

**PUBLISHED IN THE GAZETTE OF INDIA (PART II SECTION 3, SUB SECTION
(ii) DATED 30TH DECEMBER, 1983)***

**Government of India/Bharat Sarkar
Ministry of Labour/Shram Mantralaya**

NOTIFICATION

S.O. 941(E): In 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. DEFINITION:- In these rules unless the context otherwise requires:-

- ❖ "Act" means the Emigration Act, 1983 (31 of 1983),
- ❖ "Certificate" means the certificate issued under Section 11 of the Act;
- ❖ "Competent Authority" means competent authority notified by Central Government under section 15 of the Act;
- ❖ "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;
- ❖ "Emigration number" means the number assigned by the Protector of Emigrants to an emigrant at the time of granting emigration clearance;
- ❖ "Form" means a Form annexed to these Rules;
- ❖ "Permit" means a permit issued under Chapter IV of the Act;
- ❖ "Remittable component" means a part of the wages which the emigrant is entitled to remit to India;
- ❖ "Unauthorized emigrant" means any person who has emigrated to or intends to emigrate out of India for employment in violation of the provisions of the Act and the rules.

3. DEPENDANT OF AN EMIGRANT

A person who claims to be the dependant 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.

Determination of the purpose of visit of dependant 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 the emigrant conveyance.

5. RECRUITING AGENT REPRESENTING THE EMPLOYER:

The representation of an employer by a recruiting agent shall be determined with reference to the power of attorney given by the employer to the recruiting agent. The representation shall be limited for the purpose mentioned in the power of attorney. Such power of attorney unless limited in time by an express provision shall be valid for the period of validity of the certificate of registration of the recruiting agent unless the same is withdrawn earlier.

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 unauthorized 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: -

- ❖ Enter such conveyance at any time;
- ❖ Require the production of registration certificate of the Conveyance, log book and list of passengers; and
- ❖ 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 the Protector of Emigrants for inspection under sub-rule (1) may require him.

7. REGISTRATION OF RECRUITING AGENT:

An application for registration of recruiting agent shall be made in Form I and shall be accompanied by: -

- ❖ A bank draft of ²two thousand rupees payable in favour of Protector General of Emigrants towards the application fee; and
- ❖ An affidavit in Form II annexed sworn before a Metropolitan Magistrate or a Judicial Magistrate giving the applicant's current financial standing.

8. AMOUNT OF SECURITY:

Determination of the amount of security deposit under section (3) of section 11 shall be done with reference to the estimated number of persons to be recruited by an applicant during the period for which the registration is applied for in accordance with the following scale:-

- | | | |
|------|------------------|---|
| i. | Minimum upto 300 | Rs. 3 lakhs |
| ii. | 301 to 1000 | Rs. 5 lakhs |
| iii. | 1001 and above | Rs.10 lakhs (amended vide S.O.- 111(E), dated 8.2.96) |

In the event of the recruitment of the specified number getting completed before the date of expiry of the certificate, the holder of the certificate may be permitted by the Registering Authority to continue recruitment upto the date of expiry of the certificate on furnishing additional security in accordance with the scale prescribed after reckoning the total number of persons to be recruited, including the number already recruited.

9. VALIDITY OF CERTIFICATE:

A certificate shall be valid for a period of three years:

Provided that a certificate may be issued for a shorter period:-

- ❖ If the person to whom it is issued so desires; or
- ❖ 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 shall be in Form X and shall be accompanied by a Bank Draft of ⁴two thousand rupees payable in favour of the Pay & Accounts Officer, Ministry of Labour (Main Secretariat) New Delhi, towards the application fee.

10. TERMS AND CONDITIONS OF THE CERTIFICATE:

(1) The registration certificate shall be subject to the following terms and conditions:-

- i. This certificates 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 as on demand for satisfaction of the bonafides 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 center at a place other than the place indicated in the certificate, the holder of the certificate shall obtain the prior permission of the registering authority⁵ or an officer specially authorized by the registering authority;
- viii. The holder of the certificate shall not employ sub-agent for the purpose of conducting or carrying on his business;
- 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 folder 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 employer;
- h) all documents relating to the recruitment of emigrants including office copies of all advertisements issued, letters of interview and correspondence with the applicant, original award sheets leading to the selection, name and addresses of persons 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 dependants ,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 regards to these circumstances leading to the claims) 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. ⁵The 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.
- 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 contract; and
- xiii. The holder of the certificate shall not charge any amount from the emigrant towards the repatriation expenses.

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.

The application for issue of permits for recruitment by Indian employers for foreign jobs shall be in Form VII.

The applications under 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, 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 period of six months 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 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 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.

13. ISSUE OF PERMIT:

On receipt of the application, the competent authority may verify the facts contained in the application and may make the following inquiries to ascertain that the terms and conditions of employment are not discriminatory or exploitative:

- ❖ The basis on which the demand has been computed;
- ❖ The principle on which skills have been classified;
- ❖ Job contents of a post required to be filled;
- ❖ Scope of future prospects in various categories of jobs;
- ❖ Structure of supervisory control;
- ❖ Grievances procedure followed; and
- ❖ General reputation of the applicant and reports of specific misconduct, if any

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.

In case the employer is not able to complete the recruitment within six months, 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 (i) A foreign employer who has been granted a permit under sub-rule (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 recruitments.

(ii) 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 conduct, 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:

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 employer⁷ 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 ⁸two hundred drawn in favour of the Protector General of Emigrants as the emigration fee in respect of each applicant.

An agreement under sub-section (3) of section 22 shall provide for the following matters:-

- ❖ Period of employment/place of employment;
- ❖ Wages and other conditions of service;
- ❖ Free food or food allowance provision;
- ❖ Free accommodation;
- ❖ Provision in regard to disposal, or transportation to India, of dead body of the emigrant;
- ❖ Working hours, overtime allowance, other working conditions, leave and social security benefits as per local labour laws;
- ❖ To-and-fro air-passage at the employer's cost;
- ❖ Mode of settlement of disputes.

15A. All applications from the persons, individually or through recruiting agents or through other permitted agents, who intend to go abroad on short term non-employment visit and requiring suspension of emigration check requirements for

a limited period (emigration suspension), shall be accompanied by a demand draft of rupees one hundred drawn in favour of the Protector General of Emigrants as fee in respect of each applicant.

16. Emigration clearance under Sub-section (1) of section 22 of the Act shall be given by making⁹ an entry incorporating grant of emigration clearance to an emigrant for country of employment for the period of contract and the attestation number of the Mission on the demand shall be made in the passport of the emigrant by the Protector of Emigrants.

17.DIRECT RECRUITMENT BY FOREIGN EMPLOYER:

Where an emigrant has been recruited directly by a foreign employer the emigrant shall be required to deposit one way return fare calculated from the place of employment to the place of origin on the basis of the International Air Transport Association fare structure as security.

Where the liability for bearing the cost of repatriation falls on the emigrant, security deposited by him under Sub-rule (2) shall be utilised for his repatriation on the orders of the Protector of Emigrants.

18.FORM OF APPEAL:

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 order appealed against and a demand draft of ⁸rupees two hundred drawn in favour of Union of India towards the fee for the appeal.

The Memorandum:-

- ❖ shall set forth concisely the grounds of objection to the order appealed against and such ground shall be numbered consecutively; and
- ❖ shall specify:-
 - the address at which notices or other processes may be served on the appellant;
 - (ii) the date on which the order appealed against was served on the appellant.

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.

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:

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.

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.

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.

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 the Appellate Authority shall be in writing and shall state briefly the grounds for the decision and shall also be signed by the Appellant Authority.

21. REPRESENTATION OF PARTY:

Any person who has filed an appeal under Section 23 of the Act may appoint a pleader, advocate or any other person to appear, plead and act on his behalf before the Appellate Authority.

22. PROCEDURE FOR DECIDING EMIGRANT STATUS:

Where a question arises before a Protector of Emigrants as to whether a person intending a deport 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:-
 - ❖ the present occupation;
 - ❖ his financial status and income;
 - ❖ certificate of sponsorship from foreign country;
 - ❖ the source of financing of the journey;
 - ❖ 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 utilized 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 COURT:

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 while trying a suit, in respect of the following matters, namely:-

- a. Summoning and enforcing the attendance of witnesses;
- b. requiring any public records 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.

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 Section 193 and 228 of the Indian Penal Code 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.

25. SERVICE CHARGES:

The charges which the recruiting agent may recover from an emigrant in respect of services rendered shall not exceed¹¹ rupees five thousand in the case of skilled workers, rupees three thousand in the case of semi skilled workers, rupees two thousand in the case of unskilled workers and other than the above categories rupees ten thousand for which the recruiting agent shall give a receipt to the emigrant.

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 authorized agent; or
- b. by sending a notice or order to him by Registered Post with acknowledgement due to the address of his place or residence or his last known 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.

¹²26A. WITHDRAWAL OF CERTIFICATE OF REGISTRATION OF RECRUITING AGENT DURING SUSPENSION:

Where an order suspending the operation of 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 period of further extensions of such suspension of such certificate, if any.

FORM I

**FORM OF APPLICATION FOR REGISTRATION OF A RECRUITING AGENT
(See Rule 7)**

1. Name of the Applicant
2. Status (Company/a partnership firm/
sole proprietor).
(In case of a company 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. Date of setting up of the establishment.
4. Name, designation and address of
Director, partner or proprietor
who are authorized to sign on
behalf of the applicant firm or the
proprietary concern (specimen
signatures to be attached.
5. Name and address of Bankers
6. Financial Status:
 - i. Value of assests supported
by a certificate issued by
an approved valuer.
 - ii. Bank deposits supported
by a certificate of the Bank.
 - iii. Investments
 - iv. Net Worth
 - v. Permanent income-tax number
(enclose a copy of the previous year
income-tax amount certificate)
 - vi.* Permanent Income-tax number
of the partners of the company/firm
(if the applicant is a company/firm)
and the permanent income-tax number
of the companies/firm in which the partners are
also partners/directors.

7. Business during the last five years.
8. Experience, if any, in recruitment of manpower for overseas employment, if so :-
 - a. Whether the applicant was registered earlier as Recruiting Agency and if so, the details.
 - b. Whether any director/ partners/proprietor had been associated with any recruiting agency in the past if so, give details.
9. 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.
10. Whether there are any complaints against the applicant in respect of workers recruited, if so, details thereof.
11. Whether there is any criminal or civil case pending in any court against the applicant if so, details thereof.
12. Whether any Director/ Partner/Proprietor have been convicted if so, details thereof.
13. Whether any Certificate issued under Emigration Act, 1983 was cancelled; if so, reasons thereof.
14. Address of the office premises for conducting the business.
15. Whether the office premises is owned, on hire or on lease; if the office is in hired/leased

premises, the name and address of the owner.

16. Whether business premises are adequate and easily accessible for the public.
17. Give details of the facilities for conducting business at the applicant's disposal.
18. Name of the countries where the applicant proposes to concentrate his efforts to deploy Indian workers. How does he remain in contact with these markets.
19. Number of workers proposed to be recruited and form in which security is to be deposited.
20. Period for which registration is applied for.

UNDERTAKING

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.

DATE

APPLICANT

FORM II

AFFIDAVIT (See Rule 7)

The passport size photograph*of the proprietor/ managing Directors duly attested by the registering authority shall be affixed.

I,.....son of Shri.....aged.....

resident of.....do hereby solemnly

affirm and declare as under:-

1. That I the company/Firm own(s) fixed assests 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.

VERIFICATION

I 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 aton.....

DEPONENT

Attested before
Metropolitan Magistrate/Judicial Magistrate
Name/Signature and Seal

FORM-III

AFFIDAVIT

I _____ S/o Sh. _____ aged

Resident of _____ declare as under:

1. That I am sole owner of the office premises of

2. That I have rented out the same to Sh. _____ Prop./Mg
Partner / Mg Director of M/s.

3. That I have no objection in running the manpower business for overseas
employment by _____

VERIFICATION

I do hereby solemnly affirm and declare that the contents of para 1 to 3 are true
to the best of my knowledge and nothing has been concealed.

Verified at _____ on

Attested before

Metropolitan Magistrate/Judicial Magistrate

Name, Signature and seal

DEPONENT

*Strike whichever is not applicable.

FORM-IV

NAME OF THE COMPANY _____

REGISTRATION NO. _____

RETURN FOR THE MONTH OF _____

MONTHLY RETURN TO BE SUBMITTED BY THE RECRUITING AGENT* BY
THE 10TH OF EVERY MONTH

(See Rule 10(1))

Details of Demand	<u>No. of persons deployed abroad</u>			Charges recovered From emigrants	No. of persons repatriated by employer before completion of contract period
	Category 1	Country 2	Wages 3		
1.		2.		3.	4.

No. Received	<u>Visas</u>		<u>No. of prepaid Ticket Advices</u>		Fees received From employer in (foreign exchange)
	Utilised		Received	Utilised	
5.			6.		7.

Signature
Seal of the Company
Date

* GSR 375 (E) 23.03.1989

The passport size photograph*
of the proprietor/managing
directors duly attested by
the registering authority
shall be affixed.

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;
- 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;

* G.S.R. 111 (E) 14.2.1987 and 24.2.1987

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, indentified 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;
- l. that holder of the certificate shall furnish return of the preceding month in Form IV by the 10th of the succeeding month;
- m. 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.

	SIGNATURE
NAME AND SEAL OF THE REGISTERING	
AUTHORITY	
DATE & PLACE:	NAME AND SIGNATURE

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 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 photo copy of the permission.
4. Has the applicant arranged to obtain employment visa for the proposed number of workers ?
Whether 1n block/ individual basis ?
5. How does the applicant propose to carry out the recruitment ?
6. What is present requirement ?
(Attach details 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, give details thereof.

UNDERTAKING

I 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.

APPLICANT

SEAL(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 proprietorship).

(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 the 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 under taken 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 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 upto which their wages have been paid and date upto which arrangements for remittance of remittable components have been made.
15. Is there any pending complaints from workers ?
16. If so, give details and action 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 OF PERMIT GRANTED UNDER CHAPTER IV
(See Rule 13 (2))**

With reference to his application dated..... for grant of a permit under Chapter IV of the Act to recruit and employ.....number 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 six months 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 workers shall be signed by the holder of the permit.
- vi. The holder of the permit shall be under the 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 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 the information shall be communicated to the next of kin in India in case of disability or 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.

APPLICATION FOR EMIGRATION CLEARANCE
(See Rule 15 (1))

TO BE FILLED IN BY THE 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 (Rs. 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 OF APPLICATION FOR RENEWAL OF REGISTRATION
(See Rule 9A)**

1. Name of the Applicant.
2. Status (whether public or private
Ltd. Co. or a Partnership or
sole proprietorship firm
registered under relevant
Act-Quote Registration No.)
3. Number and date of issue of
Registration Certificate under
The Emigration Act, 1983.
4. Date upto which certificate is
valid.
5. Number of workers deployed
against the certificate.
6. Whether any complaints are
outstanding in respect of workers
recruited and if so, details thereof.
7. Whether there is any civil or
criminal case pending against the
applicant.
8. Whether any Director /Partner /
Proprietor have been convicted,
If so, details thereof.
9. Any relevant change in respect of
business premises , financial status
etc. since the issue of registration
certificate under the Emigration Act,1983.
10. Have you been associated with any other
Recruiting Agency, if so , in what capacity.

UNDERTAKING

I 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

APPLICANT

* G.S.R. 111(E) 24.2.1987