHAPTER – VI

INTERNATIONAL LABOUR MIGRATION POLICIES: WITH SPECIAL REFERENCE TO INDIA
6.1 Introduction

Safeguarding the rights of the labourers outside the home country has been the subject of great concern throughout the world. A good number of international institutions and labour migration polices existing to provide parameters to manage and regulate the international labour migration and to protect human and labour rights. United Nations has consequently developed the provisions of the human right instruments, which is universally applicable to all individuals including migrants. The safeguard of the Human Rights of female and male migrant labourers and providing the equal treatment in the all field is also embedded in the preamble to the constitution of the International Labour Organization (ILO) of 1919, and in its preamble included the provisions to protect the human rights of both male and female migrant worker and to promote equal opportunity. ILO, in its declaration on Fundamental Principles and Rights at work gave special reference to migrant workers. United Nations develops rights and freedoms in the universal declaration of Human Rights which are applicable to not only individuals but also to migrants. The law declared that Human Rights are same to all irrespective of whether he is a migrant or not. The International convention on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) the two general human right treaties emphasis the need to protect the human being irrespective of his nationality and legal status.

Globalization and international labour migration in post reform period are going hand in hand; labour migration is driving globalization process and is also the consequence. Due to demographic changes and growing economic imbalance along with advanced transport and communication crossing the border has become relatively easy for the labourers. This is happening in spite of the fact that globalization is not opening up for human mobility. The present day world is experiencing lot of changes, better standard, desire to move up professionally, availability and accessibility have made more people to go out of their origin country.

India is the reservoir of both skilled and semiskilled labourers, and major contributor to the global labour market. Number of researches and databases shows that migration from India since post reforms period has registered impressive growth. These migration trends are creating new challenges to both origin and destination countries in safeguarding the migrant labourers interests. To manage and promote
international labour migration, Government of India enforced many legislative tools. Emigration Act 1983 is one such major legislative tool for international labour migration. Different countries are implementing their own migration policies for managing the international labour migration. This chapter presents the enactments, policies and programmes which are implemented in India for international labour migration management.

6.2 The Role of the Major Stakeholders in International Migration

United Nations and International Labour Organization are the major stakeholders of labour migration in the global level; both the institutions passed a number of regulations and conventions for safeguarding the rights of international labour migrants. The preamble of the ILO assures the international migrants of protecting their rights in other countries.

ILOs conventions on migration (convention 97 migrations for employment 1949, and convention 143, migrant workers convention, 1975) are doing the same favor to the migrant workers by recognizing their rights as equivalent to fundamental human rights. UN convention differentiates between Human Rights of all migrant workers and additional rights enjoyed by the migrant workers with regular status. However, all the conventions are given importance to the protection of migrants in destination country, freedom and respect. In this effect, the conventions mainly address some issues like migratory rights; right against trafficking and social security measures etc. some of the issues of the conventions are discussed below.

Right to Migrate and Right to Information on Safe Migration:

According to the 1990 UN convention, all the migrants and families were ensured the Right to live a respectful life in the destination country. Excluding some member countries of United Nations where legal restrictions are enforced in all other places their rights were protected. According to 97th convention of ILO, 1949 (article 1 [a] and 9[b]) all the members countries were conditioned to inform ILO not only about their national laws, regulations and policies regarding migration but also about conditions of work in the destination country. This awareness about that whereabouts gave ILO chance to protect the international labourers.
Right against Exploitation by Private Employment Agencies:

Convention 181 of ILO 1997 requested the member countries to oversee the functioning of PRAs in accordance with national law, because these agencies largely control the flow of migration. Article 7(1) and (2) of the convention declines the fee collection from the migrants and article 10 of the convention strongly recommend mechanism for investigating alleged abuse fraudulent practices of PRAs.

Right to Social Security of the Migrants:

Convention 97th of ILO deals with legal provision regarding medical issues. Employment injury, maternity, sickness, invalidity, old age, death, unemployment, family responsibilities, and any other contingency which are related to social security were seriously considered for this convention. It stressed the importance of migrant health and hygienic conditions. Convention 143 decided to provide social security to migrants and their families saying that it is their right to have health and medical facilities not only to them but also to their families.

Right to Privacy of the Migrants:

Convention 181 of ILO (Article 4) stressed upon the importance of keeping the personal information of the migrants private and confidential. General Assembly Resolution 45/158 confirms that no migrant labourers or their family members shall be subjected to unlawful interference with his privacy, family, home, correspondence or other communications. Their honor and statues attack that any cases they should be safeguarded with law.

Right against Trafficking, Smuggling, and Illegal Migration:

In 2000 United Nations adopted two protocols against trafficking, smuggling and illegal migration. Traditionally Trafficking means human trafficking which is abusive. These protocols aim to protect migrants with humane treatment and to punish those who are responsible for this.

Rights to Decent Work for Domestic Workers:

Convention 189(article 5) mainly targets those domestic workers who are most of the time deprived and girls by providing protection against abuse, harassment and violence. They were given the right try to collective bargaining and freedom of
association. Article 7 of the convention assures safe and healthy environment also making the provision for them to complain, if something goes wrong.

**Right to Unionize and Collective Bargaining:**

ILO Convention 87 provided the universally accepted fundamental rights to organize and right to associate freely. In 1948 “Freedom of Association and Protection of the Right to Organize”, proclaimed that this right is applicable to all the labourers irrespective of their grade. Convention 97(article 6[1b]) also recommends the same by guaranteeing the unionizing right to migrants. Convention 182 article 4 protects them from the restrictions imposed by PRAs. The UN General Assembly Resolution 45/158 permits the migrants and their families to take part in such meetings in accordance with law; it believes that such activities are necessary to protect their socio economic and cultural interests.

**Right against Abusive Conditions:**

The illegal employment of migrants was highly discouraged by ILO in its Convention 143. On the other hand conventions also specifies that those migrants who have lost their jobs should not be treated as illegal migrants, this has discouraged many member states and they started to monitor the migrants and look through the policies and programmes for them.

To improve the conditions of workers especially women workers who are working in most vulnerable and exploitive situations ILO did not wait for a lengthy process to get the consensus of member countries instead it searched for nonbinding principles and programmes to improve the status of migrants.

**6.3 UN Women**

By merging four important divisions which are working for the betterment of women under United Nations namely UN Division for the Advancement of Women, the International Research and Training Institute for the Advancement of Women (INSTRAW), the Office of the special Adviser on Gender Issues and Advancement of Women, and the United Nations Development Fund for Women (UNIFEM). A UN woman was constituted in July 2010. It is visible in the present world that men and women are having no hindrance to move forward, equal opportunities, capabilities, education made women empower in all fields of life gender equality is embedded,
therefor UN women work of five important objective, (1) make her voice loud as a leader, 2) ending women atrocities, 3) women peace and security agenda which were implemented should be made strong, 4) betterment of economic empowerment of women, 5) committing all levels of planning and budgeting to work for gender equality. With this UN women extended its helping hands to those areas which are relevant and sensitive like HIV/AIDS, migration, the rule of law, environmental degradation and climate change, and material and child health.

Especially in those countries situated in south Asia where gender discrimination is high and female labourers are not feeling secured in migration. UN women took special interests to protect their rights. It also deals with governmental agencies and help those women who wants skill upgradation and seeks employment abroad.

Table 6.1: Major Conventions and Protocols of ILO and UN on Migrant

<table>
<thead>
<tr>
<th>ILO convention</th>
<th>UN conventions</th>
<th>UN protocols</th>
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<tr>
<td>C 97 migration for employment convention (revised ), 1949</td>
<td>International Convention on The Protection of The Rights of All Migrant Workers and Members of their Families, adopted by General Assembly resolution 45/158 December 1990</td>
<td>Protocol to suppress the atrocities against women and children and also to punish those who are involved in human trafficking. This supplements UN convention against international organization in 2000. Protocol against smuggler by all ways, this also supplementing the above convention.</td>
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<tr>
<td>C 143 migration workers (supplementary provisions convention .1975)</td>
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<tr>
<td>C 181 private employment agencies convention,1997</td>
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<td></td>
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<td>C 189 domestic workers convention ,2011</td>
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Thimothy, R., and Sasikumar, S. K. (2012), Migration of Women Workers: From South Asia to the Gulf.
6.4 Immigration Policies and implications: a study of Selected Countries

The implication of immigration policies on Indian migrants has been broadly classified into two groups. Firstly, a high income country that is developed countries have introduced many new schemes and policies to attract highly skilled migrants. Secondly, it is GCC countries whose main intention is to reduce the size of migrants for which they introduced the series of measures.

Highly Skilled labourers and their Movement:

Most of the high income countries introduced policies for attracting the highly skilled labourers from abroad particularly from the developing countries in recent period. The post reform trade and the resultant development in the activities of Multinational Corporation have been accompanied by large movement of skilled labourers. The knowledge economy significantly increases the demand for professionals like engineers and doctors. The rapid growth of informal sector also flexibility of the job which is abandoned by native worker made the migrants willingly enter into the market.

Many of the developed countries worry about this spurt of immigration particularly of informal migrants because their intention is to attract highly skilled professional labourers for which they made changes in policies and programmes and targeted only IT professionals and health care workers.

Work permit system was liberalized in such a way so that these professional can get an easy access to labour market. Some of the counties also adopted the point system with the aim of attracting the required skilled labourers from other countries.

United States of America has introduced the H-1B visa. This is considered as one of the recent schemes of attracting highly skilled professional migrants. In this programme “specialty labourers” were allowed to renew their visa for three years and many provisions were made to see the professional stay on for longer in their country contributing to their economic development.

Canada has made many changes in its new migration policy allowing the highly skilled labourers and contract workers. Citizenship and immigration Canada (CIC) took the lead in providing facilities to the migrants to enter the labour market so
that they can address the labour market shortage. Recently they are permitting immigration based on the needs of their economy rather than education and qualification and lot of importance given to knowledge of language, English or French. Not only that they are allowing the migrants to come with their family and making some provisions their school going children, the government of Canada introduced Immigration and refugee Act, 2006 which is one of the programmes for temporary workers. The recent policy is more flexible for the immigration because of the positive effect these labourers are bringing about in the labour market.

UK Government immigration policies on work permits of economic migration helps to meet the short fall in the domestic supply of some skills and to increase the competitiveness of the UK economy. Nowadays, many schemes have been introduces to attract both the highly skilled professionals and semiskilled labourers. Introducing the schemes in this way Governments increasing the national skills base and dipping the amount of irregular migration and illegal working through the development of legitimate entry routes (Clarke and Salt, 2003). The work permit system has become more comprehensive ever before. Highly Skilled Migrant Programme (HSMP) is considered as important entry route for skilled labourers to the United Kingdom. Its main aim is to meet the shortage of highly skilled labourers who are professionals of IT sector and health sector. They have liberalized their policy to such an extent under HSMP an individual without a job offer in UK can get permission if he satisfies a point base test. This new system aim to identify and attract those migrants who have contribute most to the UK and also to bring about a high level benefit by increasing economic competitiveness and cultural exchange.

Australia too stressed on the immigration policies which favor only the skilled and professional migrants. They also arranged skill selective programmes to get more skilled workers that to on temporary basis. This has been very much popular since 1996. The skilled migrants attracting were of two types one is skilled-independent (SI) and skilled –Australia sponsored (SAS) (McLaughlin and Salt 2002), conduct the point test for permitting the immigration. The selection was mainly based on age, skill and qualification. Though lot of preference was given to IT sector in the beginning now there is a shift towards health care professionals.

Germany, another developed country give green card scheme in 2000, for attracting highly skilled labourers to fill the vacancies in IT sectors which could not
be possible with the native labourers. The main aim of this programme is not only to attract high end foreign IT specialists but also to launch vocational and educational initiatives for German workers and youth simultaneously (Kohlmeier et al., 2005). This program came as a mega project aiming to permit 60,000 IT professionals per annum.

In France the new immigration law decided to promote immigration based on the regional requirements of France. It authorizes the Government to look into such areas plagued by recruitment difficulties. French authorities are interested to recruit the emigrants who have skills and talent of required nature according to the requirements of French employers. They were granted skill and talent visa valid for three years. New Zealand also made many alterations in the skill migration category to liberalize the entry of talented immigrants to the country. Higher level of ranks was allocated to those applicants with work experience. And the range of occupation was considered as skilled.

Belgian government in recent years introduces new policies in favor of high skilled and talented immigrants. Many of them are simply administrative procedures, only to allow the highly skilled migrants. The new policy targets not only targeted the highly skilled migrants and also allowed them to get work permission for another four years. In Japan E-Japan strategy, a new plan introduced which aim to bring 30,000 IT professionals (OECD, 2006).

Most of the developed and high income countries are introducing the new and liberal immigration policies for attracting the high skilled and talented migrates to their countries to meet the skill shortage, especially, IT professionals and health care professionals. The recent international migration data clearly shows Indian as an emerging migrant sending country for highly skilled professionals. India as an abundant pool of highly skilled labourers with a better educational system and English as medium of instruction and also proper training has helped Indians to become potential migrants at international level.

The flow of Indian professional in the last half century was mostly towards countries like U.S, U.K and Canada. But now India is well versed with these countries and has come to know that many such migrations were permanent in nature leading to brain drain. However, this trend got reversed since 1990. As many
developed countries made their entry possible only on temporary basis, Speedy expansion of IT sector in India encourages most of the Indians to return to India and start related industries in India. Government got liberalized economy, got stabilize making many emigrants return back. This can be considered as ‘brain gain’ and estimated 35,000 people from IT sector returned back and many started outsourcing their work with the IT companies with which they worked earlier.

6.5 Immigration policies in GCC countries

Immigration policies of GCC countries have witness a significant transformation in last two decades. These policies made significant change of labour flows from major labour sending countries like Indian to GCC countries. Evolving sustainable immigration policies for India migrants, these policies have prospects for labour sending countries like India. Since early 1980s there was a belief that this over dependency will affect the future course of GCC countries by raising native unemployment rate. This was a policy concern of most of these countries and they started their effort to reduce the external making provisions for local labourers. This has been referred to has labour market “indigenization”

The below chart shows schematic illustration of immigration policies of these countries:

Table 6.2: Immigration level and the policies of the GCC countries

<table>
<thead>
<tr>
<th>Country</th>
<th>1975</th>
<th>2005</th>
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<tr>
<td></td>
<td>View</td>
<td>Policy</td>
</tr>
<tr>
<td>UAE</td>
<td>Satisfactory</td>
<td>Maintain</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>Too low</td>
<td>Raise</td>
</tr>
<tr>
<td>Qatar</td>
<td>Satisfactory</td>
<td>Maintain</td>
</tr>
<tr>
<td>Oman</td>
<td>Satisfactory</td>
<td>Maintain</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Satisfactory</td>
<td>Maintain</td>
</tr>
<tr>
<td>Bahrain</td>
<td>Satisfactory</td>
<td>Maintain</td>
</tr>
</tbody>
</table>

Source: United Nations Wall Chart.2005

In recent years GCC countries increase the cost of living of those who have migrant for work by increasing medical charges, renewal charges and by cutting fringe benefits.
Kuwait (1999), Saudi Arabia (2001) and Bahrain (2001) introduced health fee for the migrant labourers. They also instructed their migrant workers to buy health insurance. And UAE has made this compulsory one. The main intention of these strategies is to raise the fund and to invest the fund to train local labourers. The reduction of wage difference margin may work against their inspiration to migrate to the Gulf countries.

To encourage the departure of unauthorized illegal migrants many of the GCC countries already declared repeated amnesty. In June, 2007 United Arab Emirates introduce the pardon and regularization scheme to address the unacceptably high number of migrant’s workers staying illegally, amnesty offer not only enable regularization of many people to get their stay confirmed but also allowed illegal entrants to leave the country without any punishment.

In recent years GCC countries are implementing the policies to restrict the migrant workers. Due to this there is a restriction of the approval of number of visas to migrant’s workers, (Fasano and Goyal, 2004). Now GCC countries are providing the visas for limited number of migrants, who are technical ones and their citizens are not trained for. Saudi Arabia adopted strategies discourage new companies with less number of workers by banning the issue of visa. In these two three decades a system of visa trading was introduced by GCC countries to avoid the black marketing of visas and control the migrants to provide employment to the local workers.

Saudi Arabian labour ministry records that 70% of the visa issued by the Government are sold in black market, Bahrain also points out that illegal sponsorship for more than twenty year has disturbed job market and the government suspending millions of dollars to rectify this by investing more on that training of technical knowledge to its citizens and encouraging them to work in the local market. Government also authorizes many of the private sector employers to local labourers giving incentives. The budget surplus experienced by the increase in oil price during 2007 was intentionally invested on human development only to market their citizens more competent for any job.

GCC Governments are started technical and vocational training institutes to train their citizen’s especially in computer programming, cosmology and plumbing, currently all these types of jobs are managed by migrants.
GCC countries are introducing these policies to give preference to the citizens and provide the employment to the nationals in the public sector companies and administration. In some GCC countries absorption capacity of the national labour as reached the saturation level and many efforts to expand it would only make the sector not only inefficient but also cost ineffective. In fact excluding some countries in almost all the countries 60% of the labour are from the local population, but labour indigenization policies has not made much impact on private sector. This miss match is also responsible for non-observably of national labour force by private sector. 85% of the foreign labourers are working in private sector, private employers are choosing the migrant workers because their cost is comparatively lower related to the local labourers and migrants are better qualified and under flexible contract arrangement that facilitates hiring and firing. The major reason for Asian dominance in these areas is there no complaint attitude for long hour work no wages and they don’t expect promotion over time. This trend may continue at least in a short to medium term. The Asians having a command over English languages are more flexible to contract and therefore live without families in these countries; therefore the saving capacity is relatively higher. There are three key policy issues which are emerging due to the under cutting of wages and decline in labour standard.1) appropriate strategies for the sustainability of labour force, 2) alliance with other countries in setting minimum acceptable standards, 3) greater cooperation with other ECG countries.

Lastly India is a major labour exporting country to the GCC countries. It need to implement the effective emigration polices with the other labour sending countries to GCC. Multilateral arrangements and regulations are essential to monitor the migration movements and safeguard the migrant’s rights in destination countries.

6.6 Colombo Process on Migration

In 2003 there was a ministerial level consultation at Colombo of labour sending countries of Asia which was initiated by IOM. This was later popularly come to be known as Colombo process. All major labour sending countries of Asian region have attended this function. They are namely Bangladesh, China, India Indonesia, Nepal, Pakistan, Philippines. Sri Lanka, Thailand and Vietnam. The Colombo process met four times so far. The second conference held in Manila on 22 to 24th September 2004, third conference was at Bali on 20 and 21th of September 2005, and fourth conference was held in Dhaka on 20 and 21th April 2011.
In all these conferences many relevant issues were discussed and debated. Welfare and safety of migrant workers institutional capacity building women migrant wage issue were some of the issues. That conference recommended developing the regulatory frame work for ensuring the Human Rights for all migrant workers, preventing malpractices and abuses by private recruiting agencies, developing orientation programmes protect female migrants. By doing so it was promoting 1990 United Nations international convention.

The last and fourth conference held in Dhaka in 2011 on the theme of ‘Migration and Dignity’ and made the ‘Dhaka Declaration’. The main reason for this was feminized face of migration. Recognizing the new opportunities many female migrants are increasing worldwide. And this becomes a reason for discussion in the fourth conference; the declaration recommended addressing women specific needs of semi-skilled and low wage workers.

6.7 Migration Legislation in Asia

The South Asian nations made efforts to implement policies to manage huge movement of migrant workers to the gulf in recent periods. Many of the laws made in 1980s are either modified or substituted by new ones. Changes in the laws on migration have been boosted by the need for origin nations to manage with heightened migration movements and to overcome the gaps in the regulations, mainly concerning the working of employing agencies.

Emigration ordinance 1982 was replaced by Bangladesh emigration Act of 1922, and this has become the key regulatory instrument. Presently it is anticipating that it will be substituted by new legislation whose drafts are ready. The Foreign Employment Act 2011 has considered ILO conventions of 1990 in its preface, the Bangladesh Emigration Act of 1922 was substituted by emigration regulation Act 1982; it is the major regulatory instrument relating to migration in Bangladesh. The country is anticipating the achievement of a new law to substitute the 1982 regulation. The draft of the new legislation, the most important feature of the draft law is that it highlights the right aspect of migration and is designed to control illegal activities in the labour employment process (Siddiqui, 2011).
Modifying the Act no 4, 1994 Sri Lankan Bureau of Foreign Employment (SLBFE) takes into its hold all the categories of migrant workers. SLBFE provides licensing as well as data on migrants.

In Nepal, The Foreign Employment Act, 2042(1985), was replaced in 2008 giving way to the new foreign employment regulation 2064. The main aim of this Act is to provide a special place for women in migration and to discourage gender discrimination found in sending workers abroad for employment. This Act also takes into consideration all the apprised indigenous people and victims of natural calamities as special when they migrate to foreign countries for employment.

In Pakistan immigration ordinance and immigration rules of 1979 is safeguarding the rights of emigrating people. The Bureau of Emigration and Overseas Employment (BEOE) is mainly responsible for regulating migrant’s movement from Pakistan. National policy introduced by Pakistan in 2009 also stressed the need for better management of international labour migration

6.8 ECR Countries with reference to India

There were two categories of passports: ECR and Non-ECR before 2007.

Non-ECR stands for Emigration Check Not Required meaning thereby a person with Non-ECR stamp would NOT be required to go and get clearance from Protector of Emigrants (POE) before

ECR-Emigration Check Required for people who have educational qualification less than 10th class (Matriculation). They need to get clearance from POE before they travel outside India.

The intention of ECR was to protect the Indian citizens to any situation outside the country. Though it is abolished in 2007 it is still alive even today because every passport is essentially an ECN/NON ECR passport. There are some specific countries which demands emigration clearances but other than these it is not required, example Middle Eastern countries.

6.8.1 Emigration Check Not Required (ECNR):

Even when migrants is travelling in these countries ECNR is not required, if he is a gazette government servant, diplomat, or a VIP. Many other categories also identified given clearance regarding this.
6.9 Indian International Labour Migration Policies

Emigration Act 1983:

In the mid-1970s migration boom in the Middle East highlighted the limitations of the emigration Act, 1922. Because this Act fails to safeguard the interests of emigrant labourers, this period experienced an increased number of people from India moving towards Middle East. The private recruiting agencies had no control and were charging a very high fee for their services. Irrespective of economic status of labourers, this region semiskilled and poor labourers who found this charges very high, this led to an increased trend of illegal migration from Indian to middle East. All these short comings force the Government to remove this Act 1922 and frame a new one which is more suitable to semi-skilled and unskilled labourers. This has led to formation of emigration act 1983. This mainly deals with the emigration of Indian workers for overseas employment on contractual basis and safeguards their interests. While Act of 1922 deals with internal migration, emigration Act 1983 took the responsibilities of regulating and controlling emigration of unskilled workers. The Act did not specify any regulations regarding the technical qualification of permanent migration, which was very common around 1950s. The main aim of this Act was to facilitate the emigrants the best possible terms and conditions of employment it also considered the dignity and decorum of person and the country and made significant impact on the out flow of migration labourers from India in the previous decades.

The Act was designed to monitor the movement of semiskilled and low waged labourers, Section 22 of the Act declares that all those Indians migrating for the purpose of employment should get clearance from the office of protector of emigration. At the time of emigration clearance it is required to check whether the job contract is ensuring the terms and conditions in accordance with prescribed form. In fact in recent years the emphasis has been shifted and made liberalized leading to more number of categories staying away from emigration check.

India directly regulate approximately 0.6 million persons per annum under the provisions of emigration Act 1983, along with this Act there is hardly any system that is actually monitoring the working conditions in destination countries. This has led to many people still encountering problems in their place of destination. Section 10 of the Act restricts recruiting agencies to carry on the business of recruitment without the registered
certificate. Over a period of time India have streamlined the licensing of recruitment agencies on the basis of previously mentioned provisions. In fact the entire emphasis was on bringing the licensing procedure to orders and solving the problems faced by migrants during recruiting process. Emigration Act 1983’s another key feature is imposition of recruitment fee, Act specifies the fee limit for different semiskilled and unskilled labourers. Fee limits are set primarily with two objectives, 1) to make the burden on low end worker 2) to protect the workers from the greedy recruiting agents, whose fees were not revised from past 25 years. Section 10 of the emigration Act 1983 permits the recruiting agent to carry on the business without the registration certificate which is normally issued to him by the Protected General of Emigration once he gets experienced in the field. The bank guarantee is mainly to meet the cost of repatriation. Sometimes agents exploit the migrants, sometimes agents are exploited by the system. The emigration authorities intervene in their work only to get complain against them. The emigration Act is primarily regulatory in nature unable to provide legislative base for the welfare considerations related to migration. Currently migration is considered as one of the important issues of the world. Issues over world and with welfare oriented governments many countries have formed welfare funds based on their own supporting schemes.

Pre-departure orientation programme for the migrants is one of the significant mechanisms for encountering the emigrant’s problems in destination countries and it helps the migrants to adopt proficiently to changed working conditions and to new socio-cultural atmosphere. There is special provision for protecting women and children in Emigration 1983 Act, many factors are encouraging the women to migrate in this globalized world. Many of the women migrates from developing to developed countries and are trying to migrate to developed and rich countries, several origin countries like Sri Lanka and Philippines have special provisions to address the female migration issues in their emigration Act. In India also many initiatives were taken to restrict the movements of women below thirty years, this looks more regulatory than protective.

6.10 Migration Management in India: Recent Initiatives

India is one such country which recognizes the contribution of overseas community in its socio economic progress. Since international migration is massive the Government of India has established separate ministry to address the issues and problems of these people. In May 2004 Ministry of Overseas Indian Affairs came into
existence to deal with the issues of overseas citizens of India and it was historical that the Government recognizes and acknowledges the contribution of these people to the overall development of India’s economy. The Ministry of Overseas India is having four policy imperatives and all of them are in one way or the other deals with felicitating these overseas citizens who are spread across eight major regions of the world. They are considered as both the product and drivers of globalization.

Taking their help and using them as a medium and forge partnership will best serve Indian as an emerging economic power. The Indian state must be encouraged to become stake holder’s partners. Below are some of the programmes initiated by the Government in this regard.

**Pravasi Bharatiya Divas:**

Pravasi Bharatiya Divas (PBD) was celebrations one of the new initiatives of the Government of India. The important objective of this event is to acknowledge and appreciation of philanthropic economic and productive role played by the Indian diaspora. It is celebrated on 9th January every year because it is on the day Mahatma Gandhi, the father of nation returned to home country after leading a struggle as a Pravasi Bharatiya in South Africa for nearly two decades. This event is in held on an annual basis since 2003. And the 13th Pravasi Bharatiya Divas (PBD) was celebrated on 9th January 2015 in Gujarat. It is the major platforms for discussion on a number of issues related overseas Indians attended by many overseas Indians themselves.

**Overseas Citizenship of India (OCI) Scheme:**

The registered OCIs are given some benefits like multiple entries, multi visit to India without any complaint from police which is paralleled to NRIs regarding socio economic and educational fields.

**The Pravasi Bharatiya Bima Yojana, (2006):**

The Pravasi Bharatiya Bima Yojana under this scheme insurance was made compulsory. All those who migrate for employment purpose after taking the clearance from POEs compulsorily gets ensured the scheme has following features. It specifies an emigrant should be treated in case of death if is having insurance. This Bima Yojana assures transport of dead body with one attends at free of cost. This yojana also protects the workers who went to the destination country but not received by their employer. In such cases and also migrant become sick or unfit to work the insurance
policy provides all the facilities and medical expenses up to 50,000 for taken care off. In the case of female emigrants, the insurance policy will cover the minimum of 20,000/- as a maternity benefit and medical expenses. The family of the emigrant was also covered under these benefits. But there is difference from one company to another company regarding premium and one has to monitor continuously these companies to get the better results.

Abolition of ECR Suspension:

Emigration check requires is “suspension from the necessities of obtaining emigration clearance, if the individual travels to foreign for non-employment purposes”. As per the new policy those who travel to foreign counties other than employment purpose need not produce emigration check, a valid visa and valid return ticket is sufficient for their travel. The bureau of emigration maintains data of all such passengers going abroad and duration of stay. But this also cannot confirms that those in the ECR category for non-employment purpose does not guarantee that they will not work in the destination country and stay illegally for a long time, therefore it is very essential to tackle this problem by giving public campaign about the adverse effects of such migrations.

Special Welfare Measures:

For protection and welfare of Indian migrants many measures were taken in recent years. Especially the vulnerable sections of the women and unskilled migrants, these measures are, (i) restricting the female migrants age thirty years on ECR passports, ii) clearly recording minimum wage for emigration, iii) for those foreign employers who are directly hiring Indian workers a security deposit 2500$ US dollars was made to make attestation of women emigrants ECR passports compulsory.

Bilateral Agreements:

Many bilateral agreement memorandum of understanding were signed by India with many countries that are at the receiving end of Indian labourers. It is a major success of international migration employment policy in India. MOUs were signed with UAE (2006) with Kuwait (2007) with Qatar (1985) and negotiations are on with omen and Malaysia. The main aim of these MOUs is the welfare of migrants. India has entered the landmark social security agreement to address the emerging
needs of highly skilled emigrants. As per the agreement those who work longer than sixty month were entailed for exporting social security benefits.

6.11 Policy Perspective

Strengthening the Base of International Labour Migration Information:

Information regarding the migration flows, magnitude, and migration pattern and migration characteristics of migration process is very important for policy perspective and evolving migration management. But it is evident that Indian international labour migration and migration related data and information is partial and scanty. The data for unskilled labourers are available in emigration clearance that is also a macro data, available data only gives information about the origin and destination of the emigrants, but there is no such personal data available which gives an idea about the age, sex and education of the emigrants. One should always depend on national and international reports and destination countries data bases for Indian labour migration, there is no data available on return migration and consequences of return migration. The database should give an overall picture of migrants where about. To get the data there must be alternative method which are in use, the intergovernmental cooperation, border control records are some of the possible ways to get the data. Updating the available data time to time is also important.

Strengthening and Reorienting the Emigration Act, 1983:

The emigration Act provides the legal basis for better protections and welfare of emigrants. On the other hand it is a dynamic promoter of the international labour migration from India. But after the review of the Act it was realize that the Act needs modification to monitor the activities of the corrupt agents and take strong action against those who cheat those Indians who wants to migrate for employment purpose. There is a wide spread corruption among recruiting agents who were charging exuberant fees, It becomes very essential to bring them under emigration Act. By making them a registered party their activities can be monitored. Strengthening and reorienting of emigration act should also include implementation part once network is established then it is easy to monitor and identify the culprits.
Organizing the pre-departure programmes and Awareness Campaign on Migration Issues:

This is one of the Pre-departure programme for the migrants which is one of the important aspect in the overseas employment policy. But India is neglected that type of the programmes in its overseas employment policy. It is one of the risks minimizing strategy in temporary migration; these programmes help migrants to prepare physiologically for travel, get exposed to cultural, linguistic nature in the host country and also to get reoriented legally. These things will make them confident and their overseas stay will be relatively safe. They become confident enough to question the illegalities in recruitment at destination countries. In case of female migrants these orientation programmes work as a protective measure by giving information and equipping them with necessary measure against gender exploitation. They equip the migrants with needed information about the different procedures followed in different countries in the deployment of workers. This type of public campaign protects the innocent workers against exploitation. Sometimes migrants are not aware of the correct position of their status. Information regarding wage and other facilities were also not very clear and it becomes responsibility of the government to inform about these things and act as a facilitator to see them through proper channels.

Financing the cost of migration:

Commercial banks have introduced special schemes to finance the emigrants for boosting the overseas employment, especially poor and unskilled migrants to meet the migration related costs. This has two distant advantages 1) the interference of bank will make use the same formal route to channelize their remittance, 2) has it demands important migration documents it will be an easy way for the migrants to know whether the recruitment is legal or illegal.

Orientation programme for POE officials:

It is very important to give training to the officials who are concerned with migration about the importance of migration for the economy. They should be familiar with emigration Acts and rules and also with the procedures involved in granting cleansing and other things for which orientation program is a must. This will improve their efficiency and quality of service.
Incentives for Recruiting Agents:

Lots of corruption occurs by recruiting agents who are the real mediators in the emigration process, sometimes they also exploit the emigrants, therefore it becomes Government responsibility to see that they perform well and do quality work to encourage them. Government does have many incentives in the form of concessions, recognition, appreciation etc.

Evolving Policies on Mobility of Highly Skilled:

It is very visible that there is overwhelming proportion of technically qualified migrants from India to other developed countries particularly those who moved to U.K and U.S are considered as brain drain because their contribution is nothing to our country once they go there. In U.S those who go with H1B visa pay a range of social security taxes to U.S Government and get nothing in return as there were temporary workers. This has to be taken seriously and efforts should be made to make brain drain as brain gain. A fast growing IT sector in India can work as a panacea by inviting these migrants to come back to the home country and work from within.

Promoting Bilateral Agreements with Major Importing Countries:

Bilateral agreements between home and host nations are playing the key role for advancing national goals and objectives in foreign employment, effective bilateral agreements could lead to more orderly migration systems between countries. Such agreements are very rare in the context of India till recently. However, a number of steps have been taken in recent years to establish bilateral agreements with several destination countries with a view to promote the welfare of Indian migrants, to safeguard their rights and to transform the often exploitative migration process into a more orderly process.

Investor Friendly Policies to Make Optimal use of Migrant’s Remittance:

India is recognized as leading country with highest worker remittance in 2013. It was as high as 70 million $ US. More than 25 million $ US across the world is estimated as an inflow coming from Indian diaspora. The Government policies to attract remittances and also to channelize them to formal routes have been successful but efforts should be made to convert them to their optimum use. These remittances can bring major change in the economic growth of the country if it is properly directed to productive investment; India is yet to take seriously as a policy measure. It
should make policy to attract and encourage the investment by giving needed monetary and physical incentives while doing this it has to take migrants into confidence. With all its liberalized policies India is yet to make big steps in attracting these investments.

**Enabling a Multilateral Framework on International Migration:**

The labour migration is increasing many folds in this globalized world and progress of globalization is more visible in the area of trade and capital flows, there is a need to give more emphasis to labour flows. Countries like India should take a lead in developing a compressive multilateral frame work as an international movement of people.

One positive step relating to the multilateral negotiations framework is the Mode 4 proposal under GATS (General Agreement on Trade in Services). While, very limited progress has been made in this regard since it was first negotiated in Uruguay Round, it is important that countries like India highlight concerns like cross-sectoral leverages.