

**51**

**STANDING COMMITTEE ON LABOUR**

**(2018-19)**

**(SIXTEENTH LOK SABHA)**

**MINISTRY OF EXTERNAL AFFAIRS**

**[Action taken by the Government on the Observations/ Recommendations of the Committee contained in their Fortieth Report (Sixteenth Lok Sabha) on 'Overseas Employment of Women Workers including Nurses and Maids, Issues and Regulatory Framework' pertaining to the Ministry of External Affairs and Ministry of Labour & Employment]**

**FIFTY-FIRST REPORT**



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**February, 2019/ Magha, 1940 (Saka)**

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***Presented to Lok Sabha on 07.02.2019***

***Laid in Rajya Sabha on 07.02.2019***



***LOK SABHA SECRETARIAT***

***NEW DELHI***

**February, 2019/ Magha, 1940 (Saka)**

## **CONTENTS**

		<b>PAGE No.</b>
<i>COMPOSITION OF THE COMMITTEE</i>		<i>(iv)</i>
<i>INTRODUCTION</i>		<i>(v)</i>
CHAPTER I	Report.....	
CHAPTER II	Observations/Recommendations which have been accepted by the Government.....	
CHAPTER III	Observations/Recommendations which the Committee do not desire to pursue in view of the Government's reply.....	
CHAPTER IV	Observations/Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.....	
CHAPTER V	Observations/Recommendations in respect of which replies of the Government are interim in nature .....	

### **APPENDICES**

- I. Minutes of the sitting of the Committee held on 31.01.2019.
- II. Minutes of the sitting of the Committee held on 06.02.2019.
- III. Analysis of the Action Taken by Government on the Observations/ Recommendations contained in the Fortieth Report (Sixteenth Lok Sabha)

**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR**

**(2018-19)**

**DR. KIRIT SOMAIYA - CHAIRPERSON**

**MEMBERS**

**Lok Sabha**

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Kumar Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Govindbhai Fatepara
7. Shri Satish Kumar Gautam
8. Dr. Boora Narsaiah Goud
9. Shri Rama Chandra Hansdah
10. Shri C. N. Jayadevan
11. Shri Bahadur Singh Koli
12. Dr. Arun Kumar
13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
16. Shri Dayakar Pasunoori
17. Shri Hariom Singh Rathore
18. Shri Naba Kumar Sarania (Hira)
19. Shri Kodikunnil Suresh
20. Shri Mulayam Singh Yadav
21. Vacant

**Rajya Sabha**

22. Dr. Banda Prakash
23. Shri Ram Narain Dudi
24. Shri N. Gokulakrishnan
25. Shri Nazir Ahmed Laway
26. Shri P.L. Punia
27. Shri Rajaram
28. Shri Amar Shankar Sable
29. Ms. Dola Sen
30. Shri Madanlal Saini
31. Shri Akhilesh Prasad Singh

**SECRETARIAT**

1. Ms. Rhimjhim Prasad - Joint Secretary
2. Shri P.C. Choulda - Director
3. Shri C. Vanlalruata - Additional Director
4. Shri Mohinder Paul Rana - Executive Assistant

## **INTRODUCTION**

I, the Chairperson, Standing Committee on Labour (2018-19) having been authorized by the Committee do present on their behalf this Fifty-First Report on Action taken by the Government on the Observations/ Recommendations of the Committee contained in their Fortieth Report (Sixteenth Lok Sabha) on 'Overseas Employment of Women Workers including Nurses and Maids, Issues and Regulatory Framework' pertaining to the Ministry of External Affairs.

2. The Fortieth Report was presented to Lok Sabha and laid in Rajya Sabha on 9<sup>th</sup> August, 2018. The Ministry of External Affairs furnished their replies indicating Action Taken on the Observations/Recommendations contained in the Fortieth Report on 14<sup>th</sup> November, 2018. The Committee considered and adopted the Draft Report at their sitting held on 6<sup>th</sup> February, 2019.

3. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Fortieth Report of the Standing Committee on Labour (Sixteenth Lok Sabha) is given at Appendix-II.

4. For ease of reference, Observations/ Recommendations of the Committee have been printed in thick type in the body of the Report.

**New Delhi;**  
**6<sup>th</sup> February, 2019**  
***17<sup>th</sup> Magha, 1940 (Saka)***

**DR. KIRIT SOMAIYA**  
**CHAIRPERSON,**  
**STANDING COMMITTEE ON LABOUR**

## REPORT

### CHAPTER-I

This Report deals with action taken by the Government on the Observations/Recommendations of the Committee contained in their Fortieth Report (Sixteenth Lok Sabha) on Overseas Employment of Women Workers including Nurses and Maids, Issues and Regulatory Framework pertaining to the Ministry of External Affairs.

2 The Fortieth Report was presented to Lok Sabha and also laid in Rajya Sabha on 9<sup>th</sup> August, 2018. It contained 20 Observations/ Recommendations. Replies of the Government in respect of all these Recommendations have been received and are categorized as under:-

- |       |  |   |
|-------|--|---|
| (i)   | Observations/Recommendations which have been accepted by the Government –<br><b>Rec. Para Nos. 1.11, 2.3, 2.28, 2.30, 2.31, 2.32, 2.33, 2.35, 3.11, 3.29, 3.31 and 3.32</b>                    | <b>Total:12</b><br><b>Percentage:60%</b>  |
| (ii)  | Observations/Recommendations which the Committee do not desire to pursue in view of the Government's reply – <b>Nil</b>  | <b>Total:00</b><br><b>Percentage:00</b>   |
| (iii) | Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration –<br><b>Rec. Para No. 1.12, 2.29 and 3.30</b> | <b>Total:03</b><br><b>Percentage: 15%</b> |
| (iv)  | Observations/Recommendations in respect of which replies of the Government are interim in nature-<br><b>Rec. Para No. 2.34, 3.12, 3.13, 3.37 and 3.43</b>                                      | <b>Total:05</b><br><b>Percentage:25%</b>  |

**3. The Committee desire that Action Taken Notes in respect of Observations/Recommendations contained in Chapter I and final action taken reply in respect of the Recommendation contained in Chapter V of this Report, for which interim reply has been given by the Government, may be furnished to them at the earliest.**

## **I. Decline in Number of Emigration Clearances**

### **(Recommendation Para No. 1.12)**

#### 4. In their original recommendation, the Committee had observed as under:

"The Committee note that prior to the economic slowdown in Gulf Cooperation Council (GCC) countries, there was a steady increase in the number of Indians emigrating for employment. The high point was the year 2013 wherein 8.19 lakh Emigration clearances were granted by Protector of Emigrants Offices. However, the subsequent years witnessed a decline *i.e* in 2015 it fell to 7.84 lakh, in 2016 it was further reduced to 5.21 lakh and in 2017, the figure had fallen down to 3.91 lakh. While the reasons for economic slowdown in GCC countries is beyond the purview of the MEA, yet, the Committee are of the firm opinion that even in times of an economic slowdown, there will always be a demand for cheap and skilled blue collar workers, albeit in a reduced scale. Further, Indian Workers are facing stiff competition from those coming from other Asian countries like Bangladesh, Nepal, Philippines etc. The Committee exhort upon the Ministry of Labour & Employment through the MEA and in particular the Overseas Indian Affairs Division to undertake an in depth study of this issue and come out with factors responsible for a substantial decrease in the number of Indian overseas workers in last five years. The need of the hour is to ensure that Indian blue collar workers do not lose out good employment opportunities overseas to those coming from other countries. This would ensure that Indian workers continue to be in high demand in the GCC countries, thereby assuring a steady flow of foreign exchange remittance to India, but would also reduce the number of workers being sent, illegally by unregistered and unscrupulous recruiting agents."

#### 5. In their Action Taken Note furnished to the Committee, the Ministry of External Affairs have stated as follows:

"Besides the economic slowdown, crackdown on the illegal agents in cooperation with the State Governments and successful operation of e-Migrate system, which made it difficult to get emigration clearance with forged documents and coordinated efforts to prevent human trafficking are also responsible for reduced number of legal emigration clearance during the recent years. The Ministry prefers to send the Indian workers abroad safely and securely, than competing with other neighboring countries in sending them. The Ministry closely monitors the evolving situations in the GCC countries. The number of resident Indian Community in GCC countries is by and large stable and in fact there has been a marginal increase. Ministry also works in close coordination on labour and manpower related issues with GCC countries."

6. The Committee observed that there was a continuous decline in the emigration clearances granted by Protector of emigrants from 8.19 lakh in 2013 to 7.84 lakh in 2015, 5.21 lakh in 2016 and 3.91 lakh in 2017. While acknowledging that economic slowdown in Gulf Cooperation Council (GCC) Countries was the main factor, but which was beyond the purview of the Ministry of External Affairs, alongwith the staff competition posed by blue collar workers from other Asian countries like Bangladesh, Nepal, Philippines, etc, the Committee had recommended that the Ministry of External Affairs and in particular its Overseas Indian Affairs Division undertake an in depth study of the issue and come out with such measures which would ensure that Indian blue collar workers are in constant demand in the GCC countries. However, on perusal of the action taken reply of the Ministry of External Affairs, the Committee are anguished to note that the reasons attributed for decline in number of Indian blue-collar workers in the GCC nations has been attributed to economic slowdown in the nation alongwith crackdown on illegal agents in cooperation with the State Governments and successful operation of e-Migrate system, which made it difficult to get emigration clearance with forged documents. The reply of the Ministry of External Affairs befuddles the Committee. They, therefore, caution the Ministry of External Affairs to exercise due diligence before furnishing any reply to Parliament and reiterate their earlier recommendation that Ministry of External Affairs conduct an in depth study to know the reasons for drop in demand of blue



**collar workforce from India in the GCC countries and come up with concrete measures which would check this slide and ensure that the demand for skilled blue-collared workforce from India to the GCC Countries increases year after year.**

## **II. Sharing of Details of ECR and ECNR Passport Holders**

### **(Recommendation Para No. 2.29)**

7. In their original recommendation, the Committee had observed as under:

"The Committee note that the Ministry of External Affairs has complete details of Emigration Check Required (ECR) category workers for the 18 ECR countries. However, it came out during oral evidence that the Ministry of External Affairs are not in possession of any data of Indians going to these nations on Tourist Visas and then overstaying illegally and seeking employment in these countries. Also, Ministry of External Affairs have no details of those Indian citizens visiting these 18 ECR countries or any other country, who are holders of Emigration Check Not Required (ECNR) as details of ECNR Passport Holders going abroad falls under the domain of the Ministry of Home Affairs. Also, lack of adequate co-ordination between the Ministry of External Affairs and Ministry of Home Affairs further aggravates the issue. In the unfortunate event of any Indian citizen staying on illegally in a foreign nation and meeting some misfortune, the Ministry of External Affairs is not in the position to promptly extend help to that particular Indian citizen due to lack of details. The Committee feel that the time has finally dawned for establishing close cooperation between the Ministry of External Affairs and Ministry of Home Affairs in terms of sharing details of ECR and ECNR passport holders going abroad, either for employment or tourism. The Committee desire that this issue be dealt with the requisite alacrity so that online and offline data sharing between Ministry of External Affairs and Ministry of Home Affairs on ECR and ECNR passport holders visiting abroad is available in real time. This would not only address the issue of persons overstaying on tourist visas to obtain employment but would also enable the Ministry of External Affairs to come to the rescue of stranded Indian workers abroad at the earliest."

8. In their Action Taken Note furnished to the Committee, the Ministry of External Affairs have stated as follows:

The concern of the Committee has been noted. As a first step, the Ministry is soon making it mandatory on a pilot basis, for the ECNR passport holders going abroad on employment purposes, to any of the notified ECR countries, to register themselves on e-Migrate portal. The MEA is coordinating closely with

the MHA for making available the data on the persons going overseas on visit visas. However, MEA takes this opportunity to assure the Committee that MEA extends all possible help through its Missions, whenever any Indian worker, ECR or ECNR, needs help of any kind.

**9. The Committee were informed that the Ministry of External Affairs are not in possession of any data of Indians travelling to the 18 ECR Countries on Tourist visas and then overstaying illegally and seeking employment therein, as well as data on Indians travelling abroad on ECNR Passport, as these fell within the domain of the Ministry of Home Affairs. However, moved by the plight of those Indians who overstayed illegally in a foreign nation and unfortunately met with some misfortune, the Committee had desired that offline and online sharing of data between Ministry of External Affairs and Ministry of Home Affairs should start at the earliest, so as to curb this illegal practice and come to the rescue of our citizens in good time. However, in their action taken reply, the Ministry of External Affairs have merely stated that it is soon making it mandatory on a pilot basis for the ECNR passport holders going abroad on employment purposes, to any of the notified ECR countries to register themselves on the e-migrate portal and is closely coordinating with Ministry of Home Affairs for making available data on persons going overseas on tourist visas. Being of the considered opinion that this action is too little and has not been tackled with the alacrity it warrants, the Committee desire the Ministry of External Affairs take up this issue of illegal overstay by Indians travelling abroad on tourist visas and then facing any misfortune with the Ministry of Home Affairs at the highest**

**level and thereby ensure data sharing between the two agencies at the earliest. They further desire to be apprised about the progress achieved in this regard.**

### **III. Upper Age Limit for Women Seeking Employment as Domestic Help in ECR Countries**

#### **(Recommendation Para No. 3.30)**

10. In their original recommendation, the Committee had observed as under:

"Keeping in view the vulnerability of Indian women employed as domestic help in the 18 ECR countries, the Committee desire that the Ministry of External Affairs in consultation with the Ministry of Labour & Employment fix an upper age limit for women who wish to seek employment as Domestic Service worker in the ECR countries. This so, as the Committee have noted that at present only a lower age limit of 30 years has been prescribed and in the absence of a prescribed upper age limit, the same is liable for exploitation by unscrupulous agents."

11. In their Action Taken Note furnished to the Committee, the Ministry of External Affairs have stated as follows:

"The recommendation of the Committee is noted. It may be mentioned that in some countries like Bahrain, Muscat and Qatar, the upper age limit of DSWs has been fixed by the respective local Governments to 60 years and beyond that age, no work visa can be issued."

**12. On observing that no upper age limit had been prescribed for Indian women desirous of working as domestic help in the 18 ECR Countries and which was liable for exploitation by unscrupulous agents, the Committee had desired that the Ministry of External Affairs in consultation with Ministry of Labour & Employment fix an upper age limit herein. However, rather than complying with the Committee's instant recommendation the Ministry of External Affairs in their action taken reply submitted that in some countries, namely Bahrain, Muscat and Qatar, the upper age limit of**

**sixty years of Domestic Service Worker (DSW) has been fixed by respective local governments. Taking a cue from this reply, the Committee are of the considered opinion that if some countries can fix the upper age limit for DSWs, then why cannot the same be fixed by the Ministry of External Affairs. Accordingly, they reiterate that the Ministry of External Affairs in consultation with the Ministry of Labour & Employment fix the upper age limit for Indian women desirous of working as DSW in 18 ECR countries at the earliest and thereby ensure their safety and security.**

**CHAPTER-II**  
**OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE**  
**GOVERNMENT**

**(Recommendation Para No. 1.11)**

In the last few years India has emerged as a leading global service provider for highly skilled, semi-skilled and unskilled workers. Owing to the high job proficiency, Indian workers are in high demand at various countries. The blue collared workers fall into the category of unskilled and semi-skilled workers and the white collared workers fall into the category of highly skilled workers. The blue collared workers are generally seeking employment in West Asia i.e. the Gulf Countries and the white Collared workers look for work in the United State of America. The Committee note that Countries of the West Asia Region have been designated by the Government of India (GoI) as Emigration Check Required Countries (ECR) as in these Countries, protection/welfare of emigrants/workers is not strong. In order to protect these workers from exploitation and to ensure their safety and well being, particularly as their level of education is low, these workers are required to obtain an Emigration Clearance from office of Protector of Emigrants (POE) and the same is affixed on their passports. However, in spite of this, there have been numerous instances wherein workers including maids have faced harassment and exploitation in these countries. Moved by their plight, the Committee have taken up this Subject for a holistic view and recommended remedial course of action through the Ministry of Labour & Employment, Ministry of External Affairs, Ministry of Home Affairs as well as State Governments in coordination with each other so that all emigrant workers from India have a safe and gainful stay during the course of their overseas employment and on its completion, are able to return safely to their homeland.

**Reply of the Government**

"The Ministry of External Affairs (MEA) is the nodal Ministry for safety, security and welfare of the Indian emigrant workers and framing rules and regulations for overseas employment. The Ministry ties up with Ministries of Labour & Employment Ministry of Home Affairs as well as State Governments whenever the need for a coordinated effort is necessitated. MEA has a tie up with Bureau of Immigration, Ministry of Home Affairs, for clearance of emigrants before boarding flights to foreign countries, through online e-Migrate system. MEA

also coordinates with different other Ministries as and when issues arise in overseas employment such as Ministry of Shipping, for overseas deployment of Seafarers, Ministries of Home Affairs and Women and Child Development on the issue of human trafficking etc. Following are the initiatives taken by the Ministry of External Affairs to ensure safe migration of Indians abroad:

**Coordination with State Governments on tackling issues of illegal agents:**

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 10<sup>th</sup> January 2018 in New Delhi chaired by the External Affairs Minister

**Measures for reducing complaints – general practices in Missions/Posts abroad:**

- a) **Attestation by the Missions/Posts abroad:** Each and every data on e-Migrate is accessible by the Indian Missions in ECR countries. 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 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 Foreign Employers (FEs) are registered in the e-Migrate system thus enabling them to generate demands for recruitment only after the Mission/Post abroad is satisfied about their antecedents. Action is also taken against errant FEs on receipt of complaints from emigrants and such FEs are blacklisted. Till date 662 FEs have been blacklisted.
- 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 before he travels overseas.

**Initiatives taken by the Ministry to prevent exploitation of Indian emigrant workers in destination countries:**

- i. 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.
- ii. The on-line MADAD portal enables the emigrant workers and their family members to register their consular grievances online and track their redressal.
- iii. 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 eMigrate portal. These grievances are settled by respective jurisdictional Protectors of Emigrants (PoEs) as per laid down procedures.
- iv. Missions in Gulf countries also conduct Open Houses on a regular basis where workers can seek redressal of their grievances.
- v. A multi-lingual 24X7 Helpline of Pravasi Bharatiya Sahayata Kendra (PBSK) earlier known as Overseas Workers Resource Centre (OWRC) in New Delhi provides information, guidance and grievance redressal on all issues and problems pertaining to overseas employment of Indian nationals in several Indian languages.
- vi. Missions in Gulf countries have also established 24x7 helplines and Toll Free help lines for the benefit of Indian workers to seek help.
- vii. Indian Workers Resource Centres (IWRCs), renamed as Pravasi Bharatiya Sahayata Kendras (PBSKs) 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.
- viii. Migrant Resource Centres, renamed as Kshetriya Pravasi Sahayata Kendras (KPSK) 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.
- ix. The Missions utilize the Indian Community Welfare Fund (ICWF) to provide assistance to overseas Indian nationals in times of distress.
  - x. Suitable accommodation to distressed Indian nationals has been setup in Bahrain, Kingdom of Saudi Arabia, Kuwait, Qatar, UAE and Malaysia to provide temporary accommodation.
  - xi. Labour and Manpower Cooperation MoUs/Agreements are already in place with the six Gulf Cooperation Council (GCC) countries that provide the institutional framework to comprehensively discuss and review labour related issues.
  - xii. The Ministry keeps a watch on the situations in various countries and, whenever and wherever considered necessary, issues advisories to Indians against visiting those countries. Presently, Emigration Clearance has been suspended for Yemen, Iraq and Libya due to fragile and conflict-prone situation there.

### **Emigration Management Bill**

The process of drafting and formation of Emigration Management Bill is continuously being monitored by the External Affairs Minister. A Committee has already been constituted to undertake a comprehensive examination of the Emigration Management framework. Ministry is working towards drafting the Bill at the earliest possible in consultation with all concerned stakeholders aimed at evolving a comprehensive Emigration Management framework.

### **Revision of Indian Community Welfare Fund guidelines**

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.

Recently, the ICWF guidelines have been revised w.e.f. September 1, 2017. The revised guidelines have considerably expanded the scope of on-site welfare activities for the benefit of distressed Indian nationals that could be extended through the Fund. They also provide enhanced delegation of financial powers to Indian Missions and Posts abroad. The guidelines cover three key areas namely



Assisting Overseas Indian nationals in distress situations, Community Welfare activities and Improvement in Consular services.

Apart from assisting Indian nationals in distress abroad, ICWF has been a critical support in emergency evacuation of Indian nationals in conflict zones and in extending assistance to undocumented workers in the Gulf region. There are more than 120,000 beneficiaries of ICWF till date. This includes over 70,000 beneficiaries of the Fund during the last four years.

### **Pravasi Bharatiya Bima Yojana (PBBY)**

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.

The strengthened PBBY, effective from August 1, 2017, is a major milestone in broadening the scope and ensuring the effective implementation of the scheme. Issues faced in implementation viz scope of coverage, no information to nominees, no facility for on-line renewal and difficulty in certification of accidental death/permanent disability while in employment abroad have been comprehensively addressed in consultation with all stake holders.

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 facility for online renewal. With enabling provisions for certification of accidental death/permanent disability by Indian Missions and Posts abroad in the new scheme, 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.

### **Pravasi Kaushal Vikas Yojana (PKVY)**

Pravasi Kaushal Vikas Yojana (PKVY) is among the key priorities of the Ministry towards enhancing skill-sets of potential emigrants. A Memorandum of Understanding for implementation of the Pravasi Kaushal Vikas Yojana (PKVY)

was signed with the Ministry of Skill Development and Entrepreneurship (MSDE) in July 2016 towards implementation of the scheme.

It comprises of two components i.e. domain-skill training along with basic language training to be provided by MSDE and Pre-Departure Orientation (PDO) for enhancing soft skills of potential emigrants in terms of culture, language, traditions, local rules and regulations of the destination country; welfare & protection measures by Government of India etc to be provided by MEA. National Skill Development Corporation (NSDC) is the implementing partner of the project.

In addition, One-day PDO Programs have also been rolled out in two Centres each in New Delhi and Mumbai on a pilot basis. Over 25,962 prospective emigrants have been imparted PDO so far. State governments are also being encouraged to initiate PDO programs in major labour sending districts.

India Centre for Migration, which serves as a research think-tank of the Ministry, has also organized 11 workshops focusing on safe and legal migration and organized Training of Trainers (ToT) programmes on PDO in major labour sending States.

### **Amnesty Scheme in Kuwait**

Kuwait Government had declared general amnesty for workers with expired residencies, allowing them to return home without penalties from 29 January to 22 February 2018 which was later extended till 22 April 2018.

During the Amnesty period, around 14000 Indian nationals returned to India while about 6000 got their residency status regularized. Thus, around 20,000 Indian nationals availed the Amnesty scheme. Indian Embassy had extended full support to all those stranded Indian nationals who were eligible to avail of the Amnesty offer. In addition, all possible assistance including through the Indian Community Welfare Fund (ICWF) and community volunteers, were provided to deserving stranded Indians.

### **Amnesty Scheme in UAE**

The UAE Government has declared a three-month long general amnesty to foreign violators of the country's residency laws starting from August 1, 2018 to October 31, 2018.

It has been reported that the office of Federal Authority for Identity and Citizenship of the UAE Government, under the scheme called 'Protect Yourself via Rectifying Your Status', will grant the foreigners violating the residency law, a three-month grace period starting from August 1, 2018 to either leave the country voluntarily without prosecution, or rectify their legal status by paying the required fee. Our Mission will extend all possible assistance and support to Indian nationals in this regard.

### **Visit of Kuwaiti Delegation to India regarding residency permits for Indian Engineers in Kuwait**

Public Authority for Manpower (PAM), a government body under Ministry of Labour in Kuwait vide its Notification of 11<sup>th</sup> March 2018 made mandatory the requirement of obtaining No Objection Certificate (NOC) from Kuwait Society of Engineers (KSE) for renewal of residencies of all expatriate engineers. KSE, on its part, made issuance of NOC to Indian engineers subject to the recognition/accreditation of their engineering degrees by National Board of Accreditation (NBA) of India. In this regard, a delegation comprising representatives from the Public Authority for Manpower (PAM), and Kuwait Society of Engineers (KSE) visited India from June 25-29, 2018 to understand the higher technical education system in India and various technical bodies that accredit engineering institutions. The delegation paid a courtesy call on Hon'ble Minister of Human Resource Development and held delegation level talks.

The Kuwaiti delegation also visited regulating authorities such as AICTE, UGC, NBA and other prestigious technical institutes. It was agreed that a master list of all the accredited educational institutes would be shared with the Kuwaiti side which would facilitate the process at the Kuwaiti end.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 2.3)**

The Committee note that consequent to the enactment of the Emigration Act, 1983, w.e.f 30th December, 1983, the Protector General of Emigrants (PGE) is the authority responsible for protecting and safeguarding the interests of Indian workers proceeding abroad for employment, as well as a registering authority to issue Registration Certificate (RC) to the Recruitment Agent (RA) for overseas manpower exporting business. At present 1611 active recruiting agents from Delhi, Mumbai, Chennai and Kerala, which are registered with

PGE. While applauding the work of the PGE, the Committee cannot but contemplate the enormity of the task at hand. Being of the considered opinion that a lot needs to be done for safeguarding the interest of the vulnerable blue collar workers both in India, as well as overseas, the Committee cannot but stress upon the pivotal role to be played by PGE so that they are ever ready to safeguard the interests of emigrant India workers at all times. They, therefore, recommend that the PGE adopt a pro-active approach and use all available resources i.e. human and technological, to ensure safety and security of migrant India workers especially in the Emigration Check Required (ECR) Countries.

### **Reply of the Government**

The concern of the Committee is appreciated. There has been a considerable improvement in safeguarding the interest of the overseas ECR workers with the prompt and relentless efforts on the part of PGE and the Indian Missions. The PGE also has at his disposal the e-Migrate portal, which enables instant action against erring recruitment agents on time, in Suspension of RAs, grant of Fresh Registration Certificates, Renewals, approvals for opening Branch Offices, blacklisting of Foreign Employers etc. The recommendation of the Committee is noted and the Ministry would strive to put in more coordinated effort in this regard.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 2.28)**

During the course of the detailed examination of the subject, the Committee observed that the Ministry of Labour & Employment is the nodal department for protecting and safeguarding interests of workers and hence has a mandate for safeguarding the interests of India Emigrant Workers. On their part, the Ministry of External Affairs claim to be the nodal Ministry for safety, security and welfare of Indian emigrant workers, framing rules/regulations for overseas employment. The Committee note that at present the Ministry of External Affairs does not have any tie up with the Ministry of Labour & Employment on the issue of overseas emigrant workers. Not at all satisfied at the prevalent state of affairs, the Committee feel that the Ministry of External Affairs and the Ministry of Labour & Employment need to come together on the issue of protection and security of emigrant Indian workers, including women. They are also of the opinion that the Ministry of Labour & Employment should be the nodal Ministry for educating workers seeking overseas employment about details of the prevalent labour laws, social security laws as well as

minimum wages prevalent in a particular country. The Indian Missions/Posts in various Countries can facilitate the process owing to the locations in various Countries. The Committee, therefore, recommend that the Ministry of External Affairs and the Ministry of Labour & Employment must work together on this vital aspect urgently by setting up a Joint Committee of both the Ministries which can be co-chaired/alternatively chaired by the Secretaries of both the Ministries and should comprise of members from all line Ministries/Departments/Organisations viz. Ministry of Skill Development & Entrepreneurship, Ministry of Home Affairs, State Governments, etc. The progress achieved herein may be reported to the Committee.

### **Reply of the Government**

Ministries. Ministry of Skill Development and Entrepreneurship (MSDE) has informed that the Recommendations /Observations of the Committee have been noted by them for compliance. Ministry of Women and Child Development (MWCD) has also stated that though it is not directly associated with the recommendation, if a decision is taken by Ministry of External Affairs and Ministry of Labour and Employment on setting-up of Joint Committee comprising member of the line Ministries/Department, MWCD shall not have any objection to being a member to the Committee.

The issues relating to the protection and welfare of emigrants and overseas employment are being handled by MEA. The Ministry works in close coordination with all stakeholders, particularly with MHA & MSDE and MoLE, whenever issues concerning these Ministries arise. MEA looks forward to working with MoLE on labour related matters for value addition in policy matters. However, it may be noted that PDOT Programme, by its very nature is directed at overseas employment, rules and regulations in destination countries – an area where inputs from Indian Missions/Posts are more relevant for deciding the PDOT contents.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 2.30)**

The Committee are in complete agreement with the suggestion of the Ministry of External Affairs that there is an urgent need for setting up a cell for emigrant workers in all States/UTs and appointment of a Nodal Officer who would be in constant touch with officials of Ministry of External Affairs 24x7. If this is accomplished, it would not only ensure better co-ordination between States/UTs and the Ministry of External Affairs, but would ultimately benefit

the blue collar Indian emigrant workers as all their details would be passed on by their respective State Government to the Ministry of External Affairs. The Committee are also of the firm opinion that this cell should insist upon all emigrant workers to deposit a copy of their passports alongwith the details of their overseas employer with this nodal agency, as well as keep a similar copy at home with their family members/relatives. Further, the State nodal agency should impress upon all emigrant workers of their State/UT to contact the Indian embassy upon their arrival in their country of employment and contact the embassy officials once in two months, so that the embassy is kept abreast about their latest employment details and in case of any emergency, swiftly come to their aid. The Committee, therefore, recommend that immediate action be taken to issue necessary advisory in order to ensure that the said nodal agency is set up in all States/UTs at the earliest. They further desire to be apprised of the progress achieved in this regard.

### **Reply of the Government**

The Minister of External Affairs in June, 2015 had written to all Chief Ministers of the States requesting them to establish a separate Department for NRI affairs, in the absence of which, the Ministry find it difficult to liaise with the State Governments to redress the grievances of Indian workers abroad on a regular basis. Later, two high level meetings were conducted under the Chairpersonship of EAM with the NRI Affairs Ministers of State Governments on 8th May, 2017 and 10th January, 2018 respectively on safe and legal migration, wherein it was agreed that the State Governments will appoint 'Nodal Officer' in their respective States who will liaise with MEA on all issues concerning Indians abroad, including overseas employment. These Nodal Officers will also pursue the matter with their police authorities for submitting enquiry report on complaints involving illegal agents, which have been forwarded to them. Most of the State Governments have appointed a 'Nodal Officer' in their States.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 2.31)**

The Committee express their satisfaction on noting that the Ministry of External Affairs has signed a Memorandum of Understanding on 2nd July, 2016, with the Ministry of Skill Development and Entrepreneurship for implementation of the Pravasi Kaushal Vikas Yojana (PKVY). This scheme aims at enhancing the skill set of potential emigrant workers in select sectors and job roles in line with international standards to facilitate overseas employment.

The initial focus of the Scheme is on sectors that are in demand in ECR countries i.e. domestic workers, drivers and construction workers. Subsequently, the scheme will be expanded. The Committee, also note that under Pravasi Kaushal Vikas Yojana (PKVY), the role of Ministry of Skill Development & Entrepreneurship is technical top up i.e. domain training and certification, benchmarked to international standards. The responsibility of Ministry of External Affairs is Pre-Departure Orientation which includes language and soft-skill training modules for migrant workers. Also, National Skill Development Corporation (NSDC) is the implementation partner. While appreciating the novel initiative of both the Ministries to enhance the overall employment quotient of the migrant Indian worker, the Committee desire that both Ministries should strive hard in this endeavour so that Pravasi Kaushal Vikas Yojana (PKVY) is successful in achieving its mandate.

### **Reply of the Government**

The recommendation of the Hon'ble Committee was shared with all the concerned Ministries. Ministry of Skill Development and Entrepreneurship (MSDE) has informed that the Recommendations /Observations of the Committee have been noted by them for compliance. The technical top up under PKVY is being imparted by the National Skill Development Corporation (NSDC) through the India International Skill Centres (IISC). In the pilot phase 14 IISCs were launched and the model of training & certification was tested. Post the pilot phase, the IISC policy has been reviewed and the IISC program would now be re-launched through a market linked model with a focus on skill testing. The MEA is working closely with MSDE towards the implementation of PKVY.

The Pre Departure Orientation Training (PDOT) is presently being imparted through four centres in Delhi and Mumbai. Two more PDOT centres, one each in Lucknow and Cochin, are scheduled to be started in November 2018 itself.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 2.32)**

The Committee note that under Pravasi Kaushal Vikas Yojana (PKVY), Sixteen India International Skill Centres (IISCs) have been set up on a pilot basis in various parts of the Country. These centres exclusively focus on skilling, assessment and qualifications that are internationally acceptable. Training is imparted in various sectors including domestic workers, retail,

tourism and hospitality, capital goods, healthcare, construction, automotive and security. As per the figures furnished to the Committee, about 538 candidates have been imparted training in the fifteen centres as one centre is not functional. However, the extremely low rate of international placement i.e. 8 candidates from the 538 candidates is cause of concern to the Committee, as in the year 2017, around 3.91 lakh Indians were granted Emigration Clearance to work in the ECR countries. This yawning gap between number of Indian migrant workers granted emigration clearance to work in ECR countries viz-a-viz candidates imparted training in IISCs and then receiving international placement is one which needs to be addressed. The figures clearly reveal that majority of the potential migrant workers are still not aware of the existence of IISCs and the qualitative improvement that it is likely to bring in their job prospect. The Committee, therefore, exhort upon the Ministry of External Affairs and Ministry of Skill Development & Entrepreneurship to work upon this lacunae in real earnest, as to ensure that not only the number of candidates imparted training by IISCs witnesses a quantum increase, but also the international placement of IISC pass outs increases. They also desire that an action plan be formulated at the earliest and the Committee be apprised of the same.

### **Reply of the Government**

Ministry of Skill Development and Entrepreneurship (MSDE) has replied that the Observations/Recommendations of the Committee have been noted for compliance.

To enhance the scale and outcome of IISCs, NSDC has proposed a new market driven model with a focus on skill- testing in line with overseas employer requirements.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 2.33)**

In regard to one day Pre-Departure Orientation Training (PDOT) programme, the Committee have been informed that Ministry of External Affairs alongwith Ministry of Skill Development & Entrepreneurship launched the same as the need was felt to orient potential migrant workers with regards to language, culture, do's and don'ts in the destination country. The one day PDOT programme was piloted in 2 locations of Bombay and Delhi each and since its inception on 10th January, 2018, training has been imparted to over



8,000 candidates. However, one glaring omission which came to the notice of the Committee was that the Ministry of Labour & Employment was not made a party to PDOT by the Ministry of External Affairs. Expressing their surprise at this omission, they desire that Ministry of External Affairs also involve Ministry of Labour & Employment for imparting training on the labour laws of the 18 ECR countries especially with regard to Minimum wages, social security and hours of work, etc., at the earliest.

### **Reply of the Government**

Interaction with Ministry of Skill Development & Entrepreneurship (MSDE) is a regular process towards modification of the curriculum and content of the PDOT program to include any relevant inputs from Ministry of Labour & Employment, or any other source, regarding labour laws of the 18 ECR countries especially with regard to Minimum wages, social security and hours of work etc.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 2.35)**

The Committee desire that PDOT be imparted to all Indian migrant workers who have been given Emigration Clearance to work in ECR countries. Further, the contents of the training should be imparted in a vernacular medium, so as to facilitate easy comprehension and maximum information absorption by the candidates of the PDOT.

### **Reply of the Government**

The Committee's recommendation for expanding the duration of PDO programme has been noted. The Ministry is working towards expanding the network of PDOT centres across the country and is working in close coordination with NSDC and the State Governments so as to utilize the State Government infrastructure, wherever available, for imparting PDOT. The Ministry has also organized workshops on safe and legal migration, training of trainers programme for Pre Departure Orientation in different parts of the country aimed at raising awareness and towards capacity building of concerned State authorities to undertake the task of imparting PDOT. MEA assures the Committee that the very objective of PDOT programme is to ensure that not a single emigrant leaves India without this valuable familiarization training. Once the training infrastructure is adequately developed, this PDOT training will be made mandatory before departure for overseas employment.

Ministry of Skill Development & Entrepreneurship (MSDE) has replied that the one-day Pre-Departure Orientation Training (PDOT) was launched in January, 2018. As on 6th November, 2018, a total of 25,962 migrant workers have been trained and imparted PDOT in four centres in Delhi and Mumbai.

In the next phase of expansion, PDOT centres are slated to open in Lucknow, Kochi, Hyderabad and Chennai.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 3.11)**

The Committee note that Indian women are primarily employed in the ECR countries either in the capacity of Domestic Service Workers (DSW) or as Nurses. They are also aware that women domestic workers are particularly vulnerable to exploitation in these countries where welfare and security of migrant workers is generally weak. In particular, women travelling to 18 ECR countries on a non ECNR visa are the most prone to exploitation. However, the Committee are concerned to note that while the Ministry of External Affairs agree that exploitation of Indian migrant workers takes place, data furnished by their hundred odd Missions/Post largely points to a 'Nil' figure on this aspect. The Committee express their serious concern over the cause of safety and security of migrant Indian women workers, especially the ones seeking employment as domestic helps and housemaids and recommend that Ministry of External Affairs in conjunction with other agencies work towards a system which sensitises the Missions/Posts on the matter concerning safety and security of Indian women workers working abroad.

### **Reply of the Government**

The recommendation of the Committee is noted. Most of the complaints of Domestic Service Workers (DSWs) 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. Suitable accommodation for distressed DSWs has been setup in Bahrain, Kingdom of Saudi Arabia, Kuwait, Qatar, UAE and Malaysia to provide them temporary shelter. Whenever complaints of distressed Indian women workers are received involving registered RAs, the RA's Registration Certificates are suspended till they do not take prompt action and rescue the women workers in distress.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 3.29)**

The Committee have been informed by the Ministry of External Affairs that those women workers who have taken the ECR route for employment as domestic maids and had the misfortune of encountering problems on job were located, rescued and repatriated by the Ministry of External Affairs, as their details were readily available. However, in the case of women who emigrated under dual visa and subsequently encountered problems, the Ministry of External Affairs could not come to their rescue speedily, due to lack of details, as they were not registered on the e-Migrate portal. In some cases, by the time Ministry of External Affairs was finally able to trace those women in distress, they were beyond help. While empathizing with these victims, the Committee are of the firm opinion that this issue needs a two pronged strategy i.e. at domestic and international level. At the domestic level, a foolproof mechanism needs to be put in place urgently, which would take stringent action against recruiting agencies including in the practice of illegal emigration of women. Secondly, before departure a thorough check of the documents must be carried out to bring out cases of dual visas and lastly, Ministry of Labour & Employment and Ministry of External Affairs must create awareness amongst all potential emigrant workers that for their own safety and security, they must go through proper channel, i.e. the ECR route, so as to go to their chosen nation of work with confidence and a sense of security. In this regard, the Committee would like to draw attention to the campaign initiated by the Ministry of External Affairs in the State of Telangana for educating the potential overseas workers about taking necessary precautions before leaving India and contacting Indian Missions/Embassies in the countries where they are employed. They, therefore, desire that such efforts must be replicated in the States of Uttar Pradesh, Bihar, Tamil Nadu and all other States from where women workers emigrate in large numbers. On the diplomatic front, the Committee desire that the Ministry of External Affairs must engage in a serious and continuous dialogue with the concerned 18 ECR countries and impress upon them the need to do away with the alleged malpractice of issuance of double visas. The sooner this malpractice is put to an end, it would be mutually beneficial for all the concerned parties. The Committee desire that the Ministry of External Affairs initiate a prompt and affirmative action on their suggestion and apprise them of the progress achieved herein.

### **Reply of the Government**

As already brought to the notice of the Committee, through two high level meetings chaired by EAM herself, the MEA requested the State Governments to

launch a media outreach campaign for 'Safe & Legal Migration'. A CD containing various media themes was handed over to the concerned officials/officers accompanying various State Ministers concerned for carrying out a state-wide publicity campaign to promote safe and legal migration.

During the financial year 2017-18, media campaign on 'Safe and Legal Migration' of Indian workers for overseas employment was run through All India Radio, Doordarshan, Lok Sabha TV and NFDC (87 private FM radio stations). As maximum people who go for overseas employment are from UP, Bihar, Madhya Pradesh, Jharkhand, Himachal Pradesh, Uttarakhand, Chhattisgarh, Haryana, Rajasthan, Gujarat, Delhi, Tamil Nadu, West Bengal, Kerala, Punjab, Andhra Pradesh, Telangana, Maharashtra, Odisha and Karnataka, this media campaign on 'Safe and Legal Migration' was run through in these States and in different regional languages including Oriya, Kannada, Bangla, Tamil, Malayalam, Punjabi, Marathi and Telugu. A 40-second ad on 'Safe and Legal Migration' was run through the above-mentioned channels in these States. Separately, at the request of the Ministry, several State Governments including UP have run the media campaign in different cinema halls and cable TV networks at their own cost.

40-second ad on 'Safe and Legal Migration' in Hindi and different regional languages for one month on prime channels and DD News have been aired. Several popular private regional channels like ABN Andhrajyoti, Asianet News, Manoranjan Movies, News 18 UP/Uttarakhand, News 18 Punjab/Haryana/Himachal Pradesh, ETV Telangana News, News 18 Bihar/Jharkhand, Colors Bangla, ETV Telangana News, Bhojpuri Cinema, Dangal, PTC News, PTC Punjabi, India News, Mathrubhumi News, MH One News, Mazhavil Manorama, Puthiya Thalaimurai TV, News Nation, Vissa Television, Vijay TV, Asianet, KTV, Gemini TV, Sun TV, Total TV, Zee Hindustan and Zee Rajasthan News have been included to reach vulnerable sections of the society.

The Ministry has also published the ads in Hindi and different Indian regional languages through Bureau of Outreach and Communication (BOC) in regional and popular newspapers.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

### **(Recommendation Para No. 3.31)**

The Committee note that as informed by the Ministry of External Affairs that it has not come across any instance/s of Registered Recruiting Agents (RAs) indulging in the business of illegal emigration. However, the Committee opine that the role played by unregistered agents cannot be afforded to be overlooked. These unregistered agents are the ones who are indulging in the malpractice of illegal immigration. Expressing serious concern at the prevalent state of affairs, the Committee recommend that the Ministry of External Affairs along-with the concerned State Governments/UT Administrations take speedy and cogent measures to control this malaise at the earliest. They further desire that the law enforcement agencies at Central and State level play a proactive role herein, so as to catch the culprits and ensure that stringent provisions of Indian Penal Code (IPC) and Code of Criminal Procedure (CRPC) are slapped on them. In this regard, the setting up of Nodal Agency at State/UT level as earlier recommended by the Committee assumes significance as it would be an important link between the Centre/ State agencies.

#### **Reply of the Government**

In case of illegal emigration through an unregistered Agent, the concerned Police Authority in the State is requested to take action as 'Law & Order' is a subject of State Government(s). Simultaneously, the concerned Indian Mission abroad is requested to take up the issue with the Foreign Employer to resolve the grievance of the emigrant as early as possible and if required, to arrange for his/her repatriation.

Section 27 of Emigration Act, 1983 provides that prosecution shall not be instituted against any person in respect of any offence under Emigration Act, 1983 without the previous sanction of the Central Government, however, no prosecution shall be required when an offence has been committed in respect of an emigrant or an intending emigrant and the complaint is filed by such emigrant or intending emigrant, or on behalf of such emigrant or intending emigrant, by the father, mother, husband, wife, son, daughter, brother, sister or guardian of such emigrant or intending emigrant, or if such emigrant or intending emigrant is a member of a joint Hindu family, by the manager of that family.

On receipt of complaints against unregistered Agents, the concerned Police Authority will investigate the matter and after investigation request to the Central Government to grant prosecution sanction under Section 27 of

Emigration Act, 1983 to enable them to prosecute such unregistered Agent or a person.

The Protector General of Emigrants under Section 27 of the Emigration Act, 1983 grants prosecution sanction to the concerned State Law enforcement agency. Prosecution Sanctions issued to States during the last two years and the current year are as under:

Name of State/UT	Number of sanction for prosecutions issued		
	2016	2017	2018 (Up to October 2018)
Andhra Pradesh	0	0	04
Delhi	0	01	01
Goa	01	01	01
Kerala	03	05	03
Maharashtra	01	0	0
Punjab	08	03	0
Rajasthan	04	05	0
Tamil Nadu	15	05	0
Telangana	10	10	01
Uttar Pradesh	0	0	03

In May 2016, Government had also issued Standard Operating Procedure (SOP) to be followed by States on receipt of complaints against unregistered/ unscrupulous agents.

Two high levels meetings were conducted under the Chairpersonship of External Affairs Minister with the NRI Affairs Ministers of State Governments on 8th May, 2017 and 10th January, 2018 respectively on safe and legal migration. It was stated that the State Governments will appoint 'Nodal Officer' in their respective State who will pursue the matter with concerned police authorities for submitting enquiry report in the matters, on complaints that have been forwarded to them. Most of the State Governments have appointed a 'Nodal Officer' in their State.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

**(Recommendation Para No. 3.32)**

The Committee express satisfaction on being informed that MEA has now proposed of easing of norms for Recruiting Agencies in rural areas by lowering the amount of Bank Guarantee to Rs. 8 lakh from Rs. 50 lakh, for urban areas.

The Committee are of the considered opinion that this is a welcome step in the right direction, which would firstly encourage people to go for legally approved channel for seeking employment in ECR nations and would also go a long way in effectively tackling the issue of illegal migration through unregistered/ illegal recruiting agents.

### **Reply of the Government**

The observation of the Committee has been noted. MEA is pleased to inform the Committee that the new scheme of registration with reduced bank guarantee has received an extremely positive response in the form of applications from across the length and breadth of the country.

State-wise number of applications received, In-Principle approved and Registration Certificates granted under the New Scheme up to 11th Nov 2018.

<b>Name of State</b>	<b>Submitted</b>	<b>Approved In-Principle</b>	<b>RC granted</b>
ANDHRA PRADESH	3	0	2
BIHAR	5	2	0
CHANDIGARH	2	1	0
DELHI	26	7	11
GUJARAT	2	0	0
HARYANA	4	0	2
HIMACHAL PRADESH	2	0	0
JAMMU & KASHMIR	1	0	0
JHARKHAND	1	0	0
KARNATAKA	3	1	0
KERALA	15	4	2
MADHYA PRADESH	1	0	0
MAHARASHTRA	24	2	7
ORISSA	3	2	0
PUNJAB	19	6	10
RAJASTHAN	9	2	3
TAMIL NADU	16	3	4
TELANGANA	20	3	9
UTTAR PRADESH	13	4	3
UTTARAKHAND	3	1	1
WEST BENGAL	4	0	1
<b>Total</b>	<b>176</b>	<b>38</b>	<b>55</b>

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

**CHAPTER-III**

**OBSERVATIONS/ RECOMMENDATIONS WHICH THE COMMITTEE DO NOT  
DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY**

**NIL**



## **CHAPTER-IV**

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

#### **(Recommendation Para No. 1.12)**

The Committee note that prior to the economic slowdown in Gulf Cooperation Council (GCC) countries, there was a steady increase in the number of Indians emigrating for employment. The high point was the year 2013 wherein 8.19 lakh Emigration clearances were granted by Protector of Emigrants Offices. However, the subsequent years witnessed a decline i.e in 2015 it fell to 7.84 lakh, in 2016 it was further reduced to 5.21 lakh and in 2017, the figure had fallen down to 3.91 lakh. While the reasons for economic slowdown in GCC countries is beyond the purview of the MEA, yet, the Committee are of the firm opinion that even in times of an economic slowdown, there will always be a demand for cheap and skilled blue collar workers, albeit in a reduced scale. Further, Indian Workers are facing stiff competition from those coming from other Asian countries like Bangladesh, Nepal, Philippines etc. The Committee exhort upon the Ministry of Labour & Employment through the MEA and in particular the Overseas Indian Affairs Division to undertake an in depth study of this issue and come out with factors responsible for a substantial decrease in the number of Indian overseas workers in last five years. The need of the hour is to ensure that Indian blue collar workers do not lose out good employment opportunities overseas to those coming from other countries. This would ensure that Indian workers continue to be in high demand in the GCC countries, thereby assuring a steady flow of foreign exchange remittance to India, but would also reduce the number of workers being sent, illegally by unregistered and unscrupulous recruiting agents.

#### **Reply of the Government**

Besides the economic slowdown, crackdown on the illegal agents in cooperation with the State Governments and successful operation of e-Migrate system, which made it difficult to get emigration clearance with forged documents and coordinated efforts to prevent human trafficking are also responsible for reduced number of legal emigration clearance during the recent years. The Ministry prefers to send the Indian workers abroad safely and securely, than competing with other neighboring countries in sending them. The Ministry closely monitors the evolving situations in the GCC countries. The number of resident Indian Community in GCC countries is by and large stable and in fact

there has been a marginal increase. Ministry also works in close coordination on labour and manpower related issues with GCC countries.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

**(Recommendation Para No. 2.29)**

The Committee note that the Ministry of External Affairs has complete details of Emigration Check Required (ECR) category workers for the 18 ECR countries. However, it came out during oral evidence that the Ministry of External Affairs are not in possession of any data of Indians going to these nations on Tourist Visas and then overstaying illegally and seeking employment in these countries. Also, Ministry of External Affairs have no details of those Indian citizens visiting these 18 ECR countries or any other country, who are holders of Emigration Check Not Required (ECNR) as details of ECNR Passport Holders going abroad falls under the domain of the Ministry of Home Affairs. Also, lack of adequate co-ordination between the Ministry of External Affairs and Ministry of Home Affairs further aggravates the issue. In the unfortunate event of any Indian citizen staying on illegally in a foreign nation and meeting some misfortune, the Ministry of External Affairs is not in the position to promptly extend help to that particular Indian citizen due to lack of details. The Committee feel that the time has finally dawned for establishing close cooperation between the Ministry of External Affairs and Ministry of Home Affairs in terms of sharing details of ECR and ECNR passport holders going abroad, either for employment or tourism. The Committee desire that this issue be dealt with the requisite alacrity so that online and offline data sharing between Ministry of External Affairs and Ministry of Home Affairs on ECR and ECNR passport holders visiting abroad is available in real time. This would not only address the issue of persons overstaying on tourist visas to obtain employment but would also enable the Ministry of External Affairs to come to the rescue of stranded Indian workers abroad at the earliest.

**Reply of the Government**

The concern of the Committee has been noted. As a first step, the Ministry is soon making it mandatory on a pilot basis, for the ECNR passport holders going abroad on employment purposes, to any of the notified ECR countries, to register themselves on e-Migrate portal. The MEA is coordinating closely with the MHA for making available the data on the persons going overseas on visit visas. However, MEA takes this opportunity to assure the Committee that MEA

extends all possible help through its Missions, whenever any Indian worker, ECR or ECNR, needs help of any kind.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

**(Recommendation Para No. 3.30)**

Keeping in view the vulnerability of Indian women employed as domestic help in the 18 ECR countries, the Committee desire that the Ministry of External Affairs in consultation with the Ministry of Labour & Employment fix an upper age limit for women who wish to seek employment as Domestic Service worker in the ECR countries. This so, as the Committee have noted that at present only a lower age limit of 30 years has been prescribed and in the absence of a prescribed upper age limit, the same is liable for exploitation by unscrupulous agents.

**Reply of the Government**

The recommendation of the Committee is noted. It may be mentioned that in some countries like Bahrain, Muscat and Qatar, the upper age limit of DSWs has been fixed by the respective local Governments to 60 years and beyond that age, no work visa can be issued.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

## **CHAPTER-V**

### **OBSERVATION/RECOMMENDATION IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT ARE INTERIM IN NATURE**

#### **(Recommendation Para No. 2.34)**

The Committee also recommend that the duration of training imparted under PDOT be increased to atleast 3 days so that the less educated blue collar workers are able to fully comprehend and grasp the contents of this training in a phased manner, as well as they do not suffer from information overload as is the present case scenario in one day PDOT.

#### **Reply of the Government**

Interaction with Ministry of Skill Development & Entrepreneurship (MSDE) is a regular process towards modification of the curriculum and content of the PDOT program to include any relevant inputs from Ministry of Labour & Employment, or any other source, regarding labour laws of the 18 ECR countries especially with regard to Minimum wages, social security and hours of work etc.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

#### **(Recommendation Para No. 3.12)**

The Committee note that of late there have been many instances of complaints regarding human trafficking, particularly women. In the last one year 58 such cases have been referred to the Central Bureau of Investigation (CBI), as it is the mandated agency to check human trafficking. Deeply concerned at this inhumane practice, the Committee desire that stringent measures be put into place for putting an early end to this malaise. They, further desire that Ministry of External Affairs obtain the details of the progress achieved by the CBI in the 58 reported cases of human trafficking and furnish the same to the Committee.

#### **Reply of the Government**

As reported by CBI vide their I.D. No. 25/M-28/2017-PD/2006 dated 28.07.2017 they have registered only 6 cases during 2015 to 2017 (upto 15th July) and all cases are under investigation. MEA will pursue the cases with CBI for updates from time to time.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

**(Recommendation Para No. 3.13)**

Another issue which is a cause of concern to the Committee is the flouting of norms by unscrupulous agents who in order to make a quick buck are circumventing the rules governing employment of housemaids in the 18 ECR countries. Having realised that strict norms have been put in place in form of ECR column in the passport of such potential candidates, these agents are using the route of tourist Visa/ECNR thereby jeopardizing the safety and security of these vulnerable women workers. In their endeavour, they have also been successful in gaining tacit help from the consular section of these 18 ECR nations. This has led to the strange use of dual visas. While departing India, the emigrant workers get their tourist visa stamped by emigration officials and on arrival at their destination, they paste their employment visa of a neighbouring country before reaching there for employment purpose. However, when they encounter any exploitation or ill-treatment/harassment at the hands of their employers, they have nowhere to go and no-one to seek help from. However, the Committee, laud the Ministry of External Affairs for their pro-active measure, wherein they have started mandatory registration of non-ECR passport holding Indian emigrants going to 18 ECR countries for employment purposes, on a pilot basis. The Committee desired to be apprised of the progress achieved herein and desire that it be made fully operational at the earliest. The Committee are sanguine, that if correctly executed, this would help to contain the menace of dual visa system and thereby ensure the safety and security of Indian women working as housemaids in these countries.

**Reply of the Government**

The Ministry is happy to note that the mandatory registration of ECNR passport holders leaving the country on employment visa on pilot basis has been lauded by the Committee. The MEA is in the process of launching the process fully after issuing required advisories in this regard for awareness of the prospective emigrants. Up to 7th October, 2018, 33584 registration of ECNR passport holders have been recorded in the e-Migrate system.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

**(Recommendation Para No. 3.37)**

The Committee have been informed by the MEA that owing to rampant corruption and large scale malpractices in recruitment of nurses for overseas employment in ECR countries, the Government has undertaken a slew of measures to effectively handle this issue. These are as follows:

- (i) *w.e.f* 31<sup>st</sup> May, 2015 Emigration Clearance of nurses has been made mandatory;
- (ii) Emigration Clearance for Nurses shall be procured only through six State Government Agencies;
- (iii) Private Recruitment Agencies have also been permitted to recruit nurses for Public and Private Hospitals in Bahrain, Saudi Arabia, Oman, Jordan, Qatar etc. through issue of 'Country Specific Order' subject to acceptance of some additional terms and conditions stipulated by MEA.

The Committee express their satisfaction on noting that consequent to the above measures taken by MEA the number of nurses seeking employment in ECR nations had risen to 8459 as on 31.10.2017. They however, would advise the MEA to be every vigilant on this vital and sensitive issue to ensure that our nurses travel legally to these ECR countries and does not encounter any harassment/ exploitation at the hands of their foreign employers. However, in rare cases of such instances, the MEA should be able to locate and repatriate them at the earliest.

While appreciating the decision of MEA permitting Registered Agents to recruit nurses for Public and Private hospitals in the ECR countries against 'Country Specific Order', the Committee desire the Government to increase the number of State Government RAs since potential women candidates, desirous of overseas employment need to undertake long journey to these six Government Recruitment Agencies for completion of all necessary formalities.

**Reply of the Government**

The observation of the Committee has been noted. The Ministry is continuously pursuing the State Governments to apply to the Ministry for setting up of State Govt. RAs. Though the response was lukewarm initially, some more State Governments have recently expressed their desire/willingness to set up their own RAs. Currently, there are seven State Government RAs with the inclusion of Rajasthan Skill & Livelihoods Development Corporation, Rajasthan (RSLDC). Govt. of Karnataka and Government of Bihar are also actively considering nominating a State Undertaking as State Govt. RA.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

**(Recommendation Para No. 3.43)**

The Committee note that the MEA has put in place an elaborate mechanism for redressal of grievances faced by emigrant workers in the ECR nations, with special emphasis being made for the women workers these include signing of Memorandum of Understanding with six Gulf Countries, Jordan and Malaysia, creations of Indian Community Welfare Fund, MADA Portal, e-Migrate System, shelter homes, 24x7 Helplines and toll free, Helpline etc. Being of the firm opinion that MEA still needs to do a lot more for grievances redressal of the vulnerable workers especially in the ECR nations, the Committee therefore recommend the following:

- (i) Augmenting and strengthening of infrastructure as well as manpower of Indian Missions across the globe, especially in the ECR nations, so as to speedily respond to any crisis faced by Indian citizens outside India;
- (ii) Make it mandatory for all Indians visiting abroad either on ECR or ECNR passport to register themselves with the Indian Mission on arrival in any foreign country; and
- (iii) In case the period of stay exceeds a month, to report to the Indian Mission atleast once in three months.

The Committee further desire that the MEA take positive action on their above-mentioned recommendations and inform them of the progress achieved in this urgent matter at the earliest.

**Reply of the Government**

The recommendations of the committee are noted for compliance.

**(Ministry of External Affairs O.M. No. H-11020/2/2017-OE-III dated 14/11/2018)**

**New Delhi;**  
***6<sup>th</sup> February, 2019***  
***17<sup>th</sup> Magha, 1940 (Saka)***

**DR. KIRIT SOMAIYA**  
**CHAIRPERSON,**  
**STANDING COMMITTEE ON LABOUR**

**STANDING COMMITTEE ON LABOUR**

**(2018-19)**

**Minutes of the Eleventh Sitting of the Committee**

The Committee sat on 31<sup>st</sup> January, 2019 from 1600 hrs. to 1700 hrs. in Committee Room No. B, Parliament House Annexe, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya – Chairperson**

**MEMBERS  
LOK SABHA**

2. Shri Rajesh Kumar Diwakar, MP
3. Shri Ashok Dohare, MP
4. Shri Satish Chandra Dubey, MP
5. Shri Kaushalendra Kumar, MP
6. Shri Hari Manjhi, MP
7. Shri Hariom Singh Rathore, MP

**RAJYA SABHA**

8. Shri P.L. Punia, MP
9. Shri Madan Lal Saini, MP
10. Dr. Banda Prakash, MP

**SECRETARIAT**

1. Ms. Rimjhim Prasad - Joint Secretary
2. Shri P.C. Choulda - Director
3. Shri C. Vanlalruata - Additional Director
4. Shri Kulvinder Singh - Under Secretary



## WITNESSES

### REPRESENTATIVES OF MINISTRY OF EXTERNAL AFFAIRS

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
<b>1.</b>	<b>Shri Amrit Lugun</b>	<b>JS(OE) &amp; PGE</b>
<b>2.</b>	<b>Shri Manish Gupta</b>	<b>JS(OIA-I)</b>
<b>3.</b>	<b>Shri Shashank Vikram</b>	<b>Director (OIA-I)</b>
<b>4.</b>	<b>Col. Rahul Dutt</b>	<b>Director (OE-II)</b>
<b>5.</b>	<b>Shri Rajesh Sharma</b>	<b>DS (OE-III)</b>
<b>6.</b>	<b>Shri Dilbagh Singh</b>	<b>Consultant (OIA-I)</b>

### REPRESENTATIVES OF MINISTRY OF HOME AFFAIRS

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
<b>1.</b>	<b>Shri Md. Nasim Khan</b>	<b>Deputy Secretary</b>
<b>2.</b>	<b>Shri Shamim Ahmed</b>	<b>Under Secretary</b>

2. At the outset, the Hon'ble Chairperson welcomed the members and informed them about Safeguarding interest of female workers, status of complaints received from women workers against foreign employers, appointment of Nodal Officers in State Governments/UTs, action taken against unscrupulous agents, sharing of data from the Ministry of Home Affairs those who went on Tourist visa etc, to develop a system to know the details of Indian workers applying for overseas employments.

3. Thereafter, the Chairperson welcomed the representatives of the Ministry of External Affairs and the Ministry of Home Affairs on the subject 'Action Taken by the Government on the Observations/Recommendations contained in the Fortieth Report on 'Overseas Employment of Women Workers including Nurses and Maids issues and Regulatory Framework'. The Chairperson then drew the attention of the representatives to Direction 55(1) of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees.

4. The Committee then desired to know about the necessary action taken by the Ministry of External Affairs and Ministry of Home Affairs on the Subject. The representative of the Ministry of External Affairs informed that to ensure a safe, orderly, legal and humane migration process, the Protector General of

Emigrants and its ten officers in various locations in India are actively working towards curbing activities of illegal agents, ensure transparent recruitment. The representatives of the Ministry of External Affairs submitted that e-migrant system, the Protector General of Emigrants has on-line facility to monitor the activities of the foreign employers and recruiting agents who are registered and take immediate remedial measures. They further stated that the Ministry launched a media campaign on safe and legal migration of workers for overseas employment to Gulf countries on Television and Radio in Hindi and regional language throughout the country.

5. As regard to the issue of those people who are going out for jobs on Tourist Visa in an unauthorised and illegal manner, the representative of the Ministry of External Affairs submitted that the Ministry requires information and inputs from the Ministry of Home Affairs from time to time and the Ministry of Home Affairs has been getting the information from Bureau of Immigration.

6. The Committee then asked the representative of the Ministry of Home Affairs to clarify the issue. The representative of the Ministry of Home Affairs submitted that they have the data of those who have gone on Tourist Visa year wise and details of fake passport holders. The representative further submitted that the Ministry have data of those who have gone abroad on Tourist Visas but they don't have the data as how many have returned.

7. The Chairperson then thanked the witnesses for appearing before the Committee and briefing them on the subject as well as responding to the queries raised and directed them to furnish any suggestion germane to the Subject within forty-eight hours.

**The Committee then adjourned.**

[A copy of the verbatim proceedings was kept on record]

**STANDING COMMITTEE ON LABOUR**

**(2018-19)**

**Minutes of the Twelfth Sitting of the Committee**

The Committee sat on Wednesday, the 6<sup>th</sup> February, 2019 from 1030 hrs. to 1100 hrs. in Room No. 95-A, Chairperson's Chamber, Parliament House, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya - CHAIRPERSON**

**MEMBERS**

**LOK SABHA**

2. Shri Ashok Kumar Dohrey, MP
3. Shri Satish Chandra Dubey, MP
4. Shri Rama Chandra Hansdah, MP
5. Shri C. N. Jayadevan, MP
6. Shri Kaushalendra Kumar, MP
7. Shri R. Parthipan, MP
8. Shri Hariom Singh Rathore, MP

**RAJYA SABHA**

9. Shri Ram Narain Dudi, MP
10. Shri P.L. Punia, MP
11. Shri Amar Shankar Sable, MP
12. Shri N. Gokulakrishnan, MP
13. Shri Madanlal Saini, MP

**SECRETARIAT**

1. Ms. Rimjhim Prasad - Joint Secretary
2. Shri P.C. Choulda - Director
3. Shri C. Vanlalruata - Additional Director
4. Shri Kulvinder Singh - Under Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee, convened for consideration and adoption of the following draft Reports:

- (i) XX XX XX XX
- (ii) XX XX XX XX
- (iii) XX XX XX XX
- (iv) XX XX XX XX
- (v) XX XX XX XX
- (vi) Action Taken by the Government on the Observations/ Recommendations of the Committee contained in their 40<sup>th</sup> Report on Oversea Employment of Women Workers including Nurses and Maids, Issues and Regulatory Framework' pertaining to the Ministry of External Affairs and the Ministry of Labour & Employment.
- (vii) XX XX XX XX

3. The Committee took up the Draft Reports one by one for consideration/ adoption and adopted the same without any addition/ modification.

4. The Committee then authorized the Chairperson to finalise the Report and present the same to both the Houses.

**The Committee then adjourned.**

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XX Does not pertain to this Report.

**APPENDIX-III**

**(Vide Para No. 3 of the Introduction)**

**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON  
RECOMMENDATIONS CONTAINED IN THE FORTIETH REPORT OF THE  
STANDING COMMITTEE ON LABOUR (SIXTEENTH LOK SABHA)**

	<b>Total</b>	<b>Percentage</b>
I. Total number of Recommendations	20	
II. Observations/Recommendations which have been accepted by Government (Recommendation Para. Nos. 1.11, 2.3, 2.28, 2.30, 2.31, 2.32, 2.33, 2.35, 3.11, 3.29, 3.31 and 3.32)	12	60%
III. Observations/Recommendations which the Committee do not desire to pursue in view of Government's replies - Nil	00	00%
IV. Observations/Recommendations in respect of which Government's replies have not been accepted by the Committee and which requires reiteration - Recommendation Para Nos. 1.12, 2.29 and 3.30	03	15%
V. Observations/Recommendations in respect of which replies of Government are of interim in nature- Recommendation Para Nos. 2.34, 3.12, 3.13, 3.37 and 3.43	05	25%
		----- 100% -----