

**ESTIMATES COMMITTEE
(1981-82)**

(SEVENTH LOK SABHA)

TWENTY-FIRST REPORT

MINISTRY OF EXTERNAL AFFAIRS

Action Taken by Government on the recommendations contained in the Sixteenth Report of Estimates Committee (Seventh Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part I—West Asia.

Presented to Lok Sabha on



**LOK SABHA SECRETARIAT
NEW DELHI**

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(1981-1982)

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*Ceased to be member w.e.f. 16-1-1982 consequent on being appointed as Deputy Minister in the Ministry of Finance.

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STUDY GROUP I
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(1981-82)

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6. Shri Nawal Kishore Sharma
7. Shri Virbhadra Singh
8. Shri R. S. Sparrow
9. Dr. Subramaniam Swamy
10. Shri D. P. Yadav

INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Twentyfirst Report on action taken by Government on the recommendations contained in the Sixteenth Report of Estimates Committee (7th Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part I—West Asia.

2. The Sixteenth Report was presented to Lok Sabha on 28 April, 1981. Government furnished their replies indicating action taken on the recommendations contained in that Report by 22 December, 1981. The replies were examined by Study Group 'I' of Estimates Committee at their sitting held on 12 February, 1982. The draft Report was adopted by the Committee on 20 February, 1982.

3. The Report has been divided into the following Chapters:—

- I. Report.
- II. Recommendations which have been accepted by Government.
- III. Recommendations which the Committee do not desire to pursue in view of Government's replies.
- IV. Recommendations in respect of which replies of Government have not been accepted by the Committee.
- V. Recommendations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in the Sixteenth Report of Estimates Committee is given in Appendix. It would be observed therefrom that out of

74 recommendations made in the Report 66 recommendations i.e. about 89 per cent have been accepted by the Government and the Committee do not desire to pursue three recommendations i.e. about 4 per cent in view of Government's replies. Replies of Government in respect of three recommendations i.e. about 4 per cent have not been accepted by the Committee. Final replies of Government in respect of two recommendations i.e. about three per cent are still awaited. ..

NEW DELHI;

S. B. P. PATTABHI RAMA RAO,

Chairman,

Estimates Committee.

February 23, 1982

Phalgun 4, 1903 (S).

CHAPTER—I

REPORT

1.1. This Report of the Estimates Committee deals with action taken by Government on the recommendations contained in their 16th Report (7th Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part I—West Asia which was presented to Lok Sabha on 28 April, 1981.

1.2. Action taken notes have been received in respect of all the 74 recommendations contained in the Report.

1.3. Action taken notes on the recommendations of the Committee have been categorised as follows:—

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

Sl. Nos :— 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20,
21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35,
36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49,
50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63,
64, 65, 66, 67, 68, 69, 71, 72, 73, 74.
(TOTAL 66) — Chapter II

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

Sl. Nos. 1,33,67. (Total 3)—Chapter III.

(iii) Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee:—

Sl. Nos. 2,10,11. (Total 3)—Chapter IV.

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

Sl. Nos. 12,70. (Total 2)—Chapter V.

1.4. The Committee will now deal with action taken by Government on some of the recommendations.

Licensing System of Recruitment Agencies

Recommendation Sr. No. 2 (Para No. 2.59)

1.5 The Estimates Committee had pointed out that with the spurt in the Indians going for jobs in West Asia following the oil-boom, there had been a mushrooming growth of recruiting agents. In 1976, the Ministry of Labour set up a system of licensing of recruiting agents with a view to regulating their activities and this system continued till it was over-ruled by the Supreme Court's order dated 20 March, 1979. A substantial number of Indian nationals had in the meantime gone to Gulf Countries without, proper authorisation. In their anxiety to go abroad on employment the Indians were duped by unscrupulous recruiting agents and a good number of them became destitutes in foreign lands. The Committee expressed their unhappiness over the failure of the licensing system of Labour Ministry (during 1976—79) to check illegal and unauthorised emigrations.

1.6. In its reply (October, 1981) the Ministry of Labour stated that the Ministry, while the licensing system was in force from 1976 to 1979, screened applications from recruiting agents for registration after verifying their antecedents and financial viability very carefully before granting the licence. Even the licensed agents had to seek and obtain permission of the Labour Ministry again for deployment of workers abroad for each specific case. The Ministry of Labour, while granting these specific permissions, checked the terms and conditions of employment thoroughly and ensured that they were not substandard. In this manner, the Ministry checked to some extent the malpractices of the recruiting agents. The Ministry added that the system of licensing of recruiting agents by itself would not prevent illegal emigration. More important from the point of view of checking illegal emigration are checks at the time of registration with Protectors of Emigrants and at the airports before embarkation. Only the Coast Guard can check illegal emigration by sea. In the absence of legal powers to punish unauthorised or unlicensed agents to emigrate workers, checking of illegal emigration was not perhaps complete. According to the Ministry, it would not be correct to say that the licensing system of the Ministry of Labour was a failure.

1.7. The Committee are not satisfied with the reply of the Ministry of Labour. They still hold the view that the licensing system of the Ministry of Labour had failed during 1976—79 to prevent unscrupulous recruiting agents from duping the Indian Workers and check illegal and unauthorised emigrations to Gulf Countries.

Emigration Act, 1922 ..**Recommendation Sr. No. 10 (Part 2.67)**

1.8. The Committee had observed that the Emigration Act 1922 enjoins upon the Protector of Emigrants to enquire into the treatment meted out to the returning emigrants during their stay abroad and report thereon to the Government. It authorises the Central Government to lay down terms and conditions for the health and well-being and repatriation of emigrants going out for skilled and unskilled work. It was stated before the Committee that these powers were lost after Supreme Court judgement of March, 1979. The Committee observed that the Protectors of Emigrants and the administrative Ministries did not care to exercise these powers fully, even till March 1979. If exercised, these powers could have protected the interests of Indian emigrants to a considerable extent. The Committee expressed their unhappiness that Government authorities' failure to discharge a duty enjoined upon them by law resulted in exposure of Indian emigrants to ill-treatment and harassment in foreign lands, which could have been prevented by timely action beforehand.

1.9. In its reply (October, 1981) the Ministry of External Affairs stated that the returning emigrants did not inform the Protectors of Emigrants of their travel details nor did they meet them even after their return to India. Therefore, it was not feasible on the part of the Protectors of Emigrants to enquire into the treatment meted out to them during their stay abroad. However, the Indian Missions abroad checked the demand letter and power of attorney of the foreign employers while attesting these documents. The Protectors of Emigrants also checked the terms and conditions of the employment agreements signed between the individual Indian Workers and the foreign employers while registering these contracts before the departure of Indian workers. Indian Missions kept an eye on the Indian workers, helped in the redressal of their problems and in some cases arranged repatriation of those workers whose problems could not be resolved.

1.10. The Ministry of External Affairs added that prior to March 1979 the Ministry of Labour was entrusted with the work of emigration. Ministry of Labour stated that since the time the Ministry of Labour was made the focal point to regulate emigration in 1976 and till the Supreme Court orders came into force in March 1979, the Ministry had been screening requests from recruiting agents for

grant of permission to deploy Indian workers abroad and insisting on employment agreements which satisfied certain criteria regarding wages, conditions of work and repatriation, laid down on the basis of recommendations of Indian Missions abroad after taking into account the working and living condition in different countries. It would, therefore, not be correct to say that the powers to regulate the terms and conditions of employment were not exercised by the Government."

1.11. The Ministry of External Affairs had already admitted in evidence (Para 2.37, 16th Report—1981) that the provision of the Emigration Act 1922 requiring the Protectors of Emigrants to enquire into the treatment meted out to emigrants and to report thereon to Government "has not been really enforced for several years." The Ministry had also admitted (para 2.38, *ibid*) that till the Supreme Court Judgment of 1979 when this work was handled by Ministry of Labour, the latter Ministry had not laid down any standardised terms and conditions as required under the aforesaid Act. The action taken statements now given by the Ministries of External Affairs and Labour are only an attempt to explain away their lapses. These explanations do not carry conviction with the Committee. The Committee reiterate that it was the failure of the Government authorities to discharge the duties enjoined upon them under the Emigration Act 1922 which resulted in exposure of Indian emigrants to harassment and ill treatment in foreign lands. If the powers vested in the authorities under the law had been exercised the interests of Indian emigrants would have been protected to a considerable extent.

Need for centralised agency

Recommendation Sr. No. 12 (Para No. 2.71)

1.12. The Committee had noted that a proposal to set up an overseas Manpower Corporation at the Central level to aid and assist Indian nationals in obtaining employment abroad is under the consideration of the Government. It was stated that the private recruiting agencies would also be allowed to function in healthy competition with the proposed public sector corporation. The Committee after going into the whole matter had observed that "if private recruiting agencies have to be allowed to function, they will naturally function on commercial lines with profit motive and will have to charge fees from job-seekers to keep them going." The Committee could not appreciate the need, nature and utility of the "competition" to be provided by private recruiting agencies which the Ministry had in mind. The Committee felt that what was needed was a centralised

agency with a few branches at selected metropolitan cities which should register the applicants for jobs abroad, prepare and submit panels of eligible candidates for each job for approval of the foreign employers, standardise terms and conditions of work and keep in touch with the foreign employers and Indian Missions to monitor the working conditions of Indian emigrants with a view to ensuring that they are treated with dignity and at par with the nationals of other countries working in the same field and they enjoy in full the terms and conditions agreed upon.

1.13. The Ministry of Labour with whom this proposal is under consideration has stated (October, 1981) that—

“A proposal to set up an overseas manpower corporation under the Central Government is under consideration. The question whether such corporation should be a substitute for or be in addition to the existing recruiting agencies in the private sector has been considered earlier and more recently in an inter-ministerial meeting held on 18 July, 1981 and the general view was that the private agencies should not be totally eliminated. In a situation where there is massive unemployment at home and lucrative employment opportunities elsewhere and in the face of tough international competition to grab these opportunities, the need is for speed and flexibility of approach. The private recruiting agents have built up over the years, elaborate contacts with foreign employers and success in sending large numbers of Indian abroad would depend very much on these established contacts. Replacement of the private operators by a monopoly Government agency would at once snap their contacts and it might take several years to re-establish them, during which India may lose ground to other countries in the field”.

The Ministry has further stated that—

“a monopoly Central Government Corporation, registering names for employment abroad, as suggested by the Estimates Committee, may create expectations among job-seekers not matched by opportunities and might get bogged down in maintaining lists. It would also be subject to pressures inherent in a democratic framework. Experience of the functioning of similar corporations set up by some of the State Governments, and in other countries like Bangladesh and Philippines, suggests that it would be useful to continue with the private

agencies. It would, however, be essential to ensure the welfare of the workers through adequate regulatory measures. The presence of a model Central Government Corporation also helps in this process”.

The Ministry has concluded that—

“In view of the above, it may be desirable, for the time being, to allow the private agencies to function side by side with the proposed Central Corporation”.

1.14. The Committee note that a final view in the matter has not yet been taken. They urge that the proposed Overseas Manpower Corporation should be set up expeditiously so that Indian nationals intending to go abroad for employment are saved from exploitation by private recruiting agencies.

Proposed Legislation

Recommendation Sr. No. 13 (Para No. 2.72)

1.15. The Committee had noted that consequent upon the Supreme Court Order of March, 1979 according to which licensing of recruiting agencies become untenable, the Ministry proposed to bring forward a new Emigration Bill to remedy the situation. The Bill would aim at preventing exploitation by recruiting agents of Indian workers and curb activities of spurious recruiting agencies. The Committee had observed that this was a welcome decision but it had already taken too long to take a concrete shape. In the present vacuum, when the earlier rules and regulations had been untenable under the Supreme Court's order and the new legislation was still far away, the unscrupulous recruiting agencies were having a field day at the expense of innocent job-seekers and there was no check on their activities. The Committee urged that the new legislation should be brought forward without further delay.

1.16. In their reply (October, 1981) the Ministry has stated that the new emigration legislation is in its final stages of consideration. The views of the Estimates Committee have been communicated to the Ministry of Law and also the Ministry of Labour to whom this work has been now allocated.

1.17. The Committee would like the new legislation to be finalised and brought before Parliament without any further delay.

Implementation of Recommendations

1.18. The Committee would like to emphasize that they attach the greatest importance to the implementation of the recommendations accepted by Government. They would, therefore, urge that Government should ensure expeditious implementation of the recommendations accepted by them. In case where it is not possible to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.

1.19. The Committee also desire that the final replies in respect of the recommendations contained in Chapter V of this report may be finalised by the Government and furnished to the Committee expeditiously.

CHAPTER II

RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation Sr. No. 3 (Para No. 8.60)

The Committee were perturbed to learn that some of the countries in West Asia were thinking of sending back Indian workers who were staying there without due authorisation. The Ministry of External Affairs are stated to be in constant touch with the authorities in Gulf Countries and have impressed upon them the human factors involved in the repatriation of such workers. The Ministry have stated that the exact number of such workers who had to come back is difficult to judge but it is likely to be "in thousands" though less than 10,000. The Committee are informed that the situation has now stabilised and the Gulf countries have been extremely co-operative and they bear in mind the human factors. Having been rendered destitutes, 1248 Indian workers had to be repatriated to India at Govt. expense in 1978 and 444 persons so repatriated in 1979. The Committee are very keen to ensure that, irrespective of the fault of such workers, they should not be left exposed to harassment and indignities in foreign lands that are inherent in threatened or actual repatriation. The Govt. of India should, as they have done in the past, stand by such unfortunate Indian nationals and do their best to have their stay regularised, if possible, failing which the Indian Missions should make their repatriation as smooth and as free of inconvenience as possible.

Reply of Government

Our Missions in West Asian countries have been advised to comply with this recommendation *vide* letter No. V. III/381/27/81 dated the 29th July, 1981. (Annexure I).

[Ministry of External Affairs O.M. No. F. (i) 234/10/1/80
dated 28-10-81]

Annexure I

MOST IMMEDIATE

ESTIMATED COMMITTEE

M. K. MANGALMURTI

Ministry of external affairs

Joint Secretary (CPV)

New Delhi

No. VIII/381/27/81

July 29, 1981

Sub:—Sixteenth Report of Estimates Committee (Seventh Lok Sabha on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore Part I—West Asia.

Dear Head of Mission,

I am enclosing a copy of the Estimates Committee Report—Part I—for your information. May I invite your attention to the following recommendations on which action is required from you?

Para No./Recommendation No.		Action required
1	2	3
1. 2·60 (S. No.3)	Compliance of the recommendation.
2. 2·61 (S. No. 4)	Your comments about the magnitude of the problems according to your assessment.
3. 3·126 (S. No.15)	Implementation of the recommendation
4. 3·128 (S. No. 17)	Your comments/recommendations.
5. 3·131 (S. No. 20)	For compliance.
6. 3·133 (S. No. 22)	Your comments.
7. 3·134 (S. No. 23)	Implementation of the recommendation
8. 3·135 (S. No. 24)	Your views on the setting up of Information Committee.

1	2	3
9.	3·136 (S. No. 25)	For implementation.
10.	3·137 (S. No. 26)	For implementation to the extant possible.
11.	3·138 (S. No. 27)	Your comments.
12.	3·139 (S. No. 28)	Implementation to the extent possible
13.	3·141 (S. No. 30)	For compliance.
14.	3·142 (S. No. 31)	For compliance.
15.	3·143 (S. No. 32)	For compliance.
16.	3·147 (S. No. 36)	For compliance. If you have any problem you may take it up with the Adinistration
17.	3·148 (S. No. 37)	To explore any arrangement that could be worked out without contravening the Supreme Court Order of March 20, 1979, and to communicate your views, if any thereon.
18.	4·36 (S. No. 52)	For compliance.
19.	5·76 (S. No. 59)	For compliance.
20.	5·82 (S. No. 65)	For your examination and comments on the staff requirements for implementation of this recommendation.

2. As we have to communicate the action taken on these recommendations to the Estimates Committee, we would request you to furnish us your replies at the latests by August 23, 1981. If your reply has a bearing on administrative or political aspects, copies may please be endorsed to the concerned Heads of Divisions.

Yours sincerely,
(M. K. Mangalmurti)

Recommendation Sr. No. 4 (Para No. 2.61)

The Committet wish the Ministry should have been able to determine the approximate number of Indian nationals living in Gulf Countries without due authorisation and facing the threat of repatriation. The Committee would like the Ministry to make an effort in this direction now. Knowing the magnitude of the problem is essential to tackle the problem.

Reply of Government

All Indian Missions in the Gulf countries were asked to forward their comments about the magnitude of the problem according to their assessment. The replies of the Missions are indicated below:

Embassy of India, Muscat

"There are about 30 Indians at present in Muscat jail who have illegally entered Oman and arrangements are being made for their identification and early repatriation".

Embassy of India, Kuwait.

"There are a certain number of Indian nationals living in this country without proper residence permits. It is difficult to assess their number accurately. However, the Kuwaiti Government has so far taken a lenient view of the Indian nationals living in this country without a proper residence permit and our nationals who are not staying in a legal manner do not face any imminent threat of repatriation."

Embassy of India, Bahrain.

"The problem is very peculiar. Any person who is without a travel document does not come and register his difficulty with the Mission until he is detected by the local immigration office. In Bahrain, this problem is almost non-existent. There is only one Indian who entered Bahrain without his passport. His case for grant of a travel document has been referred to India.

Embassy of India, Doha

"So far as Qatar is concerned, there are no Indian nationals, to our knowledge, who are illegal immigrats, in the sense of having arrived without valid Visa. (There may be a few stray cases). However, with stricter enforcement of

sponsorship regulations, workers who do not want to work with their sponsor can no longer change their sponsor. If they linger on then they will face punishments including imprisonment and expulsion. The local Government and the Embassy have repeatedly publicised this to local Indians."

Embassy of India, Abu Dhabi

"Stay of most of the Indian nationals who had entered UAE unauthorisedly had already been regularised by June 1980. At present there may be only a few stray cases of such persons. But the number of Indian nationals who are staying here unauthorisedly because of their changing of sponsors without their consent and or running away leaving the job of the sponsor is the one which varies. We are not in a position to say how many such persons are staying in UAE. According to our information, there are about 100 Indian nationals who had been jailed for staying unauthorisedly awaiting deportation. Hence according to a rough estimate there might be about 200 to 250 such Indian nationals at the moment in UAE".

[Ministry of External Affairs, O.M. No. F(i) 234/10/1/80 dated 28-10-81]

Recommendation Sr. No. 5 (Para No. 2.62)

The Committee regret to note that the Ministry have no system of checking the bonafides of recruiting agencies who are openly and regularly publishing advertisements in the press for making recruitments for foreign employers. Only if the power of attorney of such advertisers could be checked before they publish an advertisement, the mischief, if any, be nipped before any damage is done. And if such a checking is not done at this stage, how many unwary job-seekers would fall in the trap of take agencies and part with huge sums as fees is anybody's guess. The Committee strongly feel that the Ministry should evolve a system in consultation with the press and other concerned Ministries, under which no advertisement for foreign employment should be allowed to be published without prior verification of power of attorney of the recruiting agency concerned. Pending that, a systematic monitoring system should be evolved by the Ministry to keep a watch on the advertisements to detect unauthorised recruiting agencies, who might be publishing advertisements, without having power of attorney.

Reply of Government

The Ministry of Law was consulted about this recommendation to find out to what extent it was legally feasible. The views of the Ministry of Law are reproduced below:—

“The terms and conditions which were fixed by the Supreme Court *vide* their order dated 20-3-1979 were particularly with reference to the liability imposed upon the recruiting agents and the individual emigrants for ensuring safe return of the persons who go outside India on the hope of getting some job in foreign countries. The conditions were also prescribed for registering of the emigrants with the Protector of Emigrants. No condition was prescribed for regulating or checking the mal-practices or the exploitation which may be caused by the unscrupulous recruiting agents in publishing false advertisements in the press. The order of the Supreme Court, therefore, did not refer any terms and conditions in respect of the activities of the unscrupulous recruiting agents in publishing advertisements which may be giving false hopes. As such, it may not be correct to state that the Ministry of External Affairs is concerned in the matter of prohibiting unscrupulous recruiting agents from publishing advertisements in the press by virtue of the orders of the Supreme Court dated 20-3-79. The terms and conditions prescribed regarding the emigrants in the aforesaid order of the Supreme Court are to be ensured by the Ministry of External Affairs because the ‘subject of emigration’ is, presently, one of the businesses allocated to the Ministry of External Affairs but the steps regarding prohibiting any person from publishing false advertisements in the press may not be covered within the said terms and conditions as were given in the guidelines issued by the Supreme Court. If, however, some powers are in future vested by virtue of provisions in the proposed Bill empowering officers of the Ministry of External Affairs to prescribe some checks for prohibiting the unscrupulous recruiting agents from publishing false advertisements in the press, such powers may be exercisable only after the proposed Bill becomes an Act. Till any such Act is passed by the Parliament and till the matters regarding prohibiting the recruiting agencies from publishing false advertisements in the press is allocated to the Ministry of External Affairs specifically, it may not be legally possible for the Ministry of External

Affairs to regulate and prohibit publications of advertisements in the press by recruiting agencies or any other person or body."

[Ministry of External Affairs O.M. No. F.(i)24/10/80 dated 28-10-81].

Further information called for by the Committee

Lo/ Sabha Secretariat O.M. No. 19/2/1/EC/81 dated December 22, 1981.

The Committee recommended (a) that the Ministry should evolve a system in consultation with the press and other concerned Ministries under which no advertisements for foreign employment should be allowed to be published without prior verification of power of attorney of the recruiting agency concerned; and (b) pending that, a monitoring system should be evolved by the Ministry to watch the advertisements to detect unauthorised recruiting agencies who might be publishing advertisements without having power of attorney. The Ministry have merely conveyed the legal position.

Please furnish a specific reply as to what the Government (not merely the Ministry of External Affairs) propose to do in the matter.

Further reply of Government

The Bill on Emigration is in its final stages of consideration with the Cabinet and once it is enacted it will enable the Government to have a check on the recruiting procedures, including issue of advertisements by the recruiting agent. Pending its enactment, it is, however, proposed to evolve an informal system in consultation with the leading Newspapers| agencies through the Ministry of Information and Broadcasting.

[Ministry of External Affairs O.M. No. F. (i)234/10/1/80 dated 23-1-1982].

Recommendation Sr. No. 6 (Para No. 2.63)

The Committee are informed that 8 recruiting agencies and 120 individuals have been successfully prosecuted in the Indian Courts for mal-practices. It is surprising that the Ministry do not have information about the names and addresses of 120 individuals who have been so prosecuted. This shows lack of co-ordination between the Ministry and the State and Central investigation authorities. The Committee would like the Ministry to streamline coordination so as to receive full information about the prosecution of unscrupulous recruit-

ing agencies and individuals and pass on the information to Protectors of Emigrants to enable them to keep an eye on such agencies and individuals in future.

Reply of Government

The Chief Secretaries of Governments of all States and Union Territories have been requested to implement the recommendation *vide* our circular letter No. VII/881/27/81 dated 25-7-81. (Annexure II).

[Ministry of External Affairs O.M. No. G(i) 234/10/1/80 dated 28-10-81].

Annexure II

*Most Immediate
Estimates Committee.*

No. VIII|381|27|81

Government of India

Ministry of External Affairs

New Delhi, the 25th July, 1981.

To

All the Secretaries of State Governments and Union Territories

Subject:—Sixteenth Report of Estimates Committee (Seventh Lok Sabha) on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part I—West Asia.

Sir,

Reproduced below is the relevant extract from the recommendations of the Estimate Committee on the Ministry of External Affairs—Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part I— West Asia:—

Para No. 2.63 S. No. 6

The Committee are informed that 8 recruiting agencies and 126 individuals have been successfully prosecuted in the Indian Courts for malpractices. It is surprising that the Ministry do not have information about the names and addresses of 120 individuals who have been so prosecuted. This shows lack of co-ordination between

the Ministry and the State and Central investigation authorities. The Committee would like the Ministry to streamline coordination so as to receive full information about the prosecution of unscrupulous recruiting agencies and individuals and pass on the information to Protectors of Emigrants to enable them to keep an eye on such agencies and individuals in future.

2. Ministry of External Affairs would deeply appreciate if they keep the concerned Protector of Emigrants of their region informed in this regard under intimation to this Ministry.

Yours faithfully,

Sd|-

(B. B. TAREI)

Deputy Secretary (EMT)

Recommendation Sr. No. 7 (Para No. 2.64)

The Committee would like the Ministry to examine whether with a view to cautioning the unwary Indian job-seekers against the machinations of unscrupulous recruiting agencies etc. it would not be desirable to publish the names of convicted recruiting agencies and individuals through suitable media. -

Reply of Government

The convicted recruiting agents and individuals had already received publicity in the past. With the enactment of new legislation on emigration in future the problem would diminish further. As the subject of emigration of Indian workers abroad has been transferred to Ministry of Labour w.e.f. 1-8-81, they have been advised to follow it up and to consider giving publicity to names of convicted recruiting agents and individuals in order to caution unwary job seekers.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80 dated 28-10-81].

Further information called for by the Committee

Lok Sabha Secretariat O. M. No. 19/2/1/EC/81 dated December 22, 1981.

The Ministry have stated that the subject of emigration of Indian workers abroad has been transferred to Ministry of Labour w.e.f. 1-8-1981 and they have been advised to follow up and to consider giving publicity to names of convicted recruiting agents and individuals in order to caution unwary job seekers.

Please state the follow-up action taken by the Ministry of Labour on the Committee's recommendation.

Further reply of Government

The Ministry of Labour have stated that they have already requested the State Government to furnish particulars of the offending agents, when finally convicted of offences, so that the same could be published, cautioning the intending emigrants against these unscrupulous agents.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 23-1-1982].

Recommendation Sr. No. 8 (Para No. 2.65)

The Ministry have claimed that they arrange publicity through various media to caution Indian job-seekers against unscrupulous elements. The Committee are informed that for this purpose, radio programmes have been broadcast from a number of Radio Stations during April—Dec., 1980. But the Committee find that no such programmes have been broadcast from any Radio Station in Punjab, Delhi, Hyderabad which cater to regions from where people have been emigrating in large numbers. Press releases in this respect were also issued but only in October and November, 1980. The Committee feel that the publicity should be organised on a more systematic and sustained basis than done in the past.

Reply of Government

All Passport Officers have been instructed to implement the recommendation *vide* letter No. VIII/381/27/81 dated 28-7-81 (Annexure III).

[Ministry of External Affairs O. M. No. F(i) 234/10/1/80 dated 28-10-81]

ANNEXURE III

Most Immediate
Estimates Committee

No. V. III/381/27/81

Government of India

Ministry of External Affairs

New Delhi, the 28th July, 1981.

To

All the Regional Passport Officers/Passport Officers.

Subject:—Sixteenth Report of Estimates Committee (Seventh Lok Sabha) on the Ministry of External Affairs—Overseas.

Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part I—West Asia.

Sir,

Reproduced below are the extracts from the recommendations of the Estimates Committee on the Ministry of External Affairs—Overseas Indians in West Asia—Part I, with a request to furnish your comments on the lines indicated against each recommendations:

- (a) **Para No. 2.65 (S. No. 8).**—“The Ministry have claimed that they arrange publicity through various media to caution Indian job-seekers against unscrupulous elements. The Committee are informed that for this purpose, radio programmes have been broadcast from a number of Radio Stations during April—December, 1980. But the Committee find that no such programmes have been broadcast from any Radio Station in Punjab, Delhi, Hyderabad which cater to regions from where people have been emigrating in large numbers. Press Releases in this respect were also issued but only in October and November, 1980. The Committee feel that the publicity should be organised on a more systematic and sustained basis than done in the past.”

You are requested to make suitable arrangements for publicity urgently and send us your report indicating media, date on which publicity was arranged and scripts thereof.

- (b) **Para No. 3.140 (S. No. 29).**—“The Committee would like the Ministry to ensure that Indian Workers emigrating to West Asian Countries are advised before they leave India that, in case their employers do not fulfil any term or condition of service contracts, they should bring the matter immediately to the notice of Indian Mission and the competent authorities in the country concerned.

You are requested to comply with Estimates Committee's recommendation as above.

- (c) **Para No. 5.72 (S. No. 55).**—“Indian nationals going abroad are expected to get themselves registered with the nearest Indian Missions abroad. Advice to this effect is printed on the covers of Indian passports. The Committee were informed during evidence that there were many countries like USA and UK where registration was difficult because of the large population of Indians there. But where it is found by the Indian community that such a registration is in their own interest they have registered themselves

with the Indian Missions. The Committee feel that registration of Indian nationals going to Gulf countries is very essential not only for the Indians themselves but also for the Indian Missions who without such a registration will not be able to know the magnitude and the whereabouts of Indians in the country of their accreditation. The Committee, therefore, recommend that special attention of Indian workers going to gulf countries should be invited by the Ministry at the time of issue of passports."

You are requested to display a notice board indicating the above requirement of the Estimates Committee for the information of the Indian workers going to Gulf countries.

- (d) **Para No. 5.74 (S. No. 57).**—"The Committee are informed that the Protector of Emigrants enlightens the prospective employees of the reasonableness and fairness of the terms and conditions of employment offered to them by foreign employers. It is a moot point whether the Protector of Emigrants and his colleagues would be having sufficient time at their disposal to attend individually to all the Indian nationals who visit their offices before going abroad. The Ministry have stated that the Protector of Emigrants did whatever was possible within the limitations of staff. The Committee are of the view that it would be the first responsibility of Protector of Emigrants and his colleagues to attend to the Indian nationals individually and explain to them not only the fairness of the terms and conditions of employment but also enlighten them on various other aspects of their visit abroad. If shortage of staff stands in their way to discharge this responsibility with efficiency, the administrative Ministry should depute adequate staff for the purposes. Shortage of staff should not be held out as an excuse to justify any laxity in the discharge of this vital function."

You are requested to give your staff requirements for Protector of Emigrants' works in order to implement the above recommendation.

- (a) **Para No. 5.75 (S. No. 58).**—"The responsibility of the Protector of Emigrants is all the more towards the weaker sections like unskilled and semi-skilled workers who for obvious reasons require much more guidance and information than others. The Committee would like the Ministry to impress upon the Protector of Emigrants the

need for greater consideration and patience in dealing with such sections of people.”

You are requested to comply with the above recommendation.

2. Your comments must reach us latest by August 25, 1981, so as to enable us to send a consolidated reply to fulfil the various assurances of the Estimates Committee by the target dated.

Yours faithfully,

(B. B. TAREI),
Deputy Secretary (EMI).

Recommendation Sr. No. 9 (Para No. 2.66)

The Committee regret to note that though Protectors of Emigrants were instructed by Government to provide appropriate advice to intending job-seekers the Ministry had no document to show the nature of advice actually given by the Protectors of Emigrants to the intending emigrants. The Ministry now “intend” to have some type of literature printed for supply to intending emigrants. The Protectors of Emigrants’ failure to give any proper advice to the job-seekers intending to go abroad is deplorable. The Committee would like the Ministry of External Affairs not to lose any more time in printing a guidebook lucidly explaining all aspects of foreign employment for the benefit of emigrants and ensure that the guidebook is supplied to every job-seeker intending to go abroad automatically and as a matter of course. Whether it should be a priced publication or supplied free of charge is a matter for the Ministry to decide.

Reply of Government

A guidebook containing important aspects of foreign employment is under print.

[Ministry of External Affairs O.M. No. F.(i) 234|10|1|80
dated 28-10-81].

Recommendation Serial No. 13 (Para No. 2.72)

The Committee note that consequent upon the Supreme Court Order of March, 1979 according to which licensing of recruiting agencies became untenable unless the enabling provisions are made in a new legislation, the Ministry propose to bring forward a new Emigration Bill to remedy the situation. The Bill would aim at preventing exploitation by recruiting agents of Indian workers and

curb activities of spurious recruiting agencies. This is a welcome decision but it has already taken too long to take a concrete shape. In the present vacuum when the earlier rules and regulations have been held untenable under the Supreme Court's Order and new legislation is still far away, the unscrupulous recruiting agencies are having a field day at the expense of innocent job-seekers and there is no check on their activities. The Committee would therefore urge that the new legislation should be brought forward without further delay.

Reply of Government

The new emigration legislation is in its final stages of consideration. The views of the Estimates Committee have been communicated to the Ministry of Law and also to the Ministry of Labour to whom this work has been now allocated.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80,
dated 28th October, 1981].

Recommendation Sr. No. 14 (Para No. 3.124 & 3.125)

3.124. The Committee are concerned to note that harassment and exploitation of Indian workers is taking place openly in most of the West Asian countries. During the last three years, according to the Ministry's own figures there have been 108 cases of harassment in Qatar, 300 cases in Saudi Arabia (in two years), 257 cases in Bahrain, 39 cases in Jordan, 100 cases in Kuwait, an undetermined number of cases in Iraq, Iran and United Arab Emirates, 11 cases in Lebanon, 9965 cases in Oman and 617 cases in Yemen Arab Republic. (The list of cases is only illustrative, not exhaustive). The Ministry think that the number of the aforesaid cases of harassment and exploitation which comes to about 11400 in three years i.e. about 4000 per year, "is not really of any unusual magnitude."

3.125. "It is an astounding statement. If 4000 cases of exploitation per year are not considered 'unusual' by the Ministry, how many more cases of exploitation of Indians should take place to convince the Ministry of the seriousness of the situation? The smugness displayed by the Ministry in the face of such a large number of cases of ill-treatment and exploitation is deplorable. In a matter concerning the honour and prestige of Indian nationals abroad, the Ministry should view every case of ill-treatment of an Indian national abroad seriously and not try to derive unwarranted consolation from statistical comparisons."

Reply of Government

The Ministry have noted the recommendation of the Estimates Committee.

[Ministry of External Affairs O.M. No. F.(i) 234/10/1/80 dated 28-10-81].

Recommendation Sr. No. 13 (Para No. 3.126)

Thousands of cases of ill-treatment and exploitation of Indian nationals in Gulf countries have been reported and accepted by the Ministry. Even then when the Committee enquired whether "taking our country's stature and Izzat into account, the Ministry were satisfied that adequate measures had been taken from our side," the Ministry stated that they were more than satisfied. This in the Committee's opinion betrays complete ignorance of the prevailing situation and sheer complacency on the part of the Ministry in a field in which a lot has yet to be done to safeguard the honour and interests of Indian workers. The Committee deplore this attitude and urge that this sense of complacency should be shed by the Ministry immediately. The Committee would advise the Ministry to do a little bit of retrospection in a humble frame of mind and see where and why they have not fully succeeded in working after the interests of Indians in Gulf Countries. So long as illegal emigration, ill-treatment and exploitation of Indian workers continue, the Ministry have no justification to feel "satisfied", leave alone "more than satisfied" at the measures taken by them.

Reply of Government

Indian Missions in the Gulf Countries have been instructed to implement the recommendation *vide* our circular letter No. VIII/381/27/81 dated July 29, 1981 (Annexure—I).

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-81].

Comments of the Committee

Please see paras 1.15 to 1.17 of the Report—Chapter I.

Recommendation Sr. No. 15 (Para No. 3.127)

When Indian workers are known to be hard-working, sincere and dedicated and do not interfere in the affairs of the country in

which they work, the Committee are unable to appreciate as to why is it that they are not treated properly in the countries in which they work. The Committee are informed that the Ministry have made no study into the matter. The Committee would like that as agreed to by the Foreign Secretary, an in-depth study into the phenomenon of ill-treatment and exploitation of Indian workers in Gulf countries should be made with a view to taking remedial steps.

Reply of Government

The Ministry of External Affairs and the Ministry of Labour have already initiated an in-depth study in phases in the gulf countries where Indian workers are employed in large numbers. The initial visit has explored the possibility of taking some corrective steps and checks on malpractices in the recruitment of workers and their exploitation at the hands of foreign employers.

As the subject of emigration of Indian workers abroad have been transferred to the Ministry of Labour the matter has been referred to them for followup.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28-10-81].

Recommendation Sr. No. 17 (Para No. 3.128)

The Committee feel that even though Indian Missions take up individual cases of exploitation and ill-treatment of Indian workers with local authorities and even though Missions here and there have through efforts tried to arrive at some arrangements with local Governments to prevent certain types of exploitation, systems approach is conspicuous by its absence in the dealings of Indian Missions. The Committee are of the opinion that the Ministry should not allow the Supreme Court's order to become an alibi for inaction even till the new legislation is enacted. The Committee would suggest that a total view of the problems together with the *ad-hoc* arrangements made by certain Missions in Gulf Countries should be taken and a systems approach evolved by the Ministry to the extent possible and commended to the Missions.

Reply of Government

The recommendation has been forwarded to the Ministry of Labour to whom the work of emigration has been transferred with effect from 1-8-1981.

2. The Indian Missions in Gulf area have also been similarly informed.

[Ministry of External Affairs O.M. No. F (i)234/10/1/80
dated 28-10-81].

Further information called for by the Committee

Lok Sabha Secretariat O.M. No. 19/2/1/EC/81
dated December 22, 1981.

The Ministry have stated that the recommendation has been forwarded to the Ministry of Labour to whom the work of emigration has been transferred w.e.f. 1-8-81.

The recommendation makes a suggestion to be followed by Indian Missions in West Asia. Action taken by the Ministry of External Affairs in pursuance of the recommendation may be communicated.

Also please furnish specific reply of the Ministry of Labour to the Committee's recommendation as to what they propose to do in the matter.

Further reply of Government

We have evolved a systematic approach to eliminate exploitation of workers. Firstly, all the Protectors of Emigrants in India are required to follow specific guidelines in regard to recruitment of workers with a view to ensure that demand letter and the powers of attorney are duly attested by the Foreign Government authorities and our Missions in those countries. Before registering the employment contracts they also ensure that terms and conditions of employment are incorporated therein. Secondly, our Missions abroad also verify these documents as well as the *bona fides* of the foreign employers before attesting them.

However whenever any cases of exploitation come to the notice of the Government our Missions take up such cases with the foreign employer directly and then with the concerned authorities.

The Ministry of Labour have stated that these measures would be reviewed periodically to make them more effective.

[Ministry of External Affairs O.M. No. F (i)234/10/1/80
dated 23-1-82].

Recommendation Sr. No. 18 (Para No. 3.129)

The Committee feel that it will be worthwhile if the heads of Indian Missions in West Asia meet periodically to exchange views and experiences on problems of Indian workers in their respective countries.

Reply of Government

The Ministry is fully conscious of the need and possible benefits of a periodic conference of Heads of Missions posted in the WANA region. The last conference of this nature was held in Delhi in January, 1977. Recently, during PM's visit to UAE in May 1981, a meeting of our Head of Missions in the Gulf region was arranged at Dubai. At present the Government is considering a proposal to hold in Delhi a Conference of Head of Missions in the WANA region in the near future. At this conference all subjects of interest including the problem of Indian workers in West Asia would be discussed.

[Ministry of External Affairs O.M. No. F (i) 234/10/1/80
dated 28-10-81].

Recommendation Sr. No. 19 (Para No. 3.130)

The Committee find that there is no designated officer in the Ministry of Foreign Affairs who can be contacted by the returning emigrant Indians to file their reports of harassment and exploitation. This makes it all the more difficult for the unskilled and semi-skilled workers to bring their difficulties to the notice of the Ministry. The Committee expect the Ministry of External Affairs to designate one officer in the Ministry whom returning emigrants should be able to contact to explain their problems and experiences. The name of the designated officer should be given adequate publicity. The information received by the Ministry from returning emigrants should be analysed with a view to formulating measures to deal with the problems in the future.

Reply of Government

The Ministry of Labour has been advised to take action for implementation of the recommendation as the subject of emigration of Indian workers abroad has been transferred to them w.e.f. 1-8-81.

[Ministry of External Affairs O.M. No. F (i) 234/10/1/80
dated 28-10-81].

Further information called for by the Committee

[Lok Sabha Secretariat O.M. No. 19/2/1/EC/81
dated December 22, 1981]

The Ministry have stated that the Ministry of Labour have been advised to take action for implementation of the recommendation as the subject of emigration of Indian workers abroad has been transferred to them w.e.f. 1-3-81.

Please furnish specific reply of the Ministry of Labour as to what they have done in the matter.

Further reply of Government

The Ministry of Labour have stated that a suitable organisation under their Ministry is being set up with the Controller General of Emigration as the head of organisation. After it has been set up, an officer will be designated whom returning emigrants could contact. His name will be given wide publicity as desired by the Estimates Committee. The information received from the returning emigrants will be analysed for formulating measures to deal with problems in the future.

[Ministry of External Affairs O.M. No. F^o (i)234/10/1/80
dated 23-1-82].

Recommendation Sr. No. 20 (Para No. 3.131)

The Committee are informed that as and when cases of harassment and exploitation of Indian workers are brought to the notice of Indian Missions, the Missions take them up with the local employers. Where this approach does not help, the matters are then taken up with the local Government authorities for redress. When any particular issue comes to the notice of Government of India and it is important enough to be taken up at higher level, the Government of India take it up with the Ambassador of the Country concerned who in turn is expected to prevail upon his Government to see that Indian nationals are looked after and treated properly. The Committee would urge that the Missions should view every case of complaint, irrespective of the status of the Complainant, seriously and follow it up vigorously with the employers and the local Government authorities till a satisfactory solution is found.

Reply of Government

Indian Missions in West Asia have been instructed to comply with the recommendation vide circular letter No. V. III/381/27/81.

dated July 29, 1981. (Annexure—I) Replies of the Missions are indicated below:—

Embassy of India, Muscat

“We have been taking up each and every case seriously and follow it up with the employer/local Government to the extent we are permitted by the local rules, regulations and practices. We shall continue this practice.”

Embassy of India, Amman

“We accept the recommendation. In fact we have been and are following this recommendation already.”

Embassy of India, Doha

“Every case of complaint from Indian workers, irrespective of their status, is viewed seriously and pursued with the employers and local authorities till a solution is found.”

Embassy of India, Beirut

“This Embassy always followed up the complaints vigorously with the employers to the satisfaction of the Indian workers even in the absence of any viable Government agency.”

Embassy of India, Damascus

“Whenever any complaint is received it is looked into promptly and is well-nigh invariably settled amicably. We do not give any importance to status. All are treated equally.

Embassies of India in Aden, Sanaa, Kuwait, and Bahrain have replied that they would be complying with the recommendation.”

[Ministry of External Affairs O.M. No. F (i) 234/10/1/80 dated 28-10-81].

Recommendation Sr. No. 21 (Para No. 3.132)

Most of the complaints of Indian Workers relate to non-fulfilment of service contracts. Work Contracts are reportedly substituted; agreed salaries and facilities and terminal benefits, are not given, Indian workers are deployed on duties other than those for which they are recruited; their working hours are unduly long (18 hours a day) and sometimes proper food has been denied to them. Their services are arbitrarily terminated; they are imprisoned on flimsy grounds and beaten up. Indian Missions, it is stated, take up the Workers' Complaints with the employers, local Government authorities and, if necessary, with the labour courts, for getting redress.

The Committee have gone into the various categories of complaints. They feel that in many cases preventive measures can be taken by Government or Indian Missions to minimise such complaints, if not completely eradicate them.

Reply of Government

Certain measures have already been taken to prevent substitution of employment contracts and to amicably settle the workers' grievances. Moreover, recruitment by the defaulting recruiting agents and foreign employers have been suspended until outstanding problem are resolved. As the subject of emigration has been transferred to the Ministry of Labour with effect from 1-8-1981 further precautionary measures will now be taken by them.

[Ministry of External Affairs O.M. No. F (i) 234/10/1/80
dated 28-10-81].

Recommendation Sr. No. 22 (Para No. 3.133)

The Committee are informed that in most of the countries the employers keep the passports of their employees in their custody in order to keep a hold on them. The employers use this method to harass the employees and also take undue advantage of them. In certain countries they even demand money for release of passports. The Indian Missions have taken up such cases with the local authorities who, it is stated, are very co-operative when they find that an employer is taking an undue advantage of the employee. Even if it is necessary for the employer to see the passports of their employees or to keep them in their custody, the Indian Missions should critically examine this practice to find a remedy by which Indian workers abroad can be saved from harassment or exploitation to which they may be subjected by the employers through this practice. They may in this connection also examine whether a duplicate passport could be issued to the Indian employees to tide over the difficulties that they may be created by an unhelpful employer.

Reply of Government

The views of the Estimates Committee were referred to our Missions in West Asia for their comments *vide* our circular letter No. V. III/381/27/81, dated 29th July, 1981, (Appendix-I). The comments of our Missions are reproduced below:

Embassy of India, Muscat

"Keeping the Employee's passports with the Employers is a practice fully supported by the local Government. Even

the Ministries and other Government bodies adopt the same practice. Issue of duplicate passport is a policy decision to be taken by the Ministry after taking into account its possible misuse and other consequences. We have, however, noted the problem and have taken a strong stand for elimination of harassment. On the other hand, if we make the provision of passport duplication too easily, our workers could exploit the situation to the detriment of employment opportunity in the country."

Embassy of India, Amman

"We agree with this point of view. However, if the passport is left with the worker he can go on changing his job as it suits him. With the result there will be complete indiscipline and disorder among the workers. Therefore, the firms would naturally like to have some control over their workers regarding their continuity in a particular firm who have spent considerable amount in bringing them to a foreign country. The Embassy should, therefore, keep vigilant eye on cases of exploitation but it would not be advisable to issue duplicate passports in all cases."

Embassy of India, Aden

"The passports of the workers are kept by the employers. One reason given is that otherwise the workers might try to run away to some other countries. There is no difficulty in getting the passports from the authorities when necessary, for example, when a worker has decided to return to India before completion of his term. The Embassy agrees to the suggestion of providing a duplicate passport of limited validity, if a worker is facing unnecessary difficulties about regaining his old passport."

Embassy of India, Doha

"A foreign employee cannot enter Qatar without getting a visa stamped on his passport which specifies the name of his 'sponsor' (employer). Similarly, he cannot leave the country without an 'exit permit' which is issued by the local immigration authorities on the basis of an application from the 'sponsor'. It will, therefore, be virtually impossible for a foreigner to utilise a duplicate passport to leave the country even if we are prepared to issue a duplicate passport. Government of Qatar has asked all foreign Missions here not to issue duplicate passports to

their nationals without a report from the local police about the loss of their original passports."

Embassy of India, Stanaa

"The keeping of passports by employers is a very common practice. The original passport is kept by the employer so that the worker does not leave his job with the employer and find a more remunerative job with some one else on the visa arranged by his earlier employer. Here there have not been many cases of employers not releasing the passports of their workers in order to harass them. However, whenever any such case has arisen, the Embassy has been successful in arriving at a mutually agreed solution. Issue of a duplicate passport to a worker does not solve the problem as in that case a fresh stay visa has to be obtained, which leads to complications and heavy fines for the worker."

Embassy of India, Beirut

"In such cases efforts are made by us to persuade the employers to release the employee's - passport. In case, where the employer is not amenable to reasoning and in view of the helplessness of the local Government, we issue duplicate passports to those Indian nationals who are gainfully employed, others are issued Emergency Certificates if they want to return to India."

Embassy of India, Damascus

"No cases of this type have been reported here."

The Ministry of External Affairs feel that in view of the information received from our Missions in West Asia the issuing of duplicate passports will not be of any use in most cases.

[Ministry of External Affairs O.M. No. F (i) 234/10/1/80 dated 28-10-81].

Further information called for by Committee

[Lok Sabha Secretariat O.M. No. 19/2/1/EC/81 dated December, 22, 1981].

The Ministry have in their reply reproduced the comments of the Missions on the recommendation made by the Committee with regard to issue of duplicate passports.

Please furnish Ministry's reaction in the matter and the action taken by the Ministry.

Further reply of Government

This Ministry has considered the matter based on the information already received from our Missions in West Asian countries which was communicated to the Estimates Committee and feel that the issuing of duplicate passports will not be of any assistance to the employee.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 23-10-81].

Recommendation Sr. No. 23 (Para No. 3.134)

The Committee would like that the names, passport numbers and other particulars of Indian workers who are recruited for employment abroad should be communicated to the Indian Missions in the respective countries to enable the latter to have a complete picture of the Indian community in the country of their accreditation to be able to protect their interests.

Reply of Government

Our Missions in West Asia and all Passport Officers in India have been instructed to implement the recommendation *vide* letters No. VIII/381/27/81 of 29-7-1981 and 28-7-1981 respectively. (Annexures I and III).

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-81].

Recommendation Sr. No. 24 (Para No. 3.135)

The Committee note that Indian workers are harassed and even imprisoned by local police in Jordan for non-possession of residence documents and other petty offences. Through negotiations and consultation with local police and emigration authorities by Indian Mission in Jordan an Informal Committee has been set up consisting of representatives from Police, Emigration and Indian Mission. Whenever the police detain any Indian, the Embassy is informed immediately and release of Indian workers is obtained through the Embassy's intervention. The Committee are informed that such arrests take place in almost all other countries in the West Asia. Though in many countries information about arrest of Indians is given to the Embassy, it does not happen in all cases. The Committee recommend that Indian Missions in other countries should be advised to negotiate with the local police and Emigration authorities with a

view to setting up Information Committees on the lines of the committee set up in Jordan so that the information about arrest of Indians is received without delay and the arrested persons can be got released immediately.

Reply of Government

Our Missions in West Asia were asked to communicate their view on setting up Information Committee *vide* our circular letter No. V. III/381/27/81 dated 29-7-1981. (Appendix I). As the subject of Emigration has been transferred to Ministry of Labour w.e.f. 1-8-1981 they will take further follow-up action. Comments of the Missions are as follows:—

Embassy of India, Muscat

“This will be done as far as practicable. Our main difficulty is that the form of Government in Oman being oligarchical and not democratic, public servants do not mix freely with foreigners, particularly diplomats, and liaison with any other authorities through the Foreign Office is difficult. Yet we are trying our level best to cope with the situation.”

Embassy of India, Aden

“The Embassy considers the idea of setting up information Committees as a useful one. In PDRY there are few instances of arrests of Indian workers. Also in different countries, these information committee will go by different names and in PDRY the proposed welfare committee can be called upon to provide information about arrests.”

Embassy of India, Doha

“This subject was taken up with the local authorities some time ago. There was no positive response from them so far. However, efforts will again be made to pursue this and set up a Committee as suggested.”

Embassy of India, Sanaa

“The administrative machinery in the YAR is very backward. The setting up of an Information Committee is not likely to help much under the present set up. Personal-level contacts with the local National Security office can alone help in the matter and the Embassy is maintaining such contacts.”

Embassy of India, Beirut

"Because of the difficult political and security situation in Lebanon, it may not be feasible to set up information committee, however, we are always in touch with local Police etc."

Embassy of India, Damascus

"Due to their security considerations local authorities are not likely to agree to it as they consider foreigners without valid visas etc. as security risks nor is there much point in pressing this at the moment. We shall, however, attempt to arrive at some satisfactory arrangement in this regard."

Embassy of India, Bahrain

"Ambassador met the Minister of Labour on 17th June to stress that Indian employees should not be detained in police custody without giving the employees proper hearing. The Minister has agreed that in future such detentions shall not take place without providing adequate means to the employees to defund themselves.

Efforts are being made to form a committee to negotiate such cases with the local authorities."

Embassy of India, Jaddah

"They have stated that in view of the vastness of the Kingdom and the fact that Saudi Immigration Authorities launch two or three periodical campaigns every year throughout the Kingdom to round up illegal immigrants, the question of establishment of any Information Committee on the lines established in Jordan which is a very small country as compared to Saudi Arabia does not arise. They have, however, added that Saudi Immigration Authorities generally give opportunities to arrested workers to contact their employers but in cases where the employer lives in remote areas or where the workers are not in a position to give correct address and telephone numbers of their employers, foreign workers including Indians have been repatriated."

Embassy of India, Baghdad

"They have replied that while at times local authorities did cooperate with the Embassy in sending intimation they have shown reluctance in the formation of Information

Committees. Moreover, the Iraqi authorities do not allow Embassy officials to have direct contact with their Government officials other than officials of the Ministry of Foreign Affairs.

Our Embassies in Abu Dhabi, Amman and Kuwait have replied that they would be complying with the recommendation."

[Ministry of External Affairs O.M. No. F (i) 234/10/1/80 dated 28-10-81].

Further information called for by the Committee

Lok Sabha Secretariat O.M. No. 19/21|EC|81 dated December 22, 1981.

The Ministry have furnished comments of the Missions concerned on the recommendation of the Committee and have also stated that the subject of emigration has been transferred to the Ministry of Labour w.e.f. 1-8-81 and they will take further follow up action.

Please state (a) who will form the Committees in foreign countries, as recommended by the Estimates Committee and as welcomed by most of the Missions? The Indian Missions or the Ministry of Labour?

(b) Please furnish action taken by the Ministry of External Affairs and Ministry of Labour (if they are concerned) on the Committee's recommendation.

Further reply of Government

The Indian Missions will form the Information Committees in foreign countries, wherever it is feasible, in keeping with local conditions. The present position in respect of Missions is indicated below.

2. Our Embassy in Aden have communicated that a Welfare Committee consisting of the representatives of the workers and various Corporations employing them already exists and this Committee can be called upon to provide information about arrests/harassment of Indian workers.

3. Our Missions in Sanaa, Bahrain, Baghdad, Muscat, Jeddah and Beirut have communicated that in view of the existing local conditions and various kinds of requirements it would not be feasible to set up such Information Committees.

4. Our Missions in Damascus and Kuwait have stated that as they have quite a good working arrangement with the local police authorities, they feel that there is no need to set up such committee.

5. Our Embassy in Abu Dhabi have stated that they intend to take up this issue during the forthcoming Indo-UAE Joint Commission.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated
23-1-1982]

Recommendation Sr. No. 25 (Para No. 3.136)

The Committee suggest that Indian Missions in Jordan and elsewhere should consider ways and measures of educating Indian Workers to avoid such situation as are likely to land them in jails. The Committee are aware that this is a delicate matter but they have no doubt that Indian Missions can deal with the problem discretely.

Reply of Government

All Missions in West Asia have been instructed to implement the recommendation *vide* letter No. VIII/381/27/81 dated 29-7-1981 (Appendix-I.)

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated
28-10-81]

Recommendation Sr. No. 26 (Para No. 3.137)

In Jordan, Indian Mission has obtained an assurance in writing from certain companies that contracts counter-signed by the Protector of Emigrants in India will be the only contracts operative. The Committee are aware that this type of arrangement cannot be enforced in all cases. Even then the Committee see no reason why an effort should not be made by Indian Missions in other countries to obtain a similar undertaking in writing from all employers. This will go a long way to avoiding complaints about substitution of contracts or disputes about terms & conditions of service contracts.

Reply of Government

Our Missions in West Asia have been instructed to implement the recommendation to the extent possible *vide* letter No. VIII/331/27/81 dated 29-7-81. (Annexure-I).

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated
28-10-81]

Recommendation Sr. No. 27 (Para No. 3.138)

Local immigration procedures in Jordan are very complex and include requirement for workers to find Jordanian sponsors for residence permits. The Committee are informed that illegal Indian unskilled workers fall a prey to local agents who used to act as professional sponsors and extract money from Indian Workers. This malpractice, it is stated, has now been under control as a result of the consultations between Indian Mission and local authorities. The Committee feel that as a matter of propriety the foreign employers, who are the real sponsors of the Indian workers, should be required to meet the Indian workers at the airport on their arrival and save the Indian workers from falling into the clutches of unscrupulous agents. The Committee would suggest to the Ministry to look into this matter and see how not only in Jordan but in other countries of West Asia, the Indian Workers can be properly received and enabled to meet their real sponsors in case the latter do not care to meet the Indian Workers at the airports.

Reply of Government

Our Missions in West Asia have been instructed to comply with the recommendation *vide* letter No. VIII/381/27/81 dated 29-7-1981. (Annexure I).

Our Missions have reported that foreign employers/sponsors not meeting Indian workers on arrival hardly exist. Nevertheless, the Protectors of Emigrants have been asked to keep the foreign employers/sponsors informed about the travel details of the workers through Indian recruiting agents/individual worker as the case may be.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-81]

Recommendation Sr. No. 28 (Para No. 3.139)

Government of Oman have agreed that if an employer does not pay agreed salary to his workers, and if the workers approach the Government authorities within the first 4-5 months of their arrival, the sponser will be asked to pay to workers as per the terms of contract duly registered by Embassy/Protector of Emigrants in India. If complaints were not registered within this period, it would be presumed that workers themselves have agreed to work under a new salary offered to them. The Committee would like similar arrangement to be arrived at with Government of other countries also.

Reply of Government

Our Missions in West Asia have been instructed to implement the recommendation to the extent possible *vide* letter No. VIII/381/27/81 dated 29-7-81. (Annexure I) The Ministry have taken certain measures to prevent substitution of contracts.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated
28-10-81]

Recommendation Sr. No. 29 (Para No. 3.140)

The Committee would like the Ministry to ensure that Indian Workers emigrating to West Asian Countries are advised before they leave India that, in case their employers do not fulfil any term or condition of service contracts, they should bring the matter immediately to the notice of Indian Mission and the competent authorities in the country concerned.

Reply of Government

All Passport Officers have been directed to implement the recommendation *vide* letter No. VIII/381/27/81 dated 28-7-81. (Annexure III).

Since the work of emigration of Indian workers abroad has been transferred to the Ministry of Labour with effect from 1-8-1981 they will now take further follow up action.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated
28-10-81]

Further information called for by the Committee

[Lok Sabha Secretariat O.M. No. 19/2/1/EC/81
dated December 22, 1981]

Please state as to what the Ministry of Labour have done or propose to do by way of follow up action on the Committee's recommendation.

Further reply of Government

The Ministry of Labour have stated that the Government has already issued instructions to the Protectors of Emigrants in this regard, which have since been communicated to the Estimates Committee and that these instructions would continue to remain in force and will be reiterated by them periodically.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80
dated 23-1-1982].

Recommendation Sr. No. 30 (Para No. 4.141)

The Committee are glad to learn that all the 11 cases of disputes in Lebanon involving 136 Indian Workers have been settled amicably through the intervention of Indian Mission. The Committee hope that the Indian Mission will continue to be as alert and helpful as in the past.

Reply of Government

Our Mission in Lebanon has been instructed to comply with the recommendations *vide* letter No. VIII/381/27/81 dated 29-7-81. (Annexure I).

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-81].

Recommendation Sr. No. 31 (Para No. 3.142)

There were nearly 10,000 cases of harassment and non-fulfilment of terms and conditions of employment contracts in Oman during the 3 years period 1978—80. The Indian Mission in Oman claims that it takes up such cases with local authorities as and when they arise and "usually succeeds" in getting redress to the workers. The Ministry stated during evidence that they did not have any figures about the number of cases in which the Mission had succeeded in getting redress. Subsequently the Committee were informed that the Indian Mission in Oman had stated that Indian Workers generally did not report back to the Embassy after their grievances were redressed. It had therefore not been possible for the Mission to keep exact track of complaints in which satisfactory redressal was obtained. This is rather a strange explanation. This reflects on the efficiency of the Indian Mission in Oman.

Reply of Government

The views of the Estimates Committee were communicated to our Mission in Oman to comply with the recommendation *vide* our letter No. VIII/281/27/81 dated 29-7-1981. (Annexure I).

Our Mission in Oman has explained that it was not because of their inefficiency but certain restrictions and limitations inherent in the communication methods of the local Government authorities that they were unable to provide accurate statistics of Labour complaints.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-81].

Recommendation Sr. No. 32 (Para No. 3.143)

In this context the Committee cannot help taking note of the complaint received by the Committee that Indian Embassy in Muscat (Oman) does not take any interest in the personal welfare of Indians in Oman. Denying this allegation, the Indian Mission has stated that it endeavours to attend to the needs of the Indians visiting the Embassy and gives them assistance to the extent possible. The mission has added that "there are 80,000 Indians in Oman and it may not be possible to satisfy everyone." In the Committee's opinion, the remark smacks of high-brow attitude on the part of the Indian mission. No wonder, the Indians have complained of indifference by the Mission towards their welfare and the Mission has not cared to maintain or build a record of the number of cases of exploitation of Indian workers in which redress was obtained. The Committee cannot but express their displeasure at the Missions' attitude towards Indian nationals and urge that their displeasure be conveyed to the Mission and the Mission directed to reorient its approach towards Indian nationals.

Reply of Government

The views of the Estimates Committee have been communicated to our Embassy in Oman for compliance *vide* letter No. V III/381/27/81 dated 29-7-1981. (Annexure-I).

[Ministry of External Affairs O.M. No. F(1)234/10/1/80 dated 28-10-81].

Recommendation Sr. No. 34 (Para No. 3.145)

There are about 500 Indian families settled in Iran for over 20 years. They have to get their work permits renewed once in a year and recently once in six months. This procedure is applicable to all foreign nationals. The Committee would suggest that, at an appropriate time, the Indian mission should discuss the matter with Iranian authorities with a view to making this procedure less irksome.

Reply of Government

The question regarding issue of work permits valid for one year rather than six months at a time to long term resident Indian businessmen has been taken up with the Ministry of Foreign Affairs and the Ministry of Interior. The Ambassador personally

took up this matter with Minister of Interior, Ayatollah Mahadavi Kani in early July, 1981. In the Foreign Office the matter was taken up with the officials handling the India Desk.

Our understanding is that procedures are not more irksome, than they were a year ago, though main problem of granting one year work permits has not been resolved. These issues are taken up from time to time. Their resolution depends upon the internal situation and decisions of the local authorities.

[Ministry of External Affairs O.M. No. F(i)234/10/80
dated 28-10-81].

Recommendation Sr. No. 35 (Para No. 3.146)

The Committee find that Indian workers in Kuwait are getting a shabby deal at the hands of local employers. Copies of "Agreement" are taken away from them; they are under-paid and made to work for unduly long hours. The worst thing is that the Indian workers are even beaten up if they complain about working hours and ill-treatment. 100 such complaints have been received during the last 3 years. The Committee feel that Indian Mission in Kuwait has to be extra vigilant to deal with the problems of ill-treatment of Indians. It should devise an information system to receive information about harassment of Indian workers and promptly move into the matter to save the workers from being harassed or ill-treated.

Reply of Government

Our Mission in Kuwait was asked to comply with the recommendation.

The Mission has replied that it has designated one official to look into such complaints and help in their redressal. The first measure taken is to speak both to the employer and the employee and try to arrive at an amicable settlement failing which the matter is taken up with the concerned Kuwait authorities for legal remedies. Whenever cases of any ill-treatment at the hands of the local police for alleged wrongful confinement are brought to their notice the Mission invariably intervenes to save the workers from being harassed or intimidated.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28-10-81].

Recommendation Sr. No. 36 (Para No. 3.147)

The Committee note with concern that due to operational restrictions, language difficulty and camps in far flung areas, many complaints of Indian workers in Saudi Arabia could not come to the notice of the Indian Mission. Shortage of staff and Arabic interpreters with Indian Mission are two factors which are stated to be responsible for operational restrictions faced by the Mission in establishing contacts with Indian workers in way out camps. Neither of these reasons can justify the Mission's neglect of the Indian workers. It should be the first and foremost duty of the Indian Missions to keep themselves in regular contact with the Indian nationals with a view to ascertaining and solving their problems and no hurdles in the way of such contacts should be allowed to persist. If the Missions cannot do this, they fail in their primary objective. The Committee would like the Ministry to impress upon all the Indian Missions in Gulf countries the need to maintain regular link with the Indian nationals in their respective countries and the Ministry should, on their part, see how the difficulties faced by the Missions in this regard can be solved without delay.

Reply of Government

The Ministry of External Affairs have taken measures to impress upon our Missions in the Gulf region the need to maintain regular link with the Indian nationals. These instructions are renewed and reiterated from time to time.

Efforts are being made to recruit Indian based Arabic Interpreters for our Missions in Gulf countries. Meanwhile, these Missions are being advised to recruit local interpreters, wherever possible.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28-10-81].

Recommendation Sr. No. 37 (Para No. 3.148)

The Committee have come across a wholesome arrangement made by Indian Mission in United Arab Emirates with the local Government. It is now compulsory in UAE that employment contracts should be authenticated by the local Ministry of Labour. This has resulted in a significant decline in the number of disputes arising from terms and conditions of contracts. The Committee are aware that arrangement for such an authentication by local Gov-

ernment can be arrived at only bilaterally and it cannot be insisted upon in view of Supreme Court order of 1979 which permits authentication by a number of other functionaries. Since authentication by Government Department combines authenticity to the contract document with a certain degree of responsibility of the Government to enforce the contract terms in case of dispute, the Committee would advise the Ministry to work for a similar arrangement for authentication of contract in other countries also on a bilateral basis.

Reply of Government

Our Missions in West Asia have been directed to comply with the recommendation and to explore any arrangement that could be worked out without contravening the Supreme Court order of March 20, 1979, *vide* letter No. V.III/291/27/81, dated 29-7-1981. (Annexue-I). The views of the Missions are indicated below:—

Embassy of India, Muscat

They have stated that the Government of Oman had issued instructions to its Embassy in Delhi and Consulate in Bombay not to endorse visas in the passports of Indian workers unless they produce the copy of the agreement duly attested by the Embassy of India, Muscat. The local Government has never voiced anything against the authenticity of the agreement attested by the Embassy or the various Protectors of Emigrants.

Embassy of India, Amman

There is no such formal arrangement between Indian Embassy and the local Government. However, the local Ministry of Labour countersign letter of indent relating to recruitment of Foreign labour especially with a view to avoiding exploitation of foreign labour by firms located in Jordan.

Embassy of India, Aden

They are making efforts to explore arrangements of getting workers' contracts authenticated by the local Ministry of Labour.

Embassy of India, Doha

The Embassy is making efforts to arrive at an agreement with the local Ministry of Labour to have the employment agreements authenticated by them.

Embassy of India, Sana

The Embassy attests only those contracts submitted to us which have previously been attested by the Foreign Office. The Embassy does not insist upon the contracts being authenticated by the local Labour Ministry because in some cases, before doing so, they have insisted upon being satisfied that no Yemeni is available for the job concerned. This goes against the interests of our workers.

Embassy of India, Kuwait

The Embassy have stated that they would insist that work contracts would be countersigned both by local Chamber of Commerce as well as by the Ministry of Foreign Affairs. A copy of this agreement would also be retained in the Embassy.

Embassy of India, Beirut

As per existing system, service agreement between Lebanese employers and Indian workers is initially approved by the Indian Embassy and subsequently by the Ministry of Labour and Social Affairs, Government of Lebanon. Thereafter, it becomes valid document.

Embassy of India, Damascus

In view of almost total lack of employment opportunities available in Syria the Embassy has stated that there was hardly any point in taking up this matter with the local authorities at present. They will take it up with the local Government as and when required.

Embassy of India, Jeddah

They have stated that in view of the availability of cheap labour from a number of countries of Africa and Asia including South East Asian countries like Philippines and Thailand, it would not be possible on their part to persuade the Saudi Government authorities to agree to the suggestion of getting every employment contract vetted by a particular Government agency. However, as per practice existing in the country most of the work contracts are attested by the Saudi Foreign Ministry.

Embassy of India, Baghdad

They have replied that the system of local recruiting agents/sponsors is non-existent in Iraq, in view of bulk of recruitment through either Government agencies or through diplomatic missions of both countries.

Embassy of India, Bahrain

They have replied that under the Labour Law of 1976, the employer is required to obtain a No Objection Certificate prior to any recruitment which is subsequently authenticated by our Embassy in Bahrain. In case of any dispute the case is taken up before the Labour Court (local) for consideration and decision.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80
Dated 28-10-81]

Recommendation Sr. No. 38 (Para No. 3.149)

Indian Mission in Yemen People's Democratic Republic is reported to have advised a recruiting agency and the Protector of Emigrants in Bombay not to recruit employees on a salary lower than a certain level to avoid any complaints on this account later. According to the Ministry, Government have no authority to lay down any minimum level of wages for Indian workers. In view of this, recruiting agencies can only be "advised" and have been advised "orally" by the Protector of Emigrants in regard to minimum wages. The Ministry have conceded that the "oral" advise can have no "binding" on any body and they are not sure whether even oral advise has been given to all recruiting agents. The Committee are not at all satisfied with the Ministry's explanations. By not ensuring a minimum and equitable wage, the Ministry are leaving the door for exploitation of Indian workers open to unscrupulous recruiting agents who may come to have a vested interest in the process. The Committee feel that there is need and scope to evolve a better approach than adopted at present to deal with the question of minimum wage consistent with the Supreme Court Order.

Reply of Government

As the subject of emigration has been transferred to the Ministry of Labour w.e.f. 1-8-81 they have been informed about the recommendation.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80
Dated 28-10-81]

Further information called for by the Committee

Lok Sabha Secretariat O.M. No. 19/21/EC/81 dated December 22, 1981.

The Ministry have stated that the subject of emigration has been transferred to the Ministry of Labour w.e.f. 1-8-81 and they have been informed about the recommendation.

Please furnish action taken by the Ministry of Labour on the Committee's recommendation.

Further reply of Government

The Ministry of Labour have stated that they are making all efforts to ensure reasonable minimum wages for Indian workers within the limitations of Supreme Court order of March 20, 1979, by persuading recruitment agents, foreign employers and advising Indian Missions suitably.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80
dated 23-1-1982]

Recommendation S. No. 39 (Para No. 3.150)

Extension of Visas of Indian nationals is a problem which is creating great difficulties in Gulf countries but which, it is seen, has been satisfactorily solved by Indian Mission in Yemen People's Democratic Republic. In Yemen People's Democratic Republic, the Indian Embassy issues a letter to Immigration Department for extension and the visa is normally granted. The Committee would suggest that Indian Missions may be advised to explore the possibility of having a similar arrangement in as many other countries as possible to save Indians from unnecessary harassment on this account.

Reply of Government

The recommendation of the Committee has been brought to the notice of all our Missions/Post in the West Asia with a view to implement it subject to the local conditions. A copy of the Ministry's circular letter No. T 735/2/81 dated 10-9-81 is enclosed as Annexure—IV.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80
Dated 28-10-81]

Annexure IV

MOST IMMEDIATE

IMPORTANT

No. T. 735/2/81

Dated the 10th Sept., 1981

Dear Mission/Post,

As you are aware the estimates of the Lok Sabha (1980-81) had examined the estimates of this Ministry with particular reference to

the Indians Overseas in West Asia. Reproduced below is the Estimates Committee's recommendation in regard to the difficulties faced by the Indians in Gulf countries for extension of their visas:—

"3. 150. Extension of visas of Indian nationals is a problem which is creating great difficulties in Gulf countries but which, it is seen, has been satisfactorily solved by Indian Mission in Yemen People's Democratic Republic. In Yemen People's Democratic Republic, the Indian Embassy issues a letter to Immigration Department for extension and the visa is normally granted. The Committee would suggest that Indian Missions may be advised to explore the possibility of having a similar arrangement in as many other countries as possible to save Indians from unnecessary harassment on this account S. No. 39".

2. You are kindly requested to note the recommendation of the Estimates Committee and to implement it subject to local conditions.

3. Receipt of this communication may be acknowledged.

Yours ever,
MINISTRY

All Missions/Posts in West Asia

Recommendation Sr. No. 40 (Para No. 3.151)

The Committee feel that employment contracts presented by foreign employers to Indian Missions should be vetted to ensure that to the extent possible, best contractual conditions are provided to the Indians. Such an arrangement is there in Yemen Arab Republic and should be aimed at in other countries also.

Reply of Government

This is being followed to the extent possible under the limitation imposed by Supreme Court order of 20th March, 1979 when the foreign employer approaches our Missions for authentication of the Demand Letter and Power of Attorney.

[Ministry of External Affairs O.M. No. F.(i) 234/10/1/80
dated 28th October, 1981]

Recommendation Sr. No. 41 (Para No. 3.152)

The Committee also welcome the initiative taken by Indian Mission in Yemen Arab Republic to inform the local Government that recruitment of Indian Experts should invariably be gone through by the Government of India. The Committee know that even if a foreign Government agree to recruit experts through Government of India, that Government cannot be stopped from making a direct recruitment or an Indian expert cannot be stopped from making a direct approach to that Government for employment. But, if the Government of India can streamline their recruitment machanic so as to respond quickly to the foreign Government's requests for Indian experts and the Ministry of External Affairs can persuade the foreign Governments to make recruitment through Government of India authorities, a number of problems like those of salaries, working conditions etc. would vanish. The Committee would advise the Ministry to study the problem in depth and evolve a national approach at the highest level for the guidance of all Government authorities.

Reply of Government

The foreign Governments have been requested to make recruitment of Indian experts through Government of India vide letter No. B.235/211/79-II dated 1st August, 1981. (Annexure V) Moreover, our Missions in West Asia have also been directed to impress upon the respective foreign Governments to recruit experts through the Government of India and to forward their demand for experts along with the job description vide letter No. B.235/211/79-II dated 31st July, 1981 (Annexure VI).

[Ministry of External Affairs O.M. No. F.(i)234/10/1/80
dated 28th October, 1981]

Annexure V

IMMEDIATE/IMPORTANT

MINISTRY OF EXTERNAL AFFAIRS

(Economic Division)

N. R. Verma,
Director (TC).

No. B. 235/211/79-II

New Delhi, 1st August, 1981.

Dear Head of Mission,

The policy of canalisation was laid down with the approval of the Cabinet in 1975. This policy envisages that foreign Governments, their para-statal and private organisations may make rec-

ruitment of Indian experts through the Ministry of External Affairs. Accordingly, we asked foreign Missions in India to advise their Government and other organisations, etc. that they should in future make recruitment through this Ministry. Our Missions abroad were also requested to bring this policy to the notice of the concerned authorities in the country/ies of their accreditation. Thereafter, we have sent out a couple of circulars advising the foreign Missions to adhere to our policy of canalisation. However, we find that a number of foreign Governments, their para-statal and other organisations have been making recruitment of Indian experts in hundreds from the open market in complete violation of our procedure of canalisation. This, we consider, may be partly due to lack of necessary briefing of the foreign Missions and their concerned authorities. Be that as it may, as recruitment of some Indian experts is still being made from the open market, we feel that we should make vigorous efforts to check this trend. We have, accordingly, sent out a self-contained circular (copy enclosed) to Missions of the concerned countries in India. We would also like you to send (preferably deliver it personally) a similar note with changes, as may be considered necessary, to the concerned authorities in the country of your accreditation and impress upon them the desirability of making recruitment in accordance with the Government of India's rules and regulations.

2. Our experts abroad, make large remittances to India and thus earn valuable foreign exchange for this country. They, by their good work, have generated a lot of goodwill for India. Their presence abroad also helps in creating a favourable climate for India, and at times become instrumental in bagging high-value projects. We would, therefore, like you to attach due importance to the policy of canalisation.

3. Please acknowledge receipt of this note.

With kind regards,

Yours sincerely,

Sd/-

(N. R. Verma)

To

Heads of Missions (as per list attached).

1. Embassy of India, Algiers.
2. Embassy of India, Bahrain.
3. Embassy of India, Addis Ababa.
4. Embassy of India, Tehran.
5. Embassy of India, Baghdad.
6. Embassy of India, Amman.
7. Embassy of India, Kuwait.
8. Embassy of India, Beirut.
9. Embassy of India, Male.
10. Embassy of India, Khartoum.
11. Embassy of India, Muscat.
12. Embassy of India, Dakar.
13. Embassy of India, Damascus.
14. Embassy of India, Abu Dhabi.
15. Embassy of India, Sanaa
16. Embassy of India, Aden.
17. Embassy of India, Kinshasa.
18. Embassy of India, Mogadishu.
19. Embassy of India, Seychelles.
20. Embassy of India, Mapute.
21. Embassy of India, Para-Maribu (Suriname).
22. Embassy of India, Papua New Guinea C/o. High Commission of India, Suva.
23. Embassy of India, Pauru C/o. High Commission of India, Suva.
24. High Commission of India, Suva.
25. High Commission of India, Accra.
26. High Commission of India, Georgetown.
27. High Commission of India, Kingston.
28. High Commission of India, Nairobi.
29. High Commission of India, Lilongwe.
30. High Commission of India, Port of Spain.
31. High Commission of India, Kampala.
32. High Commission of India, Lusaka.
33. High Commission of India, Salisbury.

ANNEXURE VI

Government of India
 Ministry of External Affairs
 (Economic Division)

No. B.235/211/79-II

New Delhi, 31st July, 1981.

The Ministry of External Affairs presents its compliments to the Embassy of _____

and has the honour to say that, as earlier informed, foreign Governments, their para-statal and private organisations are required to make recruitment of Indian experts (engineers, doctors, professors and other specialists, etc.) through the Ministry of External Affairs. However, this Ministry is constrained to point out that some of the governments continue to meet their requirements of Indian personnel from the open market. As this is in violation of the Government of India's rules and regulations, it will be appreciated if the esteemed Embassy advise all concerned authorities in their country to refrain from making recruitment from unauthorised channels.

2. To recapitulate, it may be mentioned that the esteemed Embassy was asked from time to time that they should advise the concerned authorities to send their demand of Indian experts to this Ministry, either through the esteemed Embassy or through India's diplomatic Mission concerned. In order to facilitate speedy supply of panels of suitable candidates by this Ministry, it was requested that the demand may be accompanied by the following information:

- (i) Category and number of experts required.
- (ii) Their job descriptions.
- (iii) Desired minimum qualifications and experience.
- (iv) Terms and conditions of employment, including approximate salary, etc.

3. On receipt of the above information, panels of suitable candidates will be supplied by this Ministry. It may be noted that this Ministry now requires only two weeks' notice to supply names and addresses of suitable candidates, who can be asked to bring their up-to-date bio-data along with them when they appear for interviews. However, in case it is desired that up-to-date bio-data

of suitable candidates may also be supplied by this Ministry, advance notice of 6—8 weeks will be necessary. As before, this Ministry will try to obtain the release of the candidates selected for assignment abroad. Their air tickets and visas will continue to be arranged by the Embassy, who are requested to ensure that suitable service contracts are signed before candidates leave India.

4. It may be clarified that there are absolutely no charges on the services so rendered by this Ministry. The above procedure has been evolved with a view to ensure that only professionally competent candidates are sponsored for jobs abroad. It is also intended to ensure that their terms and conditions of contract abroad are satisfactory.

5. An early acknowledgement of the above note will be appreciated. Should any further clarification, etc. be needed, the Missions are welcome to discuss the matter with officers of the Economic Division of this Ministry.

6. The Ministry of External Affairs avails itself of this opportunity to renew to the_____

the assurances of its highest consideration.

To

The_____

Recommendation Sr. No. 42 (Para No. 3.153)

The Committee are pained to learn that the major problem faced by Indian Working class in Yemen Arab Republic is that of exploitation by employers who in most cases are Indian contractors. The Ministry also consider it "very unfortunate" that Indian employers should be accused of exploiting the Indian man-Power in foreign land. The Ministry have stated that they have no power to blacklist an employer of this kind. The Committee were inform in reply to a question that Indian Labour Laws would not be applicable to Indian employers or Indian workers outside India unless the laws were given extra territorial jurisdiction. Now that Indian workers are emigrating in large number to work in foreign lands under the control and management of Indian employers, the Committee feel that a system will have to be devised to esure that Indian employers do not exploit Indian Workers on foreign lands and take undue advantage of the limitations of the Indian labour

laws to take cognizance of such exploitation. The Committee would not like the Government to sit silently and allow Indian employers to exploit Indian workers abroad with impunity.

Reply of Government

The views of the Estimates Committee were referred to the Ministry of Law for their comments to explore the possibility of applying Indian Labour Laws to Indian employers or Indian workers outside India. Their comments on the recommendation are reproduced below:—

“Unless labour laws applicable in India were given extra territorial jurisdiction, the same may not be relevant with reference to the labour disputes and other matters between Indian employers operating in foreign countries and other Indians serving as employees of the said Indian employers/Indian contractors in those foreign countries. The matter of providing extra territorial jurisdiction was to be considered by the Labour Ministry either by amending their existing labour laws or by the Department in providing suitable measures in the Bill being prepared by them in consultation with the Legislative Department. This is, however, a matter for consideration and decision by the Ministry of Labour as to what would be appropriate whether to amend the existing labour laws or to incorporate suitable measures in the new Bill proposed to be placed before the Parliament.”

The matter was accordingly referred to the Ministry of Labour to whom the subject of emigration has been transferred with effect from 1st August, 1981. Ministry of Labour feel that it would be better to make suitable provisions in the proposed Emigration Bill to ensure that Indian Companies do not exploit Indian workers abroad than to give extra territorial jurisdiction to all the Indian Labour laws.

[Ministry of External Affairs O.M. No. F.(i)234/10/1/80
dated 28th October, 1981]

Recommendation Sr. No. 43 (Para No. 3.154)

The Committee have come across reports of discontentment among Indians working on projects taken up by Central Government Public Undertakings abroad. Such reports project a very bad image of public sector abroad and surely bring a bad name to the country. In the case of public sector undertakings there should

be no difficulty for the Ministry of External Affairs to approach their principal offices and administrative Ministries in India and bring about an amicable settlement of disputes. The Committee feel that public sector undertakings are expected to be model employers and this expectation is not only with reference to the workers at home but also abroad. The Committee would suggest that the Ministry of External Affairs should impress upon the public sector undertakings through the Bureau of Public Enterprises the need for keeping this wholesome object in mind and taking all measures to avoid any situation of conflict with the Indian Workers abroad.

Reply of Government

The recommendation was referred to Bureau of Public Enterprises (BPE). Their views are reproduced below:—

“The issue was discussed at a meeting of the concerned administrative Ministries and the public enterprises who are having projects abroad, under the chairmanship of Director General, Bureau of Public Enterprises. It was impressed upon the concerned public sector enterprises the need for keeping the wholesome object of being model employers in mind and taking all measures to avoid any situations of conflict with the Indian workers abroad.”

Subsequently the Bureau of Public Enterprises stated that two conclusions mentioned below had emerged after their discussions with the concerned Public Sector enterprises:—

1. Public Enterprises should be left free to fix their wages in consultation with Indian Embassies and other public Enterprises working in the areas.
2. The various Enterprises were requested to send to BPE details about the number of Employee/Experts working in their projects abroad, their pay and allowances and other terms and conditions of work etc. applicable to them. They also requested to give in brief the areas of conflict and the other labour problems faced by them.

Pursuant to these conclusions, a problem has been devised in which the public sector enterprises having projects abroad would forward details about wages and other benefits being given to the workers employed by them.

[Ministry of External Affairs O.M. No. F.(i) 234/10/1/80
dated 28th October, 1961]

Recommendation Sr. No. 44 (Para No. 3.155)

“The Committee find that Indian manpower going abroad on employment are not fully informed of their rights and privileges. Not only this, they are also not aware of the pitfalls of foreign employment, working conditions and many other matters which go with living and working in foreign countries. The Committee find that the Ministry of External Affairs have now shown awareness of the need to publish guide-book for the benefit of emigrating Indians specifying therein all the relevant and important information in respect of each country in West Asia so as to enable the Indian emigrants to have a clear picture of the things and situations and the relevant laws in that country well before they leave the Indian shores. The Committee would expects that the guidebook would be out soon and it would be made available to every intending emigrant.”

Reply of Government

The Guide-book containing the relevant and important information in respect of each country in West Asia is under publication by this Ministry.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80 dated 28-10-81].

Recommendation Sr. No. 45 (Para No. 3.156)

The Committee would suggest that in the guide book proposed to be published by the Ministry, particulars of essential and model terms and conditions of employment abroad should also be mentioned to enable the intending emigrants to compare them with the terms and conditions of contract actually offered to them and thus to take a considered decision to accept the employment or not.

Reply of Government

The Guide-book which is under publication also incorporates a model contract containing particulars of recommended terms and conditions of employment abroad.

[Ministry of External Affairs O.M. No. F(i)234|101|80 dated 28-10-81]

Recommendation Sr. No. 46 (Para No. 3.157)

Initially the Ministry claimed that Government were constantly making efforts to publicise the working conditions and other details of employment in the West Asian countries through programmes on Television and All India Radio. This claim was reiterated in evidence. But the Committee are very unhappy to learn from the note submitted by the Ministry after the evidence that, in fact, “so far no

programmes of publicity describing working/living conditions in Arab countries have been sponsored on Radio or Television." This clearly shows how misleading earlier informations was. This is regrettable. The Committee hope that what the Ministry thought was being done earlier and what as turned out later, was not being done, would now be done and adequate publicity would be given to the living and working conditions in Gulf countries through Radio and Television.

Reply of Government

As the subject of emigration of Indian workers abroad has been transferred to the Ministry of Labour with effect from 1-8-81 the matter has been referred to them to implement the recommendation.

[Ministry of External Affairs O.M. No. F(i) 234/10/80
Dated 28-10-81]

Further information called for by the Committee

[Lok Sabha Secretariat O.M. No. 19/2/1/EC/81 dated
December 22, 1981]

The Ministry have stated that the matter has been referred to the Ministry of Labour to implement the recommendation.

Please furnish specific reply of the Ministry of Labour with regard to implementation of the recommendation.

Further reply of Government

The Ministry of Labour have stated that instructions have already been issued to all the Protectors of Emigrants to give wide publicity of the living and working conditions through Radio and TV. The AIR and Dordarshan authorities have also been approached to give wide publicity through interviews and repeated announcements.

[Ministry of External Affairs O.M. No. F(i) 234/10/80
dated 23-1-1982]

Recommendation Sr. No. 47 (Para No. 4.25)

The Committee cannot but feel unhappy at the Indian Mission in Abu Dabhi and Doha not carrying out the Ministry's instructions to interview Arab husbands personally before attesting their Sponsorship Declarations and the Ministry's attempt to whittle down their lapses. The Committee would like the matter to be investigated and outcome reported to them. The Committee would also like the Ministry to issue firm instructions to the missions how to carry out Government instructions to the letter and spirit and not to disregard them in their discretion.

Reply of Government

Our Ambassadors in Abu Dhabi and Doha were requested by telex to explain why they had not fully implemented Ministry's instructions and to report back the remedial action taken or proposed to be taken to implement the recommendation of the Estimates Committee.

2. The Ambassador in Doha has assured that the scrutiny of applications was definitely taking place, though personal interviews with senior officers were done only in selected cases of doubtful nature. He has however assured that in future Ministry's instructions will be totally followed.

3. Likewise, our Ambassador in Abu Dhabi has explained that the Mission was interviewing all the applicants in each and every case of Sponsorship Declaration which was referred back with query either by Regional Passport Officer or by Ministry. The Mission, however, was not interviewing these persons when they come to get their Sponsorship Declarations attested. This practice was adopted due to local circumstances. However, from November 1980, all cases of applicants for Sponsorship Declaration are being invariably interviewed.

4. It may be mentioned, in this context, that there is also a noticeable fall nowadays in the applicants for Sponsorship Declarations.

5. As a follow up action, our Ambassadors in Arab countries have been called upon to abide strictly by the instructions of the Ministry in the matter of cases of Arabs marrying Indian girls. Circular letter No. VI/125/1/81-A dated 4-8-81 embodying these Instructions may be seen at Annexure VII.

[Ministry of External Affairs O.M. No. F(1) 234/10/80
dated 28-10-81]

ANNEXURE VII

M. K. MANALAMURTI
JOINT SECRETARY (C.P.V.)

MINISTRY OF EXTERNAL AFFAIRS

D. O. No. VI/125/1/81-A

New Delhi, the 4th August, 1981

SUBJECT.—Arabs marrying Indian girls—personal interview with each and every sponsor.

Dear Ambassador,

While examining the Estimates of the Ministry, the Estimates Committee of the 7th Lok Sabha in its 16th Report has expressed

strong dissatisfaction that a few of the Indian Missions in West Asia did not scrupulously adhere to Ministry's instructions contained in its Circular No. VI/401/11/78 dated 6th April, 1979 that all Arabs sponsring their Indian wives should be interviewed.

2. The Estimates Committee has desired that all Indian Missions should strictly adhere to both letter and spirit of the instructions issued on the subject of Indian girls marrying Arabs and not to disregard these at their discretion.

3. I would, therefore, request you to note the recommendations of the Estimates Committee and ensure that the Consular Section is complying with the Ministry's instructions.

Yours sincerely,
Sd/-

(M. K. MANGALAMURTI)

To

The Ambassador of India
in Gulf countries

Copy to RPO/POs in Bombay, Bangalore, Hyderabad, Madras, Cochin and Kozhikode.

Recommendation Sr. No. 48 (Para No. 4.26)

From the feedback received by the Ministry in September 1980, the Committee find that cases of desertion and exploitation of Indian wives by their Arab husbands are still taking place though their number is very low. The Committee agree with the Ministry that the precautions taken by them to regulate passport facilities to Indian Muslim girls married to Arab nationals are applicable only after such a marriage has been solemnised and that the real remedy lies in adopting measures to make a scrutiny before such a marriage is solemnised. This, the Ministry, state, in outside the competence of the Ministry of External Affairs. But still, in the Committee's view, the Ministry should not sit as an idle spectator when they know the exploitation is taking place. The Committee would suggest that cases of desertion and exploitation of Indian wives by Arab husbands without disclosing the identity of the women should

be given discreet publicity with a view to cautioning people of the relevant regions of the dangers inherent in such matrimonial alliances with unknown foreigners and educating them on the need to verify the bonafides of foreign nationals before giving their consent to marriage.

Reply of Government

We have drawn the attention of the Chief Secretaries of the Governments of Andhra Pradesh, Karnataka, Kerala, Maharashtra and Tamil Nadu to the concern expressed by the Estimates Committee and have requested them to arrange for suitable publicity, in particular, in Urdu as well as in the regional language through their publicity directorates. An extract of the recommendations of the Estimates Committee together with summaries of case histories of cases of exploitation of Indian women married to foreigners during 1979, 1980 and 1981 was circulated with letter No. VI/125/L/81-E dated 4-8-1981 *vide* Annexure VIII.

2. The External Publicity Division of this Ministry has also written to the Principal Information Officer, Press Information Bureau, to arrange publicity of the sample cases of exploitation of Indian women in vernacular (especially Urdu) press and also through Urdu broadcasts of AIR.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80 dated 28-10-81]

ANNEXURE VIII

GOVERNMENT OF INDIA

MINISTRY OF EXTERNAL AFFAIRS

(P. V. I. SECTION)

VI/125/1/81-E

New Delhi, Dated 4th August, 1981.

To,

The Chief Secretary

to the Government of Kerala/Tamil Nadu/Karnataka/Maharashtra/Andhra Pradesh.

Trivandrum| Madras| Bangalore| Bombay| Hyderabad.

SUBJECT.—Recommendations of the Estimates Committee of the 7th Lok Sabha regarding touts and marriage brokers including Indian girls to marry Arabs.

Sir,

While examining the Estimates of this Ministry, the Estimates Committee of the 7th Lok Sabha evinced keen interest on the sub-

ject of Indian girls who are forced to marry aged and infirm Arabs due to their indigent circumstances.

2. The Committee while expressing its unhappiness, recorded that most of these marriages were arranged through touts and brokers, who fleece both the girl's parents and the Arabs. The Committee, therefore, desired that we should consider ways and means of taking deterrent action against touts or agents who bring about such marriages with a view to warning people against falling a prey to machinations of unreliable persons.

3. I would, therefore, be grateful if you should bring this to the notice of the concerned officials with a view to launching a drive against such elements and also consider issuing a suitable press note to warn the general public and give suitable publicity in local vernacular (especially Urdu) press.

4. I enclose relevant extracts from the 16th Report of the Estimates Committee of the 7th Lok Sabha for your information in this connection along with a note giving details of few cases of exploitation, which you may arrange to have published in the local press.

Yours faithfully,

Sd./-

(M. K. Mangalamurti)
Joint Secretary (CPV)

Copy with enclosure to Shri J. N. Dixit, JS(XP), Ministry of External Affairs.

(M. K. Mangalamurti)
Joint Secretary (CPV)

*Extracts from the 16th Report of the Estimates Committee
on the 7th Lok Sabha 4.26/p. 78*

"From the feedback received by the Ministry in September 1980 the Committee find that cases of desertion and exploitation of Indian wives by their Arab husbands are still taking place though their number is very low. The Committee agree with the Ministry that the precautions taken by them to regulate passport facilities to Indian Muslim girls married to Arab nationals are applicable only after such a marriage has been solemnised and that the real remedy lies in adopting measures to make a scrutiny before such a marriage is solemnised. This, the Ministry, state, is outside the competence of the Ministry of External Affairs. But still, in the Committee's view, the Ministry should not sit as an idle spectator when they know the exploitation is taking place. The Committee would suggest that cases of desertion and exploitation of Indian wives by Arab husbands without disclosing the identity of the women should

be given discreet publicity with a view to cautioning people of the relevant regions of the dangers inherent in such matrimonial alliances with unknown foreigners and educating them on the need to verify the bonafides of foreign nationals before giving their consent to marriage."

1979

FAHEEM SULTANA'S parents married her to a foreigner. He told them that he had come to India in hurry, he did not have any cash with him, and thus borrowed Rs. 5000/- for them. He then left her on the pretext of obtaining his money from bank in Bombay. More than a year has since then passed, he has neither returned himself nor returned the borrowed loan of his father-in-law and Faheem Sultana's life is now utterly in ruins.

(T/4352/19/79)

ASHRAFUNNISA was married to a foreigner by her parents. He stayed with her for a few days and left her. He has since then neither written to her nor sent her any maintenance for last two years.

(T/4252/27/79)

NASEEM BEGUM was married to a foreigner by her parents in 1978. He stayed with her for a few weeks and has since then disappeared. Naseem Begum wrote to him many times at his address which gave to her, but has not received any reply for more than a year.

(T/4352/34/79)

1980

SALEEMA was married to an Arab who paid only Rs. 1100/- as Mehar to her father. He promised to take over her to Saudi Arabia after some time and also promised to send Rs. 300/- p.m. for her maintenance. He has neither returned to India, nor taken his wife to his country nor he has sent any maintenance to his wife.

(T/4352/6/80)

ZARINE was married to a foreigner had two children from him and was staying with her. He wanted to send his wife and the children to India on the protest of getting her a fresh Residence Permit. (and not extending the original one) He, however, would not agree to pay any maintenance for them except for the Mehar amount already agreed. When Zarinè refused to return to India he arbitrarily gave her Talaq. Zarinè therefore, approached the Indian

Embassy for help. Indian Embassy approached the local Foreign Office made him revoke the Talaq and remarry Zarine.

(T/4352/13/80)

MUNEER BEGUM married a foreigner who stayed with her for a short period and then returned to his country. He has since then neither written any letter to his wife nor sent any maintenance for last two years.

(T/4352/35/80)

ZAHIDA BEGUM married a foreigner as he made a false representation to her and her parents that he was a bachelor. He agreed to pay her Mehar at the time of marriage. After staying with her for 9 weeks, he left for foreign country where he was working. Since then, Zahida Begum neither did receive any letter from him nor a single rupee for her maintenance. Zahida begum is a Purdanasheen lady and it is difficult for her to move out. Her father made enquiries and found out that this so called bachelor was already married and had only come to India for sightseeing on leave from his company.

(T/4352/37/80)

1980

NAZEEMA married a foreigner in 1973. She gave birth to a daughter from him. He was present with her when the daughter was born and then left for his country. He occasionally used to come to India and stay with her. These visits also stopped altogether after some time. So, she enquired from his parents who were residing in the same city in India and whom she knew. They informed her that her husband had already divorced her in 1978 and has informed everybody that the daughter born to her was illegitimate and not from him. This has created deep anguish in Nazeema and has tarnished her reputations also.

(T/4352/43/80)

1981

ZAHIDA was married to a foreigner by her parents. He has since then promising her to take with him to his country and has been postponing it an excuse that he cannot Visa for her. Zahida has thus been left stranded in India.

(T/4352/19/81)

Recommendation Sr. No. 49 (Para No. 4.27)

The Ministry should also consider ways and means of taking deterrent action under Indian laws against the touts or agents who bring about such marriages with a view to warning people against falling a prey to the machinations of unreliable persons.

Reply of Government

In implementation of this recommendation of the Estimates Committee, the Chief Secretaries of the State Governments concerned *viz.*, Andhra Pradesh, Maharashtra, Tamilnadu, Karnataka and Kerala were requested to gear-up the state machinery to launch a drive against the touts, agents and brokers who were taking advantage of the helplessness of these unfortunate girls. This letter issued under No. VI/125/1/81-E dated 4-8-1981 may be seen at Annexure VIII.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-1981].

Recommendation Sr. No. 50 (Para No. 4.28)

The Committee agree that the Government cannot prevent legal and valid marriage between two adults. It appears difficult to the Ministry to bring forward legislation which might discriminate between a foreigner getting married and an Indian getting married to Indian women under personal laws of respective communities. But the Ministry certainly should, as they admit they can, do their utmost to avoid fake marriages as a cover for taking Indian girls out of India for unauthorised employment, or marriages with maim or sick foreigners or marriage with big age difference which may arouse suspicion about the *bona fides* of the foreign nationals. The Indian missions should be instructed keep close watch on such matrimonial alliances with a view to preventing exploitation of Indian girls.

Reply of Government

The Indian Ambassadors in the Gulf countries have been apprised of the feelings of the Estimates Committee on this issue. They have been instructed to comply with the recommendations to the extent possible. They have been further advised to send, in future, to the Ministry (*vide* letter No. VI/125/1/81-B dated 4-8-1981 at Annexure IX) reports of cases of exploitation of Indian girls so that suitable remedial measures may be taken and adequate publicity given.

2. The Passport Issuing Authorities in Bombay/Madras/Hyderabad/Kozhikode/Cochin and Bangalore have also been advised through endorsement of the same letter that they should personally instruct all such female applicants to approach the concerned Indian Mission abroad in case of difficulty. Besides, they were also advised to liaise with the state Governments and the local language press to give publicity to cases of exploitation of Indian girls. Necessary background materials containing case histories has also been provided.

Ministry of External Affairs has written to Ministry of Home Affairs in this regard which can be seen at Annexure X.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-1981].

ANNEXURE IX

M. K. MANGALMURTI

IMMEDIATE

JOINT SECRETARY (CPV) MINISTRY OF EXTERNAL AFFAIRS

D.O., No. VI/125/1/81—B

New Delhi, the 4th August, 1981

SUBJECT.—*Marriages of Arabs with Indian girls.*

Dear Ambassador,

I am reproducing below the extracts from the 16th Report of the Estimates Committee of the 7th Lok Sabha:—

“The Committee agree that the Government cannot prevent legal and valid marriage between two adults. It appears difficult to the Ministry to bring forward legislation which might discriminate between a foreigner getting married and an Indian getting married to Indian women under personal laws of respective communities. But the Ministry certainly should, as they admit they can, do their utmost to avoid fake marriages as a cover for taking Indian girls out of India for unauthorised employment or marriage with maim or sick foreigners or marriage with big age difference which may arouse suspicion about the *bona fides* of the foreign nationals. The Indian Missions should be instructed to keep close watch on such matrimonial alliances with a view to preventing exploitation of Indian girls.”

2. The recommendations may please be noted and complied with to the extent possible.

3. I would also request you to send to PVI Section a copy each of your report regarding cases of exploitation brought to your notice so that we can arrange suitable publicity in this regard.

Yours sincerely,

Sd/—

(M. K. MANGALMURTI)

The Ambassadors for India in
Gulf countries (Bahrain, Muscat, Sanna, Abu Dhabi, Doha, Kuwait,
Aden, Jeddah & Dubai).

Copy to:

RPO/POs in Madras, Bangalore, Hyderabad, Bombay Cochin and
Kozhikode.

They are advised that they should personally instruct all such lady applicants (and their husbands) when their passports are delivered that they should get themselves registered in the Indian Mission and what they should approach Indian Mission in case of difficulty.

They should also try to meet the journalists of the vernacular (preferably Urdu) press and have then publish details of any cases of exploitation of these girls without disclosing the total identity of the victim. They may also liaise with the State Government's publicity directorate in this regard.

Sd/—

(M. K. MANGALMURTI)

JOINT SECRETARY (CPV)

Annexure X

M. K. Mangalmurti

Joint Secretary (CPV)

No. VI/125/1/81

September 14, 1981.

SUBJECT.—*Exploitation of Indian women by foreign husbands.*

Dear Shri Agrawal,

From time to time you must have seen reports about activities of Arabs who come to India, and marry Indian women who are later on abandoned in India itself or taken abroad and exploited in various ways. This matter has various aspects:—

- (a) Whether the visit to India of the Arab Sheikhs should be regulated more firmly.

- (b) Whether the activities of the Arab Sheikhs while in India should be kept under close observation.
- (c) Whether there should be a system of compulsory registration of marriages between Indians and foreigners taking place in India.
- (d) Whether the activities of agents and touts who arrange such marriages should be curbed.
- (e) Peripherally the Ministry of External Affairs is already trying to control the emigration of Indian girls to Arab countries by regulating the grant of passports to them. This measure, however, comes too late in this chain and once a woman is already married, it is difficult to stand in the way of her going abroad to join her husband.

2. Recently in connection with a recommendation of the Estimates Committee, a reference has been made to Shri K. D. Madan Additional Secretary, Administrative Reforms Wing, M.H.A., vide our letter No. VI/125/1/81-C dated 4th August, 1981. A copy was also forwarded to the Cabinet Secretariat for their advice as to which Ministry should deal with this matter and a copy of their OM. No. 74/2/1/81-Cab. dated 7th September, 1981 received in reply is enclosed for your reference.

3. So far since no Ministry has regarded itself responsible for this problem, no specific action at the Central Government level has been taken. It would, therefore, be extremely desirable if in the light of the Cabinet Secretariat's advice the Ministry of Home Affairs takes note of this problem and takes suitable measures to prevent these mal-practices taking place in India.

Yours sincerely,

Sd/—

(M. K. MANGALMURTI)

Shri R. M. Agrawal,
Joint Secretary,
Ministry of Home Affairs,
New Delhi.

Copy to:—WANA Division, M.E.A.

No. 74/2/1/81-Cab.

GOVERNMENT OF INDIA (BHARAT SARKAR)
CABINET SECRETARIAT (MANTRIMANDAL SACHIVALAYA)
NEW DELHI, 7 September, 1981.

16 Bhadra, 1903(S)

SUBJECT.—*Exploitation of Indian women by foreign husband.*

The undersigned is directed to refer to Ministry of External Affairs O.M. No. VI/125/1/81-C dated the 4th August, 1981 and to state that this question was examined in this Secretariat with reference to the earlier correspondence we had on the subject with the Ministry of Home Affairs and the Department of Family Welfare. In the light the earlier discussions, we are of the view that since the emphasis in the present proposal is on compulsory registration of marriages, with the object to preventing exploitation of Indian women, the appropriate Ministry to handle this subject would be the Ministry of Home Affairs.

Sd/—

(K. RAMIAH)

Deputy Secretary to the Cabinet.

Ministry of External Affairs

(Shri M. K. Mangalmurti, Joint Secretary (CPV),
New Delhi.

Recommendation Sr. No. 51 (Para No. 429)

The need to provide for a system of compulsory registration of marriages of Indian nationals with foreign national prescribing a suitable marriage contract has been suggested by a foreign diplomat as a measure to prevent exploitation of Indian women. The question of making registration of marriage compulsory by a suitable legislation, which would be extended to cover marriages of foreign nationals to Indian girls in India, is stated to be under the consideration of Ministry of Home Affairs. The Committee take note that as stated in reply to Lok Sabha unstarred question No. 4043, dated 16 Dec., 1980 the policy of the government is not to make changes in the personal laws of minority communities unless the suggestions come from the minority communities themselves. As such the Ministry stated, it may not be possible for Government to bring forward any amendment to the proposed legislation about compulsory registration of marriages in India to cover the marriages of Indian Muslim girls to foreigners (Muslims). The Committee wish it were possible for the Government to bring about, of course with the consensus of the Minority Communities concerned, a suitable system of compulsory registration of all marriages with foreigners in India which can minimise exploitation of Indian women by foreign nationals and safeguard their interests in the event of desertion or divorce.

Reply of Government

The sentiments expressed by the Estimates Committee have been brought to the notice of the Ministries of Law, Home Affairs and Social Welfare to enable them to take suitable action in this regard.

2. This recommendation has been specifically forwarded to Ministry of Home Affairs who according to the Cabinet Secretariat (Deptt. of Cabinet Affairs) are the concerned Ministry in this regard.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-81].

Recommendation Sr. No. 52 (Para Nos. 4.35, 4.36 & 4.37)

"The Committee feel seriously concerned to learn that quite a number of Indian maid servants emigrating to Qatar had been so unhappy that they wanted to go back to India at any cost. They complained to the Indian Missions that they were ill-treated, beaten and molested. Finding no ideal solution to the problems faced by Indian maid servants, in the past, Government had put a ban at that time on any Indian women going out to take an employment of this character in a household. But subsequently and particularly after Supreme Court Judgement, the Ministry felt a total ban on women going out for employment could not be enforced."

4.36 "The Committee have elsewhere dealt with the implications of Supreme Court judgement under which the Ministry plead their helplessness in preventing woman from going abroad for employment even if such an employment may not be consistent with human dignity."

4.37. "The Committee are of the view that if the requests from foreign employers for employment of Indian Women as 'ayahs' or maid servants or governesses are scrutinised closely with reference to the social stature, reputation and family background of the households concerned, the chances of ill-treatment and abuse of Indian woman emigrating to take up such employment can be minimised. And if, added to that, Indian missions keep close contacts with the Indian maid servants etc. and the households in which they are working, the situation can definitely be further improved. The Committee would expect that Indian Missions, whom some instructions have already been issued in this regard, would act as true guardians of the dignity of Indian Women employees abroad and spare no effort to safeguard their honour."

Reply of Government

The recommendation of the Estimates Committee was communicated to the Indian Missions in West Asia for compliance *vide* letter No. V. III/381/27/81 dated 29-7-1981. Annexure I

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-81]

Recommendation S. No. 53 (Para No. 5.70)

A feeling prevails among Indian nationals that Indian Missions are not rendering adequate assistance to the Indians going abroad. The Ministry have stated that Indian Missions are expected to generally render full assistance to all Indian nationals in any area in which such assistance may be needed but which does not entail any financial expenditure. The Ministry have spelt out in broad terms the types of assistance which the Indian nationals can legitimately expect from the Indian missions and which the Indian missions would be able to give to the Indian nationals abroad. The Committee feel that the misunderstanding on this account is likely to persist unless the role of Indian Missions *vis-a-vis* visiting Indians abroad is spelt out in clear terms and publicised for general information. The outline of the role of Indian Missions should also be publicised in the booklet which the Ministry are proposing to bring out for the benefit of Indian nationals going abroad. This alone will not be adequate. The Ministry will also have to obtain feedback from returning emigrants and Indian nationals on a systematic basis to see whether the Indian Missions are rendering all that assistance in actual practice what they are expected to render.

Reply of Government

The recommendation has been referred to the Ministry of Labour for implementation since the subject of emigration of Indian workers has been transferred to them with effect from 1-8-1981.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28-10-81]

Further information called for by the Committee

Lok Sabha Secretariat O.M. No. 19/2/1|EC|81 dated December 22, 1981.

The Committee recommended that the Ministry will have to obtain feedback from returning emigrants and Indian nationals on a systematic basis to see whether the Indian Missions are rendering all

that assistance in actual practice what they are expected to render. The Ministry have stated that the recommendation has been referred to the Ministry of Labour for implementation.

Please furnish a categoric reply whether this work will be done by the Ministry of External Affairs or the Ministry of Labour and what action has been taken by the Ministry of External Affairs or the Ministry of Labour as per the recommendation.

..Further reply of Government

This work will be done by the Ministry of Labour in coordination with the Ministry of External Affairs. A booklet entitled 'Information for workers proceeding to Gulf Countries, Saudi Arabia, Iraq and Libya' has recently been released by the Ministry of External Affairs for the use of intending emigrants, which also indicates the areas in which our Missions can assist them. Wide publicity is being given to the contents of the publications through the State Governments and other agencies.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated
28-10-81]

Recommendation S. No. 54 (Para No. 5.71).. ..

There cannot be two opinions that Indian nationals going to Indian Embassy for any business should be attended to promptly and not asked to go from pillar to post. The Committee have been assured by the Ministry that instructions have been issued to all Missions abroad to be extremely polite and extend all courtesies to Indian nationals visiting the Missions. The Ministry have added that the situation has since improved and complaints on the Indian Missions are declining. Foreign Secretary further assured the Committee during evidence that complaints against the Indian Missions will be taken note of and serious action taken against those officers who transgress the instructions issued by the Ministry. The Committee are happy to take note of the Ministry's assurance and hope that the Ministry would keep as much pressure as possible on the Indian Missions to ensure that they will show full courtesy and provide the maximum possible assistance to Indian nationals who may approach them during their stay abroad. The Committee also hope that in cases of discourtesy and reluctance to provide assistance, the Ministry would not hesitate to take strict action against the officers of the Indian Missions abroad.

Reply of Government

The Committee's recommendation has been circulated to all Heads of Missions & Posts abroad for implementations. A copy of Ministry's circular letter No. XPP/3073/1/81 dated 18th August, 1981 is enclosed as Annexure XI.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80, Dated 28-10-81].

ANNEXURE XI

MINISTRY OF EXTERNAL AFFAIRS EXTERNAL PUBLICITY DIVISION

J. N. Dixit

Joint Secretary (XP)

No. XPP/3073/1/81.

August 18, 1981.

Dear Head of Mission/Post,

In my D.O. letter No. XPP/3073/17/78 dated the 28th March, 1980, I had stressed the need to extend all possible courtesies of Indian nationals resident in or visiting your country of accreditation. Attention in this connection is also invited to para (2) of Shri M. K. Mangalmurti, Joint Secretary (CPV)'s D.O. No. F(i)-234/10/(1)/80 dated 20th February, 1981 whereby a statement made by Shri Romesh Bhandari, Secretary (ER) before the Estimates Committee (1980-81) of the Lok Sabha was circulated. In this statement the types of assistance which our Indian missions are legitimately expected to render to visiting Indian nationals were spelt out on a broad basis. I have no doubt that these instructions are being followed by all officers of the mission.

2. This issue came up for further consideration of the Estimates Committee and I reproduce below the observation made by the Committee for your information and guidance. I would suggest that these observations may be circulated amongst your officers for strict compliance:

"There cannot be two opinions that Indian nationals going to Indian Embassy for any business should be attended to promptly and not asked to go from pillar to post. The Committee have been assured by the Ministry that instructions have been issued to all Missions abroad to be extremely polite and extend all courtesies to Indian nationals visiting the Missions. The Ministry have added that the situation has since improved and complaints on

the Indian Missions are declining. Foreign Secretary further assured the Committee during evidence that complaints against the Indian Missions will be taken note of and serious action taken against those officers who transgress the instructions issued by the Ministry. The Committee are happy to take note of the Ministry's assurance and hope that the Ministry would keep as much pressure as possible on the Indian Missions to ensure that they will show full courtesy and provide the maximum possible assistance to Indian nationals who may approach them during their stay abroad. The Committee also hope that in cases of discourtesy and reluctance to provide assistance, the Ministry would not hesitate to take strict action against the officers concerned of the Indian Missions abroad."

Yours sincerely,

Sd/-

(J. N. Dixit)

All Heads of Missions/Posts.

Recommendation Sr. No. 55 (Para No. 5.72)

Indian nationals going abroad are expected to get themselves registered with the nearest Indian Missions abroad. Advice to this effect is printed on the covers of Indian passports. The Committee were informed during evidence that there were many countries like USA and UK where registration was difficult because of the large population of Indians there. But where it is found by the Indian community that such a registration is in their own interest they have registered themselves with the Indian Missions. The Committee feel that registration of Indian nationals going to Gulf countries is very essential not only for the Indians themselves but also for the Indian missions who without such a registration will not be able to know the magnitude and the whereabouts of Indians in the country of their accreditation. The Committee, therefore, recommend that special attention of Indian workers going to Gulf countries should be invited by the Ministry at the time of issue of passports.

Reply of Government

All Passport Officers in India have been directed to comply with the recommendation *vide* letter No. V. III/381/27/81 dated 28-7-1981. Annexure III.

[Ministry of External Affairs O.M. No. F.(i)234/10/1/80
dated 28-10-81]

Recommendation Sr. No. 56 (Para No. 5.73)

The Committee would also like the Ministry to inform the Indian Passport holders that they can register themselves with the nearest Indian Mission by post also. An advice should also be sent to Indian Missions in Gulf countries that they should entertain requests received by post from Indians for registration of their names.

Reply of Government

Instructions have been issued to all the Regional Officers in India to display the following advice in bold letters on their notice boards:—

ATTENTION OF ALL PASSPORT-HOLDERS IS INVITED TO THE FOLLOWING ADVICE PRINTED ON THE COVER OF THE PASSPORT:

REGISTRATION

IT IS MOST IMPORTANT THAT INDIAN CITIZENS RESIDENT ABROAD SHOULD AT THE EARLIEST OPPORTUNITY REGISTER THEIR NAMES AND ADDRESSES AT THE NEAREST INDIAN MISSION. CHANGES OF ADDRESSES OR DEPARTURE FROM THAT COUNTRY SHOULD ALSO BE NOTIFIED TO THEM.

THIS WILL ENABLE THE MISSION TO KNOW THEIR WHEREABOUTS AND CONTACT THEM IN CASE OF NECESSITY.

THE ABOVE REGISTRATION CAN ALSO BE DONE BY POSTS.

2. Similarly all Heads of Indian Missions and Posts abroad have also been instructed to entertain requests received by posts from Indian Nationals for registration of their names.

3. A copy each of Ministry's Circular letter No. T. 735/2/81 and T. 735/2/81(i) dated 31-7-81 enclosed as Annexure XII and XIII.

[Ministry of External Affairs O.M. No. F.(i)234/10/1/80 dated 28-10-81]

ANNEXURE XLI

MOST IMMEDIATE

IMPORTANT

GOVERNMENT OF INDIA

MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

M. K. Mangalmurti
Joint Secretary (CPV) &
Chief Passport Officer.

No. T. 735/2/81

July, 31, 1981.

My dear RPO/PO,

As you are aware, the Estimates Committee (1980-81) of Lok Sabha had taken up for examination the estimates of this Ministry with particular reference to Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore. In their report on West Asia, the Estimates Committee has recommended *inter alia* that the Indian passport-holders should be informed that they can register themselves with the nearest Indian Mission by post also.

2. In accordance with the advice printed on the cover of the passport, all passport-holders are expected to get themselves registered with the nearby Mission/post. It, however, does not specify that the registration can be done by post also. You should, therefore, immediately take suitable steps to display the following advice in bold letters on the Notice Board in your office in English, Hindi and regional language:—

“ATTENTION OF ALL PASSPORT-HOLDERS IS
INVITED TO THE FOLLOWING ADVICE PRINTED
ON THE COVER OF THE PASSPORT:

REGISTRATION

‘IT IS MOST IMPORTANT THAT INDIAN CITIZENS
RESIDENT ABROAD SHOULD AT THE EARLIEST
OPPORTUNITY REGISTER THEIR NAMES AND
ADDRESSES AT THE NEAREST INDIAN MISSION.
CHANGES OF ADDRESS OR DEPARTURE FROM
THAT COUNTRY SHOULD ALSO BE NOTIFIED TO
THEM.’

THIS WILL ENABLE THE MISSION TO KNOW THEIR
WHEREABOUTS AND CONTACT THEM IN CASE OF
NECESSITY.

THE ABOVE REGISTRATION CAN ALSO BE DONE BY POSTS".

3. Kindly acknowledge receipt of this letter.

Yours sincerely,

Sd/-

(M. K. Mangalmurti)

All Heads of Missions and Posts abroad.
Passport Officers

ANNEXURE XIII

MOST IMMEDIATE

IMPORTANT

GOVERNMENT OF INDIA

MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

M. K. Mangalmurti

Joint Secretary (CPV)

No. T. 735/2/81 (i)

July 31, 1981.

My dear Head of Mission/Post,

The Estimates Committee (1980-81) of Lok Sabha had taken up for examination the estimates of this Ministry with particular reference to the Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore. In their report on West Asia, the Estimates Committee has recommended *inter alia* that the Indian Missions should entertain requests received by post from Indians for registration of their names. Full text of the recommendation is reproduced below:—

"5.73.—The Committee would also like the Ministry to inform the Indian passport-holders that they can register themselves with the nearest Indian Mission by post also. An advice should also be sent to Indian Missions in Gulf countries that they should entertain requests received by post from Indians for registration of their names."

2. Necessary instructions have been issued to all Regional Passport Officers/Passport Officers in India to display the required advice on the Notice Board in their Offices. Similar advice may also be displayed in the Mission and given adequate publicity in the Indian community. I shall be grateful if suitable instructions are issued to the Consular Officers under your charge to entertain

requests received by post from Indian nationals for registration of their names.

3. Receipt of this letter may kindly be acknowledged.

Yours sincerely,
Sd/-

(M. K. Mangalmurti)

All Heads of Missions and Posts abroad.

Recommendation Sr. No. 57 (Para No. 5.74)

The Committee are informed that the Protector of Emigrants enlightens the prospective employees of the reasonableness and fairness of the terms and conditions of employment offered to them by foreign employers. It is a moot point whether the Protector of Emigrants and his colleagues would be having sufficient time at their disposal to attend individually to all the Indian nationals who visit their offices before going abroad. The Ministry have stated that the Protector of Emigrants did whatever was possible within the limitations of staff. The Committee are of the view that it should be the first responsibility of Protector of Emigrants and his colleagues to attend to the Indian nationals individually and explain to them not only the fairness of the terms and conditions of employment but also enlighten them on various other aspects of their visit abroad. If shortage of staff stands in their way to discharge this responsibility with efficiency, the administrative Ministry should depute adequate staff for the purposes. Shortage of staff should not be held out as an excuse to justify any laxity in the discharge of this vital function.

Reply of Government

The recommendation of the Estimates Committee has been referred to all the Protectors of Emigrants in India for implementation *vide* letter No. V. III/381/27/81 dated the 28th July, 1981. (Annexure III) Ministry of Labour have been kept informed of this recommendation for follow up action since the work of emigration of Indian workers abroad had been transferred to them with effect from 1-8-1981.

[Ministry of External Affairs O.M. No. F.(i)234/10/1/80
dated 28-10-81]

Further information called for by the Committee

[Lok Sabha Secretariat O.M. No. 19/2/1/EC-81 dated
December 22, 1981].

Please furnish as to what follow up action the Ministry of Labour have taken in the matter.

Further reply of Government

The Ministry of Labour have stated that they have reorganised the Offices of the Protectors of Emigrants who are now functioning under the control of the Ministry of Labour. The staff situation will be reviewed periodically and necessary steps will be taken by them to ensure that adequate staff is posted to discharge this responsibility of advising the individual emigrants.

[Ministry of External Affairs O.M. No. F.(i) 234/10/1/80
dated 28-10-81]

Recommendation Sr. No. 58 (Para No. 5.75)

The responsibility of the Protector of Emigrants is all the more towards the weaker sections like unskilled and semi-skilled workers who for obvious reasons require much for guidance and information than others. The Committee would like the Ministry to impress upon the Protector of Emigrants the need for greater consideration and patience in dealing with such sections of people.

Reply of Government

All the Protectors of Emigrants in India have been directed to comply with the recommendation *vide* letter No. V. IL/381/27/81 dated 28-7-1981. Annexure III.

[Ministry of External Affairs O.M. No. F.(i) 234/10/1/80
dated 28-10-81]

Recommendation Sr. No. 59 (Para No. 5.76)

The Committee are informed that in the matter of wages, the workers from European countries get preference over others in West Asia. But as none from Europe come for unskilled and semi-skilled jobs, these are offered to Asians and among Asians, Indians get almost same wages as the nationals of other countries. The wages of people from Korea are stated to be little higher as their skills are a little different. The Committee agree that in a free market of demand and supply the Ministry cannot impose any minimum wage on foreign employers. But still the Committee feel

that Indian Missions should keep this aspect in view and endeavour to the best of their ability that Indian nationals are not discriminated against in the matter of wages *vis-a-vis* nationals of other Asian countries.

Reply of Government

Our Missions in West Asia have been instructed to comply with the recommendation *vide* letter No. V. III/381/27/81 dated the 29th July, 1981. Annexure I.

[Ministry of External Affairs O.M. No. F.(I)234/10/1/80 dated 28-10-81]

Recommendation Sr. No. 13 (Para No. 5.71)

Shortage of staff in many Indian Missions has been brought to the notice of the Committee. The Ministry have stated that the staff position in Indian Missions in Gulf countries was last reviewed in September, 1980 and another review would be undertaken in April this year (1981). The staff strength in the Missions in Gulf countries has already been increased by 50 per cent. Even then, the Ministry admit, it is not yet adequate to cope with the work. Foreign Secretary stated before the Committee that the Government procedures often prevented the Ministry from reacting fast to a developing situation and it takes a long time to create even one additional post anywhere. Finance is another major constraint in this field Foreign Secretary brought to the Committee's notice that even though the revenue collected by Indian Missions from fees and notarial acts etc., in some cases is much more than the administrative cost, it does not help the Ministry's case to create more posts in view of administrative procedures.

The Committee feel concerned at the rigid procedures which stand in the way of prompt augmentation of staff even when it is needed urgently in any Mission. What is surprising is that even when rigidity of procedure is openly acknowledged, it continues to be inflexible particularly in the matter of creation of more posts and no standing guidance to determine and post the staff with reference to changing work load have been evolved. The Committee would like to emphasize that Indian Missions in Gulf countries should be adequately staffed and overseas Indians should not be made to suffer on account of shortage of staff.

Reply of Government

As per its commitment to review the staff position in Indian Missions in Gulf countries, the Ministry had requested Missions in the region to send their requirements for additional staff. The

replies have since been received, and are being processed. However, as already observed, the creation of additional posts is a very long drawn out process and as such the strengthening of our missions in this region can only be carried out by transferring additional posts which are likely to become available by further staff rationalisation/reduction of posts in the larger missions in other countries.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80
dated 28th October, 1981]

Recommendation Sr. No. 61 (Para No. 5.78)

The Committee are informed that in the past it was difficult to spare officers for in-service training because of Indian Foreign Service being very small. Now when the Service has grown the Ministry have formulated a proposal for setting up a Training Institute in which there is a provision for providing in-service training to Foreign Service Officers. The Committee cannot over emphasise the importance of in-service training for officers particularly those who have to come into regular contacts with Indian nationals of various backgrounds.

Reply of Government

The observations of the Committee have been noted.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80
dated 28th October, 1981]

Recommendation Sr. No. 62 (Para No. 5.79)

The Committee are concerned to note that many Indian Missions have been handicapped in following up disputes about service contracts of Indian workers abroad in Labour Courts for want of Arabic language interpreters. The Committee are informed that in two Missions, namely, DOHA and Muscat, Arabic-knowing interpreters are not available. The Committee feel that the problems of Indian workers should not be neglected on any ground whatsoever least of all on the ground of non-availability of Arabic interpreters. The Committee are aware of the difficulties in getting Arabic interpreters but still they would expect the Ministry to find adequate number of Arabic interpreters for Indian Missions in Gulf countries without which the Missions would be totally ineffective in protecting the interest of Indian workers.

Reply of Government

Efforts are being made to recruit Indian-based Arabic interpreters for our Missions in Gulf countries. Meanwhile our Missions in Muscat and Doha have recruited local interpreters.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28th October, 1981]

Recommendation Sr. No. 63 (Para No. 5.80)

Suggestions have been made to the Committee that there should be Legal Officers fluent in Arabic language and well-conversant in Islamic Laws attached to Indian Missions who should render free advice to Indian workers. It has also been suggested that there should be special Labour Officers in the Missions to ensure that the service-contracts of Indian workers are implemented. The Committee are informed by the Ministry that the Mission Officers are fully qualified to discharge the functions of Labour Officers. As regards legal expertise the Ministry feel that they could perhaps engage legal experts on a retainer basis and specific cases may be referred to them for legal advice. What is needed is that legal advice should be available to deal with the disputes of Indian workers abroad. Modalities are for the Ministry to work out. The Committee would like the Ministry to formulate a complete proposal in this regard and try it on an experimental basis in the Indian Missions in West Asia. The position may be reviewed after sometime.

Reply of Government

Action is in hand to appoint Legal Officers, fluent in Arabic on retainer basis in our Missions in West Asia, in consultation with the Missions concerned.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28th October, 1981]

Recommendation Sr. No. 64 (Para No. 5.81)

The Committee are concerned to note that the posting of Head of the Mission in Yemen Arab Republic has been delayed for nearly 2 years. This has given an impression to local Indian nationals that their interests have been neglected by the Ministry. The Committee take note of the circumstances in which the posting of Indian Ambassador to Yemen Arab Republic has been delayed. They hope that such delays would be avoided in future in the interest of Indian community abroad.

Reply of Government

The observations of the Estimates Committee have been carefully noted for compliance in future.

[Ministry of External Affairs O.M. No. F.(I)234/10/1/80
dated 28th October, 1980]

Recommendation Sr. No. 65 (Para No. 5:82)

Language poses a problem to the Indian nationals on their first arrival in the Gulf countries. The Ministry have also conceded that the Indians not knowing the local language require assistance between the time of their arrival at the airport and reaching the hotel. The Committee agree with the Ministry that it is not possible for the Missions to make assistance available at the airports in Gulf countries or keep the Embassies open round the clock for assisting Indian travellers, who may be facing language problem on arrival at airport. But the Committee feel that Indian Missions in Gulf countries can certainly designate one or two officers knowing local language whom the visiting Indians having language problem may contact in times of difficulties. The names and telephone numbers of these officers may be circulated to Indian Emigrants before they leave India.

Reply of Government

The views of the Estimates Committee have been referred to the Indian Missions in Gulf countries to implement the recommendation vide letter No. V.III/381/27/81 dated the 29th July, 1981. (Annexure I) As the subject of emigration of Indian workers abroad has been transferred to the Ministry of Labour the matter has been referred to them for follow up action.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28th October, 1981]

Recommendation Sr. No. 66 (Para No. 5:82)

Even though it may not be an official duty an Indian Mission to assist Indian nationals in finding hotel or paying guest accommodation, this is a matter which poses a problem to every new arrival from India. The Committee feel that Indian Missions should have no difficulty in compiling and keeping detailed information about hotel and other accommodation available together with the appropriate range of tariff and provide this information to the visiting Indian nationals if they approach the Missions for any information in this regard. Indian Missions should also be able to guide the Indian visitors as to how they should go about finding accommodation for their residence. The Committee would expect the Ministry to issue detailed instructions in this regard.

Reply of Government

All the Indian Missions and Posts abroad have been instructed to make available the required information to the visiting Indian nationals as recommended by the Committee. A copy of Ministry's Instructions circulated *vide* letter No. T.735/2/81 (ii) dated 31st July, 1981 is enclosed as Annexure XIV.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80 dated 28th October, 1981]

ANNEXURE XIV

MOST IMMEDIATE
IMPORTANT

M. K. Mangalmurti	Government of India
Joint Secretary (CPW)	Ministry of External Affairs, New Delhi
No. T. 735/2/81(ii)	July 31, 1981.

My dear Head of Mission/Post,

The Estimates Committee (1980-81) of the Lok Sabha had taken up for examination the estimates of this Ministry with particular reference to the Overseas Indians in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore. During the course of its deliberation, one of the Indian Associations had represented to the Committee that the Indian Missions do not help Indians in finding accommodation or Hotel or paying guest accommodation.

2. In its report, the Committee has *inter alia* made the following recommendation:—

“Even though it may not be an official duty an Indian Mission to assist Indian nationals in finding hotel or paying-guest accommodation, this is a matter which poses a problem to every new arrival from India. The Committee feel that Indian Missions should have no difficulty in compiling and keeping detailed information about hotel and other accommodation available together with the appropriate range of tariff and provide this information to the visiting Indian nationals if they approach the Missions for any information in this regard. Indian Missions should also be able to guide the Indian visitors as to how they should go about finding accommodation for their residence. The Committee would expect the Ministry to issue detailed instructions in this regard.”

3. I shall be grateful if the required information is made available to the visiting Indian nationals as recommended by the Estimates Committee.

4. Please acknowledge receipt of this letter.

Yours sincerely,
Sd/—
(M.K. Mangalmurti)

All Heads of Missions/Posts abroad

Recommendation Sr. No. 68 (Para No. 5.84)

Indian Films are a great attraction for Indians abroad. It has been brought to the Committee's notice that Indian community finds it difficult to use Embassy premises for organising film shows. The Committee take note of the position explained by the Ministry that under Vienna Convention Embassy premises are not allowed to be used for commercial purposes. The Committee feel that there should be no objection, subject to the Ambassador's discretion, to allow film shows in the Embassy premises, not on commercial basis, but free of charge. The Ministry have stated that free shows are organised by Indian Missions in Embassy premises though the films exhibited on such occasions have been rather old films. The Ministry and the Indian Missions should appreciate the keenness of Indian nationals abroad to see latest Indian films. The Committee desire that the Indian Missions should be advised to arrive at a working arrangement with local Indian community which, without violating Vienna Convention, would enable the community to see film shown in Embassy premises.

Reply of Government

The Committee's recommendation has been circulated to all Heads of Missions and Posts abroad for guidance. A copy of Ministry's circular letter No. XPP/3073/1/81 dated 18th August, 1981 is enclosed as Annexure XV.

[Ministry of External Affairs O.M. No. F(1) 234/10/1/30
dated 28th October, 1980]

Ministry of External Affairs
External Publicity Division

J. N. Dixit

Joint Secretary (XP).

No. XPP/3073/1/81.

August 18, 1981.

My dear Head of Mission/Post,

The question of arranging Indian film shows in the premises of Indian Missions/Posts abroad for Indians abroad has been engaging the attention of the Estimates Committee for quite some time. We reproduce below the observation of the Committee made in its 17th Report for your information and guidance:

"Indian Films are a great attraction for Indians abroad. It has been brought to the Committee's notice that Indian community finds it difficult to use Embassy premises for organising film shows. The Committee take note of the position explained by the Ministry that under Vienna Convention Embassy premises are not allowed to be used for commercial purposes. The Committee feel that there should be no objection, subject to Ambassador's discretion, to allow film shows in the Embassy premises, not on commercial basis, but free of charge. The Ministry have stated that free shows are organised by Indian Missions in Embassy premises though the film exhibited on such occasions have been rather old films. The Ministry and Indian Missions should appreciate the keenness of Indian nationals abroad to see latest Indian films. The Committee desire that the Indian Missions should be advised to arrive at a working arrangement with local Indian community which, without violating Vienna Convention, would enable the community to see film shown in Embassy premises."

Yours Sincerely,

Sd/—

(J. N. Dixit)

All Heads of Mission/Post.

Recommendation Sr. No. 69. (Para No. 5.85)

"The Committee take note of the Ministry's decision to include the addresses and telephone numbers of Officers of Indian Missions and Cultural associations abroad in the booklet which they are proposing to bring out for supply to Indian emigrants. They hope that this booklet will be out soon."

Reply of Government

The Guide-Book which is under publication contains such addresses to the extent possible.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/30
dated 28-10-81]

Recommendation Sr. No. 71 (Para No. 5.87)

The Committee agree with the Ministry of External Affairs that the overseas Indians deserve to be shown greater consideration under the Customs rules in the matter of bringing their material possessions and other articles from abroad. The Committee would like the Ministry of External Affairs to take up this matter with the Ministry of Finance.

Reply of Government

As this concerns the Ministry of Finance, Department of Revenue, it was taken up with them. They have advised that a Study Group had been appointed to recommend measures for improvement in the customs clearance of international passengers. This Study Group had submitted its report in September, 1979. The Chief recommendation of the Study Group was that proper incentives should be given to passengers to contain their baggage within the limits of free allowances and simultaneously the Baggage Rules/the structure of duty should be so constituted as to dispense with the requirement of appeals/adjudications etc. This recommendation was accepted and duty structure on baggage was revised with effect from 15-7-1980.

2. Under the existing Rules, a passenger can bring all used articles of personal wear including a wrist watch upto a value of Rs. 550/- without duty and in addition thereto, he is allowed to import free of duty articles up to a value of Rs. 1000/-. Besides, in the case of passenger who was engaged in his profession abroad for over three months, articles actually used for running his household, namely linen, utensils, table ware, kitchen appliances and iron upto an aggregate value of Rs. 1000/- may be imported free of duty. In the case of passengers coming on transfer of residence rules, all items of baggage except motor vehicles, air-conditioners, refrigerators, deepfreeze and alcoholic liquor etc. are allowed free of duty if they have been in own use and possession abroad of the passenger for one year. In the case of refrigerators, air-conditioners and deep-freezer brought under Transfer of Residence Rules, a concessional rate of duty has been fixed by issue of appropriate notification.

3. Over and above the free allowance admissible to a passenger, he can now also bring articles of baggage other than a few listed upto the value of Rs. 2000/- on a concessional rate of duty of 155 per cent and it is only when a passenger chose to bring goods in excess of these limits that he had to pay duty of 325 per cent. This rate of duty of 325 per cent not only includes customs duty but also takes care of the elements of fine and penalty which would have been otherwise leviable. The I.T.C. restrictions have been removed and what is necessary is that the baggage should consist of bonafide household effects and gifts or souvenirs for friends and relatives.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28th October, 1981]

Recommendation Sr. No. 72 (Para No. 5.88)

The Committee would like that the returning Indians should be treated with courtesy and not subjected to any inconvenience or harassment at the time of Customs clearance. They would like special instructions to be issued in this matter to all customs authorities.

Reply of Government

The customs and other authorities involved in handling clearance of passengers at international airports have been seized of the problem. Various kinds of steps have also been introduced with a view to bring about improvement in this regard. With a view to ensuring that passengers arriving at international airports are cleared through customs expeditiously and with courtesy, the number of supervisory staff at the airports has been increased. Senior customs Officers have also been posted at airports to ensure this. Complaint boxes have been fixed at conspicuous places and announcements are made that the passengers can put their complaints in these boxes or see Assistant Collector of Customs for redressal of their grievances, if any.

2. Steps in this regard were also considered at an inter-Ministerial meeting which Secretary (ER) had convened in this Ministry on 17-2 81. This meeting was attended by the representatives of the State Governments concerned, the Department of Tourism, International Airport Authority of India and Air India. In pursuance of the decision taken at this meeting the departments concerned issued fresh instructions to the members of their respective staff to treat the international passengers with due courtesy and expeditiously.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 dated 28th October, 1981]

Recommendation Sr. No. 73 (Para No. 5.96)

The Committee find great force in suggestion that Associations of Indians abroad can prove to be of immense benefit to the Indians in a variety of ways. Associations can provide security and afford assistance in economic activities to the Indians abroad. They can supplement the efforts of Indian Missions in many ways. They can be an ideal channel of communication between Indian community and the Missions. The Committee will therefore recommend that Indian Missions should exert all their influence to promote associations of Indians abroad and assist the associations to organise cultural, social and educational activities for the community at large.

Reply of Government

The Ministry of External Affairs supports the suggestion that associations of Indians abroad can play a useful role. There are existing instructions to our Missions in this matter as reproduced below. However, the importance of this aspect has been re-emphasised our Missions:

“(a) Most tours do, or at any rate should, involve as far as possible contacts with local Indian associations.”

“(b) I must add that those of us who have experience of serving in countries where there is a large resident Indian ethnic population, are aware that the problem of husbanding our relations has a special dimension particularly when most of them are not Indian nationals. Consistent with our policy, we have to avoid giving credence to any suspicions that the political rights or ethnic Indians are the responsibility of the Government of India. This is not easy, as at times there is such an expectation of protection and support of India. At the same time, we cannot appear to disown their emotional attachment to the country of their origin. A balance has to be struck of showing active interest in the Indian, ethnic or national community, but short of political identification or sense of excessive social obligation to the community.

The Indian Community abroad, especially in the developing world, is generally conservative and proud of their traditional social values. The conservation of these is, in fact, a reflection of the social pattern and ethos of majority of our people at home (leaving aside the elite societies of urban India). We have, of course, to be secular and non-sectarian. But all ethnic Indians must get the feeling that

the Indian envoys show respect and understanding for their social, religious and cultural activities and functions. This requires thought and must involve sensitivity which goes beyond what is normal conventional State-to-State diplomacy in countries where there is no Indian ethnic community. There should be a willingness, as far as possible, to participate and respond to invitations to celebrations and functions of the Indian community.

I should also emphasise that the effort in such social relations cannot be restricted to Heads of Mission and other officials only. Equally important is the attitude, interest and engagement on the part of the wife or consort of the Head of Mission and of the other members of the families of the officials."

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80
dated 28th October, 1981]

Recommendation Sr. No. 74 (Para No. 5.91)

Where there are more than one association, the Indian Missions should organise a community Council to serve as an apex body representing all the associations to bring about coordination among all of them. The Ministry stated in evidence that apex organisations were functioning in Bahrain, Jordan and Yemen Arab Republic. The Committee would suggest that apex associations should be promoted in all other Gulf countries.

Reply of Government.

Ministry agrees with the recommendation of the Estimates Committee that there should be an apex body representing all the Indian associations in a particular country. Instructions in this regard already exist as reproduced below:

"At a post where the Indian community is large and for geographical and social reasons not well integrated, the Consular Officer may find it desirable to organise at his post if it does not already exist—a Community Council, representative of the various Indian societies, clubs etc. Such an organisation is useful in coordinating the activities of the Indian community as a whole, particularly on special occasions such as the visit of Indian ships or of distinguish-

ed Indian visitors. The members of the Council should represent as widely as possible a cross section of Indian community and should include one or two ladies.”

However, in accordance with the wishes of the Estimates Committee, we have laid fresh emphasis on this and asked the concerned Missions to promote harmony amongst the various Indian associations and to encourage, as far as possible, formation of community Councils to serve as apex bodies.

[Ministry of External Affairs O.M. No. F. (i) 234/10/1/80
dated 28-10-81]

CHAPTER III

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

Recommendation, S. No. 1 (Para No. 1.34)

The Committee do not think it would be proper for them to come to any conclusion as to the real situation faced by Indians in Sri Lanka, Burma, Malaysia, Singapore and Indonesia only on the basis of reports which they have received from Indian organisation and others. The Committee also question the statement of the External Affairs Ministry that the people of Indian origin in Sri Lanka are reluctant to be repatriated. The Committee feel that the problems of overseas Indians in these countries require to be studied in depth and for this purpose an on-the-spot study is necessary. In view of this, the Committee have decided to defer the report on Overseas Indians in Sri Lanka, Burma, Malaysia, Singapore and Indonesia to next year (1981-82) pending the study of the situation on-the-spot.

Reply of Government

The Government has considered the recommendation in consultation with its Ambassadors/High Commissioners in Sri Lanka, Burma, Malaysia, Singapore and Indonesia and is of the opinion that an on-the-spot study of Indians overseas in South East Asia by the Committee as a whole or by any of its member in his official capacity would be inadvisable as it could have repercussions on our bilateral relations with the countries concerned. The Minister of External Affairs has also written in this connection to the Hon'ble Chairman of the Estimates Committee.

Recommendation, S. No. 33 (Para No. 3.144)

The Committee were initially informed that during the last year and a half there have been no cases of violation of contractual terms of Indian workers in Iran. There were some such problems during the regime of the former Shah of Iran, especially, during the course of revolution and its aftermath in 1978-79. When the attention of the Ministry was invited to the memorandum received by the Committee stating that during the last few years there have been many cases of violation of contracts by Iranian employers, the Ministry

confessed that there was a little misunderstanding on their part earlier as their statement related to Indian workers not experts. The Ministry have stated that their dispute regarding payments to Indian doctors by some societies in Iran is pending and the Indian Mission is trying to find a solution. The Committee would like to be apprised of the solution.

Reply of Government

Since the Iranian Revolution of February 1979, there have been some changes affecting contracts of Indian medical personnel in Iran. The first was the merger of three organisations employing Indian medical personnel *viz.*, Ministry of Health, Red Lion and Sun Society (RLSS) and the Imperial Organisation for Social Services. They were all merged under Ministry of Health and uniform pay scales were introduced. This led to some downward revision in the pay and allowances of those who had been working for the RLSS. The matter was taken up by Indian Embassy with the Iranian Ministry of Health, who regretted their inability to do anything in the matter because the medical personnel employed by different organisations would be paid different scales of salary and allowances. The Ministry of Health however agreed that those who were not willing to accept the revised terms could leave. Those who had been working for RLSS were asked to sign fresh contracts. There were four cases in which the doctors continued to work on the old scales and after one year were told that they would have to sign fresh contracts and from a back date and that excess payment made to them would be recovered. These cases were taken up with Ministry of Health and it was agreed that while they would have to sign fresh contracts, no recoveries would be made and excess payment made would be adjusted by giving extra allowances on paper.

Another problem which came up in 1980 has been the decision of the Ministry of Higher Education, which is responsible for evaluation of educational certificates, to downgrade the B.D.S. (Dental Surgeons) and M.D.S. certificates obtained from India. This has meant reduction in status and salary. The matter was taken up with the Ministry of Health and Ministry of Foreign Affairs. They have intimated that responsibility for evaluation of documents is that of the Ministry of Higher Education and that the Ministry of Health has merely carried out instructions of the Ministry of Higher Education. As at the time of merger of various organisations, in this case also Dentists have been asked to sign fresh contracts. The question of recovery of excess payments was, however, waived because of intervention of Indian Embassy, but Ministry of Health has taken the

stand that the Dentists would have to sign new contracts, and those who were not willing to do so could leave Iran. The matter is still being pursued to ascertain the reasons for the change in evaluation by the Ministry of Higher Education.

There have been a number of other issues like cancellation of contracts of those returning late from leave beyond a period of 15 days leave without pay, deduction of income tax from house rent allowance, non-payment of return air passage to deputationist doctors having to return midway between their contract, etc. Whenever such incidents were reported to the Indian Embassy, they were taken up with Ministry of Health and Ministry of Foreign Affairs. It has not been possible to find acceptable solution to all these problems. Many a time the difficulty has arisen because of the sudden implementation of new regulations without giving adequate notice, and matters of this kind are inherent in the situation that has emerged after the revolution. However all such matters have been taken up with the Ministry of Health and the Ministry of Foreign Affairs and a high level meeting has been sought to discuss these matters and the contract form in detail. The Ambassador also personally took up these matters with the Ministry of Health in early July 1981.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 Dated 28-10-81].

Recommendation S. No. 67 (Para No. 5.83)

• The Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 and the Rules made thereunder authorise Indian Missions to charge fees for attestation of documents. The Committee are surprised to find that the fees charged by Indian Missions in Gulf countries are much higher than those charged by Missions of many other countries. While Indian Missions charge Rs. 45/- for attestation, Malaysian Missions charge Rs. 18/-, Korean Missions Rs. 9/-, Kuwaiti Missions Rs. 30/- and Iraqi Missions Rs. 14/-. The Committee would like the Ministry to review the Schedule of Fees prescribed under the aforesaid Act and Rules with a view to making them reasonable comparable with the fees charged by other Missions.

Reply of Government

The Government have carefully examined the recommendation of the Committee. Additional information collected reveals that a number of Foreign Missions in West Asia charge much higher fees than those charged by the Indian Mission. Countries like Pakistan and Bangladesh even levy a surcharge for rendering a Consular

Service within three days whereas the Indian Missions render the service. without any surcharge, within a period of 48 hours. The Government have, therefore, found that the fees charged by the Indian Missions are reasonable and compare favourably with most of the countries and therefore, need no revision.

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 Dated
28-10-81].

CHAPTER IV

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

Recommendation Sr. No. 2 (Para No. 2.59)

With the spurt in the Indians going for jobs in West Asia following the oil-boom, there has been a mushrooming growth of recruiting agents. In 1976, the Ministry of Labour set up a system of licensing of recruiting agents with a view to regulating their activities and this system continued till it was over-ruled by the Supreme Court's order dated 20 March 1979. A substantial number of Indian nationals had in the meantime gone to Gulf Countries without proper authorisation. In their anxiety to go abroad on employment, the Indians were duped by unscrupulous recruiting agents and a good number of them became destitutes in foreign lands. The lure of jobs is understandable; the recruiting agents greed to make quick money, though reprehensible, is also understandable; what is not understandable is the failure of the licensing system of Labour Ministry during 1976—79. The Committee are constrained to express their unhappiness over the failure of the licensing system of Labour Ministry to check illegal and unauthorised emigrations.

Reply of Government

The reply of the Ministry of Labour is reproduced below:—

“The Ministry of Labour, while the licensing system was in force from 1976 to 1979, screened applications from recruiting agents for registration after verifying their antecedents and financial viability very carefully before granting the licence. Even the licensed agents had to seek and obtain permission of the Labour Ministry again for deployment of workers abroad for each specific case. The Ministry of Labour, while granting these specific permissions, checked the terms and conditions of employment thoroughly and ensured that they were not substandard. In this manner, the Ministry checked to some extent the malpractices of the recruiting agents. It may, however, be mentioned that the system of licensing of recruiting agents

by itself would not prevent illegal emigration. More important from the point of view of checking illegal emigration are checked at the time of registration with Protectors of Emigrants and at the airports before embarkation. Only the Coast Guard can check illegal emigration by sea. In the absence of legal powers to punish unauthorised or unlicensed agents to emigrate workers, checking of illegal emigration was not perhaps complete. It would, however, not be correct to say that the licensing system of the Ministry of Labour was a failure."

[Ministry of External Affairs O.M. No. F(i) 234/10/1/80 Dated 28-10-81].

Comments of the Committee

Please see paras 1.5 to 1.7 of the Report—Chapter-I

Recommendation Sr. No. 10 (Para No. 2.67)

The Emigration Act 1922 enjoins upon the Protector of Emigrants to enquire into the treatment meted out to the returning emigrants during their stay abroad and report thereon to the Government. It authorises the Central Government to lay down terms and conditions for the health and well-being and repatriation of emigrants going out for skilled and unskilled work. It is stated that these powers were, lost after Supreme Court judgement of March 1979. The Committee find that the Protectors of Emigrants and the administrative Ministries did not care to exercise these powers fully, even till March 1979. If exercised, these powers could have protected the interests of Indian emigrants to a considerable extent. The Committee cannot but express their unhappiness that Government authorities failure to discharge a duty enjoined upon them by law resulted to exposure of Indian emigrants to ill-treatment and harassment in foreign lands, which could have been prevented by timely action beforehand.

Reply of Government

The returning emigrants did not inform the Protectors of Emigrants of their travel details nor did they meet them even after their return to India. Therefore, it was not feasible on the part of the Protectors of Emigrants to enquire into the treatment meted out to them during their stay abroad. However, the Indian Missions abroad checked the demand letter and power of attorney of the foreign employers while attesting these documents. The Protectors of Emigrants also checked the terms and conditions of the

employment agreements signed between the individual Indian workers and the foreign employers while registering these contracts before the departure of Indian workers. Indian Missions kept an eye on the Indian workers helped in the redressal of their problems and in some cases arranged repatriation of those workers whose problems could not be resolved.

Prior to March 1979 the Ministry of Labour was entrusted with the work of emigration. The above recommendation was referred to them and their reply is reproduced below:—

“It may be stated in this connection that since the time of the Ministry of Labour was made the focal point to regulate emigration in 1976 and till the Supreme Court orders came into force in March 1979, the Ministry had been screening requests from recruiting agents for grant of permission to deploy Indian workers abroad and insisting on employment agreements which satisfied certain criteria regarding wages, conditions of work and repatriation, laid down on the basis of recommendations of our Missions abroad after taking into account the working and living conditions in different countries. It would, therefore, not be correct to say that the powers to regulate the terms and conditions of employment were not exercised by the Government.”

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28th October, 1981]

Comments of the Committee

Please see paras 1.8 to 1.11 of the Report—Chapter I.

Recommendation Sr. No. 11 (Para No. 2.68, 2.69 and 2.70)

The Supreme Court Order (March 1979) lays down that no person shall emigrate or assist in the emigration of any person for the purpose of taking or enabling such other person to take any employment which, *inter alia*, “offends against the public policy of India on the ground that the foreign employment involves the doing of work of a kind or nature which violates notions of human dignity or on any other similar grounds.” The Ministry initially held that, following this judgement, “the Government lost the authority to insist on any minimum terms and conditions of (employment) contracts.” When the Committee expressed a doubt during evidence whether Supreme Court’s Order could be taken to mean an absolute bar on the Government’s authority to look into terms and conditions of employment|contracts, the Ministry took the Law

Ministry's opinion and stated that "at the time of registration of contracts, the Protector of Emigrants ensures that the terms and conditions of contract do not contain any provisions which would be tantamount to violating the notions of human dignity or which are illegal in nature."

2.69 This clearly shows that the Supreme Court's Order did not put an absolute bar on the Government's authority to go into the employment contracts of Indian emigrants and the Ministry were wrong in the position taken by them earlier.

2.70 "The Committee therefore cannot but regret at the Ministry's earlier attitude of inaction *vis-a-vis* terms and conditions of contracts of emigrating Indians under a wrong assumption that the Supreme Court Order debarred them from insisting on any minimum terms. It is a moot point as to how many cases of service contracts inconsistent with human dignity could have been detected by the Ministry if they had not adopted the wrong approach earlier. The Committee would like the Ministry to learn a lesson from this and exercise their authority within the four corners of the Supreme Court Order to insist on incorporation of proper safeguards in the employment contracts against ill treatment and harassment of Indian workers."

Reply of Government

Ministry of External Affairs are not aware of any such service contract inconsistent with human dignity which has been approved by the Protector of Emigrant. It is, however, true that according to the Supreme Court Order of 20th March, 1979 it has not been possible to insist on any minimum terms and conditions of employment contract.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28th October, 1981]

CHAPTER V

RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES ARE STILL AWAITED

Recommendation Sr. No. 12 (Para No. 2.71)

The Committee note that a proposal to set up an overseas Manpower Corporation at the Central level to aid and assist Indian nationals in obtaining employment abroad is under the consideration of the Government. The private recruiting agencies will also be allowed for function in healthy competition with the proposed public sector corporation. The Committee have gone into the matter. If private recruiting agencies have to be allowed to function, they will naturally function on commercial lines with profit motive and will have to charge fees from job-seekers to keep them going. The Committee are not able to appreciate the need, nature and utility of the "competition" to be provided by private recruiting agencies which the Ministry have in mind. The Committee feel that what is needed is a centralised agency with a few Branches at selected metropolitan cities which should register the applicants for jobs abroad, prepare and submit panels of eligible candidates for each job for approval of the foreign employers, standardise terms and conditions of work and keep in touch with the foreign employers and Indian Missions to monitor the working conditions of Indian emigrants with a view to ensuring that they are treated with dignity and at par with the nationals of other countries working in the same field and they enjoy in full the terms and conditions agreed upon.

Reply of Government

This proposal is under consideration by the Ministry of Labour. Their replies are given below:—

"A proposal to set up an overseas manpower corporation under the Central Government is under consideration. The question whether such corporation should be a substitute for or be in addition to the existing recruiting agencies in the private sector has been considered earlier and more recently in an inter-ministerial meeting held on 18th July, 1981 and the general view was that the private agencies should not be totally eliminated. In a situation

where there is massive unemployment at home and lucrative employment opportunities elsewhere and in the face of tough international competition to grab these opportunities, the need is for speed and flexibility of approach. The private recruiting agents have built up over the years, elaborate contacts with foreign employers and success in sending large numbers of Indian abroad would depend very much on these established contacts. Replacement of the private operators by a monopoly Government agency would at once snap these contacts and it might take several years to re-establish them, during which India may lose ground to other countries in the field.

Further, a monopolistic Central Government Corporation, registering names for employment abroad, as suggested by the Estimates Committee, may create expectations among job-seekers not matched by opportunities and might get bogged down in maintaining lists. It would also be subject to pressures inherent in a democratic framework. Experience of the functioning of similar corporations set up by some of the State Governments, and in other countries like Bangladesh and Philippines, suggests that it would be useful to continue with the private agencies. It would, however, be essential to ensure the welfare of the workers through adequate regulatory measures. The presence of a model Central Government Corporation also helps in this process.

In view of the above, it may be desirable, for the time being, to allow the private agencies to function side by side with the proposed Central Corporation."

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28th October, 1981]

Comments of the Committee

Please see paras 1.12 to 1.14 of the Report—Chapter I.

Recommendation Sr. No. 70 (Para No. 5.87)

The Committee would suggest that the Question of reservation of seats in professional and State colleges for expatriate Indians should be considered by the Government.

Reply of Government

Some seats in Indian professional institutions are allotted to foreign nationals including those of Indian origin on a discretionary basis. However, Estimates Committee's recommendation to reserve seats for expatriate Indians (Indian nationals living abroad) has been referred to Ministry of Education for their comments.

[Ministry of External Affairs O.M. No. F(i)234/10/1/80
dated 28th October, 1981]

Comments of the Committee

Please see paragraph 1.19 of the Report—Chapter I.

NEW DELHI;
February 23, 1982
Phalguna 4, 1903 (S).

S. B. P. PATTABHI RAMA RAO,
Chairman,
Estimates Committee.

APPENDIX

(Vide Introduction)

Analysis of action taken by Government on the 16th Report of the Estimates Committee (7th Lok Sabha)

Committee (7th Lok Sabha)

	PAGE
I. Total number of Recommendations	74
II. Recommendations which have been accepted by Government (Nos. 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 71, 72, 73, 74)	66
Percentage to total	89%
III. Recommendations which the Committee do not desire to pursue in view of Government's reply (Nos. 1, 33, 67)	3
Percentage to total	4%
IV. Recommendations in respect of which replies of Government have not been accepted by the Committee (Nos. 2, 10, 11)	3
Percentage to total	4%
V. Recommendations in respect of which final replies of Government are still awaited (Nos. 12, 70)	2
Percentage to total	3%

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