

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.1697
TO BE ANSWERED ON 13.02.2019

INDIANS FACING PROBLEMS IN FOREIGN COUNTRIES

†1697. SHRI ALOK SANJAR:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

- (a) whether the Government has got representations from Indian diaspora regarding problems being faced by them in the countries of their residence;
- (b) if so, the details thereof;
- (c) the year-wise number of complaints which came to the notice of the Government during the last three years and the current year; and
- (d) the nation-wise details of the steps taken by the Government to resolve their problems through channels of embassies?

ANSWER

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS
[GEN. (DR) V. K. SINGH (RETD)]

(a) to (c) In order to address the problems being faced by the Indian Diaspora, the Government has strengthened its online mechanism for addressing the grievances of all overseas Indians. While the Emigration Check Required (ECR) category emigrants or their relatives can log in their grievances relating to overseas employment on the e-Migrate portal or through Overseas Workers' Resource Centre (OWRC) Helpline, a portal named MADAD for online lodging of consular grievances is also available to all overseas Indians. Grievances by migrant workers can also be registered with the Pravasi Bharatiya Sahayata Kendra (PBSK) at New Delhi which provides assistance 24x7 in 11 Indian languages and have also been authorized to assist the workers to lodge their grievances on both e-Migrate and MADAD portals, depending on the nature of the grievance. PBSKs in Riyadh, Jeddah, Dubai, Sharjah and Kuala Lumpur are also functional abroad that are home to a vast majority of our migrant workers. The MADAD online portal represents a qualitative mechanism for handling of consular grievances, through online forwarding, tracking and escalation until their eventual resolution. It allows direct registration of the grievances by the members of the public and effective tracking of the entire grievance handling process thereafter. A special module has been created within the MADAD portal wherein Indian Diaspora can register their student and marital issues and seek assistance. The Ministry has received representations from Indian Diaspora on various issues as per details below.

Year	MADAD	Migration & employment	
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	Complaints received	Complaints resolved	Complaints received	Complaints addressed forwarded to State Government	Marital complaints received & addressed
2016	11359	10517	231	231	1510
2017	12464	11295	446	446	1498
2018	16008	12503	350	350	1299

(d) With regard to the steps taken by the Government of India to address problems being faced by Indian Diaspora, employment and labour related issues are predominant in the ECR countries.

(1) The employment related issues are usually about non-payment of salaries and denial of legitimate labour rights and benefits such as non-issuance/renewal of residence permits, non-payment/grant 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. Steps taken by Government of India in the ECR countries to address labour related issues are as under:

(i). Complaints regarding employment issues are forwarded to concerned State Governments and Police authorities urging them to apprehend illegal agents and prosecute them on the basis of complaints. Wherever required such complaints are also referred to Missions/Posts abroad for providing relief/rescue through eMigrate/ MADAD Portals.

(ii). In view of complaints of exploitation and cheating by unscrupulous agents and foreign employers of the unskilled workers, who are the most vulnerable segment of the Indian society, Government has established a robust institutional framework for support and welfare of distressed overseas Indians. Among other welfare and protection measures, **“Surakshit Jao Prasikshit Jao”** is the key component of the protection measures adopted for the welfare of the prospective emigrant workers to prevent them from cheating and fraud by the agents. The institutional framework has been considerably strengthened during over last four and-half years. The Indian Community Welfare Fund, the MADAD portal, e-Migrate system, Pravasi Bharatiya Sahayta Kendras, help-lines, shelter homes etc. are some of the important mechanisms to expeditiously assist Indian nationals abroad.

(iii). The government is working in close coordination with foreign governments to address concerns related to employment and welfare of Indian workers. The Government has entered into Memorandum of Understanding (MOU/ Agreement 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. These MoUs/ Agreements provide the overarching framework for cooperation on labour and manpower related issues. Such MoUs/ Agreements have been signed with seven countries, namely, Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia and UAE.

(iv) The Government maintains the data in respect of Emigration Check Required (ECR) passport holders, travelling legally to any of the 18 ECR countries

for overseas employment. On receipt of such complaints, the same are addressed by the Indian Missions by taking them up with the concerned local government authorities for immediate resolution. Indian Missions in Foreign countries also conduct Open Houses on a regular basis where workers can seek redressal of their grievances. Indian Missions in foreign countries have also established 24x7 helplines and toll free help lines for the benefit of Indian workers to seek help. In addition, there are Kshetriya Pravasi Sahayata Kendras (KPSK) at Delhi, Kochi, Hyderabad, Chennai and Lucknow to assist emigrants or their relatives to redress their problems/complaints regarding overseas employment. The Missions utilize the Indian Community Welfare Fund (ICWF) to provide assistance to overseas Indian nationals in times of distress including setting up of shelter homes.

(2) With regard to ECNR countries, the issues faced by the Indian Diaspora are mainly consular, marriage related and student related. The marital issues broadly relate to harassment and ill treatment by husband and his family, loss of communication with spouse after going abroad, assistance in serving judicial summons for court proceedings in India, assistance in obtaining maintenance from the spouse, requests for impounding or revoking passport of overseas Indian spouse, requests for extradition, deportation of spouse to India, child custody issues etc. This Ministry has been receiving petitions from Indian women who have been deserted/harassed by their NRI spouses. Various steps taken by the Government of India to address these issues are as below:

(i). This Ministry (including the Indian Missions abroad) has addressed these complaints of distressed Indian women deserted by their NRI spouses by way of providing them counseling, guidance and information about procedures, mechanisms for serving judicial summons on the Overseas Indian husband, filing a case in India, issuing Look Out Circulars, impounding and revocation of Indian passport of the husband, getting access to lawyers and NGOs empanelled with Indian Missions abroad etc.

(ii). In addition, with an aim to provide financial and legal assistance to distressed women married to NRI spouses by all Missions and Posts, the Indian Community Welfare Fund (ICWF) Guidelines were revised in September, 2017. The amount of legal & financial assistance to distressed Indian women has also been increased to US\$ 4000 per case. The assistance is released to the empanelled legal counsel of the applicant or Indian Community Association/Women's Organization /NGO concerned to enable it to take steps to assist the woman in documentation and preparatory work for filing the case.

(iii) An Expert Committee was set up to identify legal and regulatory challenges faced by Indian nationals married to overseas Indian nationals and to suggest amendments in existing Acts/legislations or new policies/laws/regulations. Some of the recommendations of the Expert Committee have been accepted including the constitution of an Integrated Nodal Agency.

(iv) The INA is headed by Secretary, Women & Child Development. The other members of the INA are a) Joint Secretary (Judicial) & Joint Secretary (Foreigners), Ministry of Home Affairs, b) Joint Secretary (OIA-II), Ministry of External Affairs, and c) Joint Secretary (Legal), Ministry of Law & Justice. The INA is functioning as an effective body and providing a single window timely solution to the problems of Indian women married to overseas Indian spouses. So far, the INA has had thirteen sittings and has issued eight Look out Circulars against the erring spouses.

Student issues

(i) FAQs have been placed on the MEA website. Also, an expert group headed by Secretary, Ministry of External Affairs to address the student related issues has been formed.
