Emigration Bill 2021

What is the issue?

- In early June 2021, the Ministry of External Affairs invited public inputs to the Emigration Bill 2021.
- The new Bill is better than the Emigration Act 1983, but more reforms are needed to protect Indian workers.

How is presently themigrant workers' condition?

- Independent investigations into migrant worker conditions have underlined serious exploitative practices.
- These include large recruitment charges, contract substitution, deception, retention of passports.
- Also, non-payment or underpayment of wages, poor living conditions, discrimination and other forms of ill-treatment are found.

What is the current emigration law in India?

- Labour migration is governed by the Emigration Act, 1983.
- It sets up a mechanism for hiring through government-certified recruiting agents.
- These could be individuals or public or private agencies.
- The Act outlines obligations for agents to conduct due diligence of prospective employers.
- It sets up a cap on service fees.
- It also establishes a government review of worker travel and employment documents (known as emigration clearances) to 18 countries.
- These countries are mainly in West Asian states and South-East Asian countries.

What are the welcome reforms in the new Bill?

- The Emigration Bill 2021 launches a new emigration policy division.
- It establishes help desks and welfare committees.
- It requires manpower agencies to conduct pre-departure briefings for migrants.
- The Bill also increases accountability of brokers and other intermediaries who are also involved in labour hiring.

What are the shortcomings?

- **Human rights** - The Billlacks a human rights framework aimed at securing the rights of migrants and their families.
- Progressive labour regimes do so.
- E.g., Philippinesexplicitly recognises the contributions of Filipino workers and the dignity and fundamental human rights and freedoms of the Filipino citizens.
- **Fees** - The Bill permits manpower agencies to charge workers' service fees.
- It even allows agents to set their own limits.
- International labour standards recognises that it is employers, not workers, who should bear recruitment payments.
- These include the costs of their visas, air travel, medical exams, and service charges to recruiters.
- [As per International Labour Organization (ILO) Private Employment Agencies Convention No. 181 and the ILO general principles and operational guidelines for fair recruitment.]
- Large-scale surveys by the ILO and the World Bank show that Indian workers pay exorbitant charges for their jobs.
- Poorer workers pay progressively larger fees.
- When low wage migrants get into this, it makes them vulnerable to indebtedness and exploitation.
- In the worst cases, it leaves workers in situations of debt bondage, a form of forced labour.
- **Punishing workers** - The Billpermits government authorities to punish workers.
- It can cancel or suspendtheir passports and impose fines up to Rs. 50,000 for violating any of the Bill's provisions.
- The aim is to restrict workers who migrate through unregistered brokers or via irregular arrangements such as on tourist visas.
- But migrant workers opt for such ways either because they are unaware of the law or under the influence of their recruiters, or simply desperate to find a decent job.
- So,criminalising migrant workers' choices runs contradictory to the purpose of protecting migrants and their families.
- It violates international human rights standards.
- Also, migrants in an irregular situation could fear that they could be fined or have their passports revoked.
- So, they are also less likely to make complaints or pursue remedies for abuses faced.
- **Gender dimensions** - The Bill does not adequately reflect the gender dimensions of labour migration.

- Women have limited agency in recruitment compared to their counterparts.
- They are more likely to be employed in marginalised and informal sectors and/or isolated occupations in which labour, physical, psychological, and sexual abuse are common.
- The Bill also provides limited space for worker representation or civil society engagement in the policy and welfare bodies that it sets up.

What is the way forward?

- The Ministry of External Affairs must start at the top, and draft a clearer purpose.
- It should explicitly recognise the contributions of Indian workers, and the unique challenges they face.
- Importantly, it should uphold the dignity and human rights of migrants and their families.
- Then it must address the specific provisions that diverge from this purpose.

Source: The Hindu

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