

The motion was adopted.

(ii) Central Silk Board.

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI P.A. SANGMA):

I beg to move :

“That in pursuance of sub-section (3)(c) of Section 4 of the Central Silk Board Act, 1948, the members of this House do proceed to elect, in such manner as the Speaker may direct, four members from among themselves to serve as members of the Central Silk Board subject to the other provisions of the said Act.”

MR. DEPUTY SPEAKER : The question is :

“That in pursuance of sub-section (3)(c) of Section 4 of the Central Silk Board Act, 1948, the members of this House do proceed to elect, in such manner as the Speaker may direct, four members from among themselves to serve as members of the Central Silk Board, subject to the other provisions of the said Act.”

The motion was adopted.

12.49 hrs.

EMIGRATION BILL—Contd.

MR. DEPUTY SPEAKER : We now take up further consideration of the Emigration Bill. The time allotted was three hours. We have already taken two hours and twenty one minutes. I would appeal to the Members to be as brief as possible in their speeches so that we can complete it after lunch.

श्री रीतलाल प्रसाद वर्मा (कोडरमा) : उपाध्यक्ष महोदय, मैं कल कह रहा था कि हमारे भारत के कोई 9, 10 लाख लोग 112 विदेशों में जाकर काम कर रहे हैं और भारी मात्रा में विदेशी मुद्रा कमाकर इस देश को दे रहे हैं लेकिन उनकी जो आज वहां दुर्दशा है, उसकी जितनी जांच पड़ताल हमारी सरकार को करनी चाहिये, उतनी उसने नहीं की है।

हमारे भारत के सैकड़ों लोग विदेशों में

यहां से ट्रैबल एजेंट भेज देते हैं और वहां जाकर वह बिना काम के घोखेबाजी में छोड़ दिये जाते हैं।

THE MINISTER OF PARLIAMEN- TARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH) : We may forego lunch to that Members may get more time to speak.

MR. DEPUTY SPEAKER : The Minister of Parliamentary Affairs, says that Members are very particular to speak. He suggests that we may for go lunch.

SHRI RAMAVATAR SHASTRI (Patna): In Budget session you do like that. But now this suggestion should not be accepted. The employees are also there. They have to take their lunch.

MR. DEPUTY SPEAKER : All right. If the suggestion is not acceptable to you, lunch hour will be there.

श्री रीतलाल प्रसाद वर्मा : वहां पर वे कस्टमज अधिकारियों या एयरलाइन्ज द्वारा पकड़ लिये जाते हैं। बुडापेस्ट में भारत के कई लोग फंसे हुए हैं। घोखेबाज ट्रेवल एजेंट इस तरह घोखा-घड़ी करके करोड़ों रूपयों का मुनाफा कमा रहे हैं। भारत सरकार ने 152 ट्रेवल एजेंट्सियों को लाइसेंस दिए हैं। उन्होंने अपने एजेंट देशभर में फैला रखे हैं, जो भोली-भाली जनता को राजमिस्त्री, बढ़ई, प्लंबर, इलेक्ट्रीशन आदि की नौकरी दिलाने का प्रलोभन देते हैं। उन्होंने झूठे ट्रेड सर्टिफिकेट दिलवाने का बिजनेस भी कर रखा है। नौकरी के हिसाब से वे हर व्यक्ति से दस, पन्द्रह या बीस हजार रुपए वसूल करते हैं। लोगों को ठगने के कई उदाहरण हमारे सामने आ चुके हैं।

एयर इंडिया के अधिकारी भी ट्रेवल एजेंटों से सांठ-गांठ रखते हैं और एजेंटों के साथ मिलकर लोगों को विदेशों में भेज देते हैं, भले ही वहां पर उन्हें कई समस्याओं का सामना करना पड़े। हमारे लोगों को पासपोर्ट और बीसा में कमी रहने के कारण कठिनाइयों का सामना करना पड़ता है। नकली बीसा दिलाने

का काम भी चल रहा है। इसी कारण तन्जानिया में कई भारतीय पकड़े गये और जेल में भेज दिए गए। कई और देशों में भी ऐसी घटनाएं हो रही हैं।

इन्टरलिग इन्टरनेशनल नामक एक एजेंसी ने 11,000 रुपए प्रतिव्यक्ति लेकर 100 लोगों को ठगा है और काफी रुपया अर्जित किया है। उन्हें खाड़ी के देशों में नौकरी दिलाने के लिए ले जाया गया, मगर उनके लौटने की कोई व्यवस्था नहीं की गई। हमारी एम्बेसीज में कोई स्पेशल अधिकारी नहीं होते, जो भारतीय श्रमकों को एजेंटों के हथकंडों से बचा सकें।

इस बिल में काफी कमियां हैं और इसमें बहुत सी बातों का प्राविजन नहीं किया गया है। अगर इस बिल को इसी तरह पास कर दिया जाता है, तो शीघ्र ही इसमें संशोधन करने की आवश्यकता पड़ेगी। मैं चाहता हूँ कि इस बिल में और संशोधन किये जायें, ताकि विदेशों में भारतीयों को होने वाली परेशानियों और दुर्दशा को समाप्त किया जा सके।

नाईजीरिया में हमारे जो लोग जाते हैं, उनके लिये यह नियम है कि उन्हें जो वेतन मिलता है, उसका 50 परसेंट यहां भेज सकते हैं। इस बारे में तीस दिन की अवधि निर्धारित है और उन लोगों के लिये बड़े-बड़े शहरों में जाना मुश्किल होता है। परिणाम यह होता है कि अगर तीस दिनों के अन्दर भारत को रुपया प्रेषित न किया गया, तो वह लैप्स हो जाता है। इसमें बहुत से धन और समय की बर्बादी होती है। हमारे दूतावास के द्वारा उन लोगों को विशेष सहूलियतें दी जानी चाहिये। भारत आते हुये जब वे लोग अपने बर्बाद हुए रुपए से रेडियो, टेलीविजन और अन्य सामान अपने साथ लाते हैं, तो कस्टमज अधिकारियों द्वारा उन्हें तंग किया जाता है। प्रश्न यह है कि 50 परसेंट से ज्यादा वे भारत नहीं भेज सकते और 50 परसेंट वहां पर खर्च नहीं करते, तो वे उस विदेशी मुद्रा का क्या करें। इसलिये उन लोगों को विशेष सुविधा देने का प्रावधान करने की

जरूरत है। फिर जितने भी लोग विदेश में काम करते हैं उनको टैक्स कार्ड की दो प्रतियां, आवासीय अनुमति-पत्र, वार्षिक कर-मुक्ति पत्र को सम्बन्धित अधिकारियों से प्रमाणित कराके देना होता है लेकिन इसमें उनको बड़ी परेशानी उठानी पड़ती है। वे अधिकतर अनपढ़ या कम पढ़े-लिखे लोग होते हैं जोकि उस देश के बड़े-बड़े अधिकारियों से सम्पर्क नहीं कर सकते हैं इसलिये उनको बड़ी परेशानी होती है। इसलिये हमारे जो वहां पर दूतावास हैं वहां पर ऐसे अधिकारियों की व्यवस्था करनी होगी जिनकी सहायता लेकर वे अपनी आय सही प्रकार से अपने परिवार के कल्याण के लिये भारत में भेज सकें। इस दिशा में सरकार ने अभीतक कोई खास प्रावधान इस बिल में नहीं किया है।

हमारे देश से करीब 7-8 लाख लोग अरब और खाड़ी के देशों में गये हुये हैं। उनको वहां पर अपना धर्म परिवर्तन करने के लिये, मुसलमान बनने के लिये प्रेशराइज किया जाता है। हमारे जो दूतावास वहां पर हैं उनकी ओर से इस सम्बन्ध में उन लोगों की रक्षा करने की कोई व्यवस्था नहीं है। बहुत से लोगों को, वहां जाने के बाद अगर उन्हें वहां रहकर पैसा कमाना है तो परिवर्तन करना पड़ता है। इस दिशा में भी सरकार को ध्यान देना चाहिये कि वहां के नियोजकों तथा भर्ती एजेंटों द्वारा रखी गई सेवा शर्तें क्या हैं और वे किसी प्रकार से धर्म परिवर्तन व एथनिक प्रेशर न डाल सकें। यदि ऐसा होता है तो यह बहुत अनुचित होगा।
... (व्यवधान)

MR. DEPUTY-SPEAKER : Your Party is entitled to only four minutes. But you have already been given 15 minutes. Please conclude. You must cooperate. We are very much behind the schedule of legislative business. You are going on repeating the same points which have already been mentioned by others in the House ; I have heard. Please conclude.

श्री रीतलाल प्रसाद वर्मा : मैं यह कहना चाहता हूँ कि जो चौकी है वहाँ जो मारसाधक

अधिकारी होंगे उनकी सहायता करने वाले कर्मचारी एक चौकी पर एक समय में एक वर्ष से ज्यादा वहां पर न रहें। साथ ही साथ जो भारतीय उत्प्रवास कानूनों का उल्लंघन करते हैं या भेजने वाले जो ट्रैवल एजेंट हैं उनके खिलाफ वहां दूतावास से रिपोर्ट आती है तो उनके लाइसेंस तुरन्त समाप्त करने चाहिये। इसके साथ साथ ट्रैवल एजेंट को एग्रीमेंट करके जिस से पर लेबर को वहां ले जाते हैं उसका आधा भाग अपने पास रख लेते हैं और मन माने ढंग से उसका शोषण करते हैं—इसके लिए भी प्रावधान होना चाहिए कि सरकार की नालेज में लाया जाए कि कितना उसका मासिक वेतन का एग्रीमेंट हुआ है और जो भी फिक्स हुआ है वह उसको वहां पर दिया जायेगा। साथ ही साथ वहां पर दूतावास में लेबर आफिसर रखने चाहिए—कम से कम जहां पर हमारे देश के लाखों मजदूर गए हुए हैं, वहां पर लेबर आफिसर इस बात को देखें कि जो एग्रीमेंट हुआ है उसका फुलफिलमेंट होता है या नहीं। अगर नहीं होता है तो उसका लाइसेंस कैंसिल करें और उनकी प्रतिभूति राशि एक लाख रुपया जो आप जमा करायेंगे, उसको जब्त कर लिया जाए। इसी प्रकार से अगर ट्रैवल एजेंट कमीशन लेता है तो वह 5-10 या 15 परसेन्ट तक ही काटे और जो वहां का नियोजक, एम्प्लायर उसको देता है उसको भी दूतावास के लोग वेरीफाई करें कि कहीं ऐसा तो नहीं है कि उसमें से भी ट्रैवल एजेंट खा जायें।

यहां पर मैंने बहुत से ट्रैवल एजेंट्स देखे हैं जैसे पंछी ट्रैवल्स, इन्टरलिक इन्टरनेशनल इत्यादि जो भयंकर शोषण कर रहे हैं। अभी हमारे 300 लोग लीबिया में फंसे हुए हैं, 15 महीने से उनको वेतन नहीं मिला है। वे बार-बार जाते हैं लेकिन इम्बैसी वाले उनकी कोई मदद नहीं करते हैं। बेनी सालिद नाम की कम्पनी जो नियोजक है, उन्होंने 15 महीने से कोई वेतन नहीं दिया है। 150 आदमी बेकार पड़े हुए हैं। जिनकी भुखमरी की हालत हो रही

है सरकार कुछ भी नहीं देख रही है और न इसके लिए कोई प्राविजन ही है।

13.00 Hrs.

इस तरह की जो कमियां हैं, उन चीजों पर नजर डालते हुए आपको व्यवस्था करनी चाहिए।

इन्हीं शब्दों के साथ मैं मंत्री जी से चाहूंगा कि वे एक काम्प्रिहैसिव बिल लायें और हो सके तो पुनः विचार करने के लिए फिर प्रस्तुत करें।

SHRI CHITTA BASU : (Barasat) : So far as the Bill is concerned, I am in general agreement with the spirit and the principle lying behind it. It is a step, although very small, in the desired direction. This is what I can say by way of preliminary remarks.

This Bill provides or rather is a legislative instrument to come to the aid of the overseas Indian workers.

There are two principal features of this Bill. One is that the Government wants to get the private recruiting agents registered. This is one particular aspect of the Bill. The second principal aspect of the Bill is that the emigrant worker must get a clearance from the Protector-General of Emigrants. These are the two principal aspects of the Bill.

So far as the objective of the Bill is concerned, it is, I expect, to come to the aid and rescue of the overseas Indian workers...

MR. DEPUTY SPEAKER : The hon. Member may continue after lunch. From this side you are one speaker and one or two more will be there and you have to complete it by 2.15 p.m. because they want the Bill to be passed to-day and the other members of the ruling Party have been asked to cancel. After you speak, one or two from the Opposition will speak and each will have five minutes and the Minister will reply at 2.15 p.m. Now, we adjourn for Lunch.

13.02 hrs

The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at nine minutes past Fourteen of the Clock.

[SHRI R.S. SPARROW *in the Chair*]

EMIGRATION BILL-Contd.

MR. CHAIRMAN : How we take up further consideration of the following motion moved by Shri Veerendra Patil on the 10th August, 1983, namely :

“That the Bill to consolidate and amend the law relating to emigration of citizens of India, be taken into consideration.”

Now, Shri Chitta Basu will continue.

SHRI CHITTA BASU (Barasat) : Sir, I was speaking about the principal aspects of this Bill. They are : (1) The registration of the Recruiting Agent and (2) Emigrant workers must get clearance from the PGE. For me, these are the two principal aspects of the Bill. Other things flow therefrom. I am in disagreement with the Government on this particular aspect, rather on the scheme of things which the Government has got in its mind.

The House has the opportunity of knowing the full details of exploitation to which our workers are subjected, both by the recruiting agents and the employers abroad. In order to protect our Indian workers from that exploitation, certain measures are to be taken. In this respect, the recruiting agents are the main culprits. It is not necessary for me to describe in detail in what way our workers are being exploited by them. But a provision in the Bill is there only to ensure that the private recruiting agents are registered. For all the agents who will be operating, only one preventive measure has been provided, viz. that they should be duly registered. In the matter of registration also, the system which has been incorporated or visualized in the Bill, according to me, is not a fool-proof one. The only requirement for an agent to be registered is that he has to submit an affidavit, and an application has to be made in a prescribed form and security money which he is required to pay, has to be deposited. These conditions entitled him to get a registration certificate.

According to me, those registered agents

can practise or indulge in the malpractices which they were doing earlier, without being registered. So, if the principal idea is to protect our Indian workers from exploitation by the recruiting agents, we are not in a position, through this Bill, to provide that protection to them. As a matter of fact, if you permit, I would say that these malpractices are being institutionalized. Whatever was being carried on by the unregistered, private recruiting agents will be continued even after being registered, because there are no provisions to see that those malpractices are obviated, or to see that a fool-proof system is incorporated in the Bill, so that a dishonest person, exploiter or racketeer cannot be registered — because, as I mentioned, there are simple conditions which can be fulfilled by anybody. So, I do not like to describe them in detail.

The question is : what can be the alternative or substitute mechanism ? As a matter of fact, I would like to quote a recommendation of the Estimates Committee of 1980-81 which went into the subject. I think, Sir, you were one of the distinguished members of that Committee ; and I had the privilege of working in that Committee. The Committee went into the matter in great depth. All these malpractices were discussed. On page 109 of this Report, it reads as follows :

“The Committee feel that what is needed is a centralised agency with a few Branches at selected metropolitan cities which should register the applicants for jobs abroad, prepare and submit panels of eligible candidates for each job for approval of the foreign employers, standardise terms and conditions of work and keep in touch with the foreign employers and Indian Missions to monitor the working conditions of Indian emigrants with a view to ensuring that they are treated with dignity and at par with the nationals of other countries working in the same field and they enjoy in full the terms and conditions agreed upon.”

This recommendation provides an alternative system of protecting the interests of the Indian workers abroad. I would have been glad had the Minister or the government been persuaded with the recommenda-

tion of the Committee. My main point of objection is that the considered of opinion the Committee of this House has not been given full weight. I do not want to bring in other things also because this is a very simple Bill in that respect. Again I want to draw your attention to another recommendation of the Committee, that is even our Indian workers employed by our own undertakings have to resort to certain agitation because conditions of work and living conditions are not satisfactory. On page 120 of the same report, it reads as follows :

“The Committee have come across reports of discontentment among Indian working on projects taken up by Central Government Public Undertakings abroad. Such reports project a very bad image of public sector abroad and surely bring a bad name to the country. The Committee feel that public sector undertakings are expected to be model employers and this expectation is not only with reference to the workers at home but also abroad.

I take this opportunity to say that the government, particularly the Ministry of Labour, whose primary objective is to see that the workers' rights are protected here—the employers are our own public sector undertakings—the Committee came to the conclusion that their interests and rights are not properly protected. I would request the hon. Minister to see that this recommendation of the Committee is properly taken note of and necessary follow up action is taken to fulfil the objective of the recommendation.

This Bill provides certain exemptions on certain conditions. Section 41 of the Bill reads as follows :

“It is necessary or expedient in the public interest so to do, Central Government may, by notification, and subject to such conditions, if any, as may be specified in the notification, exempt from the operation of all or any of the provisions of this Act...”

What is the public interest involved in it ? If there is any public interest involved, I shall be glad if you kindly take some time to explain how the public interest is involved. If there is any public interest, it is that we are to protect

our workers from the exploitation of the foreign employers or any employer and from the clutches of the recruiting agents. Now, you have, simply by an executive notification which is not required to be placed before the House, exempted a large number of employers from the purview of this Act. Therefore, I am not going into other clauses and sub-clauses, because those have been mentioned by my distinguished friend, Mr. Mool Chand Daga, and others. There are many clauses which need modification. Well, I agree with the objective of the Bill. But I am not in agreement with the mechanism, particularly in the matter of registering private recruiting agents. The ideal thing would have been, as the Committee has recommended, to have a central agency under the Government in order to provide them adequate protection against any kind of exploitation by the foreign employers. It would be in the fitness of things if the Ministry of labour provides some incentives and facilities so that our poor Indian workers can take advantage of them and seek employment elsewhere, thereby creating conditions for their living and also earning for our country as a whole.

श्री नाथूराम मिर्षा (नागौर) : इस कानून का काफी महत्व है। इस तरह का कानून जब नहीं था तब मैं मंत्रालय को पत्र लिखता रहता था कि इस तरह का कानून बनाना जरूरी है। लेकिन जब कानून आपने बनाया है तो आपको यह भी देखना चाहिये था कि जो ब्यूरोक्रेसी है, उसको इसमें इतना ज्यादा भर न दिया जाए। श्री पाणिग्रही ने कहा है और जोर इस पर दिया है कि प्राइवेट एजेंसी को यह काम नहीं देना चाहिये। मैं उनकी राय से सहमत नहीं हूँ। प्राइवेट एजेंसी कम्पनी बना कर या इंडिविजुअली करे, उसको यह काम करने देना चाहिये क्योंकि काम बहुत बड़ा है। आज देश में बेकारी है और जो लोग काम करने बाहर जाना चाहते हैं, कुछ कमाना चाहते हैं, देश के लिये विदेशी मुद्रा भी लाना चाहते हैं उन लोगों को हर तरह से प्रोत्साहन और सहूलियत देने की बहुत जरूरत है। हमारे देश में मैनपावर सरप्लस है। दूसरी जगह जिन लोगों की जरूरत है वैसे लोगों को बाहर भेजे लेकिन यह

भी बहुत जरूरी है देखना कि आगे जाकर उनके हितों की रक्षा हो, उनको सम्भाल कर रखा जाए। जो कुछ व्यवस्था की गई है इसके बारे में, वह जरूरी थी। परन्तु सबसे बड़ी कमी जो मुझे नजर आती है, उस तरफ मैं आपका ध्यान दिलाना चाहता हूँ। अगर किसी ने धोका दिया तो पांच छः तरह की आइटम्स आपने दी है कि इस प्रकार की चीज होने पर मैक्सिमम दो साल की सजा और दो हजार रुपया—तक जुर्माना किया जायेगा, कुछ मामलों में एक हजार रुपया और एक साल की सजा तक और अगर दुबारा कोई ऑफेंस करे तो दुगुनी सजा देने का आपने प्रावधान किया। सजा कम अगर होगी तो रीजंज रिकार्ड करने पड़ेंगे। ये सब बातें तो ठीक हैं। उनको सजा मिलेगी, यह भी ठीक है। लेकिन जो बेचारा गरीब आदमी एक दफा फीस लेकर—फीस क्या मुकरंर होगी, कैसे एकसीक्यूट होगी, इस पर काफी गहराई से सोचने की जरूरत है—बाहर भेजा जाता है उसको केवल बाहर विदेश में सैर के लिये भेज दिया जाये या ट्रेवलर बना कर भेज दिया जाये और घुमा फिरा कर उसको वापिस ले आया जाये तो जिससे दस पन्द्रह या बीस हजार रुपया लिया गया है, उस आदमी को इससे सन्तोष नहीं हो सकता है कि जिसने उससे फीस ली है उसको साल की कैद हो गई है या हजार दो हजार उस पर फाइन कर दिया गया है, उस गरीब आदमी का सब से बड़ा मतलब यह होता है धोखा दे कर जितनी रकम उससे वसूल की गई है वह रकम जिस काम को पूरा करने के लिये ली गई है, अगर वह एजेंट उस काम को पूरा नहीं करवाता है, चाहे कोई एजेंसी हो, तो उस आदमी ने उस काम के लिये जितना रुपया उस एजेंट को दिया है वह रुपया उसे वापस दिलवाने का प्रावधान इस कानून में होना जरूरी है, नहीं तो हिन्दुस्तान के लोग जो काश्त-कार हैं, हैल्पर हैं, मैसन हैं जो दूसरों से ऊंचे सूद पर कर्जा लेते हैं और अपना काम कराने के लिये एजेंट को देते हैं, वह जिन्दगी भर

के लिये तबाह हो जायेंगे। कौन कितना कर्जा लेता है यह कहना मुश्किल है लेकिन कोई 15 हजार लेता है कोई 12 हजार और 10 हजार लेता है। कहीं ठीक आदमी हो तो 8, 9 हजार में भी उसका काम हो जाता है। इतनी फीस लेने के बाद भी उनके काम की पूर्ति अगर वह एजेंट नहीं करते, और उस आदमी को खामा-ख्वाह टूरिस्ट के तौर पर घूमकर वापिस आना पड़े तो उसके लिये बड़ी मुश्किल हो जाती है। कई बार ऐसा भी होता है कि आपके मिशन को उसे वापिस पहुंचाना पड़ता है और उसके लिये बाद में उसको 5,7 हजार रुपये और देने पड़ते हैं उससे वह खर्चा भी वसूल किया जाता है।

15 हजार रुपये तो वह पहले ही खर्च करता है उसके बाद 7,8 हजार और खर्च करना पड़ता है। 20 हजार के करीब गांव के मजदूर आदमी के लिये जो छोटा-मोटा हैल्पर होता है, मैसन होता है, कमाई के लिये बाहर जाना चाहता है, उसका इतना रुपया अगर बेकार खर्च हो जाता है तो उसकी इतनी कमाई तो सारी उभ नहीं हो सकती और उसकी 7 पीढ़ी ऊपर नहीं आ सकती। इसलिये उन बदमाशी करने वाले लोगों से उसका रुपया वापिस कैसे मिले, यह देखना चाहिये।

मेरे स्थान में यह कानून काफी देर से आया। पुराना कानून परपज सर्व नहीं कर रहा था। नये कानून की जरूरत थी। सरकार 2 महीने और इंतजार कर सकती है, सर्दी के संशान में इसे पास कर सकते हैं, मेरा निवेदन है कि एक बार गहराई से आप भावनाओं को समझ लीजिये और फिर इसे पास कीजिये। 2 महीने में ऊपर से कोई आसमान नहीं गिर जायेगा, ऐसा मेरा विचार है।

इसलिये इस पर गहराई से विचार किया जाये और इस सम्बन्ध में जो सलाह माननीय सदस्यों ने दी है अगर आप उस पर गौर कर ऐसा न करें तो कम-से-कम जो मैंने सवाल आपके सामने रखा है कि गरीब आदमी को

रकम का क्या होगा, इसका प्रावधान तो कोई न कोई अमेंडमेंट करके आप इसमें शामिल करवा दीजिये । जो फीस उससे वसूल की गई है, अगर वह नाकाम होती है तो वह रुपया जिस एजेंसी ने उससे उसको भेजने के लिये लिया है, वह उससे उसको वापिस दिलाया जाये, यह प्रावधान तो आप कम-से-कम अपने बुद्धिमानों से तैयार करवाकर इसमें एड करवा दें तो बहुत अच्छा हो ।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ ।

*SHRI S.T.K. JAKKAYAN (Periakulam): Mr. Chairman, Sir, on behalf of my party the All India Anna D.M.K. I wish to make a few suggestions. This Bill seeks to protect the common people from the exploitation by recruiting agents. When this Bill becomes an Act, it will tighten the noose around the neck of unscrupulous recruiting agent. Now the recruiting agent has to register himself and also deposit a security amount of Rs. 1,00,000. The agents who violate the provisions of this law will be sent to prison for two years along with a fine of Rs. 2000/-. What is the use of sending them to prison? After their release, they will again resort to such devious methods of exploiting the aspirants for workers. I would suggest that their registration should be withdrawn and their security deposit should be forfeited. The hon. Members who preceded me have narrated in detail the methods of exploitation by these recruiting agents and how they take gullible people outside the country and make them beggars there. I would not repeat them here. Shri Ravindra Varma, the former Labour Minister of Janata Government had gone to Middle-east countries and seen in person the condition of living of these workers there. The newspapers had carried detailed version of his findings. He has stated in his report to the Government, among many other things, how in a room of 8' x 6' more than 16 workers live and how they sleep in instalments.

As far as I am concerned, I feel that there should be no private recruitment agents for this purpose. The recruitment of

workers for countries abroad must be entrusted to the State Labour Department. Presently in the Home Ministry here there is a Cell which receives applications for foreign assignments for top posts abroad. The aspirants send their applications and get themselves registered in this Cell. As and when the Cell gets demand calls, the aspirants are informed and they get foreign assignments according to their achievements and qualifications. Similarly, in the CSIR there is a National Register in which the scientists and technical people get themselves registered and they are also enabled to get assignments abroad. When the responsibility of recruiting aspirants for top assignments has been vested with the Central Home Ministry here, what is the harm if the job of recruiting workers for foreign countries is entrusted to the Labour Department of the State Government, so that the exploitation by private recruiting agents is ended for ever? I appeal to the hon. Minister of Labour to look into this and do the needful, as I am sure that this is the best proposition in the existing circumstances. With these words I conclude my speech.

THE MINISTER OF LABOUR AND REHABILITATION (SHRI VEERENDRA PATIL): Mr. Chairman, in all 11 hon Members have participated in the discussion on this subject. I consider myself fortunate in having been able to move this Bill, which has received universal support from all sections of this House.

While moving the Bill for consideration, I made a brief statement, indicating the objects of the Bill. In order to allay any fears which may be lurking in the minds of the hon. Members, I repeat that the main purpose of this Bill is to promote the export of labour and, at the same time, to check cheating, frauds and malpractices adopted by the recruiting agents and the exploitation that is resorted to by some of the recruiting agents. I do not want to condemn all the recruiting agents because there are quite a good number of recruiting agents who are doing good work. But it is true that many a time the emigrants or the intending emigrants are subjected to harassment, exploitation and cheating. Whenever such instances have been brought to the notice

of Government, prompt action has been taken.

As I said, the object of the Bill is to promote the export of labour. We want to encourage those Indians who want to go abroad for work. At the same time, we want to ensure that, while they are anxious to go outside and work, they should not unnecessarily be harassed, or subjected to exploitation or cheating. So, I feel that sufficient provisions have been made in the Bill to safeguard the interest of our workers going abroad.

Sir, I might tell the hon House in the beginning itself that the employment market, particularly in the Middle East, is a very competitive market and there are so many countries, particularly our neighbouring countries, who are strongly competing with us. It is correct to say that the Middle-East countries or the North African countries or the countries where our workers are working, are entirely depending on our country for manpower because there are so many countries which are anxious to send their workers. Pakistan is anxious to send as many workers as possible. Similarly, there are Bangladesh, Thailand, Sri Lanka and even South Korea. There are so many countries who are competing. So, when we are facing a competitive market, you appreciate that if you put undue restrictions either on the emigrants or foreign employers or our recruiting agents, it is going to be unproductive and ultimately it will harm the interest of the country and also the interest of those workers who want to go and work outside and come after some time.

Sir, several Members while participating in the debate suggested: Why not this Bill be referred to a Select Committee for a closer scrutiny? As I have mentioned already, and the hon. Members are also aware that the Supreme Court gave a judgment in 1979 and the Supreme Court gave a directive that we must have a legislation non emigration as early as possible, but I have accepted or I have confessed this fact that the Government has taken a long time in coming forward with this Bill. Sir, the time that was taken, it was while legislating something—we are legislating for the first time after 1922; so when we are legislating, we

thought that because it is a very important matter, a very sensitive matter, it is going to affect not only the workers who are going abroad, but also the finances and the foreign exchange and the balance of payments of our country. So, we thought that while drafting the Bill sufficient care should be taken. So, I can assure the hon. Members that the Bill that is before this hon House has been scrutinised at different levels with great care and in depth. The Secretaries Committee was appointed only for this purpose to scrutinise this Bill. The Group of Ministers also went into the details of every provision of this Bill and ultimately this was approved by the Chairman and the approval of the Chairman was obtained. So, after having all these scrutinies that were necessary in order to ensure that there are not any lapses, this Bill is finally brought forward and produced before the House again. At this stage, when you say that it should go before the Select Committee, I am not in a position to appreciate this demand because everybody agrees that this is a non-controversial Bill. I do not think any hon. Member is in a position to point out any provision which is controversial. No provision of this Bill is controversial. Everybody agrees with the principle and spirit behind this Bill. When this is the state of affairs, I do not think there is any point in again referring it to a Select Committee and delaying this matter for another two months, three months or six months. I am very sorry I am not in a position to concede the demand of the hon. Members to refer this Bill to a Select Committee.

Shri Banatwalla is not here. He has taken lot of interest and he has sent lot of amendments to this Bill. I am happy he has studied this Bill in depth. I do not dispute that point. He is of the opinion that we should not have any restrictions. Particularly, he feels, that on foreign employers there should not be any restrictions. Yesterday I was listening him with rapt attention. He says that let foreign employers come here and take as many emigrants or workers as they want. Why do you want to come in the way? I must submit that I cannot subscribe to this philosophy. This is not a slaves market where anybody can enter and purchase as they were purchasing in the past. After all we are independent country

and yesterday I am happy Shri Eduardo Faleiro was saying and I am 100% in agreement with him that we have to safeguard the dignity, honour of our workers and also of our country. Therefore, whatever restrictions have to be on the foreign employers, it is only to ensure that our workers when they go to that country, where they are going to work, they are again not subjected to exploitation. I do not want to quote so many instances. But I can quote one or two instances.

Foreign employers or agents recruit skilled workers. When the workers go to that country, our emigrants have to sign another contract there. When they sign another contract, then skilled becomes unskilled. They say you must sign the contract as unskilled workers, otherwise you go back. We are not interested in you. Sometimes our workers on reaching there have to sign another substitute contract. The contract is attested here. After close scrutiny of all those contract papers duly attested by our foreign missions, we give emigration clearance. Even afterwards they are subjected to exploitation in certain cases. In certain countries after they go there, here they sign the contract in English. There they have to sign the contract in Arabic. The poor people do not know Arabic at all. Without knowing the contents of the contract they sign. They are made to sign. That is why I say if there are any reasonable restrictions on the foreign employers why should be object to that? These restrictions that we are putting, it is only to safeguard the interests of our workers when they go there. Therefore, we are having these restrictions.

It is true that some of our recruiting agents are exploiting, cheating. It is also a fact that they are demanding Rs 10,000 or Rs 15,000 per job; they are demanding even more than that. Now, we have taken sufficient powers under the Act. Under this Act, the punishment is two years and a fine of Rs 2000. Because we want to have a deterrent punishment for the people who indulge in mal-practices, corrupt practices and exploitation of workers, we have provided in the proviso :

“Provided that in the absence of any special and adequate reasons to the

contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees.”

Even here, we have tied down the bands of judiciary. We say that in such instances, the punishment shall not be less than six months. The judicial official is bound to give punishment of not less than six months. So we have taken sufficient powers under the Act. The provision is there for punishment.

Also, the certificates are cancelled. We have made it very easy because we have said that our policy is to encourage more and more workers to go abroad and, if there are any recruiting agents who are prepared to recruit people for going abroad, we want to encourage recruiting agents. That is why we are not insisting on a licence. We are only issuing a certificate and that too it will automatically be issued.

SHRI CHITTA BASU : That is my objection.

SHRI VEERENDRA PATIL : The policy of the Government is to encourage more and more workers to go abroad. I made it very clear that this is a competitive market and we cannot put too many conditions. That is our policy.

Then, the hon. Members wanted to know, because of the slash in the oil price, whether the employment market or the job market is affected. I have got figures and I have tried to check up with all our Embassies, particularly, in Middle-East and North African countries wherever we have our Embassies. I can say with confidence that so far as our share in the job market is concerned, it has not affected and, even it has affected, it has affected only marginally. I can give you the figures. During 1982-83, the total number of migrants clearances granted were 2,39,545 and this year, upto June, 1983, we have already granted migrants clearances to the tune of 1,19,000. So, the situation is not bad because Middle East countries, although to some extent oil price has gone down, have sufficient reserves and, I understand, that so far as their development projects are concerned, particularly on-going projects, they do not want to interrupt

on-going projects. They want to see that those projects are completed and they also want to take up some important projects about which they are thinking.

Some hon. Members wanted to know why not have the Manpower Export Corporation in the public sector. I have made clear the policy of the Government of India. We want to ensure that these recruiting agents, particularly, the private recruiting agents with not resort to mal-practices. Sufficient provisions have been made in that regard. Four or five States are already having these Manpower Export Corporations. For example, there is one in Kerala; there is one in Madras; there is one in Orissa and there is one in West Bengal at Calcutta. If they want to compete with the private recruiting agents, they can compete. But I cannot go into the details because it is a very competitive market. Such manpower export corporations will not be successful in the public sector. I do not want to divulge the details. But then All I can say is that these corporations which have been started by the State sector, let them function efficiently. Let them carry on the activities. Where is the need for the Government of India to have a corporation of their own when the State Government are having their own corporations.

SHRI CHITTA BASU : They cannot function properly unless the Government of India helps them to function. I know the reasons why these corporations are not taken over.

SHRI VEERENDRA PATIL : Hon. Member Mr. Chitta Basu knows that these public sector undertakings cannot function effectively in this market. So I do not want to go into the details.

SHRI CHITTA BASU : Because they cannot resort to that sort of malpractices which the private recruiting agents do.

SHRI VEERENDRA PATIL : Mostly these emigrants are going from Kerala and Tamilnadu and West Bengal. In all those places; the State Governments have their own corporations. Let them function efficiently. Mr. Chitta Basu says that they are coming in the way. If they are coming in the way, I will see that those hurdles are removed and we will give all out

cooperation to them. There will not be any difficulty. Let them function. But I know their difficulties and their limitations. They cannot function efficiently. You know well and I also know very well about them.

SHRI CHITTA BASU : In order to remove that difficulty, something has to be done.

MR. DEPUTY SPEAKER : Why can't you try in West Bengal ?

SHRI CHITTA BASU : We have tried. These private recruiting agents resorts to malpractices.

SHRI VEERENDRA PATIL : Some Hon. Members feel that our workers are going abroad in search of work because they are unemployed here. I do not think that is the case, They are going although they are employed. May be many unemployed are going abroad. I do not dispute that point. I had an occasion to discuss with our workers who have gone and come back. They say "During our life time whatever we earn and save here, that we can do in a foreign country within much less time." They are coming back with lot of money. They invest that money and they carry on some activities after coming back here and, at the same time, they are bringing lot of valuable foreign exchange to our country. It is not correct to say that they are going abroad because they are unemployed here, That is not the case.

In this Bill, work is also defined. This Bill and the provisions of this Bill are applicable only to skilled, semi-skilled and unskilled workers. We are not concerned with those doctors, engineers and others who are going abroad because we feel that they are in a position to safeguard their own interests. We need not safeguard their interests. But, these are people who are illiterate and subject to exploitation. That is why this Bill is only for safeguarding the interests of the workers who fall under this category.

Mr. Banatwalla and some other Hon. Members have suggested that there should be time-limit. I can very well appreciate the anxiety of the Hon. Members because they want to see that there should not be

any delay in giving emigrant clearance because of the bureaucratic method of functioning. I want to assure the Hon. Members that we are also equally anxious and we have powers under the rules and we will see that sufficient provisions are made in the rules in order to ensure expeditious disposal of the cases so far as emigrant clearances are concerned although I cannot spell out the details here in the Bill. Those powers will be taken under the rules. Sufficient provision will be made in the rules and those rules are going to be placed on the Table of the House. At that time, the Hon. Members can make scrutiny. At that time the hon. Members will be at liberty to make a scrutiny.

With regard to the allegation or observation that has been made the Embassy people do not give sufficient help or guidance, the difficulty is that in the Embassy they are not well equipped to deal with this problem because thousands of workers have gone. That is why, we have a suggestion to have our Labour Attache or Labour Officer in these foreign Missions where we have got concentration of workers. We have taken up the matter with the External Affairs Ministry. As you know, the Samar Sen Committee has been appointed. We have submitted the proposal to the Samar Sen Committee also. After the Bill is passed, we want to strengthen our Embassies, we want to have our officers in Embassies where we have concentration of workers working at those places to see that the interests of our workers are well safeguarded.

With these few words...

SHRI NATHU RAM MIRDHA (Nagaur) : What about the important point that I had raised ?

SHRI VEERENDRA PATIL : I will reply. The hon. member says that those people have to pay Rs. 10,000 or Rs. 15,000 or Rs. 20,000 and if they are cheated, he is asking, what is the provision in the Bill in order to see that their money is returned. In this Bill we have taken a decision in principle that all the recruiting agents will levy a service charge. That is going to be prescribed in the rules. They have to levy a service charge and collect it from the emigrants or intended emigrants.

What is going to be that charge or that fee is going to be laid down in the rules. They cannot charge more than that. If they charge more than that, they are liable for punishment under the Corrupt Practices Act. When they cannot charge more than that, there is no question of recovering that amount from them.

SHRI NATHU RAM MIRDHA ; After this Bill comes into force, all these things will be there. But things have been going on for the last so many years. What is going to happen to those cases of people from whom money has already been charged but whose purpose has not been served. What Will happen to such persons if they have paid that money and the money has not been paid back to them ? What is going to be done in such cases ?

SHRI VEERENDRA PATIL : As I said, emigrant clearance is being given under the guidelines fixed by the Supreme Court. The Supreme Court has fixed the guidelines. Now we are going to have an Act. Before that, there was no fixed fee to be levied by the recruiting agent. He was collecting lot of money. If he has collected the money and also provided him with a job, it is not an offence. But if he has collected the money and not provided the job, it amounts to cheating. When it is cheating, we can refer the matter in such cases to the police for taking necessary action. That, we have already done. The man who has suffered can also go the court and recover the money from him. It is open to him. That is why, now we are fixing the fees in the rules. He cannot charge more than that. Therefore, the question of recovering Rs. 10,000 or Rs. 15,00 will not arise.

श्री गिरधारी लाल व्यास (भोलवाड़ा) :
उपाध्यक्ष महोदय, मैं माननीय मंत्री जी से जानना चाहता हूँ कि जिन लोगों ने ट्रेवलर एजेंट्स से लोगों को विदेश में भेजने के लिए परमिट दिलवाने के लिये प्रति व्यक्ति हजार-हजार रुपया लिया है और लाखों रुपया इकट्ठा किया है, उन लोगों के खिलाफ आप क्या कार्यवाही कर रहे हैं, और आगे इस पर रोक लगाने के लिए क्या व्यवस्था करने जा रहे ?

15.00 Hrs.

श्री वीरेन्द्र पाटिल : जो रिक्लूटिंग एजेंट्स पैसा वसूल करके गरीब लोगों को नौकरी नहीं दिलाते हैं ऐसे किस अंगर हमारे नोटिस में लाए जाएं तो हम पुलिस को लिखेंगे । बहुत से ऐसे केसेज के बारे में हम ने पुलिस को लिखा भी है । चीटिंग में उनके खिलाफ कार्रवाई हो सकती है, कोर्ट में कार्रवाई चल सकती है और उनको सजा भी हो सकती है ।

श्री गिरधारी लाल व्यास : जिन ट्रेवलिंग एजेंट्स से जिन लोगों ने एक एक आदमी से हजार रुपया लिया परमिट दिलवाने के नाम पर लेकिन नहीं दिलवाया और इस तरह से करोड़ों रुपया वसूल किया, उनके खिलाफ क्या कार्रवाई कर रहे हैं ।

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS, SPORTS AND WORKS
AND HOUSING (SHRI BUTA SINGH) :
I have to make a submission. The Bill
has almost been seen through by the hon
Members. I request that the discussion on
this Bill be resumed soon after the Private
Members' Business is over and we pass
the Bill to-day. It will not take more than
half an hour.

MR. DEPUTY SPEAKER : Hon.
Members, the Parliamentary Affairs
Minister wants that as the Bill has come
to the stage of clause by clause Considera-
tion and he wants that the Bill should be
sent to the Rajya Sabha, the Bill be taken
up and passed to-day itself after the Private
Members' Business and the Half-an-Hour
discussion....

SHRI H. N. BAHUGUNA (Garhwal) :
The Minister is very right.

MR. DEPUTY SPEAKER ; Therefore,
if the House agrees, we will sit after the
Half-an-hour discussion and complete the
Bill.

SHRI N. K. SHEJWALKAR (Gwalior):
No other business, I suppose. Only this
Bill we will complete after the Half-an-hour
discussion.

SHRI BUTA SINGH : Yes, yes, only
this business.

MR DEPUTY SPEAKER : Only this
Bill will be taken up and completed.

15.03 Hrs.

COMMITTEE ON PRIVATE MEMBERS'
BILLS AND RESOLUTIONS
Sixty-Second Report

SHRI AJITSINH DABHI : (Kaira) :
I beg to move :

"That this House do agree with the
Sixty-second Report of the Committee
on Private Members' Bills and
Resolutions presented to the House on
the 10th August, 1983."

MR DEPUTY SPEAKER : The
question is.

"That this House do agree with
the Sixty-second Report of the
Committee on Private Members' Bills
and Resolutions presented to the House
on the 10th August, 1983."

The motion was adopted.

PROHIBITION ON CHILDRENS'
EMPLOYMENT BILL

SHRI K. LAKKAPPA (Tumkur) : I beg
to move for leave to introduce a Bill to
provide for prohibition on employment of
children.

MR. DEPUTY SPEAKER : The
question is :

"That leave be granted to introduce
a Bill to provide for prohibition on
employment of children."

The motion was adopted.

SHRI K. LAKKAPPA : I introduce
the Bill.

15.04 Hrs.

RESERVATIONS OF POSTS FOR
WOMEN IN GOVERNMENT
SERVICES BILL*

SHRIMATI GEETA MUKHERJEE
(Panskura) ; I beg to move for leave to