



Emigration Bill 2021

Why in News

Recently, the Ministry of External Affairs (MEA) invited public inputs to the **Emigration Bill 2021**. The Bill presents a long overdue opportunity to reform the **recruitment process for nationals seeking employment abroad**.

Key Points

▪ Key Features of the Bill:

- The Bill intends to replace the **Emigration Act of 1983**.
- The Bill envisages **comprehensive emigration management, institutes regulatory mechanisms governing overseas employment** of Indian nationals and establishes a **framework for protection and promotion** of welfare of emigrants.
- The bill proposes a **three-tier institutional framework**:
 - It launches a new emigration policy division in (MEA) which will be referred to as the **Central Emigration Management Authority**.
 - It proposes a **Bureau of Emigration Policy and Planning, and a Bureau of Emigration Administration** shall handle day-to-day operational matters and oversee the welfare of emigrants.
 - It proposes **nodal agencies under a Chief Emigration Officer** to ensure the welfare and protection of the emigrants.
- It permits government authorities to **punish workers by cancelling or suspending their passports** and imposing fines up to Rs 50,000 for violating any of the Bill's provisions.
 - When enforced, it can be used as a tool to **crackdown on workers who migrate through unregistered brokers** or via irregular arrangements such as on tourist visas.
- The proposed legislation will also maintain registration of human resources agencies, validity and renewal and cancellation of a certificate.
 - Besides, authorities will be empowered to have certain powers of the **civil court**.

▪ Need for the Bill:

- **Labour migration is governed by the Emigration Act, 1983** which sets up a mechanism for hiring through government-certified recruiting agents - individuals or public or private agencies.
 - It outlines obligations for agents to conduct due diligence of prospective employers, sets up a cap on service fees, and establishes a government review of worker travel and employment documents (known as emigration clearances).
 - The Emigration Act, 1983 enacted in the **specific context of large-scale emigration** to the Gulf, **falls short** in addressing the wide geo-economic, geo-political and geo-strategic impact that emigration has today.

- For years, independent investigations into migrant worker conditions have **underlined serious exploitative practices** which include:
 - Large recruitment charges,
 - Contract substitution,
 - Deception,
 - Retention of passports,
 - Non-payment or underpayment of wages,
 - Poor living conditions,
 - Discrimination and other forms of ill-treatment.
- For instance, in recent months, media reports have highlighted how the majority of migrant worker deaths in the **Arab Gulf States/West Asia** are attributed to heart attacks and respiratory failures, whose causes are unexplained and poorly understood.
- **Associated Issues:**
 - **Lacks a Human Rights Framework:** The bill is criticised to be **lacking a human rights framework** aimed at securing the rights of migrants and their families. For example:
 - The penal provisions under the law, criminalizes the choices migrant workers make either because they are **unaware of the law, under the influence of their recruiters, or simply desperate to find a decent job.**
 - Further, migrants in an irregular situation who fear that they could be fined or have their passports revoked, are also **less likely to make complaints or pursue remedies for abuses faced.**
 - **Not in Sync With International Standards:** The Bill permits manpower agencies to charge workers' service fees, and even allows agents to set their own limits.
 - However, International labour standards and the International Labour organization ([ILO](#)) general principles recognise that it is employers, not workers who should bear recruitment payments.
 - Worker-paid recruitment fees eat into their savings, force them to take high-interest loans, leave workers in situations of debt bondage — **a form of [forced labour](#).**
 - **Scant Gender Dimensions:** This Bill does not also adequately reflect the gender dimensions of labour migration.
 - Women have limited agency in recruitment compared to their counterparts and 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.

Way Forward

- India needs to formulate migration centric policies, strategies, and institutional mechanisms in order to ensure inclusive growth and development and reduce distress induced migration.
- This will increase India's prospects for poverty reduction and achieving [Sustainable Development Goals](#).

Source: [TH](#)