

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

STARRED QUESTION NO:309

ANSWERED ON:18.03.2015

RECRUITMENT AGENCIES

Hansdak Shri Vijay Kumar;Singh Shri Ravneet

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

- (a) the number of persons who have gone abroad for employment during each of the last three years and the current year, country-wise;
- (b) the details of recruitment/placement agencies, authorized/approved by the Government for sending people abroad for work, State-wise;
- (c) whether the Government has received complaints against registered or unregistered recruitment/placement agencies allegedly flouting the laid down norms for recruitment of workers abroad and if so, the details thereof including the number of complaints reported during the above period and the action taken against them, year-wise;
- (d) whether the Government proposes to set up any regulatory mechanism to regulate and monitor the functioning of these placement agencies and if so, the details thereof; and
- (e) the stringent measures put in place by the Government to curb illegal activities of these agencies along with the steps taken to address various issues of the workers abroad?

**Answer**

MINISTER OF OVERSEAS INDIAN AFFAIRS (SMT.SUSHMA SWARAJ )

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

Statement referred to in reply to the Lok Sabha Starred Question No. 309 for 18-3-2015 regarding Recruitment Agencies.

(a) This Ministry maintains record of persons going abroad for employment through emigration clearance. The number of emigration clearance given during last 3 years and current years is given in Annexure-I

(b) The information is placed at Annexure –II.

(c) Various types of complaints are received from time to time including alleged flouting of the laid down norms for recruitment of workers by recruitment agencies and the operations of unregistered agencies. Details of complaints received during the last 3 year and current year against the registered recruiting agencies and unregistered agencies are given in Annexure-III

(d) The Emigration Act 1983 and the Emigration Rules thereof as amended from time to time and executive instructions issued thereunder provide mechanism to regulate and monitor recruitment agencies/agents through the office of Protector General of Emigrants at New Delhi and the offices of Protector of Emigrants located at various places in the country.

(e) All complaints received are attended to promptly.

If the complaint is against a registered recruiting agency, action is taken by this Ministry as per provisions of the Emigration Act, 1983 and rules thereof. A show cause notice is issued to the registered agency and if the issue is not resolved or if the offence is serious in nature, the Registration Certificate is suspended or cancelled and Bank Guarantee in such cases is forfeited invariably.

If the complaint is against unregistered agencies and since such "agencies" are not registered with Protector General of Emigrants, the complaints are referred to concerned State Governments for investigation and action for violation of Section 10 of Emigration Act 1983, and other provisions of the law, as appropriate. Prosecution sanction is issued to the investigating agency for taking action under the Emigrations Act, 1983.

Steps taken to address various issues of the workers abroad include:

(a) India has signed Labour agreements/MOUs with the major receiving Countries for ensuring protection and welfare of our emigrants. Agreements with Jordan and Qatar were signed in 1980s. MoUs were signed with United Arab Emirates (2006), Kuwait (2007), Oman (2008), Malaysia (2009), Bahrain (2009) and Kingdom of Saudi Arabia (2014).

(b) To ensure implementation of the MoU, Joint Working Groups (JWGs) have been constituted with Bahrain, UAE, Kuwait, Malaysia, Oman, Qatar and Kingdom of Saudi Arabia and to discuss issues arising with these countries for protection and welfare of Indian workers. Meeting of these JWGs held regularly.

(c) For emigration clearance required category, the Agreement/ Employment Contract containing detailed terms and conditions of employment including the wages to be paid have been prescribed. These are required to be signed by the Foreign Employer and intending emigrant and produced before the competent authority in India before emigration clearance is granted. In the case of domestic workers, attestation from Indian Embassy is also necessary for getting emigration clearance. In case of women domestic service workers, a security deposit of \$ 2500 is also required to be deposited by the sponsor in the Indian Mission of the concerned in ECR countries.

(d) To ensure that an Indian emigrant worker is not put to a disadvantageous position by the Foreign Employer (F.E.) by unilaterally fixing wage, which might be much less than the prevailing wages in the host country as well as in India, the concept of Minimum Referral Wage (M.R.W.) has been put in place. Heads of Missions/posts review the minimum wage of Indian migrant workers in their jurisdiction, from time to time and fix an appropriate minimum wage, without which being offered, the emigration clearance is not granted.

(e) A comprehensive Insurance Scheme, viz. Pravasi Bharatiya Bima Yojana is in place for those going abroad which is mandatory for grant of emigration clearance.

(f) A 24x7 toll-free helpline viz. Overseas Workers Resource Centre (OWRC) has been set up to enable emigrants/ prospective emigrants to seek information and file complaints against Recruiting Agents/ Foreign Employers.

(g) Indian Workers Resource Centre (IWRC) has been established at Dubai, UAE for addressing the information and assistance needs of emigrants. Several Missions have also reported to have set up such facilities for addressing the information and assistance needs of emigrants.

(h) For redressal of grievances of workers abroad, the Indian Embassy contacts the foreign employer/ Recruiting Agency for redressal of the issue. If the foreign employer is not resolving the problems of the emigrant, then Embassy recommends for putting them in the Prior Approval Category (PAC) to this Ministry and action is taken accordingly.

(i) Indian Community Welfare Fund has been established with funds at the disposal of the Indian Mission to help the workers in distress.