

HUMAN RIGHTS: A SPECTRUM



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Human Rights Violations of NRI Laborers in UAE

D. RAMAKRISHNAN

INTRODUCTION

People from India start migrating to foreign countries from the time immemorial. Economic instability of individuals and lack of opportunities were the reasons behind the early migrations. The nineteenth century witnessed a vast boom in job opportunities worldwide because of the abolition of slavery by the British Government. The demand for cheaper labor tempted jobless people from India to migrate to different parts of the world. Skilled, semiskilled and unskilled workers from India migrated for livelihood. The process of migration of skilled workers has been termed as brain drain by the later social scientists. Highly talented immigrants earned and became recognized by the world. On other side, semiskilled and unskilled laborers faced different kind of challenges before them.

The trend of migration has been still enduring. Migrations to gulf countries were started in the early 1960's and 70's. Semi-skilled and unskilled laborers were occupied in oil blooming gulf countries like Qatar, UAE, Saudi Arabia, Bahrain, Kuwait,

Oman in large number. They worked hard and earned for their life. An Indian can simply claim that, the now existing global cities of Gulf countries had been rooted from the Indian bloods. The gulf countries were nourished mainly through the human resources emigrated from Indian subcontinent.

It is estimated that there are approximately 17.5 lakh Indians in the UAE, constituting the largest expatriate community in that country. Out of this, about 13.5 lakh are emigrant workers, mostly employed in construction, services and household sectors. The tribute of Indians in the desert soil cannot be neglected. They had given due diligence at their work and made the deserts into money growing fields but their returns were harassment and swearwords of their employers. Unskilled NRI workers like helpers in construction works, house maids and others are suffering hard to meet the two ends of life in UAE. The trend of dreaming gulf money is still fostering in the young Indian minds. To realize the hidden hazards behind the gulf jobs and to remember the tribute of their predecessors, it is adequate to discuss and analyze the things happen to NRI laborers in UAE for the past years.

ATROCITIES FACED BY AN INDIAN EMIGRANT IN UAE

When an Indian dreams of a gulf job, there are numerous ways to attain his aim. Agencies recruit persons abroad for commission by conducting nominal interviews and formalities are a common process found in Kerala and Tamil Nadu like states. Persons of lower strata of society may fall in the polished words of the recruiters and handover huge amount for Visas and Jobs. In majority of the cases, they will fall in the clutches of debts or disparity for the rest of their life.

Illustration: Krishnan, an unskilled labor from Kerala, was approached by a Dubai based job recruiting agency. They promised him a job in a construction site in Dubai as helper foremen with salary 20000 Indian Rupees in addition to accommodation and food. Krishnan, who is a fellow of lower strata of the society, has the burden of his family having five members, thought it as a great opportunity to overcome all the challenges before him. The recruiting agency asked him five lakhs rupees within two weeks as a commission and other expenses for recruitment. Krishnan agreed to pay the whole amount with the expectation that he would be able to retrieve it by working abroad. His family members enchanted in hearing the arrival of goddess of luck to their home.

Krishnan felt it as too difficult to make five lakh rupees within two weeks. He mortgaged his ancestral property and wife's gold ornaments with a private financial institution with mere formalities. After receiving the amount recruiting agency informed him date of journey other formalities of the employer. He entered for a two years labor contract with the employer. He reached a labor camp in Dubai by the time. The labor camp facilities were not much better as he expected. The camp was so congested. He had to settle in a three tier bed in a dormitory. The sanitation facilities were few for the hundreds of persons reside there. Working times are like 6 am to 6pm. If he wants to go the job site at 6 am, should wake up before 4.30 am. He had to finish all the daily routine before the departure of vehicle to the site. He should work in the site irrespective of the temperature of the desert. Works may be on the roof of the building without much security, still he had to work otherwise he would be expelled. The vehicle to the labor camp will carry large no. of people on one trip and he would also join with them. After returns to the camp at evening 7 pm or even later,

he would have to complete whole other kinds of personal works and should take rest accordingly. Hardly, he would get five to six hours of sleep. The routine continued more or less worse for the whole contractual period. They would get hardly one holiday per week.

The pressure of work without any leisure time and the absence of his dear ones made him distracted there. He was ready to suffer anything because of the expectation that he would be able to manage the rest of life with comfort and could give high education to his children. Days were being gone. At the beginning second month, all the laborers were informed that they wouldn't get salary for the first because of the financial problems of the employer and would be given in the third month. On the third month Krishnan got 1200Dhs as his salary. Then only he came to realize that he is working for 1200 Dhs. i.e, around 13000Rs./month. He became disappointed but forced to work by remembering the burden of loan and other challenges before him. Even if he wanted to return it was not possible because the passport was under the custody of his employer. He spent the whole contractual period without any remedy.

The situation in his family was become worse than the earlier. Krishnan, after spending his around 200 to 300Dhs, send the remaining 900 to 10,00Dhs i.e., around 10,000 to his home. He was able to send that much amount because he didn't spend more money for entertainments. His family, who got an income after two months of deficits, had to pay for the loan installments of around thousand, meet the school fees of his children, expenses of medicines of grandmother, all other needs of a middle class family within limited amount. If there are unexpected expenses then they would go for borrowings again. In effect, a daily waged labor working in the home country may

be able to lead his family more satisfactorily than NRI laborer. Nothing will leave in the hands of a woman who manages all the needs of a family with the limited amount her husband send.

Social impacts faced by the NRI's family in the home country are also terrible. His children wouldn't be considered for education scholarships or endowments. The schools, religious institutions, social welfare clubs, other organizations would ask for big amount of donations. Even though the fact is different, society would make a separate status for the NRI's family. No one would realize the surroundings of a laborer come across in a foreign country. Always these NRIs look forward to make as much as savings and to invest it in their home lands. Then also they would be exploited by unscrupulous bribery system existing in the country.

An unskilled worker employing in gulf countries like UAE shall face the following range of exploitations.

- Most of the cases employer shall withhold of the passports of immigrant;
- Immigrant may be refused of promised employment, wages, and over-time wages etc;
- Undue deduction of permit fee from wages;
- Unsuitable transport;
- Inadequate medical facilities;
- Denial of legal rights for redress of complaints;

Even India, NRI laborers have been exploited and not getting enough priority as that of other citizens.

- High rate of fees in NRI management quotas in educational institutions presumes that it is only for rich NRIs.

- Investment opportunities are not much favoring NRIs. Now days more NRI favored policies are coming, it is not much favoring unskilled laborers.
- Fraud recruiters still exist; more precautions should be taken to avoid this crime.
- The denial of the terms of labor contract is being a common conduct among the foreign employers. Even the employer is also a NRI, they may deny contractual obligations. Government of India should eye on this infringement of contracts and make adequate steps internationally.

LAWS APPLICABLE TO EMIGRANTS IN INDIA

Under the Emigrants Act, 1983, the Central government is authorized to appoint a Protector of Emigrants. It has the duty to protect and aid intending emigrants and emigrants; and to inquire into the treatment received by emigrants during their voyage or journey. The most significant duty of this authority is to inquire into the treatment received by the emigrants during the period of their residence in the country to which they emigrated. The statute has made strict provisions for the registration of a recruiting agency. The central Government introduced emigration rules for the purposes of registration for recruiting agencies and their works in India. Indian government is highly responsible for the whole emigration functions carried on in India. After an Indian immigrated to another country, the things may not be under the control of Govt. of India and where the majority of the atrocities may happen.

LAWS APPLICABLE TO WORKERS IN UAE

UAE has ratified the International Conference on Hours of Work (Industry) Convention on 1982. The conventions specifically

mentions that the working hours of a labor must be either 8 hours per day or 48 hours per week. Article 1 of the convention says that Industrial undertakings include construction or reconstruction or maintenance works. Article 4 of the convention again specifies that in no way working hours of a labor should not exceed fifty-six hours a week in average. The convention prescribes duties for the employer to notify the working times and intervals at the work site. The state shall consider the violation of such practices as an offence under their law.

Federal Laws of 1980 made by UAE has agreed with the recommendations of the Hours of Work (Industry) Convention. Article 35 of the Federal Law says that the employment contract shall be made in duplicate to be given one copy to the employee and other to the employer. Article 65 of Federal Laws on Labor of UAE evidently accepts eight hours per day or forty eight hours per week work principle. Still unskilled workers as well as other works have been exploited on the basis of over time.

It strictly prescribes for a less than one hour total intervals between working hours provided that such times shall not be counted in working hours. No employee shall work over five hours consecutively without break times for rest, food and prayer. In case he is working for more than normal working hours, it must be considered as overtime. This shall be up to two hours a day. An over time employee shall get 25% of his normal pay. If an employee works overtime between 9.00p.m and 4.00 a.m., he shall be entitled to get additional 50% of normal pay. In case of working on Fridays (which is the only holiday of the week), he shall be granted one day off for rest or be paid the basic pay for normal working hours plus 50% of such pay.

INITIATIVE FROM THE GOVT. OF INDIA

A revised MoU on labour was signed with the UAE on September 13, 2011 in New Delhi by Shri Vayalar Ravi, Hon'ble Minister of Overseas Indian Affairs and Civil Aviation, and HE Saqr Ghobash Saeed Ghobash, Hon'ble Minister of Labour, UAE. The following broad principles have been built into MoUs made in December, 2006:

- (i) Declaration of mutual intent to enhance employment opportunities and bilateral cooperation in protection and welfare of workers.
- (ii) Host country to take measures for protection and welfare of the workers in the organized sector.
- (iii) Statement of the broad procedures that foreign employers shall follow to recruit Indian workers.
- (iv) The recruitment and terms of employment to be in conformity with the laws of both the countries.
- (iv) A Joint Working Group (JWG) to be constituted to ensure implementation of the MoU and to meet regularly to find solutions to bilateral labour problems.

CONCLUSION

The laborers working under subjugated circumstances of UAE have been treated without any humanity. Their life is even worse than a slave. Sometimes the nominal monthly payment may also be denied on the basis of unexplained reasons. In certain cases unscrupulous hawala mafias may grab the money intended to send by these employees to their homes.

Human Rights violations of these employees should be considered with due care because India is growing as a power among the world nations mainly by its human resources. The

gulf countries like are working by the support provided by the laborers emigrated from India. This fact makes India Government more powerful to influence on the governments of these nations to make comfortable labor environments for their laborers. Initial discussions between the governments have already been started but it should be continued and extended to unskilled labor sectors. If the country is not able to protect the human resources it has, then it is simply losing great asset it ever have. NRI's investing in India more than any others. India policy makers are intending to include them under tax coverage, but before that government has the more important to make job environment for emigrated employees secured.

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