

The Emigration Rules, 1983

UNION OF INDIA

India

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Rule THE-EMIGRATION-RULES-1983 of 1983

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9.

/504In exercise of the powers conferred by section 43 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby makes the following rules:-Preliminary

1. Short title and commencement. - (1) These rules may be called The Emigration Rules, 1983.

(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. - In these rules unless the context otherwise requires,--

(a)"Act" means the Emigration Act, 1983 (31 of 1983);(b)"Certificate" means a certificate issued under section 11 of the Act;(c)"Competent Authority" means competent authority notified by Central Government under section 15 of the Act;(d)"demand" means the category-wise, skill-wise number of workers required by the employer for being employed in his establishment. This includes description of job-specifications and salary offered;(e)"emigration number" means the number assigned by the Protector of Emigrants to an emigrant at the time of granting emigration clearance;(f)"Form" means a Form annexed to these rules;(g)"permit" means a permit issued under Chapter IV of the Act;(h)"remittable component" means a part of the wages which the emigrant is entitled to remit to India;(i)"unauthorised emigrant" means any person who has emigrated or intends to emigrate out of India for employment in violation of the provision of the Act and the rules.

3. Dependent of an emigrant. - (1) A person who claims to be the dependent of an emigrant shall be required to produce in support of his claim a certificate to this effect from the District Magistrate or a revenue authority not below the rank of Tehsildar of the place where the emigrant ordinarily resides or domiciles.

(2) Determination of the purpose of visit of dependent shall be carried out with reference to the nature of the visa, sponsorship certificate and such other travel documents as may be considered necessary.

4. Emigrants conveyance. - Any conveyance, especially chartered, for conveyance of emigrant or employed generally for conveying emigrants exceeding two in number shall be deemed to be emigrant conveyance.

5. [Recruiting agent representing the employer.

(1) An employer may authorise a recruiting agent in India, registered under the provisions of the Act, by a power of attorney executed in favour of the recruiting agent authorising that recruiting agent for the purposes of the recruitment of persons on his behalf. (2) The power of attorney referred to under sub-rule (1) shall be valid for the period of the employment contract of the recruited worker even if the certificate of registration of such recruiting agent ceases to be valid before that period.]

6. Inspection of an emigrant's conveyance. - (1) If the Protector of Emigrants has reason to believe that a conveyance is an emigrant's conveyance he may inspect such conveyance with a view to detecting the presence of unauthorised emigrants in the conveyance or for obtaining such evidence as may be necessary for protecting the interests of emigrants and he may, with such assistance, as he may think fit,--

(i) enter such conveyance at any time; (ii) require the production of registration certificate of the conveyance, log book and list of passengers; and (iii) take such other evidence and examine any person as he may deem necessary. (2) Person having the general management or control of the conveyance shall provide such means as may be required by the Protector of Emigrants for inspection under sub-rule (1).

7. [Application for registration as recruiting agent.

(1) Any person intending to engage in India in the business of recruitment for an employer may make an application for registration under section 11 of the Act to the registering authority in Form I. (2) The application referred to in sub-rule (1) shall be accompanied with a [fee of twenty-five thousand rupees in cases covered under Rule 8(a) and ten thousand rupees in cases covered under

Rule 8(b)] payable by a bank draft issued in favour of the Pay and Accounts Officer, Ministry of Overseas Indian Affairs, New Delhi and shall contain the following particulars and documents, namely:-(i)a copy of the applicant's bachelor's degree or two years diploma or equivalent from a recognised university or institute;(ii)a copy of the balance sheet of the previous financial year or a statement of accounts showing the assets and liabilities of the applicant, duly verified by a chartered accountant having a certificate of practice under the Chartered Accountants Act, 1949 (38 of 1949), showing the financial soundness of the applicant;(iii)a copy of the income tax returns for the last three consecutive years;(iv)an affidavit in Form II, executed by the applicant before a Magistrate or Notary Public.]

8. [Amount of Security. [Substituted by G.S.R. 1505(E), dated 12.12.2017 (w.e.f. 30.12.1983).]

(a) The applicant on being informed by the registering authority under sub-section (2) of section 11 of the Act, shall provide a bank guarantee of eight and half years validity for an amount of fifty lakh rupees as security under sub-section (3) of that section.(b)Provided that any entity desirous of registering as recruiting agent may do so with a reduced security of rupees eight lakh also, such entity shall be permitted to recruit only 100 workers during the period for which registration is granted.(c)Provided further, that in the event of the recruitment of specified number getting completed, before the expiry of the certificate, the holder of the certificate may be permitted by the registering authority, to continue recruitment of additional workers in tranches of 100 workers upto the date of expiry of the certificate, on furnishing additional corresponding security of rupees eight lakh per 100 additional workers.]

9. Validity of certificate. - A certificate shall be valid [(initially for a period of ten years and shall be renewed for a further period of ten years)]:

Provided that a certificate may be issued for a shorter period--(a)if the person to whom it is issued so desires; or(b)if the registering authority, for reasons to be communicated in writing to the applicant for the certificate, considers in any case that the certificate should be issued for a shorter period.

9A. [Renewal of certificate.

- An application for renewal of certificate under section 13 may be made to the registering authority in Form II-A and shall be accompanied with a fee of twenty-five thousand rupees payable by a bank draft issued in favour of the Pay and Accounts Officer, Ministry of Overseas Indian Affairs, New Delhi.]

10. Terms and conditions of the certificate. - (1) The registration certificate shall be subject to the following terms and conditions--

(i)the certificate shall be valid for a period specified in the certificate;(ii)the certificate shall not be transferable;(iii)the holder of the certificate shall conduct the business under his own hand and seal;(iv)a photocopy of registration certificate shall be displayed prominently at a conspicuous place of business;(v)the certificate shall be made available for inspection to the emigration authorities, law enforcement authorities and employers;(vi)the certificate shall be produced on demand for satisfaction of the bona fides of the recruiting agent, when such demand is made by an emigrant;(vii)the holder of the certificate shall conduct the business from the place indicated in certificate. For opening a recruitment centre at a place other than the place indicated in the certificate, the holder of the certificate shall obtain the prior permission of the registering authority [or an officer specially authorised by the registering authority];(viii)the holder of the certificate shall not employ sub-agents for the purpose of conducting or carrying on his business; and(ix)the holder of the certificate shall maintain the following records at his place of business and shall make them available for inspection on demand by Protector General of Emigrants or the Protector of Emigrants,--(a)a register of receipt of charges from emigrants recruited, in the form of an original acquittance roll containing the signature of each emigrant from whom the charge has been received. Each such register shall be with reference to a demand for recruitment. The register shall be maintained as permanent records;(b)a register and records of the amounts and Pre-paid Ticket Advices along with their photo copies received from the employers, identified demand-wise;(c)a register containing details of expenses incurred on the recruitment of emigrants demand wise supported by documents;(d)individual folders for each employer whose demands of labour, the holder of the certificate has processed, proposes to process or is processing;(e)bio-data of each emigrant recruited by the holder of the certificate;(f)copies of employment contracts of each emigrant as authenticated by the Protector of Emigrants;(g)original demand letter, power of attorney and correspondence with the employers;(h)all documents relating to the recruitment of emigrants, including office copies of all advertisements issued, letters of interview and correspondence with the applicants, original award sheets leading to the selection, names and addresses of person involved in the selection process, copies of letters of appointments, trade-testing particulars;(i)a register of visas received from the employers, giving separate account of block and individual visas;(j)a register of claims for all compensations (including for injury or death) made by the emigrants or their dependents, recruited by the holder of the certificate giving the name, address of the emigrant, emigration number, country of employment, nature of compensation (including the details in regard to the circumstances leading to the claim), address of the recipients and the name and address of the employer, and the receipt in original in token of having made the payment of compensation; and(k)such other records as may be required to be maintained by the registering authority;(x)[the holder of certificate shall file a return every month in Form IV to the Protector General of Emigrants or the Protector of Emigrants specified by the Protector General in this behalf, by the 10th of the succeeding month;] [Substituted by G.S.R. 375(E), dated 23.3.1989.](xi)copy of each advertisement for recruitment of the emigrants shall be endorsed to the Protector of Emigrants;(xii)the holder of the certificate shall ensure that the employer observes the terms and conditions of the contracts; and(xiii)the holder of the certificate shall not charge any amount from the emigrant towards the repatriation expenses;(xiv)[the holder of the certificate shall- [Inserted by G.S.R. 511(E), dated 9.7.2009 (w.e.f. 9.7.2009).](a)provide details of employment, including contract conditions, to the intending emigrants before recruitment;(b)endeavour to ensure proper reception of the emigrant by the employer in the

country of employment;(c)endeavour to ensure that subsequent to the employment, the employer shall not alter the terms of the employment contract; .(d)endeavour to ensure that the employer takes timely action for renewal of documents authorising the stay of the emigrant in the country of employment;(e)facilitate amicable settlement of disputes between the employer and the emigrant;(f)issue receipt for the payments received from the emigrant;(g)issue only such advertisements that are genuine and factually correct and shall refrain from any inducement or misrepresentation in this regard;(h)file copies of all advertisements to the Protector General of Emigrants immediately after their publication or release.(xv)the holder of the certificate shall maintain--(a)office premises of not less than fifty square meters of built up area, having a waiting hall with the capacity of sitting for at least thirty persons, a room for the purpose of conducting interview and an office space equipped with furniture, photocopier, telephone with Subscriber Trunk Dialling and International Subscriber Dialling facility, fax, computer and other office amenities as may be specified by the registering authority by order in writing;(b)work stations for the office personnel;(c)internet facility, email accounts and a web portal containing detailed information about the recruiting agent, the validity status of the registration certificate, the services offered, the cost of services, the mode of payment of service charges, the remedies available to emigrants for redressal of grievances, vacancies available along with the details of the jobs, the employers and the contract conditions and the recruitment made in the past with such particulars as the registering authority may require by order in writing;(d)adequate and duly trained staff;(e)a signboard, to be displayed in front of the business premises or so fixed that it is conspicuously visible to the public from outside the office premises indicating the name and the registration number of the recruiting agent, the year of registration and date of its expiry;(f)arrangements for skill testing for the trades for which he recruits the intending emigrants.](2)The certificate shall be in Form V.

11. Permits for recruitment by employers. - (1) Applications for permits. The application for issue of the permits for recruitment by foreign employers shall be in Form VI.

(2)The application for issue of permits for recruitment by Indian employers for foreign jobs shall be in Form VII.(3)[The applications under sub-rules (1) and (2) above shall be accompanied by bank draft of rupees two thousand payable in favour of the Pay and Accounts Officer, Ministry of Labour (Main Secretariat), New Delhi, towards the application fee.]

12. Conditions of permit. - The permit shall be subject to the following conditions, namely:--

(i)The permit is not transferable.(ii)The permit is valid for a period of [one year] from the date of issue or the date of completion of the recruitment, whichever is earlier.(iii)Workers recruited on the strength of this permit shall not be repatriated on the ground that they do not possess the required skill.(iv)The holder of the permit shall not obtain the assistance of recruiting agent in any manner.(v)The employment agreement with the worker shall be signed by the holder of the permit.(vi)The holder of the permit shall be under obligation to treat the contract entered into the

worker as enforceable under the Labour Laws of the country of employment. It shall be his responsibility to file the copies of the contracts with the concerned authorities in the country of employment.(vii)The holder of the permit shall not supply manpower recruited on the strength of this permit to any other agency or concern.(viii)The holder of the permit shall be responsible for the general welfare and redressal of specific grievances of the workers recruited on the strength of the permit during the period of contract.(ix)The holder of the permit shall not extend the services of a worker after the expiry of a contract without entering into a fresh contract or without extending the existing contract.(x)The holder of the permit shall notify to the Indian Mission in the country of employment each case of death or disability of a worker within 48 hours of the occurrence of the event. Similarly information should be communicated to the next-of-kin in India in case of disability/death within 48 hours.(xi)The holder of the permit is prohibited from supplying manpower for a work in another country to a country other than the country from which the permit has been issued.(xii)[The holder of the permit shall-- [Inserted by G.S.R. 511(E), dated 9.7.2009 (w.e.f. 9.7.2009).](a)provide details of employment, including contract conditions, to the intending emigrants before recruitment;(b)ensure proper reception of the emigrant in the country of employment;(c)ensure that subsequent to the employment, the employer shall not alter the contract of employment;(d)ensures timely action for renewal of documents authorising stay of emigrant in the country of employment;(e)not deprive the emigrant of the custody of his travel and employment documents;(f)ensure advertisement for the genuineness of employer's in respect of recruitment before it is released and shall refrain any inducement or misrepresentation in this regard;(g)file copies of all advertisements for recruitment to the Protector General of Emigrants immediately after their publication or release.]

13. Issue of permit. - (1) On receipt of the application, the competent authority may verify the facts contained in the application and may make the following enquiries to ascertain that the terms and conditions of employment are not discriminatory or exploitative:-

(a)the basis on which the demand has been computed;(b)the principle on which skills have been classified;(c)job contents of a post required to be filled;(d)scope of future prospects in various categories of jobs;(e)structure of supervisory control;(f)grievances procedure followed; and(g)general reputation of the applicant and reports of specific misconduct, if any.(2)A permit issued under section 17 of the Act shall be in Form VIII and shall be valid for a period of [one year] from the date of its issue or till the recruitment of the persons for whose recruitment such permit is issued is completed, whichever is earlier.[(2-A) The permit shall be issued only after the applicant furnishes a bank guarantee of ten thousand rupees for every person intended to be recruited subject to a minimum of one lakh rupees and a maximum of twenty lakh rupees, valid for a period of one year over and above the duration of the employment contract.] [Inserted by G.S.R. 511(E), dated 9.7.2009 (w.e.f. 9.7.2009).](3)In case the employer is not able to complete the recruitment within [one year] [Substituted by G.S.R. 773(E), dated 25.11.2004, for " six months" (w.e.f. 25.11.2004).], then he may make an application under section 18 of the Act for an extension of the period of validity of the permit, stating the reasons therein for not completing the recruitment within the prescribed period. The prescribed authority may extend the validity of the permit by such further

period as it may think fit but not exceeding three months at a time.

14.

(1) A foreign employer who has been granted a permit under sub-section (2) of section 15 of the Act shall on arrival in India submit to the Protector General of Emigrants a certified copy of the permit and thereafter may proceed to make recruitment. (2) Where the permit under sub-section (2) of section 15 has been issued for recruitment of persons not more than two in number and where such recruitment is being made on the basis of postal communication or personal contact, a copy of the permit certified by the Indian Mission in the country of employment can be filed by such person himself.

15. Application for emigration clearance. - (1) Every application made under sub-section (2) of section 22 of the Act shall be made in Form IX by the applicant directly or through the recruiting agent, if any or through the employer [including Indian employers permitted under rule 11(2)] concerned and shall be accompanied by,--

(a) a true copy of the demand verified and authenticated by the Indian Mission in the country of employment; (b) a true copy of the power of attorney given by the employer to the recruiting agent verified and authenticated by the Indian Mission in the country of employment; (c) a true copy of the agreement under sub-section (3) of section 22 of the Act verified and authenticated by the Indian Mission in the country of employment; (d) a statement setting out the particulars of matters prescribed under sub-rule (2) not provided in the agreement; (e) a statement of additional conditions, if any; (f) a statement as to the provision by way of security for meeting the expenses which may be incurred in case it becomes necessary to arrange for the repatriation to India of the applicant. This statement shall be verified and authenticated by the recruiting agent in case the applicant is recruited by him; and (g) [a demand draft of [rupees two hundred] [Substituted by S.O. 159(E), dated 28.2.1996.], [drawn in favour of the Protector General of Emigrants as fee for emigration clearance;] [Substituted by S.O. 159(E), dated 28.2.1996.](h) [an insurance policy providing insurance cover for the intending emigrant for the period of employment contract.] [Inserted by G.S.R. 511(E), dated 9.7.2009 (w.e.f. 9.7.2009).](2) [An agreement under sub-section (3) of section 22 shall provide for the following matters:- (i) period of employment/place of employment; (ii) wages and other conditions of service; (iii) free food or food allowance provision; (iv) free accommodation; (v) provision in regard to disposal, or transportation to India, of dead body of the emigrant; (vi) working hours, overtime allowance, other working conditions, leave and social security benefits as per local labour laws; (vii) to-and-fro air-passage at the employers' cost; and (viii) mode of settlement of disputes.][* * *] [R. 15-A omitted by G.S.R. 658(E), dated 15.10.2007 (w.e.f. 15.10.2007).]

16. Emigration clearance under sub-section (1) of section 22 of the Act shall be given [by making] [Substituted by G.S.R. 111(E), dated 24.2.1987 (w.e.f. 24.2.1987).] an entry incorporating grant of emigration clearance to an emigrant for the country of employment for the period of contract and the attestation number of the Mission on the demand should be made in the passport of the emigrant by the Protector of Emigrants.

17. [* * *]

18. Form of appeal. - (1) Every appeal presented to the Central Government under section 23 of the Act shall be in the form of a memorandum signed by the appellant. The memorandum shall be sent in triplicate and accompanied by a copy of the order appealed against and a demand draft of [two thousand rupees] drawn in favour of the Union of India towards the fee for the appeal.

(2)The memorandum--(a)shall set forth concisely the grounds of objection to the order appealed against and such grounds shall be numbered consecutively; and(b)shall specify--(i)the address at which notices or other processes may be served on the appellant; and(ii)the date on which the order appealed against was served on the appellant.(3)Where the memorandum is presented after the expiry of the period of thirty days referred to in sub-section (2) of section 23, it shall be accompanied by a petition, in triplicate, duly verified and supported by the documents, if any, relied upon by the appellant, showing cause how the appellant had been prevented from preferring the appeal within the said period of thirty days.(4)Any notice required to be served on the appellant shall be served on him in the manner prescribed in rule 18, at the address for service specified in the memorandum.

19. Procedure before the appellate authority. - (1) On receipt of an appeal under rule 18, the appellate authority shall send a copy of the memorandum of appeal to the registering authority or the competent authority or the Protector of Emigrants or the prescribed authority against whose order the appeal has been presented.

(2)The appellate authority shall then issue notices to the appellant and the registering authority or the competent authority or the Protector of Emigrants or the prescribed authority, as the case may be, fixing a date for hearing of the appeal.(3)On the date fixed for the hearing of the appeal, or any other day to which the hearing of the appeal may be adjourned, the appellant as well as the representative of the registering authority or the competent authority or the Protector of Emigrants or the prescribed authority, as the case may be, shall be heard.(4)Where on the date fixed, or any other day to which the hearing of the appeal may be adjourned, the appellant fails to appear when the appeal is called on for hearing, the appellate authority may decide the appeal on the basis of the records of the case.

20. Contents of the order in appeal. - The order of appellate authority shall be in writing and shall state briefly the grounds for the decision and shall also be signed by the appellate authority.

21. [Representation of party.

- Any person who has filed an appeal under section 23 of the Act, may appear himself or appoint a pleader, advocate or any of the following to appear, plead and act on his behalf before the appellate authority:-(i)a partner, in case of a partnership firm;(ii)a Director, in case of a Limited Company registered under Companies Act;(iii)a practising advocate having vakalatnama executed by the owner, partner or Managing Director, as the case may be;(iv)a regular employee of the Limited Company or firm who has been in direct employment of the Company or firm for at least a period of one year.]

22. Procedure for deciding emigrant status. - Where a question arises before a Protector of Emigrants as to whether a person intending to depart from India is or is not an emigrant shall be decided by the Protector of Emigrants after holding an enquiry in the following manner:-

(a)he may require the presence of the concerned person on an appointed day and time;(b)he may also require the concerned person to produce evidence relating to-(i)the present occupation;(ii)his financial status and income;(iii)certificate of sponsorship from the foreign country;(iv)the source of financing of the journey;(v)the source of receipt of foreign exchange;and thereafter he shall pass speaking order and copy of the same shall be provided to the person concerned and an endorsement to this effect shall be made in the passport.

23. Forfeiture of security deposit. - Where the competent authority or the registering authority has reason to believe that it is expedient to forfeit the whole or any part of security furnished by any person for being utilised for such purpose and in such manner as may be specified in the order, he may, after giving a notice to this effect to such person and thereafter giving him an opportunity to represent his case, by order in writing, forfeit the whole or any part of the security.

24. Authorities and officers to have certain powers of Civil Courts. - (1) The Protector General of Emigrants, the registering authority, the competent authority and every Protector of Emigrants shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:--

(a) summoning and enforcing the attendance of witnesses; (b) requiring any public record or copy thereof, from any Court or office; (c) requisitioning any public record or copy thereof, from any Court or office; (d) receiving evidence on affidavits; and (e) issuing commissions for the examination of witnesses or documents. (2) Every proceeding before the Protector General of Emigrants, or the registering authority or the competent authority or a Protector of Emigrants shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Protector General of Emigrants, the registering authority, the competent authority, and every Protector of Emigrants shall be deemed to be a Civil Court for the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

25. [Service charges. [Substituted by Notification No. G.S.R. 1510(E), dated 14.12.2017 (w.e.f. 30.12.1983).]

(1) No recruiting agent shall collect from the worker the service charges more than a maximum of thirty thousand rupees, in respect of services provided by it to that worker and the recruiting agent shall issue a receipt to the worker for the amount collected by it in this regard. (2) The service charges referred to in sub-rule (1) shall include the following, namely:-(a) scouting and selecting skilled or trained candidates from different parts of the country; (b) cost of advertisements; (c) cost of trade test fees, wherever applicable; (d) attestation charges for certificates; (e) cost of domestic travel or lodging and boarding for conducting of interviews by the recruiting agent; (f) recurring annual cost of enhanced Bank Guarantee, wherever applicable; (g) cancellation charges imposed by foreign employers on recruiting agents when candidates refuse to travel and want early repatriation; (h) administrative cost of running head office and branch offices for the ease of recruiting of emigrants. (3) The service charges referred to in sub-rule (1) shall not include the following, namely:-(a) Embassy or Consular visa fees charged by the foreign Missions or consulates in India; (b) pre employment medical check-up cost.; (c) air ticket to destination country; (d) boarding and lodging charges of the emigrant before deployment, if any; and (e) the goods and services tax as applicable: Provided that the charges under this sub-rule, except goods and services tax, shall be borne by the foreign employer. (4) (a) The service charges shall be collected by the recruiting agent only through digital payments or bank draft. (b) Every recruiting agent shall give an 'undertaking' as prescribed in annexure-I in stamp paper of rupees one hundred value and shall be notarized. (5) Every recruiting agent shall also display in his or her premises a board indicating the maximum allowed service charge to be collected as well as the mode of payment, along with Pravasi Bharatiya Bima Yojana Insurance charges and Pre-Departure Orientation Training.]

26. Service of notice and orders. - A notice or an order issued under these rules shall be served on any person in the following manner, that is to say--

(a) by delivering or tendering the notice or order to that person or his duly authorised agent; or (b) by sending a notice or order to him by Registered Post with acknowledgement due to the address of his place of residence or his last known place of residence or the place where he carries out or last carried out business or personally works or last worked for gain; or (c) if the notice or order cannot be served under clause (a) or clause (b), by affixing it on the outer door or some other conspicuous

part of the premises in which that person resides or is known to have last resided, or carries out or last carried out business or personally works or last worked for gain and that written report thereof should be witnessed by two persons.

26A. [Withdrawal of the certificate of registration of recruiting agent during suspension.

- Where an order suspending the operation of the registration certificate of the recruiting agent has been issued by registering authority, under sub-section (2) of section 14 of the Act, the certificate of that recruiting agent may be withdrawn by the registering authority, for the period for which the suspension of certificate has been ordered and for the periods of further extensions of suspension of such certificate, if any.]Annexure-I(To be given on Stamp paper of one hundred rupees, duly notarized)Undertaking

**1. I....(name of RA).....Holder of Registration Certificate No.....
Issued by the Registering Authority, under the Emigration Act, 1983, do
hereby state that I shall abide by all the Terms and Conditions laid down in
the Notification No....., dated, issued by the
Ministry of External Affairs, with reference to the Service Charges permitted
to be collected from the Emigrants, who are recruited through my firm or
agency. No additional expenses on recruitment shall be defrayed on
intending emigrant workers.**

**2. I further undertake that all payments to be collected under "service
charges" shall be collected only through NEFT or RTGS or any other digital
transactions approved by the Government of India, and no payments shall be
received in cash.**

**3. Any complaints arising due to Non-adherence to the digital payment mode
shall make me liable to penalties prescribed under section 24 and 25 of the
Emigration Act, 1983.**

(Signature of Authorized Signatory with date)(Name of RA / Authorized signatory)Seal of RaSeal of
Notary[Form I] [Substituted by G.S.R. 511(E), dated 9.7.2009 (w.e.f. 9.7.2009)]Form Of Application
For Registration Of A Recruiting Agent[See Rule 7(1)]

- | | |
|--|---|
| 1. Name of the Applicant | : |
| 2. Address and Telephone number | : |
| 3. Status(Company/partnership firm/ sole proprietor) | : |
| 4. Date of setting up of the establishment | : |

5. Name, designation and address of the managing director/managing partner/proprietor (as the case may be) :
 6. Educational qualification of the proprietor/ managing partner/managing director (attach copy) :
 7. Name and address of Bankers :
 8. Financial Status: :
 - (i) Net Worth (assets minus liabilities) :
 - (ii) Permanent Account Number (PAN) of the applicant :
 - (iii) Permanent Account Number (PAN) of the proprietor/partners/directors of the company/firm :
 - (if the applicant is a company/firm) :
 - (iv) Income tax paid during each of the last 3 years :
 - (v) income tax paid during each of the last 3 years by the proprietor/partners/directors :
 9. Nature of business and turnover during each of the last five years :
 10. Experience, if any, in recruitment of Manpower for overseas employment, if so:- :
 - (a) Whether the applicant was registered earlier as Recruiting Agent and if so, the details :
 - (b) Whether any director/partners/ proprietor had been associated with any recruiting agent in the past if so, give details :
 11. If previously in the business of recruitment, total number of workers deployed abroad year-wise, country-wise and category-wise during the last five years :
 12. Whether there has been any complaints against the recruiting agent in respect of workers recruited, during the last five years; if so, details thereof :
 13. Whether there is any criminal or civil case pending in any Court against the applicant or any Director (partner, proprietor) if so, details thereof :
 14. Whether any Director/Partner/Proprietor have been convicted if so, details thereof :
 15. Whether any Certificate issued under Emigration Act, 1983 was cancelled; if so, details thereof :
 16. (a) Name of the countries where the applicant proposes to concentrate his efforts to deploy Indian workers :
 - (b) Number of workers proposed to be recruited annually :
 - (c) Plans for market development :
 17. Period for which registration is applied for, if less than ten years :
 18. Address of the premises where the applicant proposes to conduct business of recruitment :
 19. The size of the premises and whether it is easily accessible to the public :
 20. Whether the business premises is owned, on hire or on lease; :
 - If hired/leased-name and address of the owner :
- Undertaking (a) I undertake that in the event of any of the information furnished above being found to be false or incorrect in any respect, the Certificate is liable to be cancelled. (b) I undertake to furnish the proof of being in possession of the office premises comprising built up area of minimum

50 square metre and the facilities as specified under rule 10 within one month of receiving the eligibility letter under Section 11(2) from the registering authority. Date.....Place.....Signature

of applicant(With seal)Check List of Documents to be attached--

1. Demand Draft for Rs.25,000 in favour of "Pay and Accounts Officer, Ministry of Overseas Indian Affairs, New Delhi" payable at New Delhi, under rule 7(i)
2. Three Passport-size photographs of Proprietor/Managing Partner/Managing Director, duly attested on the back side by a Gazetted Officer of the State/Central Government.
3. Statement showing the name/Age and Residential Address of Proprietor/All Partners/All Directors along with designation and business activities undertaken during the last five years.
4. Specimen signature of the Proprietor/Managing Partner/Managing Director duly attested by a Gazetted Officer.
5. Copy of the Certificate of Educational Qualification as per rule 7(2)(i).
A statement showing the assets and liabilities of the proprietor if the applicant is sole proprietor, and of the managing partner or the managing director if the applicant is a firm or a company, as the case may be, under rule 7(2)(ii).
7. Income Tax returns for the last three consecutive years, under rule 7(2)(iii).
8. A copy of PAN Card.
9. IN CASE OF PARTNERSHIP FIRM -
 - (a) Resolution taken by all the partners authorising one of the partners to act as Managing Partner and to sign papers on behalf of the firm.
 - (b) Copy of partnership deed (which must provide for recruitment of workers for overseas employment).
 - (c) True extracts from the Registrar of firms in support of registration of the partnership deed.
 - (d) A copy of the Balance Sheet as at the close of the previous financial year.
10. IN CASE OF COMPANY-
 - (a) A resolution passed to authorities one of the Directors to act as Managing Director and to sign papers on behalf of the Company,
 - (b) A copy each of the memorandum of Association and Articles of Association (which must provide for recruitment of workers for overseas employment as one of its objectives).
 - (c) A copy of the certificate of registering the company.
 - (d) A copy of the balance sheet as at the close of the previous financial year.

Form IIAffidavit(See rule 7)I, son of Shri

aged..... resident of..... do hereby solemnly affirm and declare as under :-

1. That I the company/Firm own(s) fixed assets of the value of rupees

2. That I the Company/Firm hold(s) bank deposits of rupees

3. That I the Company/Firm have made the following other investments:

a.b.c.

4. That I the Company/Firm have the following liabilities:

a.b.c.VerificationI do hereby solemnly affirm and declare that contents of paras 1 to 4 above are true to the best of my knowledge and nothing has been concealed.Verified at

.....on.....DeponentAttested before Metropolitan

Magistrate/Judicial Magistrate [Executive Magistrate or Notary Public] [Inserted by G.S.R. 511(E), dated 9-7-2009 (w.e.f. 9-7-2009)].....Name/Signature and SealForm

II-AForm Of Application For Renewal Of Registration(See rule 9-A)

1. Name of the Applicant :
2. Educational qualification of the proprietor/managingpartner/managing director (attach copy) :
3. Status (whether public or private limited company or a partnership or sole proprietorship firm registered under relevantAct-Quote Registration No.) :
4. Number and date of issue of registration certificate under theEmigration Act, 1983 :
5. Date upto which certificate is valid :
6. Number of workers deployed against the certificate :
7. Whether any complaints are outstanding in respect of workersrecruited and if so, details thereof :
8. Whether there is any civil or criminal case pending against theapplicant :
9. Whether any Director/Partner/Proprietor have been convicted, Ifso, details thereof :
10. Any relevant change in respect of business premises, financialstatus, etc., since the issue of registration certificate underthe Emigration Act, 1983 :
11. Have you been associated with any other recruiting agent, ifso, in what capacity :

UndertakingI undertake that in the event of any information furnished above being found to be false or incorrect in this respect, the certificate of registration granted is liable to be

cancelled.Date.....Place.....Signature

of applicant(with seal)[Form-IV] [Substituted by G.S.R. 511(E), dated 9.7.2009 (w.e.f.

9.7.2009)]Name of the Firm.....Registration

No.....Return for the month of.....Monthly Return To

Be Submitted By The Returning Agent By The 10th Of Every Month(1)Number of workers recruited for overseas employment (country wise, employer wise, state wise and trade wise) during the month and cumulative during the calendar year.(2)Number of workers actually deployed abroad (country wise, state wise and trade wise) during the month and cumulative for the calendar year.(3)List of workers actually deployed abroad indicating the name, age and sex of the worker, the nature of employment (trade), the name of the country of employment, the employer's name and address, the

period of contract, the monthly wage, other contractual entitlements, the amount collected as service charges, total expenses incurred by the worker and the status of worker's passport (ECR or ECNR).(4)List of complaints received from emigrants during the month showing the nature of grievance, action taken to resolve the grievance and the current status.(5)Number of times the website was updated during the month with the dates.(6)Whether statutory dues including income tax and service tax have been paid in time.(7)Whether any of the employers on whose behalf recruitment is done has been blacklisted.(8)Whether any action has been initiated under section 14 or section 24, if so the status.DatePlace
SignatureSeal of the CompanyForm V

[The passport size photograph of the proprietor/managing partner / partners / managing director /directors duly attested by the registering authority shall be affixed.] [Inserted by G.S.R. 111(E), dated 24.2.1987 (w.e.f. 24.2.1987).]

Certificate No.....Certificate[See Rule 10(2)]With reference to the application dated.....for grant of a certificate under Section 10 of the Emigration Act, 1983 to commence or carry on the business of recruitment for deployment of Indian Workers with foreign employers, M/s..... is hereby granted the said certificate effective from the date of issue of this certificate, subject to the following terms and conditions, namely :-i. that the business shall be conducted at.....;ii. that this certificate is valid for a period of.....years or till the completion of the recruitment of workers, whichever is earlier. In the event of the recruitment of the specified number getting completed before the specified period, the holder of the certificate can be permitted to continue recruitment upto the expiry of the certificate on production of evidence of actual demand and on furnishing additional security under sub-rule (2) of Rule 8;iii. that the holder of the certificate shall conduct business under signatures and seal of the director/partners/proprietor and the certificate shall not be transferable;[iv. that a photocopy of this registration certificate shall be prominently displayed at a conspicuous place in the premises of the business. Also a copy attested by the registering authority with an endorsement of having authorized the recruiting agent to carry on the business at additional premises, if any, shall be displayed at conspicuous place in the business premises of such Branch Office. Original certificate shall be produced on demand by the emigration authorities/law enforcing authorities and employers;] [Substituted by G.S.R. 111(E), dated 24.2.1987, for "in Form X and" (w.e.f. 24.2.1987)]v. that the holder of the certificate shall normally conduct the business from the place indicated in the application for registration. For opening a recruitment centre at a place other than the place indicated in the application, the holder of the certificate has to obtain the prior approval of the Registering Authority;vi. that the holder of the certificate shall not employ sub-agent for the purpose of conducting or carrying on his business;vii. that the holder of the certificate shall not charge more than the prescribed fee from the emigrants and also adhere to prescribed standard wages;viii. that a holder of the certificate shall maintain the following permanent records at his

place of business--a. a register of receipt of charges from emigrants recruited, in the form of an original acquittance Roll containing the signature of each emigrant from each of whom the charge has been received. Each such Register shall be with reference to a demand for recruitment;b. a register and record of the amounts and Pre-paid Ticket Advices, along with their photo copies received from the employer, identified demand-wise;c. a register containing details of expenses incurred on the recruitment of emigrants demand-wise supported by documents;d. individual folders for each employer whose demands of labour the holder of the certificate has processed, proposed to process or is processing;e. bio-data (giving full particulars including name, address, age, skill, experience and address of next of kin) of each emigrant recruited by the holder of the certificate;f. copies of employment contracts of each emigrant as authenticated by the Protector of Emigrants;g. original demand, power of attorneys and correspondence with the employers;h. all documents relating to recruitment of emigrants, including office copies of all advertisement issued, letters of interviews and correspondence with applicants, original award sheet leading to the selection, names and addresses of persons involved in the selection process, copies of letters of appointments, trade testing particulars, etc;i. a register of visas received from the employers, giving separate account of block and individual visas;j. a register of claims for compensation for injury or death made by the emigrants or their dependents, recruited by the holder of the certificate giving the name, address of the emigrant, emigration number, country of employment, nature of injury or death, as the case may be, date of accident, name and address of the recipients, name and address of the employer, and the receipt in original in token of having made the payment of compensation be pasted;k. such other records as may be required to be maintained by the registering authority;ix. that holder of the certificate shall furnish return of the preceding month in Form IV by the 10th of the succeeding month;x. that copies of advertisements for recruitment of the emigrants shall be filed with the Protector of Emigrants; and n. that recruiting agent shall not charge the repatriation expenses from the emigrants; and(xi)that recruiting agent shall not charge the repatriation expenses from the emigrants;(xii)[the holder of the certificate shall - [Inserted by Notification No. G.S.R. 511 (E) dated 9.7.2009 (w.e.f. 9.7.2009)](a)provide details of employment, including contract conditions, to the intending emigrants before recruitment;(b)endeavour to ensure proper reception of the emigrant by the employer in the country of employment;(c)endeavour to ensure that subsequent to the employment, the employer shall not alter the terms of the employment contract;(d)endeavour to ensure that the employer takes timely action for renewal of documents authorising the stay of the emigrant in the country of employment;(e)facilitate amicable settlement of disputes between the employer and the emigrant;(f)issue receipt for the payments received from the emigrant;(g)issue only such advertisements that are genuine and factually correct and shall refrain from any inducement or misrepresentation in this regard;(h)ensure that the employer observes the terms and conditions of the employment contract;(xiii)the holder of the certificate shall maintain ---(a)office premises of not less than fifty square meters of built up area, having a waiting hall for at least thirty persons, a room for the purpose of conducting interview and an office space equipped with furniture, photocopier, telephone with subscribers truck Dialling and international Dialling facility, fax, computers and other office amenities as may be specified by the registering authority by order in writing;(b)work stations for the office personnel;(c)internet facility, email accounts and a web portal containing detailed information about the recruiting agent, the validity status of the registration certificate, the services offered, the cost of services, the mode of payment of service charges, the remedies available to emigrants for redressal of grievances, vacancies available

along with the details of the jobs, the employers and the contract conditions as well as the recruitment's made in the past with such particulars as the registering authority may specify by order in writing;(d)adequate and duly trained staff;(e)a signboard, to be displayed in front of the business premises or so fixed that it is conspicuously visible to the public from outside the office premises indicating the name and the registration number of the recruiting agent and the year of registration;(f)arrangements for skill testing for the trades for which he recruits the intending emigrants.]DatePlaceSignature, name and seal of the registering authority.FORM VI Form Of Application For A Permit For Recruitment By A Foreign Employer[See rule 11(1)]

1. Name of the employer.

2. Status (Company/a partnership firm/sole proprietor).

(in case of a company copy of the registration certificate and memorandum of articles and in case of a firm copy of the registration certificate and partnership deed shall be annexed to this application).

3. Has the applicant obtained the permission of his Government to employ foreign workers? (attach photocopy of the permission).

4. Has the applicant arranged to obtain employment visa for the proposed number of workers? Whether on block/individual basis?

5. How does the applicant propose to carry out the recruitment?

6. What is present requirement? (Attach detailed demand containing information about category of workers required, wages offered and a copy of specimen of the employment contract).

7. Has the applicant earlier employed any Indian workers in his establishment? If so, give the total number.

8. Are there any pending complaints from the Indian workers; if so details thereof.

UndertakingI undertake that in the event of the foregoing information being found to be incorrect or false in any respect, the permit shall be liable to be cancelled.....ApplicantSeal (Chamber of Commerce)Seal (Foreign Affairs)Seal (Indian Embassy)FORM VII Form Of Application For A Permit For Recruitment By An Indian Project Exporter[See rule 11(2)]

1. Name of the employer.

2. Status (Company/a partnership firm/sole proprietor).

(in case of a company, copy of the registration certificate and memorandum of articles and in case of a firm copy of the registration certificate and partnership deed shall be annexed to this application).

3. Has the applicant arranged to obtain employment visa for the proposed number of workers? Whether on block/individual basis?

4. How does the applicant propose to carry out recruitment?

5. What is present requirement? (attach detailed demand containing information about category of workers required, wages offered and a copy of the specimen of the employment contract).

6. Name of the country for which workers are required.

7. Name of the project undertaken in the foreign country and whether prime or sub-contract basis and details thereof.

8. Total value and nature of contract (attach a copy of the contract with the foreign principal).

9. Has the applicant obtained Reserve Bank of India/Screening Committee clearance ?

(Photocopy to be attached).

10. What will be the arrangement for payment of wages and remittances of wages?

11. If prime contractor, is the applicant employing a sub-contractor? If so, give details.

12. Does the applicant undertake to bear the liabilities of the sub-contractor towards workers in the event of the failure of the sub-contractor to discharge his liabilities?

13. What arrangements the applicant shall make for accommodating the workers in the foreign country?

14. Total number of Indian workers already employed by the applicant abroad. Date up to which their wages have been paid and date up to which arrangements for remittance of remittable components have been made.

15. Are there any pending complaints from workers?

16. If so, give details and actions being taken to settle the same.

Undertaking I undertake that in the event of the aforesaid information being found to be false or incorrect in any respect, the permit shall be liable to be cancelled.....Applicant FORM VIII Form Of Permit Granted Under Chapter IV [See rule 13(2)] With reference to his application datedfor grant of a permit under Chapter IV of the Act to recruit and employnumber of persons, M/s.....is hereby granted this permit effective from the date of issue of this permit subject to the following conditions: (i) The permit is not transferable. (ii) The permit is valid for a period of [One year] [Substituted by G.S.R. 773(E), dated 25.11.2004, for "six months" (w.e.f. 25.11.2004)] from the date of issue or the date of completion of the recruitment, whichever is earlier. (iii) Workers recruited on the strength of this permit shall not be repatriated on the ground that they do not possess the required skill. (iv) The holder of the permit shall not obtain the assistance of recruiting agent in any manner. (v) The employment agreement with the worker shall be signed by the holder of the permit. (vi) The holder of the permit shall be under obligation to treat the contract entered into with the worker as enforceable under the labour laws of the country of employment. It shall be his responsibility to file the copies of the contracts with the concerned authorities in the country of employment. (vii) The holder of the permit shall not supply manpower recruited on the strength of this permit to any other agency or concern. (viii) The holder of the permit shall be responsible for the general welfare and redressal of specific grievances of the workers recruited on the strength of the permit during the period of contract. (ix) The holder of the permit shall not extend the services of a worker after the expiry of a contract without entering into a fresh contract or without extending the existing contract. (x) The holder of the permit shall notify to the Indian Mission in the country of employment each case of death or disability of a worker within 48 hours of the occurrence of the event. Similarly information should be communicated to the next of kin in India in case of disability/death within 48 hours. (xi) The holder of the permit is prohibited from supplying manpower for a work in another country to a country other than the country from which the permit has been issued. (xii) [The holder of the permit shall--- [Inserted by G.S.R. 511(E), dated 9-7-2009 (w.e.f. 9-7-2009)] (a) provide details of employment, including contract conditions, to the intending emigrants before recruitment; (b) ensure proper reception of the emigrant in the country of employment; (c) ensure that subsequent to the employment, the employer shall not alter the contract of employment; (d) ensures timely action for renewal of documents authorising stay of emigrant in the country of employment; (e) not deprive the emigrant of the custody of his travel and employment documents; (f) issue only such advertisements that are genuine and factually correct

and shall refrain from any inducement or misrepresentation in this regard;(g)file copies of all advertisements for recruitment to the Protector General of Emigrants immediately after their publication or release.]Form IXApplication For Emigration Clearance[See rule 15(1)]To be filled in by Agent

1. Agent's Registration Number

2. Permission number and date

To be filled in by the Applicant

1. Applicant's name

2. Age

3. Had been abroad before: Yes/No

4. Sex: Male/Female

5. State of domicile

6. Passport number, date and place of issue

7. Rural/Urban

8. Number of dependents

9. Been employed during the last 12 months: Yes/No

10. If yes, with Government or private establishment

11. Earning in India (rupee.....per month)

12. Belonging to SC/ST, if yes, whether SC/ST

1. Job for which to be employed.

2. Country of employment.

3. Salary abroad (including food allowance).

4. Contract period (months).

5. Free food : Yes/No.

6. Employer's Name.

.....Applicant[***] [Form X omitted by G.S.R. 511(E), dated 9.7.2009 (w.e.f. 9.7.2009)]