



GOVERNMENT OF KERALA

Abstract

NORKA Department - Judgment dated 20.06.2024 of Hon'ble High Court of Kerala in WP (C) No. 22105/2024 filed by President, Pravasi Legal Cell- Complied with - Orders issued.

Non Resident Keralites' Affairs (B) Department

G.O.(Rt)No.850/2024/NORKA Dated, Thiruvananthapuram, 28-09-2024

Read:- Judgment dated 20.06.2024 in WP (C) 22105/2024 of Hon'ble High Court of Kerala.

ORDER

The President, Pravasi Legal Cell, a registered Non-Governmental Organization, has filed WP (C) No. 22105/2024 before the Hon'ble High Court of Kerala, with prayer to direct the respondents to conduct proper enquiry on complaints related to recruitment scams with regard to foreign jobs and to take immediate steps to consider and pass appropriate orders on Exhibit P3 representation within a reasonable period.

2) The Hon'ble HC as per judgment read above, has ordered as follows;

" In view of the limited prayer made, this writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Exhibit P3 representation, after hearing the petitioner, at the earliest, at any rate, within two months from the date of receipt of a copy of this judgment".

3) The Secretary to Government, NORKA Department is the second respondent in the WP (C). In compliance of the directions contained in the judgment, the petitioner was personally heard by the Additional

Secretary, NORKA Department on 30.08.2024. During the hearing the Pravasi Legal Cell had made the following suggestions to curb the menace of innumerable number of recruitment scams related to foreign jobs throughout Kerala.

1. Role of Kerala Police: The Kerala Police should play a critical role in addressing recruitment fraud. They must promptly register FIRs for all complaints related to fraudulent recruitment activities. Following the registration, the police should thoroughly investigate these cases, collect necessary evidence, and ensure that the culprits are apprehended. It is essential for the police to diligently follow up on each complaint and swiftly produce a charge sheet before the court. This will facilitate the timely trial and ensure that the fraudsters receive appropriate punishment under the law.

2. Strengthen the NRI Cell of Kerala Police: The NRI Cell of the Kerala Police should be strengthened by giving it more powers and placing it under the control of an Additional Director General of Police (ADGP). Given that most of the frauds are occurring online, there should be a dedicated cyber unit within the NRI Cell. This specialized unit would focus on investigating cyber crimes related to recruitment fraud and other scams targeting NRIs. Enhancing the capabilities of the NRI Cell will enable more effective responses to online fraud and provide better protection for NRIs and their families.

3. Educate Victims on Civil Remedies: In addition to pursuing criminal cases, it is vital to educate the victims about their rights to seek civil remedies. Victims should be informed about the possibility of approaching appropriate civil courts or consumer redressal commissions to recover their lost money. This can include filing civil suits for

recovery or approaching consumer forums if the fraud involved misleading advertisements or services. Providing victims with the necessary legal guidance and support can empower them to take proactive steps to seek justice and compensation.

4. Form a Special Task Force: The government should establish a special task force comprising members from the Kerala Police, Cyber Crime Cell, Ministry of External Affairs, Labor Department, and legal experts. This task force should focus on investigating fraudulent recruitment agencies and individuals, and work closely with international law enforcement agencies to apprehend those operating from abroad.

5. Strengthen International Cooperation: The government should engage in diplomatic efforts to collaborate with foreign governments, embassies, and international law enforcement agencies. This will help in tracking down and extraditing key fraudsters who are operating or hiding abroad, and in recovering stolen funds.

6. Tighten Regulations for Recruitment Agencies: There is a need to review and strengthen the laws regulating recruitment agencies. This includes enforcing stricter licensing requirements, conducting regular checks, and imposing heavy penalties on those found guilty of fraudulent practices. A central authority should be established to register and monitor all recruitment agencies operating in Kerala.

7. Raise Public Awareness: The government should launch a public awareness campaign to educate people about the risks associated with fraudulent recruitment schemes. This campaign should provide clear guidance on how to verify the legitimacy of recruitment agencies and encourage reporting of any suspicious activities. Various platforms, including mass media, social media, and community programs, should be

utilized to reach a wide audience.

8. Provide Support for Victims: A compensation fund should be established to assist victims of recruitment fraud. This fund could be supported by government allocations, fines collected from fraudulent agencies, and contributions from legitimate recruitment agencies. Additionally, counseling and support services should be made available to help victims cope with the financial and emotional impact of fraud.

9. Improve Complaint and Grievance Systems: A user-friendly process should be established for victims to file complaints against fraudulent recruitment agencies. This process should be accessible both online and offline. A dedicated unit should handle these complaints to ensure timely and fair resolution.

10. Legal and Policy Reforms: The government should consider introducing new laws or amending existing ones to make fraudulent recruitment practices a clearly defined punishable offense with stringent penalties. A legal framework should also be developed to address cases involving cross-border fraud.

11. Strengthen Cyber Monitoring: Enhanced cyber monitoring is needed to track the online activities of fraudulent recruitment agencies and individuals. The cyber crime cell should be strengthened to identify and shut down fake websites, online advertisements, and social media profiles used for scams.

12. Collaborate with Banks and Financial Institutions: The government should work with banks and financial institutions to monitor suspicious transactions related to recruitment fees. Banks should report any unusual or suspicious recruitment-related transactions to the

authorities without delay.

13. Implement a Verification System for Agencies: A public verification system should be introduced, allowing individuals to check the credibility and registration status of recruitment agencies operating in Kerala. This will help people make informed decisions and avoid falling prey to scams.

14. Prevent Future Scams: Regular updates should be provided on new fraud tactics to keep the public vigilant. The government should encourage individuals to report any new scams or suspicious activities to the authorities promptly.

15. Engage with the Kerala Diaspora: The government should actively engage with the Kerala diaspora abroad to gather information on fraudulent activities and collaborate on initiatives to protect the interests of Malayalis living and working overseas.

5) Government have examined Ext.P3 representation and the suggestions put forward by the petitioner during the hearing in writing and found that various agencies including the Ministry of External Affairs are to be involved in the matter and a collective effort of these agencies is required to chalk out a solution for the issues raised by the petitioner. Accordingly, the following measures have been taken:-

1. Ministry of External Affairs has been requested to take urgent necessary action on the basis of suggestions made by Pravasi Legal Cell, for effective and strict measures to curb the menace of innumerable number of recruitment scams related to foreign jobs, especially in Kerala.
2. The State Police Chief, Kerala and Superintendent of Police, NRI Cell have been directed to initiate urgent necessary action to

strengthen NRI Cell and to open a cyber cell exclusively for NRI Cell.

3. The Chief Executive Officer, NORKA-Roots and Chief Executive Officer, KNRKWB have been directed to consider the suggestions made by Pravasi Legal Cell and to explore the scope of including them, as far as possible, in the next year's Annual Plan, and to furnish a compliance report.
4. Law Department has been requested to examine the scope of making legislation / legal frame work to regulate the recruitment agencies and agencies involved in the migration of students.
5. Planning & Economic Affairs Department has been requested to examine the scope of ensuring support from banks on item No.12 of the suggestions made by Pravasi Legal Cell through SLBC.
6. A task force has been constituted with Chief Executive Officer, NORKA Roots, Officials working under Protectors of Emigrants at Ernakulam and Thiruvananthapuram and Superintendent of Police, NRI Cell as members, for taking preventive measures to check illegal recruitment and visa fraud.

6) After taking the above steps, the petitioner has been given a reply detailing the measures taken on the points mentioned in the Ext.P3 representation and the suggestions submitted during the hearing in writing. The Ext.P3 representation was thus duly considered in its letter and spirit and as such action has been initiated on all the points raised therein. General Secretary

7) The judgment of the Hon'ble HC dated 20.06.2024 in WP (C) No.22105/2024 filed by President, Pravasi Legal Cell is complied with accordingly.

(By order of the Governor)
Dr Vasuki K I A S
SECRETARY

To:

The Advocate General, Kerala, Ernakulam (with C/L).

The President, Pravasi Legal Cell.

The Chief Executive Officer, Norka-Roots/KNRKWB,

Thiruvananthapuram.

The Principal Accountant General (Audit / A & E), Kerala,

Thiruvananthapuram.

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Section Officer