



FIRST CONSULTATION MEETING WITH STATE GOVERNMENTS ON ISSUES RELATING TO OVERSEAS INDIANS

PROCEEDINGS

1. A two-day Consultation Meeting with the State Governments was organized by the Ministry of Overseas Indian Affairs at the India Habitat Center in New Delhi on 8-9 July 2008 to discuss various issues relating to overseas Indians and to forge a partnership between the Ministry and the State Governments to optimize outcomes of the Ministry's initiatives. The meeting was attended by 14 States and the Ministries of External Affairs and Home Affairs.

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2. Shri Vayalar Ravi, Minister of Overseas Indian Affairs inaugurated the Consultation Meeting on 8 July 2008 at 09.30 am. In his inaugural speech the Minister called upon the State Governments to take steps for rigorous enforcement of the emigration laws on ground and for attracting investment from overseas Indians for economic development. A copy of his inaugural speech is in the Appendix. In his opening remarks at the inaugural session, Shri K. Mohandas, Secretary of the Ministry underlined the need for the Centre and the States to work in tandem on matters relating to overseas Indians and emphasized the need for upgrading the skill level of Indian workers to bring it at par with the requirement of the international labor market. A copy of his opening remarks is in the Appendix.

3. The program, the agenda notes and copies of the presentations made by participants are placed in the Appendix.

Session –I : Emigration Related Issues

4. The first Session of the Consultation Meeting with State Governments was devoted to emigration related issues. Secretary, MOIA opened the discussion by explaining to the delegates that emigration was a major issue for the States and adequate attention needs to be paid to it by the State Governments. He observed that there should be a dedicated



Department/Cell in the States to address matters relating to Indian Diaspora. Another important aspect worthy of attention is the need for prompt action to implement provisions of the Emigration Act so that prosecution of unscrupulous recruiters can be ensured. There are other problems concerning the Indian Diaspora particularly the ones relating to their property in India which need to be tackled by the State Governments.

5. This was followed by a comprehensive presentation on Emigration Management by Dr. Ranbir Singh, Director (EP). Dr. Singh explained all aspects of Emigration Policy, Emigration Act and Rules, 1983 and the role of Protector General of Emigrants/POEs, the Central Government and other organizations. The highlight of the presentation was the activities the State Governments were expected to participate in for strengthening the system of Emigration management.

6. Initiating the post presentation discussions, JS (FS) explained the need for greater involvement of State governments in better implementation of emigration system. While on the one side, they can take advantage of the system by promotion of overseas employment, on the other they can ensure proper enforcement of legal provisions of the Act and Rules to prosecute the unscrupulous or illegal RAs and ensure protection and welfare of the emigrant workers. In this context, he referred to the menace of human smuggling as distinct from human trafficking which can be tackled with the help of active cooperation of the State Governments.

7. The State delegates were then invited to offer their comments, make observations and seek clarifications. The Goa representative wanted to know as to how to regulate the Travel Agents who are often responsible for illegal recruitment/migration. He also informed that females below the age of 30 were migrating by posing as artists. In response JS (FS) informed that Govt. was aware of such instances. He assured support of MOIA in regulating the activities of travel agents by the States. He also informed that MHA is expected to circulate a model law to regulate the travel agents. The Tamilnadu representative sought delegated powers under the Emigration Act, 1983 to make rules by the State Governments. JS (FS) clarified that the State Governments can help in implementation of penal provisions of the Act and in preventing pushing of illegal migrants from exit points at the airports. The Kerala delegate explained the difficulty in preventing illegal emigration as legal emigration was more difficult and expensive. Further, action against illegal migrants created human problems too as despite the difficulties and exploitation suffered by such illegal migrants, they prefer to continue as many of them faced worse



situation at home. He was informed that with appropriate knowledge, education and training, the prospective emigrants will find legal routes to migration much safer and preferred option.

8. The delegates from Punjab explained the problem specific to that State where the youth find role models among returnees or vacationing NRIs particularly from North America/EU countries and harbor dreams of improving their life style by migrating to these countries legally or illegally. Besides, family and social reasons also contribute to their anxiety to get employed abroad. It is very difficult to change this mind set of young boys and girls which often is exploited by the unscrupulous travel agents. To counter this problem, it was suggested that passports be made easily available to youngsters of Punjab and employment opportunities abroad be gathered and conveyed to facilitate legal migration. JS (FS) appreciated the observations made by the Punjab delegates and assured all possible help to resolve these issues.

9. Responding to certain other queries and observations of the State representatives, JS (FS) stated that State government can identify districts or areas from where large number of persons are sourced for overseas employment to set up institutional arrangements to guide and educate the prospective emigrants so that chances of their falling in the hands of unscrupulous RAs or illegal agents and getting exploited are minimized. For this purpose he referred to the Skill Upgradation and pre-departure orientation Programmes funded by the MOIA which need to be implemented enthusiastically by the State Governments. Active involvement of the State Governments was sought in the following areas:

- (i). States to tackle unregistered agents by identifying them through investigation and through scrutiny of advertisements for overseas recruitment.
- (ii). To strictly enforce the laws relating to overseas employment particularly of women household service workers.
- (iii). Every State needs to set-up OWRC or MRC to facilitate the dissemination of information and knowledge of existing laws and provisions for the protection and welfare of the workers.
- (iv). Skill up-gradation and pre-departure orientation need to be provided by the State Governments by identifying suitable institutions for this purpose. He expressed disappointment at dismal performance by most of the State Governments in implementation of these schemes and sought their active involvement.



- (v). Workshops to be held at appropriate places in the States with participation of all stake holders.
 - (vi). Awareness campaigns through local media need to be launched to educate the prospective emigrants particularly the illiterate workers. Special awareness campaigns are required in areas like Cudappah district in AP which is a large source of vulnerable category of workers.
 - (vii). States need to identify their core competence which could be strengthened through skill up-gradation training. This will help in taking advantage of the opportunities waiting in European Union States. The areas of competence identified were: manufacturing in Punjab, construction in TN and AP, hospitality and medical care in Karnataka, etc. The opportunities available in EU countries, as gathered by the MOIA will be passed on to the States for utilization.
 - (viii). Appropriate institutions need to be identified or created for imparting training for skill up-gradation.
 - (ix). Indian Missions abroad particularly in Gulf and Malaysia will explore possibilities of registering the overseas Indian workers and their particulars including employment details could be made available to the nodal cells in the States concerned so that in case of problems arising for them at any stage, necessary assistance could be rendered by the States.
10. Concluding the discussions, JS (FS) informed that action is being taken to involve the foreign government towards protective and welfare measures for the Indian workers. While MoUs have already been signed with certain countries particularly the GCC ones, social security agreements have been concluded with many developed countries. More such protocols are in the pipeline. The response of these countries was encouraging. In this context, he specifically mentioned about a progressive measure taken by Bahrain by establishing Labor Market Regulatory Authority (LMRA) which will be the only authority to issue work visas and deal with Indian RAs. Other countries in gulf region are contemplating measures like dispensing with sponsored visas. Besides direct employers-workers meets on the lines of buyer-seller meets are planned to eliminate the role of RAs. He further informed that legal migration of Indian workers will get a boost with India becoming a member of IOM who are also opening its office in New Delhi. Other initiatives and



development to strengthen legal migration include Colombo Process of IOM and Abu Dhabi Dialogue of the major labor importing countries.

11. Secretary (MOIA) expressed the hope that delegates will take note of all the schemes, programmes and initiatives for appropriate implementation in their States. He urged them to take up the Skill Up-gradation and Pre-departure Orientation Programmes in a serious manner and become a active associate in proper implementation of the provisions of the Emigration Act and Rules.

Session II: Diaspora Related Issues

12. Addressing the representatives of the State Governments, Joint Secretary (Diaspora Services) informed about various programmes and schemes being run by the Ministry of Overseas Indian Affairs for the benefit of the Overseas Indians and urged all the States to participate in the forthcoming Pravasi Bhartiya Divas Convention scheduled to be held in Chennai on 8–9 January, 2009.

13. Ministry of overseas Indian Affairs solicited the cooperation of State Government in the following specific fields related to Overseas Indian:

Overseas Citizenship of India (OCI) Scheme:

It was informed to the State Government representatives that OCI scheme gives multiple benefits to the registered Overseas citizens of India. The OCI card holder have been given general parity with Non Resident Indian (NRI) in the economic, financial and educational fields, in matters of inter-country adoption, tariffs in airfare within India and for visits to National Park and wild life sanctuaries in India. The States were asked to consider the OCI cards as a valid documents for issue of driving license, electricity connection, gas connection etc. without any further verifications.

Education for NRI's

There are schemes approved by AICTE enabling supernumerary quota of fifteen percent in all the Institutions of higher education/Universities offering technical education for foreign nationals /Person of Indian Origin/ Children's of Indian worker in the gulf countries. Similarity UGC have issued orders regarding creation of fifteen percent supernumerary seats for foreign Institution out of



which 5% shall be earmarked for the children of Indian workers in the Gulf.

MOI requested the State Governments to issues necessary direction to the state educational Institutions to implement these schemes for persons of Indian origin.

It was also brought to the notice of the States that the educational Institutions insist upon producing an NRI certificate for considering the applicant under these schemes. MOIA proposed that in case of Non Resident Indians, entries in the Passport could serve the purpose and in case of registered OCI's, their registration booklet should be accepted.

Problems Relating to Overseas Indian Marriages

The issues of problems relating to Overseas Indian Marriages was discussed in detail. There was unanimity among the participant that the problem is serious and genuine, however, given the social complexity of the problem the solution need to be more welfare oriented. In this back ground MOIA requested the representative of the State Government to start a information campaign in local languages to create awareness at all levels. The other solutions which were discussed are as follows :

- (i). Introduction of compulsory registration of Marriages
- (ii). Ministry of law shall be asked to give instructions the State Government for introduction of a uniform marriage registration certificate which shall provide details of the bride and bridegroom. It was also considered that the marriage registration certificate should be issued to both bride and bridegroom. The representative of Government of Punjab informed that State Government has already passed compulsory marriage registration act.
- (iii). It was also decided that in the States where there are more number of such cases, creation of special fast track family courts for addressing the disputes related to overseas marriages, may be considered.
- (iv). The State were also requested to established special NRI cells to give legal advice and counseling to the victims of overseas marriages.



- (v). States were also requested to keep track of marriage bureaus and regulate the marriage bureaus which are found involved in the fraudulent overseas marriages.
- (vi). It was also consider to prepare a short documentary film on the issue of overseas marriages in Punjab. The representative of Punjab assured full support of the Government of Punjab for this initiated.

Property related disputes of Overseas Indians

The issue was considered in the light of various complaints made by NRI's/OCI's residing in different part of the world who have suffered both economically and mentally as their immovable property(ies) in India has been grabbed by unscrupulous people. During the discussion a need was felt that such cases require attention of the State Governments for early solutions.

States were requested to take measures to protect the legally tenable interest of NRI's. It was proposed that a nodal cell in the state Police headquarter may be established and necessary awareness may be generated about these facilities. States were also requested to replicate Punjab model of NRI Police stations wherever the cases related to property disputes/other NRI issues are in sizable numbers.

Cultural Exchange with Overseas Indian

The representatives of the Sates were informed about the Know India programmes that the Ministry conducts every year with the partnership of State Governments. The States were requested to participate as a partner and accord importance in undertaking the programmes.

States were also requested to co-ordinate with the efforts of MOIA for greater cultural exchange with the Overseas Indians by way of organizing cultural programmes of overseas Indian groups in the States and giving support to the Ministry for organizing such programmes in the States.

Tracing the Roots

States were requested to develop programme for the Overseas Indians who are keen to trace their roots in India. The States of Uttar



Pradesh, Bihar and Tamil Nadu were specifically requested to start a programme in co-operation with MOIA. The representatives of UP Government informed that they already have a scheme for this

Session III : Setting up OWRC in States

A presentation was made by M/s Kankei which is managing the national Overseas Workers' Resource Centre (OWRC) at New Delhi since January 2008. The national OWRC was inaugurated by the Prime Minister during PBD 2008 to provide need based information and assistance to emigrants and intending emigrants. The national OWRC is operating a helpline. The Ministry would like the State Governments too to set up similar OWRCs at least in the major sending states. A decision has been taken to establish OWRC at Kochi initially by MOIA which could later be maintained by the State Government. The intention of the Ministry is to provide the initial setting up costs. The states can meet the recurring costs for maintaining the facility. Punjab informed that they have decided to implement this.

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Session IV : Promotion of Investment by Overseas Indians

The proceedings on the second day of the Consultation Meeting consisted of presentation by Overseas Indian Facilitation Center (OIFC) and some participating State Governments. The proceedings were initiated with opening remarks by Secretary (MOIA). He stated that attracting investment from Indian Diaspora is one of the primary objectives of the Ministry of Overseas Indian affairs and should be equally important to the State Govts. The Indian diaspora is interested in economic, social and infrastructural development of their country of origin. India is the recipient of highest amount of remittances from its diaspora but the same is not being invested into development projects. The States can play a leading role in channeling the remittances towards development. Therefore, an effective partnership among MOIA, State Governments and OIFC is necessary for diaspora investment promotion.

Following the opening remarks, the CEO of OIFC made a presentation on the origin, objectives and performance of the organization. He explained the primary objective of the organization, set up by the CII under the aegis of MOIA and informed the State Governments the way



they can cooperate to achieve these objectives which are beneficial not only for the development of the State and the country but also for the investors.

After the presentation, JS (FS) explained the concept and rationale of OIFC and made the following observations:-

- (i). Many States already have well tuned competitive institutional mechanism for investment promotion which needs to be made more effective by associating it with the OIFC.
- (ii). The states who do not have a such a mechanism or a nodal agency should create appropriate arrangement to tap the potential investment for their development.
- (iii). While the big names among the Indian diaspora do not need any help from investment promotion bodies, the middle and small class of investors need the hand holding facilities offered by such institutions. It is where the efforts need to be concentrated.
- (iv). The diaspora is organized on the same pattern as States in India. As such the States should get in touch with related diaspora associations /organizations.
- (v). The large number of Indian CEOs in different countries, particularly the USA, could be the source of business to business partnership in different sectors like wealth management, real estate, health care, hospitality etc.
- (vi). OIFC has already received thousands of queries from potential investors and already have a reliable and genuine data-base which can be taken advantage of by the States by becoming a member of the OIFC.
- (vii). States need to accelerate the process of clearing investment proposals as the normal grievance of the potential investors is very time consuming and hassle- some process of clearance.
- (viii). As the diaspora investors, particularly from Gulf region, do not prefer longer lockin period for their investment and desire quick returns, customized products based on risk – reward arrangement matching the requirements of such investors need to be worked out.



- (ix). There are three areas of partnership of OIFC with the States. First could be the Investment Promotion Meets organized in India and abroad to provide a platform for interaction to potential investors, local Chambers of Commerce and NRI/PIO Associations. Second could be the need of focused Road shows based on the strengths of the State. Third is participation in Market Place organized at PBDs regularly held in India and abroad.
- (x). To make the OIFC more useful, its website has been linked to the Indian Missions from whom the OIFC sources important data on regular basis. Similar linkage is proposed with NRI/PIO associations, diaspora CEOs and individual potential investors registered at the PBDs. Investment promotion bulletins are also proposed for the members.
- (xi). States should consider signing MOUs with MOIA as has already been done by the Punjab Govt. A model draft MOU has already been supplied to the States.

Reacting to the presentation of OIFC and observations made by JS(FS), the States' representatives made some observations. Some representatives were of the opinion that the annual OIFC membership fee at Rs. 10 lakh appears to be on the high side and should not exceed Rs. 2 lakh. It was explained to them that the fee was not higher if the services rendered by OIFC are fully appreciated. Some representatives suggested that States should be given representation on the Governing Council of the OIFC. Another representative wanted 'I' in OIFC to be reworded as 'Investment'. Some representatives suggested that OIFC should be entrusted with other diaspora related activities like knowledge transfer, counselor related services, philanthropy related needs, cultural needs etc. The representative from Karnataka wanted due publicity of OIFC so that the States are aware of its services. He suggested linkage of OIFC website with the state Governments websites.

Session V : Presentations by States

Thereafter the states of Orissa, Andhra Pradesh, Punjab, Kerala, UP and Tamil Nadu made presentations on investment opportunities available in their respective states, the related intuitional arrangements, the future initiatives and their expectations from MOIA.



Concluding Session

During the consultation meeting the Ministry of Overseas Indian Affairs and the representatives of the state governments agreed on several issues. Director (EP) summed up the deliberations of the sessions of the two days meeting and recapitulated the outcomes of the Consultation Meeting as follows:

General issues

- (i). It was agreed that 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 constituted by the major sending states and a nodal cell by the other states to bestow mainstream attention to issues relating to overseas Indians.
- (iii). The Ministry has signed an MOU with Punjab to formalize the partnership. Other state governments may also consider signing of similar MOUs.
- (iv). The state governments agreed to create a database on the overseas Indians hailing from their territory.

Emigration Issues

- (v). It was decided that the State governments would take proactive action to collect intelligence and exercise due surveillance on recruitment for overseas employment in their States and would take preventive and corrective action against illegal recruitment and illegal emigration from their territories.
- (vi). The state governments would regularly monitor prosecutions of offenders under the Emigration Act and report progress to the Ministry.
- (vii). The States may establish an overseas workers resource centre (OWRC) and undertake awareness campaigns to educate people about the pitfalls of illegal migration and the procedures and framework for legal migration.



- (viii). The states would vigorously implement the skill upgradation programme under which the Ministry provides 100% central funding.

Diaspora Issues

- (ix). The states were invited to participate in the Pravasi Bharatiya Divas to be held in Chennai in January 2009.
- (x). The States will take steps to ensure that the overseas citizens of India (OCI card holders) are not denied the entitlements under the OCI scheme and due facilitation is provided to them in this regard by the state functionaries.
- (xi). The states may ensure creation of 15% supernumerary seats for foreign students in educational institutions, which will benefit the children of overseas Indians.
- (xii). The state governments would participate in the Know India Programme of the Ministry which is aimed at exposing the overseas Indian youths to the country of their forefathers through a visit to different parts of India.
- (xiii). The states agreed to associate with the Ministry in augmenting cultural engagement with the Indian diaspora.
- (xiv). Many overseas Indians whose forefathers migrated several generations back are interested in tracing their roots in India. It was agreed during the consultation meeting that the state governments and the ministry would work together to develop an appropriate platform to facilitate the tracing of roots of such overseas Indians.
- (xv). 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.
- (xvi). State Government may undertake awareness campaigns to educate young girls and their parents about precautions to be exercised while considering marriage proposals from overseas Indians

Investment Issues



- (xvii). The States may work in partnership with OIFC by becoming its members.
- (xviii). The state governments may associate with the marketplace to be organized by the Overseas Indian Facilitation Centre (OIFC) at the mini-PBD in Singapore during 10-11 October 2008 and the main PBD at Chennai in 2009. The OIFC will also associate itself with the state NRI meets and organize market place at these events. The objective of the marketplace is to assist overseas Indians in making investment decisions.
- (xix). The OIFC would be organizing global investors' meets in different countries. The State governments were invited to participate in these meetings.
- (xx). The state governments may also organize roads shows for attracting investment by overseas Indians and the OIFC would provide support to them.

In his concluding remarks, Secretary MOIA thanked the representatives for their active participation in the consultation meeting and their valuable contribution to the meaningful dialogue at the meeting. The discussions have led to the development of a better understanding of the initiatives taken by MOIA and the potential available from the Indian Diaspora which can be tapped for profitable investment in different sectors in India. He informed that these consultations will henceforth be an annual event although regular interaction between MOIA and the State Governments will continue in intervening period. He assured the delegates of active co-operation and support of MOIA in pursuing the objectives set out at the Consultation Meeting.