

SEMINAR ON NEW MIGRATION ACT
ORGANIZED BY- PRAVASALOKAM / MFA / CEC

Date : December 6, 2008

Time : 10 am to 5 pm

Venue : Alakapuri Auditorium Calicut

P.T KUNJUMHAMMED

All respected on the chairs and dear friends, it is the first time in kerala that a discussion is conducted about a forth coming act. The main aim of the seminar is to discuss over how kerala like the government officials, trade unions and all others look in to the new forth coming migration act.

At the end of 19th century migration from kerala to other countries started. It changed the face of our country both economically and socially.

In 1922 first migration act came to being. It spoke about only the migration not about the protection of the migrants. So a restructuring is needed.

I got a phone call from Jeddah jail. They said that they were 500 in the jail. No one was there to help them. Like that lot of people suffers in foreign countries. So a migration protection act has to come in force because the rights and protection of migrants are to be ensured. In China and Phillipine the acts were already came in to force.

In India, we do not have even a statistical details about the people how many are in the jail, how many dead bodies are in hospitals etc. So a detailed and a good act dealing with all these aspects has to be enacted

A.K PREMAJAM(former MP)

In pre-history itself there were adventurous journeys. These journeys were to occupy other places. In kerala the details of migration in the past are not available. Now there are migration to Gulf, Phillipine and Fuji. They bring lot of foreign currencies to our country. But no one cares about the physical pain and mental agony they suffer in the foreign places.

It is the duty of the government to think over and take adequate and necessary action to protect their rights. The migrated people have their own religious and cultural needs

and rights. But to fulfill these needs, necessary facilities are not available there. People needed to bury their relatives in their own land i.e. Kerala. But due to the formalities and other procedures the relatives need to wait even for months to get the dead body of their relatives.

Another major problem faced by the migrants is the jail punishment. They might be innocent. But they do not even get a chance to prove themselves in the courts. Intervention is made by neither the embassy nor the Indian government concerning those issues.

Women from our land migrate to foreign countries mainly for house hold works. But many a time their offered rights are not fulfilled. Physical and sexual exploitation are also there. They do not know about the compensation that they deserve. So a notification through legislation must be given.

Whenever a politician approaches us for vote they give promise that they would pass a bill over the migrated people's rights. But they do not actually fulfill it. The ruling parties are less interested in all these things. And the period of the government is going to expire. So when will they fulfill the promises?

KEY NOTE ADDRESS

Mr.K. JOHN

Executive Director CEC New Delhi

All dignitaries on the chairs and dear friends, a new migration act is about to come. I here would like to express some danger in that promised act.

First one, they announce only about a policy not an act. So when will the act come? Secondly, why they are hurry to bring a new act concerning migration. What is the motive behind that? And when an act is formed the participation of the people is to be ensured. So that we conduct all these discussion in all over the country.

Why government is hurry to make an act?

1. Almost all the rich people in the world are Indians
2. In foreign contribution from migrated people India lies second place in the world
3. In the past, India was a market but now India is a service source.

So being a service provider India needs to make negotiations with other countries. When World Trade Organization came in to being, the laborer's law got changed in India. So a migration act has to come in force.

In three ways India relates to migrated people

1. send people to other countries
2. transit centre
3. attract people

Due to globalization the face of migration got changed. We cannot even use the term 'migration'. WTO admit only temporary migration, all others are illegal.

The richer countries like Europe admit only people for service and not for ordinary labour.

VOTE OF THANKS

M. SIVASANKARAN (programe coordinator)

In the discussion of GATT agreement, the European Union proposed the unity of people. They also discussed about service. Latter the discussion went astray to multi national subjects. They went away from some earlier position of globalization policies.

PANEL DISCUSSION

Mr. Kunjumammed (Director Kairali T.V)

As usually the representatives from trade unions are very less. We express our regret over that.

First of all let us introduce ourselves and the agency you represent.

After the introduction representative can express their views.

K.V Abdhul Ghather.

We are discussing over the new migration policy. I was a 'pravasi' for the last 8 years. I was a low class laborer in the foreign country. So I could understand the pain people have been suffering there. I worked U A E for last 8 years. There is a long history of gulf migration. Thousands of people migrated to South Africa and Berma. The people migrated to Silon were very good. They worked almost all the areas of the countries. The earning from them changed the economic phase of kerala.

Most of the Silon malayalies were from Chavakkad. Due to this migration the Muslims and low class families got economic prosperity.

In 1950 gulf migration started from Chavakkad. Lot of people migrated to gulf from kozhikode and Mumbai. They did not have adequate documents. At that time they had

a pathetic condition. They lived under non-air-conditioned tents and they did not have drinking water facilities. They played a big role in the development of those countries.

At the early days, most of the migrated people were illiterate farmers. In 1970s they went to gulf countries through ships. They even sold their lands to get money for migration. The most favorite people of Shake Rasheed were migrated Malayalis.

I have a doubt that whether we are giving adequate importance for the poor people when discussing about migration. I doubt that the services offered by the government for them.

According to the 2006 statistics 'pravasies' contribute Rs.1, 28,500 crore to Indian economy. Migration policy should protect the migrated people. Now the unemployed people migrate to gulf countries. So an act has to be designed to protect their rights. If the new act does not fulfill these qualities we have to resist it. According to the agreement signed between India and UAE government people below SSLC has to give 2500\$ for getting a visa. This agreement limits the opportunities of our people.

Two months back I visited China. Then I saw that there were lots of Philippines women working in two streets. And the Philippine embassy was very eager about their welfare and send welfare officers for them. But these things are not happening in India.

In 1961 V.P Singh government proclaimed about the migrants' contribution and said about the formation of a welfare fund but unfortunately the government did not get time to do that. And the formation of MOIA could not tackle the basic problems of the 'pravasi' people.

In India there are lot of welfare programmes and provisions for many sectors like barbers laborers etc but there is no adequate provision for 'pravasi' people. By the new act the government tries to bring some Welfare programme. I am very glad about that. So by this new act I expect a total change in policies and the functions of embassies.

Adv. C.K. Karunakaran

I have got some opportunities to mingle with 'Pravasi' people and some legal issues of them. I had been in UK for my studies.

I know a case that there had been a dead body in a foreign hospital for the last 8 months. We did not have a legal provision to bring this dead body to India or issue a case for that. So we issued a notice Saudi embassy. So under force we got the body.

According to the Supreme Court and article 21, it is a fundamental right of a citizen to get his pass port. It is only possible to deny or block one's passport by a legal authority. But in Saudi they forcefully took the passport of people and will not give it back when

people wanted come back. They put people in dark rooms and did not provide food and water. And when they were released the Air India did not take care of them for 4 days. They ate food provided by the Philippines embassy. They needed to pay a big amount to get back their passport and flight ticket. When I discussed with an Air Indian advocate he said that by the insurance provision the flight company has to give a return ticket to the passenger. But the migrated people are denied of this right.

According to me what should the content of the new policy is that the act should enhance the weakness of the already existing laws and should introduce new provisions which should protect the rights of these people.

According to the Migration act 1983 if one migrates with labour contract provision of free food, free accommodation and if died provision to bring body to the home place are allowed.

And another thing is that in Indian law there no correct statement that who is a NRI. Income tax act indirectly states about NRI.

But if we search in MOIA site we will get very clear statement about what is India, its growth, detailed statistics and opportunities. But in that also the atrocities of poor people are not mentioned. Marriage with foreigners and provisions to escape from that are clearly stated in that.

Whenever we speak of NRI we think only of money not about their pain and atrocities.

In Vienna Convention the counselor assistance between countries are very vividly stated. But India does not provide counselor assistance to even a single person. Even Pakistan has provision for that.

In China they have provision and procedures concerning traffic accidents and industrial accidents for their citizen in abroad.

In America if an American citizen is arrested in other countries, according to the Vienna Article 36 they should be given Counselor assistance service. Upon the initial notification of the arrest, the embassy officials have to visit him/her. And if he does not like to inform his family it is kept as secret.

And another point I would like to mention here is that some one stated here that people migrate to foreign countries due to lack of job opportunities here. It is wrong. It is the fundamental right of a person to migrate. It is natural to human being to move. History shows that.

In 1960s Dubai was not bigger as a two floored building. But by the oil business they became richer. And for that business they needed laborers. So the migration act should address the problems of migrants. It should protect the fundamental rights of the migrants. And in India there is no scarcity of laws but many a time they fail to apply that. So I hope that our new law will fulfill all these provisions.

Mrs. Ajitha

We have got lot of complaints about the atrocities suffered by women who went abroad. At earlier time we did not had much idea about what should be done with all those cases. We contacted with many people. And we are not claiming that we could do much for them. Letter we came to know that in each district there is one cell sonly and only functioning for them. But after that we did not get much complaint. So we could not check its efficiency.

Usually women go abroad for money purpose. They needed to pay dowry. So any how they needed to find some earning. So they reach in gulf but many a time they are trapped even at the airports. These sex rackets are headed not by foreigners but the malayalies themselves.

So what I am trying to tell that what can be done for them, what are the role and functions of the government and the embassies. So an act which would ensure the right of these people has to come in to force. For that a joint effort by the Associations working among 'pravasi' malayalies and government can bring a good result

M.K Nalini

To enact a law like that lot of activities are to be done. Usually initiations happen from Kerala. And already existing laws are insufficient to bring the right of the migrant's people. So a law to protect those people is needed

Mr.Moosa

Dear friends, I would like to mention here only three points. One day we were informed that one lady was trapped. We communicate it with embassy but they could not do much. And we visited the embassy. But the embassy said that they do not have provision for shelter for migrants. The embassy officials could not stand strongly against exploiters. They even not able to provide return ticket for her.

Another incident was that for the last 7 months one dead body was there in the hospital. The embassy did not provide ticket for that so the body was delayed there.

The migrant do not have even shelter. So how the law can protect the right of them. When multinational companies take laborers to other countries, the workers cannot fight as like the indigenous workers. Whenever one worker dies the allowances for them come to embassy. But the embassy due to red-tapisam it would not reach the needy. So a new law has to ensure all these facilities and should bring adequate penalties for them.

Miss. Yamini

I will give you small details about the cases we have dealt with and what is the recommendation we would like to propose. Two big issues came up in Delhi were

1. How embassy can re-regulate the already existing law
2. India has bi- lateral policies. Minimum wage and basic things are to be brought for them.

The migration has to be considered as the basic fundamental right of the people. And the big issue is related with the national security. And at the same time economic prosperity also has to be ensured. But the same time these things should not mix each other. We should have a comprehensive understanding about migration. India is a sending agency as well as a transit country. The dealing and provisions provided by India for foreign people working here give us a moral standard to bargain for our people in abroad. Many a time India cannot bargain for higher wage because there are people willing to work for lesser wage than what Indian get. So a negotiation with our neighboring countries is needed.

Another big issue is that many a time women are going for house hold labors and they are not acknowledged. So with a special frame work some special provision for them has to bring forth.

Another issue is related with the trade unions. They do not have statistical details about how many are going abroad and for what job. So a joint discussion with them may also bring a good result. When we go through the labour policy it is seen the inefficiency of the policy of not being looked from the side of the labourer. So a law which enrich already existing laws and which will be understandable for the common people should come up.

Christian WOLFF

Some recommendations about emigrations going from India, coming to India
Issues prior to departure

1. Regulation of recruitment agencies.
2. a single window system
3. Common registration system. Who goes Where goes for how many time
4. need for pre departure training and orientation and some financial aid system
5. safety and security of migrants
6. facility of embassy like health facilities general counseling services
7. social security measures.
8. health insurance

People coming to India

1. protection and security
2. common registration system
3. right based
4. focused on labourers
5. women focused
6. regional frame work
7. some professions are not allowed to go abroad
8. High rate of suicide among migrants at abroad and after coming back.
9. Problem with sending money home

Embassy

1. basic access to embassy

Recommendations from pravasi sangam

Mr.Saithalikutty

There was a discussion in CDS under Dr.
Randheer singh

Whether India has an effective migration policy.

1. ECNR policy should be avoided
2. We cannot deny migration. All major migration happens from India and China.
And almost 60% of European people are aged above 50 years. So India is a good labour provider.
3. there is 24000 crore rupees are there as immigration fund

Four ways of migration

1. relatives and friends
2. private recruitments
3. public recruitment agency

4. direct recruitment

- all these categories should be supported.
- there should be rating for recruitment agency
- The recruitment agency should ensure the basic salary according to the country. If not they should be punished
- the time, medical, tickets, salary etc should be ensured
- Safety and security of women workers like food shelter etc should be ensured. negotiation should be done
- age bar for women should be rechecked
- pre departure training for women should be ensured like culture and customs of the country
- Rehabilitation of coming back pravasi people. The provision which are provided for the soldiers should be ensured for the pravasi people also
- 2004 September UN policies are there. The new act also should be based on that

Mr. Salam

The world countries have lot of diversities. So a common law for the entire country is not possible

1. all Indians should be taken care
2. a baseline statistics details should be kept
3. like departure facilities, provision for coming back also should be ensured
4. reduce the exploitation

C.K RAMACHANDRAN

The act is in 1953 inefficient. Not only Indian atmosphere but also the conditions and provisions existing in other countries should be taken care when we form a policy. Because many a time, labourers are working in other countries. We do not have much detail about the policies. So after a detailed discussion among our people, we will send you a detailed report over that

Mr. Attakoya Pallikandi

1. provide permanent citizenship
2. according to the studies of CDS
3. the influence of religion and regional influence
4. irradiate the immigration clearance procedures
5. do not send people only by getting visa check the conditions available there
6. support regional migration

Mr. Suresh

1. statistical data base should be kept
2. the emigration fee should used for them only
3. the salaries and working condition are to be ensured by both embassy and agents
4. special board to regulate emigration
5. the license of the migration agency should be blocked if not function properly
6. avoid intermediaries
7. protection of women
8. Bhimayojana insurance policy
9. special policies for jailed pravasi

Mr. Shivadas

1. The joint effort of associations working in the field of pravasi people should bring forth. They should raise their voice when there are problems.
2. national level discussions should be done

Mr. Vijayakumar

1. bar code in pass port
2. technical knowledge and training by government and school for that
3. insurance policy
4. welfare programme from the journey to the end of life
5. a embassy representative should take the woman migrant to the agent and to the working place

Conclusion speech

Mr. Kunjumammed

1. Government is the right person to take care of the migrant people. So it should not go out of the hand of the government.
2. A pravasa sangam will be organized at local level
3. We need to address the international migrant people.

