

**STANDING COMMITTEE ON EXTERNAL AFFAIRS
(2010-2011)**

FIFTEENTH LOK SABHA

MINISTRY OF OVERSEAS INDIAN AFFAIRS

[Action taken on the recommendations contained in the Third Report (15th Lok Sabha) on Demands for Grants of the Ministry of Overseas Indian Affairs]

SEVENTH REPORT

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**LOK SABHA SECRETARIAT
NEW DELHI**

DECEMBER 2010/AGRAHAYANA, 1932 (Saka)

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[Action taken on the recommendations contained in the Third Report (15th Lok Sabha) on Demands for Grants of the Ministry of Overseas Indian Affairs for the year 2010-2011]

Presented to Hon'ble Speaker, Lok Sabha on 2nd February, 2011

Presented to Lok Sabha on 24th February, 2011

Laid on the Table of Rajya Sabha on 24th February, 2011

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STANDING COMMITTEE ON EXTERNAL AFFAIRS

(2010-2011)

Shri Ananth Kumar - Chairman

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SERETARIAT

- | | | | |
|----|--------------------|---|---------------------|
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| 2. | Shri R.K.Jain | - | Director |
| 3. | Dr. Ram Raj Rai | - | Additional Director |
| 4. | Shri D.K.Arora | - | Committee Officer |
| 5. | Ms. Kiran Bhargava | - | Executive Assistant |

* Vice Dr. Manda Jagannath resigned from the membership of the Committee w.e.f. 4.10.2010

@ Shri Aswani Kumar ceased to be the member of the Committee consequent his appointment as Minister w.e.f. 19.01.2011

INTRODUCTION

I, the Chairman of the Standing Committee on External Affairs (2010-2011) having been authorized by the Committee to present the Report on their behalf, present this 7th Report (15th Lok Sabha) on Action Taken by Government on the recommendations contained in the Third Report (15th Lok Sabha) of the Committee on Demands for Grants of the Ministry of Overseas Indian Affairs for the year 2010-2011.

2. The 3rd Report was presented on 20 April, 2010. The Action Taken Replies of the Government on all the recommendations/observations contained in the Report were received on 26 July, 2010.

3. The committee considered and adopted this Action Taken Report at their sitting held on 21 December, 2010.

4. The Minutes of the sitting of the Committee have been reproduced at Appendix-I to the Report.

5. An analysis of the Action Taken by Government on the recommendations contained in the 3rd Report of the Standing Committee on External Affairs (15th Lok Sabha) is given in Appendix-II.

NEW DELHI;
21 December, 2010
30 Agrahayana, 1932 (Saka)

ANANTH KUMAR
Chairman,
Standing Committee on External Affairs.

CHAPTER-I

REPORT

This Report of the Standing Committee on External Affairs deals with the Action Taken by Government on the observations/recommendations contained in their Third Report on Demands for Grants (2010-2011) of the Ministry of Overseas Indian Affairs which was presented to Lok Sabha and laid in Rajya Sabha on 20 April,2010.

2. The Action taken notes have been received from the Ministry of Overseas Indian Affairs on all the observations/recommendations contained in the Report. These have been categorized as follows:-

(i) Recommendations/observations, which have been accepted by the Government

Recommendation Nos.1,2,3,5,8,10,11,12,13,15,16,17,18 and 19

Total - 14

(ii) Recommendation/Observation which the Committee do not desire to pursue in view of the Government reply.

Recommendation No.9

Total - 01

(iii) Recommendation/Observation in respect of which reply of Government have not been accepted by the Committee and require reiteration.

Recommendation No. 6

Total - 01

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

Recommendation Nos.4,7 and 14

Total - 03

3. The Committee desire that final replies to the recommendation/observation for which only interim replies have been given by the Government should be furnished within three months of the presentation of this Report.

4. The Committee will now deal with some of the replies received from the Government, which need reiteration or merit comments.

Recommendation (No. 4)

5. The Committee had observed that the process of emigration clearance was currently being done through the eight offices of Protector of Emigrants (PoEs). All these offices were functioning from rented premises. During 2007-08, Rs. 27.16 lakhs were spent on rent for PoE Offices which went upto 70.61 lakhs in 2008-09 and during 2009-10, they had paid Rs. 1.01 crores as rent for these offices. The Committee had expressed their concern over the approach of the Ministry in the matter. They were paying huge amount as rent but the matter relating to purchase of land/construction of PoE Offices had been put in abeyance because the concerned State Governments were not enthusiastic. More surprisingly, during 2009-10, no initiative was taken in this direction showing nil expenditure during the whole financial year. An allocation of a meager sum of Rs. 20 lakhs for 2010-11 for this purpose showed the reluctance on the part of the Government. The Committee, therefore, had strongly recommended that the Government should finalize the proposals to purchase the lands in consultation with concerned State Governments and construction work should start without delay by obtaining more allocation under the Capital Outlay at RE stage. The Committee had also wanted to express their desire that if the Ministry found it difficult to convince the State Governments for allocation of land, then they should explore the possibility of acquiring built up properties to house the PoE Offices to avoid huge rental outgo. The Committee had also desired to be apprised of the action taken in the matter and response of the Ministry of Finance in this regard.

6. The Ministry of Overseas Indian Affairs in their action taken reply (dt. 26 July, 2010) have stated as under: -

“It is brought to the notice of the Hon’ble Standing Committee that the buildings in which five POE offices are presently housed are rented. The ministry has made efforts with the State Governments to acquire land but the response from the State Governments was not very positive. Therefore, an internal committee under the chairmanship of Secretary has been constituted in the Ministry to identify the space requirement for the POE offices. The internal committee in its first meeting held on 07.04.2010 has taken the following decisions: -

- (i) Exploring the possibilities of getting the space for POE offices in the buildings in which Regional Passport Offices are housed.

- (ii) Exploring the possibilities for getting the space for POE offices in the buildings relating to other central government department offices.
- (iii) Pursuing with the home departments of the state government for providing the requisite land or the building for POE offices.
- (iv) The committee agreed on the need of integrating all the field activities being performed by the different organizations/ offices under the MOIA into one place / building so that all the services of the Ministry are available to the emigrants at one place. The requirement of the land or space for POE offices have to be worked out keeping this objective in view. This matter will also be one of the agenda items of the next Consultative meeting with the state governments.

As a follow up to the above decision, the five POE offices which are presently housed in private buildings have taken up the matter with the Regional Passport Offices and the other Central Government departments.”

7. While expressing their concern over the huge recurring expenditure being incurred towards payment of rented premises taken to house the Protector of Emigrants (PoE) offices, the Committee had recommended that the Ministry should take up the issue with the respective State Governments for allotment of suitable land to build up those offices and if required try to explore the possibility of acquiring built up properties to house PoE offices to avoid huge rental outgo. The Committee observe that the internal Committee constituted for this purpose held only one meeting on 7.4.2010 and as a follow up action on one of the decisions taken by the above said committee, the matter is being taken up with the Regional Passport Offices and other Central Government

Departments at some of these places. The Committee find that even after a lapse of more than six months after the meeting of internal committee, nothing concrete seems to have come out so far. The Committee, therefore, reiterate that the Ministry of Overseas Indian Affairs should convincingly take up the issue on the lines decided by the committee constituted by it so that the huge recurring expenditure on account of payment of rent could be averted. The Committee would like to be apprised of the outcome of the concrete action taken by the Ministry in this regard.

Recommendation (No. 5)

8. The Committee had welcomed the proposal of the Ministry to enhance the activities covered by Overseas Workers Resource Centre (OWRC), including additional services to be made part of the OWRC purview and making the OWRC helpline a State of Art Resource Centre by increasing its scope of work. It was important to note that this enhanced scope of work would enable the Centre to facilitate and provide support services to workers who intended to go abroad for employment by an interactive web-site. The Committee hoped that the Centre shall also act as a single window source for registering, responding and monitoring complaints, collection and dissemination of information on matters relating to emigration, grievance redressal forum and a knowledge centre. The Committee had also desired that all the proposed activities should be enhanced in a definite timeframe. The Ministry should provide all possible assistance to OWRC to enable them to provide all necessary support services to workers who intended to go abroad for employment and try to make the Helpline more efficient and responsive by extending services in some more Indian languages including Marathi and Gujarati. The Committee had also desired that a time frame should be fixed for solving the problems of different nature.

9. The Ministry of Overseas Indian Affairs in their action taken reply (dt. 26 July, 2010) have stated as under :-

“A new service provider has been selected for operating the OWRC with the expanded set of services.

The recommendation of the Standing committee will be duly considered for implementation during the tenure of the new service provider.”

10. During examination of Demands for Grants 2009-10, the Committee was informed that the increase in fund allocation for Overseas Workers Resource Centre (OWRC) was done to make the OWRC a State of the Art Resource Centre and to beef up that as a single point window source to take care and redress the grievances of the users. The Committee had, however, desired that for making the Resource Centre more efficient and responsive, the proposed activities should be enhanced in a definite time frame. They had also

desired that a time-frame should also be fixed for solving the wide-ranging problems of its users. But the Committee observe that the Ministry has only selected the new service provider for operating OWRC with the expanded set of services. They have not disclosed anything whether any time-frame has been fixed for implementation of new activities by the new service provider.

The Committee would, therefore, like to know the details of the time-frame drawn by the Ministry/Centre for enhancing the activities of OWRC and also about the fixation of time- frame for resolving the grievances of varied nature of its users and whether the time frame so drawn up is being adhered to. Besides this, the Committee would also like to know about the steps being taken by the Ministry for extending the helpline services in all the scheduled languages.

Recommendation (No. 6)

11. The Committee had noted that the Overseas Citizenship of India (OCI) Scheme was made operational in December 2005. The scheme envisaged issue of OCI documents consisting of OCI registration certificate and universal visa stickers to Persons of Indian Origin. As an estimate there were around 25 million Overseas Indians, out of which 15 millions were Persons of Indian Origin (PIOs). A registered OCI was granted multiple entry, multi-purpose, life long visa for visiting India and was exempted from registration with Foreigners Regional Registration Office for any length of stay in India.

12. The Committee had observed that there were delays in processing of OCI applications particularly in the Missions of the countries where large number of applications were received every day. The Ministry had no appropriate tools and reliable mechanism for an authentic survey and this was why they had not made any assessment of the number of PIOs eligible for OCI Cards so far. Moreover, no separate staff had been provided to Missions exclusively to handle OCI work. The Committee, therefore, had recommended that MOIA should take up the matter with MEA to post exclusive and dedicated staff to handle the OCI work particularly in the Missions where more OCI applications were received on daily basis. The Committee, expected that the Ministry would evolve a suitable mechanism by engaging appropriate agency to assess the number of PIOs eligible for OCI cards for flawless issuance of OCI Cards to them in a planned and time bound manner.

13. The Ministry of Overseas Indian Affairs in their action taken reply (dt. 26 July, 2010) have stated as under: -

“In order to process OCI applications in a time bound manner there is a need to provide regular staff in the Missions and Posts abroad especially where a large number of OCI applications are received every day. In this regard Missions/Posts, where a large number of OCI applications are received every day and the need has been felt to augment the staff strength, have been asked to undertake the work study for the consular work and provide the number of OCI/PIO cards issued during the last five years. On receipt of the work study reports from such Missions/Posts, MEA will be requested to provide regular staff to look after the work of OCI/PIO cards.

PIOs being essentially foreign nationals and in the absence of appropriate information and a reliable mechanism for an authentic survey, the Ministry has not made any assessment of the number of Persons of Indian Origin (PIOs) eligible for OCI Cards.”

14. It is matter of serious concern for the Committee to note a casual approach of the Ministry in taking up the work relating to issue of OCI/PIO cards to eligible applicants under the Overseas Citizens of India (OCI) Scheme, which was operationalised way back in December 2005. The reply of the Ministry gives an impression that the Ministry have failed to take requisite initiatives to evolve a suitable mechanism to assess the number of PIOs eligible for OCI cards and regularize the process of issuance of OCI cards in a planned and time-bound manner. The Committee also find that the Missions where a large number of OCI applications are reportedly received every day have been asked to undertake the work-study to enable MOIA to request MEA to provide regular staff to deal with the work of issue of OCI/PIO cards.

The Committee, therefore, would once again desire that MOIA should make all possible efforts to evolve a reliable mechanism for an authentic survey of PIOs eligible for OCI cards. On the basis of outcome of work-study done by the Missions and with a authentic assessment of number of PIOs in each country, they should depute the desired number of persons in the Missions so that OCI cards are issued to all of them in a planned and time-bound manner.

Recommendation (No. 7)

15. The Committee had noted that several benefits notified in January, 2009 regarding OCI card holders practising their professions in India were not implemented so far. Ministry of Culture had not issued executive instructions regarding parity with NRIs in entry fees for visiting the national monuments, historical sites and museums in India, Ministry of Health and Family Welfare had not taken any decision regarding OCI card holders to practice in India as dentists, nurses and pharmacists and permitting them to appear for All India Pre-medical Test or such other tests. Similarly, Ministry of Law had to grant permission to advocates to practice in India. Permission to architects and Chartered Accountants to practice in India was pending with the Ministry of HRD and Ministry of Corporate Affairs respectively. The Committee had, therefore, desired that the Ministry of Overseas Indian Affairs should pursue vigorously with the Ministries/Departments which were concerned administratively for an early implementation of all the notified benefits.

16. The Ministry of Overseas Indian Affairs in their action taken reply (dt. 26 July, 2010) have stated as under: -

“After the benefits have been notified for OCI card holders in January 2009 MOIA has been pursuing with the concerned Ministries to amend their regulations/ issue necessary instructions to implement these benefits.

Medical Council of India has amended its Screening Test Regulations allowing the Overseas Citizens to appear in the screening test for the purpose of registration in the Council. Ministry of Health & Family Welfare has also set in motion the process of amendment to the Indian Medical Council (Amendment) Bill, 2005 inter-alia permitting OCIs to appear in admission tests for admission to MBBS course in India.

Ministry of Human Resource Development, Department of Higher Education has included profession of Architecture in the proposed Architects (Amendment) Act, 1972 to grant parity to Persons of Indian origin holding OCI cards with NRIs to practice their profession in India.

Regarding permission to PIO Advocates holding OCI cards to practice in India, the subject matter is the concern of Bar Council of India as it enrolls a person as an advocate on its roll under the Advocates Act 1961. A litigation in this regard is pending before the Hon'ble High Court of Bombay on the issue of entry of foreign law firms. Any decision on allowing OCIs to practice in India will depend on the outcome of the litigation.

Regarding issues about parity of OCIs with NRIs in the matter of entry fees for visiting the national monuments, historical sites and museums in India, the matter has been taken up with the Ministry of Culture. The matter regarding allowing OCIs to practice in India as dentists, nurses and pharmacists is being pursued with Ministry of Health and Family Welfare. Similarly issue of OCI chartered accountants to be allowed to practice in India have been taken up with the Ministry of Corporate Affairs by MOIA for early implementation.”

17. The Committee observe that after the notification of benefits for OCI card holders in January, 2009 and with the efforts of MOIA, some Ministries namely Ministry of Health & Family Welfare, Ministry of Human Resource Development (Department of Higher Education), Ministry of Corporate Affairs, Ministry of Culture and Ministry of Law have taken some initiatives to amend their regulations/issue necessary instructions to implement those benefits but in some very important issues final configuration has yet to come from the Ministries like Culture, Health and Family Welfare and Ministry of Corporate Affairs. The Committee feel that until the relevant amendments are made, the PIOs holding OCI cards may not be able to avail of the opportunities to practice their professions in India, extended to them under the Scheme. The Committee, therefore, reiterate that the Ministry of Overseas Indian Affairs should continue impressing upon all the Ministries/Departments concerned to do the needful expeditiously in order to implement all the benefits notified in the Scheme. The Committee would also like to be informed of the progress made in this regard from time to time.

Recommendation (No. 14)

18. The Committee had been repeatedly recommending in their earlier Reports to convert the Emigration Act, 1983 into an effective instrument for prevention of irregular migration and urging the Government to introduce the Amendment Bill in Parliament on priority basis. During the examination of Demands for Grants 2009-10, the Committee were given to understand that instead of amending the Emigration Act, 1983, a new comprehensive Bill namely Emigration Management Bill, 2009 was under finalization. Now, the Ministry informed that the said Bill after the vetting and concurrence of the Ministry of Law had been submitted to the Cabinet for consideration and approval. The Committee were not satisfied with the pace of progress in introducing the Bill and recommended that all efforts should be made to finalize and introduce the proposed Emigration Management Bill.

19. The Ministry of Overseas Indian Affairs in their action taken reply (dt. 26.07.2010) have stated as under :-

“The proposal to introduce the new Emigration Management Bill, 2010, in the Parliament was submitted for consideration and approval of the Cabinet. Subsequently, as directed by the Cabinet Secretariat, the proposal has been referred for consideration and recommendations of the Committee of Secretaries, before further submitting the proposal to the Cabinet for approval for introduction of the Emigration Management Bill, 2010, in the Parliament.”

20. The Committee are not happy with the tardy pace adopted by the Government in respect of introduction of the Emigration Management Bill, 2010 in order to act *inter alia* as an effective tool to check and prevent irregular migrations. The said Bill has now reportedly been referred for consideration and recommendations of the Committee of Secretaries before it is placed before the Cabinet for approval. The Committee emphasize the need to get an early requisite clearance of the Bill from the Committee of Secretaries and thereafter approval from the Cabinet so that the Bill could be introduced in Parliament without any further delay. The Committee would like to be apprised of the status of finalization of the Bill and its introduction in Parliament.

Recommendation (No. 15)

21. The Committee were concerned to note that Overseas Indian workers were facing numerous problems regarding non-payment/delayed payment of wages, unilateral changes in the contract of workers, changing the job arbitrarily etc. In certain cases, the workers were not given any employment and were left in the lurch in the foreign country. The Committee also observed that disposal of such cases took very long time. During the last two years and upto February 2010 only in 6 cases the bank guarantees submitted by Recruiting Agents (RAs) had been forfeited and in 71 cases Registration Certificates had been suspended or cancelled. As informed by the Ministry 114 cases were still pending since 2009 for completion of procedural formalities including response from the complainants on the replies of RAs. The Committee had, therefore, desired that there should be a time-frame for disposal of such cases and Indian Missions should be asked to provide all possible assistance to the complainants to understand and respond to the replies of the recruiting agents because most of them were poor and not well educated. The Ministry should also ensure that if there were more than one complaint against any particular RA, his/her Registration should be suspended immediately so that other persons might not be duped by them during the pendency of such complaints.

22. The Committee had also noted that there was a need to curb the incidents of integral emigration, large scale exploitation and harassment of prospective emigrants for which spurious RAs were responsible. The Committee had recommended that the respective PoE Offices should hold regular meetings with the concerned states to follow up the registered cases and to chalk out ways and means for dealing with such spurious RAs. The Committee had also liked that the information about black-listed agents (both foreign and Indian) and black-listed foreign employers should be widely circulated to preclude duping of workers seeking emigration.

23. In their action taken reply, the Ministry of Overseas Indian Affairs (dt. 28 July, 2010) have stated as under :-

“Whenever Indian emigrants face any problem from their foreign employer, the emigrants contact the Indian Mission or write to the Ministry and request for redressal of their grievances.

Immediately on receipt of complaint, the Mission takes up the matter with the foreign employer, the concerned Indian emigrants as well as local authorities to settle the matter amicably. And in deserving situations they try to get the workers repatriated by coordinating with the concerned Recruiting Agents and the

Protector General of Emigrants. Indian Missions and posts abroad have standing instructions to immediately take up such cases with the relevant local authorities / foreign sponsors with a view to expediting the process of law and obtain due justice for the emigrants. Indian Missions also recommend inclusion of such foreign employer in the Prior Approval Category list based on the seriousness of the case. On the basis of such recommendation this Ministry places the concerned foreign employer in the Prior Approval Category. A foreign employer, when included in the Prior Approval Category list, is no longer allowed to recruit workers from India. Presently, 389 foreign employers are in the Prior Approval Category list which is displayed on the Ministry's website. Action is taken against the recruiting agent who deployed the aggrieved worker(s) under the provisions of the Emigration Act, 1983 with the direction to have the worker(s) repatriated and resolve their grievances.

As and when any complaint is received Show-Cause Notice is issued to the registered Recruiting Agents against whom the complaint is made and the Recruiting Agent is directed to forthwith settle/resolve the complaint. If the Recruiting Agent fails to respond to the Show-Cause Notice or his reply is not satisfactory his Registration Certificate is suspended for 30 days. If the complaint still remains unresolved, the suspension of the Registration Certificate is extended till such time that the matter is resolved. Bank Guarantee is ordered for forfeiture when the registering authority/Protector General of Emigrants decides that it is justified to do so taking into consideration the nature of complaints.

The complainants, the recruiting agents and the Missions are given a time frame within which to respond. Even after 2-3 reminders when no reply is received from the concerned, a decision is taken at the level of the registering authority/Protector General of Emigrants. The Missions have been responding as fast as they can but in cases involving the foreign labour courts where cases are filed by the workers, it takes some time for the Missions to convey the judgment. If any worker deployed by the RA is stranded, the RA is directed to settle the grievances of the worker or get him repatriated on the RA's cost.

In the case of complaints against spurious RAs (unauthorized agents), the complaints are forwarded to the concerned Protector of Emigrants for taking up the matter with the respective State police authorities towards filing FIR against the accused.

With regard to holding meetings with the police department, recommendation of the Committee has been noted. All Protectors of Emigrants are being instructed in the matter for compliance.

The Registration Certificates of the Indian registered recruiting agents are suspended or cancelled on the merit of the complaint(s). Details of RAs whose Registration Certificates are suspended/cancelled are removed from the list of active RAs on Ministry's website. However, in the case of foreign employers, on the recommendation of the Indian Mission abroad, the erring foreign employer is placed in the Prior Approval Category (PAC) List. List of foreign employers in PAC list has been placed on Ministry's website. Presently, 389 foreign employers are in the PAC List. “

24. The Committee had observed that 83 cases of the year 2009 and 31 cases of 2010 (upto 28.02.2010) relating to complaints of emigrant workers were pending against the Recruiting Agents (RAs) for completion of procedural formalities. They had desired that such cases should be disposed of within a time frame and MOIA was supposed to provide every possible assistance through missions in that regard. The Ministry had also *inter alia* promised that those pending cases would be disposed of as quickly as possible. But the Committee are surprised to note that in their action taken reply no specific information has been supplied by the Ministry of Overseas Indian Affairs about the status of those pending cases and the time-frame fixed for disposal of such cases. The Committee would, therefore, like to know the status of all the pending cases and the time frame, if any, drawn by them for their quick resolution. The Committee would also like to know from MOIA as to how do they want to make the proposed Emigration Management Bill 2010, to be an effective tool to deal with such erring RAs stringently?

Recommendation (No. 18)

25. The Committee had noted that Indian Community Welfare Fund (ICWF) had been established in 18 important destination countries. The fund enabled the Indian Missions to provide welfare services including food, shelter, air passage, legal assistance and counseling etc. to the distressed or stranded emigrants and it had been placed at the disposal of the Indian Missions in all the Emigration Check Required countries. As per the Ministry's own admission, there was no corpus amount of the welfare fund. The scheme was funded by service charges collected by Indian Missions for consular services and attestation of documents. The Indian Community could also contribute to the fund. It was also not very clear to the Committee as to how they would obtain the contribution of the Indian Community for this purpose. It was strange that all the responsibilities relating the fund were with the Indian Missions abroad. Even, the Ministry had no information about the receipt/expenditure made through this fund or of its audit etc. The Committee had, therefore, desired that the role of MOIA might be defined in the management, control and monitoring of this fund. The Committee had also desired that a corpus amount should also be provided for support of this scheme so that the scheme might not face paucity of funds at any point of time.

26. The Ministry of Overseas Indian Affairs in their action taken reply (dt. 26 July,2010) have stated as under :-

The contribution from the community as envisaged under the Indian Community Welfare Fund (ICWF) is voluntary which the members of the Indian Community might make for the community welfare. Any receipt of this nature will be credited in the Fund. However, no mandatory contribution from the community is envisaged.

Although the fund is placed at the disposal of the Missions they will have to maintain the accounts of its operations, which are subject to the audit. Ministry of Overseas Indian Affairs will monitor the performance of the ICWF from time to time and will provide budgetary support to it as per the sanctioned scale (Rs. 5 lakh and Rs. 15 lakh).

There is no need to have a corpus fund as there will be a regular inflow of funds into ICWF on account of the levy of surcharge on the consular services, which will be credited into the ICWF."

27. The Committee had raised their concern over the functioning of the Indian Community Welfare Fund (ICWF) reportedly extended in 18 important destination countries aimed at ensuring better protection and welfare of Indian workers in distress in those countries. The Committee had also suggested to make provision of corpus fund in that scheme so that the welfare of workers in distress might not suffer due to paucity of fund at any stage/point of time.

From the reply furnished by the Ministry it is not clear whether the Missions/ abroad where the scheme has been made operational would be in a position to directly disburse the aid to the workers under distress out of funds collected by them through levying a surcharge on account of consular services or the aid would be granted from the budgetary support disbursed to the Missions/posts by the Ministry. The Committee would like to have an elaborate and unambiguous procedural details about collection and disbursement of the funds under the said scheme. At the same time, the Committee lay emphasis that the Ministry of Overseas Indian Affairs should keep a close watch on the functioning of the scheme and oversee that overall transparency is maintained by the Missions/Posts abroad in collection and disbursement of the fund and also ensure that the scheme is run strictly on the basis of the merit of the cases as well as in accordance with the provisions

underlined in the scheme. The Committee would also like to know about the total fund collected in each mission/post through contribution and the aid received through budgetary support as well as the number of workers benefited and the expenditure made so far under this Scheme at each destination. The Committee also feel that due publicity of the scheme should be made among the Indian workers where the said scheme has been set forth.

CHAPTER-II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (No. 1)

The Committee note that the Budget allocation of the Ministry of Overseas Indian Affairs for the year 2010-11 is Rs. 81 crores comprising Revenue section as Rs. 71.80 crores and Rs. 9.20 crores as Capital Section. The Budget Estimates for the year 2009-10 stood at Rs. 80 crores which was reduced to Rs. 60 crores at Revised Estimates (RE) stage and upto January 2010 the actual expenditure of the Ministry was Rs. 27.75 crores only. The remaining amount of Rs. 32.25 crores was to be spent in the last two months of the financial year. The Committee are constrained to observe that MOIA has not shown any improvement in the trend of under-utilization of funds since 2006-07. The Committee do not hesitate in observing that the Ministry, which was created in the year 2004 with certain very important objectives cannot achieve its goal with such trend of expenditure of the allocated Budget. Perhaps due to unrealistic projections and poor utilization of funds in the past years, the Ministry could not get the approval of their proposed requirement of Rs. 155 crores and they have got only Rs. 81 crores with an advice to seek additional allocation during supplementary estimates. The Committee are of the view that the Ministry have not been able to make realistic projections of their budgetary requirements since its inception and they have not been able to spend even the heavily Revised Estimates. The Committee, therefore, strongly recommend the Ministry must review the schemes/programmes, planning/monitoring system to make the projections more realistic and ensure proper and judicious utilization of funds within the allocation.

Reply of the Government

The reduction of Budget allocation from Rs.155 crores to Rs.81 crores is mainly due to pending approval of the Committee on Non-Plan Expenditure (CNE) for the proposed Pravasi Bhartiya Kendra (PBK). The utilization of funds on various schemes by the Ministry for 2008-09 and 2009-10 is given below:

Year	Allocation on Schemes	Utilization	% Utilization
2008-09	27.22 crores	26.54 crores	97.50
2009-10	37.70 crores	34.55 crores	91.64

It may kindly be seen from the above that the utilization on account of various schemes being implemented by the Ministry is over 90%. However, Ministry will review the schemes from time-to-time for optimum utilization of available resources.

Recommendation (No. 2)

The Committee observe that during 2009-10, the major non-utilization of Budget allocation was of Rs. 21 crores under the Capital Head of account due to delays in approval to the Pravasi Bhartiya Kendra (PBK). The Committee are not satisfied with the efforts made by MOIA for starting the project relating to construction of PBK. Though, the Ministry has furnished a programme/schedule for starting construction on the project but the Committee are of the opinion that unless concrete efforts are made in this direction, the schedule will remain on paper. The Committee, therefore, desire that the Government should now take up the matter relating to approvals from the concerned agencies at the highest level so that the project may see the light of the day as per schedule fixed by the Ministry i.e. by 31.7.2012. The Committee want to be informed of the progress made in this regard at regular intervals.

Reply of the Government

The directions of the Committee have been noted for compliance.

As regards the approval of the Project, the Committee on Non-Plan Expenditure (CNE), had recommended the proposal at an estimated cost of Rs.107.22 crore, inter-alia, subject to review of the cost estimation given by the NBCC to ensure that the same are reasonable. The CNE laid such condition on the basis a note given by the CPWD which pointed out that the cost estimates of the PBK are very high and need to be reviewed. Subsequently, as advised by DoE, MoIA in consultation with the NBCC, had provided detailed justification/clarifications to the CPWD on the cost estimates. The CPWD, however, did agree to the justification and sent their observations on various items of expenditure. Necessary clarifications/justification on each observation were sent to the CPWD. The CPWD, however, did not agree to the justification and re-iterated their earlier stand that the cost of construction estimated by the NBCC was much more than the cost of construction of various projects being constructed by CPWD.

To sort out the issues, Addl. Secretary & FA, MEA took a meeting on 14th May, 2010 with the representations of CPWD and NBCC. Based on the discussion, NBCC has analyzed the CPWD's objections and re-examined the estimates and made available to the CPWD. The NBCC are already in constant touch/personal discussion with officers of the CPWD to arrive at an realistic cost estimates. It is expected that the matter will be resolved soon and the approval of the competent authority will be obtained accordingly.

So far as the approval of the building plans/drawings are concerned, the NDMC, after vetting the drawings, had forwarded to the Delhi Fire Service (DFS) and Delhi Urban Arts Commission (DUAC). The drawings are required to be cleared first by DFS and thereafter, by the DUAC. DFS had made observations thrice. The observations made by DFS have since been complied

with and conveyed by NDMC. To expedite NOC from DFS's side, a communications detailing the urgency of the case has been addressed to the Director, DFS.

Concerted efforts are already being made to get the approvals of the authorities concerned so as to start the construction of PBK.

Recommendation (No. 3)

The Committee express their concern over the huge number of vacant posts in the Ministry of Overseas Indian Affairs in each grade for the last several years. The Ministry has shown a saving of Rs. 1 crore due to large number of vacancies in PoE Offices. At present, as against the sanctioned strength of 195 persons, the Ministry is having only 155 persons. In the absence of adequate manpower, the Ministry will not be able to handle the ambitious projects in an effective manner. The Committee regret to observe that even after 6 years of its creation, the Ministry still does not have any cadre staff of its own and for the lower level staff it has to depend on the Ministry of External Affairs and the Ministry of Home Affairs. These Ministries are also facing shortage of staff. Therefore, it does not seem possible for them to provide more staff to MOIA. The Committee, therefore, desire that the Ministry should make all possible efforts including creation of a separate cadre for the Ministry to ensure that vacancies are filled up at the earliest. Simultaneously, they may do contractual employment on short term basis so that the work relating to execution of various schemes/projects undertaken by them does not suffer more.

Reply of the Government

This Ministry has again taken up the matter of having a separate independent cadre of its own with the Department of Personnel & Training. All the posts which are lying unfilled for want of regular staff have been filled up by deployment of outsourced/contractual staff.

Recommendation (No. 5)

The Committee welcome the proposal of the Ministry to enhance the activities covered by Overseas Workers Resource Centre (OWRC), including additional services to be made part of the OWRC purview and making the OWRC helpline a State of Art Resource Centre by increasing its scope of work. It is important to note that this enhanced scope of work will enable the Centre to facilitate and provide support services to workers who intend to go abroad for employment by an interactive web-site. The Committee hope that the Centre shall also act as a single window source for registering, responding and monitoring complaints, collection and dissemination of information on matters relating to emigration, grievance redressal forum and a knowledge centre. The Committee also desire that all the proposed activities should be enhanced in a definite timeframe. The Ministry should provide all possible assistance to OWRC to enable them to provide all necessary support services to workers who intend to go abroad for employment and try to make the Helpline more efficient and responsive by extending services in some more Indian languages including Marathi and Gujarati. The Committee also desire that a time frame should be fixed for solving the problems of different nature.

Reply of the Government

A new service provider has been selected for operating the OWRC with the expanded set of services.

The recommendation of the Standing committee will be duly considered for implementation during the tenure of the new service provider.

Recommendation (No. 8)

The Committee note that the Ministry is organizing Know India Programme (KIP) with the aim of creating awareness about the phenomenal transformation taking place in India and the country's progress from just a destination for culture, heritage and art to an emerging powerhouse in the global economic system. These programmes are conducted in partnership with one or two State Governments. Under this programme, participants are taken to various places to make them aware about the cultural diversity of India. Visit to historical monuments, famous religious and tourist attractions are included in their itinerary besides organizing cultural programme for them and lectures on Indian culture, Yoga, Heritage and tradition. They are also taken to villages to participate in their cultural activities and learn about our rich cultural heritage and are also exposed to our village panchayat system. The Committee are of the view that these programmes should be more village and craft oriented because India is rooted in its villages and hope that more avenues will be added in this programme such as folklores, craftsmanship and social systems and many more. The Committee also hope that with an all India concept of the programme, the participants will also be able to learn positiveness of Indian culture, heritage and tradition and prove themselves as brand ambassadors of India's soft power. The Committee also recommend that the Ministry should facilitate the participants to pursue their interest with the support of the Indian Government, if they show interest in a particular field. Apart from this the participant should also be taken to world class prime academic and technical institutions/organizations situated within the country.

Reply of the Government

The content of the KIP Programme broadly includes the following:

- (a) Presentations on the country, the constitution, political process etc.
- (b) Interaction with faculty and students at a prestigious University/College/Institute.
- (c) Presentation on the industrial development and visit to some Industries
- (d) Visit to a village to better understand the typical village life
- (e) Exposure to Indian media and Film Industry.
- (f) Interaction with NGOs and organizations dealing with women affairs.
- (g) Visit to places of historical importance/Monuments.
- (h) Taking part in Cultural programmes
- (i) Exposure to yoga
- (j) Call on high dignitaries, which may include President of India, Chief Election Commissioner of India, Comptroller and Auditor General of India, and Ministers in-charge of Overseas Indian Affairs, Youth Affairs and Sports.

KIP Programme is organized in partnership with States of India. The latest 14th KIP Programme was organized in partnership with Maharashtra and Haryana. During this Programme in Maharashtra participants visited a village namely Narayangaon near Pune to experience the village way of life. The group visited Elephanta Caves, Gateway of India, IIT Bombay, Mumbai Film City, Raigad Fort, Warna Campus Sugar Factory, Milk Processing Factory, Panchayat and Mahabaleshwar. As regards partner state Haryana, participants visited Kurukshetra University, Pinjore Garden, National Dairy Research Institute, Karnal, Panipat Refinery. During this visit they also visited important places in Delhi like Raj Ghat, India Gate, Lotus Temple, Qutub Minar, Supreme Court, Aurbindo Ashram, Amity Business School Manesar, Gurgaon and also proceeded to Agra to see Tajmahal and Fatehpur Sikri. The recommendation of the Committee with reference to more village and craft oriented nature of KIP Programme with focus on folklores, craftsmanship and social systems have been noted for inclusion in future KIP Programme.

Recommendation (No. 10)

The Committee welcome the establishment of Overseas Indians Facilitation Centre (OIFC) in Gurgaon as a not for profit trust in partnership with CII to serve as a 'one stop shop' for all investment and business related services for potential Overseas Indian Investors. The Ministry has accepted that NRIs have shown a lot of interest in investment related issues during road shows and PBD meetings but the Ministry is not sure whether these interests are converted into investment or not. Moreover, the Committee regret to observe that neither OIFC have any mechanism to monitor investments made by the Overseas Indians nor it has been devised by the Ministry so far. The Committee are of the view that a mechanism must be in place to monitor investment made by the Overseas Indians. The Committee desire that the compendium on policies, incentives and investment opportunities for Overseas Indians and the Handbook for Overseas Indians providing information on investment opportunities should be brought out and made available to all State Governments. The Committee recommend that the Ministry should develop and come up with new schemes/initiatives to attract investment in India by Overseas Indians. The Committee further desire that the Ministry should identify the regions and chalk out schedules well in advance to organize investor meets every year across the globe. The Ministry should also publicise these programmes amongst target groups for a better success rate.

The Committee has also noted that today India has the highest remittance anywhere in the world. But most of the remittance is basically going towards consumption expenditure. The Committee appreciate that the OIFC functions as a clearing house for all investment related information and the same is done by processing information in consultation with the knowledge partners appointed by it. Realising the potential and capacities of Overseas Indians to invest in India, the Committee feel that Overseas Indians are presently investing in India only in a lower proportion of their resources. The Committee, therefore, recommend that the Ministry must commission a study to find ways in which Indians can make greater contribution through investments in India. This study should also analyse the investment pattern of the Overseas Indians in India so that investment promotion policies can also be fine-tuned.

Reply of the Government

The Ministry has published 'Investment Tool-Kit for Global Indians' during the PBD 2010. The Tool-Kit is also available online on OIFC website at www.oifc.in. The Tool-Kit has been shared with many state Governments. It will be sent to all states again.

The Ministry has already sent a proposal to Ministry of Finance for floating of NRI – Infrastructure Bonds for Overseas Indians.

As recommended by the Committee, Ministry will commission a study to final ways in which Overseas Indians can make contributions through investments in India and investment pattern of Overseas Indians in India.

Recommendation (No. 11)

The Committee note that the Ministry of Overseas Indian Affairs is considering to raise over \$ 5 billion from global Indians and FIIs for an Infrastructure Fund. The main objectives of launching India Infrastructure Bonds (IIB) are attractive and convincing. As informed by the Ministry, the funds would be raised for financing the crucial infrastructure projects, the cost of funds would be low as compared to other instruments and the funds would be readily available for core sector projects. It is proposed that India Infrastructure Bonds would be issued as quasi sovereign bonds and guaranteed by the Government of India. The Committee desire that the Ministry should be very careful with regard to whole host of issues. Prior to launch, it should be discussed with Reserve Bank of India, State Bank of India and Ministry of Finance and then the nature, duration and rate of interest which is very important should be defined very clearly. The Committee also feel that India is a very attractive destination for investment due to highest interest rates prevailing in the country. Therefore, the Committee recommend that pros and cons of this infrastructure bond should be examined very carefully and cautiously before its issuance.

Reply of the Government

The Ministry is consulting all the stake holders in the proposed NRI – India Infrastructure Bond. All the issues related to proposed Bonds will be discussed and finalized before launch.

Recommendation (No. 12)

The Committee note that two Overseas Indian Centres (OIC) are working at Indian Embassy, Abu Dhabi and at Indian Embassy, Washington. At present, these Centres are providing services to the workers such as attestation of work permits, implementing the general policies of the Ministry of Overseas Indian Affairs pertaining to Community Welfare, coordination with the local authorities regarding welfare of the workers, interacting with the Indian Community organizations etc. The Committee also note that an OIC at Kuala Lumpur has been approved by the Government but the same has not started functioning so far. The Ministry has informed that these OICs have started functioning recently and based on the experience of these offices, creation of such offices in other countries would be considered by the Ministry. The Committee consider this as a very important step in the right direction to help the Overseas Indians by way of providing guidance and counseling to them. The Committee desire that the Centres should be adequately managed by persons who are experts in the field of economics, investments and law. The Committee recommend that the Ministry should make appropriate efforts to start OIC at Kuala Lumpur at the earliest. The Committee also recommend that the Ministry should also consider setting up of more OICs at the much required destinations.

Reply of the Government

The Ministry of External Affairs has posted a Director level officer at the Embassy of India in Kuala Lumpur who is looking after all the work relating to Indian Community. As such, the Overseas Indian Centre at Kuala Lumpur has started functioning, though the officer has been posted by the Ministry of External Affairs.

At present, the Ministry is considering a proposal for setting up an Overseas Indian Centre in United Kingdom in consultation with Ministry of External Affairs and Ministry of Finance.

Recommendation (No. 13)

The Committee note with satisfaction that Indian Council of Overseas Employment (ICOE) has become fully operational from the first year of its existence i.e. 2009-10. The Ministry has furnished various reasons for increase in BE 2010-11 to Rs. 4 crores over RE 2009-10 of Rs. 3 crores. Some of which are like Scheme for Research Internship, operationalisation of the MOU signed between ICOE and European University Institute, as well as between ICOE and Hellenic Migration Policy Institute, activities under the India-EU Scientific Working Group (SWG) on Mobility Partnership, study by International Organization for Migration (IOM) on Labour Mobility Partnership Agreement (LMPA) in the European countries, operationalisation of Returned and Resettlement Fund (R&RF) etc. The Committee note that the study conducted by the ICOE on impact assessment of recession on Indian migrants in GCC countries and Malaysia and to alleviate the distress of Overseas migrant workers returning to India on account of pre-mature termination of their employment are very encouraging. The Committee are of the view that the Ministry/ICOE should concentrate on making efforts to fulfill the objective of positioning India as supplier of skilled and trained manpower as assigned to ICOE. The Committee desire that no impediment like paucity of fund etc. should be allowed to occur and the Ministry should be more vigilant over the activities and requirements of the Council. The Committee recommend that the budgetary allocation of the Council should be substantially augmented, keeping in view the expanding activities and new schemes/study which are likely to be undertaken by the ICOE during the year 2010-11 and the enhanced amount should be utilized to support much larger activities.

Reply of the Government

ICOE is making efforts to fulfill the objective of positioning India as supplier of skilled and trained manpower. Ministry of Overseas Indian Affairs is ensuring that no impediment like paucity of fund etc should be allowed to happen in order to ensure smooth functioning of ICOE. Ministry of Overseas Indian Affairs has noted the recommendation of the Standing Committee to augment substantially the budgetary allocation of the council keeping in view the expanding activities and new schemes/study likely to be undertaken by ICOE during the year 2010-2011 subject to budgetary allocation by Ministry of Finance.

Recommendation (No. 15)

The Committee are concerned to note that Overseas Indian workers are facing numerous problems regarding non-payment/delayed payment of wages, unilateral changes in the contract of workers, changing the job arbitrarily etc. In certain cases, the workers are not given any employment and are left in the lurch in the foreign country. The Committee also observe that disposal of such cases take very long time. During the last two years and upto February 2010 only in 6 cases the bank guarantees submitted by Recruiting Agents (RAs) have been forfeited and in 71 cases Registration Certificates have been suspended or cancelled. As informed by the Ministry 114 cases are still pending since 2009 for completion of procedural formalities including response from the complainants on the replies of RAs. The Committee, therefore, desire that there should be a time-frame for disposal of such cases and Indian Missions should be asked to provide all possible assistance to the complainants to understand and respond to the replies of the recruiting agents because most of them are poor and not well educated. The Ministry should also ensure that if there are more than one complaint against any particular RA, his/her Registration should be suspended immediately so that other persons may not be duped by them during the pendency of such complaints.

The Committee also note that there is a need to curb the incidents of integral emigration, large scale exploitation and harassment of prospective emigrants for which spurious RAs are responsible. The Committee recommend that the respective PoE Offices should hold regular meetings with the concerned states to follow up the registered cases and to chalk out ways and means for dealing with such spurious RAs. The Committee would also like that the information about black-listed agents (both foreign and Indian) and black-listed foreign employers should be widely circulated to preclude duping of workers seeking emigration.

Reply of the Government

Whenever Indian emigrants face any problem from their foreign employer, the emigrants contact the Indian Mission or write to the Ministry and request for redressal of their grievances.

Immediately on receipt of complaint, the Mission takes up the matter with the foreign employer, the concerned Indian emigrants as well as local authorities to settle the matter amicably. And in deserving situations they try to get the workers repatriated by coordinating with the concerned Recruiting Agents and the Protector General of Emigrants. Indian Missions and posts abroad have standing instructions to immediately take up such cases with the relevant local authorities / foreign sponsors with a view to expediting the process of law and obtain due justice for the emigrants. Indian Missions also recommend inclusion of such foreign employer in the Prior Approval Category list based on the

seriousness of the case. On the basis of such recommendation this Ministry places the concerned foreign employer in the Prior Approval Category. A foreign employer, when included in the Prior Approval Category list, is no longer allowed to recruit workers from India. Presently, 389 foreign employers are in the Prior Approval Category list which is displayed on the Ministry's website. Action is taken against the recruiting agent who deployed the aggrieved worker(s) under the provisions of the Emigration Act, 1983 with the direction to have the worker(s) repatriated and resolve their grievances.

As and when any complaint is received Show-Cause Notice is issued to the registered Recruiting Agents against whom the complaint is made and the Recruiting Agent is directed to forthwith settle/resolve the complaint. If the Recruiting Agent fails to respond to the Show-Cause Notice or his reply is not satisfactory his Registration Certificate is suspended for 30 days. If the complaint still remains unresolved, the suspension of the Registration Certificate is extended till such time that the matter is resolved. Bank Guarantee is ordered for forfeiture when the registering authority/Protector General of Emigrants decides that it is justified to do so taking into consideration the nature of complaints.

The complainants, the recruiting agents and the Missions are given a time frame within which to respond. Even after 2-3 reminders when no reply is received from the concerned, a decision is taken at the level of the registering authority/Protector General of Emigrants. The Missions have been responding as fast as they can but in cases involving the foreign labour courts where cases are filed by the workers, it takes some time for the Missions to convey the judgment. If any worker deployed by the RA is stranded, the RA is directed to settle the grievances of the worker or get him repatriated on the RA's cost.

In the case of complaints against spurious RAs (unauthorized agents), the complaints are forwarded to the concerned Protector of Emigrants for taking up the matter with the respective State police authorities towards filing FIR against the accused.

With regard to holding meetings with the police department, recommendation of the Committee has been noted. All Protectors of Emigrants are being instructed in the matter for compliance.

The Registration Certificates of the Indian registered recruiting agents are suspended or cancelled on the merit of the complaint(s). Details of RAs whose Registration Certificates are suspended/cancelled are removed from the list of active RAs on Ministry's website. However, in the case of foreign employers, on the recommendation of the Indian Mission abroad, the erring foreign employer is placed in the Prior Approval Category (PAC) List. List of foreign employers in PAC list has been placed on Ministry's website. Presently, 389 foreign employers are in the PAC List.

Recommendation (No. 16)

The Committee note that under the Pravasi Bhartiya Bima Yojana (PBBY), 2006 the emigrant workers now get a minimum insurance cover of Rs. 5 lakhs and the policy is for the entire period of employment contract. An additional cover of Rs. 25 thousands for the legal expenses by the emigrants in connection with their employment has also been included. The Committee, however, note that upto September, 2009 , 40,4008 policies have been issued, but there is a huge gap between the number of policies issued vis-à-vis the actual number of emigrant workers. The Committee feel that there are many more potential workers in need of insurance. The Committee, therefore, recommend that the Ministry must sensitize the workers through Missions/Posts and Overseas Indian Centres on the benefits of getting insured. The Committee also desire to review the subscription premium with a view to explore the possibility of reducing it.

Reply of the Government

It is stated that every emigrant going to ECR countries on employment visa has to compulsorily obtain a PBBY policy. The ministry has taken note of the recommendation of the Hon'ble Standing Committee and is fully aware of the need to insure every worker going for overseas employment in accordance with the Emigration Act 1983 and the rules thereunder. This is being ensured through the offices of POEs. The ministry is also taking steps to sensitise the workers about the benefits, their rights and procedures to claim benefits under the PBBY policy. The Ministry will also explore the possibility for reducing the subscription premium under the PBBY.

Recommendation (No. 17)

The Committee note that in the era of globalization, there is huge outflow of professionals and work-force outside the country and protecting economic interest of its citizens is important for any country. The Committee welcome India's entering into Agreement on Social Security with 8 countries namely Belgium, France, Germany, Switzerland, Luxembourg, Netherlands, Hungary and Denmark. The Committee also note that negotiations regarding Social Security System Agreements have been completed with 5 countries are under process and negotiations with 11 countries have been proposed but no response has been received from them. The Committee are of the view that these agreements will secure long term economic interest of Indian citizens. In Committee's views all these countries including US, Canada, Germany and Australia are economically and politically very important where Indians are playing a major role. The signing of Social Security Agreements with these countries will go a long way in protecting economic interests of Indian citizens. The Committee, therefore, recommend that the Ministry should expedite the process of signing agreements with countries with whom the negotiations have already been completed or are in progress. The Committee also desire that the Ministry should also pay equal attention to pursue the proposal with those countries from whom no response has been received.

Reply of the Government

The Ministry is furthering its efforts for entering into the Social Security Agreement with the USA. In this regard the third round of negotiation was held with US Social Security Administration in Baltimore, USA, on 19-20 May, 2010. The Indian delegation also met the concerned officials in the US explaining to them the rationale of the proposed totalisation agreement underlining the need for expeditious commencement of negotiations. The matter is further being pursued with the US Social Security Administration.

Social Security Agreement has also been signed with Czech Republic during June, 2010.

In pursuance of the recommendations of the Standing Committee the Ministry is taking all possible steps to enter into the Social Security Agreements with various countries with an aim to benefit the Indian workers abroad.

Recommendation (No. 18)

The Committee note that Indian Community Welfare Fund (ICWF) has been established in 18 important destination countries. The fund enables the Indian Missions to provide welfare services including food, shelter, air passage, legal assistance and counseling etc. to the distressed or stranded emigrants and it has been placed at the disposal of the Indian Missions in all the Emigration Check Required countries. As per the Ministry's own admission, there is no corpus amount of the welfare fund. The scheme is funded by service charges collected by Indian Missions for consular services and attestation of documents. The Indian Community could also contribute to the fund. It is also not very clear to the Committee as to how they would obtain the contribution of the Indian Community for this purpose. It is strange that all the responsibilities relating the fund are with the Indian Missions abroad. Even, the Ministry has no information about the receipt/expenditure made through this fund or of its audit etc. The Committee, therefore, desire that the role of MOIA may be defined in the management, control and monitoring of this fund. The Committee also desire that a corpus amount should also be provided for support of this scheme so that the scheme may not face paucity of funds at any point of time.

Reply of the Government

The contribution from the community as envisaged under the Indian Community Welfare Fund (ICWF) is voluntary which the members of the Indian Community might make for the community welfare. Any receipt of this nature will be credited in the Fund. However, no mandatory contribution from the community is envisaged.

Although the fund is placed at the disposal of the Missions they will have to maintain the accounts of its operations, which are subject to the audit. Ministry of Overseas Indian Affairs will monitor the performance of the ICWF from time to time and will provide budgetary support to it as per the sanctioned scale (Rs. 5 lakh and Rs. 15 lakh).

There is no need to have a corpus fund as there will be a regular inflow of funds into ICWF on account of the levy of surcharge on the consular services, which will be credited into the ICWF."

Recommendation (No. 19)

The Committee note that the Pravasi Bhartiya Divas (PBD) Convention is being celebrated every year on 9th January with the objective of providing a common platform to the vast Diaspora for interaction among themselves and bring their knowledge, expertise and skills on a common platform for mutual benefit. But, the Committee have noted that celebration of PBD has become a routine affair for the Ministry and questions are being raised about the utility of the event. The Committee desire that the Ministry should assess the impact of PBD Conventions and the extent upto which it has been able to meet its objectives. The Committee also desire that the Ministry should take initiative to make PBD Conventions more theme and content specific with a focus on fruitful discussions on durable mutual benefit programmes which can bring tangible benefits to the target groups. The Committee are also of the view that the focus should not merely be on boosting investment but also in helping the Overseas Indians to maintain their Indian cultural identity and strengthening their emotional and cultural bonds with India. The Overseas Community should be viewed as country's important links with the world community and not only as mere investors.

The Committee welcome the proposal of the Ministry to celebrate this day (9th January) all across the world where there is concentration of Overseas Indians by asking Indian Missions abroad and posts to organize local function on the same day. The Committee desire that the Ministry should go ahead with the proposal to celebrate this as a 'Divas' for the country and for all Indians. The Committee also desire that the proposed celebrations should be focused on the issues relating to Indian Diaspora of specific country and the feedback should also be collected and considered to make these events result oriented.

Reply of the Government

As desired by the Committee MOIA is striving to make PBD conventions more theme and content specific with a focus on fruitful discussions on durable mutual benefit programme which can bring tangible benefits to the target groups. The stress is to involve Overseas Indians in PBD with a view maintain their Indian cultural identity and strengthen their emotional and cultural bonds with India. The efforts are being made celebrate this day (9th January) all across the world where there is concentration of Overseas Indians as a 'Divas' for the country and for all Indians.

CHAPTER-III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLY

Recommendation (No. 9)

The Committee note that under the Scholarship Programme for Diaspora Children (SPDC), the Ministry has been providing 100 scholarships every year for undergraduate courses to partially fund the tuition and hostel fee each year from 2006-07 with the objective to make higher education in India accessible to the children of overseas Indians and publicise India as an education hub. It has been observed that at present, 268 NRIs/PIOs are studying in India under this Programme. In 2008-09, the Ministry proposed to prepare a reserve list to ensure that the higher number of scholarships are availed. The Committee regret to note that available scholarships were not fully utilized during the last two years. Moreover, during 2009-10, 126 candidates were declared successful (63 PIOs and 63 NRIs) but only 70 candidates are presently pursuing their courses. The Committee take note of the fact that instead of having an entrance examination, now, the Ministry has decided to select the candidates on the basis of performance of the candidates in the qualifying examination. This is a welcome step but the Committee want that the Ministry should evolve such a system through which at least all the scholarships are utilized every year.

The Committee also desire that the scholarship scheme should be widely publicised to bring greater awareness about the scheme among the Diaspora population. The Committee further desire that the students who are selected under the scheme should be offered the technical/professional courses so that they may present an impressive picture of India and its educational system in their countries of residence or wherever they work or live.

Reply of the Government

It is stated that first merit list of 120 Candidates have been approved by the Ministry for SPDC, 2010-11. In case the short listed candidates do not avail the scholarship, a second merit list would be issued to ensure full utilization of the scholarship programme. Scholarship scheme is given wide publicity to bring greater awareness about the scheme among the Diasporas population. The scheme is being implemented by M/s. Educational Consultants India Limited (Ed.CIL), an autonomous body under the Ministry of Human Resource Development.

CHAPTER-IV

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

Recommendation (No. 6)

The Committee note that the Overseas Citizenship of India (OCI) Scheme was made operational in December 2005. The scheme envisages issue of OCI documents consisting of OCI registration certificate and universal visa stickers to Persons of Indian Origin. As an estimate there are around 25 million Overseas Indians, out of which 15 millions are Persons of Indian Origin (PIOs). A registered OCI is granted multiple entry, multi-purpose, life long visa for visiting India and is exempted from registration with Foreigners Regional Registration Office for any length of stay in India.

The Committee observe that there are delays in processing of OCI applications particularly in the Missions of the countries where large number of applications are received every day. The Ministry has no appropriate tools and reliable mechanism for an authentic survey and this is why they have not made any assessment of the number of PIOs eligible for OCI Cards so far. Moreover, no separate staff has been provided to Missions exclusively to handle OCI work. The Committee, therefore, recommend that MOIA should take up the matter with MEA to post exclusive and dedicated staff to handle the OCI work particularly in the Missions where more OCI applications are received on daily basis. The Committee, expect that the Ministry will evolve a suitable mechanism by engaging appropriate agency to assess the number of PIOs eligible for OCI cards for flawless issuance of OCI Cards to them in a planned and time bound manner.

Reply of the Government

In order to process OCI applications in a time bound manner there is a need to provide regular staff in the Missions and Posts abroad especially where a large number of OCI applications are received every day. In this regard Missions/Posts, where a large number of OCI applications are received every day and the need has been felt to augment the staff strength, have been asked to undertake the work study for the consular work and provide the number of OCI/PIO cards issued during the last five years. On receipt of the work study reports from such Missions/Posts, MEA will be requested to provide regular staff to look after the work of OCI/PIO cards.

PIOs being essentially foreign nationals and in the absence of appropriate information and a reliable mechanism for an authentic survey, the Ministry has not made any assessment of the number of Persons of Indian Origin (PIOs) eligible for OCI Cards.

CHAPTER V

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

Recommendation (No. 4)

The Committee observe that the process of emigration clearance is currently being done through the eight offices of Protector of Emigrants (PoEs). All these offices are functioning from rented premises. During 2007-08, Rs. 27.16 lakhs were spent on rent for PoE Offices which went upto 70.61 lakhs in 2008-09 and during 2009-10, they have paid Rs. 1.01 crores as rent for these offices. The Committee express their concern over the approach of the Ministry in the matter. They are paying huge amount as rent but the matter relating to purchase of land/construction of PoE Offices has been put in abeyance because the concerned State Governments are not enthusiastic. More surprisingly, during 2009-10, no initiative was taken in this direction showing nil expenditure during the whole financial year. An allocation of a meager sum of Rs. 20 lakhs for 2010-11 for this purpose shows the reluctance on the part of the Government. The Committee, therefore, strongly recommend that the Government should finalize the proposals to purchase the lands in consultation with concerned State Governments and construction work should start without delay by obtaining more allocation under the Capital Outlay at RE stage. The Committee also want to express their desire that if the Ministry finds it difficult to convince the State Governments for allocation of land, then they should explore the possibility of acquiring built up properties to house the PoE Offices to avoid huge rental outgo. The Committee also desire to be apprised of the action taken in the matter and response of the Ministry of Finance in this regard.

Reply of the Government

It is brought to the notice of the Hon'ble Standing Committee that the buildings in which five POE offices are presently housed are rented. The ministry has made efforts with the State Governments to acquire land but the response from the State Governments was not very positive. Therefore, an internal committee under the chairmanship of Secretary has been constituted in the Ministry to identify the space requirement for the POE offices. The internal committee in its first meeting held on 07.04.2010 has taken the following decisions: -

- (i) Exploring the possibilities of getting the space for POE offices in the buildings in which Regional Passport Offices are housed.

- (ii) Exploring the possibilities for getting the space for POE offices in the buildings relating to other central government department offices.
- (iii) Pursuing with the home departments of the state government for providing the requisite land or the building for POE offices.
- (iv) The committee agreed on the need of integrating all the field activities being performed by the different organizations/offices under the MOIA into one place / building so that all the services of the Ministry are available to the emigrants at one place. The requirement of the land or space for POE offices have to be worked out keeping this objective in view. This matter will also be one of the agenda items of the next Consultative meeting with the state governments.

As a follow up to the above decision, the five POE offices which are presently housed in private buildings have taken up the matter with the Regional Passport Offices and the other Central Government departments.

Recommendation (No. 7)

The Committee note that several benefits notified in January, 2009 regarding OCI card holders practising their professions in India have not been implemented so far. Ministry of Culture has not issued executive instructions regarding parity with NRIs in entry fees for visiting the national monuments, historical sites and museums in India, Ministry of Health and Family Welfare has not taken any decision regarding OCI card holders to practice in India as dentists, nurses and pharmacists and permitting them to appear for All India Pre-medical Test or such other tests. Similarly, Ministry of Law has to grant permission to advocates to practice in India. Permission to architects and Chartered Accountants to practice in India is pending with the Ministry of HRD and Ministry of Corporate Affairs respectively. The Committee, therefore, desire that the Ministry of Overseas Indian Affairs should pursue vigorously with the Ministries/Departments which are concerned administratively for an early implementation of all the notified benefits.

Reply of the Government

After the benefits have been notified for OCI card holders in January 2009 MOIA has been pursuing with the concerned Ministries to amend their regulations/ issue necessary instructions to implement these benefits.

Medical Council of India has amended its Screening Test Regulations allowing the Overseas Citizens to appear in the screening test for the purpose of registration in the Council. Ministry of Health & Family Welfare has also set in motion the process of amendment to the Indian Medical Council (Amendment) Bill, 2005 inter-alia permitting OCIs to appear in admission tests for admission to MBBS course in India.

Ministry of Human Resource Development, Department of Higher Education has included profession of Architecture in the proposed Architects(Amendment) Act, 1972 to grant parity to Persons of Indian origin holding OCI cards with NRIs to practice their profession in India.

Regarding permission to PIO Advocates holding OCI cards to practice in India, the subject matter is the concern of Bar Council of India as it enrolls a person as an advocate on its roll under the Advocates Act 1961. A litigation in this regard is pending before the Hon'ble High Court of Bombay on the issue of entry of foreign law firms. Any decision on allowing OCIs to practice in India will depend on the outcome of the litigation.

Regarding issues about parity of OCIs with NRIs in the matter of entry fees for visiting the national monuments, historical sites and museums in India, the matter has been taken up with the Ministry of Culture. The matter regarding allowing OCIs to practice in India as dentists, nurses and pharmacists is being pursued with Ministry of Health and Family Welfare. Similarly issue of OCI chartered accountants to be allowed to practice in India have been taken up with the Ministry of Corporate Affairs by MOIA for early implementation.

Recommendation (No. 14)

The Committee have been repeatedly recommending in their earlier Reports to convert the Emigration Act, 1983 into an effective instrument for prevention of irregular migration and urging the Government to introduce the Amendment Bill in Parliament on priority basis. During the examination of Demands for Grants 2009-10, the Committee were given to understand that instead of amending the Emigration Act, 1983, a new comprehensive Bill namely Emigration Management Bill, 2009 was under finalization. Now, the Ministry has informed that the said Bill after the vetting and concurrence of the Ministry of Law has been submitted to the Cabinet for consideration and approval. The Committee are not satisfied with the pace of progress in introducing the Bill and recommend that all efforts should be made to finalize and introduce the proposed Emigration Management Bill.

Reply of the Government

The proposal to introduce the new Emigration Management Bill, 2010, in the Parliament was submitted for consideration and approval of the Cabinet. Subsequently, as directed by the Cabinet Secretariat, the proposal has been referred for consideration and recommendations of the Committee of Secretaries, before further submitting the proposal to the Cabinet for approval for introduction of the Emigration Management Bill, 2010, in the Parliament.

New Delhi;
21 December, 2010
30 Agrahayana, 1932 (Saka)

ANANATH KUMAR
Chairman
Standing Committee on External Affairs

**MINUTES OF THE SITTING OF THE STANDING COMMITTEE ON
EXTERNAL AFFAIRS HELD ON 21 DECEMBER, 2010**

The Committee sat from 1600 hrs to 1635 hrs in Committee Room G 074 in Parliament Library Building, New Delhi.

PRESENT

Shri Ananth Kumar - Chairman

MEMBERS

Lok Sabha

2. Shri S. Alagiri
3. Shri Anto Antony
4. Shri Vishwa Mohan Kumar
5. Shri Pradeep Majhi
6. Shri Rajendrasinh Rana (Raju Rana)
7. Smt. Supriya Sadanand Sule

Rajya Sabha

8. Shri Aswani Kumar
9. Shri H.K.Dua
10. Shri Tarun Vijay
11. Shri Shreegopal Vyas

SECRETARIAT

1. Shri U.S.Saxena - Joint Secretary
2. Shri R.K.Jain - Director
3. Dr. Ram Raj Rai - Additional Director

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee. The Committee then took up for consideration the draft Action Taken Report on the recommendations contained in the 3rd Report (15th Lok Sabha) of the Committee in respect of Demands for Grants of the Ministry of

Overseas Indian Affairs for the year 2010-2011. The Committee adopted the same, subject to the following additions/modifications:

- (i) In Recommendation No. 5 the words "... some more Indian languages including Marathi and Gujarati." should be substituted with the words "...all the scheduled languages."
- (ii) In Recommendation No. 6 the words "... free and easy..." should be substituted with the word "...casual..."
- (iii) In Recommendation No.18 the following phrase to be added:

"The Committee would also like to know about the total fund collected in each mission/post through contribution and the aid received through budgetary support as well as the number of workers benefited and the expenditure made so far under this Scheme at each destination".

3. The Committee then authorized the Chairman to finalise the report in the light of the modifications suggested and consequential changes, if any, arising out of factual verification of the Report by the Ministry and thereafter to present the Report to Hon'ble Speaker under direction 71A(1) during the inter Session period and subsequently in the House on commencement of the next Session of Parliament.

The Committee then adjourned.

APPENDIX II

(Vide Para 5 of Introduction of Report)

ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS/OBSERVATIONS CONTAINED IN THE THIRD REPORT OF THE STANDING COMMITTEE ON EXTERNAL AFFAIRS (15TH LOK SABHA)

- (i) Total Number of Recommendations
- (ii) Recommendations/observations, which have been accepted by the Government
- Recommendation Nos.1,2,3,5,8,10,11,12,13,15,16,17,18 and 19
- Total – 14
Percentage : 74
- (iii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government replies.
- Recommendation Nos. 9
- Total – 01
Percentage: 05
- (iv) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and require reiteration.
- Recommendation Nos. 6
- Total – 01
Percentage: 05
- (v) Recommendations/Observations in respect of which final replies of Government are still awaited.
- Recommendation Nos.4,7 and 14
- Total – 03
Percentage: 16