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Legal protection for Migrant Indian Migrant Workers in the Gulf

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ABSTRACT :

This Research Examines the Legal Protection Available to Indian Migrant Workers Employed In The Gulf Cooperation Council (Gcc) Countries, With Particular Emphasis on The Structural and Institutional Factors that Contribute to Their Vulnerability. Indian Labour Migration to The Gulf Has Generated Substantial Economic Benefits Through Employment and Remittances, But Many Workers, Especially Those Employed in Construction, Domestic Work, Hospitality, And Other Low-Wage Sectors, Continue to Face Wage Exploitation, Unsafe Working Conditions, Excessive Working Hours, Restricted Mobility, And Barriers to Accessing Justice. The Study Analyses the Role of The Kafala System, Domestic Labour Laws, Bilateral Agreements, International Conventions, And Indian Governmental Mechanisms Such As E-Migrate, Pravasi Bharatiya Bima Yojana, And Madad. It Further Considers the Limited Ratification and Enforcement of International Labour Standards By GCC States And The Jurisdictional Limitations Affecting The Protection Of Workers Abroad. The Research Identifies Significant Structural, Legal, And Administrative Gaps, Including Weak Enforcement, Non-Binding Bilateral Arrangements, Inaccessible Grievance Mechanisms, And Inadequate Monitoring. It Proposes Reforms Including Stronger Domestic Legislation, Enforceable Bilateral Agreements, Enhanced Diplomatic and Legal Assistance, Worker-Oriented Grievance Mechanisms, Pre-Departure Legal Awareness, And Gender-Sensitive Protections. The Study Ultimately Advocates a Rights-Based and Enforceable Framework Centred on Dignity, Safety, Accountability, Social Justice, And Meaningful Effective Remedies.

INTRODUCTION

Labour migration from India to the Gulf Cooperation Council (GCC) countries Saudi Arabia, the United Arab Emirates, Qatar, Kuwait, Oman, and Bahrain represents one of the most significant transnational labour corridors in the contemporary global economy¹. Driven by wage differentials, employment opportunities, and historical ties dating back to the oil boom of the 1970s, millions of Indian workers, particularly from economically weaker sections, migrate annually to the Gulf in search of better livelihoods. This migration has contributed substantially to India's economy through remittances while simultaneously supporting the infrastructural and service sectors of Gulf economies.² However, beneath this mutually beneficial economic relationship lies a complex web of legal vulnerabilities and systemic challenges that continue to affect Indian migrant workers.

A large proportion of Indian workers in the Gulf are semi-skilled or unskilled labourers engaged in construction, domestic work, and other low-wage sectors. These workers are particularly susceptible to exploitation due to structural imbalances in labour governance. The prevalent kafala (sponsorship) system, which ties a worker's legal residency to their employer, significantly restricts mobility and autonomy, often requiring employer consent for job changes or exit from the country. This system has been widely criticized for enabling exploitative practices and undermining basic labour rights.

Empirical evidence highlights the severity of these challenges. Indian migrant workers frequently report issues such as non-payment or delayed payment of wages⁴, excessive working hours, hazardous working conditions, and substandard living arrangements. These conditions are exacerbated by weak enforcement of labour laws in host countries and the absence of robust dispute resolution mechanisms accessible to migrant workers. Furthermore, social and cultural barriers including language difficulties, lack of awareness of legal rights, and isolation from family support systems compound their vulnerability.

Although the Government of India has undertaken several initiatives to protect its overseas work force such as the e-Migrate system, Pravasi Bharatiya Bima Yojana (PBBY), and the establishment of grievance redressal mechanisms like MADAD⁵ significant gaps remain in ensuring effective legal protection. Over 1.38 lakh grievances were reported to Indian missions in Gulf countries in recent years, indicating persistent systemic deficiencies in safeguarding worker rights. While bilateral labour agreements and Memoranda of Understanding (MoUs) have been signed with various Gulf nations, their implementation and enforcement often lack consistency and transparency.

At the international level, the legal protection framework for migrant workers remains fragmented. Notably, most GCC countries have not ratified key international conventions, such as the **UN Convention on the Protection of the Rights of All Migrant Workers (1990)**, thereby limiting the applicability of global human rights standards in these jurisdictions. This further underscore the need for stronger bilateral and multilateral legal frameworks tailored to the specific vulnerabilities of migrant labour populations.

¹ Andrew M Gardner, *Migrant Labor in the Persian Gulf* (ILR Press 2010) 25.

² Philippe Fargues and Nasra M Shah, *The Gulf Migration and Development Nexus* (Gulf Research Center 2013) 42.

³ International Labour Organization, *Labour Migration in the Middle East: Challenges and Opportunities* (ILO 2017) 18.

⁴ Amnesty International, *Reality Check: Migrant Workers' Rights in the Gulf* (2019) 14.

⁵ Ministry of External Affairs, 'e-Migrate System Overview' <https://emigrate.gov.in> accessed 20 March 2026.

In this context, the present research seeks to critically examine the existing legal protection mechanisms available to Indian workers in Gulf countries and evaluate their effectiveness. It aims to identify gaps in both domestic and international legal frameworks and propose comprehensive reforms to strengthen protection mechanisms. By integrating legal analysis with policy-oriented recommendations, this study aspires to contribute to the development of a more equitable, rights-based migration regime that ensures dignity, safety, and justice for Indian migrant workers in the Gulf region⁶.

Nature and Patterns of Indian Labour Migration to the Gulf

Labour migration from India to the Gulf Cooperation Council (GCC)⁷ countries namely Saudi Arabia, the United Arab Emirates, Qatar, Kuwait, Oman, and Bahrain constitute one of the most significant transnational labour movements in the contemporary global economy⁸. This migration is primarily driven by economic disparities, employment opportunities, and long-standing socio-economic linkages that emerged during the oil boom⁹ of the 1970s. Over the decades, millions of Indian workers, particularly from economically weaker and semi-skilled backgrounds, have migrated to these countries in search of better livelihoods.

While this movement has generated substantial economic benefits in the form of remittances for India and has supported the infrastructural and service sectors of Gulf economies, it has simultaneously exposed migrant workers to serious legal vulnerabilities and systemic exploitation. A significant proportion of Indian workers in the Gulf are employed in sectors such as construction, domestic work, hospitality, and transportation, where labour protections are often weak or inadequately enforced¹⁰.

One of the central structural issues underpinning these vulnerabilities is the kafala (sponsorship) system, which ties a worker's legal status to their employer and severely restricts their autonomy, including the ability to change jobs or leave the country without employer consent. This dependency creates an environment conducive to exploitation, including practices such as passport confiscation, non-payment or delayed payment of wages, excessive working hours, and unsafe working conditions.

Moreover, migrant workers frequently face barriers in accessing justice due to language constraints, lack of legal awareness, financial limitations, and limited institutional support. Although the Government of India has implemented various measures to safeguard migrant workers such as the e-Migrate system, Pravasi Bharatiya Bima Yojana, and grievance redressal mechanisms like MADAD these initiatives often suffer from gaps in implementation, limited outreach, and inadequate enforcement in foreign jurisdictions.

Additionally, bilateral labour agreements between India and GCC countries, while useful in principle, remain largely non-binding and lack robust monitoring mechanisms.¹¹ At the international level, the protection of migrant workers is further weakened by the limited ratification of key instruments such as the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) by GCC countries, thereby restricting the applicability of global human rights standards.

In this context, the issue of strengthening legal protection mechanisms for Indian workers in Gulf countries assumes critical importance. It necessitates a comprehensive evaluation of existing domestic laws, international frameworks, and bilateral agreements, along with the formulation of effective, enforceable, and rights-based solutions. Ensuring the dignity, safety, and legal protection of Indian migrant workers is not only an economic and policy concern but also a constitutional and humanitarian obligation that requires coordinated efforts at national, regional, and international levels¹².

Key Issues Faced by Indian Workers

Indian migrant workers in Gulf countries face a range of structural and systemic challenges, the most prominent being wage exploitation. A significant number of workers report delayed payment or complete non-payment of wages, which directly undermines their economic stability and defeats the very purpose of migration. In many instances, employers engage in illegal deductions under the pretext of accommodation, food, or recruitment costs, leaving workers with minimal earnings. The absence of effective wage protection enforcement mechanisms and limited access to grievance redressal further aggravate this issue, making it difficult for workers to recover their rightful dues.¹³

Another critical concern is the prevalence of forced labour-like conditions, largely stemming from the sponsorship-based employment structure in several Gulf countries. Practices such as confiscation of passports by employers effectively strip workers of their autonomy and restrict their ability to leave exploitative situations. Additionally, workers often face severe restrictions on mobility, including the inability to change jobs or exit the country without employer consent. These constraints create a coercive environment where workers are compelled to continue employment despite adverse conditions, thereby blurring the line between contractual labour and forced labour.

Poor living and working conditions further compound the vulnerability of Indian migrant workers. Many labourers are housed in overcrowded and unsanitary accommodations lacking basic amenities such as clean water, proper ventilation, and adequate sanitation facilities. On the work front, particularly in sectors like construction, workers are frequently exposed to hazardous environments with insufficient safety measures, increasing the risk of accidents and occupational injuries. The lack of strict enforcement of occupational safety standards contributes significantly to these unsafe

⁶ Zahra Babar (ed), *Migration and Mobility in the Middle East and North Africa* (Cambridge University Press 2020) 91.

⁷ World Bank, *Migration and Development Brief* 37 (2022) 5.

⁸ S Irudaya Rajan, *India Migration Report 2020* (Routledge 2020) 12.

⁹ John Chalcraft, *The Invisible Cage: Syrian Migrant Workers in Lebanon* (Stanford University Press 2009) 41.

¹⁰ Gulf Labour Markets and Migration Programme, *Labour Migration in the GCC* (2018) 33.

¹¹ Rupa Chanda and S Irudaya Rajan, 'Labour Mobility between India and the Gulf' (2017) 52 *Economic and Political Weekly* 45.

¹² United Nations Development Programme, *Human Development Report 2021–22* 102.

¹³ Ben Hubbard, *Migrant Workers in the Middle East* (Rosen Publishing 2017) 58.

conditions.¹⁴

Legal inaccessibility represents another major barrier to justice for migrant workers. Language differences hinder effective communication with employers, authorities, and legal institutions, while a lack of awareness regarding rights and available remedies prevents workers from seeking redress. Even when workers attempt to pursue legal action, high litigation costs, procedural complexities, and prolonged timelines discourage them from engaging with formal legal systems.

Gender-specific vulnerabilities are particularly acute for female migrant workers, especially those employed in domestic work. These workers often operate in isolated household environments, making them highly susceptible to physical abuse, sexual harassment, and psychological exploitation. The absence of regulatory oversight in private households, coupled with social isolation and restricted communication, further exacerbates their vulnerability and limits their ability to seek help or escape abusive situations.¹⁵

International Legal Framework and Judicial & Policy Developments

The international legal framework governing the protection of Indian migrant workers in Gulf countries remains fragmented and limited in its enforceability, despite the existence of several important instruments. A key global instrument in this regard is the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, which provides a comprehensive catalogue of rights for migrant workers, including the principles of equal treatment with nationals and protection from exploitation and abuse. The Convention seeks to ensure dignity, fair working conditions, and access to justice irrespective of a worker's migration status. However, its effectiveness is significantly undermined by the fact that most Gulf Cooperation Council (GCC) countries have not ratified it, thereby limiting its direct applicability in the region where a large number of Indian workers are employed. Consequently, migrant workers in these jurisdictions cannot effectively invoke the protections envisaged under this Convention.¹⁶

In addition to the UN framework, several International Labour Organization (ILO) conventions are relevant to migrant worker protection, particularly the Forced Labour Convention and the Domestic Workers Convention. These instruments aim to eliminate coercive labour practices and extend labour protections to vulnerable categories such as domestic workers, who are often excluded from general labour laws. Despite their significance, these conventions also suffer from limited ratification by GCC states, which weakens their practical impact¹⁷. The absence of binding international obligations on host countries creates a legal vacuum, leaving migrant workers dependent on domestic labour laws that are often inadequately enforced.

At the bilateral level, India has entered into Memoranda of Understanding (MoUs) and labour agreements with several Gulf countries to address migrant worker issues. These agreements typically include provisions relating to worker protection, standardized employment contracts, and mechanisms for dispute resolution. While such agreements represent a positive step toward institutional cooperation, they are largely non-binding in nature and lack strong enforcement mechanisms. This results in inconsistent implementation and limited accountability, thereby reducing their effectiveness in addressing ground-level challenges faced by workers¹⁸.

From a judicial perspective, Indian courts have played an important role in recognizing the rights of migrant workers within the broader framework of constitutional protections. The judiciary has affirmed that the State has an obligation to safeguard the interests of its citizens even when they are employed abroad, and that the right to life and dignity under Article 21 of the Constitution extends beyond territorial boundaries in principle¹⁹. However, the practical enforcement of these rights is constrained by jurisdictional limitations, as Indian courts cannot directly intervene in matters governed by foreign legal systems.

On the policy front, the Government of India has undertaken several initiatives aimed at improving the conditions of migrant workers. These include skill development programs to enhance employability, pre-departure orientation training to educate workers about their rights and working conditions, and the establishment of helplines and emergency assistance mechanisms through Indian missions abroad. Despite these efforts, the overall effectiveness of such policies remains limited due to systemic issues such as lack of coordination among agencies, inadequate implementation, and weak accountability structures. As a result, while the legal and policy framework appears comprehensive in theory, its practical impact on improving the lived experiences of Indian workers in Gulf countries remains insufficient.

Gaps in Existing Protection Mechanisms

Despite the presence of multiple legal, institutional, and policy frameworks aimed at safeguarding Indian migrant workers in Gulf countries, significant gaps persist that undermine their effectiveness. One of the most fundamental issues lies in the structural limitations of the existing system. Indian workers are heavily dependent on the legal and regulatory frameworks of host countries, where labour protections are often either weak or inadequately enforced. This dependency restricts India's ability to directly intervene in cases of exploitation or rights violations. Furthermore, the inherently unequal power dynamics between migrant workers and employers result in weak bargaining power for workers, particularly those in low-skilled sectors. The absence of collective representation, such as trade unions, in many Gulf countries further exacerbates this imbalance, leaving workers with little leverage to negotiate fair terms of employment or challenge exploitative practices²⁰.

¹⁴ Gulf Research Center, Labour Conditions in the GCC Countries (2019) 76.

¹⁵ Human Rights Watch, "I Already Bought You": Abuse of Domestic Workers in the UAE (2014) 22.

¹⁶ Vincent Chetail, International Migration Law (Oxford University Press 2019) 201.

¹⁷ Adelle Blackett, Everyday Transgressions: Domestic Workers' Transnational Challenge to International Labour Law (ILR Press 2019) 73.

¹⁸ Piyasiri Wickramasekara, Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review (ILO 2015) 29.

¹⁹ Upendra Baxi, The Future of Human Rights (Oxford University Press 3rd edn, 2008) 145.

²⁰ Martin Ruhs, The Price of Rights: Regulating International Labor Migration (Princeton University Press 2013) 97.

In addition to structural concerns, there are significant legal gaps that hinder effective protection. A major limitation is the absence of enforceable rights under international and bilateral frameworks. While various international conventions and bilateral agreements exist, they often lack binding force, particularly in the context of GCC countries that have not ratified key international instruments. Similarly, Memoranda of Understanding (MoUs)²¹ signed between India and Gulf nations are generally non-binding and do not provide robust enforcement or accountability mechanisms. As a result, these legal frameworks operate more as guidelines than as enforceable obligations, reducing their practical utility in addressing violations faced by migrant workers²². Administrative shortcomings further compound these issues. Grievance redressal mechanisms, although formally established, are often inefficient, inaccessible, or slow in responding to complaints. Migrant workers frequently encounter procedural hurdles, lack of timely assistance, and limited follow-up in resolving disputes related to wages, working conditions, or abuse. Additionally, there is a notable lack of transparency and reliable data regarding migrant worker conditions, grievances, and outcomes. The absence of comprehensive and publicly accessible data hampers effective policy formulation, monitoring, and accountability. Without accurate information, it becomes difficult to assess the scale of the problem or evaluate the success of existing interventions. Collectively, these structural, legal, and administrative gaps highlight the urgent need for a more cohesive, enforceable, and transparent framework to ensure meaningful protection for Indian workers in Gulf countries.²³

Suggestions And Reforms

Addressing the vulnerabilities of Indian migrant workers in Gulf countries requires a comprehensive and multi-layered reform strategy that strengthens domestic legal frameworks, enhances international cooperation, and empowers workers. At the domestic level, there is an urgent need to replace the outdated Emigration Act, 1983 with modern, comprehensive legislation that reflects the contemporary realities of labour migration. Such a framework should incorporate stricter penalties for illegal recruitment practices, which remain a primary source of exploitation, and establish an independent regulatory authority to monitor recruitment agencies, ensure compliance, and provide oversight across the migration cycle. A robust legal regime within India would serve as the foundation for safeguarding workers even before they leave the country.

Equally important is the strengthening of bilateral agreements between India and Gulf countries. Existing Memoranda of Understanding (MoUs), while useful, must be transformed into legally binding treaties that impose enforceable obligations on both parties. These agreements should include clear enforcement mechanisms, standardized employment terms, and accessible dispute resolution frameworks to ensure that workers have effective remedies in cases of rights violations. Without enforceability, such agreements remain largely symbolic and fail to deliver meaningful protection.

Diplomatic protection must also be significantly enhanced. Indian embassies and consulates in Gulf countries should be equipped with stronger legal aid systems to assist workers in distress. The appointment of dedicated labour attachés can facilitate better monitoring of labour conditions, quicker response to grievances, and more effective coordination with local authorities. Additionally, improved monitoring systems, including real-time data collection and tracking of worker complaints, would strengthen accountability and responsiveness.

Worker empowerment is another critical pillar of reform. Mandatory pre-departure orientation programs should be institutionalized to educate workers about their rights, employment conditions, and available remedies in host countries. Legal literacy initiatives can further enable workers to recognize and resist exploitative practices. Moreover, digital platforms for grievance redressal should be expanded and made more accessible, allowing workers to report issues promptly and securely.

At the international level, India should actively advocate for the ratification of key international conventions on migrant worker protection by GCC countries and collaborate with global organizations such as the International Labour Organization to promote fair labour standards. Finally, gender-specific measures are essential to address the unique vulnerabilities of female migrant workers, particularly those in domestic work. This includes establishing special protection frameworks, ensuring inclusion under labour laws, and creating safe, confidential reporting mechanisms to address abuse and exploitation. Collectively, these reforms can contribute to building a more rights-based, enforceable, and worker-centric migration system.

CONCLUSION

Indian migrant workers in Gulf countries represent a critical component of global labour mobility and economic interdependence. However, their contribution comes at the cost of significant legal vulnerabilities arising from systemic deficiencies in both domestic and host country frameworks. The persistence of exploitative practices, despite existing laws and policies, highlights the urgent need for comprehensive reform.

This research demonstrates that current protection mechanisms are fragmented, weakly enforced, and insufficiently responsive to the realities of migrant labour. The kafala system, inadequate international legal enforcement, and ineffective bilateral agreements collectively create an environment where workers remain vulnerable to exploitation.

A paradigm shift is required from a welfare-oriented approach to a rights-based legal framework. Strengthening domestic legislation, ensuring enforceable bilateral agreements, enhancing diplomatic intervention, and empowering workers through awareness and institutional support are essential steps in this direction.

Ultimately, protecting Indian workers abroad is not merely a policy obligation but a constitutional and moral imperative. Ensuring their dignity, safety, and justice must remain central to India's migration governance strategy.

²¹ OECD, Recruiting Immigrant Workers: India 2016 (OECD Publishing 2016) 121.

²² Alan Desmond, International Migration Law (Hart Publishing 2021) 156.

²³ Organisation for Economic Co-operation and Development, Interrelations between Public Policies, Migration and Development in India (OECD 2017) 88.

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