

# **ESTIMATES COMMITTEE (1980-81)**

(SEVENTH LOK SABHA)

## **SIXTEENTH REPORT**

**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 28 April, 1981*



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(1980-81)**

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## INTRODUCTION

1. I, the Chairman of Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Sixteenth Report on the Ministry of External Affairs—Overseas Indian in West Asia, Sri Lanka, Malaysia, Burma, Indonesia and Singapore—Part I—West Asia.

2. The Committee took evidence of the representatives of the Ministry of External Affairs on 17, 18 and 19 February, 1981. The Committee wish to express their thanks to the Officers of the Ministry for placing before them the material and information which they desired in connection with the examination of the subject and giving evidence before them.

3. The Committee also wish to express their thanks to Shri I. J. Bahadur Singh, former diplomat, Shri Dinesh Singh, M.P., and Shri S. Shahbuddin, M.P. for giving evidence and making valuable suggestions to the Committee.

4. The Committee also wish to express their thanks to all others institutions, associations, bodies and individuals who furnished memoranda on the subject to the Committee.

5. The Report was considered and adopted by the Committee on 24th April, 1981.

6. For facility of reference the recommendations/observations of the Committee have been printed in thick type in the body of the Report. A summary of the recommendations/observations is appended to the Report.

NEW DELHI;

S. B. P. PATTABHI RAMA RAO.

April 27, 1981.

*Chairman,*

*Vaisakha 7, 1903 (Saka).*

*Estimates Committee.*

## CHAPTER I

### INTRODUCTRY

1.1. The term 'Overseas Indians' is an all inclusive one; it includes all people of Indian origin abroad. Some of them retain their Indian nationality. Some others are nationals of the country of their adoption. Still another category is that of people of Indian origin in various countries who were rendered 'stateless'. Unofficial estimates place the number of Indians overseas at about ten million. From the very beginning of our recorded history, there have been large movements of Indian traders, craftsmen, religious men and others across the land and sea frontiers of India leading to establishment of new communities and new synthesis of cultures. There is hardly a country where there are no people of Indian origin or Indian nationals.

1.2. The succeeding paragraphs give in brief the historical background of overseas Indians in West Asia and certain countries of South East Asia including Sri Lanka.

#### (a) *West Asia*

1.3. The oil-rich West Asian countries have, in recent years, attracted an increasing number of Indians. A large number of professionals, like doctors, engineers, chartered accountants etc. and many times more skilled and unskilled workers have gone over there from India since the Oilboom. A large number of Indians, estimated at 1,18,000 have acquired citizenship in the respective countries in which they have settled in West Asia. Out of these nearly 99,500 are in Yemen People's Democratic Republic and about 10,000 in Iraq. Indians who have settled but not acquired citizenship number about 80,000. Saudi Arabia tops this list with 40,000. Oman has about 17,000 and Behrain about 15,000.

A sizeable number of Indians went to West Asia after 1947 temporarily on work permits and job contracts. Their total number is about 5,66,000. In this category the UAE tops the list with 2,50,000 workers after which comes Saudi Arabia and Kuwait with 80,000 each. Oman with 68,000, Qatar 30,000, Bahrain 25,000, Iraq 23,000, Yemen Arab Republic 5,000, Jordan 3,500 and Yemen People's Democratic Republic 1,000.

1.4. There are at present about 1 million Indians in West Asia. Government has no information about 'stateless' Indians in West Asia.

(b) *South-East Asia*

*Burma:*

1.5. Indian immigration to South-East Asian countries took place mostly during the nineteenth century. Immigration to Burma dates from 1852 after British annexation of lower Burma. As Burma formed a part of British India for a long time, Indians went there in large numbers not only as cultivators but also as money-lenders, businessmen and contractors. Even after Burma became separated in 1937, there was no restriction on the entry of Indians into that country. When Burma became independent after the Second World War, the Burmese Constitution did not recognise Indians as a minority and they were not provided with any safeguards. Less than 10,000 accepted Burmese citizenship. The Burmese Government adopted many nationalisation measures and this resulted in a continuous outflow of Indian refugees from Burma. Many Indians had to leave their properties behind. They could transfer very little of their savings and they came to India deprived of their livelihood through nationalisation and other measures.

1.6. Stateless persons (Approximately 200 thousand) have no legal rights and suffer from many inconveniences. These are mainly petty traders, labourers and technicians. Many of them do not want to leave the country as they have lived in Burma for generations.

*Malaysia and Singapore*

1.7. The first settlers to Malaysia and Singapore went as indentured labour during the nineteenth century. Most of them were absorbed in the sugar plantations. During the 1920s and later the British Government began to recruit labour for government undertakings and various other services. Most of the migrant labour employed in plantations was from south India. Stateless persons (150 thousand) living in Malaysia face restrictions on employment, movement, etc. Most of them have applied for Malaysian citizenship but have been unable to obtain it owing to the rigid qualifying standard set by the Malaysian Government.

1.8. The growth of Singapore as the principal entrepot centre attracted a large number of Indian migrants mostly of the merchant community. They came from different parts of India. By 1947 Indian population in Singapore was mainly composed of the merchant community and accounted for 7 per cent of the total population.

1.9. Stateless persons in Singapore (2 thousand) have permanent residence status on the basis of "Stateless" certificates issued by the Indian Mission. They can apply for Singaporean citizenship. Alternatively, they can apply for Indian citizenship. It is presumed that over a period of time their problems will disappear as they acquire either Indian or Singaporean citizenship.

#### *Indonesia.*

1.10. Indonesia attracted Indian immigration probably as a spillover from the regular migration to British settlements and adjacent Malaya. Most of them were Muslims and came from western and eastern coast of India. The Indian population in Indonesia has remained more or less constant. At present these are about 24000 Indian nationals in Indonesia.

#### *Sri Lanka*

1.11. Systematic labour migration to Sri Lanka began in 1830s. The stream of workers from South India increased in leaps and bounds between 1830s and 1880s but never got assimilated into the Island's permanent population. The majority of the Indian labour was concentrated in the tea and rubber estates and came from south India. The proximity of homes in India and the lack of contact with the local population resulted in the emergence of an emigrant Indian community as a separate part of Ceylon's permanent population. The Indian labour question thus became a prominent issue in Ceylonese politics.

1.12. In 1964, there were approximately 975 thousand stateless persons of Indian origin in Sri Lanka. The Indo-Sri Lanka agreements of 1964 and 1974 provided the framework for the repatriation to India of 600 thousand of such persons, while the remaining 375 thousand were to be given Sri Lankan citizenship. By the beginning of last year, less than half the persons covered in the agreement had been repatriated to India or given Sri Lankan citizenship.

#### *(c) Indians in Sri Lanka*

1.13. Prior to the emergence of India and Sri Lanka as independent States all persons of Indian origin in Sri Lanka were regarded as British subjects. In the immediate post independence period, the Government of Sri Lanka (then Ceylon) enacted a legislation in the shape of 1948 and 1949 citizenship Acts under which it was implicitly recognised that all those persons who would not be granted Sri Lankan citizenship were to be regarded as citizens of India. The Government of India's position was that the persons of Indian origin could not automatically be regarded as Indian citizens and, therefore, India could not accept the responsibility for their repatriation. Persons of Indian origin in Sri Lanka, thus acquired the status of Stateless individuals.

1.14. The Ministry of External Affairs have furnished a note tracing the history of agreement (1964) between India and Sri Lanka on the future status of persons of Indian origin in Sri Lanka, as follows :

1.15. In 1949, the Government of Sri Lanka (then Ceylon) passed a legislation by which approximately 1,30,000 persons acquired Ceylon citizenship. However, a vast majority of the people of Indian origin remaind stateless.

1.16. During the visit of then Prime Minister of Sri Lanka, Mrs. Sirimavo Bandarnaike to India in October, 1964, an agreement was signed between India and Sri Lanka (then Ceylon) on the future status of persons of Indian origin in Sri Lanka. The main features of the Agreement were :—

- (1) Out of the 9,75,000 such persons, Sri Lanka would accept as citizens 3,00,000 persons together with the natural increase in that number.
- (2) 5,25,000 such persons together with the natural increase in that number would be accepted as Indian citizens and repatriated to India;
- (3) The repatriation of these persons to India would be completed within a period of 15 years namely by October, 1979 and in accordance with an agreed programme; and
- (4) The status of the remaining 1,50,000 persons would be decided later on.

1.17. By a second Agreement signed in June, 1974, India agreed to repatriate another 75,000 persons along with their natural increase, out of the remaining 1,50,000 within a period of two years after the persons covered by the earlier Agreement had been repatriated. The remaining 75,000 would be absorbed by Sri Lanka.

1.18. The 15-year period within which the 1964 Agreement was supposed to have been implemented expired on 30th October, 1979 with some what less than 50 per cent of the persons covered under the Agreement having been repatriated. Upto 31-1-1980, 2,56,299 accountable persons have been repatriated to India and 1,46,442 accountable persons have been granted Sinhalese Citizenship.

1.19. The working of the 1964 Agreement was reviewed during the visit of the Foreign Minister of Sri Lanka to India in 1978 and also by the Joint Working Group of the officials of the two countries. The annual rate of repatriation agreed to during those discussions was 35,000. However, Government of India have not even been able to fulfill this

annual target due to the reluctance of people to be repatriated to India at this juncture when there is a likelihood of their being permitted to stay on in Sri Lanka.

1.20. Since the implementation period of the 1964 Agreement has expired, the question before Government of India now is whether to continue implementing the Agreement till such time as their commitment under this Agreement has been fulfilled or whether some new arrangements should be worked out with Sri Lanka to satisfactory resolve the thorny issue of the stateless persons. At the present moment, Government of India have not yet made any formal approach to Sri Lanka as a lot of rethinking about this Agreement is currently going on within that country. It is understood that some of the proposals under consideration with the Sri Lanka Government are (1) The linking of the grant of Sri Lankan citizenship to the grant of Indian citizenship in the agreed ratio of 7:4. At present, the grant of Sri Lanka citizenship is linked to actual repatriation to India and this has inevitably resulted in delays. Persons granted Indian citizenship would be permitted to stay and work in Sri Lanka till they superannuate. (2) Another proposal is for Sri Lanka to invite fresh applications from all stateless persons and register all those who apply as Sri Lankan citizens. With the remained being granted Indian citizenship. In case, this is accepted, the 1964 and 1974 Agreements would become redundant.

1.21. The Ministry of External Affairs were asked whether they had ascertained the circumstances due to which less than 50 per cent of the persons stipulated in the Agreement had been repatriated upto 31.1.1980; and how it had been ascertained that people of Indian origin were 'reluctant' to be repatriated to India.

1.22. The Ministry have stated in a note that Government had identified the following factors as probable reasons for the relatively slow pace of repatriations:

- (i) Delays in Sri Lanka regarding completion of formalities such as payment of provident fund, gratuity etc.
- (ii) Greater awareness in the Sri Lanka Tea Estates of their requirements for labour which encourages the repatriates to delay their departure.

1.23. The fact that people of Indian origin are reluctant to be repatriated is evident from the numbers seeking repatriation.

1.24. Commenting on the problem faced by repatriating Indians in getting their dues from Sri Lanka authorities and their employees the Ministry have stated that people awaiting repatriation to India are often held up in



Sri Lanka because of delays in the payment of their provident fund, gratuity, etc. Government of India have taken up this matter through our High Commission in Colombo with the Sri Lanka authorities, who have assured us of suitable action in this regard.

1.25. At the time of their repatriation, Indian citizens are allowed to transfer upto Sri Lanka Rs. 75,000/-. The Government of Sri Lanka adds 65 per cent to the value of transferable assets in calculating their value in terms of Indian Rupees. Assets in excess of this figure of Sri Lanka Rs. 75,000/- which cannot be transferred out of Sri Lanka at the time of departure, are placed in blocked accounts in banks there. In such cases where the Sri Lanka Exchange Control authorities have not permitted the transfer of the claimed assets in entirety, the High Commission takes up the matter on request, with the relevant authorities to assist repatriates in having all their funds transferred from these blocked accounts. In 1978, the Government of Sri Lanka permitted sums upto Sri Lanka Rs. 1,00,000 to be repatriated to India from individual blocked accounts. It was announced by the Central Bank of Sri Lanka that remittances upto a maximum of Sri Lanka Rs. 1 lakh from such blocked accounts would be permitted to be transferred by authorities dealers without prior approval of the Central Bank. The High Commission informed all the blocked accounts holders now in India whose names and particulars were available with them, of this concession. The 3 Indian banks where a majority of the blocked accounts are held were also asked to inform the account holders in India of the Sri Lanka Government's decision.

1.26. During evidence Secretary (First) stated that the position as it obtained on the 31st December, 1980 in regard to the implementation of the two Agreements is as follows :—

Number of persons granted Indian Citizenship	- 3,49,901
Number of Indian Citizens repatriated	- 2,67,591
Number of persons granted Sri Lanka Citizenship	- 1,52,985

1.27. The representative of the Ministry added that from these figures it would be clear that there has been a considerable shortfall. Several factors have contributed to this shortfall. On the Sri Lanka side there was a delay of about four years. Enactment of legislation by the Sri Lanka Government which authorised them to confer Sri Lanka citizenship on persons covered by the 1964 Agreement. More recently receipt of the provident funds dues, gratuity etc. has delayed the repatriation. It appears likely that labour requirements of Sri Lanka plantations have contributed to the slowing down in the rate of repatriation.

1.28. The representative of the Ministry further informed the Committee during the evidence that the Foreign Minister stated in the Lok

Sabha on 27.11.80 both, the Government of India and the Government of Sri Lanka, are committed to repatriation to India and the grant of Sri Lanka citizenship to the Stateless persons of Indian origin in Sri Lanka. The Government of India is in touch with the Sri Lanka Government about the early grant either of Indian citizenship or Sri Lanka citizenship to these Stateless persons of the objective of the 1964 and 1974 Agreements. This question is under discussion and continues to be discussed between the two Governments.

1.29. In view of the fact that the life of the two Agreements between the Government of India and the Government of Sri Lanka had expired, asked as to what were the concrete proposals before the Government to pursue the matter further, the representative of the Ministry stated during evidence :—

“It is quite true that the original life of the 1964 Agreement was 15 years and it came to an end in 1979. 1974 Agreement required that we should complete the rest of the process in two years beyond that we have to go beyond the date because of delay on the part of Sri Lanka authorities....I was recently in Sri Lanka. I discussed this at all levels of the Government of Sri Lanka and they have assured me that they will do their best to implement the agreements. We feel that it would be the correct policy to allow them time to see whether this agreement can be so implemented”.

The representative of the Ministry added :

“When I went to Sri Lanka recently, it was decided that a high level Committee under the Cabinet Secretary of Sri Lanka be set up and it should meet every month to ensure that there procedural matters which cause delays are streamlined. Our High Commissioner should be associated with it so that we can assist them in this matter. The first meeting will be held on the 9th March. They have shown a certain measure of good faith”.

1.30. The following extracts from the memoranda and papers written by prominent Indians and the organisations of Indians in Sri Lanka throw light on the living and working conditions of Indians in Sri Lanka and some of their other problems:—

“In the plantations rigid controls and the hierarchical structure of the plantation system created a captive labour situation and the workers were isolated in the estate enclaves living in “company towns” allowing little room for change or upward social mobility. Workers on the plantations today live in much

the same conditions as their fore-fathers did in barrack like back to back, zinc roofed enclosures each 10 ft. by 12 ft. housing entire families or more than one family within the enclosures. The appalling conditions of the estate lines have to be seen to be believed. Highest rate of illiteracy, lowest level of educational attainments, poor health conditions, mal-nutritions high infant mortality and ceaseless toil are a marked feature of the life of plantation workers”.

\* \* \* \* \*

“Indians settled down in Sri Lanka holding Indian Passports taken before 1954 have their stay in the Island restricted when once they visit India even for an emergency like, wedding, funeral or other social matters of their near relatives. They are asked to leave the Island within one year of their taking visa which is required for travel and return. The visa is issued only after payment of a tax of Rs. 500/-. This tax is payable by the Indian spouses also of Sri Lanka citizens every year”.

\* \* \* \* \*

“Those who opted for Indian Citizenship under Srimavo-Shastri pact of 1964 and opted for repatriation face the problem of obtaining suitable employment or avocations in India one side, and inordinate delay in settlement of their dues like G.P.F. gratuity etc., on the other side before their departure from here. The delay in sorting over their problem of gratuity etc. is attributed to the change of employment from one plantation to another and change of ownership of Estates by sale or nationalisation, and no regular records having been kept.”

\* \* \* \* \*

“A sort of despair and uncertainty haunt every family that opted for repatriation. After every thing is settled on this side, they start for India, they are faced with lack of facilities for travel. Ferry service to India is restricted to three days a week with no suitable accommodation either at Talaimanner or at Rameswaram. Touts are exploiting the poor and uneducated workers, allegedly in connivance, with some Customs employees and others. Many repatriates reach India devoid of many of their belongings, penniless and with a bleak future in front of them.”

\* \* \* \* \*

There is no comparison of the living and working conditions of the Indians mainly in plantation sector and those villages and

mix with their own people, the plantation employees of Indian origin are treated as indentured labour. They have to stay in their estates in line rooms without proper facilities. They do not have the freedom for the employment of their choice. They cannot migrate to other places and seek other employment.”

\* \* \* \* \*

“The Srimavo-Shastri Pact has adversely affected the people of India origin in this country, as they were treated and counted in numbers as cattle. In coming to this pact, the Governments did not consult the people really affected or their leaders.”

\* \* \* \* \*

“In the issue of citizenship of either countries many family units are broken-up. There are instances where some members of the same family being issued Sri Lanka Citizenship, some Indian Citizenship and others left as stateless. There are cases where Sri Lanka wives married to Indians do not wish to migrate. They are left in the lurch while father and children are forced to leave.

“The stateless category of persons are by statute denied employment opportunities, they are refused travel documents which would enable them to find employment in countries abroad, particularly in the middle east.”

\* \* \* \* \*

The living and working conditions of the plantation workers are generally poor, being the lowest paid sector among the working people, they are the poorest of the poor.”

The Tamil labourer was not housed along with or near the Sinhalese peasant. He was—and still is—kept in what are now known as the ‘lines’ and what were until recently, called the ‘coolie barracks’. These are little more than dark, dingy, ill-ventilated, cramped and malodorous cells, barely 10 feet by 12, with open drains at the front door and in which families of 12, 14 and more people live. Although the plantations are now government owned, nationalisation has made no difference to the internal conditions in which the Tamil labourer lives.”

“The Indian Tamils, whether they have opted for Indian or Sri Lanka citizenship, are being “excluded from every field of national activity. They cannot gain free admission to govern-

ment hospitals. They come under a different rationing system. "There are also reports that Indian Tamils who have registered for Indian citizenship but have not been repatriated, are being eased out of their jobs and are not finding it easy to get alternative ones."

"The TRP passport holders, mostly businessmen and traders, doing business and trade in Sri Lanka, are not allowed to take even a single pie on their trip to India. They land Penniless in India and to reach home they mortgage their passports at the interest rate of Rs. 20 per hundred. The interest is deducted on the spot and the balance is given to them. When they pay back the loan along with any further interest dues, then only the passport are given to them."

**1.31. The Committee took up for examination the subject of 'Overseas Indians' in West Asia, Sri Lanka, Burma, Malaysia, Singapore and Indonesia. They confined their study to the problems of Indian nationals and "stateless" persons of Indian origin in these countries.**

**1.32. The reports reaching the Committee indicate that the conditions in which Indians (which term has been used in this Report for Indian nationals and 'stateless' Indians only) live and work in some of these countries are not very happy in fact, in certain respects these are very pathetic.**

**1.33. The Committee find that the implementation of Indo-Sri Lanka agreements of 1964 and 1974 has not made a satisfactory progress. The fifteen years period during which the 1964 Agreement was supposed to have been implemented expired on 30th October, 1979, with less than 50 per cent of the persons covered under the Agreement having been repatriated to India and granted Sri Lanka citizenship. It is a moot point whether it is the "reluctance" of the people as the Ministry think it is, that stands in the way of their repatriation to India or there are unresolved problems concerning their assets, families and other human problems that are responsible for this situation. The Ministry have admitted that delays in the payment of gratuity, provident fund etc. are posing problems to Indians in Sri Lanka. The reports on living and working conditions of Indians in Sri Lanka have also caused concern to the Committee.**

**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 Indian in Sri Lanka, Burma, Malaysia, Singapore and Indonesia only on the basis of reports which they have received from Indian organisations 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. (S. No. 1)

1.35. The Committee have, in the succeeding chapters of this Report, dealt with the problems of overseas Indians in West Asian countries and made recommendations which, if implemented in letter and spirit, would go a long way in resolving their problems and bettering their lot.

## CHAPTER II

### EMIGRATION TO WEST ASIA

#### (a) *Recruiting Agencies*

2.1. With the spurt in the Indians going for jobs in West Asia following the oil boom there has been a mush-rooming growth of recruiting agents. These recruiting agents exploited the clamour among the Indian job seekers for obtaining jobs abroad and some of them tended to take recourse to extortion of large sums of money and to defrauding the unwary Indian workers. In 1976 the Ministry of Labour set up a system of licensing of recruiting agents with a view to regulating their activities. However, on March 20, 1979, the Supreme Court of India passed an order according to which such licensing system became untenable unless such provisions were made in a new legislation or rules.

2.2. Consequent to the Supreme Court judgement of March 20, 1979, the system of licensing of recruiting agents was discontinued. The present position is that any person can function as a recruiting agent on the basis of a power of attorney from the foreign employer. This position has brought to light some malpractices indulged in by unscrupulous elements. These malpractices are of two types. One type is those who aid and help workers to go out of India with the lure of jobs in circumvention of the emigration formalities charging them huge fees. In many of these cases these persons who go abroad find that the jobs do not materialise and they are rendered destitute by virtue of having already paid huge amounts of money to the unscrupulous agents. Such cases have been brought to the notice of the appropriate police authorities by the Ministry and in many cases the persons have been brought to justice.

2.3. The other problem exists in case of persons charging exploitative fees while remaining within the framework of existing regulations. The regulation being very liberal since the Supreme Court orders of 1979, these elements get a great deal of scope to exploit the job-seekers.

2.4. The Government is now in the final stages of drafting a new Emigration Bill to remedy this situation. The details of the proposed legislation have yet to be finalised. However, the main objectives are:—

- (i) to prevent exploitation by recruiting agents of skilled, semi-skilled and unskilled workers;

- (ii) to curb activities of spurious recruiting agents; and
- (iii) at the same time to avoid over-regulation which may result in creating difficulties for genuine workers seeking employment abroad.

(b) *Illegal Emigration to West Asian Countries*

2.5. In a background note brought out by the Ministry of External Affairs it has been stated that the number of Indian workers who have landed in the Gulf countries and countries of the Middle East illegally from the point of view of both Indian as well as local Government is quite substantial. As far as Government of India is concerned, any person who goes without registering his employment with the Protector of Emigrants or subsequently changes the employment contract or the employer without registering the new contract with the Protector of Emigrants is an illegal emigrant. For local authorities, a person who is staying in that country without any employment permit or after the expiry of his visa, or a worker who has taken up a job with an employer other than who originally sponsored him is an illegal immigrant. Recently, the Government of UAE has announced strict measures for repatriation of such floating population who do not have valid stay permits or are working in unauthorised manner with employers other than their original sponsors. As a result of this measure a large number of Indians are being externed from United Arab Emirates and are suffering great hardships.

2.6. There is an apprehension that other countries in the Gulf and Middle East region will follow the measures adopted by UAE thereby affecting fairly substantial number of Indian workers adversely.

2.7. The Indian workers who get duped by the unscrupulous agents and become destitute in foreign lands present a woeful picture. Having parted with large sums of money such workers often have to be repatriated at Government expense which they are supposed to reimburse to the Government on arrival in India. In 1978 and 1979, 1248 and 444 persons respectively were repatriated at Government expense.

2.8. In a press editorial, referring to the humiliation meted out to the "illegal" Indian Immigrants in West Asian countries, it has been stated:

"A number of illegal immigrants, (in UAE) who have been rounded up following police swoops in Abu Dhabi and Dubai markets, face the prospect of deportation. The total may swell to over a lakh if other West Asian employment countries, like Kuwait and Oman, impose similar restrictions on those who have entered the country through either visitors' visas or the more adventurous journey through country boats."



2.9. Offering comments on this editorial, the Ministry have stated that Government has received reports that there is a substantial number of Indian nationals in the Gulf countries who have gone there without proper authorisation or are staying there without valid permission of these countries. Some of these countries are taking action to ensure that persons staying there without due authority are sent back to India.

2.10. In order to safeguard the interests and dignity of these workers the Ministry have stated that they are in constant touch with the authorities in the Gulf countries and have impressed upon them the human factors involved in the repatriation of such workers. Although these countries consider it their sovereign right to regulate the entry or stay of foreigners in their countries, they have been urged to ensure that no undue harassment or hardship is caused to such workers if they have to be repatriated.

2.11. Asked whether the countries concerned have agreed to review the cases of these Indians for allowing them to stay there or as an alternative they have been provided adequate facilities for repatriation, Secretary (ER) stated during evidence (February 1981):—

“The whole situation has stabilised. I think you could have noticed from the press that none of the types or categories exist now. Now the situation has stabilised and these countries are extremely cooperative and they bear in mind the human factor and the number of cases of harassment is really less.”

2.12. Asked as to the number of the persons affected, the Secretary (ER) stated:

“It is difficult to say that. I think the number of people who really came back to India is only in thousands, but it is much less than 10,000. Several people from UAE went to Bahrain and came back. It is difficult to judge how many people came back.”

(c) *Check on Recruiting Agencies*

2.13. The Committee asked the Ministry whether there was any system/machinery whereby the Government could verify the bonafides of the recruiting agencies operating in India, particularly when they advertise such large scale recruitment plans in local newspapers. The Ministry informed that at the time of receipt of application from recruiting agencies for emigration clearance for Indian workers going abroad the Protectors of Emigrants examine documents like power of attorney from the foreign employer appointing the recruiting agents to act on his behalf for the

purpose of recruitment etc. Such documents are required to be authenticated either by our Missions abroad or other appropriate authorities.

2.14. The Ministry added that there was no system to detect unscrupulous recruiting agents unless any activities concerning exploitation of Indian workers by them come to notice.

2.15. On being asked during evidence whether someone in the Ministry monitored advertisements published in various Indian papers regarding recruitment of Indian workers in foreign countries and whether the Ministry could say that all the recruiting agencies publishing advertisement at present were genuine parties holding valid documents like power of attorney from foreign employers, Secretary (ER) stated:

“Now, there is no control whatsoever on the recruiting agencies. There is no question of regulating a recruiting agency here in India. Even I can have a recruiting agency. All that is required for a person or a company in India is to get a power of Attorney from a prospective employer abroad who would say that he authorised so and so person or the company to recruit a person or persons on his behalf. Therefore, anybody can recruit persons. We do not have any monitoring system. There is no system followed here at the moment. But we would certainly look into it.”

2.16. The Committee drew the attention of the Ministry to the fact that the private agencies advertised in the newspapers for the selection of people for various categories of job in foreign countries and they interviewed them and told them that they had been selected for such and such job in such and such country. These agencies asked them to deposit large sums of money. This is the way they earned their money.

2.17. On being asked whether these private agencies had the power of attorney to select people for those organisations in foreign countries, Secretary (ER) stated:

“It is a valid question. This is a problem and we just have not been able to catch up with this problem. There are so many charges of people having paid anything even upto Rs. 10,000 and they have been taken and landed in places like Israel and abandoned. We had to repatriate them. This is one of the places where they have been taken. We have tried our best to remedy it.”

2.18. On a pointed question being asked whether the Government could not issue directions to the newspapers not to publish advertisements of this sort unless the agencies so advertising had the power of attorney; and whether the Ministry could not monitor the advertisements

and bring to book those agencies which were fake or not having requisite power of attorney, Foreign Secretary stated during evidence:

“We accept it fully.”

2.19. On being asked whether it could not be laid down that such advertisement should be got cleared by the Ministry of External Affairs so that the newspapers could also satisfy themselves that the advertiser had requisite authority for the purpose, the Foreign Secretary stated:

“If we can do it under the existing laws, it will be good. It will provide a complete check. Otherwise, we will consider what we should do.”

(d) *Prosecution of Agencies/Individuals*

2.20. In a memorandum submitted to the Committee, it has been stated that:

“There are many travel agents in India, who collect money from ordinary and simple people for getting them out of the country, get them visas and on arrival get them very good jobs. These agents put forged visas in their passports, ask them to cross the borders at night on donkey's back and some times by foot in order to avoid security checks and immigration. When they are here, the agent disappears with all their money.”

2.21. Commenting on the above views, the Ministry stated that whenever reports of fraud, committed by recruiting agents Indian job-seekers are brought to the attention of the Government these are referred to appropriate police authorities for investigation and action. The defrauded Indian nationals are also advised to file suitable complaints with appropriate authorities.

2.22. The total number of complaints received against the recruiting agents in India during the last two years is 127. These cases were reported to the police authorities and 35 persons were arrested, four of whom have been convicted in the Courts, 111 cases are pending investigations. In 11 cases charges could not be substantiated.

2.23. The Committee were subsequently informed that 8 recruiting agencies and 120 individuals have been successfully prosecuted in the Indian courts for mal-practices.

2.24. Names of the agencies who were successfully prosecuted in the Indian courts are as follows:

1. M/s. Nagin Private Limited, Bombay
2. M/s Travelling Service, Bombay
3. M/s International Travelling Service, Bombay.
4. M/s Appointment Aids Service, Bombay
5. M/s Shiva International, Bombay
6. M/s I.D.C. of India, Bombay
7. M/s Popular Travel Agency, Bombay
8. M/s Kings Travels, Cherukol, Mevelikara, Kerala.

The names and addresses of 120 individuals so prosecuted are not readily available.

2.25. Asked how the Ministry ensured that these agencies or individuals did not start functioning under different lebles or names or under pseudo names and doing the same business as before, the Ministry stated that under the present system followed in terms of the Supreme Court orders. there was no procedure to verify the antecedents of recruiting agencies. However, in the proposed Bill on overseas employment a provision to verify the antecedents of recruiting agencies was being contemplated.

2.26 Elaborating the matter further during evidence, Secretary (ER) stated:

“It is not a question of exploitation here only, it gives a very bad image outside also. Wherever we have received complaints, we have passed them on to the authorities, State and Central, CBI etc., but I regret to inform you that once it is handed over to them, we do not know in how many cases there has been a successful prosecution. We can only give them the lead and evidence. We will make an enquiry as to in how many cases they have been able to prosecute them successful.’

2.27. On a suggestion that unless the whole matter (advertisements warning checking enquiry etc.) was systematised, things might not improve, the Secretary added:

“We are the nodal point for this. We will call an inter-ministerial meeting and look into it and consider, whether under the present law, we can stop these advertisements, or in what way

we can regulate them and how we can minimise the exploitation of Indian nationals seeking employment abroad.

(e) *Measures to check exploitation*

2.28. The Ministry have stated that they have taken the following steps to check exploitation of Indian workers by recruiting agencies:—

- (i) A system of checking was initiated at the international egress points in 1977-78 to ensure that Indian workers were not taken abroad in circumvention of emigration formalities. With effect from November 1, 1980, such checks have been replaced by a new system. Under this new system at the time of issue of passport an observation is made in the passports to indicate whether the passport holder belongs to a category which will require emigration clearance. All airlines and shipping lines in India have been instructed not to book persons whose passports indicate the requirement of emigration check unless an observation was made on their passports that emigration clearance had been obtained or that the requirement of emigration check had been suspended.
- (ii) Whenever any reports of exploitation of Indians by recruiting agents are received these are referred to the appropriate police authorities for investigation and action.
- (iii) Publicity is being given through various media to caution Indian job seekers against unscrupulous elements.
- (iv) Protectors of Emigrants have been instructed to provide appropriate advice to intending job seekers.

2.29. The following proposals are under consideration of the Government:—

- (i) A proposal to introduce a Bill in the Parliament for a new legislation on overseas employment is at its final stages of consideration. This Bill would provide adequate regulatory controls over the recruiting agencies in India.
- (ii) A proposal to set up overseas manpower corporation at the Central level in the public sector to aid and assist Indian nationals in obtaining employment abroad is also under the consideration of the Government.

2.30. The Ministry informed the Committee that publicity was given through various media to certain Indian job seekers against unscrupulous elements.

2.31. In a note after evidence (March 1981), the Ministry have informed the Committee that the following steps have been taken to give publicity in this regard:—

- (1) "Do's and Don'ts" for passengers for Middle East, Gulf Countries and Far East Countries have been drawn up and all Protectors of Emigrants have prominently displayed them in their offices.
- (2) Programmes based on "Do's and Don'ts" regarding emigration of Indian workers abroad have been broadcast from various stations of All India Radio during April—December, 1980. (From the list of Radio Stations submitted by the Ministry it is seen that no programmes have been broadcast from stations like Delhi, Jullundur Chandigarh or Amritsar, Hyderabad which cater to areas from where people have been emigrating in large numbers.
- (3) One T.V. broadcast each has been made from Bombay (October, 1980), Delhi (June, 1980) and Madras (November, 1980).
- (4) Press Releases on matters concerning emigrations were issued in October and November, 1980.

2.32. The Committee were informed that Protectors of Emigrants had been instructed to provide appropriate advice to intending jobseekers. On being asked as to what advice was given by Protectors of Emigrants and whether a copy of the advice given could be furnished, Secretary (ER) stated in evidence:

"Our thinking is that we must keep our man-power going abroad as well-informed as possible. We intend to have some type of literature printed, which would be handed over to each person. This aspect would be taken into account".

(f) *Emigration Act, 1922*

2.33. It has been stated by a former diplomat before the Committee that the Emigration Act 1922 gives the power of prescribing standard contracts for Indian workers keeping in view the local conditions.

It is seen that the Emigration Act 1922 enjoins upon the Protectors of emigrants to—

- (i) "protect and aid with advice all emigrants" and
- (ii) inquire into the treatment received by returning emigrants both during the period of their residence in the country to which

they emigrated etc. and report thereon to the Central Government. (Section 4)

2.34. The Act authorises the Central Government to lay down terms and conditions for emigration for the purpose of unskilled work (Section 10). For emigration for skilled work, the sponsor or employer or recruiting agent is required to indicate the provisions made for health and well-being of such emigrants, arrangements for their repatriation and the terms of the agreement and to deposit security (Section 16) and the Central Government has been given the power to prescribe terms and conditions of service and fees (Section 17).

2.35. Section 18(2) enjoins upon the Protector of Emigrants to ensure that before the emigrant departs, the terms and conditions of engagements are as prescribed by Central Government.

2.36. The Ministry have stated that earlier the terms and conditions of service agreement of emigrating workers were scrutinised to ensure that reasonable working and living facilities were available to them. However, after the Supreme Court order of March 20, 1979, Government have lost the authority to insist on any minimum terms and conditions of contract. This power is sought to be taken in the proposed Bill on Indian migrant workers.

2.37. During evidence, asked whether before Supreme Court's Order dated March 20, 1979 the Protector of emigrants used to inquire into the treatment meted out to emigrants during their stay abroad and whether he used to report thereon to the Central Government, the Secretary (ER) stated that "This particular provision has not really been enforced for several years. This Act was promulgated in 1922 under different conditions. But for several years, we did not have this type of problems. The Protector of Emigrants has not done this type of scrutiny on the returning Indians. As such there have been no reports".

2.38. Asked whether the Central Government had laid down terms and conditions for emigrants for unskilled work and for skilled work as required under sections 10, 16 and 17 of the Act, the Secretary (ER) stated:

"Till the Supreme Court gave the judgment this work was being handled by the Ministry of Labour. Even since this recruitment in West Asia started in a big way they had not really laid down any standardised terms and conditions. Their procedure was only to look at the application on an *ad hoc* basis. There are as such no standard forms which the Ministry of Labour has prescribed".

2.39. Explaining as to how the powers granted to Central Government and the Protector of Emigrants under the Act had been lost by the Government after the Supreme Court order of March 20, 1979, and whether the Ministry of Law had been consulted in this regard, the Secretary (ER) pointed out that the Ministry of Law was very much a part of the process when the matter was referred to the Supreme Court. He added:

“In effect what we are governed by is the judgment of the Supreme Court which was again reiterated as a result of the subsequent appeal. Where we refer to the 1922 Act it is much more for purposes of clarification. The definition of different kinds of labour is given in the Act”.

2.40. The Secretary agreed that quite a few powers given under the Emigration Act, 1922 (to Ministry of Labour) were not exercised before the judgment of Supreme Court (March, 1979).

2.41. The Committee asked the Ministry whether, and, if so, to what extent, the provisions of Emigration Act, 1922 were relevant and useful for protecting the interests of Indian emigrant.

2.42. The Ministry informed the Committee that the Government have never applied the provision of the Emigration Act, 1922 to Indian nationals belonging to highly educated professionals categories. The provisions were being applied to the workers belonging to the unskilled, semi-skilled and skilled categories. The terms and conditions of service agreements of such workers were scrutinised to ensure that reasonable working and living facilities were available to them. However, after the Supreme Court order of March 20, 1979, Government lost the authority to insist on any minimum terms and conditions of contracts. In the proposed Bill on Indian migrant workers provisions are being made to safeguard the workers' interests against exploitation.

(g) *Supreme Court Judgment on terms and conditions of Service Contracts*

2.43. Explaining the problems arising out of Government's inability to standardise work contracts of emigrants the Ministry have stated that the nature of complaints basically revolve round the contracts and wages of workers which unfortunately the Government has not yet been able to standardise. Explaining the reasons for not having been able to standardise terms of conditions, the Ministry have stated that following Supreme Court Orders of March 20, 1979. The Government no longer has the authority to insist on any minimum wages or terms and conditions of employment agreements. Because of the limitation imposed by the



Supreme Court Orders, Government has not been able to standardise the terms of contracts and wages. The Supreme Court Orders are to remain in operation till the passing of the new legislation on the subject.

2.44. The relevant order of the Supreme Court reads as follows:

“No person shall emigrate or assist in the emigration of any person for the purpose of taking or enabling such other persons to take any employment which involves the doing of work which by the laws of India is prohibited, or is regarded by those laws as unlawful, or which 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 violate notions of human dignity or on any other similar grounds.”

2.45. A number of complaints made by Indian workers and acknowledged by the Ministry in their replies are in the nature of :—

- (1) Maid servants being ill-treated, beaten and molested;
- (2) Harassment of workers;
- (3) Workers made to work 18 hours a day without proper food;
- (4) Ill-treatment, inhuman treatment and beating of workers;
- (5) Sub-standard living conditions;
- (6) Non-repatriation even after completion of contract.

2.46. Asked whether the Ministry suggested that the Supreme Court order permitted ill-treatment and harassment of workers and the Ministry could not do anything in this regard and whether it would not be permissible within the four corners of Supreme Court Order to standardise terms of contract atleast to prevent ill-treatment, beating, molestation, sub-standard living conditions, etc. of Indian workers in West Asia, the Secretary (ER) stated during evidence:

“It is not possible to standardise the contract form at the moment but we do try to see that some basic minimums are introduced and provided for in the contract and these are in regards to wages, repatriation, medical facilities, proper living quarters, etc. These types of things are provided for and if they get violated there is recourse to seeking the assistance of our Missions or going to labour court.

The condition mentioned in this particular question about dignity etc. is only in the fourth condition. The other three are even more vague”.

2.47. When asked whether the conditions imposed under the Supreme Court order put an absolute bar and the Government could not do anything in the matter, and whether they had obtained legal opinion from the

Ministry of Law for finding out some way out within the four corners of the existing law, the Secretary (ER) stated during evidence:

“We will refer it to the Law Ministry. Our objective is the same as that of the honourable Committee. We will see what can be done even pending legislation on the matter. We will refer it to Law Ministry and Home Ministry”.

2.48. Subsequently, the Ministry furnished a note stating that the Ministry of Law have been consulted on whether the terms and conditions of contracts of Indian workers going abroad on employment could be standardised within the four corners of the Supreme Court Order. Ministry of Law have advised that the Supreme Court orders do not provide for laying down of specific terms and conditions of contracts by the Protector of Emigrants. The only obligation on the recruiting agents of the emigrants in terms of Supreme Courts orders is to file authenticated copies of the contracts entered into with the foreign employers. Further, the Supreme Court has directed that no conditions other than those set out in the said order would be imposed on the recruiting agents or on the individual emigrants in the matter of emigration of persons going abroad on employment. Insistence on standardisation of the terms and conditions of contract would be contrary to this order until fresh legislation is enacted on the subject and appropriate provision made thereunder.

2.49. However, 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.

2.50. Ministry of Home Affairs are not concerned with the matter of standardising the terms and conditions of contracts and, therefore no reference has been made to them.

#### (h) *Need for Centralised Agency*

2.51. On the issue of regulating the emigration of Indian workers to Gulf countries, a former Foreign Minister stated before the Committee:—

“Basically I think, the Government was taken unawares in this large movement of people from India to Gulf countries, Adequate arrangements had not been made and adequate regulations had not been brought into operation in time. A large number of people went out without adequate guarantee of job or adequate facilities for them. I believe, now, certain guidelines and rules have been laid down. But I would certainly support the idea that there should be a centralised agency where there should be registration of all those that go to seek jobs abroad. That information should be sent to our

Missions abroad. The people going to work abroad should be asked to register themselves with our Missions and the Missions should be asked to keep an eye as to the service conditions and the fulfilment of contractual obligations which the local employers enter into with those who seek jobs."

2.52. The Ministry have stated that the employment agreements of Indian workers going abroad for employment are registered with the Protectors of Emigrants. After such registration a copy of the employment agreement is forwarded to the concerned Indian Mission. In case our Missions receive complaints regarding non-fulfilment of the contractual terms and conditions they intervene in the matter and provide necessary assistance to the Indian workers in claiming their due facilities.

2.53. There is already a procedure in existence whereby the service agreements of workers going abroad on employment are registered with the Protectors of Emigrants in India. A proposal to set up an overseas manpower corporation at the Central level is also under active consideration of the Government.

2.54. On the question whether there should be a Government agency for recruitment of all types of workers for jobs abroad, the former Minister opined :

"Merely setting up a Government Agency for recruitment is not the total answer, nor a satisfactory one. What is necessary is a centralised agency where there will be registration and which will pass on the information to the countries where they go to work."

"The main requirement is that the conditions under which they are prepared to work should be laid down. There should be registration of those who go out and, similarly there should be implementation of the conditions agreed to."

He further stated that if a recruiting agency was run by the Government, "it may not serve the purpose which you have in mind. So what I am suggesting is that there should be an agency which will have all those going out to work registered and their terms and conditions registered."

2.55. The Committee asked the Ministry about the thinking of Government on the need and role of recruiting agencies and whether this role could be performed by or under the auspices of a Government body itself. The Ministry have stated that a proposal to set up a Corporation at the Central level for overseas recruitment is under consideration of the Government. However, for the present, there is no proposal to ban the

functioning of the private recruiting agencies. The present proposal, therefore, is that the private recruiting agencies should function in healthy competition with the public sector corporation, if and when it is established.

(i) *Proposed Legislation*

2.56. The Minister were requested to furnish a note regarding objects/safeguards for emigrants/workers as proposed to be incorporated in the legislation on the subject, which was stated to be at the final stages of its drafting.

2.57. The Ministry informed the Committee (March 1981) that the main objectives of the proposed legislation are :—

- (i) to prevent exploitation by recruiting agents of skilled, semi-skilled and unskilled workers;
- (ii) to curb activities of spurious recruiting agents; and
- (iii) at the same time to avoid over-regulation which may result in creating difficulties for genuine Workers seeking employment abroad.

2.58. Actual details of how this is to be done without violating the constitutional provisions are being worked out in consultation with the Ministries concerned.

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.

(S. No. 2)

2.60. 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 ex-

act 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 cooperative and they bear in mind the human factors. Having been rendered destitute, 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.

(S. No. 3)

2.61. The Committee 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.

(S. No. 4.)

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, can 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 fake 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.

(S. No. 5)

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 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. (S. No. 6)

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. (S. No. 7).

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. (S. No. 8)

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. (S. No. 9)

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 in exposure of Indian emigrants to ill-treatment and harassment in foreign lands, which could have been prevented by timely action beforehand.

(S. No. 10)

2.68. 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.

(S. No. 11)

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 to 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.

(S. No. 12)

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 the 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.

(S. No. 13)



## CHAPTER III

### INDIANS IN WEST ASIA—GENERAL PROBLEMS

#### (a) *Harassment of Indian workers*

3.1. It has been seen that harassment and exploitation of Indian workers is taking in most of the West Asian countries. According to the information received by the Committee from the Ministry and non-officials, during the last three years, there have been 103 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, a number of cases in Iraq (exact number not known due to disturbed conditions), 11 cases involving 136 Indians in Lebanon, 9965 cases in Oman a number of cases in United Arab Emirates, 617 cases in Yemen Arab Republic, and a number of cases in Iran.

3.2. The cases of harassment and exploitation revolve round violation of terms of contract, non-payment of salaries, payment of less salaries, denial of terminal benefits, arbitrary termination of services, beating and imprisonment of workers etc. etc. Indian Missions are reportedly taking up cases of harassment and exploitation with the authorities concerned and it is stated that they are succeeding in many cases in bringing about amicable settlement.

3.3. Asked whether the Ministry had made any in-depth study of the reasons as to why Indian workers in such large numbers are receiving such shabby treatment at the hands of employers and local authorities and whether the Ministry had been able to think of any abiding remedy of this widespread malady, the Secretary (ER) stated during evidence:

“I would like to place these figures and numbers in their proper perspective. As the Foreign Secretary had mentioned in his opening remarks, there are today almost one million workers in these areas and the number of countries involved is eleven. The number of cases which have been indicated here are 11,400 roughly—figures from two countries, Iraq and Iran, are not available due to the peculiar conditions there—and these figures relate to a period of three years. Therefore, in brief, it means that there are one million workers abroad in these eleven countries and there are 4,000 cases per year; in comparison to the total number of workers, the number of cases is not really of any unusual magnitude.”

3.4. On a specific question being asked whether the Ministry had made any study of the problem as a whole, the witness stated:

“That way, on the overall problem specifically whether there has been a type of study with a team having gone out and officers having gone out to look to this particular kind of harassment, no such study has been undertaken. The reasons are that we have not found such a study is necessary”.

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Secretary added that—

“this is not really something which is very unusual. On our side we keep a watch and we continue to make detailed inquiries, in regard to what happened in several cases, but a general inquiry has not really been attempted. In regard to cases of harassment, as and when cases are reported to our mission, our mission takes it up first of all with the local employer himself. If he is able to solve it with the employer, it is all right; if not, they will then go to the local authorities to find a redress. At the same time, whenever cases come to the attention of the government here, we take it up and we have taken it up in some of these cases, with the Ambassador of the concerned country here so that he in turn will be able to prevail upon his government to see that the Indian nationals are looked after and treated properly”.

3.5. On a suggestion that cases of grievances etc. which are brought to the notice of the Missions/Ministry, should be examined by a designated officer to whom all such complaints should go, Secretary (ER) stated:

“I think your point is well taken. We have two systems—one is in the country itself. The aggrieved employee, according to that system, will go to the Mission and find out if they could help him. Many a time those complaints or grievances have been sorted out. If those have not been rectified, only in those cases, the person concerned can come back here and they make their complaints to the External Affairs. We have two divisions here—one dealing with the passports and the other is the Consular side. There is also a West Asia Division. We take it up with the Missions of the country concerned. I am sure our Missions abroad help them. We have not certainly designated one officer specifically for this purpose. Your suggestion is really very valid in that regard. We can now designate an officer to whom any types of complaints or grievances may be sent. I hope this will improve the situation.”

3.6. The Committee asked whether taking our country's stature and 'Izzat' into account for all the cases that had occurred the Ministry were satisfied that adequate measures had been taken from our side, Secretary replied:

"More than satisfied. I could assure the hon'ble Members that we would never allow the dignity or self-respect or prestige of our country to be taken advantage of or in any way be diminished. We have taken every possible care in this direction".

Intervening, the Foreign Secretary stated:

"It is true that there are shortcomings. There is no denying the fact that the conditions are not perfect for the Indian workers and certainly we are aware of this and we are trying all the time to improve the conditions for our workers. The suggestion which is inherent in the questions itself, namely, has an in-depth study taken place the answer to that is 'NO'. An in-depth study has not taken place but I take the point which has been made in the Question and I assure the Committee that the External Affairs Ministry would be too happy to in fact carry out the in-depth study of this problem".

Foreign Secretary added:

"Compared to workers of other nationalities the reputation of Indian workers is much higher. One hears of certain psychological resentment. In some of these countries, their own nationals are very few; the majority are outsiders and foreigners. So, there is this type of resentment. When they move around they have to struggle to locate their own nationals. The Indian gets identified quickly. There is not very much that one can do about it. We constantly tell our own people to keep as good relations as they can with the nationals of those countries. We keep on telling this to them".

3.7. Referring to the reputation of Indian workers in West Asian countries, Secretary (ER) stated:

"I would say the reputation of Indian workers in these countries is very high, they are known for any things. They are known for hard work. They are known not to interfere in the affairs of that country or enter into any kind of politics. They work very hard. In fact, their output is much greater compared to others and even in the highly religiously oriented countries such as Saudi Arabia which has that orientation of having a great emphasis placed on religion, even there where one would naturally expect a much greater preference to Pakistan and Pakistani

nationals, we have found that the employers would much rather prefer people from India”.

(b) *Bahrain, Kuwait and Jordan*

3.8. The Ministry of External Affairs informed the Committee that rights and facilities promised to Indian nationals by their employers in Bahrain, Kuwait and Jordan have not been fully granted in a number of cases.

The nature of complaints received from Indian Workers are as follows:—

- (i) Non-payment of terminal benefits;
- (ii) Non-payment of agreed salaries;
- (iii) Non-fulfilment of agreed facilities/terms and conditions;
- (iv) Harassment by employers;
- (v) Substitution or withdrawal of work contracts;
- (vi) Deployment on duties other than those for which recruited;
- (vii) Unduly long working hours (18 hrs. a day) and denial of proper food etc.

In all cases immediate redress was sought by the Missions concerned through resort to employer/local labour office|police|immigration authorities etc. Some cases (in Bahrain) which could not be amicably settled by these authorities were referred by them to local civil courts.

In Jordan Indian Mission is stated to have obtained an assurance in writing from certain companies that contracts counter-signed by the Protector of Emigrants in India would be the only contracts operative.

Asked whether the arrangement like the one made by Indian Mission in Jordan regarding authenticity of contracts, if made in other countries also, they would not help avoid complaints about substitution of contracts, which was the root cause of many other complaints, the Secretary (ER) stated during evidence:

“We are trying to find out some type of arrangement whereby any dispute or complaint can be solved without undue ill-will. But the trouble is that you cannot enforce it legally. We can persuade them about it. In Jordan, they were able to have this type of arrangement. In other countries, the labour laws have become fairly good; and instead of arbitration, we go to the labour authorities, labour courts and justice is readily rendered. In a couple of countries, they have become extremely positive. They tell our Mission to ask them to bring any type of complaint immediately. We are going to introduce now a system whereby every labourer will be advised to do two things immediately

on his arrival there. If he finds that it is not being implemented, he must bring this complaint to the notice of our concerned Mission. Second he must report it to the competent authority in that country."

3.9. Asked whether the Ministry had considered advising other Missions to follow the arrangement made in Jordan, the Secretary (ER) added:

"We have been generally suggesting to them about it. We have tried to get an inter-governmental agreement on man power. In one country, they said, yes; but when we gave a draft to them, they hesitated about it. But every effort is being made in this direction. This is the system which helps to render service to our people."

### *Custody of Passports of Workers*

3.10. The Ministry informed the Committee that the practice followed in Bahrain is that all employers are keeping the passports of their employees in order to keep a hold on them. In case of the slightest difference between the employee and the employer, all that the employer has to do is to send the passport and a letter of complaint to the immigration Directorate; the latter would usually despatch the person to India by the next available ship/flight without assigning any reason or without giving any reasonable opportunity to him to defend his case. An illiterate worker at a very low economic level can hardly think of or afford legal defence any way.

3.11. Some cases of this nature have been reported from Kuwait also where the employers demand money for release of passports/documents.

3.12. When asked whether the Mission/Ministry could think of any solution to the problem, the Ministry stated that the practice of employers and Government departments and agencies keeping custody of passports of employees was applicable to expatriate labour of all nationalities. The passports are kept in custody of the employers to facilitate periodical renewal of labour/work/residence permits and for obtaining various services from local departments and respective embassies. Under local regulations employers are responsible for compliance with all such formalities.

3.13. When the Missions brought this matter to the notice of local authorities, the latter explained the reasons which necessitated the custody of passports with employers.

3.14. Asked whether this was practice of employers keeping employees' passports in their custody prevalent in all countries of West Asia, Secretary (ER) stated:

“Yes, Sir. This is a practice which is prevalent not only in Bahrain and Kuwait. It is prevalent, may be not to the same extent but certainly prevalent, in other countries also. Another factor which is relevant is that the employer—this is the type of excuse given—himself is responsible to the local Government to see that the employee does not go and change his job, does not run away or hide somewhere. That is the reason why they keep custody of the passport. To keep a very close watch on this, and wherever it is found that the employer is indeed harassing the employee or taking undue advantage, the Mission goes to the local authorities to try and redress this grievance. In those cases, in fact, the local authorities understand this; and that is why they are always happy to cooperate with us when they find that an employer is taking undue advantage of the employee.”

3.15. Asked whether the Ministry of External Affairs could not impose a condition on these people who take labourers, doctors or engineers, that before the persons concerned leave our country, the travelling agencies should inform the number and names of the persons concerned to the Missions in the countries in question, the Secretary (ER) stated:

“The registration is done here. The contracts are gone through by the Protector of Emigrants. You may be receiving complaints that people have been offered jobs, but clearance is not given. It is so because the Protector of Emigrants tries to go into the terms of the contract as carefully as he can.”

#### *Jordan*

3.16. With regard to other problems faced by Indian workers in Jordan, the Ministry have stated that the problems faced by Indians include:

- (i) Harassment by the local police;
- (ii) Visas to enter Jordan;
- (iii) There have been instances of well-connected local agents taking advantage of illegal Indian unskilled workers, and extracting money from them, for arranging residence permits etc.

3.17. Explaining the reasons for harassment of Indians the Ministry informed the Committee:

Common reasons for harassment of Indian workers by local police are (i) non-possession of residence documents; (ii) drinking in public; and (iii) fighting amongst themselves. Our Mission tries to brief and educate Indian workers from time to time

to avoid such situations. This has helped in reducing such instances of harassment considerably.

3.18. Asked whether the Mission had analysed the reasons why Jordanian authorities are restrictive about issuing visas to the holders of Indian passports, the Ministry stated:

Jordanian authorities being restrictive about issue of visas to Indians is a part of wider problem. Earlier a large number of Indians were entering Jordan on short-term tourist visas or without valid visas or staying on for employment in violation of the Jordanian laws. This resulted in Immigration Authorities at Jordanian airports becoming very strict regarding entry of Indian particularly unskilled workers.

3.19. The Ministry added that the problem was taken up with the local Government by our Mission. As a result the position has considerably improved.

3.20. Secretary (ER) stated during evidence that Indian missions did send out officers wherever Indian nationals were working. But no campaign or organised publicity had been organised to educate Indian workers to avoid situations which might land them in prison.

#### *Imprisonment of Indian Workers in Jordan*

3.21. The Ministry informed the Committee that in Jordan there have been cases of imprisonment of Indian workers. Through the intervention of the Mission, imprisonments were reduced.

3.22. The Ministry further informed that the imprisonments were for non-possession of resident documents, drinking in public or for in-fighting. The number of Indians involved over last three years has been 14. The nature of imprisonment includes custody behind bars for maximum of one night and then presentation before the Immigration Authorities.

3.23. Through negotiations and consultations with local police and Immigration Authorities by our Mission an informal committee has been set up consisting of representatives from police, immigration and our Mission. Whenever police detain any Indian, the Embassy is informed immediately and release of Indian workers is obtained with the Embassy's intervention.

3.24. Asked whether in any other countries in West Asia, cases of imprisonment of Indian workers for non-possession of resident permits and for other minor offences had come to the notice of the Ministry and whether the Indian Missions in other countries got prompt information of arrest of Indian workers, Secretary (ER) stated:

“Unfortunately, I do not have the list of the other countries in West Asia where these cases have occurred. But these cases have been reported from almost all the countries. This is not abnormal. Our Missions do get informed immediately the arrests are made and our Missions take up the matter immediately with the authorities concerned. I would like to admit, however, that there have also been cases where arrests took place and our Missions were not informed properly. We were told about it later and we felt that the arrests were unjustified. In such cases we reacted very strongly. In fact, the recruiting company which had been responsible for these arrests—wherein a particular case a large number of workers were involved—was black-listed by us and we kept it black-listed for more than two years and after they have given every kind of assurance to prevent recurrence of such arrests, we removed their name from the black-list. We have got an assurance from the company that our Missions would be informed of arrests so that our Missions could intervene with the authorities and unjustified arrests do not take place and our people are not harassed.”

3.25. The witness added that in no other country such informal Committee had been set up.

3.26. Asked whether the Ministry would consider advising Missions in other countries to explore the possibility of setting up similar committees, the Secretary (ER) added:—

“Yes, I think the suggestion is very good one, we will advise our Missions immediately.”

3.27. The Ministry informed the Committee that there have been instances of well-connected local agents taking advantage of illegal Indian unskilled workers and extracting money from them for arranging residence permits etc.

The Ministry further stated:

Eight instances of exploitation of Indian workers by local agents for arranging residence permits were brought to the notice of the Mission during the last three years. Our Mission had protested to the local Foreign Office on these complaints. The local immigration procedures in Jordan were very complex and included requirement for workers to find Jordanian sponsor for residence permits. Local agents used to act as professional sponsors and extract money from Indian workers. As a result of the consultations between our Mission and local authorities



the situation has eased and instances of harassment of Indians by local agents are now rare.

*Kuwait*

3.28. With regard to problems faced by Indian workers in Kuwait the Ministry stated that approximately 100 complaints were received from the Indian workers in Kuwait during the last 3 years such as:

- (i) Employers keep the passports in their custody and do not return them to employees even when they leave their jobs. They demand money from the employees to release the passports on the plea that the employees have not fulfilled their contract.
- (ii) Even the copy of 'Agreement' between the employers and the workers is taken away from the employee on some pretext and they are paid less than what was agreed upon.
- (iii) They are employed on duties other than what they were originally employed for. For example, a cook does all types of odd jobs such as sweeping, cleaning etc.
- (iv) Sometimes they are made to work for 18 hours, a day and they are not given proper food, if they complain about it, they are beaten.

3.29. The Ministry further stated that the Mission called the employees in person to verify the facts and redressed the grievance.

3.30. The Committee asked whether the Mission had not been able to think of any remedy to the aforesaid problems; the Ministry informed the Committee:

Our Mission in Kuwait has been intervening with the employers in the cases of complaints received from Indian workers. The effort of our Mission is to settle individual complaints amicably through a dialogue with the employers, failing which the matter is taken up with the concerned authorities through the local Foreign Office.

The Mission had also taken up these issues with the Kuwaiti Foreign Office and the Labour Ministry. They were advised to take up specific complaints from individual workers for necessary action.

Approximately 100 complaints were received by the Mission from the Indian workers in Kuwait during the last three years.

(c) *IRAQ*

*Terms and conditions of service in Iraq*

3.31. The Ministry informed the Committee that individual cases of non-fulfilment of terms and conditions of service of Indian nationals in Iraq

which are brought to the notice of the Embassy are taken up with the Iraqi authorities and settled to the satisfaction of the contracting parties.

3.32. Asked about the number and nature of cases which have been brought to the notice of the Indian Embassy during the last three years and how these cases were settled, the Ministry stated:

“Owing to continue disturbed conditions in Iraq the Mission has not been able to indicate the exact number of individual complaints received by them from the Indian workers during the last three years. The nature of complaints basically revolves round non-fulfilment of terms and conditions of workers’ contracts and payment of wages. On receipt of such complaints Embassy intervenes with the employers with a view to reaching an amicable settlement. In case amicable settlement is not forthcoming assistance is provided by the Mission to the workers to take the matter to the local labour courts.”

#### *Residence Visas*

3.33. Referring to the problem of Residence visas faced by Indians in Iraq the Ministry stated that the regulations had become more strict warranting foreigners’ personal presence at Residence Department. Heavy fines are imposed on those who do not register and obtain residence visas within the stipulated period.

3.34. The Ministry have further stated that our Mission in Baghdad has taken up the matter through the Foreign Office. So far, only the Iraqi Ministry of Irrigation has agreed to reimburse fines paid by Indian companies in cases where delay was due to the employer’s fault. The matter has been taken up again by the Mission requesting that all the Iraqi organisations should reimburse fines paid by Indian employees under similar circumstances. A general reduction in the quantum of fines imposed has also been suggested. The matter is likely to take sometime before it can be sorted out.

3.35. Asked, how Indian workers reached Iraq without residence visas, Secretary (ER) stated:

“This question requires a little clarification from our side. There are two different things. One is the visa and the other is resident permit. Many countries have the system that any one wishing to go there for a short visit gets a visa. Where there is a question of tourist visa, there is no problem. There is the other case where somebody is going there for a longer or a permanent stay whether for a job or something like that. In that case the visa for a long term is given, but then after

reaching that country, the person concerned has to go to the concerned authority to get resident permit just as it is the case in India. This requirement for a resident visa is also there in Iraq. \*\* \*\* This is the difference between a visa and a resident visa."

3.36. Asked whether any efforts had been made to educate Indian workers so that they complied with the local laws relating to residence visas etc., Secretary (ER) stated:

"The main responsibility of getting the resident visa is that of the employer. He normally has to get that and this is where this type of problem is coming and the problem has come up rather acutely since the war. The system in Iraq is one of tight control in regard to foreigners. They have a problem regarding foreigners. Therefore, they keep a very strict check over all types of foreigners to find out where they are, where they work, where they move etc. and now the problem has become even worse because large numbers of workers have gone out and large numbers of workers have been coming. There are long queues of workers. It is not always the employer's fault that there is delay. The delay is because of Iraqi authorities. This was the point brought to me, when I went there, by our companies working there, there, who have large labour force. They want even the top executive to report to the authorities and he has sometimes to spend even two days for this purpose. The Ambassador has taken it up very strongly with the authorities. The authorities fully understand the problem and they appreciate it. They do not wish to cause any harassment or inconvenience. At the same time they have their problem and on this particular problem I hope it would be appreciated that we cannot press beyond a particular point. This is a peculiar situation in Iraq."

#### *Safeguards for Indian Workers in Iraq*

3.37. The Committee were informed that the Government of India have taken up the question of obtaining more safeguards for Indian workers at the last meeting of Indo-Iraq joint commission. The Ministry stated that during the last meeting the Government had requested the Iraqi side to make a provision of compensation against injury/death/partial disability to workers while on duty and also to make proper reception arrangements at the airports at the time of arrival of workers on employment. These suggestions were under consideration of the competent authorities of the Government of Iraq.

Secretary (ER) stated during evidence:

“In regard to compensation against injury, deaths and physical disability, the request of the Indian Mission is with the Iraqi Government. They have told us verbally that they will take care of it. Psychologically they do not really want to accept that foreigners, not Indians alone, have suffered—this is the general thing—and that there is a war of this character, that there was damage or destruction of Iraqi properties. They maintain that the Iranians could not inflict any damage on Iraq. That is the psychology but we are pushing it. They do make some arrangements for receiving the people at the airport. With regard to this matter, the employer has invariably to meet the employees when they go to that country. But in Iraq, there is a peculiar problem because the Iraqi employers are only government organisations and as they are government organisations, they cannot apportion responsibility on anybody. Workers go there and sometimes they are stranded and they go to our Mission and expect them to look after them.

3.38. On being asked whether to safeguard against injury and death to Indian employees in other countries, a similar initiative could not be taken on the lines taken in Iraq, Secretary (ER) stated:

“It is covered under the normal contract in other countries. In Iraq it is more a question of death etc. as a result of war—where we have asked for additional compensation. Normally, under the normal working conditions injury is provided for in the normal contract”.

#### (d) *Iran*

##### *Problems of Indians in Iran*

3.39. It has been brought to the notice of the Committee that in the cases of Overseas Indians in Iran, “many Government Organisations or private firms who hire Indians on contract basis, do not comply with the conditions of the contract creating many problems and difficulties. Thus many problems and difficulties have arisen. Most of such cases are referred to the Indian Embassy in Iran.”

3.40. The Ministry were asked to furnish a note giving in brief the problems and difficulties faced by Indians in Iran and how far the Indian Embassy in Iran had been helpful in sorting out these cases. The Ministry have informed the Committee that during the last year and a half there have been no cases of violation of contractual terms of the Indian workers employed by the Iranian authorities. There were some such problems dur-

ing the regime of the former Shah of Iran, especially during the course of the revolution and its aftermath in 1978-79.

3.41. The Iranian Government, after the revolution, decided to terminate the services of all foreign workers except in fields where their services could not be dispensed with. The work and residence permits of the skilled, semi-skilled and unskilled workers were cancelled with effect from 21st March, 1979 and of the technocrats with effect from 20th June, 1979. This only helped to formalise the large scale exodus of foreigners (including Indian workers) from Iran. Only medical and para-medical personnel, as also some engineers were not affected by this decision of the Iranian Government and they continue to stay in Iran.

3.42. In a memorandum submitted to the Committee it has been stated that:

“In the last few years (during and after the Iranian revolution) there have been many cases where the Iranian employers have not kept their commitments as to the terms and conditions of the contracts. In many cases private firms have tried to cheat the workers from the very beginning. For instance, salaries in the contract were given as Rs. 5000/- per month. But in fact an ordinary worker takes it, as Rs. 5000 (rupees) per month, but whereas Iranian Rs. 9 make Rs. 1, which is very very low salary. According to local labour laws minimum salary of any kind of worker these days is Rs. 20,000. Again, the workers were promised proper accommodation with all living facilities. But here they were given some rotten place in the factory or in an open site without any facilities.”

Sometimes, our own recruiting agencies in India play such dirty tricks and make huge profits from both sides. They take very heavy commission from employers for getting them cheap workers and big amounts from workers for getting them employment outside India. Many such cases have been referred to the Indian Embassy here in Teheran.

To avoid such situation:

- (a) Such recruitments should only be made through State—Employment bureau or through recognised recruitment or employment agencies.
- (b) All contracts between Indian workers, Engineers, Doctors etc., and foreign employers should be studied by the Indian Foreign Ministry and be attested, since Foreign Ministry will have all the possible data of all the countries. If it is a contract for employment of big number of workers, then

a copy of the contract should be sent direct to the Indian Embassy in the country concerned for reference at any time.

- (c) The authenticity of the employer and the contract should also be attested and witnessed by the Mission of the country of the employer."

3.43. Giving their reactions to this complaint the Ministry have informed that on receipt of complaints from workers regarding poor living or working facilities our Mission takes them up with the employers and authorities with a view to find an amicable redressal. If needed proper assistance is also provided to the workers to take the matter to the local courts. Before the departure of the workers from India, their employment agreements are seen and proper advice is given to the workers by the Protectors of Emigrants. However, following a Supreme Court decision of March 20, 1979, which has taken away the authority from the Government to insist on any minimum wages or terms and conditions of employment the Protectors of Emigrants are not in a position to reject applications for emigration on the grounds that the salary or terms and conditions are not adequate.

3.44. On receipt of complaints of large extortion of money from the workers by recruiting agents against promises of employment these are referred to appropriate police authorities for investigation and proper action.

As for the suggestions made in the memorandum the comments are as follows:—

3.45. Following the Supreme Court order of March 20, 1979, the system of registration of recruiting agencies with the Government has been done away with. A proposal to introduce new legislation on the subject which would provide appropriate control over the employment agencies is at its final stages of consideration of the Government. Another proposal to set up a manpower corporation at the Central level in the public sector to supply Indian workers for overseas employment is also under the consideration of the Government.

3.46. All employment contracts between Indian workers belonging to unskilled, semi-skilled and skilled categories are registered with the Protectors of Emigrants before the departure of workers from India. Whenever needed recommendations of our concerned missions are also obtained before granting permission to emigrate. However, emigration of persons belonging to experts category with high qualifications like doctors, engineers, etc., is not subjected to these procedures as such persons are considered to be in a position to protect their own interests.

3.47. Authenticity of the employer and the contract is got verified from the concerned missions whenever there is doubt about their *bona fides*.

3.48. During the evidence, the Ministry's attention was drawn to their own statement that during the last one and a half years there have been no cases of violation of contractual terms of Indian workers employed by the Iranian authorities and the memorandum received by the Committee stating that after the Iranian Revolution, there have been many cases where the Iranian employers have not kept their commitments as to the terms and conditions of the contracts.

Secretary (ER) stated:

'I think this question requires a little clarification again. There has been a little misunderstanding in respect of two categories workers on the one hand and experts on the other. So, the question of non-compliance etc., really relates to workers and the memorandum is in regard to doctors who are categorised as experts. The position is that after the Iranian Revolution in February 1979, the contracts of all foreign semi-skilled and unskilled workers were terminated with effect from 21st of March, 1979, and the contracts of experts were terminated with effect from 20th June, 1979. The only question is in regard to essential services approved by the Iranian Ministry of Labour and as a result of that, only Indian medical and para-medical personnel were left in employment in Iran. The memorandum which came to the notice of the Committee actually is one relating to the grievances of doctors and again it is as a result of changes there. There are some societies . . . which have been merged and nationalised. The payments to the doctors etc. were not made and therefore this memorandum was given. The Embassy is trying to find a solution for it.'

3.49. It was also brought to the notice of the Committee that "there are about 500 Indian families settled in Iran for over 20 years. They do not face any difficulty apart from getting their work permits renewed once in a year and recently once in six months."

3.50. The Ministry were asked whether the position stated above is applicable to all foreigners alike or to Indians only. The Ministry have stated that the problems being faced by the long-term Indian residents in Iran for the renewal of their work and residence permits are also applicable to other similarly placed foreign nationals. There is no discrimination against Indians.

*Authentication of contracts*

3.51. It has been suggested to the Committee that the authenticity of the employer and the contract should be attested and witnessed by the Mission of the country of the employer. The Ministry have stated that the authenticity of the employer and the contract is got verified from the concerned Mission whenever there is any doubt about their bonafides.

3.52. Secretary (ER) explained during evidence that whenever there was any doubt about the authenticity of any document, those documents (contracts) were referred to the concerned Indian Missions abroad.

*(e) Lebanon**Labour disputes*

3.53. In Lebanon 11 cases relating to labour disputes of Indian nationals involving 136 persons came to the notice of the Indian Mission in Lebanon. While most of the disputes were settled, three workers had to go back to India at their own expense.

3.54. Asked to furnish details about the nature of cases and the assistance rendered by the Mission, the Ministry informed the Committee that details of nature of 11 cases which came to the notice of Indian Mission in Beirut are as follows:

3.55. 14 locally recruited Indian workers deserted the factory of a private concern on 15-11-79 due to illtreatment by the employer and approached the Embassy for repatriation to India. The Embassy intereved with the employer on behalf of the Indian workers and secured an assurance from the company that the workers would not illterated. Subsequently the workers were persuaded to go back to work.

3.56. 19 Indian workers employed by the same private concern complained that they were being subjected to beatings and inhuman treatment. This complaint was taken up with the employer and with the local Foreign Office. Meanwhile, these workers were released by the company from their employment without payment of wages due to them. Workers were also black-listed and banned from entering Lebanon for five years. The matter was again taken up with the local Foreign Office and the Mission was successful in getting the ban lifted for these workers. The Embassy also helped them in securing alternative jobs in Lebanon.

3.57. One Indian worker holding valid Lebanese work permit and residence card was denied entry into Lebanon at the Beirut Airport while returning from home-leave from India and was sent to Jordan. Our Mission took up the matter with the local Foreign Office and the worker was allowed to come back to Lebanon to resume his work.



3.58. 12 Indian nationals landed in Beirut on transit visas in search of jobs and got stranded. With the help of the Embassy jobs were secured for them with a local firm.

3.59. A complaint from 16 Indian workers with an Industrial Company, Beirut, was received for illtreatment by the employer. Our Mission intervened and the dispute between the workers and the employer was amicably settled.

3.60. 37 Indian workers employed by a local firm complained of non-observance of agreement by the company pertaining to payment of salary and provision of accommodation. An official of the Mission visited the company and intervened with the employer on behalf of the Indian workers and the dispute was amicably settled to the satisfaction of the Indian workers.

3.61. 16 Indian workers of another local company went on strike in demand of higher wages. An official of the Mission visited the site and with his intervention the dispute was settled amicably to the satisfaction of Indian workers and work was resumed.

3.62. 4 Indian workers employed in another company and staying with them had not been given proper jobs and salaries as per agreement. On intervention the employer informed our Mission that the workers did not have the skill for which they had been recruited by the recruiting agents in India and hence had been given other appropriate jobs at appropriate salaries. The employers declined to honour the agreement in view of these reasons. The Indian workers subsequently deserted the factory and approached the Mission for assistance for repatriation to India. With the intervention of the Embassy alternative jobs were arranged for the workers with another firm.

3.63. Six Indian workers complained of non-observance of agreements by the employer. The employer informed our Mission that out of the six Indian workers two were found unfit for any work and the remaining four though otherwise suitable were not fit for the post for which they were recruited. As such these four persons were being paid lower than the agreed wages. He, however, assured that he would increase their pay in the near future. The four Indian workers agreed to work on these conditions. The rejected two workers were obtained alternative jobs with other firms with the help of our Mission.

3.64. A complaint from 10 Indian labourers of local Municipality was received by the Mission of payment of lower wages than agreed in the contract and illtreatment by the employer. The Municipality denied illtreatment to the workers and stated that the agreement between the Municipality and the recruiting agent in India was for payment of lower level of wages.

Our Mission reported the matter to the Ministry and the recruiting agents have given an undertaking that the workers will be paid according to the agreement.

3.65. One worker complained to the Mission that he was not happy with his work and that his employer was not releasing his passport to go to India to see his ailing wife. This worker was willing to come back to India at his own expense. Our Mission provided details to the Ministry and the recruiting agent has given an undertaking to have the worker repatriated.

(f) *Oman*

*Problems of Indians in Oman*

3.66. The Ministry have informed the Committee that the Indian workers in Oman are stated to be facing a number of problems. The number and nature of cases that have come to the Embassy's notice during the last three years are as follows.

Nature of complaint	1978	1979	1980
1. Irregular payment of salary, overtime allowance etc.	2,250	1,150	1,350
2. Dismissal/Termination of service.	350	275	300
3. Underpayment of their salaries	250	300	600
4. Substandard living conditions etc . . . . .	75	475	450
5. Non-payment of service benefits etc. at the time of their repatriation . . . . .	250	200	250
6. Non-provision of medical facilities. . . . .	40	50	50
7. Miscellaneous things like refusal by the sponsor to allow them to proceed on leave due to them, non-repatriation even after the completion of contract period, offer a job different to that mentioned in the contract, harassment by the sponsor etc. . . . .	600	400	300
<b>Total</b>	<b>3,815</b>	<b>2,850</b>	<b>3,300</b>

3.67. The cases of complaints are stated to be taken up by the Mission with the Directorate of Labour of the Ministry of Foreign Affairs of the Government of Oman as and when they come to the Mission's notice. The Mission usually succeeds in, ensuring that the major grievances of the workers are redressed as per the local labour laws.

3.68. It is stated that when the issue relating to non-payment of salaries was taken up with Government of Oman, it was agreed that if the workers

approached the authorities within the first four to five months of their arrival, the sponsor will be asked to pay to them 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.

3.69. Secretary (ER) stated during evidence that "the Ministry did not have full information in this regard to the number of cases in which Indian workers' grievances could be redressed by Indian missions. He assured to collect the information and furnish it to the Committee."

Subsequently in a note submitted after the evidence the Ministry informed the Committee that Indian Mission in Muscat had informed them that "Indian workers generally do not report back to the Embassy after their grievances are redressed. Therefore, it has not been possible for the Mission to keep an exact track of complaints in which satisfactory redressal was obtained. However, our Mission has stated that they have reasons to believe that most of the cases have been settled satisfactorily."

#### *Indian Mission at Muscat*

3.70 It has been brought to the notice of the Committee that the Indian Embassy in Muscat does not take any interest in the personal welfare of the Indian living in Oman. It has been suggested that a counter be opened in Indian Embassy at Muscat where Indians may explain their personal problems and seek help for a safe repatriation. According to the Ministry the Embassy of India at Muscat has denied the allegation. The Mission, it is stated, endeavours to attend to the needs of all the Indians visiting the Embassy and give them assistance and help to the extent possible.

3.71. The Mission has added that "there are about 80,000 Indians in Oman and it may not be possible to satisfy everyone."

3.72. Asked to comment on the tenor in which the Mission has asserted that "it may not be possible to satisfy everyone."

Secretary (ER) stated:

"This is probably unfortunately worded by the Mission. What they probably wanted to convey was different."

#### (g) *Qatar*

#### *Terms of work contracts*

3.73. The Ministry informed that 108 cases of violation of terms of contract came to the notice of Indian Mission during the last three years. All these cases were taken up with the employers by the Mission and assistance provided to arrive at an amicable settlement. 67 employees were

repatriated where the employees or the employers were unwilling to continue the employment. According to our Mission it is normally possible to settle disputes with their intervention. However, in case disputes are not settled the complaints can be taken up in local labour courts or with other authorities.

### *Saudi Arabia*

3.74. With regard to the working conditions of Indians in Saudi Arabia, the Ministry have stated that the working conditions of Indians are variable, depending upon attitude and sincerity of employers. Due to operational restrictions, language difficulty and camps in far-flung areas, many complaints would not come to the notice of the Embassy at all. It cannot be said that living conditions accorded to Indians are generally worse than these accorded to foreigners from other countries, although there have been several instances of exploitation.

3.75. The Ministry was asked about the nature of exploitation of Indian Workers that had come to Mission's notice and whether the Government/Mission in Saudi Arabia took up cases of exploitation by employers with the appropriate Government authorities there.

3.76. The Ministry have informed the Committee: The nature of exploitation of Indian workers in Saudi Arabia varies from substitution of contracts with less favourable terms and conditions of employment, payment of salaries at lower rates than contracted, termination of services without payment of dues and return fare, deployment of workers on duties other than contracted for and poor working and living conditions. Our Mission has taken up individual cases of exploitation by employers with the appropriate local Government authorities and necessary redressal of grievances was obtained in many cases.

3.77. The operational restrictions faced by Mission in establishing contracts with Indian workers in way out camps to ascertain their problems are limited staff and shortage of Arabic interpreters. A decision to strengthen the staff position of the Mission has been taken by the Government.

3.78. Asked as to how the Indian Mission/Ministry proposed to deal with the problem of duplication of contracts, the Ministry stated that as and when complaints of duplication of contracts are received our Mission takes up these complaints with various employers. During the last two years over 300 cases of complaints were taken up with employers and in most of the cases an amicable settlement was achieved. 14 cases were also taken up with the Central or Provincial State Authorities/local police/labour authorities. Mission also aids and assists Indian workers in taking up their complaints to the local labour courts.

(h) *United Arab Emirates**Service contracts*

3.79. It is stated by the Ministry that there have been and continue to be disputes between employees and employers regarding the terms and conditions of contracts. The Indian Mission in UAE has now made it compulsory for employment contracts to be authenticated by the local Ministry of Foreign Affairs and the Ministry of Labour. As a result, there has been a significant decline in the number of such cases. The Indian Mission in UAE has done so, as according to the local laws, contracts have no legal validity unless they are so authenticated. But according to the Ministry such an arrangement cannot be insisted upon in view of the Supreme Court order of March, 20, 1979 according to which such contracts can be authenticated in any of the manners mentioned in Section 85 of the Indian Evidence Act. Thus, in addition to Indian consular Representatives abroad, notaries public or judicial authorities in the country of origin of documents can also authenticate the agreements.

3.80. Secretary (ER) stated during evidence that there were not many other countries where compulsory authentication of employment contracts by the Government Departments had been laid down under the laws of that country.

*Sponsoring Employers*

3.81. An Association of Indians in UAE has suggested to the Committee that emigration form (EMI forms) should be endorsed only after proper scrutiny and investigation.

Secretary (ER) stated:—

“The EMI form is a proforma to be filled by a foreign employer when he takes Indian worker there. This is for individual employees, not for group employees.”

3.82. It has also been suggested that Government of India should ensure that labour Department in every country give some kind of a guarantee that sponsors will respect the terms of service given in the EMI forms, in accordance with the minimum wages and conditions prescribed by labour Department.

3.83. Asked even if Government of India could not impose and conditions on foreign employers or foreign countries, whether the Ministry could not take up this matter with West Asian countries and arrive at some sort of bilateral understanding or obtain some sort of assurance to ensure that sponsors would respect the terms of service offered to Indian workers, Secretary (ER) stated:—

“This is very much done. This has been continuing with our Missions. We have approached the foreign governments

several times. Their problem is that they cannot do this for India alone. Whenever there is a violation, they direct us to the labour court. And they help us."

(i) *Yemen People's Democratic Republic*

*Terms and Conditions of workers*

3.84. The Ministry informed the Committee that in order to ensure parity of terms and conditions offered to Indian workers employed by different employers, the Indian Mission in Yemen People's Democratic Republic had advised a recruiting agency in Bombay and also the Protector of Emigration in Bombay not to recruit employees on a salary lower than that paid to the International Airport Authority of India workers so that no complaint arose subsequently on this account.

3.85. As regards issuing similar advice to all recruiting agencies, the Ministry have stated that presently emigration procedures in India are in operation as set down in the Supreme Court order of March 20, 1979. According to these orders Government has no authority to lay down any minimum levels of wages to be paid to Indian workers going abroad on employment. In view of these limitations recruiting agencies or foreign employers can only be advised or given suggestions regarding levels of wages without making these levels obligatory. Such advice is being given to the foreign employers or recruiting agents by Protectors of Emigrants in India as and when considered appropriate.

3.86. Asked to furnish a copy of the "advice" given to foreign employers and recruiting agents as also a list of foreign employers and recruiting agents to whom the "advice" has been given, Secretary (ER) stated during evidence:—

"The advice has been given, but it has been given only orally. Any type of written advice would have no meaning because if it is violated, it only erodes the position of the Emigration Officer, and in any case, we cannot enforce any advice in regard to wages. This has been a major problem for us. One of the reasons is the Supreme Court Judgement."

The witness add:

"Before the Supreme Court judgement, what we tried was to have differential rates. We said that a foreign employer would pay more than an Indian employer. Then we went into the other question also; depending on the cost of living, for the different categories in each country, we tried to set out what we called the minimum wage. But that was struck down by the Supreme Court."

3.87. On a pointed question being asked whether the oral advice has any utility Secretary (ER) stated:

“It does not really have any type of binding that way; but what it does have is this; after all, the protector of Emigrants is a person with whom these fellows have to work all the time; they try to keep him happy.”

3.88. Asked, whether the Ministry could say that the advice had been issued to all the employers/agents concerned, Secretary (ER) added :

“I would not be able to make a categorical statement because no record is kept.”

#### *Extension of Visas*

3.89. The Committee were informed that if any Indian wants to prolong his stay in Yemen Peoples' Democratic Republic, the Indian Embassy issues a letter to Immigration Department for extending the visa which is normally granted.

3.90. Asked whether other Indian Missions in West Asia tried to arrive at similar understanding with the Immigration Departments of the Countries of their accreditation; Secretary (ER) informed the Committee:

“Normally, for private passport holders the Missions do not send any letter for seeking extension. The situation in Yemen is a peculiar one. Whenever any Indian national has a problem in getting an extension, he approaches the Mission and is helped. Normally, such nationals are able to get extensions through their own efforts, friends or employers.”

3.91. Explaining the background of this special situation obtaining in Yemen, Secretary (ER) added:—

“It is perhaps because of the type of law or procedure prevailing there. May be, the Yemenese like to have some type of assurance from the Embassy that the individual is known to them. It helps to clear the application.”

#### *Lack of accommodation*

3.92. Another problem which the Indians have to face in Yemen Peoples' Democratic Republic is the lack of accommodation which is promised to them by the various Ministries when recruiting them in India.

3.93. The Ministry informed the Committee that Indian Mission has stated that because of extreme paucity of accommodation sometimes Indian workers are accommodated in hotels or are made to share accommodation on their arrival in Yemen. Such a provision does not necessarily imply

non-fulfilment of terms of contracts as normally the contract conditions simply state that accommodation will be provided to the workers. However, whenever any complaints are referred to our Mission these are taken up with the authorities concerned.

(j) *Yemen Arab Republic*

3.94. The Ministry have informed the Committee that Indian nationals other than labourers also regularly approached the Embassy for assistance in resolving disputes with their employers relating to pay and working and living conditions. In order to minimise and resolve these problems the Embassy has taken the following action:—

- (a) The Embassy gets all contracts presented for approval by local employers intending to employ Indian nationals, in order to ensure that the best contractual conditions are provided to the Indians.
- (b) The Yemen Arab Republic Government has been clearly informed by the Embassy that recruitment of Indian experts by YAR Government departments would invariably have to be done through the Govt. of India.
- (c) With regard to the complaints received by Indian nationals working in the Yemeni private sector the Embassy has invariably taken up the matter with the employers to induce them to implement the contract. By and large the Embassy has been successful in its efforts.

3.95. On being asked whether similar steps could be taken by Indian Missions in other countries in the Gulf region, the Ministry informed that presently emigration procedures in India are in operation as set down in the Supreme Court order of March 20, 1979. According to these orders it is not obligatory on the part of foreign employers to present contracts for getting by our Missions. The approach of our Mission made to the Yemen Arab Republic Government is for a bilateral understanding. However, that Government is under no obligation to abide by the Mission's advice. Similar bilateral approaches have been made by our missions in some other countries in the region also.

3.96. Asked, even if the procedure outlined above is not obligatory on foreign employers, please state precisely the names of the Missions which have made approaches to foreign employers regarding (i) vetting of contracts by the Missions and (ii) recruitment of experts through Government of India, the Secretary (ER) stated during evidence:—

“We have to put this into two categories. One is employment of experts by Government and the other is employment of experts by private companies. The policy of the Government is that wherever a foreign government wishes to recruit the



Indian experts like doctors, engineers, architects, Chartered Accountants and other higher category people, we request that government that government-to-government recruitment should be done through us and the Department of Personnel and Administrative Reforms is the Department who will suggest the names of experts. Here we have found that while several governments have agreed to this procedure, there are still violations because we cannot control if a doctor is offered a job in a Government hospital in any other country and he is satisfied with whatever he is paid. Therefore, many times the foreign governments while telling us that they would agree to this procedure, do resort to advertisement and do resort to entertaining privately received applications which are made through some friends of the applicants working in that country. So, we have a difficulty in regard to this."

3.97. Asked, whether it was not a fact that due to abnormal delay in recruiting experts through our Government, the foreign Governments normally preferred to recruit persons through private applicants violating the agreement, the Secretary (ER) stated:—

"That is the accepted argument before us. Here, I think the Estimates committee could help us a great deal because here is a problem about which we ourselves would like to see some clear-cut picture. In regard to these experts, it is a question which I would like to pose to you. Our concern is that Indians do find the salaries abroad very attractive in comparison to what they get here. In many categories, people are prepared to accept the terms and conditions which are less favourable than what a recruiting government is prepared to offer to foreign experts and which the nationals of other countries would accept. Therefore, we felt that in order to protect our own nationals from getting less salaries which is not only harmful to individuals, but also to our government, we must regulate the recruitment. The only way we can regulate is by employment which is done through us."

*Exploitation of workers by Indian contractors/employers in Yemen Arab Republic:*

3.98. In a memorandum submitted to the Committee, it has been stated that "the bulk of Indian Community in Yemen consists of labour class and their major problem is that of exploitation by the employers who in most cases are Indian Contractors. Suitable measures, therefore need be taken by the Government of India so that activities of such Indian employers working overseas can be influenced in a positive direction

The Ministry informed that before their departure for employment abroad the employment agreements of Indian workers are registered with the protectors of Emigrants. The employers are required to honour the terms and conditions of such agreements. If the workers complain of non-fulfilment of terms and conditions of contract our Mission provides necessary assistance to the workers by intervening with the employer or by aiding and advising the workers to take the matter to the appropriate courts. The proposed Bill on Indian migrant workers is expected to provide adequate safeguards to the workers to ensure that the terms and conditions of their employment agreements are not exploitative.

3.99. Asked whether it was not unfortunate that even the Indian contractors/employers exploit Indian workers in other countries; and whether there was no remedy short of the proposed Bill, the Secretary (ER) stated:—

“It is certainly very unfortunate that the Indian employer's are accused of exploiting the Indian man-power. This has come to our notice. We have, wherever possible, tried to take the necessary measures. Unfortunately, our hands are tied in this matter because we cannot really blacklist an employer just for this. Perhaps he is undertaking a project abroad worth crores of rupees; and if we do not permit the implementation of the project, it will get stopped. We can operate only in a limited area because of the Supreme Court judgement, nevertheless, there are various things that we can do. When a man is outside, he is helped by the Mission and we can resort to the labour courts. When we hear about an Indian employer not treating the Indian man-power properly, there are many types of obstacles which we can place in his way. We can delay his application for appointment of new personnel. In that way, we can try and make him improve the living conditions, if he is not keeping the houses properly, if his food is bad and so on. We have received suggestions that Indian man-power going outside should be better informed not only of what their rights and privileges are but also of the pitfalls, the types of conditions in which they have to work and also the particular type of situation in that country. We will try to make a format which will give general information in regard to working abroad and specify the information in regard to the particular countries where our Indians would be working.”

3.100. On a suggestion that in the case of Indian Public Sector Undertakings working abroad, Government should take up the matter with the other Government Departments, whereas in respect of private sector where the principals are here, the principals here could be pressurised to ensure

that reasonable facilities are given by their subsidiary firms abroad, to Indians working there, the Secretary (ER) stated:—

“This is a very valid question. We are exactly doing the same thing. Public Sector creates problems. When private sector is there we can pressurise. We can exert and put some moral pressure. Many times it happens that the employer outside tries to penny-pinch because it goes into his own pocket also. There is some type of pilferage. Because the employer has to provide for food and clothing also and we get some genuine complaints. We do have a greater leverage on Indian employees than we have on foreign employer. And I can perhaps state that because of this type of supervision by and large, conditions have improved.”

3.101. Asked whether our labour laws could be applicable to Indian Companies operating abroad, the Secretary (ER) stated:—

“Our labour laws can only apply in our country.”

3.102. Subsequently, the Ministry furnished the following note in regard to applicability of Indian Labour laws to workers employed by Indian Companies abroad:—

“Ministry of Law have been consulted on whether Indian Labour Laws would be applicable to workers employed abroad by Indian employers. They have advised that unless a law is given extra-territorial jurisdiction specifically, it would not be applicable outside India. According to their advice, in the Labour Laws enacted in India there is no provision for extra-territorial jurisdiction and, as such, the provisions of the Indian Labour Laws would not be applicable to the Indian workers while serving abroad.”

(k) *Workers employed by Central Public Sector Undertakings*

3.103. It was brought to the notice of the Committee that:

“Some of our Central Public Sector Undertakings take men abroad on contract. These workers are huddled together in a small tenement. Some photographs have also appeared in the Press that in a 10' x 10' room, 60 workers stay and they sleep within the room by turns during the night”.

3.104. Asked what steps the Ministry would suggest to stop this sort of exploitation, the Secretary (ER) stated during evidence:

“I think, this complaint arose in the case of a sub-contractor who worked for an EPI project in Kuwait. It was found that the

living conditions of the workers were not conforming to the standards which have been laid down. I think that this situation has been corrected. I think that necessary rectifications have been done. However, I will again check whether this has been corrected or not."

3.105. Subsequently the Ministry furnished the following information in this regard in a written Note:

The following (central) Public Sector Undertakings have undertaken project abroad :

1. M/s. Indian Road Construction Corporation Limited
2. M/s. Engineering Projects (I) (Limited) New Delhi
3. M/s. National Building Construction Corporation Limited, New Delhi
4. M/s. Hindustan Steel Works Construction Company Limited, Calcutta
5. M/s. International Airports Authority of India Limited, New Delhi.
6. M/s. Project and Equipment Corporation of India Limited, New Delhi.
7. M/s. Bridge & Roof Corporation (I) (Limited), Calcutta.
8. M/s. National Projects Construction Corporation Limited, New Delhi

3.106. In the executive of their projects abroad the above organisations have recruited a large number of workers from India and have taken them to the project sites abroad. Most of those organisations have also engaged sub-contractors or associates for completing parts of projects. Such sub-contractors engage their own workers as per their requirements.

3.107. Before their departure for employment abroad, workers of the Public Undertakings or their sub-contractors are required to register their employment agreements with the Protectors of Emigrants. These agreements are registered after fulfilment of necessary emigration formalities as required for workers going abroad for employment with any foreign employer.

3.108. In case of receipt of complaints by the workers, our Missions take necessary steps to bring complaints to a satisfactory conclusion through a dialogue with the management of these organisations or sub-contractors or with the concerned Department of the Government.

*Functioning of Sub-Contractors in Kuwait.*

3.109. With regard to functioning of sub-contractors of EPI projects in Kuwait, and reports of living conditions of workers hitherto not con-

forming to the standards as laid down, the Ministry informed the Committee that Engineering Projects (India) Limited, has been engaging Associates/Contractors for their Civil and Erection works for the overseas projects, with an understanding that such Associates (Sub-contractor) will have a nucleus of their own skilled, semi-skilled and un-skilled workers.

3.110. EPI's and Associate's workers are required to register an agreement with the Protector of Emigrant office, stipulating the terms and conditions of employment in Kuwait. The terms and conditions are same for EPI's and Associate's workers.

3.111. In terms of the Agreement entered into and registered with the Protector of Emigrants by EPI and its Associates with the workers recruited and employed by them at their projects in Kuwait, they are required to provide certain facilities to the workers, in addition to the salary:

3.112. As regards the living accommodation, EPI and its Associates have provided adequately furnished air-conditioned/air-cooled barrack type accommodation with toilet and bath facilities.

3.113. For preparation and service of food, well-equipped and furnished mess units have been provided where fresh food is cooked and served to the workers.

3.114. It is confirmed that all other facilities are also being provided to the workers by EPI and its Associates in Kuwait.

*(1) Publicity of Working Conditions among Workers Seeking Jobs Abroad:*

3.115. In the context of ignorance of workers about working/living conditions, leading subsequently to their exploitation by foreign employers, a former diplomat suggested that the Government of India must publicise, the working conditions and also the terms and conditions and the level of wages which workers get in the Gulf countries. Publicity should also be given to the high cost of living in these countries (like cost of daily needs etc.) These things should be propagated through our State Governments in all the areas from which these recruitments are taking place.

3.116. The Ministry have stated that the Government is constantly making efforts to publicise the working conditions and other details of employment in the West Asian countries. Besides, regular programmes on television and All India Radio, the Protectors of Emigrants aid and advise Indian workers whenever they are approached for such assistance. At the time of registration of employment contracts appropriate suggestions are made regarding terms and conditions of employment if they are

found inadequate in any respect. The workers are also duly advised at that stage.

3.117. Asked whether the publicity programmes on Radio and TV sponsored by the Government actually cover working and living conditions in Arab countries as contained in the above suggestion.

Secretary (East) stated :

“that they did cover this broadly.”

3.118. In a note furnished after evidence the Ministry have, however, informed the Committee that “so far no programmes of publicity describing working/living conditions in individual Arab countries have been sponsored on Radio or Television.”

3.119. Asked whether the Ministry/Protectors of Emigrants have drawn up a list of essential terms and conditions of contracts and whether they give this list to intending emigrants to enable them to compare the terms offered with the terms essential, and whether there was any difficulty in drawing up such a list to serve as guideline to the workers.

Secretary (East) stated during evidence :—

“The Protector of Emigrants has standard terms and conditions for a particular country. But, only advice can be given orally to applicants in the light of the Supreme Court Judgment.”

3.120. Asked whether the Ministry have compiled any pen-picture of the living conditions and cost of living in West Asian countries for the benefit of intending emigrants and whether they gave this information to the emigrating workers and whether the Ministry would agree that if such an information was compiled and disseminated among intending emigrants, it would prove to be useful and help the emigrants.

3.121. The Secretary (East) stated:

“In pursuance of the suggestion made by the Committee, we propose to bring out a comprehensive information booklet in English as well as in all the regional languages. It is proposed that this booklet should be primarily aimed at the Indian workers emigrating to the Gulf countries and it would contain roughly the following material :—

- (1) Explanatory notes regarding procedures for obtaining passports and emigration procedures etc.
- (2) Information on the living and climatic conditions including such matters as accommodation and cost of living in these countries.
- (3) On working conditions in these countries.

3.122. This would give some rough idea of the contractual situation that you have mentioned.

- (4) Brief summary of the labour regulations prevalent in those countries as well as the emigration regulations prevalent in those countries.
- (5) Summary of the common pitfalls into which Indian workers have fallen in the past, which they should avoid in future.
- (6) The assistance which our Missions are ready to extend to Indian workers.

3.123. We are in the process of compiling the material and we hope that we bring out at least one or two editions of this booklet by May-June this year, 1981."

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, 1000 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 come 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 400 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.

(S. No. 14)

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 humbler frame of mind and see where and why they have not fully succeeded in looking 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.

(S. No. 15)

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.

(S. No. 16)

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.

(S. No. 17)

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.

(S. No. 18)

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.

(S. No. 19).

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.

(S. No. 20).

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.

(S. No. 21).

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 can serve the purpose of the employer or, if the original is kept by the employer, whether duplicate passport could be issued to the Indian employees to tide over the difficulties that they may be created by an unhelpful employer.

(S.No. 22)

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.

(S. No. 23)

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. Though 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.

(S. No. 24)

3.136. The Committee suggest that Indian Missions in Jordan and elsewhere should consider ways and measures of educating Indian Workers to avoid such situations 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.

(S. No. 25)

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.

(S. No. 26)

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.

(S. No. 27)

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 sponsor 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 Governments of other countries also.

(S. No. 28)

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 fulfill 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.

(S. No. 29)

3.141. 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.

(S. No. 30)

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 year 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.

(S. No. 31)

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.

(S. No. 32)

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 there 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.

(S. No. 33)

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.

(S. No. 34)

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.

(S. No. 35)

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

(S. No. 36)

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 Government 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. (S. No. 37)

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.

(S. No. 38)

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)

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. (S. No. 40)

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 Govt. cannot be stopped from making a direct recruitment or an Indian expert cannot be stopped from making a direct approach to that Govt. for employment. But, if the Govt. of India can streamline their recruitment mechanics 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.

(S. No. 41)

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 informed 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 ensure 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. (Sl. No. 42).

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 situations of conflict with the Indian Workers abroad.

(Sl. No. 43)

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.

(Sl. No. 44)

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.

(S. No. 45)

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.

(S. No. 46)



## CHAPTER IV

### INDIAN WOMEN IN WEST ASIA

#### (a) *Marriage of Indian Women with Arab Nationals*

4.1. There have been press reports of exploitation of young Indian girls who are enticed into marriage by foreign nationals, particularly those from West Asian countries, through professional touts operating in India and later deserted or ill-treated. Some such cases in Hyderabad have been reported in the press recently.

4.2. In this context the Ministry of External Affairs have informed the Committee that Arabs had been coming to India, particularly Andhra Pradesh, for marriage with Indian Muslim girls, even in pre-independence days in view of their historical connections with the former princely State of Nizam.

4.3. Increase in number of emigration of Indian women to Gulf countries and their desertion ultimately landing them into trouble in foreign countries (some forced to take to unpleasant practices) came to Ministry of External Affairs notice in 1973-74 onwards. Thorough enquiries were made in 1976, and it was confirmed that there was some truth in the reports that large number of Arab nationals aged 60 to 70 years had got married to young Muslim girls from Hyderabad according to Muslim Personal Law and had taken them to Gulf countries with the ultimate aim of selling them to Arab households as domestic servants or to some agents and in many cases they landed in brothel houses. It was, therefore, decided at Foreign Minister's level not to issue passports in such cases without prior approval of Ministry of External Affairs. Subsequently, the position was reviewed and in June 1977, the Regional Passport Officers at Hyderabad, Madras and Bombay were authorised to issue passports in such cases after due verification of facts from the State police authorities and concerned Indian Missions abroad and after satisfying themselves that such women were not being cheated by touts or agents in India or by their foreign husbands. The above-mentioned RPOs were asked to comply with the following instructions before deciding to grant passport facilities to Indian wives married to Arab nationals:—

- (i) That there should not be a considerable age difference between the bride and the bridegroom. A difference of age not exceeding 15 years could be considered a reasonable age difference.

The RPOs at Hyderabad, Madras and Bombay were asked to refer only those cases to the Ministry for clearance where age difference between the wife and the husband exceeded 15 years and doubts existed about genuineness of purpose of marriage, inability of foreign husband to maintain her, etc.;

- (ii) That the police report does not contain any information which may lead one to suppose that the girl has been coerced, duped or commercialised;
- (iii) That the Indian Mission concerned has recommended the marriage, taking into account bridegroom's age, employment, monthly income, social standing and such other relevant factors;
- (iv) Cases sponsored by doubtful agents or persons known to be involved in promoting marriages for commercial reasons, should be scrutinised with greater care; and
- (v) Wherever the RPO feels it necessary, he should summon the girl and/or the parents and satisfy himself that the girl is fully aware of the conditions of marriage in Arab country.

4.4. In April, 1978, instructions were issued to the Indian Missions in Gulf countries to interview Arab husbands personally before attesting the Sponsorship Declarations filed by them for calling their Indian wives to Gulf countries, and to ascertain and report information on the following points to the RPOs concerned :—

- (i) Whether the Arab husband visited India and was personally present at the marriage or whether the marriage was performed by proxy (this information can be ascertained from examination of the passport);
- (ii) the circumstances under which the Indian lady was introduced to the Arab husband or as to how the Arab husband came to know about the Indian lady (this is to ensure that there was no commercial consideration behind the marriage);
- (iii) whether the Arab husband has reasonable financial standing;
- (iv) his age by appearance and whether he is suffering from any serious disability, mental or physical;
- (v) his previous marital status, number of previous living wives he has at present and the number of children living with and dependent upon him from previous marriages; and
- (vi) if he is able to produce a letter of recommendation or certificate of his bonafides/antecedents from any respectable person known to the Missions.

4.5. The Ministry have stated that no doubt, these procedures take some time and there are delays in the issue of passports, but it ensures safeguarding the interests of Indian nationals—Muslim ladies—wanting to emigrate to Arab countries because of matrimony. Interviews with young Muslim girls married with Arab nationals show that in spite of old age of husband, the previous wives of the Arab husband and children from his other wives, the living conditions in the country concerned etc., the Indian wife invariably insists on joining him.

4.6. In view, of this, in August, 1980, Passport Issuing Authorities in Bangalore, Bombay, Cochin, Hyderabad, Kozhikode and Madras have been instructed that in cases where the Arab husband of an Indian wife is 55 years old or less and conforms to other guidelines laid down in the Ministry's previous circulars, they should examine and decide the cases themselves without making a prior reference to the Ministry. Only in cases where the age of the Arab husband exceeds 55 years, the case requires reference to the Ministry for prior clearance. This gives wider scope to the Passport Issuing Authorities mentioned above and would make for expeditious grant of passports to Indian wives.

4.7. To cut down delay in correspondence, Missions in Gulf countries have been instructed to send the Sponsorship Declarations, duly attested and recommended or otherwise, to the RPOs concerned direct, without handing them over to Sponsors.

4.8. In order to assess the magnitude of the cases involving desertions, divorces, malpractices etc. of Indian Muslim girls married to Arab nationals occurring in Gulf countries, Heads of Indian Missions/Posts in Gulf countries were requested in September, 1980 to furnish information about the number of such cases reported to them during the years 1978, 1979 and 1980 (January to June), and also to send their considered assessment about exploitation of Indian Muslim wives by their Arab husbands, and also about the steps taken to eliminate this exploitation. The replies received indicate that there are very few cases of desertions/divorces, malpractices etc. in the Gulf countries. In some such cases reported to the Missions, amicable settlements between the husbands and the wives were arrived at through mediation of the Missions concerned.

4.9. The instructions regulating grant of passport facilities to Indian Muslim girls married to Arab nationals are applicable only *after* such a marriage has been solemnised and when such a married woman applies for a passport for proceeding abroad to join her foreign husband. It is indeed a great hardship to the young wife if she is refused passport facilities at this stage. Moreover, passport facilities can be refused only under the provisions of the Passports Act, 1967. The real remedy, therefore, lies in adopting measures to make a scrutiny of such cases before the marriage is actual-

ly solemnised. This aspect, however, is outside the competence of the Ministry of External Affairs.

4.10. In reply to a question by the Committee, the Ministry have furnished the following data based on the information received from the Indian Missions in the Gulf countries for the period April 1978 to December 1980:

	No. of Arab husbands who filed sponsorship declarations	No. of Arab husbands who were interviewed by the Missions before attesting the declarations	No. of cases where the Missions withheld attestation of declarations
Embassy of India Jeddah	301	301	Nil
Embassy of India Abu Dhabi	584	104	Nil
Embassy of India Bahrain	201	201	Nil
Embassy of India Aden	12	12	Nil
Embassy of India Doha	260	130	Nil
Embassy of India Kuwait	51	51	16
Embassy of India Sanna	5	5	Nil
Consulate General of India, Dubai	2000 (Approx)	2000 (Approx)	50
Embassy of India Muscat	113	113	21
<b>Total:</b>	<b>3527</b>	<b>2917</b>	<b>87</b>

4.11. During the period April 1978 to December 1980 passport facilities were refused by the RPOs in 15 cases, after obtaining Ministry's approval.

4.12. The procedure it is stated, involved close scrutiny of such cases by all concerned authorities and it seems to have deterring effect on unscrupulous agents. According to the Ministry the interests of Indian girls have thus been safeguarded to a great extent.

4.13. It is stated by the Ministry that the Government of India is engaged in a continuous process of reviewing the procedures with the ultimate aim of safeguarding the interests of Indian ladies to the maximum

possible extent. In August 1980, all Indian Missions in the Gulf countries were advised not to hand over the sponsorship declarations to the sponsoring Arab husbands, but to send these to the R.P.Os. concerned whom the sponsored ladies have to approach for issue of passports. This will ensure that they are not misled unscrupulous agents who tempt them to make false statements for obtaining passports.

4.14. From the information furnished by the Ministry it is seen that during the period April, 1978 to December, 1980 passport facilities, were refused in 15 cases. Against 584 Arab husband filing sponsorship declaration in Abu Dhabi and 260 in Doha, only 104 and 103 Arab husbands respectively were interviewed by the Missions but the sponsorship declarations of all the applicants were attested by these two Missions. Out of 3527 cases of sponsorship declaration filed by Arab husband, in 87 cases only attestations were withheld by Missions.

4.15. Asked, whether the Ministry had received any feed back about the 3440 Indian girls who are issued passports after than marriage with Arab nationals and whether the Ministry could say that the new procedure had ended or substantially reduced exploitation of Indian girls, the representative of the Ministry stated during evidence (Feb. 1981).

4.16. "On the basis of the facts, this question is very valid. It does appear that very few of the applicants were interviewed. Many more should have been interviewed. We are having a further look into this matter and asking for further facts. There are two aspects of it. One is the number. It is fairly large. Our Missions have a problem of physically being unable to process and examine and go into the details of each application by a personal interview. The second aspect is that in many cases, there might be no justification for going into this because the person wishing to get married is a known person. An interview may not be necessary. . . . I should imagine that the reason for this relatively small number having being interviewed is, perhaps, the combination of both these factors. But your observation is very valid, and we would have a look at it much more closely".

#### *Legislative measure*

4.17. On being asked whether the Ministry could suggest a legislative check on such marriages, Secretary (External Affairs) stated that:

"We have tried to tighten the regulations as much as we can, and the last tightening was done in August, 1980. . . . What we cannot do is to prevent a legal and valid marriage between two adults. . . . What we can do is only two or three things. One, we can try to avoid big age differences/ . . . or a maimed— or sick person getting married. . . . The second thing is to

try and see that marriages that are fictitious do not take place. Sometimes, it happens that if a man abroad wishes to employ an Indian and that employment may not be approved, he may just come here and have a fake marriage. . . . The question is whether emigration should be permitted in case it is a fictitious one (marriage). We do have a certain amount of leverage but not total. . . . .”

The witness added that:

“When you think of any new legislation, it has to be something which will not discriminate between a foreigner getting married and an Indian girl getting married here. In my view, it may not be possible to bring a new legislation because this would be a matter of discrimination”.

Secretary further stated (February, 1971) that :

“The tightening of procedure was introduced only in August, 1980. It is just 6 months since we introduced the tightening up the procedure. According to the reports received, the women who have gone abroad are happily married. This period is too short to make an assessment. This subject is important enough. We shall keep a total watch on this. . . . We are asking our missions to pay attention to the well-being of our Indian sisters serving or living abroad as wives”.

### *Registration of Marriages*

4.18. Suggestions were made to the Committee on the need for certain legislative measures to curb the increase of exploitation of Indian women by the foreign nationals. A former diplomat expressed the view:

“I think there should be a law in this country to register all marriages with foreign nationals quite independent of any other religious ceremony that they might have. There should be a system of registration of all marriages of Indian nationals with foreign nationals and they should prescribe a marriage contract putting down terms and conditions and in such cases the terms of the contract might include a bank deposit in the name of the girl to cover up possible repatriation. . . . As a Muslim I cannot see any objection.”

\* \* \* \* \*

“In Pakistan there is regular contract form. . . . If a person is a foreign national his marriage should be properly registered under the terms of the marriage law. His address, his name his particulars, his background, everything is there. This

is what I am saying. - It is not for putting hindrances in his way. Not at all, this is only for informative purpose only".

4.19. Giving reactions to the aforesaid suggestion the Ministry have stated that:

"in India marriages are regulated by the personal laws of the communities to which the parties belong. Marriages of Indian Muslim girls to Muslims from other countries would be governed by the muslim law. As such, the question of the registration of marriages of Indian women to foreign nationals has not been considered by the Ministry of External Affairs since this is the concern of the Ministry of Law."

4.20. With regard to the form of marriage used in Pakistan the Ministry subsequently informed (1981) - that according to information received from the Government of Pakistan, the Form of marriage between a Pakistani girl and a Muslim foreigner is the same as prescribed for a marriage of a Pakistani girl with a Pakistani male. The Format is almost the same as the "Nikah Namah" which is already in use in India.

4.21. When asked to state their reaction to the specific suggestion of registration of marriages of Indian girls with foreigners, Ministry of Law, Justice & Company Affairs (Legislative Deptt.) to whom the matter was referred had given the following opinion :—

"(i) The question of making registration of marriage compulsory by a suitable legislation is under the consideration of the Ministry of Home Affairs. It appears that presently the scope of this legislation is to provide for compulsory registration of marriages of Indian citizens only but it could be extended to the registration of marriages performed by the foreign nationals with Indian girls in India. At the time of inserting provision, a suitable declaration giving all the particulars of a foreign national, such as name, address, etc. can also be prescribed. The problem could be overcome to certain extent by such a provision.

(ii) This question was also raised in the Lok Sabha and in reply to Unstarred Question No. 4043 dated 16.12.80, the Minister for Law had mentioned that most of the marriages of Indian Muslim girls to Arab nationals "appear to have been made with the consent of the parents of the girls. If the girls and the parents had taken care to ascertain the antecedents and character of the groom concerned, there would have been no difficulty. No amendment of the law is, therefore, considered necessary.

(iii) Besides, any legislative measure in this regard would mean making changes in the Muslim personal law also, and the policy of the Government is not to make changes in the personal laws of Minority Communities unless the suggestion come from the Minority Communities themselves. As such any amendment to above mentioned proposed legislation about compulsory registration of marriages in India may not be possible to cover the marriages of Indian Muslim girls to foreigners (Muslims)".

4.22. The Department of Social Welfare were, however, stated to be in favour of introducing the contract form being used in Pakistan. The format of this form is similar to the 'Nikah Namah' which is already in use in India. However, if any change is to be made in the format of the Nikah Namah, the suggestions have to come from the Muslim Community in India.

4.23. Reports of exploitation of young Indian girls who are enticed into marriage by foreign nationals, particularly from West Asian countries and later deserted or ill-treated have come to the notice of the Committee. Such cases, it is stated, also came to the notice of the Ministry of External Affairs in 1973-74. Thorough enquiries made in 1976 confirmed that large number of Arab nationals aged 60 to 70 years had got married to young girls who were later sold to Arab households as domestic servants or to some agents and in some cases they were forced to take to unpleasant and indecent practices. In 1977 the Regional Passport Offices were instructed by the Ministry to issue passports only after prior verification of the facts from various sources, including Indian Missions abroad and only after satisfying themselves that Indian Women were not being cheated by touts or agents in India or by their foreign husbands. A detailed procedure for verification of the bonafides of the husbands and certain checks were laid down to prevent exploitation of Indian women.

4.24. The Committee note that from April, 1978 onwards, Indian Missions in Gulf countries were instructed to interview Arab husbands personally before attesting Sponsorship Declarations filed by them for calling their Indian wives, and to report information on certain points to the Regional Passport Offices concerned. The instructions were carried out by Indian Missions in Jeddeh, Bahrain, Aden, Kuwait, Samaa, Dubai & Muscat; but Indian Missions in Abu Dabhi interviewed only 104 husbands before issuing Sponsorship Declaration to all the 584 applicants and the mission in Doha interviewed only 130 Arab husbands out of 260 such applicants. The explanation given by Secretary (E.R.) during evidence that the number of applicants being large, Indian Mission had a problem of



physically being able to interview in each case and, in certain cases known to the Mission, there might be no justification for such an interview. He, however, assured to go into the matter more closely.

4.25. The Committee cannot but feel unhappy at the Indian Missions 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 to carry out Government instructions to the letter and spirit and not to disregard them in their discretion.

(S. No. 47)

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, 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.

(S. No. 48)

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.

(S. No. 49)

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 to keep close watch on such matrimonial alliances with a view to preventing exploitation of Indian girls. (S. N. 50)

4.29. 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. (Sl. No. 51)

(b) *Indian maid servants in Qatar*

4.30. The Ministry informed the Committee that for many years, maid servants had been recruited from Sri Lanka to work in Qatar. There were many complaints by them against their employers, of ill-treatment, harassment and even molestation. As a result, the Government of Sri Lanka banned the emigration of maid servants. Since then, more maid servants were recruited from India.

3.31. Further, while there were many servants who were happy about their working conditions, quite a number of cases have come to the notice of the Embassy where they were so unhappy that they wanted to go back to India at any cost. They complained that they were ill-treated, beaten and molested. Such allegations are difficult to prove in a court. The social set-up in Qatar is such that women do not go out freely as in India. A maid servant who is not happy about the working conditions in her employer's household may not be able to come out or communicate with the Embassy as she may not be allowed to go out at all. There seems to be no remedy to such situations except to ban the emigration of women to work as maid servants abroad.

4.32. Indian Mission in Qatar had taken up the issue of exploitation of domestic servants including maid-servants with the local Government. But the Qatar Government officials advised the Mission that any such complaints could be brought to the notice of the local court for remedial action.

4.33. During the evidence, the representative of the Ministry informed the Committee that 14 complaints of this nature were received by them from Qatar. He assured that the Ministry would look into the matter more closely. The representative of the Ministry, pointed out that the whole question of women being employed abroad was very difficult and delicate one and the Ministry had not been able to find an ideal answer. In the past, cases were reported from Kuwait where Indian ayahs had been going traditionally and there were complaints of many Indian women employed as ayahs being abused. Government had put a ban at that time on any Indian women going out to take an employment of this character in a household etc. Subsequently, and particularly, after the Supreme Court judgement, Government's hands were tied and a total ban on women going out for employment could not be enforced.

4.34. The representative of the Ministry added:

“What we have been trying to do is to see that there is some type of supervision in regard to women being employed outside. What we do is that whenever there is a request for employment there is the EMI from that is filled in by the employer and if it relates to a woman, then it has to be endorsed and looked into by our Mission. Our own internal instructions to the Mission are that in cases of women being employed as ayahs governesses or companions, the Mission should look into the particulars of the employers who is making that request for employment, if they want, they can check what type of household, it is, whether it is a Govt. household, a respectable household, whether the family is of good character and that it is not one where there will be exploitation and all that. After the report comes to us, we permit the women to go. In spite of these checks, there are some cases of exploitation. Naturally, one cannot guarantee that there will not be any case of exploitation.

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whether these few cases where there is exploitation or molestation should be treated as one which would necessitate placing a total ban is a moot point and we can argue about it both ways. At this particular moment, according to the Supreme Court Judgement, we cannot possibly stop it.”

4.35. 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 woman 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 Woman 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 women emigrating to take up such employment can be minimised. And if, added to that, Indian mission 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.

..(S. No. 52).

## CHAPTER V

### ROLE OF INDIAN MISSIONS

#### (a) *General assistance provided to Indians*

5.1. Indian nationals have a feeling that Indian missions are not rendering adequate assistance to the Indians going or living abroad. The Committee asked the Ministry to spell out precisely as to what sort of assistance the Indians abroad could legitimately expect from the Indian missions.

5.2. Explaining the matter in detail, Secretary (ER) made the following statement before the committee during evidence :

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. While these are the broad directions to Missions, it is difficult to spell out specifically what they are expected to do. I will try and give some type of broad indication so that the Honourable Members would get a clear picture of what our Missions can do and what they cannot :

- (1) In regard to official delegation, all programmes etc. are to be organised by Missions. Expenditures are incurred according to the sanctions.
- (2) VIPs, including the Members of Parliament and others who are visiting privately are normally met by a representative of the Mission on arrival. In some cases this may not be possible due to limitation of staff, availability of staff car etc. They also assist VIPs generally in meeting people, arranging tours etc. and the like.
- (3) *Private nationals* : These can be further classified as follows :
  - (a) Industrialists, businessmen and generally those visiting abroad for promoting economic exchanges. In such cases, our Missions will arrange appointments and generally advise in regard to the local parties who is affected and the influence he has and the like. If they have any problems in overstay, or in travel arrangements or in finding suitable accommodation, arranging parties etc., the Missions would advise and assist. No financial expenditure can be incurred by them.
  - (b) *General tourists*: Missions are not normally approached by tourists. If and ever they face any problems with the local authorities or run into personal problems, such as losing money,

violating some law, having to go back to India urgently etc., Missions are required to give all possible assistance short of financial.

- (c) *Students* : The type of assistance to be rendered by Missions will depend upon the number of Indian students staying in the country concerned. Here again, the instructions are that students should be particularly helped. They have various kinds of problems both with the University authorities, their courses of study, stay and other related problems. In many Missions, we have officers solely for dealing with the problems of students. The only proviso here again is the inability to spend money.
- (d) *Skilled, semi-skilled and unskilled workers*: I have already made extensive reference to this class of our nationals in reply to earlier questions.
- (e) *Indian nationals residing abroad*: Missions are required to maintain close contact with our Indian nationals and to advise and guide them in their conduct and activities wherever such advice and guidance is sought. Generally, Missions would encourage formation of associations so that our culture can be preserved and promoted and our nationals can remain in touch with developments in India. We have libraries and reading rooms in most Missions. Films are made available. Members of the Missions attend functions organised by the Indian community and try to make the Indian community feel that they do have someone to look in case of need. On national days and on other occasions, functions are also organised by the Missions which are specifically or primarily meant for Indian nationals or in which Indian nationals can participate.

A question has been asked in regard to arranging accommodation. Normally, accommodation is only arranged for official delegations and for VIPs and others in regard to whom special requests are made from India. It would be appreciated that the Missions cannot take on this responsibility as first they do not have the staff and secondly this can involve Missions in financial commitments in case the person for whom accommodation is booked does not turn up or does not inform the Mission in time. Responsibility for arranging accommodation, transportation etc. is normally left to the private individuals. However, if any Indian national on arrival in a country finds that he is stranded and approaches the Mission for assistance, this is done. Missions are many times asked for advise regarding hotels, rates of stay etc. Such information is readily made available.

(b) *Registration with Indian Missions*

5.3. On the role of Indian Missions in providing facilities to Indians abroad, a former diplomat stated before the Committee:

“The problem is that these people come there in large number without anybody knowing about them. What are the obligations of the Indians abroad? They should go there and register themselves at the Missions and tell them when they are going. But it has not been done so far. But I agree that our Missions should be strengthened to that point. In fact, we should have a special officer in each Mission to look after Indian nationals who go there because this complaint is a continuous one.”

5.4. The Ministry were asked to state whether it was necessary for Indians going abroad to report or register themselves with the Missions and whether they actually did so.

5.5 The Ministry were also asked as to what they thought about the suggestion to appoint a special officer in each mission to look after Indian nationals in that country.

5.6. The Ministry in their reply informed the Committee that all Indian nationals are advised to get themselves registered with the nearest Indian mission/Post abroad. Some Indians do get their names registered with the Missions. This, however, is not a statutory requirement.

5.7. The following advice is printed on the covers of the Indian Passports:—

#### 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.”

5.8. Different wings of each Mission viz. Consular, Commercial, Political, Information etc. look after the Indian nationals in regard to different aspects of work. In fact the entire Mission is concerned about the interest of Indian nationals abroad. The appointment of a special officer in each mission for this purpose is not considered necessary.

5.9. The Ministry were asked during evidence whether special attention of passport holders was invited to the need and utility of registration with the Indian Missions, Secretary (East) stated:

“This information is there at the back page of the passport. But we don't attract their attention to it any more.”

5.10. Secretary (East) added that there were many countries where registration was difficult. For example, in the United Kingdom, where there were a million Indians, registration would be onerous. Again, in the USA where there were 2 lakhs; registration was unnecessary. But where it is found by the community that such a registration is in their interest, they have registered themselves.

5.11. Asked whether the registration with Indian Missions could be done through post, the Secretary (East) stated:

“It can be done. I don’t know whether it has been done”.

(C) *Treatment with Indian nationals in Missions*

5.12. Referring to the role of Indian Missions in providing assistance/information to Indians, a former diplomat stated before the Committee:

“When a person of Indian origin or Indian national goes to the embassy and asks for something they should be able to tell him what our regulations are. We have got a multiplicity of authorities. Let the counter section or information section or commercial section give him the proper information that is required by him. But he is being asked to go from pillar to post. EA Ministry should see to it that this information is made available to all our embassies. They should give out a circular like this. This information should also be made upto date. EA ministry should say, Political Officer or Commercial Officer or somebody else would be responsible. It is, in my opinion, the Information Officer who should be responsible. Half the trouble will then disappear”.

5.13. When asked to comment the Ministry stated under the existing instructions, it is the duty of the Information Officer to disseminate information and it calls for closest liaison in the functioning of the Commercial and Information Officer in all Indian Missions abroad. It further instructs that there should be no feeling of exclusiveness in the functioning of the two wings in our missions abroad.

5.14. As a sequel to the review of functioning of Information Wings in our Missions abroad undertaken by the Foreign Minister and the Foreign Secretary, instructions have been issued to all our missions abroad to be extremely polite and to extend all courtesies to Indian nationals/persons visiting the missions. Heads of Missions have been asked to personally supervise the publication work in the missions.

5.15. The situation has since improved and complaints against Indian Missions abroad are on the decline. However, the Ministry of External



Affairs is vigilant to ensure that minimum possible complaints are made by visitors to Indian Missions abroad.

5.16. It is the responsibility of each officer working in the mission to be helpful to the visitors and presently any violation of the above mentioned instructions is being taken serious note of followed by remedial action. As regards nominating a particular person to handle all queries from visitors, it may be mentioned that a majority of our mission are small and, therefore, this may not be possible. However, the Information Officer, under the existing instructions is solely responsible for giving all information or establishing contact with appropriate Officers/Officials within the mission depending on the nature of query made.

5.17. On a question being asked during evidence whether it had come to the notice of the Ministry that some of the High Commissioners/Ambassadors did not take any interest in the problem of Indian nationals, secretary (ER) stated:

“Whenever any reports are received or charges are made, these are looked into immediately.”

He added:

“We on our side try to keep as much pressure as possible on our missions so that it will be of great assistance to Indian nationals”.

5.18. Referring to the complaints brought to the notice of the Committee that the Indians who go abroad have always complained that they were not properly looked after in foreign countries. They also complained that they were not properly treated by the officials working in the Embassies and Missions. When asked whether the Ministry examined cases brought to their notice, the Foreign Secretary stated:

“The point you made has been repeatedly emphasised and brought to the notice of the Ambassadors who are going abroad. In fact, in the confidential reports of our officers, there will be a special column in regard to the manner in which they should deal with the Indians abroad. So, as a result of this, the complaints of this kind have diminished in the recent years. I cannot say that the complaints will completely die out. But I can assure the Committee that the Ministry is fully alive to the situation and the Committee must rest assured that these complaints will be taken note of and serious action will be taken against those people who transgress our guidelines in this regard.”

(d) *Supply of Information regarding terms and conditions of Employment*

5.19. In the context of exploitation of Indian workers by foreign employers, a former diplomat stated before the Committee:

“What I would say is that our Missions should try to ensure, through the medium of protective agencies, that the terms offered are on par, what is normally payable to a local worker. Our first principle should be to see that an Indian worker is not discriminated against. As it is, it is there. A private employer in Kuwait or some other places likes to take cheap labour from India. Our effort should be to see that, even if it is not equal at least it should approximate to what is normally payable to a local worker. That information should be available. Today it is not known. People get into “the clutches of agencies”.

5.2. In this connection, Secretary (ER) stated during evidence:

“The Protector of Emigrants does indeed in whichever case it is possible, enlighten the prospective employees of the reasonableness or fairness of the terms and conditions offered to them. In this connection, the Protector of Emigrants when he finds the terms and conditions offered are perhaps not as good as would be expected, say so to the representative of the employer as well.”

5.21. Asked whether the officer who was deputed to this particular task really had time to discuss things with those who were going out, so that they could be guided and helped, the Secretary added:

“It is very valid because hundreds of them go to the Protector of Emigrants. What he could do is to it in a limited way.

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“We will be very happy to render this service and if we could have the extra hands, it would make easier for us to discharge our responsibility. What you say is correct. I think this is a legitimate responsibility. Any Indian national can expect that much from a representative of the Government”.

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5.22. The witness added:

“In fact, our responsibility is even greater in regard to the weaker sections, unskilled and semi-skilled workers, who themselves do not know anything in regard to living conditions beyond what they see around their own villages. It is not relevant for graduates and experts. Our limitation is, as you have yourself pointed out, the time element and the staffing element”.

5.23. Asked whether that the terms offered to Indian emigrants workers were at par or nearly at par with those offered to nationals of other countries, Secretary (ER) stated:

“Our experience has been that, by and large, the foreign countries have themselves classified nationals from groups of countries and there is always a preference for the white skin. The people from Europe normally tend to get much higher wages. But no one from Europe normally comes for these types of jobs of unskilled and semi-skilled workers. These are confined basically to Asia. The people from the Indian sub-continent, India, Pakistan, Sri Lanka, Bangladesh, are grouped together. The Indian workers do get about the same as others from the countries in our neighbourhood. The wages of people from Korea are a little higher. Their skills are a little different. But again, there is not much that we at the moment can do because first of all, we cannot impose any minimum wage which would be even somewhere near what the South-East Asians are getting. Secondly, if you insist on a higher wage, the choice eventually is that of the employer”.

(e) *Staff strength in Missions*

5.24. In a memorandum submitted to the Committee it has been stated that “the Indian Mission in SANAA is much too small and so much understaffed that the question of their assisting the Indian community in matters like residential accommodation, educational facilities, problems arising with the immigration authorities and other local problems etc. does not arise. The strength of the Indian Mission in SANAA has continued to remain the same that it was some years ago when the Indian population used to be less than 100 whereas the present population is nearly 5000.”

5.25. The Ministry have informed that Government is conscious of the need to strengthen the Indian Embassy in Sanaa, so as to ensure better fulfilment of obligations towards the Indian community as well as other diplomatic functions. An additional Senior scale post has been transferred to our Embassy in Sanaa, and a suitable officer will be sent shortly.

5.26. In another memorandum submitted by an association of Indians in UAE, it has been stated that the staff of the consulate is inadequate to cater to the needs of our countrymen. There is an imperative need to increase the staff.

5.27. The Ministry have stated that action has already been taken to strengthen the mission in UAE.

5.28. Asked when the staff strength of Indian Missions in West Asian countries was last reviewed and whether the Ministry could say that the staff

strength in each Mission in West Asia was now adequate to cope with the work, Secretary (East) stated during evidence:

“The last review was conducted only in September-October 1980. We shall conduct another review in about March or April this year. The staff strength in these Missions has been increased by about 50 per cent since 1977. Even so, we do not feel that the staff strength is adequate enough to cope with the problems. I would like to mention here that the procedures through which we have to go are such that to get the additional staff is a little complicated. The procedure is so long that it is very difficult even to get the additional staff.

Most of the increase in staff has been done by transferring staff from other Missions so that the overall strength is not affected. However we do feel that sufficient staff has to be provided so that satisfactory service could be rendered.”

5.29. Asked whether the Ministry had worked out any plans to augment staff strength by appointing more officers so that the increased workload was tackled more efficiently, Foreign Secretary stated:

“The problem of Indians in West Asia came upon us rather suddenly because of the boom that took place in that part of the world. I regret to say that the red-tapism that is involved in the Government machinery in discharging the duties by the various Ministries, often prevents us from reacting fast new to a developing situation. For instance, even today to create one post, it may take us many weeks and months. Similarly finances have often become the major constraints because revenue and expenditure are generally not mentioned. So, the result is that we find ourselves at a very great disadvantage.”

Foreign Secretary added:

“We have, in fact, been trying to reduce the number of posts in some of our missions, for example, in London, Washington etc. and reinforce our missions in the Gulf areas. This is the only way open to us. We are not dissatisfied; we have been able to cut out the fact from some of our missions, but we are still short of people.”

He further stated:

“I would like to submit that we have, in fact, increased the strength of our missions in the Gulf area by nearly 50 per cent in the

last one year. I would also like to bring it to your notice that if one were to work on the revenues alone, the Government of India collects from visa fee and notarial acts etc., in some cases this amount is more than the cost that we incur. But the system being as it is, the revenue goes into one pocket and the expenditure to another, and therefore, the two things remain quite apart."

(f) *In-service training of Foreign Service Officers*

5.30. Reacting to a suggestion of a former Diplomat made before the Committee that the staff in the Indian Missions including the heads of Missions need training or orientation or refresher courses in public relations to be able to discharge their functions better, the Ministry stated that the training programme for foreign service officers did not presently provide any possibility for any in-service training for officers of all ranks at regular intervals. This matter was under active consideration of the Ministry.

5.31. Asked as to the difficulty in providing for in-service training facilities for foreign service officers at regular intervals, Secretary (EAST) stated during evidence:—

"This is, of course, a general question. In fact, the Foreign Service was a very small service; its size was not more than 300 officers for many years; it was difficult, in fact, to spare the officers for in-service training because we had to borrow officers from other services for our normal requirement. However, now that our Service has grown, we have a proposal under consideration for setting up of a Training Institute in which there will be provision for in-service refresher course.

(g) *Interpreters*

5.32. The Ministry had stated in the preliminary material that certain problems concerning service contracts involved protected legal cases in Saudi Labour Courts. The assistance of an Arabic knowing interpreter in the Labour Section of the Embassy was absolutely essential. In view of shortage of staff, such intervention on the part of the Embassy could not be kept up.

5.33. The Labour Section of the Mission it is stated has intervened wherever possible but can not take up all cases due to lack of manpower and particularly due to non-availability of an Arabic knowing interpreter.

5.34. The Ministry, it is stated are constantly faced with the problem of shortage of good Arabic Interpreters. They are now stated to be in touch with the Embassy on the local recruitment of an interpreter to assist the Senior Interpreter.

5.35. Asked about the missions in West Asia where Arabic or local language interpreters were not in position; Secretary (East) stated:—

“We do have interpreters. There are one or two Missions where there are no interpreters. In Doha and Muscat we do not have interpreters. In these countries, a large-scale immigration of Indian workers started roughly about 7 years ago. The complaints regarding neglect of Indian workers on even this ground is not justified. But we do have some complaints and we are trying to remedy them. But it takes time. In the case of the interpreter, there is some peculiar difficulty because their liquidity value is very high. We do have a system of reviewing the entire staff position in all the Missions. We have done one review in September and we will do another review in March-April.”

(h) *Posting of Legal Advisor/Labour Officer in Missions*

5.36. In a memorandum submitted to the Committee by an association of Indians in UAE, it has been suggested that, since the magnitude of labour problems is increasing with the influx of labour force from India, a competent legal advisor (Indian), fluent in Arabic language and well versed in Islamic laws, may be attached to the consulate to render free advice to workers.

5.37. Commenting on this suggestion the Ministry have stated that our consular sections in the Missions have experience in dealing with matter of disputes between the workers and the employers and are conversant with the local laws. Therefore, they are able to provide advice and assistance to the workers whenever needed.

5.38. A former Foreign Minister suggested to the Committee that “in countries where there is large number of Indian workers, we should have a special labour officer in our missions who should ensure that there is implementation of the contract.

5.39. The Ministry have stated that Consular Sections abroad perform the functions which would normally be assigned to a Labour Officer (including implementation of contracts). Therefore we already have a system where officers are looking after the problems of Indian labour.

5.40. In this context Secretary (East) stated during evidence:

“The set up of the Consular office is this: There are one or two diplomatic officers of the level of Second Secretary and they are assisted by some India-based local staff.

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In our Missions, we require public-relations type of officers. They assist Indians not merely in routine matters, but they have to assist them when they face difficulty with local Governments and local regulations. He not only discharges labour officer's function, but also public relations work also. For the past about 3 years we have developed a cadre of more experienced officers who have better qualifications and who have got legal expertise. We could perhaps retain legal experts on a retainer basis. They can be attached to any Embassy. Such legal advise could be obtained in specific cases. This can be one way of tackling the legal side of the problem. However, in this regard, we have not taken any final decision and we have not finally cleared it with the Finance Ministry."

(i) *Posting of Ambassador to Yemen Arab Republic*

5.41. In a memorandum submitted to the Committee it has been represented that:—

"The Indian Ambassador to Y.A.R. left SANAA during July 1979 since then no Ambassador has been posted to this country by the Government of India. This type of indifference to our representation in a country reflects among other things, neglect of the interests of the Indian Community.

5.42. The Ministry have informed that two officers selected earlier for appointment as Indian Ambassador to the Yemen Arab Republic could not take up their assignment because of medical problems, in view of the altitude of Sanaa. However, the appointment of an Ambassador has been finalised and the agreement of the Government of Yemen Arab Republic has been sought. Government is hopeful that the new head of mission would be in a position to join there shortly.

5.43. Asked whether it was not a reflection on the administrative efficiency of the Ministry that they had not been able to post an Ambassador to Y.A.R. for nearly two years, the Secretary (East) stated (February 1981):—

"This is somewhat unfortunate. It normally takes us sometimes 3 to 4 months to fill up Ambassador posts. In this case there was an unfortunate combination of circumstances. We had selected two officers in each case. It was found that because of the altitude of Sanaa, neither of them could definitely proceed. We have in fact selected a third person and he will be in Sanaa in a couple of weeks' time. But I think we must plead somewhat guiltily in not having processed this a little faster."

(j) *Miscellaneous matters dealt with by Missions*

5.44. In a memorandum submitted by a Teheran based Indian organisation, it has been brought to the notice of the Committee that:—

“the biggest problem (of Indians on arrival in Iran) is of language—when one arrives in Iran. Very few people speak English here once in a hotel they can manage. Indian Missions do help in certain cases, but they are not open 24 hours. . . . .”

5.45. The Ministry stated that the memorandum itself says that the Indian Embassy does provide help to Indian nationals upon their arrival in Iran, but that it is “not open 24 hours.” The kind of assistance required is the assistance which Indians not knowing the local language may be requiring between the time of their arrival at the airport and their reaching their hotel presumably in completing customs and immigration formalities etc. and in arranging transport for going from the airport to the hotel. Within the limited resources it is not possible for the Mission to make assistance available at Tehran airport or to keep the Embassy open round the clock for assisting Indian travellers who face language problems on arrival at Tehran airport.

5.46. In a memorandum submitted to the Committee by a Tehran based Indian organisation, it has been represented that the Indian Missions do not help Indians in finding accommodation or Hotel or paying guest accommodation. It has further been represented that Indian Missions maintain Liaison with the associations of Indians, but do not help very much for their effective functions.

5.47. Asked as to what the Ministry had to say in this connection, the Ministry stated: there are no guidelines or requirements that the Indian Embassy in Tehran or the Indian Associations have to assist their nationals in arranging hotel or paying guest accommodation. However, when they visit Iran on any specific assignment whether business or official or journalists, they are supposed to have made suitable arrangements for their stay. From time to time on the advise of the Government, the Embassy in Iran keeps an eye and pay attention to individuals so that they do not face any problems at airport or in finding proper accommodation. In cases where Indian nationals approach the Embassy for assistance in finding hotel accommodation, the Embassy gives them the necessary help. During the last or so there have been no problems about the non-availability of hotel accommodation.

5.48. Since the revolution in Iran, the various Indian Associations are dormant except for those which have direct relevance and are of importance to the long term resident Indian community in Iran. The Indian schools



in Tehran and Zahidan, as also the Sikh Gurudwaras at both the places are functioning quite normally and provide centres of social and cultural activity for the Indian community.

*Fees for attestation of true copies of documents*

5.49. It has been brought to the notice of the Committee that "The Indian Embassy in Ruwi Sultanate of Oman, had a notice displayed stating that each document that had to be certified as a true copy (attested) would be done on a charge of 2 Rials Oman Omani (1 R.O.—Rs. 23).

5.50. The Ministry have stated that fee for attestation of the documents is charged under the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 and the Schedule of fees prescribed under the Diplomatic and Consular Officers Fees) Rules, 1949.

5.51. The Embassy of India, Muscat as also other Missions are charging fees for attesting the documents in accordance with the said schedule of fees.

5.52. Asked whether there were any countries/Missions which do not charge fees for attestation of documents from their nationals abroad and whether any comparison had been made between the fees charged by Indian Missions in West Asian Countries and other Countries' missions in these countries, Secretary (East) stated:

"All countries normally charge fee for the attestation of documents from their own nationals and we have done a rough comparison of the fees charged by some countries. They vary considerably. Our own fee is Rs. 45/-, Mexico charges Rs. 85/-, Malaysia Rs. 18/-,"

5.53. From the statement submitted by the Ministry it is seen that Korea charges Rs. 9/-, Kuwait Rs. 30, Iraq Rs. 14/- and Japan Rs. 50, for attestation of documents of their nationals abroad.

*Screening of Video Taped Indian Films*

5.54. A Sanna based organisation in a memorandum to the Committee has stated that:—

"It is understood that the existing rules and regulations laid down by the Government of India regarding the use of Indian Embassy premises do not permit exhibiting of Indian films through Video equipment. This is reported to be due to security reasons. Since such activities are openly held on a fairly regular basis in other Embassy premises, particularly British, American, Russian etc. it is requested that relevant rules/regulation of the Govt. of India in this regard should be modified to permit such facilities to be accorded to the Indian population also."

5.55. The Ministry have informed that as a matter of policy the premises of Indian missions abroad can be used to screen only those films which are supplied by Government of India. If screening of films is permitted by private organisations inside the Indian Missions, it will violate Vienna Convention under using Embassy premises which enjoy certain privileges and immunities, is not permitted for purposes other than the tasks and functions of Indian Missions abroad. As far as the conduct of other Embassies in foreign countries is concerned, Government of India cannot offer any comments.

5.56. Asked whether the missions of other countries permit exhibition of films in their premises through video equipment and whether the provisions of Vienna Convention not applicable to Missions of other countries, the Secretary (East) stated during evidence:—

“We have no objection to the use of video equipment etc., it is just that we cannot afford video equipment ourselves. We have one, and we would like to have more. According to the Vienna Convention, no embassy is allowed to utilise its premises for other than diplomatic purposes and certainly they are not allowed to use that for commercial purposes. What the Indian community would like us to do is to exhibit Indian feature films on payment in the embassy. This is not permissible anywhere. To the extent, we can have free exhibitions, may be older films, we do that. Indian documentations, Indian Films Division films etc. are generally permitted subject to the space being available. But for commercial exhibition, we cannot allow. In other countries, there are community halls which can be rented out for this purpose.”

5.57. Asked about the Ministry's reaction that if the Indian community proposed to have a free film.

Secretary (East) added:—

“We would have to consider it depending upon the local situation. East ambassador has to decide on his own, but I can say from my experience that I have allowed my embassy premises to be used on several occasions by the Indian community.”

*Telephone numbers of Indian Missions abroad*

5.58. It has been represented to the Committee that Indians travelling abroad should be given addresses with telephone numbers of Indian Missions and cultural associations to whom they could contact in case of need. The Ministry have stated that a complete list of Indian Missions abroad with their telephones numbers and addresses is available in all passport

offices throughout the country and the information required by the Indian nationals proceeding abroad is supplied to them on request.

5.59. Secretary (East): added in evidence that this information would be available in the booklet which the Ministry proposed to bring out.

*Educational and Customs Facilities to Expatriate Indians*

5.60. In a memorandum submitted to the Committee by an Association of Indians abroad the following suggestions have been made:—

- (i) *Educational facilities*—a reasonable number of seats should be reserved in professional and state colleges of expatriate Indian students.
- (ii) *Customs formalities*—Overseas Indians returning to India should not be subjected to harassment by customs authorities at airports. The question of preferential treatment for the transfer of material possessions of overseas Indians returning to India should be favourably considered as ultimately all the Indians have to come back to India.

5.61. The Ministry have stated that the question of reservation of seats in educational institutions concerns the Ministry of Education. The Ministry of External Affairs have no comments to offer.

5.62. As regards customs the Ministry of Finance have been requested to issue fresh instructions to the customs authorities at the international airports to ensure that arriving expatriates are treated with due courtesy to extend to them facilities which the rules permit.

5.63. Asked about the thinking of the Ministry of External Affairs on the question of reservation of seats in professional and other colleges of higher education for children of overseas Indians; Secretary (ER) stated:

“We are certainly in favour of some seats being made available for children of Indian nationals serving or working abroad. This is a matter entirely under the jurisdiction of the Ministry of Education. We do have some reservation for foreign students. Where there are Indian nationals, the Ministry of Education treats them on par with Indian nationals here. In most of the educational institutions like engineering and medicine, already the number of seats available is less than the demand. If we could have an arrangement whereby an extra capacity is created and this extra capacity can be earmarked for students of Indian nationals working abroad. We would greatly welcome it.”

5.64. Asked whether the Ministry had taken up this matter with the Ministry of Education to ascertain their reaction, the Secretary added:

“We have taken up this matter. The problem is about the finances for increasing the intake capacity. Whenever we make a request for allocation, the answer is that there are other projects which should be given priority for investment.”

5.56. As regards customs facilities, the Secretary (ER) stated:

“We have been referring this matter to the Ministry of Finance, over and over again, because we ourselves are also inundated with the same type of requests. We have ourselves recommended that something should be done for these people, who serve abroad and come back to enable them to bring something more. But the Finance Ministry has been replying that the baggage rules—which according to them are very liberal now—cannot be further liberalised.”

5.66. Asked whether the Ministry had made any concrete suggestions about the limit up to which these overseas Indians could be allowed to bring back, the Secretary stated:

“No specific recommendations were made. Only general recommendations were made.”

#### *Associations of Indians abroad*

5.67. On the question of providing assistance to the associations of Indians abroad by the Indian Missions, a former Foreign Minister stated before the Committee that:

“I believe that associations exist in many countries and chambers of commerce also exist in many countries. They are doing very good work in not merely providing security to them but also providing assistance and for helping in their economic activities. Indian missions should help them in every manner because they are helping the Indian citizens. Indian Missions should not feel shy of Indian citizens. There can be no excuses for the Indian Missions for not helping the Indian citizens and therefore these associations are there to help Indian citizens and they must be given all assistance and also wherever such associations do not exist, Indian Missions should promote such associations to establish their own cultural centres and also provide films and books and other matters through the local cultural centres that may exist. This is the legitimate function of our Missions.”

5.68. The Ministry informed the Committee that according to Government of India's policy guidelines to Indian Consular Officers abroad, the Consular Officer should organise a Community Council, representative of

the various Indian societies, clubs, etc. at the place of his posting. Such an organisation is useful in co-ordinating the activities of Indian community as a whole.

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5.69. According to information supplied by the Ministry, there are a number of associations of Indians in each country in West Asia:

Asked, in which countries, an apex association, a sort of federation or "Community Council" of the associations of Indians as suggested in policy guidelines had been organised by the Indian Mission and why such a federation of associations had not been organised in all the countries, Secretary (East) stated:

"We have an apex organisation functioning at present in an informal manner in Bahrain, Jordan and the Yemen Arab Republic. we don't have them in the remaining countries. The main reason is the local one. There are a large number of local community associations, based on religious linguistic and other groups. It is not always easy to get these organisations together, to form an apex body. Outside the Gulf, I have found that even when you form such an organisation, it is not always successful. But we have tried, and will continue to try."

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.

(S. No. 53)

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 concerned of the Indian Missions abroad.

(S. No. 54)

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.

(S. No. 55)

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.

(S. No. 56)

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. (S. No. 57)

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 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. (S. No. 58)

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. (S. No. 59)

5.77. 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 guidelines 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. (Sl. No. 60)

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. (Sl. No. 61)

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. (Sl. No. 62)

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. (Sl. No. 63)

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. (S. No. 64)

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. Sl. No. 65)

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. (S. No. 66)

5.83. The Diplomatic and Consular Officers (Oath 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 and comparable with the fees charged by other Missions.

(S. No. 67)

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 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. (S. No. 68)

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. (S. No. 69)

5.86. It has been represented to the Committee that a reasonable number of seats should be reserved in professional and State colleges in India for expatriate Indian students. It has also been represented that overseas Indians returning to India should not be subjected to harassment by Customs authorities at airports and that the returning overseas Indians should be given some sort of preferential treatment in the matter of bringing their material possessions back home from abroad.

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. (S.No. 70)

5.88. 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. (S. No. 71)

5.89. 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. (S. No. 72)

5.90. The Committee find great force in the 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. (S. No. 73)

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. (S. No. 74)

NEW DELHI;

April 27, 1981.

Vaisakha 7, 1903 (Saka).

S. B. P. PATTABHI RAMA RAO,

*Chairman,*

*Estimates Committee.*

## APPENDIX

### SUMMARY OF RECOMMENDATIONS/OBSERVATIONS

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Sl. No.	Para No. of the Report	Recommendations/Observations
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#### Introductory

1. 1.31  
to 1.35

The Committee find that the implementation of Indo-Sri Lanka Agreements of 1964 and 1974 has not made a satisfactory progress. The fifteen year period during which the 1964 Agreement was supposed to have been implemented expired on 30th October 1979, with less than 50 per cent of the persons covered under the Agreement having been repatriated to India and granted Sri Lanka citizenship. It is a moot point whether it is the "reluctance" of the people as the Ministry think it is, that stands in the way of their repatriation to India or there are unresolved problems concerning their assets, families and other human problems that are responsible for this situation.

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 organisations 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.

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### **Licensing System of Recruitment Agencies**

2. 2.59 The Committee are constrained to express their unhappiness over the failure of the licensing system of Labour Ministry to check illegal and unauthorised emigrations to West Asia.

### **Illegal Emigration to West Asian Countries**

3. 2.60 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 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 Government 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.
4. 2.61 The Committee 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.

### **Check on Recruiting Agencies**

5. 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, can
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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 fake 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.

#### **Prosecution of Agencies/Individuals**

6. 2.63 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.

#### **Measures to check exploitation**

7. 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.
8. 2.65 The Committee find that no programmes to caution job seekers against unscrupulous elements have been broadcast from any Radio Station in Punjab, Delhi, Hyderabad which cater to regions from where people

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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.

9. 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 loose 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.

#### **Emigration Act 1922**

10. 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
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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 in exposure of Indian emigrants to ill-treatment and harassment in foreign lands, which could have been prevented by timely action before hand.

### Supreme Court Judgment

11. 2.68 to 2.70
- The Committee 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.

### Need for Centralised Agency

12. 2.71
- The Committee are not able to appreciate the need, nature and utility of the "competition" to be provided by private recruiting agencies with the Man Power Corporation proposed to be set up at the Central level to aid and assist Indian nationals in obtaining employment abroad. 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
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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.

### **Proposed Legislation**

13. 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. 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 Courts' Order and the 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.

### **Harassment of Indian Workers**

14. 3.24 and 3.25 The Committee are concerned to note that harassment and exploitation of Indian workers is taking place openly in most of the West Asian countries. The Ministry think that the number of the aforesaid cases of harassment and exploitation which come to about 11400 in three years i.e. about 4000 per year, "is not really of any unusual magnitude." 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

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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.

15. 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 humbler frame of mind and see where and why they have not fully succeeded in looking 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.
16. 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

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Committee would like that as agreed to by the Foreign Secretary, an in-depth study the phenomenon of ill-treatment and exploitation of Indian workers in Gulf countries should be made with a view to taking remedial steps.

17. 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.
18. 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.
19. 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 office 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.

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20.	3.131.	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.
21.	3.132.	The Committee have gone into the various categories of complaints of the Indian workers. 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.
22.	3.133.	Even if it is necessary for the employer to see the passports of their employees or to kept 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 can serve the purpose of the employer or, if the original is kept by the employer, whether duplicate passport could be issued to the Indian employees to tide over the difficulties that they may be created by an unhelpful employer.
23.	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.
24.	3.135.	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 the local police and Emigration authorities with a view to setting up information committees on the lines of the Committee set up in

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- Jordan so that the information about arrest of Indians is received without delay and the arrested persons can be got released immediately.
25. 3.136. The Committee suggest that Indian Missions in Jordan and elsewhere should consider ways and measures of educating Indian Workers to avoid such situations 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.
26. 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 and conditions of service contracts.
27. 3.138. 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.
28. 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 sponsor will be asked to pay to workers as per the

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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 Governments of other countries also.

29. 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.
30. 3.141. The Committee are glad to learn that all the 11 cases of disputes in Lebanon involving 176 Indian workers have been settled amicably to the intervention of Indian mission. The committee hope that the Indian mission will continue to be as alert and helpful as in the past.
31. 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 year 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.
32. 3.143. In this context the Committee cannot help taking note of the complaint received by the Committee that

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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 every one". 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 displeasures 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.

33. 3.144. The Committee were initially informed that during the last year and a half there have been on 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 at their statement related to Indian workers not experts. The Ministry have stated that there 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.
34. 3.145. There are about 500 Indian families settled in Iran for over 20 years. They have to get their work permits

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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.

35. 3.146 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.
36. 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 objectives. 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.
37. 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
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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 Government 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.

38. 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" advice can have no "binding" on any body and they are not sure whether even oral advice 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.

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39.	3.150.	Extension of visas of Indian nationals is a problem which is creating great difficulties in Gulf countries <b>but which, it is seen, has been</b> 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.
40.	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.
41.	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 mechanism 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.

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42. 3.153. Now that Indian workers are emigrating in large numbers 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 ensure 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.

43. 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 projects a very bad image of public sector abroad and surely bring a bad name to the country. 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 situations of conflict with the Indian Workers abroad.

**Publicity of Working Conditions among Workers**

44. 3.155. The Committee would expect that the guidebook for the benefit of emigrating Indians would be out soon and it would be made available to every intending emigrant.

45. 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 considered decision to accept the employment or not.

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46. 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.

#### **Marriage of Indian Women with Arab Nationals**

47. 4.23  
to 4.25 The Committee cannot but feel unhappy at the Indian missions in Abu Dabhi and Deha 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 to carry out Government instructions to the letter and spirit and not to disregard them in their discretion.
48. 4.26. The Committee agree with the Ministry that the precautions taken by them to regulate passport facilities to Indian 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 compe-

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tence 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 of Indian wives 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 bona fides of foreign nationals before giving their consent to marriage.

49. 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.
50. 4.28. The Committee agree that the Government cannot prevent legal and valid marriages 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 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 to keep close watch on such matrimonial alliances with a view to preventing exploitation of Indian girls.
51. 4.29. 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

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of Indian women by foreign nationals and safeguard their interests in the event of desertion or divorce.

#### **Indian Maid Servants in Qatar**

52. 4.35. 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.

to 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 women 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 to 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.

#### **Role of Indian Missions**

53. 5.70. A feeling prevails among Indian nationals that Indian Missions are not rendering adequate assistance to the Indians going 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 India 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

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- 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.
54. 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 are happy to take note of the Ministry's assurance in this regard 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.
55. 5.72. The Committee feel that registration of Indian nationals going to Gulf countries with the Indian missions 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.
56. 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 advise 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.
57. 5.74. 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

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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 purpose shortage of staff should not be held out as an excuse to justify any laxity in the discharge of this vital function.

58. 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 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.
59. 5.76. 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 wage vis-a-vis nationals of other Asian countries.

#### **Staff Strength in Missions**

60. 5.77. 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 guidelines 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 overseas and Indians should not be made to suffer on account of shortage of staff.



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### **In-Service Training of Officers**

61. 5.78. 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.

### **Interpreters**

62. 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 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.

### **Posting of Legal Adviser/Labour Officers in Missions**

63. 5.80. 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.

### **Posting of Ambassador to YAR**

64. 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

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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.

**Miscellaneous Matters dealt with By Missions**

- 65      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.
66.      5.82A      Even though it may not be an official duty of 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.

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67. 5.83. The Diplomatic and Consular Officers (oath 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/-, Kuwait 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 and comparable with the fees charged by other Missions.
68. 5.84. 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 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 shows in Embassy premises.
69. 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.
70. 5.86. 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.
71. 5.87. The Committee agree with the Ministry of External Affairs that the overseas Indians deserve to be shown

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- 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.
72. 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.
73. 5.90. The Committee find great force in the 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.
74. 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.
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