

## I AM A 'NOT REQUIRED INDIAN'

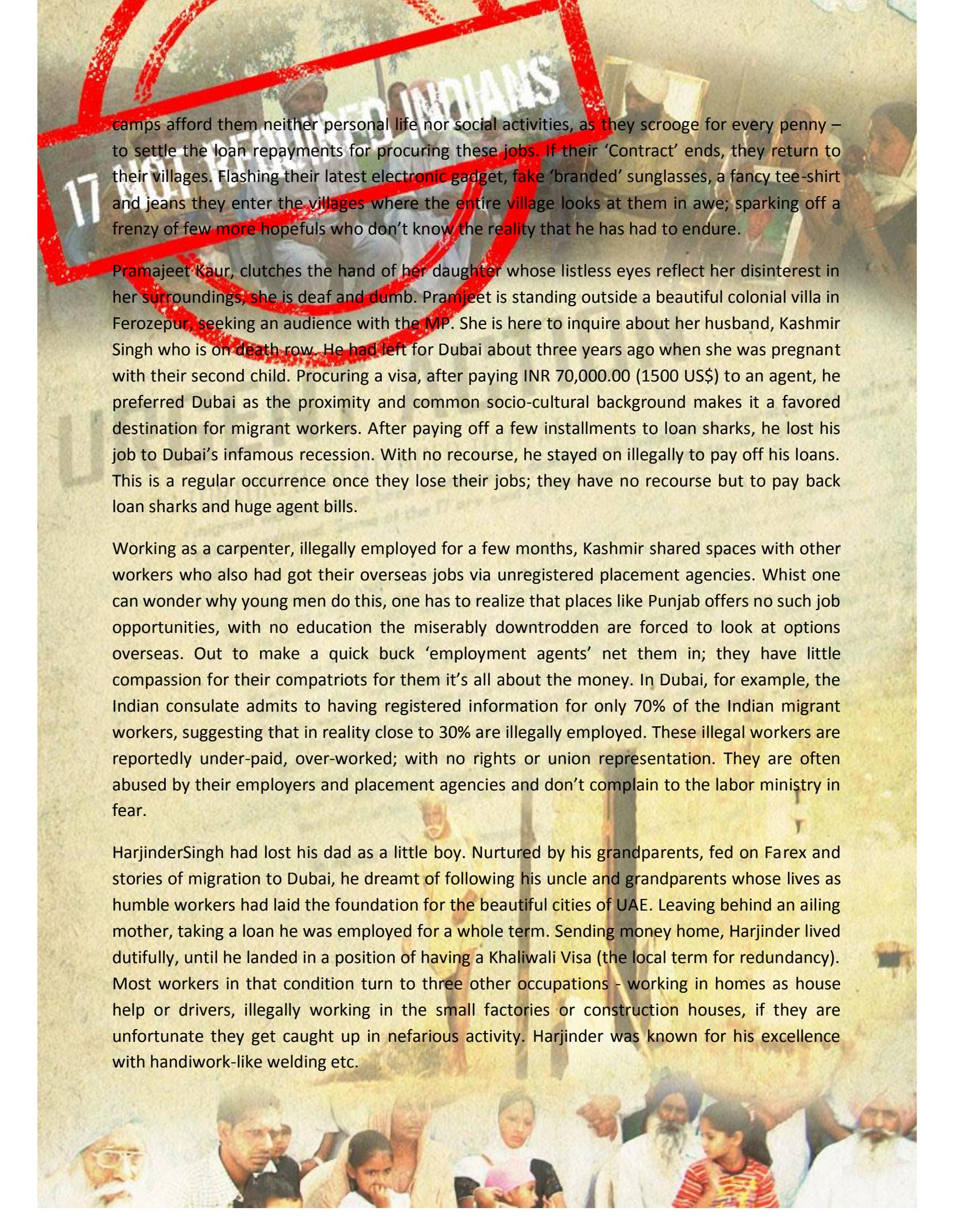
By Soniya Kirpalani

Watching Mr Pyarelal, aged 70, walking towards the bus-station in sweltering 40 degrees Celsius heat of Punjab; I noticed that the fatigue in his face is camouflaged by hope in his eyes. Paying the conductor is a task in itself, as he brings the coins close to his face, its only then I realize he is losing his eyesight. This English tutor is rushing off to meet yet another politician, trying to glean any 'bits of information' on the whereabouts of his son Sukhban. His son is one of the 17 Indians handed down the death sentence by the Shariya court of Sharjah for the murder of 1 Pakistani. Incarcerated for approximately 1.5 years, Subhan is accused of being a part of the bootlegger gang that violently attacked a group of Pakistani bootleggers in a territorial dispute, injuring three, killing one.

Pyarelal is silently thankful that he has finally found his son, having been in the dark about his whereabouts for close to two years. Even the knowledge of Sukhban's incarceration is almost a relief of sorts. Aged between 21 to 30 these 17 men have been incommunicado, after being arrested for the murder of Misri Khan; reports say that these men were picked up from their shared garage residence at approximately 2.00 am. Since then they have been locked up whilst their families have gone from pillar to post trying to find out their whereabouts. It was this shocking sentence that was splashed by media which provided the much needed information that the Indian Embassy in UAE wasn't providing citing their 'illegal worker' status.

Ranjit Kaur walks towards the Gurdawara to ask her God for blessings before her trip, four villages away. Holding her hand is Akashaydeep, her five year old daughter and in her arms is Armaandeeep, her two year old son. Ranjit is also going to seek information about her husband Dharampal, who has been missing for over a year after he had taken up a job as in UAE. Dharampal has sold his fields hoping to sow his seeds in the land of lure; for this he had to pay a handsome sum of US \$ 2,500.00 to an agent to procure a job. He sent home money for only a few months before he went missing; now his wife goes from Politicos to NGOs, hoping to find someone who will prove his innocence. Dependent on her in-laws, Ranjit knows the consequences of this sentence; if anything happens to Dharampal, she will be thrown out of the house.

Dharampal's story is no different from the other seventeen men. Hailing from poor families in small tehsils (sub districts) of Punjab, they complete their 10+2 (A Levels), get take on huge amounts from loan sharks, sell their ancestral property to pay 'employment agents' a fat fee, based on their promise of procuring them jobs & visas in the Middle East. Leaving behind old parents and young dependants, they take two year assignments- without holidays. This generally leads to a one-way-ticket into enslavement. Harsh 12 hour shifts at stifling labor

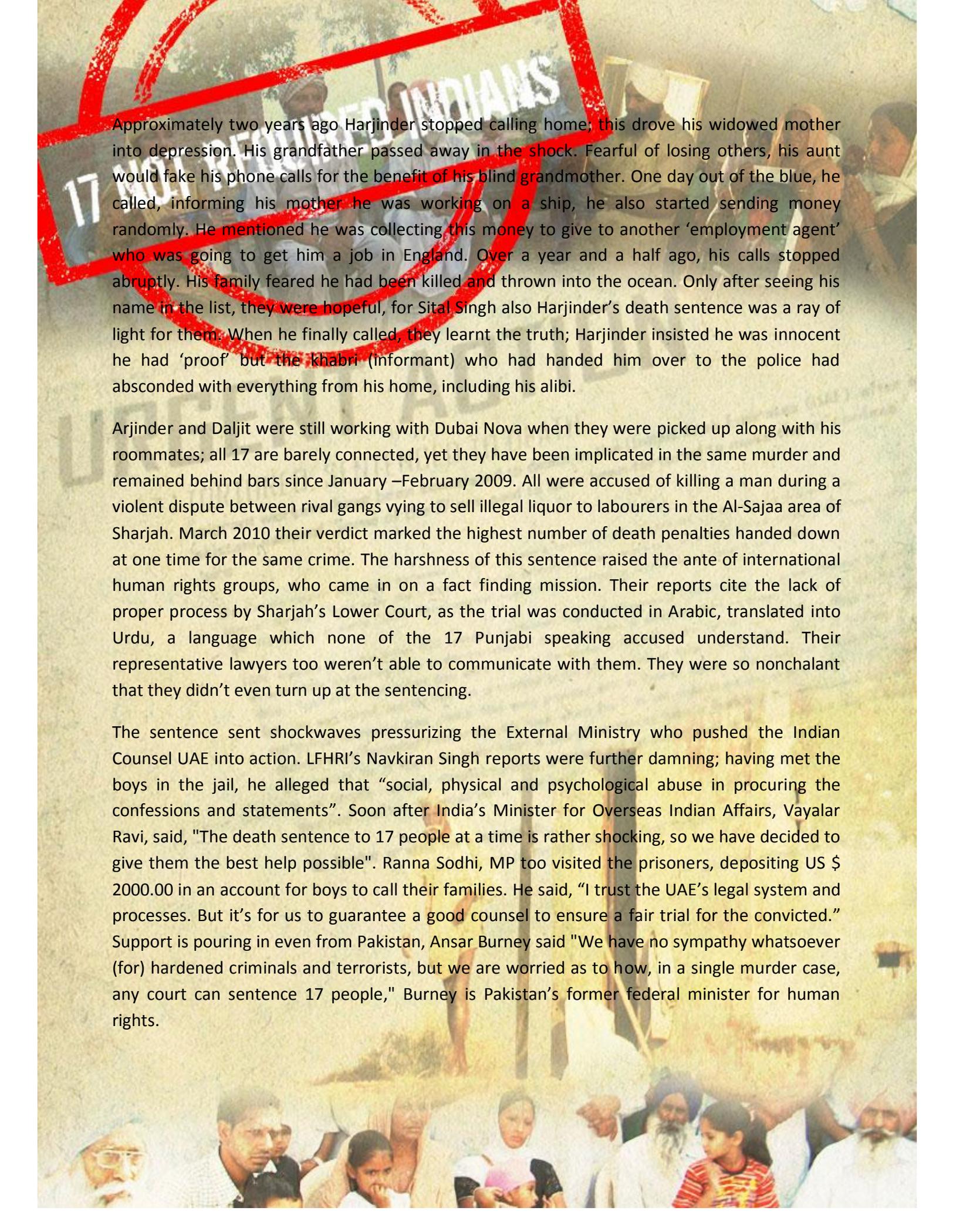


camps afford them neither personal life nor social activities, as they scrooge for every penny – to settle the loan repayments for procuring these jobs. If their 'Contract' ends, they return to their villages. Flashing their latest electronic gadget, fake 'branded' sunglasses, a fancy tee-shirt and jeans they enter the villages where the entire village looks at them in awe; sparking off a frenzy of few more hopefuls who don't know the reality that he has had to endure.

Pramajeet Kaur, clutches the hand of her daughter whose listless eyes reflect her disinterest in her surroundings, she is deaf and dumb. Pramjeet is standing outside a beautiful colonial villa in Ferozepur, seeking an audience with the MP. She is here to inquire about her husband, Kashmir Singh who is on death row. He had left for Dubai about three years ago when she was pregnant with their second child. Procuring a visa, after paying INR 70,000.00 (1500 US\$) to an agent, he preferred Dubai as the proximity and common socio-cultural background makes it a favored destination for migrant workers. After paying off a few installments to loan sharks, he lost his job to Dubai's infamous recession. With no recourse, he stayed on illegally to pay off his loans. This is a regular occurrence once they lose their jobs; they have no recourse but to pay back loan sharks and huge agent bills.

Working as a carpenter, illegally employed for a few months, Kashmir shared spaces with other workers who also had got their overseas jobs via unregistered placement agencies. Whist one can wonder why young men do this, one has to realize that places like Punjab offers no such job opportunities, with no education the miserably downtrodden are forced to look at options overseas. Out to make a quick buck 'employment agents' net them in; they have little compassion for their compatriots for them it's all about the money. In Dubai, for example, the Indian consulate admits to having registered information for only 70% of the Indian migrant workers, suggesting that in reality close to 30% are illegally employed. These illegal workers are reportedly under-paid, over-worked; with no rights or union representation. They are often abused by their employers and placement agencies and don't complain to the labor ministry in fear.

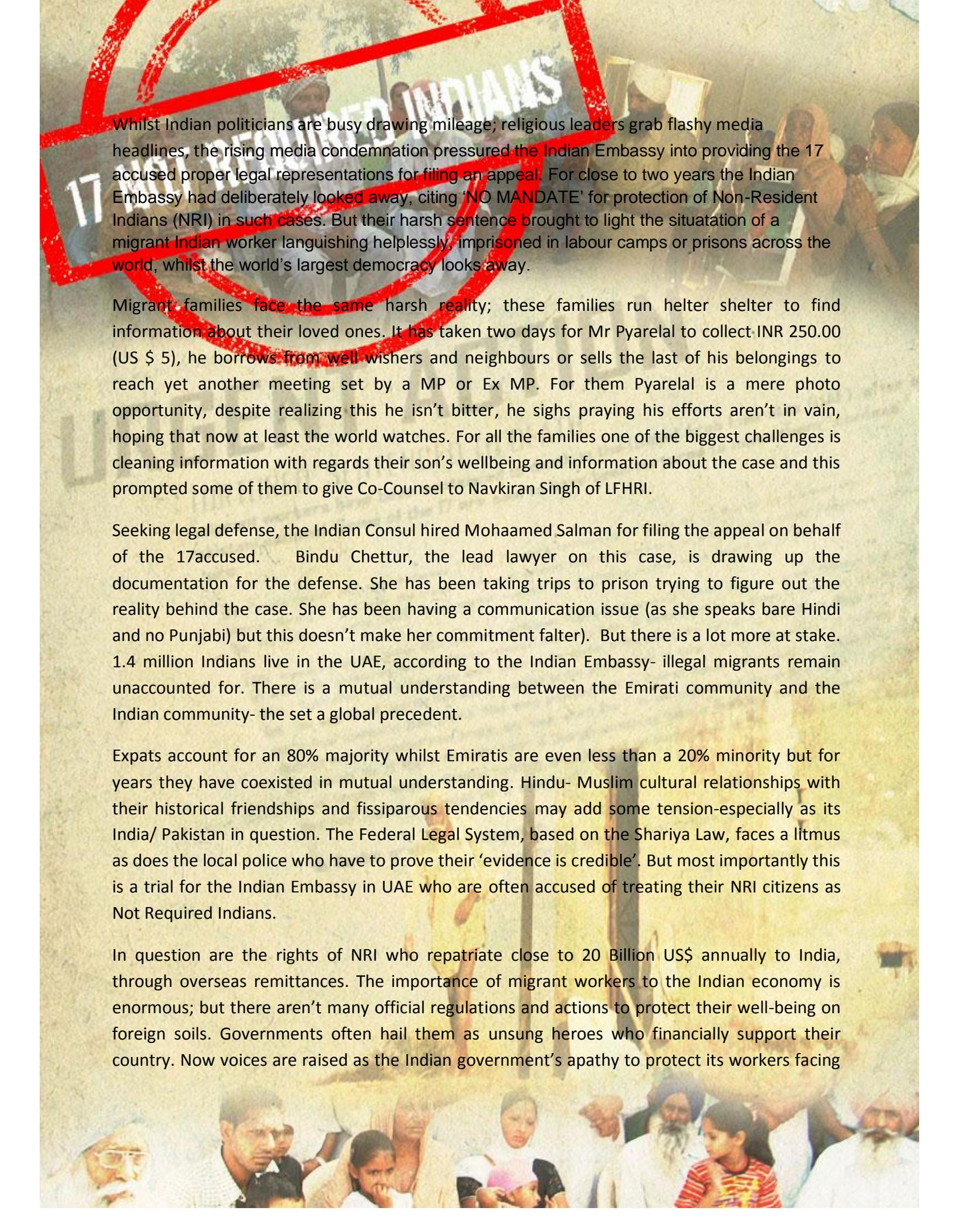
HarjinderSingh had lost his dad as a little boy. Nurtured by his grandparents, fed on Farex and stories of migration to Dubai, he dreamt of following his uncle and grandparents whose lives as humble workers had laid the foundation for the beautiful cities of UAE. Leaving behind an ailing mother, taking a loan he was employed for a whole term. Sending money home, Harjinder lived dutifully, until he landed in a position of having a Khaliwali Visa (the local term for redundancy). Most workers in that condition turn to three other occupations - working in homes as house help or drivers, illegally working in the small factories or construction houses, if they are unfortunate they get caught up in nefarious activity. Harjinder was known for his excellence with handiwork-like welding etc.



Approximately two years ago Harjinder stopped calling home; this drove his widowed mother into depression. His grandfather passed away in the shock. Fearful of losing others, his aunt would fake his phone calls for the benefit of his blind grandmother. One day out of the blue, he called, informing his mother he was working on a ship, he also started sending money randomly. He mentioned he was collecting this money to give to another 'employment agent' who was going to get him a job in England. Over a year and a half ago, his calls stopped abruptly. His family feared he had been killed and thrown into the ocean. Only after seeing his name in the list, they were hopeful, for Sital Singh also Harjinder's death sentence was a ray of light for them. When he finally called, they learnt the truth; Harjinder insisted he was innocent he had 'proof' but the khabri (informant) who had handed him over to the police had absconded with everything from his home, including his alibi.

Arjinder and Daljit were still working with Dubai Nova when they were picked up along with his roommates; all 17 are barely connected, yet they have been implicated in the same murder and remained behind bars since January –February 2009. All were accused of killing a man during a violent dispute between rival gangs vying to sell illegal liquor to labourers in the Al-Sajaa area of Sharjah. March 2010 their verdict marked the highest number of death penalties handed down at one time for the same crime. The harshness of this sentence raised the ante of international human rights groups, who came in on a fact finding mission. Their reports cite the lack of proper process by Sharjah's Lower Court, as the trial was conducted in Arabic, translated into Urdu, a language which none of the 17 Punjabi speaking accused understand. Their representative lawyers too weren't able to communicate with them. They were so nonchalant that they didn't even turn up at the sentencing.

The sentence sent shockwaves pressurizing the External Ministry who pushed the Indian Counsel UAE into action. LFHRI's Navkiran Singh reports were further damning; having met the boys in the jail, he alleged that "social, physical and psychological abuse in procuring the confessions and statements". Soon after India's Minister for Overseas Indian Affairs, Vayalar Ravi, said, "The death sentence to 17 people at a time is rather shocking, so we have decided to give them the best help possible". Ranna Sodhi, MP too visited the prisoners, depositing US \$ 2000.00 in an account for boys to call their families. He said, "I trust the UAE's legal system and processes. But it's for us to guarantee a good counsel to ensure a fair trial for the convicted." Support is pouring in even from Pakistan, Ansar Burney said "We have no sympathy whatsoever (for) hardened criminals and terrorists, but we are worried as to how, in a single murder case, any court can sentence 17 people," Burney is Pakistan's former federal minister for human rights.



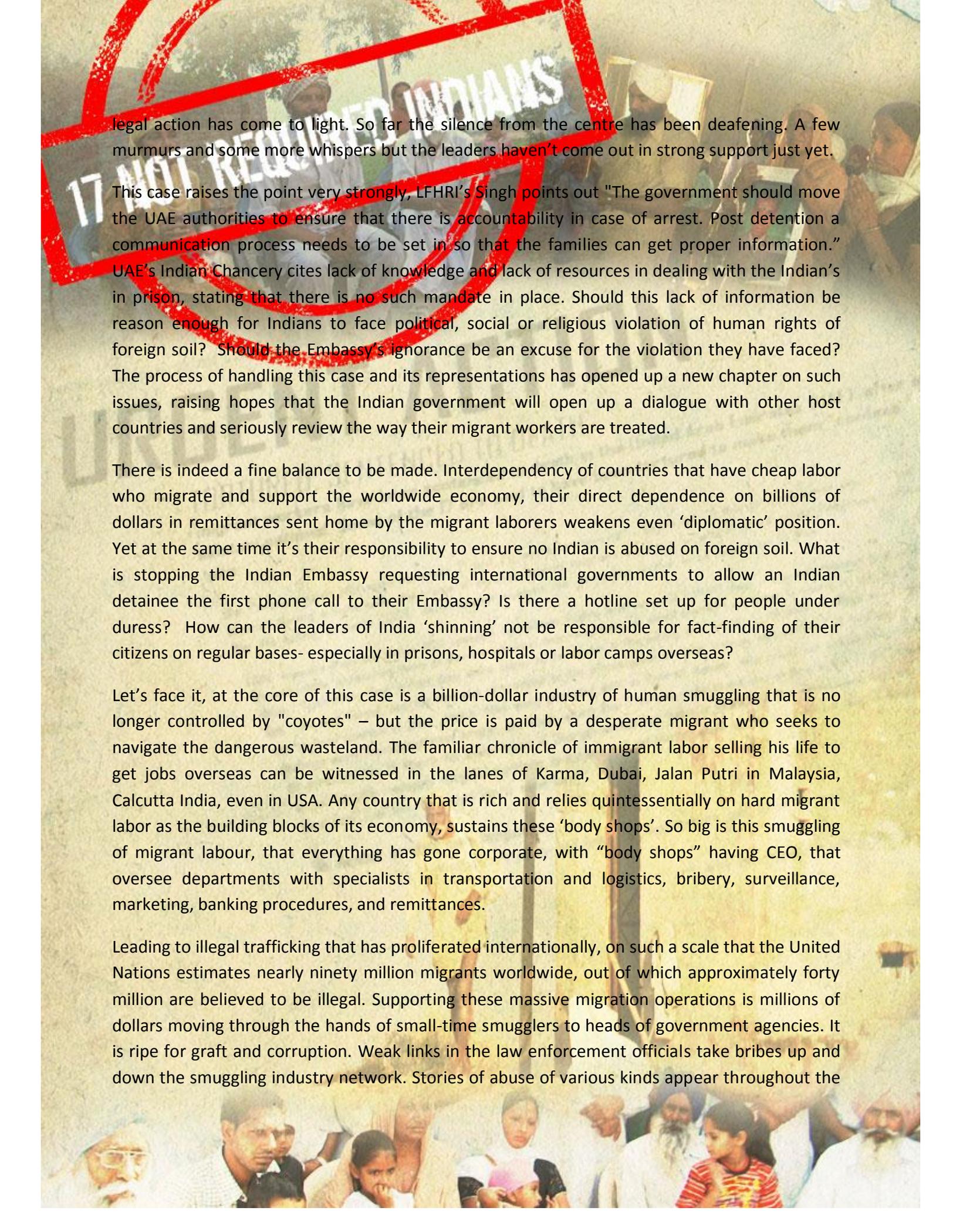
Whilst Indian politicians are busy drawing mileage; religious leaders grab flashy media headlines, the rising media condemnation pressured the Indian Embassy into providing the 17 accused proper legal representations for filing an appeal. For close to two years the Indian Embassy had deliberately looked away, citing 'NO MANDATE' for protection of Non-Resident Indians (NRI) in such cases. But their harsh sentence brought to light the situation of a migrant Indian worker languishing helplessly, imprisoned in labour camps or prisons across the world, whilst the world's largest democracy looks away.

Migrant families face the same harsh reality; these families run helter skelter to find information about their loved ones. It has taken two days for Mr Pyarelal to collect INR 250.00 (US \$ 5), he borrows from well wishers and neighbours or sells the last of his belongings to reach yet another meeting set by a MP or Ex MP. For them Pyarelal is a mere photo opportunity, despite realizing this he isn't bitter, he sighs praying his efforts aren't in vain, hoping that now at least the world watches. For all the families one of the biggest challenges is cleaning information with regards their son's wellbeing and information about the case and this prompted some of them to give Co-Counsel to Navkiran Singh of LFHRI.

Seeking legal defense, the Indian Consul hired Mohaamed Salman for filing the appeal on behalf of the 17 accused. Bindu Chettur, the lead lawyer on this case, is drawing up the documentation for the defense. She has been taking trips to prison trying to figure out the reality behind the case. She has been having a communication issue (as she speaks bare Hindi and no Punjabi) but this doesn't make her commitment falter). But there is a lot more at stake. 1.4 million Indians live in the UAE, according to the Indian Embassy- illegal migrants remain unaccounted for. There is a mutual understanding between the Emirati community and the Indian community- the set a global precedent.

Expats account for an 80% majority whilst Emiratis are even less than a 20% minority but for years they have coexisted in mutual understanding. Hindu- Muslim cultural relationships with their historical friendships and fissiparous tendencies may add some tension-especially as its India/ Pakistan in question. The Federal Legal System, based on the Shariya Law, faces a litmus as does the local police who have to prove their 'evidence is credible'. But most importantly this is a trial for the Indian Embassy in UAE who are often accused of treating their NRI citizens as Not Required Indians.

In question are the rights of NRI who repatriate close to 20 Billion US\$ annually to India, through overseas remittances. The importance of migrant workers to the Indian economy is enormous; but there aren't many official regulations and actions to protect their well-being on foreign soils. Governments often hail them as unsung heroes who financially support their country. Now voices are raised as the Indian government's apathy to protect its workers facing



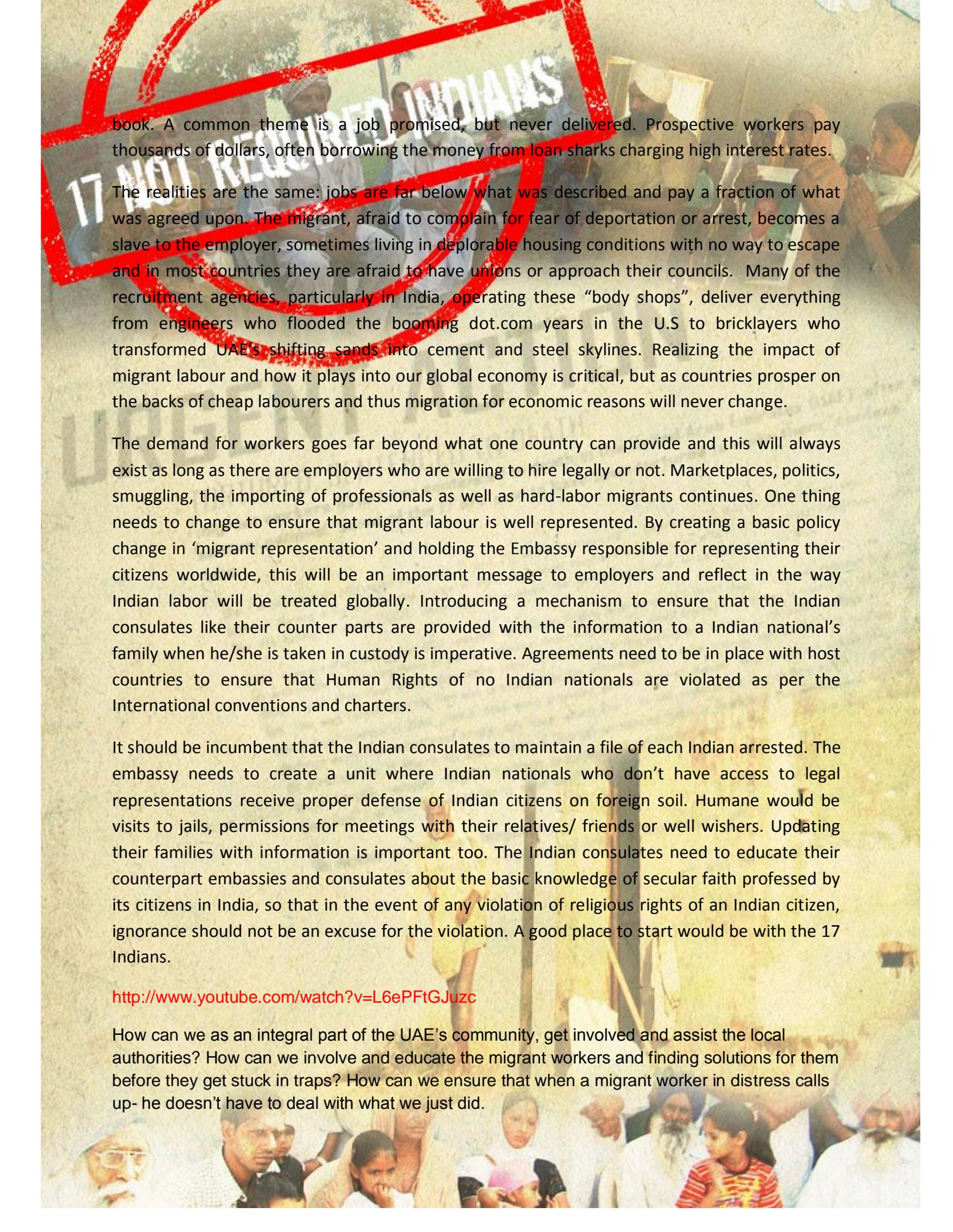
legal action has come to light. So far the silence from the centre has been deafening. A few murmurs and some more whispers but the leaders haven't come out in strong support just yet.

This case raises the point very strongly, LFHRI's Singh points out "The government should move the UAE authorities to ensure that there is accountability in case of arrest. Post detention a communication process needs to be set in so that the families can get proper information." UAE's Indian Chancery cites lack of knowledge and lack of resources in dealing with the Indian's in prison, stating that there is no such mandate in place. Should this lack of information be reason enough for Indians to face political, social or religious violation of human rights of foreign soil? Should the Embassy's ignorance be an excuse for the violation they have faced? The process of handling this case and its representations has opened up a new chapter on such issues, raising hopes that the Indian government will open up a dialogue with other host countries and seriously review the way their migrant workers are treated.

There is indeed a fine balance to be made. Interdependency of countries that have cheap labor who migrate and support the worldwide economy, their direct dependence on billions of dollars in remittances sent home by the migrant laborers weakens even 'diplomatic' position. Yet at the same time it's their responsibility to ensure no Indian is abused on foreign soil. What is stopping the Indian Embassy requesting international governments to allow an Indian detainee the first phone call to their Embassy? Is there a hotline set up for people under duress? How can the leaders of India 'shinning' not be responsible for fact-finding of their citizens on regular bases- especially in prisons, hospitals or labor camps overseas?

Let's face it, at the core of this case is a billion-dollar industry of human smuggling that is no longer controlled by "coyotes" – but the price is paid by a desperate migrant who seeks to navigate the dangerous wasteland. The familiar chronicle of immigrant labor selling his life to get jobs overseas can be witnessed in the lanes of Karma, Dubai, Jalan Putri in Malaysia, Calcutta India, even in USA. Any country that is rich and relies quintessentially on hard migrant labor as the building blocks of its economy, sustains these 'body shops'. So big is this smuggling of migrant labour, that everything has gone corporate, with "body shops" having CEO, that oversee departments with specialists in transportation and logistics, bribery, surveillance, marketing, banking procedures, and remittances.

Leading to illegal trafficking that has proliferated internationally, on such a scale that the United Nations estimates nearly ninety million migrants worldwide, out of which approximately forty million are believed to be illegal. Supporting these massive migration operations is millions of dollars moving through the hands of small-time smugglers to heads of government agencies. It is ripe for graft and corruption. Weak links in the law enforcement officials take bribes up and down the smuggling industry network. Stories of abuse of various kinds appear throughout the



book. A common theme is a job promised, but never delivered. Prospective workers pay thousands of dollars, often borrowing the money from loan sharks charging high interest rates.

The realities are the same: jobs are far below what was described and pay a fraction of what was agreed upon. The migrant, afraid to complain for fear of deportation or arrest, becomes a slave to the employer, sometimes living in deplorable housing conditions with no way to escape and in most countries they are afraid to have unions or approach their councils. Many of the recruitment agencies, particularly in India, operating these “body shops”, deliver everything from engineers who flooded the booming dot.com years in the U.S to bricklayers who transformed UAE’s shifting sands into cement and steel skylines. Realizing the impact of migrant labour and how it plays into our global economy is critical, but as countries prosper on the backs of cheap labourers and thus migration for economic reasons will never change.

The demand for workers goes far beyond what one country can provide and this will always exist as long as there are employers who are willing to hire legally or not. Marketplaces, politics, smuggling, the importing of professionals as well as hard-labor migrants continues. One thing needs to change to ensure that migrant labour is well represented. By creating a basic policy change in ‘migrant representation’ and holding the Embassy responsible for representing their citizens worldwide, this will be an important message to employers and reflect in the way Indian labor will be treated globally. Introducing a mechanism to ensure that the Indian consulates like their counter parts are provided with the information to a Indian national’s family when he/she is taken in custody is imperative. Agreements need to be in place with host countries to ensure that Human Rights of no Indian nationals are violated as per the International conventions and charters.

It should be incumbent that the Indian consulates to maintain a file of each Indian arrested. The embassy needs to create a unit where Indian nationals who don’t have access to legal representations receive proper defense of Indian citizens on foreign soil. Humane would be visits to jails, permissions for meetings with their relatives/ friends or well wishers. Updating their families with information is important too. The Indian consulates need to educate their counterpart embassies and consulates about the basic knowledge of secular faith professed by its citizens in India, so that in the event of any violation of religious rights of an Indian citizen, ignorance should not be an excuse for the violation. A good place to start would be with the 17 Indians.

<http://www.youtube.com/watch?v=L6ePFtGJuzc>

How can we as an integral part of the UAE’s community, get involved and assist the local authorities? How can we involve and educate the migrant workers and finding solutions for them before they get stuck in traps? How can we ensure that when a migrant worker in distress calls up- he doesn’t have to deal with what we just did.