

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

STARRED QUESTION NO:41

ANSWERED ON:27.02.2013

COMPLAINTS AGAINST RECRUITMENT AGENCIES

Nagorao Shri Dudhgaonkar Ganeshrao; Rao Shri Nama Nageswara

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

- (a) the number of persons who have gone abroad for employment during the last three years and the current year, year-wise;
- (b) whether the Government has received any complaints against recruitment agencies during the people in the name of promised employment abroad;
- (c) if so, the details thereof including the names of such agencies reported during the last three years and the current year, year-wise;
- (d) the mechanism put in place by the Government to monitor and regulate the functioning of such agencies in the country; and
- (e) the other steps taken/being taken by the Government in this regard?

Answer

MINISTER OF OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI)

(a) to (e) A Statement is laid on the table of the House.

Statement as referred to in reply to the Lok Sabha Starred Question no. 41 for 27.2.2013 regarding Complaints against Recruitment Agencies

(a) Ministry of Overseas Indian Affairs maintains records of Emigration Check Required (ECR) passport holders going to 17 ECR countries for employment. The data for the last three years and current year are as below.

Year 2010 2011 2012 2013 (up to January)

Total 6,41,355 6,26,565 7,47,041 79,823

(b) and (c) Yes, Madam. The details of the registered Recruiting Agents (RAs), against whom complaints regarding violation of the provision contained in Emigration Act and Rules (as amended from time to time) and instructions thereunder, received during the last three years and 2013 (upto 15/2/2013) are given in Annexure-I.

(d) The registration of the Recruiting Agents with the Central Government and their conduct is regulated by the Emigration Act, 1983, and the Rules framed and amended from time to time thereafter. The important safeguards are as under:

(i) The amount of security to be furnished by the Recruiting Agent (RA) in the form of Bank Guarantee has been increased to twenty lakh rupees.

(ii) The application fee for Registration Certificate has been increased from Rupees Five thousand to Rupees Twenty five thousand.

(iii) The minimum qualification for those applying for Registration Certificate is 'Graduation'.

(iv) Balance Sheet of the previous financial year, or a statement of accounts showing the assets and liabilities of the applicant, income tax returns for the last three consecutive years and an affidavit showing the financial status and soundness are mandatory.

(v) Recruiting Agents have to maintain certain basic facilities such as office space of not less than 50 Sq meters of built-up area, there being a waiting hall, adequate and duly trained staff, arrangements for skill testing for the trades for which the Agent recruits the intending emigrants, and having a modern well equipped office with adequate Information Technology (IT) facilities.

(vi) Registration certificate is issued for a period of five years, whereafter the Registered Agent has to apply for renewal. At this juncture, a fresh appraisal of the Registered Agent is carried out. In the event of any continued violation of any of the conditions of the Emigration Act and rules, or standing instructions, the renewal is kept in abeyance, or not done.

(e) Other safeguards put in place are:

(i) Protector of Emigrants have been asked to exercise abundant caution while granting emigration clearance, taking into account the extant instructions of the Ministry. Emigration in respect of women, vulnerable categories are granted only on Embassy-attested documents.

(ii) The Protector of Emigrants office have been computerized and the application for emigration clearance by the Recruiting Agents are done online, and available for check.

(iii) The earlier process of emigration stamping has since been done away with and stickers are now pasted on the passport, giving information about the Recruiting Agents; name of foreign employer; occupation, wages, policy number, passport/visa no. of the emigrant; and, the helpline number.

(iv) Whenever any complaint such as overcharging, change of occupation/employer, non provision of salary/other contractual obligations, non reception of the emigrant at the airport, unauthorized advertisement/ illegal recruitment centre etc. against the Registered Recruiting Agents are received, the Recruiting Agent is directed to settle/resolve the complaint. If the Recruiting Agent fails to do so, or provide a satisfactory reply, his Registration Certificate is suspended. If the complaint still remains unresolved, action is initiated for cancellation of the Registration Certificate and forfeit the Bank Guarantee. Cases against the Recruiting Agents are dropped only after confirmation of resolution of genuine grievances and where necessary, after consulting the Mission and POE concerned.

(v) In case of prime facie offences under the Emigration Act, complaints are forwarded/filed with the concerned State Governments, for action as per law.

(vi) Delinquent foreign employers are placed in the "Prior Approval Category"(PAC) that is, they are no longer allowed to recruit workers from India. As on 31/01/2013, 508 foreign employers have been placed in the PAC list.

(vii) The ministry operates a 24 hour toll free helpline in eight listed languages, namely, English, Hindi, Punjabi, Malayalam, Bengali, Tamil, Telugu and Kannada to enable Emigrants/prospective Emigrants to seek information, and file complaints against Recruiting Agents/Foreign Employers if the need arises.