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**COMMITTEE
ON EXTERNAL AFFAIRS
(2019-20)**

SEVENTEENTH LOK SABHA

MINISTRY OF EXTERNAL AFFAIRS

[Action Taken by the Government on the Observations/Recommendations contained in the Twenty-Third Report (16th Lok Sabha) on the subject 'Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants'.]

FOURTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

September, 2020 /Bhadrapada, 1942 (Saka)

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Presented to Hon'ble Speaker on 9 September, 2020



LOK SABHA SECRETARIAT
NEW DELHI

September, 2020 /Bhadrapada, 1942 (Saka)

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COMPOSITION OF THE COMMITTEE ON EXTERNAL AFFAIRS (2019-20)

1. Shri P.P. Chaudhary, Chairperson

Lok Sabha

2. Shri Abhishek Banerjee
3. Shri Margani Bharat
4. Kunwar Pushpendra Singh Chandel
5. Shri Jayadev Galla
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17. Shri Ram Swaroop Sharma
18. Shri Ravindra Shyamnarayan Shukla *alias* Ravi Kishan
19. Shri Manoj Tiwari
20. Shri Rebaty Tripura
21. Shri N.K. Premachandran

Rajya Sabha

22. Shri K. J. Alphons
23. Smt. Jaya Bachchan
24. Smt. Misha Bharti
25. Shri P. Chidambaram
26. Shri Swapan Dasgupta
27. Shri Chunibhai Kanjibhai Gohel
28. Shri Shamsher Singh Manhas[§]
29. Shri Sharad Pawar
30. Shri Kapil Sibal
31. Shri Abdul Wahab

§ Shri Neeraj Shekhar, Member, Rajya Sabha had resigned from the membership of the Committee *w.e.f.* 31.1.2020 and Shri Shamsher Singh Manhas, Member, Rajya Sabha nominated *w.e.f.* 4.2.2020.

INTRODUCTION

I, the Chairperson, Committee on External Affairs (2019-20) having been authorized by the Committee to present the Report on their behalf, present this Fourth Report on Action Taken by the Government on the Observations/Recommendations contained in the Twenty Third Report (Sixteenth Lok Sabha) on the subject 'Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants'.

2. The Twenty-Third Report was presented to the Parliament on 2 January, 2019. The updated Action Taken Replies of the Government on all the Observations/Recommendations contained in the Report were received on 4 December, 2019 (English version) and 9 December, 2019 (Hindi version).

3. The Committee considered and adopted this Action Taken Report through circulation.

4. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Twenty Third Report of the Committee on External Affairs (16th Lok Sabha) is given at Appendix-II.

NEW DELHI
31 August, 2020
9 Bhadrapada, 1942 (Saka)

Shri P.P. Chaudhary,
Chairperson,
Committee on External Affairs

CHAPTER – I

REPORT

This Report of the Committee on External Affairs deals with the Action Taken by the Government on the Observations/Recommendations contained in their Twenty-Third Report (Sixteenth Lok Sabha) on the subject „Issues relating to migrant workers including appropriate legislative framework and skill development initiatives for prospective emigrants“ which was presented to the Lok Sabha and laid on the Table of the Rajya Sabha on 2 January, 2019.

2. The Action Taken Notes have been received from the Ministry of External Affairs on all the 30 Observations/Recommendations contained in the Report. These have been categorized as follows: -

(i) Observations/Recommendations which have been accepted by the Government: -

Recommendation Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 20, and 22

Total- 17

(ii) Observations/Recommendations which the Committee do not desire to pursue in view of the Government's replies:-

Recommendation No. 23, 27 and 29

Total- 3

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

Recommendation Nos. 19

Total- 1

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

Recommendation Nos. 6, 13, 14, 21, 24, 25, 26, 28 and 30

Total- 9

3. The Twenty-Third Report (Sixteenth Lok Sabha) of the Committee on External Affairs (2018-19) on the subject “Issues relating to migrant workers including appropriate legislative framework and skill initiatives for prospective emigrants” was presented to the Parliament on 2 January, 2019 and the Action Taken Replies on the Observations/Recommendations contained in the Report were furnished by the Ministry on 28 March, 2019 (English version) and 1 April 2019 (Hindi version). However, due to the dissolution of the Sixteenth Lok Sabha, the replies could not be examined and the Report could not be presented thereto. After the re-constitution of the Committee on External Affairs in September, 2019, the Ministry of External Affairs was requested to furnish updated action taken replies and the same were furnished on 9 December 2019. The Committee take a view of the fact that despite the lapse of almost one year, there are nine Observations/Recommendations (*i.e.* Recommendation Nos. 6, 13, 14, 21, 24, 25, 26, 28 and 30) whose final Action Taken replies are still awaited. The Committee deprecate such a cold approach of the Ministry towards furnishing Action Taken Replies to the Observations/Recommendations of the Committee; such delays hinder the oversight function of the Committee. Furthermore, the Committee also reiterate that the Action Taken Replies to the Committee’s Observations/Recommendations should be clear, focused and specific. The Ministry should not furnish general and elusive replies to the Observations/ Recommendations made by the Committee. The Committee also desire that final replies to the comments contained in Chapter-I and Observations/Recommendations contained in Chapter-V of this Report should be furnished to them at an early date.

4. The Committee will now deal with the action taken by the Government on some of their Observations/Recommendations.

(Recommendation No. 1)

Need for a coherent policy and institutionalized architecture on migration

5. The Committee had observed 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 pointed to a general trend of skilled and qualified Indians moving to Organization for Economic Cooperation (OECD) countries while the unskilled or semi-skilled/low skilled workers are going to the Gulf region. The Committee, however, were concerned to note that the existing institutional arrangements for the protection, safety and welfare of Indian emigrants were based on inadequate data infrastructure. Moreover, in the absence of any articulated migration policy, the country had not been able to tap in the full potential offered by mobility of Indians in the international labour market and the efforts geared in that direction appeared fragmentary and myopic.

Given the compelling circumstances that drove 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 had, therefore, strongly urged 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 have 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 implemented the ongoing programmes for the protection and welfare of Indian migrants.

6. The Ministry of External Affairs, in its Action Taken Reply, has stated that the observations made by the Committee have been duly noted. It has been the high priority of the Government to develop a robust and responsive framework to ensure welfare, safety and to prevent exploitation of Indian workers going abroad in coordination with all stakeholders including concerned Ministries in Government of India and State Governments. Ministry has developed a robust framework for the welfare and protection of our migrant workers. The initiatives like MADAD, e-Migrate, Indian Community Welfare Fund, Pravasi Bharatiya Sahayata Kendras, Pravasi Bharatiya Bima Yojana, Pravasi Kaushal Vikas Yojana, Pre-

Departure Orientation Programmes, open houses in Mission and Posts and active follow up of the workers' grievances by the missions/posts with the local authorities of the host government have played an instrumental role in improving the migration experience of Indian workers in recent years. Bilateral mechanisms with Gulf countries have also been strengthened by entering into MOUs/Agreements on labour and manpower cooperation related matters. Such MoUs/ Agreements have been signed with Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia and UAE. The issues related to migrant workers are also regularly taken up during Joint Working Group Meetings that are integral part of such MoUs/Agreements.

The Ministry coordinates with Bureau of Immigration, Ministry of Home Affairs, for clearance of emigrants before boarding flights to foreign countries through online e-Migrate system and also with other Ministries as and when issues arise in overseas employment such as with Ministry of Shipping, for overseas deployment of Seafarers, Ministries of Home Affairs and Women and Child Development on the issue of human trafficking etc.

Three high-level Conference(s) of major labour sending States to promote safe and legal emigration and to curb the activities of the overseas recruitment business being carried out by illegal agents, have been convened on 9th November, 2016, 8th May, 2017 and 10th January, 2018, in New Delhi. The state governments were represented by their Chief Ministers, NRI Ministers and concerned senior officers. During the conferences State Governments were, inter-alia, requested to pro-actively check the growth of illegal agents who indulge in overseas recruitment activities illegally and to take strict action against them. They were also requested to launch awareness campaigns in vernacular medium for wider coverage and assimilation. The Ministry has also expanded the Pre Departure Orientation Training Programme in coordination with State Governments. Under this model, one center each is operational in Jaipur, Sikar (Rajasthan); Hyderabad, Nizamabad and Karimnagar (Telangana); Gaya, Muzzafarpur, Darbhanga and Patna (Bihar), these centers are managed by State Government Agencies.

Protector General of Emigrants (PGE) has been undertaking visits to various States, during which interaction with senior State Government officials concerned with workers going abroad are being held; where the issue connected with safe and legal migration with safeguards and ways and means to better spread awareness are discussed. In the last six months such visits and meetings with the State Governments of Gujarat, Goa, Tamil Nadu,

Kerala, Maharashtra, Uttar Pradesh, Bihar, Karnataka and Rajasthan have taken place.

The extant legislative framework of all matters related to emigration of Indian nationals is prescribed by Emigration Act 1983. However, the nature, pattern, numbers and directions of migration of our nationals has undergone a paradigm shift during the last three-and-half decades. In this regard, the Ministry has had extensive consultations with (i) concerned Ministries (ii) with recruitment industry, international organizations, think-tanks, business organizations and academia and (iii) States and Union Territories. A draft bill has been put on the Ministry's website and social media platforms and responses and comments are being received from various stakeholders. The consultation exercise is going on to ensure that all aspects to put in place a modern, technology oriented Emigration Bill are taken into consideration.

7. In view of the vast expanse, spread and flow of migration from India, the Committee were perplexed to observe an absence of a stated policy on migration that could underline the overarching architecture for migration governance and institutional framework in India. The Committee, had, therefore strongly recommended that the Ministry should spell out a coherent migration policy and also establish strong modes of inter-ministerial coordination to effectively tackle the challenges emanating out of such massive migratory outflows. In its reply, the Ministry has contended that there exists a robust and responsive framework for the welfare and protection of Indians migrant workers that works in coordination with all concerned stakeholders, including Ministries in Government of India and State Governments. The Committee find that the steps taken by the Government for the welfare and protection of the migrant workers abroad have proved ineffective and have not been able to prevent their exploitation. There appears to be a lack of coordination between the Ministries of Central Government and the State Governments. Over the years, the Committee have been exhorting the Government of India to formulate a new law to

replace the obsolete Emigration Act, 1983 that provides the legislative framework on all matters related to emigration. The Committee note that after extensive consultations with concerned stakeholders, a draft Bill has been prepared and uploaded on the Ministry's website for public comments. While recognizing the plethora of measures taken by the Ministry for safeguard and protection of emigrants, the Committee insist that a coherent migration policy is the need of the hour for better migration governance and the Ministry ought to frame it at the earliest. Furthermore, in order to strengthen the legislative framework for emigration, the Committee strongly recommend that the Ministry should expedite the consultations on the Draft Emigration Bill and introduce the same, without any further delay.

(Recommendation No. 2)

Authentic and comprehensive database on emigration

8. The Committee had felt that without any authentic database regarding the number of Indian migrant workers in different countries and their employment patterns, the Government might not be able to reach out to the emigrant workers and ensure their safe, legal and regular migration. Exact official data was available only for workers registering for emigration clearance. The Committee had noted that despite the growing scale of migratory flows, vital statistics and information were not readily available. Recognizing the gravity of the issue, the Foreign Secretary had 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 were hopeful that 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 had recommended 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.

9. In its Action Taken Reply, the Ministry of External Affairs has responded that the concern of the Committee has been noted. Presently, the Emigration Check Required (ECR) passport holders workers going to ECR countries have to mandatorily obtain Emigration Clearance (EC) through MEA's web portal "eMigrate" before proceeding abroad and the data of such Indians migrating legally for overseas employment is captured on eMigrate portal. The Ministry has also been making efforts to devise mechanism for collating data with regard to Non-Emigration Check Required (ECNR) passport holding Indians going abroad. In fact, registration of ECNR category emigrants going for employment to ECR countries was launched on pilot basis with effect from 29.11.2017 by filling up of a single page form, on eMigrate portal, with minimal fields of information. ECNR passport holders going for employment to ECR countries currently are encouraged to register in the e-Migrate system. As special preventive measure, registration of ECNR passport holders going to Iraq for employment has been made mandatory in addition to ECR passport holders requiring clearance. The Ministry is coordinating closely with the Ministry of Home Affairs for making available the data on real time basis on the persons going overseas on employment visas. Letters have been sent at high level to Ministry of Home Affairs in this regard. It is the consistent effort of the Ministry to extend every possible help to all Indians abroad, ECR or ECNR, in case of any eventuality.

10. The existence of an authentic database is imperative for effective migration governance and management. Moreover, the Committee feel that without the availability of reliable statistical information, the implementation of our policy towards migrant workers going abroad would be rendered ineffective. Moreover, official data regarding Indians migrating abroad is limited only to Emigration Check Required (ECR) passport holders" workers going to ECR countries. In order to fill the data gaps, the Committee had recommended that the Ministry should maintain an authentic database relating to all aspects of migration cycle. The Ministry has submitted that it is

coordinating with the Ministry of Home Affairs for making available all data on a real time basis on the persons going overseas on employment visas.

The Committee therefore reiterate their earlier recommendation that the Ministry should maintain comprehensive, integrated and reliable data pertaining to all aspects of migration of both ECR as well as ECNR passport holders for providing a foundation on which effective and impactful policy architecture can be built.

(Recommendation Nos. 3 and 17)

Prioritization of interest of Indian emigrant workers in Gulf Countries

11. In their Recommendation No. 3, the Committee had observed that the migrant workers constituted the most vulnerable section of Indian emigrants. A significant number of Indian workers migrated 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 were the most explicated and vulnerable at the destination countries. The Kafala system and issues related to Iqmahad further complicated the already precarious position of these workers in the Gulf region. The Committee had strongly emphasized that all migrant workers were entitled to respect and protection of their human rights and dignity of labour. The Committee had, therefore, recommended 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 was a strong need to enhance the quality of interventions to maximize the positive impacts of migration and minimize its negative consequences.

12. The Committee in Recommendation No.17 had observed that 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 were often exploited by their foreign employers making them the most vulnerable segment of the Indian Diaspora. The Kafala (sponsorship) system and issues related to Iqama (resident permit) further complicate

the already precarious position of these workers. The Ministry of External Affairs had 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 failed to understand the logic behind the absence of an exigency window to cater to such problems. The Committee had noted that while restricting workers mobility, the Kafala system put 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 was beyond comprehension that a trend of migration which is more or less well established since the past few decades had not drawn adequate policy attention of the Government and is being dealt with in an ad-hoc manner. The Committee had, therefore, strongly recommended 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.

13. In its Action Taken Reply to Recommendation No. 3, the Ministry of External Affairs submitted that the welfare and protection of Indian workers abroad is among the highest priorities of the Ministry. Significant efforts have been made towards ensuring a safe, orderly, legal and humane migration process. Ministry has developed a robust framework for the welfare and protection of our migrant workers. The initiatives like MADAD, e-Migrate, Indian Community Welfare Fund, Pravasi Bharatiya Sahayata Kendras, Pravasi Bharatiya Bima Yojana, Pravasi Kaushal Vikas Yojana, Pre-Departure Orientation Programmes, open houses in Mission and Posts and active follow up of the workers' grievances by the missions/posts with the local authorities of the host government have played an instrumental role in improving the migration experience of Indian workers in recent years. Bilateral

mechanisms with Gulf countries have also been strengthened by entering into MOUs/Agreements on labour and manpower cooperation related matters. Such MoUs/Agreements have been signed with Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia and UAE. The issues related to migrant workers are also regularly taken up during Joint Working Group Meetings that are integral part of such MoUs/Agreements.

The Ministry works closely with Ministry of Labour & Employment, Ministry of Home Affairs as well as State Governments whenever the need for a coordinated effort is necessitated. The Ministry also has an arrangement with Bureau of Immigration, Ministry of Home Affairs, for clearance of emigrants before boarding flights to foreign countries, through online e-Migrate system and 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 in cases of human trafficking etc. 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 Pravasi Bharatiya Sahayata Kendra (PBSK) 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 counseling 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 facilities for distressed Indian nationals have 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.

14. The Ministry of External Affairs in their Action Taken Reply to Recommendation No. 17 stated that there is about 9 million strong resident Indian community in the Gulf Cooperation Council countries. The welfare of Indian migrant workers in GCC countries is of utmost priority. As noted by the Committee, the system of sponsorship remains a challenge. However, important labour reforms are gradually being taken in GCC countries for the benefit of expat workers. The Government has entered into Labour and Manpower Cooperation MOUs/Agreements with Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE. These are aimed at safeguarding the interests and ensuring welfare and protection of Indian workers and seek to expand the institutional framework of manpower cooperation between India and the destination country. They comprehensively delineate the responsibilities of the sending and receiving country, mechanism for settlement of dispute and areas of cooperation. In addition, these MOUs and Agreements have the provision of implementation through Joint Working Groups, comprising of representatives from both sides who meet annually,

alternately in both countries, and all prevailing labour and manpower related issues are discussed during these meetings.

Further, to safeguard the specific interest of domestic workers in GCC Countries, who are often the most vulnerable category; Ministry has signed separate MoUs/Agreements on domestic workers. Agreement on Labour Cooperation for Domestic Sector Workers Recruitment with Saudi Arabia was signed in January 2014. In case of UAE, there is a Protocol on Domestic Workers annexed to the MOU with the UAE in the Field of Manpower that was signed in February 2018. In January 2019, the Cabinet has also given its approval for signing of MOU for Cooperation on Recruitment of Domestic Workers between India and Kuwait. The MOU was initialed during the visit of EAM to Kuwait from October 30-31, 2018.

Further, Government is in process of integrating online labour recruitment platform eMigrate with online platforms of Saudi Arabia and UAE. Expanding such collaboration with other GCC countries are in the pipeline. Such integration takes the reference of mutually agreed Standard Employment Contract of the destination country in processing recruitment, which would curb duplicity of contracts being signed at present.

15. With approximately 9 million Indians, the Gulf countries constitute the primary destination countries for overseas migration from India. The vast majority of migrant workers are semi-skilled, making them susceptible to host of challenges, ranging from exploitative working conditions, non-payment of salaries, restrictions on freedom, poor living conditions, sexual abuse, etc. In view of the serious and well-documented challenges to the human rights of Indian migrant workers in the Gulf region, the Committee had suggested that the Ministry should continue making sustained efforts to ensure a safe, legal and humane migration process by putting the migrant workers at the centre of the policy. In their reply, the Ministry has enlisted several measures that it has taken in this regard. Notable among them are on-line MADAD portal, Pravasi Bharatiya Sahayata Kendra, e-Migrate portal, conducting of Open Houses in Missions

in Gulf countries, establishment of 24*7 help lines, Indian Community Welfare Fund (ICWF), Labour and Manpower Cooperation MoUs/Agreements. The Committee also note that the Government is in the process of integrating eMigrate with online platforms of Saudi Arabia and UAE and such collaboration with other GCC countries are in the pipeline. The Committee, however, find that most of these measures are to help/support the victims. The Committee are of the view that apart from establishing institutionalized mechanism with the GCC countries, a lot more needs to be done to strengthen the existing mechanism for protection of the rights of migrants workers abroad. The Committee would therefore urge that the Government should adopt a more pro-active approach to Indian workers in the Gulf region, particularly for safeguarding the interests of the most vulnerable sections by cementing a mutual partnership with GCC countries and also cultivating India’s soft power in the region. The Committee also desire to be apprised about the progress made regarding the integration of e-Migrate with online labour platform with the remaining Gulf countries.

(Recommendations Nos. 4 and 5)

Strict regulation of illegal Recruiting Agencies

16. The Committee had noted that migrant workers were 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 stipulated that only registered Recruiting Agents and Foreign employers certified by the Protector General of India can recruit for overseas employment. There were well-established procedures for registration of recruiting agents which had been linked with the e-Migrate project. There were 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 were either dropped or settled. If a similar complaint was received against any unregistered recruiting Agent,

Police cases registered and prosecution was done. The Committee had, therefore, desired that PGE, under provisions of law, should take appropriate and strong action including prosecution of fraudulent Registered Recruiting agents, if complaints were received against them. Because if they were 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 had desired 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.

17. The Ministry had 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 had been taken to check the fraudulent activities by these agents. The Ministry were 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 was on increase and a majority of workers were still being sent abroad by them. The malpractices of the unregistered recruiting agents had greatly contributed to the exploitation and vulnerabilities of the Indian migrant workers. The Ministry of External Affairs responded 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 found 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 were surprised to note that even after knowing the locations of such illegal agents, the Central Government or the State Governments have not been able to stop them. The Committee had, therefore, desired 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.

18. The Ministry of External Affairs in its Action Taken Reply to Recommendation No4 has stated that in cases of complaints involving 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, if the emigrant is faced with difficulties/distress in the destination country, 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 – irrespective of the fact whether the emigrant went legally or through illegal channel.

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 sanction 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.

As per the laid down procedure, on receipt of complaints against unregistered Agents, the concerned Police Authority will investigate the matter and after investigation will request 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 Government had issued Standard Operating Procedure (SOP) to be followed by States on receipt of complaints against unregistered/ unscrupulous agents. The State Governments were also requested to appoint „Nodal Officer“ in their respective States who would pursue the matter| with concerned police authorities for submitting enquiry report on complaints that have been forwarded to them. Majority of the State Governments have already appointed „Nodal Officer“ in their States.

As regards mechanism to control frauds committed by the Foreign Employers (FEs), there is already a mechanism, through eMigrate, whereby the credentials of the prospective FEs are verified by the Indian Missions/Posts before registration of the FE on eMigrate. Even

after registration, if the dealings of the FE with Indian workers employed in his company are found to be detrimental to the interests of Indian workers, there is a provision to put the FE in “Prior Approval Category (PAC)”, which would imply that prior permission will be required by the concerned FE to recruit Indian workers.

All authorized Recruiting Agents are registered or figure on the eMigrate portal. Now the Recruiting Agents can recruit any worker having ECR passport and going to any ECR country, and hence requiring clearance, only through the eMigrate. In addition, even the recruitment of workers not requiring clearance can be done only by a Registered or licenced agent who figures in the eMigrate.

19. In its Action Taken Reply to Recommendation No.5, the Ministry of External Affairs submitted that the recommendation of the Hon'ble Committee has been duly noted. The Government has been receiving from time to time complaints/grievances from emigrants and their family members/relatives of being cheated by illegal agents. The Ministry has a robust grievance redressal mechanism including MADAD and e-Migrate portals for online registration of grievances of emigrants who have been subjected to cheating. Such complaints are forwarded to concerned State Governments and Police authorities urging them to apprehend illegal agents and prosecute them. Wherever required, such complaints are also referred to Mission/Posts abroad for providing relief/rescue. As per the available records, the number of complaints against unregistered agents received and referred to the State Government/Police during the period of 2016-2019 is as under:

Detail of Complaints forwarded to State Government from, 2016 to 2019

Sl. No.	Year	Nos of Complaints received	Cases referred to State Governments for action	Prosecution Sanction sought by State Government	Prosecution Sanction issued by Ministry of External Affairs
1	2016	231	231	42	42
2	2017	446	446	30	30
3	2018	350	350	15	15
4	2019 *	556	556	29	29

* (Up to 30th September, 2019)

In May 2016 Ministry of External Affairs issued a Standard Operating Procedure to be followed by States on receipt of complaints of cheating by illegal agents by emigrants. Visual and print media campaigns are also launched from time to time for promoting legal and safe migration and encouraging emigrants to use the services of registered Recruiting Agents to avoid being trapped by illegal/fake agents.

In order to promote safe and legal emigration and to curb the activities of the overseas recruitment business being carried out by illegal agents, three high-level Conference(s) of major labour sending States were convened on 9th November, 2016, 8th May, 2017 and 10th January, 2018, in New Delhi, with External Affairs Minister as the chairperson during which, State Governments were, inter-alia, requested to pro-actively check the growth of illegal agents who indulge in overseas recruitment activities illegally and to take strict action against them. They were requested to launch awareness campaigns in vernacular medium for wider coverage and assimilation, which has been done. In October, 2019, the Ministry has created an online system where State Nodal Officer can login and can have access to the grievances/complaints received in OE & PGE Division. Accordingly, Chief Secretaries of the States have been requested to make the system fully functional in order to deal with complaints against illegal agents for tracking periodically which will go a long way in quickening and making the system robust. It is hoped that with the appropriate response from State Governments the system become functional.

In view of the complaints of exploitation and harassment by unscrupulous agents and employers in the Gulf countries, the Government has taken additional measures to safeguard the interests of female workers migrating to Emigration Check Required (ECR) countries as Domestic Sector Workers (DSW). As per extant guidelines, the minimum age of Emigration Check Required (ECR) category female workers (DSW) proceeding for overseas employment to Emigration Check Required (ECR) countries is 30 years. Their emigration for overseas employment is permitted only through following seven designated State- run recruitment agencies:

- (i) Non- Resident Keralites“Affairs Roots (NORKA), Kerala;
- (ii) Overseas Development and Employment Promotion Consultant (ODEPC), Kerala;
- (iii) Overseas Manpower Corporation Ltd. (OMCL), Tamil Nadu.
- (iv) Uttar Pradesh Financial Corporation (UPFC), Uttar Pradesh;

- (v) Overseas Manpower Company A. P. Ltd. (OMCAP), Andhra Pradesh;
- (vi) Telangana Overseas Manpower Company Limited (TOMCOM), Telangana;
- (vii) Rajasthan Skill & Livelihood Development Corporation (RSLDC)

In addition, Foreign employers have to deposit US\$2500 in the form of a Bank Guarantee with the Indian Missions in case of direct recruitment of female workers holding ECR passports, which is returned when the emigrant returns safely.

20. Under the Emigration Act, 1983 all Recruiting Agents (RAs) and Foreign Employers are obliged to register with Government before recruiting overseas Indians. Notwithstanding this fact, several RAs have been indulging in fraudulent and corrupt practices. To curb these malpractices, the Committee had strongly urged that stringent action should be taken against such Registered RAs upon receiving complaints. Furthermore, in order to check and regulate fraudulent practices committed by the Foreign Employers, the Committee had desired integration of Indian Missions/Posts abroad with the e-Migrate Portal. The Committee observed that there are illegal/fake recruiting agents operating clandestinely outside the legal and policy domain. Time and again, complaints are being received against such illegal agents. The Ministry was therefore urged to take *suo moto* cognizance of misconduct by illegal RAs and lodge complaint in local police stations. As per the Ministry, all authorized Recruiting Agents are registered or figured on the e-Migrate Portal. Regarding the frauds committed by Foreign Employers, their credentials are verified by the Indian Missions/Posts before registration on e-Migrate. The Ministry has also instituted a robust grievance redressal mechanism including MADAD and e-Migrate portals for online registration of grievances of emigrants who have been subjected to cheating by illegal RAs. The Committee notes that the Government has issued Standard Operating Procedures to be followed by State Governments on receipt of complaints against unregistered RAs. The

Committee are happy to learn about the gender-specific measures taken by Government to safeguard interests of female workers migrating to Emigration Check Required (ECR) countries as Domestic Sector Workers (DSWs).

Despite the presence of several measures recruitment of workers abroad, systemic misconduct within recruitment persists and non-accountability of recruiters remains pervasive. Recruitment agents serve an important function by enabling aspiring low-skilled workers to access otherwise inaccessible employment opportunities abroad. At the same time, systemic wrongs within the recruitment system – legal as well as illegal – create conditions for exploitation and vulnerability of the migrant workers. While acknowledging the intricate recruitment governance framework, the Committee feel that there is disconnect between the regulatory content and migrants’ recruitment experience, lack of focus on awareness, dissemination and ineffective penalizing mechanism. In the Committee’s view, without strict and focused measures, the fraudulent activities of the Registered Recruiting Agents, foreign employers and unauthorized RAs may not be controlled. The Committee, therefore, specifically recommend that sufficient care and attention should be given to accreditation of Registered Recruiting Agents and Foreign Employers. Moreover, a mechanism should be established for timely compensation as well as other remedies to migrant workers who have been mistreated abroad and stringent action should be taken against unregistered RAs with active involvement of the State Governments.

(Recommendation No. 6)

Emphasis on enhancing skill sets for better employability

21. In order to reap the benefits of global migratory flows, the Committee were 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 included 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 had progressed satisfactorily on the first two elements. The Committee had 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 had also prepared a comprehensive pre-departure manual in order to enhance the soft skills of migrant workers. This manual had been translated into Hindi and Telugu language. The Committee had desired 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 were of the opinion that much more needed to be done in that regard. The Committee had, therefore, recommended 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.

22. In its Action Taken Reply, the Ministry of External Affairs, submitted that Pre-Departure Orientation (PDO) curriculum content has been standardized all over the country. Comprehensive PDO Manuals for Master Trainers have been developed in seven languages i.e. Hindi, English, Bangla, Malayalam, Punjabi, Tamil and Telugu. Similarly, Handbooks for migrant workers have also been developed in eight languages i.e. Hindi, English, Bangla, Malayalam, Tamil, Telugu, Punjabi and Urdu. Presently, these handbooks are distributed to prospective migrant workers attending One Day PDO Training at Mumbai, Delhi, Kochi and Lucknow. The translation of these handbooks and manuals has been carried out with assistance from the concerned State Governments. E-Books have also been developed and

uploaded on e-Migrate portal. All these resource materials for Pre-Departure Orientation Training (PDOT) program have been developed under the aegis of India Centre for Migration (ICM).

Ministry of Skill Development & Entrepreneurship (MSDE) is working towards a system to ease the process of migration of highly skilled workers in line with the core elements highlighted by MEA. MSDE has also informed that they are progressing ahead on alignment of qualification, creation of training infrastructure, establishing job linkages and pre-departure orientation program. Setting up of help desks at the airports is also under consideration.

23. Recognizing the significance of skill development and upgradation of emigrant workers, the Committee had recommended that the Government should establish a multi-level engagement with all the concerned stakeholders and frame curriculum and standards for skill development. The Ministry was also urged to establish Migrant Help Desks at all major airports. In its Action Taken Reply, the Ministry has informed that under the aegis of India Centre for Migration (ICM), Pre-Departure Orientation Training resource materials including handbooks have been developed in seven languages for master trainees and in eight languages for prospective migrant workers and uploaded on e-Migrate portal. The Committee also observe that Pre-Departure Orientation (PDO) curriculum has been standardized all over the country. The Committee has noted that the Ministry of Skill Development and Entrepreneurship (MSDE) is working towards incorporation of five core elements — alignment of qualifications, curriculum and content with global standards; development of infrastructure for training; credible assessment and certification framework; pre-departure orientation training; and job linkage — to ease the migration process. The Ministry has informed that setting up of help desks at the airports is under consideration.

Even after a hiatus of more than a year, the inability of the Ministry to furnish specific and actionable replies is disappointing. In the considered view of the Committee skilling can lead to better employability, improved working conditions and higher incomes of migrant workers abroad. The Committee would therefore like to know the exact status of the action taken on the Observations/Recommendations made regarding the performance of Skill Development Centres in engagement with MSDE, preparation of pre-departure manuals in remaining major Indian languages and the establishment of help desks at airports at the earliest.

(Recommendation No. 11)

Safe and comprehensive evacuation plan during emergency situations

24. The Gulf region has been facing frequent crisis in recent past. The tragic death of 39 Indian workers in Iraq in early 2018 was a sad testimony to the security and safety challenges faced by them. The Committee had noted 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 augmented the security challenges of these migrant workers. The Committee had recommended 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.

25. The Ministry of External Affairs in its Action Taken Reply submitted that the Indian Missions and Posts abroad have put in place crisis management plans for dealing with emergency situations, taking into account the specific local conditions of respective countries and keeping in view the interests, safety and security of all Indian nationals in the countries concerned. Migrant workers proceeding overseas for employment are now being given pre-departure orientation training under which relevant information for dealing with emergency

situations in foreign countries including emergency contact numbers of Indian Missions, 24x7 helpline numbers of Pravasi Bharatiya Sahayata Kendra (PBSK), etc. are provided. In addition, The Handbook of Migrant Workers, which is distributed to migrant workers attending PDOT programme at PDOT Centres in New Delhi, Mumbai, Kochi and Lucknow also contains contact details of Indian Missions/Posts in GCC countries, Protector of Emigrants (POE) Offices in India, Helpline numbers of PBSK and information about Madad Portal.

26. The Committee were concerned to note the manner in which crisis situation in Gulf region adversely impacted the safety, security and interests of our migrant workers. Issues such as non-payment of salaries, confiscation of passports, inadequate finances and lack of communication further aggravated their existence on foreign soil. In order to reduce the challenges faced by migrant workers, the Committee had recommended that a clear-cut emergency plan with a Standard Operating Procedure must be formulated by the Government along with an institutionalized mechanism for safe evacuation of migrant workers during times of crisis. The Ministry was also asked to include awareness about emergency evacuation at the time of pre-departure training. In its Action Taken Reply, the Ministry has informed that on the basis of specific local conditions, Indian Missions and Posts have put in place a crisis management plan for safety and security of all Indian nationals. The Committee are happy to learn that relevant information for dealing with emergency situations in foreign countries, including emergency contact numbers of Indian Missions/Posts abroad, 24x7 helpline numbers of Pravasi Bharatiya Sahatya Kendra (PBSK), etc are being provided to migrant workers at the time of pre-departure orientation training. Furthermore, during the PDOT programme at PDOT centres in New Delhi, Mumbai, Kochi and Lucknow the migrant workers are also given a handbook which contains details of Indian

Missions/Posts in GCC countries, Protector of Emigrants (POE) offices in India, information about MADAD portal and helpline numbers of PBSK.

While appreciating the host of measures taken by the Government for safe evacuation of Indian nationals, particularly the migrant workers, the Committee desire that emergency plans with a set Standard Operating Procedure should be prepared and an institutionalized mechanism with host countries to evacuate workers should also be developed. Moreover, significant efforts should be invested in spreading awareness about these measures to the targeted group. Keeping in mind the size and extent of workers proceeding abroad for overseas employment, the Committee propose setting up of more PDOT Centres.

(Recommendation No. 12)

Re-launching Transportation of Mortal Remains (TMR) Portal

27. The Committee had observed 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 was 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 were of the view that the extant procedures often add to the agony of those who lose their family member and were left at the mercy of officials of host countries and the Indian Consulates and Embassies. As a humanitarian issue, the Committee had recommended that the Government should take up the 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 could be set up in the Indian Missions/Posts abroad to ease the formalities and reduce the time taken for repatriation.

28. In its Action Taken Reply, the Ministry of External Affairs stated that the Government accords the highest priority to early repatriation of mortal remains. During

around last five years, the government has taken steps to expedite and streamline the process of repatriation of dead bodies. Our Missions and Posts abroad also proactively engage with the local authorities in these matters. As a result, the overall time taken in repatriation has come down. Certain delays particularly in instances of accidental and unnatural deaths do occur due to the mandatory legal requirements of the host countries and where Missions and Posts have to comply with the stipulated procedures. Bringing dead body/bodies of Indians who die abroad, involves completion of certain formalities before the local authorities allow such body/bodies to be transported to India. In some cases police investigations are to be completed. Our Missions/Posts abroad extend all possible help in bringing back the mortal remains of Indians to the relatives of those who die abroad either naturally or accidentally.

As soon as the information about the death of an Indian national comes to the knowledge of the concerned Indian Mission/Post abroad, they take proactive action by seeking a report from the local Foreign Office and other concerned authorities regarding the cause of the death of the Indian national. Our Missions/Posts abroad also inform the next of kin of the deceased Indian national, and facilitate the transportation to India or local burial of mortal remains in accordance with the wishes of the family of the deceased. The relevant documents related to the deceased are attested and other assistance is provided on priority basis when required, including after office hours and on holidays. Under MADAD maximum priority is accorded to the follow up of mortal remains cases. Anyone can directly lodge a grievance in MADAD portal, which flashes it immediately for action to the welfare officer of the concerned Indian Mission/Post. MADAD portal also enables swift tracking and sharing of information among the grievant, Indian Mission/Post as well as the Ministry.

29. For speedy repatriation of mortal remains, the Committee had recommended that the Government should devise an effective mechanism with host governments and also set up a single window clearance in Indian Missions/Posts abroad. The Committee note that the Missions and Posts abroad have been pro-actively engaging with local authorities to extend help and assistance for expeditious repatriation of mortal remains of Indians to the relatives of those who die abroad either naturally or accidentally. The Ministry also informed that the MADAD portal has enabled swift tracking and sharing

of information among the grievant, Indian Mission/Post as well as the Ministry. While realizing the procedural delays and logistical challenges faced in bringing back the remains of bodies of Indians in accidental/unnatural deaths, the Committee desire that as a humanitarian issue, the Ministry should accord utmost priority to such cases. The Committee reiterate their recommendation that a single window clearance should be set up for swift tracking and sharing of information between Indian Missions/Posts and MEA. An online portal for Transportation of Mortal Remains (TMR),as was created by erstwhile MoIA in 2014, should be re-launched with desired modifications for sharing information and appropriate follow up on mortal remains cases.

(Recommendation No. 13)

Re-visiting Minimum Referral Wages (MRW)

30. The Government of India had 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 had 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 had plummeted since 2014 due to the oil crisis and fall in prices. However, the minimum referral wages fixed by the Government had 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 might be justified for the protection of migrant workers; this might 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 had noted that the Ministry has taken due cognizance of this issue and established a Committee to review it.

The Committee agreed with the Ministry that there was an urgent need to revisit the minimum referral wages and making it more realistic and up to date. The Committee, had therefore, recommended 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.

31. The Ministry of External Affairs, in its Action Taken Reply, stated that the recommendation of the Committee has been duly noted. Former EAM had taken a meeting with the Associations/Federation of registered Recruiting Agents (RAs) on 14.12.2018 on different issues including the reviewing of existing MRW. The associations were of view that, the current minimum wages, detailed category-wise and country wise, in the eMigrate system for emigration clearance have become unrealistic due to the fact that, the economies of the countries (mainly ECR) have stagnated and hence jobs at such wages are no more available, particularly as claimed by the RA Associations/Federations, people from the neighboring countries are willing to work on lower wages which are still comparatively better than the wages prevalent in their countries. A Committee has been constituted comprising of representatives of RAs and officers of the MEA. However, the Consultative Committee of Ministry of External Affairs, where revision of minimum wages has been deliberated upon, has not yet given any clear directions. The Ministry is seized with the subject and after appropriate consultations and discussions with concerned stake holders, further action would be taken.

32. Upon noticing the difference in the Minimum Referral Wages (MRW) fixed by Indian Government in 2014 and prevailing wage rate in destination countries for migrant workers, the Committee had recommended that the MRW should be reviewed annually. In their Action Taken Reply, the Ministry has „duly noted“ this recommendation. Despite the lapse of more than a year, the inability of the Ministry to furnish pointed reply is incomprehensible. While the Ministry has agreed about the necessity of reviewing the Minimum Referral Wages, no substantive action has been taken in that direction. The Ministry is, therefore, urged to take serious cognizance of this matter and take concrete action with appropriate consultation and discussions with all the concerned stakeholders to establish a system for reviewing the MRW on an

annual basis with the objective of striking a balance between protection of migrant workers and promotion of employment. The Committee also desire to be apprised about the outcomes of the discussions within three months. On another plane, the Committee find the alibi for inaction on the instant recommendation of theirs as directions from Consultative Committee of External Affairs were awaited, is inexplicable and completely untenable.

(Recommendation No. 14)

Capitalizing on competencies of returnee emigrants

33. 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 noted that there existed numerous challenges in the resettlement of the returnees, which inter alia included 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 had expressed its constraints in playing an active role. The Ministry had stated that it has tried to sensitize the State Governments through Conferences and Workshops.

The returnee migrant came back with skills, work experience and savings. Their active participation could 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 were not satisfied with the logic that the issue of returnee migrants be sidelined due to the larger responsibility of state governments. The Committee had, therefore, strongly recommended 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.

34. In its Action Taken Reply, the Ministry of External Affairs submitted that the Observation/Recommendation of the Committee has been duly noted. In this regard, Ministry of Skill Development and Entrepreneurship (MSDE) has conveyed that possibilities of utilizing international experience and skill sets of the returning migrant workers can be explored as Trainers and Assessors to develop International Training models for the benefit of future migrant workers.

Comprehensive emphasis is being given in expanding Ministry's collaboration with the State Governments. A Consultation Meeting was held with major labour-sending States and Assam on 3 July 2018 to sensitize them about the institutional framework on emigration related matters and expanding the PDO programs by the State Governments.

35. For optimum utilization of the skill sets, experience and potential of our emigrant workers, the Committee had exhorted the Government to frame a rehabilitation policy in consultation with State Governments. The „duly noted“ reply of the Ministry is unsatisfactory and the Committee would prefer a precise and more action-oriented reply after one year of making such a Recommendation. The Committee are satisfied to note that the Ministry of External Affairs is collaborating with the Ministry of Skill Development and Entrepreneurship (MSDE) and State Governments in this regard. The utilization of international experience and skill sets of the returning migrant workers as Trainers and Assessors to develop International Training models for future migrant workers seem to be an impressive idea and the Committee would urge MEA to actively push forward on this matter in collaboration with MSDE as well as the major Labour sending state Governments and finalize a policy in this regard. The Committee also desire to be informed about the outcomes of such an engagement at their earliest.

(Recommendation No. 15)

Reducing the vulnerabilities of emigrant workers at all three stages of migration cycle

36. The expatriate migrant workers faced 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 related 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 faced three key issues related to employment, welfare and psychological. Finally, in the last phase, the returnee migrant had to face the difficulties of rehabilitation and resettlement. The Committee were of the view that the problems faced by migrant workers in the first and the last phase could be effectively tackled by the Government as those were within the geographical and sovereign limits of our country. The Committee realized that the second phase was the one where the onus rested mostly on the host country and the Government had to grapple with serious challenges in protecting and safeguarding of our workers. Those problems were further aggravated by the Kafala system in most of the Gulf countries, which left emigrant workers more vulnerable to exploitation and trafficking.

The Committee had, therefore, strongly recommended 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 would 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 was 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.

37. In its Action Taken Reply, the Ministry of External Affairs stated that the institutional framework for support and welfare of migrant workers has been considerably strengthened during last five years. The Indian Community Welfare Fund, the MADAD portal, eMigrate

system, Pravasi Bhartiya Sahayta Kendras, help-lines, shelter homes etc. are some of the important mechanisms to expeditiously assist Indian nationals abroad.

Complaints are received from Indian emigrant workers in ECR countries, from time to time, regarding maltreatment, violation of contractual terms, adverse working conditions, wage related issues, employer related problems, medical and insurance related problems and compensation/death claims. The Ministry is working in close coordination with foreign governments to address concerns related to 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. 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. The issues of migrant workers are also taken up during JWG and other high level meeting with the host governments.

Missions/Posts conduct Open Houses for the emigrant workers where officers/officials meet the workers regularly. Missions/Posts have also established 24x7 help lines and Toll Free help lines. The Indian Community Welfare Fund (ICWF), aimed at assisting Overseas Indian nationals abroad in times of distress on a means tested basis in the most deserving cases, has already been extended to all Indian Missions and Posts abroad. 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. PravasiBharatiyaSahayataKendrashave been setup that provides guidance and counselling on all matters pertaining to overseas Indian workers. Shelter homes for distressed Indian nationals have been setup in Bahrain, Kingdom of Saudi Arabia, Kuwait, Qatar, UAE and Malaysia.

38. The Committee had observed that the emigrant workers face numerous challenges during the three phases (pre-departure, country of destination and return) of migration, which directly impinged upon their welfare and rights. Taking into account the challenges in protecting and safeguarding the interests of Indian workers abroad, the Committee had urged the Government to make systemic interventions at the

domestic, bilateral and multilateral levels to reduce the vulnerability of our migrant workers. In its reply, the Ministry has enumerated various steps taken to strengthen the institutional framework for support and welfare of migrant workers. Establishment of 24*7 help lines, conducting of Open Houses at Missions/Posts abroad, Pravasi Bharatiya Sahayta Kendras, Shelter homes, MADAD portal, e-Migrate system, Indian Community Welfare Fund are some of the significant mechanisms to address concerns relating to employment and welfare of migrant workers. At the bilateral front, the Committee note that Labour and Manpower Agreements are already in place with six Gulf Cooperation Council (GCC) countries. The Committee note that the Ministry has taken a host of measures to extend helping hand to workers abroad, however, due to lack of infrastructural, institutional and feedback mechanism, the system is not so effective. The Committee, therefore, desire that such mechanism should be set up in order to improve upon the existing infrastructural apparatus. In addition, Labour and Manpower Agreements should be concluded with the remaining GCC countries at the earliest.

(Recommendation No. 19)

Gender sensitive migration policy

39. The Committee had observed that gender-based hierarchies that affect all women in general and migrant female workers in particular, exposed them to greater risks and exploitations which *inter-alia* included physical violence, sexual abuse, restrictions on mobility and long working hours. In that regard, the plight of domestic service workers and nurses within the category of female emigrant workers were appalling and worrisome. Taking into account the acute problems of domestic service workers, the Ministry had 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 had 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 had diminished from 21, 521 in 2013 to 6076 in 2016.

The Committee had noted 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 felt 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 might be resorting to illicit channels to migrate with increased costs and risks. In the Committee's view, there was an urgent need for a gender-sensitive migration policy which took into consideration the gender-specific concerns and risks. The lack of availability of sex-disaggregated data was another challenge that weakened the migration praxis framework. The Committee had, therefore, recommended 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 could be a good starting point towards that direction.

40. In its Action Taken Reply, the Ministry of External Affairs stated that the recommendation of the Committee has been duly noted. The Government's attention has been drawn from time to time to the issue of exploitation of women workers leaving for employment to Gulf countries. The Government has taken additional measures to safeguard the interests of Indian female workers migrating to ECR countries. Therefore, a decision has been taken to make recruitment of female workers for ECR countries mandatory through government agencies. Their emigration for overseas employment is permitted only through the seven designated state-run recruitment agencies or through the Foreign Employer registered on e-Migrate system. In case of Foreign Employer, attestation of work contract by the Indian Mission in the destination country and submission of a bank guarantee of US \$ 2500 is mandatory before the emigration clearance is granted by the Office of Protector of

Emigrants. As per extant guidelines, the minimum age of ECR category female workers proceeding for overseas employment to ECR countries is 30 years.

41. Keeping in mind the acute problems faced by female migrant workers abroad, the Committee had recommended that the Ministry should ensure that the migration policy is gender-sensitive taking into account gender-specific concerns and issues. In this regard, the Ministry was asked to establish a 24*7 women help line in Missions/Posts abroad. It is a matter of regret that the Ministry has not initiated any specific action on this Recommendation. While regretting the lack of appropriate response on part of the Ministry, the Committee deem it necessary to reiterate that a gender-sensitive migration policy should be framed based on sex-aggregated data and 24*7 women help line, including a mental health and counseling support channel for India's female migrant workforce, should also be established without any further delay.

(Recommendation No. 21)

Integration of eMigrate system with similar emigration systems in GCC countries

42. 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 felt that e-Migrate Project had streamlined the entire emigration process and had brought about transparency, e-governance and faster processing of Emigration Clearance. For the e-Migrate system to be holistic its integration with GCC countries was requisite and therefore, the Committee had desired that the Ministry should win the confidence of GCC countries and

persuade them to integrate their system with e-Migrate so that the database was not only comprehensive but also well integrated.

43. The Ministry of External Affairs in its action taken reply stated that it has already initiated dialogue with ECR countries for integration of eMigrate system with the systems in their countries. With concerted effort, the integration of eMigrate system with eTawtheeq system of Kingdom of Saudi Arabia and MoHRE system of United Arab Emirates is at advance stage. The Bahrain authority has shown their interest in such integration. In the Joint Working Group meeting with ECR countries, the Ministry has put forward the proposal of integration of eMigrate with the technical system of the respective countries.

44. **The integration of e-Migrate system with Passport Sewa Project (PSP) and Bureau of Immigration services has imparted greater efficacy, transparency and pace to emigration clearance and for making the e-migrate system holistic. The GCC countries have also shown their willingness to integrate their system with e-migrate. The Committee therefore had recommended that the GCC countries should be persuaded to integrate their system with e-Migrate system on priority basis. Towards this direction, the Ministry has informed that in the Joint Working Group Meeting with ECR countries, the proposal for integration of e-Migrate with technical system of respective countries has been put forward by MEA. The Committee are pleased to note that integration of eMigrate system with eTawtheeq system of Kingdom of Saudi Arabia and MOHRE system of United Arab Emirates is at advance stage. The Committee desire expeditious culmination of these two projects. They further desire that the Ministry should continue to make sustained efforts to impress upon the remaining GCC countries about the efficacy of a well-integrated emigration clearance system and keep the Committee informed of the developments thereon.**

(Recommendation No. 23)

Wider Social Security Net to Emigrant Workers

45. Launched in 2003 with successive revisions in 2006, 2008 and 2017, the Pravasi Bharatiya Bima Yojana was 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 was 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 observed that the various issues in the implementation of that 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 had 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 required adequate attention. In this regard, the Pravasi Bharatiya Bima Yojana (PBBY) with its recent revamping was a step in the right direction. The Committee had desired that the Ministry should explore the possibility of a wider social security net for migrant workers in consultation and collaboration with foreign employers.

46. In its action taken reply, the Ministry of External Affairs stated that Pravasi Bharatiya Bima Yojana, initially launched in 2003, has been amended from time to time with the overarching objective of expanding the benefits for emigrant workers. The revised scheme PBBY, 2017, operational *w.e.f.* August 1, 2017, has made settlement of claims simpler for the benefit of our workers and is aimed at ensuring expeditious settlement of claims. The salient features of PBBY, 2017 are (i) the insured person is covered for a sum of Rs.10 lakhs in the event of accidental death or permanent disability irrespective of change of employer, employee's location and place of work, (ii) acceptance by insurance companies of certification of accidental death/permanent disability by Indian Missions/Posts abroad and (iii) facility for online renewal and copy of insurance policy is to be made available to the nominee(s).

Given the large number of migrant workers living and working in the Gulf countries, it would be in India's interest to negotiate Social Security Agreements with these countries. However, the domestic legislation in the GCC countries offers social security only to

permanent residents. There are no domestic provisions/legislations for temporary workers. Negotiating SSAs in the absence of domestic legislations in the GCC countries, therefore, becomes difficult. However, mostly Gulf countries have made insurance coverage mandatory for the blue collar workers. They have established certain institutional mechanisms to protect the interests of the expatriate workers in case of premature termination of employment contracts, accidents, death or permanent disability. The Ministry has bilateral agreements on labour and manpower issues with all GCC countries that provide the institutional framework to safeguard the interest of our nationals working in these countries.

47. Appreciative of the host of measures taken by the Ministry to address the implementation loopholes in the Pravasi Bharatiya Bima Yojana (PBBY), the Committee note that a mandatory insurance scheme for Emigration Check Required (ECR) category workers going to 18 ECR countries for overseas employment. The Committee had recommended that the possibility of a wider social security net for migrant workers should be explored in close consultation and collaboration with foreign employers. While migrant workers run the risk of losing entitlement to social security benefits in their country of origin due to their absence, they may at the same time, in their country of employment, encounter exclusion from social security coverage as non-nationals. There is a need to ensure extension of social security coverage and entitlements to migrant workers and their families. The Committee understand that in the absence of a domestic legislations, negotiating Social Security Agreements (SSA) is a challenging task. They also note with satisfaction that bilateral agreements on labour and manpower issues with all GCC countries that provide the institutional framework to safeguard interests of our nationals working in these countries are in place. The Committee, therefore, reiterate that adequate steps should be taken for creation of a wider social security net for migrant workers in consultation and collaboration with

foreign employers and there should be proper dissemination and awareness about these agreements to the concerned migrant workers.

(Recommendation No. 24)

Effective and time-bound grievance Redressal Mechanism

48. The Ministry had informed that the grievances received by the Missions/Post abroad from Indian workers were appropriately taken up on case to case basis with the employees/local authorities for redressal. The Committee had observed that well-established procedures had 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 had been initiated by the Government.

The Committee were of the opinion that the existence of numerous grievance redressal mechanisms made it a cumbersome and painstaking process for the already aggrieved migrant worker and their families. The MADAD portal and its Pravasi Bharatiya Sahayata Kendra represented 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.

1.49 In its action taken reply, the Ministry of External Affairs submitted that the suggestions of Hon'ble Committee have been noted. There is a robust grievance redressal system in place in this Ministry to ensure that the difficulties/problems faced by the Indian emigrants during their stay abroad are promptly and appropriately addressed. Ministry of External Affairs has been taking the streamlined approach for the resolution of overseas employment related grievances of the emigrants and for faster resolution, the 24X7 PBSK Helpline is integrated with eMigrate grievance module. The grievances received by the PBSK Helpline are forwarded online to concerned officers of Overseas Employment and

PGE (OE & PGE) Division or to the concerned POE through eMigrate portal. Complaints which require the consular assistance are forwarded online to Indian Missions through MADAD portal. The grievances reported in eMigrate portal are monitored by the OE & PGE Division, while the MADAD grievances are monitored by the CPV Division. Efforts are also being made to online transfer the grievances seamlessly between the eMigrate and MADAD portal so that the time taken in resolution of the grievances is reduced with the joint efforts of jurisdictional POE and the Indian Mission abroad, considering the fact that in a significant number of cases, the details of Recruiting agent is known through the eMigrate portal.

50. While acknowledging the existence of multiple grievance redressal mechanisms (such as MADAD portal, 24*7 Pravasi Bharatiya Sahatya Kendra, etc), the Committee in their Report has emphasized the necessity of a streamlined channel for effective remedial action in a time-bound manner. On observing the Ministry's Action Taken Reply, the Committee notice that efforts are underway for online transfer of grievances between eMigrate and MADAD portal to the concerned divisions with an objective to reduce the time taken in resolution of the grievances. It is, however, not clear whether the concerned divisions are updating the status of resolution on some platform. The Committee strongly desire that the Ministry should also fix a timeframe for redressal of grievances and there should be a regular updation of the status on the Ministry's website so that aggrieved workers and their family members may be able to track the status of their grievance redressal.

(Recommendation No. 25)

Greater Dissemination of Information and awareness

51. The Committee had noted 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 provided booklets and CDs in regional languages for wider circulation and dispensation. The awareness campaigns were being rolled out on Doordarshan, FM Gold as well as Lok Sabha & Rajya Sabha channels. However, the Committee were dismayed to note the real effect of the awareness campaign in print and electronic media. The Committee were surprised that blue collar migrant workers were expected to watch Lok Sabha and Rajya Sabha Television. The Committee were apprised that the Ministry has been provided with a budget for a media campaign through OEPG and OIA Division. The Ministry required more budget to vigorously roll out this campaign. Further, the Committee were astonished to note that till now the Ministry had not initiated any help desk at the Airports.

In light of the fact that the ECR category migrant workers were one 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 were 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.

52. In its Action Taken Reply, the Ministry of External Affairs stated that during the financial year 2018-19, with the approval of EAM, 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. 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, Telengana, Maharashtra, Odisha and Karnataka, a 40-second and 80-second ad on „Safe and Legal Migration“ in Hindi and different regional

languages for two month on prime channels and DD News was run from 16 July, 2018 to 17 September, 2018.

Advertisements of „Safe and Legal Migration“ were published in two leading dailies in these states once a week on Saturdays during the month of September 2018.

The need was felt to include popular channels in this effort. Hence, with the approval of EAM and Minister of Information & Broadcasting, some private channels such as ETV Telugu, PTC Punjabi, ZEE Punjab, Haryana, Himachal Pradesh, Bihar and Jharkhand; Zee Rajasthan News; News 18 Rajasthan, Himachal Pradesh, Punjab, Haryana, Bihar and Jharkhand were included and this campaign was also run once again to ensure sufficient outreach for one month beginning 11 December, 2018 on Doordarshan, Lok Sabha TV, Rajya Sabha TV and also on above-mentioned private channels.

Media Awareness campaign for 40 & 80 second ads was run on Regional Channels/Kendras of Doordarshan for 30 days from 1st August 2019. Ads in Hindi and regional languages in regional and popular newspapers were published during the period September-October 2019. Both AV and print advertisements were also downloaded and publicized through social media.

Handbooks for migrant workers have also been developed in eight languages i.e. Hindi, English, Bangla, Malayalam, Tamil, Telugu, Punjabi and Urdu. Presently, these handbooks are distributed to prospective migrant workers attending One Day Pre Departure Orientation (PDO) Training at Mumbai, Delhi, Kochi and Lucknow.

Setting up of help desks at the airports is also under consideration.

53. For an effective and wider dissemination of information and awareness about safe and legal migration, the Committee had recommended that a multi-media awareness campaign should be undertaken along with provisioning of enhanced budgetary allocation. Towards this end, the Ministry has enumerated several measures such as publication of advertisements, broadcasting of awareness on popular channels, development of handbooks for migrant workers etc. that have been taken. The Ministry has also informed that setting up of help desks at airports is under consideration. The Committee are constrained to note that the Ministry has omitted any reference to

efforts made for seeking enhanced budgetary support to carry out these activities. The absence of specific and comprehensive reply to this Recommendation is perplexing. The Committee, therefore, once again urge the Ministry to embark upon a greater awareness and diffusion of information programme to encompass a larger community of migrant workers with actionable measures with required budgetary support and outcome oriented approach and submit a consolidated reply to the Committee.

(Recommendation No. 26)

Immediate finalization and introduction of a Bill on Emigration

54. The Committee had observed that the process of emigration by Emigration Check Required (ECR) category workers was 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 had 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 were of the strong view that in light of the momentous changes in migration patterns, the legal provisions contained in the present Act were inadequate to effectively deal with the diverse issues confronting the migrant workers. The prolonged delay in the introduction of draft Emigration Bill had been an issue of grave concern for the Committee. The justifications and assurances offered by the Ministry for putting the bill in abeyance were 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 had, therefore, strongly recommended that the Government should take serious cognizance of this matter and accord it the highest level priority. The Committee

had desired that the bill might be finalized urgently and presented to the Parliament without any further delay. The Committee had also desired 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.

55. In its Action Taken Reply, the Ministry of External Affairs has stated that the recommendation has been duly noted. Ministry is aware that there is an imperative need for putting in place an enabling framework, institutional and legislative, aimed at efficient management of emigration and to address migration related issues in a comprehensive manner with a holistic approach. In this regard, consultations are ongoing to prepare a modern technology oriented Emigration Bill which aims at providing a comprehensive enabling legislative framework based on whole-of-cycle migration approach and empowerment of our workforce through informed choices.

56. The inordinate delay in framing of an enabling legislative framework for dealing with all aspects of emigration has been a matter of serious concern for the Committee. The Committee had enlisted five salient features that ought to be incorporated in the proposed Bill and presented to the Parliament immediately. The Ministry's response and justification on this issue is again feeble and ineffective. On the basis of the Ministry's reply, the Committee deduce that little or no progress have been made in this regard. Towards this direction, consultations with concerned stakeholders should be expedited and completed as soon as possible so that a draft Bill is prepared and presented to the Parliament without any further delay. The Committee, therefore, deem it necessary to strongly reiterate that a comprehensive legal framework encompassing the five salient features suggested by the Committee should be introduced in the Monsoon session 2020 of the Parliament positively.

(Recommendation Nos. 28 and 30)

New Domestic Law on emigration should be in line with International Instruments

57. The Committee had noted that the recently adopted Global Compact for Migration is an UN-backed non-binding global agreement on a common approach to international

migration in all its dimensions. The Compact comprised of 23 objectives for better managing migration at local, national, regional and global levels. The Ministry of External Affairs had 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 were 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 had informed the Committee that active consultations were held with the concerned stakeholders during the negotiation phase. The distinction between migrants and refugees raised anew the need for fresh legislation in India governing both emigrants from the country and refugees seeking asylum in the country. The Committee noted with disappointment that the former was still governed by the outdated Emigration Act of 1983 and that on the latter, India remained one of the few democracies without an asylum/refugee law at all.

The Committee had recommended 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).

58. 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 had 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 could 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.

59. In its Action Taken Reply to Recommendation No. 28, the Ministry of External Affairs submitted that the government is conscious of the imperative need for putting in place an enabling framework, institutional and legislative, aimed at efficient management of

emigration and to address migration related issues in a comprehensive manner with a holistic approach. Towards this end, consultations are on going to put in place a modern technology oriented Emigration Bill. This Bill will look at all the recommendations made by this Committee including providing adequate institutional framework and other suggestions.

60. In their Action Taken Reply to Recommendation No.30, the Ministry of External Affairs stated that the Recommendations have been duly noted. Consultations are ongoing to put in place a modern technology oriented Emigration Bill. These consultations have also taken into account the 23 objectives laid out in the recently adopted Global Compact for Migration. This Bill would be in line with International Convention and Instruments that set out the International Framework for Migration.

61. Highlighting the dire need for a new law to substitute the outdated Emigration Act, 1983, the Committee had urged the Government to take cue from the existing international covenants and instruments, including various standards and guidelines set out by ILO and the recently adopted Global Compact on Migration and Refugees, in framing the new Bill. The Committee are displeased with the Ministry's response and are unable to comprehend the complacent attitude of the Ministry over such a significant matter. Expressing regret over the tardy progress in formulation and finalization of the Bill on emigration, the Committee strongly desire that the proposed Bill ought to be rooted in the values, commitments and framework provided by various International Convention and Instruments.

CHAPTER II

OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

(Recommendation No. 1)

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 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.

Reply of the Government

The observations made by the Committee have been duly noted. It has been the high priority of the government to develop a robust and responsive framework to ensure welfare, safety and to prevent exploitation of Indian workers going abroad in coordination with all stake holders including concerned Ministries in Government of India and State Governments.

Ministry has developed a robust framework for the welfare and protection of our migrant workers. The initiatives like MADAD, e-Migrate, Indian Community Welfare Fund, Pravasi Bharatiya Sahayata Kendras, Pravasi Bharatiya Bima Yojana, Pravasi Kaushal Vikas Yojana, Pre-Departure Orientation Programmes, open houses in Mission and Posts and active follow up of the workers' grievances by the missions/posts with the local authorities of the

host government have played an instrumental role in improving the migration experience of Indian workers in recent years. Bilateral mechanisms with Gulf countries have also been strengthened by entering into MOUs/Agreements on labour and manpower cooperation related matters. Such MoUs/ Agreements have been signed with Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia and UAE. The issues related to migrant workers are also regularly taken up during Joint Working Group Meetings that are integral part of such MoUs/Agreements.

The Ministry coordinates with Bureau of Immigration, Ministry of Home Affairs, for clearance of emigrants before boarding flights to foreign countries through online e-Migrate system and also with other Ministries as and when issues arise in overseas employment such as with Ministry of Shipping, for overseas deployment of Seafarers, Ministries of Home Affairs and Women and Child Development on the issue of human trafficking etc.

Three high-level Conference(s) of major labour sending States to promote safe and legal emigration and to curb the activities of the overseas recruitment business being carried out by illegal agents, have been convened on 9th November, 2016, 8th May, 2017 and 10th January, 2018, in New Delhi. The state governments were represented by their Chief Ministers, NRI Ministers and concerned senior officers. During the conferences State Governments were, inter-alia, requested to pro-actively check the growth of illegal agents who indulge in overseas recruitment activities illegally and to take strict action against them. They were also requested to launch awareness campaigns in vernacular medium for wider coverage and assimilation. The Ministry has also expanded the Pre Departure Orientation Training Programme in coordination with State Governments. Under this model, one center each is operational in Jaipur, Sikar (Rajasthan); Hyderabad, Nizamabad and Karimnagar (Telangana); Gaya, Muzzafarpur, Darbhanga and Patna (Bihar), these centers are managed by State Government Agencies.

Protector General of Emigrants (PGE) has been undertaking visits to various States, during which interaction with senior State Government officials concerned with workers going abroad are being held; where the issue connected with safe and legal migration with safeguards and ways and means to better spread awareness are discussed. In the last six months such visits and meetings with the State Governments of Gujarat, Goa, Tamil Nadu, Kerala, Maharashtra, Uttar Pradesh, Bihar, Karnataka and Rajasthan have taken place.

The extant legislative framework of all matters related to emigration of Indian nationals is prescribed by Emigration Act 1983. However, the nature, pattern, numbers and directions of migration of our nationals has undergone a paradigm shift during the last three-and-half decades. In this regard, the Ministry has had extensive consultations with (i) concerned Ministries (ii) with recruitment industry, international organizations, think-tanks, business organizations and academia and (iii) States and Union Territories. A draft bill has

been put on the Ministry's website and social media platforms and responses and comments are being received from various stakeholders. The consultation exercise is ongoing to ensure that all aspects to put in place a modern, technology oriented Emigration Bill are taken into consideration.

[O.M No. OI/125/Parl/03/2019-OIA-I] dated 13/11/2019]

(Recommendation No. 2)

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.

Reply of the Government

The concern of the Committee has been noted. Presently, the Emigration Check Required (ECR) passport holders workers going to ECR countries have to mandatorily obtain Emigration Clearance (EC) through MEA's web portal "eMigrate" before proceeding abroad and the data of such Indians migrating legally for overseas employment is captured on eMigrate portal. The Ministry has also been making efforts to devise mechanism for collating data with regard to Non-Emigration Check Required (ECNR) passport holding Indians going abroad. In fact, registration of ECNR category emigrants going for employment to ECR countries was launched on pilot basis with effect from 29.11.2017 by filling up of a single page form, on eMigrate portal, with minimal fields of information. ECNR passport holders going for employment to ECR countries currently are encouraged to register in the e-Migrate system. As special preventive measure, registration of ECNR passport holders going to Iraq for employment has been made mandatory in addition to ECR passport holders requiring clearance. The Ministry is coordinating closely with the Ministry of Home Affairs (MHA) for

making available the data on real time basis on the persons going overseas on employment visas. Letters have been sent at high level to Ministry of Home Affairs in this regard. It is the consistent effort of the Ministry to extend every possible help to all Indians abroad, ECR or ECNR, in case of any eventuality.

[O.M No. OI/125/Parl/03/2019-OIA-I] dated 13/11/2019]

(Recommendation No. 3)

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.

Reply of the Government

The welfare and protection of Indian workers abroad is among the highest priorities of the Ministry. Significant efforts have been made towards ensuing a safe, orderly, legal and humane migration process. Ministry has developed a robust framework for the welfare and protection of our migrant workers. The initiatives like MADAD, e-Migrate, Indian Community Welfare Fund, Pravasi Bharatiya Sahayata Kendras, Pravasi Bharatiya Bima Yojana, Pravasi Kaushal Vikas Yojana, Pre-Departure Orientation Programmes, open houses in Mission and Posts and active follow up of the workers' grievances by the missions/posts with the local authorities of the host government have played an instrumental role in improving the migration experience of Indian workers in recent years. Bilateral mechanisms with Gulf countries have also been strengthened by entering into MOUs/Agreements on labour and manpower cooperation related matters. Such MoUs/ Agreements have been signed with Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia and UAE. The issues related to migrant workers are also regularly taken up during Joint Working Group Meetings that are integral part of such MoUs/Agreements.

The Ministry works closely with Ministry of Labour & Employment, Ministry of Home Affairs as well as State Governments whenever the need for a coordinated effort is necessitated. The Ministry also has an arrangement with Bureau of Immigration, Ministry of Home Affairs, for clearance of emigrants before boarding flights to foreign countries, through online e-Migrate system and 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 in cases of human trafficking etc.

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 Pravasi Bharatiya Sahayata Kendra (PBSK) 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 counseling 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 facilities for distressed Indian nationals have 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.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 4)

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 cases 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.

Reply of the Government

In cases of complaints involving 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, if the emigrant is faced with difficulties/distress in the destination country, 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 – irrespective of the fact whether the emigrant went legally or through illegal channel.

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 sanction 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.

As per the laid down procedure, on receipt of complaints against unregistered Agents, the concerned Police Authority will investigate the matter and after investigation will request 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 Government had issued Standard Operating Procedure (SOP) to be followed by States on receipt of complaints against unregistered/ unscrupulous agents. The State Governments were also requested to appoint „Nodal Officer“ in their respective States who would pursue the matter| with concerned police authorities for submitting enquiry report on complaints that have been forwarded to them. Majority of the State Governments have already appointed „Nodal Officer“ in their States.

As regards mechanism to control frauds committed by the Foreign Employers (FEs), there is already a mechanism, through eMigrate, whereby the credentials of the prospective FEs are verified by the Indian Missions/Posts before registration of the FE on eMigrate. Even after registration, if the dealings of the FE with Indian workers employed in his company are found to be detrimental to the interests of Indian workers, there is a provision to put the FE in “Prior Approval Category (PAC)”, which would imply that prior permission will be required by the concerned FE to recruit Indian workers.

All authorized Recruiting Agents are registered or figure on the eMigrate portal. Now the Recruiting Agents can recruit any worker having ECR passport and going to any ECR country, and hence requiring clearance, only through the eMigrate. In addition, even the recruitment of workers not requiring clearance can be done only by a Registered or licenced agent who figures in the eMigrate.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 5)

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.

Reply of the Government

The recommendation of the Hon'ble Committee has been duly noted. The Government has been receiving from time to time complaints/grievances from emigrants and their family members/relatives of being cheated by illegal agents. The Ministry has a robust grievance redressal mechanism including MADAD and e-Migrate portals for online registration of grievances of emigrants who have been subjected to cheating. Such complaints are forwarded to concerned State Governments and Police authorities urging them

to apprehend illegal agents and prosecute them. Wherever required, such complaints are also referred to Mission/Posts abroad for providing relief/rescue. As per the available records, the number of complaints against unregistered agents received and referred to the State Government/Police during the period of 2016-2019 is as under:

Detail of Complaints forwarded to State Government from, 2016 to 2019

Sl. No.	Year	Nos of Complaints received	Cases referred to State Governments for action	Prosecution Sanction sought by State Government	Prosecution Sanction issued by Ministry of External Affairs
1	2016	231	231	42	42
2	2017	446	446	30	30
3	2018	350	350	15	15
4	2019 *	556	556	29	29

* (Up to 30th September, 2019)

In May 2016 Ministry of External Affairs issued a Standard Operating Procedure to be followed by States on receipt of complaints of cheating by illegal agents by emigrants. Visual and print media campaigns are also launched from time to time for promoting legal and safe migration and encouraging emigrants to use the services of registered Recruiting Agents to avoid being trapped by illegal/fake agents.

In order to promote safe and legal emigration and to curb the activities of the overseas recruitment business being carried out by illegal agents, three high-level Conference(s) of major labour sending States were convened on 9th November, 2016, 8th May, 2017 and 10th January, 2018, in New Delhi, with External Affairs Minister as the chairperson during which, State Governments were, inter-alia, requested to pro-actively check the growth of illegal agents who indulge in overseas recruitment activities illegally and to take strict action against them. They were requested to launch awareness campaigns in vernacular medium for wider coverage and assimilation, which has been done. In October, 2019, the Ministry has created an online system where State Nodal Officer can login and can have access to the grievances/complaints received in OE & PGE Division. Accordingly, Chief Secretaries of the States have been requested to make the system fully functional in order to deal with complaints against illegal agents for tracking periodically which will go a long way in quickening and making the system robust. It is hoped that with the appropriate response from State Governments the system become functional.

In view of the complaints of exploitation and harassment by unscrupulous agents and

employers in the Gulf countries, the Government has taken additional measures to safeguard the interests of female workers migrating to Emigration Check Required (ECR) countries as Domestic Sector Workers (DSW). As per extant guidelines, the minimum age of Emigration Check Required (ECR) category female workers (DSW) proceeding for overseas employment to Emigration Check Required (ECR) countries is 30 years. Their emigration for overseas employment is permitted only through following seven designated State- run recruitment agencies:

- (i) Non- Resident Keralites“Affairs Roots (NORKA), Kerala;
- (ii) Overseas Development and Employment Promotion Consultant (ODEPC), Kerala;
- (iii) Overseas Manpower Corporation Ltd. (OMCL), Tamil Nadu.
- (iv) Uttar Pradesh Financial Corporation (UPFC), Uttar Pradesh;
- (v) Overseas Manpower Company A. P. Ltd. (OMCAP), Andhra Pradesh;
- (vi) Telangana Overseas Manpower Company Limited (TOMCOM), Telangana; and
- (vii) Rajasthan Skil & Livelihood Development Corporation (RSLDC)

In addition, Foreign employers have to deposit US\$2500 in the form of a Bank Guarantee with the Indian Missions in case of direct recruitment of female workers holding ECR passports, which is returned when the emigrant return safely.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 7)

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.

Reply of the Government

Since January 2018, Ministry has rolled out Pre Departure Orientation Training (PDOT) Programmes in a structured manner as part of the Pravasi Kaushal Vikas Yojana (PKVY). In January 2018, PDOT was started with two centers each in Mumbai and New Delhi, thereafter, two more PDOT centers were opened in Kochi and Lucknow for the benefit of migrant workers. Subsequently, Ministry also approached the State Governments to open PDOT centres.

Presently, PDO Training is being imparted under two models:-

- (a) PDOT Centers managed by NSDC empanelled Training Partners under Pravasi Kaushal Vikas Yojana (PKVY), a joint collaboration between MEA and MSDE. Under this model, six PDOT Centers are operational, with two centers each in Mumbai and New Delhi and one center each in Lucknow and Kochi
- (b) PDOT Centers managed by State Government Agencies. Under this model, one center each is operational in Jaipur, Sikar (Rajasthan); Hyderabad, Nizamabad and Karimnagar (Telangana); Gaya, Muzzafarpur, Darbhanga and Patna (Bihar).

As on 6 November 2019, 66,820 emigrant workers have been imparted pre-departure orientation training across these fifteen PDOT centers.

PDOT programmes are aimed at enhancing soft skills of Indian migrant workers largely going to the Gulf region and Malaysia, in terms of culture, language, tradition and local rules and regulations of the destination country, to sensitize migrant workers about pathways to safe and legal migration and various government programmes for their welfare and protection. The initiative has been a success and is being expanded further.

PDO curriculum content has been standardized all over the country. Comprehensive PDO Manuals for Master Trainers have been developed in seven languages i.e. Hindi, English, Bangla, Malayalam, Punjabi, Tamil and Telugu. Similarly, Handbooks for migrant workers have also been developed in eight languages i.e. Hindi, English, Bangla, Malayalam, Tamil, Telugu, Punjabi and Urdu. Presently, these handbooks are distributed to prospective migrant workers attending One Day PDO Training at Mumbai, Delhi, Kochi and Lucknow.

Since March 2017, twenty Awareness Generation and Training of Trainers (TOT) Workshops have been conducted in nine states i.e. Andhra Pradesh, Bihar, Kerala, Rajasthan, Punjab, Tamil

Nadu, Telangana, Uttar Pradesh and West Bengal in coordination with the concerned Departments of the State Government. These workshops are aimed at capacity building of States to enable them to take the PDO programmes at the grass-root level in the major labour sending districts. The participants comprised of officials from the Labour/Employment/Skill Department, local media, and the academia.

A Consultation Meeting was held with major labour-sending States and Assam on 3 July, 2018 to sensitize them about the institutional framework on emigration related matters and expanding PDO programs by the State Governments. Ministry has also given its concurrence for the proposals received from State Governments namely Bihar, Kerala, Rajasthan, Odisha, Telangana and West Bengal for centers suggested by them to be designated as PDO Centers for imparting PDO training to migrant workers. Thus it has helped in enhancing the outreach of the PDO program to the labour sending districts of these states.

Ministry of Skill Development and Entrepreneurship (MSDE) has conveyed that Global Skill Gap Study (GSS) being conducted by the National Skill Development Corporation (NSDC) is in final stages of completion and is currently under review. The MSDE has conveyed that they will share the outcomes of the Global Skill Gap Study (GSS) with the Committee and the relevant stakeholders in due time.

MSDE has further conveyed that in relation to providing upskilling opportunities in destination countries, NSDC is currently exploring a model for upskilling and certification for migrant workers in UAE. NSDC has also completed the benchmarking of 13 Qualifications across Automotive and Construction sectors in collaboration with the Ministry of Human Resources and Emiratization, Govt. of UAE and Abu Dhabi Quality & Conformity Council. A pilot program under the India – UAE Skill Harmonization project has been successfully conducted in September 2019 under which 133 candidates were certified by Indian Sector Skill Councils and mutually recognized by UAE Awarding entity. Out of the certified workers, 63 have already been selected for deployment by an UAE Employer. Government of UAE has announced incentive to employers for hiring certified workers from India.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 8)

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.

Reply of the Government

Bilateral mechanisms with Gulf countries have been strengthened by entering into MOUs/Agreements on labour and manpower cooperation. These Memorandum of Understanding (MoUs)/ Agreement on labour cooperation are signed by Government of India with ECR countries with the following broad principles built into the MoUs:

- a) Declaration of mutual intent to enhance employment opportunities and for bilateral cooperation in protection and welfare of workers;
- b) The host country to take measures for protection and welfare of the workers in organized sector;
- c) Statement of the broad procedure that the Foreign Employer shall follow to recruit Indian workers;
- d) The recruitment and terms of employment will be in conformity with the laws of both the countries.
- e) To ensure implementation of the signed MoU, Joint Working Groups (JWG) are constituted which meet regularly to find solutions to bilateral labour problems.

Such MoUs/ Agreements have been signed with Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia and UAE.

The Ministry is also conducting Pre-Departure Orientation Training (PDOT) for enhancing soft skills of potential emigrants in terms of culture, language, traditions, local rules and regulations of the destination country, to sensitize migrant workers about pathways to safe and legal migration and various government programmes for their welfare and protection. The name of important officials of the concerned Indian Missions and their contact numbers/ emails are shared with the workers whom they can contact when in distress or any clarifications with regard to their employment in that country is required. Presently, this one-day PDOT Programs are running in fifteen cities namely Mumbai, New Delhi, Lucknow, Jaipur, Sikar, Hyderabad, Karimnagar, Nizamabad, Patna, Muzaffarpur, Darbhanga, Gaya, Vijaywada, Kadapa and Cochin. State governments are also being encouraged to initiate PDOT programs in major labour sending districts. While issuing emigration clearance, ID cards are also issued to the emigrants with details of recruiting agents, foreign employers and Indian missions etc. With the introduction of eMigrate system the Ministry has decided to discontinue the attestation of documents to make the emigration process faster, hassle-free and transparent. However, in case of direct recruitment i.e. without involving any Indian Recruiting Agents, the attestation by Indian Missions to some documents is still required. As a special preventive measure, attestation of Employment offer document by the concerned Indian Missions in Iraq subject to the condition that the employment is only for safe areas/provinces identified by the Government is required w.e.f. 1st October, 2019.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 9)

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.

Reply of the Government

The local laws of GCC countries like Kingdom of Saudi Arabia, United Arab Emirates, Kuwait, Qatar, Oman do not allow retention of passport of the expatriates. However, the Indian Missions, from time to time, receive complaints from Indian citizens about retention of their passport by the sponsors. The Embassy takes up such cases with the concerned authorities for remedial action. In addition, the issue of passport retention are also raised with the GCC countries in the Joint Working Group meeting and various bilateral fora.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11//2019]

(Recommendation No. 10)

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.

Reply of the Government

The recommendation of the Committee is duly noted. To ameliorate such concerns, the Ministry took up the matter with Ministry of Civil Aviation and Air India. Based on these discussions, Air India has now decided to offer a flat rate for transfer of mortal remains from Gulf countries to various destinations in India. This addresses the complaints of variable rates being charged in different cases. Moreover, the flat rate implemented by Air India amounts to average reduction of fares of up to 30-35% to some of the major destinations in India from Gulf countries.

In addition, efforts continue to be made to offer free of charge transfer of mortal remains in cases where the deceased belong to economically disadvantaged families. During the 3 years between 2016-2018, Air India has provided 486 such free of cost transfers. Assistance is also provided in such cases under the Ministry's Indian Community Welfare

Fund (ICWF) in deserving cases on a means-tested basis. Since the inception of ICWF, financial assistance has been provided for free of cost transfer of mortal remains in 2350 cases to India.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 11)

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

Reply of the Government

Indian Missions and Posts abroad have put in place crisis management plans for dealing with emergency situations, taking into account the specific local conditions of respective countries and keeping in view the interests, safety and security of all Indian nationals in the countries concerned. Migrant workers proceeding overseas for employment are now being given pre-departure orientation training under which relevant information for dealing with emergency situations in foreign countries including emergency contact numbers of Indian Missions, 24x7 helpline numbers of Pravasi Bharatiya Sahayata Kendra (PBSK), etc. are provided. In addition, The Handbook of Migrant Workers, which is distributed to migrant workers attending PDOT programme at PDOT Centres in New Delhi, Mumbai, Kochi and Lucknow also contains contact details of Indian Missions/Posts in GCC countries, Protector of Emigrants (POE) Offices in India, Helpline numbers of PBSK and information about Madad Portal.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 12)

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.

Reply of the Government

The government accords the highest priority to early repatriation of mortal remains. During around last five years, the government has taken steps to expedite and streamline the process of repatriation of dead bodies. Our Missions and Posts abroad also proactively engage with the local authorities in these matters. As a result, the overall time taken in repatriation has come down. Certain delays particularly in instances of accidental and unnatural deaths do occur due to the mandatory legal requirements of the host countries and where Missions and Posts have to comply with the stipulated procedures. Bringing dead body/bodies of Indians who die abroad, involves completion of certain formalities before the local authorities allow such body/bodies to be transported to India. In some cases police investigations are to be completed. Our Missions/Posts abroad extend all possible help in bringing back the mortal remains of Indians to the relatives of those who die abroad either naturally or accidentally.

As soon as the information about the death of an Indian national comes to the knowledge of the concerned Indian Mission/Post abroad, they take proactive action by seeking a report from the local Foreign Office and other concerned authorities regarding the cause of the death of the Indian national. Our Missions/Posts abroad also inform the next of kin of the deceased Indian national, and facilitate the transportation to India or local burial of mortal remains in accordance with the wishes of the family of the deceased. The relevant documents related to the deceased are attested and other assistance is provided on priority basis when required, including after office hours and on holidays. Under MADAD maximum priority is accorded to the follow up of mortal remains cases. Anyone can directly lodge a grievance in MADAD portal, which flashes it immediately for action to the welfare officer of

the concerned Indian Mission/Post. MADAD portal also enables swift tracking and sharing of information among the grievant, Indian Mission/Post as well as the Ministry.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 15)

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.

Reply of the Government

The institutional framework for support and welfare of migrant workers has been considerably strengthened during over last five years. The Indian Community Welfare Fund, the MADAD portal, eMigrate system, Pravasi Bhartiya Sahayta Kendras, help-lines, shelter homes etc. are some of the important mechanisms to expeditiously assist Indian nationals abroad.

Complaints are received from Indian emigrant workers in ECR countries, from time to time, regarding maltreatment, violation of contractual terms, adverse working conditions, wage related issues, employer related problems, medical and insurance related problems and compensation/death claims. The Ministry is working in close coordination with foreign governments to address concerns related to 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. 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. The issues of migrant workers are also taken up during JWG's and other high level meeting with the host governments.

Missions/Posts conduct Open Houses for the emigrant workers where officers/officials meet the workers regularly. Missions/Posts have also established 24x7 help lines and Toll Free help lines. The Indian Community Welfare Fund (ICWF), aimed at assisting Overseas Indian nationals abroad in times of distress on a means tested basis in the most deserving cases, has already been extended to all Indian Missions and Posts abroad. 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. Pravasi Bharatiya Sahayata Kendras have been setup that provide guidance and counselling on all matters pertaining to overseas Indian workers. Shelter homes for distressed Indian nationals have been setup in Bahrain, Kingdom of Saudi Arabia, Kuwait, Qatar, UAE and Malaysia.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 16)

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.

Reply of the Government

Ministry has strengthened the eco-system that supports migrant workers in all stages of the migration cycle and ensures that Indian workers migrate safely with an enhanced skills set in line with our motto: *Surakshit Jayen, Prashikshit Jayen, Vishwas ke saath jayen.*

The Ministry is aware of the vulnerabilities of our migrant workers and at times, their exploitation by unscrupulous recruitment agents. While being tough on law enforcement, the Ministry has commenced Pre-Departure Orientation Programmes for the first time in the country for the benefit of our workers largely going to the Gulf region and Malaysia. Dialogue on Labour and Manpower related issues with Gulf countries has also been re-energized.

The Ministry has also rolled out one-day Pre Departure Orientation (PDO) programme focusing on safe and legal migration for the benefit of migrant workers going to GCC countries and Malaysia. Over 66,000 migrant workers have been imparted PDO training so far. Workshops on safe and legal migration and PDO Training of Trainers programmes have also been organized in major labour sending States. Handbooks for migrant workers have also been developed in eight languages i.e. Hindi, English, Bangla, Malayalam, Tamil, Telugu, Punjabi and Urdu. Presently, these handbooks are distributed to prospective migrant workers attending One Day Pre Departure Orientation (PDO) Training at Mumbai, Delhi, Kochi and Lucknow.

During the financial year 2018-19, with the approval of EAM, 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. 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, Telengana, Maharashtra, Odisha and Karnataka, a 40-second and 80-second ad on „Safe and Legal Migration“ in Hindi and different regional languages was run from 16 July, 2018 to 17 September, 2018 on prime channels and DD News.

Advertisements of „Safe and Legal Migration“ were published in two leading dailies in these states once a week on Saturdays during the month of September 2018.

The need was felt to include popular channels in this effort. Hence, with the approval of EAM and Minister of Information & Broadcasting, some private channels such as ETV Telugu, PTC Punjabi, ZEE Punjab, Haryana, Himachal Pradesh, Bihar and Jharkhand; Zee Rajasthan News; News 18 Rajasthan, Himachal Pradesh, Punjab, Haryana, Bihar and Jharkhand were included and this campaign was also run once again to ensure sufficient outreach for one month beginning 11 December, 2018 on Doordarshan, Lok Sabha TV, Rajya Sabha TV and also on above-mentioned private channels.

Media Awareness campaign for 40 & 80 second ads was run on Regional Channels/Kendras of Doordarshan for 30 days from 1st August 2019. Ads in Hindi and regional languages in regional and popular newspapers were published during the period September-October 2019. Both Audio Visual and print advertisements were also downloaded and publicized through social media.

Indian workers in companies affected by economic downturn in the Gulf region have been extended assistance through waiver of fines on Iqama (resident permit) related violations, providing exit visas and one way return tickets to India as well as transfer of sponsorship, wherever possible, on gratis basis. Assistance from ICWF is provided to all Indian workers who have landed in distressed situation irrespective of the fact whether he/she has gone in legal way or through some illegal agents. The Government has also extended necessary support to facilitate return of Indian nationals who have availed amnesty offers in GCC countries.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 17)

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 Iqama (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.

Reply of the Government

There is about 9 million strong resident Indian community in the Gulf Cooperation Council countries. The welfare of Indian migrant workers in GCC countries is of utmost priority. As noted by the Committee, the system of sponsorship remains a challenge. However, important labour reforms are gradually being taken in GCC countries for the benefit of expat workers. The Government has entered into Labour and Manpower Cooperation MOUs/Agreements with Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE. These are aimed at safeguarding the interests and ensuring welfare and protection of Indian workers and seek to expand the institutional framework of manpower cooperation between India and the destination country. They comprehensively delineate the responsibilities of the sending and receiving country, mechanism for settlement of dispute and areas of cooperation. In addition, these MOUs and Agreements have the provision of implementation through Joint Working Groups, comprising of representatives from both sides who meet annually, alternately in both countries, and all prevailing labour and manpower related issues are discussed during these meetings.

Further, to safeguard the specific interest of domestic workers in GCC Countries, who are often the most vulnerable category; Ministry has signed separate MoUs/Agreements on domestic workers. Agreement on Labour Cooperation for Domestic Sector Workers Recruitment with Saudi Arabia was signed in January 2014. In case of UAE, there is a Protocol on Domestic Workers annexed to the MOU with the UAE in the Field of Manpower that was signed in February 2018. In January 2019, the Cabinet has also given its approval for signing of MOU for Cooperation on Recruitment of Domestic Workers between India and Kuwait. The MOU was initialed during the visit of EAM to Kuwait from October 30-31, 2018.

Further, Government is in process of integrating online labour recruitment platform eMigrate with online platforms of Saudi Arabia and UAE. Expanding such collaboration with other GCC countries are in the pipeline. Such integration takes the reference of mutually agreed Standard Employment Contract of the destination country in processing recruitment, which would curb duplicity of contracts being signed at present.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 18)

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.

Reply of the Government

The observation of the Committee have been duly noted. The Ministry has actively taken up the matter of accreditation of engineering degrees, including at the Ministerial level with the Kuwaiti government.

In March 2018, according to a notification by the concerned authorities of the Government of Kuwait, due accreditation of engineering degrees has been made the main criterion for all expatriate engineers working in Kuwait. This rule has been made applicable to all nationalities of expatriates. In respect of Indian engineers, the National Board of Accreditation (NBA) has become the criterion.

Against the above background, a delegation from Kuwait visited India in June 2018, and held discussions with Ministry of Human Resource Development (MHRD). The issue was also raised with the Kuwaiti authorities at the Joint Working Group (JWG) on Manpower Meeting and the Foreign Office Consultations (FOC). Former EAM had also raised this issue with highest levels of Kuwaiti leadership during her visit to Kuwait in October 2018, and was assured of amicable resolution of this matter at the earliest. Subsequently, a delegation from MHRD met with the Kuwaiti authorities including representatives of Kuwait Society of Engineers and Foreign Ministry in March 2019. A list of Indian technical institutes / universities that are considered premier institutions but not covered by NBA accreditation and a list of institutions of national importance, as received from MHRD, have been shared with Kuwaiti authorities for their consideration. In addition, Minister of State for External Affairs and Parliamentary Affairs visited Kuwait in September 2019 and raised the issue with Kuwaiti authorities.

Keeping in mind the friendly and good relations between the two countries, and as a result of the proactive efforts of the Ministry, Indian engineers without NBA accreditation are being allowed to re-designate themselves in relevant positions. Government has been actively engaging with the Kuwaiti authorities to ensure that no resident Indian Engineer with valid work contracts in Kuwait would have to leave the country due to the new ruling.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 20)

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.

Reply of the Government

The recommendation of the Committee has been duly noted. The Government has a multi-dimensional approach involving the resident Indian community, local concerned government authorities in different departments of the Gulf governments, recruiting agencies and other stakeholders and works in close coordination with them to address concerns related to employment and welfare of Indian workers and safeguarding the interests and welfare of the resident Indian community. Labour and Manpower Cooperation MoUs/Agreements are already in place with the six Gulf Cooperation Council (GCC) countries and Jordan that provide the institutional framework to comprehensively discuss and review these matters. As part of these MoUs/Agreements, Joint Working Groups have been established with each GCC country in which entire gamut of labour and manpower cooperation related issues are discussed and sorted out in bilateral discussions.

Indian Missions/ Posts have a pro-active approach while dealing with complaints from Indian emigrant workers in ECR countries. Open Houses are conducted regularly by the Missions in which the emigrant workers attend without any prior appointment and can discuss their issues with the Ambassador or any other senior officers of the Mission. Missions have provided 24x7 help lines for the workers.

Further, the Ministry works in close collaboration with all concerned stakeholders notably the recruitment agencies, state governments, business chambers as well as international organizations.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 22)

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.

Reply of the Government

The guidelines for Indian Community Welfare Fund (ICWF), first created in 2009, were revised w.e.f. September 1, 2017, with the approval of Union Cabinet. The revised guidelines broaden the scope for the welfare and protection of distressed Overseas Indians on means tested basis. The fund is self-sustaining and is replenished by levying charges on Consular & Visa services rendered by the Missions/Posts abroad. The revised guidelines were framed taking into account the availability of ICWF funds as well as utilization of the Fund over the years. Presently, there is no need for budgetary support for the Fund and there are adequate Funds available with our Missions and Posts abroad to undertake various onsite welfare activities. Apart from assisting Indian nationals in distress abroad, ICWF has been a critical support in emergency evacuations of Indian nationals in conflict zones in Libya, Iraq, Yemen and South Sudan as well as during various Amnesty schemes in the Gulf region. There are around 140,000 beneficiaries of the Fund.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

CHAPTER – III

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

(Recommendation No. 23)

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.

Reply of the Government

Pravasi Bharatiya Bima Yojana, initially launched in 2003, has been amended from time to time with the overarching objective of expanding the benefits for emigrant workers. The revised scheme PBBY, 2017, operational w.e.f. August 1, 2017, has made settlement of claims simpler for the benefit of our workers and is aimed at ensuring expeditious settlement of claims. The salient features of PBBY, 2017 are (i) the insured person is covered for a sum of Rs.10 lakhs in the event of accidental death or permanent disability irrespective of change of employer, employee’s location and place of work, (ii) acceptance by insurance companies of certification of accidental death/permanent disability by Indian Missions/Posts abroad and (iii) facility for online renewal and copy of insurance policy is to be made available to the nominee(s).

Given the large number of migrant workers living and working in the Gulf countries, it would be in India’s interest to negotiate Social Security Agreements with these countries. However, the domestic legislation in the GCC countries offers social security only to permanent residents. There are no domestic provisions/legislations for temporary workers. Negotiating SSAs in the absence of domestic legislations in the GCC countries, therefore, becomes difficult. However, mostly Gulf countries have made insurance coverage mandatory for the blue collar workers. They have established certain institutional mechanisms to protect the interests of the expatriate workers in case

of premature termination of employment contracts, accidents, death or permanent disability. The Ministry has bilateral agreements on labour and man power issues with all GCC countries that provides the institutional framework to safeguard the interest of our nationals working in these countries.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 27)

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.

Reply of the Government

Given the large number of migrant workers living and working in the Gulf countries, it would be in India's interest to negotiate Social Security Agreements (SSA) with these countries. However, the domestic legislation in the GCC countries offers social security only to permanent residents. There are no domestic provisions/legislations for temporary workers. Negotiating SSAs in the absence of domestic legislations in the GCC countries, therefore becomes difficult.

Indian migrant workers are covered under the Labour and Manpower Cooperation MOUs/Agreements that Government has in place with the 6 GCC Countries. These MOUs/Agreements seek to expand the institutional framework of manpower cooperation between India and the destination country and enhance welfare and protection for the migrant workers.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 29)

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.

Reply of the Government

The recommendation involves the broader question of the application of the principle of non-refoulement. The principle of non-refoulement is espoused by the 1951 Convention on Refugees. India is not a party to this Convention. Further, the applicability of the principle of non-refoulement is before the Honourable Supreme Court of India in the Mohammad Salimullah versus Government of India case and the matter is still pending before the Hon'ble Supreme Court. Any policy decision on the issue rests with the MHA.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

CHAPTER – IV

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

(Recommendation No. 19)

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.

Reply of the Government

The recommendation of the Committee has been duly noted. The Government's attention has been drawn from time to time to the issue of exploitation of women workers leaving for employment to Gulf countries. The Government has taken additional measures to safeguard the interests of Indian female workers migrating to ECR countries. Therefore, a decision has been taken to make recruitment of female workers for ECR countries mandatory through government agencies. Their emigration for overseas employment is permitted only through the seven designated state-run recruitment agencies or through the Foreign Employer registered on e-Migrate system. In case of Foreign Employer, attestation of work contract by the Indian Mission in the destination country and submission of a bank guarantee of US \$ 2500 is mandatory before the emigration clearance is granted by the Office of Protector of Emigrants. As per extant guidelines, the minimum age of ECR category female workers proceeding for overseas employment to ECR countries is 30 years.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

CHAPTER V

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

(Recommendation No. 6)

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.

Reply of the Government

PDO curriculum content has been standardized all over the country. Comprehensive PDO Manuals for Master Trainers have been developed in seven languages i.e. Hindi, English, Bangla, Malayalam, Punjabi, Tamil and Telugu. Similarly, Handbooks for migrant workers have also been developed in eight languages i.e. Hindi, English, Bangla, Malayalam, Tamil, Telugu, Punjabi and Urdu. Presently, these handbooks are distributed to prospective migrant workers attending One Day PDO Training at Mumbai, Delhi, Kochi and Lucknow. The translation of these handbooks and manuals have been carried out with assistance from the concerned State Governments. E-Books have

also been developed and uploaded on e-Migrate portal. All these resource materials for Pre-Departure Orientation Training (PDOT) program have been developed under the aegis of India Centre for Migration (ICM).

Ministry of Skill Development & Entrepreneurship (MSDE) is working towards a system to ease the process of migration of highly skilled workers in line with the core elements highlighted by MEA. MSDE has also informed that they are progressing ahead on alignment of qualification, creation of training infrastructure, establishing job linkages and pre-departure orientation program.

Setting up of help desks at the airports is also under consideration.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 13)

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.

Reply of the Government

The recommendation of the Committee has been duly noted. Former EAM had taken a meeting with the Associations/Federation of registered Recruiting Agents (RAs) on 14.12.2018 on different issues including the reviewing of existing MRW. The associations were of view that, the current minimum wages, detailed category-wise and country wise, in the eMigrate system for emigration clearance have become unrealistic due to the fact that, the economies of the countries (mainly ECR) have stagnated and hence jobs at such wages are no more available, particularly as

claimed by the RA Associations/Federations, people from the neighboring countries are willing to work on lower wages which are still comparatively better than the wages prevalent in their countries. A Committee has been constituted comprising of representatives of RAs and officers of the MEA. However, the Consultative Committee of Ministry of External Affairs, where revision of minimum wages has been deliberated upon, has not yet given any clear directions. The Ministry is seized with the subject and after appropriate consultations and discussions with concerned stake holders, further action would be taken.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 14)

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.

Reply of the Government

The Observation/Recommendation of the Committee have been duly noted. In this regard, Ministry of Skill Development and Entrepreneurship (MSDE) has conveyed that possibilities of utilizing international experience and skill sets of the returning migrant workers can be explored as Trainers and Assessors to develop International Training models for the benefit of future migrant workers.

Comprehensive emphasis is being given in expanding Ministry's collaboration with the State governments. A Consultation Meeting was held with major labour-sending States and Assam on 3 July 2018 to sensitize them about the institutional framework on emigration related matters and expanding the PDO programs by the State Governments.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 21)

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.

Reply of the Government

The Ministry has already initiated dialogue with ECR countries for integration of eMigrate system with the systems in their countries. With concerted effort, the integration of eMigrate system with eTawtheeq system of Kingdom of Saudi Arabia and MoHRE system of United Arab Emirates is at advance stage. The Bahrain authority has shown their interest in such integration. In the Joint Working Group meeting with ECR countries, the Ministry has put forward the proposal of integration of eMigrate with the technical system of the respective countries.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 24)

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.

Reply of the Government

The suggestions of Hon^{ble} Committee noted.

There is a robust grievance redressal system in place in this Ministry to ensure that the difficulties/problems faced by the Indian emigrants during their stay abroad are promptly and appropriately addressed. Ministry of External Affairs has been taking the streamlined approach for the resolution of overseas employment related grievances of the emigrants and for faster resolution, the 24X7 PBSK Helpline is integrated with eMigrate grievance module. The grievances received by the PBSK Helpline are forwarded online to concerned officers of Overseas Employment and PGE (OE & PGE) Division or to the concerned POE through eMigrate portal. Complaints which require the consular assistance are forwarded online to Indian Missions through MADAD portal. The grievances reported in eMigrate portal are monitored by the OE & PGE Division, while the MADAD grievances are monitored by the CPV Division. Efforts are also being made to online transfer the grievances seamlessly between the eMigrate and MADAD portal so that the time taken in resolution of the grievances is reduced with the joint efforts of jurisdictional POE and the Indian Mission abroad, considering the fact that in a significant number of cases, the details of Recruiting agent is known through the eMigrate portal.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 25)

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.

Reply of the Government

During the financial year 2018-19, with the approval of EAM, 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. 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, Telengana, Maharashtra, Odisha and Karnataka, a 40-second and 80-second ad on „Safe and Legal Migration“ in Hindi and different regional languages for two month on prime channels and DD News was run from 16 July, 2018 to 17 September, 2018.

Advertisements of „Safe and Legal Migration“ were published in two leading dailies in these states once a week on Saturdays during the month of September 2018.

The need was felt to include popular channels in this effort. Hence, with the approval of EAM and Minister of Information & Broadcasting, some private channels such as ETV Telugu, PTC Punjabi, ZEE Punjab, Haryana, Himachal Pradesh, Bihar and Jharkhand; Zee Rajasthan News; News 18 Rajasthan, Himachal Pradesh, Punjab, Haryana, Bihar and

Jharkhand were included and this campaign was also run once again to ensure sufficient outreach for one month beginning 11 December, 2018 on Doordarshan, Lok Sabha TV, Rajya Sabha TV and also on above-mentioned private channels.

Media Awareness campaign for 40 & 80 second ads was run on Regional Channels/Kendras of Doordarshan for 30 days from 1st August 2019. Ads in Hindi and regional languages in regional and popular newspapers were published during the period September-October 2019. Both AV and print advertisements were also downloaded and publicized through social media.

Handbooks for migrant workers have also been developed in eight languages i.e. Hindi, English, Bangla, Malayalam, Tamil, Telugu, Punjabi and Urdu. Presently, these handbooks are distributed to prospective migrant workers attending One Day Pre Departure Orientation (PDO) Training at Mumbai, Delhi, Kochi and Lucknow.

Setting up of help desks at the airports is also under consideration.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 26)

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.

Reply of the Government

The recommendation has been duly noted. Ministry is aware that there is an imperative need for putting in place an enabling framework, institutional and legislative, aimed at efficient

management of emigration and to address migration related issues in a comprehensive manner with a holistic approach. In this regard, consultations are ongoing to prepare a modern technology oriented Emigration Bill which aims at providing a comprehensive enabling legislative framework based on whole-of-cycle migration approach and empowerment of our workforce through informed choices.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 28)

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).

Reply of the Government

The government is conscious of the imperative need for putting in place an enabling framework, institutional and legislative, aimed at efficient management of emigration and to address migration related issues in a comprehensive manner with a holistic approach. Towards this end, consultations are on going to put in place a modern technology oriented Emigration Bill. This Bill will look at all the recommendations made by this Committee including providing adequate institutional framework and other suggestions.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Recommendation No. 30)

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.

Reply of the Government

The recommendations have been duly noted. Consultations are ongoing to put in place a modern technology oriented Emigration Bill. These consultations have also taken into account the 23 objectives laid out in the recently adopted Global Compact for Migration. This Bill would be in line with International Convention and Instruments that set out the International Framework for Migration.

[O.M No. OI/125/Parl/03/2019-OIA-I) dated 13/11/2019]

(Vide Para 4 of Introduction of Report)

**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE
OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE TWENTY-THIRD
REPORT OF THE COMMITTEE ON EXTERNAL AFFAIRS (16TH LOK SABHA)**

(i) Observations/Recommendations which have been accepted by the Government: -

Recommendation Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 20, and 22

Total- 17

Percentage: 56.66%

(ii) Observations/Recommendations which the Committee does not desire to pursue in view of the Government's replies: -

Recommendation No. 23, 27 and 29

Total - 3

Percentage: 10%

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

Recommendation Nos. 19

Total - 1

Percentage: 3.33%

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

Recommendation Nos. 6, 13, 14, 21, 24, 25, 26, 28 and 30

Total- 9

Percentage: 30%