17

STANDING COMMITTEE ON EXTERNAL AFFAIRS

(2007-2008)

FOURTEENTH LOK SABHA

MINISTRY OF OVERSEAS INDIAN AFFAIRS

[Action Taken on the recommendations contained in the Fourteenth Report (14th Lok Sabha) on the Subject "Issues Relating To Overseas Indians"]

SEVENTEENTH REPORT



LOK SABHA SECRETARIAT NEW DELHI

November, 2007/Kartika, 1929 (Saka)

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Presented to Lok Sabha on 20.11. 2007 Laid in Rajya Sabha on 20.11. 2007



LOK SABHA SECRETARIAT NEW DELHI

November, 2007/Kartika, 1929 (Saka)



Price : Rs.

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Eleventh Edition) and Printed by

CONTENTS

ION OF THE COMMITTEE 2007-2008	PAGE (iii)
TION	(iv)
Report	1
Recommendations/Observations that have been	
accepted by the Government	8
Recommendations/Observations which the Committee do	
not desire to pursue in view of the Government's replies	29
Recommendations/Observations in respect of which replies	
of Government have not been accepted by the Committee	
and require reiteration	30
Recommendations/Observations in respect of which final	
Replies of the Government are still awaited	31
APPENDICES	
Minutes of the sitting of the Committee held on	00
Analysis of Action Taken by Government on the	36
Recommendations/Observations contained in the	
14" Report of the Standing Committee on External Affairs (14 th Lok Sabha)	38
	Report

STANDING COMMITTEE ON EXTERNAL AFFAIRS (2007-2008)

LOK SABHA

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4. Shri Lalkithang - Under Secretary

(iii)

^{*} Nominated w.e.f. 30th August, 2007

INTRODUCTION

I, the Chairman, Standing Committee on External Affairs (2007-2008) having been authorised by the Committee to present the Report on their behalf, present this 17th Report (14th Lok Sabha) on Action Taken by Government on the Recommendations contained in the 14th Report (14th Lok Sabha) of the Committee on "Issues Relating to

Overseas Indians".

2. The 14th Report was presented to Lok Sabha on 19 March, 2007 and laid in Rajya Sabha on 20 March, 2007. The Action Taken Replies of the Government on all the recommendations/observations contained in the Report were received on 26 June,

2007.

3. The Committee considered and adopted the Draft Action Taken Report at their sitting held on 7 November, 2007. The Minutes of the sitting of the Committee have been reproduced at Appendix I to the Report

been reproduced at Appendix-I to the Report.

4. An analysis of the action taken by Government on the recommendations contained in the 14th Report of the Standing Committee on External Affairs (14th Lok

Sabha) is given in Appendix-II.

NEW DELHI 12th November, 2007 21 Kartika, 1929 (Saka) DR. LAXMINARAYAN PANDEY, Chairman, Standing Committee on External Affairs

<u>CHAPTER – I</u>

REPORT

This Report of the Committee deals with the Action Taken by Government on the observations/recommendations contained in the 14th Report of Standing Committee on External Affairs on "Issues Relating to Overseas Indians". The 14th Report of the Committee was presented to Lok Sabha on 19th March, 2007 and to Rajya Sabha on 20th March, 2007.

- 2. The Action taken notes have been received from the Ministry of Overseas Indian Affairs on all the 21 observations/recommendations contained in the report. These have been categorized as follows: -
 - (i) Recommendations/Observations, which have been accepted by the Government.

SI. Nos. 1 to 6, 8, 10 to 15, 17 and 19 to 21

Total-17

(ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government replies.

SI. Nos. Nil

Total-Nil

(iii) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and require reiteration.

SI. Nos. Nil

Total-Nil

(iv) Recommendations/Observations in respect of which final replies of Government are still awaited.

Sl. Nos. 7, 9, 16 and 18.

Total-04

3. The Committee desire that final replies to the Recommendations/ Observations for which only interim replies have been given by the

Government should be furnished within three months of the presentation of this Report.

- 4. The Committee will now deal with the action taken by the Government on some of their observations/recommendations.
- A. BILATERAL AGREEMENTS FOR SAFEGUARDING INTERESTS OF WORKERS

[Recommendation SI. No. 2 (Para No. 2.14)]

- 5. The Committee had recommended that the Ministry should focus on the need to safeguard the interest of Indian workers abroad, by entering into bilateral agreement with countries where there are substantial numbers of Indian workers. The Committee had appreciated that a beginning had since been made by the Ministry for entering into bilateral agreements with Kuwait, Qatar, Oman and Malaysia. The Committee had also desired that the discussion/negotiation for bilateral agreement with these countries be expedited to ensure that the workers interests were protected so that they are no longer exploited by the unscrupulous agents in India and by their employers abroad.
- 6. The Ministry in their reply have stated as under: "On 13th December 2006 a bilateral MOU in the field of manpower was signed with UAE. Recently on 10th April, 2007, the Ministry has signed a bilateral MOU on Labour, Employment and Manpower Development with the State of Kuwait as well. The proposed Additional Protocol with the State of Qatar was initialed by the two sides at official level on 20th September, 2006. In respect of Bahrain and Oman, the proposed MOU on Labour and Employment was sent to them in December, 2006. Their response is awaited. With regard to MOU with Malaysia, the draft was sent to the

Government of Malaysia through diplomatic channel.

The

response from the Government of Malaysia is awaited. The Malaysian side also handed over a draft to us during the Joint Commission Meeting held on 14-16 January, 2006. Our response will be sent to them shortly. The Ministry has emphasized the need for signing an MOU with Yemen also during the Joint Committee Meeting held in Delhi on 10-11 April, 2007. The matter will be followed up."

7. The Committee welcome the initiative of the Government to sign bilateral Memorandum of Understanding(MoU) with UAE and Kuwait in the field of manpower to ensure protection of interests of Indian workers abroad. The Committee hope that the proposed MoUs on Labour and Employment sent to Bahrain, Oman and Malaysia and the additional protocol initialed with Qatar will be followed up vigorously for expeditious signing of Memorandum of Understanding(MoU) with these countries. The Committee also hope that steps will be taken for signing MoU in this regard with Yemen and with other countries having significant number of Indian workers.

B. PRAVASI BHARTIYA SHRAMIK PURUSKAR

[Recommendation SI. No. 3 (Para No. 2.15)]

8. The Committee had welcomed the proposal of the Government to have an award called "Pravasi Bhartiya Shramik Puruskar" that would consist a citation and 1 lakh rupees in cash with the objective of recognizing the outstanding contribution made by Overseas Indian workers. The Committee noted that there would be 10 such awards every year and the first series of such Awards conferred on January 9, 2007 during the valedictory session of Pravasi Bharatiya Divas 2007. The Committee were happy that Government was instituting this

award in recognition of the huge contribution these workers made through their remittances to the national economy.

- 9. The Ministry in their reply have stated as under:
 - "The scheme of instituting a separate Pravasi Bharatiya Shramik Puraskar was examined. However, it was decided that instead of a separate scheme of awards, the criteria for nomination for the existing Pravasi Bharatiya Samman might be suitably modified to incorporate the category of workers in the existing award scheme. Action was being taken by the Ministry to include the workers in the Pravasi Bharatiya Samman Scheme."
- 10. Having indicated to the Committee that the first series of "Pravasi Bharatiya Shramik Puraskar" were likely to be conferred on 09th January, 2007 during valedictory session of Pravasi Bharatiya Divas 2007, the Committee wonder why timely action was not taken by the Government to ensure implementation of the proposal either under a separate scheme or as a part of the existing award scheme. The Committee do not expect such indifference and apathy from the Ministry of Overseas Indian Affairs on matters handled by them and urge expeditious action to ensure implementation of the substance of the proposal at least in the forthcoming Pravasi Bharatiya Divas.
- C. MODERNISATION OF PROTECTOR GENERAL OF EMIGRANTS (POE) OFFICES

[Recommendation Sl. No. 5 (Para No. 2.24)]

11. During their study visit to some of the offices of Protector of Emigrants (POEs) during November 2006, the Committee had observed that the office accommodation was too small, remotely located, unkempt and without proper infrastructure in place. The Committee had, therefore, desired that the POE

submit a detailed report within three months on all the regional offices of POE indicating office-wise staff strength, the number of applications received, space requirement and actually available, suitability of the office location in terms of accessibility and the infrastructure needed to make the offices efficient and user friendly. For the convenience of applicants, the Committee recommended that the POE office might also open 'May I help you' counters, so that applicants were not exploited by soliciting spurious agents.

- 12. It is observed from the details furnished by the Ministry that modernization/ renovation proposal in respect of most of the PoE Offices is under process.
- 13. The Committee are happy to note that modernization/ renovation proposal in respect of most of the offices of Protector of Emigrants (POEs) is under process. The Committee desire that the process be completed expeditiously. The Ministry's reply has, however, not disclosed the entire information regarding the POE at Thiruvananthapuram. No information regarding the workload of that office or details about its space requirement have been given. The Committee would await the same.
- D. AMENDMENT OF EMIGRATION ACT, 1983

[Recommendation Sl. No. 6 (Para No. 2.29)]

14. Taking note of the large scale exploitation and harassment of prospective emigrants by spurious Recruiting Agents (RAs), the Committee had recommended that the Emigration Act 1983 be amended expeditiously by inserting provisions so that deterrent punishment was inflicted on spurious RAs and the RAs duping the emigrant workers. In order to curb the incidents of illegal emigration for which spurious RAs were responsible, the Committee had further recommended that respective POE offices should hold regular meeting with the Police Department of the concerned States to follow up on the cases registered and to chalk out ways and means for dealing with spurious recruiting agencies. The Committee would also like the government to widely publicise the blacklisted

agents (both foreign and Indian) to preclude duping of unsuspecting workers seeking emigration.

- 15. The Ministry in their reply inter-alia have stated as under:

 "The Government has initiated a proposal for amendment of Emigration Act, 1983 in order to provide for promotion of overseas employment, better protection of emigrant workers, heavier penalties for offences and stringent regulation of the recruiting agents"
- 16. The proposal to amend the Emigration Act, 1983 has been pending for a long time now and the Committee desire that the amendment Bill in this regard should be introduced in Parliament without any further delay. The reply of the Ministry is, however, silent on the question of follow up with the police department by the offices of Protector of Emigrants (POEs) on cases registered and to find ways for dealing with bogus Recruiting Agents (RAs). The Ministry have also not responded to the suggestion that the Government should widely publicise the list of blacklisted recruiting agents (both foreign and Indian) to prevent unsuspecting workers being duped by them. The Committee hope that the Ministry have taken note of these suggestions for urgent implementation.

E. INVESTMENTS BY OVERSEAS INDIANS

[Recommendation SI. No. 11 (Para No. 3.17)]

17. The Committee had, inter-alia, recommended that the Ministry must also commission a study of the ways in which Overseas Indians could make greater contribution through investments in India. The study commissioned should also analyse the investment patterns of the Overseas Indians in India so that promotion policies could be fine-tuned.

18. The Ministry of Overseas Indian Affairs have not given any response to the above suggestion. The Committee would await the Ministry's specific response in this regard.

F. PROBLEMS RELATING TO NRI MARRIAGES

[Recommendation SI. No. 13 (Para No. 4.7)]

- 19. The Committee were concerned to note that the incidents of failed and fraudulent marriages of Indian women with NRIs had assumed alarming proportions. The Committee in this context had recommended among other things that the prospective bridegroom should be made to give an affidavit to the effect that he was not married, and that the affidavit must be notarized by the respective consulate/embassy.
- 20. The Committee regret to note that the reply of the Ministry is silent on the suggestion that prospective bridegroom be made to give an affidavit to the effect that he is not married, and that the affidavit must be notarized by the respective consulate/ embassy. The Committee hope that the Ministry have taken note of this recommendation for suitable action.

CHAPTER II

RECOMMENDATIONS/ OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

[Recommendation SI. No. 1 (Para No. 2.13)]

The Committee observe that the Overseas Indian workers are estimated at about 4-5 million and their remittances into India are estimated at \$12-15 billion annually. The Committee also observe that most of them belong to unskilled and semi-skilled category and there has been a steady increase, to the tune of 1 million a year, in the number of persons emigrating for employment abroad. Taking note of the fact that the Ministry propose to undertake skill upgradation and pre-departure training programme for potential emigrant workers, the Committee recommend that the training programmes undertaken must keep in view the changing nature of manpower requirement of countries around the world through the Indian Missions. The information regarding the training so imparted and the database of manpower availability should also be available with our Missions abroad. The Committee further recommend that the proposals received from Tamil Nadu, Andhra Pradesh and Kerala for starting emigrant workers training programmes should be followed up with the concerned States and the training programmes for emigrant workers started expeditiously.

Reply of the Government

It is vital to give an opportunity to the prospective emigrants to upgrade and optimize their skills in the relevant trades before they proceed abroad. In order to address these issues, during 2006-07 the Ministry of Overseas Indian Affairs in consultation with State Govt. launched a new scheme for skill upgradation and pre-departure orientation of the prospective emigrants. Under the scheme, the Ministry provides financial assistance at the rate of about Rs.

1000 per worker. During 2006-07 the scheme was implemented on pilot basis in five states i.e. Tamil Nadu, Kerala, Karnataka, Andhra Pradesh and Punjab. An amount of Rs. 1 Crore each for Kerala and Tamil Nadu and Rs. 65.61 Lakhs for Punjab, Rs. 50 Lakhs for Andhra Pradesh and Rs. 84.39 Lakhs for Karnataka had been released The Ministry proposes to extend this scheme to the top 10 labour sending States during the current financial and correspondence with the concerned State Governments is being done for the same. The budget allocation for the year 2007-08 for the scheme is Rs. 9 crore.

It may be mentioned that State Governments have significant role in the implementation of the scheme. The Protector of Emigrants, being in the field formation, has the relevant data of emigrant workers and is in a better position to assist the State Governments about the training needs. Therefore, the Ministry has decided that the POEs and the State Government will work together for superior implementation of the scheme. This Ministry is also pursuing the matter vigorously with the concerned state Govt. to utilize the funds.

Ministry also propose to work in partnership with the Apex Industry Associations like CII, FICCI and ASSOCHAM as well as with credible NGOs to expand the scope and delivery of the programme. While imparting the skill upgradation and pre-departure training the Government would keep in view the changing nature of manpower requirements in countries around the world. The Ministry has proposed establishment of a Council for Promotion of overseas employment, which will play a vital role in assessing the labour market requirements and taking appropriate proactive steps to help Indian workers avail the emerging opportunities.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 2 (Para No. 2.14)]

The Committee are concerned to note that Overseas Indian workers are facing numerous problems regarding non-payment/delayed payment of wages, unilateral changes in the contract of workers, changing the jobs arbitrarily etc. In certain cases, the workers are not given any employment and are left in the lurch in the foreign country. The Committee, therefore, recommend that the Ministry should focus on the need to safeguard the interests of Indian workers abroad, by entering into bilateral agreement with countries where there are substantial number of Indian workers. The Committee appreciate that a beginning has since been made by the Ministry for entering into bilateral agreements with Kuwait, that Qatar. Oman and Malaysia. The Committee desire discussion/negotiation for bilateral agreement with these countries be expedited to ensure that the workers interests are protected and that they are no longer exploited by the unscrupulous agents in India and by their employers abroad.

Reply of the Government

On 13th December 2006 a bilateral MOU in the field of manpower was signed with UAE. Recently on 10th April, 2007, the Ministry has signed a bilateral MOU on Labour, Employment and Manpower Development with the State of Kuwait as well. The proposed Additional Protocol with the State of Qatar was initiated by the two sides at official level on 20th September, 2006. In respect of Bahrain and Oman, the proposed MOU on Labour and Employment was sent to them in December, 2006. Their response is awaited. With regard to MOU with Malaysia, the draft was sent to the Government of Malaysia through diplomatic channel. The response from the Government of Malaysia is awaited. The Malaysian side also handed over a draft to us during the Joint Commission Meeting held on 14-16 January, 2006. Our response will be sent to them shortly. The Ministry has emphasized the need for signing an MOU with Yemen also

during the Joint Committee Meeting held in Delhi on 10-11 April, 2007. The matter will be followed up.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

Comments of the Committee

(Please see Paragraph No. 7 of Chapter I of the Report)

[Recommendation Sl. No. 3 (Para No. 2.15)]

The Committee welcome the proposal of the Government to have an award called "Pravasi Bhartiya Shramik Puruskar" that will consist a citation and 1 lakh rupees in cash with the objective of recognizing the outstanding contribution made by Overseas Indian workers. The Committee note that there will be 10 such awards every year and the first series of such Awards conferred on January 9, 2007 during the valedictory session of Pravasi Bharatiya Divas 2007. The Committee are happy that Government is instituting this award in recognition of the huge contribution these workers make through their remittances to the national economy.

Reply of the Government

The scheme of instituting a separate Pravasi Bharatiya Shramik Puraskar was examined. However, it was decided that instead of a separate scheme of awards, the criteria for nomination for the existing Pravasi Bharatiya Samman may be suitably modified to incorporate the category of workers in the existing award scheme. Action is being taken by the Ministry to include the workers in the Pravasi Bharatiya Samman Scheme.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

Comments of the Committee

(Please see Paragraph No. 10 of Chapter I of the Report)

[Recommendation SI. No. 4 (Para No. 2.23)]

The Committee note that there are 8 offices of the POEs from where applicants seeking employment abroad and possessing a passport with Emigration Clearance Required (ECR) endorsement can obtain emigration clearance. The Committee observed during their visit to some of the field offices of POE that these offices are headed by junior level officers. The Committee, therefore, recommend that the field offices need to be revamped by upgrading the posts in the metropolitan cities to Deputy Secretary level. The Committee regret to note that there has been rampant corruption in some of the offices of POEs. The Committee find it even more regretful to note that inspite of the admitted corruption in the POE offices, the Government has done seemingly little to identify officials with doubtful integrity and proceed against them. The Committee, therefore, recommend that suitable measures be undertaken immediately to bring about transparency in the functioning of POEs and exemplary action be taken against officials indulging in corrupt practices.

Reply of the Government

It was strongly felt that the posts of the Protectors of Emigrants must be upgraded in order to change the work culture in emigration, to cope with ever increasing volume of emigration, to support the e-governance initiative of the Ministry and to enable the POEs to effectively discharge their mandate under the law and to protect the emigrants from the ill-consequences of an imperfect overseas employment market. Consequently, the posts of Protector of Emigrants in the three metropolitan cities, namely, Delhi, Mumbai and Chennai, have been

upgraded to the level of Deputy Secretary and those at Thiruvananthapuram and Hyderabad, to the level of Under Secretary.

As regards action relating corruption in POE Offices, some officials with doubtful integrity are under suspension and departmental action has been initiated against them. Further, to bring about transparency in the functioning of POE offices, computerisation of the work of POE offices has been initiated and computerisation of POE office at Delhi has been completed. Action for computerisation of other POE offices are under consideration and will be completed soon. Strict instructions have been issued to the POEs for conducting rigorous checks and adopting adequate caution while granting emigration clearance.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 5 (Para No. 2.24)]

During their study visit to some of the offices of POEs during November 2006, the Committee observed that the office accommodation was too small, remotely located, unkempt and without proper infrastructure in place. The Committee, therefore, desire that the POE submit a detailed report within three months on all the regional offices of POE indicating office-wise staff strength, the number of applications received, space requirement and actually available, suitability of the office location in terms of accessibility and the infrastructure needed to make the offices efficient and user friendly. For the convenience of applicants, the Committee, recommend that the POE office may also open 'May I help you' counters, so that applicants are not exploited by soliciting spurious agents.

Reply of the Government

Position was indicated in the statement given below:

POE	Staff Strength	Number of	Space requirement	Office location in terms of	Infrastructure	May I
	(sanctioned /	Applications		accessibility		
	in position)	received (2006)				
Kolkata	3 (Three)	ECR - 7397	Present area - 800	In a central Government	Modernisation	The office
	POE - 1	ECRS 32,901	sq. ft.	Office Complex at Salt Lake	/ Renovation	the possibl
	LDC – 1		(The present area is	and easily accessible	proposal is	to the put
	Gp D – 1		quite sufficient)		under process	emigrant(s)
						this office
						telephone
						prey to the
Hyderabad	3 (Three)	ECR - 50977	Present Area - 1614	Centrally located in the main	-do-	Since this
	POE - 1	ECRS - 44605	sq. ft.	part of the city called		with not mu
	Asstt – 1		(the present area is	Nampally which is easily		load one
	UDC – 1		sufficiently spaced)	accessible and premises are		sufficient to
	Helper –			well kempt.		as well
	contract basis					individual c
Thiruvanan	8 (Eight)		Present Area -	The present accommodation		May I hel
thapuram	POE - 1			is best suited accommodation		better than
	Asstt – 1			for the staff and public. It is		as public c
	UDC - 2 (1-			also easily accessible for the		documents
	Vacant)			public as it is situated within a		application
	LDC - 2			radius of 1 km from Railway		counter
	Gp D – 2			station and Central Bus		manpower
				Stand.		
Cochin	8 (eight)	ECR - 180 per	Actual - 3393.86 sq.	The Present location is good		May I h
	POE – 1	day	ft.	in terms of accessibility being		commenda
	Asstt – 2	ECRS - 115 per	Required - 4000 sq.	in the heart of the city and		the limited
	UDC – 1(V)	day	ft.	near Railway Station / Bus		POE, Coch
	LDC – 2			Terminal.		in addition
	Peon – 1(V)			Since the owner is asking to		would be
	Watchman - 1			vacate the premises, the		the recomn
				process of searching an		
				alternative office		

	T		т	T	T	T
			!	accommodation is under		
			!	process and will be finalised		
			!	soon		
Chandigarh	3 (three)	3200 workers		There are two rooms		
	POE – 1	and 800 visitors	1	available for working. CPWD		
	Asstt – 1	in a month.	!	has been requested for		
	LDC – 1 (V)		!	granting an additional room		
			!	and also for making		
			!	arrangements for providing		
			!	additional provisions for		
			!	convenience of public.		
Delhi	13 (Thirteen)	ECR - 108606	There is no crunch of	The office is located in		The functio
	POE-I – 1	ECRS - 120233	space.	canteen block of Jaiselmer		computeriz
	POE-II – 1	during 2006	!	House, Mansingh Road.		facilitate the
	Asstt – 2 (V)		!	Located centrally, well		for filing on
	UDC – 2		!	connected by bus services,		create a fa
	Steno – 1(V)		!	Metro station and Railway		for hiring s
	LDC – 1		!	station are also close.		wages / c
	Record Sorter		!	The building owned by		considerati
	– 1		!	CPWD requires minor		
	Peon – 2		!	changes and the matter has		
	Sweeper – 1		!	already been taken up with		
	Chowkidar-		'	CPWD.		
	1(V)		'			
			'			
Mumbai	30 (Thirty)	ECR - 278511	The present Area is	Located at Khira Nagar, SV	It is only after	
	POE- DS - 1	ECRS - 192256	6588 sq.ft, is	Road, Santacruz(W),	a suitable	
	(1-US level in		adequate as per	Mumbai.	accommodatio	
	place)		requirement.		n allotted the	
	POE-II – 3-		!		office can be	
	1*=2		The present premises		modeled to	
	[*transferred to		are dilapidated.		give a	
	POE, Thiruvn.]		Efforts are on to		corporate look	
	Asstt. – 3 (1-V)		acquire new			
	UDC – 6		premises through			
	LDC – 8		State Government			
4		<u> </u>	1			I

	Gp D – 9		as well as Ministry of		
			UD. Secretary, UD of		
			the Government of		
			Maharashtra has		
			been requested for		
			allotment of suitable		
			accommodation.		
Chennai	10 (Ten)	ECR - 136887	Space Requirement –	Matter is being taken up with	A special
	POE-DS – 1	ECRS - 89858	3500 sq. ft.	Tamil Nadu Housing Board,	guiding
	POE-II – 1	Average number	Actual Space - 2560	Govt. of Tamil Nadu, for	public/emig
	Assistant – 1	of applications	sq. ft.	allotting alternate	POE office
	UDC – 3	received per day		accommodation.	also place
	LDC – 2	- 800			parts of th
	Peon- 1				general p
	Watchman - 1				drinking w
					also be
					accommod
					acquired.
		·		<u> </u>	

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

Comments of the Committee

(Please see Paragraph No. 13 of Chapter I of the Report)

[Recommendation SI. No. 6 (Para No. 2.29)]

Taking note of the large scale exploitation and harassment of prospective emigrants by spurious Recruiting Agents (RAs), the Committee recommend that the Emigration Act 1983 be amended expeditiously by inserting provisions so that deterrent punishment is inflicted on spurious RAs and the RAs duping the emigrant workers. In order to curb the incidents of illegal emigration for which spurious RAs are responsible, the Committee further recommend that respective POE offices should hold regular meeting with the Police Department of the concerned States to follow up on the cases registered and to chalk out ways and means for dealing with spurious recruiting agencies. The Committee would also like the government to widely publicise the blacklisted agents (both foreign and Indian) to preclude duping of unsuspecting workers seeking emigration.

Reply of the Government

The Government has initialed a proposal for amendment of Emigration Act, 1983 in order to provide for promotion of overseas employment, better protection of emigrant workers, heavier penalties for offences and stringent regulation of the recruiting agents. It is also proposed to insert a penal clause against the offence of human smuggling. A direction has been issued under section 38 of the Emigration Act to the PGE to monitor prosecutions launched under the Act.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

Comments of the Committee

(Please see Paragraph No. 16 of Chapter I of the Report)

[Recommendation Sl. No. 8 (Para No. 2.37)]

The Committee note that government is not maintaining database of diaspora/NRIs living in different parts of the world. The Committee hardly need to emphasise the need for maintaining such a database country/region-wise, while acknowledging the need to promote, nurture and sustain a mutually beneficial symbiotic relationship between India and its diaspora. The database so created should maintain information including the kind of workers required and the jobs available and the emerging trends of employment and made available on the website of the Ministry. This, in the considered view of the Committee, would save the migrant workers from the clutches of unscrupulous emigration agents.

Reply of the Government

The 'Overseas Indian Facilitation Centre' launched by Hon'ble Minister of Overseas Indian Affairs on 28th May, 2007 has also been entrusted with the job of maintaining a database of the Indian diaspora/NRIs living in different parts of the world.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 10 (Para No. 3.16)]

The committee welcome the proposal of the Ministry to establish an Overseas Indian Investment Promotion Unit to give sustained and focused attention to promoting investments by Overseas Indians in India. Given that the remittances of Overseas Indian workers into India are huge and that their investment potential is enormous, the Committee appreciate the launch of an Information Service Portal in association with UTI Bank, which provides useful information of Investment opportunity in India. The Committee recommend that the proposed compendium on policies, Incentives and Investment opportunities for Overseas Indians and the Handbook for Overseas Indians providing

information on investment opportunities available with the State Government should be brought out soon.

Reply of the Government

The compendium of policies, incentives and investment opportunities for Overseas Indians and the hand-book for Overseas Indians providing information on investment opportunities have already been published and released by the Prime Minister during 5th Pravasi Bharatiya Divas held in New Delhi from 7-9 January 2007. 'Overseas Indian Facilitation Centre' as a single stop shop for dissemination of investment related information and for providing hand holding services to the potential overseas Indian investors has been launched by Hon'ble Minister of Overseas Indian Affairs on 28th May, 2007.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 11 (Para No. 3.17)]

Realising the potentials and capacities of Overseas Indians to invest in India the committee in their 6th Report (14th Lok Sabha) has recommended for setting up of the investment promotion unit as the Committee felt that Overseas Indians are presently able to invest only a lower proportion of their resources in India as compared to the Overseas Chinese who invest in China in a big way. The Committee recommend that the Ministry must also commission a study of the ways in which Overseas Indians can make greater contribution through investments in India. The study commissioned should also analyse the investment patterns of the Overseas Indians in India so that promotion policies can be fine-tuned. The Committee further recommend that the Ministry should finalize and announce the investment promotion unit expeditiously.

Reply of the Government

The proposal of the Ministry to establish a trust titled 'Overseas Indian Facilitation Centre' as a single stop shop for dissemination of investment related information and for providing hand holding services to the potential overseas Indian investors has been approved by the cabinet. The facilitation center will also work as a repository of Overseas Indian investment related issues and will suggest to the Ministry ways to enhance Overseas Indians investment in India.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

Comments of the Committee

(Please see Paragraph No. 18 of Chapter I of the Report)

[Recommendation SI. No. 12 (Para No. 3.18)]

The Committee also note that the Ministry of Home Affairs (MHA) has drawn up proposals for a comprehensive Foreign Contribution Regulation Act for Overseas Indians and that the Ministry have made some suggestions to MHA. The Committee also note that the matter has been referred to a Group of Ministers (GoMs). The Committee desire that the Ministry should follow up the matter with the MHA expeditiously so that procedures are simplified for the Overseas Indians under the FCR Act.

Reply of the Government

The Ministry has taken note of the concerns of the Committee. The matter is being followed up with the Ministry of Home for expeditious simplification of the Foreign Contribution Regulation Act.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 13 (Para No. 4.7)]

The Committee are concerned to note that the incidents of failed and fraudulent marriages of Indian women with NRIs have assumed alarming proportions. The Committee note that owing to huge costs involved, the victim Indian women are not able to take legal recourse. The Committee recommend that an effective mechanism need be worked out in order to curb the menace of fraudulent marriages including compulsory registration of marriages and amendment to the Indian Marriages Acts, which may provide for, among other things, the jurisdiction of divorce proceedings to be instituted only in the courts in whose jurisdiction the marriage was solemnized/registered. The Committee also recommend that the prospective bridegroom should be made to give an affidavit to the effect that he is not married, and that the affidavit must be notarized by the respective consulate/embassy. The Committee also desire that the guidance booklet on Marriages with Overseas Indians should be brought out immediately and widely disseminated both in India where marriages take place and also distributed overseas. The Committee further recommend that government should set up gender Cells/legal cells to provide legal aid and counselling to victims of fraudulent marriages. The Committee note that in many countries there is provision under which the courts offer the services of attorneys free of charge and there are also social organizations which provide free legal aid counselling to Indian women. The Ministry, therefore, need to prepare lists of such attorneys and other organizations who would be ready to work pro bono and put up the list on the website of the Ministry and our missions so that victims of fraudulent marriages may approach them for free legal aid.

Reply of the Government

The Ministry has taken the following steps to tackle the problems arising out of NRI marriages:

i) <u>Compulsory Registration of Marriages</u>

The Hon'ble Supreme Court in a recent case of Mrs. Seema Vs Ashwani Kumar has held that marriages of all persons who are citizens of India belonging to various religions should be made compulsorily registrable in their respective States where the marriage is solemnized. The Hon'ble Court has also directed the Union Government and the State Governments to frame suitable rules and procedures for compulsorily registration of marriages.

MOIA has drawn the attention of the States/ UTs to the aforesaid judgement of the Supreme Court and requested them to make laws for compulsory registration of marriages and monitoring the progress in this regard. In this regard, the Ministry of Women and Child Development has submitted a draft legislation to the Ministry of Law & Justice, Legislative Department.

ii) Constitution of inter Ministerial Sub-Committee

An inter Ministerial Sub-Committee has been constituted, inter-alia, to discuss the clauses that could be inserted in the bilateral agreements between India and the foreign countries to protect the interests of victims of failed and fraudulent marriages. The Committee has already met and is expected to finalise its recommendations soon. A special task force comprising officers of Ministry of External Affairs and Ministry of Law and Justice has been constituted to study the problems and give their recommendations.

iii) Amendments in the Indian Passport Act

The CPV Division of Ministry of External Affairs has been requested to study the and give recommendation for making suitable amendments in the Indian Passport Act including suggestion to include photograph of the spouse in the passport.

iv) Guidance Booklet on NRI Marriages

The Ministry has brought out a guidance booklet on "Marriages to Overseas Indians" for the benefit of prospective brides and their families. The guidance booklet was released by the Hon'ble Prime Minister on the eve of PBD, 2007. This booklet contains information on safeguards available to women deserted by their NRI spouses, legal remedies available, authorities that can be approached for redressal of grievances and non governmental organizations which can provide assistance. The guidance booklet is being sent to all States/UTs and the Indian Embassies in the countries having high concentration of Indian diaspora for wide dissemination of information among the groups concerned.

v) Scheme to provide financial assistance to women in distress

The Ministry has launched a scheme to provide legal and counseling services to women in need and facing desertion/divorce proceedings in courts overseas through Indian Missions abroad. Under the scheme, funds have been placed at the disposal of Indian Missions in USA, UK, Canada, Australia , New Zealand and the countries in Gulf which will be released to the Indian Women's Associations, NGOs etc empanelled with the Missions to provide legal and counseling services to Indian women victims of NRI marriages.

vi) Awareness campaign to educate prospective brides and their families

The Ministry has brought out information pamphlets in English, Hindi, Punjabi, Malayalam and Telugu to make Indian women aware of their rights and responsibilities and to take precautions before entering into marital alliance with overseas Indians. These pamphlets have been sent to the State Governments concerned for distribution through village panchayats, Anganwadis, Railway Stations, Airports, Hospitals /Dispensaries, NGOs/Self Help Groups etc.

The Ministry has also launched the publicity campaign through electronic scrolls on regional T.V networks which were primarily aimed to cover the States of Punjab and Andhra Pradesh.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

Comments of the Committee

(Please see Paragraph No. 20 of Chapter I of the Report)

[Recommendation SI. No. 14 (Para No. 5.11)]

The Committee are happy to note that the Ministry has started a Scholarship Programme for Diaspora Children from 2006-2007 with the objective to make higher education in India accessible to the children of Overseas Indians and publicise India as an education hub. The Committee also note that over 70 students have availed of the scholarship during the academic year 2006-2007.

The Committee hope that the scholarship scheme will also enable Diaspora students to act as goodwill ambassadors between India and their adopted countries. The Committee recommend that the scholarship scheme should be widely publicized to bring greater awareness of the scheme among the Diaspora populations.

Reply of the Government

The Scholarship Programme for Diaspora Children (SPDC) was launched in the year 2006 and 67 students from various countries are pursuing their

studies in various educational institutions in India. The SPDC for the academic year 2007 has also been launched recently. The Scheme has been expanded to include 40 countries with Indian diaspora population of 20,000 or more. The scholarship amount has also been increased from US\$ 1800/- to US\$ 3600/- which would meet the institutional expenses upto 75%. The programme have been publicized through the websites of the Ministry, Educational Consultants India Limited (Ed.CIL) and through Indian Missions abroad. Ed.CIL has also publicized the Scheme through their road shows in various countries. The response received this year is overwhelming.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 15 (Para No. 5.12)]

The Committee also note that scholarship to study in India are also being offered by Ministry of External Affairs (MEA) and Ministry of Human Resource Development (MHRD). The Committee desire that the Ministry should explore the possibility of instituting a coordination mechanism so as to ensure that information regarding the children of PIOs/NRIs availing scholarships under the schemes operated by Ministry of External Affairs (MEA) and Ministry of Human Resource Development (MHRD) is concurrently compiled and updated by the Ministry of Overseas Indian Affairs responsible for implementation of scholarship programme for Diaspora children.

Reply of the Government

Following the recommendation of the Standing Committee on External Affairs for constitution of a Joint Committee for provision of scholarships to foreign students by various Ministries, a meeting attended by the representatives of the Ministries of External Affairs, Human Resource Development, Overseas Indian Affairs and Indian Council for Cultural Relations (ICCR) was held on 22nd February, 2007. It was decided to share data concerning country-wise break up

of scholarships, institutions, financial liability of different schemes and to continue the dialogue between different Ministries to reduce duplication of the schemes. It was also decided to work jointly towards reduction of problems and time in implementation of joint scholarships.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 17 (Para No. 5.18)]

The Committee note that there is a long pending demand from NRIs to set up a PIO University in India to facilitate wholesome and modern education for the children of Indian Diaspora. The Committee are happy to note that the proposal is under active consideration of the Government and the Committee hope that such a university will be set up in due course so that India really emerges a hub of education for the children of India Diaspora across the globe.

Reply of the Government

Cabinet approval for setting up a policy framework for the establishment of a NRI/PIO University in the Special Economic Zone has been obtained.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 19 (Para No. 7.7)]

The Committee note that Ministry of Urban Development (MUD) had earlier allotted Plots No. 15A & 15B in Chanakyapuri measuring 5854 sq. meters (1.45 acres) in favour of MOIA in January, 2005. Another Plot No. 15D measuring 3812 sq. meters was also allotted to the Ministry for the construction of Pravasi Bhartiya Kendra (PBK) during February, 2006. The Committee observe that the Ministry has taken inordinately long time to acquire the land. The Committee would like to be apprised of the action plan drawn for early construction of the PBK and the time frame for completion of the project.

Reply of the Government

A proposal to appoint NBCC as consultant-cum-project manager for the Pravasi Bharatiya Kendra is awaiting financial concurrence. It is expected to be finalised shortly.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 20 (Para No. 8.4)]

The Committee are concerned to note that even after three years of it creation, the Ministry is still without a minimum support staff. The Committee feel that in the absence of the required staff, the Ministry may not be able to discharge its mandate. Many schemes/projects announced are yet to be implemented. The Committee regret to note that the Ministry still does not have any cadre staff of its own. The Committee, therefore, feel that MOIA should continue its efforts to build its own and adequate cadre of staff.

Reply of the Government

The total number of sanctioned posts in this Ministry is 105. All the Group A posts up to the level of Under Secretary are filled up. The posts of the level of Section Officer(S.O.) and below up to L.D.C. are filled up by the Cadre controlling authority i.e. Ministry of Home Affairs. Apart from this, 12 posts are filled by MEA from their cadre and 3 posts by Department of Official Languages. After creation of this Ministry in May, 2004, no cadre had been assigned to this Ministry by the DOP&T. However, the lower level posts were filled up in consultation with the DOP&T through inter cadre transfer. Recently, the DOP&T has declared the MHA as the cadre authority for the posts of the level of S.O. and below up to the level of LDC in this Ministry. MHA has been requested to post candidates against the vacant posts.

[Recommendation SI. No. 21 (Para No. 8.7)]

The Committee would like to be informed of the time frame stipulated, if any, for setting up Overseas Indian Centers. Needless to say, the setting up of such Centers will go a long way to establish regular link and build goodwill between India, the Indian diaspora and the countries of their residence.

Reply of the Government

The Cabinet has since approved setting up an Overseas Indian Centre (OIC) at Dubai with the aim to provide legal, medical and financial counseling to the Indian workers in the Gulf region. Government sanction for setting up the Centre was issued on 18th April, 2007. In addition to this, sanction for the posts of Counselor – Community Affairs (Development) with supporting staff to be positioned in Indian Missions at Washington (USA) and Kuala Lampur (Malaysia) have been issued on 29.05.2007. Action has been initiated for selection of personnel for posting in the Overseas Indian Centers.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

CHAPTER III

RECOMMENDATIONS/ OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT REPLIES

-- NIL --

CHAPTER IV

RECOMMENDATIONS/ OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND REQUIRE REITERATION

-- NIL --

CHAPTER V

RECOMMENDATIONS/ OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED

[Recommendation SI. No. 7 (Para No. 2.34)]

The Committee observe that the proposal to introduce smart card was initiated way back in March, 2005, but despite considerable lapse of time no significant headway has been made. The explanation submitted by the Ministry for the delay in introduction of smart card in the field offices and at the Headquarters of POE in found untenable by the Committee as India is acclaimed to be one of the high-tech capital of the world. The Committee, therefore, see no reason as to why the introduction of smart card should be delayed so inordinately. The Committee, therefore, recommends that the government should expedite full computerization of all offices of POE, and impart necessary training to the staff so that the introduction of smart card is facilitated without any operational difficulty.

Reply of the Government

Action for computerization of all the offices of POEs is already started. The office of POE Delhi is already computerized and other POE offices are in the process of computerization, which will be completed in 2-3 months.

For the issue of smart cards to emigrant workers the Department of Space has been requested by the Ministry on 23.3.2007 to give a fresh proposal of the Consortium of M/s Semi Conductors Ltd. Chandigarh and M/s Bharat Electrical Ltd. (BEL). The final proposal from Department of Space is awaited.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 9 (Para No. 2.44)]

The Committee are happy to note that the Government has introduced the Pravasi Bhartiya Bima Yojana (PBBY), 2003 in an effort to safeguard the interests of the emigrant workers. The Committee also note that the PBBY, 2003 has now been upgraded as the PBBY, 2006 and emigrant workers will now get a minimum cover of Rs. 5 lakhs, instead of Rs. 2 lakhs. The Committee, however, note that as on date 11.07 lakhs policies have issued, but the number of policies issued vis-à-vis the number of emigrant workers is still far less. The Committee feel that there are many more potential workers in need of insurance and, therefore, recommend that the Ministry must sensitise the workers on benefits of getting insured. The Committee also desire that the subscription premium should be reviewed so as to consider the scope to further reduce it.

Reply of the Government

A compulsory Insurance Scheme known as Pravasi Bharatiya Bima Yojana, (PBBY) 2003 which was notified on 13.11.2003 came into force on the 25th day of December, 2003. The scheme was later revised on 25.1.06 with amendment coming into force w.e.f. 1.2.06.

Subscription to the insurance cover under PBBY is mandatory for all intending emigrant workers, who apply for and obtain emigration clearance from the Protector of Emigrants (POE) as required under the Emigration Act, 1983 (31 of 1983). Emigration is not granted by the POE unless the emigrant worker subscribes to the insurance cover under PBBY. Since 25.12.03, till April, 2007, clearance has been granted by the POEs to approximately 19.35 lakh persons going for employment abroad, and therefore the number of policies issued under the PBBY till date is 19.35 lakh approximately.

The issue relating to review of the subscription amount alongwith add on benefits to the emigrant workers under the PBBY, is under consideration in consultation with the insurance companies.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 16 (Para No. 5.13)]

The Committee note that the Government has decided that 15 % seats in all higher and technical institutes (except courses in Medicine) may be filled up on supernumerary basis over and above the approved intake and 1/3rd of these are reserved for NRIs in the Gulf and South East Asia. The Committee also note that the Government has introduced an exclusive scheme called Direct Admissions of Students Abroad (DASA) wherein 15 % seats have been reserved since 2001-2002 in 18 National Institutes of Technology and other centrally funded technical institutions, except Indian Institutes of Technologies (IITs). The Committee observe that the number of students who availed the quota have been steadily increasing since 2001-2002. The Committee also note that there is no nodal agency for monitoring the implementation of the guota and only notifications are issued to AICTE and UGC. The Committee feel that in the absence of a nodal agency, notifications alone may not be sufficient in The Ministry must ensure, therefore, proper implementing the quota. coordination with States universities and other Central universities to facilitate admissions of students under the quota. The Committee also recommend that the project to get the education profile of Diaspora students mapped should be expedited.

Reply of the Government

Ministry has take the following action in this regard:

(i) Letters have been written to UGC and AICTE to furnish a list of institutions which are actually implementing the 15%

supernumerary quota reserved for PIOs/NRIs and foreigners. It has also been requested to them to instruct all the educational institutions to implement the quota.

(ii) A proposal has been sent to Ed.CIL to conduct a survey on the implementation of the 15% supernumerary quota by different educational institutions in India.

Follow up action on the above is being taken.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

[Recommendation SI. No. 18 (Para No. 6.6)]

The Committee welcome the launch of the Overseas Citizenship of India (OCI) Card, which will strengthen links between the Overseas Indians and their country of origin. The Committee has been recommending to the Government to allow OCI cardholder to participate in the political process of the country. Given the contribution of Overseas Indians to the Indian economy through their investments and remittances, the Committee feel that it is time that the Government stop treating Overseas Indians as mere economic citizens. The Committee would like to be apprised of the practice in countries allowing dual citizenship and conferring the right to vote on their non-resident citizens. The Committee have in their earlier reports (6th and 10th Report, 14th Lok Sabha) recommended, and the Committee reiterate that the Government must consider and explore the feasibility of extending the benefits of voting right to Overseas Citizens of India.

Reply of the Government

Presently, there is no proposal to confer voting rights to Overseas Citizens of India as they are not Indian citizens and hold nationalities of foreign countries.

However, Government is currently examining a proposal to extend voting rights to Non-resident Indians. Details of practice followed in other countries allowing dual citizenship and conferring the right to vote on their non-resident citizens are being collected.

[MOIA OM No. H-11013/7/2007-Parl. Dated 26.6.2007]

NEW DELHI 12th November, 2007 21 Kartika, 1929 (Saka) DR. LAXMINARAYAN PANDEY, Chairman, Standing Committee on External Affairs

Appendix -I

MINUTES OF THE FIFTH SITTING OF THE STANDING COMMITTEE ON EXTERNAL AFFAIRS HELD ON 7TH NOVEMBER, 2007

The Committee sat from 1500 hrs. to 1600 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi

PRESENT

Dr. Laxminarayan Pandey – Chairman

MEMBERS LOK SABHA

- 2. Prof. S.P. Singh Baghel
- 3. Shri A.V. Bellarmin
- 4. Shri Sukhdev Singh Dhindsa
- 5. Shri P.C. Gaddigoudar
- 6. Shri S.K. Kharventhan
- 7. Shri Mukeem Mohammad
- 8. Shri Somabhai G. Patel
- 9. Dr. Sebastian Paul
- 10. Shri Suresh Prabhakar Prabhu
- 11. Shri P.A. Sangma
- 12. Dr. (Col.) Dhani Ram Shandil
- 13. Shri M. Shivanna
- 14. Shri Vanlalzawma

RAJYA SABHA

- 15. Shri S.M. Laljan Basha
- 16. Smt. Prema Cariappa
- 17. Dr. Ram Prakash
- 18. Dr. Mahendra Prasad
- 19. Shri Arjun Kumar Sengupta
- 20. Dr. Karan Singh
- 21. Dr. (Smt.) Kapila Vatsyayan

SECRETARIAT

- 1. Shri T.K. Mukherjee Director
- 2. Shri P.V.L.N. Murthy Deputy Secretary
- 3. Shri Lalkithang Under Secretary

2.	2.	XXX	XXX	XXX	XXX	XXX
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- 3. Thereafter, the Committee took up the following draft Reports for consideration and adopted the same:
 - i) Draft Report on Action Taken by the Government on the recommendations contained in the 14th Report (14th Lok Sabha) of the Committee on the subject "Issues relating to Overseas Indians".

ii)	XXX	XXX	XXX	XXX	XXX
iii)	XXX	XXX	XXX	XXX	XXX

4. The Committee then authorized the Chairman to finalise the Action Taken Reports and present the same to both Houses of Parliament.

The Committee then adjourned.

XXX Minutes in respect of other matters kept separately.

Appendix -II

(Vide Para 4 of Introduction of Report)

ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE FOURTEENTH REPORT OF THE STANDING COMMITTEE ON EXTERNAL AFFAIRS (14TH LOK SABHA)

I. Total Number of Recommendations

21

(ii) Recommendations/Observations which have been accepted by the Government.

SI. Nos. 1 to 6, 8, 10 to 15, 17 and 19 to 21

Total-17

Percentage: 80.95%

(ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government replies.

SI. Nos. NIL

Total-NIL

Percentage:0%

(v) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and require reiteration.

SI. Nos. NIL

Total-NIL

Percentage: 0%

(vi) Recommendations/Observations in respect of which final replies of Government are still awaited.

SI. Nos. 7, 9, 16 and 18.

Total-04

Percentage: 19.05%