

***STANDING COMMITTEE ON LABOUR AND WELFARE  
(2003)***

***(THIRTEENTH LOK SABHA)***

**THIRTY-SEVENTH REPORT**

**MINISTRY OF LABOUR**

***THE EMIGRATION (AMENDMENT) BILL, 2002***

**Presented to Lok Sabha on 15.12.2003**

**Laid in Rajya Sabha on 16.12.2003**

**LOK SABHA SECRETARIAT  
NEW DELHI**

**December 2003/ Agrahayana 1925 (Saka)**

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**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR AND WELFARE  
(2003)**

**Dr. Sushil Kumar Indora-CHAIRMAN**

**LOK SABHA**

**MEMBERS**

2. Shri Ashok Argal
3. Shri Denzil B. Atkinson
4. Smt. Sandhya Bauri
5. Shri Joachim Baxla
6. Shri Padmanava Behera
7. Shri Ashok Kumar Singh Chandel
8. Shri Manibhai Ramjibhai Chaudhuri
9. Shri Bhim Prasad Dahal
10. Shri Krishan Lal Diler
11. Shri M. Durai
12. Shri Virendra Kumar
13. Shri Haribhau Shankar Mahale
14. Shri Parsuram Majhi
15. Shri Ramjee Manjhi
16. Shri Bherulal Meena
17. Shri Punnu Lal Mohale
18. Shri Dalpat Singh Parste
19. Shri Raj Narain Passi
20. Shri R.S. Patil
21. Shri Varkala Radhakrishnan
22. Shri Madhab Rajbangshi
23. Dr. Vukkala Rajeswaramma
24. Shri Ramshakal
25. Dr. D.V.G. Shankar Rao
26. Shri Y.S. Vivekanand Reddy
27. Shri Brij Bhushan Sharan Singh
28. Shri Khelsai Singh
29. Shri Mansukhbhai D. Vasava

**RAJYA SABHA**

30. Shri B.P. Apte
31. Shri Jhumuk Lal Bhendia
32. Shri Debabrata Biswas
33. Ms. Pramila Bohidar
34. Shri Indramoni Bora
35. Shri Urkhao Gwra Brahma
36. Shri Sukhdev Singh Libra
37. Dr. (Mrs.) Kum Kum Rai
38. Shri Kanshi Ram
39. Shri Dilip Ray
40. Shri Jibon Roy
41. Smt. Savita Sharda
42. Shri Uday Pratap Singh

**SECRETARIAT**

1. Shri N.K. Sapra - Joint Secretary
2. Shri J.P. Sharma - Director
3. Shri S.K. Saxena - Assistant Director

## INTRODUCTION

I, the Chairman of the Standing Committee on Labour and Welfare, having been authorised by the Committee to submit the report on their behalf present this Thirty-Seventh Report on the Emigration (Amendment) Bill, 2002 of the Ministry of Labour.

2. The Bill was introduced in Lok Sabha on 21 November 2002 and was referred to the Committee on 5 December 2002 by the Hon'ble Speaker, Lok Sabha under Rule 331E(b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report. The objective of the Bill is firstly, to deploy more workers abroad for employment on contractual basis which would result in direct increase in remittances of foreign exchange and secondly, to provide timely financial assistance to the emigrants in distress in alien land. To achieve these objectives, the Bill propose to constitute a Central Manpower Export Promotion Council and also to constitute the Indian Overseas Workers' Welfare Fund, respectively.

3. The Committee took evidence of the representatives of the Ministry of Labour at their sitting held on 9 January 2003 and decided to invite comments/suggestions from all the registered recruiting agents. 61 memoranda were received from them which were duly examined along with the comments of the Ministry thereon. The Committee considered those suggestions in depth with the representatives of the Ministry of Labour at their sitting held on 7 October 2003. The Ministry *suo moto*

proposed some more suggestions in the Bill. The Committee also considered those suggestions and felt that some of the suggestions merit inclusion in the Bill.

4. The Committee wish to express their sincere thanks to the registered recruiting agents for sending their valuable views in the memoranda submitted to the Committee.

5. The Committee also wish to express their thanks to the officers of the Ministry of Labour for placing before them detailed written notes on the subject and for furnishing the desired information in connection with the examination of the Bill.

6. The Committee took up the Bill for clause by clause consideration at their sitting held on 11 December 2003 and also considered and adopted their Report.

7. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in thick type in the body of the Report.

**NEW DELHI;**  
**December 2003**  
**Agrahayana 1925 (Saka)**

**DR. SUSHIL KUMAR INDORA,**  
*Chairman,*  
**Standing Committee on Labour and**  
**Welfare.**

# **REPORT**

## **Background**

The Emigration Act, 1983 regulates the terms and conditions of overseas employment and seeks to protect and safeguard the interests of Indian workers going overseas for employment on contractual basis. Under the provisions of the Act, a foreign employer can recruit any citizen of India for employment in any country either through a registered Recruiting Agent, or directly after obtaining a valid permit from the competent authority. The Ministry of Labour administers the Act, through eight offices of Protectors of Emigrants located at Delhi, Mumbai, Thiruvananthapuram, Hyderabad, Cochin, Chennai, Chandigarh and Kolkata, under the overall supervision of the Protector General of Emigrants. The Protectors of Emigrants check the genuineness and the authenticity/validity of the employment documents, and then either grant or reject emigration clearance. About three lakh workers emigrate to other countries for contractual employment annually after getting emigration clearance from the Protector of Emigrants.

## **Trends, facts and figures.**

2. Over the last few years, the outflow of emigrant workers has been mainly to the Gulf countries. The distribution of annual labour outflow from India by destination during the last five years is given in the statement at Appendix-I. The number of workers does not include the categories of workers whose passports have the endorsement of "Emigration Check not Required". A list of persons/workers falling in the 'Emigration Check Not Required' category is given in the statement at Appendix-II.

3. It is estimated that about two lakh workers who come under the category of "Emigration Check Not Required" also emigrate to other countries annually for work. The employment of Indian workers abroad adds to the foreign exchange reserves of India. In 2000-2001 the foreign exchange remittances (including gifts) were of the order of Rs. 58,756 crore. A significant proportion of these remittances are by workers who go on contractual employment. Each worker emigrating to other country for work except those whose passports have the endorsement of 'Emigration Check Not Required' is required to pay an emigration fee of rupees two hundred only. Thus, an amount of over rupees six crore is collected every year in the form of emigration fee. As against this, the annual administrative expenditure on running the eight offices of the Protectors of Emigrants is of the order of Rs. 1.40 crore only.

**CENTRAL MANPOWER EXPORT PROMOTION COUNCIL.**

## **Need**

4. Under the provisions of the Act, Government has neither the promotional role to study the needs and demands of the overseas labour market nor does it provide any training or career counselling to the workers going overseas. India has a vast reservoir of skilled, semi-skilled and unskilled manpower which can be enabled to emigrate to other countries for work if they are given proper counselling and reorientation keeping in view the needs of the labour market and if their functional capability is enhanced to compete with the workers from other labour exporting countries. This is possible only if there is an agency, which can take up such a promotional role. Accordingly, it is proposed to set up the Central Manpower Export Promotion Council with headquarters at New Delhi and branch offices at other places in India or abroad, to take up the advisory and promotional activities in the area of manpower export.

## **Functions**

5. The functions of the Central Manpower Export Promotion Council shall be to promote employment opportunities for emigrants, to project manpower services that India can offer in major labour markets abroad, collection and maintenance of statistics and information regarding persons seeking employment in various countries and related matters, administer Indian Overseas Workers' Welfare Fund, maintain liaison with other export promotion agencies and recommend to the Central Government about standards and guidelines for overseas employment.

## **Constitution**

6. The Council shall be a corporate body having Labour Minister as Chairperson, Labour Secretary as Vice-Chairperson and nineteen other Members to be appointed by the Central Government for five years. Five Members not below the rank of Joint Secretary to the Government of India shall be representing the Central Ministries of External Affairs, Home Affairs, Finance, Shipping and Human Resource Development, five Members not below the rank of Joint Secretary to the Government of India shall be representing such State Governments and Union territories as may be determined by the Central Government, three Members shall be representing the recruiting agents, three the Central Trade Unions and three Members shall be appointed from amongst the persons having special knowledge and practical experience in the fields of social science, labour employment and labour laws. One of them shall be a woman. Protector General of Emigrants shall be the ex-officio Member-Secretary of the Council. For assisting the Central Manpower Export Promotion Council in its day to day functioning, the Central Government shall

constitute an Executive Committee comprising the Additional Secretary, Ministry of Labour as its ex-officio Chairperson, the Joint Secretary to the Government of India, Ministry of Labour, as its ex-officio Vice-Chairperson, and eight other members to be elected by the Council amongst its members, of whom two shall be representing the Central Ministries of External Affairs and Finance, two representatives each from the State Governments, Central Trade Unions, Registered Recruiting Agents. The Director or the Deputy Secretary (Emigration), Ministry of Labour will be the ex-officio Member Secretary of the Executive Committee.

### **Operations**

7. A Member of the Council shall be removed from the office if he incurs any of the disqualifications. The Chairperson shall preside over the meetings of the Council and shall have the general power of superintendence. In the absence of Chairperson, the Vice-Chairperson and in the absence of both, any other Member chosen by the Members present at the meeting shall preside over the meetings. A casual vacancy in the Council shall be filled for the remaining period of the tenure of the outgoing person. The Council shall be provided with officers and employees by the Central Government. The salary, allowances and terms and conditions of the services of the Members, officers and other employees shall be prescribed by rules to be made under the Act. The Council shall prepare its Budget, accounts and annual report and the manner for the preparation of the same shall also be provided in the rules.

### **Expenditure and funds**

8. The annual expenditure on the functioning of the Council will be approximately Rs. 1.50 crore per annum. To start with, the Central Government shall provide one time lump sum grant of Rupees fifty lakh. Thereafter, the affairs of the Council will be managed out of the administrative charges to be collected by it from the registered Recruiting Agents. To begin with, each recruiting agent shall be required to pay to the Council the administrative charges at the rate of two per cent of his total turnover measured in terms of service charges collected by him from the intending emigrants. Thereafter, the Central Government will, in consultation with the Council, fix the percentage of administrative charges to be paid by the registered Recruiting Agents from time to time. The Council will collect these administrative charges at the time the recruiting agents obtain emigration clearance for the intending emigrants.

### **THE INDIAN OVERSEAS WORKERS' WELFARE FUND**



9. There have been many cases in which workers who had obtained emigration clearance from the Protector of Emigrants Offices, on reaching alien land, have faced several problems such as change of work agreement to their disadvantage by the foreign employers, non-payment or delayed payment of salaries, poor working and living conditions, workers getting stranded because of the foreign employers' unwillingness to receive them on arrival, non-availability of jobs after arrival in the foreign country, non-payment of compensation in the case of injuries caused by accident in the course of or arising out of employment resulting in partial or total disablement, delays in the transport of dead bodies of the workers to India by the foreign employers, etc. It is, therefore, proposed to constitute the Indian Overseas Workers' Welfare Fund for meeting the following contingencies:

- (i) Making the payment to the Embassies or High Commissions for arranging return ticket for the workers who get stranded in the foreign countries or for transport of dead bodies of the workers; and
- (ii) To grant assistance to such workers who become partially or permanently disabled or for such other causes as may be specified in the rules.

But the assistance shall not be provided to illegal emigrants.

#### **Financing the fund**

10. It is proposed that the Government may make an initial lump sum grant of rupees fifty lakh which will serve as the initial corpus of the Fund. Thereafter, the Central Government may, in consultation with the Council and having regard to the resources of the Fund, fix the amount of Welfare Fund Contributions, as and when considered necessary, for meeting any eventuality of the type referred above. All intending emigrants recruited through the recruiting agents and seeking emigration clearance from the offices of the Protectors of Emigrants shall be required to make contribution to the Fund the amount of which shall be prescribed by the Central Government from time to time. Intending emigrants having endorsement of 'Emigration Check Not Required' on their passports shall also be allowed to make contributions to the Fund on voluntary basis.

11. On being asked about the necessity of bringing the Bill before the Parliament, the Labour Secretary had stated as under:

“The main object of this Bill is to protect the interests of the emigrant workers. What is happening is that at present we are implementing the Emigration Act as it is. Now we need to have promotion of export of our workers of various categories. There is scope for increase. There is

competition from Philippines, Bangladesh, Sri Lanka, Indonesia, etc. With this Promotion Council, we get ideas from the State Governments which have also set up their Manpower Export Corporation, by taking eminent trade union leaders who are interested in this field, from the recruitment agencies which are also recruiting and have certain ideas, and also from the Central Government Ministries handling the subjects like External Affairs and Finance. With that assemblage of eminent people under the Chairmanship of the Labour Minister, we can get the flow of such ideas which could help us to promote the cause of our migrant workers abroad. That is why this Council is being formed and it would also have branches."

12. When asked about the nomination of Members of Parliament to the Central Manpower Export Promotion Council, the Secretary stated that the Ministry welcomed the suggestion and the number of members in the Council can be raised from 19 to 21.

13. Regarding the reduction of export of manpower from India, and 2 per cent levy on the service charges collected by the Agents, the Ministry have stated as under:

"..... The second point is the competition arising from cheap labour from Bangladesh, Indonesia and Sri Lanka. The third is that the purpose of having the Fund, as I have pointed out to you, is that once they are recruited and taken there, if they suddenly die while in employment abroad, it would be taken care of them, they would be taken care of from this Fund. To meet all these contingencies, only two per cent levy on the service charges and a payment of small amount of premium towards the Fund are required. We are not asking for a matching contribution but only two per cent of what is charged by the recruiting agency, which is a very small amount."

14. On being asked whether the one-time grant of sum of rupees one crore to the Central Manpower Export Promotion Council to meet its expenditure will be adequate, the Ministry have stated as under:-

"Rs.50 lakh is the corpus, which we are creating, and Rs.1.5 crore is the Budget. With the Hon'ble Chairman and hon. Member's suggestions, we are agreeable to enhance it to Rs.3 crore or Rs.5 crore."

"Secondly, if the recommendation is made, ..... we will welcome that"

15. As regards the grant to the proposed council, the Ministry of Labour have stated as under:-

“that the Central Government will give a one-time grant of sum of rupees one crore. This amount comprises of rupees fifty lakh each for (i) The Central Manpower Export Promotion Council and (ii) The Indian Overseas Workers’ Welfare Federation.”

16. Regarding the basis for having the representation of the trade unions in the Bill and now suggesting omission of their representation by the Ministry, the Ministry of Labour, in their written reply, furnished to the Committee, have stated as under:-

“that a provision to include three representatives from the Central Trade Unions in the Council was made in the Emigration (Amendment) Bill, 2002 keeping in view the tripartite nature of all consultations relating to labour. However, the registered Recruiting Agents had represented to the Standing Committee that the Central Trade Unions do not have any direct role vis-à-vis the Emigration Act, 1983. It was examined and proposed for consideration by the Standing Committee to exclude the Central Trade Unions and enhance the Recruiting Agents’ representation in the Council.”

17. Keeping in view the fact that the Emigration (Amendment) Bill, 2002 intends to bring about major amendments in the Emigration Act, 1983, the Committee decided to invite comments/suggestions on the provisions of the Bill from the Registered Recruiting Agents from different parts of the country. The copies of the Bill were sent to all the Registered Recruiting Agents for eliciting their views and suggestions thereon. In all 60 representations were received from them.

18. The Committee note that the Ministry of Labour have brought the Emigration (Amendment) Bill, 2002 before the Parliament with the objective to deploy more number of workers abroad for employment on contractual basis resulting in direct increase in remittances of foreign exchange and providing timely financial assistance to the emigrants in distress in alien lands. After considering the Bill at length, the Committee approve the proposed amendment for insertion of new Chapter VA to constitute a Central Manpower Export Promotion Council under the Emigration Act, 1983 with the following amendments:-

**Clause 3 -**

18.1 **Section 22B** – Functions of the Central Manpower Export Promotion Council – The Committee note that in the proposed section several functions to be performed by the Council have been enumerated but there is no provision for providing legal assistance to the emigrants in case there is any change of work agreement to the disadvantage of the workers abroad by the foreign employers, non-payment or delayed payment of salaries, poor working and living conditions, etc. The Committee are of the view that in order to provide justice to the emigrants, legal assistance should be provided by the Council, and therefore, desire that a suitable provision should accordingly be inserted in the proposed Section 22B of the Bill.

**Composition of the Council**

**18.2 Section 22 C (1)(c) :** In clause (c) of sub-section (1) of section 22 C, it has been proposed that the Council shall consist of 5 members not below the rank of Joint Secretary to the Government of India to represent Ministries of Home Affairs, External Affairs, Finance, Shipping and Human Resource Development. The Committee, however, note that no representation has been given to the Ministry of Information Technology and Ministry of Civil Aviation. While the Ministry of Information Technology is generating a number of I.T. professionals for employment abroad and the Ministry of Civil Aviation is normally associated with the emigrants in their journeys abroad by air. The Committee feel that a member not below the rank of Joint Secretary each from the Ministries of Information Technology and Civil Aviation should also be associated in the Central Manpower Export Promotion Council to assist the emigrants going abroad for employment. The Committee, therefore, recommend that the Ministry should make suitable amendment in the Bill accordingly.

**18.3 Section 22C (1)(e) and (f):-** In the proposed clauses (e) and (f) of sub-section (1) of section 22C, it has been proposed that three members each shall represent the recruiting agents and the Trade Unions. The Committee note that most of the recruiting agents have opposed the representation of trade unions in the Council on the

ground that Central Trade Unions have no role in sending the emigrants abroad. Further, keeping in view the large number of recruiting agents in the Country, they feel that their representation in the Council is not adequate. The Committee, therefore, recommend that the representation of Central Trade Unions may be deleted and the representation of the recruiting agents may be enhanced to six. The Committee further recommend that while determining the representation of recruiting agents to the Council, equitable zonal representation should be considered.

18.4 Section 22C(1)(g) – In clause (g) of sub-section (1) of section 22C, it has been proposed that three members to be appointed to the Council from amongst the persons having special knowledge and practical experience in the fields of social science, labour employment and labour laws. The Committee feel that the existing provision does not specifically provide for the requirement of a person having special knowledge and practical experience in the matters related to emigration. The Committee are of the view that since the functions of the Council are to promote manpower export and welfare of the emigrants, it would, therefore, be desirable to have at least one member having special knowledge and practical experience related to the emigration to be nominated to the Council. The Committee,

therefore, recommend that necessary provision be made in the Bill accordingly.

19. Section 22D(1):- Under sub-section (1) of section 22D, it has been provided that every member shall hold office for a term of five years from the date of notification under sub-section (2) of Section 22C and shall be eligible for reappointment:

Provided that no person shall hold office as a member after he has attained the age of sixty-two years.

The Committee note that under the existing provision, no distinction has been made between the Government officials and the non-officials appointed to the Council with regard to the age ceiling. The Committee, therefore, feel that this would result in an anomalous situation because the existing age of superannuation for a Government servant is sixty years, whereas any ceiling on the age limit on recruiting agents would deprive the Council of the services of the highly experienced persons. The Committee further note that no restrictions have been imposed in respect of non-officials for holding term of membership of the Council in a row with a view to give opportunity to other active and experienced recruiting agents to serve in the Council. The Committee, therefore, recommend that the ceiling on age limit for non-official members should be removed and the tenure of each recruiting agent should not exceed two

consecutive terms at a time. The Committee recommend that the proposed Section 22D(I) be amended accordingly.

20. Section 22 M.- Under this Section it has been proposed that the Council may, at the time of giving emigration clearance under the provisions of section 22, charge from every recruiting agent for providing guidance, information, and any other service or facility, the administrative charges at the rate of two per cent of the total service charges realised by recruiting agent from emigrant. The provision thereto provides that the Central Government may, by Notification, in consultation with the Council fix the rate of administrative charges from time to time. The Committee feel that the regulatory functions are to be performed by the Protectors of Emigrants under the overall supervision and control of the Protector General of Emigrants. The Committee, therefore, desire that the power of collecting the administrative charges should be vested with the Protectors of Emigrants instead of the Council and the funds so collected by them should be deposited with the Council for defraying charges on carrying out its functions. The proposed Section be amended accordingly.

21. Section 22N(2)(iii) - In clause (iii) of sub-section (2) of section 22N, it has been proposed eight members elected by the members of the Council in the Executive Committee of the Council from amongst



themselves of whom two members shall be representing the Ministries of External Affairs and Finance, two representing the States and Union Territories, two representing the Central Trade Unions and two representing the recruiting agents.

The Committee note that the representation to the Ministry of Home Affairs, which deals with immigration matters at all international airports has not been given in the Executive Committee of the Council. The Committee, therefore, desire that the representation should be given to the Ministry of Home Affairs. The Committee have suggested vide their para 18.3 of this report for deletion of representation of Central Trade Unions in the Council. This provision should, therefore, be deleted from the Executive Committee and consequently the representation of recruiting agents may be enhanced from 2 to 4. The Committee also recommend that the maximum term of elected non-official members should be five years and they may be members for not more than two consecutive terms as recommended in Section 22D(I) of the proposed Bill.

22. Section 22P(1). – In sub-section (1) of section 22 P, it has been proposed that the Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Council by way of grants such sums of money as the Central Government may think fit for being utilized for the purpose of the Act.

The Committee note that as indicated in the Financial Memorandum appended to the Bill, the annual expenditure on the

functioning of the proposed Central Manpower Export Promotion Council is expected to be approximately rupees one crore and fifty lakh per annum. To start with, the Central Government will give a one-time grant of a sum of rupees one crore i.e. rupees fifty lakh each for (i) the Central Manpower Export Promotion Council; and (ii) the Indian Workers' Welfare Fund. The Committee are of the view that this grant is not adequate to meet the expenditure of the Council as well as the Indian Workers' Welfare Fund in discharging their functions effectively. The Committee, therefore, recommend that this one-time grant should be enhanced to rupees three crore.

#### **GENERAL SUGGESTIONS**

23. Section 22C(1) – The Committee note that the proposed sub-section (1) of section 22C provides for Composition of Central Manpower Export Promotion Council consisting of 19 members and Union Minister of Labour as ex officio Chairperson and Labour Secretary to the Government of India as ex officio Vice-Chairperson. The Committee note that nearly 3 lakh workers emigrate to other countries for contractual employment every year through the Offices of Protectors of Emigrants located at Delhi, Mumbai, Thiruvananthapuram, Hyderabad, Cochin, Chennai, Chandigarh and Kolkata. The Committee further note that larger number of workers approach members of Parliament for their grievances pertaining to

emigration. The Committee, therefore, feel that suitable representation may be given in the Council to the members of Parliament having good knowledge of labour laws and the potential to provide useful insights in manpower export promotion.

24. The Committee desire that the Ministry should make the above changes in the Emigration (Amendment) Bill, 2002 in the light of the amendments suggested by the Committee and also further consequential changes be made in the Bill.

25. The Committee approve other clauses of the Bill without any amendment.

New Delhi:  
December 2003  
Agrahayana 1925 (Saka)

Dr. SUSHIL KUMAR INDORA,  
Chairman  
Standing Committee on Labour and  
Welfare

## APPENDIX I

### Distribution of Annual Labour Outflows from India by Destination 1997-2002 (As on 30.9.2002)

<u>Country</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002*</u> <u>(30.9.2002)</u>
Bahrain	17,944	16,977	14,905	15,909	16,382	15,011
Kuwait	13,170	22,462	19,149	31,082	39,751	35,184
Sultanate of Oman	29,994	20,774	16,101	25,155	30,985	32,501
Kingdom of Saudi Arabia	2,14,420	1,05,239	27,160	59,722	78,048	77,233
United Arab Emirates (UAE)	1,10,945	1,34,740	79,269	55,099	53,673	68,849
Others	29,951	54,952	42,968	56,215	59,825	45,859
<b>Total</b>	<b>4,16,424</b>	<b>3,55,144</b>	<b>1,99,522</b>	<b>2,43,182</b>	<b>2,78,664</b>	<b>2,74,637</b>

- Provisional

## APPENDIX II

<b>LIST OF PERSONS/CATEGORIES OF WORKERS IN WHOSE CASE EMIGRATION CHECK IS NOT REQUIRED.</b>	
1	Persons going abroad in Managerial capacity in Hotels, Restaurants, Tea Houses or other places of public resort, etc. possessing specialized Degrees in these fields.
2	All Gazetted Government Servants.
3	All Income-tax payers (including Agricultural Income-tax payers) In respect of their individual assessment to Income tax and actual payment of Income tax for last three years to be insisted upon, and not merely payment
4	All professional Degree Holders, such as Doctors holding M.B.B.S. degrees or Degrees in Ayurveda or Homoeopathy; Accredited Journalists; Engineers; Chartered Accountants; Cost Accountants; Lecturers; Teachers; Scientists; Advocates, etc.
5	Spouses and Dependent children of category of persons, listed from (2) to (4)
6	All persons who have been staying abroad for more than three years( the period of three years could be either in one stretch or broken) and spouses, and children of such persons.
7	All Indian Seafarers who hold Indian or Foreign CDCs and are in possession of an offer of employment from shipping companies in India or abroad and Sea Cadets.
8	All holders of Diplomatic/Official Passports.
9	Dependent children of parents whose passport are classified as ECNR. In the case of such children, ECNR classification to be restricted until they attain 24 years of age.
10	Persons holding permanent Immigration Visas, such as in UK, USA and Australia.
11	Persons holding Graduate or Higher Degrees.
12	Persons holding Diplomas from recognized Institutions like Polytechnics.
13	Nurses possessing qualification recognized under the Indian Nursing Council Act, 1947.
14	All persons above the age of 60 years.
15	All visitors to Pakistan and Bangladesh.
16	All persons going to any country in Europe ( excluding CIS countries), North America, Australia, New Zealand or Japan.
17	Persons possessing certificates of vocational training from Government/Government recognized institutions.

### Annexure-III

#### List of Registered Recruiting Agents who have furnished their Comments/Suggestions on the provisions of the Bill.

Sl.No.	Name of Recruiting Agents
1	Agha Export Prabth Building, Shop No.3, Opp. Agripada Police Station, Agripada, Mumbai-400011.
2	Associated Tours Madras (P) Ltd. Associated Plaza, No.119 ( Old No.89/1), Anna Salai, Chennai-600002.
3	Midas Consultants Private Limited Agra Building, 121, Mahatma Gandhi Road, Mumbai-400023.
4	Continental Mercantile Corporation (INC). 'Devdut' Opposite Sea Rock, Hotel, Lands End, Bandra (West), Mumbai-400050.
5	Zaireen Travel Service 15/9, Al Karim Manzil, Palton Road, Mumbai-400001.
6	Trans Continental Traders 'Z' House, 116, Bells Road, Chepauk (Near Chepauk Stadium), Chennai-600005.
7	Expo Universe 20/26 B, Bharucha Marg, Kalaghoda, Mumbai-400001.
8	Emmar Enterprises 613, Raheja Centre, 214, Nariman Point, Mumbai-400021.
9	Abu Sufyan Manpower Consultants 2, Sea View Building, 31-E, Juhu Tara Road, Next to Rotary Centre, Juhu, Santacruz (W), Mumbai-400049.
10	Connect Plus Pvt. Ltd. IInd floor, Babu's Estate, Banerji Road, Cochin-682018.
11	Oasis International 17-18, Dwarka Sadan, C-40, Middle Circle, Connaught Place, New Delhi-110001.
12	Al-Akbar Associates Travel & Trade Links

M.A. Building, Near IOC Petrol Pump, Kaloor, Cochin-17.

13. Continental Contractors  
B-5, Madhava  
Bandra-Kurla Complex,  
Bandra (E), Mumbai-400051.
14. Ruby Management Services Pvt. Ltd.  
101/104/106, Sai Prasad Commercial Complex, 1<sup>st</sup> floor,  
4<sup>th</sup> Road, Opposite Khar Railway Station (West)  
Mumbai-400052.
15. Varsha Consultancy Services (P) Ltd.  
102/103, Sai Prasad Commercial Complex 1<sup>st</sup> floor, 4<sup>th</sup> Road,  
Khar (W) Mumbai-400052.
16. Jamal Exports  
22, Zia Apartment,  
264, Balasis Road,  
Mumbai-400008.
17. Jeddah Tours & Travels  
Building No.1/308 A,  
Malappuram District, Tuvvur-679327  
Kerala.
18. Vikas Travels Pvt. Ltd.  
C-63, Himalaya House (6<sup>th</sup> floor)  
23, Kasturba Gandhi Marg,  
New Delhi-110001.
19. Kaski International  
Anu Mansion, No.14, (  
Old.No.60)Salai Vinayagar, Koil Street, Mannady, Chennai-600001.
20. Bharadwaj & Co.  
No.1, Ground Floor, Rizvi Nagar, T.P.S. 6<sup>th</sup> Road, Khotwadi, Santacruz (West),  
Mumbai-400054.
21. Al-Ruhani Travel Services  
38/40, Nizam Street, Ground Floor, Bhendi Bazar, Mumbai-400003.
22. Meridian Management  
Krishna Niwas,  
1<sup>st</sup> floor,281,Shahid Bhagat Singh Road, Fort, Mumbai-400001.
23. Irfan International  
12, Zia Apartments,  
264,Bellasis Road,  
Mumbai-400008.

24. Christhuraja Tours & Travels  
ANM Buildings, Vettucaud, Trivandum-695021, Kerala.
25. Recruiting Agent's Association of Kerala  
ANM Buildings, Titanium  
P.O.Thiruvananthapuram-695021,  
Kerala.
26. Anna Tours & Travels  
Panavila Junction  
G.P.O.Thiruvananthapuram-695021  
Kerala.
27. Mangalam Travels  
104, Kalpaka Nagar,  
Chackai, Trivandum-24, Kerala.
28. Falcon Services  
10, Valmiki  
Next to Bombay College of Pharmacy,  
CST Road, Kalina  
Santacruz (E)  
Mumbai-400098.
29. Mohammad Ali Establishment  
53/4, Lady Jamshedji Road,  
Opposite Paradise Cinema, Mahim, Bombay-400016.
30. Preet Agencies  
S-3, Plot No.7, Near Wadala Chowk, Nakodar Road, Jalandhar (Punjab).
31. Paras Man Power Services (P) Ltd.  
M/s Paras Manpower Services Pvt. Ltd. Court Road, Distt. Hoshiarpur.
32. Ratna International  
G.P.O Box-696, Mumbai-400001, (INDIA)
33. J.M. Mehta & Co.  
Oasis, Nehru Road, Vokola, Santacruz (East), Mumbai-400055. (INDIA)
34. G. Gheewala  
202, Bombay Market, Tardeo Road, Mumbai-400034. (INDIA)
35. Agha Caravan International  
210, Bombay Market, 2<sup>nd</sup> Floor, Tardeo Road, Mumbai-400034.
36. Continental Contractors  
B-5, Madhava, Bandra-Kurla Complex, Bandra (E), Mumbai-400051.
37. Santosh Travels



- 102 Embassy Centre, First Floor, Nariman Point, Mumbai, 400021, INDIA.
38. Zaireen Travels (PVT.) Ltd,  
Vandana Building Basement, 11, Tolstoy Marg, New Delhi-110001.
  39. Yusho Corp.  
104, Maker Chamber 5 (five), Nariman Point, Mumbai-400021. India
  40. Sheeba International  
T ¼, World Trade Centre, Cuffe Parade, Colaba, Mumbai-400005.
  41. People Tree Resources India (P) Ltd.  
Shivsagar Estate, "A" Basement, Dr. Annie Besant Road, Worli, Mumbai-400018
  42. Rhema Career Link  
Singapore Complex, Near Mambalam Railway Station, 11 Floor, New No.32/202, Natesan Street, T. Nagar, Chennai, 600017
  43. Mustafa International  
12, Mary Mahal, Dimtimkar Road, Mumbai-400008.
  44. Al-Haram International  
5684/4, Ist Floor, Chowk Singhara, Idgah Road, New Delhi-110055.
  45. Al-Asria Enterprises  
264, Zia Apartment, Shop No.3, Bellasis Road, Mumbai 400008. India.
  46. Aziz Tours & Travels  
7-Guru Arjun Apartment, Gujjar Lane, Opp. Akbarallys, S.V. Road, Santacruz (W), Mumbai –400054.
  47. Trio Tracks  
22, Kadri House, Chimat Pada, Near International Airport, Marol Naka, Kurla Andheri Road, Mumbai-400059.
  48. Tauheed Agency  
3.1015 Navjivan Society, Lamington Road, Bombay-400 008 (INDIA)
  49. Mathew International  
Machinery House, 11 B, Bharucha Road, Kalaghoda, Mumbai-400-001. India
  50. Apple Travels  
68, Development Bank Building, 3<sup>rd</sup> Floor, Mumbai
  51. Ms. Manpower International  
267, Masjit Moth, Uday Park, South Extension, Part-II, New Delhi-110041.
  52. Ms. R.K. Enterprises overseas Manpower, Consultants, Mumbai  
417, Dalamal Tower, Nariman Point, Mumbai-400021.
  53. Razzak Enterprises

No.87 to 91, First floor,  
Madina Tower, Dawan Davdi,  
Hyderabad-500002.

54. Gulf Exports,  
8 D, Harishankar Mhatre Lane,  
Gamdevi,  
Mumbai-400 007.
55. Indian Personnel Export Promotion Council  
8 D, Harishankar Mhatre Lane,  
Gamdevi,  
Mumbai-400 007.
56. West Asia Exports & Imports Limited  
5, Moores Road, Chennai- 600 006.
57. Ajith Enterprises  
No.11, 1 Floor, Dr. Subbaraya Nagar, 8<sup>th</sup> St. Kodambakkam (Near Ashok Nagar  
Police Station) Chennai-600024.
58. Rehman Enterprises  
52/A, 1<sup>st</sup> Floor Shop No.6, 1<sup>st</sup> Phase, 9<sup>th</sup> cross, 30<sup>th</sup> Main, New Oxford School,  
J.P. Nagar,  
Bangalore-560078.
59. Dynamic Sales & Service E-40/7, Okhla Industrial Area,  
Phase-II,  
New Delhi-110020.
60. Continental Mercantile Corporation (INC)  
'Devdutt' Opp. Sea Rock Hotel,  
Lands End,  
Bandra (West) MUMBAI.
61. Al Hind Foreign Service Agency  
205, Thapar Chambers II,  
Rind Road, Opp. Kalindi Colony,  
New Delhi-110014.

**MINUTES OF THE FIRST SITTING OF THE STANDING COMMITTEE ON LABOUR AND WELFARE HELD ON THURSDAY, 9 JANUARY, 2003.**

The Committee met from 15.00 hrs. to 16.30 hrs. in Committee Room No.'53' Parliament House, New Delhi.

**PRESENT**

**Dr. Sushil Kumar Indora- Chairman**

**MEMBERS**  
**LOK SABHA**

2. Shri Denzil B. Atkinson
3. Smt. Sandhya Bauri
4. Shri Ashok Kumar Singh Chandel
5. Shri Manibhai Ramjibhai Chaudhuri
6. Shri Krishan Lal Diler
7. Shri Virendra Kumar
8. Shri Haribhau Shankar Mahale
9. Shri Ramjee Manjhi
10. Shri Bherulal Meena
11. Shri Nagmani
12. Shri Varkala Radhakrishnan
13. Shri Madhab Rajbangshi
14. Shri Charanjit Singh

**RAJYA SABHA**

15. Shri Jhumuk Lal Bhendia
16. Shri Ramachandra Khuntia
17. Shri Sukhdev Singh Libra
18. Dr. (Mrs.) Kum Kum Rai
19. Shri Jibon Roy
20. Shri Uday Pratap Singh

**SECRETARIAT**

1. **Shri Ram Autar Ram - Joint Secretary**
2. **Shri J.P. Sharma - Director**
3. **Shri Bhupesh Kumar - Under Secretary**

**I. REPRESENTATIVES OF THE MINISTRY OF LABOUR**

1. Dr. P.D. Shenoy - Secretary
2. Shri D.S. Poonia - Joint Secretary & Protector General of Emigrants
3. Shri K. Chandramouli - Joint Secretary
4. Shri J.P. Pati - Joint Secretary

**II. REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS**

1. Dr. Santokh Singh - Joint Secretary & Legislative Counsel

2. Shri S.R. Dhaleta - Addl. Legislative Counsel

2. At the outset, Hon'ble Chairman welcomed the Members of the Committee, Labour Secretary and other officials. He congratulated the Members for being nominated to the Committee for the year 2003 and also apprised them that 7 new members have been nominated to the Committee. He also informed that two Government Bills viz. – (i) The Emigration (Amendment) Bill, 2002; and (ii) The Constitution (94<sup>th</sup> Amendment) Bill, 2002 have been referred to the Committee by Hon'ble Speaker, Lok Sabha for examination and report.

3. Thereafter the Hon'ble Chairman invited attention of the Members and officials to 'the Emigration (Amendment) Bill, 2002' which was introduced in Lok Sabha on 21<sup>st</sup> November, 2002 and was referred to the Committee under rule 331E(b) of the Rules of Procedure and Conduct of Business in Lok Sabha on 5<sup>th</sup> December, 2002.

4. Labour Secretary, while explaining the salient features of the Bill, informed the Committee that the Bill inter alia seeks to amend the Emigration Act, 1983 for establishing a Central Manpower Export Promotion Council with headquarters at New Delhi and branch offices at other places in India or abroad to take up the advisory and promotional activities in the area of manpower export for employment overseas and also to administer Indian Overseas Workers' Welfare Fund. The fund will meet the following contingencies:

- (a) making the payment to the Embassies or High Commissions for arranging return ticket for the workers who get stranded in foreign countries, or for transport of dead bodies of the workers; and
- (b) to grant assistance to such workers who become partially or permanently disabled or for such other causes as may be specified in the rules.

5. The Committee were of the view that some Members of Parliament should also be nominated to the Central Manpower Export Promotion Council under New Clause 22C of the Bill and also that there should not be any additional burden on the intending emigrants by paying 2% additional charges for meeting administrative charges of the Council as proposed in the Bill.

6. The Committee then decided that comments/suggestions on the provisions of the Bill might be invited from the Members of the Committee as well as from the prominent Registered Recruiting Agents before calling the representatives of the Ministry of Labour and other concerned Ministries for further deliberations.

7. The Committee desired that before passing this Bill, it is necessary for the Committee to see the situation prevailing in other labour exporting countries like Indonesia, Philippines, Sri Lanka and Bangladesh and also to study the problems of labourers in major Gulf Countries. The Committee then directed the Labour Secretary to consult the Ministries of Finance, External Affairs, Home etc. to work out and arrange study visit of the Committee to some of those countries.

8. The Chairman thanked the representatives of the Ministry for the cooperation extended by them and for expressing their views freely on the points raised by the Members.

9. The verbatim record of the proceedings has been kept.

{ **The witnesses then withdrew**}

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***The Committee then adjourned.***

**MINUTES OF THE ELEVENTH SITTING OF THE STANDING COMMITTEE ON LABOUR AND WELFARE HELD ON TUESDAY, 7 OCTOBER 2003.**

The Committee met from 11.00 hrs. to 12.30 hrs. in Committee Room 'E' Parliament House Annexe, New Delhi.

**PRESENT**

**Dr. Sushil Kumar Indora -- Chairman**

**MEMBERS**

2. Shri Ashok Argal
3. Shri Denzil B. Atkinson
4. Smt. Sandhya Bauri
6. Shri Joachim Baxla
6. Shri Manibhai Ramjibhai Chaudhuri
7. Shri Krishan Lal Diler
8. Shri Virendra Kumar
9. Shri Haribhau Shankar Mahale
10. Shri Ramjee Manjhi
11. Shri Bherulal Meena
12. Shri Punnu Lal Mohale
13. Shri Dalpat Singh Parste
14. Shri Varkala Radhakrishnan
15. Shri Madhab Rajbangshi
16. Shri Brij Bhushan Sharan Singh
17. Shri Khelsai Singh
18. Shri Mansukhbhai Vasava

**RAJYA SABHA**

19. Shri B.P. Apte
20. Shri Debabrata Biswas
21. Shri Indramoni Bora
22. Shri Urkhao Gwra Brahma
23. Shri Sukhdev Singh Libra
24. Dr. (Mrs.) Kum Kum Rai
25. Shri Jibon Roy
26. .Shri Uday Pratap Singh

**SECRETARIAT**

- |       |                    |   |                 |
|-------|--------------------|---|-----------------|
| (i)   | Shri N.K.Sapra     | - | Joint Secretary |
| (ii)  | Shri J.P. Sharma   | - | Director        |
| (iii) | Shri Bhupesh Kumar | - | Under Secretary |

**I. REPRESENTATIVES OF THE MINISTRY OF LABOUR**

1. Dr. P.D. Shenoy - Secretary
2. Shri K. Chandramouli - Joint Secretary
3. Shri D.S. Poonia - Joint Secretary & P.G.E

**II. REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE  
(LEGISLATIVE DEPARTMENT)**

1. Shri Z.S Negi - Joint Secretary and Legislative Counsel
  2. Shri L.R Khuranna - Deputy Legislative Counsel
  3. Shri S.R.Dhaleta - Additional Legislative Counsel
  4. Shri Chander Veer - Assistant Legislative Counsel
2. XXXX XXXX XXXX
3. XXXX XXXX XXXX

4. Thereafter, the Committee took up “The Emigration (Amendment) Bill, 2002” for discussion. Hon’ble Chairman apprised the Members that during the last meeting held on 9 January 2003 on this Bill, it was decided to invite comments/suggestions from all the Registered Recruiting Agents in the country. Out of 1,077 Registered Recruiting Agents, comments/suggestions from 61 have been received.

5. Labour Secretary highlighted some of the suggestions made by the Recruiting Agents and favoured their inclusion in the Bill. Some of the important suggestions were – to provide legal assistance to the workers in case they find themselves in distress in foreign land; to increase the representation of Recruiting Agents in the Central Export Promotion Council; to delete the provision of representation of Trade Unions and; removal of upper age limit for non-official members appointed in the Council. He further added that the Ministry had also proposed certain amendments in the present Bill on second thought, such as : including the Additional Secretary (Labour) as a member in the Council who is also the Chairperson of the Executive Committee; replacing the representative of the Ministry of Shipping by the representative of the Ministry of Information Technology; fixing the tenure of the non-official members appointed in the Council and Executive Committee; and including one specialist NGO in the field of emigration.

6. The Chairman thanked the representatives of the Ministry of Labour and the Ministry of Law & Justice for the cooperation extended by them and for expressing their views freely on the points raised by the Members on the aforesaid Bills.

A verbatim record of the evidence was kept.

{ The witnesses then withdrew }

The sitting then adjourned.