

UPSC EDITORIAL ANALYSIS 27 JUL 2021

AN EMIGRATION BILL THAT DOES NOT GO FAR ENOUGH

Context:

- The Ministry of External Affairs has invited public inputs to the Emigration Bill 2021 and very soon it shall be introduced in the parliament to reform the recruitment process for nationals seeking employment abroad.



Exploitative conditions

- Migrant workers undergo serious exploitative practices such as 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.
- The media has highlighted that majority of migrant worker deaths in the Arab Gulf States/West Asia were due to heart attacks and respiratory failures, but the reason for this is unknown. Presently, Emigration Act, 1983 provides for a Labour migration mechanism for hiring through government-certified recruiting agents — individuals or public or private agencies.
- The act requires 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

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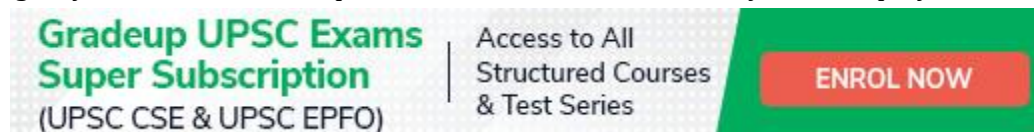
documents (known as emigration clearances) to 18 countries mainly in West Asian states and South-East Asian countries.

Improvements, drawbacks

- The Emigration Bill 2021 has a new emigration policy division, plans to establish help desks and welfare committees, compulsory pre-departure briefings for migrants by manpower agencies.
- The bill also increases the accountability of brokers and other intermediaries who are also involved in labour hiring.
- However, while consolidating the bill, it lacks a human rights framework aimed at securing the rights of migrants and their families.
- For example, the Philippines explicitly recognises the contributions of Filipino workers and “the dignity and fundamental human rights and freedoms of the Filipino citizens”, such recognition is missing in India.
- Further, the Bill permits manpower agencies to charge workers’ service fees and allows agents to set their limits which may lead to manpower bias and corruption.
- Also, International Labour Organization (ILO) standards and principles, Private Employment Agencies Convention No. 181 recognises that it is employers, not workers who should bear recruitment payments including the costs of their visas, air travel, medical exams, and service charges to recruiters.
- However, surveys by ILO and the World Bank show that Indian workers pay exorbitant charges for their jobs and that poorer workers pay progressively larger fees. For example, Indians in Saudi Arabia paid on average \$1,507 in recruitment charges; their counterparts in Qatar paid \$1156.
- The huge recruitment charges paid by the workers exceed the real cost of recruitment and due to this, the low wage migrants become vulnerable to indebtedness and exploitation. Worker-paid recruitment fees eat up workers savings, forcing them to take high-interest loans, live on shoe-string budgets, and sometimes it extends to debt bondage — a form of forced labour.
- The new bill has permitted government authorities to punish workers by cancelling or suspending their passports and imposing fines up to ₹50,000 for violating any of Bill’s provisions.
- This would help to cut down on workers who migrate through unregistered brokers or via irregular arrangements such as on tourist visas. However, Criminalising the choices migrant workers make either because they are unaware of the law, under the influence of their recruiters, or just because they are desperate to find a decent job is deplorable, and it's contradictory to the purpose of protecting migrants and their families.
- Recruiters and public officials may misuse the law to instil fear among workers and report or threaten to report them.
- Migrants too, due to the fear that they could be fined or have their passports revoked, may not complain or pursue remedies for abuses faced.

Scant gender dimensions

- The bill fails to consider gender dimensions of labour migration where women have limited agency in recruitment compared to Men, who are more likely to be employed in



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marginalised and informal sectors and/or isolated occupations in which labour, physical, psychological, and sexual abuse are common. The Bill also fails to provide for worker representation or civil society engagement in the policy and welfare bodies that it sets up.

Conclusion:

- ✓ To ensure that labour recruitment works for the tens of thousands of Indian women and men who migrate outside our borders each year, the Ministry of External Affairs in the new bill must draft clear provisions which recognise the contributions of Indian workers, the unique challenges they face and uphold the dignity and human rights of migrants and their families.
- ✓ After such provisions are addressed it should focus on the specific provisions and ensure that the Migrant is given due respect and are not forced to pay the huge service charge and are treated properly.

Reference:

<https://www.thehindu.com/opinion/op-ed/an-emigration-bill-that-does-not-go-far-enough/article35549345.ece>

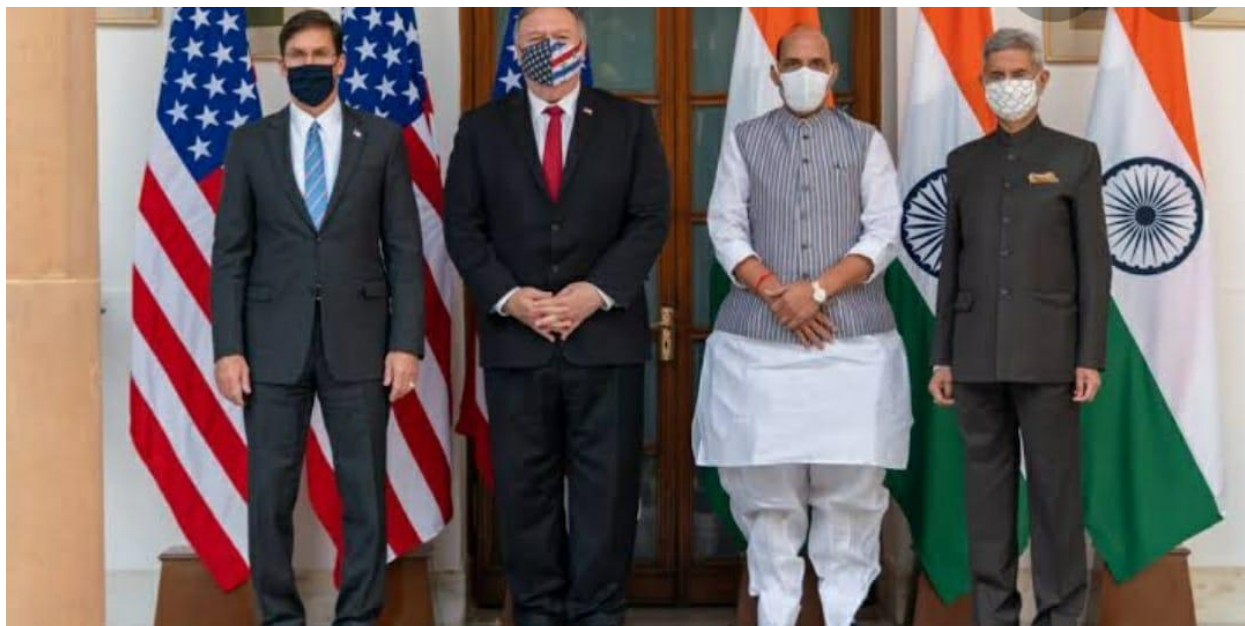
CAN INDO-US PARTNERSHIP GO FROM BEING A PERENNIAL CURIOSITY TO A QUOTIDIAN AFFAIR?

- The recent meeting between India and US Secretary of State, Antony Blinken is a paradox stands as Prime Minister Narendra Modi and US President Joe Biden have already agreed on an ambitious agenda for bilateral, regional and global cooperation between India and the US.
- Since the 1990s, India and the US relationship is growing in all spheres including political and security cooperation, expanding economic engagement, widening interface between the two societies, and the intensifying footprint of the Indian diaspora in the US.

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India -U.S grounds

- Few questions like will the US president mediate on Kashmir or talk on democracy and human rights may derail Delhi's relationship with the US.
- The question also arises, whether India can trust the US to extend full support in coping with the China challenge, is the U.S trying to "entrap" India into an alliance
- As India's relative weight in the international system continues to grow, there are many chances forgiving and take between India and the US, but at the same time, a small state syndrome continues to grip the foreign policy elite.
- India is now the sixth-largest economy but there are still fears that Washington may impose globalisation on Delhi and even when salience for solutions to climate change has increased, India's actions remain defensive.
- Indian elite's like prime ministers from Rajiv Gandhi to Narendra Modi is entrenched ideological suspicion of the US and have invested political capital in improving ties with the US, despite much resistance from the political class and the bureaucracy. Reasons why the Indian public debate can't keep pace with Delhi's policy changes with the US:

1. India - U.S have a narrow focus on the bilateral, ignoring the larger forces shaping American domestic and international politics. Thus, limiting the appreciation of new possibilities for the bilateral relationship.

2. India has underinvested in public understanding of American society, while Russia and China have put large resources in American studies at their universities and think tanks. The Indian government and private sector should address this gap very soon.

3. Indian public is unaware of the extraordinary policy shifts that are unfolding in Washington.

Biden Actions:

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- Within U.S Biden has ripped apart from the 1980s neoliberal economic policies of Ronald Reagan the 1980s which were sustained by Bill Clinton and Barack Obama.
- Further, Biden is moving left on the relationship between the state and the market focus on raising taxes, increasing public spending and addressing the problem of sharp economic inequality.
- Biden similar to Trump wants to make sure that America's foreign and economic policies serve the US middle class and doesn't want any free trade treaties in the near term as he also aims to keep America First.
- In the past American policy was to open financial markets everywhere for Wall Street and increase Globalisation, but Biden's Government is not interested in doing so.
- The U.S President is emphasising rebooting the American economy through changes in active industrial policy so that it can vigorously compete with China.
- The U.S to respond effectively to China's aggressive policies in the Indo-Pacific is planning to renew the traditional US alliances to present a united front against China.
- Biden is trying to maintain friendly relations with Russia to overcome Washington's hostility to Russia.
- U.S New policies have opened up space for India to widen and deepen ties with Washington. But Indian question of democracy and human rights seems to be unanswered.
- Though Democracy has been America's founding ideology, it wasn't able to maintain it in recent times, hence Biden is now taking efforts to renew American democracy which would in turn support democracies around the world.
- Now, U.S is also focussing on confronting institutional racism within America and reducing the mindless gun violence by limiting the constitutional right to bear arms and preventing discrimination on voting rights for minorities.
- India has a lot to learn from Biden's reforms and the reform of its democracy.
- India and U.S should cooperate to find solutions to challenges that new surveillance technologies and big tech monopolies pose to democratic governance.
- Earlier, The exclusive American focus on democracy promotion has been rare, costly and unsuccessful, even India's own experience at spreading democracy in its neighbourhood was a failure, Now both U.S and India can take steps to reform their democracy jointly.

Conclusion:

- ✓ India and the U.S in addition to the exchange of democracy and human rights views have various other agendas to discuss such as Afghanistan, Indo-Pacific, reforming global economic institutions to addressing climate change, and vaccine diplomacy to governing new technologies that beckon India and the United States.
- ✓ Intensified Bilateral cooperation between various areas would help to expand the scope for the Indo-US partnership from a perennial curiosity to a quotidian affair.

Reference:

<https://indianexpress.com/article/opinion/columns/into-us-partnership-antony-blinken-joe-biden-narendra-modi-7423761/lite/>

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