

Bill No. 52 of 2024

THE OVERSEAS WORKERS (WELFARE) BILL, 2024

By

SHRI K. NAVASKANI, M.P.

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BILL

*to provide for welfare of Indian citizens employed outside the country
and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called the Overseas Workers (Welfare) Act, 2024.

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.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) “Fund” means the Overseas Workers Welfare Fund constituted under section 7; and

(b) “overseas worker” means and includes any Indian citizen who is employed outside India by a person who is not an Indian citizen or any company or any enterprise or any vessel which is not registered in the territory of India but does not include Indian citizens working in the organs or agencies of the United Nations Organization (UNO).

(c) “prescribed” means prescribed by rules made under this Act. 5

Maintenance of Register of Overseas workers.

3. The Central Government shall prepare and maintain a Register of all overseas workers containing names and such other particulars including the country in which they are employed, in such manner as may be prescribed.

Assessment study.

4. The Central Government may, from time to time, undertake or cause to be undertaken, using agencies as it may consider necessary, studies in the countries where there are substantial number of overseas Indian workers with a view to assess the following in regard to overseas Indian workers:— 10

- (i) access to basic human rights;
- (ii) access to health facilities;
- (iii) access to legal remedies; and 15
- (iv) ability to live in a safe and secure manner.

Formulation of welfare schemes.

5. (1) The Central Government shall formulate and implement welfare schemes for overseas workers in such manner as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision, such schemes shall also provide for, — 20

- (a) insurance and disability cover;
- (b) old age protection including pension to those who returned to India in their old age;
- (c) orientation and skill upgradation;
- (d) meeting expenditure on airlifting of mortal remains of deceased overseas Indians to India or for cremation/burial of such persons if the employer is unable or unwilling to do so and the family is unable to meet the cost; 25
- (e) welfare of persons who become victims of human trafficking;
- (f) emergency medical care to overseas Indians in need; and
- (g) such other provisions as the Central Government may consider necessary. 30

Obligations of the Central Government.

6. The Central Government shall—

- (i) take such measures as it may deem necessary including entering into bilateral agreements to generate international co-operation to check human trafficking of Indian citizens; and
- (ii) enter into social security agreements with other countries for ensuring protection and welfare of Indian citizens working overseas. 35

Overseas Workers' Welfare Fund.

7. (1) The Central Government shall by notification in the Official Gazette, constitute a Fund to be known as the Overseas Workers' Welfare Fund.

(2) The Central Government shall, after due appropriation made by Parliament

by law in this behalf, grant such sums of money to the Fund as the Central Government may think fit for carrying out the purposes of this Act.

- 5 **8.** It shall be mandatory for all persons or agencies involved in the recruitment or placement of Indian citizens for employment with foreign nationals or companies outside the country to get themselves registered with such authority, as may be designated by the Central Government for the purpose. Compulsory registration of recruiting agencies.
- 9.** Whoever, in contravention of section 8 recruits any person for employment outside the country, shall be punished with simple imprisonment for a term which may extend to ten years and with fine which may extend to rupees ten lakh or with both. Punishment.
- 10 **10.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.
- 11. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. Power to make rules.
- 15 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
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STATEMENT OF OBJECTS AND REASONS

Around 50 Lakh Indians are overseas worker. More than ninety per cent. of this work force is in the Gulf countries. There has been a consistent and steady increase in the number of persons going abroad in search of employment. There are about five million Indians employed outside the country. Indian workers who migrate for work legally also face many problems like non-payment or delay in payment of wages, harsh working and inhuman living conditions, retention of passport by owners, cheating by intermediaries, incidents of physical abuse and sexual exploitation, etc. In most of the countries access to legal recourse is denied to such workers. Moreover, in some countries legal recourse is so expensive that in most cases employees are not able to afford such options. The Central Government is required to take care of those who contribute to Indian economy by sending their hard earned money to their family members in India.

Therefore, there is an urgent need for a legislation providing for the management and welfare of Indian citizens working abroad. The Bill, *inter-alia*, seeks to provide for:—

- (i) registration of all Indian citizens who migrate from the country in search of employment;
- (ii) entering into bilateral agreement with other government of other nations to safeguard the interest of Indian workers in those respective countries;
- (iii) compulsory registration of recruitment agencies for overseas employment;
- (iv) insurance and disability cover;
- (v) old age protection including pension to those who returned to India in their old age;
- (vi) orientation and skill upgradation;
- (vii) meeting expenditure on airlifting of mortal remains of deceased overseas Indians to India or for cremation/burial of such persons if the employer is unable or unwilling to do so and the family is unable to meet the cost;
- (viii) welfare of persons who become victims of human trafficking; and
- (ix) emergency medical care to overseas Indians in need and other welfare measures as are required to meet the needs of Indian workers abroad.

Hence this Bill.

NEW DELHI;
July 8, 2024.

K. NAVASKANI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the maintenance of a register of overseas workers. Clause 4 provides for an assessment study in the countries where there are overseas Indian workers. Clause 5 provides for formulation and implementation of welfare schemes for welfare of overseas workers. Clause 7 provides for constitution of a Overseas Workers' Welfare Fund for welfare of overseas workers. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of expenditure likely to be involved as the exact amount of expenditure likely to be involved will depend upon the number of schemes formulated by the Government. However, it is estimated that an annual recurring expenditure of about rupees two thousand crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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