

**GOVERNMENT OF INDIA
OVERSEAS INDIAN AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2467
ANSWERED ON:28.03.2012
INDIANS LIVING ABROAD
Singh Shri Ganesh

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:

- (a) the country-wise number of Indians living/working abroad for the last three years till date;
- (b) whether cases of problems being faced by the Indian nationals have come to the notice of the Government;
- (c) if so, the details thereof for the last three years;
- (d) the specific steps taken by the Government to address the problems being faced by them in foreign countries as also in India by their families;
- (e) whether the Government has brought out/proposes to bring any manual for the information/use/assistance of these Indians on essential matters with particular reference to citizenship identification, marriage, maintenance, divorce, adoption and succession law;
- (f) if so, the details thereof; and
- (g) the details of the contribution made by the Indian people living abroad/NRIs to the national exchequer during the last three years and the current year, year-wise and country-wise?

Answer

MINISTER OF OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI)

- (a) The estimated number of Indian Diaspora is about 25 million spread over more than 110 countries.

Indian workers emigrate for seeking employment in all categories of work ranging from low skilled to high skilled professional job. Data is available only for Emigration Clearance Required (ECR) category of workers going abroad. This category includes those workers who have not passed class 10 level school examination and are immigrating to 17 ECR notified countries. The details of ECR category workers who emigrated to 17 notified countries during 2008, 2009, 2010 and 2011 are at Annexure -I

- (b) & (c) : Yes, Madam. Government is aware of the problems being faced by Indian citizens and their families settled or residing abroad and addresses them as soon as they come to its notice. As reported by Indian Missions/ Posts abroad, the problems brought to their notice in this matter are usually as under:-

Labour Complaints:

Employer-Employee disputes, non-payment or delayed payment of salaries and other legal dues, unsatisfactory working and living conditions, denial of leave on completion of service, denial of return air ticket, breach of contract and abuse and harassment of domestic workers by their employers. During the period 2010 to 2012 (Till March, 2012), the total number of complaints received against Registered Recruiting Agents, un-Registered Recruiting Agents and Foreign Employers are as under:

Year Registered Un-Registered Foreign
Recruiting Recruiting Employers
Agents Agents

2010 25 6 6
2011 9 11 6
2102 1 0 2
(Till
March)

Racial attacks:

Some racial violence cases against Indians/ Indian students have been brought to the notice of some of the Indian Missions/Posts.

Marital disputes:

Problems relating to Overseas Indian/NRI marriages being faced by Indian women such as abandonment of the wife by her overseas husband, NRI husband already married, Child custody, etc. The complaints received in the ministry of Overseas Indian Affairs (MOIA) and National Commissions for Women (NCW) the coordinating agency at the national level to receive such complaints are as under:

MOIA NCW

From 2009 to February, 2012	From 2009 to February, 2012
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104

878

Imprisonment of Indians in foreign jails:

Indians languishing in foreign jails on account of various offences /charges committed by them in foreign countries, their legal problems with local authorities etc

Robbery, theft, professional rivalry

Some incidents of Indians being attacked by robbers, anti-social elements, professional rivalry- induced reasons etc have been reported during last few years.

Turbulent civil situations in host countries

Because of internal disturbances prevailing in the Middle East during February/March, 2011, the Government of India evacuated over 18,000 Indians from the region and ensured their safe return to their respective home state in India free of cost.

(d) : Government has taken various steps to address the problems being faced by Indians in foreign countries and their families in India. Some of them are as under:

(1) In a bid to assist the Indian women who have either been deserted or divorced by their overseas spouses, the Ministry of Overseas Indian Affairs had introduced a scheme in February, 2007 to provide legal /financial assistance to such Indian women through Indian Missions abroad.

(2) The Government has taken several steps to address the issue of Indian emigrants, which include the following: -

(i) Nation-wide awareness campaigns through the media to educate intending emigrants about legal emigration procedures, the risk of illegal migration and precautions to be taken during emigration.

(ii) The Government has established an Overseas Workers Resource Centre (OWRC) which is a 24 hour telephone helpline in eight languages to provide authentic information to emigrants as well as intending emigrants on all aspects of emigration.

(iii) The Government has established Indian Community Welfare Funds (ICWF) in all Indian Missions to provide onsite support to the affected emigrants.

(iv) Government has established an Indian Workers Resource Centre (IWRC) at United Arab Emirates (UAE).

(v) The Government has signed MOUs with seven major labour receiving countries, namely, Jordan, Qatar, United Arab Emirates (UAE), Kuwait, Oman, Malaysia and Bahrain to lay down the framework for bilateral cooperation for the protection and welfare of workers.

Under these MOUs Joint Working Groups (JWGs) have been constituted that meet regularly in order to resolve bilateral labour issues. In these Joint Working Groups, the protection and welfare of the workers and the compliance of contractual provisions of employment to be provided by the foreign employer relating to proper accommodation, working and living conditions are impressed upon.

(vi) In order to safeguard the interest of the emigrant workers and ensure only credible parties are enrolled as recruiting agents, the Ministry revised the Emigration (Amendment) Rules 2009 w.e.f 9th July, 2009 revising the eligibility criteria for Recruiting Agents (RAs). They will now have to maintain certain basic facilities to conduct their business.

(vii) In case, a recruiting agent violates any provision under the Emigration Act, 1983 and Rules thereunder, stringent actions are taken. Blacklisting of recalcitrant foreign employers is also resorted to for violation of any provision of the employment contract.

(viii) Pravasi Bhartiya Bima Yojana (PBBY) is a compulsory Insurance Scheme for the protection of emigrant workers.

(ix) Ministry of External Affairs has also set up a Special Cell in New Delhi to receive complaints from the MPs regarding the problems faced by Indians abroad.

(x) Ministry of Overseas Indian Affairs (MOIA) is launching a special Pension and Life Insurance Fund (PLIF) for overseas Indian workers who are holding ECR passports. PLIF will help a worker to save for old age, accumulate some savings for resettlement on return to India and also provides the worker with a life insurance cover against natural death during the specified period.

(e) & (f) The manuals for the information brought out for the use/assistance of NRIs and PIOs are as under:-

(a) Ministry of Overseas Indian Affairs (MOIA) has brought out a guidance booklet on "Marriages to Overseas Indians" in English, Telugu, Hindi, and Punjabi. This booklet contains the following information:

(i) Types of problems in NRI Marriages

(ii) Preparing for Marriage : What to expect going to a different Country

(iii) Eternal Vigilance

(iv) Verification of Antecedents/Documents

(v) Precautions for the Bride

(vi) Legal Awareness –Indian Laws Regarding Registration of Marriage

(vii) Rights of NRI Spouses

(viii) Legal Rights of Women

(ix) Matrimonial and Maintenance Rights of Women & the Right to custody of Children

(x) Other Relevant Laws

(xi) NRI Matrimonial Disputes and some important Court judgements

(xii) Useful information about Passports /Visas

(xiii) Names and addresses of NGOs /Organizations working abroad in the field of Women's Rights in India

(xiv) Officers dealing with some Indian Embassies abroad along with address of NGOs working in the field of Women's Rights.

(b) National Commission for Women (NCW), the Coordinating agency of the Government of India at the national level for dealing with issues pertaining to NRI marriages, released a Report on Problems Relating to NRI Marriages titled " The "Nowhere" Brides" .

It contains all information including Legal interventions- International, domestic and other Government etc.

(c) MOIA released a "Handbook for Overseas Indians" to offer a picture of investment opportunities and entrepreneurial activities in India.

(d) "Ready Reckoner for Overseas Indians" by Overseas Indian Facilitation Centre (OIFC), a Public Private Partnership of MOIA and CII.

(e) "A regulatory and investment handbook for Overseas Indians" by OIFC.

(f) OIFC Investment Tool Kit for Global Indians by OIFC

(g) Home calling –Returning Indians- All that you Need to know by OIFC

(h) Guide Book for Overseas Indians on taxation and other important matters by OIFC

Citizenship identification :

The issuance of Person of Indian Origin (PIO) Cards is a subject concerning Ministry of Home Affairs (MHA) (Foreigners Division). As reported by that Ministry, no such initiative was taken to identify the Persons of Indian Origin in foreign countries.

Maintenance, Divorce, Adoption and Succession law:

The problems of Overseas Indian marriages are complex since they often fall within the purview of Private International Law which applies to NRIs when they bring disputes to foreign courts on issues related to matrimonial conflict or child custody, moveable /immoveable property, and succession, enforcement of divorce and maintenance decrees. Application of these rules depends on concrete situations or problems which may arise among PIO/NRIs or between an Indian national and a foreign national. Keeping in view of complexities involved, it is not feasible/ possible to bring out any manual for the information/use/ assistance of NRIs/ PIOs on these essential matters.

(g) The details of the foreign exchange received are as per the following table:

US \$ billion

Year	Total Private Transfer
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2007-08	43.5
2008-09	46.9
2009-10	(PR) 53.9
2010-11	(P) 55.9

PR: Partially Revised P: Preliminary

The source-and destination-wise information about private transfer is gathered through a periodic (every years) sample survey conducted by the Reserve Bank of India. As per the last survey which was conducted in November, 2009, Gulf Countries accounted for 27 percent of total remittances during the first half of 2009-10.