

# ANNUAL REPORT

2008-09

**GOVERNMENT OF INDIA  
MINISTRY OF OVERSEAS INDIAN AFFAIRS**

*"We are proud of the achievements of the people of Indian origin around the world. More than any other people, the people of India and of Indian origin know the meaning of tolerance and the art of living together regardless of caste, creed, religion or language.*

*Pluralism and the willingness to live with each other despite our differences is a deeply embedded trait of Indian culture. That is why I have often said that those who pursue the politics of exclusion, of monotheism, who divide people between "us" and "them", betray the very idea of India".*

- From the Inaugural Address of Prime Minister Dr Manmohan Singh  
At the Pravasi Bharatiya Divas, Chennai, January 8, 2009

**MINISTRY OF OVERSEAS INDIAN AFFAIRS**

**ANNUAL REPORT**

2008-09

**CONTENTS**

<b>OVERSEAS INDIANS AND THE GLOBAL ECONOMIC CRISIS</b>	<b>4</b>
<b>THE MINISTRY AND ITS MANDATE</b>	<b>8</b>
<b>DIASPORA SERVICES</b>	<b>14</b>
<b>MIGRATION MANAGEMENT</b>	<b>23</b>
<b>FINANCIAL SERVICES</b>	<b>42</b>
<b>BUDGET AND FINANCIAL REVIEW</b>	<b>47</b>
<b>MANAGEMENT SERVICES</b>	<b>48</b>
<b>ANNEXURES AND TABLES</b>	<b>50</b>

## **OVERSEAS INDIANS AND THE GLOBAL ECONOMIC CRISIS**

### **I. The genesis and nature of the crisis:**

Over the past year, and with increasing spread and depth in the last two quarters, the world economy has gone through its most difficult economic crisis. Arguably, it's worst since the Great Depression. The two events are not strictly comparable, for what we are witness to is an unprecedented sequence of events. The proximate cause was the subprime crisis in the United States triggered by an unsustainably leveraged mortgages market. In reality, it was the beginning of a precipitous chain of crises: a banking crisis resulting in the collapse of the legendary Lehman Brothers amongst several others, and a housing values meltdown, followed by the capital markets across the world crashing, coalescing into a full blown financial crisis and finally, its impact, spilling over into the real economy. The current crisis is also unique in that the precipitous and sudden economic downturn affected vastly different countries simultaneously and impacted every part of the world. The result has been that many countries are in recession and several others are experiencing a severe slowdown. The crisis has had its impact on India too. From a robust growth rate in excess of 8 percent in the last few years, the growth rate for the past fiscal has been revised downwards to between 6-7 percent. It has also resulted in considerable job losses across sectors.

In an irony peculiar to our times, few economists or financial experts foresaw the impending crisis. In hindsight, though, it is now posited that it was the result of growing world macro economic imbalances combined with a wave of financial engineering that created complex and often opaque securitization and imperfectly understood high risk financial products. Excessive leveraging of the markets through these new products, less than optimal accounting standards and inadequate rule based regulation only served to create an unsustainable credit boom and highly distorting asset price inflation. Besides impacting severely on the real economy across the world, these problems impaired the ability of the banking system in many countries from extending further credit to the real economy thus limiting recovery efforts and exacerbating the effects of the downturn. It is unclear how severe the effects will be or how long this crisis will last. What is clear though is that this is not a mere cyclical downturn and however effective the policy response, the economic costs of this crisis will be significant.

### **II. Impact on migrant populations:**

As at the end of 2008, globally there were an estimated 200 million migrants living and working outside the countries of their birth. These workers contributed in substantial measure to the economic growth and prosperity of the countries of destination. They also sent remittances to their families in the countries of origin in excess of US \$ 300 billion. The economic crisis has raised questions about the welfare and future prospects of expatriate populations. There have been frequent reports of firms or projects shutting down and laying off workers in many countries. The dominant view emerging across the world is that there will be a significant slowing down of migratory movements, a sharp decline in worldwide remittances from overseas communities and, large numbers of migrant workers losing their jobs and returning home. In times of global economic crisis it is the migrant workers and their families that are most vulnerable and bear the brunt of the downturn. Typically, migrant workers are the first to lose jobs or face sharp wage cuts. They are often forced to return home and with no social security cover.

In a world that sees the movement of goods and services across borders as a virtue, governments do often raise barriers to the movement of people who produce these goods and provide these services. One unfortunate result of the downturn is the specious view that migrant workers cause job losses or conversely that the effect of the downturn would be less if there were no migrants. Nothing can be farther from the truth. There is strong empirical evidence to suggest that migration is good for all and migrant workers are an important economic constituency. History also points to the fact that in times of economic downturn, governments often adopt protectionist policies thereby exacerbating the negative impact of the crisis on the economy. This only makes worse the condition of the migrant worker. Raising protectionist barriers to the movement of natural persons as a policy response as some countries are doing are both short sighted and counter intuitive and will only delay the recovery from the economic crisis. In a globally integrated world, labour mobility must be seen as a natural corollary to the cross border movement of investment and trade.

### **III. The overseas Indian community:**

The overseas Indian community spans the globe and is present in all the continents. India has the second largest overseas community with an estimated 25 million Overseas Indians spread across over 110 countries in the world. Though they live in different countries, speak different languages, practice different faiths and are engaged in different vocations, they are bound together by the common thread of a shared culture. In every part of the world the overseas Indian community is recognised and respected for its hard work, discipline, non-interference and for successfully integrating with the local community. Overseas Indians have transformed the economies of and have come to occupy a pride of place in the countries of destination and have added in considerable measure to knowledge and innovation.

It will take some time before the full implications of the economic crisis unravel and its impact on the overseas Indian community, on migration of Indian workers and their living and working conditions and possible return becomes manifest. It must be said, though, India is much better placed to weather this economic storm than most other countries, not least because of a sound and well regulated banking sector and strong domestic demand. It must be said of the resilience of the overseas Indians on the one hand and the emergence of India as a robust economy that the dire predictions of large numbers of expatriate workers losing jobs and returning home appear exaggerated. Indeed, if anything, the data with reference to the overseas Indian community over the last year has been positive.

### **IV. Impact on the Indian diaspora:**

Contrary to speculation of a sharp decline in remittances, India remains the highest recipient of remittances from its overseas community. India received US \$ 43.5 billion in remittances in 2008, a significant increase from the US \$ 30.8 billion received in 2007 and US \$ 25 billion in 2006 – recording significantly higher growth rates than the global average. The strengthening of the dollar in recent months has restored the remittance value of the wages of the overseas Indian workers in the Gulf. In fact since September, 2008, coinciding with the Global financial crises, remittances to India have shown an upward trend. About 40 percent of this remittance of US \$ 43.5 billion comes from the estimated five million overseas Indian workers in the Gulf and Malaysia. While these remittances are important for the

families of the migrant workers, their economic impact is marginal since remittances are in the nature of private transfers that go primarily into maintenance expenditure. Its development impact as a multiplier is therefore limited. However, the sharp increase in remittances to India in 2008 over 2007 – nearly 45 percent - is in part because of the current trust deficit in banks in other parts of the world. There may not be such a spectacular increase in 2009. But it is unlikely that remittances will drop significantly. Indeed, the downturn has accelerated the remittance flow because India is seen as a safer destination.

Similarly the flow of workers overseas for employment continued to grow, though at a slightly decelerated rate and was 8.48 lakhs in 2008 over the 8.09 lakhs in the previous year. The bulk of the workers, roughly about sixty percent, have been going for work in different trades in the construction sector. The Kingdom of Saudi Arabia and the United Arab Emirates have been the major countries of destination. While there are reports that the construction industry has been affected certain regions in the UAE and to a lesser extent in the other countries in the Gulf, there has not been, at least till date, any unusual increase in the number of returnees or any visible reduction in the number of persons going to the Gulf for employment. Thus, while doubtless there is likely to be a time-lag based slowdown in outward movement of Indian workers to the Gulf and higher numbers returning 2009 onwards, these numbers are unlikely to be as high as to precipitate crises in the states of origin. It should also be remembered that a significant proportion of Indian workers are in the healthcare and household services sectors, which even in times of a global slowdown would be necessary services. It is therefore unlikely that the workers in these sectors would be adversely impacted.

## **V. Preparing for the recovery and after:**

It is expected that 2009-10 will be a difficult year and there will be some economic stress before the recovery begins. However, most analysts agree that India is well placed to see an early recovery and indeed some have argued that India along with China will be the future drivers for growth. Over the past year of the global economic crisis, India has demonstrated that its economic fundamentals are strong, it's banking sector healthy, its regulatory mechanisms robust and its domestic rates of savings, investment and demand humungous enough to sustain a significant rate of growth. The opportunities are myriad. We want overseas Indians to benefit from the investment opportunities and the rapidly growing market that India today is. Equally, as a country that is English speaking, democratic, rule of law based and a society that is free and pluralistic with a vast reservoir of young educated, skilled, talented and trained work force, India is being seen increasingly as a source country to meet the large skill supply gaps that are emerging in the global economy. Our focus therefore is equally on matching skill sets and meeting the skills shortages in the International labour market. The focus of the Ministry, in these difficult times is to two-fold: (a) provide institutional support back home for those amongst overseas Indians who need assistance in their economic engagement with India - this is sought to be done through the Overseas Indian Facilitation Centre which extends a host of advisory and hand holding services and (b) strengthening bilateral cooperation with countries that have a significant Indian population to enlist the commitment of the host governments for the welfare of overseas Indians. It is necessary that we are in readiness to enable the overseas Indians to benefit from the opportunities following the global economic recovery.

There comes a time in the history of nations which is definitive. A discerning economic historian would not miss the intimate interplay between the demographic transition of a country and its economic progress. All the 'miracle economies' that demonstrated phenomenal growth made that transition when the share of their working age population was the highest. India will soon be on that very threshold. It will have a demographic structure that will come but once in its history. India is a country of young people with 54 percent of its population in the age group below 25 years. By 2020, India will become the world's youngest nation with the largest workforce estimated at 820 million as compared to 400 million today. This will be a time when it will have the potential to dramatically enhance labor supply and productivity. It will also have the appetite to maintain high rates of saving and investment that only a 'young' work force can. There is a caveat, however. In the ensuing years, in the small window of time, we will have to invest in considerable measure, in social and human capital, in innovation and in good governance.

It is in this sphere of investment that the Indian Diaspora can contribute in substantial measure. The Overseas Indian community represents a reservoir of knowledge, skills, resources and enterprise. Overseas Indians are amongst the best educated, multi-skilled and knowledge driven expatriates in the world. Just as the country, the overseas Indian community too has shown resilience and strength to weather this unprecedented global economic storm. The overseas Indian community has distinguished itself as a 'knowledge' diaspora. As doctors, engineers, scientists, nurses, IT professionals, bankers, teachers, Indians have distinguished themselves in whatever vocation they have chosen. Their education, expertise and skills have invested them with the resilience of job mobility. Their spirit of enterprise and commitment adds to their ability to tide over this crisis. Together, we have the ability and the willingness. It is time that we work together as partners in progress.

## **THE MINISTRY AND ITS MANDATE**

### **I. Introduction**

The Ministry of Overseas Indian Affairs is a young Ministry. Established in May 2004 as the 'Ministry of Non-Resident Indians' Affairs', it was renamed the 'Ministry of Overseas Indian Affairs' (MOIA) in September 2004. The emigration division of the Ministry of Labour and Employment was attached to the new ministry in Dec 2004 and now functions as the Protectorate General of Emigrants. The erstwhile NRI division of the MEA now functions as the Diaspora division in the Ministry. In addition a new division called the Financial Services and Emigration Policy Division was established with the ministry.

The Ministry is headed by a Cabinet Minister and is organized into four functional service divisions: Diaspora Services, Financial Services, Employment Services, and Management Services. A small team of eighteen officers (US and above) is working in the Ministry in a de-layered and multi-task mode leveraging the power of partnerships and outsourcing.

The Protector General of Emigrants (PGE) administers the Emigration Act, 1983. He oversees the eight field offices of the Protectors of Emigrants located at Chandigarh, Chennai, Cochin, Delhi, Hyderabad, Kolkata, Mumbai and Thiruvananthapuram.

### **II. Policy Imperatives**

MOIA is the focal Ministry for all matters relating to overseas Indians comprising Persons of Indian Origin (PIO), Non-Resident Indians (NRIs) and Overseas Citizens of India (OCI). The Mission of the Ministry is to promote, nurture and sustain a mutually beneficial and symbiotic relationship between India and overseas Indians.

In achieving this mission the Ministry is guided by four key policy imperatives.

First, the heterogeneous overseas Indian community spread across eight major regions of the world is a product of different waves of migration over hundreds of years and have distinct and often varied expectations from the home country. In facilitating the process of engagement the Ministry seeks to provide for this wide range of roles and expectations.

Second, there is a need to bring a strategic dimension to the process of India's engagement with its overseas community. It is important to take a medium to long term view of overseas Indians and forge partnerships that will best serve India as an emerging economic power and meet the expectations of overseas Indians as a significant constituency across the world.

Third, overseas Indians are both the products and the drivers of globalisation. They represent a reservoir of knowledge and resources in diverse fields - economic, social and cultural - and this reservoir must be drawn upon as partners in development.

Finally, the states of India are important players in this process. Any initiative that overseas Indians, individually or collectively take, must be anchored in one of the states.



The states must therefore be encouraged to become natural stakeholder partners in the process of engagement with the overseas Indian community.

### **III. Institutional Arrangements**

The focus of the Ministry therefore is to establish an institutional framework that can support sustainable engagement and can benefit from networks with and among overseas Indians based on three value propositions:

- Through multi-skilled market driven entities promoted by MOIA with knowledge partners from the private sector.
- The states and other academic institutions as stakeholder partners since OI related initiatives have to be anchored in the states.
- MOIA will stay small, facilitate activity on the ground and drive policy changes.

To fulfill its mandate, the focus of the Ministry has been on establishing a robust institutional arrangement to promote sustainable and mutually beneficial engagement between overseas Indians and India across the economic, social and cultural space. Towards this end the institutional arrangements established include:

- The Overseas Indian Facilitation Centre (OIFC), a not for profit trust in partnership with the Confederation of Indian Industry (CII), to serve as a one stop shop for economic engagement, investment and business.
- The India Development Foundation (IDF), a not for profit society to serve as a credible single window to facilitate diaspora philanthropy and lead overseas Indian philanthropic capital into India's social development effort.
- The Indian Council of Overseas Employment (ICOE), a not for profit society to serve as a strategic 'think-tank' on matters relating to overseas employment markets for Indians and overseas Indian workers.
- The Global Indian Network of Knowledge (Global-INK), a robust electronic platform that will facilitate transfer of knowledge with the objective of leveraging the expertise, skills and experience of overseas Indians.
- The Prime Minister's Global Advisory Council, to serve as a high level body to draw upon the talent of the best overseas Indian minds wherever they might reside.
- Overseas Indian Centres (OIC) at the Indian Missions at Washington and Abu Dhabi, to begin with, to serve as field formations on matters relating to overseas Indians.

### **V. Programmes and Activities**

The business allocated to the Ministry covers a wide range of subjects as well as sectors. Besides the task of handling all matters relating to PIOs and NRIs, the Ministry also has been assigned responsibilities in such diverse functions as promotion of trade & investments, emigration, education, culture, health, science & technology etc in so far as they relate to the overseas Indians.

Given the diversity and geographic spread of the overseas Indian community and with it, the emergence of distinct region/country specific ethos, the needs and expectations of the overseas Indians vary considerably. The policies, programmes and the Schemes of the Ministry are therefore designed to meet these wide ranging needs and expectations and include:

- Overseas Citizenship of India (OCI)

- Know India Programme (KIP)
- Scholarship Scheme for Diaspora Children (SSDC)
- Tracing the Roots
- Establishment of a PIO University
- Pravasi Bharatiya Kendra
- India Health Care Initiative - AAPI.
- Awareness Campaign on the risks of illegal migration
- Legal assistance for women facing problems in NRI Marriages
- E – Governance in Emigration
- Pre departure Orientation & Skill Upgradation for Emigrant workers.
- Pravasi Bharatiya Bima Yojana (PBBY).
- Overseas Workers Resource Centre.
- Migrant Resource Centres.

Overseas Indian workers constitute an important segment of the overseas Indian community. International Migration is therefore a strategic focus area for the Ministry. Policy interventions as well as bilateral cooperation with destination countries constitute important focus areas of work of the Ministry. Besides concluding Labour Welfare and Protection Agreements with the Gulf countries and Malaysia for the benefit of the skilled and semi-skilled workers, the ministry is negotiating and concluding bilateral Social Security Agreements with countries in Europe, North America and the Asia Pacific for the benefit of Indian professionals. Labour Mobility Partnerships to enhance overseas employment avenues are also being pursued with the European Union and select member states of the E.U.

In addition, the Pravasi Bharatiya Divas (PBD) and the Pravasi Bharatiya Samman Awards continues to be the flagship event of the Ministry. The PBD commemorates the return of Mahatma Gandhi, the first great Pravasi, to India to lead an eminently successful non-violent struggle for India's freedom. This programme also seeks to bring the expertise and knowledge of the overseas Indians on a common platform and integrate it with the country's development process.

## **VI. LOOKING BACK AT 2008-09**

The Ministry turns five this year. It has been a memorable five years during which the ministry grew in stature just as the overseas Indian community did. The key outcome achieved was that the overseas Indian Community was given main stream attention through policy interventions, innovative institutions to deliver services and demand driven programmes and activities. Several important initiatives were taken for the benefit of the overseas Indian community. As in the past, the year 2008-09 was eventful and productive for the Ministry of Overseas Indian Affairs. The Ministry and the overseas Indian community have together made progress on several fronts - economic, social and cultural.

The highlights of the year in brief include:

- In **April**. The cabinet approved the establishment of the PIO/NRI University at Bangalore by the Manipal Academy of Higher Education Trust, Manipal. A first of its kind, the PIO university is expected to grow into a world class institution in the ensuing years.
- In **July**, the Indian Council for Overseas Employment (ICOE) was registered under the Societies Registration Act, 1860. The council will serve as a “think tank” for the government on International migration. It is expected to give impetus to informed policy making relating to International migration.
- In **September**, the landmark India-France Social Security Agreement (SSA) was signed in Paris in the presence of the Hon’ble Prime Minister of India. The agreement provides for avoidance of double payment, portability of benefits and totalisation of contributions of social security on a reciprocal basis to expatriates of both countries.
- In **October**, the second mini-PBD convention aimed at reaching out to the Indian diaspora in East Asia and the Asia Pacific region was held in Singapore from 10-11 October, 2008. The event was jointly organized by the MOIA, CII and Singapore Indian Chamber of Commerce with the support of the Govt. of Singapore. More than 700 delegates from 20 countries attended the Conference.
- The Indo-German agreement on Social Insurance was signed at the Ministerial level in New Delhi. The agreement provides for exemption from payment of social security contributions for posted workers and professionals of both countries on a reciprocal basis.
- In **November** on the occasion of the visit of the Prime Minister to Oman, the Memorandum of Understanding between India and Oman in the field of Manpower was signed at the Ministerial level. This agreement provides for better protection and welfare of Indian workers in Oman.
- In **December** the India Development Foundation (IDF), a “not-for-profit” Trust was established with the Minister of Overseas Indian Affairs as Chairman of the Board of the trustees and twelve trustees representing eminent Overseas Indians, eminent resident Indians and relevant Ministries. The foundation will serve a credible window to lead Overseas Indian philanthropy into India’s social development including through innovative projects and instruments such as micro credit for rural entrepreneurs, self help groups for economic empowerment of women, best practice interventions in primary education and technology interventions in rural health care delivery.
- In **January**, the seventh Pravasi Bhartiya Divas (PBD) convention was held at Chennai on January 8-9. The Convention was attended by over 1500 delegates from different countries. Besides the inaugural and valedictory sessions, four plenary sessions, six concurrent sessions, seven regional sessions and six State sessions were organized. On this occasion, Pravasi Bharatiya Samman Awards were conferred on 14 overseas Indians including the Vice Presidents of Suriname and Mauritius.

In the inaugural session the Prime Minister launched the “Global Indian Network of Knowledge” (Global-INK) to serve as an electronic knowledge transfer platform to generate new ideas on issues such as development, education and healthcare.

A comprehensive e-governance project on migration called ‘e-migrate’ was also launched by the Prime Minister. This project will transform the migration process into a simple, efficient and humane process.

- A MoU was signed with Malaysia at the ministerial level, which, inter-alia, provided facilitation of employment of workers between two countries; protection and welfare of all categories of workers under the labour laws of the host country and the constitution of a joint working group.
  
- In **February**, MOIA, in partnership with JNU, organized an International Conference on ‘India-EU Partnership in Mobility’ at New Delhi. The conference was attended by a large number of overseas delegates comprising scholars on international migration, academia, representatives from EU member states and their Missions in New Delhi as well as multilateral organisations like IOM and the ILO.

The MOIA Team  
(2008-09)

Shri Vayalar Ravi  
Cabinet Minister

Shri K. Mohandas  
Secretary

Shri D.N. Srivastava  
Joint Secretary  
(Diaspora  
Services)

Shri G. Gurucharan  
Joint Secretary  
(Financial Services and Emigration policy)

Shri J. Panda  
Protector  
General of  
Emigrants

Smt. Sandhya Shukla  
Director  
(Diaspora  
Services)

Shri N. Balasubramanian  
Deputy  
Secretary  
(Diaspora  
Services)

Dr. Ranbir Singh  
Director  
(Emigration  
Policy)

Shri Shiv Ratan  
Director  
(Financial  
Services  
& Budget)

Shri Mithlesh Kumar  
Deputy  
Secretary  
(Admn.)

Shri K.B. Arora  
Deputy  
Secretary  
(Parliament &  
Coordination )

Shri V.B. Singh  
Director  
(Emigration  
Services)

## **DIASPORA SERVICES**

The Diaspora Services Division deals with all matters relating to Overseas Indians comprising Persons of Indian Origin (PIO) and Non-Resident Indians (NRIs), overseas citizenship matters, Pravasi Bharatiya Divas, Pravasi Bharatiya Samman Awards, admission of NRI/PIO students to various educational, technical and cultural institutions in India, scholarships to NRI/PIO students in India and new initiatives to promote interaction of overseas Indians with India in Tourism, Media, Youth Affairs, Education, Culture etc.

### **I. OVERSEAS CITIZENSHIP OF INDIA (OCI)**

In response to a long and persistent demand for “dual citizenship” particularly from the Diaspora in North America and countries in West Europe, Australia and New Zealand and keeping in view the government’s oft-repeated deep commitment towards fulfilling the aspirations and expectations of overseas Indians, the Overseas Citizenship of India (OCI) Scheme was launched in August 2005 by amending the Citizenship Act, 1955 during the Pravasi Bharatiya Divas 2006.

The Scheme provides for the registration as Overseas Citizens of India (OCI) of all Persons of Indian Origin (PIOs) who were citizens of India on or after 26<sup>th</sup> January, 1950 or were eligible to become citizens of India on 26<sup>th</sup> January, 1950 and who are citizens of other countries, except Pakistan and Bangladesh. A registered Overseas Citizen of India is granted multiple entry, multi purpose, life-long visa for visiting India, and is exempted from registration with Foreigners Regional Registration Office for any length of stay in India. As mandated under the Allocation of Business, the Ministry of Overseas Indian Affairs has issued notifications granting registered OCIs further benefits as under :

- (i) Parity with Non-Resident Indians in the matter of inter-country adoption of Indian children ;
- (ii) Parity with resident Indian nationals in matters of tariffs in air domestic fares ;
- (iii) Parity with domestic Indian visitors in respect of entry fee for visiting national parks and wildlife sanctuaries in India ;
- (iv) Parity with non-resident Indians in respect of :
  - (i) entry fees for visiting the national monuments, historical sites and museums in India;
  - (ii) practising the following professions in India, in pursuance of the provisions contained in the relevant Acts, namely :
    - (i) doctors, dentists, nurses and pharmacists;
    - (ii) advocates;
    - (iii) architects; and
    - (iv) chartered accountants; and

- (v) Entitlement to appear for the All India Pre-Medical Test or such other tests to make them eligible for admission in pursuance of the provisions contained in the relevant Acts.

In respect of (iv) and (v) above, the concerned Ministries of Government of India have been requested to take necessary follow up action for implementation.

OCI is not to be mis-construed as 'dual citizenship'. OCI does not confer political rights. Detailed instructions and procedures on the OCI Scheme are given in the MHA's website: [www.mha.nic.in](http://www.mha.nic.in). As on 31<sup>st</sup> March, 2009, a total of 3,99,133 OCI registration booklets and visa stickers have been issued. The number of OCI documents issued during the financial year 2008-2009 was 168,261.

An on-line OCI miscellaneous service is now available for re-issuance /issuance of duplicate OCI documents, in case of issuance of new passport, change of personal particulars, viz, nationality, name, change of address/occupation, etc. and loss/damage of OCI registration certificate/visa.

## **II. SCHOLARSHIP PROGRAMME FOR DIASPORA CHILDREN (SPDC)**

A scheme called 'Scholarship Programme for Diaspora Children (SPDC)' was launched in the academic year 2006-2007. Under the Scheme 100 scholarships of upto US\$ 3600/- per annum are offered to PIO and NRI students for undergraduate courses in Engineering/Technology, Humanities/Liberal Arts, Commerce, Management, Journalism, Hotel Management, Agriculture/Animal Husbandry, etc. The scheme is being implemented by M/s Educational Consultants India Limited (ED.CIL), an autonomous body under the Ministry of Human Resource Development. The Scheme is open to NRIs/PIOs from 40 countries with substantial Indian diaspora population.

Common Entrance Tests (CET) for selecting suitable PIO and NRI students for the award of scholarships under SPDC were conducted on 18.05.2008 and 26.10.2008 for the academic years 2008-09 and 2009-10 respectively. On the basis of the CET, a total of 246 candidates (120+126) were declared eligible for the award of scholarships. Of the 120 candidates selected for the academic year 2008-09, only 66 availed themselves of the scholarship. For the academic year 2009-10, out of 126 candidates selected, acceptance have been received from 112 candidates. Their eligibility to join the courses and the institutions would be decided after the result of their qualifying examination are declared in May/June 2009.

## **III. PIO/NRI UNIVERSITY**

In pursuance of the recommendations made by the High Level Committee on the Indian Diaspora (HLCID) and commitments made at the highest level, the Ministry is in the process of setting up a PIO/NRI University for the benefit of children of overseas Indians. The University is expected to be accorded the status of "Deemed University" *de-novo* under Section 3 of the UGC Act. The University would be set up by Manipal Academy of Higher Education Trust (MAHET), Manipal at Bangalore, Karnataka. MAHET has submitted a Detailed Project Report (DPR). An Advisory Board has been constituted to evaluate the DPR with a view to ensure that it conforms to the academic and infrastructure standards prescribed by the concerned authorities like the UGC, AICTE, MCI etc. The board held two meetings and approved, in principle, the DPR submitted by the MAHET.

Expressions of Interest for setting up four more PIO/NRI Universities in different cities in India (other than Bangalore) have been called for, by placing advertisements in important national newspapers in February, 2009.

#### **IV. PRAVASI BHARATIYA DIVAS (PBD)**

Pravasi Bharatiya Divas (PBD) convention is the flagship event of the Ministry organized every year in January since 2003, with a view to connect India to its vast Indian diaspora and bringing their knowledge, expertise and skills on a common platform.

The 7<sup>th</sup> Pravasi Bharatiya Divas Convention was held at the Chennai Trade Centre, Chennai from 7-9 January, 2009. Tamil Nadu was the Partner State and the Confederation of Indian Industry (CII) was the institutional partner. It was inaugurated by the Prime Minister on 08.01.2009 and the valedictory address was delivered by the President on 09.01.2009. The President also conferred the Pravasi Bharatiya Samman Award on 13 distinguished PIOs/NRIs. H.E. Mr. Ramdien Sardjoe, the Vice President of Suriname was the Chief Guest.

Other dignitaries in attendance included the Vice President of Mauritius and PIO Ministers from Singapore, Malaysia, Canada and South Africa, besides several union Ministers and the Chief Ministers of Tamil Nadu, Andhra Pradesh and Gujarat. Other States/UTs who took part in the event include Haryana, Kerala, Maharashtra and Punjab and the Andaman and Nicobar Islands.

Besides the inaugural and valedictory sessions, a total of 4 plenary sessions, 6 concurrent sessions, 7 regional sessions and 6 state sessions were organised during the Convention, with over 1500 delegates deliberating on matters of interest and concern to them. The Plenary Sessions focused on the subjects of '*India as an Emerging Power: The Diaspora Factor*', '*Reflections on Current Economic Crisis – Diaspora Concerns*', '*Diaspora interaction with the States*' and '*Indian Diaspora: Preservation of Language and Culture*'. The subjects of deliberation in the concurrent sessions were on '*Building Bridges: Trade & Investment*', '*Diaspora Philanthropy*', '*Education & Diaspora Knowledge Network*', '*Media & Entertainment*', '*Increased Interaction with Diaspora Women*' and '*Health for All: Role of Diaspora*'. Separate regional sessions on Africa, Asia Pacific, Canada, Caribbean, Europe, Gulf, USA and State Sessions were also held.

#### **V. HIGHLIGHTS OF PBD 2009**

- Largest attendance by Pravasi Bharatis in recent years.
- Attendance by host of dignitaries from abroad.
- PM launches Global Knowledge Network (Global INK).
- Comprehensive e-Governance Project on Migration launched.
- PM announces enabling framework for registered OCI professions to practice in India.
- President calls for institution of separate awards for overseas workers.
- Four plenary sessions, six concurrent sessions & seven regional sessions.
- Intense discussions on current economic meltdown, India's role as an emerging power, preservation of language and culture of Indian Diaspora.



- State Sessions on Bihar, Gujarat, Karnataka, Kerala, Rajasthan and Tamil Nadu.
- Regional Working Sessions on Africa, Asia Pacific, Canada, Caribbean, Europe, Gulf and USA.

## **VI. PRAVASI BHARATIYA SAMMAN AWARD**

The Pravasi Bharatiya Samman Award (PBSA) is conferred on a Non-Resident Indian, Person of Indian origin or an organization or institution established and run by the Non-Resident Indians or Persons of Indian Origin, who have excelled in one's field for outstanding work which has enhanced India's prestige in the country of residence and who has made (i) significant contribution towards better understanding abroad of India and support to India's causes and concerns in a tangible way; (ii) significant contribution for the welfare of diaspora; (iii) notable contribution in philanthropic and charitable work and for social and humanitarian causes in India and abroad; (iv) significant contribution in building closer links between India and its diaspora in the economic, cultural and scientific fields; and (v) for eminence in his skills which has enhanced India's prestige in that country (for non-professional workers). It is conferred by the President of India as a part of the Pravasi Bharatiya Divas (PBD) conferences organized annually since 2003. PBSA is the highest honour conferred on overseas Indians. PBSA 2009 were conferred on the following :

1. Mr. Ramdien Sardjoe, Vice President of Suriname
2. Mr. Angidi Veeriah Chettiar, Vice President of Mauritius.
3. Mr. Soman Baby, Bahrain
4. Mr. Deepak Obhrai, Canada
5. Mr. Ylias Akbaraly, Madagascar
6. Tan Sri G. Vadiveloo, Malaysia
7. Mr. Ram Lakhina, Netherlands
8. Mr. P.N.C. Menon, Oman
9. Mr. Parmananthan 'Prema' Naidoo, South Africa
10. Mr. J.R. Gangaramani, U.A.E
11. Baroness Shreela Flather, U.K.
12. Prof. C.K. Prahalad, USA
13. Prof. Sumit Ganguly, USA

## **VII. MINI – PBD**

A mini PBD titled 'PBD Singapore' was organized on 9-11 October 2008 in Singapore in partnership with the Singapore Indian Chamber of Commerce & Industry (SICCI) and Confederation of Indian Industry (CII) and support of the Government of Singapore. The tagline for the event was "*PBD Singapore : Towards a Dynamic Indian Diaspora*".

Prominent among there also who attended the Mini PBD were the Singaporean dignitaries such as Mr S R Nathan, President, Mr Lee Hsien Loong Prime Minister, Professor S Jayakumar, Deputy Prime Minister, Mr Goh Chok Tong, Senior Minister, Mr Lee Kuan Yew, Minister Mentor and Mr. S Iswaran, Senior Minister of State. Dr Navinchandra Ramgoolam, Prime Minister of Mauritius and Datuk Dr S Subramaniam Sathasivam, Minister of Human Resources, Malaysia were also among the dignitaries who attended the Mini PBD. From India, Shri Vayalar Ravi, Minister of Overseas Indian Affairs and Shri Kapil Sibal, Minister of Earth Science and Science & Technology attended the Mini PBD.

## **VIII. TRACING THE ROOTS**

The Ministry has launched a new scheme called “Tracing the Roots” in October 2008.

In this regard the Ministry signed an MOU with an organization called “Indiroots” to facilitate tracing the roots of PIO’s in India. PIOs, who intend to trace the roots of their ancestors in India, have to apply in a prescribed form through the Indian Mission/Post in the country of their residence.

## **IX. KNOW INDIA PROGRAMME (KIP)**

Know India Programme of the Ministry is a three-week orientation programme for diaspora youth conducted in partnership with one or two State Governments with a view to promote awareness on different facets of life in India and the progress made by the country in various fields e.g. economic, industrial, education, Science & Technology, Communication & Information Technology, culture. The participants, in the age group of 18-26 years, are selected based on nominations received from Indian Missions/Posts abroad. They are provided with full hospitality and are reimbursed one-way economy class airfare from their respective country to India.

The content of the programme broadly includes the following:

- (a) Presentations on the country, the constitution, political process etc.
- (b) Interaction with faculty and students at a prestigious University/College/Institute.
- (c) Presentation on the industrial development and visit to some Industries
- (d) Visit to a village to better understand the typical village life
  
- (e) Exposure to Indian media and Film Industry.
- (f) Interaction with NGOs and organizations dealing with women affairs.
- (g) Visit to places of historical importance/Monuments.
- (h) Taking part in Cultural programmes
- (i) Exposure to yoga
- (j) Call on high dignitaries, which may include President of India, Chief Election Commissioner of India, Comptroller and Auditor General of India, and Ministers in-charge of Overseas Indian Affairs, Youth Affairs and Sports.

The following Know India Programmes were conducted during 2008-09:

- I) 9<sup>th</sup> KIP in partnership with the States of Gujarat and Uttar Pradesh during September 2008. 31 participants took part in it.
- II) 10<sup>th</sup> KIP in partnership with the State of Madhya Pradesh in December 2008 – January 2009. 34 participants took part in it. The participants also had the privilege of attending 7<sup>th</sup> Pravasi Bharatiya Divas Convention held in January at Chennai.
- III) 11<sup>th</sup> KIP is underway since 21<sup>st</sup> March. The partner States for this KIP are Orissa and Punjab. 22 participants are taking part in it.

The Ministry also hosted 12 participants of “Know Goa Programme” for 4-days in Delhi/Agra during December 2008.

## **X. PROBLEMS RELATING TO OVERSEAS INDIAN MARRIAGES**

Ministry of Overseas Indian Affairs (MOIA) has taken various steps to address the problems arising out of marriages with overseas Indians. Some of them are as under:-

### **i. SCHEME FOR GIVING LEGAL /FINANCIAL ASSISTANCE TO INDIAN WOMEN DESERTED BY THEIR OVERSEAS INDIAN SPOUSES**

The Ministry had launched a scheme in February, 2007 to provide legal and financial assistance through Indian Missions abroad to Indian women deserted or divorced by their overseas Indian spouses. Number of cases of assistance rendered by Indian Missions /Posts abroad under the scheme is given as under:

Sr.No.	Name of the Mission /Post	Total Number of cases	Name of the NGO/Indian Association
1	Embassy of India, Washington DC	2 (Two)	ASHA For Women (Asian Women's Self Help Association)
2	Consulate General of India, San Francisco	1 (One)  1 (One)	SevA Legal Aid  NARIKA
3	Consulate General of India, New York	1 (One)	Sneha Inc
4	High Commission of India, Canberra	10 (Ten)	Federation of Indian Associations of Victoria Inc,
5	High Commission of India, Wellington	4 (Four)	Shakti Community Council Inc

The list of Organisations empanelled for providing assistance under the scheme is given in Annexure E.

### **ii. AWARENESS CAMPAIGN TO EDUCATE PROSPECTIVE BRIDES AND THEIR FAMILIES**

MOIA had earlier brought out guidance booklet on “Marriage to Overseas Indians” in English version . This booklet contains information on safeguards available to women deserted by their NRI spouses, legal remedies available, authorities that can be approached for redressal of grievances and NGOs which can provide assistance. The guidance booklet in Hindi, Telugu and Punjabi versions has been released to create awareness in the regions having higher incidents of fraudulent NRI marriages.

### **iii. GRANT- IN –AID TO INDIAN SOCIETY OF INTERNATIONAL LAW (ISIL)**

This Ministry has granted financial assistance of Rs. 2.00 lakh to ISIL New Delhi in bringing out the publication of the book “ Non Resident Indians and Private International Law.”

### **iv. CONSTITUTION OF INTER-MINISTERIAL COMMITTEE TO FIND WAYS AND MEANS TO HELP INDIAN WOMEN DESERTED BY THEIR OVERSEAS INDIAN HUSBANDS**

An Inter-Ministerial sub - committee was constituted in the Ministry under the chairmanship of the Secretary, Ministry of Overseas Indian Affairs comprising of representatives from various Ministries and Government Organizations. The representatives of State Government from Punjab, Andhra Pradesh, Gujarat etc were also invited to participate in its meetings. After due consideration of the recommendations of the Inter-Ministerial sub-committee, an Inter Ministerial meeting under the chairmanship of Minister for Overseas Indian Affairs took the following decisions :

- 1.) There was agreement over the sub-committee’s recommendation that all marriages solemnized in India should be compulsorily registered and pro-forma for registration of marriages should be uniform in all states and should contain all relevant information that would help in identifying the persons.

It was further agreed that the pro-forma for registration of marriages should also have columns, in the case of overseas Indians, for the social security number, passport particulars, ID card / labour card etc. to build a proper identification and tracking system. Introduction of a uniform format would need interaction with the State Governments. Ministry of Law and Justice would prepare an appropriate pro-forma and take it up with the State/UT Governments (Action: Ministry of Law and Justice, State/UT Governments)

- 2.) There was agreement over the sub-committee’s recommendation that:
  - (a) Litigations related to overseas Indian marriages should be taken up by fast track courts. It was felt that instead of building up a new system for these courts, this should be brought within the scope of the existing family courts. (Action: State /UT Governments, Ministry of Law and Justice, Ministry of Women and Child Development).
  - (b) Efforts may be made to let the family courts clear the pending cases early and a mechanism may be put in place for regular monitoring of such cases. (Action: State /UT Governments, Ministry of Law and Justice, Ministry of Women and Child Development).
- 3.) There was agreement over the sub-committee’s recommendation that provisions on serving of notices, summons, enforcement of maintenance orders be made part of the mutual legal assistance treaties (MLAT) especially with USA, UK,

Canada, Australia and New Zealand where problem of desertion of Indian women by overseas Indians is acute. (Action: Ministry of Law and Justice, Ministry of External Affairs, Ministry of Overseas Indian Affairs).

- 4.) There was agreement over the sub-committee's recommendation that whenever there is an ongoing litigation in a foreign court, the Indian bride's case should not go unrepresented. MOIA's Scheme to assist Indian women in defending their cases abroad was appreciated. However, it was felt that the amount being sanctioned per case by MOIA i.e. US \$1,000/ was grossly inadequate and should be enhanced substantially. The possibility of creating a flexi-fund may also be explored by pooling of money by Indian Associations. A matching grant from the government could be considered. (Action: Ministry of Overseas Indian Affairs, Ministry of External Affairs, Indian Missions/Posts abroad).
- 5.) It was agreed that a vigorous information campaign was necessary at all levels using the media and NGOs to educate prospective brides and their families to take possible precautions before entering into marriage alliance with overseas Indians. The information campaign launched by MOIA was appreciated and it was decided that the campaign needs to be continued. (Action: Ministry of Overseas Indian Affairs, Ministry of Women and Child Development, National Commission for Women, State/UT Governments).
- 6.) It was agreed that information brochure may be prepared by experts having knowledge of Private International Law on the working of the relevant Hague Conventions and procedures that is to be followed by the general public regarding serving of notices, summons etc. to parties staying abroad. Thereafter, a campaign may be launched to make the general public as also the concerned officers aware of these provisions. (Action: Ministry of Law and Justice, Ministry of Women and Child Development, National Commission for Women).
- 7.) There was agreement over the sub-committee's recommendation that states/Union Territories should pass on information regarding court orders against accused NRIs to Emigration Authorities to prevent such people from leaving India against court orders. (Action: Ministry of Home Affairs, State/UT Governments).
- 8.) It was agreed that appropriate instructions may be issued by the Ministry of Home Affairs to the States/Union Territories to ensure that FIRs in such marriage disputes/problems are registered without any delay. (Action: Ministry of Home Affairs, State/UT Governments).
- 9.) There was agreement over the sub-committee's recommendation that appropriate bilateral agreements may be considered with foreign countries with a view to protect the interests of Indian women victims of overseas Indian marriages.
- 10.) On the recommendation made by the Parliamentary Committee on Empowerment of Women to evolve a well defined/coordinated mechanism among all the concerned agencies to deal with the issue of problematic NRI marriages and to enable the aggrieved women to get a respectable solution to the problems, it was decided that the National Commission for Women will, henceforth, be the coordinating agency at the national level to receive and process all the complaints related to deserted Indian women by overseas Indians.

The final decisions taken by the Inter-Ministerial Committee have been circulated to concerned Ministries, State Governments and Government agencies for appropriate follow up action.

## **MIGRATION MANAGEMENT**

### **I. International Migration: An overview**

The recent and precipitous downturn in the world economy resulting in many countries being pushed into recession or a severe slowdown has exacerbated the divide in the global discourse on mobility. As millions of jobs are being lost across the world, and protectionist barriers are beginning to resurface, it is the migrant workers and their families that are most vulnerable to the vicissitudes of the economies that they have contributed to in substantial measure. At the start of 2008, an estimated 200 million people – roughly 3 percent of the world population – lived and worked outside the country of their birth. The remittances sent home by these migrant workers have a profound impact on the living standards of people in the developing countries of Asia, Africa, Latin America and the Middle East. In 2008, the flow of international remittances to developing countries stood at US \$305 billion of which India was the largest recipient at about US \$ 43.5 billion. It is also noteworthy that over 40 percent of this was remittances from overseas Indian workers in the Gulf. The macro-economic benefits of migration for the country of origin by reducing unemployment, easing labour market pressures, together with the positive impact of remittances on foreign reserves and the balance of payments, have invited increasing attention. Equally, the positive economic impact of migration on the country of destination, including the contribution to GNP, the labour market, local consumption and human capital, can be substantial.

Yet, we live in a world in which the free movement of capital, goods, and technology is seen as a virtue, but also one in which the movement of people across borders is more difficult than ever in the past. Ironically, in a rapidly globalising world, legal migration is being rendered increasingly difficult. It is in this backdrop that we must see the growing problem of illegal migration and people smuggling. Quite simply, migration is more likely in the future to be propelled by the labour supply gaps of the global market. It is our conviction that labour mobility and matching of demand for and supply of skills will be substantially determine the pace, the direction and the future growth prospects of the global economy. The question is no longer whether to allow migration, but indeed, how to manage migration effectively to enhance its positive effects on development and mitigate the negative. Which forms of migration are desirable, and should be facilitated and under what circumstances? Which forms are undesirable and need to be prevented?

### **II. The Policy Perspective:**

Growing mobility of labour in a globalizing economy, emerging population and demographic dynamics, as well as enhanced security concerns, have together underlined the importance of good migration management to transform it into an efficient, orderly and humane process. Equally, there is an urgent need to address the problem of illegal migration. Curbing irregular migration is an issue of concern not only in the developed countries but also in the developing world. This has social and security ramifications which are now well beyond mere law-enforcement and need to be appropriately addressed by the countries involved.

In this background even as nations strive to restore economic order, it is our conviction that countries of origin and destination must together strive to achieve a

'minimum policy harmonisation' on migration. Given India's long experience in migration, it is our considered view that such minimum policy harmonization is eminently achievable and can be the basis for a robust programme of International cooperation in migration that will maximize the benefits of development for all. Such a programme can result in well calibrated migratory flows that will best meet the needs of all countries concerned.

India is a major country of origin with an estimated 25 million Indians overseas, spread across 110 countries. What is less known, however, is that India is today home to an estimated 20 million immigrants, many of them, irregular migrants. As a major country of origin and destination India is an important player in International migration. The strategy of the ministry has been to evolve a coherent, liberal and progressive migration policy. Emphasis has been on introducing reforms and implementing best practices in migration management covering all stakeholders in the migration process. In doing so the ministry has been led by four principles:

- Facilitate legal migration by making the process simple, transparent and efficient.
- Actively prevent illegal migration by acting in tandem with the states against unscrupulous middlemen and those indulging in people smuggling
- Capacity building amongst all the stakeholders - end to end - in the migration process
- Proactively pursuing and strengthening bilateral and multilateral cooperation

To articulate and implement the policy reforms an Emigration Policy Division was created in the Ministry in March 2006. It deals with all policy matters relating to emigration of workers from India. Its main responsibilities include formulation of policies for improving emigration management, legislative reforms, emigration reforms including institutional changes, e-Governance, formulation of welfare schemes for emigrants and strengthening bilateral and multilateral cooperation in International migration.

### **III. SYSTEMIC REFORMS IN EMIGRATION**

International migration is of strategic importance to the world as it is to India. As cross border investment and trade gains momentum, market access is significantly enhanced across countries and economic integration widens in the global economy, the free movement of natural persons across borders will become a natural corollary and a necessary condition to sustain growth. Economic rationale combined with demographic pressures will necessitate calibrated, orderly and well managed migration of skills. The vast reservoir of young, skilled and trained manpower that India possesses makes emigration a key opportunity area in the medium to long term. Therefore, the ministry is pursuing a proactive policy to transform the emigration process into a simple, transparent and humane process. The focus is on making Indian workers skilled, trained and competitive to meet the best standards of productivity in the International labour market. This is being done through systemic interventions at the national and sub- national levels in partnership with the Chambers of Commerce and Industry as well as relevant Knowledge partners from the private sector. These national efforts are also being reinforced through appropriate bilateral and multilateral initiatives.



To transform emigration into an orderly economic process and constitute a 'win-win' for all stakeholders, the Ministry has taken several initiatives including computerization of the emigration clearance system, a comprehensive e-Governance project, modernizing the emigration law and capacity building amongst stakeholders. Memoranda of Understanding are being signed with the host countries for bilateral cooperation in deployment and protection of workers. Efforts are underway to diversify the overseas destination base for Indian workers through labour mobility partnerships with countries with which India shares strong economic and trade relations and constitute focus countries in our strategy. Bilateral social security agreements are also being pursued with several countries to protect the social security interests of professionals on a reciprocal basis and to make companies on both sides more competitive.

The recruitment experience since the enactment of the Emigration Act in 1983 has shown severe shortcomings. It is now proposed to revamp the recruitment system to make it more professional and accountable. This will entail setting statutory compliance standards, service delivery standards, performance audit of recruiters and an annual rating exercise. All these measures are expected to be in place in the ensuing financial year. To give an empirical basis to policy making and to advise the Government on overseas employment matters and to develop strategies and good practices in migration management through appropriate research and studies, the Ministry has recently established the Indian Council of Overseas Employment.

#### **IV. LEGISLATIVE REFORMS**

The Ministry has taken a fresh look at the entire emigration system as enshrined in the Emigration Act, 1983 and the Emigration Rules particularly with reference to the need for redefining the scope of regulation, redesigning the emigration process, setting standards and defining the roles and responsibilities of key stakeholders in the emigration process with the objective of making emigration an orderly economic process. The need has been felt to modernize the legislative framework that governs emigration of Indians for overseas employment. It has been considered appropriate that the Emigration Act and the Emigration Rules need to be comprehensively overhauled to convert them into effective instruments for facilitating legal migration, preventing irregular migration and empowering emigrants.

The modernization of the legislative framework will seek to reflect the objective conditions of International migration as it obtains in the world today and will seek to address some of the key questions that countries of origin and destination are grappling with. The effort will be based on the following principles:

1. The law should facilitate overseas employment of workers.
2. The emigration process should be simple and transparent.
3. The law should lay down the roles and responsibilities of key stakeholders in emigration
4. The law should set appropriate performance standards for each stakeholder.
5. The law should create an alternative and more effective paradigm for protection and welfare of emigrants.
6. The law should prescribe adequate penalties to effectively curb illegal recruitments, irregular migration and human smuggling.

The Ministry has done away with the requirement of "ECR Suspension" to enable ECR passport holders to travel on visit visa without obtaining any clearance from the POE. This has eliminated a major avenue for rent seeking and harassment in the system.

The Ministry has also liberalized the emigration system by restricting the application of the emigration process only to those possessing educational qualification below Class-X (ECR passport) and those going for work to only 17 countries (ECR countries). All other 175 countries have been notified as ECNR countries.

## **V. E- GOVERNANCE IN EMIGRATION**

The Ministry is implementing a comprehensive e-governance project on migration. The ultimate benefit of the project would be greater convenience, effective protection and better welfare of the emigrant. The subsidiary benefits would include greater levels of efficiency, transparency and accountability in the functioning of the offices of the Protector General of Emigrants (PGE) and the Protectors of Emigrants (POE), real-time updation and quick access to reliable emigrant data, management information system to support decision making, computerized management of recruiting agent system, performance rating of protectors of emigrants, recruiting agents & employers, effective monitoring of emigration offences, interlinking of stakeholders and online validation of information across stakeholders. The project is expected to mitigate individual discretion, harassment of emigrants and corruption. It would also provide useful tools and data for policy functions, periodical publications and grievance redressal.

The project involves full automation of POE offices & PGE office, phased interlinking with recruiting agents, employers, immigration counters, Indian missions abroad, insurance companies and state governments etc and integration of labour market information with policy decisions through appropriate MIS. The project would develop integrated modules on recruiting agent system, emigration clearance system, immigration control system, complaint management system, RA rating system and the contract attestation system. Smart cards would be issued to the emigrants under the project after examining all pros and cons to ensure that the benefits are commensurate with the cost to the emigrant.

The National Institute of Smart Governance (NISG) has been appointed as the consultants. The project is expected to be completed by 2010.

## **VI. BILATERAL LABOUR COOPERATION**

India had signed labour agreements with Jordan and Qatar in 1980s. However, no further progress was made in this direction for many years. The Ministry, after its creation in 2004, has therefore made concerted efforts to enter into bilateral Memoranda of Understanding (MoU) with all the major destination countries to enlist the commitment of the host governments to ensure better protection and welfare of Indian emigrants. The MoU with the UAE was signed in December, 2006; with Kuwait in April 2007; with Oman in November 2008 and with Malaysia in January 2009. An Additional Protocol to the existing Labour Agreement between India and Qatar was signed on 20<sup>th</sup> November, 2007. The MoU with Bahrain is expected to be signed shortly. The following broad principles have been built into these MoUs:

- (i) Declaration of mutual intent to enhance employment opportunities and for bilateral cooperation in protection and welfare of workers.
- (ii) The host Country to take measures for protection and welfare of the workers in organized sector.

- (iii) Statement of the broad procedure that the foreign employer shall follow to recruit Indian workers.
- (iv). The recruitment and terms of employment to be in conformity of the laws of both the Countries.
- (v) A Joint Working Group (JWG) to be constituted to ensure implementation of the MoU and to meet regularly to find solutions to bilateral labour problems.

MOUs have been proposed with Yemen and Libya too. Efforts are underway to explore the possibility of a similar MoU with Saudi Arabia.

Regular meetings of JWG are important for resolving bilateral labour issues arising from time to time and also monitoring the implementation of the MOU. The JWG serves as a platform to deal with issues such as model contract, minimum wages, documentation requirements, labour dispute redressal, retention of passports, substitution of contracts, dealing with recalcitrant employers, practical solutions to problems of exploitation and abuse of workers, regulation of intermediaries, sharing of experience in manpower deployment, exchange of information on legislative and administrative measures and exchange of labour market information etc. One of the success stories of the JWG has been the resolution of the work contract format problem with Kuwait. Similarly, a model labour contract is being finalized by the Indo- Malaysia JWG. The first round of JWG meetings has been held with all the countries with which Labour MOUs have been signed.

## **VII. LABOUR MOBILITY PARTNERSHIPS**

India's strength in terms of availability of young and highly skilled workforce is widely acknowledged. This strength can be leveraged by countries of destination to meet their labour and skill shortages. Labour mobility is the only long term solution for sustaining global growth rates in the face of factors like demographic asymmetry and globalization of economies. A Labour Mobility Partnership can lay down an effective framework for bilateral cooperation for maximizing benefits from labour mobility and minimizing its risks. It can also effectively address the concerns of the countries of destination such as irregular migration and integration problems. It provides an opportunity to both partners to jointly develop and implement good practices in labour migration.

It is important to position international labour mobility as a win-win for the countries of origin, the countries of destination and the migrant workers. It is in this context that the Ministry of Overseas Indian Affairs is taking steps to build labour mobility partnerships with key countries of destination in the European Union. Recently a labour mobility partnership has been finalized with Denmark. This agreement is expected to be signed at the ministerial level shortly. The Ministry has initiated the process for negotiating labour mobility agreements with Poland, Czech Republic, Norway, Switzerland, Hungary and Romania.

Since India and the EU countries have complementary needs, the proposed Labour Mobility Partnerships will immensely help both sides. It will also provide a model that could be replicated elsewhere. The social security agreements that the Ministry is pursuing with the EU countries provide excellent support to the Labour Mobility Partnerships by protecting the workers against dual contribution for social security and loss of contributions. In fact, the two agreements together would pave the way for a lasting and mutually rewarding relationship between India and the EU Member States in the arena of international labour migration. Since India is fast emerging as a country of destination also on account of its rapid economic growth and investment from overseas, the Labour Mobility Partnership

would greatly benefit the EU nationals in the times to come. The Ministry is also exploring the possibility of an Indo-EU LMP as well.

## **VIII. BILATERAL SOCIAL SECURITY AGREEMENTS**

Most countries have an umbrella social security system mandated by law. It is funded through a mandatory social security tax collected from all workers and their employers (in a prescribed ratio). The system provides multiple benefits like old age pension, disability insurance, health insurance and unemployment insurance. Typically the contribution is in the form of a fixed percentage of income subject to a maximum lumpsum limit. All expatriate workers are also required to pay social security tax as per the law of that country. India has similar mandatory social security coverage for all establishments that employ more than 20 employees (proposed to be reduced to 10 employees soon). All employers and employees in such establishments or any of the establishments notified as one amongst the list of 187 types of establishments under the Employees Provident Fund Act 1952 are required to mandatorily contribute (in a prescribed ratio) towards social security.

Professionals are mostly posted (detached) to destination countries by their employers. While they continue to make social security contribution in the home country as per the local law, they are compelled to pay social security tax in the host country too, leading to double contribution. Expatriate workers (whether detached or otherwise) often do not get any benefit from the social security contribution paid abroad on their return home on completion of the term of contract because most countries do not allow export of social security benefits. Often the host countries have a minimum contribution period under their law and so the worker does not qualify to receive social security benefits if he stays and pays in the host country for a lesser period, thereby losing the entire contribution. Another disadvantage is that due to the high rate of social security tax, double taxation erodes the competitive edge of companies on both sides.

Bilateral social security agreements (SSA) can, on a reciprocal basis, protect the interests of such workers by exempting the posted workers from social security contribution under the host country legislation for a certain period of time (provided the worker continues to pay his contribution under the home country system during the period of detachment) and by providing for portability of pension in case of those who have to contribute under the host country legislation. In order to prevent loss of contribution on account of the minimum contribution period, the SSAs provide for totalization of contribution periods covered under the two legislations. Such agreements also make companies of both contracting States more competitive since exemption from social security contribution in respect of their employees substantially reduces costs.

Ministry of Overseas Indian Affairs has signed bilateral social security agreements with Belgium, France and Germany. The Indo-Belgian agreement provides for the following benefits to Indians working in Belgium on reciprocal basis:

1. Those posted to Belgium for upto sixty months will be exempted from social security contributions under the Belgian law provided they continue to make social security payments in India.
2. Those who have to contribute under the Belgian law will be entitled to the export of the social security benefits should they relocate to India or a third country on completion of their contract or on retirement.

3. These benefits will also be available to Indian workers posted by an Indian company to Belgium from a third country.
4. Self-employed Indians in Belgium contributing under the Belgian social security system will be entitled to the export of social security benefits should they choose to relocate to India or a third country.
5. Periods of employment in both the countries will be totalized in order to determine the eligibility for pension.
6. Indian companies will become more competitive in Belgium since exemption from social security contribution in respect of their employees substantially reduces costs.

Similar agreements have been finalized with the Netherlands, the Czech Republic and Luxembourg, and are expected to be signed shortly. Negotiations are in progress with Hungary, Norway, Sweden and Switzerland. The process has been initiated with Denmark, Cyprus, Australia, Spain, Bulgaria, Romania and several other countries. Two rounds of exploratory talks have been held with the US too.

## **IX. INDIAN COUNCIL OF OVERSEAS EMPLOYMENT**

In a rapidly globalizing world characterized by competition amongst the labour sending countries for optimizing benefits from international labour migration, there is a need to bring a strategic dimension to the process of emigration of Indians in search of employment and to forge partnerships that will best serve India as a supplier of skilled and trained manpower and meet the expectations of the Overseas Indian Workers (OIW) as a significant constituency across the world.

In order to make Indian workers globally competitive there was an urgent need for a proactive national body to lead the following key interventions:

- (i) Commission studies on the International labour markets and identify emerging overseas employment opportunities for the Indian youth.
- (ii) Positioning of potential Overseas Indian Workers as “consumers” of employment services provided by the private recruitment industry.
- (iii) Projecting India as a supplier of skilled, trained and qualified workers.
- (iv) Adapting training material developed by ILO/IOM for specific States/country and gender.

The Ministry has therefore established the “Indian Council of Overseas Employment”, as a Society under the Societies Registration Act of 1860. The Council is a two-tier body comprising a Governing Council and an Executive Directorate. The Governing Council is headed by Secretary, MOIA and comprises experts, state Government nominees and central government nominees. It provides the broad policy framework for the programmes and activities of the Council in consonance with its objectives. The day-to-day management of the Council is vested in the Executive Directorate. The Executive Director is the Chief Executive Officer of the Council.

The Council will perform the following broad functions:

- (i) Build and maintain a database on emerging country/sector specific employment opportunities abroad.
- (ii) Identify labour supply gaps in overseas labour markets and the skill sets required by Indian workers to fill those gaps.

- (iii) Initiate programs for skill development and skill upgradation in consultation with professional bodies and the private sector and promote employment opportunities abroad.
- (iv) Initiate pre-departure orientation programs for various categories of workers.
- (v) Coordinate with other employment promotion agencies, including the state manpower development corporations, project manpower suppliers and foreign employers.
- (vi) Initiate and support the study, monitoring and analysis of the trends and dynamics of international labour market, problems faced by the emigrant Indian workers in India and abroad, benchmark the best practices of other labour sending countries and recommend policy initiatives/strategies.

The Council will be at 'arms-length' from Government and will have the autonomy and flexibility to build strong public-private partnerships, engage proactively in capacity building across stake-holders and best implement well calibrated strategies for better market access for Indian workers to benefit from overseas employment opportunities in the medium to long-term.

## **X. ASIA-EU PROJECT**

The Ministry of Overseas Indian Affairs (MOIA) and the International Organization for Migration (IOM) signed an MOU in July 2007 for implementation of the project called "Regional Dialogue and Program on Facilitating Managed and Legal Migration Between Asia and the European Union (EU)". The project has been successfully completed in December 2008.

The project was sponsored by the European Union (EU) and was aimed at facilitating development of legal migration, enhancing regional cooperation on legal migration management, reducing irregular migration, enhancing placement capacity amongst recruiting agencies and dissemination of information relating to employment opportunities and procedures to intending emigrants. Specific activities would be undertaken under the project to enhance the capacity of MOIA to assess and respond to the manpower needs in the EU, to enhance cooperation between India and the EU countries in the field of migration management and to educate potential migrants about the opportunities in the EU, the migration procedures at both ends and the risks involved in deviating from these procedures.

The project has resulted in capacity augmentation in India for administering overseas employment programs to benefit from the emerging employment opportunities in the EU countries. At present most skilled and semi-skilled workers from India migrate to the Gulf countries and it is important to diversify the migration process to regions where major employment opportunities are likely to arise in the years to come. The project helped MOIA in terms of developing key competencies for designing and administering planned overseas employment programs to respond to the international labour market needs, which will immensely benefit Indian workers in times to come. An important outcome of the project was the setting up of the Migrant Resource Centre (MRC) at Cochin to serve as a single point contact and counseling centre for potential migrants. The Cochin MRC now serves as the model for establishing similar MRC's in other parts of the country.

## **XI. WELFARE FUNDS**



Overseas Indian Workers are estimated at over 5 million, with a net outflow of about a million each year, excluding returnees. A significant number of them are women. The vast majority of these workers are temporary migrants and 90 percent of them work in the Gulf. The framework for their protection and welfare needs to be institutionalised with emphasis on delivery of innovative, financially sustainable social security and support services to the vulnerable emigrant workers and those in distress. Overseas Indian workers face a number of risks. The nature of risks include high costs of migration, non/delayed/under payment of salaries, poor living and working conditions, physical abuse, fraudulent recruitment practices, difficulties in resettlement on return, financial insecurity, and vulnerability against emergencies.

These risks can best be mitigated through the institutional mechanism of an 'Indian Community Welfare Fund' that can, on a sustainable basis, support on-site, off-site and social security services for overseas Indian workers. Such services are currently adhoc and sporadic, with the expenditure met on an unfunded 'pay as you go' basis with resources mobilized through community support. Overseas workers often face difficult living and working conditions. Instances of workers exploited by the foreign employer or by unscrupulous intermediaries are often reported. Similarly there are cases of runaway house maids in need of assistance by way of shelter, food and medical facilities till the time of their repatriation. Apart from this the missions sometimes have to meet expenditure on the repatriation of the mortal remains of deceased workers.

In view of this, the Ministry has now set up the "Indian Community Welfare Fund (ICWF)" at the disposal of the Indian missions in all the ECR countries to meet contingency expenditure incurred by the Indian Missions for carrying out the activities related to welfare of Overseas Indian Citizens'. Under this scheme the Ministry of Overseas Indian Affairs will provide funding support to the Indian Missions in all the 17 Emigration Clearance Required (ECR) Countries for the welfare of the workers in distress in the host countries.

The ICWF will provide the following services to emigrants on a means tested basis:

- (i) Boarding and lodging for distressed overseas Indians in Household/ domestic sectors and unskilled workers;
- (ii) Expenditure on incidental to and Airlifting of mortal remains to India or local cremation/burial of the deceased overseas Indian in such cases where a sponsor is unable or unwilling to do so as per the contract and the family is unable to meet the cost;
- (iii) Extending emergency medical care to the overseas Indians in need;
- (iv) Providing air passage to stranded overseas Indians in need;
- (v) Providing initial legal assistance to the overseas Indians in deserving cases.

## **XII. INFORMATION DISSEMINATION ON LEGAL MIGRATION**

One of the problems faced by the intending emigrants is difficulty in accessing authentic and timely information relating to overseas employment, recruiting agencies and emigration procedures etc. Non availability of such information makes the emigrants dependent on intermediaries and vulnerable for exploitation. The ignorance of the intending emigrants is exploited by unscrupulous intermediaries.

To overcome this difficulty the Ministry of Overseas Indian Affairs launched an Overseas Workers Resource Centre (OWRC) to provide information and assistance to intending emigrants and the family members of overseas workers relating to all aspects of overseas employment. The OWRC was inaugurated by the Prime Minister of India during the 6<sup>th</sup> Pravasi Bharatiya Divas in New Delhi in January 2008. The OWRC at present is operating a 12/7 helpline to provide need based information to emigrants and their families through a toll free number. The complaints or grievances received on the toll free helpline are promptly attended to and feed back provided to the complainant. The helpline numbers are disseminated as a part of the multimedia awareness campaign organized by the Ministry. The toll free helpline will be upgraded to 24/7 and will be made accessible from all over the world.

The Ministry has also set up a Migrant Resource Centre (MRC) at Kochi in Kerala. The MRC performs functions similar to that of the OWRC. The Ministry intends to replicate the MRC model in other states as well. The Ministry regularly carries out multi-media awareness campaigns for educating the emigrants about emigration procedures, the pitfalls of illegal emigration and the precautions to be taken during recruitment and overseas employment.

### **XIII. PARTNERING WITH THE JAWAHARLAL NEHRU UNIVERSITY (JNU)**

The Ministry signed an Agreement with the Jawaharlal Nehru University (JNU) on 22<sup>nd</sup> May, 2008 for setting up a Research Programme on International Migration at the Zakir Husain Centre for Educational Studies (ZHCES), School of Social Sciences. The objective of the Research Programme is to undertake focused research over a period of 5 years on various aspects of International Migration from India, and to prepare policy / strategy briefs for the Ministry and to conduct Seminars /Conferences on different diaspora subjects. The major goals of the Research Programme will be three fold:

- To focus on the complex links between economic, social, political, cultural and educational aspects of globalization and migration.
- To develop collaborative research with other International bodies on major migration themes.
- To develop a Chair for focused research on various aspects of International Migration.

### **XIV. CONSULTATION MEETING WITH STATE GOVERNMENTS**

An important initiative of the Ministry was organizing a two-day Consultation Meeting with the State Governments at New Delhi on 8<sup>th</sup> - 9<sup>th</sup> July, 2008 to discuss issues various relating to overseas Indians. Beside, representatives of 14 State Governments, the meeting attended by the representatives of Ministries of External Affairs and Home Affairs. The major recommendations emerged interalia including:

- (i) The Ministry and the State Governments would work in tandem in a spirit of partnership on all issues relating to overseas Indians and emigration.



- (ii) A nodal Department may be set up by the major labour sending States and a nodal Cell by the other States to bestow mainstream attention to issues relating to overseas Indians.
- (iii) The State Governments agreed to create a database on the overseas Indians hailing from their territory.
- (iv) The State Governments would take pro-active action to collect intelligence and exercise due surveillance on recruitment for overseas employment in the States and would take preventive and corrective action against illegal recruitment and illegal emigration from their territories.
- (v) The State Governments would regularly monitor prosecutions of offenders under the Emigration Act and report progress to the Ministry.
- (vi) The States would vigorously implement the Skill Upgradation Programme for which the MOIA would provide 100% central funding.
- (vii) The States will take steps to ensure that the Overseas Citizens of India (OCI Card holders) are not denied the entitlement under the OCI Scheme and due facilitation is provided to them in this regard by the state functionaries.
- (viii) The States may ensure creation of 15% supernumerary seats for foreign students in educational institutions, which will benefit the children of overseas Indians.
- (ix) The State Governments and the Ministry would work together to develop an appropriate platform to facilitate the tracing of roots of such overseas Indians whose forefathers migrated several generations back.
- (x) The State Governments would explore the possibility of setting up of Fast Track Courts for speedy disposal of cases of overseas Indians particularly those relating to property and to fraudulent marriages of Indian girls with overseas grooms.

## **XV. MOU WITH THE GOVERNMENT OF PUNJAB**

The states are important partners of the Ministry of Overseas Indian Affairs in the implementation of its mandate since subjects such as promoting legal migration, taking punitive action against fraudulent practices by Recruiting Agents, creating awareness among potential emigrant workers about overseas employment opportunities, facilitating remittances from abroad, setting up help lines etc. are matters of equal concern to the State Governments. In this context, the Ministry signed a Memorandum of Understanding with the Punjab State Government at Chandigarh with the following objectives:

- Promoting legal migration from the State of Punjab.
- Creating awareness among emigrant workers for overseas employment opportunities and the emigration process.
- Providing guidance to prospective brides and their families on marriages with Overseas Indians.
- Instituting a process to develop and upgrade the skills of emigrant workers from Punjab State, and provide pre-departure orientation.

- Providing advice and information support to the migrant workers while they are abroad.
- Taking expeditious legal action against unscrupulous Recruiting Agents.

The MoU was signed by Secretary, MOIA and the Chief Secretary, Govt. of Punjab on 26<sup>th</sup> May, 2008.

## **XVI. ANNUAL CONFERENCE OF THE HEADS OF MISSIONS**

The 3rd Annual Conference of the Heads of the Indian Missions in the major labour receiving countries was held in New Delhi during 27-28 November, 2008. The Conference was attended by the Heads of Indian Missions in Saudi Arabia, Qatar, Bahrain, Oman, United Arab Emirates, Kuwait, Jordan, Libya, Yemen and Malaysia. The representatives of the State Governments of Kerala, Andhra Pradesh, Tamil Nadu and Punjab and the representatives of the Ministries of External Affairs and Home Affairs also attended the Conference. The objective of the Annual Conference was to provide an opportunity to the Indian missions in various labour receiving countries to share their experiences in dealing with labour issues amongst themselves and with the Central Government. Many far reaching policy initiatives were discussed during the Conference. The recommendations of the Conference serve as useful input for formulating the policy framework on migration and to take appropriate steps in the destination countries.

## **XVII. INTERNATIONAL CONFERENCE ON INDIA – EU MOBILITY PARTNERSHIPS**

The Ministry organized an International Conference on 'India-EU Partnerships in Mobility', in partnership with the Jawaharlal Nehru University(JNU) at New Delhi, on 21-23 February 2009. The Conference was attended by a large number of overseas delegates, representatives from EU member States and their Missions in New Delhi, Multi-lateral Organizations like IOM, ILO, State Government representatives, Faculty of JNU, representatives from the MEA, RBI, etc.

Apart from the Inaugural session, seven Technical Sessions were held. The Conference recognized the enormous potentials that well-managed and orderly mobility between India and the EU and its Member States could bring and therefore, agreed upon to continue and intensify exploratory work on a possible India-EU Mobility Partnership. It was recommended that further exploratory work would be done using the different but related tracks:

1. The Academic Track
2. The Business Track
3. The Governmental Track

- **In the Academic track**, it was recommended to establish a network of Indian and European academics and academic institutions that would study and report on the various dimensions considered relevant for fostering an India-EU relationship in the movement of people.
- **In the Business Track**, it was recognized that an important part of the India-EU relation is the potential for enhanced investment and trade. In order to ensure that

the views and wishes of Business and Industry are taken into account in a satisfactory manner, establishing an India-EU CEO's Forum was recommended.

- **In the Governmental Track**, it was recognized that there is a need to have informal exploratory exchange of views between India and interested EU Member States and the European Commission.
  
- In an effort to promote mutual understanding it was recommended to:
  - organize a seminar of senior officials on the prospects of promoting India-EU mobility in the second half of 2009;
  
  - consider launching an exchange programme between officials from India and the EU Member States
  
  - in order to ensure proper follow-up of these potential outcomes, it was recommended that contact between Government of India and the European Commission, at the appropriate level, be established.

## **XVIII. MOU ON EMPLOYMENT OF WORKERS SIGNED WITH MALAYSIA.**

Malaysia is an important destination for Indian workers. There are approximately 1.5 lakhs Indian workers in Malaysia, Most of the Indian workers go there to work in the Plantation and Construction sectors. During 2007, about 30,916 workers emigrated to Malaysia on ECR passports after obtaining emigration clearance from the Protector of Emigrants.

An MoU was signed on 3<sup>rd</sup> January, 2009 by the Minister of Overseas Indian Affairs and the visiting Malaysian Minister of Human Resources at New Delhi. The MoU provides for the following:

- (i) Facilitation of employment of workers between the two countries;
- (ii) Broad procedure for employment of workers;
- (iii) Responsibilities of the employees, workers and recruitment agencies;
- (iv) Bilateral co-operation in promoting orderly recruitment and deployment of workers including co-operation in pre-departure orientation and skill up gradation training;
- (v) Protection and welfare of all categories of workers under the labour laws and other relevant laws of the host country;
- (vi) Constitution of the Joint Working Group to implement the MoU in general and to perform the following functions in particular:
  - To review employment opportunities and availability of corresponding skills in both countries;
  - To explore new avenues for co-operation in the field of Labour and Manpower Development for mutual benefit;

- To co-ordinate between the two parties in the implementation of this Memorandum of Understanding and take such further action as may be found necessary.

## **XIX. SKILL UP-GRADATION AND PRE-DEPARTURE ORIENTATION PROGRAMME.**

The economies of the world are getting increasingly integrated in this era of globalization. This is rapidly changing the way in which business is conducted. Production chains are being globalized. Free trade agreements are being signed. Cross border trade and investments are rapidly expanding. All these factors have led to increased mobility of natural persons across borders. However, this enhanced mobility of workers pre-supposes appropriate skills. The matching of the demand for and the supply of skill sets that are bench marked against international standards has, therefore, increased. It is important that the countries of origin create the necessary policy and management framework for development of skills that best meet the demands of the international labour market.

India is known as a source of skilled manpower all over the world. The Indian diaspora is essentially a 'knowledge' diaspora. India has a large and young population. It also has a vast and robust infrastructure for technical and vocational education. These factors put together create a huge potential for demographic dividend. However, this potential can only be actualized if there is focus on upgrading the skill of those intending to avail employment opportunities in the international labour market.

The Ministry of Overseas Indian Affairs has launched a national skill upgradation and pre-departure orientation programme. The Scheme essentially provides financial assistance to implementing agencies. The Scheme is being implemented through State Governments, Ministry of Micro, Small and Medium Enterprises, Industry Associations (CII and ASSOCHAM) and non government institutions. Recently an MOU has been signed with CII to implement a pilot project on skill upgradation in the healthcare, hospitality and construction sectors. The pilot project would comprise benchmarking of skill standards in the identified sectors at par with the international standards, standardized curriculum, accreditation of training providers, independent skill assessment, standardized certification etc.

The Ministry has set up a Core Group for the critical review of the scheme with a view to develop an appropriate framework for encouraging development of skills for intending emigrants at par with international standards through the market in a sustainable and commercially viable mode based on standardization, accreditation and skill recognition. The CII Pilot Project will provide the appropriate learning for developing the framework.

The Ministry will also involve the ICOE and IOM in conducting studies and market research to support the skill up-gradation initiative.

## PROTECTOR GENERAL OF EMIGRANTS

### I. Operations:

The operational matters relating to emigration, the provision of emigration services to emigrants and the enforcement of Emigration Act, 1983 are under the Protector General of Emigrants (PGE). The PGE is the statutory authority under the Emigration Act responsible for the welfare and protection of emigrant workers. He also oversees the eight field offices of the Protectors of Emigrants, listed in Annexure D.

The Emigration Act, 1983, which came into effect from 30<sup>th</sup> December, 1983 embodies the guidelines enunciated by the Supreme Court of India in its judgement and order dated 20.03.1979 (Kanga Vs. Union of Indian & Others) and provides a regulatory framework in respect of emigration of Indian workers for overseas employment and seeks to safeguard their interests and ensure their protection and welfare. The Act provides for:

1. Duties of Protectors of Emigrants – *Section 3.*
2. Regulation of Recruiting Agents– *Sections 9-14.*
3. Direct recruitment by employers– *Sections 15-21.*
4. Mandatory emigration clearance – *Section 22.*
5. Emigration offences and penalties – *Sections 24-26.*
6. Power to exempt certain countries or employers– *Section 41.*

Procedural safeguards have been provided under the law for protection of emigrants. The Act regulates recruitment for overseas employment and departure of the intending emigrant from India. It provides for penalties against offences.

Section 16 of the Emigration Act, 1983 provides that recruitment for overseas employment can be done either by a recruiting agent by obtaining a Registration Certificate from the Registering authority or by an employer directly by obtaining a Permit from the Competent Authority. The Protector General of Emigrants (PGE) has been empowered by the Central Government to also function as the Registering Authority to regulate the recruitment through recruiting agents and as Competent Authority to regulate direct recruitment by employers. The recruiting agents are required to obtain the Demand Letter, Power of Attorney and Specimen Employment Contract (all in original) from the foreign employers in order to recruit workers and obtain emigration clearance for their departure. The specimen employment contract lays down the basic terms and conditions of employment including salary, accommodation, medical cover, transport, etc. In case of vulnerable categories of workers, i.e. unskilled labour and women emigrants the employment documents are required to be attested by the Indian Mission concerned.

Section 22 of the Emigration Act, 1983, provides that no citizen of India shall emigrate for any work falling under section 2(1)(o), unless he obtains emigration clearance from the Protector of Emigrants. However, thirteen categories of persons have been exempted from this requirement (Annexure B). Such persons are entitled to the 'Emigration Check Not Required' passport (also called ECNR passport). Broadly, any person who has passed class X is entitled to an ECNR passport. An ECNR passport holder does not need any emigration clearance for going to "any" country. Further, even those holding ECR

passport (bearing ECR stamp) are exempted from emigration check formalities while going to **175 countries**, which are termed as ECNR countries (Annexure C). There are only **17 ECR countries** (including Iraq to which emigration has been banned) for which emigration check is required (only by ECR passport holders). Insurance of the intending emigrant under the Pravasi Bharatiya Bima Yojna (PBBY) is compulsory for emigration clearance.

## **II. TRENDS IN EMIGRATION**

There are about five million overseas Indian workers all over the world. More than 90% of these workers are in the Gulf countries and Southeast Asia. During 2008 about 8.49 lakh workers emigrated from India with emigration clearance. Out of this, about 3.50 lakh workers went to UAE, about 2.28 lakh to Saudi Arabia, about 83,000 to Qatar and about 21,000 to Malaysia. Tamil Nadu, Kerala, Andhra Pradesh and Uttar Pradesh were the leading sourcing states.

Major outflow of emigrant workers in the last few years from India has been to the Gulf countries where about four million workers are estimated to be employed. A vast majority of migrants to the Middle East, including Gulf countries, are semi-skilled and unskilled workers and most of them are temporary migrants who return to India after expiry of their contractual employment. There has been a consistent and steady increase in the number of persons emigrating for employment abroad from the year 2004 onwards. The number of emigration clearances granted by the eight offices of the Protector of Emigrants has increased from 4.75 lakhs in 2004 to 8.49 lakhs in 2008. U.A.E. is the main destination for Indian workers followed by Saudi Arabia. Outside the Gulf region, the intake of Indian manpower by Malaysia has shown a significant and consistent increase till 2005. There is considerable decline noticed since 2006. Employment for Indian workers in these countries holds a great potential. The number of workers who were given emigration clearance for contractual employment abroad during the last five years and data on distribution of labour outflows is detailed in **Tables A, B and C**.

## **III. REMITTANCES**

The employment of Indian workers abroad helps to earn foreign exchange and thereby adds to the foreign exchange reserves of the country. The private transfer of foreign exchange from the year 2001-2002 onwards is given in **Table - D**. It may be observed that there has been a steady increase in the remittances from Rs. US\$ 15.8 billion in 2001-2002 to US\$ 43.5 billion in 2007-08. It is assessed that a significant proportion of this is contributed by the increasing number of unskilled and semi-skilled Indian workers employed in the Gulf countries and Malaysia.

## **IV. REGISTRATION OF RECRUITING AGENTS**

The Emigration Act, 1983 (Section 10) requires that those who wish to recruit Indian citizens for employment abroad for categories of work specified under Section 2 (o) shall register themselves with the registering authority, i.e., the Protector General of Emigrants (PGE). The fee prescribed (Rule 7) for registration is Rs. 5,000/-. Initially, the Registration Certificate (RC) is valid for a period of five years.



The form for applying for registration as recruiting agent may be obtained, free of charge, from the Office of the Protector-General of Emigrants and may also be downloaded from the website [www.moia.gov.in](http://www.moia.gov.in).

The applicant is required to deposit Bank Guarantee as follows:

For Registration Certificate valid for 300 workers	Rs. 3.00 lakhs
For Registration Certificate valid for 1000 workers	Rs. 5.00 lakhs
For Registration Certificate valid for 1000+ workers	Rs. 10.00 lakh.

The registration of Recruiting Agents under the Emigration Act, 1983, commenced from January, 1984, and as on 31-3-2009, there are 1954 recruiting agents. This figure includes nine State Manpower Export Corporations established in the States of Uttar Pradesh, Andhra Pradesh, Kerala, Punjab, Tamil Nadu, Karnataka, Himachal Pradesh, Haryana and Delhi. Major concentration of Recruiting Agents is at Mumbai, Delhi, Chennai and Kerala.

## **V. ENFORCEMENT AND GRIEVANCE REDRESSAL**

Complaints are received about exploitation of overseas Indian workers. Such complaints often pertain to non-payment/ delayed payment of wages, unilateral changes in the contract of workers, changing the jobs arbitrarily etc. In extreme cases, the workers are not given any employment at all and are left in the lurch in the foreign country. Such workers, besides suffering untold misery, also become a burden on our Missions. In such instances, the Protector General of Emigrants (PGE) steps in and asks the concerned Recruiting Agent (RA) to get the workers repatriated on his expense. If the RA fails to do, action is taken to suspend/cancel his registration and forfeit his Band Guarantee to pay for the repatriation expenses.

Complaints against Recruiting Agents are enquired into with the help of POEs and the concerned Indian Missions. Complaints against un-registered agents are referred to the concerned Police authorities for investigation and action under the law of the land.

All State Governments and UT Administration have been advised to instruct all Police Station to keep a strict vigil on the activities of unscrupulous agents. Complaints against foreign employers are taken up with the Indian Mission and if need be the employer is blacklisted.

During 2008 registration certificates of 06 recruiting agents were cancelled. As on 31.3.2009, 351 foreign employers are on the blacklist. During 2008 we received 93 complaints of illegal recruitment. Prosecution sanctions were issued in 56 cases in 2008 based on police report.

During 2009 upto 31.3.2009, six Prosecution sanctions have been issued and 26 cases relating to unregistered agencies have been referred to State Governments/POEs concerned for appropriate action.

## **V. SIMPLIFICATION OF PROCEDURES**

- Number of ECR countries have been reduced to 18 from earlier 153 countries with effect from December, 2006. The number has further reduced to 17 w.e.f 12.8.2008.
- Earlier powers for bulk permission to POEs were very limited. This was liberalized in May, 2007. This has further and now the DS level POEs in Delhi, Mumbai and Chennai have been delegated full powers without any limit for granting permission, the US level POEs in Hyderabad and Trivandrum have been delegated powers upto 500 workers permissions and Section Officer level POEs in Chandigarh, Kolkata and Cochin entrusted powers upto 300 workers.
- Emigration Clearance Books (EC Books) are issued to the recruiting agents through the Offices of the Protector of Emigrants from January, 2008.
- Applications for opening of Branch office, change/shifting of office, change of Managing Director/Managing Partner, enhancement of capacity of Registration certificate under the Emigration Act are submitted by the recruiting agents to the respective office of the POE with complete documents/information from January, 2008.

## **VI. PROTECTION AND WELFARE OF EMIGRANTS**

Of all the emigrant workers, the housemaids and other unskilled workers are most vulnerable category. Therefore, to avoid their exploitation, the Ministry has taken some of the following measures.

- (a) the age restriction of 30 years has been made mandatory in respect of all women emigrants emigrating on ECR passports to ECR countries irrespective of the nature/category of employment;
- (b) FE should deposit a security deposit of \$ 2500 if he recruits the worker directly.

Embassy attestation has been made mandatory in respect of all women and unskilled category workers in respect of all ECR countries;



## FINANCIAL SERVICES

### I. The overseas Indian investor:

Overseas Indians worldwide who are India's brand ambassadors produce an economic output of about \$ 400 billion. The Indian Diaspora is estimated to generate an annual income equal to about 30 percent of India's Gross Domestic Product. The fact that every tenth Indian American is a millionaire and every fifth start-up company in the Silicon Valley is owned by an Indian, has doubtless, enhanced the image of India. The fact that Overseas Indians comprise one of the largest, most diverse, best educated communities wherever they reside has added to India's brand as a 'knowledge economy'. Overseas Indians are potential investors, entrepreneurs and corporate leaders whose enterprise can be deployed in India. They also represent knowledge, expertise and skills in diverse sectors that can potentially be invested in rapid economic growth.

India's growth story so far has been driven primarily by the enterprise and resources of domestic companies. The cumulative foreign direct investment from overseas Indians has been modest at less than 5 percent of the total foreign direct investment. Typically, diaspora investments are either in bank deposits or portfolio investments of a short term nature with a time horizon of about three years. Clearly, this must change. We must create conditions to enable overseas Indians to look at investing in India on a longer term basis and develop stakes in the India development story. The financial services division seeks to create conditions for and extend institutional support to robust economic engagement between India and overseas Indians. Simply put, to enable the overseas Indian to benefit from the investment opportunities and the humungous market that India offers.

The role of the Indian Diaspora in India's economic growth shows promise and needs to be nurtured. The Overseas Indian Facilitation Centre established by the Ministry in partnership with the Confederation of Indian Industry provides the institutional basis for this engagement. As a not for profit trust promoted by the government but managed by the private sector, the OIFC, combines the best of both the worlds. While government's presence at arm's length brings in credibility, the enterprise of the private sector partner invests it with the flexibility and nimble footedness to respond to the needs of the overseas Indian investor on a real time basis.

The focus of the financial services division is on;

- Facilitating ease of doing business in India without adding transaction costs.
- Enabling the overseas Indian investor to benefit from the opportunities in India by facilitating appropriate advisory and hand holding services through market driven knowledge partners
- Catalysing sustainable B to B partnerships between Indian and overseas Indian businesses.
- Enabling value addition to the investible knowledge. skills and expertise of overseas Indians.

## **II. OVERSEAS INDIAN FACILITATION CENTRE (OIFC)**

The Ministry of Overseas Indian Affairs has established the Overseas Indian Facilitation Center (OIFC) as a not-for-profit-trust, in partnership with the Confederation of Indian Industry (CII). The Center will serve as a 'one stop shop' for the overseas Indian investors and the community at large and has the mandate to cover two broad areas viz: Investment facilitation and Knowledge networking.

The objectives of the Center are to:

- ❖ Promote Overseas Indian investment into India and facilitate business partnership, by giving authentic and real time information
- ❖ Function as clearinghouse for all investment related information. This would be done by processing information on a real time basis through ICT platform
- ❖ Establish and maintain a Diaspora Knowledge Network (DKN) by creating a database of Overseas Indians, who would act as knowledge Diaspora and whose knowledge resources could be using ICT platform
- ❖ Assist States in India to project investment opportunities to overseas Indians in the infrastructure and social sectors. The objectives of the OIFC will be to bring the Indian States, Indian Business and potential Overseas Investors on the same platform and to facilitate the investors to identify the investment opportunities
- ❖ Provide a host of advisory services to PIO and NRIs. These could include matters such as consular questions, stay in India, investment and financial issues etc.

During 2008, OIFC organized a market place at the Mini PBD at Singapore. One to one meetings were held with prospective investors. A similar market place was also organized in Chennai at PBD 2009.

To achieve the objective of facilitating overseas Indian investments in India has an ambitious work plan which includes 'Investors Interactive Meetings' in different countries. A range of exclusive products and projects for investment are showcased at these meets by the knowledge partners of the OIFC. These include diverse investment opportunities in sectors such as real estate, education, wealth management, health care etc. The first such meet was held in November, 2008 in Oman. It had positive response from prospective Investors with over 100 India CEO's in attendance..

OIFC also released two updated publications – 'Hand book for Overseas Indians' and 'compendium on the investment opportunities in India' for the benefits of Overseas Indians.

## **III. GLOBAL-INDIAN NETWORK OF KNOWLEDGE (GLOBAL-INK)**

The Prime Minister launched the 'Global Indian Knowledge Network of Knowledge' (Global-INK). This electronic network will connect people of Indian Origin from a variety

of disciplines, recognized as leaders in their respective fields, not just in their country of residence but globally as well, with knowledge users at the national and sub-national levels in India. The network would serve as a high level platform to facilitate knowledge transfer from wherever it may be based without the overseas expert having to relocate. The network will serve as a strategic 'virtual think tank'. The outcome targeted will be the germination of ideas on development, identification of the key elements in addressing the challenges to development and articulating and mapping out solutions through innovation and technological interventions.

Global-INK will identify specific sectors and fields of activity that will broadly correspond with the development priorities set out in the eleventh five year plan 2007-12. The focus of the knowledge transfer programme will be on social sector development and innovation (ideas to market) thus enabling India's rural/urban middle class youth to become entrepreneurs as opposed to job-seekers.

#### **IV. INDIA DEVELOPMENT FOUNDATION OF OVERSEAS INDIANS**

Many overseas Indians and organizations donate generously to various social causes. But diaspora philanthropy has been sporadic, with a few groups or individuals participating primarily through networks such as alumni groups, family trusts and faith based associations, rather than through a sustainable and credible institutional arrangement. As a result, philanthropic capital flow has been far short of the potential that the overseas Indian community holds. The absence of a credible single window that can lead philanthropic capital into need based social sectors has resulted in the mushrooming of several small 'less than credible' private institutions and causes with poor accountability seeking diaspora philanthropy. This can and has, in some cases, eroded the confidence of the overseas Indian in engaging more proactively in philanthropy in India.

The Prime Minister, had at the PBD 2008, announced the proposal for setting up an autonomous not-for-profit trust titled the India Development Foundation. Accordingly, India Development Foundation of Overseas Indians, a not-for-profit trust has been registered by the Govt. of India to channelise philanthropic activities by the Overseas Indians including through innovative projects and instruments in the social sector such as micro credit for rural entrepreneur through self help groups for economic empowerment of women, and best practice intervention in primary education and technology intervention in rural health care delivery.

The broad objectives of the Trust are to:

1. Lead overseas Indian philanthropy into India; facilitate partnerships through single window facilitation and by building public private partnerships.
2. Establish and maintain a 'Social Capital and Philanthropy Network' in India that can provide a list of credible institutions, projects and programmes.
3. Function as a clearing house for all philanthropy related information.
4. Partner with states in India and encourage credible Indian philanthropic organizations to project social development opportunities to overseas Indians in the sectors that best match national priorities including empowerment of

rural women.

5. Promote accountability and 'good practices' in diaspora philanthropy.

The Trust will be managed by a Board of Trustees consisting of 15 members. Minister of Overseas Indian Affairs will be the Chairman of the Board. Day to day functions of the trust will vest in the Managing Committee with Secretary, MOIA as Chairman and officials and some non-officials as members. Chief Executive Officer, a technical official, will act as Member Secretary.

## **V. PRIME MINISTER'S GLOBAL ADVISORY COUNCIL**

The Prime Minister's Global Advisory Council of People of Indian Origin was established in January 2008. This will serve as the highest policy level advisory body on matters relating to India's engagement with overseas Indians. It will draw upon the experience and knowledge of eminent people of Indian origin in diverse fields from across the world. The Council chaired by the Prime Minister has eminent people of Indian Origin from diverse sectors from across the world as its Members.

The Council will :

- (i) Serve as a platform for the Prime Minister to draw upon the experience, knowledge and wisdom of the best Indian minds wherever they may be based;
- (ii) Develop an inclusive agenda for two-way engagement between India and Overseas Indians;
- (iii) Consider ways and means for accessing the skills and knowledge of the Indian diaspora for meeting India's development goals and facilitating investments by Overseas Indians into India; and
- (iv) Give impetus to Institution and capacity building in India to respond to the economic, social and cultural needs of the Overseas Indian community.

The advice of the Council will be recommendatory in nature and serve as valuable inputs for policy formulation and programme planning.

## **VI. NATIONAL AWARENESS CAMPAIGN**

The Ministry has launched a national Awareness-cum-Publicity Campaign on the following three issues:

- i) Problems faced by emigrant workers and legal emigration process;
- ii) Problem relating to NRI marriages; and
- iii) Problems relating to Indian housemaids overseas.

The awareness campaign has been necessitated by the fact that the outflow of emigrants for overseas employment has grown exponentially in the last five years from about three lakhs in 2005 to over eight lakhs in 2008. This number is expected to increase further in the foreseeable future as demand for Indian professionals grows. With this sharp

increase in the emigration volume, there is a corresponding rise in the number of cases of exploitation of workers as well as instances of irregular migration through unscrupulous intermediaries. The objectives of the Awareness Campaign is to create wider awareness among the general public and in particular the potential migrants on the risks of illegal migration, the advantages of the legal emigration process, safeguards against illegal practices by unauthorized intermediaries and fraudulent recruiting agencies. The other segment of the campaign seeks to create awareness on the problems arising from marriages with overseas Indians in some cases and the safeguards that need to be taken before entering into a matrimonial alliance with them.

## **VII. PRAVASI BHARATIYA KENDRA (PBK)**

1. To commemorate the trials and tribulations, as well as the subsequent evolution and achievements of the diverse Indian Diaspora, the Ministry has decided to establish the Pravasi Bharatiya Kendra at New Delhi at an estimated cost of Rs. 132 crore.
2. The Kendra, over a time would become the focal point for interaction – social, cultural and economic - with and between all Overseas Indians. It will also serve as a research and documentation centre and host a permanent exhibition.
3. The Kendra would inter-alia, including have the following facilities:
  - i) Library/Research Centre
  - ii) Flexible capacity Meeting Rooms
  - iii) Indian Cultural Centre
  - iv) State of the art Auditorium of 500 capacity
  - v) Permanent Exhibition Space
  - vi) Fully Serviced Guest Rooms
  - vii) Full fledged Business Centre
  - viii) Restaurant
  - ix) Adequate basement Car Parking
  - x) 100% Power Back-up
4. The model of the Kendra was unveiled by the Hon'ble Prime Minister on the occasion of the Pravasi Bharatiya Divas on 8<sup>th</sup> January, 2008.
5. The National Building Construction Corporation (NBCC) has been appointed as Consultant and Project Manager on Turn-key basis from concept to completion i.e. planning, designing, construction, furnishing, equipping etc. The Kendra is expected to be completed by 2011.

## **BUDGET AND FINANCIAL REVIEW**

The Outcome Budget of the Ministry for the year 2008-09 was presented to the Parliament in May 2008. The Budget Estimate of the Ministry during 2008-2009 was Rs. 65 crores and the Revised Estimate was Rs. 45 crores. The detailed Budget allocation, Revised Estimates and actual expenditure(provisional) have been given in Table –E. The Budget Estimate for the year 2009-2010 has been fixed at Rs. 80 crores. The expenditure of the Ministry is on the Non-plan side. The Ministry operates three major Heads of Expenditure as under:-

2052	-	Secretariat General Services
2061	-	External Affairs; and
4059	-	Capital Outlay on Public Works

The focus of the Ministry during the last year was on three aspects:

- (a) to contain Administrative expenditure
- (b) increase allocations for Programmes and Schemes to achieve the mandate of the Ministry; and
- (c) to maximize the productivity of Scheme expenditure through partnerships. The trends in the expenditure are depicted in figures I-III in the following pages.

The increase in the administrative expenditure is on account of the implementation of 6<sup>th</sup> Pay Commission's recommendations.

## **MANAGEMENT SERVICES DIVISION**

The Management Services Division provides support services to the Ministry and deals with matters pertaining to human resource management, infrastructure and logistics support; parliamentary matters and coordination with various divisions of the Ministry as well as with other Ministries. The Division is also responsible for implementation of the use of Official Language. Besides, this division also exercises vigilance oversight and handles all Vigilance cases against officials working in the Ministry. The focus of this division is to facilitate the smooth and effective operations of the Ministry.

### **I. OVERSEAS INDIAN CENTERS**

The Government has sanctioned 3 posts of Counselor-Community Affairs (Development) in the Indian Missions at Washington, Dubai and Kuala Lumpur as field organizations of MOIA in those countries. The Counselor at Washington will look after the interests of the overseas Indian community in the USA and Canada, the one in Dubai will cover the Gulf (GCC) countries, and the Counselor at Kuala Lumpur will look after Malaysia, Singapore and Brunei. The Counselors will be supported by professionals to be appointed locally to provide assistance in the fields of health, legal and financial matters. The Counselor at Washington has started functioning. The counselor at Abu Dhabi is expected to join shortly. Based on the experience of these offices, extension of these services to other countries will be considered.

### **II. VIGILANCE FRAMEWORK**

The Vigilance Wing of the Ministry is headed by a Chief Vigilance Officer (CVO) of the rank of Joint Secretary who functions as the focal point for all vigilance matters in consultation with the Central Vigilance Commission and Investigation Agencies like the Central Bureau of Investigation. Complaints on corruption and malpractices in the functioning of the Protectors of Emigrants Offices and the Recruiting Agents, received from the general public are dealt with in a time bound manner.

The Ministry is implementing the guidelines/instructions issued by the Department of Personnel & Training and the Central Vigilance Commission on creating greater awareness of vigilance among the users. In order to bring about awareness about vigilance and transparency in functioning of offices that have public inter-face, the Vigilance Awareness Week was celebrated from November 03-07, 2008 starting with a pledge taking on November 03. As a part of preventive vigilance, vigilance audit of five Protectors of Emigrants Offices was conducted during 2008-09.

### **III. PROGRESSIVE USE OF HINDI**

Official Language Section of the Ministry has the responsibility for effective implementation of the Official Language Act and Rules made thereunder. It is at present manned by one Assistant Director. Efforts were made to increase the use of Hindi in the Ministry during the period under report with the help of out sourcing. Provisions of Section 3(3) of the Official Language Act, 1963 were complied with fully. All papers pertaining to

these provisions were issued bilingually i.e. Hindi & English. Letters received in Hindi were replied to in Hindi.

The Ministry organized the “Hindi Week” from 22 to 26 September 2008. During this period useful material was distributed to all the officers/employees including the outsourced staff to impart basic knowledge on writing notes and preparing drafts in Hindi on routine subjects. Noting & Drafting in Hindi and Essay competitions were organized. Cash prizes and certificates were given to the successful officers/employees.

#### **IV. RIGHT TO INFORMATION ACT (RTI)**

For information under the RTI Act, 2005 citizens may approach the Public Information Officer (RTI) of Ministry of Overseas Indian Affairs available from 10:00 hrs to 13:00 hrs on any working day.

The following officers are designated as the Public Information Officer and Appellate Authority in respect of matters pertaining to Ministry of Overseas Indian Affairs:

<b>Matter</b>	<b>Public Information Officer</b>	<b>Appellate Authority</b>
All matters relating to the office of Protector General of Emigrants and offices of Protectors of Emigrants	Director (Emigration Services)	Protector General of Emigrants
All matters relating to Ministry of Overseas Indian Affairs, other than emigration related issues	Deputy Secretary (Administration)	Joint Secretary (Financial Services) & C.V.O

**Cases received during 2008-09:** During the financial year 2008-09, 170 applications and 3 appeals were received by the Ministry under the RTI Act. There were three applications pending from the last year. Out of 3 appeals and 173 applications, during the said period all the 3 appeals and 147 applications were disposed of and the remaining 26 were transferred to other relevant authorities. The effort of the Ministry is to send replies to the applicant at the earliest possible and in any case within the stipulated time limit of one month.



## ANNEXURE & TABLES

<b>ANNEXURE-A</b>	Functions of the Ministry
<b>ANNEXURE - B</b>	List of Persons/Categories of workers in whose case emigration check is not required
<b>ANNEXURE - C</b>	List of countries for which emigration check is not required
<b>ANNEXURE - D</b>	Offices of the Protectors of Emigrants
<b>ANNEXURE-E</b>	List of organisations Empanelled for assisting Indian Women deserted by Overseas Husbands
<b>TABLE - A</b>	Emigration For Employment during the last five years
<b>TABLE - B</b>	The Distribution of Annual Labour Outflows from India by Destination
<b>TABLE - C</b>	State-wise figures of Workers Granted Emigration Clearance/ECNR Endorsement
<b>TABLE - D</b>	Private Remittances
<b>TABLE - E</b>	Detailed Budget Allocation & Expenditure Statement
<b>FIGURE-A</b>	Budget estimates and expenditure
<b>FIGURE-B</b>	Administrative expenditure vis-a-vis Scheme Expenditure in the Budget Estimates
<b>FIGURE-C</b>	Reduction in net Budget outflow on PBD.

## **ANNEXURE - A**

### **FUNCTIONS OF THE MINISTRY**

1. All matters relating to Overseas Indians comprising Persons of Indian Origin (PIO) and Non-Resident Indians (NRIs) excluding entries specifically allotted to other Departments.
2. Promotion of investment by Overseas Indians in India including innovative investments and policy initiatives consistent with the overall Government policies particularly in areas such as exclusive Special Economic Zones (SEZs) for Overseas Indians.
3. To be represented in the Foreign Investment Promotion Board and the Foreign Investment Implementation Authority.
4. To interact with the Investment Commission and to be consulted by the said Commission and to be kept informed of all matters relating to Foreign Direct Investment (FDI) by Overseas Indians.
5. All emigration under the Emigration Act, 1983 (31 of 1983) from India to overseas countries and the return of emigrants.
6. Matters relating to Pravasi Bharatiya Divas, Pravasi Bharatiya Samman Awards and Pravasi Bharatiya Kendra.
7. Matters relating to programmes in India for overseas Indian Volunteers.
8. Setting up and administration of Centres for Overseas Indians' Affairs in countries having major concentration of Overseas Indians in consultation and coordination with the Ministry of External Affairs.
9. Policy regarding employment assistance to PIO/NRIs excluding reservations in Government service.
10. Collection and dissemination of information concerning admission of NRI/PIO students to various educational, technical and cultural institutions in India wherever discretionary quota for NRI/PIO students exists, in consultation with the Ministry of Human Resource Development and the Ministry of Culture.
11. Scholarship to NRI/PIO students for study in India under different schemes in consultation with the Ministry of External Affairs.
12. Development of marketing and communication strategies to ensure strong links between the Overseas Indian community and India.
13. Matters relating to NRI/PIO contributions to the Government and parental organisations in consultation with the Department of Economic Affairs.
14. Guidance to and Cooperation with the State Governments and coordination with them on matters related to Overseas Indians.
15. To be represented in the Indian Council of Cultural Relations.
16. Establishment of institutions to impart vocational and technical training to meet the requirements of skilled manpower abroad with the concurrence of the Ministry of Labour and Employment.
17. External Publicity relating to Overseas Indians' affairs in consultation with the Ministry of External Affairs and in consonance with foreign policy objectives.
18. New initiatives for interaction by Overseas Indians with India in the fields such as Trade, Culture, Tourism, Media, Youth Affairs, Health, Education, Science and Technology in consultation with concerned Ministries.

19. Exercise of powers conferred by the section 7B(1) of the Citizenship Act, 1955 (57 of 1955).
20. Work relating to totalization agreements, protection and welfare of overseas Indians and exemption from payment of Social security.

## ANEXURE-B

### LIST OF PERSONS/CATEGORIES OF WORKERS IN WHOSE CASE EMIGRATION CHECK IS NOT REQUIRED

1. All holders of Diplomatic/Official Passports	8. Persons holding permanent immigration visas, such as the visas of UK, USA and Australia.
2. All Gazette Government servants.	9. Persons possessing two years' diploma from any institute recognized by the national Council for Vocational Training (NCVT) or State Council of Vocational Training (SCVT) or persons holding three years' diploma / equivalent degree from institutions like Polytechnics recognized by Central/State Governments.
3. All Income-tax payers (including Agricultural Income-tax payees) in their individual capacity	10. Nurses possessing qualification recognized under the Indian Nursing Council Act, 1947.
4. All professional degree holders, such as Doctors holding MBBS degrees or degrees in Ayurveda or Homoeopathy; Accredited Journalists; Engineers; Chartered Accountants; Lecturers; Teachers; Scientists; Advocates etc.	11. All persons above the age of 50 years.
5. Spouses and dependent children of category of persons listed from (2) to (4).	12. All persons who have been staying abroad for more than three years (the period of three years could be either in one stretch or broken) and spouses.
6. Persons holding class 10 qualification or higher Degrees.	13. Children below 18 years of age.
7. Seamen who are in possession of CDC or Sea Cadets, Desk Cadets (i) who have passed final examination of three year B.Sc. Nautical Sciences Courses at T.S.	

Chanakya, Mumbai; and (ii) who have undergone three months pre-sea training at any of the Government approved Training Institutes such as T.S. Chanakya, T.S. Rehman, T.S. jawahar, MTI(SCI) and NIPM, Chennai after production of identity cards issued by the Shipping Master, Mumbai/Kolkata/Chennai.	
--	--

## ANNEXURE-C

### LIST OF COUNTRIES FOR WHICH EMIGRATION CHECK IS NOT REQUIRED

1. Albania	33. Chile	63. German y	96. Malta	128. Romania
2. Algeria	34. China	64. Ghana	97. Marshall Islands	129. Russian Federation
3. Andorra	35. Colombia	65. Greece	98. Mauritani a	130. Rwanda
4. Angola	36. Comoros	66. Grenada	99. Mauritius	131. Saint Kitts and Nevis
5. Antigua & Barbuda	37. Congo	67. Guatem ala	100. Mexico	132. Saint Lucia
6. Argentina	38. Costa Rica	68. Guinea-	101. Micrones ia	133. St Vincent and the Grenadine s
7. Armenia	39. Cote d'Ivoire	69. Guinea- Bissau	102. Moldova	
8. Australia	40. Croatia	70. Guyana	103. Monaco	
9. Austria	41. Cuba	71. Haiti	104. Mongolia	
10. Azerbaijan	42. Cyprus	72. Hondura s	105. Montene gro	134. Samoa
11. Bahamas	43. Czech Republic	73. Hungary	106. Morocco	135. San Marino
12. Banglades h	44. DPR Korea	74. Iceland	107. Mozambi que	136. Sao Tome and Principe
13. Barbados	45. Democratic Republic of Congo	75. Iran	108. Myanmar	137. Senegal
14. Belarus	46. Denmark	76. Ireland	109. Namibia	138. Serbia
15. Belgium	47. Djibouti	77. Israel	110. Nauru	139. Seychelle s
16. Belize	48. Dominica	78. Italy	111. Nepal	
17. Benin	49. Dominican Republic	79. Jamaica	112. Netherla nds	140. Sierra Leone
18. Bhutan	50. Ecuador	80. Japan	113. New Zealand	141. Singapore
19. Bolivia	51. Egypt	81. Kazakhs tan	114. Nicaragu a	142. Slovakia
20. Bosnia & Herzegovin a	52. El Salvador	82. Kenya	115. Niger	143. Slovenia
21. Botswana	53. Equatorial Guinea	83. Kiribati	116. Nigeria	144. Solomon Islands
22. Brazil	54. Eritrea	84. Kyrgysta n	117. Norway	145. Somalia
23. Brunei	55. Estonia	85. Laos.PD R	118. Pakistan	146. South Africa
24. Bulgaria	56. Ethiopia	86. Latvia	119. Palau	147. Spain
25. Burkina Faso	57. Fiji	87. Lesotho	120. Panama	148. Sri Lanka
26. Burundi	58. Finland	88. Liberia	121. Papua New Guinea	149. Suriname
27. Cambodia	59. France	89. Liechten stein	122. Paragua y	150. Swaziland
28. Cameroon	60. Gabon	90. Lithuani a	123. Peru	151. Sweden
29. Canada	61. Gambia	91. Luxemb urg	124. Philippin es	152. Switzerlan d
30. Cape Verde	62. Georgia	92. Madaga scar	125. Poland	153. Tajikistan
31. Central African Republic		93. Malawi	126. Portugal	154. The former Yugoslav Rep of Macedoni a
32. Chad		94. Maldives	127. Rep of Korea	
		95. Mali		
155. Timor- Leste				
156. Togo				
157. Tonga				
158. Trinidad & Tobago				
159. Tunisia				
160. Turkey				
161. Turkmenist an				
162. Tuvalu				
163. Uganda				
164. Ukraine				
165. United Kingdom of Great Britain and Northern Ireland				
166. United Republic of Tanzania				
167. USA				

168. Uruguay 169. Uzbekistan 170. Vanuatu 171. Venezuela 172. Vietnam 173. Zambia 174. Zimbabwe 175. Vatican				
---	--	--	--	--

## ANNEXURE-D

### Offices of the Protectors of Emigrants

1	The Protector of Emigrants, Jaisalmer House, Canteen Block, Man Singh Road, New Delhi-110 011 Ph.011-23382472, 23073908 Fax: 011-23382472	5	The Protector of Emigrants, 3 <sup>rd</sup> Floor, Putherikal Building Market Road, COCHIN-682035
2	The Protector of Emigrants' Building `E', Khira Nagar S.V. Road, Santa Cruz (W) MUMBAI-400039 Ph.022-26614393 Fax: 022- 26614353/26614393	6	The Protector of Emigrants, Gagan Vihar, Ground Floor, Opposite to Gandhi Bhawan, Nampally, HYDERABAD Ph.040-24652557 Fax: 040-24652557
3	The Protector of Emigrants, TNHB, Ashok Nagar Shopping Complex (Annexe) Ashok Nagar, CHENNAI-600083 Ph.044-24891337 Fax: 044-24891337	7	The Protector of Emigrants, 5 <sup>th</sup> Block, Ground Floor, Kendriya Sadan, Sector 9-A, CHANDIGARH-160017 Ph.0172-2741790 Fax: 0172-2741790
4	The Protector of Emigrants, Suganthi, 24/846(1) Thycad, THIRUVANANTHAPURAM - 695014 Ph.0471-2324835 Fax: 0471-2324835	8.	The Protector of Emigrants, Room No.18, 'A' Wing MSO Building, 3 <sup>rd</sup> Floor DF Block, Salt Lake KOLKATTA-700 084 Ph.033-23343407 Fax: 033-23343407



## Annexure-E

### LIST OF INDIAN WOMEN'S ORGANIZATIONS/ INDIAN COMMUNITY ASSOCIATIONS/ NGOS EMPANELLED WITH THE INDIAN MISSIONS ABROAD TO PROVIDE LEGAL/ FINANCIAL ASSISTANCE TO INDIAN WOMEN DESERTED BY THEIR OVERSEAS SPOUSES

S.No.	Indian Mission	INDIAN WOMEN'S ASSOCIATIONS/ NGOS EMPANELLED WITH THE INDIAN MISSIONS
1.	Embassy of India, Washington DC	ASHA (Asian Women's Self –help Association) , Post Box 2084, Rockville, MD 20847-2084
2.	Consulate General of India, San Francisco	(i) MAITRI, 234 , East Gish Road, Suite 200, San Jose, CA 95112  (ii) NARIKA, Post Box NO. 14014, Berkeley, CA 94714  (iii) SevA Legal Aid, 37053 Cherry Street # 207, Newark, CA 94560
3.	Consulate General of India, New York	(i) SAKHI, New York  (ii) AWAKE, (Asian Women's Alliance for kinship and equality)  (iii) MANAVI, New Jersey  (iv) SERVICE AND EDUCATION FOR WOMEN AGAINST ABUSE (SEVA) Philadelphia  (v) INTERNATIONAL INSTITUTE OF BUFFALO  (vi) ASIAN WOMEN'S SAFETY NET
4.	Embassy of India, Qatar	Indian Community Benevolent Fund (ICBF) , Doha, Qatar
5.	High Commission of India, Canberra	The Indian Welfare & Resources Centre (IWRC), the Welfare wing of Federation of Indian Association of Victoria, Melbourne
6	High Commission of India, Ottawa	(i) Indian Canada Association, 1301 Prestone Drive, Ottawa, ON K1E , 2Z2  (ii) Ottawa Community Immigrant Services Organization, 959 Wellington Street West, Ottawa, ON K1Y 2X5.  (iii) National Association of Canadians of Indian Origin, 24 Saint-Paul East, Suite 201.Montreal ,

		QC H2Y 1G3.  (iv) AWIC Community & Social Services 3030 Don Mills Road, Peanut Plaza , Norht York, ON M2J 3C1.
<b>7</b>	High Commission of India, Wellington	Shakti Community Council Inc, Auckland

**TABLE – A****EMIGRATION FOR EMPLOYMENT DURING THE LAST FIVE YEARS**

Year	No. of workers (in lakhs)
2004	4.75
2005	5.49
2006	6.77
2007	8.09
2008	8.49
2009 (up to 31.3.2009)	1.71

## TABLE – B

### THE DISTRIBUTION OF ANNUAL LABOUR OUTFLOWS FROM INDIA BY DESTINATION FROM 2004-2008

SN	Country	2004	2005	2006	2007	2008	2009 (upto 31.3.2009)
1	U. A. E.	175262	194412	254774	312695	349827	35905
2	Saudi Arabia	123522	99879	134059	195437	228406	80962
3	Malaysia	31464	71041	36500	30916	21123	4611
4	Qatar	16325	50222	76324	88483	82937	11953
5	Oman	33275	40931	67992	95462	89659	17175
6	Kuwait	52064	39124	47449	48467	35562	10982
7	Bahrain	22980	30060	37688	29966	31924	6806
8	Maldives	3233	3423	4671	ECNR	ECNR	ECNR
9	Mauritius	3544	1965	1795	ECNR	ECNR	ECNR
10	Jordan	2576	1851	1485	1254	1377	242
11	Libya	--	--	--	3223	5040	1265
12	Afghanistan	0	0	0	0	405	172
13	Brunei	0	0	0	0	607	1
14	Indonesia	0	0	0	0	33	4
15	Lebanon	0	0	0	0	75	101
16	Sudan	0	0	0	0	1045	132

17	Syria	0	0	0	0	74	0
18	Thailand	0	0	0	0	15	2
19	Yemen	0	0	0	0	492	334
20	Others	10715	15945	14175	3550	0	0
TOTAL		474960	548853	676912	809453	848601	170647

**TABLE - C**

STATE-WISE FIGURES OF WORKERS GRANTED EMIGRATION CLEARANCE/ECNR  
ENDORSEMENT DURING THE YEARS 2004-2008

SN	State	2004	2005	2006	2007	2008	2009(upto 31-3- 2009)
1.	Kerala	63,512	1,25,075	1,20,083	150475	180703	35123
2.	Tamil Nadu	1,08,964	1,17,050	1,55,631	150842	128791	22748
3.	Karnataka	19,237	75,384	24,362	27014	22413	5490
4.	Gujarat	22,218	49,923	13,274	20066	15716	2886
5.	Andhra Pradesh	72,580	48,498	97,680	105044	97530	18969
6.	Maharashtra	28,670	29,289	15,356	21496	24786	5458
7.	Punjab	25,302	24,088	39,311	53942	54469	7475
8.	Uttar Pradesh	27,428	22,558	66,131	91613	139254	34944
9.	Rajasthan	35,108	21,899	50,236	70896	64601	11320
10.	Bihar	21,812	9,366	36,493	51805	60642	13074
11.	Delhi	6,052	6,024	9098	5327	4512	707
12.	Madhya Pradesh	8,888	5,312	7047	3616	2321	533
13.	West Bengal	8,986	5,102	14,929	24817	26094	5548
14.	Haryana	1,267	2,313	193	1852	1779	338
15.	Goa	7,053	1,627	4,063	3102	2210	442
16.	Orissa	6,999	1,258	4,114	6696	8919	1795
17.	Jharkhand	919	974	1,427	3651	3561	932
18.	Chandigarh	2,405	807	6,616	9177	1768	196
19.	Himachal Pradesh	1,506	762	1,180	1119	1345	204
20.	Assam	2,695	669	1,075	1905	1517	492
21.	Jammu & Kashmir	1,944	486	1,661	3276	3588	1524
22.	Pondichery	560	222	2	45	397	107

23.	Uttarakhand	58	137	93	179	523	136
24.	Andaman & Nicobar	29	5	190	87	89	26
25.	Tripura	2	1	1	121	592	105
26.	Chhattisgarh	580	0	4735	310	80	12
27.	Arunachal Pradesh	73	0	0	25	244	40
28.	Nagaland	46	0	0	7	10	1
29.	Mizoram	38	0	0	-	8	1
30.	Manipur	29	0	0	1	30	7
31.	Sikkim	0	0	10	2	18	2
32.	Meghalaya	0	0	0	7	24	4
33.	DNH/UT	0	0	11	12	17	1
34.	Port Blair	0	0	1	2	0	0
35.	D & Diu	0	0	0	0	27	3
36.	Lakshdeep	0	0	0	0	23	4
37.	Others	0	24	1909	924	0	0
Total		4,74,960	5,48,853	676912	809453	848601	170647

**Source: Offices of the Protectors of Emigrants**

**TABLE - D**

**PRIVATE REMITTANCES FROM 2001-02 TO 2007-08**

YEAR	In US \$ billion
2001-2002	15.8
2002-2003	17.2
2003-2004	22.2
2004-2005	21.1
2005-2006	25.0
2006-2007	30.8
2007-2008	43.5
<i>*Source: RBI Monthly Bulletin-March, 2009</i>	



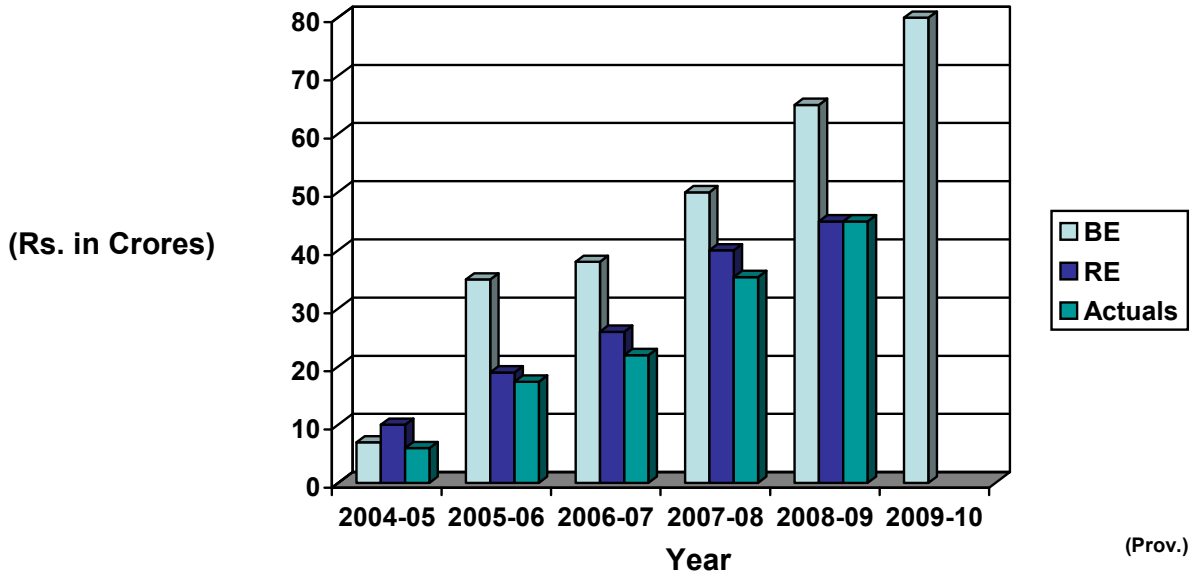
**TABLE - E**  
**DETAILED BUDGET ALLOCATION & EXPENDITURE STATEMENT**

Sl. No.	Object Head	BE 2008-09	RE 2008-09	Actuals for 2008-09 (Provisional)
1	2	3	4	5
	<b>Revenue Section</b>			
<b>2052-</b>	<b>Secretariat- General Services (Major Head)</b>			
0.090	Secretariat (Minor Head)			
34	Ministry of Overseas Indian Affairs			
34.01.01	Salaries	4.37	5.78	5.55
34.01.02	Wages	0.017	0.0117	0.02
34.01.03	Overtime Allowance	0.02	0.018	0.03
34.01.06	Medical Treatment	0.17	0.1017	0.06
34.01.11	Domestic Travel Expenses	0.49	0.45	0.42
34.01.12	Foreign Travel Expenses	1.00	0.90	1.68
34.01.13	Office Expenses	2.20	1.98	2.43
34.01.14	Rents, Rates, Taxes	3.00	3.0005	2.58
34.01.16	Publications	0.25	0.225	0.04
34.01.17	Banking Cash Transaction Tax	0.003	0	0.00
34.01.26	Advertising and Publicity	1.40	1.2553	1.25
34.01.27	Minor Works	0.20	0.233	0.94
34.01.28	Professional Services	1.08	0.969	0.65
99	Information Technology Office Expenses			
34.99.13	Information Technology Office Expenses	1.50	1.58	1.50
	<b>Total Secretariat</b>	<b>15.70</b>	<b>16.51</b>	<b>17.15</b>
00.800 07 07.00.20	Other Expenditure (Minor Head) Expenditure on Holding Seminars & Studies Other Administrative Expenses Total-Other Expenditure	0.30	0.27	0.17
	<b>Total -Secretariat General Services</b>	<b>16.00</b>	<b>16.78</b>	<b>17.32</b>
2061	<b>External Affairs (Major Head)</b>			
0.14 01 01.00.20	International Conferences/Meetings (Minor Head) International Conferences/Meetings Other Administrative Expenses	1.0	0.85	0.74
0.106 01 01.00.20	Entertainment Charges (Minor Head) Entertainment of Dignitaries Other Administrative Expenses	0.25	0.22	0.27
	<b>Total - International Conferences/Meetings</b>	<b>1.25</b>	<b>1.07</b>	<b>1.01</b>
0.800 03 03.03.50	Other Expenditure (Minor Head) Other Schemes Other Charges	31.75	20.15	20.18
15.00 15.00.50	Celebration of Pravasi Bharatiya Divas Other Charges	6.00	6.00	6.10

	<b>Total-Other Expenditure</b>	<b>37.75</b>	<b>26.15</b>	<b>26.28</b>
	<b>Total External Affairs (Major Head)</b>	<b>39.00</b>	<b>27.22</b>	<b>27.29</b>
	<b>Total-Revenue Section</b>	<b>55.00</b>	<b>44.00</b>	<b>44.61</b>
<b>4059 60 60.051 23</b>	<b>Capital Outlay on Public Works: (Major Head)</b> Other Buildings (Sub Major Head) Construction (Minor Head) Pravasi Bharatiya Kendra	8.00	0.25	
23.00.53	Major Works			0.01
24 24.00.53	Construction/Purchase of Buildings for PGE/POEs	2.00	0.75	0.38
	Total Capital Outlay on Public Works	10.00	1.00	0.39
	<b>Total Capital Section</b>	<b>10.00</b>	<b>1.00</b>	<b>0.39</b>
	<b>Total-Grant No. 66</b>	<b>65.00</b>	<b>45.00</b>	<b>45.00</b>

**FIGURE-A**

**Estimates and Expenditure**

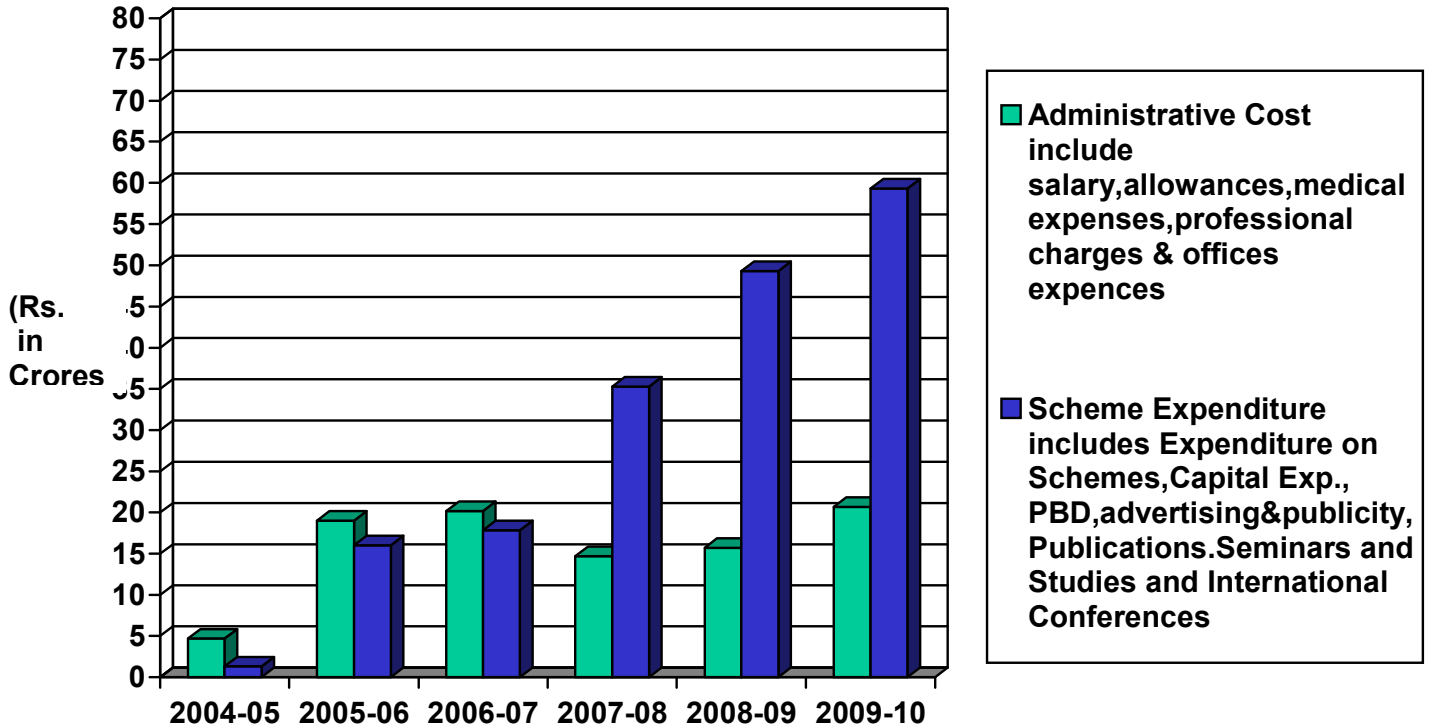


(Rs. in Crores)

	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
BE	7	35	38	50	65	80
RE	10	19	26	40	45	
Actual	6	17.4	22	35.4	45 (provisional)	

**FIGURE-B**

**Administrative Expenditure\* vis-à-vis Scheme Expenditure in the Year (2009-10 – Estimate)**



**FIGURE-C**

**Reduction in Net Budget Outflow\* on PBD**

