

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.1532
TO BE ANSWERED ON 19.12.2018

RIGHTS OF INDIANS IN FOREIGN COUNTRIES

1532 . SHRI N.K. PREMACHANDRAN :

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether the Government proposes to establish a system for protecting the rights of Indian citizens in foreign countries;
- (b) if so, the details thereof and the arrangement made in this regard in each country;
- (c) whether it came to the notice of the Government that the terms and conditions in the visa were violated by the external agencies and due to this, Indian citizens are facing difficulties to continue in their employment;
- (d) if so, the details of the action taken for ensuring the rights of Indian employees abroad;
- (e) whether it has come to the notice of the Government that the change in the domestic laws in certain countries is ousting the Indian employees from their employment;
- (f) if so, the details of the action taken by the Government to ensure the welfare of workers during the time of termination of retirement from service abroad; and
- (g) the details of the system established for locating Indians abroad?

ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS

[GEN. (DR) V. K. SINGH (RETD)]

(a) to (d) The Government under the Emigration Act, 1983 and Rules thereof, has a framework in place through which Indian citizens going abroad for employment, specially to the 18 notified Emigration Check Required or ECR countries are lent protection.

Indian workers with ECR passport, who emigrate after obtaining Emigration Clearances (EC) from any of the ten Protector of Emigrants (PoE) offices in the country through the online emigration clearance system (e-migrate portal) of the Ministry of External Affairs, can work legally in the destination country and are covered under their labour laws and provided protection by the Protector General of Emigrants of the Ministry of External Affairs. The Government has entered into Memorandum of Understanding (MOU) on labour and manpower cooperation with a number of such countries in order to ensure that our workers in these countries work under protective legislation. Such agreements have been signed with seven countries, namely, Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia and UAE.

Whenever our Missions receive complaints regarding violation of the conditions of the contract from Indian nationals/workers, it tries to resolve the matter amicably by contacting the employer. In addition, whenever possible, with the help of local authorities, the Embassy facilitates transfer of employment of the aggrieved Indian workers to other companies where employment is available. The Embassy systematically follows up on such grievances with the local authorities. In addition, such issues are also regularly discussed at the meetings of the Joint Working Group [JWG] on Labour & Manpower Development and other relevant bilateral fora. The other measures put in place are as follows:

(i) The on-line MADAD portal enables the emigrant workers and their family members to register their consular grievances online and track their redressal.

(ii) Grievances related to Overseas Employment in notified Emigration Check Required (ECR) countries can also be logged in directly by emigrants/relatives or through the Pravasi Bharatiya Sahayata Kendra (PBSK) on e-Migrate portal. These grievances are settled by respective jurisdictional Protectors of Emigrants (PoEs) as per laid down procedures.

(iii) Missions also conduct Open Houses on a regular basis where workers can seek redressal of their grievances.

(iv) A multi-lingual 24X7 Helpline of Pravasi Bharatiya Sahayata Kendra (PBSK) in New Delhi provides information, guidance and grievance redressal on all issues and problems pertaining to overseas employment of Indian nationals.

(v) Indian Missions have also established 24x7 helplines and Toll Free help lines for the benefit of Indian workers to seek help.

(vi) Pravasi Bharatiya Sahayata Kendras (PBSK) 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.

(vii) Kshetriya Pravasi Sahayata Kendras (KPSK) have also been setup in Kochi, Hyderabad, Chennai and Lucknow to assist emigrants or their relatives to redress their problems/complaints regarding overseas employment.

(viii) The Missions utilise the Indian Community Welfare Fund (ICWF) to provide assistance to overseas Indian nationals in times of distress.

(ix) Suitable accommodation to distressed Indian nationals has been setup in Bahrain, Kingdom of Saudi Arabia, Kuwait, Qatar, UAE and Malaysia to provide temporary accommodation.

In order to promote the welfare and protection of women workers, Government has taken further measures in restricting the recruitment of ECR passport holding Indian female workers only through seven State Government recruiting agencies w.e.f. 2nd August, 2016 to avoid their harassment by foreign employers. The Foreign Employers who intend to recruit Indian female domestic workers directly, have to register themselves on e-Migrate System with the respective Missions and deposit a bank guarantee equivalent to US\$2500/-. The age restriction of 30 years has been made mandatory in respect of all women emigrants emigrating on ECR passport, irrespective of the nature/category of employment. Further, mandatory Insurance and medical cover is extended to all Indian workers including women, through Pravasi Bhartiya Bima Yojana (PBBY). Also, the Missions are proactive in providing medical and legal support to distressed Indian women workers and take all possible measures, using Indian Community Welfare Fund (ICWF) for their speedy repatriation to India. Our Heads of Missions have been empowered more recently for utilizing ICWF funds. The Mission houses such women workers at its premises as they await completion of their repatriation process by the Deportation Centre.

(e) & (f) It has been reported by the Indian Missions in 18 ECR countries that these countries are passing through a period of economic slowdown primarily because of the slump in oil prices. Coupled with this, the Gulf countries are aiming at filling up maximum posts both in Public and Private Sector by their own nationals. Therefore, there has been a demand shortage for foreign workers in these countries, including Indians.

The Government has accorded the highest priority to the safety and well-being of Indian nationals abroad. Today, all Indians residing in any corner of the world are confident that in case of a crisis, their Government will provide them with a safe passage to the country. The Missions also help the aggrieved emigrants to settle their dues from the Foreign Employers amicably. Indian Missions and Posts abroad are readily accessible to all Indian citizens within their jurisdiction and maintain close contact with the Indian community. There is a designated nodal officer in each Mission and Post to deal with emergency situations. In key Missions and Posts, a 24x7 Helpline has been established. A dedicated Community Welfare Wing has also been established in Missions and Posts where there is sizeable Indian community. Indian nationals residing abroad are advised to register with the nearest Indian Mission or Post, which is user friendly through on-line. In addition, Ministry issues instructions from time to time to its Missions and Posts abroad to address the challenges faced by the resident Indian community with a proactive approach. The institutional framework for support and welfare of Indian nationals abroad stands considerably strengthened, specially in the last four years.

(g) The Government, whenever informed of any missing Indian abroad, immediately through the Indian Missions, tries to locate the missing person with the information available. The concerned Indian Mission gets in touch with the Local Government and follows up periodically till the person is located. Other means, such as contacting Indian associations, who could be helpful, are also taken recourse to on such cases.

Through the efforts mentioned above, during May 2014 to May 2018, the Government has successfully repatriated 2,08,186 stressed Indian nationals

including 16,281 rescued from troubled areas in Ukraine, Iraq, Libya, Yemen and South Sudan.
