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**A. STANDING COMMITTEE  
ON EXTERNAL AFFAIRS  
(2004-2005)**

**FOURTEENTH LOK SABHA**

**MINISTRY OF OVERSEAS INDIAN AFFAIRS**

**DEMANDS FOR GRANTS  
2005-2006**

**SIXTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*April, 2005/Vaisakha, 1927 (Saka)*

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**STANDING COMMITTEE ON**  
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**(2004-2005)**

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*Presented to Lok Sabha on 26.04.2005*  
*Laid in Rajya Sabha on 26.04.2005*



**LOK SABHA SECRETARIAT**  
**NEW DELHI**

*April, 2005/Vaisakha, 1927 (Saka)*

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Held on 07.04.2005
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# **STANDING COMMITTEE ON EXTERNAL AFFAIRS**

**(2004-2005)**

## **Chairman**

Dr. Laxminarayan Pandey

## **MEMBERS**

### **LOK SABHA**

2. Shri Omar Abdullah
- 3 Shri Yogi Aditya Nath
4. Prof. S.P. Singh Baghel
5. Shri Narayan Chandra Borkataky
6. Shri P.C.Gaddigoudar
7. Shri Vinod Khanna
8. Shri S.K. Kharventhan
9. Shri Narendra Kushwaha
10. Shri Nikhil Kumar
11. Shri Dinsha Patel
12. Shri Somabhai Patel
13. Shri Sebastian Paul
14. Smt. Ranjit Ranjan
15. Shri P .A. Sangma
16. Dr. (Col) Dhani Ram Shandil
17. Shri Saleem Iqbal Shervani
18. Shri Damodar Barku Shingada
19. Shri Madhu Goud Yashki
20. Shri Suresh Prabhu
21. Shri George Fernandes\*

## **MEMBERS**

### **RAJYA SABHA**

22. Shri P. K. Maheshwari
23. Smt. Prema Cariappa
24. Dr. Karan Singh
25. Shri Jana Krishnamurthy K.
26. Shri Arun Shourie
27. Smt. S.G. Indira
28. Smt. Jaya Bachchan
29. Shri S.M. Laljan Basha
30. Shri Fali S. Nariman
31. Dr. Mahendra Prasad

## **SECRETARIAT**

Shri P.D.T. Achary	-	Secretary
Shri S.K. Sharma	-	Additional Secretary
Shri U.S.Saxena	-	Director
Shri Shiv Kumar	-	Under Secretary
Shri Lalkithang	-	Committee Officer

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\* Shri Atal Bihari Vajpayee ceased to be a Member of the Committee consequent upon his resignation w.e.f. 13.8.2004. Shri George Fernandes has been nominated to the Committee w.e.f. 1.10.2004.

## INTRODUCTION

I, the Chairman, Standing Committee on External Affairs (2004-05) having been authorised by the Committee to present the Report on their behalf, present this Sixth Report (14<sup>th</sup> Lok Sabha) on Demands for Grants of the Ministry of Overseas Indian Affairs for the year 2005-2006.

2. The Standing Committee on External Affairs was constituted on 5<sup>th</sup> August, 2004. One of the functions of the Standing Committee as laid down in Rule 331E of the Rules of Procedure and Conduct of Business in Lok Sabha is to consider the Demands for Grants of the concerned Ministries/Departments and make a report on the same to both the Houses. The Report shall not suggest anything of the nature of cut motions.

3. The Committee (2004-2005) took evidence of the representatives of the Ministry of Overseas Indian Affairs on 7<sup>th</sup> April, 2005. The Committee wish to express their thanks to the officers of the Ministry of Overseas Indian Affairs for placing before the Committee the material and information which they desired in connection with the examination of the Demands for Grants of the Ministry for 2005-2006 and for tendering evidence before the Committee.

4. The Committee (2004-2005) considered and adopted the report at their sitting held on 21<sup>st</sup> April, 2005.

5. The Committee place on record their appreciation for the valuable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

NEW DELHI  
PANDEY,  
21 April, 2005  
*Vaisakha 1, 1927(Saka)*  
*Affairs*

DR. LAXMINARAYAN  
  
*Chairman,  
Standing Committee on External*

# REPORT

## **Introductory**

An independent Ministry by the name 'Ministry of Non-Resident Indians' Affairs' was created vide notification No. Doc.CD-160/2004 dated 27 May issued by the President of India. Subsequently, vide notification No. Doc.CD-278/2004 dated 3 September, it was renamed the 'Ministry of Overseas Indian Affairs' (MOIA)

## **Background to the creation of the Ministry**

2. The High Level Committee on the Indian Diaspora (HLCID) had noted that the single refrain of a cross-section of Overseas Indians was for a mechanism that obviates the need for them to deal with a multiplicity of organizations and departments in their interaction with India.

Against this background, Government decided to set up an independent Ministry to address the concerns of the Indian Diaspora. The emphasis placed by the new Government on forging relations with overseas Indians was amply reflected in Para 53 of the President's address to both houses of the Parliament on 7 June 2004:

"Indians abroad have not only been successful in many walks of life, but have also been a source of inspiration for their brethren back home. The new Ministry of Overseas Indian Affairs, which

reflects our recognition of their values, will tap their potential of contributing to our economic growth.”

3. The allocation of business to MOIA was notified vide Cabinet Secretariat's order dated 15 December 2004, covering a broad range of areas concerning overseas Indians, virtually making the Ministry a single window service provider. A copy of the notification is at the Annexure.

4. A Minister of State (Independent Charge) heads the Ministry. On the administrative side, the Ministry functions under the Secretary. Two divisions presently support him, each headed by a Joint Secretary. These are the NRI Division of the Ministry of External Affairs (MEA) and the Emigration Division of the Ministry of Labour & Employment (MLE). Proposals to create posts in the Ministry are at an advanced stage of consideration and approval.

5. When the Committee desired to know about the nature of the support extended by the Joint secretary of the NRI Division of Ministry of External Affairs and Emigration Division of Ministry of Labour & Employment (MLE). The Ministry in a written submission informed the Committee:

“Pending formal arrangements, the NRI Division of MEA reports to MOIA on all matters relating to the Pravasi Bharatiya Divas and other work involving the Diaspora. The Division supports MOIA in work related to Parliament including Parliament Questions, Assurances etc. and also grievances, complaints etc. from Overseas Indians (OIs). Similarly, the Emigration Division handles all the work pertaining to the administration of the Emigration Act, 1983.”

6. On this issue the Secretary, Ministry of Overseas Indians Affairs, during evidence further elaborated:

“The Officers of the Ministry of External affairs, and the Ministry of Labour and Employment are working in the Ministry. This is an

informal arrangement. It needs to be formalized. I am happy to inform this committee that this has been agreed to by the MEA, and the Ministry of Personnel. We are waiting for the final approval of the Ministry of Finance. Thereafter we would expect the approval of the Cabinet. I expect that by the end of June, we shall have a full complement of staff for this Ministry. When the emigration work was transferred to us along with Joint Secretary and Deputy Secretary, 8 outlying offices of the Protectors of Emigrants in 8 cities have also been transferred to this Ministry. Those officers are working with us.”

7. The new Ministry in the wake of the new work allocation are to consult and coordinate with different Ministries. When the Committee expressed their apprehension that lack of coordination might become a problem in the future for the Ministry, the Secretary, MOIA, submitted:

“...As regards coordination, our staff overseas will report to us on certain matters only. Otherwise, administratively, they will be under full control of the Ambassador or the High Commissioner. I am happy to mention that we already have people from the Foreign Service working with this Ministry, and our working relationship with the Ministry of External Affairs (MEA) - from which we have been carved out, - has been extremely good. We are not attempting to do anything, which is out of synchronization with what MEA would have done. We are only providing the muscle, resources, wherewithal, and thinking required in it because many of these issues are a matter of detail....”

8. On being asked whether a full-fledged secretariat of Ministry of Overseas Indian Affairs is already in place and functional. The Ministry in a written submission stated:

“Presently only the Secretary and two Deputy Secretaries are in position without any personal or supporting staff, which has been hired on a temporary basis. As such, the full-fledged secretariat of MOIA is yet to be put in place. A draft Note for the Cabinet containing detailed proposals for creation of posts in MOIA, as explained earlier, has been circulated. Final comments of Ministry of Finance on the draft Cabinet Note are awaited. It is expected that the process of creation and filling of posts would be completed by 30<sup>th</sup> June.”

9. During oral evidence the Secretary, MOIA, added in this regard:

“..... We need to do it quickly because we have almost spent a year after the Ministry has come in to being.....As I indicated, our timetable is three months. Latest by June July, during three months including April, we hope we would have done it. As part of the staff proposal we have also suggested that the Ministry should have some posts created overseas. We would not be able to do it in all the Diaspora countries but we would start at least on a regional basis. The intention is that functionally we would have staff positioned overseas who would be able to directly interact with the overseas Indian community. Administratively, they would work under the control and guidance of our Ambassadors and High Commissioners but functionally, in terms of content of their work, they would report to the Ministry. We would also try to define that content. The needs of the Overseas Indian Community are not common in all countries. Some of them are very location specific. So, on that basis, we would try to see that they are able to work. My estimated time schedule for posts within the Ministry in India is 3 months and for posts abroad is 6 months. Within that time frame, we hope to be ready and fully operational.”

10. When the Committee desired to know about the achievements of the Ministry of Overseas Indian Affairs during the first year of its existence, the Ministry informed:

“The most important achievement of MOIA has been that it has become a nodal agency in all matters concerning OIs and their dealings with India. The second most important achievement is organizing PBD 2005. This time, rather than being merely a cultural event, it was business oriented event. Meaningful discussions were held during various sessions. It may be added that the allocation of business to Ministry of Overseas Indian Affairs- was issued in Dec.2004 only. The Ministry has yet to be provided with adequate manpower to become fully functional. However some other areas on which has been focused are:  
Increasing Investment from NRI community  
Problems arising out of fraudulent marriages of Indian girls with NRIs.  
Problems in adoption of children by NRIs  
Dual Citizenship  
PIO card”

11. Further, the Committee enquired from the Ministry about the specific areas/fields in which efforts are being made by the Ministry to tap the expertise of Overseas Indians. To this, the Ministry replied that:

“MOIA is specially seeking interaction in fields such as Education, Health, Science & Technology, Culture, Tourism, Youth Affairs, etc.”

## Budgetary Proposals

12. Demand No.66 pertaining to the Ministry of Overseas Indian Affairs (MOIA) contains the figures of Revenue as well as Capital expenditure under the charged and voted sections for the year 2005-2006 as per details given below:-

(Rs. in crore)

Section	Revenue	Capital	Total
Charged	-	-	-
Voted	32.00	3.00	35.00
Total	32.00	3.00	35.00

13. The Total allocation in BE 2004-2005 for Ministry of Overseas Indian Affairs (MOIA) under Revenue and Capital sections was Rs. 7.00 crore. This allocation was subsequently increased to Rs. 10.00 crore at RE 2004-2005. For BE 2005-2006, the proposed allocation is Rs. 35 crore which is an enhancement of over BE 2004-2005 by Rs. 28.00 crore and over RE 2004-20054 by Rs. 25 crore.

14. The BEs of different Major Heads and Minor Heads for the year 2005-2006 are shown as follows:-

Budgetary Estimates (BE) of Major Heads and Minor Heads under Demand No. 66 for the year 2005-2006:

(Rs. in crore)

Section	Major Head	Minor Head	BE 2005-2006	Total
1	2	3	4	5
Revenue	2052-Secretariat General Services			20.00
		00.90-Secretariat 00.800 other Expenditure	19.00 1.00	
	2061-External Affairs			12.00
		00.104-International Conference Meetings	3.00	
		00.800-other Expenditure	9.00	
		Total-Revenue Section		32.00
Capital	4059-Capital outlay on public works			3.00
		60.051-construction	3.00	
		Total-Capital Section		3
		Total-Grant No. 66		35.00

15. The overall budgetary position for the year 2004-2005 and the proposed allocations for the year 2005-2006 under the Revenue and Capital Sections – under both the Plan and Non-Plan Heads are as follows:

(Rs. in crore)

	BE 2004-2005		RE 2004-2005		BE 2005-2006	
	Non-Plan	Plan	Non-Plan	Plan	Non-Plan	Plan
Revenue Section	6.00	-	9.00	-	32.00	-
Capital Section	1.00	-	1.00	-	3.00	-
Total	7.00	-	10.00	-	35.00	-
Grand Total	7.00		10.00		35.00	

Variation between BE 2004-2005 and RE 2004-2005 = 3 crore

Variation between BE 2005-2006 and RE 2004-2005 = 28 crore

Variation between BE 2005-2006 and RE 2004-2005 = 25 crore

16. The Committee noted that the total Budgetary allocation for the year 2005-2006 has quadrupled. On enquiring about the reasons for this increase of more than three times in the total budgetary allocation during BE 2005-2006 as compared to RE 2004-2005. The Ministry submitted:

“Initially, the NRI Division of the Ministry of External Affairs (MEA) with a complement of 12 officers and staff started working under MOIA. After the work relating to emigration was transferred, the Emigration Division of the Ministry of Labour and Employment (MLE) consisting of 8 regional offices and the office of the Protector General at headquarters with a total of 105 officers and staff also started working under MOIA. This has to be formalized by creating these posts in MOIA. Besides these, MOIA has proposed creation of 112 additional posts in the Secretariat and 60 posts abroad to handle work assigned to it as per the notification. Earlier, expenditure on these officers and staff was included in the demands of MEA and MLE. When MOIA takes these employees on its strength, and additional posts are created, more funds would be

needed for the establishment-related expenditure of MOIA. Hence the perceived steep increase. However, there would be a corresponding reduction in the other two demands “.

17. A provision of Rs. 1.5 crore has been made in BE 2005-2006 under the Head ‘Advertising & Publicity’ separately. When the Committee desired to know the details of the activities to be undertaken by the MOIA under this Head, the Ministry in a written submission replied:

“It is proposed to consolidate available information and bring out booklets on the matters of interest to Overseas Indians (OIs), such as investment opportunities, facilities for students in professional institutions, etc. Besides these, information booklets on topics such as NRI marriages are also contemplated. Booklets on emigration matters would be made more informative and user-friendly. Moreover, sensitization campaigns are proposed to be organized through the electronic media as well as through English and vernacular Newspapers.”

18. The Committee opined that it would be a cheaper option if the Ministry makes publicity and advertisements only through Internet, as far as possible and enquired about the purpose behind the Ministry’s proposal to advertise in the vernacular papers.

The Secretary, MOIA, explained:

“...These are advertisements and publicity campaigns which are specific to themes. One of the issue we have pointed out briefly in our Annual Report and also in the response to the Questionnaire. That is, let us say in the case of overseas Indians or non-resident Indians coming and marrying women in India, there is a need to sensitise women and their parents on the various legal provisions, antecedent verification that they need to do, etc. This will be probably in the form of an information booklet. Similarly, laws relating to adoption are very complicated. Supposing we streamline it and issue a revised set of guidelines, that may have to be publicised. The point is very well taken. Whatever can be put on our website and therefore accessed electronically, we will do that. In addition, there is something that has to be done through the print.

The vernacular press has been mentioned only in the context of some States where this is a particular problem, for instance, Punjab, Gujarat or Andhra Pradesh. There is a need to sensitise the local community, particularly the woman and her parents, on the need for verification of antecedents etc., knowing what are your rights, what are the defence groups that you can have access to, who are the nodal officers in the Ministries that you can talk to, etc. We want to also publicise it in the vernacular press. We will take the point that we should go in for the most cost-effective medium of publicity and not incur the expenditure unproductively .....

19. Similarly, a provision of Rs. 0.10 crore was made in RE 2004-2005 under the Head 'Advertising & Publicity'. The Committee desired to know the kind of Advertising & Publicity efforts the Ministry made during the year 2004-2005. The Ministry in a written submission informed the Committee that there has been no expenditure on Advertising & Publicity during 2004-2005.

## **Capital Outlay on Public Works**

20. The Ministry of Overseas Indian Affairs in their Annual Report have mentioned that the Ministry of Urban Development (MUD) had allotted plots No. 15A & 15B in Chanakyapuri measuring 5854 sq. Mt (1.45 acres) lying between the Russian and Bulgarian Embassies in favour of MEA in their letter dated 27 February 2003 at the provisional cost of land @ Rs. 22 lakhs per acre. Following allocation of the work relating to PBK to Ministry of Overseas Indian Affairs (MOIA), MUD was requested to confirm the allotment in favour of MOIA. MUD has confirmed the allotment in favour of MOIA for construction of PBK. MOIA has since deposited a sum of Rs. 31.83 lakhs in favour of the DL&DO of MUD towards the premium and other charges in respect of the above plots. MUD has also agreed to earmark another Plot No. 15 D measuring 3024 sq. meters for PBK. The matter is being pursued with MUD.

21. When asked as to whether the plots allocated for construction of Pravasi Bharatiya Kendra have been transferred in the name of the Ministry of Overseas Indian Affairs, the Ministry in their written reply has stated:

“Handing over of plots 15A & B by Ministry of Urban Development is under process. Plot No. 15 D is yet to be allotted to Ministry of Overseas Indian Affairs. This matter is being followed up”.

22. The Committee further enquired from the Ministry as to when the Kendra is expected to be functional. To this, the Ministry of Overseas Indian Affairs submitted:

“Once MOIA is in possession of all the land required, architects would be invited to suggest possible designs of the Kendra. In parallel, the institutional format of the proposed Kendra would also be decided. After the designs are finalized and necessary

clearances of statutory authorities are obtained, the process of inviting bids and awarding contract for the building would be initiated. The Kendra is expected to be functional in three to four years.”

23. The Ministry further stated that Rs. 3 crore have been earmarked in BE 2005-2006 towards the proposed Pravasi Bharatiya Kendra (PBK)

## Projects and Schemes

24. A provision of Rs. 5 crore has been made in BE 2005-2006 under the Head 'other charges'. According to the explanatory Memorandum on the Demands for Grants (2005-2006) of Ministry of Overseas Indian Affairs, this is the most important line item in the Budget of the Ministry. It is a lumpsum provision to accommodate expenditure on new schemes of the Ministry that could be approved and taken up during 2005-2006. The new schemes would be drawn up with proper guidelines, benchmarks and deliverables and formally sanctioned.

25. The Committee desired to know about the new schemes proposed to be drawn up by the Ministry for 2005-2006 and to be funded from the provisions under this Head. The Ministry responding to the query of the Committee stated:

" Schemes on the anvil include provision of legal and counseling services to NRI workers in the Gulf, advisory/information services for women marrying Overseas Indians (OI), scholarships for Overseas Indian (OI) students, pilot projects on "Tracing the Roots", commemoration of the departure of the first Pravasis , etc., apart from PBD 2006. MOIA also intends to support innovative schemes of State Governments to upgrade the skills of workers, rehabilitate returning workers, etc."

26. The Committee further enquired as to the time by which the Ministry expects to take up these schemes/projects for implementation, they informed the Committee:

"It is expected that the schemes would be finalised with appropriate guidelines and taken up for implementation during the course of the year".

27. On being asked as to whether the Ministry has already drawn up/fine tuned programme that truly reflects the concerns of the Overseas Indian Community, the Ministry in a written reply informed the Committee:

“Based on interaction with the Overseas Indians (OI) community and the specific feedback at Pravasi Bharatiya Divas 2005, MOIA has already initiated process of constructing an agenda for action that reflects the genuine concerns of the Diaspora. This would be discussed with the stakeholders shortly and finalised.

The draft agenda is as follows:

### **AGENDA FOR ACTION**

#### **DIASPORA SERVICES**

No.	Agenda Items	Action Points
1	Diaspora Database	1. Update HLCID estimates of Diaspora population 2. Build Diaspora database with wide range of information
2.	Dual Citizenship	1. Consider in detail various options for the document of dual citizenship such as smart cards, etc.
3.	Benefits/Facilities for NRI/PIO/OIC	1. Codify/Publish the benefits authoritatively 2. Consider new benefits like voting rights, etc.
4.	PBD 2006	1. Initiate action for holding PBD 2006
5.	PB Samman Awards	1. Revise the guidelines suitably 2. Initiate action to get the nominations
6.	Sports/debates/quiz/essay competitions	1. Design/organise various competitions among Diaspora countries with winners being honoured at the next PBD
7.	OI Parliamentary Forum	1. Organise a Forum and start activities
8.	Pravasi Bharatiya Kendra	1. Get additional land allotted 2. Get Cabinet approval for the institutional/construction formats

9.	Commemoration	<ol style="list-style-type: none"> <li>1. Document/commemorate departure of first 'Pravasis'</li> <li>2. Start process of collecting documents, records, books, artifacts, etc.</li> </ol>
10.	Studies/Seminars	<ol style="list-style-type: none"> <li>1. Set up global database/network of scholars/institutions</li> <li>2. Support studies/seminars to get intellectual inputs to take the diaspora agenda forward</li> <li>3. Get an authoritative study done on the Chinese diaspora</li> </ol>

### **EMPLOYMENT SERVICES**

No.	Agenda Items	Action Points
11.	MOU with major labour importing countries	1. Secure a legal framework for MOIA to take up cases of serious violation of the terms of the contract, emigrant workers' rights, etc. with the Ministries of the Governments concerned
12.	Streamlining Emigration	1. Re-engineer the process, introduce IT-based solutions, bring in smart cards, etc.
13.	Legal & other services to workers in the Gulf	1. Develop a framework for providing legal and other help to workers in the Gulf
14.	Insurance Schemes	1. Get new and innovative products with add-on benefits offered
15.	International Cooperation	1. Engage actively with international agencies in the field of migration
16.	Returning Emigrants	1. Encourage State Governments to take up schemes to help returning emigrants to help themselves

### **SOCIAL SERVICES**

No.	Agenda Items	Action Points
17.	Youth Internship	1. Develop/implement an approved scheme of internship for OI youth twice a year with co-opted partners
18.	NRI Marriages	<ol style="list-style-type: none"> <li>1. Finalise and launch the Information Booklet</li> <li>2. Examine/sponsor legislative changes required</li> </ol>
19.	Adoption	1. Examine/sponsor changes needed to facilitate adoption of children by OI parents
20.	Education	<ol style="list-style-type: none"> <li>1. Develop/implement an approved scheme of scholarships for OI youth to study in India</li> <li>2. Get the admission benefits codified authoritatively and implemented</li> <li>3. Get off-shore campuses of Indian institutions started</li> </ol>

		in countries with large diaspora population 4. PIO University 5. Get the education profile of diaspora students mapped
21.	Health	1. Get the admission benefits codified authoritatively and implemented 2. Facilitate the process of OI medical professionals working in India
22.	Trace Your Roots	1. Develop/implement an approved pilot scheme of tracing the roots
23.	Philanthropy	1. Get the FCR Act and procedures simplified for OI. 2. Develop databases of Diaspora & Indian NGOs 3. Facilitate joint ventures between Diaspora/Indian NGOs 4. Facilitate Diaspora contribution for disaster management
24.	Culture	1. Make culture an important part of the engagement with the Diaspora 2. Make ICCR a more active partner in facilitating the process
25.	Replicating an OI in India	1. Give practical shape to the suggestion of the President of India

### ECONOMIC SERVICES

No.	Agenda Items	Action Points
26.	Investments	1. Set up an Investment Promotion unit of MOIA with a partner. 2. Promote State-specific investment campaigns abroad to feed into PBD
27.	Remittances	1. Develop a framework for using remittances actively 2. Get the database of remittances refined to capture more details
28.	Investment Products	1. Get more investment products developed/offered for specific OI profiles/locations
29.	Science & Technology	1. Enlarge the areas and scope of leveraging the STIO network
30.	Overseas Research Foundation	1. Give practical shape to the suggestion of the President of India at PBD 2005
31.	Housing	1. Get a pilot project for 'Assisted Living' started

## MANAGEMENT SERVICES

No.	Agenda Items	Action Points
32.	Communication	<ol style="list-style-type: none"><li>1. Set up &amp; operationalise MOIA's website</li><li>2. Start a newsletter for distribution among OI community</li><li>3. Develop fliers and other publicity material about India and the Diaspora</li></ol>

## **Overseas Indian Citizenship (OIC)**

28. The Annual Report (2004-2005) of the Ministry stated that Ministry of Home Affairs (MHA) has taken action to revise the procedure for registration of overseas citizenship and simplify the application forms. This exercise will take a few months to be completed. MHA has put the dual citizenship process on hold temporarily till the revised process is sent to the Missions for its implementation. MOIA is in continuous touch with MHA and MEA on the one hand and our Missions abroad on the other to clarify and coordinate matters.

29. On the issue of Overseas Indian Citizenship, the Ministry in their written submission has informed the Committee:

“PM had made certain important announcements regarding Overseas Indian Citizenship (OIC) also known as Dual Citizenship (DC) at Pravasi Bharatiya Divas (PBD) 2005 in Mumbai on 7<sup>th</sup> January. This had the following four components:

1. OIC would not be restricted to 16 countries but would be available to overseas Indians (OI) in any country whose laws permit DC;
2. The application forms and the procedures would be simplified;
3. Various options re. the document of OIC, including a smart card would be considered;
4. The benefits of OIC would be clearly spelt out.

MHA had circulated a draft Cabinet Note containing proposals to amend the Citizenship Act, 1955. MHA is awaiting clearance of the Ministry of Law & Justice (MLJ) to bring the matter before Cabinet.”

30. On this issue, The Ministry in their written submission added:

“MHA has further consulted the Ministries and agencies concerned and finalised the simplified application form/procedures. Revised Rules incorporating these are again being cleared by MLJ and

would be notified shortly. Pending this, acceptance of applications and registration of OIC has been put on hold. The process would get re-started once the new Rules are notified and also put on their Website.

Though PM had announced that a range options, including the use of smart cards, would be explored, MHA has chosen the option of a registration certificate, printed on security paper. This would be used along with a visa sticker that would enable the OIC to travel to India without applying for a visa each time. Other options could be considered later.

The intention was to provide the OIC incremental benefits over that of PIO cardholders. The latter was again related to benefits allowed to NRIs in areas like investment, education, etc. MOIA is separately pursuing this with MHRD, Ministry of Health, etc.”

31. Outlining those rights which Overseas Indian Citizens shall not be entitled to, the Ministry further elaborated:

“Overseas Indian Citizens (OICs) shall not be entitled to the rights conferred on a citizen of India:

(i) under Art. 16 of the Constitution with regard to equality of opportunity in matters of public employment;

(ii) under Art. 58 of the Constitution for election as President;

(iii) under Art. 66 of the Constitution for election of Vice President;

(iv) under Art. 124/217 of the Constitution for appointment as a Judge of the Supreme Court/High Court respectively;

(v) under various sections of the Representation of the People Act, 1951 in regard to registration as a voter, eligibility of being a member of the House of the People or of the Council of States, as the case may be, the eligibility for being a member of the Legislative Assembly/Council, as the case may be, of a State; and

(vi) for appointment to public services and posts in connection with the affairs of the Union or of any State, except for appointment in such services and posts as the Central Government may by special order in that behalf specify.”

32. Elaborating further on the issue of Overseas Indian Citizenship (OIC), the Secretary, Ministry of Overseas Indian Affairs (MOIA), during evidence stated:

“.....we have various categories of citizenship - citizenship by birth, citizenship by adoption. A new category has been created - Overseas Citizen of India that will be through a process of registration. Now, I am happy to inform you that may be by about June or July, this process would start initially in 16 countries, where it has already been notified. The matter is coming back before Parliament to amend the law to enlarge the scope beyond these 16 countries, where it has already been notified. But without waiting for that amendment to take place, the Home Ministry, which is piloting this is thinking in terms of opening this facility with revised rules. Why it was held up was earlier a set of rules had been prescribed which were somewhat cumbersome. The application forms were very lengthy and they had a lot of details and that the people had to be disclosing and those were to be verified and the application form had to be submitted to Missions Overseas and they had to be transmitted to New Delhi for sanction. Now, powers will be delegated to our consulates abroad. Whosoever is living abroad in these 16 countries if he eligible, can apply and within two weeks his application would be considered and he will be granted registration. Therefore, in the matter of next three months or so, the Overseas Citizenship facility will start getting utilised in these 16 countries”.

33. The Ministry in their Agenda for action under 'Diaspora Services' is also considering extending new benefits like voting rights etc. to Overseas Indian Citizens.

## **Problems of Overseas Indians**

34. On enquiring about the difficulties/problems faced by Indian workers abroad and the kind of Grievances Redressal Mechanism available for the emigrant workers, the Ministry in a written reply informed the Committee:

“The problems faced by Indian emigrant workers abroad mainly relate to non payment, delayed payment or reduced payment of salaries, replacement of employment contract of emigrant workers of reaching destination, inhuman working conditions, long working hours, inadequate medical facilities or non payment of compensation in case of accident/death. As and when such complaints are received, the Indian Missions/local agents are requested/directed to settle the matter with the help of concerned Governments/Sponsors. If the recruiting agent does not comply with the directions of the Government, action is taken to suspend/cancel his registration. The defaulting foreign employer is blacklisted and no further recruitment by the foreign employer is allowed without prior approval of the Government.”

35. On being particularly asked about the main concerns of the NRIs in the Gulf and the manner in which they are proposed to be addressed. The Ministry in a written submission to the Committee stated:

“Some of the main concerns of the NRIs in the Gulf are cheaper airfares by Indian Airlines and Air India on the India-Gulf sector and reservation of seats for their children in educational institutions in India. The issue of cheaper airfares was taken up with the Ministry of Civil Aviation. The starting of a budget airline by Air India is expected to provide some relief.

Another demand is identification and negotiation of the release of innocent victims from the prisons abroad. Most of the Indians in Gulf are charged with petty crimes such as theft, consumption of liquor, illegal stay, etc. In recent years, however, there have been quite a few instances of arrests of Indians on drug trafficking charges. The Missions approach the host government for seeking consular access to the detainees and ensure that the prison conditions are acceptable and the trials proceed satisfactorily. The

Missions, however, take up cases for reduction of sentence only if there is an appeal made by relatives in this regard.

The measures taken by the Government include:

- Introduction of a compulsory insurance scheme called the 'Pravasi Bharatiya Bima Yojana'
- Reservation of one-third of the 15% supernumerary seats across different disciplines in educational institutions for children of NRIs in the Gulf at the fees applicable to resident Indians. MHRD has issued instructions to the UGC and the AICTE to implement the reservation. The scheme however does not apply to admission in medical colleges.
- GOI is also actively reviewing the various provisions of the Emigration Act including the establishment of a welfare fund for overseas Indian workers as well as formation of Central Council for Promotion of Overseas Employment."

36. On the problems faced by the Indian Diaspora in the Gulf, the Secretary, Ministry of Overseas Indian Affairs, elaborated during the course of evidence;

"..... The Indian Diaspora in the Gulf have been saying that they have special problems relating to admission of their children in educational institutions here. The Government have now decided that out of the supernumerary quota of 15 per cent, five per cent should be earmarked to these people. This again has not been effectively implemented because there has been no follow up. We have taken this up and hopefully, starting this academic year, something would be done and in the couple of years, this will become enforceable in all the universities and colleges in India. The last point I want to make with reference to diaspora in the Gulf in particular is that one of the feed backs that we have got is that because the contract conditions are not being fulfilled etc., we must revise the process. We are trying to do that. A suggestion has

been made that some of these people who end up in difficulty might need legal services. We are trying to see how through our Missions in the Gulf, the legal services could be provided either free or on a nominal fee. We are working out on this.”

37. With regard to the problems faced by Indian abroad and particularly who are stranded in some countries or have somehow landed in jails or deprived of their jobs, the Committee observed that their repatriation is becoming a great problem. The Committee also expressed their grave concern over, the difficulties being faced by the relatives of those Indians who die abroad in bringing back their dead bodies especially from the Saudi Arabia.

38. On this issue, during evidence, the Secretary, Ministry of Overseas Indian Affairs submitted:

“ ..... If I may explain general things why it becomes difficult or time consuming for the bodies to be sent back is that even after the introduction of compulsory insurance, the local legal requirement there is that even a case of natural death is treated as medico-legal case. Unless the health authorities there are satisfied that this is a natural death, they would not release the body. Of course, our embassy play a role. This is structural problem. Therefore, what we are hoping to do is that we will have some modus operandi where this can be streamlined. If there is a Memorandum of Understanding, it will help. We are planning to hold a Conference of all the concerned people in Kuwait in the next week. We hope by sharing of our experiences, we will try to see if any of the practices in the other Gulf countries can be suggested to Saudi Arabia and put in place. We will go by the advise of the Embassy. We will try to see that in the cases of natural death, the certification by the health authorities do not take much time. We will see that our embassy play more effective role in getting certification. This becomes complicated if there are unnatural deaths. The other thing is repatriation. Definitely with the introduction of compulsory insurance that all these people are taking, one of the benefits that an insurer enjoys is that he may be repatriated and the air fare can be paid by the insurance companies. This is a new facility. We already had one review meeting with them and we are trying to streamline the system so that the benefits can be given quickly. In the meeting that we are going to hold in Kuwait, we have requested

the representatives of the New India Assurance Company to attend and make a presentation about the procedures and other things. Therefore, we are aware of this problem and we will try to do our best to help others.”

39. The Committee pointed out that there are different categories of Diaspora and accordingly the Ministry will have to have different approach and different actions plans for each category. As for instance the problems of immigrant blue collar workers in the Gulf are certainly different from those NRIs who are in white collar professions. The working conditions of the people who are working in the Gulf countries are very poor. They are often cheated by their employees. Therefore, setting up Overseas Offices/Posts in those areas on top priority to deal with this problems is extremely important.

40. The secretary, Ministry of Overseas Indian Affairs, in response to this point of the Committee stated:

“The point about that our Diaspora is not a homogeneous group is absolutely right. The point is well taken. The problem of immigration workers is particularly difficult though they are called NRIs, they are not like the NRIs in the U.K. or the USA, who can if they stay there long enough hope to become naturalised citizen. Their foreign employer decides when he can replace him or here with a younger or more productive worker, they terminate their contract and they are sent back. Therefore, we are aware of our particular responsibility to this section of the Diaspora from Gulf and South East Asia which if you see will probably account for good one-fourth. I believe that number is will be close to 5 million, out of 20 million which even in terms of numbers very significant. We would certainly give priority for opening offices. In fact, we have initially said that Gulf is a region which should be given high priority. One of the six priority locations that we have identified includes the Gulf. We will certainly keep your advice in mind. I just want to mention this since you have raised this issue that you are very right that the Immigration Division as a part of the Labour Ministry had been taking various measures and they are quite sensitive to the problems of these people. I believe, that under a new Ministry, we can look at this both in terms of addressing the problems of these

people relating to their working conditions and then on to the larger issue of whether we can enhance their skills and send more people and so on.....”

41. The Annual Report (2004-2005) of the Ministry stated that the instances of failed/fraudulent marriages between NRI/PIO grooms and India women have reached an alarming proportion. The Committee desired to know how the Ministry proposes to address this issue and safeguard the interests of the Indians girls married to NRIs/PIOs grooms. To this the Ministry replied:

“(i) As an immediate preventive measure, MOIA is planning to bring out an information booklet within three months to create awareness among prospective brides and their families.

(ii) The National Commission for Women [NCW] New Delhi has prepared a draft report on NRI marriage problems and a Draft Convention. The report made the following recommendations:

- Registration of marriage should be made compulsory
- Bilateral agreements for protection of such marriages to be concluded between India and such other countries where the Indian Diaspora is in large numbers.
- If the NRI husband has not become a citizen of the country, in which he resides, concerned Indian laws to apply irrespective of the place of the filing of the petition for dissolution of the marriage.
- Government monitored conciliation process of settlement of matrimonial disputes to be initiated.
- Suppression of information regarding marital status by NRI grooms, to be dealt under criminal law and steps to be taken through extradition treaties wherever operational

Other measures suggested in the new report include (i) seeking the help of authorities at the work places of the husband, (ii) attaching property, if any, in India, (iii) initiating legal action against the fraudulent spouse for compensation in India and (iv) if Overseas citizenship has been given to the husband, the same to be withdrawn.

(iii) During the Sectoral Session on Private International Law organized at the Pravasi Bharatiya Divas in January 2005, among other issues, the issue of NRI/PIO marriages was also discussed. The following issued were raised:

- Registration of Marriages must be made compulsory, particularly when the spouse is an NRI. This will in turn ensure compliance of conditions of a valid marriage, provide proof of marriage, and act as a deterrent for bigamous practices.
  - Parallel registration in the Indian Missions by the overseas spouse must also be encouraged.
  - Wherever one of the spouses is an NRI, parallel additions must be made in Hindu Marriage Act, 1955 and Special Marriage Act, 1954 to make provisions for maintenance and alimony to spouses, child custody and child support as also settlement of matrimonial property. This will ensure that the spouse/children on Indian soil are maintained and provided for in accordance with the income and the standard of the NRI spouse in the foreign jurisdiction.
  - The respective state governments where family courts have not been established should be directed to provide for Family courts especially in respect of States in India in which NRI migration is significant.
  - Separate legislation for international marriages.
- (iv) A meeting was held in Ministry of Overseas Indian Affairs, on 25.01.2005 in which representatives of National Commission on Women, National Human Rights Commission, MARG, Human Rights Law Network and Partners for Law in Development were present. Here, all aspects of the problem were analyzed. It was decided that a two-pronged strategy covering preventive as well as curative action might be adopted to safeguard the interests of Indian girls proposing to marry/married to NRIs. In the preventive measures, a widely publicized campaign to create awareness among girls intending to marry NRIs and her parents about the need to verify the antecedents of prospective bridegroom, his employment/marital status, earlier marriage/ divorce, financial position, etc. Curative measures would include legal assistance, counseling through our Missions/NGOs etc. For this purpose a booklet is proposed to be published, in consultation with NGOs working in this field, the National Commission for Women etc.

42. On the issue of fraudulent marriages, the Secretary, Ministry of Overseas Indian Affairs further submitted before the Committee:

“.....I may clarify that the intention is not that the Ministry of Overseas Indian Affairs (MOIA) would verify or get verified the antecedents of prospective bridegrooms. That is not what we are attempting to do. Our approach is this. This is a problem. I agree with you that today the problem may be more here because more women are stranded here than in difficult marriages overseas. But

we want to first prevent the problem. If you allow the problem to continue or create more difficult marriages, then you will never be able to do. So, we are trying to address this problem in the upstream of the catchment as it were and prevent it, and deal with this. Your point is well taken, that many people file for divorce and ex-parte divorces are granted and so on. Part of the services that we will provide would also include advising them on how they should let the courts know, etc. We have had some successful cases where once the court where the divorce proceedings was going on was notified through NGO or law firm or through the Ministry of External Affairs, through e-mail, etc., they have taken cognisance. So, they have said that we will not hear ex-parte; we want the lady or her advocate appear. We will try all these initiatives. Your point about having a legal help here in the Ministry is well taken. We will try and see how we can do it....”

## Migration of Indian Workers for Employment Abroad

43. The Annual Report (2004-2005) of the Ministry of Overseas Indian Affairs states that the work relating to emigration from India to overseas countries and the return of emigrants has now been transferred from the Ministry of Labour and Employment and vested with MOIA. The provisions of the Emigration Act, 1983, govern emigration from India.

44. The Annual Report of the Ministry further states that the major outflow of emigrant workers from India has been to the Gulf countries where about 4 million workers are estimated to be employment from 2.43 lakhs in 2000 to 4.75 lakhs in 2004. UAE has become the main destination for Indian workers closely followed by Saudi Arabia. Outside the Gulf, Malaysia has shown a significant increase. The details of emigration clearance granted during the last years and data on distribution of labour outflows is detailed in Tables A, B and C.

**Table A**

### Emigration for employment during the last five years

Year	No. of workers (in lakhs)
2000	2.43
2001	2.79
2002	3.68
2003	4.66
2004	4.75

**Table B****Distribution of annual labour outflows from India by destination 2000-2004**

Sl. No.	Country	2000	2001	2002	2003	2004
1.	UAE	55,099	53,673	95,034	1,43,804	1,75,262
2.	Saudi Arabia	58,722	78,048	99,453	1,21,431	1,23,522
3.	Kuwait	31,082	39,751	4,859	54,434	52,064
4.	Oman	15,155	30,985	41,209	36,816	33,275
5.	Malaysia	4,615	6,131	10,512	26,898	31,464
6.	Baharin	15,909	16,382	20,807	24,778	22,980
7.	Qatar	-	13,829	12,596	14,251	16,325
8.	Mauritius	-	-	-	-	3,544
9.	Maldives	-	-	-	-	3,233
10.	Jordan	-	-	-	-	2,576
11.	Others	62,600	39,865	83,193	44,044	10,715
	Total	2,43,182	2,78,664	3,67,663	4,66,456	4,74,960

**Table C**

State-wise figures of workers granted Emigration Clearance/ECNR endorsement during the years 2000-2004

S.No.	State	2000	2001	2002	2003	2004
1.	Tamil Nadu	63,878	61,649	79,165	89,464	1,08,964
2.	Andhra Pradesh	29,999	37,331	38,417	65,971	72,580
3.	Kerala	69,630	61,548	81,950	92,044	63,512
4.	Rajasthan	10,170	14,993	23,254	37,693	35,108
5.	Maharashtra	13,346	22,713	25,477	29,350	28,670
6.	Uttar Pradesh	9,157	13,912	19,288	24,854	27,428
7.	Punjab	10,025	12,422	19,638	24,963	25,302
8.	Gujarat	5,722	10,294	11,925	17,012	22,218
9.	Bihar	6,726	9,711	19,222	17,104	21,812
10.	Karnataka	10,927	10,095	14,061	22,641	19,237
11.	West Bengal	1,940	4,830	8,338	8,906	8,986
12.	Madhya Pradesh	1,706	5,035	7,411	10,651	8,888
13.	Goa	1,331	2,255	3,545	3,494	7,053
14.	Orissa	576	3,014	1,742	5,370	6,999
15.	Delhi	3,165	3,183	4,018	6,513	6,052
16.	Assam	0	1,575	2,666	2,298	2,695
17.	Chandigarh	2,045	2,435	2,813	2,374	2,405
18.	J&K	35	1,366	1,323	42	1,944
19.	HP	214	116	1,724	1,690	1,506
20.	Haryana	52	154	424	1,246	1,267
21.	Jharkhand	-	-	0	1,779	919
22.	Chhattisgarh	-	-	0	588	580
23.	Pondichery	35	21	21	24	560
24.	Arunachal Pradesh	0	0	0	61	73
25.	Uttaranchal	-	-	106	122	58
26.	Nagaland	0	0	1	54	46
27.	Mizoram	0	0	0	81	38
28.	Andaman & Nicobar	0	0	2	9	29
29.	Manipur	0	0	2	50	29
30.	Tripura	0	2	1,114	4	2
31.	Sikkim	2	3	16	3	0
32.	Meghalaya	0	0	0	1	0
	Others	2,164	7	0	0	0
	<b>Total</b>	<b>2,12,846</b>	<b>2,78,664</b>	<b>3,67,663</b>	<b>4,66,456</b>	<b>4,74,960</b>

45. The Ministry in their Annual Report (2004-2005) has also stated that there has been a steady increase in the remittances from Rs. 53,280 crore in 1999-2000 to Rs. 66,861 crore in 2004-2005 (till 31 December 2004). RBI data on private transfers of foreign exchange from 1999-2000 are furnished in Table-D. The increasing numbers of unskilled and semi-skilled migrant Indian workers contribute a major proportion of these remittances.

**TABLE - D**

**PRIVATE REMITTANCES**

<b>YEAR</b>	<b><u>In US \$ millions</u></b>	<b><u>In Rs. Crores</u></b>
1999-2000	12290	53280
2000-2001	12873	58756
2001-2002	12125	57821
2002-2003	14807	71642
2003-2004	18885	86764
2004-2005*	14494	66861

\* Till 31.12.2004.

46. The Act mandates all Recruiting Agents (RA) to register with the Protector General of Emigrants (PGE) before they start recruiting workers for overseas employment. PGE grants the Registration Certificate (RC) after verifying the financial soundness, trustworthiness, adequacy of premises, etc. of the RA. PGE obtains a Bank Guarantee of Rs. 3 - 10 lakhs to secure due performance of the terms and conditions of the RC and also to meet any contingencies that may arise if any worker is stranded abroad.

47. Under Section 16 of the Act, an employer can also recruit any citizen of India for employment abroad directly by obtaining a permit from the PGE under Section 15 of the Act. Indian workers are also taken abroad by Indian Companies for the deployment on Projects undertaken by them. RAs are authorised to collect service charges of Rs. 2 - 10,000 from each worker depending on his skill category.

48. The Annual Report (2004-2005) mentions that the Government have progressively decentralized the process of emigration clearance. Currently, this is being done through 8 offices of Protectors of Emigrants (PEs) at Delhi, Mumbai, Kolkata, Chennai, Chandigarh, Cochin, Hyderabad and Thiruvananthapuram. In order to facilitate smooth public interface, all eight PE Offices work six days a week.

Registration of RAs under the Act commenced from January 1984. Till date, 4330 RAs have been registered, including the 9 State Manpower Export Corporations of UP, AP, Kerala, Punjab, Karnataka, TN, HP, Haryana and Delhi. It is estimated that at present only about 2100 RAs are active. RAs are concentrated at Mumbai, Delhi, Chennai and Kerala.

When complaints are received against registered RAs, action is taken to suspend/cancel their registration. Complaints against unregistered RAs are filed with the concerned State Police Authorities. During 2003 and 2004, the number of RCs suspended/cancelled and the number of complaints filed are as follows:

Calendar Year	RCs Suspended	RCs Cancelled	Complaints Filed	Prosecutions Sanctioned
2003	3	2	25	11
2004	24	2	39	9

The Emigration Act 1983 that came into force with effect from 30 December 1983 embodies guidelines enunciated by the Supreme Court in 1979 in Kangra Vs. Union of India and others and provides a framework to regulate emigration of Indian workers overseas employment on contractual basis and seeks to safeguard their interests and ensure their welfare.

49. When the Committee desired to know the nature of the complaints received against the Recruiting Agents, whose Registration Certificates (RCs) have either been suspended or cancelled, the Ministry in a written submission stated:

“ Most of the complaints received from Indian Emigrants against the RA relate to the nonpayment/ delayed payment of wages, irrational working hours, change of employment contract to their disadvantage by the foreign employers, poor working and living conditions, workers getting stranded because of the foreign employer’s unwillingness to receive them on arrival etc.”

50. On being further enquired by the Committee as to whether those Recruiting Agents (RAs) whose Registration Certificates (RCs) have been either suspended or cancelled, would be eligible to apply for fresh RCs. The Ministry in a written submission mentioned:

“Sub-Section 6 of Section 14 of the Emigration Act, 1983 provides that where a Certificate issued to any person has been cancelled under this section such person shall not be eligible to make any application for another Certificate until the expiry of period of 2 years from the date of suspension of R.C. The suspension of R.C. is always revocable if the concerned Recruiting Agent complies with the instruction of the Registering Authority and submits satisfactory reply to Registering Authority.”

51. The Committee raised the issue of Indian labourers in the neighbouring countries, whose problem starts in India itself. Recruiting agents (RAs) make advertisements saying that they would be able to provide suitable employment for labourers in places like Dubai, Malaysia, Manila and charge huge sums of money from the aspiring job seekers. After taking them to the countries of their employment, the problem basically starts from the airport itself where it is found that most of them have bogus entries. These labourers are also not paid their salaries as per the advertisements. Many of them, are arrested on false charges and jailed for more than 3-4 years. Even the Travel Agents who took them abroad are not bothered about those labourers who are suffering in foreign Jails. The Committee urged the Ministry to take some steps in this regard. In this context, the representative of the Ministry stated:

“This issue needs to be addressed in a very focussed manner. We have tried to address some of these issues through the *Pravasi Bharatiya Bima Yojana* which was introduced from the 25<sup>th</sup> of December, 2003. One benefit immediately was that earlier each individual if he wanted to go abroad, then he had to pay one way economic fare. That system has been dispensed with. That was very well received particularly in the State of Kerala. The other add-on benefit, as the Secretary was mentioning, after this subject got transferred to this Ministry, a very comprehensive meeting with the Insurance companies – nine to ten of them are issuing policies – the IRDA representative of the Insurance Division in the Ministry of Finance took place. After a comprehensive review everyone agreed

that there is a lot of scope for improving the *Pravasi Bharatiya Bima Yojana*. As of now they are serving a very limited purpose. There are still difficulties in getting claims. So, they have been advised, firstly, to see that the procedures are streamlined, documentation is simplified and people should be able to get claims as early as possible. They have also been advised to see that if they could get together and offer add-on projects even if means a slightly higher premium. I must let the Committee know that when the scheme was introduced, the premium was as high as Rs. 1500 to Rs. 1600 just to cover for two years and provided a benefit of Rs. 2,00,000 if an employee died while in service abroad. Now, due to competition between the companies, the rate of premium has come down to Rs. 300 to Rs. 400. The market forces have provided this benefit.”

52. On the issue of recruiting agents making fraudulent advertisements in newspapers the Ministry has assured the Committee that trying to see if through the Advertising council of India some kind of regulations can be imposed on newspapers which publicize such advertisements.

53. The representative of the Ministry further elaborated:

“On the specific issues raised like salaries not being paid, unscrupulous agents and unhealthy working conditions and such other things, I would like to say that we have tried to see that the agents are regulated. Whenever problems like these are brought to our notice, a show cause is served. I myself hold public hearings for anybody, who has a grievance, twice a week. We try to listen to the complaints of the workers. We try to call both parties and resolve the dispute. If it is not resolved, it is only then we suspend the licence or strict action even to sometime recover the money from the bank guarantee. Long working hours and pathetic living conditions are also some of the areas which would definitely need improvement and we hope to learn a lot from this forthcoming meeting we are having with the Labour Welfare Officers in Kuwait from the next week. The countries like Singapore, Malaysia and Brunei are also on the horizon. We have to work to have some kind of an understanding with the Government of Malaysia through a Memorandum of Understanding. So far we have not been successful. It is a comprehensive thing and there have been differences because the Malaysian Government are not even willing to pay the airfare from his place of work to his place of residence. That itself is a big burden on the employee. That kind of a problem is there. We have said that the foreign employer must at

least pay that airfare. Brunei has a particular problem. All those countries provide that public flogging of the foreign worker is allowed if he has over-stayed his contractual period or has entered the country illegally. This we have tried to address through the Protector of Immigrants that people do not go abroad without the legal formalities being complete. We have to ensure that to these countries people will be allowed to go only after the documents are tested by our Missions. This is to make sure that at the other end the employer who will receive him will provide him the work and proper living conditions. These are issues which we will continue to address with the help of our Missions.”

54. The Ministry has also informed the Committee that, under its agenda for action under the Head Employment Services, it intends to streamline Emigration by re-engineering the process, introducing IT-based solutions, bringing in smart cards, etc.

## **Pravasi Bhartiya Divas**

55. The Committee enquired about the focus of the third Pravasi Bharatiya Divas 2005 and asked the Ministry to furnish brief profiles of the participants. The Committee also enquired whether the representatives from all the nations having PIO population participated in the celebrations. The Ministry replying to the queries of the Committee stated that; “(i) The focus of the 3<sup>rd</sup> Pravasi Bharatiya Divas (PBD) 2005 held from 7-9 January 2005 in Mumbai was to carry forward the momentum generated by the earlier two PBDs, enable MOIA to have direct interaction with the diaspora with a view to involving them in India’s socio-economic development and position MOIA as a single-point service provider. PBD 2005 had a positive impact on the relationship of the Indian government with its Diaspora.

“..... PBD 2005 was attended by over 3061 delegates, of whom 1726 were from 61 Diaspora countries. Mr. Jules. R. Ajodhia, Vice President of Suriname was the Chief Guest. Some of the prominent dignitaries present were Mr. A.R. Bundhun, Vice President of Mauritius, Mr. Ralph Ramkarran, Speaker of the National Assembly of Guyana, Mr. Basdeo Panday, Leader of Opposition, Trinidad and Tobago and Mr. Mahendra Chaudhary, Leader of Opposition, Fiji”.

56. As per the Annual Report (2004-2005) of the Ministry interactive sessions were held with several state Governments.

57. On being asked about the details and outcome of the discussions held with the State Governments, the Ministry replied:

“During Pravasi Bharatiya Divas 2005 interactive sessions were held with 9 State Governments. The investment climate in the States was highlighted and discussed and suggestions for

improvement were sought from the Diaspora. Details and outcome of discussions is given below:

#### Chattisgarh:

It is the first State to promote State Industrial Investment Promotion Act to deal with investors. Investment was invited in infrastructure, power, captive mining and industrial water supply projects. It was suggested that handicraft exports should be promoted. Herbal plantation and contract farming are other attractive areas

#### Gujarat:

It contributes 20% of India's exports and 20% of investments into India. It has a separate department to deal with NRIs and makes extensive use of IT and e-governance. 5 more SEZs will come up. Investments were invited in ports, power, chemicals and pharma sectors. It was suggested that rural connectivity needs improvement

#### Karnataka:

It ranks No. 2 in India in FDI approvals. Investment was sought in engineering, automobiles, infrastructure health, education, water and biotech sectors.

#### Kerala:

It has a growth rate of 10 % and literacy of 100%, 3 international airports and 100% digital exchanges. Investment was sought in tourism and hotels, Free trade area, Warehouse port, Techno Park and Info Park coming up

#### Maharashtra:

It has a large industrial base and network of public hospitals. It contributes 43% of Corporate Tax and 36% of Income Tax. The Mumbai Trans Harbour Sea Link Project is coming up. Investment was sought in IT parks, real estate, power and biotech sectors.

#### Punjab:

It has the highest percentage of irrigated area and the highest per capita bank deposits. It has taken a number of initiatives like NRI numbardars, fast track courts to deal with NRI issues, single window clearance for investments. Investment was sought in

infrastructure, real estate, IT, Biotech, pharma, automobile, food processing, textiles, Mega shopping Malls, multiplexes, etc.

Rajasthan:

The investment limit has been lowered to Rs. 10 lakhs and a Board has been formed of Infrastructure Promotion Investment Development chaired by CM. Investment was sought in education, IT, power, etc.

Uttaranchal:

The State has a very proactive website and seeks investment in Biotech, IT (100 % income tax exemption in this area for 5 years), food processing, BPOs, infrastructure, power and tourism.

Uttar Pradesh:

It has set up the UP Development Council to promote investment and has framed policies in the areas of energy, sugar, IT and food processing. Investment was sought in power, SEZs, hospitals, schools, SEZs for IT, Biotech, Agro, Medical sector and education. 5-7 more SEZs are planned.

58. When the Committee desired to know as to how the Ministry would ensure that programmes such as Pravasi Bharatiya Divas yield some tangible benefits to target group. Replying to the query of the Committee, the Secretary, Ministry of Overseas Indian Affairs submitted:

“... though Pravasi Bharatiya Divas will be an annual event it is not going to be all pomp and show and so on. We have focused on content. We had organised the whole thing along various sector discussions and plenary. We had four plenary sessions and 14 sectorial sessions. Nine State Governments participated whose investment proposals and presentations were heard by the delegates. So, slowly, without giving it up as an event we have to move forward. That is because it has its own brand equity, it has a lot of people coming, it enables them to establish some kind of a bonding with India. The forum did improve on the content. We have to make it more theme specific and content specific. This is what we are trying to do. We will take that process forward.

.....No matter what we do, even if we do very good publicity, three thousand may become four thousand. But what is four thousand in a Diaspora of 20 million people. Therefore, we need to participate and support them in the events that they themselves organise. The point is very well taken. We were thinking of it with reference to the many overseas Indian's professional organisations. There is instance, the American Association of Hoteliers, or the American Association of Physicians of Indian Origin and so on. There are a large number of overseas Indians who have started non-Governmental organisations and they are doing very good work in various parts of India. We thought that we would request them to hold theme-specific programmes for instance, in the area of health. The intention is that there should be more professional interaction between Doctors there and Doctors here, or twinning arrangements between institutions of excellence there and here. We will get a conference organised on these lines devoted to this particular topic and we will see that our Health Ministry and our Ministry and all of us participate in that and support it."

59. When the Committee expressed their concern that the Pravasi Bharatiya Divas was probably losing its momentum, which should not be allowed to happen. To this the Secretary, Ministry of Overseas Indian Affairs assured the Committee that:

" the momentum should be kept in mind and we should not let the NRI community lose faith or create credibility problem for the Government."

## **Reservation of Seats in Educational Institutions**

60. According to the Annual Report (2004-2005) of the Ministry of Overseas Indian Affairs, the Government have decided to reserve one third of the fifteen per cent supernumerary seats across different disciplines in educational institutions for children of NRIs in the Gulf and /south East Asia at fees applicable to resident Indians. Accordingly, the Ministry of Human Resource Development has issued instructions to the UGC and the All India Council for Technical Education (AICTE) to implement the decision. This scheme does not apply to Medical Colleges.

61. The Annual Report also states that many institutions were not implementing the decision. When the Committee desired to know the reasons for many institutions not implementing the decision and also number of children of NRIs in the Gulf & South East Asia who got admission against the aforesaid quota across different disciplines in education institution in the country.


In a written submission to the Committee, the Ministry only stated that:

“Although most of the Universities have agreed to implement the decision, some of them have reservations”.

62. The Ministry further stated that it is in contact with Ministry of Human Resource Development and UGC in the matter.

63. During evidence, the Secretary, Ministry of Overseas Indian Affairs added:

“ ..... One of the things we want to start, we have started some work on it, is that overseas Indian boys and girls we feel need to be supported subject to merit and means criteria to get enrolled into Indian universities and pursue higher studies. So, we want to

earmark roughly a crore of rupees for scholarship programme. We have public sector undertakings in the HRD Ministry. We want to use them as our consultants. They have a good reputation....”

64. The Secretary, Ministry of Overseas Indian Affairs, also stated:

“.... ..the Indian Diaspora in the Gulf have been saying that they have special problems relating to admission of their children in educational institutions here. The Government have now decided that out of the supernumerary quota of 15 per cent, five per cent should be earmarked to these people. This again has not been effectively implemented because there has been no follow up. We have taken this up and hopefully, starting this academic year, something would be done and in the couple of years, this will become enforceable in all the universities and colleges in India  
.....”

65. The Ministry in their written submission has also informed the Committee that they have certain Action plans with respect for the educational concerns of the Overseas Indian Community. These includes; Developing/implementing an approved scheme of scholarships for Overseas Indian youth to study in India, Getting the admission benefits codified authoritatively and implemented, Getting off-shore campuses of Indian institutions started in countries with large Diaspora population, Getting the education profile of Diaspora students mapped.

## Contribution/Investment by Overseas Indians

66. During evidence the Committee impressed upon the Ministry that they would have to see how to motivate Overseas Indians settled abroad to reach out to India by investing in various sectors. Upon this the Secretary, Ministry of Overseas Indian Affairs, submitted that:

“...One of the first things that we have proposed there is that we should have an investment promotion unit. I have looked at it closely and I am also aware of it because of my earlier assignments in various positions. Today, our investment guidelines are regulated or controlled by either the Department of Industrial Promotion and Policy or the Ministry of Finance or the sectoral ministries or the Reserve Bank of India. There is also the Foreign Exchange Maintenance Act.

Very often, in specific situations the individual who wants to invest does not get the correct guidance. He gets a piecemeal picture. He says this is what the Press Note No. so and so says, this is what something else says, this is the RBI Website and so on. We feel that this is something that has to be structured on. Our idea is to take the help of, may be, and accounting firm or may be a legal firm which can look into it. Once all these Press Notes and guidelines are issued, they can interpret these things and then put it out on our Website. If there are queries on this, then on an on-line basis or on a continuous basis we should be able to respond to that. I take your suggestion that overseas representatives would also have somebody tracking investments, facilitating investments. We will certainly try to address that. I want to reassure that investment is an area of priority and we will certainly try to move fast on that, without waiting for the entire staff etc. by outsourcing it and getting a professional agency to come and help us.”

67. On being enquired as to whether apart from offering State-specific investments proposals to Overseas Indians, we would be offering them comprehensive investments proposal for the entire country. Responding to the query of the Committee, the Secretary, Ministry of Overseas Indian Affairs stated:

“.... Coming to investment in India, we realise that a very few Central projects are there, which can be offered directly to overseas

Indians for investment. Most of them would be the State projects. Why you see nine States is that in the Pravasi Bharatiya Divas, 2005, only nine States participated. We have given you the details. I take your point and we will do more thinking on it.

We do not want to get into the difficult sectors and regulated sectors like power. First of all, I think, in the infrastructure sector, where large investments are called for, there are well-to-do non-resident Indians who have access to finances, and they can certainly raise it. But initially, we want to make sure that these investment flow, and people gain confidence. We want the State Government to identify projects. Here, we have the fine example of Kerala and Uttranchal. They have demonstrated all the things. I think, small tourism projects are very doable. There, often the people who are wanting to put money, can relate the area or that particular tourist circuit. They may be willing to invest in education and health. So, we want to focus on all these things.

Today, there is a difficulty in larger investments, in infrastructure etc. But certain State Governments are doing very well. The successful example is Kochi, where the entire airport has been built with bulk of the money from the non-resident Keralites, especially from the Gulf, and a little bit of money came from the HUDCO and the Government of Kerala. So, there are various models available. What we want to do is to work in partnership with the State Governments, where the State Governments are willing to be the active partners, where they can quickly identify the projects of the right size. We will then jointly publicise it, go on road-shows. Chances are that no tall promises would be made. But where the State Governments on their own go out and make tall promises, to some extent the problems would come. To some extent, we will try to prevent the problem by working in partnership with the States. I think, in all fairness, it must be said.

I think, most State Government have realised that going on a general road-show telling people that 'Our State is a good investment destination; we are the most progressive State.' etc., would not carry them very far. Our overseas investors and foreign investor have become very practical, so, they will ask you very specific questions: 'Where is the bottleneck? How is your road network? How is your port connectivity and air connectivity?' etc. So, I think, the State Governments also should be inclined to be very professionals. At least, in the Pravasi Bharatiya divas, 2005, the States like Maharashtra, Gujarat, Rajasthan and quite a few others, had put up very good professional shows. They had prepared projects and outlines and presented them to the overseas

delegations. So, Sir we would try and see that this is done more systematically. Wherever it is necessary, we would take the services of professionals and experts, and work with them”.

68. In order to reach out to and ascertain as to what exactly the Overseas Indians expect, the Committee suggested that it is important that the Ministry undertakes to carry out a complete Census and a survey of all the NRIs/PIOs, wherever they are living. The Committee further suggested once such database is in place, it will be easier to interact and understand their areas of interest.

69. To this, the Secretary, Ministry of Overseas Indian Affairs responded:

“... The first item that we have identified on our agenda is this Diaspora database. We have a high-level Committee on the Indian Diaspora estimates but that is slightly outdated. We want to build on and complete the database, as I have said, with wide-ranging information. You will get their professional qualifications, their E-mail ID, the areas of interest where they want to go and work, etc., so that tomorrow if any publicity or any particular initiative is taken, it can help. For instance, in Pravasi Bharatiya Divas this year a lot of people were saying that. Maybe that was the time that many of them would like to get involved in construction work of disaster management. Part of it may be science and technology. So, we will build that database of the entire Indian Diaspora of 20 million plus. Whatever information is already available with our Missions abroad will be taken and further details will be added”.

70. With regard to promoting investment by Overseas Indians, the Ministry has informed the Committee that they intend to take certain Action points. The Action points include setting up an Investment Promotion unit of Ministry of Overseas Indian Affairs with a partner and promoting state-specific investment campaigns abroad to feed into Pravasi Bharatiya Divas (PBD). The Ministry has also informed the Committee that they intend to get the Foreign Contribution (Regulation) Act, 1976 and procedures simplified for Overseas Indians.

71. Dwelling further on the areas where the Overseas Indians can contribute a great deal and their expertise can be made good use of, the Secretary, Ministry of Overseas Indian Affairs submitted:

“ ....our doctors abroad want to come and work in India. We find that even though there is an enabling decision for it, yet the Medical Council of India (MCI) says that it cannot be done. It cannot be done because the MCI is under an Act of Parliament, and unless the Act is amended it cannot be done....”

## RECOMMENDATIONS/OBSERVATIONS

### 1. Budgetary Proposals

The Committee observe that the total budgetary allocation of the Ministry has been quadrupled this year i.e. a provision of Rs. 35 crore has been provided in BE 2005-2006. During BE 2004-2005, the total budgetary allocation of the Ministry was Rs. 7 crore which was subsequently increased to Rs. 10 crore at the RE stage. The Ministry has informed the Committee that the Actual Expenditure of the Ministry for the year 2004-2005 is likely to be Rs. 6.23 crore, which is 62.30 per cent of the total budgetary allocation. The Ministry cited increase in establishment related expenditure as the reason for increase in the allocation in BE 2005-2006.

The Committee note from the Explanatory Memorandum on the Demands for Grants (2005-2006) of the Ministry that a lumpsum provision of Rs. 5 crore has been made for new schemes that could be approved and taken up by the Ministry during 2005-2006. In the absence of specific schemes the Committee is not in a position to analyse the budgetary provisions. The Committee, therefore, recommend to the Ministry to formulate the schemes with proper guidelines, benchmarks and deliverables for the benefit of Indian Diaspora as has been submitted by the Ministry in its reply to the Committee .

The Committee further recommend that the Ministry should pay focussed attention towards ensuring that there are no unspent provisions in future, as has been the case during 2004-2005 – when the unspent provisions amounted to almost 40 percent of its total budgetary provisions.

## 2. Secretariat/Work Allocation

The Committee note that almost a year after the creation of the Ministry, a full complement of Staff and a full-fledged secretariat is yet to be put in place. Creation of posts in the Ministry should be completed within three months as has been assured by the Secretary, Ministry of Overseas Indian Affairs during the course of evidence. There is an urgent need to speed up creation of posts particularly in the wake of the new work allocation to the Ministry.

The Overseas Indians have great expectations after the creation of an independent Ministry dealing with the affairs concerning them. The Ministry must, therefore, make all efforts to interact with the Overseas Indian Community and address their concerns which should properly reflect in the vision and objectives of the Ministry. The Committee feel that this will be possible only when a full complement of staff to work in the Ministry is put in place.

### 3. Advertising & Publicity

The Committee note that a provision of Rs. 1.5 crore has been made in BE 2005-2006 under the Head 'Advertising & Publicity'. A provision of Rs. 0.10 crore was made under the same Head in 2004-2005. However, the Committee was informed that there were no expenditure on Advertising & Publicity during 2004-2005. The Committee express their concern about the non-utilization of funds under this Head and hope that sincere efforts will be made during the current year on the Advertising & Publicity related activities.

The Committee are of the view that given the fact the target group of the Ministry being very specific i.e. the 'Overseas Indians' – and the penetration of Internet being very high, the Ministry should undertake publicity and advertisement activities mainly through the Internet as far as possible. This, in turn, will substantially reduce the expenditure to be incurred on publicity efforts. To this end, the Committee recommend that the Ministry must maintain a detailed database of the entire Indian Diaspora and their Associations and disseminate information to them in a cost effective way.

The Committee are also of the view that Advertising and Publicity efforts should be more focussed and in particular undertaken during the events where the NRIs/PIOs participate in large numbers. NRIs and their Associations organise their events on their own such as TANA (Telugu Association of North America), Maharastrians Organisation, Gujaratis Organisation etc. The Ministry can get a very captive audience during such events by putting in least efforts whereas the results achieved thereby can be manifold. The officials of the Indian Embassies should also oblige and facilitate such events and the Ministry must, on its part, try to reach out to them during such events. Similarly at

the cultural events like film shows and corporate shows that go out from India attract vast audience of Indian Diaspora. The Ministry can place its cell in position at such events which can facilitate dissemination of the required information to the Overseas Indians.

#### 4. Overseas Posts

The Committee note that the Ministry intends to create posts Overseas, where the staff would be positioned who would be able to directly interact with the Overseas Indian Community. The Committee also note that the staff, would work under the administrative control of Indian Ambassadors and High commissioners, but functionally, in terms of content of their work, they would report to the Ministry. The Ministry has given itself a time frame of six months for the creation of Posts abroad.

The Committee appreciate the intention of the Ministry to create Posts abroad as this would allow them to directly interact with Overseas Indians and provide guidance and counseling to them – in coordination with the work being done by the Missions. However, the Committee would desire that the Ministry should create Overseas Posts initially in those countries only where there are substantial number of Indian Diaspora and in those countries from where the Diaspora population are contributing heavily to India as remittances. The Committee feel that this was a much-felt need to help the Overseas Indians, as there have not so far been any reciprocal gesture from the Government side. There is a real need to convince them that India is all for them. The Committee further suggest that such Overseas Posts should be managed by persons who are well-versed in economics, investments and law. The Committee desire that the Out Posts should be created within the time frame of next six months set out by the Ministry in this regard.

#### 5. Contribution/Investment by Overseas Indians

The Committee note that the Ministry want to position itself as a service provider which can coordinate and liaise on behalf of Overseas Indians with other Ministries and the Government of India. The Committee, however, feel that the Ministry should not end up being merely coordinating Ministry providing only certain services to the Overseas Indians (OIs). Rather, in the considered opinion of the Committee the role of the Ministry essentially involves motivating Overseas Indians to reach out to India by investing in various sectors. The Ministry should take the initiative to see how best to provide necessary information to these people whereby they are able to contribute in the areas/sectors of their choice. The Committee strongly feel that presently the Overseas Indians are so far able to invest only a lower proportion of their resources in India as compared to the Overseas Chinese who have been able to invest in China in a big way. The effort, therefore, of the Ministry should be directed towards replicating some of the success of the Chinese Diaspora, which have contributed immensely to China's economy. For this, the Committee find it extremely important that the Ministry must encourage potential Overseas investors to invest in India and more importantly – by offering them good reasons to do so.

The Committee are also of the view that the Ministry should either allow Overseas Indians to make direct investment in India of their own choice in whichever field of activity they want, or the Ministry could take the initiative in due consultation with the Ministry of Finance, the Ministry of External Affairs and the Planning Commission and float a bond or a fund as such, for the infrastructure development and other high priority areas/sectors. Those Overseas Indians who do not have direct contact to invest in private industry should be persuaded or motivated to contribute to this general fund,

which may be utilized for infrastructure development in the country. For this kind of direct and indirect investment, the Ministry could provide effective and reliable arrangements in place. The Committee suggest that this process could be started forthwith in at least a few countries, where there are substantial numbers of Indians. The Ministry should see that its representative is stationed in such countries at the earliest possible, so that the Overseas Indians are able to know that there is someone whom they could contact and interact with and also through whom they could try and sort out their problems. Such representative in turn should motivate and guide the Overseas Indians as to where and how they could invest.

The Committee also note that the Ministry intend to set up an Investment Promotion unit of Ministry of Overseas Indian Affairs with a partner and promote state specific investments campaigns abroad. The Committee recommend that the Ministry must pursue the proposals in right earnest. Similarly, the Foreign Contribution (Regulation) Act, 1976 should be amended to facilitate Overseas donors in areas such as education, health, philanthropy etc.

## 6. Overseas Indian Citizenship (OIC)

On the issue of Overseas Indian Citizenship (OIC), the Committee note that Ministry of Home Affairs (MHA) has circulated a draft Cabinet note containing proposals to amend the Citizenship Act, 1955, and Ministry of Home Affairs is awaiting clearance of the Ministry of Law & Justice to bring the matter before the Cabinet. The Committee also note that MHA has further consulted the Ministries and agencies concerned and finalised the simplified application form/procedures. Revised Rules incorporating these are again being cleared by Ministry of Law & Justice and could be notified shortly. Pending this, acceptance of applications and registration of OIC has been put on hold. The process would get re-started once the new rules are notified and put on its Website.

The Overseas Indian Citizenship issue being a credible and an emotional issue, the Committee are of the view that it should be addressed urgently with all the seriousness it deserves. The proposal to amend the citizenship Act 1955 should be speeded up by getting clearance of the Ministry of Law & Justice so that the matter is brought before the Cabinet without any further delay to this effect. The Committee desire that the process should be simplified and registration process be started at least in respect of the 16 countries where it has already been notified by June 2005. The Committee therefore recommend that the Ministry should enlarge the scope beyond these 16 countries and take necessary steps towards amending the Citizenship Act and bringing it before Parliament as early as possible. Also the revised rules should be

notified immediately and put on the Website of the Ministry within the next three months.

The Committee appreciate the intention of the Ministry to offer benefits of the voting rights to Overseas Indian Community and recommend that the Ministry must codify the benefits that would accrue to Overseas Citizens. The Committee want that the Ministry must seriously consider and explore the feasibility of extending benefits such as voting rights to Overseas Citizens as India is one of the few democracies that denies the voting rights to its own expatriate citizens. The Committee feel that a Government that seek the allegiance, support and money of its Diaspora should also be willing to be accountable to it.

The Committee also desire that the question of physical character of the dual citizenship document must also be settled soon. The Committee are of the view that, a smart card is the most forward looking one, though it would mean working out the technical specifications, identifying the necessary hardware and ensuring of machine readability at all entry and exit points. However, for now, the Government should settle for a paper document and switch over to the smart card option, after the necessary infrastructure is ready with them in due course of time.

## **7. Recruiting Agents/Registration Certificates/Emigration**

The Committee learn that a large number of Recruiting Agents publish attractive advertisements stating that they would provide suitable employment to labourers abroad particularly in the Gulf countries and extract huge sums of money from the aspiring job seekers. After taking them to the countries of their employment, the problem of such poor job seekers starts from the airport itself where it is found that most of them have bogus entries. Further, these labourers are not paid their salary as per the promises made in the advertisements and they are forced to work in most unhygienic and pathetic living conditions. Some of them are even jailed on trumped up charges/petty offences for years together. The Committee are concerned about the plight of these labourers and feel that the issue needs to be addressed in a focused manner. The Committee recommend that the Ministry should take up the issue of fraudulent advertisements with the Advertising Council of India so that regulations can be imposed on newspapers which publicise such advertisements. The Ministry should also take up cases involving breach of contract entered into between the employer and employees. To deal with the cases involving woman employees who constitute the vulnerable section of the society, woman officers should be designated in the outposts as far as possible.

The Committee also desire that the Ministry's proposal to stream-line emigration by re-engineering the whole process, introducing IT based solutions, bringing in smart cards etc. should be pursued with all the seriousness it deserves.

## 8. Problems of Overseas Indians

- (A) The Committee appreciate that the Overseas Indians make a substantial contribution to the Indian economy directly and indirectly by way of remittances, which was to the tune of \$ 14494 millions during 2004-2005 (till 31.12.2004). Overseas Indians are facing numerous problems to invest their savings properly in India. The Ministry should designate officers in our Missions who can guide and assist Overseas Indians for proper investment in India.
- (B) The Committee are happy to note that the Ministry will be taking up certain new schemes during the course of the current year. The schemes on the anvil include provision of legal and counseling services to NRI workers in the Gulf, advisory/information services for women marrying Overseas Indians (OI), scholarships for Overseas Indian students, Pilot Project on "Tracing the Roots", commemoration of the departure of the first Pravasi, etc. The Committee feel that these are very important schemes and should be vigorously pursued by the Ministry. Provision of legal and counseling services to NRI workers in the Gulf is particularly important in view of the fact that most of the labourers there are being ill treated, underpaid, subjected to inhuman working conditions, put up with inadequate medical facilities, denied payment of compensation in case of accident/death. Their employers and the recruiting agents are also cheating them. Many are arrested on false charges/petty offences and are being jailed for more than 3-4 years without valid reasons. The Committee, therefore, feel that providing necessary legal help to these labourers is extremely important. The Committee also feel that some orientation or general awareness needs to be

provided to persons going abroad. They also desire that the proposed legal and counseling services should be the top priority with the Ministry and a concrete proposal should be worked out in this regard.

- (C) On the issue of false/fraudulent marriage between NRI/PIO grooms and Indian women, the Committee note with satisfaction that the Ministry is making lot of efforts to address this issue which has now assumed alarming proportions. As an immediate preventive measure, MOIA is planning to bring out an information booklet within three months to create awareness among prospective brides and their families. The Committee also note that the NCW, has prepared a draft report on NRI marriage problems and a draft conventions.

The Committee, therefore, desire that the Ministry should bring out the information booklet within three months as envisaged, and the recommendation/suggestions contained in the draft report prepared by the NCW should also be given due consideration for implementation and given a legal shape. The Committee further suggest that the Ministry should try and set up an office or appoint some official in the Ministry who is familiar with the legal systems of other countries rather than just restricting themselves to providing advisory/information services to women marrying Overseas Indians – as many of the victims are not aware of the legal processes abroad, which further compounds the problem.

- (D) The Committee also note that the main concerns of the NRIs in the Gulf include cheaper airfares by Indian Airlines and Air India on the India-Gulf Sector, identification and negotiation of release of innocent victims from the prisons abroad and

their repatriation and bringing of dead bodies in the event of death from the Gulf to India. The Committee recommend that the Ministry must take up the issue of cheaper airfares with the Ministry of Civil Aviation to explore the possibilities of starting a budget Airline at the earliest. As for identification and negotiation of release of prisoners and their repatriation is concerned, the Committee feel that the Indian Missions in respective countries have an immense role to play by way of approaching the host Government for seeking Consular access to the detainee and ensuring that the prison conditions are satisfactory and the trials proceed satisfactorily. The Committee also feel that the Missions should attempt to take up cases for reduction of sentence even if the relatives of the detainees are not making an appeal, because in certain cases even the relatives are not aware of the arrest.

With regard to bringing dead bodies of Indians who die abroad back to India, the Committee appreciate that initiative have already been taken to enter into a Memorandum of Understanding (MOU) with some of the Gulf countries particularly Kuwait, which will enable the Indian Mission to formally take up cases with the concerned Departments there. The Committee recommend that the Government must also seek to enter into MOUs with other countries as well, so that the problems relating to Indian labourers in the Gulf and also at other places can be formally taken up with the concerned Governments. The Ministry in collaboration with the Embassies should play an effective role in this regard.

## 9. Pravasi Bhartiya Divas

The Committee note that Pravasi Bhartiya Divas celebrated every year on 9<sup>th</sup> January, 2003 aims at deepening the engagement between India and its Diaspora through focussed activities across sectors, besides strengthening emotional and cultural bonds. The Ministry informed the Committee that the focus of the 3<sup>rd</sup> Pravasi Bhartiya Divas (PBD) 2005 was to carry forward the momentum generated by the earlier two Pravasi Bhartiya Divas (PBDs), and to enable Ministry of Oversea Indian Affairs to have direct interaction with the Diaspora with a view to involving them in India's Socio-economic development and position MOIA as a single point service provider.

The Committee were also informed that Pravasi Bhartiya Divas (PBDs) has had positive impact on the relationship of the Indian Government with its Diaspora. However, if the profile of the participants in the last three Pravasi Bhartiya Divas was anything to go by, then the preponderance of the dollar Diaspora at the conference led to an impression that the Government was keener only to woo them. The Committee want that the focus should not merely be on boosting investment alone but the Government should help the Overseas Indians to maintain their Indian Cultural identity and address their needs in every possible way. It should be the Ministry's endeavour to assist the Overseas Community to maintain and deepen their strong emotional, cultural bonds with India. The Overseas Community should be viewed as more than mere investors. They are the country's important links with the world community.

The Committee also recommend that the Ministry should spend the budgetary provision made for Pravasi Bhartiya Divas (PBD) on durable benefit programmes – not just on programmes which have good media coverage but which actually give some

tangible benefits to the target group. The Pravasi Bhartiya Divas celebration should also be made more theme specific and content specific. Further, the Committee would want the Ministry to assess the impact of Pravasi Bhartiya Divas and the extent to which it has been able to meet the objectives set therefor. This is extremely important since crores of rupees are being spent on it. As such it should not be allowed to go unproductive.

The Committee also note that during the third Pravasi Bhartiya Divas, plenary sessions were held with some of the State Governments. However, some of the States could not participate as they were apparently required to pay an amount of Rs. 10 lakh, as a result of which many States decided to keep themselves away from such sessions. The Committee are of the view that this is an exorbitant amount which acts as a deterrent for those States who would have otherwise participated. The Committee, therefore, feel that the Ministry must extend invitation to representatives of every States to make their presentation and woo potential investors without having to pay any fee and the Ministry should ensure that the fee in no way acts as a deterrent for participation. This is important because the Ministry cannot afford to be seen as preventing the States from availing of opportunities for networking with the potential Overseas Investors.

10. Pravasi Bharatiya Kendra

With regard to the construction of Pravasi Bharatiya Kendra, the Committee note that Ministry of Urban Development has confirmed the allotment of plots No. 15A & 15 B in Chanakyapuri in favour of Ministry of Overseas Indian Affairs for construction of Pravasi Bharatiya Kendra. Ministry of Overseas Indian Affairs has since deposited a sum of Rs. 31.83 lakh in favour of DL & DO of Ministry of Urban Development towards the premium and other charges in respect of the plots. The Committee also note that Ministry of Urban Development also agreed to earmark another Plot No. 15D measuring 3024 sq. mt. for Pravasi Bharatiya Kendra, which is being pursued with MUD.

The Committee, however, regret to note that the plots are yet to be handed over to MOIA and Plot No. 15D is also yet to be allotted to MOIA. The Committee are of the view that, following the confirmation by MUD on the allotment of Plot 15A & B to MOIA there should not have been any difficulties in handing over of the plots by the Ministry of External Affairs.

Accordingly, the Committee would recommend that the Ministry should immediately take possession of the plots from MEA and should vigorously pursue with Ministry of Urban Development to get Plot No 15D allotted in its favour. The Ministry should also get Cabinet approval for the institutional/construction format of the Kendra. The amount of Rs. 3 crore earmarked in BE 2005-2006 towards the proposed Pravasi Bharatiya Kendra should be utilised for payment of premium for Plot No. 15 D.

The Committee desire that all formalities pertaining to possession of all the land required for construction of Pravasi Bhartiya Kendra should be completed within a time frame, and the whole process of designs, the institutional format, obtaining necessary

clearance of statutory authorities, inviting bids and awarding of contract for the building should be completed by the end of 2005. The Committee feel that this is important so as to avoid time and cost overruns, and the Ministry should ensure that the Kendra becomes functional within the time limit set by them i.e. within 3-4 years. In the meantime the possibility of alternative accommodation including taking possession of the space in Akbar Bhavan to be vacated by FSI may be explored. The Committee further desire that they may be apprised from time to time about the progress made in this regard.

## 11. Education/Scholarships

The Committee note that the Government have decided to reserve one – third of the fifteen per cent supernumerary seats across different disciplines in educational institutions for children of NRIs in the Gulf and /South East Asia at fee applicable to resident Indians. The Committee, however, regret to note that many institutions were not implementing the decision. They, therefore, desire that the decision must be strictly implement. The Committee further desire that the Ministry must take up the issue with those universities that refused to implement the Government's decision and also follow up on their endeavor to help Overseas boys and girls to get enrolled in Indian Universities. The amount of Rs. 1.5 crore earmarked for this scholarship programme should be utilised in such a way that it actually benefits the children of Indian Diaspora in the Gulf and the Ministry should see to it that the 5% seats earmarked for those students are filled and effectively enforced atleast from this academic year onwards.

The Committee further recommend that the Ministry must explore the possibilities of starting off-shore campuses of Indian institutions in countries with large Diaspora population, and must take up the task of getting the education profile of Diaspora students mapped in a time bound manner.

## 12. Resource tapping

The Committee are aware that the Ministry is specially seeking interaction with and tapping the expertise of Overseas Indians in fields such as Education, Health, Science & Technology, Culture, Tourism, Youth Affairs, etc.

The Committee desire that sincere efforts should be made to tap the expertise of Overseas Indians in these fields and the efforts should be focussed to understand as to how India can gain from their expertise. The Ministry should also seek to collaborate with scientists from NASA in the US, as also experts in fields like Meteorology from countries with excellent disaster management systems. Further, the Committee feel that Science & Technology is a productive area, where scientific talent and technological skills of Overseas Indians could join up in collaborative research ventures in India. In other vital areas such as knowledge – based technologies, IT and biotechnology, the expertise of the Overseas Indians can be quite valuable in achieving the goal of making India a knowledge super power. The Committee also recommend that the procedures guiding Medical Council of India (MCI) which come in the way for entry of Overseas Medical professionals to come and work in India, be simplified. The Committee are certain that, this in turn, could offer a key to resolving the socio-economic problems of poverty and development of the country. The Committee would, therefore, advise the Ministry to approach Overseas Indian experts with open mind and be receptive to their creative thinking.

### 13. Proposed Agenda

The Committee note that the Ministry has come out with an agenda having 32 specific items which are proposed to be taken up in the coming year. The proposed agenda has been classified into four broad functional areas, which includes services to Diaspora, Emigration, Social service and investment/financial/economic services. The Committee appreciates the proposals of the Ministry and are convinced that these services, if delivered, would definitely go a long way in establishing stronger emotional and economic bonds with our Diaspora. The Committee recommend that the proposed agenda be discussed with the stakeholders immediately and finalised for implementation during the current year itself. The Committee would also like to suggest the Ministry to pursue its agenda vigorously and in a focussed manner and inform the Committee periodically about the steps taken/bottlenecks faced/ progress made in the direction of realising the 32 items contained in the agenda.

NEW DELHI;

21 April, 2005  
1 Vaisakha, 1927 (Saka)

DR. LAXMINARAYAN PANDEY,

Chairman,  
Standing Committee on External Affairs,

**Annexure**

(To be published in Part II, Section 3, Sub-section (ii) of the Gazette of India Extra Ordinary, Dated the 16<sup>th</sup> December 2004)

Doc. CD-492/2004

RASHTRAPATI BHAVAN  
NEW DELHI

**Notification**

Dated the 15<sup>th</sup> December 2004

S.O. \_\_\_\_\_(E).- In exercise of the powers conferred by clause (3) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Government of India (Allocation of Business) Rules, 1961, namely:-

1. (1) These rules may be called the Government of India (Allocation of Business) (Two hundred and seventy – eighth Amendment) Rules, 2004.  
(2) They shall come into force at once.
2. In the Government of India (Allocation of Business) Rules, 1961, in the Second Schedule,
  - (A) under the heading “MINISTRY OF COMMERCE AND INDUSTRY (VANIJYA AUR UDYOG MANTRALAYA)”, under the sub-heading “B. DEPARTMENT OF INDUSTRIAL AND PROMOTION (AUDYOGIK NITI AUR SAMVARDHAN VIBHAG)”, for entry 21, the following entry shall be substituted, namely:-

“21. Direct foreign and non-resident investment in industrial and service projects excluding functions entrusted to the Ministry of Overseas Indian Affairs.”
  - (B) under the heading “MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION (UTTAR POORVI KSHETRA VIKAS MANTRALAYA)”, after entry 10, the following ‘Note’ shall be added, namely:-

“Note: While the Ministry of Development of North Eastern Region would coordinate with various Ministries/Departments primarily concerned with development and welfare activities in North Eastern Region, respective Ministries/Departments would be responsible in respect of subjects allocated to them.”;
  - (C) under the heading “MINISTRY OF EXTERNAL AFFAIRS (VIDESH MANTRALAYA)”,-

- (i) for entry 12, the following entry shall be substituted, namely:-  
 “12. Scholarship to foreign students excluding scholarship to Non-Resident Indians (NRIs)/Persons of Indian Origin (PIO) students for study in India under different schemes.”; and
- (ii) for entry 22, the following entry shall be substituted, namely:-  
 “22. External publicity excluding such publicity concerning overseas Indians’ affairs.”;
- (D) under the heading “MINISTRY OF FINANCE (VITTA MANTRALAYA)”, under the sub-heading “A. DEPARTMENT OF ECONOMIC AFFAIRS (ARTHIK KARYA VIBHAG)”,-
  - (i) for entry 4, the following entry shall be substituted, namely:-  
 “4. Foreign and Non-Resident Indian Investment excluding functions entrusted to the Ministry of Overseas Indian Affairs and Direct Foreign and Non-Resident Indian Investment in Industrial and Service projects.”;
  - (ii) for entry 19, the following entry shall be substituted, namely:-  
 “19. All matters relating to the Foreign Volunteers Programmes in India including the incoming United National Volunteers (UNV) but excluding programmes in India for overseas Indian Volunteers and outgoing volunteers under UNV.”;
- (E) under the heading “MINISTRY OF LABOUR AND EMPLOYMENT (SHRAM AUR ROZGAR MANTRALAYA)”, entry 22 shall be omitted;
- (F) under the heading “MINISTRY OF OVERSEAS INDIAN AFFAIRS (PRAVASI BHARTIYA KARYA MANTRALAYA) ”, for the existing entry 1, the following entries shall be substituted, namely:-
  - “1. All matters relating to Overseas Indians comprising Persons of Indian allotted to other Departments.
  - 2. Promotion of investment by Overseas Indians in India including innovative investments and policy initiatives consistent with the overall Government policies particularly in areas such as exclusive Special Economic Zones (SEZs) for Overseas Indians.
  - 3. To be represented in the Foreign Investment Promotion Board and the Foreign Investment Implementation Authority.

4. To interact with the Investment Commission and to be consulted by the said Commission and to be kept informed of all matters relating to Foreign Direct Investment (FDI) by Overseas Indians.
5. All emigration under the Emigration Act, 1983 (31 of 1983) from India to overseas countries and the return of emigrants.
6. Matters relating to Pravasi Bharatiya Divas, Pravasi Bharatiya Samman Awards and Pravasi Bharatiya Kendra.
7. Matters relating to programmes in India for overseas Indian Volunteers.
8. Setting up and administration of Centres for Overseas Indians' Affairs in countries having major concentration of Overseas Indians in consultation and coordination with the Ministry of External Affairs.
9. Policy regarding employment assistance to PIO/NRIs excluding reservations in Government service.
10. Collection and dissemination of information concerning admission of NRI/PIO students to various educational, technical and cultural institutions in India wherever discretionary quota for NRI/PIO students exists, in consultation with the Ministry of Human Resource Development and the Ministry of Culture.
11. Scholarship to NRI/PIO students for study in India under different schemes in consultation with the Ministry of External Affairs.
12. Development of marketing and communication strategies to ensure strong links between the Overseas Indian community and India.
13. Matters relating to NRI/PIO contributions to the Government and parental organisations in consultation with the Department of Economic Affairs.
14. Guidance to and Cooperation with the State Governments and coordination with them on matters related to Overseas Indians.
15. To be represented in the Indian Council of Cultural Relations.
16. Establishment of institutions to impart vocational and technical training to meet the requirements of skilled manpower abroad with the concurrence of the Ministry of Labour and Employment.
17. External Publicity relating to Overseas Indians' affairs in consultation with the Ministry of External Affairs and in consonance with foreign policy objectives.

18. New initiatives for interaction by Overseas Indians with India in the fields such as Trade, Culture, Tourism, Media, Youth Affairs, Health, Education, Science and Technology in consultation with concerned Ministries.

Note: The Ministry of Overseas Indian Affairs will be consulted by the concerned Ministries in all matters concerning Overseas Indians handled by them such as PIO Card Scheme, dual citizenship issues, FCRA matters of Non-Governmental Organisations (NGOs) of Overseas Indians. Similarly Reserve Bank of India (RBI) will consult Ministry of Overseas Indian Affairs while framing policies and schemes governing deposits by overseas Indians.”

(G) Under the heading “MINISTRY OF PERSONNEL, PUBLIC GRIVANCES AND PENSIONS (KARMIK, LOK SHIKAYAT TATHA PENSION MANTRALAYA)”, under the sub-heading “A. DEPARTMENT OF PERSONNEL AND TRAINING (KARMIK AUR PRASHIKSHAN VIBHAG)”, entry 7 shall be omitted.”

A.P.J. Abdul Kalam  
President

