

12

**STANDING COMMITTEE
ON EXTERNAL AFFAIRS**

(2006-2007)

FOURTEENTH LOK SABHA

MINISTRY OF OVERSEAS INDIAN AFFAIRS

*(Action taken on the recommendations contained in the Tenth
report (14th Lok Sabha) on Demands for Grants of the Ministry of
Overseas Indian Affairs for the year 2006-2007)*

TWELFTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2006/Agrahayana, 1928 (Saka)

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*(Action taken on the recommendations contained in the 10th report
(14th Lok Sabha) on Demands for Grants of the Ministry of
Overseas Indian Affairs for the year 2006-2007)*

*Presented to Lok Sabha on 18th December, 2006
Laid in Rajya Sabha on 18th December, 2006*



LOK SABHA SECRETARIAT
NEW DELHI

December, 2006/Agrhayana, 1928 (Saka)

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STANDING COMMITTEE ON EXTERNAL AFFAIRS
(2006-2007)

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Shri Ashok Balwani	-	Under Secretary
Shri Lalkithang	-	Committee Officer

*Nominated w.e.f 3rd December, 2006

INTRODUCTION

I, the Chairman, Standing Committee on External Affairs (2006-2007) having been authorised by the Committee to present the Report on their behalf, present this 12th Report (14th Lok Sabha) on action taken by Government on the Recommendations contained in the 10th Report (14th Lok Sabha) of the Committee on Demands for Grants of Ministry of Overseas Indian Affairs for the year 2006-2007.

2. The 10th Report was presented to both the Houses of Parliament on 18th May, 2006. The Action Taken Replies of the Government on all the recommendations/observations contained in the Report were received on 29th August, 2006.

3. The Draft Report on the basis of Action Taken Replies was considered and adopted by the Standing Committee on External Affairs (2005-2006) at their sitting held on 14th December, 2006. The minutes of the sitting of the Committee have been reproduced at Appendix-I to the Report.

4. An analysis of the action taken by Government on the recommendations contained in the 10th Report of the Standing Committee on External Affairs (14th Lok Sabha) is given in Appendix-II.

NEW DELHI
15th December, 2006
24 Agrahayana, 1928(Saka)

DR. LAXMINARAYAN PANDEY,
Chairman,
Standing Committee on External Affairs

CHAPTER – I

REPORT

This Report of the Committee deals with the Action Taken by Government on the Recommendations/ Observations contained in the 10th Report of Standing Committee on External Affairs on Demands for Grants for the year 2006-2007 in respect of the Ministry of Overseas Indian Affairs. The 10th Report of the Committee was presented to Lok Sabha on 18th May, 2006.

2. The action taken notes have been received from the Ministry of Overseas Indian Affairs on all the Recommendations/ Observations contained in the report. These have been categorized as follows: -

- (i) **Recommendations/ Observations, which have been accepted by the Government.**

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12

**Total-10
Chapter-II**

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

Nil

**Total-Nil
Chapter-III**

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

Nil

**Total- Nil
Chapter-IV**

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

Nil

**Total- Nil
Chapter-V**

3. The Committee desire that Action Taken Notes on the Recommendations/ Observations contained in Chapter-I of this Report be furnished expeditiously. The Committee further desire that in cases where, in case, it is not possible for the Ministry to implement the recommendations in letter and spirit, the matter should be reported to the Committee with reasons for non-implementation.

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

Overall Budgetary Proposals

Recommendation No. 1

5. The Committee observed that Rs. 7 crore was allocated at BE stage in 2004-05 which was enhanced to Rs. 10 crore at RE stage. However the actual expenditure (Rs. 6.16 crore) was less than what was projected at BE and RE stage. In sharp contrast, the allocation made at BE stage during 2005-06 was Rs. 35 crore which was reduced to Rs. 19.10 crore at RE stage. The projected actual expenditure for the year 2005-06, according to the Ministry, is likely to be Rs. 18 crore, which again is less than the allocation made at BE and RE stage. Despite the Ministry not having been able to spend their budgetary allocations during the last two years, the Budgetary allocation of the Ministry during BE (2006-07) stage is RS. 38 crore. It is also observed that there has been huge variation between BE and RE during the last two years.

The Committee are, therefore, of the view that the Ministry have not been able to make a realistic projection of their budgetary requirements over the last two years as there have been substantial unspent balances and re-appropriation of funds from one head to another head. The Committee recommend that the Ministry must make the projection as realistic as possible and spend funds properly and judiciously within the allocation.

6. The Ministry in their reply have stated as under:

“The Ministry being at a formative stage was short of staff which was one of the reasons that the schemes/projects of this Ministry could not be pursued in right earnest. Further, the schemes were also at conceptual stage and could not be formalized. Now with most posts of officers filled and regular or outsourced supporting staff in position, and a number of schemes finalised the Ministry is better placed to implement its agenda for action. The responsibility to achieve the targets has also been entrusted to the concerned Divisional head as per the revised allocation of work. It has been impressed upon all the Divisional Heads to take up the necessary steps for implementation of the schemes/targets right from the beginning of the Financial Year 2006-2007 so that the funds allotted for the purpose are utilized.”

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

7. The Committee note the repetitive explanation furnished by the Ministry and hope that the Ministry steps out of the stage of nascency early. It hardly needs reiteration that the Ministry needs consolidation of efforts around clear aims and concerted action to achieve the targets within the stipulated time frame.

Recommendation No. 2

8. The Committee were appalled to note that even almost after two years the Ministry is still inadequately staffed. The Committee feel that no concrete steps have been taken by the Ministry in the last one year to fill up the vacant posts. The fact that of the 63 posts that have already been created only 24 are in position is a telling evidence of the lethargic approach of the Ministry in filling up the vacant posts.

The Committee noted that lack of staff has apparently been the reason for many of the planned activities getting deferred or not gaining momentum.

The Committee, therefore, desired that the Ministry should take some concrete steps towards filling up the already created posts immediately so that the proposed agenda/ activities could be taken up during the ensuing year.

9. The Ministry in their reply have stated as under:

“MOIA have at the headquarters 3 initially created posts, 66 newly created posts, 24 posts transferred from Ministry of Labour alongwith transfer of PGE’s office and 12 posts transferred from MEA. Out of the total 105 posts, 48 posts are filled. In addition, we have 46 numbers of outsourced supporting staff. While most post of officers (Under Secretary and above) which are filled on a centralized basis by Department of Personnel & Training (DOP&T) have since been filled, it has not been possible to fill up posts of Section Officer and below which are filled on a decentralized basis in various cadres. DOP&T have not so far allotted a cadre to MOIA. Our request to be a part of DOP&T cadre or to have a separate cadre has not been agreed to. Therefore, after consulting Ministry of Home Affairs (MHA), we have requested DOP&T to allow a common cadre of MHA and MOIA. Once this issue is sorted out, it would be easy to get regular supporting staff. Once regular staff joins, equivalent number of outsourced supporting staff will be reduced. In the Officer oriented system adopted by the Ministry, work is basically carried out by the Officers who are getting support of either regular or outsourced staff. Thus the problem due to shortage of staff has been contained.”

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

10. The Committee regret to note that in spite of most posts of the Officers being filled up on a centralized basis by DoP&T, a full complement of supporting staff is yet to be in place. The Committee feel that the Ministry may not have done enough to support its case of having a cadre of its own. The Committee recommend that the Ministry must again approach DoP&T with proper justification for a separate cadre or settle for a common cadre with Ministry of Home Affairs. The Committee hope the Government

would surely make available staff and resources to its Ministry for Overseas Indian Affairs failing which it will remain a mere nomenclature unable to gain the faith and confidence of millions of Overseas Indians and Indians who flock to the offices of Protector Of Emigrants (POEs).

Capital Outlay for Public Works

Recommendation No. 3

11. The Committee were pleased to note that the Ministry of Urban Development in addition to plot no 15A & 15 B has also allotted plot no 15D in Chanakyapuri to MOIA for construction of the Pravasi Bharatiya Kendra (PBK) vide order dated 24.2.06. The Committee, however, regret to note that physical possession of these plots are yet to be handed over to the Ministry. The Ministry informed the Committee that there is a little bit of unauthorized structure that are to be removed and expects to get possession of the land by the end of April, 2006. The Committee desire that the Ministry should take immediate possession of the land and take steps to engage suitable consultants for preparation of detailed project report and implementation plan. A time bound programme may be drawn up for completion of the project which may be placed before the Committee. The Committee further desire that they may be informed about the progress made in this regard from time to time.

12. The Ministry in their reply have stated as under:

“The Ministry took possession of the plots of land 15A, 15B and 15D in Chanakyapuri allotted by the Ministry of Urban Development for the construction of Pravasi Bharatiya Kendra on 12.5.2006. Administrative and expenditure sanction has already been issued to the CPWD for providing wire fencing and round the clock security at the site. Separately, action is in progress for appointment of a consultant for the project and for commencing implementation.”

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

13. With regard to the construction of Pravasi Bharatiya Kendra the Committee had recommended that the Government engage suitable consultant for preparation of detailed project report and implementation plan, and a draw time bound programme for completion of the project. The Committee, however, note that the Government, instead of providing concrete details, chose to reply that 'action is in progress'. The committee reiterate that the Government should draw up a time bound programme for completing the project and place the same before the Committee at the earliest.

Recommendation No. 5

14. The Committee noted that the Ministry intend to amend the Emigration Act as the existing provisions in the Emigration Act, 1983 are not sufficient enough to protect the interests of the emigrant workers.

The Committee were of the view that the existing section 24 of the Emigration Act, 1983 which provides for mandatory imprisonment for a minimum period of six months and a minimum fine of Rs. 1,000/- in respect of agencies engaged in illegal recruitment is merely a pittance and is not in proportion to the crime illegal recruiters commits. The fact that during the years 2004 and 2005 alone, 451 workers were left in the lurch by the recruiting agencies underscores the need to amend the Act. The Ministry must incorporate stringent punishment and harsher penalties for the illegal recruitment agencies. The Committee, therefore, desire that the Act should be amended to tighten the emigration rule by making the penal provisions harsher to control illegal recruitments. The Committee further desire that the Amendment Bill should be introduced in Parliament by the monsoon session after changing the necessary provisions in the Act.

15. The Ministry in their reply have stated as under:

“A comprehensive proposal for amendments to the existing Emigration Act has been drafted to make the penal provisions more stringent, lay down the responsibilities of the recruiting agents and foreign employers and other stakeholders in clear terms. The proposed amendments envisage stringent

penalties for the illegal recruitment agencies. The proposed amendments also envisage setting up of Emigrant Welfare Fund. Detailed provisions have been incorporated regarding the management of the fund. There is also a provision laying down the role of the Central Government in promotion of orderly emigration and protection and welfare of emigrants. Similarly, a provision has been added to prescribe the functions of the Indian Missions.

A draft Cabinet Note together with the draft amendments to the emigration Act, 1983 have been circulated to Ministry of Home Affairs, Labour & Employment, Ministry of Law & Justice (Deptt. Of Legal Affairs), Ministry of External Affairs and Ambassadors of the Gulf countries and Malaysia. Their comments are awaited.”

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

16. The Emigration Act as it exists fails in its purpose and needs drastic amendments. The Committee, therefore, welcome the proposal to comprehensively amend the existing Emigration Act. The Committee also note that there is a proposal to set up Emigrant Welfare Fund in the proposed amendment. The Committee desire that the process should be expedited and the Bill be introduced in Parliament without further loss of time.

Regular Infrastructure for the Offices of POEs

Recommendation No. 6

17. The Committee observed that there has been a consistent and steady increase in the labour outflow from Indian which requires emigration clearance from the year 2001. The Committee are of the view that only 8 offices of Protectors of Emigrants may not be sufficient to process emigration clearance for persons emigrating for employment abroad. The Committee, therefore, would like the Ministry to explore the possibility of opening more offices of the Protector of Emigrants at places such as Lucknow, Patna, Guwahati and Ahmedabad to cater to the needs of the increasing emigrant labour.

The Committee were also of the view that the Ministry is spending substantial amount of money on account of rent for its 4 offices of Protectors of Emigrants (POEs) which are operating from rented premises. The Committee feel that the Ministry should work towards accommodating these offices in their own building and utilize the rental money for infrastructural development of the offices. The Committee further recommend that the staff strengths in each of the offices of the POEs should be augmented and the existing vacancies filled immediately. The Ministry should also take up, on priority basis, the project for modernizing and computerizing all emigration offices across the country to facilities networking and sharing of dates between offices of POEs and with Indian missions abroad. This is all the more important because in the absence of an electronic environment the proposed smart card would have no meaning. The Ministry should also start the project to streamline the emigration process during the current year.

18. The Ministry in their reply have stated as under:

- A proposal for opening of new offices of Protectors of Emigrants is under examination.
- The suggestion of the Committee for shifting the offices of Protectors of Emigrations to Government owned buildings has been noted and possibilities in this regard will be explored in consultation with the Ministry of Urban Development.
- Efforts are being made to fill up the existing vacancies in the offices of Protectors of Emigrants by circulation of vacancies. A proposal to upgrade the posts of POE from the level of Section officer/Under Secretary to the level of Under Secretary/Deputy Secretary to make them more effective is under process.
- A proposal for modernization and computerization of all POE offices to facilitate networking and sharing of data between the offices of PGoE/ POE and with Indian Missions abroad with through the National Institute of Smart Government has already been initiated.

- The streamlining of the Emigration procedure to make it simple and transparent is underway and will be implemented during the current year.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

19. The Committee welcome the proposal of Government to examine the possibility of opening new offices of Protector of Emigrants(PoE). The Committee, therefore, recommend that the Ministry must follow up on this commitment and open the POE Offices in Lucknow, Patna, Guwahati and Ahmedabad to cater to the needs of the emigrant labourers in these cities. The Committee also recommend that the Ministry should expedite the process of shifting the offices of PoEs to government owned building in consultation with the Ministry of Urban Development.

The Committee had earlier recommended the Government to fill up the existing vacancies in the offices of POEs. The Committee regret to note that even after a lapse of six months, no efforts seem to have been made to fill up the vacancies. The Committee reiterate the need for taking immediate steps for filling up the existing vacancies. The process of modernizing and computerizing all PoE offices also needs to be followed up expeditiously.

CHAPTER-II

RECOMMENDATIONS/ OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation No. 1

The Committee had observed that Rs. 7 crore was allocated at BE stage in 2004-05 which was enhanced to Rs. 10 crore at RE stage. However the actual expenditure (Rs. 6.16 crore) was less than what was projected at BE and RE stage. In sharp contrast, the allocation made at BE stage during 2005-06 was Rs. 35 crore which was reduced to Rs. 19.10 crore at RE stage. The projected actual expenditure for the year 2005-06, according to the Ministry, is likely to be Rs. 18 crore, which again is less than the allocation made at BE and RE stage. Despite the Ministry not having been able to spend their budgetary allocations during the last two years, the Budgetary allocation of the Ministry during BE (2006-07) stage is RS. 38 crore. It is also observed that there has been huge variation between BE and RE during the last two years.

The Committee were, therefore, of the view that the Ministry have not been able to make a realistic projection of their budgetary requirements over the last two years as there have been substantial unspent balances and re-appropriation of funds from one head to another head. The Committee had recommended that the Ministry must make the projection as realistic as possible and spend funds properly and judiciously within the allocation.

Reply of the Government

The Ministry being at a formative stage was short of staff which was one of the reasons that the schemes/projects of this Ministry could not be pursued in right earnest. Further, the schemes were also at conceptual stage and could not be formalized. Now with most posts of officers filled and regular or outsourced supporting staff in position, and a number of schemes finalised the Ministry is better placed to implement its agenda for action. The responsibility to achieve the targets have also been entrusted to the concerned Divisional head as per the

revised allocation of work. It has been impressed upon all the Divisional Heads to take up the necessary steps for implementation of the schemes/targets right from the beginning of the Financial Year 2006-2007 so that the funds allotted for the purpose are utilized.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 2

The Committee were appalled to note that even almost after two years the Ministry is still inadequately staffed. The Committee felt that no concrete steps have been taken by the Ministry in the last one year to fill up the vacant posts. The fact that of the 63 posts that have already been created only 24 are in position, is a telling evidence of the lethargic approach of the Ministry in filling up the vacant posts.

The Committee noted that lack of staff has apparently been the reason for many of the planned activities getting deferred or not gaining momentum.

The Committee, therefore, desired that the Ministry should take some concrete steps towards filling up the already created posts immediately so that the proposed agenda/ activities could be taken up during the ensuing year.

Reply of the Government

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[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

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Reply of the Government

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[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 4

The Committee noted that a proposal of Rs. 2 crore has been made during BE 2006-07 under the head 'Advertising & Publicity'. The Ministry has accordingly drawn up a media plan for the year 2006-07 for publicity of the Ministry's various plans & schemes. The Committee had appreciated that the campaign would be carried out both in the national and international media both in print and electronic. The Committee were of the view that the Advertising and Publicity efforts of the Ministry will play a very vital role in popularizing the proposed plans & schemes and their success would greatly depend on how effectively they are publicized. The Committee were also of the view that intense publicity campaign should particularly be made to create awareness on issues related to marriages to overseas Indians. The Committee, therefore, recommended that the guidance booklet and other documentation that are proposed to be brought out should be made available in regional languages for better sensitization, especially among women. The committee also wanted the Ministry to widely disseminate among overseas Indians information regarding matters of interest to Overseas Indians such as investment opportunities, scholarship schemes, promotion of Diaspora knowledge network, promotion of electronic remittance facility etc.

Reply of the Government

The instructions of the Committee have been noted. The Ministry had organized a National Consultation on Marriages of Indian Women to NRIs on 18th Feb., 2006 in which around 120 delegates including NGOs, Diplomats, State government representatives, lawyers, etc. participated to address the problems of Overseas Marriages. Based on the suggestions received the Ministry plans to launch an awareness campaign to address the issue. An action plan has been drawn up on the following lines:

- The Ministry would finalize and publish vernacular editions of the guidance booklet on Marriages to Overseas Indians incorporating suggestions received during the National Consultation during the current year.
- The Ministry has already launched its awareness and sensitization campaign through telecasting of electronic scrolls on regional network of TV, initially in the States of Punjab and Andhra Pradesh.
- Pamphlet versions of the booklet is proposed to be distributed through public offices, airports, travel agencies, NGOs, colleges etc. in consultation with the State Governments.
- It has been decided to start a sensitization and publicity campaign before the launch of the booklet involving professionals, women's organizations and State government agencies including Panchayats.

(ii) The Ministry also organized a Regional Workshop at Chandigarh on 20th & 21st of June 2006 regarding "Problems relating to NRI Marriages & suggested measures" to create awareness on this issue in partnership with NCW. A similar workshop is proposed to be held in Thiruvananthapuram, Kerala on Sept 13-14, 2006

Apart from distribution, both in India and abroad, of a monthly newsletter 'Overseas Indian', the Ministry is bringing out two guidance booklets, viz. 'Handbook for Overseas Indians' and a compendium on investment opportunities for Overseas Indians which contains detailed information regarding investment opportunities, scholarship schemes, etc. for the benefit of Overseas Indians.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 5

The Committee noted that the Ministry intend to amend the Emigration Act as the existing provisions in the Emigration Act, 1983 are not sufficient enough to protect the interests of the emigrant workers.

The Committee were of the view that the existing section 24 of the Emigration Act, 1983 which provides for mandatory imprisonment for a minimum period of six months and a minimum fine of Rs. 1,000/- in respect of agencies

engaged in illegal recruitment is merely a pittance and is not in proportion to the crime illegal recruiters commits. The fact that during the years 2004 and 2005 alone, 451 workers were left in the lurch by the recruiting agencies underscores the need to amend the Act. The Ministry must incorporate stringent punishment and harsher penalties for the illegal recruitment agencies. The Committee, therefore, had desired that the Act should be amended to tighten the emigration rule by making the penal provisions harsher to control illegal recruitments. The Committee further desired that the Amendment Bill should be introduced in Parliament by the monsoon session after changing the necessary provisions in the Act.

Reply of the Government

A comprehensive proposal for amendments to the existing Emigration Act has been drafted to make the penal provisions more stringent, lay down the responsibilities of the recruiting agents and foreign employers and other stakeholders in clear terms. The proposed amendments envisage stringent penalties for the illegal recruitment agencies. The proposed amendments also envisage setting up of Emigrant Welfare Fund. Detailed provisions have been incorporated regarding the management of the fund. There is also a provision laying down the role of the Central Government in promotion of orderly emigration and protection and welfare of emigrants. Similarly, a provision has been added to prescribe the functions of the Indian Missions.

A draft Cabinet Note together with the draft amendments to the emigration Act, 1983 have been circulated to Ministry of Home Affairs, Labour & Employment, Ministry of Law & Justice (Deptt. Of Legal Affairs), Ministry of External Affairs and Ambassadors of the Gulf countries and Malaysia. Their comments are awaited.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 6

The Committee had observed that there has been a consistent and steady increase in the labour outflow from Indian which requires emigration clearance from the year 2001. The Committee were of the view that only 8 offices of

Protectors of Emigrants may not be sufficient to process emigration clearance for persons emigrating for employment abroad. The Committee, therefore, wanted the Ministry to explore the possibility of opening more offices of the Protector of Emigrants at places such as Lucknow, Patna, Guwahati and Ahmedabad to cater to the needs of the increasing emigrant labour.

The Committee were also of the view that the Ministry is spending substantial amount of money on account of rent for its 4 offices of Protectors of Emigrants (POEs) which are operating from rented premises. The Committee felt that the Ministry should work towards accommodating these offices in their own building and utilize the rental money for infrastructural development of the offices. The Committee further recommended that the staff strengths in each of the offices of the POEs should be augmented and the existing vacancies filled immediately. The Ministry should also take up, on priority basis, the project for modernizing and computerizing all emigration offices across the country to facilities networking and sharing of datas between offices of POEs and with Indian missions abroad. This is all the more important because in the absence of an electronic environment the proposed smart card would have no meaning. The Ministry should also start the project to streamline the emigration process during the current year.

Reply of the Government

- A proposal for opening of new offices of Protectors of Emigrants is under examination.
- The suggestion of the Committee for shifting the offices of Protectors of Emigrations to Government owned buildings has been noted and possibilities in this regard will be explored in consultation with the Ministry of Urban Development.
- Efforts are being made to fill up the existing vacancies in the offices of Protectors of Emigrants by circulation of vacancies. A proposal to upgrade the posts of POE from the level of Section officer/Under Secretary to the level of Under Secretary/Deputy Secretary to make them more effective is under process.

- A proposal for modernization and computerization of all POE offices to facilitate networking and sharing of data between the offices of PGoE/ POE and with Indian Missions abroad with through the National Institute of Smart Government has already been initiated.
- The streamlining of the Emigration procedure to make it simple and transparent is underway and will be implemented during the current year.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 7

The Committee were extremely concerned to note that many emigrant labourers continue to get duped by both registered and unregistered recruiting agents. The Committee found it alarming to note that there is a degree of connivance between the agents and officials of the Protectors of Emigrants. The Committee desired that the Ministry should immediately undertake vigilance measures in all the PoE offices to identify officials whose integrity may be doubtful. Officials who have been conniving with agents in cheating emigrant workers should be accorded the most stringent punishment and criminal procedure initiated against them. The Committee noted that the Ministry in this regard is thinking of certain corrective measures of scrutiny. The Committee desired that the proposed corrective measures and its resultant impact may be placed before them.

The Committee were deeply concerned about the increasing number of complaints received against the registered recruiting agents. The Committee desire that the Ministry should properly scrutinize the credentials of the Recruiting Agents before granting them license. Another issue of serious concern to the Committee is the involvement of unregistered agents in the labour rackets. The Committee were of the view that such rackets are thriving due to the lack of awareness among the public. The Ministry should therefore undertake massive publicity drive in the media to publicise names of illegal agents as well as legal agents who are involved in labour rackets so that prospective emigrant workers may not approach them for their services.

Reply of the Government

Complaints are received against registered as well as unregistered recruiting agents from time to time. Complaints are received from various quarters including Indian Missions that the workers are exploited/ or that there is breach of contract, substitution of the employment contract etc.

The mechanism for regulating and disciplining the recruiting agents is already in place in the Emigration Act 1983. To have a check on the registered recruiting agents, they are required to submit (i) demand letter (ii) power of attorney and (iii) specimen employment (all in original) from the foreign employer for obtaining emigration clearance in respect of the workers recruited by them. In the case of vulnerable categories of workers, i.e. unskilled labourers and housemaids the employment documents are required to be attested by the concerned Indian Missions. Registered Recruiting Agents, against whom complaints are received, are served show-cause notices and directed to settle/resolve the complaints within 15 days and if the Recruiting Agent fails to respond or his reply is not found satisfactory, his registration certificate is suspended for 30 days. If the complaint still remains unresolved, the registration certificate is suspended for indefinite period and action is initiated for cancellation of his registration certificate and forfeiture of bank guarantee. Further, in order to properly scrutinize the credentials of the Recruiting Agents, a notification has been issued by the Government under which the persons who have applied for grant of registration certificates under the Emigration Act, 1983 are interviewed personally by the Protector-General of Emigrants before granting them licenses.

Recruitment of Indian national for employment abroad without registration certificate is an offence under section 10 of the Emigration Act, 1983 which is punishable under section 24. Complaints against unregistered recruiting agents basically relate to overcharging, cheating, non-sending of workers for overseas employment and non-return of their passports etc. The complaints against unregistered recruiting agents are referred to the concerned State Police authorities for investigation and action for violation of section 10 of the Emigration Act and provisions of other laws, as applicable.

A proposal to amend the Emigration Act 1983 is being considered in the Ministry, which will also cover the aspect of strengthening the provisions relating to regulation of Recruiting Agents. The complaints received against the various POE officials are closely being monitored in the Vigilance Unit of the Ministry. Recently, after complaints received from various quarters, disciplinary action in respect of one of the POE and one staff member of the POE has been initiated and the concerned POE transferred back to his parent department. It is also proposed to conduct vigilance audit of the different POE offices by a combined team of CVC and MOIA officials to tighten the functioning of the POE offices.

In so far as publicity is concerned, a campaign is being planned to be undertaken through radio and TV channels in the form of slogans relating to (i) misuse of visit visa; (ii) unregistered agents and (iii) housemaids.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 8

The Committee observed that the employment of Indian workers abroad helps to earn foreign exchange. During 2004-05 the remittances of Indian workers was over \$20 billion whereas total FDI to India was only \$3-4 billion. It is assessed that a major proportion of this is contributed by the increasing number of unskilled and semi-skilled Indian workers employed in the Gulf countries, Malaysia and Singapore. Despite their huge contribution, emigrant workers are facing exploitations in different forms and the government seem to be a mute spectator to all this. The workers are agitated about poor working conditions, ill-treatment and mis-guidance by recruiting agents. The Committee also noted that there was a big demonstration in Dubai recently, in which workers complaints that they were not getting what was promised to them. Sizeable number of Indian workers are thus exploited both in India and abroad. The Committee felt that the Ministry should initiate to get labour agreement signed with countries where there are large number of Indian workers in order to put a check to the exploitation of Indian workers. The Committee also desired that the draft labour agreement under consideration with Kuwait and Malaysia should be pursued strongly so that an agreement can be reached with both countries. The Committee further

desired that the Ministry should also pursue with countries particularly in the Gulf region for labour agreement so that Indian workers can be protected from further exploitation.

In an attempt to protect the vulnerable workers from exploitation the Ministry has been saying that they would introduce an electronic emigration card/ a smart card which will contain all details pertaining to the worker. The smart card project, however, is yet to be started. The chairman of the Semi Conductor Ltd. (SCL), the PSU entrusted with executing the smart card project, had expressed some difficulty in executing this project. The Committee had regretted to note the delay in implementing this project. Now that SCL will not be able to execute the project, the committee, desire that the Ministry should immediately look for another company which has the technology and capability to execute the project. The Committee wanted that the Ministry must speed up the process of issuing smart cards to emigrant workers.

Reply of the Government

It has been noted that a large number of Indian workers are exploited by foreign employers and unscrupulous recruiting agents. It is, therefore, important that sustained efforts are made to negotiate and conclude Labour agreements with the major Labour receiving countries in Gulf and in South East Asia. To begin with, this Ministry intends to target the top 8 labour receiving countries for signing of bilateral Labour agreements with the UAE, the KSA, Kuwait, Oman, Bahrain, Jordan, Qatar and Malaysia. Out of these 8 countries, we already have agreements, even if outdated, with Qatar and Jordan. The focus of our effort is, therefore, on signing of MOU with the remaining 6 countries namely (i) UAE (ii) KSA (iii) Kuwait (iv) Oman (v) Bahrain and (vi) Malaysia. The draft MOUs which were pending with Kuwait and Malaysia Government were too sketchy and thus a more comprehensive draft MOU covering all the aspects was required. Accordingly, this Ministry has drafted a model MOU and sent to the concerned Missions and the territorial divisions of Ministry of External Affairs for their comments. The comments have been received and the draft MOUs are being finalized. The draft MOU with Kuwait has been finalized and efforts will be made

to sign it later in the year. Similarly discussions with Malaysia are also expected to commence soon.

The Ministry has initiated a proposal for transforming emigration management through an e-Governance project with consultancy support from the National Institute of Smart Government, a not for profit company promoted by the Department of Information Technology, the NASSCOM and the Government of Andhra Pradesh.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 9

The Committee were happy to note that Ministry has upgraded the Pravasi Bharatiya Bima Yojana (PBBY), 2003 as the PBBY, 2006 to provide broader coverage to the emigrant workers by raising the insurance amount from Rs. 2 lakhs to Rs. 5 lakhs. The Committee were also happy to note that the Ministry is planning to bring those insured under the old scheme within the purview of the new scheme. The Committee also shared the view that all those insured under the old scheme should be covered under the new scheme. The Committee however felt that they should not be charged any extra premium as that might act as a deterrent for subscription. The Committee were also of the view that subscription to this scheme should be made compulsory for all emigrant workers so that in case of any exigencies they will have something to fall back upon. To this end, the committee felt that the scheme should be widely publicized among emigrant workers by highlighting its benefits.

Reply of the Government

Pravasi Bhartiya Bima Yojana, 2006 (PBBY, 2006) has been extended to those holding policies under the Pravasi Bhartiya Bima Yojana, 2003 (PBBY, 2003) on payment of change over cost.

Pravasi Bhartiya Bima Yojana, 2006 is compulsory for all emigrant workers going abroad for employment.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 10

The Committee noted that the Ministry propose to set up three overseas centres for Indian workers in the Gulf, Malaysia and U.S. The Committee also noted that the proposal is awaiting approval of the Government and are expected to be operational by October 2006. The Committee felt that this is a very important step in the right direction to help the overseas Indians by way of providing guidance and counselling to them. During the examination of DFG (2005-06) the Ministry informed the Committee about their intention to create posts abroad. The Committee had accordingly observed also in their earlier Report (6th Report, 14th Lok Sabha) that this was a much-felt need to help Overseas Indians as there have not so far been any reciprocal gesture from the government side. The Committee had also recommended that such centres should be created within the time frame then set out by the Ministry. The Committee, however, regretted to note that there have not been any follow up action by the Ministry in this regard. Now that the proposal has again come up, the Committee desire that the Ministry should stick to the new time frame of setting up the centres in Gulf, Malaysia &U.S. by October, 2006. The Committee further desired that the centres should be adequately managed by persons who are experts in the field of economics, investments and law.

Reply of the Government

The proposal to establish the overseas centers has initially been submitted to the Committee of Secretaries (CoS). The CoS in its meeting held on 10.5.2006 considered the case and has given its recommendations. Further action for obtaining the approval of the Cabinet to the proposal is under-way in the Ministry. It is expected that the Ministry will be able to commence action for setting up of the Centers during year.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 11

The Committee were pleased to note that the Overseas Citizenship of India (OCI) scheme has become operational w.e.f. 2nd December, 2005. The

Committee also noted that the OCI scheme has been introduced by statute as a new category of citizenship to facilitate life long visa, free travel and certain economic, educational and cultural benefits. The popularity of the scheme can be gauged from the fact that within three months of its operation, 6264 OCI documents have been granted. The Committee however regretted to note that the question of granting of voting rights to OCI is not at all being considered. The Committee were of the view that the old rigid notion of nationality no longer works in a global scenario with a fluid and mobile workforce. Keeping this in mind, the Committee in their earlier Report(6th Repot, 14th Lok Sabha) have recommended that the Ministry must seriously consider and explore the feasibility of extending the benefits of voting right to Overseas Citizens of India. The Committee, therefore, reiterated that the Ministry in consultation with the Ministry of Law and Justice should explore the possibility of granting voting rights to overseas citizens of India.

Reply of the Government

A proposal for giving voting rights to Indian citizens only (not PIOs) who are away from their place of residence on account of employment, education or otherwise has been approved by the Government. The proposal presently permits Indian citizens residing outside India due to their employment, education, etc. to get their names registered in the electoral roll of the concerned constituency of their place of ordinary residence in Indian and cast their vote to the elections to the Lok Sabha and State Legislatures in case they are present in their constituencies at the time of the elections. A bill in this regard was introduced in the Rajya Sabha on 27th February, 2006 Rajya Sabha Secretariat had referred the Bill to the Departmental Parliament Standing Committee on Personnel, Public Grievances, Law and Justice. This Committee has submitted its report to Rajya Sabha which was laid in Lok Sabha on 4th August, 2006. The report is under examination in the Ministry of Law & Justice. While agreeing with the letter and spirit of the Amendment, the Committee wanted the Ministry of Law & Justice to explore various modes/options available in order to achieve the purpose for which the Bill is intended, i.e. enabling the NRIs to participate in the

democratic process of the country in a meaningful manner. To achieve this, the Committee had recommended for a comprehensive Bill on the subject containing all the details regarding the manner of enrolment of the Non-Residence Indians, the mode of voting and the conditionalities for contesting elections.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

Recommendation No. 12

The Committee noted that the fourth Pravasi Bharatiya Divas (PBD) was organized by the Ministry in Hyderabad from 7-9 January 2006 with Andhra Pradesh as the partner State. The Committee also noted that the outlay for PBD celebration has been increased from Rs. 4 crore in 2005-2006 to Rs. 6 crore in 2006-07. The Committee further noted that in the assessment of the Ministry, the fourth PBD could be rated as a success in the conscious progression towards emphasizing the content and outcome of the conference rather than a mere form of participation. The Committee have also attended the conference and were satisfied with the overall arrangements made in Hyderabad except for some minor shortcomings. The Committee have noticed the absence of viable arrangements made for receiving and guiding delegates from abroad to the venue of the conference. The Committee felt that there should have been a cell positioned at various places such as places of stay of delegates and meeting venues and preferably under one roof to help and guide them. The Committee desired that the Ministry must take care of these shortcomings in the next edition of PBD.

The Committee also noted that interactive sessions were held with States on five key issues viz. Fiscal Reforms, Labour Reforms, Agriculture, Urban Management and Regulatory Framework for Investment. The idea of an overseas investment promotion union promoted by MOIA in coordination with apex industry as well as various State Governments was also discussed and was well received. The Committee desired that the Ministry should follow up on the key issues that were discussed in the interactive sessions so that some concrete steps can be taken further during the ensuing year.

Reply of the Government

Committee's recommendation regarding viable arrangements for receiving and guiding guests from abroad have been noted including positioning a cell at various places such as places of stay of delegates.

Ministry is following up various key issues discussed during the interactive session in the Pravasi Bhartiya Divas 2006. Steps will be taken to carry forward the discussions in the interactive sessions.

[MOIA OM No. G-20017/5/2006-Bt dated 10.7.2006]

CHAPTER-III

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

--Nil--

CHAPTER-IV

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

--Nil--

CHAPTER-V

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

-- Nil --

NEW DELHI:

15th December, 2006/ 24 Agrahayana, 1928 (Saka)

**Dr. Laxminarayan Pandey,
Chairman,
Standing Committee on External Affairs**

**MINUTES OF THE NINTH SITTING OF THE STANDING COMMITTEE ON
EXTERNAL AFFAIRS HELD ON 14TH DECEMBER, 2006**

The Committee sat from 1515 hrs. to 1700 hrs.

PRESENT

Dr. Laxminarayan Pandey – Chairman

MEMBERS

Lok Sabha

2. Shri Narayan Chandra Borkataky
3. Shri Suresh Prabhakar Prabhu
4. Shri Vanlalzawma

Rajya Sabha

5. Shri Jana Krishnamurthy K.
6. Smt. Jaya Bachchan
7. Shri S.M. Laljan Basha
8. Dr. Mahendra Prasad
9. Shri Arjun Kumar Sengupta
10. Smt. Shobhana Bhartia

Secretariat

1. Shri S.K. Sharma - Additional Secretary
2. Shri Devender Singh - Director
3. Shri Ashok Balwani - Under Secretary

2. At the outset, the Chairman welcomed Members to the sitting of the Committee.

3. XXXX XXXX XXXX XXXX

4. The Committee then took up for consideration the draft 13th Report on Action Taken on the recommendations contained in the 11th Report (14th Lok Sabha) of the Committee on Demands for Grants of the Ministry of External Affairs for the year 2006-2007. The Chairman invited the Members to offer their suggestions, if any, for incorporation in the draft Report.

5. The committee then adopted the draft Report and authorized the Chairman to finalize the Action Taken Report and present the same to Parliament.

6. XXXX XXXX XXXX XXXX

The Committee then adjourned.

(Vide Introduction of Report)

**ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE TENTH
REPORT OF THE STANDING COMMITTEE ON EXTERNAL AFFAIRS
(14TH LOK SABHA)**

I.	Total Number of Recommendations	12
II.	Observations/Recommendations, which have been accepted by the Government	
	Recommendations Sl. Nos. 1,2,3,4,5,6,7,8, 9,10,11 and 12	
	Total	12
	Percentage	100%
III.	Observations/Recommendations which the Committee do not desire to pursue in view of the Government replies	
	Recommendations Sl. Nos. Nil	
	Total	00
	Percentage	Nil
IV	Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and require reiteration	
	Recommendations Sl. Nos. Nil	
	Total	00
	Percentage	Nil
V	Observations/Recommendations in respect of which final replies of the Government are still awaited	
	Recommendations Sl. Nos. Nil	
	Total	00
	Percentage	Nil

APPENDIX-III
STATEMENT OF RECOMMENDATIONS/ OBSERVATIONS

Sl. No.	Para No.	Ministry	Recommendations/Observations
1.	7	Overseas Indian Affairs	The Committee note the repetitive explanation furnished by the Ministry and hope that the Ministry steps out of the stage of nascency early. It hardly needs reiteration that the Ministry needs consolidation of efforts around clear aims and concerted action to achieve the targets within the stipulated time frame.
2.	10	Overseas Indian Affairs	The Committee regret to note that in spite of most posts of the Officers being filled up on a centralized basis by DoP&T, a full complement of supporting staff is yet to be in place. The Committee feel that the Ministry may not have done enough to support its case of having a cadre of its own. The Committee recommend that the Ministry must again approach DoP&T with proper justification for a separate cadre or settle for a common cadre with Ministry of Home Affairs. The Committee hope the Government would surely make available staff and resources to its Ministry for Overseas Indian Affairs failing which it will remain a mere nomenclature unable to gain the faith and confidence of millions of Overseas Indians and Indians who flock to the offices of Protector Of Emigrants (POEs).
3.	13	Overseas Indian Affairs	With regard to the construction of Pravasi Bharatiya Kendra the Committee had recommended that the Government engage suitable consultant for preparation of detailed project report and implementation plan, and a draw time bound programme for completion of the project. The Committee, however, note that the Government, instead of providing concrete details, chose to reply that 'action is in progress'. The committee reiterate that the Government should draw up a time bound programme for completing the project and place the same before the Committee at the earliest.

4.	16	Overseas Indian Affairs	<p>The Emigration Act as it exists fails in its purpose and needs drastic amendments. The Committee, therefore, welcome the proposal to comprehensively amend the existing Emigration Act. The Committee also note that there is a proposal to set up Emigrant Welfare Fund in the proposed amendment. The Committee desire that the process should be expedited and the Bill be introduced in Parliament without further loss of time.</p>
5.	19	Overseas Indian Affairs	<p>The Committee welcome the proposal of Government to examine the possibility of opening new offices of Protector of Emigrants(PoE). The Committee, therefore, recommend that the Ministry must follow up on this commitment and open the POE Offices in Lucknow, Patna, Guwahati and Ahmedabad to cater to the needs of the emigrant labourers in these cities. The Committee also recommend that the Ministry should expedite the process of shifting the offices of PoEs to government owned building in consultation with the Ministry of Urban Development.</p> <p>The Committee had earlier recommended the Government to fill up the existing vacancies in the offices of POEs. The Committee regret to note that even after a lapse of six months, no efforts seem to have been made to fill up the vacancies. The Committee reiterate the need for taking immediate steps for filling up the existing vacancies. The process of modernizing and computerizing all PoE offices also needs to be followed up expeditiously.</p>