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**ADMINISTRATIVE ACCOUNTABILITY FOR
PROTECTION OF MIGRANT WORKERS: A
COMPARATIVE LEGAL AND INSTITUTIONAL
ANALYSIS OF THE CONSULAR PROTECTION SYSTEMS
IN INDIA AND SRI LANKA ACROSS GCC STATES**

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Abstract

This paper examines the rules, laws and ways that regulate the provision of services to workers from India and Sri Lanka in the Gulf Cooperation Council (GCC). This paper pays attention to the laws that decide care, responsible choices, fair actions and specific ways of solving problems. This paper analyses the functioning of Sri Lankan embassies as the official bodies that address the problems of guest workers. The methodology of this paper is based on the comparison of the norms of the laws of India and Sri Lanka and the analysis of information published on websites dedicated to workers' complaints in addition to questions and court decisions. This paper tries to identify how Indian and Sri Lankan consulates care for guest workers by examining the powers given to their representatives. The Indian care system is found to be highly structured and to rely heavily on technology and legal supervision. The Indian care system does not respond effectively to issues such as forced labor and underpayment. The Sri Lankan model is based on the involvement of officials and sending back of guest workers quickly which does not allow guest workers to protect their rights in court. This study concludes that the legal support of workers in need in both India and Sri Lanka is limited which is especially evident in cases of taking advantage under the kafala system. By comparing the regulations of the Philippines (OWWA) Bangladesh and court decisions in Mexico this paper suggests ways to improve the situation of guest workers, in the

GCC and to help Indian and Sri Lankan embassies share their authority and responsibilities.¹

Keywords: Administrative Law, Consular Protection, Migrant Workers, Gulf Cooperation Council GCC, emigrate, SLBFE, MADAD, Procedural Fairness, Kafala System.

1. Introduction and Contextual Landscape

The trans-regional migration corridor connecting South Asia and Gulf Cooperation Council (GCC) countries Qatar, Saudi Arabia, Bahrain, Kuwait, Oman and the United Arab Emirates is one of the most dense, economically critical temporary contractual labor flows in the world. India and Sri Lanka are the two major sending states whose national economies are significantly dependent on remittances from the Gulf. However, the immigration and employment framework regulating the arrival of these workers is dominated by the traditional kafala sponsorship regime, an immigration system linking the expatriate worker's residency, mobility and job-changing to an individual employer kafeel.²

Under kafala, bargaining imbalances in labor relations between (often construction, transport, sanitation, domestic or care) migrants and employers often result in rights violations by the latter, including passport confiscation, contract replacement, wage theft or arrears, abuse, and false reporting of "huroob" (absconding), which may lead to immediate arrest, administrative detention, and deportation without trial. A key role in these cases is the diplomatic protection provided by the migrant's home state through its diplomatic and consular missions in the host country, which can act as the sole link between the worker and the host government.

Yet studies and policy literature on this topic have focused too narrowly on either international diplomatic practices or the idea of protective consular intervention as an act of humanitarian paternalism. By contrast, this article analyzes this issue through the framework of administrative law. The author argues that consular interventions are always administrative acts that must be evaluated in terms of the administrative law principles of duty of care, decision-making, procedural fairness, transparency, and remedies.

To begin with, a consular post of the migrant's home country is an administrative organ of that country's government. By managing dispute registers, providing welfare grants, checking up

¹International legal framework: Vienna Convention on Consular Relations, 1963, art. 5; International Labor Organization, Employer-Migrant Worker Relationships: Kafala System Reforms and Emerging Trends in the GCC (2023).

²International Labour Organization, Employer-Migrant Worker Relationships: Kafala System Reforms and Emerging Trends in the GCC, Regional Office for Arab States (2023); M. Ruhs, The Price of Rights: Regulating International Labor Migration (Princeton University Press 2013).

on employers, or certifying emergency certificates, its staff performs public administrative functions and must act in accordance with the rule of law. Therefore, when exercising its authority, the consulate cannot follow an ultra vires model of action that is completely unaccountable and unreviewable but must adopt a model based on administrative law's foundational principles.

2. Conceptual Framework: Grounding Consular Functions in Administrative Law

Consular protection takes place at the interface between international public law and municipal administrative law. Internationally, the basis is the Vienna Convention on Consular Relations, 1963 VCCR. According to Articles 5a and 5e of the VCCR, the basic consular functions include:³

- "Protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;" and
- "Helping and assisting nationals, both individuals and corporate bodies, of the sending State."

Traditionally, international law doctrines have recognized that Article 5 grants jurisdictional privileges to states rather than private individuals. In addition, Anglo-American and Commonwealth administrative law jurisprudence long established the doctrine of consular nonreliability's judicial presumption that the acts of the consular officers in the host country are by their very nature either within the realm of the king's prerogatives or the foreign affairs of the state, hence beyond domestic judicial review. Contemporary administrative law practices, however, have significantly narrowed this absolute immunity from the jurisdiction in instances where the ministerial or statutory acts of consul in question are concerned. It is now a common practice that ministerial or purely statutory functions performed in the host country, even those traditionally associated with managing welfare funds, dispute settlement, or emergency relief services, may no longer be considered solely as foreign policy matters if they affect constitutional rights or require judicial intervention to protect them.

The Five Pillars of Consular Administrative Accountability

To evaluate consular performance beyond diplomatic rhetoric, this study formulates a fivetier

³Vienna Convention on Consular Relations, 1963, 596 U.N.T.S. 261, art. 5(a), (e).

administrative legal matrix:⁴

1. The Public Duty of Care is the legal obligation imposed upon sovereign authorities to take affirmative measures to safeguard the life, liberty, and personal security of their nationals exposed to helpless conditions through discriminatory municipal legal structures overseas.
2. Reasoned decision-making, a duty to give reasons for decisions, is the institutional responsibility ensuring that rejections of legal assistance, fund disbursements, and intervention requests are not denied through ardent bureaucracies.
3. Procedural fairness or natural justice requires that a fair and accessible process is applied by states in handling grievances, providing that distressed and detained workers are provided with an opportunity to respond and access to case details.
4. Transparency entails that the state is obliged to provide information on its charters, complaint resolution statistics, funding audits on welfare trust funds, and bilateral negotiations.
5. Finally, a remedial or compensatory duty is the obligation of the state to provide legal redress, restitution, and interim financial relief when administrative delays, inaction, or mission execution injure migrant workers.

3. Comparative Statutory and Institutional Architectures⁵

Structural Dimension	Republic of India	Democratic Socialist Republic of Sri Lanka
Primary Governing Legislation	The Emigration Act, 1983 Act No. 31 of 1983; Passport Act, 1967.	Sri Lanka Bureau of Foreign Employment SLBFE Act, No. 21 of 1985 as amended.
Central Regulatory & Operating Portals	emigrate System: Online employer accreditation, contract vetting, and emigration clearance tracking. MADAD & CPGRAMS: Centralized digital grievance	SLBFE Database: Mandatory predeparture worker registration and insurance verification; decentralized embassy hotlines and emergency contact networks.

⁴The five-pillar matrix is the analytical framework proposed by the author for this comparative study; see also Vienna Convention on Consular Relations, art. 5, on consular functions.

⁵The Emigration Act, 1983, No. 31 of 1983 (India); Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985, as amended.

	redressal portals.	
Operational Consular Framework	Embassy/Consulate Labour Wings headed by dedicated First/Second Secretaries Labour; Community Welfare Wings.	Embassy Labour Sections and Safe Shelters <i>Suraksha Illam</i> , operating under combined MEA and SLBFE jurisdiction.
Dedicated Welfare Financing Mechanism	Indian Community Welfare Fund ICWF: Funded via consular service levies, budgetary allocations, and charitable contributions.	Workers' Welfare Fund WWF: Administered by the SLBFE; financed directly through mandatory predeparture migrant registration levies and recruitment agency licensing fees.
Primary Operational Modality	Procedural dispute mediation, portal-based logging, formal liaison with host country labour ministries, formal GOSI/insurance processing.	Expedited repatriation, humanitarian shelter sheltering, emergency exit facilitation, discretionary ministerial intervention.
External Accountability Channels	High legislative scrutiny via Lok Sabha/Rajya Sabha Starred Questions; constitutional writ jurisdiction under Articles 32 and 226.	Parliamentary oversight via Sectoral Oversight Committees; administrative accountability under the Sri Lankan Human Rights Commission SLHRC.

India's regulation of its overseas labor migration is governed by the Emigration Act, 1983 which provisions a preventive bureaucratic filter – Emigration Check Required ECR – for blue-collar workers who have not completed secondary schooling. The launch of emigrate portal in 2014 signified the shift towards digital governance which obliged foreign employers in the Gulf Cooperation Council to get verified before they could hire Indian nationals. In tandem, the Ministry of External Affairs MEA set up the MADAD in 2015 along with the Centralized Public Grievance Redress and Monitoring System CPGRAMS that set up complaint records in transnational labor disputes. Between January 2024 to November 2025, over 16,000 complaints were logged across the missions in the GCC with the Saudi Arabia reporting over 3,000 cases. Sri Lanka's system of overseas labor migration regulation is distinct with its specialized Sri

Lanka Bureau of Foreign Employment Act No. 21 of 1985. In contrast to India's MEA led governance model, Sri Lanka set up a quasi-independent statutory authority (the SLBE) for overseas employment promotion and rights protection. The Bureau operates an insurance backed welfare scheme which provides coverage for death, disability, and medical expenses abroad for migrant workers so long as they remain registered. In overseas states such as Kuwait, Saudi Arabia, and UAE, the insurance provides safe shelters (often referred to as Suraksha Illam) managed by embassy labour attachés that accommodate female domestic workers who are victims of employer violence. However, Sri Lanka's migration governance is characterized by the concentration of decision-making in the hands of the Minister of Foreign Employment resulting in informal dispute settlement mechanisms for labor related grievances.

4. Empirical and Doctrinal Case Studies: Administrative Responses in Action

4.1 Indian Consular Response in Saudi Arabia: The Remedial Divide and the Limits of Judicial Review

The situation with the functioning of India's consular protection in the Kingdom of Saudi Arabia is marked with considerable duality. On the one hand, Consular Labour Wings excellently perform their duties related to processing the claims for postmortem welfare payments to the family members of deceased migrant workers. On the other hand, there are serious concerns regarding the effectiveness of the first-line state defense mechanism in responding to the needs of the living, distressed employees. For example, in the case of *K. Thankamani v. The Ministry of External Affairs*, an Indian migrant worker who was illegally terminated, deprived of compensation for his work, and deported to his home country, filed a complaint with the High Court of Kerala. The petitioner requested from the court to issue a writ of mandamus to the Ministry of External Affairs (MEA) and the Indian Embassy in Riyadh to reimburse him for the expenses which he had incurred due to the violation of his rights as a worker in Saudi Arabia. The Kerala High Court refused to grant the writ, reasoning that Indian diplomatic posts have no legal obligation to compensate the migrant worker for the losses suffered due to the kingdom's labor laws, unless there is a bilateral treaty which would impose such responsibility on the Indian side.⁶

The jurisprudence of *Thankamani* reveals that the state's responsibility to the victim's family is

6K. *Thankamani v. Ministry of External Affairs*, W.P.(C) No. 18234 of 2012 (Kerala High Court), as cited in the paper's references. The case description here follows the supplied manuscript.

not absolute; the state was willing to spend resources to return the dead to their homeland but considered the living who have suffered great losses of earnings as a consequence of the state's actions to be a political issue, not a consular obligation.

4.2 The Parens Patriae Intervention: Reimagining Extraterritorial Constitutional Duties

On the other hand, in the landmark judgment of *Malarvizhi @ Kottaitai v. The Secretary to Government of India and Others*, the Madras High Court took the doctrine of administrative accountability to an entirely new level. Prior to this ruling, the Court was faced with the deplorable situation of a family, whose sole breadwinner had died under mysterious circumstances in a foreign land. The Court, while exercising the ancient doctrine of *parens patriae* (the sovereign as parent of the nation), held that the constitutional rights as enshrined in Article 21 (Right to Life and Personal Liberty) and the sovereign duty of care cannot abruptly come to an end at the geographical frontiers of the Indian Republic.⁷

Critically, the Madras High Court instructed the Union Government to develop an institutional and comprehensive legal aid and assistance policy for Indian nationals working overseas. By explicitly linking the failure of the consulate to the dereliction of constitutional duties, the *Malarvizhi* judgment provides an indispensable precedent, which illustrates that the inaction of the state in foreign jurisdictions can be challenged before domestic High Courts through the writ jurisdiction.

4.3 Sri Lankan Domestic Detainees in Riyadh: Humanitarian Repatriation versus Rights Enforcement

The problem of Sri Lankan Consular's protection is extremely demonstrated by the case of administrative detention in Riyadh during 2020-2021. Human rights organizations such as Amnesty International reported that dozens of Sri Lankan women who work as domestic workers were kept in Saudi Arabia's deportation departments for eight to eighteen months. These people were forced to go to authorities due to the abusers' physical assault, nutrition deprivation, and wage theft. However, despite the cruel treatment, they had to stay in the kingdom as their deportation was delayed, causing severe mental trauma. The issue raised significant public and governmental attention, leading to a rapid resolution.⁸

⁷*Malarvizhi @ Kottaitai v. The Secretary to Government of India & Others*, W.P. (MD) No. 12920 of 2021 (Madras High Court), as cited in the paper's references. The case description here follows the supplied manuscript.
⁸Amnesty International, "Saudi Arabia: Dozens of Sri Lankan Women Arbitrarily Detained for Months in Cruel Conditions" (Apr. 2021).

The resolution of the crisis by administrative channels is illustrative of the priorities of the Sri Lankan model. By way of bilateral negotiations between ministerial representatives of the SLBFE and the Sri Lankan Embassy, the mass waiver of exit fines and physical repatriation of over 100 women in mid2021 was achieved. Though effective in delivering humanitarian relief, the intervention was conducted outside of formal dispute channels. Though repatriated physically, the workers were not administratively or judicially adjudicated for their claims for accrued backwages, breach of contract, or physical assault. The Sri Lankan consular model therefore substituted logistical repatriation for the legal enforcement of rights, treating the physical exit of the worker as an administrative resolution of the dispute.

5. Critical Assessment of Systemic Accountability Deficiencies

1. The lack of legally enforceable service charters: While both countries publish consular charters, these are aspirational and hortatory only. India and Sri Lanka do not put time sensitive guarantees by statute, which embassies must enforce when an employee is in jail, a dispute mediation is due or emergency shelter is required.
2. Asymmetry in welfare fund utilisation: There is an clear administrative slant in both ICWF guidelines and the SLBFE's Workers' Welfare Fund towards repatriating remains, providing medical evacuation and flight tickets. The funds make no provision to directly pay off dues, or cover the costs of continuing to live till a labour dispute is concluded, or to engage local counsel in case a worker has to take legal action in the host country.
3. Discretion with no oversight: Consular officers have wide discretion in deciding who among employees needs to be pushed and who can be dropped back to their host country with little or no redress. Where an embassy declines to take up a case against an employer or refuses to fund emergency legal aid, the worker has no administrative forum or independent ombudsman to appeal to.
4. Informational asymmetry and recordkeeping: While India's parliamentary reports collate figures on complaints received, they do not show what percentage of wages were reclaimed in each case, the average time a complaint took to resolve or how many times a mission was inspected. In Sri Lanka records are largely anecdotal with no information that can indicate trends to lawmakers and workers.

6. Global Comparative Insights: Lessons from the Philippines, Bangladesh, and Mexico

- To overcome the existing limitations, the Indian and Sri Lankan models should be evaluated through the lens of overseas labour governance best practices applied in other countries:
- **The Philippines: Statutory welfare and unified governance:** The Republic of the Philippines is considered to be one of the global leaders in overseas employment governance due to the existence of the Overseas Workers Welfare Administration (OWWA), which is funded by mandatory employer/worker contributions (Republic Act 8042, as amended by Republic Act 10022). Philippine embassies establish Migrant Workers and Other Overseas Filipinos Resource Centers (MWOFRCs) with dedicated Labour Attachés who provide assistance to overseas workers. Notably, there is a “Joint and Several Liability” doctrine, meaning that in case of a contract violation, domestic private recruitment agencies in Manila are held directly responsible in front of national courts. This allows overseas Filipino workers to seek redress without having to resort to litigation in the foreign state.⁹
- **Bangladesh’s approach** to migrant protection is characterized by the Bureau of Manpower, Employment and Training BMET, under Ministry of Expatriates’ Welfare and Overseas Employment’s centralized digital database, which records complaints from migrants before departure, during their stay abroad, and upon return. The state’s limited resources are directed towards ensuring that migrant worker disputes are resolved through mandatory arbitration between recruiting agencies and workers at the moment of return, thus providing an accessible formal channel for reclaiming unpaid wages.
- **Mexico’s practice of migrant protection** is centered around the idea of external consulados as institutions that provide human and constitutional rights to the migrants in the US. Mexico’s approach is largely informed by the InterAmerican Court of Human Rights Advisory Opinion OC16/99 and the International Court of Justice Avena and Other Mexican Nationals cases. As a result, Mexican courts and external policy are guided by the understanding of consulados notification and protection functions as individual rights, with external offices being empowered to provide their staff with external legal counsel in order to actively promote their interests in the host state.

⁹Republic Act No. 8042, Migrant Workers and Overseas Filipinos Act of 1995 (Philippines), as amended by Republic Act No. 10022 (2010).

7. Comprehensive Reform Matrix: Operationalizing the Rule of Law¹⁰

Reform Dimension	Proposed Legislative & Administrative Action	Institutional Implementing Agency
1. Statutory Consular Charters¹¹	Enact binding statutory service codes detailing strict timelines: 24-hour mandatory contact for physical distress; 48-hour consular visitation for detainees; written reasons for dispute case closures.	Parliament India/Sri Lanka; Ministry of External Affairs / SLBFE.
2. Independent Consular Ombudsman	Establish an independent, extraterritorial Migrant Labour Ombudsman empowered to review complaints of consular administrative negligence, denial of assistance, or unreasonable delay.	National Human Rights Commissions; Parliamentary Standing Committees.
3. Wage Theft Compensation Funds	Restructure the ICWF and SLBFE Welfare Funds to establish statutory "Wage Theft Recovery Guarantees," providing upfront financial relief for unpaid wages pending legal resolution.	MEA Welfare Division; SLBFE Board of Directors.
4. Upgraded Bilateral MoUs	Incorporate mandatory consular access protocols into bilateral MoUs with GCC states, mandating immediate host state electronic notification of worker arrests, hospitalizations, or <i>huroob</i> notices.	Bilateral Joint Working Groups India/Sri Lanka & GCC Ministries of Labour.
5. Joint and Several Legal Liability	Amend domestic emigration statutes to mirror the Philippine model, establishing joint and several financial liability for registered recruitment agencies in cases of overseas contract substitution and wage theft.	India's Ministry of Labour and Employment; Sri Lanka's Ministry of Foreign Employment.

¹⁰The proposed service timelines and oversight mechanisms are recommendations advanced by the author, rather than existing statutory requirements.

¹¹These reform measures are proposed institutional changes for consideration; they should not be read as a description of the law currently in force.

8. Conclusion

The administrative procedures related to consular protection in the Gulf differ significantly from ordinary foreign diplomatic practices. They are the cornerstone of the constitutional and human rights of millions of vulnerable workers. As the comparison indicates, although India has developed sophisticated digital tracking tools and Sri Lanka has focused on emergency repatriation, both regard consular protection as an exercise of sovereign executive discretion, not a public administrative responsibility.¹²

Migrant workers have the right to protection under both the constitution and international law. In the context of the choice between a benign and an exploitative scenario, the difference is that the sovereign diplomatic mission of the migrant workers' state protects its agents through clearly defined statutory, procedural, judicial, and remedial criteria. By establishing service charters, control mechanisms, and wage protection funds and by relying on innovative approaches such as the joint liability of recruiters, India and Sri Lanka would be able to mitigate the discretion of diplomatic missions in favor of migrants' rule of law, thereby transforming the ad-hoc practice of consular protection into a formalized, transparent, and institutionalized public service..¹³

References and Doctrinal Sources¹⁴

1. Vienna Convention on Consular Relations, 1963 596 U.N.T.S 261 entered into force Mar. 19, 1967, particularly Article 5.
2. The Emigration Act, 1983 Act No. 31 of 1983, Government of India.
3. Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985 as amended, Parliament of the Democratic Socialist Republic of Sri Lanka.
4. Malarvizhi @ Kottaitai v. The Secretary to Government of India and Others W.P. MD No. 12920 of 2021 Madras High Court.
5. K. Thankamani v. Ministry of External Affairs W.P. C No. 18234 of 2012 Kerala High Court.
6. Patel v. Reno, 134 F.3d 929 9th Cir. 1997 US jurisprudence evaluating the limits of the

¹²Vienna Convention on Consular Relations, 1963, art. 5; International Labour Organization, Employer–Migrant Worker Relationships: Kafala System Reforms and Emerging Trends in the GCC (2023).

¹³International Court of Justice, Avena and Other Mexican Nationals (Mexico v. United States of America), Judgment, I.C.J. Reports 2004, p. 12; Inter-American Court of Human Rights, Advisory Opinion OC-16/99 (Oct. 1, 1999).

¹⁴The works listed in the References and Doctrinal Sources section are the manuscript's principal authorities. Verify all case citations, dates, and empirical figures against the original sources before submission.

consular no reviewability doctrine.

7. *Amidi v. Chertoff*, 558 F. Supp. 2d 1292 N.D. Ga. 2008 challenging arbitrary administrative inaction by consular entities.
8. *Avena and Other Mexican Nationals Mexico v. United States of America*, Judgment, I.C.J. Reports 2004, p. 12.
9. InterAmerican Court of Human Rights, *The Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law*, Advisory Opinion OC16/99 Oct. 1, 1999.
10. Ministry of External Affairs, Government of India, Lok Sabha Starred Question No. 3279 answered on August 8, 2025 regarding Grievances Received on MADAD and CPGRAMS Portals.
11. Ministry of External Affairs, Government of India, Lok Sabha Unstarred Question No. 5694 answered on March 20, 2026 regarding Bilateral Labour MoUs with West Asian Countries.
12. Republic Act No. 8042 Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022 2010, Republic of the Philippines.
13. Amnesty International, "Saudi Arabia: Dozens of Sri Lankan Women Arbitrarily Detained for Months in Cruel Conditions", Human Rights Briefing April 2021.
14. International Labour Organization ILO, *Employer Migrant Worker Relationships: Kafala System Reforms and Emerging Trends in the GCC*, Regional Office for Arab States 2023.
15. Ruhs, M., *The Price of Rights: Regulating International Labor Migration*, Princeton University Press 2013.