

Bill No. 13 of 2023

THE EMIGRATION (AMENDMENT) BILL, 2023

By

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BILL

to amend the Emigration Act, 1983.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Emigration (Amendment) Act, 2023.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

31 of 1983.

2. After section 8 of the Emigration Act, 1983 (hereinafter referred to as the principal Act), the following Chapter and sections thereunder shall be inserted, namely:—

Insertion of new Chapter IIA.

“CHAPTER IIA

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WELFARE OF EMIGRANTS

8A. The Central Government shall undertake or cause to be undertaken, specially in the countries where there are substantial number of emigrants, with a view to assess

Central Government to access the details of emigrants.

the following in regard to emigrants:—

- (a) access to basic human rights;
- (b) access to healthcare facilities including emergency service;
- (c) access to social protection schemes of the destination country;
- (d) access to legal support services in cases of despite resolution with the recruiting agent; and
- (e) access to timely grievance redressal.

Register of
Records of
Emigrants.

8B. The Central Government shall prepare and maintain a register of records containing the details of emigrants and their dependent in such manner as may be prescribed.

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Formulation of
Welfare
Schemes for
Emigration.

8C. (1) The Central Government shall formulate and implement welfare schemes for emigrants in such manner as may be prescribed.

(2) Without prejudice to the generality of the foregoing procession, such schemes shall provide for,—

- (a) old age protection;
- (b) life insurance;
- (c) disability coverage;
- (d) skill upgradation; and
- (e) such other measures as the Central Government may consider necessary.

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Constitution of
Emigrants
Welfare Fund.

8D. (1) The Central Government shall, by notification in the official gazette, constitute a Fund to be known as the Emigrants Welfare Fund for carrying out the purposes of this Act.

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(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf grants such sums of money to the Fund as the Central Government may think fit for carrying out the purposes of this Act.

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(3) The Fund shall be utilized for the purposes of implementation of welfare schemes formulated under section 8D.”.

Amendment of
section 24.

3. In section 24 of the principal Act, in sub-section (1), for the words “two years and with fine which may extend to two thousand rupees”, the words “twenty five years and with fine which may extend to rupees five lakh” shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

Indians have a long history of migration to many parts of the world like Australia, Canada, UAE, United Kingdom and the USA. Post-Independence, migrants have taken up jobs in almost all professions ranging from semi-skilled work in the construction industry to highly skilled jobs as doctors and engineers. Today, India has the world's largest diaspora community. Data suggest that India's diaspora communities are in as many as 110 countries where they have not just secured jobs but are as successful as to become CEOs of companies and start-ups such as Google LLC & Alphabet Inc, Microsoft and Adobe. These emigrants have contributed to not only the economic development of their host countries but have equally benefited India. In 2021, India received U.S. \$87 billion in official remittances which was the world's largest such flow, amounting to nearly fifteen per cent of all global transfers to low and middle-income countries, as noted by the World Bank.

But the growing number of Indian migrants overseas has proportionately heightened the number of issues faced by them. The highly skilled population from India as per Government data migrates to countries like the UK, USA and Canada, where they have time and again faced racially motivated attacks. Indians moving for tech-based jobs have been exploited with low wages, long working hours and sometimes lawsuits for quitting the job. As per an independent report, Indian workers in the US are also being sued for quitting their jobs.

Many Indian migrants comprising semi-skilled and unskilled workers migrated to Gulf countries to work in construction and oil factories. These emigrants under Emigrant Check Required (ECR) migrate for a considerable number of years under contract. They are particularly vulnerable due to their socio-economic and occupational status. Over years Ministry of External Affairs has received many complaints from emigrants for pending wages, absence of any social support, language barriers, discrimination for being foreign, and poor living conditions.

While the Ministry of External Affairs has been looking after the emigrants' affairs as directed in the Emigration Act of 1983. However, the core issues of safety and welfare of emigrants is still to be addressed majorly because the Ministry does not maintain data on Indian citizens going abroad for migration. Without proper data, effective address of the issues of such a large Indian diaspora spread across countries is not possible. Further, it has attained limited success in regulating the agents who deceive migrants by overpricing visas and incomplete information about the contract period, salary, overtime and related details. The Indian Government has so far not institutionalized any permanent mechanism and resources with host countries to evacuate its workers in case of emergency. The evacuation of 1-2 million workers in a limited time becomes not only tough but also a security challenge.

This Bill, therefore, seeks to amend the Emigration Act, 1983 with a view to address the emigrants' issues pertaining to social security and healthcare and also prioritize maintaining robust data of all the Indian emigrants for better-informed decisions and fastening their grievance redressal mechanism. It also provides for constitution of an Emigrant Welfare Fund for the welfare of emigrants.

Hence this Bill.

NEW DELHI;
November 24, 2022.

KALANIDHI VEERASWAMY

FINANCIAL MEMORANDUM

Clause 2 of the Bill *vide* proposed section 8B provides for the Central Government to prepare and maintain a register of records containing the details of emigrants and their dependants. It further *vide* proposed section 8D provides for the constitution of Emigrants Welfare Fund. It also provides for the Central Government to provide sums to the Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore will be involved per annum.

A non-recurring expenditure of about rupees fifty crores is also likely to be involved from the Consolidated Fund of India.

ANNEXURE

EXTRACTS FROM THE EMIGRATION ACT, 1983

[ACT NO. 31 OF 1983]

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24. (1) Whoever—

Offences and penalties.

(a) except in conformity with the provisions of this Act emigrates; or

(b) contravenes the provisions of section 10 or section 16; or

(c) by intentionally furnishing any false information or suppressing any material information obtains a certificate or a permit or an emigration clearance under this Act; or

(d) without lawful authority makes or causes to be made any alteration in any certificate or permit or in any document or endorsement by way of emigration clearance issued or made under this Act; or

(e) disobeys or neglects to comply with any order of the Protector of Emigrants under this Act; or

(f) collects from an emigrant any charges in excess of the limits prescribed under this Act; or

(g) cheats any emigrant; shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees:

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.

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BILL

to amend the Emigration Act, 1983.

(Dr. Kalanidhi Veeraswamy, M.P.)