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**COMMITTEE
ON EXTERNAL AFFAIRS
(2018-19)**

SIXTEENTH LOK SABHA

MINISTRY OF EXTERNAL AFFAIRS

**‘ISSUES RELATING TO MIGRANT WORKERS INCLUDING APPROPRIATE
LEGISLATIVE FRAMEWORK AND SKILL DEVELOPMENT INITIATIVES
FOR PROSPECTIVE EMIGRANTS.’**

TWENTY THIRD REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

JANUARY, 2019/ Pausa, 1940 (Saka)

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LEGISLATIVE FRAMEWORK AND SKILL DEVELOPMENT INITIATIVES
FOR PROSPECTIVE EMIGRANTS.’

Presented to Lok Sabha on 2 January, 2019

Presented to Rajya Sabha on 2 January, 2019



LOK SABHA SECRETARIAT
NEW DELHI

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* Nominated w.e.f. 30 October, 2018 vide Bulletin Part II No. 7388

INTRODUCTION

I, the Chairperson of the Committee on External Affairs, having been authorized by the Committee to present the Report on their behalf, present this Twenty-Third Report of the Committee on External Affairs (2018-19) on the subject 'Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants.'

2. The Committee selected the subject 'Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants' for detailed examination during the year 2017-18 and 2018-19. The Committee were briefed by the representatives of the Ministry of External Affairs and the Ministry of Skill Development and Entrepreneurship on 11 April 2017 and 22 November, 2017. The Committee also took oral evidences of the representatives of Ministry of External Affairs on this subject on 22 February 2018, 2 April 2018, 18 July 2018 and 2 August 2018.

3. The Report was considered and adopted by the Committee at their Sitting held on 27 December, 2018. The Minutes of the Sitzings of the Committee are appended to the Report.

4. The Committee wish to express their gratitude to the Ministry of External Affairs and the Ministry of Skill Development and Entrepreneurship for placing material information as well as tendering evidence and views before the Committee.

5. For facility of reference, the Observations/Recommendations of the Committee have been printed in bold letters in the Report.

NEW DELHI
27 December, 2018
7 Pausha, 1940 (Saka)

DR. SHASHI THAROOR
Chairperson,
Committee on External Affairs

CHAPTER 1

EMIGRATION FROM INDIA

Migration is an integral part of globalization that holds the potential to benefit all countries and people. Globalization has created a lot of mobility in the labour market and this mobility is conducive to the requirements of labour surplus countries like India. The remittances sent by migrant workers, accounting for a significant share in foreign exchange earnings of nations and GDP growth, contribute significantly to the economic betterment of migrants' families and economic growth of many developing countries.

1.2 The opening up of the Indian economy to the global economic flows and the increasing transnationalism of the Indian Diaspora will accelerate further migration in the future. In India, migratory flows of both skilled and unskilled labour have undergone changes in the process. This movement has created opportunity as well as challenges. India is as much a country of origin as that of destination and transit: this places us in a unique position in the discourse on human resource mobility.

1.3 Emigration (refers to those Indians who leave in order to pursue employment in another country) takes place under two categories based on the types of Passport holders, namely, Emigration Check Required (ECR) and Emigration Check Not Required (ECNR). ECR status requires emigration clearance from the office of Protector of Emigrants before proceeding to the 18 ECR countries (Yemen, Saudi Arabia, Thailand, UAE, Syria, Sudan, Qatar, Malaysia, Lebanon, Jordan, Iraq, Indonesia, Brunei, Bahrain, Afghanistan, Oman, Kuwait, and Libya). ECR passports are provided for the protection of Indians (who are not 10th pass) and are going for employment in other countries. Emigration clearances are provided online to the workers applying through recognized Recruiting Agents who have a valid work visa. Passport holders travelling to other countries and passport with ECNR status need not get emigration clearance. They will have to provide a valid passport, tickets and valid visa at immigration counters of International Airports in India.

1.4 The Gulf Cooperation Council (GCC) countries namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, and Malaysia are home to a vast majority of India's migrant workers. The resident Indian community in the Gulf region is over 8.5 million. The temporary workers' community in the Gulf countries comprises of people from most Indian states, particularly from Kerala, Andhra Pradesh, Punjab, Rajasthan, Bihar, Uttar Pradesh, and West Bengal *etc.*

I. Profile of Indian Emigrants: Trends, Policy and Governance

1.5 A very large number of Indians go abroad for employment, which includes both blue-collared unskilled or semi-skilled workers as well as highly qualified professionals. On a closer look, a discernible pattern can be seen in international migration from India which inter-alia includes-

- Increase in temporary migration.
- Growing feminization of migration.
- Diversity of emigrants from various states.
- Existence of illegal migration, even though in fewer numbers
- Greater migration of unskilled/low skilled workers to the Gulf region and skilled workers to the Organization for Economic Cooperation countries

1.6 The work relating to emigration of Indian citizens from India to other countries for employment and the return of emigrants is the responsibility of the Ministry of External Affairs (MEA). The provisions of the Emigration Act, 1983 provides a regulatory framework for emigration of Indian workers for contractual overseas employment and seeks to safeguard their interests and ensure their welfare. The Act makes it mandatory for registration of Recruiting Agents with the Protector General of Emigrants.

1.7 The erstwhile Ministry of Overseas Indian Affairs (MOIA) has been merged with the Ministry of External Affairs (MEA) in 2016. When asked about the effect of this merger on the Government's ability to respond to the problems of overseas workers, the Ministry stated that the merger of the erstwhile MOIA with the MEA has brought in enhanced synergies and strengthened the overall institutional framework for engagement

with the Indian diaspora and improved the welfare and protection of Indian nationals abroad. It has also enabled an optimum utilization of existing manpower.

1.8 Elaborating the broad policy of the Government of India towards the issue and concerns of emigrants, the Foreign Secretary during his testimony on 11th April, 2017 submitted as under:-

“At the heart of this approach is a conviction that India is a human resources power whose true potential is only now being realised. We need to nurture, promote and protect this asset. Efforts are, therefore, geared at strengthening our connect, engagement and outreach with all segments of Overseas Indians ranging from highly skilled professionals to the low skilled workers...The Government has accorded topmost priority to the welfare and protection of overseas Indians under the stewardship of the EAM. The Institutional Framework for the support and welfare of Overseas Indians has been considerably strengthened. This is being done keeping in mind the issues and concerns of our migrant workers who are the most vulnerable segment of our Diaspora...”

1.9 On being asked to furnish data with respect to the number of Indian workers in different countries, country-wise along with their migratory and employment patterns, the Ministry of External Affairs in a written reply answered that it maintains data of Emigration Check Required (ECR) passport holder Indian workers migrating to 18 notified ECR countries under the e-Migrate system, through which emigration clearance is granted to the workers. As per the data recorded in the system, a majority of the workers emigrated to 18 ECR countries as Carpenter, Fitter, Mason, Building Painter, Electrician, Plumber, Rigger, Assistant Mechanic, AC Technician, Accountant, Administrative Assistant, Agricultural labour, Aluminum Doormaker, Aluminum fitter, Cook, Archives Clerk etc. The Missions are dependent on the inputs from the concerned local and Government authorities, and the Foreign Employers regarding the total number of Indian workers employed by them. The Ministry does not have any authentic global database about the number of Indian workers in different countries and their employment patterns.

1.10 Lack of precise data has been a major obstruction in reaching out to the emigrant workers and ensuring them a safe, hassle-free and legal migration. Acknowledging this

major gap, the Foreign Secretary during oral evidence before the Committee pointed out as under:

“It has been very rightly pointed out and we have ourselves been concerned about this issue of lack of data. We cannot go on saying that we collect only ECR data because it is in e-migrate. The hon. Minister had a meeting with the Home Secretary, the National Security Adviser and the Chief of IB in May this year about data sharing. The Home Ministry is capturing the data but our servers are not integrated because of their own Intelligence Bureau concerns over why they cannot share the data. But with a lot of persuasion and with us meeting the Bureau of Immigration officers, we have got for the first time all the data of ECNR passport holders flying out whether they are going on a tourist visa, an employment visa, a short stay visa, or any other type of visa. We have started getting this data.

It has been an eye-opener for us; for example, in the last 12 months while we had about 3.5 lakh to four lakh Indians who travelled on ECR passports, we had over 19 lakh Indians who travelled on ECNR for employment purposes. That actually tells us the number of Indians going abroad for employment and this is only for ECR countries. It is not coming down because of the ease with which people are getting their ECNR passports. The number of ECNR passport holders going overseas has actually shot up. Unfortunately, this data collection was started by MHA only since June, 2016. They were not able to share that data with us because they were on a different server.”

1.11 The Committee observes that the size, spread and depth of migration pathways from India has been witnessing significant changes during the last three decades. A closer look at the profile of Indian emigrants points to a general trend of skilled and qualified Indians moving to 36 Organization for Economic Cooperation (OECD) countries while the unskilled or semi-skilled/low skilled workers are going to the Gulf region. The Committee, however, are concerned to note that the existing institutional arrangements for the protection, safety and welfare of Indian emigrants are based on inadequate data infrastructure. Moreover, in the absence of any articulated migration policy, the country has not been able to tap in the full potential offered by mobility of Indians in the international labour market and the efforts geared in this direction appears fragmentary and myopic.

Given the compelling circumstances that drive emigration and the profound socio-economic impact of migration, the Government ought to have had a stated policy on international migration that provided the overarching architecture for migration governance and institutional framework. The Committee, therefore, would strongly urge that the Government should undertake coordinated modes of engagement with all concerned stakeholders and enhance India's migration governance by framing a coherent migration policy. Furthermore, the Government should put in place a strong mechanism for inter-ministerial coordination and cooperation with State Governments to improve the governance on migration, address the challenges and effectively implement the ongoing programmes for the protection and welfare of Indian migrants.

(Recommendation No.1)

1.12 The Committee feel that without any authentic database regarding the number of Indian migrant workers in different countries and their employment patterns, the Government may not be able to reach out to the emigrant workers and ensure their safe, legal and regular migration. Exact official data is available only for workers registering for emigration clearance. The Committee are concerned to note that despite the growing scale of migratory flows, vital statistics and information are not readily available. Recognizing the gravity of the issue, the Foreign Secretary informed the Committee that recently an arrangement has been made between the Ministry of Home Affairs and the Ministry of External Affairs to share data of ECNR passport holders since June, 2016. The Committee are hopeful that this recent arrangement would bring forth requisite database of emigration from India for both ECR and ECNR passports and well-equip the Ministry in formulating and implementing various welfare measures for migrant workers. While conscious of the challenges involved, the Committee recommend that the Ministry should maintain an authentic database relating to various aspects of migration such as the profile of migrants, their job profile, country of destination, complaints registered and response thereon using the data available with PGE and Ministry of Home Affairs.

(Recommendation No. 2)

II. Migrant Workers: Most Vulnerable Emigrants

1.13 Lower-skilled temporary migrant workers constitute the majority of labour migrants. In general, they are more vulnerable to rights violations than higher-skilled ones, as they tend to work in the informal sectors of the labour market, or in sectors where labour standards are not applied. Official Data is available only for workers migrating legally with Emigration Check Required (ECR) passports and to one of the 18 ECR countries. That is, labour migration data is available mostly for workers who have to register for emigration clearance. Around 8.5 million Indians live and work in the Gulf region, a vast majority being semi-skilled or unskilled workers.

1.14 The Ministry has informed that any applicant seeking employment abroad and possessing a passport with 'Emigration Check Required', an endorsement can obtain emigration clearance from any of ten PoE offices on submission of documents as prescribed. Persons holding ECNR passport or unstamped passports are not required to obtain emigration clearance.

1.15 On the Committee's query, the Ministry furnished details about emigration clearance granted to ECR passport holder Indian workers, POE-wise, during the last three years as follows:-

Sl. No.	Name of PoEs	2014	2015	2016	2017 (As on 31-10-2017)
1	Delhi	125190	185632	101000	50613
2	Chandigarh	56862	36815	30317	36726
3	Jaipur	56271	47573	31957	12109
4	Rae Beily	21984	16468	18937	5688
5	Hyderabad	77726	48760	39006	33165
6	Cochin	26923	24079	16932	10778
7	Trivandrum	8501	18772	8872	2002
8	Mumbai	391368	353591	231609	142302
9	Chennai	30463	41665	27491	21672
10	Kolkata	9717	10797	14817	8218
TOTAL		805005	784152	520938	323273

1.16 In the last one year, approximately 5.5 lakh ECR and 19 lakh ECNR passport-holders have travelled to the 18 ECR countries for employment as per data available with this Ministry and with the Ministry of Home Affairs.

1.17 Regarding the imperative of protecting and safeguarding the interests of our emigrant workers, the Foreign Secretary during the course of oral evidence on 2nd April 2018, submitted:-

“This Government has been conscious that our emigrant workers need initial hand-holding and support of the Government at all stages of this migration cycle. Therefore, the Ministry has been making all the possible efforts to reduce their vulnerabilities, to curb exploitation and harassment by foreign employers as well as unscrupulous recruitment agents and to ensure a safe, orderly, legal and humane migration process.”

1.18 Responding to the Committee’s query over the issue of dignity of labour in our overall vision for migrant workers, a Representative of the Ministry of External Affairs made the following submission during the course of oral evidence on 18 July 2018:-

“We do not want any Indian to suffer any indignity, particularly, the labour, which is the most vulnerable class of our migrant community to suffer indignity at anybody’s hands. That being the case, whether it happens through the illegal recruiting agents; whether it happens in fraudulent way by some other elements, criminal elements; whether it happens to trafficking; whether it happens at the hands of the immigration authorities here or there including local employer in those countries; we really trying to see wherever there is some loophole, we try to plug it through some mechanism which we evolve. Ultimately, we try to integrate it either in MADAD portal or e-migrate or Ministry’s other mechanisms that are already available. In the end, I would say, yes, the dignity of labour is the most important element for us and we respect it fully and we are working in that direction.”

1.19 The Committee observe that migrant workers constitute the most vulnerable section of Indian emigrants. A significant number of Indian workers migrate to the Gulf countries, particularly Saudi Arabia, UAE, Kuwait and Oman but due to skill deficits, general lack of awareness about their rights, employment contracts, customs and regulations, these emigrant workers are the most explicated and vulnerable at the destination countries. The *Kafala* system and issues related to

***Iqma* further complicate the already precarious position of these workers in the Gulf region. The Committee strongly emphasize that all migrant workers are entitled to respect and protection of their human rights and dignity of labour. The Committee, therefore, recommend that the Ministry should ensure that concerted efforts are being made to reduce their vulnerabilities, curb exploitation and harassment by placing them at the centre of our migration policy framework. There is a strong need to enhance the quality of interventions to maximize the positive impacts of migration and minimize its negative consequences.**

(Recommendation No. 3)

CHAPTER 2

PROBLEMS & CHALLENGES FACED BY MIGRANT WORKERS

Indian migrants face multiple problems at different stages both in India and abroad, aggravated and complicated by corruption and the involvement of middlemen and fraudsters. Workers' complaints include violation of contractual provisions, exploitative work conditions, wage-related problems, and other forms of human rights abuses. However, due to a combination of their skill deficits and a general lack of awareness about their rights, employment contracts, customs and regulations, these workers are often exploited by their foreign employers, making them the most vulnerable segment of the Indian Diaspora. Their skills set are minimal- ranging from low to semi-skilled workers. The awareness about their rights, employment contracts, local customs, and regulations is minimal and at times, they face considerable difficulties in the destination countries. The Kafala (sponsorship) system and issues related to Iqama (resident permit) further complicate the already precarious position of these workers. There is no doubt that our policy priorities should be focused on this extremely vulnerable section of our Diaspora.

2.2 The migration cycle of a worker can be broadly classified in three phases, namely the pre-departure phase, country of destination and return/resettlement in the country of origin. The problems and challenges faced by migrant workers relate to all these three phases of the migration cycle. Briefly, they are as follows:

- Pre-departure phase: unscrupulous recruiting agents/ illegal agents at times acting in collusion with foreign employers
- Country of destination: violation of contractual terms, adverse working conditions, visa conversion, wage-related issues, employer-related problems, compensation/death claims, absence of legal safeguards and delay in settlement of disputes
- Return and Resettlement: Inadequate support, rehabilitation relief etc.

I. KEY ISSUES & CONCERNS OF LEGAL MIGRANT WORKERS

2.3 The Government has promoted migration to harness the twin benefits of remittances and employment through various measures like the e-migrate platform, the *Pravasi Bharatiya Bima Yojana*, the Indian Community Welfare Fund, the Overseas Workers Resources Centre, etc. and the Ministry claims to safeguard and protect the interests of migrant workers abroad, still the migrant workers are facing manifold challenges at their own country like unscrupulous recruitment agents/illegal agents at times acting in collusion with foreign employers. In the country of destination they face problems like violation of contractual terms, advance working conditions, visa conversion, wage-related issues, employee-related problems and compensation/death claims, absence of legal claims and delay in settlement of disputes on their return to their home, they face many challenges like inadequate support rehabilitation/relief etc. In this section, the problems and challenges faced by Indian migrant workers, in general, have been analysed in the various phases of migration. The specific problems faced by the female migrant workers going to the Gulf countries will be discussed in the next chapter.

Phase I: Pre-Departure

(i) Recruitment violations

2.4 The problems encountered by the emigrants may be examined at two levels- Firstly in relation to recruitment violation and second to working and living conditions in the labour importing countries. Migrants are employed either directly by the employers or through outsourcing agencies and recruitment agents. These agents liaise with the overseas employers and facilitate the migration process for the workers. However, there are frequent reports of fraudulent activities by these agents. Additionally, India has a number of human resources agencies which are engaged in recruitment for developed countries in high skill sectors. To streamline recruitment and to safeguard the interests of the emigrants, the Emigration Act 1983 stipulates that only Recruiting Agents possessing registration certificate from the PGE can recruit for overseas employment. Those Indian workers who migrate through unregistered Recruitment Agents for overseas employment generally travel from India on tourist/visit Visas. Therefore, their estimates are not available.

2.5 The Ministry has stated that well-established procedures have been worked out to handle recruitment related complaints against registered Recruiting Agents (RA), unregistered Recruiting Agents and Foreign Employers. We have been greatly assisted by E-Migrate in handling complaints related to RAs. With law and order being a State subject, action on complaints against unregistered RAs continues to remain difficult and a time-consuming process. Such complaints are referred to concerned State Governments for investigation and action for violation of Section 10 of Emigration Act 1983, and other provisions of the law, as appropriate. The Police authorities in turn after investigating the case, seek approval from PGE for prosecuting the accused in the appropriate court of law under section 27 of the Emigration Act, 1983. Whenever Indian emigrant workers face problems with Foreign Employers, the Indian Mission takes up such matters with the employer/emigrant/local authorities. If needed, the employer is black-listed (Prior Approval Category) from further employment of Indian workers in consultation with the Indian Mission concerned.

2.6 The Ministry further clarified that the procedure for redressal of complaints related to Registered/Unregistered Agents has been further streamlined. The key aspects include the following:

- Complaints against registered Recruiting Agents (RA): On receiving such complaints, a show-cause notice is served on registered Recruiting Agents against whom complaints are received and the Recruiting Agent is directed to settle/resolve the complaint, in the first instance. If the Recruiting Agent (RA) fails to respond to the Show-Cause Notice or his reply is not satisfactory, his Registration Certificate (RC) is suspended for 30 days. If the complaint still remains unresolved, the RC is suspended for an indefinite period, and action is initiated for cancellation of the RC and forfeiture of Bank Guarantee (BG). Further, a Recruiting Agent (RA) is placed under the Internal Watch List (IWL) after revocation of suspension if the suspension was made on multiple complaints or if complaints are received regularly against the RA.
- Complaints against unregistered Recruiting Agents since such Agents are not registered with the Protector General of Emigrants (PGE), the complaints are referred to concerned State Governments for investigation and action for violation of Section 10 of Emigration Act 1983, and other provisions of the law, as appropriate. The Police authorities in turn after investigating the case, seek

approval from PGE for prosecuting the accused in the appropriate court of law under section 27 of the Emigration Act, 1983. Request for such prosecution sanctions are processed and prosecution sanction is issued on priority by the office of PGE.

2.7 In view of the fact that a majority of workers are still being sent abroad for work by various unregistered Recruitment Agents (RAs), the Committee were keen to know about the manner in which the Ministry envisages to tackle this menace. In a written reply, the Ministry enlisted the following measures that have been put in place:-

- Regarding illegal migration are referred to concerned State Police Authorities/Protector of Emigrants for investigation and action for violation of Section 10 of Emigration Act 1983 and provisions of various other laws as applicable, including Indian Penal Code etc.
- The Police authorities, after investigations, seek prosecution sanction of the PGE, who is the competent authority for prosecuting the accused in the appropriate Court of Law under Section 27 of the Emigration Act, 1983.
- Requests for such Prosecution Sanction are processed and Prosecution Sanction issued on priority by the office of the PGE.
- MEA had convened a High-Level Meeting of Ministers and senior officers of 10 major workers exporting States on 9th November 2016 and, again, with all State Ministers on 8th May 2017 to sensitize them about the menace of illegal agents and how to take stringent action against them.
- MEA has undertaken a media campaign on safe and legal migration in several Indian languages and is working in close collaboration with State Governments.
- MEA has initiated Outreach Programme to sensitize State Governments and State Police authorities on catching hold of illegal agents to prevent illegal emigration and to take up other issues of emigrants with State Governments. Recently, such Outreach '*Videsh Sampark*' programmes to sensitize the State Governments were held in Telangana, Maharashtra, Kerala etc. and more such programmes are proposed to be held in the future.

2.8 Any recruiting activities without a valid certificate from PGE tantamount to illegal migration as also human trafficking. This being a law and order issue, such cases fall within the jurisdiction of State Governments. Complaints regarding illegal migration are referred to concerned State Police Authorities for investigation and action for violation of Section 10 of Emigration Act 1983 and provisions of various other laws as applicable, including Indian Penal Code etc. MEA has convened a series of High-Level Meetings of Ministers and senior officers of States to sensitize them about the menace of illegal agents and how to take stringent action against them. Last such meeting was held with State NRI Affairs' Ministers on 10th January 2018 in New Delhi chaired by the External Affairs Minister.

2.9 On being asked about the number of complaints received against RAs and action taken thereon, the Ministry furnished the following details:-

Year	Show Cause Notice issued	Registration Certificate (RC) suspended	Registration Certificate (RC) cancelled	Complaints dropped/ settled + SCN revoked
2014	153	11	16	23
2015	61	1	0	1
2016	174	7	3	49
2017 (upto 30th September)	144	17	-	94

2.10 On the Committee's further query, the Ministry furnished details relating to complaints against unregistered agents received during the last 3 years and the current year as given below:

Year	Number of cases referred to State/ UT Government for action	Number of cases in which request received for issue of Prosecution Sanction from various States	Number of Prosecution Sanction issued
2014	153	08	08
2015	101	11	11
2016	231	42	42
2017 (upto 30th September)	349	29	29

2.11 When asked about the impediments in bringing agents to book, the Ministry stated that law & order being the State subject, the Complaints regarding illegal migration are referred to concerned State Police Authorities/Protector of Emigrants for investigation and action for violation of Section 10 of Emigration Act 1983 and provisions of various other laws as applicable, including Indian Penal Code etc. Sometimes the State Police refuse to register complaints and investigations are delayed due to several other more important engagements. As and when complaints related to cheating/fraud by illegal agents are received from emigrants/intending emigrants or their relatives, the same are forwarded to the concerned State Government and higher Police Authorities for apprehending illegal agents operating in their States.

2.12 Apprising the Committee further on this issue, the Foreign Secretary during evidence before the Committee on 22nd November, 2017 submitted as under:-

"Illegal agents are all over the country. We know which are the districts from where these people are going because we get constant complaints. Whenever we get a complaint about an illegal agent, we note down their names, numbers, and addresses. We promptly transfer it to the Director General of Police of that State and Home Department of that State. As on date, we have sent across over 600 complaints to the different States. I have the statistics. The highest is in UP at 79; next is Punjab at 46; Kerala, 26; and in Delhi itself, there are a hundred complaints. We are writing repeatedly to the State Governments and to the police. In some cases, they are taking action and following up but the investigation is taking time. Therefore, the number of sanctions for prosecution *vis-à-vis* the number of complaints referred to the States is very less. Both the Ministers were concerned about this. They addressed all the State Government NRI Ministers in November last year. This year, in May, when all the 29 States were on board they were given an exposition on how they should take action promptly against the illegal agents.

The other side is that we are going to the States. We have held one-day workshops known as *videsh sampark*. We have had it in Telangana, Kerala and Maharashtra. There are more in the pipeline with plans for one in UP and one in Rajasthan in the near future and probably even one in Punjab. These are the States where maximum complaints are coming about the workers getting stranded."

2.13 The Committee are aware that migrant workers are employed either directly by the employers or through outsourcing agencies and recruitment agents. In order to safeguard the interests of emigrants, the Emigration Act 1983 specifically

stipulates that only registered Recruiting Agents and Foreign employers certified by the Protector General of India can recruit for overseas employment. There are well-established procedures for registration of recruiting agents which has been linked with the e-Migrate project. There are a large number of complaints against the Registered Recruiting Agents found indulging in malpractices in recruitment, but a very few of them face stringent actions like the cancellation of Registration Certificate; maximum number of complaints are either dropped or settled. If a similar complaint is received against any unregistered recruiting Agent, Police case is registered and prosecution is done. The Committee, therefore, desire that PGE under provisions of law should take appropriate and strong action including prosecution of fraudulent Registered Recruiting agents, if complaints are received against them. Because if they are not punished stringently, there is a greater likelihood that such agents would continue to commit similar frauds. The desired provisions should, therefore, be made in the Emigration Act or in relevant procedures. Failure to regulate and monitor the malpractices of such agents creates fertile ground for the development of irregularities once the workers reach the country of destination. For controlling the frauds committed by foreign employers, the Committee desire that the relevant Missions/Posts abroad should integrate the e-Migrate project with a list of recruiting agents and also authenticate the job contracts of the workers before giving them emigration clearance.

(Recommendation No. 4)

2.14 The Ministry has informed that a host of measures such as media campaigns on safe and legal migration, extending outreach programmes to sensitize State Governments, prioritizing Prosecution Sanction Requests etc have been taken to check the fraudulent activities by these agents. The Ministry is also conducting workshops known as ‘*Videsh Sampark*’ and High-Level Meetings with the State Governments to sensitize them about this issue. But the problem of unauthorized recruitment agents is on increase and a majority of workers are still being sent abroad by them. The malpractices of the unregistered recruiting agents have greatly contributed to the exploitation and vulnerabilities of the Indian migrant

workers. The Ministry of External Affairs responds to these complaints received against the agents by merely forwarding their names and details to the DG of the concerned State Police. The number of sanctions for prosecution *vis-à-vis* the number of complaints referred to the States is very less. The Committee find that steps have been taken to bring the state governments on board for taking prompt action in such matters of fraud and human trafficking, but without the desired results.

The Committee are surprised to note that even after knowing the track locations of such illegal agents, the Central Government or the State Governments have not been able to stop them. The Committee, therefore, desire that MEA/PGE should take some concrete *suo moto* actions by engaging the PoE offices in such states/districts from where more complaints are received. By identifying such illegal agencies, the PoE offices should lodge complaints with the local police so that their illegal business of recruiting and human trafficking stops forever.

(Recommendation No.5)

(ii) Lack of skill and training

2.15 Skills are an important factor in determining wages and the overall migration experience. Low-skilled workers, usually ECR migrants, are more vulnerable to wage exploitation and unacceptable living and working conditions. On being asked about the issue of skilling the emigrant workers, a Representative of the Ministry of Skill Development and Entrepreneurship (MSDE) during the course of oral evidence before the Committee on 22nd November, 2017 elaborated as under:-

“On the skill development side, the NSDCs is working very closely with the MEA to see that as to how we can prepare our workforce for global mobility. As Ministry, we see there are five key elements to this whole exercise. The first key element is that we should have our qualifications and standards align to global standards which are acceptable across major countries. In this quest, we have tied up with UK wherein we have aligned our standards for 82 job rules which are in demand abroad and which are also acceptable in 60 plus countries abroad. We are also working with Australia on that front and increasingly trying to align our standards especially in areas where there are opportunities for overseas migration for alignment on the international qualifications.

Secondly, once we do that, we need to create the right kind of infrastructure, both hard and soft infrastructure which can deliver that training. That also we have started and we have prepared 16 centres today, out of which, 13 are operational where infrastructure has been created across seven job rules to deliver that kind of training on transnational standards. Even the training of trainers has been done calling trainers from further education colleges of UK so that the trainers are well-equipped to deliver competency-based curriculum aligns with the transnational standards.

So, these are the two key elements which we have progressed so far and we are on the right track. The third key element is assessment and certification. We need to create a credible assessment framework and have a certification which is acceptable world-wide. In this quest, we are trying to work with UK again for developing a joint certification. We have done an EOI where international awarding bodies have been asked to apply and we are tying up with companies like City and Guilds, Pearson, Prometric, *etc.* to see that as to how we can have joint certification with our Sector Skill Councils on these transnational based qualifications so that these certificates can carry some weight in Middle East and other GCC countries wherever it goes. It is because Indian assessment standard of framework is still to reach to that credible standard.

The fourth key element is this. In addition to the domain skills, that is, the skill set competency-based skill set of the person, we also need to give him the pre-departure orientation training on which we are working very closely with the MEA. They have worked out a curriculum and content which needs to be delivered to them and the first set of training of trainers has just been conducted two-three weeks back on which the trainers of all these 16 International Skill Centres have been trained to deliver PDOT training. The curriculum and contents are ready and we are digitising it and also converting it into e-content so that it can be delivered over a period of 160 hours to the trainees who are looking for an overseas destination. So, this is the fourth element which we have worked upon and we are hopeful that successfully we will be imparting it during the May and June period.

The fifth and the most important period is the job linkage. Once the person is certified, then definitely he will aspire for an international job. That is the very critical element. We have been talking to foreign employers and RAs also. We are trying to understand this eco-system. There are multiple training agencies in this country which have been working silently over the years. They are doing some assessment training and certification and are linking with overseas jobs. We have come across some examples. We are trying to work with them and trying to see that if we can solve this riddle of direct linkage with foreign employers of these institutes. That is the riddle which has not yet been sorted out. This work is in progress. We hope in the next one or two months, we will be having more clarity

on how to have a clear linkage of these international skill centres with markets abroad.”

2.16 When asked about the steps taken for skill upgradation of the migrant workers, the Ministry underscored that the government is keen to fully utilize its demographic dividend and position India as a provider of skilled work-force. *Pravasi Kaushal Vikas Yojana* is among the key priorities of the Ministry towards enhancing skills-set of potential emigrants. The scheme is part of the government’s efforts towards strengthening the eco-system that supports migrant workers in all stages of the migration cycle and to ensure that Indian workers should migrate safely with an enhanced skill set.

2.17 Furthermore, a Memorandum of Understanding (MoU) for implementation of the *Pravasi Kaushal Vikas Yojana* was signed with the Ministry of Skill Development and Entrepreneurship (MSDE) in July, 2016 towards implementation of the scheme. The scheme aims at enhancing the skills set of potential emigrant workers in select sectors and job roles, in line with international standards, to facilitate overseas employment. Initially, the scheme’s focus is on sectors that are in demand in ECR countries. The PKVY includes a technical top-up training to be provided by MSDE through the National Skill Development Corporation (NSDC). This is complemented by Pre-Departure Orientation Training aimed at enhancing soft skills of potential emigrants in terms of culture, language, traditions and local rules and regulations of the destination country. To meet this objective, Ministry of Skill Development & Entrepreneurship under the “Skill India” Mission is setting up India International Skill Centres (IISC) to provide skill training and certification benchmarked to International Standards. National Skill Development Agency (NSDC), the implementing agency, has established/operationalized 15 India International Skill Centres in the pilot phase covering eight sectors Domestic Workers, Retail, Hospitality, Capital Goods, Health care, Construction, Automotive, and Security.

2.18 When the Representatives of the Ministry of Skill Development and Entrepreneurship were asked about their role in skilling the migrant workers, they testified before the Committee on 22nd November 2018 as under:-

“We had signed an MoU with the Ministry of External Affairs last year in July. After that, we started a pilot with 16 India International Skill Centres, out of which, 13 are operational today. The differentiating factor in these centres and the other trainings that we do in 7000 odd centres across the country is that the curriculum content has been designed based on international standards. In some of the job rules, we have tried to align our standards along with the UK. By identifying the gap between the Indian Standards and the UK Standards, we have updated our curriculum and content and we have also got the trainers trained from the UK awarding bodies. Accordingly, we have started training here on some of the job rules which are more in demand in the GCC countries. If we look at the destination areas across the world, there are two kinds of migration from the skill point of view. There are one set of countries like GCC where there are no standards of skilling for the host countries. Host countries do not have a national qualification framework and do not have their own standards of skill development. So, they are dependent either on the employer-led certification or on some other developed country’s certification. UK and Australia are accepted world-wide and in most of the GCC countries, they accept the UK qualification. The second set of destination countries are Singapore and Australia where the migration can only happen after the skill has been certified by their assessment and awarding bodies. They have got very stringent standards and once those stringent standards are passed by Indian migrant skilled workers, then only they are able to access the migration flow.”

2.19 Elaborating further, he added:-

“During the pilot phase - when we did this in 16 centres - we realised that we were facing few challenges. Since we were funding the entire training of the people who wanted to go abroad, we realised that the commitment level of people once they have got trained, is low. Many of the people do not desire to go abroad once they have been trained and certified. The second thing that we found was that many-a-times the employer or the foreign employer looks for taking people in a cohort from a particular place so that it is easy for him also to manage and he is not ready to pick up from various centres in bits and pieces. So that was also putting up a lot of placement challenges before us. We also realised that every trainee needs a very differential level of training as far as international standards are concerned and the same kind of package for every training is not doable. As a Ministry, we felt that we need to develop a co-payment model where the commitment of the trainee is also very high. So that once he is trained, he is ready to go abroad. Keeping all these things in mind, we have devised a new policy based on the pilot and the outcome of the pilot. The new policy is already under the Inter-Ministerial consultations. Within the Ministry, we have consulted all the stakeholders. This time while devising the policy, we have brought in some

foreign employers on-board, especially the Indian companies who are employing Indians abroad. We have also brought in the recruitment agents. We have also discussed this policy with the MEA and now we are at a final stage and we hope that in the next month, probably will be able to come out with a new policy. In the new policy, the broad way is that as a Government we will be looking more at the outcomes and will be regulating the whole training process. We will look at the outcomes and incentivise based on the outcome in terms of placement. Instead of individually paying for the training cost of each trainee, we will incentivise in a way so that the training cost for the trainee is minimal and he is able to access the training. On that line, we are already working and once this new policy is there, we will roll out another set of IISCs beyond the 13 that are functional right now. We will carry on this method also until we are able to prove the success in the new policy. The old method of having a completely funded Government programme will also be carried on in some centres. But, once the new policy stabilises and we get good results, probably we will do away with the earlier effort of completely funding the entire training programme through the Government funds.”

2.20 On the Committee’s further query about the manner in which the Skill Centres will be set up, a Representative of the Ministry of Skill Development and Entrepreneurship stated as under:-

“On this, we are discussing with MEA and trying to identify the migratory pockets where these training centres would be set up and also the job rolls on which there is a demand abroad so that we set up the centres in the right kind of job rolls. Secondly, once the job roll and area are identified, we are carrying out an EOA asking the private training providers to evince interest in setting up training centres and putting that kind of investment. We do have schemes for a soft loan for those training providers if they want some soft loan support for putting in that investment. We do have an OPEX funding scheme also under PMKVY. If there is a training support which is required to a training provider for training on these trans-national centres, we do have a scheme for that also.”

2.21 While giving testimony before the Committee on 2 April 2018 regarding the steps taken to upgrade skill sets of migrants, the Foreign Secretary elaborated as under:-

“Skills are, of course, an important driver of mobility and since the signing of the MoU with the Ministry of Skills Development and Entrepreneurship in July 2016, we have made progress as fifteen India International Skill Centres have now become operational. As part of MEA’s responsibility, a comprehensive pre-departure orientation manual has been prepared aimed at enhancing the soft skills

of migrant workers. This manual has been translated into Hindi and Telugu. Apart from the manual, handbooks on pre-departure orientation have also been developed both for the general category of migrant workers and also specifically for women migrant workers.”

2.22 Skills are important drivers of mobility. As per the Ministry of External Affairs, since the signing of MoU with the Ministry of Skill Development and Entrepreneurship in July last year, there has been significant progress. Fourteen India International Skill Centres have been operational as part of the MEA’s responsibility. A comprehensive pre-departure manual has been prepared aimed at enhancing the soft-skills of migrant workers. The manual has also been translated into Hindi and Telugu languages.

2.23 The list of the 14 operational IISCs are as follows:

Sl No	Name of Training Centres	IISC Job role	Location
1	Society Action for Welfare and Cultural Advancement Society (SWACA)	General Duty Assistant	Varanasi
2	Quivan – DTC – Anandnagar	Mason General	Maharajganj
3	Orion Edutech	General Duty Assistant	Varanasi
4	SynchroServe Skill Development Centre	Food And Beverage Service steward	Hyderabad
5	Force 10 Protection Services Private Ltd	Unarmed Security guard	Kochi
6	Empower Pragati India International Skill Training Centre	Sales Associate F and B Steward	Allahabad
7	Mahendra Skills	Retail Sales Associate	Lucknow
8	Labournet-IIMC Center	General Mason	Gorakhpur
9	Prayas JAC	General Housekeeper	Ranchi
10	IL&FS Skills	Commercial Vehicle Driver	Ajmer
11	Quivan HTTC	General Mason	Kolkata
12	Society Action for Welfare and Cultural Advancement Society (SWACA)	Food And Beverage Service steward	Lucknow
13	Moti Babu Institute of Technology	General Mason and MIG Welder	Araria
14.	Quivan Technical Institute	MIG Welder	North 24, Parganas, WB

2.24 The key priorities under the *Pravasi Kaushal Vikas Yojana* include enhancing skills-set of potential emigrants and strengthen the eco-system that supports migrant workers in all stages of the migration cycle and to ensure that Indian workers should

migrate safely with an enhanced skill set. Ministry in coordination with the NSDC has been organizing Pre-Departure Orientation programmes. During the examination of Demands for Grants (2017-18), the Committee had observed that no real progress has been made in the implementation of the scheme '*Pravasi Kaushal Vikas Yojana*' as no demand has been raised till December, 2016 by the implementing agency *i.e.* the Ministry of Skill Development and Entrepreneurship (MSDE). When asked about the causes for non-implementation of this Yojana, the Ministry responded that with regards to the implementation of *Pravasi Kaushal Vikas Yojana* (PKVY), a proposal for request of funds was shared with Ministry of Skill Development & Entrepreneurship (MSDE) by NSDC in January 2017. The India International Skill Centres (IISC) program is currently in the pilot phase with 14 operational centres. Approximately 500 trainees have been enrolled in these centres in the pilot phase. In order to create a flexible, market-oriented model the IISC guidelines are being revised. Upon finalization of IISC guidelines, Phase 1 and 2 of the program would be launched and more centres would be added. The locations of centres would be done through a location analysis based on migration data. NSDC intends to identify additional centres in Phase I and Phase II and reach the target of 100 on completion of these phases. The Ministry of External Affairs had allocated Rs. 10.00 crore for PKVY during 2016-17 and a similar provision has been made for the current year.

2.25 In addition, the Ministry intends to commence a one-day PDOT for migrant workers going abroad in collaboration with NSDC in Delhi and Mumbai and expand this later in the subsequent phases. Whereas the setting up of India International Skill Centres (IISC) has been slow in the beginning, this has picked up the momentum and more such centres are likely to be identified/set up in the near future.

2.26 On being asked, the Ministry illustrated the challenges faced in implementation which includes:-

- a) benchmarking for the creation of trans-national occupational standards,
- b) overseas placement and aggregation of demand from overseas employers
- c) setting up of assessment and certification system acceptable by employers in different countries/regions across different sectors.

2.27 Under the provisions of MoU signed with MSDE, MEA's main responsibility is to provide Pre- Departure Orientation Training (PDOT) to the intending emigrants going for overseas employment. To attain this objective, One Day PDOT has been launched on a pilot phase in 4 Centres- 2 in Mumbai and 2 in Delhi in collaboration with NSDC. One Day PDOT in 2 Centres in Mumbai was implemented from 10 January, 2018, while in New Delhi it was rolled out on 29 January, 2018 in 2 Centres. The position is summarized as under:

Month	Videsh Bhavan Mumbai from 10 Jan	Asmacs Mumbai from 10 Jan	Don. Bos Delhi (from 29 Jan)	Orion Delhi (from 29 Jan 2018)	Total
10-31 Jan	414	744	7	0	1165
Feb, 2018	900	1238	327	6	2471
March 1-26 March	696	996	462	113	2267
Total	2010	2978	796	119	5903

2.28 The Ministry stated that they have achieved the target of 5000 before March, 2018 and are vigorously pursuing with NSDC to have PDOT in more and more States and Centres. They have received requests from State Government of Rajasthan, Andhra Pradesh, Telangana, and U.P. to start Pre-Departure Training in their Centres. They are in contact with the concerned States and may finalize dates soon for start of the PDOT in these States. They also look forward to starting one-day PDOT programme in other places namely, Chennai, Kochi, Lucknow and Hyderabad that are major departure points for migration to Malaysia and the GCC region. We also intend to provide training to Indian nationals who are going for overseas employment to other than ECR countries.

2.29 A pre-departure orientation programme for migrants is recognized as one of the most effective means to address the problems encountered by migrant workers in the destination countries. On being asked about the effectiveness of the pre-departure orientation programmes towards educating and empowering the potential migrants, the Ministry submitted that up-skilling of migrant workers by imparting Pre-departure orientation offers them a distinct advantage and assists them in moving high-up in the

wage chain. Besides, a well-informed worker is in a better position to safeguard his/her rights.

2.30 The Ministry plays a vital role in enhancing the skill sets of the potential migrant workers through PDOT which is an important component of PKVY. These programmes are aimed at promoting welfare and protection of labour migrants and are particularly targeted at migrant workers travelling to ECR countries. Presently, the PDO Programs are disseminated through PDO workshops based on a comprehensive Training of Trainers (ToT) manual developed by India Centre for Migration (ICM). An exclusive Handbook on PDO was also developed to supplement the ToT Manual with illustrative work on themes covered in the ToT Manual. The Manual is being made available to all Trainers who participate in the ToTs. So far, three ToT workshops have been conducted in Delhi, Hyderabad (Telangana) and Vijayawada (Andhra Pradesh) since March 2017. The Manual is available in English, Telugu, and Hindi. More such workshops will be organized in near future. Apart from the Manual exclusive Handbooks on Pre-departure orientation have also been developed, both for the general category of migrant workers and women migrant workers. The Handbook for general category is available in English, Hindi, Malayalam, Urdu, and Telugu, whereas the Handbook for women migrant workers is available in English & Telugu.

2.31 Providing details about the various job roles for which training is being imparted to the potential migrants. The Ministry stated that Currently, training is being imparted at IISCs various job roles including Sales Associate, Food & Beverage – Steward, General Duty Assistant, Unarmed Security Guard, MIG Welder, General Housekeeper, Commercial Vehicle Driver, and General Mason. The job roles were identified on the basis of the inputs available with the Ministry/Missions and the research study on overseas migration conducted by Grant Thornton. The curriculum and content used for training is prepared by the various sector skill councils. In the future, more job roles would be added based on the overseas demand for skilled manpower. It is also expected that multiple international awarding bodies would be on board for assessment and certification to cater to the specific requirements of different countries and occupations.

2.32 On Committee's query regarding procedure of establishing relationship between job roles and their demand in various labour importing countries, the Ministry states Currently, training for various job roles is based on overseas demand for skilled manpower provided by the Missions, recruitment agents, overseas employers as well as the study conducted by Grant Thornton on overseas migration patterns. In order to arrive at a more updated mapping of overseas demand for various job roles, NSDC is also conducting a Global Skill Gap study.

2.33 When asked about the coordination mechanism between the Ministry of External Affairs and MSDE in preparation, setting of targets and implementation of training programmes for potential migrants. The Ministry answered that the MEA and MSDE share knowledge and relevant data for the implementation of training programs. Data related to overseas demand for manpower in specific occupations, location analysis for identifying the location of training centres and for recommending credible recruitment agencies is shared with MSDE/NSDC.

2.34 In order to reap the benefits of global migratory flows, the Committee are of the considered view that upgrading the skill sets of our migrant workers is essential for a labour exporting country like India. The limited skill sets of our migrant workers are a major hindrance in their quest to find gainful overseas employment. The Ministry of External Affairs has highlighted five core elements that are essential for preparing the workforce for global mobility. These include alignment of qualifications, curriculum, and content with global standards; development of infrastructure, both soft as well hard for training purpose; credible assessment and certification framework; pre-departure orientation training and job linkage. As per the Ministry, we have progressed satisfactorily on the first two elements. The Committee have also been informed that an MoU has been signed with the Ministry of Skills Development and Entrepreneurship and since then fifteen Indian International Skill Centres have become operational. The Ministry of External Affairs has also prepared a comprehensive pre-departure manual in order to enhance the soft skills of migrant workers. This manual has been translated into Hindi and Telugu language. The Committee desire that the Ministry should

translate the same into other major regional languages and hand over to the State governments for their wider dispensation.

While appreciative of the slew of measures taken by the Ministry to upgrade the skill sets of migrant workers, the Committee are of the opinion that much more needs to be done in this regard. The Committee, therefore, recommend that the Government should establish a strong and multi-level engagement with all the concerned stakeholders and incorporate all the five elements while framing curriculum and standards for skill development. The Government should also establish Migrant Help Desks at all major airports and handover a comprehensive pre-departure manual to migrants before departure to destination countries.

(Recommendation No. 6)

2.35 The Committee find that the upgradation of skill sets and pre-departure orientation training of the migrant workers constitute the most effective way to lessen their vulnerabilities. MEA has collaborated with the Ministry of Skill Development and Entrepreneurship (MSDE) to implement the skill development programme '*Pravasi Kaushal Vikas Yojana*', which aims to enhance the skill sets of prospective Indian emigrant workers in select job roles. The Committee observe that National Skill Development Agency, the implementing agency for the scheme has operationalized 15 India International Skill Centres so far. It is noticed that the while up-skilling of workers has largely been the task of MSDE, MEA's main responsibility is to provide pre-departure orientation training (PDOT) to the intending emigrants. The Ministry has also informed that the NSDC is conducting a Global Skill Gap Study to arrive at an updated mapping of overseas demand for various job roles.

The Ministry has informed the Committee that these orientation programmes are disseminated through workshops based on a comprehensive Training of Trainers (ToT) manual developed by the India Centre for Migration. The Committee noted that only three workshops have been conducted in Delhi, Hyderabad, and Vijaywada since March 2017.

The Committee suggest that the Government should increase the number of India International Skill Centres particularly in Southern States (which are major labour exporting States) and also expand the sectors for training after a rigorous job-mapping study. MEA is also urged to organize more pre-departure training programmes in view of the massive outward migration for overseas employment from India. The skilling of workers should also be carried out in the destination country and therefore the Government is strongly advised to forge cooperation with destination countries for further skilling. The Committee also desire to be apprised about the outcomes of the Global Skill Gap Study.

(Recommendation No.7)

PHASE II: COUNTRY OF DESTINATION

2.36 Once at the destination, the key issues and concerns of foreign workers, therefore, centre upon workplace grievances and can be broadly classified under three headings: 1) employment-related 2) welfare, occupational health and safety issues and psychological. Employment-related issues are mainly about non-payment or under-payment of wages and unauthorized deductions. Issues in the second category (welfare, occupational health, and safety) pertain to accommodation, long working hours and workplace hazards. The latter includes work-related injuries and accidents as well as physical and sexual abuse. The psychological impact relates to adjusting with culture, tradition, and system in a new country.

(i) Human Trafficking, Exploitation & Discrimination against Indian workers

2.37 It has been reported by Indian Missions/ Posts abroad that complaints received from Indian emigrant workers are mostly regarding non-payment/delayed payment of salaries, long working hours, inadequate living and working conditions, non-payment of over time allowance for extra working hours, non-grant of weekly holidays, refusal to grant exit/entry permits for visit to India, incidences of confinement, refusal to allow the worker on final exit visa after completion of their contracts and non-provision of medical and insurance facilities etc.

2.38 When Indian emigrants face a problem with foreign employers, the Indian Mission takes up such matters with the employer/emigrant/local authorities. If the employer is at fault, that employer is black-listed (Prior Approval Category) from further employment of Indian workers in consultation with the Indian Mission concerned. As of now, 475 foreign employers stand blacklisted.

2.39 Discrimination against Indian workers, particularly differentiation in salary, contractual positions remains another major challenge faced by Indians working abroad. Acknowledging this challenge, the Foreign Secretary during oral evidence before the Committee on 2 April, 2018 submitted as under:-

“On the matter of differentiation in salaries, this is indeed one of the many issues that the Ministry of External Affairs is grappling with when it comes to migrant workers abroad whether they are in the skilled, semi-skilled or un-skilled categories. This is an issue, however, that involves not just India but the recipient country of these jobs. You will agree Mr. Chairman that the matter of racism, and an allegation that there is a racist element to any policy of that Government, is a matter with which the Government of India has to deal with extreme care and sensitivity. Therefore, while it is our responsibility and we do press on Governments to ensure that Indian workers are given a fair treatment, perhaps we need to introspect on whether we should take the next step of alleging that the host Government is acting in any manner which suggests racism and whether that will have an impact on further immigration from India to those countries.”

2.40 Responding to the Committee’s query about restrictions in conducting cultural activities by emigrant workers, the Foreign Secretary during oral evidence before the Committee on 2 April, 2018 stated as under:-

“As regards the cultural activities, it is important to note that the cultural and religious milieu of these countries where our workers are going is very different from what we have in India. Religious freedom too has a very different meaning in those countries in comparison with India. We do not really intend in any way in interfering in those countries religious milieu and this has to be handled in a very sensitive manner. However, the Government does care for the religious needs of our own people in those countries and are trying to engage wherever possible in a very subtle manner with those Governments. The current situation as we know of in these countries like Oman, Bahrain, UAE, and Qatar is that the whole religious milieu is a little more relaxed than in other places in terms of prayers, conducting religious ceremonies and rituals. In Saudi Arabia, we cannot form a religious

association and this is as per the country's rules and regulations and legal framework. Again, Kuwait is also a relatively restricted place. As I said, however, we are at times able to make some in-roads and as you would have noted from a recent visit of a higher dignitary, *bhoomi puja*n was made for a new prayer place in one of the countries. We cannot beyond a point really go in a big way in this particular matter.”

2.41 Migrant workers, particularly women and children are often vulnerable to human trafficking, forced labour, violence, and exploitation. Enumerating the steps taken by the Ministry to deal with various issues related to human trafficking in the Gulf countries, the Ministry stated that it is working in close coordination with Ministry of Home Affairs, which is the nodal Ministry for human trafficking.

2.42 The Ministry has also taken the following steps to deal with issues related to human trafficking:-

- a) E-Migrate system has been introduced to make the emigration process more simple and transparent.
- b) Process for registration of recruiting agents has also been made transparent and time-bound.
- c) Any recruiting activities without a valid certificate from PGE tantamount to illegal migration as also human trafficking. This being a law and order issue, such cases fall within the jurisdiction of State Governments. As and when a complaint relating to human trafficking reported to the Ministry, the same is referred to the Central Bureau of Investigation under Chapter 3.5 (f) of CBI Crime Manual for taking action in the matter. The State Law enforcing authorities from where illegal recruitment/human trafficking has taken place are also sensitized and details of such agents sent to all State Governments. Till date, in the last three years and the current year, a total of 834 such cases of illegal recruitment/human trafficking have been referred to the States.
- d) The mechanism is in place to take action against registered recruiting agents found indulging in malpractices in the recruitment of Indians for overseas employment and any laxity on their part to extend all possible help to an emigrant in distress in the foreign land. Immediately on receipt of a complaint against a

registered Recruiting Agent, a Show Cause Notice is issued to the RA. Based on his response and the action taken to resolve the grievance, further course of action viz. closure of grievance, suspension of RC or cancellation of RC is decided. The number of complaints received against RAs and action taken thereon is indicated in the table below:

Year	Show Cause Notice issued	Registration Certificate (RC) suspended	Registration Certificate (RC) cancelled	Complaints dropped/ settled + SCN revoked
2014	153	11	16	23
2015	61	1	0	1
2016	174	7	3	49
2017 (upto 30th September)	144	17	-	94

- e) Complaints regarding illegal migration are referred to concerned State Police Authorities/Protector of Emigrants for investigation and action for violation of Section 10 of Emigration Act 1983 and provisions of various other laws as applicable, including Indian Penal Code etc.
- f) The Police authorities, after investigations, seek prosecution sanction of the Protector General of Emigrants (PGE), who is the competent authority for prosecuting the accused in the appropriate Court of Law under Section 27 of the Emigration Act, 1983.
- g) Requests for such Prosecution Sanction are processed and Prosecution Sanction issued on priority by the office of the PGE. Position relating to complaints against unregistered agents received during the last three years and the current year is given below:

Year	Number of cases referred to State/ UT Government for action	Number of cases in which request received for issue of Prosecution Sanction from various States	Number of Prosecution Sanction issued
2014	153	08	08
2015	101	11	11
2016	231	42	42
2017 (upto 30th September)	349	29	29

- h) MEA had convened a High-Level Meeting of Ministers and senior officers of 10 major workers exporting States on 9th November 2016 and on 8th May 2017 to sensitize them about the menace of illegal agents and to take stringent action against them.
- i) MEA has initiated Outreach Programme to sensitize State Governments and State Police authorities on catching hold of illegal agents to prevent illegal emigration and to take up other issues of emigrants with State Governments. Recently, such Outreach 'Videsh Sampark' programmes to sensitize the State Governments were held in Telangana, Maharashtra, Kerala etc. and more such programmes are proposed to be held in the future.
- j) MEA has undertaken a media campaign on safe and legal migration and is working in close collaboration with State Governments.

2.43 It is noticed that discrimination, exploitation, and trafficking of migrant workers at the country of destination is a recurrent challenge and constitute a serious violation of their basic human rights. Non-payment/delayed payment of salaries, long working hours, inadequate living and working conditions, non-payment of overtime allowance, non-grant of weekly holidays, incidences of confinement, are serious issues that not only tantamount to discrimination and exploitation of migrant workers but also pose a serious assault to their basic human rights. The Ministry has informed that when complaints about foreign employers are found to be true, they are blacklisted. The Committee note that in order to tackle the grave issue of trafficking in the Gulf countries, the Ministry of External Affairs is working in close coordination with the Ministry of Home Affairs, the nodal Ministry for human trafficking.

The Committee strongly condemn the discriminatory and exploitative treatment meted out to our migrant workers. It is understandable that Governmental interventions in such incidences are constrained by the fact that they occur in the territory of another country. However, violations of basic rights are universal and ought to be respected by all. The Committee, therefore, would strongly recommend that the Government should seriously raise the issue of basic

rights of our migrant workers during all bilateral and regional interactions with the GCC countries. The migrant workers should be provided with a manual of their rights and the point of contact with Missions/Posts for redressal in case of their violation. The Ministry should also make it a mandatory requirement that all work contracts need to be attested by Indian Mission/Post in the respective destination country.

(Recommendation No. 8)

2.44 Passport is a document issued by the Government of India to an individual. It is an exercise of his/her constitutional right and nobody else can hold his/her passport. Notwithstanding this fact, seizing of passports by the employers is a common practice throughout the GCC countries. The workers also give their passports willingly because the *iqama* is what is sought after in those countries when caught by the police. If they are found without an *iqama*, they are put behind the bars. Another common discourse behind is that it serves as a protection against workers who want to run away from the company and look for another work. Taking of passports and keeping workers pay in arrears are two widespread methods used by employers to control workers. The Foreign Secretary has submitted that the Ministry has blacklisted a lot of foreign employers for taking away the passport where they are not having the *iqama* system. The Committee, therefore, urge the Ministry to issue an advisory to GCC countries for not withholding the passports of our Indian workers by the employers and using it as a method of exploitation of our migrant workers. The Committee may be apprised of the action taken in this regard.

(Recommendation No. 9)

2.45 The Committee noted that the low paid Indian workers working in GCC countries normally visit their home once or twice particularly to attend marriages or some seasonal festivals. It is disheartening to note that not only the foreign airlines but also our own airlines charge very exorbitant air fares adding to the financial burden on the already low paid workers. In this regard, the Committee are happy to note that the MEA has understood the issue and taken up this matter with

the Ministry of Civil Aviation. As a welfare measure, the Committee desire that the MEA should engage with the Ministry of Civil Aviation more vigorously to find a positive solution. The efforts undertaken in this regard and the outcomes thereof may be intimated to the Committee.

(Recommendation No. 10)

(ii) Safety and security for Indian Workers in distress situation including Conflict Zones

2.46 During this year, the tragic confirmation of the death of 39 Indians in Iraq, were reported missing since June, 2014 brought to the fore the challenges faced by Indian workers in conflict areas. Elaborating over this issue, MEA in a written note stated that as soon as the terrorist organization ISIS captured large territories in Iraq with its attacks beginning from June, 2014, rendering many areas in Iraq as conflict zones, Ministry of External Affairs made timely efforts to ensure the safety and security of the Indian nationals in Iraq by evacuating them from the conflict zones.

2.47 Furthermore, in view of the then precarious situation prevailing in Iraq a Travel Advisory was issued on 15 June, 2014 through which Indian nationals were advised to avoid all travel to Iraq, until further notification. Indian nationals in Iraq were also asked to leave the country by commercial means if it was safe to do so. Our nationals living in the areas affected by the then ongoing armed conflict were advised to stay indoors as far as possible and were advised to remain in contact with our Embassy in Baghdad for necessary advice and for getting updated information on the evolving security situation. Those Indian nationals who did not have travel documents or needed other consular services were advised to seek assistance from the Indian Embassy in Baghdad. The Indian Embassy in Baghdad set up a 24-hour helpline and opened camp offices in Najaf, Karbala and Basra contact details of which were given through subsequent Advisories.

2.48 When asked about the existence of a standard operating procedure for migrant workers in distress situation, the Foreign Secretary during oral evidence on 2 April, 2018 submitted as under:-

“Following the evacuations from Libya and Yamen we are trying to understand what are the circumstances and the manner in which we can evacuate our citizens. We have SOPs for evacuation.

We also issue travel advisories if we sense that the crisis is imminent or a political and law and order situation is deteriorating sufficiently enough to become a matter of concern to the Indian Nationals. But, in the end of it all, hon. Chairperson, these are circumstances that happen very quickly at times. In those circumstances, most of our SOPs are designed to see how we can get our Nationals out as safely and as quickly as possible. We do advise all our nationals to register on our website. This question was asked by Prof. Bhattacharya. We do send out information to them from time to time on whether there is such situation developing in those countries. The registration is a voluntary affair. Not all Indian citizens register with the Indian Embassies. One of the advantages of the e-Migrate programme would be that, at least, in the lower skilled or semi-skilled workers, the registration process would begin in India and, therefore, it would be more comprehensive.”

2.49 The Gulf region has been facing a frequent crisis in recent past. The tragic death of 39 Indian workers in Iraq in early 2018 is a sad testimony to the security and safety challenges faced by them. The Committee note that during emergency situations, the Ministry made serious efforts to evacuate them by issuing travel advisories and setting up an emergency helpline. Non-payment of salaries, seizure of passports, lack of finances, inadequate communication etc further augment the security challenges of these migrant workers. The Committee recommend that the Government should chalk out an emergency plan that clearly delineates the Standard Operating Procedure (SOP) and also forge an institutionalized mechanism with host countries to evacuate workers. Furthermore, the migrant workers should also be provided with the manner in which emergency situations can be dealt with during their pre-departure training phase.

(Recommendation No. 11)

(iii) Repatriation of mortal remains of deceased

2.50 The family members of the deceased emigrant face difficulties and inconveniences in the repatriation of mortal remains. On being asked, the Ministry enumerated the present policy in place for bringing back the mortal remains of the Indian

workers who die abroad by stating that registration of death at the concerned Indian Mission/Post is necessary, for which normally the following documents are required:

- Medical report/death certificate issued from a hospital
- Copy of detailed police report (with English translation, if the report is in some other language), in case of accidental or unnatural death
- Consent letter from next of kin of the deceased for local cremation/burial/transportation of mortal remains, duly attested by a notary
- Copy of passport and visa pages
- In addition to the above, other documents such as clearance and arrangements for the embalming of mortal remains, clearance from local immigration/customs department, *etc.* are required. These procedures may differ from country to country.
- Our Missions/Posts remain in constant touch with the next of kin of the deceased Indian national to facilitate the transportation or local burial of the mortal remains in accordance with the wishes of the family of the deceased. They also liaise with the concerned foreign officials to expedite procedures for the repatriation of mortal remains to India.
- In case no friend or relative is available to take care of the transportation of mortal remains, Indian Embassy/Consulate may be authorized to make arrangements for the same.

2.51 Local procedures for transportation of mortal remains of foreign nationals vary from country to country. It normally takes from 2 to 4 weeks for completion of local formalities before repatriation of mortal remains to India from Gulf countries. While there is no undue delay in cases of natural deaths, the time taken in transporting the mortal remains to India is longer in the case of unnatural deaths as local authorities conduct a detailed investigation in such cases to determine the exact cause of death before allowing repatriation of mortal remains. During this period, the Indian Embassy/Consulate stays in constant touch with the concerned local authorities to expedite the process.

2.52 The Committee observe that repatriation of human remains is a painstaking and expensive process. As per the Ministry, local procedures for transportation of mortal remains vary from country to country. The time taken for completion of local formalities is usually two to four weeks and the wait is even longer for unnatural deaths due to the procedure of investigation. Moreover, registration of

death at the concerned Indian Mission/Post is essential for which too much documentation is needed.

The Committee are of the view that the extant procedures often add to the agony of those who lose their family member and are left at the mercy of officials of host countries and the Indian Consulates and Embassies. As a humanitarian issue, the Committee recommend that the Government should take up this issue with utmost seriousness and devise an effective mechanism with the host governments to ensure speedy repatriation of the mortal remains of the Indian migrants. A single window system can be set up in the Indian Missions/Posts abroad to ease the formalities and reduce the time taken for repatriation.

(Recommendation No. 12)

(iv) Minimum Referral Wages

2.53 The Indian Government has fixed minimum referral wages for various professions. It appears that the minimum referral wage is at an unrealistically high level above the prevailing market wages in many West Asian countries and *de facto* this results in worst exploitation because the Indian gets a contract showing the minimum referral wage to satisfy the MEA and then gets a separate contract with the real wage which may be lower than a realistic market wage that the Ministry had imposed. When asked about the need for re-examining the minimum referral wages in order to make it more realistic, the representatives of the Ministry of External Affairs during evidence before the Committee on 2 April, 2018 submitted as under:-

“MRWs were fixed way back in 2014 in consultation with our Missions on the prevailing wage rate there for a variety of job descriptions or job IDs, as we call them. We have over 400 job descriptions for which Indian workers are emigrating to the Gulf countries. After 2014, in the last four years, due to the oil crisis and the fall in prices, the overall wage structure in these countries have come down. We are aware of this through the fact that we do get contracts of employment which are registered on our e-Migrate. There is a need to re-position these MRWs, which will also address the fact and address the view that Indians are being paid less. So, it is not exactly like that. In fact, both these are contradictory - high MRWs on the one hand and our Indians being paid less. So, to address this thought, that Indians are being paid less, the Government of India intervened to fix the Minimum Referral Wage.

Now, we are in a situation where we feel that the MRWs are high and therefore, the jobs are going away to other countries. In between, there is a dual contract happening which is detrimental to the worker because he signs another contract on reaching there, which is not enforceable in India, but it is enforceable in that country. So, the MRWs are currently under review. We have got the data out of the system, as to what is the real wage prevailing over a period of time.”

2.54 Informing the Committee further on this issue, the representatives of the Ministry of External Affairs in another Sitting held on 18 July, 2018 submitted as under:-

“We have had in-depth consultations with our Missions and also a Committee has been set up which has finalised its report. It was decided that we will look at the minimum referral wage to bring it downwards because they appear to be unrealistic. These comments and suggestions also came from this Committee itself. It is in the final stages and we hope to roll it out in the next fortnight. It will address most of the concerns which the recruitment agents have been saying. Simultaneously, when we lower this, it will also address the problem of dual contract – one contract for the e-migrate and another contract for the Government’s there which are justiciable in their countries. With MRW being rationalised, we are going to take care of both these problems.”

2.55 The Government of India has been fixing minimum referral wages to regulate the wages of Indian migrant workers employed in different countries falling under the Emigration Check Regulation (ECR) category. The Ministry has informed the Committee that on the basis of consultation with our Missions, the minimum wage rates were fixed in 2014 on the then prevailing wage rate. The wage structure in the Gulf countries has plummeted since 2014 due to the oil crisis and fall in prices. However, the minimum referral wages fixed by the Government has not kept pace with such changes, leading to widening of the wage differential between the one imposed by the Indian Government and the prevailing wage rate in the destination countries. Though the fixing of higher minimum referral wages may be justified for the protection of migrant workers; this may result not only in reduced preference for Indian workers but also greater exploitation through dual contracts - one for the e-Migrate and the other for the Government in the destination country. The Committee note that the Ministry has taken due cognizance of this issue and established a Committee to review it.

The Committee agree with the Ministry that there is an urgent need to revisit the minimum referral wages and making it more realistic and up to date. The Committee, therefore, recommend that the Ministry should co-ordinate with the Ministry of Labour and set up a Committee for reviewing the minimum referral wages at least on annual basis with the primary purpose of striking a balance between protection of workers and promotion of employment.

(Recommendation No.13)

Phase III: Return and Re-settlement

2.56 The Committee were keen to know about the problems being faced by the migrant workers upon their return to India. In a written reply, the Ministry answered that the Government has launched a State Outreach Programme (“*Videsh Sampark*” series) from May, 2017 to generate awareness in the States and during such Conferences with the States, the resettlement and rehabilitation is taken up at the higher level. The Government has from time to time sensitized the State governments to inform returning workers about their resettlement programmes and financial support schemes available with the State governments. The Government also stands ready to work closely with the State governments.

2.57 Furthermore, the Ministry also enumerated certain key challenges faced in the resettlement of the returnees as under:-

- a) The inability of the States to absorb the returnees and offer employment due to already high unemployment.
- b) The home state's economic situation and employment situation not strong enough to introduce social programs socio-cultural reintegration of the returnees.
- c) The non-existence of appropriate state government establishments, institutions etc to take advantage of their savings and experience, to guide them properly to invest in appropriate schemes introduced by the State for their welfare and use their savings.
- d) The absence of soft loans or other financial incentives by the State Govt. for self-employment ventures.
- e) No comprehensive rehabilitation package by the State Government.
- f) Difficulties in re-adjusting to the socio-economic environment in their home state.

Since the resettlement of the returnees is a state subject, the Ministry has been sensitizing the state governments from time to time. Some of the State Governments like Andhra Pradesh and Kerala have taken measures to set up welfare programmes for the returnee migrants.

2.58 Migration of workers to the Gulf region is mostly temporary and they do return back to the country of origin. The returning of migrants after crisis situations in the Gulf countries puts them in a precarious position. The Committee note that there exist numerous challenges in the resettlement of the returnees which *inter alia* includes difficulty in socio-cultural reintegration, lack of employment opportunities, the absence of soft loans or other financial incentives and lack of comprehensive rehabilitation package etc. Given the fact that resettlement of returnees is a state subject, the Ministry has expressed its constraints in playing an active role. The Ministry has stated that it has tried to sensitize the State Governments through Conferences and Workshops.

The returnee migrant comes back with skills, work experience and savings. Their active participation can give momentum to our developmental activities. In the opinion of the Committee, re-integration of the returnee migrants is necessary to accrue the fruits of successful migration. The Committee are not satisfied with the logic that the issue of returnee migrants be sidelined due to the larger responsibility of state governments. The Committee, therefore, strongly recommend that the Government should frame a rehabilitation policy in consultation with the states receiving returnees to help the returnee emigrants to use their enhanced skill sets for contributing to the development of self and country. While framing such a policy, the state governments should be actively involved and factors such as the socio-economic profile, skill sets, country of employment and nature of the job of the returnee migrant be taken into account.

(Recommendation No. 14)

2.59 Broadly, complaints received in the Ministry and by our Missions and Posts abroad could be classified into two categories:

- (i) Violation of contractual provisions and work place related issues – This category of complaints primarily relate to violation of contractual provisions, contract substitution, non-issue of Iqamas (residence permit), not granting of exit visas on completion of contract, poor working conditions-ill treatment and harassment, long working hours, wage and employer-related issues, and difficulties faced by female workers.
- (ii) Recruitment Agent related issues – Complaints mainly relate to unauthorized recruitment agents, registered recruitment agents, and foreign employers.

2.60 Against this backdrop, several administrative and operative measures have already been put in place to enhance the protection of emigrant workers and avoid their exploitation by unscrupulous agents. These are specifically aimed at making a difference at the ground level. These measures will be discussed in details in the next chapter.

2.61 The expatriate migrant workers face various issues during the three phases of the migration cycle (pre-departure, country of destination and return) both in India and abroad. During the pre-departure phase, the key issues relates to illegal/fake recruiting agents, non-availability of the adequate database, lack of skill & training and unrealistic minimum referral wages. In the country of destination, the migrant workers largely face three key issues related to employment, welfare and psychological. Finally, in the last phase, the returnee migrant has to face the difficulties of rehabilitation and resettlement. The Committee are of the view that the problems faced by migrant workers in the first and the last phase can be effectively tackled by the Government as these are within the geographical and sovereign limits of our country. The Committee realize that the second phase is the one where the onus rests mostly on the host country and the Government have to grapple with serious challenges in protecting and safeguarding of our workers. These problems are further aggravated by the *Kafala* system in most of the Gulf countries, which leaves emigrant workers more vulnerable to exploitation and trafficking.

The Committee, therefore, strongly recommend that in order to mitigate the vulnerabilities faced by the migrant workers at different stages of migration cycle,

the Government should set up a pro-active infrastructural and institutional mechanism in all the Embassies/Missions that will comprehensively look into the concerns of the workers, improve the quality of services, enhance levels of welfare and respond efficiently to situations of distress. A cooperative approach is needed between all the concerned stakeholders to optimize the benefits of migration while addressing its risks and challenges. The Government should, thereby, endeavour to empower the emigrant workers through specific systemic interventions on domestic, bilateral and multilateral fronts. The Officers/officials posted in all the embassies/Missions should be accessible and render a human touch while addressing the problems of migrant workers, particularly the blue collar workers.

(Recommendation No.15)

II. PROBLEMS OF IRREGULAR/ILLEGAL MIGRANT WORKERS

2.62 There is no universally accepted definition of irregular migration. A migrant become an illegal or irregular worker in the following circumstances:

- He or she may not have been granted authorization by the state on whose territory he/she is present as per the requirements of the law in respect of entry, exit or employment.
- He or she has failed to comply with the conditions to which his/her entry stay or employment is subject to.

2.63 A large number of such Indian workers reside in GCC countries. The illegal/irregular workers run the risk of unfair exploitation and human right violations. Since their employment is illegal neither they nor their employers notify the authorities that they are working. Most of the Indian irregular migrates in West Asia are those emigrant who have overstayed their visa for different reasons. Their reasons which may make them illegal can be as follows:-

- (i) They overstayed their original visa taken and have been unable to extend it or renew it.
- (ii) Emigrants entered the country on a visitor or tourist visa and started working without proper documents or getting a work permit.

- (iii) They changed employer without proper authorities or resigned from their job.
- (iv) They were unable to regulate their status or simply leave the country since their employers did not return their passports.
- (v) They finished their contracts but were unable to leave the country as their employers did not provide them with return tickets which they were unable to buy themselves.
- (vi) They left their sponsors when they were not paid their salaries or delays in getting salaries or when they were forced to work for longer hours than the labour laws allowed.
- (vii) They changed their place of work as a result of actions of their sponsors, who facing economic difficulties instead of repatriating their employers, forced them to look for another job.
- (viii) Some more ambitious emigrants leave their companies because they can earn more outside than they can earn in the company.

2.64 When asked about the vulnerabilities faced by these illegal migrant workers and the type of assistance being provided by the Missions/Posts to these workers during times of distress, the Ministry stated that those Indian workers who migrate through unregistered Recruitment Agents for overseas employment generally travel from India on tourist/visit Visas. Therefore, their estimates are not available. It has been reported by our Missions/ Posts abroad that complaints received from Indian emigrant workers are mostly regarding non-payment/delayed payment of salaries, long working hours, inadequate living and working conditions, non-payment of over time allowance for extra working hours, non-grant of weekly holidays, refusal to grant exit/entry permits for visit to India, incidences of confinement, refusal to allow the worker on final exit visa after completion of their contracts and non-provision of medical and insurance facilities etc.

2.65 On receipt of reports of Indian emigrants in distress, our Mission/Post in that country intervenes with the concerned government authorities and the foreign employer/sponsor to resolve the disputes and extend all possible assistance, including repatriation of Indian workers, wherever necessary. Several Missions/Posts abroad are

conducting Open House on working days, to provide direct access to workers to convey their grievances. Some Missions/Posts abroad have established 24x7 Helplines and Toll-Free Helplines. They have also launched Mobile Applications to enable Indian workers in Gulf countries to contact respective Indian Missions/Posts abroad when in distress or in an emergency situation.

2.66 The Government of India has set up Indian Community Welfare Fund (ICWF) in all the Indian Missions/consulates abroad to meet contingency expenditure incurred by them for carrying out various welfare activities for overseas Indian citizens who are in distress. The ICWF, inter-alia, covers:

- a) Boarding and lodging for distressed Overseas Indians in need;
- b) Extending emergency medical care to the Overseas Indians in need;
- c) Providing air passage to stranded Overseas Indians in need;
- d) Providing legal assistance to the Overseas Indians in deserving cases;
- e) Expenditure on incidentals and for airlifting the mortal remains to India or local cremation/burial of the deceased Overseas Indians in such cases where the sponsor is unable or unwilling to do so as per the contract and the family is unable to meet the cost;
- f) Providing the payment of fines and minor penalties in respect of Indian nationals for illegal stay in the host country where prima facie the worker is not at fault;
- g) Providing the payment of small fines/penalties for the release of Indian nationals in jails/detention centres.

2.67 Possibility of a worker getting stranded in a foreign country increases manifold when they emigrate through unlawful processes. Replacement of original contract with another one - unfavorable to the workers, is common in these cases and these workers have very limited chance to get help from the local legal authorities because of their illegal emigrant status. Reports of exploitation of ECNR category passport holders and those ECR passports holders who travel on a 'Tourist' Visa and later illegally convert them to 'Employment' Visas in that country are also reported by the Missions from time to time. Such emigrants are increasingly becoming vulnerable to exploitation. However,

our Missions/Posts extend a helping hand to every Indian in distress overseas irrespective of legal or illegal migration, and ECR or ECNR passport holders.

2.68 The Committee are aware that a majority of migrants lives and works abroad legally. However, a large number of illegal/irregular workers also reside in Gulf countries. Illegal migrant workers includes those who are overstayers; used their tourist visas and are engaged in work; student engaged in employment, trainees overstaying their visas; regular migrants continuing beyond the contract period especially regular migrants running away from their designated employer before the expiry of the contract. These illegal/irregular migrants run the risk of unfair exploitation and human rights violations due to their illegal status. Since their employment is illegal, neither they nor their employers notify the authorities that they are working. Therefore, it is virtually impossible to keep a track of them or afford them any protection.

There exists a lot of difference between the rights and benefits enjoyed by nationals, regular emigrants and irregular emigrants in different Gulf countries. Irregular workers in almost all GCC countries do not have civil and human rights leading to their living and working in appalling conditions. During deliberations on this subject, the Ministry of External Affairs has tacitly acknowledged this complicated issue and the consequent dilemma in front of the host government in responding to their problems. The Committee, however, note that the Indian Community Welfare Fund offers assistance to both legal and illegal Indian migrants. Even during the negotiation phase of the Global Compact of Migration, the Government has contended for agreed commitments on easy and safe migration of economic migrants and has vouched for a distinction between legal and illegal migrants.

The Committee understand that the Government cannot have a stated position on the rights of illegal migrants as this might lead to its promotion. In the considered view of the Committee, the existence of illegal migrants, though undesirable, is a reality which cannot be denied. Destination countries are using their services and they are also contributing significantly through remittances in

India. The best way to deal with this precarious situation is to create legal pathways for migration and remove incentives for individuals to resort to irregular methods of migration. The Committee, therefore, urge that the Government should take a humanitarian perspective on this issue and strengthen the mechanism underpinning migration so that illegal migration and the risks associated with it is curtailed. In this regard, media awareness can play a significant role. Moreover, in providing assistance during distress situations from ICWF, there should not be any discrimination between regular and irregular migrants. Indian Missions/Posts should also facilitate them in getting the advantage of Amnesty Schemes or availing any opportunity for regularization in the destination country.

(Recommendation No.16)

III. Gulf Region: Major recipient of Indian Emigrant workers

2.69 As of today, the majority of workers from India migrate to the Gulf Cooperation Council (GCC) countries namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, where the working conditions are not always very conducive to their well-being. In addition to this, a number of our workers also migrate to South East Asian countries, particularly to Malaysia. Regular workers are of two types- First, the workers migrated under Kafala (Sponsorship) system under the sponsorship of local company etc and the Second the category of workers emigrated under the ‘free Visa system’ under the loss of GCC states in this regard.

2.70 Providing details about the ‘*Kafala*’ or the sponsorship system of hiring migrant workers which is prevalent in the Gulf, the Ministry informed that a sponsorship system is prevalent in Gulf countries, popularly known as ‘*Kafala*’, for the issuance of employment visa to workers coming from other countries. Any foreign national who comes to these countries on tourist/employment/visit/family visa requires a sponsor. The worker is supposed to work only under his sponsor, failing which he is declared an illegal worker. Therefore, while restricting workers' mobility, the *Kafala* system puts the worker at the mercy of a foreign employer with not much scope to safeguard his rights.

2.71 However, in recent years, governments in some GCC countries have taken measures to reform the *Kafala* System to make it more institutionalized to protect the interest of workers. UAE has amended certain features of the sponsorship system thereby permitting employees to change their sponsor after a certain period and especially in the case of professionals and degree holders. However, in practical terms, changing one's employer is still very difficult especially for blue collar workers.

2.72 Government of Qatar passed a new legislation in 2016, named as "Regulation of the Expatriates' Entry, Departure, Residence and Sponsorship", replacing the Sponsorship System (*Nizam-e-Kafala*). Bahrain abolished the *Kafala* system in 2009 and replaced it with the issuance of a work permit by the Sponsors. A Flexi work permit system scheme was launched in August 2017 for expatriate workers allowing Bahraini employers to employ expatriates to carry out temporary and casual work legally. The Flexi Permit system is expected to enable the skilled workers to work with multiple employers depending upon availability of work.

2.73 The ongoing economic downturn in the Gulf region has affected Indian expatriate workers. There are some reports of Indian workers being asked to leave before completion of their existing contracts. Instances of unpaid salaries for the last few months have also been reported. When asked about the impact of the ongoing economic downturn in the Gulf on the Indian migrant workers working there, the Ministry in a written reply stated that the ongoing economic slowdown in Gulf countries resulting from lower oil prices since 2014 has had an adverse impact on the various sections of economy including construction industry, real estate, Oil and Natural gas-based companies, banking/financial sectors and on other sectors. These have adversely impacted expatriate migrant workers.

2.74 The Ministry also informed that there are some reports of retrenchment of Indian workers and loss of jobs resulting from the closure of companies as well as premature termination of existing contracts. Instances of unpaid dues/salaries have been reported from Kuwait, Qatar, Saudi Arabia, and Oman in recent months. Kuwaiti authorities have

imposed a hike in availing medical treatment, charges for obtaining residency etc in respect of expatriate workers. The recent GCC crisis involving Qatar has created financial pressures on companies undertaking infrastructure projects and may have potentially adverse consequences for Indian workers.

2.75 Informing the Committee about the remedial measures undertaken in light of the recent situation in the region, the Ministry stated that the Government has been monitoring the situation and working in close coordination with the governments in the Gulf States towards extending all possible assistance to Indian nationals abroad. Whenever difficulties have been reported, matters have been taken up with the host government and concerned companies. In addition, support has also been extended through ICWF in deserving cases. Creating necessary awareness particularly in the migratory labour pockets of the country is an integral part of the Ministry's efforts.

2.76 There has been a separate issue raised by a number of people regarding a new stipulation that has affected Indian engineers in Kuwait. The Kuwaiti Government has required that all engineers working in Kuwait upon the renewal of their work permits have to show that their degree is from a university that is recognised by the National Accreditation in India. Only 16% of our engineering Board of Institutes are accredited with NBA. Unfortunately, the Kuwaiti Government has failed to realise that this particular body has only come into existence in recent years and that there are many engineers from India who have come out of institutions recognised by AICTE & UGC, which there was an Accreditation Division that played the same role. Therefore, there is no separate accreditation available from an independent body. But as a result, apparently several hundred of Indian engineers in the mid 40s and 50s are essentially not going to get their work permits renewed.

2.77 When asked about the steps taken by the Government of India to resolve the issue the Committee was informed on 18 July, 2018 submitted as under:

“we asked the Kuwaiti Government to send a delegation to India and visit all our technical bodies and institutes, to give them an idea how our system is working. Now, we have agreed. We will give them an entire comprehensive list of all the technical/engineering institutes that are working in India for their consideration.”

2.78 The Ministry further added that the Kuwait Ambassador is deeply involved to resolve this. He has held two rounds of discussions with the labour Minister and she has assumed to review this because the permanent Authority for manpower (PAM) is directly under her charge. So we are waiting that something will come out just like we have had considerable success in the removal of the issue regarding the issue of good conduct certificate in UAE which was again thrust upon us on 4 February, 2018. This certificate for NAB accreditation will also hopefully be resolved. We are on it.”

2.79 Another important development has been the Amnesty-2017 drive announced by the Government of Saudi Arabia beginning March 29, 2017. Since then, the Amnesty has been extended thrice by the Saudi government. The ‘Amnesty-2017’ is covering three categories:

- Those who entered the Kingdom of Saudi Arabia on *Haj* or *Umrah* or transit visa or performing *Haj* without a permit;
- Persons who arrived in the country on a work visa and now *Iqama* is expired; and
- Undocumented persons, *Huroob* (run away), and violators of *Haj* directives.

2.80 Again on 4 February, 2018 the UAE Government tried to impose a new restriction on all migrant workers asking them for a good conduct certificate. This is something that came as a shock because the Indian Government does not send anybody abroad who has no passport and before issuing the Passport the Indian Government verify in a very thorough some the anomaly aspect of the passport applicant and whether there is an Indian citizen and if there is anything adverse that has been noticed against the person. It was going to affect several hundred thousand of our people living there. The Ministry immediately took up this issue both through the local embassy of UAE as well as our embassy in UAE. As a result, the matter has been deferred and there is no such instance right now on good conduct certificate for those who want to go for work to UAE.

2.81 Majority of the workers from India migrate to the Gulf Cooperation Council (GCC) countries where the working conditions are not always very conducive to their overall well being. Due to the existence of multiple problems such as skill

deficits, general lack of awareness about their rights, employment contracts, customs and regulations, these workers are often exploited by their foreign employers making them the most vulnerable segment of the Indian Diaspora. The Kafala (sponsorship) system and issues related to *Iqma* (resident permit) further complicate the already precarious position of these workers. The Ministry of External Affairs has also admitted the fact that its policy priorities should be focused on this extremely vulnerable section of Diaspora.

Despite the existence of a well-established mechanism and a settled pattern of migration to these countries, the Committee fail to understand the logic behind the absence of an exigency window to cater to such problems. The Committee note that while restricting workers mobility, the *Kafala* system puts the workers at the mercy of Foreign employers with little scope to safeguard their rights. It was relieving to learn that in recent years, governments in some GCC countries have taken measures to reform the *Kafala* system to make it more institutionalized in order to protect the interest of workers. UAE has amended certain features of the sponsorship system whereby the professional employers and degree holders are permitted to change their sponsors after a certain period. However, in practical terms, changing one's employer is still very difficult especially for the blue collar workers.

Given the fact that the Gulf Cooperation Council (GCC) region comprises the bulk of India's expatriate migrant workers and contribute to more than half of our remittances, it is beyond comprehension that a trend of migration which is more or less well established since the past few decades has not drawn adequate policy attention of the Government and is being dealt with in an ad-hoc manner. The Committee, therefore, strongly recommend that the Government should forge an institutionalized arrangement with GCC countries delving upon the full spectrum of issues concerning our expatriate workers, their rights and safety.

(Recommendation No. 17)

2.82 The Committee note that the ongoing economic downturn in Gulf countries has adversely impacted the expatriate migrant workers leading to loss of jobs, premature termination of contracts, unpaid dues/salaries etc. Furthermore, there are instances where on 4 February, 2018 the UAE Government tried to impose a new restriction on all migrant workers asking them for producing a good conduct certificate. The Committee are happy to note that as a result of persistent efforts of MEA the matter has been deferred. The Committee are also concerned to learn about a new stipulation imposed by the Kuwaiti Government which required that for renewal of their work permit, all engineers working in Kuwait have to show that their degrees are recognized by the National Board of Accreditation. As a result, apparently, several hundred Indian engineers in their mid-40s and 50s are not going to get their work permit renewed.

Recognizing the specificity of all these issues, the Committee understand the immense challenge before the Government of India in catering to the country-specific problems being faced by the Indian workers. In order to deal with the recent situation in the Gulf region, the Committee desire that the Ministry should continue taking a two-pronged remedial measure of working in close coordination with the Gulf States and extending possible assistance to Indian nationals abroad with sincerity. As regards the issue of degree of Indian engineers working in Kuwait, the Committee desire that instead of waiting for the Government to change their law, MEA in coordination with the Ministry of Human Resource Development should immediately issue a clarification and convey the same to the Government of Kuwait through the Kuwaiti Ambassador. The Committee may also be apprised of the action taken in this regard.

(Recommendation No. 18)

CHAPTER 3

GENDER & MIGRATION

During the migration process, women migrant workers often are at a disadvantage due to gender-specific factors and have different experiences by virtue of gender stereotypes of the role of women and the division of labour between the two sexes. The gender-based hierarchies that affect all women in general also handicap migrant women in particular, influencing job opportunities, work environment, and wages compared to their male counterparts. While migration can be a source of economic empowerment and progress for women migrants and their families, the existing system of migration poses many challenges for women who want to benefit from migration and the potential employment opportunities. Some of the possible consequences under this system are cases of physical violence, sexual abuse, withholding of passports, restrictions on mobility and communications and even death while trying to escape.

3.2 On being asked, about the data regarding emigration of female workers to Gulf countries during the last five years the Ministry furnished the following details as under:

Year	Number of emigration of female workers to Gulf countries
2013	21521
2014	14962
2015	1783
2016	6076
2017 (Up to 30 th October, 2017)	3883

3.3 In order to check the exploitation of female workers, the Ministry has made immigration clearance of all ECR female workers for overseas employment in ECR countries mandatory through six State-run agencies. In this regard, when the Ministry was asked to enumerate the effect of this move on putting a check on female workers exploitation, it submitted that since the order to make recruitment of female DSWs mandatorily through State Government RAs was issued only in August 2016, no study has been made to gauge the impact of this mechanism on exploitation of female workers.

3.4 Emphasizing the special attention given to female related migration problems, a Representative of MEA during the course of briefing on 11 April, 2017 submitted:-

“We have special attention to women’s issues. Particularly under the directions of hon. EAM we have taken a number of steps. Within the *Susikshit Jao, Prasikshit Jao*, we have a special campaign for the women who are going. As a result, there are special provisions for women who go abroad. These are very strictly being followed by the Ministry. For the first time, we have made it a condition that the female employees would only go through the State Governments and the six agencies that are already registered with us.”

3.5 Regarding the steps taken by the Government of India to curb trafficking of women from India to Gulf countries, the Ministry in a written reply stated that the Government has put in place the following measures to regulate emigration of Indian women workers including Domestic Service Workers, holding ECR passports, for overseas employment in Gulf countries:

- a) Age restriction of 30 years has been made mandatory in respect of all women emigrants (Except Nurses) emigrating on ECR passports to ECR countries irrespective of nature/category of employment;
- b) In the case of direct recruitment, the Foreign Employer is required to deposit a Bank Guarantee equivalent to the US \$2500 for recruiting each woman worker, in the respective Indian Mission.
- c) Embassy attestation has been made mandatory in respect of direct recruitment of all ECR passport holder women workers in respect of all ECR countries;
- d) With effect from June 2015, registration of foreign employers in the e-migrate system has been made mandatory;
- e) Since August, 2016, emigration clearance of all female workers having ECR passports, for overseas employment in 18 ECR countries has been made mandatory through six State-run recruiting agencies only. These are NORKA Roots and Overseas Development and Employment Promotion Consultants (ODEPC) of Kerala, Overseas Manpower Corporation Ltd. (OMCL) of Tamil Nadu, Uttar Pradesh Financial Corporation (UPFC) of Uttar Pradesh, Overseas Manpower Company Andhra Pradesh Limited (OMCAP) of Andhra Pradesh and Telangana Overseas Manpower Company Limited (TOMCOM) of Telangana.

3.6 When asked about the specific problems of the female migrant workers, specifically the female domestic sector workers, the Ministry stated that the major problems of migrant workers, including female DSWs, as reported by the Missions are

ill-treatment and harassment; long working hours; false allegations or charges by local Sponsors to the Police authorities; non-provision of free food, improper arrangements for boarding and lodging and physical or mental harassment /assault, etc.

3.7 Elaborating further on this point, the Representatives of the Ministry of External Affairs during the course of oral evidence on 18.7. 2018 stated:-

“The subject of trafficking involves the Ministry of Women and Child Development and the Home Ministry and us. But their role is far greater to prevent trafficking. We are in the picture once the people are trafficked and we have to get them back. So, that is the problem, but definitely, we are engaged with them in addressing this issue. I think, on a monthly basis, three or four complaints I forward myself to the Director, CBI, because trafficking as a subject, is under the CBI manual. They have to take action against the agents. In many complaints of trafficking, they only give me a mobile number. I cannot track such an agent. I have half-a-dozen mobile numbers within Delhi alone operating from different parts of Delhi who are doing trafficking but I am not able to catch them.”

3.8 Domestic Service Workers (DSW) are the employees whose job is wholly or mainly to do domestic work in a dwelling that a house hold uses mainly to live in, and will include but not limited to, gardeners, drivers of motor-vehicles and people who take care of children, the aged, the sick and the disabled.

3.9 The situation of domestic workers, in particular, the female domestic workers is the most vulnerable as the domestic workers are not covered by the extant labour laws in the GCC countries. The problem is acute *w.r.t.* women travelling on tourist visas and subsequently, getting these visas converted to housemaid/employment visas on arrival at the destination country. Taking this into account, the Ministry has made emigration clearance of all ECR female workers for overseas employment in 18 ECR countries mandatory through six State-run recruiting agencies, *viz.* NORKA Roots & ODEPC of Kerala, OMCL of Tamil Nadu, UPFC of Uttar Pradesh, OMCAP of Andhra Pradesh and TOMCOM of Telangana. Provision of Bank Guarantee of US \$ 2500 is also compulsory.

3.10 The nurses constitute another category of women migrant workers who face considerable problems in the Gulf Region. While giving testimony before the Committee

on 18th July 2018, the Foreign Secretary talked about the issue of complaints of rampant corrupt practices in the recruitment of nurses. He submitted:-

“The Government immediately stepped in and made emigration clearance mandatory for nurses as a category and restricted recruitment of Indian nurses only through the State Government recruiting agencies... this has brought in some restrictions on the travel of nurses, but it is the view of our Minister that rather than allowing exploitation and harassment of our women abroad, it is better that the system works in such a manner that every nurse, who travels, is safe there and we are able to look after her interest when she is overseas. Later on, recruitment of nurses was also permitted through private registered recruiting agencies, but with additional safeguards. Since June, 2015 till now, we have facilitated safe emigration of about 9,700 nurses to ECR countries. We are trying to see how best these numbers could increase, but with a caveat that we fully take care of their welfare and protection when they are overseas. We do have some residual problems with Kuwait and we are trying to resolve them and we are in very active consultation with the Government of Kuwait in this matter.”

3.11 Citing the example of the reluctance of Indian nurses working in Yemen to evacuate the country due to non-payment of salaries, the Committee during the Sitting on 2 April, 2018 specifically prodded the Foreign Secretary about the measures taken. The Foreign Secretary submitted as under:-

“On the issue of Kuwait, as we speak today, there are two batches of nurses – 600 and another 58 nurses who went two years back illegally through the Dubai route. They still have not got their salaries. They have been working with the Ministry of Health of Kuwait. So of the RAs who facilitated and who we came to know actually had some hand in sending them, we suspended their licences. These RAs had so much of influence that they went and spoke to the Ministry of Finance, Government of Kuwait and got the salaries released for six months. This was last year. Now, after those six months again they do not have a budget to pay these nurses. So, in this kind of a situation, I cannot allow more nurses to go and they will be the first to tell us that they have not got their salaries for the next six months. That is why we have put this temporary embargo. Even as we speak, the Indian Mission is engaged to find out ways and means. We do not want our nurses to lose jobs but, I would rather not send nurses there and get them into a position where they are calling for money from Kerala to survive. So, even if 900 jobs go to the Philippines or Vietnam, I am not really agitated about it because it is a job loss for us but we want them safe. That is my first and foremost obligation.”

3.12 The Committee observe that gender-based hierarchies that affect all women in general and migrant female workers in particular, exposes them to greater risks and exploitations which *inter-alia* includes physical violence, sexual abuse, restrictions on mobility and long working hours. In this regard, the plight of domestic service workers and nurses within the category of female emigrant workers are appalling and worrisome. Taking into account the acute problems of domestic service workers, the Ministry has made emigration clearance of all ECR female workers for overseas employment in 18 ECR countries mandatory through six State-run recruiting agencies, namely NORKA Roots & ODEPC of Kerala, OMCL of Tamil Nadu, UPFC of Uttar Pradesh, OMCAP of Andhra Pradesh and TOMCOM of Telangana. On the issue of non-payment of salaries of Indian nurses working in Yemen, the Ministry suspended the licenses of the Recruiting agency that facilitated their illegal migration. As per the data furnished by the Ministry, the number of female workers migrating to Gulf countries has diminished from 21, 521 in 2013 to 6076 in 2016.

The Committee note that the overall approach of the Government towards the problems confronting the female migrant workers has been largely dominated by ensuring their protection and safety. Such an approach, the Committee feel, might be a short-term solution which also tends to impact the opportunities for women migrants *vis-à-vis* their male counterparts. Due to the protectionist nature of the policy measures mentioned above, it is possible that women migrants may be resorting to illicit channels to migrate with increased costs and risks. In the Committee's view, there is an urgent need for a gender-sensitive migration policy which takes into consideration the gender-specific concerns and risks. The lack of availability of sex-disaggregated data is another challenge that weakens the migration praxis framework. The Committee, therefore, would recommend that the Government should spell out a gender-sensitive migration policy based on sex-disaggregated data with the larger objective of not only protecting but also empowering women with equal opportunities. Establishing a 24 x 7 women helpline in the Missions/Posts abroad can be a good starting point towards that direction.

(Recommendation No.19)

CHAPTER 4

INSTITUTIONAL & LEGISLATIVE FRAMEWORK

The Indian expatriate is the largest expatriate community working in the Gulf Cooperation Council (GCC) region. Although the migrant workers come from all community of labour- from white collar to blue collar workers to businessmen and professionals- most are unskilled and semi-skilled. With the prime objective of ensuring safe migration of Indians abroad, reduce complaints in Missions/Posts and to prevent exploitation of Indian emigrant workers, the Government of India has established a robust institutional and administrative structure.

4.2 While briefing the Committee on the efforts made for safeguarding the interests of migrant workers, the Foreign Secretary during evidence on 18 July, 2018 submitted as under:-

“The Ministry of External Affairs is engaged in a very holistic manner in addressing the issues of welfare, protection, safety, and security of not only our workers but all the entire overseas Indian community, which comes to about 31.2 million all over the world. Out of this, approximately, 13 million are our citizens.”

I. INSTITUTIONAL AND ADMINISTRATIVE FRAMEWORK

4.3 A series of initiatives have been taken by the Government of India to provide safe, regular and legal migration to migrant workers. As per the Ministry, the government is working in close coordination with foreign governments to address concerns related to the employment and welfare of Indian workers. Immediately on receipt of such complaints, the same are addressed by Indian Missions by taking them up with the concerned foreign authorities. The government has also sensitized the State governments to inform the returnee workers about their resettlement programmes and financial support schemes and stands ready to work closely with the State governments in this regard.

4.4 The Ministry also stated that various initiatives taken by the Ministry for welfare and protection of Indian migrant’s workers abroad have been largely successful in ensuring their welfare. The Ministry/Missions are constantly in contact with the foreign governments to further strengthen mechanism to safeguard the interest of our workers.

4.5 Consular offices and diplomats posted abroad play a key role in protecting the rights of the migrant workers. On being asked about the existence of a system in Missions/Posts abroad to take feedback from the workers, the Ministry answered that Missions organize ‘Open Houses’ to address any labour/consular issue and other welfare matter of the Indian community. Interaction with the Indian community by Mission officers also provides valuable feedback on various relevant issues.

4.6 The Committee further enquired that the mechanism for coordination between Missions/Posts and various Indian community organizations in the Gulf. The Ministry in a written reply stated that there are various Indian community organizations in the Gulf working in close association with our Missions. There are several registered and non-registered Indian associations/Community organizations in Gulf countries particularly in UAE representing various states and various communities across India. These organizations conduct various social, cultural, religious and economic activities throughout the year for the Indian community. The Mission/Post Officials attend these events and provide support for their activities. Indian Business/Professional Group (IBPG) and The Institute of Chartered Accountants of India (ICAI) represent the professional Indian community in UAE and organize various seminars, workshops, and events providing a platform to discuss various issues related to the Indian community and its workers. These organizations also provide volunteers for completing the procedural formalities for the Transportation of Mortal Remains of deceased Indian workers. They also bring to the notice of the Mission/Post various cases of Indian workers who need the help of the Mission/Post for resolving their issues. They also approach various companies and Corporations to provide necessary assistance (mainly financial) to deserving cases of Indians through their CSR activities. They also participate in the Awareness Camps conducted by IWRC in the labour camps for Indian workers. In Qatar, the Indian Community Benevolent Forum (ICBF) a charitable organization of Indian expatriates supplements the Embassy’s efforts. The organization is supported by various Indian cultural organizations, schools, companies and professional bodies. In Oman, the Mission and Indian Social Club (which is the only recognized Indian Community Association) work together to help Indian citizens in distress. Indian Associations are also active in other GCC countries namely Bahrain, Kuwait, and Saudi Arabia.

A. Specific Initiatives/Programmes

(i) E-Migrate Project

4.7 The Ministry stated that in order to effectively deal with the different types of complaints received from Indian emigrants from time to time, the Government had taken an initiative to make the emigration process totally transparent. Based on this thinking, the e-Migrate project was rolled out FOR ALL 10 Protector of Emigrants (PoE) offices. E-Migrate provides MEA, a comprehensive and online database of emigrants, Recruiting Agents, Foreign Employers to make the whole emigration cycle faster and authentication of credentials of above-mentioned stakeholders quicker. The comprehensive database also detects any foreign employers with complaint cases pending against them and alerts POE officials at the time of clearances of new recruitment for such foreign employers.

4.8 Emigration clearance (EC) was started through e-Migrate system *w.e.f.* 25th September 2014. Till date, 19, 82, 467 ECs have been granted through the portal. Foreign Employer (FE) registration has also been mandatory under an eMigrate system in a phased manner with effect from 1st June 2015 and since 1st Oct 2015 all new demands for recruitment being submitted through FEs online only. As on 31.10.2017, a total of 121852 FEs are registered on e-Migrate.

4.9 Providing a detailed note on the manner in which e Migrate has streamlined emigration, the Ministry in written reply stated that 100% paperless emigration clearance for ECR passport holder Indian workers for overseas employment at PoE offices has been started under the e-Migrate system. About 20.00 lakh emigrants have been granted emigration clearance for overseas employment during the last three years through e-Migrate. This has brought about e-governance, transparency and faster processing of Emigration Clearance. No emigrant is now required to visit the PoE offices as EC application/processing and approval is given on-line. EC process has become transparent and every RA can track the progress of his case on-line, without having to visit POE /PGE offices.

4.10 The Ministry further stated that eMigrate is being managed by one of the best IT service providers in India namely TCS. On an average, daily around 1800 applications

are submitted online by recruiting agents and individuals for ECs and around 1700 emigration clearance are given by the 10 PoEs daily, across the 10 offices all over India. E-migrate being integrated with Passport Sewa Project and the BOI Servers, immigration at the airports is now smoother for those travelling with proper EC.

4.11 The Ministry stated that initially there were reports of slowness in the system, which has also been overcome through improvements in the software application system. The cumbersome processes experienced by RAs/FEs in 2015 have also been addressed, based on a “Simplification Committee’s” recommendations in Jan-Feb 2016. Through a helpdesk, TCS addresses technical problems faced by the users for on-line redressal.

4.12 Illustrating further on the way in which e-migrate has ensured accountability of the Recruiting Agents and Foreign employers, the Ministry stated that FE registration has also been mandatory under e-Migrate system in a phased manner with effect from 1st June 2015 and since 1st Oct 2015, all new demands for recruitment are being submitted by FEs online only. As on 31st October 2017, a total of 1, 20, 101 Foreign Employers (FEs) have registered on e-Migrate for recruiting Indian workers. There has been a significant increase in the number of FEs registered, which bears a testimony of FEs’ preference for recruiting Indian workers online through the e-Migrate portal as well as the ease of raising demand online, selection of Recruiting Agent and transparency provided in the recruitment process by e-Migrate.

4.13 A country-wise statement showing registration of Foreign Employers in the six Gulf Countries as on 31.10.2017 on e-Migrate is given below:

Name of countries	Number of Foreign Employers registered			Total
	2015	2016	2017	
United Arab Emirates	12390	16550	8629	37569
Kingdom of Saudi Arabia	3131	14954	8636	26721
Oman	545	1075	437	2057
Qatar	1801	3835	2650	8286
Kuwait	5631	24535	11627	41793
Bahrain	542	1891	1242	3675
Total	24040	62840	33221	120101

4.14 Emphasizing the efficacy of the e-migrate system, a representative of the Ministry of External Affairs during evidence on 18 July, 2018 submitted:-

“In our e-migrate system, which I have just now mentioned, PG has an online facility to monitor the activities of foreign employers and recruitment agents and take immediate remedial measures. We are also, on the e-migrate site itself, giving the list of those unscrupulous agents that have come to our notice, either here or abroad. Our overseas embassies are also in the loop so that they also get to know as to how many people are travelling from India to these respective countries. As and when the problem arises overseas, then they are able to immediately contact these workers at their work premises through their employers who are also registered with us through this system. We are continuously trying to improve both, the system as well as the process that govern the entire migration cycle.”

4.15 He further added:-

“As regards apprehensions being expressed by some of the Gulf countries about the acceptance of e-migrate as a portal and whether they want to do business through e-migrate, the very fact that today we have almost 1,50,000 foreign employers registered on the e-migrate willingly and verified by our Missions. This number is growing every day. So, it is indeed heartening to see that the number is growing. ...whenever we have had the Joint Working Group meetings in these countries, we have given them a presentation, addressed their apprehensions and now, in fact, the position is reversed. Now Saudi Government has expressed its desire to integrate their electronic system with ours which is almost 95 percent complete and it is going to be rolled out very soon. We already have a request from UAE and Bahrain that they would like to integrate their electronic systems for the visa verification process and safe migration. So that is a testimony of the success of e-migrate. Their apprehensions have been fully addressed in all the GCC countries.”

(ii) Indian Worker Resource Centres (IWRCs):

4.16 Indian Worker Resource Centres (IWRCs) have been setup that provides guidance and counseling on all matters pertaining to overseas Indian workers. IWRCs in Dubai and Sharjah (UAE), Riyadh and Jeddah (Saudi Arabia) and Kuala Lumpur (Malaysia) are already functional.

4.17 The IWRCs offer free legal, psychological and financial counseling to distressed Indians and also organize awareness campaigns at prominent camp sites to educate the workers. A 24x7 multilingual toll-free helpline at IWRCs is operational to provide

assistance to Indians in need. They also document the feedback received from the callers who had availed their services. Missions/Posts receive acknowledgement emails/letters from the workers who were helped and safely repatriated to India by the Mission/Post.

(iii) MADAD portal

4.18 The 'MADAD' portal, an important initiative of the Ministry, is an effort to extend a helping hand to Indians abroad requiring consular assistance. It enables online logging and tracking of grievances including by emigrant workers and their family members. As of now, 26,918 grievances have been registered on the portal and 21,245 grievances have been resolved so far.

4.19 When asked about the Pravasi Bhartiya Sahayata Kendra (the new name given to OWRC and IWRCs) Grievances, the representatives of the Ministry of External Affairs during the evidence on 18 July, 2018 stated:-

“Pravasi Bhartiya Sahayata Kendra Grievances, actually it is a route, through which MADAD portal gives complaints to e-migrate. The PBSK is a call centre working 24*7 ... Each complaint gets translated into a grievance number, which is monitored. The emigrants who file the complaint or calls up in any of the 7 or 8 languages in which we operate, is monitored and is updated online, so the person who has filed the complaint gets an update immediately on his e-mail or on his mobile number which he has shared to enable him to know what is the status of his complaint today. All he has to do is, enter the grievance number and he gets the information....Sometimes there are mortal remains cases, there are sometimes insurance cases to be settled, whatever be the nature of the complaint, if it is employment-related, we are into it, including even illegal agents, where the complaint is passed on to the State Government police. These 900 odd complaints is the only tip of the iceberg because there are many cases where the police receive the complaint directly and they are acting on it. We have collected all this data, put it on our website so much so that people are seeing our website and saying that their name is on the website as illegal agent and they request that their names be removed from the website because they are not illegal agents. So, I call them to prove their credentials or meet the police men and tell us as to why his name should be removed from the website. Similarly, on the issue of foreign employers who are misbehaving, we are updating that list every day. We are taking action on the complaints who says that a particular foreign employer is misbehaving, or he did not pay his salaries, or he beat him up or lock him up. We are blacklisting such employers and many of the foreign employers come back and say that they made

these mistakes and they have taken care of those people. They request us for their restoration in e-migrate. It gives us a very hand on a tool to take action against the employer as well as the recruiting agents.”

(iv) Indian Community Welfare Fund (ICWF)

4.20 The Indian Community Welfare Fund (ICWF), set up in 2009, is aimed at assisting Indian nationals abroad in times of distress and emergency in the most deserving cases on a means-tested basis. ICWF stands extended to all Indian Missions and Posts abroad and is primarily funded by levying service charge on various consular services rendered by Indian Missions and Posts abroad.

4.21 Recently, the ICWF guidelines have been made broad-based and the scope of welfare measures that can be extended through the Fund has been further expanded with the approval of the Union Cabinet. The revised guidelines have become effective w.e.f. September 1, 2017. The guidelines cover three key areas namely Assisting Overseas Indian nationals in distress situations, Community Welfare activities, and Improvement in Consular services. They are expected to provide Indian Missions and Posts abroad greater flexibility in swiftly addressing to requests for assistance by Overseas Indian nationals.

4.22 Elaborating upon the revamping of ICWF, a representative of the Ministry of External Affairs during evidence on 22.11.2017 submitted:-

“The logic of revising ICWF was that we saw there were limitations on the figures that are the amounts of assistance to the needy. So, we have enhanced that. Secondly, we did not have any provisions to help the community organisations that have been proactively helping to resolve the issues of distressed labour and workers. Thirdly, the visa, passport and consular wings of our Missions at many locations were not really appropriately geared to serve the people. So, we have covered them so that they can assist our people better. We also brought the student community which is also an important part of the overseas Indian community under the ambit of the ICWF. We have streamlined the assistance to be provided, and finally, the most important aspect is that we have delegated considerable powers to our Missions and the Consul General and Ambassadors so that they don’t have to refer the smallest of the matters to the Ministry.”

4.23 The Indian Community Welfare Fund (ICWF) stands extended to all Indian Missions and Posts abroad and is primarily funded by levying service charge on various

consular services rendered by Indian Missions and Posts abroad. The revised guidelines of ICWF have become operational with the approval of Cabinet *w.e.f.* September 1, 2017, with the objective of further strengthening welfare and protection of Overseas Indians and enhancing its engagement with the increasing Overseas Indian community. ICWF is largely funded by levying service charge on Consular & Visa service rendered by the Mission.

4.24 Providing details about the activities for which ICWF funds were used, the Ministry stated that a major part of ICWF utilization is in the Emigration Check Required (ECR) countries in West Asia, North Africa and South East Asia that are home to a large number of temporary Indian migrant workers. Around three-quarters of the ICWF expenditure is towards air passage to stranded Indians, boarding & lodging and transportation of mortal remains/ burials. Over 80% of the utilization of the Fund is in Africa and Asia.

4.25 The Ministry further added that apart from assisting Indian nationals in distress abroad, ICWF has been a critical support in the emergency evacuation of Indian nationals in conflict zones *i.e.* in Libya Iraq Yemen and recently in South Sudan. It has also been extensively used in other challenging situations like assistance extended to undocumented Indian workers in the Kingdom of Saudi Arabia during the Amnesty drive (*Nitaqat*) in 2013 and Amnesty drive in 2017. The scale and speed of these evacuations and assistance rendered through the Fund have been universally appreciated. It has also created a sense of confidence among the migrant workers going overseas about the support they can expect from India during critical times.

4.26 When asked about the fund's disbursal mechanisms of ICWF, the Ministry submitted that ICWF is primarily funded by levying service charge on various consular services rendered by Indian Missions and Posts abroad. The Fund has become self-sustaining and no separate budgetary support of the Government of India is needed at present. It has become a viable option for extending assistance to distressed Indian nationals abroad in the most deserving cases on a means-tested basis.

(v) Overseas Workers Resource Centre (OWRC)

4.27 The multi-lingual 24X7 Helpline of Overseas Workers Resource Centre (OWRC) provides information and guidance on all matters and problems pertaining to overseas employment of Indian nationals. Migrant Resource Centres are also functional in Kochi, Hyderabad Gurugram, Chennai, and Lucknow.

(vi) Pravasi Bharatiya Bima Yojana (PBBY)

4.28 The *Pravasi Bharatiya Bima Yojana (PBBY)* is a mandatory insurance scheme for Emigration Check Required (ECR) category workers going to ECR countries for overseas employment. The Scheme, launched in 2003 with successive revisions in 2006, 2008 and more recently in 2017, is aimed at strengthening the welfare and protection of Indian workers.

4.29 The strengthened PBBY, effective from August 1, 2017, is a major milestone in broadening the scope and ensuring the effective implementation of the scheme. When asked about the status of revamping of the *Pravasi Bharatiya Bima Yojana (PBBY)* the Ministry stated that it has been revamped and strengthened further to make it more beneficial to ECR category workers going to 18 ECR countries. The revised Scheme has become effective from August 1, 2017. The *Pravasi Bharatiya Bima Yojana (PBBY)* is a mandatory scheme and provides an insurance cover of Rs. 10 lakhs in case of death or permanent disability and a few other benefits at a nominal insurance premium of Rs. 275 and Rs. 375 for a period of two and three years respectively.

4.30 As per the information furnished by the Ministry the salient provisions of the strengthened scheme are as follows:

- a) The maximum sum for which insured under the Scheme is Rs.10 lakhs in the event of accidental death or permanent disability leading to loss of employment while in employment abroad, irrespective of change of employer/location of the insured person.
- b) Certification of accidental death or permanent disability by Indian Missions and Posts abroad shall be accepted by the insurance companies.
- c) Medical insurance cover including injuries/ sickness/ ailment/ diseases has been enhanced to Rs.1, 00,000/- (up to Rs.50,000 per hospitalization)

- d) Repatriation cover for medically unfit/premature termination of employment: Actual one-way economy class air fare to the nearest International airport in India.
- e) Family Hospitalization in India up to Rs.50,000/-
- f) Maternity benefit to women emigrants up to Rs.35,000/-
- g) Return economy class air fare to the nearest international airport attendant in case of emigrant's accidental death or permanent disability.
- h) Legal expenses on litigation related to emigrant's overseas employment up to Rs.45,000/-
- i) Provision for Online renewal of PBBY policy.

4.31 Adding further, the representatives of the Ministry of External Affairs during oral evidence submitted as under:-

“Scheme provides global coverage for a sum of Rs. 10 lakh in cases of accidental death and permanent disability and has provisions for renewal of the Scheme online, acceptance of certification of accidents by Indian Missions and Posts abroad and enhancements in limits related to hospitalisation and legal cover.”

4.32 As per the Ministry the various issues faced in implementation *viz* scope of coverage, no information to nominees, no facility for on-line renewal and difficulty in the certification of accidental death/permanent disability while in employment aboard have been comprehensively addressed in consultation with all stake holders.

4.33 Presently, PBBY provides an insurance cover of 10 lakhs in case of accidental death or permanent disability and some other benefits at a nominal insurance premium of Rs. 275/ Rs. 375 for a period of two/three years. The scheme also provides for global coverage irrespective of employer and location and has a facility for online renewal. With enabling provisions for certification of accidental death/permanent disability by Indian Missions and Posts abroad in the new scheme, the realization of compensation claims has become a swift and hassle-free process. The revised scheme is simpler and more beneficial for emigrant workers and is aimed at ensuring an expeditious settlement of claims.

4.34 The Committee observe that extensive measures have been taken by the Government to safeguard and protect the welfare of our workers migrating to the Gulf Cooperation Council (GCC) region. These range from initiating specific schemes & projects like e-Migrate, MADAD portal, Indian Community Welfare Fund (ICWF), Overseas Workers Resource Centre (OWRCs) etc to extending outreach to State Governments and addressing issue-specific challenges during the three phases of migration cycle. Although these efforts are praiseworthy, they have not been able to alleviate the plight of our migrant workers. Of course, MADAD is a unique experiment of providing a single-window grievance redressal system for migrants but it still needs to be strengthened in view of the complaints that are getting registered.

The Committee note that as the first point of contact between the aggrieved worker and the Government of India, the Missions/Posts abroad play a central role in protecting emigrants. The Ministry has informed that there are several registered and non-registered Indian associations in Gulf countries that act as effective mechanisms for coordination between Missions/Posts and various Indian community organizations in the Gulf.

The Committee are of the view that as a vulnerable section of our expatriate community, the migrant workers should be made the focal point of our policy response. The efforts and policies of the Government not only appear fragmentary and piecemeal but also lack adequate coordinating mechanism between various stakeholders such as the Missions/Posts, Recruiting Agents, Foreign Employers, country of destination and the migrant workers. The Committee strongly recommend that the Government should develop a comprehensive and multi-pronged approach to advocacy targeting the Gulf governments, employers, recruitment agencies and the Diaspora. Adopting a more pro-active approach to migrant workers would not only safeguard India's economic interests but also cement a mutual partnership with the Gulf States and cultivate India's soft power in the region.

(Recommendation No. 20)

4.35 The Government has rolled out the e-Migrate Project for all 10 Protector of Emigrants (PoE) offices since September, 2014. The Committee note that by providing a comprehensive and online database of emigrants, Recruiting Agents Foreign Employers, the e-Migrate Project has made the emigration cycle faster and authentication of above-mentioned stakeholders quicker. Furthermore, the Committee observe that the integration of e-Migrate with Passport Sewa Project of the Ministry of External Affairs and Bureau of Immigration servers of MHA has led to great validation of passport details of ECR category workers and curbing malpractices and data entry errors. The Committee were pleased to learn that apprehensions of Gulf Cooperation Council (GCC) countries are being addressed and the latter has shown willingness to integrate their system with e-Migrate.

The Committee feel that e-Migrate Project has streamlined the entire emigration process and has brought about transparency, e-governance and faster processing of Emigration Clearance. For the e-Migrate system to be holistic its integration with GCC countries is requisite and therefore, the Committee desire that the Ministry should win the confidence of GCC countries and persuade them to integrate their system with e-Migrate so that the database is not only comprehensive but also well integrated.

(Recommendation No. 21)

4.36 The Committee note that the Indian Community Welfare Fund (ICWF), created in 2009 with the aim of assisting overseas Indian nationals in times of emergency and distress, has been recently revised. The revised ICWF guidelines have expanded the scope of welfare measures by covering three key areas namely Assisting Overseas Indian nationals in distress situations, Community Welfare activities, and improvement in consular services. Provisions have also been made to support distressed Non-Resident Indian women in need under the revised ICWF guidelines. The Ministry has stated that ICWF is largely funded by levying service charge on Consular & Visa services rendered by the Mission.

While appreciating the intent of the Government behind setting up this fund to financially support the Overseas Indian community during emergency and

distress situation on a means-tested basis, the Committee are of the strong opinion that mere creation of a fund without the availability of adequate finances can prove ineffective in dealing with the challenges faced by Indians abroad. The revised ICWF guidelines have expanded the outreach and scope of financial assistance, however, funds allocation does not commensurate with the expanding areas. The Committee would, therefore, recommend that the Ministry should assess the financial modalities of the expansive coverage of areas under the ICWF and accordingly seek budgetary support so that larger number of Overseas Indians can be provided with financial aids during times of need.

(Recommendation No.22)

4.37 Launched in 2003 with successive revisions in 2006, 2008 and 2017, the *Pravasi Bharatiya Bima Yojana* is a mandatory insurance scheme for Emigration Check Required (ECR) category workers going to 18 ECR countries for overseas employment. After the revamping of PBBY in 2017 there is a provision of an insurance cover of Rs. 10 lakh in cases of accidental death and permanent disability and some other benefits at a nominal insurance premium of Rs. 275/ Rs.375 for a period of two/three years. The Committee also observe that the various issues in the implementation of this scheme such as the scope of coverage, no information to nominees, no facility for online renewal and difficulty in the certification of accidental death/permanent disability have been comprehensively addressed by the Ministry in consultation with all stakeholders. Given the fact that migration to GCC countries is temporary in nature, social security of the workers requires adequate attention. In this regard, the *Pravasi Bharatiya Bima Yojana (PBBY)* with its recent revamping is a step in the right direction. The Committee desire that the Ministry should explore the possibility of a wider social security net for migrant workers in consultation and collaboration with foreign employers.

(Recommendation No. 23)

B. Grievance Redressal Mechanism

4.38 The number of persons going abroad for employment has increased rapidly over the last few years. However, complaints received from emigrants about malpractices by employers and intermediaries. Most of the complaints are addressed by the Indian Missions by taking them up with the concerned local authorities. Complaints pertaining to employment are taken up by the Indian Missions with the concerned foreign employer/Labour officials in that country.

4.39 The Ministry enumerated that the following general practices prevalent in the Mission/Posts abroad for reducing complaints:-

- a) Attestation by the Missions/Posts abroad: As a precautionary measure, MEA has advised all Indian Missions/Posts abroad not to attest any Work Agreement of Indian women workers holding Emigration Check Required (ECR) category of Passports below the age of 30 years who seeks any kind of employment in Gulf countries to prevent them from emigrating.
- b) Bank Guarantee: In case of direct recruitment, the Foreign Employer is required to deposit a Bank Guarantee equivalent to the US \$2500 for recruiting each woman worker holding ECR category Passport, in the respective Indian Mission. This is to safeguard female emigrant's welfare and to protect their interests.
- c) Verification of Foreign Employers: The FEs are registered in the e-Migrate system thus enabling them to generate demands for recruitment only after the Mission/Post abroad is satisfied with their antecedents.
- d) Minimum Referral Wages (MRWs): Based on the recommendations of all Indian Missions/Posts in the ECR countries, the Government had fixed the MRWs for different job categories for different countries so as to avoid any complaints of lower wages being offered by the FEs. The Government is in the process of reviewing the MRWs based on the prevailing salary structures in those countries.
- e) Job Contract: The e-Migrate system has ensured that a well laid down job Contract between the employer and the employee is signed.

4.40 Elaborating upon the grievance redressal system available at the level of Missions/Posts for the problems of the Indian workers in the Gulf countries, the Ministry said that the grievances/complaints received by the Missions/Posts from Indian workers are appropriately taken up on a case-by-case basis with the employers/local authorities for early redressal/resolution. Most of the cases get settled amicably by negotiating with the employers and if there is no settlement even after that, the matter is taken up with the local foreign office, labour courts etc.

4.41 The Ministry also informed that various facilities are arranged by the Missions/Posts for providing all the required assistance to the workers. Round the clock facilities are available for immediate contact of officials. The Missions/Posts has an arrangement of 'Open House' for all Indian nationals to meet the concerned officials to address their grievances. The direct contact details of officials of the Missions/Posts are given on their website.

4.42 In addition, a series of information, educative and preventive measures have been adopted in India and the Missions/Posts which are implemented by the Missions/Posts to create awareness and to provide assistance in the time of distress to Indians. These measures include prior vetting & attestation of employment documents through eMigrate, enforcement of Emigration Clearance at the point of entry and ensuring minimum referral wage for employment of different categories of unskilled and semi-skilled workers. The online grievance redressal system, MADAD has been dynamically handled by the Missions/Posts by checking each and every cases registered and effectively providing necessary feedbacks.

4.43 Grievances related to Overseas Employment in notified Emigration Check Required (ECR) countries including Gulf countries, can also be logged in directly by emigrants/relatives or through the Overseas Workers Resource Centre (OWRC) on the eMigrate portal. These grievances are settled by respective jurisdictional Protectors of Emigrants (PoEs) as per laid down procedures. Missions in Gulf countries also conduct Open Houses on a regular basis where workers can seek redressal of their grievances.

Missions in Gulf countries have also established 24x7 helplines and Toll-Free help lines for the benefit of Indian workers to seek help.

4.44 Indian Workers Resource Centres (IWRCs) have been set up at Dubai and Sharjah (UAE), Riyadh and Jeddah (Kingdom of Saudi Arabia) and Kuala Lumpur (Malaysia), to provide guidance and counselling on all matters pertaining to overseas Indian workers. Migrant Resource Centres have also been setup in Delhi, Kochi, Hyderabad, Chennai and Lucknow to assist emigrants or their relatives to redress their problems/complaints regarding overseas employment.

4.45 The Ministry has informed that the grievances received by the Missions/Post abroad from Indian workers are appropriately taken up on case to case basis with the employees/local authorities for redressal. The Committee observe that well-established procedures have been established to handle recruitment related complaints against registered Recruitment Agents, unregistered Recruitment Agents, and Foreign Employers. In order to provide redressal of the grievances, series of measures, viz, MADAD portal, attestation by the Missions/Posts abroad, verification of foreign employers, fixation of Minimum Referral Wages, job contract, Overseas Workers Resource Centre and others have been initiated by the Government.

The Committee are of the opinion that the existence of numerous grievance redressal mechanisms makes it a cumbersome and painstaking process for the already aggrieved migrant worker and their families. The MADAD portal and its *Pravasi Bharatiya Sahayata Kendra* represent a qualitative improvement over the existing procedure for handling of consular grievances through online forwarding tracking and escalation. However, the Government should establish a concrete channel for remedies and redressal, including fixing of a timeline and inform the migrant workers about the same through media campaigns and pre-departure training.

(Recommendation No. 24)

C. Media Awareness Campaigns

4.46 The Ministry has also undertaken a media campaign on “Safe & Legal Migration of Workers for Overseas Employment to Gulf Countries” on television and radio in Hindi and 8 regional languages, throughout the country particularly in states from which a large number of migrant workers are proceeding for overseas employment. The campaign has also been undertaken through media platforms of the Ministry and our Indian Missions and Consulates, particularly those in the Gulf countries. The State Governments have also been requested to broadcast these advertisements.

4.47 The Ministry launched a media campaign on safe and legal migration of workers for overseas employment to Gulf countries called *Surakshit Jao, Prashikshit Jao* on television as well as radio, in Hindi as well as in regional languages throughout the country. The campaign focuses on the States from which a large number of migrant workers are proceeding for overseas employment.

4.48 The Government has launched a campaign for ‘*Prashikshit Jao, Surakshit Jao*’. Illustrating the impact of this campaign on the ground, the Ministry stated that with the campaign message of *Prashikshit Jao, Surakshit Jao*, MEA is making endeavours for safe and orderly migration of workers with an enhanced skills set. This has been extremely useful in creating awareness among the Indian emigrant workers.

4.49 Explaining the relevance of awareness, the representatives of the Ministry of External Affairs during oral evidence on 18 July, 2018 submitted as under:-

“Creating necessary awareness has been a very important aspect of our work, and we have launched a campaign for a safe and legal migration. Our slogan is ‘*Surakshit Jao, Parishikshit Jao, Vishwas Ke Saath Jao*’. It is because if our people feel confident that India can take care of them, then they will work better; more efficiency will be there, and they will also voluntarily contact the Embassies and Consulates whenever they are in distress. The campaign has been run on TV and radio not only in Hindi, but also in regional languages. We do plan to further strengthen this campaign so that more people are aware that they have to take certain precautions before they go overseas for work.”

4.50 When asked about the feasibility of setting up an information desk at immigration counters in the airports, a representative of MEA during on 18 July, 2018 submitted as under:-

“The Ministry has accorded important priority to outreach with State governments, the wider public, and Indians abroad. The Ministry is working in close coordination with State governments. As part of *Videsh Samapark* Series, the Ministry has organized State Outreach Programmes in Hyderabad (13 May 2017), Mumbai (28 Aug 2017) and Thiruvananthapuram (13 September 2017) in collaboration with respective State Governments for generating awareness among the states on issues relating to overseas Indians, consular and passport services, grievance redressal, skilling and welfare and protection of overseas Indians. The India Centre for Migration that serves as a research think-tank of the Ministry on all matters related to international migration has conducted follow up workshops on pre-departure orientation and safe and legal migration in partnership with State governments in Andhra Pradesh and Telangana.”

4.51 The Committee note that in order to create awareness about safe and legal migration, the Government has launched a campaign ‘*Prashikshit Jao, Surakshit Jao*’ on television and radio in Hindi and eight regional languages throughout the country and particularly in the major labour exporting Indian states. Further, during the Ministerial level meetings with the NRI Ministers of State Governments, the Ministry provides booklets and CDs in regional languages for wider circulation and dispensation. The awareness campaigns are being rolled out on *Doordarshan*, FM Gold as well as Lok Sabha & Rajya Sabha channels. However, the Committee are dismayed to note the real effect of the awareness campaign in print and electronic media. The Committee are surprised that blue collar migrant workers are expected to watch Lok Sabha and Rajya Sabha Television. The Committee are apprised that the Ministry has been provided with a budget for a media campaign through OEPG and OIA Division. The Ministry requires more budget to vigorously roll out this campaign. Further, the Committee are astonished to note that till now the Ministry has not initiated any help desk at the Airports.

In light of the fact the ECR category migrant workers are ones with low levels of education and skill, creating necessary awareness among them through simpler and accessible channel becomes a pre-requisite to protect their rights and interests, both in the country of origin and destination. The Committee are dissatisfied with the efforts made by Government in this regard. The Government of India is strongly recommended to carry out multi-media awareness campaigns to educate intending emigrants about emigration procedures, pitfalls of illegal

migration, various welfare schemes, and grievance redressal mechanisms. While doing so, the Committee urge the Government to specifically focus on those states where problems of Migrant Workers are dominant. The Government should also establish Migrant Help Desks at all immigration counters at airports and provide the migrant workers with a comprehensive manual on everything related to safe and legal migration. The Committee further desire that adequate budgetary support should be provided for these activities. The Committee may be apprised of the steps taken in this regard.

(Recommendation No. 25)

II. LEGISLATIVE FRAMEWORK

4.52 The process of emigration by ECR category emigrants is regulated under the Emigration Act 1983 which is administered by the Ministry of External Affairs. The Protector General of Emigrants enforces the Act with the help of 10 offices of the Protector of Emigrants (POE). In order to safeguard the interests of Indian nationals working abroad, the Emigration Act, 1983 requires all workers seeking contractual employment abroad to obtain emigration clearance from any of the ten Offices of the Protectors of Emigrants (POE's) located at Chandigarh, Cochin, Chennai, Delhi, Jaipur, Hyderabad, Mumbai, Kolkata, Raebareli and Trivandrum. The Act also mandates that no agency/establishment can undertake recruitment of Indians for employment abroad without obtaining registration from the Protector General of Emigrants, Ministry of External Affairs, Government of India.

4.53 Over the past few years, the Committee have expressed serious concerns about the prolonged delay in the introduction of the draft Emigration Management Bill. Successive Foreign Secretaries and former Secretaries of the erstwhile MOIA have repeatedly assured the Committee about the earliest introduction of such Bill.

4.54 This Ministry has informed that it is working towards drafting an Emigration Management Bill taking into account the considerable changes in migration landscape and in the migration pattern of workers proceeding for overseas employment so that it helps in evolving a comprehensive emigration management framework. The overarching

objective is to streamline management of migration from India. The Ministry has already set up a Committee comprising representatives of concerned Ministries towards this end. One year extension has been taken from the Committee on Government Assurances in this regard. The new Bill is expected to strengthen the regulatory framework already in place under the Emigration Act, 1983. Alongside, a number of initiatives have already been taken such as e-migrate, Online MADAD platform, Indian Community Welfare Fund (ICWF), Indian Worker Resource Centres (IWRC), help-lines, and launch of *Pravasi Kaushal Vikas Yojana* (PKVY) to provide skills training to migrant workers.

4.55 Regarding the challenges faced in finalizing the draft Emigration Bill, the representative of the Ministry of External Affairs during a briefing on 11 April, 2018 stated:-

“Sir, you have repeatedly expressed your concern, and I would like to assure the Committee that MEA is extremely keen to present this Bill as early as possible. We have held four meetings of this Committee. We are also hoping that a Consultant -- who will actually draft the Bill -- will soon join us because while the Bill is awaited, we have not stopped revamping the systems, and we have not stopped plugging the loopholes in this entire scheme of things where we want to provide protection. In fact, many new and innovative initiatives have been introduced during this period, and we will see to it that these are all eventually incorporated in the new Emigration Management Act.”

4.56 Apprising the Committee about the latest status of the Bill, a representative of the Ministry during the concluding evidence on 2 August 2018 made the following submission:-

“With regard to the Emigration Management Bill of which the Standing Committee has been seized, as we have informed the Standing Committee, a Committee had been constituted. It has already had four meetings to undertake a comprehensive examination of the environment management framework. Consultation with stakeholders is taking place. A consultant has now been recruited to assist the drafting of this Bill. The terms of reference include inter alia a review of the existing Emigration Act of 1983, the stocktaking of existing administrative frameworks in emigration, consultation with stakeholders and preparation of an implementation plan. We are hoping that the initial draft will be prepared in the coming weeks.”

4.57 The Committee observe that the process of emigration by Emigration Check Required (ECR) category workers is presently regulated under the Emigration Act, 1983 and enforced by the Protector General of Emigrants (PGE) with the help of 10 offices of the Protector of Emigrants. Successive Secretaries from the Ministry of External Affairs and erstwhile Ministry of Overseas Indian Affairs have repeatedly assured the Committee about the earliest introduction of the Bill in the Parliament. Recently, the Foreign Secretary while giving oral evidence before the Committee on 18 July, 2018 had given the deadline of November, 2018 for submission of the Bill. Throughout the period of one and a half year of deliberations on this subject, the Ministry has offered numerous justifications for the delay in the introduction of the Bill which *inter-alia* included the need for harmonization of an international instrument, change in migration landscape, the constitution of a Committee and appointment of a consultant.

The Committee are of the strong view that in light of the momentous changes in migration patterns, the legal provisions contained in the present Act are inadequate to effectively deal with the diverse issues confronting the migrant workers. The prolonged delay in the introduction of draft Emigration Bill has been an issue of grave concern for the Committee. The justifications and assurances offered by the Ministry for putting the bill in abeyance are untenable and unconvincing. If the country of origin is negligent about its duties towards its migrant workers, how can we have expectations from the destination countries? The Committee, therefore, strongly recommend that the Government should take serious cognizance of this matter and accord it the highest level priority. The Committee desire that the bill may be finalized urgently and presented to the Parliament without any further delay. The Committee desire that the following salient features must form an essential part of the proposed comprehensive law on emigrants:

- a. The proposed law must regulate visa brokers, especially by providing clear terms through which visa brokers may contract with recruiting agents. The law must clearly specify the legal duties and obligations of brokers and the rights of

migrant workers. It must also provide for the issuance of short term and individual licenses to visa brokers in order to enable them to recruit workers in collaboration with recruitment companies. The law must also emphasize on the onus on the recruiting agents to conduct due diligence on prospective working conditions, employment benefits and other related factors, to ensure a safe and equitable working environment for migrant workers.

- b. The law must address the asymmetry of information between migrant workers and their prospective employers. It is essential that migrant workers are provided information about the nature and conditions of the prospective work to the fullest extent possible, in order to enable them to make an informed decision. A mechanism should be setup to enable interaction between prospective and experienced migrant workers. The flow of information will be valuable in improving efficiency and productivity in different fields. A new law must also provide for Migrant Worker Welfare Centres at international airports to deliver key information. These include emergency assistance, access to labour welfare departments and agencies etc.
- c. The law must take into account technological advancements. Digitized databases should be created with records of all migrant workers, their recruitment companies, their skills, educational qualifications etc. The law must ensure that all migrant workers are registered in these databases.
- d. The law should establish a separate department with powers of enforcement under the Protector of Emigrants to investigate complaints of exploitation and other abuses by recruiters. This department must provide legal aid, translation services, and other forms of assistance to workers, while initiating legal proceedings against recruitments engaging in illegal activities.
- e. The law should also provide for “safe migration cells” in key migrant districts across the country, to inform and engage migrant workers about the emigration process, employment contracts, their legal rights and other essential information to protect them from exploitation and abuse.

(Recommendation No. 26)

CHAPTER 5
BILATERAL & GLOBAL FRAMEWORK REGULATING LABOUR
MIGRATION

The Ministry has informed the Committee that the Government is working in close coordination with foreign governments to address concerns related to employment and welfare of Indian workers. Furthermore, Labour and Manpower Cooperation MoUs/Agreements are already in place with the six Gulf Cooperation Council (GCC) countries, Jordan and Malaysia that provide the institutional framework to comprehensively discuss and review these matters.

I. Bilateral Social Security Agreements

5.2 The most common mechanisms for regulating interstate labour migration are various types of bilateral agreements. A formal bilateral agreement sets out each side's commitments and may provide for quotas. The Government of India has signed various Bilateral Social Security Agreements with various countries. Regarding the efficacy of SSAs in facilitating the stay and working conditions of Indian workers in Gulf countries, the Ministry in a written reply stated that India has been entering into bilateral social security agreements (SSA) with other countries in order to protect the interests of Indian professionals / skilled workers working abroad for short durations. SSAs provide the following three benefits:

- a) Avoiding making double social security contributions: Once an SSA is signed between India and a foreign country, it exempts the Indian worker (working on short-term contracts abroad) from making a social security contribution in that foreign country. This exemption is provided only if the Indian worker is covered under the social security system of India and continues to pay his/her contribution during the period of overseas contract.
- b) Easy remittance of benefits (Exportability): An SSA between India and a foreign country enables the Indian worker, in case of relocation to India or a third country, to export/remit his/her accumulated social security contributions made in the foreign country to India or to the third country where subsequently posted.
- c) Aggregating the contribution periods (in two countries) to prevent loss of benefits (Totalization): An SSA allows aggregating residency periods of social security

contribution made by the Indian worker / professional in India and the foreign country to qualify for retirement benefits.

5.3 On being asked, the Ministry furnished a detailed note on the status of SSAs. As on date, India has signed and operationalized Social Security Agreements (SSAs) with 18 countries - Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Japan, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland, and South Korea. We have also signed comprehensive Social Security Agreements with the Quebec Province of Canada which will be operationalized soon.

5.4 The second round of negotiations on SSA between India and Sri Lanka was held in Colombo on 17-18 November, 2017. During the meeting, the text of SSA has been finalized between both sides. The first round of negotiations of the India-Brazil Social Security Agreement was held from the 13-16 March 2017 in Brasilia. The draft Cabinet note for signing the Social Security Agreement between India and Brazil is under circulation to various ministries for comments. The 2nd round of negotiations on administrative arrangement was held from 13-16 November 2017 in Delhi. Apart from this, Ministry is in the process of initiating negotiations on SSA with the Philippines. Draft SSA texts from Uruguay, Peru, and Argentina have been received and are under process.

5.5 The Committee are aware that the most common mechanism for regulating inter-state migration are the various types of bilateral agreements that spell out each side's commitments. As per the Ministry, India has signed and operationalized Social Security Agreements (SSAs) with 18 countries – Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Japan, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland, and South Korea. The SSAs are binding reciprocal instruments that help in avoiding double security contributions, easy remittances of benefits and aggregating contributions to prevent loss of benefits. It is disconcerting to note that despite the benefits, India has not signed any SSAs with the Gulf countries, where the bulk of Indian migrants

work. Labour and Manpower cooperation/MoUs/Agreements have been affected with six countries of Gulf Cooperation Council (GCC).

The Committee are of the view that ensuring social security of migrant workers working in the Gulf countries is increasingly important due to the temporary nature of their migration. In view of the sizeable and steady migration outflows to the Gulf Cooperation Council (GCC) countries, the Government is urged to work out bilateral agreements with major countries of destination with the overreaching objective of balancing the welfare of migrant workers and economic imperatives. The positive outcomes of migration can also be used as a soft power to further accelerate our ties with Gulf region countries.

(Recommendation No. 27)

II Global Compact on Safe, Orderly and legal Migration

5.6 The September 2016 New York Declaration for Refugees and Migrants had mandated the finalization of two ‘Global Compacts’ – one on the movement of Refugees (GCR) and another on Migration (GCM). The GCM process was largely conducted in New York. The Permanent Representatives of Mexico and Switzerland were appointed as the co-facilitators of the intergovernmental consultations and negotiations on GCM. The discussions had commenced against the backdrop of the large movement of refugees fleeing armed conflicts in west Asia (and some longstanding large movement of refugee and asylum seekers from North Africa) and crossing into Western Europe.

5.7 The Ministry informed that the zero drafts for GCM was released in February, 2018 and inter-governmental negotiations were carried out in a compressed schedule and concluded on July 13, 2018. Recently, the Global Compact on Migration was adopted on 10 December, 2018. It creates a non-legally binding agreement and co-operative framework that builds upon the commitments made by the member states in New York Declaration for refugees and migrants of December, 2016.

5.8 While delving into the role of Indian Government during the negotiating phase of the Global Compact on Migration, the Foreign Secretary on during the course of oral evidence on 2 August, 2018 submitted as under:

“Throughout this very short but intensive negotiation, we were a very active participant and a contributor. The Global Compact on Migration draft has about 23 objectives with a series of action points. What we take satisfaction from is the fact that we have agreed that the best practices that suit each country or suit the countries concerned should be adopted. It is, therefore, not a one-size-fits-all and we are free to select the best practices that work in our environment and are in consonance with our national policies and laws. This is in contrast to the earlier prescriptive approach that some member States wanted where other member States would not have a choice in what was internationally legislated. So, from our perspective this was important and the one from which we can draw some satisfaction.”

5.9 Illustrating specifically about India’s position and strategy during the negotiation of this Compact, the Ministry of External Affairs in a written background note postulated that:-

“India, in its interventions, highlighted its longstanding experience in dealing with all aspects of migration issues. While India is more known for its diaspora, India is equally a country of destination and transit for international migrants. The Indian delegation was among the very few delegations who took a very broad view of the phenomenon of international migration, explaining the complex inter-linkages among various economic, social and legal aspects. The Indian delegation also stressed on the role of migration in achieving sustainable development as envisaged under target 10.7 of Agenda 2030 “to facilitate orderly, safe and regular migration and mobility of people, including through implementation of planned and well-managed migration policies for achieving sustainable development.” During negotiations, India also formally supported a statement delivered by a group of 22 like-minded countries on the issue of decent work and labour migration. The statement argued for the inclusion of references to the promotion of decent work and ILO Conventions and fundamental principles and rights at work in relevant objectives.”

5.10 Given the rise of protectionist trends around the world and sensitivities involved with migration, there were several fault lines between developing and developed countries and amongst themselves. These issues encompass the distinction between

emigrants and refugees, regular versus irregular migration, the importance of national sovereignty in determining migration policy and so on.

5.11 The Foreign Secretary summed up India's contention on these issues during testimony before the Committee as under:-

“In a nutshell what we were able to be was we were able to maintain a distinction between a refugee and a migrant and ask them to deal with it separately. We were able to underscore that there is a legitimate purpose to legal migration as the means of global economic development as opposed to illegal migration and that legal migration should be treated as an engine of economic growth. We were able to safeguard some of our core considerations which was the right to migrate by legal means for economic opportunity, decent work for decent pay, preservation of labour and human rights and new pathways for migration. We wanted to and we were able to ensure that the principle of national sovereignty in the determination of migration policy was included in the Global Compact on Migrations.”

5.12 When the Committee asked the Ministry about conducting consultations with stakeholders group during the negotiation phase, a representative of the Ministry of External Affairs made a submission on 18.7.2018:-

“Through ICM we have and with States also we have been doing the workshop there; we have taken all the issues that have been reported to us in addition to the suggestions that have come to us from various stakeholders, which are also related to the Mission also. We were the only ones who were pushing some of these skilling, mutual recognition, and PDO related matters. These have been fully factored in.”

5.13 Clarifying India's position on the issue of illegal migrants, a representative of the Ministry of External Affairs during the course of concluding evidence on 2 August, 2018 stated as under:-

“The dilemma we are facing in Europe addresses this question. Our greatest concern, Sir, is that the number of legal migrants who are going for economic opportunity for outnumbers the number of illegal migrants. It must be Government's priority to give legal migrants as much as protection and as much support as we can, not only they are emigrating legally but because they are in one manner or another assisting India, India's economy and development in various ways. To the extent that we encourage support or even tacitly acknowledge illegal migration, it allows other countries outside to conflate legal and illegal migration. Then, to treat both at par which we should not permit because legal migrants are

people who have taken all the necessary permissions and approvals to go and work abroad, and who need to have protection from the Government, in case, their rights are violated in any manner or the terms and conditions of employment, whereas illegal migrants have left the country without disclosing the real objective.”

5.14 Explaining the position of our neighbouring countries on GCM, the representatives of the Ministry of External Affairs submitted that:-

“A very basic thing is that most of the countries in South Asia are not signatories and have not signed on to the 1951 Convention on refugees. So, most of us actually had very similar positions on most of the issues of migration because most of us also tend to send people out for opportunities and we had primarily very similar positions on most of the issues, including China. I think largely oppositions matched on various issues under the Global Compact on Migration.”

5.15 Elaborating the role of India in the negotiation of the draft, the Ministry stated that India was a major player during the negotiations and India’s positions on several critical issues were carried in the agreed draft Global Compact on Migration document. These include:

- Clear distinction between migrants and refugees
- Clear distinction between regular and irregular migrants
- GCM being a non-legally binding document
- No mention of the principle of ‘Non-Refoulement’
- No inclusion of references to ‘Internally Displaced Persons’
- The primacy of national sovereignty in determining migration policies and laws
- Appropriate language in the context of sudden-onset natural disasters and slow-onset climate change
- Highlighting the importance to facilitate decent work conditions; remittances (faster, safer and cheaper); portability of benefits (social security entitlements and earned benefits); establishing mutual recognition of educational qualifications, skills; ensuring non-discrimination against migrant workers; consular protection and assistance to migrant workers; enhancing pathways for regular migration
- The overall balance between development and human rights aspects

5.16 The Ministry further informed that Issues critical from India’s perspective relating to remittances; portability of benefits; mutual recognition of qualifications and skills; eliminating discrimination; providing consular assistance; the contribution of migrants towards sustainable development in all countries; and enhancing pathways for regular migration appear in the GCM document as independent standalone objectives. India’s

view point to project an overall positive narrative against the backdrop of the negativity associated with the phenomenon of migration was well-received and its positions on all key issues are reflected in the agreed draft Global Compact.”

5.17 Elucidating the commitments made by India in the GCM, representatives of the Ministry during concluding evidence on 2 August, 2018 stated as under:-

“The commitments mentioned in it are broad-based. There is no such thing in it that you have to do. As FS also mentioned, under each commitment which is broad-based, there are actionable points and best practices. It is up to us again as a Member State how we wish to take it forward, which are the practices we wish to take as part of our process of implementation. There is no such thing that you have committed yourself to. It is up to us. This is where the sovereignty and the voluntariness of it lie. It is an important point to remember.”

5.18 The Committee note that the recently adopted Global Compact for Migration is a UN-backed non-binding global agreement on a common approach to international migration in all its dimensions. The Compact comprises of 23 objectives for better managing migration at local, national, regional and global levels. The Ministry of External Affairs has also consulted other concerned Ministries and the issues taken by India are largely based on the issues already taken up in ILO or Geneva. The Committee are happy to learn that India has played a pro-active role in negotiating the Compact and India’s position on several critical issues like the distinction between migrants and refugees, the primacy of national sovereignty in determining migration policies etc, have been mentioned in the agreed document. The Ministry informed the Committee that active consultations were held with the concerned stakeholders during the negotiation phase. The distinction between migrants and refugees raises a new the need for fresh legislation in India governing both emigrants from the country and refugees seeking asylum in the country. The Committee note with disappointment that the former is still governed by the outdated Emigration Act of 1983 and that on the latter, India remains one of the few democracies without an asylum/refugee law at all.

The Committee recommend the enactment of a new law to govern emigrants, which must incorporate India's commitments to various international covenants and instruments, such as the International Convention on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention against Transnational Organized Crimes and various standards and guidelines set out by the International Labour Organization (ILO).

(Recommendation No. 28)

5.19 The Committee take note of the fact that India took the position that the Principle of Non Refoulement should not be included in the Global Compact on Safe, Orderly, and Regular Migration. The Principle of Non Refoulement states that no person shall be rejected or expelled in any manner which would compel him or her to remain in or to return to a territory where there is a likelihood of such person being subjected to torture, persecution or other serious human rights violations. The Office of the United Nations High Commissioner for Refugees (UNHCR) in its Advisory Opinion on the Extraterritorial Application of Non Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, had reasoned that the Principle of Non Refoulement is part of Customary International Law. The UNHCR has also taken the position that Article 6 (Right to Life) and Article 7 (Right to be free from Torture) of the ICCPR, embodies the Principle of Non Refoulement. The Human Rights Committee in General Comment No. 31 has clarified that all Covenant rights are applicable to all individuals, including migrant workers. Therefore, the Committee recommend that Government of India revises its stand on the non-application of the Principle of Non Refoulement in relation to migrant workers.

(Recommendation No. 29)

5.20 The Global Compact on Safe, Orderly and Regular Migration is indeed a historic and commendable move to frame a positive narrative and agenda on migration. The Committee desire that this progressive Compact on migration

should be kept in mind and used as a guiding factor in strengthening the framework as well as in drafting of the domestic legislation on migration. The Government can further utilize it as a basis for working out cooperative bilateral agreements with labour importing countries, particularly the GCC countries to protect the rights of our migrant workers and addressing the challenges and vulnerabilities faced by them.

(Recommendation No. 30)

NEW DELHI
27 December, 2018
7 Pausha, 1940 (Saka)

DR. SHASHI THAROOR
Chairperson,
Committee on External Affairs

**MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE ON
EXTERNAL AFFAIRS (2016-17) HELD ON 11 APRIL, 2017**

The Committee sat on Tuesday, the 11 April, 2017 from 1500 hrs. to 1650hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Shri Gurjeet Singh Aujla
3. Dr. Sugata Bose
4. Prof. Richard Hay
5. Shri Raghav Lakhanpal
6. Shri Jose K. Mani
7. Shri A. Anwhar Raajhaa
8. Shri Vishnu Dayal Ram
9. Shri Mohammad Salim
10. Shri Ram Swaroop Sharma
11. Shrimati Supriya Sule
12. Shri Sharad Tripathi

Rajya Sabha

13. Dr. Swapan Dasgupta
14. Shri Amar Singh
15. Shri D.P. Tripathi

Secretariat

- | | | | |
|----|------------------------|---|---------------------|
| 1. | Dr. Ram Raj Rai | - | Director |
| 2. | Smt. Jyochnamayi Sinha | - | Additional Director |
| 3. | Shri Janmesh Singh | - | Under Secretary |

MINISTRY OF EXTERNAL AFFAIRS

- | | | | |
|-----|---------------------------|---|----------------------|
| 1. | Dr. S. Jaishankar | - | Foreign Secretary |
| 2. | Shri D.M. Mulay | - | Secretary (CPV&OIA) |
| 3. | Shri Jaideep Mazumdar | - | JS (South & Nalanda) |
| 4. | Shri Arun K. Chatterjee | - | JS (PSP) & CPO |
| 5. | Shri M.C. Luther | - | JS (OE) & PGE |
| 6. | Ms. Vani S. Rao | - | JS (OIA-A) |
| 7. | Smt. Nutan Kapoor Mahawar | - | JS (Parl. & Coord.) |
| 8. | Shri Manish Gupta | - | JS (OIA-I) |
| 9. | Shri Upender Singh Rawat | - | JS (CPV) |
| 10. | Shri. R.V. Prasad | - | Director (Gulf) |
| 11. | Shri Rajesh Agrawal | - | Director (OE&PGE) |
| 12. | Shri Pramil Gupta | - | Director (OE-I) |

MINISTRY OF SKILL DEVELOPMENT & ENTREPRENEURSHIP

Shri Rajesh Agrawal

-

JS & CVO

2. At the outset, the Chairperson welcomed the members of the Committee and the representatives of the Ministry of External Affairs and the Ministry of Skill Development & Entrepreneurship to the Sitting of the Committee, convened to have a briefing on the subject 'Issues relating to migrant workers and skill development initiatives for prospective emigrants'. The Chairperson also drew the attention of all the representatives to Direction 55 (1) of the Directions by the Speaker, Lok Sabha in order to maintain the confidentiality of the proceedings.

3. Thereafter on the direction of Chairperson, the Foreign Secretary gave a detailed briefing on the subject which *inter-alia* highlighted the problems faced by Indian workers in the Gulf Cooperation Council (G.C.C.) countries; problems faced by workers during three phases of migration cycle viz. pre-departure phase, country of destination and return and resettlement phase; emigration of ECR category female workers; problems being faced by Indian workers due to economic downturn in the Gulf Region; and procedure for handling recruitment related complaints.

4. The members of the Committee raised various queries which *inter-alia* related to Skill Centres/Skill development initiatives, the status of Emigration Management Bill, welfare measures for Indian workers, high air fare for returnees during the peak season, facilitating return of the asylees and derivative asylees, etc. The witnesses responded comprehensively to the queries of the members.

5. Thereafter, the representative of the Ministry of Skill Development and Entrepreneurship highlighted some key initiatives taken for skill development of potential emigrants. The Chairperson directed the principal witness to furnish written replies on the points raised by the members to the Committee Secretariat at the earliest.

The witnesses then withdrew.

A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON EXTERNAL
AFFAIRS (2017-18) HELD ON 22 NOVEMBER, 2017**

The Committee sat on Wednesday, the 22 November, 2017 from 1600 hrs to 1755 hrs in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Prof. Richard Hay
3. Shri Jose K. Mani
4. Shri Mohammad Salim
5. Prof. (Dr.) Mamta Sanghamita
6. Shri Ram Swaroop Sharma
7. Shri Sharad Tripathi

Rajya Sabha

8. Smt. Jaya Bachchan
9. Shri P. Bhattacharya
10. Shri Satyavrat Chaturvedi
11. Shri Sambhaji Chhatrapati
12. Shri Chunibhai Kanjibhai Gohel
13. Shrimati Kanimozhi
14. Shri D. Kupendra Reddy

SECRETARIAT

- | | | | |
|----|------------------------|---|---------------------|
| 1. | Shri P C Koul | - | Joint Secretary |
| 2. | Dr. Ram Raj Rai | - | Director |
| 2. | Smt. Jyochnamayi Sinha | - | Additional Director |

MINISTRY OF EXTERNAL AFFAIRS

- | | | | |
|----|---------------------------|---|-----------------------|
| 1. | Shri Dnyaneshwar M. Muley | - | Secretary (CPV & OIA) |
| 2. | Shri Manish Gupta | - | JS (OIA-I) |
| 3. | Shri Amrit Lugun | - | JS (OIA-II) |
| 4. | Shri M.C. Luther | - | JS (OE & PGE) |
| 5. | Shri Arun K. Chatterjee | - | JS (PSP), CPO & CPV |
| 6. | Smt. Nutan Kapoor Mahawar | - | JS (Parl. & Coord) |

MINISTRY OF SKILL DEVELOPMENT & ENTREPRENEURSHIP

- | | | | |
|----|---------------------|---|-----------------|
| 1. | Shri Rajesh Agarwal | - | Joint Secretary |
| 2. | Shri Asheesh Sharma | - | Joint Secretary |

2. At the outset, the Chairperson informed the Committee that the subject under discussion had been bulletenised as ‘Issues relating to migrant workers including Emigration Bill and skill development initiatives for prospective emigrants’. He proposed that in order to avoid any reference to the Emigration Bill the nomenclature of the subject may be modified to read as ‘Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants’. The Committee approved the modifications in the nomenclature of the subject under discussion.

3. Thereafter, the representatives of the Ministry of External Affairs and Ministry of Skill Development and Entrepreneurship were ushered in. The Chairperson welcomed the witnesses and the Members to the Sitting of the Committee to take evidence on the subject ‘Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants’. The principal witness briefed the Committee on various institutional measures put in place to safeguard the interests of migrant workers including steps for their skill upgradation.

4. The Members of the Committee raised queries related to the opening of skill centres, resettlement of workers upon their return to India, tackling the menace of illegal recruitment agents, reasons for delay in the proposed Emigration Bill, non-availability of comprehensive data base on Indian workers, insurance scheme for migrant workers,

problems faced by Indian female domestic workers in the Gulf, difficulties in bringing back mortal remains of deceased workers, labour and manpower cooperation agreements, placement record of skill centres, etc.

5. In the end, the representative from the Ministry of Skill Development and Entrepreneurship briefed the Committee about the broad initiatives being taken in the field of skill training.

The witnesses then withdrew.

A verbatim record of the proceedings has been kept.

The Committee then adjourned.

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON
EXTERNAL AFFAIRS (2017-18) HELD ON 2 APRIL, 2018

The Committee sat on Monday, 2 April, 2018 from 1610 hrs to 1740 hrs in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Shri Vishnu Dayal Ram
3. Shri Mohammad Salim
4. Prof. (Dr.) Mamtaz Sanghamita
5. Shri Ram Swaroop Sharma
6. Shrimati Supriya Sule
7. Shri Sharad Tripathi

Rajya Sabha

8. Shri P. Bhattacharya
9. Shri Sambhaji Chhatrapati
10. Shri Chunibhai Kanjibhai Gohel
11. Shri D.P. Tripathi

SECRETARIAT

- | | | | |
|----|------------------------|---|---------------------|
| 1. | Shri P.C. Koul | - | Joint Secretary |
| 2. | Dr. Ram Raj Rai | - | Director |
| 3. | Smt. Jyochnamayi Sinha | - | Additional Director |

MINISTRY OF EXTERNAL AFFAIRS

- | | | | |
|-----|---------------------------|---|-------------------------------|
| 1. | Shri Vijay Gokhale | - | Foreign Secretary |
| 2. | Shri Dnyaneshwar M. Muley | - | Secretary (CPV & OIA) |
| 3. | Shri M.C. Luther | - | Joint Secretary (OE&OIA) |
| 4. | Shri Amrit Lugun | - | Joint Secretary (CPV) |
| 5. | Shri Arun K. Chatterjee | - | Joint Secretary (PSP & CPO) |
| 6. | Dr. T.V Nagendra Prasad | - | Joint Secretary (Gulf) |
| 7. | Dr. B. Bala Bhaskar | - | Joint Secretary (WANA) |
| 8. | Smt. Nutan Kapoor Mahawar | - | Joint Secretary Parl & Coord) |
| 9. | Shri Manish Gupta | - | Joint Secretary (OIA-I) |
| 10. | Shri M.S Kanyal | - | Director (OIA-II) |
| 11. | Col. Rahul Dutt | - | Director (OE) |

2. At the outset, the Chairperson welcomed the members of the Committee and the representatives of the Ministry of External Affairs to the Sitting of the Committee convened to have a briefing on the subject 'Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants' with particular emphasis on 'Safety and Security of Indian Workers in Conflict Zones'. He specifically placed on record the Committee's deep appreciation for Smt. Jaya Bachchan, Shri Satyavrat Chaturvedi, Shri C.R. Ramesh and Shri D.P Tripathi who were to retire from Rajya Sabha on 2 April, 2018. The Chairperson also drew the attention of all the representatives to Direction 55 (1) of the Directions by the Speaker, Lok Sabha in order to maintain the confidentiality of the proceedings.

3. In his opening remarks, the Foreign Secretary provided an overview of the statutory and institutional mechanism for the welfare of emigrant workers. He specifically dwelt on issues related to emigration of Indian nurses, requirement of adequate handholding for emigrant workers, Pravasi Bhartiya Bima Yojana, Indian Community Welfare Fund (ICWF), Pre-Departure Orientation Training, travel advisories and other efforts made to ensure safety of Indian workers in conflict zones. Regarding the killing of 39 Indian workers in Iraq, the Foreign Secretary submitted that the External Affairs Minister has already made a detailed statement before the Parliament and media and expressed his inability to add anything to it.

4. Thereafter, members of the Committee raised various queries related to the subject under discussion *viz.* widespread salary discrimination against Indian workers in Gulf countries, curtailment of freedom to Indian emigrants in conducting cultural

activities, need to put curb on unregistered Recruitment Agents, imperative for taking up multilateral Labour Agreements, Standard Operating Procedures (SoPs) for evacuating Indians in distress situation, need for better training to potential emigrants, status of the draft Emigration Bill, emigration of nurses to Kuwait, Minimum Referral Wages, impounding of Passports by Foreign employers and their agents and lessons learnt from the death of 39 Indian workers in Iraq.

5. The Foreign Secretary and other witnesses responded to the queries of Members comprehensively.

The witnesses then withdrew.

A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE ON
EXTERNAL AFFAIRS (2018-19) HELD ON 18 JULY, 2018**

The Committee sat on Wednesday, 18 July, 2018 from 1530hrs to 1710hrs in Committee Room 'C' Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Shri Gurjeet Singh Aujla
3. Prof. (Dr.) Sugata Bose
4. Prof. Richard Hay
5. Shri Raghav Lakhanpal
6. Shri Vishnu Dayal Ram
7. Dr. Mamta Sanghamita
8. Shri Ram Swaroop Sharma
9. Shrimati Supriya Sule
10. Shri Sharad Tripathi

Rajya Sabha

11. Smt. Jaya Bachchan
12. Shri P. Bhattacharya
13. Shri Sambhaji Chhatrapati
14. Shri Swapan Dasgupta
15. Shri Kumar Ketkar
16. Shri Kanakamedala Ravindra Kumar
17. Shri V. Muraleedharan

Secretariat

- | | | | |
|----|-------------------------|---|---------------------|
| 1. | Dr. Ram Raj Rai | - | Director |
| 2. | Smt. Jyochnyamayi Sinha | - | Additional Director |
| 3. | Shri Janmesh Singh | - | Under Secretary |

S.No.	Name		Designation
1.	Shri Dnyaneshwar M. Muley	-	Secretary (CPV &OIA)
2.	Shri M.C. Luther	-	Joint Secretary (OE & PGE)
3.	Shri Amrit Lugun	-	Joint Secretary (CPV)
4.	Shri Arun K. Chatterjee	-	Joint Secretary (CPO)
5.	Smt. Nutan Kapoor Mahawar	-	Joint Secretary (Parl. & Coord)
6.	Shri Manish Gupta	-	Joint Secretary (OIA-1)
7.	Col. Rahul Dutt	-	Director (OE-II)

2. At the outset, the Chairperson welcomed the members of the Committee and the representatives of the Ministry of External Affairs (MEA) to the Sitting of the Committee, convened to take evidence from the representatives of the Ministry of External Affairs on the subject 'Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants.' The Chairperson also drew the attention of all the representatives to Direction 55 (1) of Directions by the Speaker, Lok Sabha in order to maintain the confidentiality of the proceedings.

3. The representatives of the Ministry of External Affairs (MEA) elaborated upon the specific institutional framework as well as policy interventions initiated by the Ministry for providing support, protection and welfare of the emigrant workers which *inter-alia* included e-migrate Project, MADAD Portal, Indian Community Welfare Fund, pre-departure orientation training programme, Pravasi Bharatiya Bima Yojana, awareness campaign for safe and legal migration etc.

4. Thereafter, the Members of the Committee raised questions impinging on issues such as implications of evolving the labour dynamics in the Gulf region; Bilateral Social Security Agreements with foreign countries; India's position and strategy during the ongoing negotiations on Global Impact on Migration; status of Draft Emigration Management Bill; issues of overstay of emigrant workers in UK & USA; plight of female

workers, particularly domestic workers and nurses; minimum referral wages; media campaign and certifications of Indian Engineers etc.

5. The representatives of the Ministry of External Affairs responded comprehensively to the queries of the members. Before the Committee adjourned, the Chairperson directed the witnesses to furnish written replies to the points raised by the members of the Committee at the earliest.

The witnesses then withdrew.

A verbatim record of the proceedings has been kept.

The Committee then adjourned.

MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE ON
EXTERNAL AFFAIRS (2017-18) HELD ON 2 AUGUST, 2018

The Committee sat on Thursday, 2 August, 2018 from 1600hrs to 1730hrs in Committee Room 2, Block 'A' Extension to Parliament House Annexe Building, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Shri Gurjeet Singh Aujla
3. Prof. (Dr.) Sugata Bose
4. Shri Arka Keshari Deo
5. Prof. Richard Hay
6. Shri Raghav Lakhanpal
7. Shri P.R. Senthil Nathan
8. Shri A. Anwhar Raajhaa
9. Shri Vishnu Dayal Ram
10. Md. Salim
11. Prof. (Dr.) Mamta Sanghamita
12. Shrimati Supriya Sule
13. Shri Sharad Tripathi

Rajya Sabha

14. Shri P. Bhattacharya
15. Shri Sambhaji Chhatrapati
16. Shri Swapan Dasgupta
17. Shri Kumar Ketkar
18. Shri Kanakamedala Ravindra Kumar
19. Shri V. Muraleedharan

Secretariat

- | | | | |
|----|------------------------|---|---------------------|
| 1. | Shri P.C.Koul | - | Joint Secretary |
| 2. | Dr. Ram Raj Rai | - | Director |
| 3. | Smt. Jyochnamayi Sinha | - | Additional Director |

S.No.	Name		Designation
1.	Shri Vijay Gokhale	-	Foreign Secretary
2.	Shri Dnyaneshwar M. Muley	-	Secretary (CPV &OIA)
3.	Shri M.C. Luther	-	Joint Secretary (OE & PGE)
4.	Shri Amrit Lugun	-	Joint Secretary (CPV)
5.	Shri Arun K. Chatterjee	-	Joint Secretary (CPO)
6.	Shri Manish Chauhan	-	Joint Secretary (UNES)
7.	Smt. Nutan Kapoor Mahawar	-	Joint Secretary (Parl. & Coord)
8.	Shri Manish Gupta	-	Joint Secretary (OIA-1)
9.	Shri Vinod K Jacob	-	Joint Secretary (ED&States)
10.	Shri Manoj Mohapatra	-	Joint Secretary (OIA-II)

2. At the outset, the Chairperson welcomed the members of the Committee and the representatives of the Ministry of External Affairs (MEA) to the Sitting of the Committee, convened to take further oral evidence from the representatives of the Ministry of External Affairs on the subject 'Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants.' The Chairperson also drew the attention of all the representatives to Direction 55 (1) of Directions by the Speaker, Lok Sabha in order to maintain the confidentiality of the proceedings.

3. Within the broader framework of the subject under consideration, in this concluding Sitting the Committee delved upon two specific recent developments at the international as well as domestic levels, namely Global Compact on Migration and the status of proposed Emigration Management Bill respectively. The Foreign Secretary and the representatives of the Ministry of External Affairs clarified on various facets such as objectives and negotiating strategy of India; fault lines between developed and developing countries; principle of national sovereignty in determination of migration

policy; setting up of consultative mechanism for drafting the Emigration Bill; imperative for drawing a line between refugees and migrants.

4. Thereafter, the Members of the Committee sought clarifications on issues related to commitments made by India in the Global Compact on Migration; existence of a formal policy on migration; measures to curb the menace of human trafficking; parameters guiding the consultation process on the proposed Bill; illegal vs migrant workers; media awareness and grievance redressal system.

5. The representatives of the Ministry of External Affairs responded comprehensively to the queries of the members. Before the Committee adjourned, the Chairperson directed the witnesses to furnish written replies to the points raised by the members of the Committee at the earliest.

The witnesses then withdrew.

A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON EXTERNAL
AFFAIRS (2018-19) HELD ON 27 DECEMBER, 2018**

The Committee sat on Wednesday, 27 December, 2018 from 1600hrs. to 1655hrs. in Room No. '2', Extension to Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

MEMBERS

Lok Sabha

2. Shri Gurjeet Singh Aujla
3. Shri Raghav Lakhanpal
4. Shri Jagdambika Pal
5. Shri A. Anwhar Raajhaa
6. Shri Vishnu Dayal Ram
7. Prof. (Dr.) Mamta Sanghamita
8. Smt. Supriya Sadanand Sule
9. Shri Sharad Tripathi

Rajya Sabha

10. Shri P. Bhattacharya
11. Shri Swapan Dasgupta
12. Shri Kumar Ketkar
13. Shri V. Muraleedharan

Secretariat

1. Dr. Ram Raj Rai - Director
2. At the outset, the Chairperson welcomed the members to the Sitting of the Committee convened to consider the draft Report on the subject 'Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants.'
3. The Chairperson invited the members to offer their suggestions, if any, for incorporation in the draft Report. The Members suggested some minor modifications.

After some deliberations, the Committee adopted the draft Report with minor modifications.

4. The Committee then authorized the Chairperson to finalize the Report incorporating the suggestions made by the members.

5. The Chairperson also conveyed his heartfelt thanks and gratitude to all the Members for their cooperation and valuable contribution during the current term of the Committee.

The Committee then adjourned.