GOVERNMENT OF INDIA MINISTRY OF EXTERNAL AFFAIRS

RAJYA SABHA STARRED QUESTION NO-19

ANSWERED ON- 8/12/2022

REGULATION OF UNREGISTERED TRAVEL AGENCIES

19. SHRI HARBHAJAN SINGH:

Will the Minister of External Affairs be pleased to state:

- (a) whether Government is aware of increasing number of illegal agencies dealing with emigration of Indians to other countries;
- (b) if so, the details thereof;
- (c) the action proposed / taken to prevent emigration of Indians through illegal travel agencies;
- (d) whether Government will consider compulsory registration of such agencies; and
- (e) if so, the details thereof and if not, the reasons therefor?

ANSWER

THE MINISTER OF EXTERNAL AFFAIRS (DR. SUBRAHMANYAM JAISHANKAR)

(a) to (e) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (E) OF THE RAJYA SABHA STARRED QUESTION NO. *19 REGARDING "REGULATION OF UNREGISTERED TRAVEL AGENCIES" TO BE ANSWERED ON 08.12.2022.

(a) to (e) The recruitment of Indian nationals for overseas employment is regulated under the Emigration Act 1983. As per this Act, only those Recruiting Agents that are registered with the Ministry of External Affairs, are permitted to recruit Indian citizens for overseas employment. Under Chapter III Section 10 of the Emigration Act 1983, no persons/agencies can function as recruiting agent without a valid certificate issued by the registering authority. For application of registration by persons/agencies, the application has to be made in prescribed form and provide details such as financial soundness, trustworthiness, premises at which applicant the intends to carry on his or her business.

Registration of recruitment agencies is mandatory, with the stated goal of reducing fraud or exploitation of Indian workers recruited to work overseas. The Act imposed a requirement of obtaining emigration clearance (also called POE clearance) from the office of Protector of Emigrants (POE) offices. Registration of Recruitment Agents/Agencies and accreditation of Foreign Employers is scrutinized by Protector General of Emigrants through 13 POEs offices across the country and our Missions abroad, respectively. This requirement applies only for ECR passport holders travelling abroad to 18 Emigration Check Required countries. However, it has been noticed that several travel agents with license from State Govt are also conducting the business of manpower recruitment for overseas employment, which is illegal.

On the basis of complaints of overcharge and cheating by some illegal agencies, the lawful authorities of States concerned are alerted to take appropriate actions against them.

Ministry has been making constant efforts to educate migrant workers about the perils of illegal channels. Following the implementation of the eMigrate system in 2015, and with the welfare of aspiring emigrants in mind, ECR emigrants are recommended to seek overseas employment exclusively through legal channels, such as the eMigrate portal.

Given that, this Ministry has also launched the 'Surakshit Jaaye Prasikshit Jaaye - Go Safe, Go Trained' campaign in 2018 to raise awareness and facilitate safe and legal migration. This motto has been widely publicized through awareness generation workshops and Pre-Departure Orientation & Training (PDOT) imparted to the prospective migrants since its launch in March 2017. The program is presently being popularized through 32 centers spread across the country. The goal is that well-

informed migrant youths will be able to seamlessly integrate and have a safe and productive stay abroad.

To promote legal migration, Ministry has taken several initiatives such as PBB (Pravasi Bhartiya Bima Yojna), PDOT (Pre-Departure Orientation & Training) and expansion of scope of ICWF (The Indian Community Welfare Fund) etc. in ensuring that migrant workers undertake safe migration, have decent working and living conditions in destination countries, are aware of their rights and have access to GOI welfare schemes.

Ministry has also been working on various activities such as aligning eMigrate portals with other Ministries in India as well as Governments of host countries for skilling and mapping overseas opportunities and promoting legal migration to boost the Indian workforce's sustainable employment ecosystem and entrepreneurship opportunities in order to maximize the benefits to the Indian migrant workers going abroad.

It is also Government's endeavor to broad-base the location of recruitment agents and agencies so that small cities, towns, and villages also have fair opportunity. The new scheme, launched in December 2017, aims to provide business opportunities in the field of overseas employment to new entrepreneurs as well as those small entities already engaged in related activities such as travel consultancy, travel and tourism.

Separately, the Ministry has been coordinating with several State Governments and stakeholders to disseminate information on the Indian diaspora and opportunities abroad. The Ministry has also ensured new bilateral agreements with some countries to make it easier for talent and skills to migrate freely and smoothly.

भारत सरकार विदेश मंत्रालय

राज्य सभा तारांकित प्रश्न सं. 19 08.12.2022 को उत्तर दिया जाना है

अपंजीकृत ट्रैवल एजेंसियों का विनियमन

19. श्री हरभजन सिंहः

क्या विदेश मंत्री यह बताने की कृपा करेंगे किः

- (क) क्या सरकार को भारतीय लोगों को अन्य देशों में उत्प्रवासन कराने वाली अवैध एजेंसियों की बढ़ती संख्या के बारे में जानकारी है;
- (ख) यदि हां, तो तत्संबंधी ब्यौरा क्या है;
- (ग) अवैध ट्रैवल एजेंसियों के माध्यम से भारतीयों के उत्प्रवासन को रोकने के लिए क्या कार्रवाई प्रस्तावित है/ की गयी है;
- (घ) क्या सरकार ऐसी एजेंसियों का अनिवार्य पंजीकरण करने पर विचार करेगी; और
- (ङ) यदि हां, तो तत्संबंधी ब्यौरा क्या है और यदि नहीं, तो इसके क्या कारण हैं?

उत्तर विदेश मंत्री (डॉ. सुब्रह्मण्यम जयशंकर)

(क) से (ङ) विवरण सभा पटल पर रख दिया गया है।

'अपंजीकृत ट्रैवल एजेंसियों का विनियमन' के संबंध में राज्य सभा तारांकित प्रश्न संख्या *19 के भाग (क) से (ङ) के उत्तर में उल्लिखित विवरण।

(क) से (ङ) विदेश में रोज़गार के लिए भारतीय नागरिकों की भर्ती को उत्प्रवास अधिनियम 1983 के तहत विनियमित किया जाता है। इस अधिनियम के अनुसार केवल ऐसे भर्ती एजेंटों को विदेश में रोज़गार के लिए भारतीय नागरिकों की भर्ती करने की अनुमित है जो विदेश मंत्रालय के साथ पंजीकृत हैं। उत्प्रवास अधिनियम 1983 के अध्याय III की धारा 10 के तहत, कोई भी व्यक्ति/एजेंसियां पंजीकरण प्राधिकारी द्वारा जारी वैध प्रमाण पत्र के बिना भर्ती एजेंट के रूप में कार्य नहीं कर सकती हैं। व्यक्ति/एजेंसियों द्वारा पंजीकरण के आवेदन हेतु निर्धारित प्रपत्र में आवेदन किया जाता है और इसमें आवेदक की वित्तीय सुदृढ़ता, विश्वसनीयता, परिसर जहाँ वह अपना व्यवसाय संचालित करने का इच्छुक है, जैसे विवरण शामिल होते हैं।

धोखाधड़ी तथा विदेशों में काम करने के लिए भर्ती किए गए भारतीय कामगारों के शोषण को कम करने के घोषित लक्ष्य के साथ भर्ती एजेंसियों का पंजीकरण अनिवार्य है। अधिनियम के तहत उत्प्रवासी संरक्षक (पीओई) कार्यालयों से उत्प्रवास अनापत्ति (जिसे पीओई अनापत्ति भी कहा जाता है) प्राप्त करने की आवश्यकता को लागू किया गया है। भर्ती एजेंटों/ एजेंसियों के पंजीकरण तथा विदेशी नियोक्ताओं के प्रत्यायन की जाँच क्रमशः देश भर में स्थित 13 पीओई कार्यालयों और विदेश में स्थित हमारे मिशनों के माध्यम से उत्प्रवासी महासंरक्षक द्वारा की जाती है। यह आवश्यकता केवल 18 'उत्प्रवास जाँच अपेक्षित' देशों में यात्रा करने वाले ईसीआर पासपोर्ट धारकों पर लागू होती है। तथापि, यह देखा गया है कि राज्य सरकार से लाइसेंस प्राप्त अनेक ट्रैवल एजेंट भी विदेशों में रोजगार के लिए लोगों की भर्ती का कारोबार चला रहे हैं, जो अवैध है।

कुछ अवैध एजेंसियों द्वारा अधिक शुल्क लेने और धोखाधड़ी करने की शिकायतों के आधार पर संबंधित राज्यों के विधिक प्राधिकारियों को उनके विरुद्ध उचित कार्रवाई करने के लिए सतर्क किया जाता है।

मंत्रालय अवैध माध्यमों के खतरों के संबंध में प्रवासी श्रमिकों को शिक्षित करने के लिए निरंतर प्रयास कर रहा है। 2015 में ई-माइग्रेट प्रणाली के कार्यान्वयन के पश्चात और इच्छुक प्रवासियों के कल्याण को ध्यान में रखते हुए, ईसीआर प्रवासियों को सलाह दी जाती है कि वे विदेश में रोजगार की तलाश केवल ई-माइग्रेट पोर्टल जैसे कानूनी चैनलों के माध्यम से करें।

इसे देखते हुए इस मंत्रालय ने जागरूकता बढ़ाने तथा सुरक्षित और कानूनी प्रवासन की सुविधा के लिए 2018 में 'सुरिक्षत जाएं प्रशिक्षित जाएं - गो सेफ, गो प्रशिक्षित' अभियान भी आरंभ किया है। मार्च 2017 में इसके आरंभ होने के बाद से जागरूकता पैदा करने वाली कार्यशालाओं तथा संभावित प्रवासियों को दिए जाने वाले 'पूर्व-प्रस्थान अभिविन्यास और प्रशिक्षण' (पीडीओटी) के माध्यम से इस आदर्श वाक्य को व्यापक रूप से प्रचारित किया गया है। इस कार्यक्रम को वर्तमान में देश भर में फैले 32 केंद्रों के माध्यम से लोकप्रिय बनाया जा रहा है। इस कार्यक्रम का लक्ष्य यह है कि सुविज्ञ प्रवासी युवा निर्बाध संपर्क कर सकें और विदेश में सुरिक्षित और सार्थक प्रयास कर सकें।

मंत्रालय ने वैध प्रवासन को बढ़ावा देने के लिए पीबीबी (प्रवासी भारतीय बीमा योजना), पीडीओटी (पूर्व-प्रस्थान अनुकूलन और प्रशिक्षण) और आईसीडब्ल्यूएफ (भारतीय सामुदायिक कल्याण कोष) के दायरे के विस्तार जैसी कई पहलें शुरू की हैं, ताकि प्रवासी कामगारों का सुरक्षित प्रवासन सुनिश्चित किया जा सके, उनकी गंतव्य देशों में कार्य करने

और रहने की अच्छी स्थिति हो और वे अपने अधिकारों के बारे में अवगत हों तथा भारत सरकार की कल्याणकारी योजनायें उनके लिए सुलभ हों।

मंत्रालय विदेश जाने वाले भारतीय प्रवासी कामगारों के लिए लाभों को अधिकतम बनाने के उद्देश्य से भारतीय कामगारों के सतत रोजगार पारिस्थितिकी तथा उद्यमिता अवसरों को संवर्धित करने के लिए विदेशी अवसरों का आकलन करने तथा कौशल निर्माण करने और वैध प्रवास को बढ़ावा देने के लिए ई-माइग्रेट पोर्टल को भारत के अन्य मंत्रालयों तथा मेजबान देशों की सरकार के साथ संरेखण करने जैसे कई कार्यकलापों पर भी कार्य करता रहा है।

सरकार का यह भी प्रयास है कि भर्ती एजेंटों और एजेंसियों की अवस्थिति को व्यापक बनाया जाए ताकि छोटे नगरों, शहरों और गांव को भी उचित अवसर प्राप्त हो सके। दिसंबर 2017 में शुरू नई योजना का उद्देश्य नए उद्यमियों के साथ-साथ छोटे निकायों, जो पहले से ही यात्रा परामर्शदायिता और पर्यटन जैसे संबंधित कार्यकलापों में लगे हुए हैं, को विदेशी रोजगार के क्षेत्र में व्यापार के अवसर उपलब्ध कराना है।

इसके अतिरिक्त, मंत्रालय प्रवासी भारतीयों और विदेशों में उपलब्ध अवसरों के बारे में जानकारी का प्रसार करने के लिए कई राज्य सरकारों और सहभागियों के साथ समन्वय कर रहा है। मंत्रालय ने कुछ देशों के साथ नए द्विपक्षीय करार भी सुनिश्चित किए हैं ताकि प्रतिभावान और कुशल कर्मचारी स्वतंत्र और सुचारू रूप से प्रवास कर सकें।

SHRI HARBHAJAN SINGH: Sir, I am quite satisfied with the answer.

MR. CHAIRMAN: Well, one of the ablest bowlers is satisfied with the batsman. ... (Interruptions)... Next, Dr. M. Thambidurai. Sir, you can be umpire.

DR. M. THAMBIDURAI: Sir, the Minister in his reply has stated that as per the Emigration Act 1983, only those Recruiting Agents that are registered with the Ministry of External Affairs are permitted to recruit Indian citizens for Overseas employment. It is also stated in the reply that several travel agents with licence from State Government are also conducting the business of manpower recruitment for overseas employment, which is illegal. While he has said this, we come across so many problems in the country especially in Tamil Nadu. Recently, we have witnessed some problems like some labour were recruited and taken to Thailand and then came to Burma, thereby suffering a lot. We requested the Central Government at that time to help us in bringing back those labours from that side. What I want to know from the hon. Minister is that when Employment Exchange offices are there, why don't you allow those agencies to recruit instead of letting private agencies to recruit them?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI V. MURALEEDHARAN): Mr. Chairman, Sir, before I come to the specific issue of those who have been taken to Thailand from Tamil Nadu as well as from other States, I would like to inform the House that we have a very large migrant population. We have a diaspora of 32 million. And, during the last eight years, the Government has been making all efforts to see that those who are desirous of taking up overseas employment are facilitated. The passport services have gone up by 500 per cent during the last eight-and-a-half years, from 110 offices to more than 500 offices, where the processing of passport services are being done. On the specific issue of illegal recruiting agencies, Sir, I would like to submit, through you, that even though the recruiting agencies have to be registered with the Ministry of External Affairs, on the question of any illegal recruiting agency or any agency which is involved in recruiting people, that comes under the subject of law and order, which is in the domain of the State Government. So, on the part of Ministry of External Affairs, we inform the State Governments to take due prosecutional measures. During the last few years, more than 2,000 such cases have been brought to the notice of the State Governments. I would also like to mention here that the State Governments should be more proactive in taking up those cases to a logical end.

Coming to the issue of the people who have been taken to Thailand, we are aware that 114 persons from Tamil Nadu were taken. But in most of those cases, they were recruited through social media and not through any recruiting agency. But, in spite of that, with the cooperation of the Thailand as well as Burmese authorities, the Government of India and through our Embassy there, we have been able to bring back, more than 250 people who were taken illegally, to India.

DR. FAUZIA KHAN: Sir, there is an Urdu daily called 'Siasat'. It has been reported that about 4,000 Indians are languishing in the prisons of Gulf countries, with Saudi Arabia having the highest numbers, mostly because of the crimes committed under the kafala system. So, what measures can the Government take to bring these people back along with regulating the travel agencies to facilitate such immigration in the first place? I would also like to ask the Minister whether the Government might think about trackable passports by installing microchips in the Indian passports, with the use of emerging technologies, to stop illegal immigration of Indians travelling across borders.

SHRI V. MURALEEDHARAN: Sir, to the hon. Member's question regarding Indians in the jails abroad, through you, I would like to inform the hon. Member that Government is making all efforts for a safe and secure return of every Indian who is in any problem abroad, and for those who are in the legal process, we need to pursue the legal process; and our Missions have been helping all members of the Indian Diaspora who are in jails, who are facing difficulties, including providing legal aid to them. So, all efforts are being undertaken for their release through the legal means that are there in that country.

श्री इमरान प्रतापगढ़ी: माननीय सभापित महोदय, मैं आपके माध्यम से मंत्री जी से प्रश्न पूछना चाहता हूं। यूएसए की जो नई वीज़ा पॉलिसी है, उसमें भारतीयों के लिए तीन साल की लंबी वेटिंग रखी गई है। एक बड़ा तबका भारत से यूएसए जाता है। मैं माननीय मंत्री जी से जानना चाहता हूं कि इस तीन साल के लंबे इंतजार और इसकी वेटिंग को कम करने के लिए क्या कोई वार्ता, कोई बातचीत या कोई प्रयास हो रहा है?

SHRI V. MURALEEDHARAN: Sir, through you, I would like to submit that even though this supplementary is not part of the topic that has been raised as the main question, I would like to inform that the granting of visa is a sovereign right of a particular country, of that country. But in spite of that, I would like to inform that the Government, under Prime Minister Shri Narendra Modi, has been taking up the issue

of granting of visa, ease the process of visa-granting bilaterally with every country, especially, with the USA.

MR. CHAIRMAN: Hon. Members, it is music to my ears when hon. Members ask questions through me and respond through me. The hon. Minister has done it, exemplifying this wholesome situation. Question No. 20.