

**40**

**STANDING COMMITTEE ON LABOUR**

**(2017-18)**

**(SIXTEENTH LOK SABHA)**

**MINISTRY OF EXTERNAL AFFAIRS AND MINISTRY OF LABOUR  
& EMPLOYMENT**

**[OVERSEAS EMPLOYMENT OF WOMEN WORKERS INCLUDING  
NURSES AND MAIDS, ISSUES AND REGULATORY FRAMEWORK]**

**FORTIETH REPORT**



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**August, 2018/Shravana, 1940 (Saka)**

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*Presented to Lok Sabha on 9<sup>th</sup> August, 2018*

*Laid in Rajya Sabha on 9<sup>th</sup> August, 2018*



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**August, 2018/Shravana, 1940 (Saka)**

# CONTENTS

	Page No.
<b>GIST OF OBSERVATIONS/RECOMMENDATIONS AS CONTAINED IN THIS REPORT</b>	<b>1</b>
<b>CHAPTER I</b>	
<b>INTRODUCTORY</b>	<b>5</b>
<b>CHAPTER II</b>	
<b>I.    ROLE OF PROTECTOR GENERAL OF EMIGRANTS (PGE)</b>	<b>12</b>
<b>II.   NEED FOR MULTI AGENCY INTERACTION AND COLLABORATION AT CENTRAL AND STATE LEVEL</b>	<b>14</b>
<b>CHAPTER III</b>	
<b>I.    REGULATORY FRAMEWORK</b>	<b>37</b>
<b>II.   REMEDIAL ACTION</b>	<b>43</b>
<b>III.  REGUALTORY FRAMEWORK FOR NURSES</b>	<b>55</b>
<b>IV.   PROVISIONS FOR REDRESSAL OF GRIEVANCES</b>	<b>58</b>
<b><u>ANNEXURES</u></b>	
<b>Annexure I- Complaints Received by Indian Missions from Emigrant Workers including Women.</b>	<b>67</b>
<b>Annexure II- Detailed Criteria laid down for Inspection of Recruiting Agencies.</b>	<b>70</b>
<b><u>APPENDICES</u></b>	
<b>Appendix I- Minutes of twenty-seventh sitting of the Committee (2016-17) held on 31.08.2017.</b>	<b>72</b>
<b>Appendix II- Minutes of sixth sitting of the Committee (2017-18) held on 30.11.2017.</b>	<b>75</b>
<b>Appendix III- Minutes of nineteenth sitting of the Committee (2017-18) held on 24.05.2018.</b>	<b>78</b>
<b>Appendix IV- Minutes of twenty-fifth sitting of the Committee (2017-18) held on 18.07.2018.</b>	<b>82</b>

## **COMPOSITION OF THE STANDING COMMITTEE ON LABOUR**

**(2017-18)**

**DR. KIRIT SOMAIYA - CHAIRPERSON**

### **MEMBERS**

#### **Lok Sabha**

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Kumar Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Govindbhai Fatepara
7. Shri Satish Kumar Gautam
8. Dr. Boora Narsaiah Goud
9. Shri Rama Chandra Hansdah
10. Shri C. N. Jayadevan
11. Shri Bahadur Singh Koli
12. Dr. Arun Kumar
13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
16. Shri Dayakar Pasunoori
17. Shri Hariom Singh Rathore
18. Shri Naba Kumar Sarania (Hira)
19. Shri Kodikunnil Suresh
20. Shri Mulayam Singh Yadav
- @21. Vacant

#### **Rajya Sabha**

- \*22. Dr. Banda Prakash
23. Shri Ram Narain Dudi
24. Shri N. Gokulakrishnan
25. Shri Nazir Ahmed Laway
26. Shri P.L. Punia
27. Shri Rajaram
28. Shri Amar Shankar Sable
29. Ms. Dola Sen
- #30. Shri Madanlal Saini
- \$31. Shri Akhilesh Prasad Singh

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@ Vacancy occurred *vice* Shri Y.S. Avinash Reddy resigned *w.e.f* 20<sup>th</sup> June, 2018.

\* Nominated *w.e.f* 2<sup>nd</sup> June, 2018.

# Nominated *w.e.f* 2<sup>nd</sup> June, 2018.

\$ Nominated *w.e.f* 2<sup>nd</sup> June, 2018.

#### **SECRETARIAT**

1. Ms. Rhimjhim Prasad - Joint Secretary
2. Smt. Anita B. Panda - Director
3. Shri C. Vanlalruata - Additional Director
4. Shri Mohinder Paul Rana - Executive Assistant

## **INTRODUCTION**

I, the Chairperson, Standing Committee on Labour (2017-18) having been authorized by the Committee do present on their behalf this Fortieth Report on 'Overseas Employment of Women Workers including Nurses and Maids, Issues And Regulatory Framework' pertaining to the Ministry of External Affairs and the Ministry of Labour and Employment.

2. The Committee took evidence of the representatives of the Ministry of External Affairs alongwith the representatives of the Ministry of Labour & Employment on 31<sup>st</sup> August, 2017 and 30<sup>th</sup> November, 2017. The Committee took further oral evidence of the representatives of the Ministry of External Affairs alongwith the representatives of the Ministry of Skill Development & Entrepreneurship on 24<sup>th</sup> May, 2018. The Committee considered and adopted the Draft Report at their sitting held on 18<sup>th</sup> July, 2018. The Committee wish to express their thanks to the officers of the Ministry of External Affairs, Ministry of Labour & Employment and Ministry of Skill Development & Entrepreneurship for tendering oral evidence and placing before them the detailed written notes and post evidence information as desired by the Committee.

3. For ease of reference, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

**New Delhi;**  
**25<sup>th</sup> July, 2018**  
**3<sup>rd</sup> Shravana, 1940 (Saka)**

**DR. KIRIT SOMAIYA**  
**CHAIRPERSON,**  
**STANDING COMMITTEE ON LABOUR**

## **REPORT**

### **GIST OF RECOMMENDATIONS**

- 1. Every year, a large number of Indian Citizens, including women workers, go abroad for overseas employment purpose. As per Ministry of External Affairs, around 3.91 lakh workers emigrated from India in 2017. Many of these emigrants are less educated, particularly those going for employment as maids, nurses construction workers, etc. in the Gulf countries. Hence, the Standing Committee on Labour decided to take up the subject for detailed examination on priority.**
- 2. In the present report, the Committee have observed that in a large number of cases, unregistered/unscrupulous agents send uneducated/semi-educated persons on tourist and other such visas, and not on the legal work visas/permit, to foreign countries by promising lucrative employment opportunities upon extracting substantial sums from them. Thereafter, these workers, including women, are left in the foreign soil at the mercy of private employers.**
- 3. The Committee have also observed that thousands of such workers, who are lured in the name of overseas jobs by illegal agents are getting exploited in the foreign countries, with nobody to help them. Some of the major complaints of overseas workers including women workers, are, non-payment of salaries, denial of legitimate**

labour rights, longer working hours, non-provision of medical and insurance facilities, confinement/abandoning of maids, etc. The Government Departments in India including State Governments, State Police, MHA and MEA do not proactively accept the grievances/complaints of such people leaving them completely helpless in a foreign land. The Committee hence have felt that a strong mechanism for grievances redressal system and penalties/punishment to such agents need to be developed immediately in coordination by the Ministry of External Affairs/Ministry of Labour & Employment/ Ministry of Home Affairs and the State Governments. The Committee have strongly recommended that such a mechanism should be developed and made public to save overseas workers from exploitation and to take strong action against those unscrupulous/unregistered agents who lure them. The Committee have also recommended setting up of cells as well as appointment of a nodal officer for the purpose by all State Governments.

4. At present, the MEA's e-Migrate Portal captures data in respect of ECR passport, holding Indians going to 18 ECR countries for employment. However, the Indian Missions/posts have no mechanism to collect such data. The Committee have noted that recently the MEA has started mandatory registration of Non-ECR passport-holding Indian Emigrants going to 18 ECR countries for

**employment purposes in the Indian Missions/posts on pilot basis. The MEA plans to off-load emigrants without registration, after the pilot phase. The MEA has also informed the Committee about replicating this initiative for all countries where Indian workers are present. The Committee have desired to be apprised of the results achieved after the pilot phase and recommended the MEA to develop a suitable technological tool to share data between POEs and the relevant Indian Missions/posts so that help is available to all those overseas employees who face exploitation/harassment in any form.**

- 5. The Committee have further recommended coordination between the Ministry of External Affairs and the Ministry of Home Affairs so that details of both ECR and ECNR passport holders could be shared and the issue of persons overstaying on tourist visas to obtain employment could be addressed.**
- 6. On the issue of educating persons going for overseas employment on the labour laws in the foreign countries, the Committee have noted that the MEA are in the process of signing labour agreements with such destination countries, which will facilitate provision of labour security and welfare. There is also an MOU between MEA and the Ministry of Skill Development and Entrepreneurship for implementation of Pravasi Kaushal Vikas Yojana to enhance skill set of potential overseas employees in ECR countries under the 'Pre-**



**Departure Orientation Training (PDOT)'. The Committee feel that such efforts need to be enhanced for the betterment of wages and facilities available to the Indian Emigrant workers.**

- 7. On the issue of involving State Governments, the MEA have statedly initiated a campaign in States like Telangana, from where cases of women emigrant workers being trafficked in Gulf countries have been reported. These campaigns aim to educate the potential overseas workers about taking necessary precautions before leaving India and contacting Indian Missions/Embassies in the countries where they are employed. The Committee have desired that such efforts must be replicated by the Government Governments in UP, Bihar, Tamil Nadu and all other States from where overseas workers emigrate in large numbers. Also, a cell for such tasks need to be set up in all States along with appointing a Nodal Officer to interact with MEA on related matters.**
- 8. The Government should increase the number of State Government Recruiting Agencies since potential women candidates desirous of overseas employment need to undertake long journey to these six Government Recruiting Agencies for completion of all necessary formalities and many a times fall prey to illegal or unscrupulous agents.**

## Chapter-I

### INTRODUCTORY

1.1 Every year, a large number of people from India go abroad for overseas employment purposes. Major outflow of emigrant workers from India in the last few years has been to the Gulf countries where more than eight million Indian workers are estimated to be employed. A vast majority of migrants to West Asia, including Gulf countries, are semi-skilled and unskilled workers and most of them are temporary migrants who return to India after expiry of their contractual employment.

1.2 As per the Annual report of the Ministry of External Affairs (2017-18), there was generally a steady increase in the number of Indians emigrating for employment abroad but due to economic slowdown in Gulf Cooperation Council (GCC) countries, there is declining trend during the recent years of Emigration Check Required (ECR) passport holders. Emigration Clearances (EC) granted to the ECR category persons going to Emigration Check Required countries (namely Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, Saudi Arabia, South Sudan, Sudan, Syria, Thailand, United Arab Emirates, and Yemen) during the years from 2012 to 2017 is as follows:

(in lakhs)

<b>Year</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
No. of Emigration Clearances granted by Protector of Emigrants Offices	7.47	8.19	8.05	7.84	5.21	3.91

1.3 Countries where protection/welfare of emigrants/workers is not strong, have been designated by Government of India as Emigration Check Required (ECR) countries. Many of these ECR emigrants are less educated and less skilled/unskilled; their Passports are issued with an 'Emigration Check Required' (ECR) remark affixed on their Passports. Before they travel abroad for

employment, they are required to obtain an 'Emigration Clearance' from offices of Protectors of Emigrants (PoE) Emigration clearance is a safety measure issued only after verifying employment details like offered salary, working terms and conditions in the Employment Contract as well as credentials of Foreign Employer etc. so as to ensure that emigrants are not duped overseas. The Emigration Clearance is now issued online by ten Protectors of Emigrants whose offices are located in Chandigarh, Chennai, Delhi, Hyderabad, Jaipur, Kochi, Kolkata, Mumbai, Rae Bareli and Thiruvananthapuram. Due to complaints of exploitation in respect of nurses last year, the 'Nurses' as a category were brought under 'Emigration Check Required' and that too to be recruited initially only by Government Recruiting Agents (RAs) for safeguarding the nurses going for overseas employment. PoE-wise EC issued by the ten PoE offices during the last three years and current year, as per the Annual Report (2017-18) of the Ministry of External Affairs, are as under:

<b>S. No.</b>	<b>Name of PoEs</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017 (As on 31.12.17)</b>
1.	Delhi	125190	185632	101000	62536
2.	Chandigarh	56862	36815	30317	44294
3.	Jaipur	56271	47573	31957	13205
4.	Rae Bareli	21984	16468	18937	7068
5.	Hyderabad	77726	48760	39006	41839
6.	Cochin	26923	24079	16932	12392
7.	Trivandrum	8501	18772	8872	2453
8.	Mumbai	391368	353591	231609	170787
9.	Chennai	30463	41665	27491	26567
10.	Kolkata	9717	10797	14817	9883
<b>TOTAL</b>		<b>805005</b>	<b>784152</b>	<b>520938</b>	<b>391024</b>

1.4 A number of students and highly skilled professionals also move to countries such as USA, UK, Canada, Australia etc., where labor and employment laws are well defined and workers' interests are protected under the law. No emigration clearance is required to be obtained for emigrating to

such countries for employment. Similarly, 'Seafarers' from India have to also register on the e-Migrate system, before proceeding for overseas deployment since September, 2017.

1.5 Briefly the sole purpose of emigration clearance process is to ensure that the ECR passport holding Indian workers emigrate safely, after skill development and pre-departure orientation, and have a safe stay overseas during the period of employment.

1.6 The said Annual Report (2017-18) of the Ministry of External Affairs, in order to regulate overseas employment especially for protection of less educated and blue collar workers, the ECR process is regulated through an electronic system called "e-Migrate". E-Migrate is an e-Governance project which facilitates emigration of ECR category of emigrants going to notified countries for employment purpose. Through an online portal e-Migrate enables streamlined and efficient emigration which is integrated with Passport Seva Project (PSP) for validation of passport details of ECR category workers being registered. The system is also integrated with Bureau of Immigration (BoI) of the Ministry of Home Affairs used at Immigration Check Post (ICP) at airports for online validation of the emigration clearance granted by POEs. Integration with BoI system enables e-Migrate system to record departure and arrival information of ECR category workers. It provides a comprehensive and online database of emigrants, missions, recruiting agents, foreign employers, and insurance agencies to all stakeholders. This ensures that all stakeholders of the emigrants are on the same electronic -platform, which greatly enhances the "Ease-of-doing-business" and ensures prompt and easy action on all fronts to all the stakeholders including quick redressal of grievances of emigrants or their relatives who complain. Whenever an emigrant arrives at an airport or check post to proceed abroad, their passport details are validated online by the immigration officers and only those who have obtained EC are allowed to travel. This is a measure to ensure protection against possible exploitation of the Indian workers on arrival and during their stay abroad.

1.7 The e-Migrate system has also facilitated registration of Indian 'Seafarers' going for overseas placement through legal channel. This registration ensures more safety and protection to the seafarers.

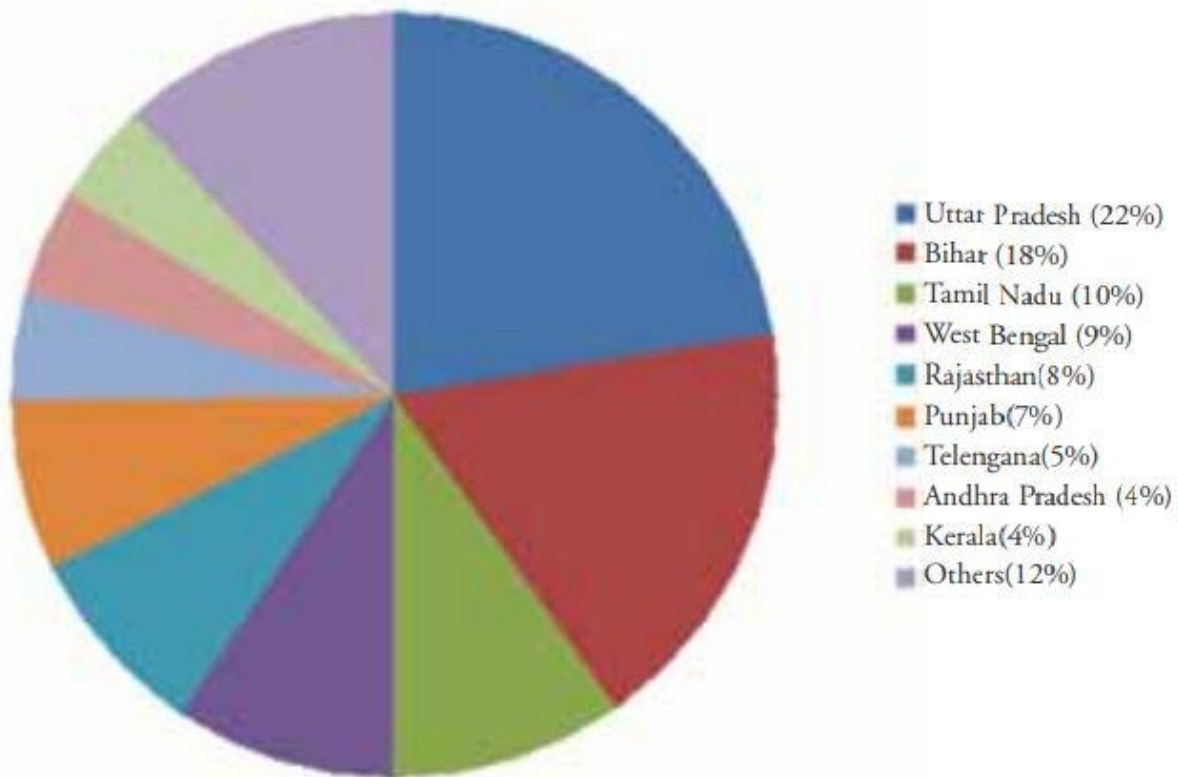
1.8 The "e-Migrate" system functions under the control of Protector General of Emigrants who exercises powers and responsibilities under the Emigration Act 1983, through this system, to ensure protection and welfare of Indian emigrants proceeding abroad for overseas employment.

1.9 During the year 2017 (as on 30 November, 2017), 3.61 lakh workers emigrated from India after obtaining emigration clearance. Country-wise number of emigration clearances given for emigration to major ECR countries during the current year are given in the table below:

Workers emigrated (in lakh)

<b>S.No.</b>	<b>Name of Countries</b>	<b>Year -2017 (31.12.2017)</b>
1.	Saudi Arabia	0.78
2.	UAE	1.50
3.	Kuwait	0.56
4.	Qatar	0.25
5.	Oman	0.53
6.	Bahrain	0.12
7.	Malaysia	0.14
8.	Others	0.03
	<b>Total</b>	<b>3.91</b>

1.10 States of Uttar Pradesh, Bihar, Tamil Nadu, West Bengal, Rajasthan, Punjab, Telangana, Andhra Pradesh and Kerala, were the leading States in order of the numbers who emigrated. The number of persons emigrated from these States during the year 2017 (30 November, 2017) are depicted in the pie chart below:-



**1.11 In the last few years India has emerged as a leading global service provider for highly skilled, semi-skilled and unskilled workers. Owing to the high job proficiency, Indian workers are in high demand at various countries. The blue collared workers fall into the category of unskilled and semi-skilled workers and the white collared workers fall into the category of highly skilled workers. The blue collared workers are generally seeking employment in West Asia i.e. the Gulf Countries and the white Collared workers look for work in the United State of America. The Committee note that Countries of the West Asia Region have been designated by the Government of India (GoI) as Emigration Check Required Countries (ECR) as in these Countries, protection/welfare of**

**emigrants/workers is not strong. In order to protect these workers from exploitation and to ensure their safety and well being, particularly as their level of education is low, these workers are required to obtain an Emigration Clearance from office of Protector of Emigrants (POE) and the same is affixed on their passports. However, in spite of this, there have been numerous instances wherein workers including maids have faced harassment and exploitation in these countries. Moved by their plight, the Committee have taken up this Subject for a holistic view and recommended remedial course of action through the Ministry of Labour & Employment, Ministry of External Affairs, Ministry of Home Affairs as well as State Governments in coordination with each other so that all emigrant workers from India have a safe and gainful stay during the course of their overseas employment and on its completion, are able to return safely to their homeland.**

**1.12 The Committee note that prior to the economic slowdown in Gulf Cooperation Council (GCC) countries, there was a steady increase in the number of Indians emigrating for employment. The high point was the year 2013 wherein 8.19 lakh Emigration clearances were granted by Protector of Emigrants Offices. However, the subsequent years witnessed a decline *i.e* in 2015 it fell to 7.84 lakh, in 2016 it was further reduced to 5.21 lakh and in 2017, the figure had fallen down to 3.91 lakh. While the reasons for economic**

slowdown in GCC countries is beyond the purview of the MEA, yet, the Committee are of the firm opinion that even in times of an economic slowdown, there will always be a demand for cheap and skilled blue collar workers, albeit in a reduced scale. Further, Indian Workers are facing stiff competition from those coming from other Asian countries like Bangladesh, Nepal, Philippines etc. The Committee exhort upon the Ministry of Labour & Employment through the MEA and in particular the Overseas Indian Affairs Division to undertake an in depth study of this issue and come out with factors responsible for a substantial decrease in the number of Indian overseas workers in last five years. The need of the hour is to ensure that Indian blue collar workers do not lose out good employment opportunities overseas to those coming from other countries. This would ensure that Indian workers continue to be in high demand in the GCC countries, thereby assuring a steady flow of foreign exchange remittance to India, but would also reduce the number of workers being sent, illegally by unregistered and unscrupulous recruiting agents.



## **Chapter-II**

### **ROLE OF PROTECTOR GENERAL OF EMIGRANTS (PGE)**

The Committee have been informed that Protector General of Emigrants (PGE) in the Ministry of External Affairs is the authority responsible for protecting the interests of Indian workers proceeding abroad for employment purposes. PGE is also the Registering Authority to issue Registration Certificate (RC) to the Recruiting Agent (RA) for overseas manpower exporting business. He exercises the following powers; under the Emigration Act, 1983:

- Power to grant the RC under Sections 11 and 12 of the Emigration Act, 1983 and renew the same under Section 13 of the Act.
- Power to suspend, cancel and revoke the RC under Section 14 of the Act.
- Power to issue permit to the Foreign Employer (FE) and Project Exporter (PE) under Section 15 (2) of Chapter IV of the Act.
- Power to sanction prosecution for offences and penalties under Sections 24 and 25 of the Act, to CBI or State Police Departments.
- Power to search, seize and detain persons/conveyance, etc. just as conferred to an officer of Customs under the Customs Act, 1962.
- Power to prescribe any return, record or register for the RAs and inspect the same as well at their office under Section 36 of the Act.
- Power of Civil Court under Section 37 of the Act.
- Power to perform all or any of the functions assigned to any Protector of Emigrants under Section 3 (4) of the Act.

In all the above functions the PGE is assisted by 10 field officers also known as the Protector of Emigrants (POEs).

2.2 On being asked to furnish a detailed note on the role of Protector General of Emigrants (PGE) in monitoring the emigration activities in India, Ministry of External Affairs (MEA) in their written replies submitted as under:

"The Emigration Act, 1983, which came into effect from 30<sup>th</sup> December, 1983 embodies the guidelines enunciated by the Supreme Court of India in its judgment dated 20.03.1979 (Kanga Vs. Union of Indian & Others) and provides a regulatory framework in respect of safe emigration of Indian workers for overseas employment and seeks to safeguard their interests, and ensure their protection and welfare. The Act provides for:

1. Duties of Protectors of Emigrants – Sections 3 and 4.
2. Regulation of activities of Recruiting Agents – Sections 9 to Section 14.
3. Direct recruitment by Foreign Employers – Sections 15 to Section 21.
4. Mandatory Emigration Clearance (EC) – Sections 22.
5. Emigration offences and penalties – Sections 24 to Section-26.
6. Power to exempt certain countries or employers – Section 41.

Procedural safeguards have been provided under the law for protection of emigrants. The Act regulates recruitment for overseas employment and departure of the intending emigrants from India. It provides for penalties against offences. The operational matters relating to emigration, the provision of emigration services to emigrants and the enforcement of Emigration Act, 1983 are administered by the Protector General of Emigrants (PGE) through 10 Regional Protector of Emigrants (PoE) offices. The PGE is a statutory authority under the Emigration Act who is responsible for the welfare and protection of emigrant workers who fall in the ECR category. He also oversees the administration and functional aspects of the ten field offices of the Protectors of Emigrants (PoEs). The Emigration Act, 1983 (Section 10) requires that those who wish to recruit Indian citizens for employment abroad shall register themselves with the registering authority, i.e., the Protector General of Emigrants (PGE). The fee prescribed under Rule (7) (2) for registration is Rs.25,000/-. Initially, the Registration Certificate (RC) is valid for a period of five years. Any Indian intending to obtain a registration certificate for overseas recruitment activities can apply online on [emigrate.gov.in](http://emigrate.gov.in). The applicant is required to deposit Bank Guarantee for an amount of Rs. Fifty lakhs on being found eligible for grant of Registration Certificate. The criteria laid down for issuing Registration Certificate includes antecedent verification of the applicant and office premises by the appropriate Police Authorities, applicant should possess qualification of bachelor's degree or two years diploma or equivalent from a recognized university or institute, minimum 50 Sq. Meter area for the office premises, financial soundness etc. The registration of Recruiting Agents under the Emigration Act, 1983, commenced from January, 1984, and as on 21.05.2018, there are presently about **1611 active recruiting agents**. Major concentration of Recruiting Agents is at Mumbai, Delhi, Chennai and Kerala."

**2.3 The Committee note that consequent to the enactment of the Emigration Act, 1983, w.e.f 30th December, 1983, the Protector General of Emigrants (PGE) is the authority responsible for protecting and**

**safeguarding the interests of Indian workers proceeding abroad for employment, as well as a registering authority to issue Registration Certificate (RC) to the Recruitment Agent (RA) for overseas manpower exporting business. At present 1611 active recruiting agents from Delhi, Mumbai, Chennai and Kerala, which are registered with PGE. While applauding the work of the PGE, the Committee cannot but contemplate the enormity of the task at hand. Being of the considered opinion that a lot needs to be done for safeguarding the interest of the vulnerable blue collar workers both in India, as well as overseas, the Committee cannot but stress upon the pivotal role to be played by PGE so that they are ever ready to safeguard the interests of emigrant India workers at all times. They, therefore, recommend that the PGE adopt a pro-active approach and use all available resources *i.e.* human and technological, to ensure safety and security of migrant India workers especially in the Emigration Check Required (ECR) Countries.**

## **II. NEED FOR MULTI AGENCY INTERACTION AND COLLABORATION AT CENTRAL LEVEL AND STATE LEVEL**

2.4 Being moved by the plight of vulnerable Indian women workers, the Committee had decided to take up the subject 'Overseas Employment of Women Workers Including Nurses and Maids - Issues and Regulatory Framework'. However on perusing the Background Note furnished by the Ministry of Labour and Employment, the Committee were concerned to note that while Ministry of Labour and Employment have a plethora of welfare programmes for domestic women workforce, they have not catered at all to the welfare of emigrant women workers.

2.5 This fact though glaring was further evident during the course of a briefing meeting when the Secretary, Labour & Employment submitted as under:

"Basically, the Overseas Indian Affairs Department, a long time ago, was a part of the Ministry of Labour and Employment. It is now under the Ministry of External Affairs. While we take care of the workers in our country, as far as the international emigrants are concerned, we have one particular area on this regarding the social security in the organised sector. When members who are with the EPFO go outside to work, we have signed agreement with 18 countries wherein in the foreign country they do not have to pay social security in that particular country but can continue to contribute to our EPF and the benefits will keep accruing to them. The same thing applies to those countries' citizens who are coming to India for working here. The rest of it is all managed by the Ministry of External Affairs. So, I would intervene if and when other issues arise."

2.6 The same saga continued during the course of oral evidence when the representative of Ministry of Labour & Employment stated that he had nothing to add because most of the questions which were raised by the hon'ble Members related to the Ministry of Overseas.

2.7 On being asked as to whether Ministry of External Affairs has any tie up with the Ministry of Labour & Employment for overseas employment. The Ministry responded as under:

"The Ministry of External Affairs (MEA) is the nodal Ministry for safety, security and welfare of the Indian emigrant workers and framing rules and regulations for overseas employment. However, MEA does not have any tie up with Ministry of Labour & Employment at present. MEA seeks inputs from different Ministries as and when issues arise in overseas employment such as Ministry of Shipping for overseas deployment of Seafarers etc."

2.8 The Committee further desired to know about any tie-up with any other Central Ministry for the overall betterment and skill up gradation of Indians seeking overseas employment with particular reference to ECR countries. In response, the Ministry stated as under:

"A Memorandum of Understanding (MoU) was signed on July 2, 2016 between the Ministry of External Affairs and the Ministry of Skill

Development and Entrepreneurship (MSDE) for implementation of the Pravasi Kaushal Vikas Yojana (PKVY). The scheme aims at enhancing the skills set of potential emigrant workers in select sectors and job roles, in line with international standards, to facilitate overseas employment. The initial focus of the scheme is on sectors that are in demand in Emigration Check Required Countries (ECR countries) including domestic workers, drivers and construction workers. Subsequently, the scheme will be expanded to cover other parts of the world."

2.9 When the Committee drew the attention of the Ministry on educating migrant workers on the existing Labour Laws in the Country of their potential employment, the following was submitted:

“डिस्टिनेशन कंट्रीज के लेबर लॉज के बारे में भी आपने मुद्दा उठाया है, तो इसमें हम उन डिस्टिनेशन कंट्रीज के साथ लेबर एग्रीमेंट कर रहे हैं, जिसके तहत वे देश इसकी जिम्मेदारी ले लें कि हमारे यहां से जो बंधु और बहनें जाती हैं, उनकी सुरक्षा और कल्याण के लिए प्रोविजन करें, इसके लिए हमने सभी देशों के साथ एग्रीमेंट किया है।

वहां की जो सरकारें हैं, वे भी हमारे साथ मिलकर काम कर रही है। एक इश्यु मिनिमम वेज का था। जैसे मिनिमम वेज दस हजार रुपये और कम ज्यादा दस या पन्द्रह प्रतिशत, ताकि हमारा लेबर वहां कम्पीटीटिव हो और भारत में जितना मिलता है, उससे कम न मिले। यहां से जाने से पहले उसने जो कर्जा लिया है या उसके जो कमिटमेंट्स हैं, उसकी पूर्ति करने में सुविधा हो। एल्लीगल ब्रैकेट में जो लोग हैं, उन्हें दस लाख, पन्द्रह लाख रुपए की बैंक गारंटी लेकर क्या भेजने की इजाजत दे दें, जिससे कि ये सभी लोग हमारे सिस्टम में आ जाएंगे। अगर ये एक बार सिस्टम में आ जाएं तो इन पर निगरानी रखना आसान होगा। हम कोशिश करेंगे कि हर मुद्दे का कुछ न कुछ समाधान निकले।”

2.10 The Ministry also impressed upon the need for setting up a Cell for emigrant workers in all States and appoint a Nodal Officer who would be in constant touch with Ministry of External Affairs officials round the Clock.

2.11 Commenting on the issue of involving State Governments, the representative stated as under:

“हमारा एक कैम्पन है, इसके बारे में राज्य सरकारों को बता कर, कुछ फिल्म थियेटर्स में दिखाने की कोशिश की है। बेसिक दो-तीन मुद्दे हैं कि पासपोर्ट और अन्य कागजातों की एक प्रति घर पर रख कर जाइए। वहां जाते ही एम्बेसी से संपर्क करें क्योंकि हमारी यह भी घो-ना रही है कि 'परदेश में आपका दोस्त, भारतीय दूतावास', हमने उसका भी एक नया कैम्पेन चलाया है। विदेश में

जाने के बाद आपकी हर गुत्थी को एम्बैसी सुलझा सकती है, इसलिए उनके साथ काम करना जरूरी है। माननीय सांसद भी अपने चुनाव क्षेत्रों में, विशेष-कर अपघात प्रवण क्षेत्र, जैसे कि तेलंगाना के दो-तीन जिले हैं, जहां महिलाओं की इलीगल ट्रैफिकिंग बहुत होती है, हमने वहां कैम्पेन किया है। अगर माननीय सांसद बोलेंगे तो उसका बहुत असर होगा।”

## 2.12 Regarding data on ECR and ECNR, it was submitted as under:

"Many years ago, when the subject was handled in the Ministry of Labour, there was a view that every country's data should be captured and it should be available so that we know who is going where, particularly if it pertains to women. This list was scrutinised by a Committee of Secretaries and the Government had decided to prune this list because we did not simply have the mechanism to collect the data worldwide. There were only 18 countries which were selected to be designated as ECR countries because it was found at that point of time that the labour laws operating in those countries were not strong enough to protect. The Government felt that it is necessary at least in these 18 countries where there is a lot of migration of Indian workers we must bring them under MOU; we must also have the complete data, only ECR category workers data will be captured. I do not have the wherewithal to collect data of ECNR passport holders. However, because of request coming and our data management and collection of statistics, hon. Minister of External Affairs took a meeting with the Director IB, Chief of NIA and Home Secretary in May this year. We said that we require the data – you are also talking about the data not being available - with effect from June 2016 the MHA itself has started sharing their data. They are not sharing it on line but it is happening off line. We have got data up to July 2017. Today we say 3.20 lakh emigrants have gone out of the country in the last 12 months, 19 lakh ECNR passport holders have gone out to these 18 ECR countries. So, the data base and the collection of data process has already commenced. We cannot say that we are only collecting ECR data, we are also getting this data from MHA. We will be in a position to give this data for other categories – how many went on tourist visa, how many went on employment visa, we have two portals in

operation since 2014 – e-migrate; we are now going to register even the ECNR passport holder - before they travel they will be required to fill a one page form, either on internet or through their mobile through an application which is under development, giving basic data what is their profession, where are they going, which country are they travelling and who will be their employer. This idea is to capture more and more data so that we are in a position to reach out to them, should they be in distress; and also this data will be useful for better policy formulation in the days to come."

2.13 On being asked by the Committee to furnish a detailed note on Pravasi Kaushal Vikas Yojana (PKVY) highlighting its mission/ objectives/modus operandi and its impact, the Ministry replied as under:

"A Memorandum of Understanding (MoU) was signed on July 2, 2016 between the Ministry of External Affairs and the Ministry of Skill Development and Entrepreneurship (MSDE) for implementation of the Pravasi Kaushal Vikas Yojana (PKVY). The scheme aims at enhancing the skills set of potential emigrant workers in select sectors and job roles, in line with international standards, to facilitate overseas employment. The initial focus of the scheme is on sectors that are in demand in Emigration Check Required Countries (ECR countries) including domestic workers, drivers and construction workers. Subsequently, the scheme will be expanded to cover other parts of the world.

The Scheme includes Domain training (technical top up) and certification benchmarked to international standards (MSDE's responsibility) and Pre Departure Orientation including language and soft-skill training modules (MEA's responsibility) for migrant workers. National Skill Development Corporation (NSDC) is the implementation partner. As part of the scheme, India International Skills Centers (IISCs) have been set up in various parts of the country to exclusively focus on skilling, assessment and qualifications that are internationally acceptable. In the pilot phase, 16 centers have been launched across various sectors including Domestic Workers, Retail, Tourism & Hospitality, Capital Goods, Healthcare, Construction, Automotive and Security. Around 500 candidates are enrolled in these Centres. Presently, MSDE is in process of reviewing the IISCs.

Pre-Departure Orientation Training is aimed at sensitizing prospective emigrants on safe and legal migration and in terms of culture, language, traditions and local rules and regulations of the destination country. India Centre for Migration (ICM) that serves as a research think-tank of the MEA on all issues related to international migration has also brought out a comprehensive Pre-Departure Orientation Training (PDOT) Manual in collaboration with International Organization for Migration. The Manual has been translated into Hindi and Telugu languages as well. Apart from the Manual, Handbooks on Pre-departure orientation have also been developed, both for general category and women migrant workers. Pre-departure training/ Training of the Trainers (ToT) programmes have also been organized. In addition, one-day Pre Departure Orientation Training (PDOT) Program as part of the Pravasi Kaushal Vikas Yojana, has also been rolled out in Mumbai and New Delhi on a pilot basis in two Centres each for the workers going to the Gulf region from the beginning of this year. It seems to be developing as a success story. Over 10,000 prospective emigrant workers have been imparted PDOT till May 18, 2018. MEA is working towards scaling up this program to other major departure points notably, Hyderabad, Chennai, Kochi and Lucknow."

2.14 The Committee were further informed that as per the MoU signed between the two ministries, the roles defined for each ministry are as follows:

"Ministry of Skill Development & Entrepreneurship:

- i. Make available the database of people who are skilled and certified through NSDC/SSC; NCVT, Apprenticeships, or any other database of skilled candidates of any government skill training programme available with MSDE to identify potential emigrants for linkage with recruitment agencies and/or foreign employers
- ii. Candidates enrolled in PMKVY will indicate whether they would like to seek overseas employment opportunities. Other ministries/departments implementing skill development programmes may also be encouraged to seek the same information. This would help in identifying potential emigrants to be considered for coverage under PKVY.
- iii. Shortlist training institutes who have competencies and are willing to provide technical top up training, from the MSDE's network of training partners/institutions in the key States/regions identified by MEA for top up training PKVY, in order to cater to the high



demand of overseas employment in these areas. Some of these training centres may be required to have residential facilities. MSDE may enlist additional training centres for the purpose, if required.

- iv. Ensure in collaboration with MEA that skill training, assessment and certification under PMKVY, and other similar schemes, for the purposes of overseas employment are aligned to the standards acceptable in the destination countries concerned.
- v. Assist Steering Committee in monitoring the progress of the PKVY.

#### Ministry of External Affairs

- i. Facilitate mobilization of individuals for Pre Departure Orientation Training (PDOT) training under PKVY and share data of overseas skill requirements wherever feasible.
- ii. Identify the key job roles and destination countries for overseas migration.
- iii. Identify the key states/regions in India from where people migrate for overseas employment.
- iv. Allocate budget for implementation on PKVY including advocacy and marketing of the scheme, advertisement (press and social media), top up training and training of the trainers for the top up training. The entire cost for the top up training and training of trainers for the top up training will be borne by MEA under PKVY, and will be transferred to National Skill Development Fund (NSDF) for execution of PKVY scheme through MSDE and its agencies.
- v. MEA will develop training modules for PDOT and corresponding Training of Trainers programmes, for PKVY in collaboration with MSDE and its agencies/institutions."

2.15 Asked to furnish a detailed note on the PDOT in regard to the various Emigration Check Required (ECR) Countries, the Ministry of Skill Development & Entrepreneurship replied as under:

"Given the need to orient potential migrant workers with regards to language, culture, do's and don'ts in the destination country, the emigration process and welfare measures, and PDOT program has been launched. Ministry of External Affairs (MEA) in collaboration with Ministry of Skill Development and Entrepreneurship (MSDE) is conducting the PDOT program. NSDC is the implementing agency for this program.

A longer, 160 hours PDOT program is offered at all IISCs which consists of country orientation, language and digital literacy. A shorter, one day

PDOT program is offered to all migrant workers who are likely to depart soon and register for the training through registered recruitment agents.

Both versions of the PDOT program are delivered by trainers who have undergone Training of Trainers (ToT) program organized by MEA. So far, 52 trainers from existing IISCs and NSDC Training Partners have undergone the ToT.

The one-day PDOT program was piloted in 2 locations of Bombay and Delhi each and commenced on 10th January 2018. Since inception, over 8,000 candidates have received training (as of 15th April 2018) under One-Day PDOT Program. In the near future, this program is expected to be scaled up to include four more locations namely Hyderabad, Cochin, Chennai and Lucknow."

2.16 During the course of oral deposition before the Committee on 24.05.2018, the representative of the Ministry of External Affairs informed the Committee about the benefits of Pre-Departure Orientation programme for semi- skilled and blue collared workers going for overseas employment.

"I will focus on what are the new opportunities that are available for us. हमारी विदेश मंत्री जी का भी इस ओर काफी ध्यान रहता है। हमारा फोकस अभी भी लो और सेमी-स्किल्ड वर्कर्स की स्किलिंग पर है, ताकि उनका वेलफेयर और प्रोटेक्शन आदि अच्छे से हो सके। गल्फ में दिक्कतें हैं, फिर भी गल्फ में हमारे नंबर इस बार भी बढ़े हैं। आज जब हम यहाँ बात कर रहे हैं, तो इस समय हमारे 90 लाख लोग जी.सी.सी. कंट्रीज़ में हैं। हमने वहाँ एम.एस.डी.ई. के साथ एम.ओ.यू. कर के प्रवासी कौशल विकास योजना की शुरुआत की है। इसमें हमारा फोकस इसी पर है कि इसमें उन प्रोफेशंस को लिया जाए, जिनको ज़्यादा से ज़्यादा इंडियंस अपनाते हैं। लो और सेमी-स्किल्ड, ब्लू कॉलर वर्कर्स की ज़्यादा प्रॉब्लम्स आती हैं। इसके लिए हमने तीन सैक्टर्स प्रायॉरिटाइज़ किए हैं - इसमें कंस्ट्रक्शन वर्कर्स, ड्राइवर्स और डॉमेस्टिक वर्कर्स हैं। हमने देखा है कि इनकी ही सब से ज़्यादा डिमांड होती है और सब से ज़्यादा समस्याएं भी इन्हीं की आती हैं। इस स्कीम के ब्रॉडली दो कंपोनेंट्स हैं – पहला कंपोनेंट टैक्निकल ट्रेनिंग देने का है। उसे एम.एस.डी.ई. देख रहा है। इसका दूसरा कंपोनेंट कुछ सॉफ्ट स्किल्स बढ़ाना है। We call it Pre-Departure Orientation Training, जिसके तहत उन्हें कुछ रूल्स और रिस्पॉन्सिबिलिटीज़ बता दिए जाएं, जब वे वर्कर्स विदेशों में जाएं। यह काम पी डॉट एम.ई.ए. का है। पी डॉट एम.ई.ए. में हमने बड़ा ही कॉम्प्रेहेंसिव मैनुअल बनाया है। इंडिया सेंटर फॉर माइग्रेशन के नाम से हमारा एक थिंक टैंक भी है। वह आई.ओ.एम. और यू.एन. के साथ भी कोलैब्रेट करता है। हमने यह कॉम्प्रेहेंसिव मैनुअल सन् 2016 के एंड में बना लिया था। उसके बेसिस पर हमने ट्रेनिंग स्टार्ट कर दी है। यह ट्रेनिंग आई.आई.एस.टी. में भी हो रही है। इसके लिए इस साल की शुरुआत से हमने पायलेट बेसिस पर चार सेंटर्स लिए हैं, क्योंकि यह काम तो चल ही रहा है, लेकिन इसके अलावा हमने सोचा कि जो वर्कर्स वहाँ जा रहे हैं, कम से कम उन्हें एक दिन का पी.डॉट देना शुरू किया जाए। इस ड्यूरेशन को एक दिन का इसलिए रखना पड़ा, क्योंकि हमारे ज़्यादातर वर्कर्स दिल्ली और मुंबई से आते हैं। दिल्ली और मुंबई - इन दोनों जगहों पर

वर्कर्स को सब से बड़ी समस्या यह आती है कि उनके पास रहने के लिए कोई जगह नहीं होती है। इस कारण हमने यह प्रोग्राम सिर्फ एक दिन के लिए ही वर्क-आउट किया। मुंबई में हमारे दो सैंटर्स हैं - जिनमें से एक हमारा अपना विदेश भवन है और दूसरा एस.मैक्स. का सैंटर है। इसी प्रकार दिल्ली में भी हमारे दो सैंटर्स हैं। इसके नतीजे काफी अच्छे आए हैं। शुरू के चार महीनों में ही हमने वहाँ लगभग दस हजार लोगों को भेज दिया है। इसके साथ ही हमने इस पर भी फोकस किया है कि हम किस प्रकार नए मार्केट्स आईडेंटिफाई करें, जहाँ हमारी स्क्वड और लोअर स्क्वड मैनपावर जा सके। इस दिशा में भी हम कार्य कर रहे हैं। हम स्क्वड मैनपावर को स्क्वड दे सकते हैं, लेकिन इसके लिए यह ज़रूरी है कि वे मार्केट्स भी हमारे लिए ओपन होने चाहिए। इस साल मार्च के हमने अपना पहला कॉम्प्रेहेंसिव एग्रीमेंट फ्राँस के साथ साइन किया। इसका नाम माइग्रेशन एंड मोबिलिटी कॉम्प्रेहेंसिव पार्टनरशिप एग्रीमेंट है। इस एग्रीमेंट में वीजा फैसिलिटेशन भी है। हमारे जो स्टूडेंट्स मास्टर्स एंड अबव करने के लिए विदेशों में जा रहे हैं, उन्हें दो साल के लिए एक्सटेंडिड रेसिडेंशियल परमिट्स भी दिए जाएंगे। जिन कंपनियों का वहाँ इस्टैब्लिशमेंट है, उनका भी वीजा फैसिलिटेशन होगा। So, it is a big step by itself. अब हम इसे बाकी ई.यू. कंट्रीज के साथ रैप्लिकेट करने की कोशिश कर रहे हैं। इसके अलावा हमारे जितने भी मिशनर्स और पोस्ट्स हैं, उनके साथ हमने एक सर्वे किया, जिसके तहत हमने उनसे कहा कि - आप गैप्स आईडेंटिफाई कीजिए। Also, identify what are the skills and demands. इस डेटा को हमने एम.एस.डी.ई. के साथ शेयर भी किया है। ब्रॉडली, हम इन दो डायरेक्शंस में काम कर रहे हैं। जहाँ तक प्रवासी कौशल विकास योजना की बात है, उसमें ई.एम. खुद भी काफी इंटरैस्ट ले रही हैं। इस संबंध में 17 अप्रैल को ई.एम. और एम.एस.डी.ई. मिनिस्टर धर्मेन्द्र प्रधान जी की अध्यक्षता में एक हाई-लेवल मीटिंग हुई थी, जिसमें उन्होंने पूरी प्रक्रिया की समीक्षा की और फर्दर निर्देश दिए कि इसे कैसे और सुदृढ़ किया जाना चाहिए।

मिनिस्ट्री ऑफ स्क्वड डेवलपमेंट ने जो प्रेजेंटेशन दिया है, उसमें उन्होंने काफी डिटेल् में इन सभी विषयों को छूने का प्रयास किया है, जिनके तहत हमारे देश का लेबर विदेशों में जाकर काम करेगा। इसमें उन्होंने बताया है कि विदेश में काम के लिए जाने वाले कामगारों की किस प्रकार की तैयारी होनी चाहिए। मिनिस्ट्री ऑफ एक्सटर्नल अफेयर्स का अपना अलग काम है। अब से पहले, जब तक मिनिस्ट्री ऑफ स्क्वड डेवलपमेंट का फॉर्मेशन नहीं हुआ था, तब तक स्क्वड डेवलपमेंट करना और कामगारों को तैयार करना और विदेश की कंडीशंस के बारे में जानकारी देना - ये दोनों काम मिनिस्ट्री ऑफ एक्सटर्नल अफेयर्स करती थी। अब luckily हमारी कंट्री में स्क्वड डेवलपमेंट की एक अलग मिनिस्ट्री बन गई है। अब यह मिनिस्ट्री अपने स्तर पर आदमी में हुनर बढ़ाने हेतु सर्टिफिकेशन का काम, उनकी ट्रेनिंग का काम और स्पेसिफिकली उस क्षेत्र की जानकारी देने का काम करती है, जहाँ वह आदमी जाकर काम करने वाला है।"

2.17 In response to the Committee's specific query as to whether the Ministry of Labour & Employment should be involved in PDOT as they deal with all kinds of labour and labour laws, the Ministry of Skill Development & Entrepreneurship stated:

"The Pre-Departure Orientation Training (PDOT) aims at enhancing soft skills of potential emigrants in terms of culture, language, traditions and local rules and regulations of the destination countries. They are also

briefed about the Indian regulatory framework for overseas employment and Schemes for their welfare and protection. This does not relate to Indian labour laws."

2.18 On being asked by the Committee to furnish details of the 9000 trainees including their profession and country of employment, the Ministry of Skill Development & Entrepreneurship responded as under:

"The mobilization and registration of candidates is done by registered recruitment agents. Details such as profession and country of employment are not captured on the registration portal currently. Ministry of External Affairs to add further".

2.19 The Committee desired to be furnished details of Emigration clearance granted by each of the 10 Protector of Emigrant Offices during the last five years. In response the Ministry of External Affairs stated as under:

"Emigration Clearance granted to ECR passport holder Indian workers, PoE-wise, during the last five years

<b>Sl. No.</b>	<b>Name of PoEs</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
1	Delhi	150115	125190	185632	101000	62536
2	Chandigarh	116682	56862	36815	30317	44294
3	Jaipur	50704	56271	47573	31957	13205
4	Rae Beily	12100	21984	16468	18937	7068
5	Hyderabad	62745	77726	48760	39006	41839
6	Cochin	21864	26923	24079	16932	12392
7	Trivandrum	6400	8501	18772	8872	2453
8	Mumbai	368281	391368	353591	231609	170787
9	Chennai	20941	30463	41665	27491	26567
10	Kolkata	9869	9717	10797	14817	9883
<b>TOTAL</b>		<b>819701</b>	<b>805005</b>	<b>784152</b>	<b>520938</b>	<b>391024</b>

2.20 The Committee asked about the rationale for a mere one day PDOT and the short time frame to fine tune the desired soft-skills of the workers embarking on overseas employment. In response the Ministry of Skill Development & Entrepreneurship has stated as under:

"1 day PDOT was conceptualized and initiated on request of MEA and was targeted for the migrant workers who are about to depart from

country for overseas employment. Due to very limited time such migrant workers have before leaving the country, it was decided to initiate a one-day PDOT program.

MEA to comment further".

2.21 The Committee desired to know from the Ministry of Skill Development & Entrepreneurship about their observation on qualitative benefits of the PDOT on workers since its inception in comparison to those workers who went abroad prior to the commencement of PDOT, as well as details of those workers who have been trained under PMKVY and PKVY eligible for the PDOT. The Ministry of Skill Development & Entrepreneurship submitted as under:

"PDOT is aimed at empowering the migrant workers and to equip them to navigate effectively through the new environment of a foreign country.

While no comparison has been made to identify any qualitative benefits, it is difficult to comment on the qualitative benefits as it is just been 5 months since the training has commenced.

...All migrant workers who are departing the country are eligible for enrolling in one-day PDOT program. Registration and mobilization of the candidates is done by Recruitment Agents registered with MEA."

2.22 When asked further by the Committee to furnish the selection criteria for any institute to be selected for imparting PDOT program, the number of institutes etc., the Ministry of Skill Development & Entrepreneurship replied as under:

"As requested by MEA, the primary criteria was to set up one-day PDOT training centres in major ports of departure where maximum ECR migration is observed, i.e. cities such as Delhi & Mumbai. Apart from the location criterion, other factors such as infrastructure capability, availability of trained trainers, accessibility of the centres via public transportation were also taken into consideration.

Since it was pilot, four NSDC partner institutes which met the above-mentioned criteria were selected for the testing the one-day PDOT program.

In order to test the capability of the training centres and robustness of the training programme, only 4 centres were initially selected. Moreover,

the mobilization of candidates through the recruitment agents was being tried for the first time and hence there was a certain level of uncertainty in the operational model. Therefore, it was suggested by MEA to initially test the concept only in four locations. However, in the near future, there are plans to set up similar centres in four other “ports of departure” - Hyderabad, Cochin, Chennai and Lucknow”.

2.23 When asked to furnish the details of the awareness generation programmes conducted by Ministry of Skill Development & Entrepreneurship and Ministry of External Affairs for PDOT and also to provide details of training imparted by each of the institutes, along with details of training staff and number of trainees, the Ministry of Skill Development & Entrepreneurship responded as follows:

"The mobilization and registration is done by MEA registered Recruitment agents and the candidates are then directed to the respective training centre.

<b>PDOT Centre</b>	<b>Location</b>	<b>Capacity</b>	<b>Trained</b>	<b>% Utilization</b>
Mumbai-Videsh Bhavan-A	Mumbai	5200	3204	62%
Mumbai-ASMACS SKILL-B	Mumbai	7125	4516	63%
Don Bosco Technical Institute-A	Delhi	4150	1324	32%
Orion Edutech-B	Delhi	5170	379	7%
<b>Total</b>		<b>21645</b>	<b>9423</b>	<b>43%</b>

DO Training Staff details:

<b>PDOT Centre</b>	<b>Location</b>	<b>Location Start date</b>	<b>Trainers</b>
Mumbai-Videsh Bhavan-A	Mumbai	10-Jan-18	1
Mumbai-ASMACS SKILL-B	Mumbai	10-Jan-18	1
Don Bosco Technical Institute-A	Delhi	29-Jan-18	2
Orion Edutech-B	Delhi	29-Jan-18	2

2.24 The Committee desired to be apprised about the challenges being encountered in implementation of one-day PDOT. In their response, the Ministry of Skill Development & Entrepreneurship submitted as under:

"Challenges faced in implementation of one-day PDOT

- Uncertainty in the number and scheduling of candidates due to which centre infrastructure remains under-utilized
- Verification of candidates and monitoring
- PDOT content not concise enough; Hindi version created but translation into other vernacular languages required
- Certificate generation and distribution is hampered due to lack of digital signatures from signing authorities

Other challenges where better coordination and support is required:

- Sharing of up-to-date, granular migration data for better planning – *declining ECR numbers and lack of ECNR data make it tough to make future projections*
- Technology support and integration of e-migrate with PDOT portal and NSDC SDMS for effective scale up
- Strengthening of technology platform to include verification of candidates and enhance monitoring of program eg. Link with passport/aadhar database
- Linking IISC candidates with Recruitment Agents and Overseas Employers for enhancing placements"

2.25 The Ministry of Skill Development also informed the Committee on the Action Plan of both MEA and MSDE to launch and implement PKVY for potential migratory workforce in select sectors:

- "District level data is being compiled by MEA to map the source districts and in demand job roles
- Based on the locations (districts) and job roles, NSDC is identifying training partners with the requisite infrastructure and capacity for training
- Operational plan including training standards, assessment & certification, mobilization through recruitment agents is being finalized"

2.26 The Committee asked to know whether MSDE and MEA observed any impact of PDOT on enhancing the employment prospects of Indian workers in the overseas market and especially in the ECR Countries, in response the Ministry of Skill Development & Entrepreneurship stated that this issue pertains to the Ministry of External Affairs:

2.27 The Committee desired to know whether MSDE have any institute/s that provides skill training and certification benchmarked to international standards and if so, to furnish State-wise details of such institute/s along with the various streams in which training is provided, number of people trained as well as those employed overseas after successful completion of training. In response the Ministry stated as under:

"IISCs are set up to provide domain training on training on transnational standards.

Below are the details of IISC centres.

In the pilot phase, 16 IISCs have been operationalized across 9 job roles in 8 sectors: Domestic Workers, Retail, Tourism & Hospitality, Capital Goods, Healthcare, Construction, Automotive and Security; 538\* students enrolled in 22 batches. Till Date, 106 candidates have received employment with domestic employers. Below is the details and progress on **international placements**:

- 1 student from General Mason, Maharajganj, has been provisionally matched to employer in Dubai.
- 2 students from General Mason, Kolkata, have been placed in Dubai.
- 4 students from General Mason batch, Kolkata have been provisionally matched to employer in Qatar.
- 1 student from Domestic Worker batch, Ranchi has been placed in Singapore

Sr. No.	IISC Name	Job Role	Location	State	No. of Batches	No. of students enrolled
1	Quivan Skills	Mason General	Maharajganj	Uttar Pradesh	3	76
2	Orion Edutech	General Duty Assistant	Varanasi	Uttar Pradesh	1	11
3	Synchro Serve	F&B Steward	Hyderabad	Telangana	1	28
4	Force 10 Protection	Unarmed Security Guard	Ernakulam	Kerala	1	13
5	Empower Pragati	Sales Associate	Allahabad	Uttar Pradesh	1	30
		F&B Steward	Allahabad		1	30



6	Mahendra Skills	Retail Sales Associate	Lucknow	Uttar Pradesh	1	30
7	Labournet	General Mason	Gorakhpur	Uttar Pradesh	1	30
8	Prayas JAC	General Housekeeper	Ranchi	Bihar	2	60
9	IL&FS Skills	Commercial Vehicle Driver	Ajmer,	Rajasthan	1	25
10	Quivan HTTC	General Mason	Kolkata	West Bengal	1	12
11	Moti Babu Institute	General Mason	Forbesganj, Araria,	Bihar	1	20
		MIG Welder			1	15
12	Quivan Institute	MIG Welder	North 24, Parganas,	West Bengal	2	38
13	ERAM Skills	MIG Welder	Ernakulum	Kerala	1	30
		Electrical Foreman			1	30
14	Gulf Enterprises	General Mason	Kutch	Gujarat	1	30
15	GM Shiptech	General Mason	Chennai	Tamil nadu	1	30
16	Mecton	Electrical Foreman	Chennai	Tamil nadu	1	Training Yet to be started

**2.28 During the course of the detailed examination of the subject, the Committee observed that the Ministry of Labour & Employment is the nodal department for protecting and safeguarding interests of workers and hence has a mandate for safeguarding the interests of India Emigrant Workers. On their part, the Ministry of External Affairs claim to be the nodal Ministry for safety, security and**

welfare of Indian emigrant workers, framing rules/regulations for overseas employment. The Committee note that at present the Ministry of External Affairs does not have any tie up with the Ministry of Labour & Employment on the issue of overseas emigrant workers. Not at all satisfied at the prevalent state of affairs, the Committee feel that the Ministry of External Affairs and the Ministry of Labour & Employment need to come together on the issue of protection and security of emigrant Indian workers, including women. They are also of the opinion that the Ministry of Labour & Employment should be the nodal Ministry for educating workers seeking overseas employment about details of the prevalent labour laws, social security laws as well as minimum wages prevalent in a particular country. The Indian Missions/Posts in various Countries can facilitate the process owing to the locations in various Countries. The Committee, therefore, recommend that the Ministry of External Affairs and the Ministry of Labour & Employment must work together on this vital aspect urgently by setting up a Joint Committee of both the Ministries which can be co-chaired/alternatively chaired by the Secretaries of both the Ministries and should comprise of members from all line Ministries/Departments/Organisations viz. Ministry of Skill

**Development & Entrepreneurship, Ministry of Home Affairs, State Governments, etc. The progress achieved herein may be reported to the Committee.**

**2.29 The Committee note that the Ministry of External Affairs has complete details of Emigration Check Required (ECR) category workers for the 18 ECR countries. However, it came out during oral evidence that the Ministry of External Affairs are not in possession of any data of Indians going to these nations on Tourist Visas and then overstaying illegally and seeking employment in these countries. Also, Ministry of External Affairs have no details of those Indian citizens visiting these 18 ECR countries or any other country, who are holders of Emigration Check Not Required (ECNR) as details of ECNR Passport Holders going abroad falls under the domain of the Ministry of Home Affairs. Also, lack of adequate co-ordination between the Ministry of External Affairs and Ministry of Home Affairs further aggravates the issue. In the unfortunate event of any Indian citizen staying on illegally in a foreign nation and meeting some misfortune, the Ministry of External Affairs is not in the position to promptly extend help to that particular Indian citizen due to lack of details. The Committee feel that the time has finally dawned for establishing close cooperation between the**

**Ministry of External Affairs and Ministry of Home Affairs in terms of sharing details of ECR and ECNR passport holders going abroad, either for employment or tourism. The Committee desire that this issue be dealt with the requisite alacrity so that online and offline data sharing between Ministry of External Affairs and Ministry of Home Affairs on ECR and ECNR passport holders visiting abroad is available in real time. This would not only address the issue of persons overstaying on tourist visas to obtain employment but would also enable the Ministry of External Affairs to come to the rescue of stranded Indian workers abroad at the earliest.**

**2.30 The Committee are in complete agreement with the suggestion of the Ministry of External Affairs that there is an urgent need for setting up a cell for emigrant workers in all States/UTs and appointment of a Nodal Officer who would be in constant touch with officials of Ministry of External Affairs 24x7. If this is accomplished, it would not only ensure better co-ordination between States/UTs and the Ministry of External Affairs, but would ultimately benefit the blue collar Indian emigrant workers as all their details would be passed on by their respective State Government to the Ministry of External Affairs. The Committee are also of the firm opinion that this cell should insist upon all emigrant workers to deposit a copy of**

**their passports alongwith the details of their overseas employer with this nodal agency, as well as keep a similar copy at home with their family members/relatives. Further, the State nodal agency should impress upon all emigrant workers of their State/UT to contact the Indian embassy upon their arrival in their country of employment and contact the embassy officials once in two months, so that the embassy is kept abreast about their latest employment details and in case of any emergency, swiftly come to their aid. The Committee, therefore, recommend that immediate action be taken to issue necessary advisory in order to ensure that the said nodal agency is set up in all States/UTs at the earliest. They further desire to be apprised of the progress achieved in this regard.**

**2.31 The Committee express their satisfaction on noting that the Ministry of External Affairs has signed a Memorandum of Understanding on 2nd July, 2016, with the Ministry of Skill Development and Entrepreneurship for implementation of the Pravasi Kaushal Vikas Yojana (PKVY). This scheme aims at enhancing the skill set of potential emigrant workers in select sectors and job roles in line with international standards to facilitate overseas employment. The initial focus of the Scheme is on sectors that are in demand in ECR countries i.e. domestic**

workers, drivers and construction workers. Subsequently, the scheme will be expanded. The Committee, also note that under Pravasi Kaushal Vikas Yojana (PKVY), the role of Ministry of Skill Development & Entrepreneurship is technical top up i.e. domain training and certification, benchmarked to international standards. The responsibility of Ministry of External Affairs is Pre-Departure Orientation which includes language and soft-skill training modules for migrant workers. Also, National Skill Development Corporation (NSDC) is the implementation partner. While appreciating the novel initiative of both the Ministries to enhance the overall employment quotient of the migrant Indian worker, the Committee desire that both Ministries should strive hard in this endeavour so that Pravasi Kaushal Vikas Yojana (PKVY) is successful in achieving its mandate.

2.32 The Committee note that under Pravasi Kaushal Vikas Yojana (PKVY), Sixteen India International Skill Centres (IISCs) have been set up on a pilot basis in various parts of the Country. These centres exclusively focus on skilling, assessment and qualifications that are internationally acceptable. Training is imparted in various sectors including domestic workers, retail, tourism and hospitality, capital goods, healthcare, construction, automotive and security. As per the figures furnished to the Committee, about 538 candidates have been

imparted training in the fifteen centres as one centre is not functional. However, the extremely low rate of international placement i.e. 8 candidates from the 538 candidates is cause of concern to the Committee, as in the year 2017, around 3.91 lakh Indians were granted Emigration Clearance to work in the ECR countries. This yawning gap between number of Indian migrant workers granted emigration clearance to work in ECR countries viz-a-viz candidates imparted training in IISCs and then receiving international placement is one which needs to be addressed. The figures clearly reveal that majority of the potential migrant workers are still not aware of the existence of IISCs and the qualitative improvement that it is likely to bring in their job prospect. The Committee, therefore, exhort upon the Ministry of External Affairs and Ministry of Skill Development & Entrepreneurship to work upon this lacunae in real earnest, as to ensure that not only the number of candidates imparted training by IISCs witnesses a quantum increase, but also the international placement of IISC pass outs increases. They also desire that an action plan be formulated at the earliest and the Committee be apprised of the same.

**2.33** In regard to one day Pre-Departure Orientation Training (PDOT) programme, the Committee have been informed that Ministry of

**External Affairs alongwith Ministry of Skill Development & Entrepreneurship launched the same as the need was felt to orient potential migrant workers with regards to language, culture, do's and don'ts in the destination country. The one day PDOT programme was piloted in 2 locations of Bombay and Delhi each and since its inception on 10th January, 2018, training has been imparted to over 8,000 candidates. However, one glaring omission which came to the notice of the Committee was that the Ministry of Labour & Employment was not made a party to PDOT by the Ministry of External Affairs. Expressing their surprise at this omission, they desire that Ministry of External Affairs also involve Ministry of Labour & Employment for imparting training on the labour laws of the 18 ECR countries especially with regard to Minimum wages, social security and hours of work, etc., at the earliest.**

**2.34 The Committee also recommend that the duration of training imparted under PDOT be increased to atleast 3 days so that the less educated blue collar workers are able to fully comprehend and grasp the contents of this training in a phased manner, as well as they do not suffer from information overload as is the present case scenario in one day PDOT.**



**2.35 The Committee desire that PDOT be imparted to all Indian migrant workers who have been given Emigration Clearance to work in ECR countries. Further, the contents of the training should be imparted in a vernacular medium, so as to facilitate easy comprehension and maximum information absorption by the candidates of the PDOT.**

## Chapter-III

### OVERSEAS EMPLOYMENT OF WOMEN WORKERS INCLUDING NURSES AND MAIDS - ISSUES AND REGULATORY FRAMEWORK

#### REGULATORY FRAMEWORK

Responding to a query regarding detail of total number of women migrants working in different countries alongwith details of job categories, MEA in their written replies submitted as under:

"Presently this Ministry captures data in respect of ECR passport holding Indians, including women, going to 18 ECR countries for employment through the e-Migrate portal. Data in respect of emigrants going to other countries is not maintained by the Ministry of External Affairs. However, all the Indian Missions/Posts were requested to provide information in respect of total number of women emigrants in their respective countries. Information from more than 100 Missions/Posts has been received, most of them have submitted 'NIL' information as they do not have any mechanism to collect or maintain such data and the local authorities also do not share data due to privacy issues of the emigrants. Moreover, the Indian emigrants are not required to register themselves in the Mission/Posts on arrival in the destination countries. However, the information received, so far, is given in **Annexure-I**. In this context, the Hon'ble Committee is informed that recently the Ministry has started mandatory registration of Non- ECR passport holding Indian emigrants going to 18 ECR countries for employment purposes, on pilot basis. During the pilot phase no off-loading will be undertaken, but after the pilot phase such emigrants going to the notified countries on employment visa, without registration, will be off-loaded. In future this initiative may be replicated for all the countries."

3.2 The Committee were informed by the Ministry of External Affairs that it has been reported by our Missions/Posts abroad that complaints have been received from Indian emigrant women workers regarding non-payment/delayed payment of salaries, excess working hours, inadequate living and working conditions, non-payment of over time allowance for extra working hours, weekly holidays, working for longer hours, refusal to grant exit/entry permits for visit to India, incidences of confinement, refusal to allow the worker on final exit visa after completion of their contracts and non-providing medical and insurance facilities etc.

3.3 When queried on the total number of complaints received by the concerned government authority from emigrant workers worldwide alongwith details of follow up action, the Ministry stated as under:

"The Indian Mission/Posts particularly in the Emigration Check Required (ECR) countries including Gulf Countries have reported that complaints have been received from Indian workers, including women workers, regarding non-payment of salaries and denial of legitimate labour rights and benefits such as non-issuance/renewal of residence permits, non payment of overtime Allowance, weekly holidays, longer working hours, refusal to grant exit/re-entry permits for visit to India, refusal to allow the worker on final exit visa after completion of their contracts and non-provision of medical and insurance facilities etc. Incidents of confinement, abandoning of housemaids by their sponsors have also been reported. All the Indian Missions/Posts were requested to provide information, involving women, in this regard. Information from more than 100 Missions/Posts have been received and most of them have submitted 'NIL' information. The same is tabulated in **Annexure-I**."

3.4 On the above-mentioned issue, during the course of a briefing meeting, the representative of the Ministry of External Affairs submitted as under:

"A large number of Indians go abroad for employment which include both blue collared, unskilled or skilled workers as well as highly qualified professionals. In the Gulf alone we have 8.5 million. They are primarily blue collared workers. These blue collared workers go to the Gulf region where most of the countries still do not have defined labour laws. As you know, these are not democracies where people can easily exercise their rights. It is in these countries that the illiterate Indian workers are vulnerable to exploitation and harassment."

3.5 He further stated that there are 18 countries mainly in the Gulf region and Malaysia which have been categorised as 'Emigration Check Required' or ECR countries. Having regard to the immigrant protection of welfare in various countries, the Government regulates emigration of ECR category passport holders going for employment in any of these 18 ECR countries. The female workers going to the ECR countries are all the more vulnerable to harassment, exploitation and abuse. Therefore, welfare and protection of Indian female workers in ECR countries is one of the focus areas of the Ministry of External Affairs.

3.6 Clarifying further, he stated that for ensuring protection of migrant workers, we have initiated what is called, 'Go safe, go trained, and go with confidence'.

3.7 On being queried about complaints regarding human trafficking particularly women, Ministry of External Affairs submitted that as complaints are coming about human trafficking and women trafficking to us, we are regularly referring them to CBI. Under the CBI Manual, it is the CBI which has to check human trafficking. Anyone emigrating illegally is being trafficked. We are regularly taking up such matters. In the last one year till date, 58 cases have been referred to CBI and another two have gone just last week. So, we are checking it regularly.

3.8 During the course of his oral deposition before the Committee, the representative of the Ministry of External Affairs informed the Committee about the prevalence of a dual visa system. The Ministry of External Affairs further clarified the issue of use of double visa by stating that "it is not actually as if the same country issues two different visas to the same person i.e. "Tourist" and "Employment" visas. The fact is that the maid/emigrant travels on "Tourist" visa to one country and has an "Employment" visa of another neighbouring country in his/her bag and it is this "Employment" visa, which the maid/emigrant affixes on her/his passport after boarding the flight to the country of her/his final destination for employment. Another way to by pass the system is to travel on "tourist" visa to a country and then get it converted to an "Employment" visa there in the destination country."

"Ever since we have tightened the grip on agents sending, they are now going on tourist visa. They are having two visas. One is in their pocket or in their bag and one is affixed on the passport. On the passport, they are traveling in tourist visa saying we are going to visit my brother, my relative or somebody and they go. So the emigration officers are allowing them to go; whereas on suspicion the Bureau of Immigration officers are empowered to check the hand baggage. When the hand baggage is checked, they are having employment visa for housemaid in a neighbouring country, which is not correct. They cannot have an employment visa. So, we have written to these countries, their missions not

to issue two visas for one person. But, because visa grant is a sovereign issue for those countries, we are not able to get a positive response that for the same person two visas are available."

3.9 He further stated that the ladies who are going as housemaids, they are having ECR passports, that is, their education is 10th class and below. So, they are issued ECR passport. But, even on ECR passport, if they travel on a tourist visa, then they are permitted to travel, whereas in their bag is the employment visa and inside the flight they are pasting it on the passport and when they exit out of the airport in Saudi Arabia or wherever they reach, they show that visa and go in. In addition, the ladies who are 50 and above, they are automatically treated as ECNR passport category. If they are income tax payees also, they are holding ECNR. These two routes, one is tourist visa route and one is ECNR route, have been going on.

3.10 When Committee asked to furnish instance/s of emigrant worker being issued dual Visas by any of the ECR countries, if any, measures being taken to tackle the issue of double Visa holders before their departure from the territory of India during the last five years. The Ministry submitted as under:

"The Ministry does not come across any such cases directly. However, some cases are reported by the Bureau of Immigration (BoI) where unscrupulous agents manage to obtain tourist visas of one country and employment visas for another neighbouring country. The emigrant departs on tourist/visit visa and affixes employment/work visas before reaching destination country, thus bypassing the safety net of Emigration Clearance of Ministry of External Affairs and also not taking benefit of the Insurance Scheme (PBBY) available to ECR workers. The illegal agents use this modus operandi to send gullible Indian workers to ECR countries via some third country or also directly on tourist visa, only to circumvent the need for emigration clearance. The Ministry also takes up the issue of conversion of tourist visa to work visa in the various Joint Working Group (JWG) meetings held with the ECR countries regularly. Besides, the Ministry in its Media Campaign programme advises the intending emigrants to take up overseas employment only through registered RAs and that too only on employment visa. Through Videsh Sampark programme the State Governments are also sensitised to act against the illegal recruiting agents in the State. In the Pre-Departure Orientation Training given to

the migrant workers, these facts are emphasised, that they should not travel in 'Tourist Visa' for employment purposes."

**3.11 The Committee note that Indian women are primarily employed in the ECR countries either in the capacity of Domestic Service Workers (DSW) or as Nurses. They are also aware that women domestic workers are particularly vulnerable to exploitation in these countries where welfare and security of migrant workers is generally weak. In particular, women travelling to 18 ECR countries on a non ECNR visa are the most prone to exploitation. However, the Committee are concerned to note that while the Ministry of External Affairs agree that exploitation of Indian migrant workers takes place, data furnished by their hundred odd Missions/Post largely points to a 'Nil' figure on this aspect. The Committee express their serious concern over the cause of safety and security of migrant Indian women workers, especially the ones seeking employment as domestic helps and housemaids and recommend that Ministry of External Affairs in conjunction with other agencies work towards a system which sensitises the Missions/Posts on the matter concerning safety and security of Indian women workers working abroad.**

**3.12 The Committee note that of late there have been many instances of complaints regarding human trafficking, particularly women. In the last one year 58 such cases have been referred to the Central Bureau of Investigation (CBI), as it is the mandated agency to check human trafficking. Deeply concerned at this inhumane practice, the Committee**

**desire that stringent measures be put into place for putting an early end to this malaise. They, further desire that Ministry of External Affairs obtain the details of the progress achieved by the CBI in the 58 reported cases of human trafficking and furnish the same to the Committee.**

**3.13 Another issue which is a cause of concern to the Committee is the flouting of norms by unscrupulous agents who in order to make a quick buck are circumventing the rules governing employment of housemaids in the 18 ECR countries. Having realised that strict norms have been put in place in form of ECR column in the passport of such potential candidates, these agents are using the route of tourist Visa/ECNR thereby jeopardizing the safety and security of these vulnerable women workers. In their endeavour, they have also been successful in gaining tacit help from the consular section of these 18 ECR nations. This has lead to the strange use of dual visas. While departing India, the emigrant workers get their tourist visa stamped by emigration officials and on arrival at their destination, they paste their employment visa of a neighbouring country before reaching there for employment purpose. However, when they encounter any exploitation or ill-treatment/harassment at the hands of their employers, they have nowhere to go and no-one to seek help from. However, the Committee, laud the Ministry of External Affairs for their pro-active measure, wherein they have started mandatory registration of non-ECR passport holding Indian emigrants going to 18 ECR countries for employment purposes, on a pilot basis. The Committee desired to be**

**apprised of the progress achieved herein and desire that it be made fully operational at the earliest. The Committee are sanguine, that if correctly executed, this would help to contain the menace of dual visa system and thereby ensure the safety and security of Indian women working as housemaids in these countries.**

## **II. REMEDIAL ACTION**

3.14 Responding to a specific query on action initiated by Ministry of External Affairs on detection of an instance of dual visa at an airport, it was informed as follows:

"The Bureau of Immigration' check is there. The moment they come there and they are having a suspicion, they are offloaded. In fact, my PoE, Mumbai will bear me out. He travels more to the airport to check this thing which happens mostly in the night flights going to the Gulf countries. We are offloading such people."

3.15 On being queried by the Committee as to how the Ministry of External Affairs was able to rescue Indian maids who emigrated under dual visa and then subsequently encountered problems, it was stated as follows:

"Those who have gone after taking emigration clearance, there is no problem with them. We are able to immediately rescue them, repatriate them and bring them back and also penalize those people who are engaged in sending them. But in these two categories, firstly our missions do not know who is their employer. We have no data. Secondly, we do not know where they are located. In many of embassies in the GCC countries, we are having shelter homes for women in distress. So, they are somehow able to find their way to the embassy, housed in the shelter home, repatriated back using the funds of the Indian Community Welfare Fund (ICWF), plus the embassy is also issuing them a white passport which is called the emergency certificate. These are the measures in place to rescue them. More than 100 have come in and we find that they never went through the EC route; they went on tourist visa route. This is also testified by our missions there because the moment we get a reference from any emigrant or their relative that I am in distress, my mobile number is this, we have 24x7 call centres which



operate in five to seven Indian languages in Sharjah, Jeddah, Riyadh and Dubai and also one in Malaysia in Kuala Lumpur. So the emigrant can also talk to them 24x7 and tell that this is the problem. Many of the emigrants are conveying this through their relatives who are back in India. Similarly, in New Delhi, in Akbar Bhawan, we have another 24x7 call centre where in eight different languages calls are received round the clock".

3.16 The Committee were assured by the representative of Ministry of External Affairs that the Government will make every effort to bring those people back or give them necessary protection including shelter, food and medical assistance in those countries on a need basis. To safeguard the interest of Indian workers, particularly female workers, MEA reviews the processes from time to time including at the level of the Minister of External Affairs.

3.17 Elaborating on the role of Ministry of External Affairs the unfortunate cases of death of an Indian citizen abroad, the Committee were informed as under:

“कोई भी व्यक्ति चाहे वह लीगल या इल्लीगल तरीके से जाए, अगर उसकी मृत्यु हो जाती है तो जैसे ही खबर एम्बेसी को मिलती है, अगर उनका फ्युनरल हो चुका है तो उनकी मॉर्टल रिमेन्स भारत में लाने के लिए विदेश मंत्रालय मदद करता है और पैसा भी देता है। अगर डेड बॉडी है तो एम्बेसी के खर्चे पर अस्पताल में हमारे अधिकारी द्वारा नेगोशिएशन करके, फार्मैल्टीज़ पूरी करके वापिस लाने का प्रावधान है। यह जरूर देखा जाता है कि वह व्यक्ति नीडी है या नहीं, नीडी है तो शतप्रतिशत मदद की जाती है, अगर नीडी नहीं है तो आर्थिक मदद छोड़कर सब तरह की अन्य मदद की जाती है जैसे कागजातों की पूर्ति करनी होती है, एयरपोर्ट में बताना होता है, सूचना दी जाती है। जब से माननीय सु-मा जी ने कार्यभार संभाला है, वे इन मामलों में व्यक्तिगत रूप से रुचि लेती हैं और समाधान करती हैं। इसी तरह से एम्बेसियों को निर्देश चले गए हैं कि कोई भी भारतीय व्यक्ति किसी भी दुविधा को लेकर आपके पास पहुंचे तो उसकी मदद करना आपका कर्तव्य है। दूतावास में भी बहुत अच्छी तरह से काम हो रहा है।

मैं आपको बताना चाहता हूं कि अलग स्कीमों के तहत करीब 90,000 से ज्यादा लोगों को राहत पहुंचाई है और लगभग 1,90,000 लोगों को मंत्रालय ने सहायता अलग-अलग तरीके से दी है, इसमें शैल्टर, मेडिकल असिस्टेंस, महिलाओं को कानूनी सहायता आदि का प्रावधान है।”

3.18 When asked by the Committee to furnish the prescribed a lower and upper age limit for overseas employment, the Ministry of External Affairs stated as under:

"While there is no general stipulation of lower or upper age limit for overseas employment, age restriction of 30 years has been made mandatory in respect of all women emigrants (Except Nurses) emigrating on ECR passports to ECR countries irrespective of nature/category of employment. Since the actual selection/deployment of emigrants for overseas employment is subject to successful clearance of different health/medical checks prescribed by different countries, this Ministry did not consider it proper to stop any fit and eligible aspiring person from seeking overseas employment on the basis of any age criteria".

3.19 On being asked to furnish the number of Recruiting Agents (RAs) as on date and as to how many RAs have been issued Registration Certificate during the last 3 years alongwith Protector of Emigration wise details with effect from 1st January, 2018, the Ministry of External Affairs furnished the following information:

<b>Sl.No.</b>	<b>Name of States</b>	<b>Numbers RAs as on 21.5.2018</b>
1	Andhra Pradesh	13
2	Bihar	2
3	Chandigarh	15
4	Delhi	222
5	Goa	9
6	Gujarat	13
7	Haryana	11
8	Jammu & Kashmir	3
9	Jharkhand	1
10	Karnataka	16
11	Kerala	210
12	Maharashtra	739
13	Orissa	2
14	Punjab	55
15	Rajasthan	36
16	Tamil Nadu	167
17	Telengana	45
18	Uttar Pradesh	25
19	Uttarakhand	1
20	West Bengal	26
<b>TOTAL</b>		<b>1611</b>

During the year 2015, 2016 and 2017, 91, 174 and 66 online Registration Certificates have been issued respectively. Registration Certificates are not granted by the Protectors of Emigrants (PoEs), but are processed online and granted centrally by the Protector General of Emigrants (PGE)."

3.20 When the Committee asked to furnish the criteria laid down by the Ministry of External Affairs for inspection of Recruitment Agencies. The Ministry submitted as under:

As per Section 10 of the Emigration Act (Terms and conditions of the Certificate), certain records are prescribed for maintenance by the RAs for inspection by the Protectors of Emigrants (PoEs) and Protector General of Emigrants (PGE). The PoEs or any other officer authorized by the PGE, i.e. the Registering Authority, inspects the office premises of the RAs, alongwith the records of emigration/emigrants, generally at the time of renewal of RCs only. Detailed guidelines for PoEs for such inspections and the formats for inspection reports have been prescribed by the Ministry with a view to maintain uniformity and minimize the scope of arbitrariness on part of the inspecting officers. The detailed criteria laid down for inspection of RAs are given at **Annexure-II**.

3.21 The Committee desired to know whether any monitoring mechanism has been put in place by the Ministry of External Affairs to check the functioning of selected RAs. The Ministry stated as under:

e-Migrate provides MEA, a comprehensive and online database of emigrants, Recruiting Agents, Foreign Employers to make the whole emigration cycle faster and authentication of credentials of above mentioned stakeholders quicker. Comprehensive database also detects any RA/foreign employers with complaint cases pending against them and alerts POE officials at the time of granting clearances of new recruitment by/for them. Every grievance logged into the e-Migrate system is allocated in the name of the concerned jurisdictional PoE/Indian Mission for taking it up with the concerned RA/FE for immediate resolution. All pending grievances are regularly monitored, including escalation to higher levels, till finally resolved. As part of this process, Show Cause Notices (SCNs) are issued to the RAs who fail to respond in time to the grievances pending against them. In case of non-redressal of grievances, RA is suspended from the system and not permitted to recruit any fresh candidate till he resolves pending grievance. Performances of RAs are also monitored through analysis of online monthly reports filed by them. With a view to monitor the overall

performance of all registered RAs on a number of parameters including number of Emigration Clearances obtained, fulfilment of demand, grievance received & resolved, number of suspensions (if any), updation of the website, Monthly Return submission, Foreign Exchange earned etc., and to facilitate the aspiring emigrants to take an informed decision while selection an RA, the Ministry has also started rating of RAs. This rating system is also likely to promote good and ethical business practices amongst the registered RAs. About 600 RAs have been assessed so far on these criteria and have been given ratings based on percentage scores.

3.22 When queried about any instance/s of RAs found indulging in the business of illegal migration, the Ministry of External Affairs *vide* their written submission stated as under:

"The Ministry has not come across any instance/s of registered Recruiting Agents (RAs) indulging in the business of illegal migration. Any recruiting activities without a valid certificate from PGE tantamount to illegal migration as also human trafficking. Such cases of illegal agents fall within the jurisdiction of State Governments. As and when a complaint relating to human trafficking reported to the Ministry, the same is referred to the Central Bureau of Investigation for taking action in the matter and the State Law enforcing authorities from where illegal recruitment/human trafficking has taken place are also sensitized and details of such agents sent to all State Governments. Since the registered Recruiting Agents are mandated to function within the laid down framework as per the Emigration Act 1983, and the rules framed thereunder, their recruitment related activities do not fall within the definition of illegal migration. No specific instances of involvement of RAs in illegal migration have come to the notice of this Ministry in the recent years."

3.23 On the issue of action taken against Recruitment Agencies (RAs) who are involved in the racket of facilitating illegal emigration, it was stated as under:

महोदय, अगर एजेंट रजिस्टर्ड है, जिसे आरए बोलते हैं यानी रिक्रूटिंग एजेंट है तो तुरंत 50 लाख की बैंक गारंटी खारिज कर देते हैं। एक्सपलेनेशन मांगते हैं और अगर एक्सपलेनेशन अधूरा है तो लाइसेंस रिन्यु नहीं करते हैं। अगर एजेंट रिकोग्नाइज नहीं है, इल्लिगल है तो तुरंत राज्य सरकार को चिट्ठी लिखते हैं कि इसे प्रोसीक्यूट कीजिए। रजिस्टर्ड है तो भी अगर गलत साबित होता है तो पूरे सबूत के साथ पूरी डिटेल्ड राज्य सरकार को भेजते हैं। यहां थोड़ी दिक्कत आती है क्योंकि कन्विकशन रेट कम होता है, एफआईआर रजिस्टर राज्य सरकार को बताने के बाद भी नहीं होती है। दूसरी बात है कि तेलंगाना और आंध्र प्रदेश में काफी तेजी से काम हो रहा है, यहां कन्विकशन

रेट थोड़ा बढ़ रहा है लेकिन अन्य राज्यों में कॉन्लीकेटिड है। राज्य के साथ हमने संपर्क बनाया है और पुलिस को इसमें एंगेज कर रहे हैं।

3.24 During the course of tendering oral evidence before the Committee on this issue, the representatives further stated that the Ministry of External Affairs have been, time and again, sensitizing the State Governments. Two meetings have been held and another one is planned shortly at the Minister level with all the 29 State NRI Ministers here in Delhi with a purpose of sensitizing them. Since law and order is a State subject, they need to capture the illegal agents. We are able to discipline and take action against the legal agents. This has resulted in some action in some States. States, which did not hitherto have a Department for migrant workers, have started it.

3.25 He further submitted that "the Ministry were also sharing the details of the persons who are indulging in this kind of illegal migration. We are regularly writing to the State Governments and sensitising them on how to catch hold of illegal agents. We are sensitising them about who is a legal agent and who is an illegal agent. We have had four such sessions in Kerala, Maharashtra and Telangana and one is going to take place in Rajasthan followed by UP".

3.26 Continuing further, it was informed that "Ministry of External Affairs has referred complaints about illegal agents working in the State Governments, seeking help of the State Police to catch hold of them. They are in various Stages of prosecution. We do need the help of the State Government, without which we cannot curb the menace of illegal migration because these are the people who are not within our control or domain directly. We have to move to them only with the help of the State Government Police. Basically, we are sensitizing the policemen. We are saying that you please go, catch hold of them and arrest them. There are people who have been arrested and investigations are going on and it is done on a continuous basis".

3.27 On being queried as to whether the issue of dual/double visas were being taken up with the respective countries, it was submitted by the Ministry of

External Affairs that in the past too, this was taken up and will be taken up most promptly so that these countries, which are issuing double visas, can be prevented from doing so, especially where visas to women are concerned.

3.28 The Committee were further informed as follows:

"Ministry of External Affairs has written to those countries requesting their missions not to issue two visas for one person. But, because visa grant is a sovereign issue for those countries, we are not able to get a positive response that for the same person two visas are available. Secondly, we have already in position a Memorandum of Understanding with many of the Gulf countries and the 18 ECR countries where we have provided for safeguards which the Government must extend. The Government of that country should be in a position to report the violation of any of the employment terms of contract".

**3.29 The Committee have been informed by the Ministry of External Affairs that those women workers who have taken the ECR route for employment as domestic maids and had the misfortune of encountering problems on job were located, rescued and repatriated by the Ministry of External Affairs, as their details were readily available. However, in the case of women who emigrated under dual visa and subsequently encountered problems, the Ministry of External Affairs could not come to their rescue speedily, due to lack of details, as they were not registered on the e-Migrate portal. In some cases, by the time Ministry of External Affairs was finally able to trace those women in distress, they were beyond help. While empathizing with these victims, the Committee are of the firm opinion that this issue needs a two pronged strategy i.e. at domestic and international level. At the domestic level, a foolproof mechanism needs to be put in place urgently, which would take stringent action**

against recruiting agencies including in the practice of illegal emigration of women. Secondly, before departure a thorough check of the documents must be carried out to bring out cases of dual visas and lastly, Ministry of Labour & Employment and Ministry of External Affairs must create awareness amongst all potential emigrant workers that for their own safety and security, they must go through proper channel, i.e. the ECR route, so as to go to their chosen nation of work with confidence and a sense of security. In this regard, the Committee would like to draw attention to the campaign initiated by the Ministry of External Affairs in the State of Telangana for educating the potential overseas workers about taking necessary precautions before leaving India and contacting Indian Missions/Embassies in the countries where they are employed. They, therefore, desire that such efforts must be replicated in the States of Uttar Pradesh, Bihar, Tamil Nadu and all other States from where women workers emigrate in large numbers. On the diplomatic front, the Committee desire that the Ministry of External Affairs must engage in a serious and continuous dialogue with the concerned 18 ECR countries and impress upon them the need to do away with the alleged malpractice of issuance of double visas. The sooner this malpractice is put to an end, it would be mutually beneficial for all the concerned parties. The Committee desire that the Ministry of External Affairs initiate a prompt and affirmative action on their suggestion and apprise them of the progress achieved herein.

**3.30 Keeping in view the vulnerability of Indian women employed as domestic help in the 18 ECR countries, the Committee desire that the Ministry of External Affairs in consultation with the Ministry of Labour & Employment fix an upper age limit for women who wish to seek employment as Domestic Service worker in the ECR countries. This so, as the Committee have noted that at present only a lower age limit of 30 years has been prescribed and in the absence of a prescribed upper age limit, the same is liable for exploitation by unscrupulous agents.**

**3.31 The Committee note that as informed by the Ministry of External Affairs that it has not come across any instance/s of Registered Recruiting Agents (RAs) indulging in the business of illegal emigration. However, the Committee opine that the role played by unregistered agents cannot be afforded to be overlooked. These unregistered agents are the ones who are indulging in the malpractice of illegal immigration. Expressing serious concern at the prevalent state of affairs, the Committee recommend that the Ministry of External Affairs along-with the concerned State Governments/UT Administrations take speedy and cogent measures to control this malaise at the earliest. They further desire that the law enforcement agencies at Central and State level play a proactive role herein, so as to catch the culprits and ensure that stringent provisions of Indian Penal Code (IPC) and Code of Criminal Procedure (CRPC) are slapped on them. In this regard, the setting up of Nodal Agency at State/UT level as earlier recommended by the Committee assumes**



**significance as it would be an important link between the Centre/ State agencies.**

**3.32 The Committee express satisfaction on being informed that MEA has now proposed of easing of norms for Recruiting Agencies in rural areas by lowering the amount of Bank Guarantee to Rs. 8 lakh from Rs. 50 lakh, for urban areas. The Committee are of the considered opinion that this is a welcome step in the right direction, which would firstly encourage people to go for legally approved channel for seeking employment in ECR nations and would also go a long way in effectively tackling the issue of illegal migration through unregistered/ illegal recruiting agents.**

### **III. REGULATORY FRAMEWORK FOR NURSES**

3.33 A regulatory framework for Indian Nurses seeking employment opportunities in foreign countries has been put in place since the year 2015. It is as follows:

- (i) In view of large scale malpractices and corruption in recruitment of nurses for overseas employment in Emigration Check Required (ECR) countries, Emigration Clearance (EC) of Nurses has been made mandatory with effect from 31<sup>st</sup> May, 2015.
- (ii) To facilitate Nurses to emigrate safely, Government has also provided that EC for Nurses, shall be procured only through 6 State Government Recruitment Agencies, namely, Norka Roots, Kerala, Overseas Development and Employment Promotion Consultants (ODEPC), Kerala, Overseas Manpower Corporation Ltd. (OMCL), Tamil Nadu, Overseas Manpower Company Andhra Pradesh Limited (OMCAP), Telangana Overseas Manpower Company Limited (TOMCOM) and Uttar Pradesh Financial Corporation (UPFC).
- (iii) Due to large number of litigations across the country and with a vision to provide a level playing field for private registered Recruitment Agencies

(RA), several private RAs have also been permitted to recruit nurses for Public as well as private Hospitals in Bahrain, Kingdom of Saudi Arabia, Oman, Jordan, Qatar, etc. through issue of “Country Specific Order” subject to acceptance of some additional Terms and Conditions stipulated by the Ministry, to ensure greater safety/welfare of Indian Nurses. With these measures already put in place, it is expected that more and more Indian Nurses would be able to obtain Overseas Employment in future and their safety and welfare will not be compromised in any manner. The data of the Nurses granted Emigration Clearance(EC) during 2015, 2016 and 2017 (Upto 31<sup>st</sup> July, 2017) is as under:

2015 (31.5.2015 to 31.12.2015)	2016	2017 (Upto 31 <sup>st</sup> July, 2017)
197	4858	2135

3.34 When queried about the needs for coming up with a regulatory framework for nurses, the Ministry of External Affairs *vide* their written submission stated as under:

"Erstwhile Ministry of Overseas Indian Affairs (MOIA) had been receiving a number of references/complaints about overcharging by agents for recruitment of nurses. The amounts were in the value of Rs.15-20 lakhs and they were being exploited. The Embassy of India in Kuwait had also drawn attention of MOIA to the malpractices in the recruitment of Indian nurses emigrating to Kuwait, their harassment in the hands of Foreign Employers by way of under payment of wages than the promised ones, being thrown out of employment abruptly by not honouring promised tenure of employment etc. The Government of Kerala also requested that nurses shall be allowed to take up overseas employment only through State run Recruiting Agencies to prevent overcharging and exploitation. The matter was examined in detail and with a view to prevent the exploitation /harassment of nurses, it was considered appropriate to enforce the requirement of emigration clearance, as per the Emigration Act, 1983, for 'nurses' category before proceeding for overseas employment in the ECR Countries. Consequently, vide Order No. OI-11012/10/2013-EP, dated 12/3/2015 and 08.04.2015, the Ministry of Overseas Indian Affairs made it compulsory for nurses seeking employment in the 18 ECR countries (Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, Kingdom of Saudi Arabia, Sudan, South Sudan, Syria, Thailand, United Arab emirates, Yemen) to take emigration clearance from the office of the 10 Protector of Emigrants in Delhi, Kolkata, Chandigarh, Mumbai, Hyderabad, Chennai, Trivandrum, Cochin, Jaipur, Rae Bareli. The Order further restricted the recruitment of nurses for overseas Employment initially through 3 State-run recruiting agencies namely NORKA-ROOTS, ODEPC of Kerala and Overseas Manpower Corporation Ltd., Tamil Nadu. Later on, State Government recruiting agencies from Andhra Pradesh, Telangana and Uttar

Pradesh have also been permitted to recruit nurses for overseas employment in the ECR countries. The Order mentioned above was to be effective from 30.4.2015. After receipt of number of representations, the date of applicability of this order was extended upto 30.5.2015. In the Government Order dated 12.3.2015, there is a provision in para (iv) which provides as under:-

*“Recruitment of Indian Nurses through any other Indian Recruiting Agents (RA) would be allowed for a specific country whenever such a proposal is received from that country, subject to the issue of a country specific order from the Ministry of Overseas Indian Affairs”.*

In pursuance of this para, after the issue of the Order dated 12.3.2016 making emigration clearance for nurses mandatory, around 3500 Indian nurses have taken up employment in the gulf countries through both the channels i.e. State Government RAs and Private RAs - permitted by way of country specific order.

It is submitted that the aforesaid order inter-alia, sought to regulate emigration of nurses with a view to safeguard and protect the Indian Nurses from any kind of exploitation and also for ensuring the welfare of the emigrating nurses. The Government never denied or barred overseas employment to nurses but only sought to regulate their employment in ECR countries in view of huge malpractices in the system."

3.35 Detailing additional measures taken by the Government to control private recruitment agencies for ensuring safety and welfare of emigrant workers, the Ministry informed that to facilitate Nurses to emigrate safely, Government had, initially, also provided that EC for Nurses, shall be procured only through 6 State Government Recruitment Agencies, namely, Norka Roots, Kerala, Overseas Development and Employment Promotion Consultants (ODEPC), Kerala, Overseas Manpower Corporation Ltd. (OMCL), Tamil Nadu, Overseas Manpower Company Andhra Pradesh Limited (OMCAP), Telangana Overseas Manpower Company Limited (TOMCOM) and Uttar Pradesh Financial Corporation (UPFC). Due to large number of litigations across the country and with a vision to provide a level playing field for private registered Recruitment Agencies (RA), several private RAs have also been permitted to recruit nurses for Public as well as private Hospitals in Bahrain, Kingdom of Saudi Arabia, Oman, Jordan, Qatar, etc. through issue of "Country Specific Order" subject to acceptance of some additional Terms and Conditions stipulated by the Ministry, to ensure greater safety/welfare of Indian Nurses. With these

measures already put in place, it is expected that more and more Indian Nurses would be able to obtain Overseas Employment in future and their safety and welfare will not be compromised in any manner. A total of 8549 nurses travelled to the ECR countries as on 31.10.2017 for employment after EC was introduced for Nurses. The Foreign Employer who seeks to recruit Nurses has to register in the e-Migrate system which will be vetted by the Indian Mission/Post in the concerned country. Thereafter the Foreign Employer can raise the demand for Indian Nurses on e-Migrate system with terms and conditions of their employment. No further attestation of demand would be required from the Indian Missions/Posts abroad. All Foreign Employers who wish to recruit Nurses can, at present, send/raise their demand for recruiting Nurses to any of the Indian Recruiting Agents approved by the Ministry, but the permission for recruitment is subject to acceptance of additional safeguards by the FE and the RA concerned. Ever since introduction of the present EC system for Nurses, no major complaints have been received in this Ministry about instances of corruption or exploitation of Indian nurses in any of the 18 countries so far.

3.36 The Ministry of External Affairs also clarified that the idea is not to restrict Indian workers from emigrating abroad but to safeguard their interests in foreign countries which sometimes even require certain restrictions. But the sole objective for any such action is to prevent our workers from any unforeseen situations where they become easy targets of exploitation. Even though the nurses do not fall under the ECR category, the Indian nurses recruitment to ECR countries was specifically brought under immigration clearance as a large number of complaints of malpractices and corruption in recruitment were brought to the notice of the Government. The Government, therefore, initially restricted recruitment of Indian nurses to ECR countries only through the State Government agencies. Private recruitment agents are now permitted to recruit Indian nurses through countries specific order about which we will further explain to you which stipulate additional safeguards for them in the destination countries. The PGE of MEA is responsible for taking all

measures in the overall interest of Indians going on ECR passports to any ECR country for employment. It is the endeavour of the MEA to ensure that all Indian workers, particularly women workers, have a hassle free and trouble free working environment in the destination countries. MEA's digital portal e-migrate is a step in that direction which provides a common platform to foreign employer, recruiting agents, the embassies and the aspiring immigrants. It is a single portal which includes data from the time the labour or the agent ask for permission till he reaches and we are able to monitor the employee and the employer at the destination countries and in case of problems we are able to help them out. Lastly, with the launch of the e-migrate system, the PGE has an online tool to monitor the activities of foreign employers as well recruitment agents in India and take immediate remedial measures in cases of exploitation of Indian workers abroad.

**3.37 The Committee have been informed by the MEA that owing to rampant corruption and large scale malpractices in recruitment of nurses for overseas employment in ECR countries, the Government has undertaken a slew of measures to effectively handle this issue. These are as follows:**

- (i) *w.e.f* 31<sup>st</sup> May, 2015 Emigration Clearance of nurses has been made mandatory;**
- (ii) Emigration Clearance for Nurses shall be procured only through six State Government Agencies;**
- (iii) Private Recruitment Agencies have also been permitted to recruit nurses for Public and Private Hospitals in Bahrain, Saudi Arabia, Oman, Jordan, Qatar etc. through issue of**

**'Country Specific Order' subject to acceptance of some additional terms and conditions stipulated by MEA.**

**The Committee express their satisfaction on noting that consequent to the above measures taken by MEA the number of nurses seeking employment in ECR nations had risen to 8459 as on 31.10.2017. They however, would advise the MEA to be every vigilant on this vital and sensitive issue to ensure that our nurses travel legally to these ECR countries and does not encounter any harassment/ exploitation at the hands of their foreign employers. However, in rare cases of such instances, the MEA should be able to locate and repatriate them at the earliest.**

**While appreciating the decision of MEA permitting Registered Agents to recruit nurses for Public and Private hospitals in the ECR countries against 'Country Specific Order', the Committee desire the Government to increase the number of State Government RAs since potential women candidates, desirous of overseas employment need to undertake long journey to these six Government Recruitment Agencies for completion of all necessary formalities.**

#### **IV. PROVISIONS FOR REDRESSAL OF GRIEVANCES**

3.38 The Ministry of External Affairs in their background note on the subject furnished to the Committee submitted that on receipt of complaints from Indian women workers, the same are immediately referred to the Indian Missions/Posts abroad for taking up by them with the concerned foreign

governments. Complaints pertaining to employment related issues are taken up by the Indian Missions/Posts abroad with the concerned Foreign Employer / Labour Department officials in that country for prompt redressal. In addition, the Ministry has taken several steps and initiatives to safeguard the interests of the Indian nationals, particularly workers in ECR countries which, inter-alia, are as under:

(i) The Government of India has signed Memorandum of Understanding (MoUs) with 6 Gulf countries and Jordan and Malaysia, which provide the institutional framework to comprehensively discuss and review bilateral cooperation in protection and welfare of workers. These MOUs are renewed/ signed afresh from time to time and during this process any modifications are duly considered for inclusion.

(ii) The institutional framework for support and welfare of overseas Indians has been considerably strengthened over the last few years. The Indian Community Welfare Fund (ICWF), the MADAD Portal, e-Migrate system, shelter homes etc. are some of the important mechanisms to expeditiously assist Indian nationals abroad. Shelter Home for distressed Indian nationals have been set up in Bahrain, Kuwait, Malaysia, Qatar, Saudi Arabia and United Arab Emirates. Missions in Gulf countries also conduct Open Houses on regular basis where workers can convey their grievances. There is a mandatory insurance and medical cover under Pravasi Bharatiya Bima Yojna for all Indian workers holding Emigration Check Required (ECR) Passport having Emigration Clearance for going to 18 notified ECR countries for overseas employment. The Yojana has been strengthened for the benefit of such workers.

(iii) Several Missions/Posts abroad are conducting Open House on working days, to provide direct access to workers to convey their grievances. Some Missions/Posts abroad have established 24x7 Helplines and Toll Free Helplines. They have also launched Mobile Applications to enable Indian

workers in Gulf countries to contact respective Indian Missions/Posts abroad when in distress or in emergency situation.

3.39 Elaborating further on the issue, it was informed that normally, grievances in the nature of non-payment of salaries and denial of legitimate labour rights and benefits such as non-issuance/renewal of residence permits, Overtime Allowance, weekly holidays, working for longer hours, refusal to grant exit/recruitment –entry permits for visit to India, refusal to allow the worker on final exit visa after completion of their contracts and not providing medical and insurance facilities etc are reported. Incidents of confinement, abandoning of housemaids by their sponsors have also been reported. Immediately on receipt of a complaint, the Mission/Post takes up the matter with the foreign employer, Indian emigrants as well as local Authorities to settle the matter amicably. In deserving situations, they try to get the workers repatriated by coordinating with concerned Recruiting Agent and the Protector General of Emigrants. Indian Missions and Posts also recommend inclusion of such Foreign Employers in the Prior Approval Category (Black list) based on complaints of maltreatment of Indian emigrants. On the basis of such recommendation, the Ministry places the concerned foreign company in the Prior Approval Category. A foreign company – when included in the Prior Approval Category list – is no longer allowed to recruit workers from India.

The Government of India has set up Indian Community Welfare Fund (ICWF) in all the Indian Missions/consulates abroad to meet contingency expenditure incurred by them for carrying out various welfare activities for overseas Indian citizens who are in distress. The objectives of the ICWF include:-

- (i) Boarding and lodging for distressed Overseas Indians in need;
- (ii) Extending emergency medical care to the Overseas Indians in need;



- (iii) Providing air passage to stranded Overseas Indians in need;
- (iv) Providing initial legal assistance to the Overseas Indians in deserving cases;
- (v) Expenditure on incidentals and for airlifting the mortal remains to India or local cremation/burial of the deceased Overseas Indians in such cases where the sponsor is unable or unwilling to do so as per the contract and the family is unable to meet the cost;
- (vi) Providing the payment of penalties in respect of Indian nationals for illegal stay in the host country where prima facie the worker is not at fault;
- (vii) Providing the payment of small fines/penalties for the release of Indian nationals in jail/detention centre;

There is a 24x7 Helpline 'Overseas Workers Resource Centre (OWRC)' in Akbar Bhawan, New Delhi which provides information and guidance on all matters and problems pertaining to overseas employment of Indian nationals, registering grievances from the emigrants and escalates further for priority redressing. Indian Workers Resource Centre (IWRC) set up in Dubai by Embassy of India, in UAE, provides guidance and counseling on all matters pertaining to overseas Indian workers in UAE. Shelter homes for distressed Indian nationals, have been set up in Malaysia, UAE, Qatar, Kuwait, Bahrain, and Kingdom of Saudi Arabia. These shelter homes provide free boarding and lodging to overseas Indians in distress pending their repatriation.

Government of India have also started 24x7 Helpline-'Madad'- for lodging the grievances of the emigrants, which are attended to on priority basis.

3.40 On the efforts of the Ministry of External Affairs at diplomatic level to ensure safety and well being of emigrant women workers, the Ministry's response was as under:

"The situation of domestic female domestic workers is the most vulnerable as the domestic workers are not covered by the extant labour laws in the GCC countries. The problem is acute *w.r.t.* women travelling on tourist visas and subsequently, getting these visas converted to housemaid / employment visas on arrival at the destination country. They are also susceptible to face violation of contractual conditions since the employer is not registered on e-Migrate and cannot be held accountable.

2. Taking this into account, the Ministry has made emigration clearance of all ECR female workers for overseas employment in 18 ECR countries mandatory through six State run recruiting agencies, viz. NORKA Roots & ODEPC of Kerala, OMCL of Tamil Nadu, UPFC of Uttar Pradesh, OMCAP of Andhra Pradesh and TOMCOM of Telangana. Provision of Bank Guarantee of US \$ 2500 is also compulsory when female workers with ECR Passports are directly recruited by any foreign employer. In its latest instructions of 1<sup>st</sup> September, 2017 by the Ministry, Bank Guarantee of US \$2500 is not required if the recruitment of the domestic workers is done through the six state designated agencies.

3. Indian women workers, specifically female domestic workers approach the Embassy complaining against non-payment of salary, ill-treatment, harassment, withholding of passports, long working hours, non-renewal of visas, non-cancellation of visas etc. Housemaids who had entered the country without following the process of eMigrate and emigration clearance are more vulnerable to such exploitation."

3.41 The Committee enquired about the Country-wise details of complaints been received from migrant workers especially women workers for the last 3 years and also the steps being taken for timely resolution of such problems and whether any Grievance Redressal Mechanism been put in place by the Ministry, the Ministry submitted as under:

"The Indian Missions receive complaints from women workers, particularly female domestic sector workers, on account of poor working conditions, non-payment or delay in payment of salaries and denial of other benefits such as medical facilities, refusal of leave or denial of exit/re-entry permits for visits to India, denial of final exit visas to the workers to return to India after completion of the contract, maltreatment by the employers etc. Incidents of confinement, physical abuse, abandoning of housemaids by their sponsors have also been reported. Most of the complaints pertain to female workers, who do not have proper employment contracts and have migrated illegally, in violation of Government norms for recruitment of ECR workers from India. The table showing number of complaints received by the Indian Missions in Gulf countries from female domestic workers, during the last three years, is as under:

No.	Name of Mission	Number of Complaints received from female Domestic Workers		
		2015	2016	2017
1	Bahrain	11	12	10
2	Kuwait	983	1194	950
3	Kingdom of Saudi Arabia	341	409	527
4	Oman	128	174	235
5	Qatar	372	614	397
6	UAE	136	209	351

The Government has taken several steps to safeguard the interests of Indian female emigrants to the Gulf countries, these are:

- (i) Age restriction of 30 years has been made mandatory in respect of all women emigrants (Except Nurses) emigrating on ECR passports to ECR countries irrespective of nature/category of employment;
- (ii) Since August, 2016, emigration clearance of all female workers having ECR passports, for overseas employment in 18 ECR countries has been made mandatory through six State-run recruiting agencies only. These are NORKA Roots and Overseas Development and Employment Promotion Consultants (ODEPC) of Kerala, Overseas Manpower Corporation Ltd. (OMCL) of Tamil Nadu, Uttar Pradesh Financial Corporation (UPFC) of Uttar Pradesh, Overseas Manpower Company Andhra Pradesh Limited (OMCAP) of Andhra Pradesh and Telangana Overseas Manpower Company Limited (TOMCOM) of Telangana.
- (iii) Every Foreign Employer desirous of directly recruiting a female ECR worker is required to deposit a Bank Guarantee equivalent to US \$2500 in the respective Indian Missions.
- (iv) Embassy attestation has been made mandatory in respect of direct recruitment of all ECR passport holder women workers in respect of all ECR countries;
- (v) For the safety, security and welfare of Indian Domestic Service Workers (DSWs), the Government of India has signed Domestic Service Workers (DSWs) Agreement with Kingdom of Saudi Arabia, January 2014, on Labour Cooperation for Domestic Workers Recruitment.
- (vi) The on-line MADAD portal enables the emigrant workers and their family members to register their consular grievances online and track their redressal.
- (vii) Grievances related to Overseas Employment in notified Emigration Check Required (ECR) countries including gulf countries, can also be logged in directly by emigrants/relatives or through the Overseas Workers Resource Centre (OWRC) on e-Migrate portal. A multi-

- lingual 24X7 Helpline of Overseas Workers Resource Centre (OWRC) in New Delhi provides information, guidance and grievance redressal on all issues and problems pertaining to overseas employment of Indian nationals.
- (viii) Missions in Gulf countries also conduct Open Houses on a regular basis where workers can seek redressal of their grievances.
  - (ix) Missions in Gulf countries have also established 24x7 helplines and Toll Free help lines for the benefit of Indian workers to seek help.
  - (x) Indian Workers Resource Centres (IWRC) have been set up at Dubai (UAE), Sharjah (UAE), Riyadh, Jeddah (Kingdom of Saudi Arabia) and Kuala Lumpur (Malaysia), to provide guidance and counselling on all matters pertaining to overseas Indian workers.
  - (xi) Shelter Homes for distressed Indian nationals including women workers have been set up in Bahrain, Kuwait, Malaysia, Qatar, Saudi Arabia and United Arab Emirates.
  - (xii) Labour and Manpower Cooperation MoUs/Agreements are already in place with the six Gulf Cooperation Council (GCC) countries that provide the institutional framework to comprehensively discuss and review labour related issues.

3.42 The Committee were also furnished details of official mechanism for redressal of grievances of women workers. These are as follows:

**Joint Working Groups.:**

The Joint Working Groups setup under the labour and manpower cooperation MoUs/ Agreements provides a mechanism to review labour welfare and employment related issues. There is a separate Agreement with Kingdom of Saudi Arabia on Domestic Service category workers signed in 2016. In addition, there is regular cooperation between Indian Missions/ Posts with the labour and manpower authorities.

In addition, several administrative and operative measures have been put in place to enhance the protection and welfare of emigrant workers and avoid their exploitation by unscrupulous agents. These include:

**MADAD Portal**

The Ministry has launched an online Consular Grievances Monitoring System, named MADAD, on 21 February 2015, to extend a helping hand to Indians abroad requiring consular assistance. MADAD seeks to address grievances on issues related to workers abuse, recruiting agents, sponsorship and contract issues, repatriation of Indian nationals, tracing whereabouts of Indian nationals, death/injury compensation, transportation of mortal remains of deceased Indian nationals and martial dispute issues. MADAD portal enables online forwarding, filing, tracking and escalation of grievances until their eventual resolution. It allows direct registration of grievances by members of the

public and effective tracking of the entire grievance handling process all the way until the redressal of the grievance. All Indian Missions and Posts abroad have been linked to this portal for consular grievance tracking and follow-up. In addition, the names and contract details of all officers in Missions and Posts abroad are available on their respective websites.

### **e-Migrate**

The e-Migrate project has been rolled out in all Protector of Emigrants (PoE) offices with effect from 25<sup>th</sup> September, 2014. The project is designed for facilitating emigration of ECR category emigrants going to notified countries for employment purpose. The project helps in making the recruitment of workers a smooth process and mitigates the scope for malpractices. E-Migrate provides the Ministry, a comprehensive and online database of emigrants, Missions, Recruiting Agents, Foreign Employers, Insurance Agencies to make the whole emigration cycle faster, transparent and allows authentication/verification of credentials of all the stakeholders.

### **Indian Community Welfare Fund (ICWF)**

Indian Community Welfare Fund (ICWF) scheme has been set up in Indian Missions to enable Missions to meet contingency expenditure incurred by them for carrying out various on-site welfare activities for Overseas Indian Citizens in distress on a means-tested basis. The Fund has been extended to all Missions abroad. The services provided under the Scheme to the distressed Indians, in deserving cases include boarding & lodging for distressed Overseas Indian workers in household/domestic sectors & unskilled labourers, emergency medical care, initial legal help, air passage to stranded Overseas Indians (OI), incidentals & airlifting of mortal remains to India or local cremation/burial of deceased OIs, penalties for illegal stay of OIs in host country where worker is not a fault, small fines/penalties for release of OIs in jail/detention centre etc.

Presently, the scope of activities and arrangements for strengthening the welfare of the overseas Indian community has been revised from 1 September, 2017.

### **Overseas Workers Resource Centre (OWRC)**

The Centre has been operational since 2008 and provides information to intending migrants and overseas workers on all aspects of overseas employment including requirements to obtain a legitimate work permit/visa for employment abroad. A multi-lingual 24 × 7 toll-free helpline is operational by the Centre to disseminate information and provide counseling on issues related to overseas employment.

### **Migrant Resource Centres (MRCs)**

Five Migrant Resource Centres have been set up in Kochi, Hyderabad, Gurgaon, Chennai and Lucknow to provide information and counseling for intending migrants on all aspects related to overseas employment. Functions of MRCs include informing walk-ins about procedure for legal migration and precautions to be taken while migrating; dissemination of status of Recruiting Agents and other service providers; kinds of difficulties that can be faced abroad by potential migrants etc. OWRC is linked to the Migrant Resource Centres (MRCs).

### **Indian Workers Resource Centre (IWRC)**

IWRC have been established and are functional in Jeddah and Riyadh in Saudi Arabia, Sharjah, Dubai and Kuala Lumpur. IWRC are run and managed by professional service provider and provides the following facilities to Indian workers:

- (1) A 24 x 7 helpline number 80046342 (800 -INDIA) with multilingual staffs.
- (2) To receive, register and monitor the grievance petitions received through various channels.
- (3) To arrange legal, financial and psychological counselling session for deserving cases.
- (4) To make persuasive calls to sponsors or Individual for specific cases.
- (5) To refer serious issues to Indian Embassy or Consulate.
- (6) To conduct awareness campaigns on a weekly basis across UAE

### **PravasiBharatiyaBimaYojana (PBBY)**

The PBBY is a mandatory scheme for all ECR category workers going to ECR countries. It covers personal accident covering death and permanent disability. The maximum sum insured under the Policy is Rs. 10 lakhs and also provide limited coverage towards hospitalization, transportation cost of mortal remains based on actuals, repatriation cover for medically unfit, family hospitalization in India, Maternity, attendants and Legal expenses.

The Scheme has revised with additional benefits from 1 September, 2017.

### **Shelter for Female Workers:**

In some Missions, Shelter Homes have been established for welfare issues through providing shelter (boarding and lodging), informally, to runaway housemaids in distress, medical treatment, arranging for their repatriation. Female workers who are stranded and in distress can approach the Embassy at any time, 24x7, and they are accommodated in the shelter and provided all facilities till they are repatriated to India.

**3.43 The Committee note that the MEA has put in place an elaborate mechanism for redressal of grievances faced by emigrant workers in the ECR nations, with special emphasis being made for the women workers these include signing of Memorandum of Understanding with six Gulf Countries, Jordan and Malaysia, creations of Indian Community Welfare Fund, MADA Portal, e-Migrate System, shelter homes, 24x7 Helplines and toll free, Helpline etc. Being of the firm opinion that MEA still needs to do a lot more for grievances redressal of the vulnerable workers especially in the ECR nations, the Committee therefore recommend the following:**

- (i) Augmenting and strengthening of infrastructure as well as manpower of Indian Missions across the globe, especially in the ECR nations, so as to speedily respond to any crisis faced by Indian citizens outside India;**
- (ii) Make it mandatory for all Indians visiting abroad either on ECR or ECNR passport to register themselves with the Indian Mission on arrival in any foreign country; and**
- (iii) In case the period of stay exceeds a month, to report to the Indian Mission atleast once in three months.**

**The Committee further desire that the MEA take positive action on their above-mentioned recommendations and inform them of the progress achieved in this urgent matter at the earliest.**

**New Delhi;  
25<sup>th</sup> July, 2018  
3<sup>rd</sup> Shravana, 1940 (Saka)**

**DR. KIRIT SOMAIYA  
CHAIRPERSON,  
STANDING COMMITTEE ON LABOUR**

## Annexure - I

S.No.	Name of Mission	Number of women workers							Number of complaints		
		Finance/ admn	Software /business	Academic	Medical	DSW/labor	Others	Total	Received	Resolved	Pending
1	Consul General of India, San Francisco							Several thousands of women emigrants	NIL		
2	Afghanistan	1		2	2		13 (11 UN, 2 govt.)	18	NIL		
3	Armenia, Gergia							NIL	NIL		
4	Ashgabat							NIL	NIL		
5	Australia										
6	CGI Sydney							NIL	NIL		
7	CGI Melbourne							NIL	NIL		
8	CGI Perth							not shared by local authority	NIL		
9	Azerbaijan.			1	2			3	NIL		
10	Bangladesh										
11	Dhaka				2 nurses			2	not reported		
12	Chitagong							NIL	NIL		
13	Brazil		Not mentioned						NIL		
14	Sao Paulo							a few women in small busines	NIL		
15	Belgium							485	NIL		
16	Bhutan							no specific data available as it is visa free	NIL		
17	Bulgaria		4	2	4			12	NIL		
18	Barbados, St. Lucia and St. Vincent & Grenadines							NIL	NIL		
19	Brunei Darussalam				49 nurses			49	NIL		
20	Canada										
21	CGI Vancouver							NIL	NIL		
22	EOI Beijing, China							no specific data available	1	1	
23	Consulate General of India, Guagnzhou							2	NIL		
24	Chile	1	3	1				5	NIL		
25	Congendia Hambantota							NIL	NIL		
26	Croatia							NIL	NIL		
27	Cuba							NIL	NA		
28	Cyprus					2217 (mostly women)					
29	CGI Dubai							Not available	967	662	
30	Israel, Tel Aviv							Estimated to	2	1	1



								12500 caregiver, mostly women.			
31	Democratic Republic of Congo, Republic of Congo, Gabon and Central African Republic							NIL	NIL		
32	Denmark, Copenhagen							NA	NIL		
33	Egypt							Not available		2	2
34	Ethiopia							very few but no data available	NIL		
35	Gaborone Batswana							NIL	NIL		
36	Cook Islands, Kiribati, Fiji, Nauru, Tonga, Tuvalu and Vanuatu							NIL	NIL		
37	Finland							NIL	NIL		
38	Eol, Berlin							not available.	NIL		
39	CGI Munich							NIL	NIL		
40	CGI Hamburg							NIL	NIL		
41	Guatemala, El Salvador and Honduras							NIL	NIL		
42	Greece, Athens		30 business			220		250	NIL		
43	Iceland							NIL	NIL		
44	Iran							NIL	NIL		
45	Iraq				23 nurses			23		2	
46	Ireland				4600 Nurses			4600	NIL		
47	CGOI Istanbul	1	2 Journalists		1			4	NIL		
48	CGI Milan							NIL	NIL		
49	Jordan	36 office			88 nurses	02 domestic		126		2	2
50	Kampala							NIL	NIL		
51	Kuwait	16192 (govt sector)				69858	24232 (Pvt Sector) mostly nurses and a small number are teacher, doctor etc.	0		946	
52	Kazakhstan							NIL	NIL		
53	Kenia and Somalia							NIL	NIL		
54	Lebanon							19	NIL		
55	Libya, Tripoli	3 admn		10 teaching	155 nurses/3doctors			171		6	

56												
57	Malawi							30-35	NIL			
58	maldives							No reliable data available	8	8		
59	Mozambiqu/S waziland							No reliable data available	1			
60	Mongolia				2			2	NIL			
61	Malaysia							Not available	1210 (malre+fem ale)			
62	Morocco							NIL	NIL			
63	Namibia							NIL	NIL			
64	Oman							45402	3666 (male+female)			
65	New Zealand							NIL	NIL			
66	Norway							NA	NIL			
67	CGI Jalabad							NIL	NIL			
68	Prague							Local authorities do not share informaton	NIL			
69	Russia							NIL	NIL			
70	EOI Dakar							NIL	NIL			
71	Seychelles							NIL	NIL			
72	Singapore							NIL	very few but sorted out			
73	St Peteberg							NIL	NIL			
74	Qatar							120778 women (workers/residents)	2716	2077	639	
75	Spain							No information	NIL			
76	Slovenia				6			6	NIL			
77	South Africa											
78	Johannesburg							NIL	1	1	0	
79	South Sudan							NIL	NIL			
80	Serbia	1						1	NIL			
81	Syria				1 nurse	10 nuns		11	NIL			
82	Saudi Arabia							273440 (working+non-working)	131			
83	Tajakastan				8			8	NIL			
84	Tunisia							NIL	NIL			
85	Turkey							NIL	NIL			
86	Switzerland, berne							NIL	NIL			
87	Uzbekistan							NIL	NA			
88	CGI Briminghum UK							No authentic data	NIL			
89	Zambia							300-500 (health and teaching)	NIL			
90	Peru and Bolivia							Data not available	2	2		
91	EOI Rome							60491 (working+non-working)	NIL			
92	Ploand and Lithuania							Data not readily available	NIL			
93	Mayanmar							NIL	NIL			
94	Tanzania							NIL	NIL			

## Report on Inspection

S.No.	Particulars	Details
1.	Name of the recruiting agent	
2.	RC Number	
3.	Nature of Agency	
4.	Name of RC Holder	
5.	Nationality of RC holder	
6.	Telephone Number of the agency Fax number of the agency Email address of the agency	
7.	Date of issue of RC	
8.	Date of expiry of validity	
9.	Limit of workers to be recruited	
10.	Office Address of the Agency	
11.	Branch office, if any	

## Compliance of the provisions of Rule 10(ix) of Emigration Rules, 1983

S.No.	Particulars	How far complied
12.	Whether a register of receipt of charges from emigrants recruited, in the form of an original acquittance roll containing the signature of each emigrant from whom the charge has been received, is maintained. Each such register shall be with reference to a demand for recruitment. The register shall be maintained as permanent records;	
13.	Whether a register and records of the amounts and pre-paid Ticket Advices along with their photo copies received from the employers, identified demand-wise, is maintained.	
14.	Whether a register containing details of expenses incurred on the recruitment of emigrants demand-wise supported by documents, is maintained.	
15.	Whether individual folder for each employer whose demands of labour, the holder of the certificate has processed, proposes to process or is processing, is maintained.	
16.	Where bio-data of each emigrant recruited by the holder of the certificate is maintained.	
17.	Whether copies of employment contracts of each emigrant as authenticated by the Protector of Emigrants is maintained.	
18.	Whether original demand letter, power of attorney and correspondence with the employer are kept.	
19.	Whether all documents relating to the recruitment of emigrants including office copies of all advertisements issued, letters of interview and correspondence with the applicant, original award sheets leading to the selection, name and addresses of persons involved in the selection process, copies of letters of appointments, trade-testing particulars is maintained.	
20.	Whether a register of visas received from the	

	employers; giving separate account of block and individual visas is maintained.	
21.	Whether a register of claims for all compensations (including for injury or death) made by the emigrants or their dependants recruited by the holder of the certificate giving the name, address of the emigrant, emigration number, country of employment, nature of compensation (including the details in regards to these circumstances leading to the claims) address of the recipients and the name and address of the employer, and the receipt in original in token of having made the payment of compensation is maintained.	
22.	Such other records as may be required to be maintained by the registering authority.	

**Other Aspects**

S.No.	Particulars	Remarks
23.	Whether there is any change in the financial status of the agency	
24.	Records of business during the last 5 years	
25.	Service Tax No. and details of service tax paid during last 3-5 years	
26.	Adequacy of the office premises for conducting the business	
27.	Accessibility of the office premises to the public	
28.	Facilities available for conducting the business	
29.	Manpower available	
30.	Information about any pending civil/criminal case against the agency or any of its Directors/Partners/Proprietor	
31.	Information about conviction of any Directors/Partners/Proprietor	
32.	Information about any pending complaint by any emigrant against RA	
33.	Information about settling of complaints/grievances of the emigrants by the RA	
34.	Certificate of registration of establishment.	
35.	Other Remarks	

**STANDING COMMITTEE ON LABOUR**

**(2016-17)**

**Minutes of the Twenty-Seventh Sitting of the Committee**

The Committee sat on Thursday, the 31<sup>st</sup> August, 2017 from 1100 hrs. to 1300 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya - CHAIRPERSON**

**MEMBERS**

**LOK SABHA**

1. Shri Rajesh Kumar Diwakar, MP
2. Shri Ashok Kumar Dohrey, MP
3. Shri Satish Chandra Dubey, MP
4. Shri Satish Kumar Gautam, MP
5. Dr. Boora Narsaiah Goud, MP
6. Shri C.N. Jayadevan, MP
7. Shri Bahadur Singh Koli, MP
8. Dr. Arun Kumar, MP
9. Shri Kaushalendra Kumar, MP
10. Shri Hari Manjhi, MP
11. Shri Dayakar Pasunoori, MP

**RAJYA SABHA**

12. Shri Ram Narain Dudi, MP
13. Shri P.L. Punia, MP
14. Shri Rajaram, MP
15. Shri Ravi Prakash Verma, MP
16. Shri N. Gokulakrishnan, MP

**SECRETARIAT**

1. Ms. Rimjhim Prasad - Joint Secretary
2. Shri K.C. Pandey - Deputy Secretary
3. Smt Archana Srivastva - Under Secretary

**Witnesses**

**REPRESENTATIVES OF MINISTRY OF LABOUR & EMPLOYMENT**

<b>Sl. No</b>	<b>Name of the Officer</b>	<b>Designation</b>
<b>1.</b>	<b>Smt. M. Sathiyavathy</b>	<b>Secretary, Labour &amp; Employment</b>
<b>2.</b>	<b>Sh. Manish Kumar Gupta</b>	<b>Joint Secretary</b>
<b>3.</b>	<b>Ms. Shikha Anand</b>	<b>Director, O/o DGE</b>

**REPRESENTATIVES OF MINISTRY OF EXTERNAL AFFAIRS**

<b>Sl. No</b>	<b>Name of the Officer</b>	<b>Designation</b>
<b>1.</b>	<b>Sh. Dnyaneshwar M. Muley</b>	<b>Secretary (CPV&amp;OIA)</b>
<b>2.</b>	<b>Sh. M. C. Luther</b>	<b>Joint Secretary (OE) &amp; PGE</b>
<b>3.</b>	<b>Sh. Manish Gupta</b>	<b>Joint Secretary (OIA-I)</b>

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of Ministries of Labour & Employment and External Affairs to the sitting, convened to have a briefing on the subject 'Overseas Employment of Women Workers including Nurses and Maids, issues and Regulatory Framework'. The Chairperson then drew attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees. He then asked the representatives of the Ministries to give an overview of the subject matter special focus on Overseas Employment of Women Workers.

3. The representatives of the Ministry of External Affairs and Ministry of Labour & Employment accordingly briefed the Committee on various aspects of the subject matter like number of Indians go abroad, process for Emigration clearance required, Enforcement of Emigrant Act, 1983, Age restriction for women emigrant workers emigrating on ECR, Requirement of foreign employer

to deposit bank guarantee in respective Indian Mission for recruiting women workers, Registration of foreign employers in the e-migrate system, State run recruiting agencies, Domestic service workers (DSW) and their details for last three years, Regulatory framework for Nurses, Provisions for redressal of grievances, Insurance and medical care under Pravasi Bharatiya Bima Yojana (PBBY) for all Indian workers holding ECR passports, Establishment of missions/ posts abroad to provide direct access to workers to convey their grievances etc.

4. Thereafter, the Members raised queries on various issues which, *inter-alia*, included non-payment/ delayed payment of salaries, incidences of confinement, coverage of all workers under Pravasi Bharatiya Bima Yojana (PBBY), action taken against the agencies who send workers illegally, every State to have separate agency to facilitate the workers, mechanism to bring back bodies or mortal remains, details of beneficiaries and amount claimed under PBBY, details of female domestic workers, check on surrogacy.

5. The Chairperson thanked the witnesses for appearing before the Committee and briefing them on the subject as well as responding to the queries raised. The Chairperson directed the Secretaries of Ministries of Labour & Employment and External Affairs to furnish written replies within 10 days in respect of those queries, for which information was not readily available with them during the meeting as well as which required detailed and statistical information.

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

**The Committee then adjourned.**

**STANDING COMMITTEE ON LABOUR**

**(2017-18)**

**Minutes of the Sixth Sitting of the Committee**

The Committee sat on Tuesday, the 30<sup>th</sup> November, 2017 from 1130 hrs. to 1300 hrs. in Committee Room No.2, Parliament House Annexe Extension Building, New Delhi.

**PRESENT**

**Shri Tapan Kumar Sen, MP - In Chair**

**MEMBERS**

**LOK SABHA**

1. Shri Rajesh Kumar Diwakar, MP
2. Shri Ashok Kumar Dohrey, MP
3. Shri Satish Chandra Dubey, MP
4. Shri Satish Kumar Gautam, MP
5. Dr. Boora Narsaiah Goud, MP
6. Shri C.N. Jayadevan, MP
7. Shri Bahadur Singh Koli, MP
8. Dr. Arun Kumar, MP
9. Shri Hari Manjhi, MP
10. Shri Hari Om Singh Rathore, MP
11. Shri Kodikunnil Suresh, MP
12. Shri Dayakar Pasunoori, MP

**RAJYA SABHA**

13. Shri Ram Narain Dudi, MP
14. Shri Nazir Ahmed Laway, MP
15. Shri Rajaram, MP
16. Shri N. Gokulakrishnan, MP
17. Ms. Dola Sen, MP

**SECRETARIAT**

1. Ms. Rhimjim Prasad - Joint Secretary
2. Smt. Anita B Panda - Director
3. Shri Dhiraj Kumar - Additional Director
4. Smt Archana Srivastva - Under Secretary



**WITNESSES**

**REPRESENTATIVES OF MINISTRY OF LABOUR AND EMPLOYMENT**

<b>Sl. No</b>	<b>Name of the Officer</b>	<b>Designation</b>
<b>1.</b>	Shri Manish Kumar Gupta	Joint Secretary
<b>2.</b>	Shri Mitter Sain	Deputy Director General
<b>3.</b>	Shri Rajan Verma	Addl. CLC

**REPRESENTATIVES OF MINISTRY OF EXTERNAL AFFAIRS**

<b>Sl. No</b>	<b>Name of the Officer</b>	<b>Designation</b>
<b>1.</b>	Shri M.C. Luther	Joint secretary and PGE
<b>2.</b>	Shri Manish Gupta	Joint Secretary

2. In the absence of Chairperson, Shri Tapan Kumar Sen, MP chaired the sitting of the Committee under Rule 258 (3) of 'Rules of Procedure and Conduct of Business in Lok Sabha'.

3. At the outset, the acting Chairperson welcomed the Members of the Committee and the representatives of Ministries of Labour & Employment (MoLE) and External Affairs to the sitting, convened to take evidence on the subject 'Overseas Employment of Women Workers including Nurses and Maids- Issues and Regulatory Framework'. The acting Chairperson then drew attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees. He then asked the representatives of the Ministries to give an overview of the subject matter.

3. The representative of the Ministry of External Affairs accordingly briefed the Committee on various aspects of the subject matter, particularly of recruitment measures to regulate emigration of Indian Women workers holding ECR passports for overseas employment in Gulf Countries; duties of Protector General of Emigrants (PGE); details of female Domestic workers granted EC for the last 3 years; regulatory framework for nurses; details of Nurses granted Emigration Clearance (EC) for last 3 years; irregularities of holding dual visas

by workers, provisions for redressal of grievances; process of Emigration checking; reasons and measures to reduce the private recruiting agencies for Domestic maids in abroad; etc. The representative of the Ministry of Labour and Employment present in the meeting stated that he had nothing to add on the matter since most of the queries of the hon'ble Members pertained to the Ministry of External Affairs.

4. Thereafter, the Members raised queries on various issues which, *inter-alia*, included upper age restriction for domestic maids working in foreign countries; details of grievance redressal; measures to control the increase in private agencies for instance increase in the amount to be deposited in respective Indian embassies ; reason for less number of Government agencies in the Country; details of Indian women workers across the world; measures to encourage workers to follow due procedures to go for working in foreign countries ; details of pending complaints; details of workers going for work on tourist visa; monitoring by the Ministry on number of working hours, working conditions of different jobs abroad etc.; Labour Laws of various Countries and their social security schemes and educating workers on the same etc.

5. The Chairperson then thanked the witnesses for appearing before the Committee and briefing them on the subject as well as responding to the queries raised. He directed the representatives of Ministries of Labour & Employment and External Affairs to furnish written replies within 14 days in respect of those queries, for which information was not readily available with them during the meeting.

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

**The Committee then adjourned.**

**STANDING COMMITTEE ON LABOUR**

**(2017-18)**

**Minutes of the Nineteenth Sitting of the Committee**

The Committee sat on Thursday, the 24<sup>th</sup> May, 2018 from 1130 hrs. to 1300 hrs. in Committee Room No. 2, Parliament House Annexe - Extension Building, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya, MP – Chairperson**

**MEMBERS**

**LOK SABHA**

2. Shri Ashok Dohare, MP
3. Shri Devajibhai Govindbhai Fatepara, MP
4. Shri Satish Kumar Gautam, MP
5. Shri Bahadur Singh Koli, MP
6. Dr. Arun Kumar, MP
7. Shri Hari Manjhi, MP
8. Shri Hariom Singh Rathore, MP

**RAJYA SABHA**

9. Shri Ram Narayan Dudi, MP
10. Shri P.L. Punia, MP
11. Shri Rajaram, MP
12. Ms. Dola Sen, MP

**SECRETARIAT**

1. Ms. Rimjhim Prasad - Joint Secretary (RP)
2. Shri C. Vanlalruata - Additional Director

**WITNESSES**

**REPRESENTATIVES OF MINISTRY OF SKILL DEVELOPMENT &  
ENTREPRENEURSHIP**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri K.P. Krishnan	Secretary, MSDE
2.	Shri Rajesh Agrawal	Joint Secretary, MSDE
3.	Shri Asheesh Sharma	Joint Secretary, MSDE
4.	Shri Anant Mohan Jha	Head, IISC

**REPRESENTATIVES OF MINISTRY OF EXTERNAL AFFAIRS**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri M.C. Luther	Joint Secretary (OE) & PGE
2.	Shri Manish Gupta	Joint Secretary (OIA-1)

2. At the outset, the Chairperson welcomed the representatives of the Ministries of Skill Development & Entrepreneurship and External Affairs to the sitting of the Committee convened to take evidence on the Subject 'Overseas Employment of women Workers including Nurses and Maids, Issues and Regulatory Framework'. The Chairperson then drew attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees.

3. The representative of the Ministry of Skill Development & Entrepreneurship, accordingly, briefed the Committee which, *inter-alia*, included international skilling landscape; difficulties faced by organisations while on-boarding human resources globally due to skill gaps; study of global skill gap; objectives of NSDC in providing overseas opportunities for skilled manpower from India; framework for identification of countries for study; list of Countries based on India Migrant Attractiveness Index (IMAI); steps towards proving skilled workforce to the World; India International Skill Centre (IISC);

progress of one day Pre-Departure Orientation Training (PDOT) Programme; MoUs with UK, Sweden and UAE; proposed IISC Policy and its features; etc. Further, the representative of the Ministry of External Affairs submitted that persons visit overseas on different types of visas and they have requested the Ministry of Home Affairs to provide details of persons visiting on tourist visas for overseas employment purpose and they have started received data from last year.

4. The representatives of the Ministry of External Affairs also responded to various queries raised by the Members which, *inter-alia*, included safety, security and protection of workers in those overseas Countries where Emigration Certification not required; distinctive work by both Ministries and individual Ministerial accountability for their duties; data regarding the persons working in ECR and non-ECR Countries; registration of workers going overseas for employment; details of persons visiting foreign Countries category-wise like employment, studies, tourism, etc; monitoring of workers going to overseas; details of persons going to overseas on tourist visas and working there illegally; making registration of agents for overseas employment mandatory; details of workers visiting overseas for employment on monthly/annual basis; list of overseas employment agencies in the Country; details of one day Pre-Departure Orientation Training (PDOT) Programme; etc.

5. The Committee enquired about the number of Indians proceeding daily for overseas employment in 8 ECR Countries, they also desired to know whether Indian embassies in 8 ECR Countries were well equipped in terms of infrastructure and man power; additional steps being taken by the Ministry for safety and security of female workers in these ECR Countries and measures being taken by the Ministries to rein in illegal recruitment agencies. The Committee also sought information on awareness generation programmes conducted by Ministries of External Affairs and Skill Development & Entrepreneurship on PDOT, PKVY and IISC.

5. The Chairperson thanked the witnesses for appearing before the Committee and briefing them on the subject as well as responding to the queries raised. The Chairperson directed the representatives of Ministries of Skill Development & Entrepreneurship and External Affairs to furnish written replies within 7 days in respect of those queries, for which information was not readily available with them during the meeting as well as which required detailed and statistical information.

**The witnesses then withdrew.**

[A copy of the verbatim proceedings was kept on record]

**The Committee then adjourned.**

**STANDING COMMITTEE ON LABOUR**

**(2017-18)**

**Minutes of the Twenty-fifth Sitting of the Committee**

The Committee sat on Wednesday, the 18<sup>th</sup> July, 2018 from 1500 hrs. to 1650 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya, MP – Chairperson**

**MEMBERS**

**LOK SABHA**

1. Dr. Kirit Somaiya, Chairperson
2. Shri Satish Kumar Gautam, MP
3. Dr. Boora Narsaiah Goud, MP
4. Shri Rama Chandra Hansdah, MP
5. Shri C.N. Jayadevan, MP
6. Dr. Arun Kumar, MP
7. Shri Hariom Singh Rathore, MP
8. Shri Dayakar Pasunoori, MP

**RAJYA SABHA**

9. Shri Ram Narain Dudi, MP
10. Shri P.L. Punia, MP
11. Shri Amar Shankar Sable, MP
12. Ms. Dola Sen, MP
13. Dr. Banda Prakash, MP

**SECRETARIAT**

1. Ms. Rimjhim Prasad - Joint Secretary
2. Shri C. Vanlalruata - Additional Director
3. Shri Kulvinder Singh - Under Secretary

2. The Committee first took up draft Report 'Overseas Employment of Women Workers including Nurses and Maids Issues and Regulatory Framework' for consideration.

3. After some deliberation, the Committee adopted draft Report without any modification and authorized the Chairperson to finalise the Report in the light of consequential changes that might arise out of factual verification of the draft Report and to present the same to both the Houses.

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**The witnesses then withdrew.**

[A copy of the verbatim proceedings was kept on record]

**The Committee then adjourned.**

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XX Do not pertain to this Report.