

THE EMIGRATION BILL, 2021

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	A BILL	
	<i>to consolidate and amend the law relating to emigration of citizens of India.</i>	
	BE it enacted by Parliament in the Seventy Second Year of the Republic of India as follows:—	
	CHAPTER I PRELIMINARY	
	1. (1) This Act may be called the Emigration Act, 2021.	Short title, extent, application and commencement.
	(2) It extends to the whole of India and applies also to citizens of India outside India.	
	(3) It shall come into force on such date as the Central Government may, by notification appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.	
	2. (1) In this Act, unless the context otherwise requires,—	Definitions.
	(a) “Administration” means the Bureau of Emigration Administration established under sub-section (1) of section 4;	
	(b) “appropriate Government” means the Government of the State or the administration of the Union territory, as the case may be;	
	(c) “Bureau” means the Bureau of Emigration Policy and Planning established under sub-section (1) of section 3;	

	(d) “certificate” means a certificate of registration issued under section 13;	
	(e) “emigrate” and “emigration” mean the departure out of India by any person with a view to taking up any employment (whether or not under an agreement to take up such employment with or without the assistance of a Human Resources Agencies)	
	(f) “emigrant” means any citizen of India, not below the age of eighteen years, who intends to emigrate or has emigrated for, or with regard to employment;	
	(g) “emigrant conveyance” means any conveyance used for conveyance of emigrants and includes a vessel, vehicle, country-craft and aircraft:	
	Provided that the Central Government may, by notification, declare that any conveyance conveying emigrants to such place as may be specified in the notification shall not be deemed to be an emigrant conveyance;	
	(h) “employer” means a person providing, or offering to provide, an employment in a country or place outside India;	
	(i) “employment” means any service, occupation or engagement (not being service, occupation or engagement under the Central Government or a State Government), or any other activity defined as work within the meaning of this Act outside India for wages, salary, remuneration or for any reward (monetary or otherwise), and includes in all its grammatical variations and cognate expressions every receipt of such a nature;	
	(j) “human smuggling” means assisting, facilitating, or making arrangements for a person to enter illegally into another country of which such person is not a citizen or permanent resident, with the full knowledge that such entry is illegal, in order to gain financial or any other material benefit;	
	(k) “Nodal Committees” means the committees established by the appropriate Government under sub-section (1) of section 7;	
	(l) “notification” means a notification published in the	

	Official Gazette;	
	(m) "Human Resources Agencies" means an entity engaged in India in the business of recruitment for an employer and representing such employer with respect to any matter in relation to such recruitment including dealings with persons so recruited or desiring to be so recruited and registered under section 11;	
	(n) "recruitment" includes the issuing of any advertisement or otherwise, for the purpose of recruitment, the offering by advertising or otherwise to secure or assist in securing any employment in any country or place outside India and entering into any correspondence, negotiation, agreement or arrangement with any individual for or in relation to the employment of such individual in any country or place outside India;	
	(o) "regulations" means the regulations made by the Authority under this Act;	
	(p) "sahayata kendras shall mean a forum where the emigrants can come for assistance and which shall cater to all the issues concerning overseas employment;	
	(q) "sub-agent" in relation to a Human Resources Agencies , means any person or body of persons or an entity other than an employee engaged for the purpose of assisting the Human Resources Agencies in the recruitment of emigrants;	
45 of 1860.	(r)"trafficking of person" shall have the same meaning as assigned to it in sub-section (1) of section 370 of the Indian Penal Code; and	
	(s) "work" includes skilled, semi skilled or unskilled work that may be of a temporary or a permanent nature, undertaken whether partly or on a full-time duration:	
	Provided that the Central Government may, if satisfied that it is necessary so to do having regard to the conditions of service applicable with respect to employment in any of the aforementioned categories of work or any sub-category thereof, whether generally or in relation to any particular country or	

	place and other relevant circumstances, declare by notification that such category of work or sub-category of work with respect to a particular country or countries or place shall not be deemed to be work within the meaning of this definition.	
	(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.	
	CHAPTER II EMIGRATION AUTHORITIES	
	3. (1) The Central Government may, by notification, establish a Bureau to be called the Bureau of Emigration Policy and Planning to formulate effective policies through periodic assessment, undertake consultation with relevant stakeholders and carry out analysis with regard to emigration and allied matters for the purposes of this Act.	Bureau of Emigration Policy and Planning.
	(2) The Bureau referred to in sub-section (1) shall consist of a Chief of Emigration Policy and Planning, who shall be an officer not below the rank of a Joint Secretary to the Government of India or equivalent, and other officers of such appropriate ranks as may be determined by the Central Government.	
	4. (1) The Central Government may, by notification, establish an Administration to be called the Bureau of Emigration Administration for implementation of the provisions of this Act and to ensure the welfare and protection of the emigrants for the purposes of this Act.	Bureau of Emigration Administration.
	(2) The Administration referred to in sub-section (1) shall have as many offices in different parts of the country, as may be required.	
	(3) The Administration shall consist of a Chief Emigration Officer, who shall be an officer not below the rank of a Joint Secretary to the Government of India or equivalent, and other officers of such appropriate ranks as may be determined for discharge of functions under this Act.	
	(4) The other offices of the Administration shall	

	consist of Emigration Officers and other officers of such appropriate ranks as may be determined by the Central Government for discharge of functions under this Act.	
	(5) The Central Government may, by notification, define the area to which the authority of an Emigration Officer so appointed shall extend and, where two or more Emigration Officers are appointed for the same area, also provide, by such order, for the distribution and allocation of the work to be performed under this Act in relation to such area.	
	(6) The Emigration Officers shall perform the functions assigned to them by or under this Act under the general superintendence and control of the Chief Emigration Officer.	
	(7) The Chief Emigration Officer may, in addition to the special function assigned to him by or under this Act, perform all or any of the functions assigned to any Emigration Officer.	
	5. (1) Where the Central Government considers that, with a view to preventing or checking the contravention of the provisions of this Act or the rules made thereunder, it is necessary so to do, it may, by notification, set up such number of emigration check posts at such places as may be specified.	Emigration check posts.
	(2) The Central Government may, by general or special order made in this behalf, appoint an officer of the Central Government or of a State Government to be an officer in charge of an emigration check post set up under sub-section (1).	
	(3) An officer in-charge of an emigration check-post shall be subject to the general control and supervision of the Chief Emigration Officer or any other authority as specified within the local limits of whose jurisdiction that emigration check post is situated.	
	6. The Central Government may, if satisfied that it is necessary so to do in the interest of emigrants or intending emigrants, authorise any person to perform all or any of the functions assigned to them by the competent authority.	Power to authorise persons to exercise functions of competent authority.

	7. (1) The appropriate Government shall by notification establish a Nodal Committee in the States and Union territories as may be required to facilitate the implementation of this Act and work in coordination with other competent authorities as has been specified for the purposes of the Act.	Nodal Committees in States and Union territories.
	(2)The Nodal Committee shall consist of—	
	(i) a Chairperson from the Home Department, not below the rank of a Principal Secretary or equivalent in State or Union territory, as the case may be; and	
	(ii) the representatives of the appropriate Government from the Departments of Labour, Non Resident Indians and Skill and the concerned Emigration officer.	
	(3) The Nodal Committee shall consist of as many other officers as it may deem fit for the purposes of this Act.	
	(4) The Nodal Committee shall have the power to co-opt such number of persons from within or outside the Government for its meetings (not being the Members of the Nodal Committee), as it may deem fit.	
	CHAPTER III FUNCTIONS OF BUREAU OF EMIGRATION POLICY AND PLANNING, BUREAU OF EMIGRATION ADMINISTRATION AND NODAL COMMITTEES	
	8. Subject to the other provisions of this Act, the Bureau in co-ordination with the relevant stakeholders as required and in addition to the special duties assigned to it under this Act shall—	Functions of Bureau of Emigration Policy and Planning.
	(i) prepare comprehensive policies on matters concerning welfare of emigrants including insurance, skill up gradation training, pre-departure orientation programmes and the like to ensure safe, orderly and regular migration from India;	
	(ii) negotiate labour and manpower	

	cooperation agreements and memorandum of understandings, social security agreements, migrant and mobility partnerships and related framework with destination countries;	
	(iii) undertake study and research towards mapping of global skills as required, labour market analysis with focus on foreign labour markets and related job rules;	
	(iv) map labour clusters within the country and analyse skill gap issues;	
	(v) devise parameters and frame guidelines for rating of Human Resources Agencies ;	
	(vi) suggest measures for enhancing welfare and protection of migrants;	
	(vii) facilitate gender sensitive programmes and activities to assist particular needs of women migrant workers;	
	(viii) make efforts towards exchange of information, electronically or otherwise on emigration related matters with the destination countries;	
	(ix) analyse the source and pattern of remittances;	
	(x) maintain information on legal systems, emigration policies, labour and human rights instruments , laws of destination countries along with the profile of overseas Indians in such countries; and	
	(xi) such other functions as may be prescribed.	
	9. Subject to the other provisions of this Act, the Bureau of Emigration Administration, in coordination with relevant stakeholders as required, in addition to the special duties assigned to it under this Act shall:	General functions of Bureau of Emigration Administration.
	(i) maintain a digitalised record of the following—	
	(a) All Indian emigrants. The	

	administration shall obtain such data from the Bureau of Immigration, Human Resources Agencies and any other agencies as appropriate;	
	(b) blacklisted foreign employers, fraudulent Human Resources Agencies and the like;	
	(ii) establish a shared database among concerned stakeholders in the government to maintain a comprehensive approach towards emigration;	
	(iii) implement appropriate measures and programmes for welfare of emigrants including insurance, skill upgradation and training, pre departure orientation, counselling with a view to assist emigrants in all stages of migration;	
	(iv) to register, suspend or cancel the certificate of Human Resources Agencies and accredit the employers;	
	(v) specify by regulations the standards for employers, Human Resources Agencies, sub-agents and monitor their performance;	
	(vi) give ratings for employers, Human Resources Agencies under this Act and formulate incentives and disincentives to them on that basis;	
	(vii) call for any information, return, or documents from the Human Resources Agencies;	
	(viii) periodically inspect, any register or records maintained by the Human Resources Agencies ;	
	(ix) encourage self-regulation amongst the Human Resources Agencies ;	
	(x) prevent illegal emigration, irregularity in recruitment procedures and misuse of visa;	
	(xi) advise the Nodal Authorities in respect	

	of matters relating to prosecution of illegal Human Resources Agencies;	
	(xii) blacklist in such manner as may be specified by regulations, an employer for a breach of contract or contravention of any of the provisions of this Act, rules and regulations made thereunder;	
	(xiii) establish help desks and Sahayata Kendras in India and abroad as and where necessary;	
	(xiv) maintain data of offices and contact details of Indian Embassies and Consulates abroad;	
	(xv) undertake awareness programmes so as to ensure safe, orderly and regular migration;	
	(xvi) monitor situations, circumstances and activities affecting overseas Indians;	
	(xvii) inquire into the treatment received by emigrants during their voyage or journey to, and during the period of their residence in the country to which they emigrated and also during the return voyage or journey to India and assist migrant workers at all stages of the migration cycle;	
	(xviii) protect and advice to all intending emigrants;	
	(xix) aid and advice the emigrants who have returned to India;	
	(xx) work in coordination with the other authorities as has been established for the purposes of this Act to ensure safe migration; and	
	(xxi) such other functions as may be prescribed.	
	10. Subject to the other provisions of this Act, the Nodal Committee working in coordination with the Chief Emigration Officer, Emigration Officers and	Functions of Nodal Committee.

	other competent authorities as mentioned for the purposes of the Act and in addition to the special duties assigned to it under this Act shall—	
	(i) initiate action to prosecute illegal Human Resources Agencies ;	
	(ii) initiate action to prosecute travel agencies, tour operators, emigration consultants or any other entity involved in trafficking of persons;	
	(iii) undertake pre-departure orientation programmes, skill up gradation programmes for prospective migrants;	
	(iv) work in coordination with relevant State departments to devise and implement effective policies and programmes towards relief, rehabilitation and harnessing skills of returnee migrants and mapping of labour clusters in States or Union territories;	
	(v) maintain a database of returnee migrants and work towards their resettlement in the State or Union territory;	
	(vi) assist in creating awareness to ensure safe, orderly and regular migration; and	
	(vii) such other functions as may be determined by the appropriate Government.	
	CHAPTER IV Human Resources Agencies	
	11. Save as otherwise provided in this Act, no Human Resources Agencies shall after the commencement of this Act commence or carry on the business of recruitment except in accordance with being registered as a Company under the Companies Act, 2013 or a Limited Liability partnership under the Limited Liability Partnership Act, 2008 or a partnership under the Indian Partnership Act, 1932. (ii) All Human Resources Agencies subsequent to registration mentioned in sub Section (i) shall after the commencement of this Act commence or carry on	Registration of Human Resources Agencies.

	the business of recruitment in accordance with a certificate issued in that behalf by the competent authority:	
	Provided that the Central Government may, for the purposes of this Act, if satisfied that it is necessary to do so, exempt certain categories of Human Resources Agencies from registration.	
	Provided further that a person, who had been issued a valid certificate immediately before the commencement of this Act for carrying on the business of a Human Resources Agencies, may continue to do so till the date of its expiry, or for a period of twelve months, whichever is earlier, from such commencement; and if he has made an application for registration within a period of six months from the date of commencement of this Act, till disposal of such application by the competent authority.	
	12. (1) An application for registration shall be made to the competent authority in such form and shall contain such particulars, other relevant matters and an undertaking in such form as may be prescribed to the effect that in the event of any information furnished in or along with the application for registration being found to be false or incorrect in any respect, the certificate shall be liable to be canceled at any time in accordance with such procedure as may be prescribed:	Procedure for registration of Human Resources Agencies.
	Provided that no application shall be entertained under this sub-section from a person disqualified under sub-section (4) of section 15 till the expiry of the period of such disqualification.	
	(2) On receipt of such application, the competent authority shall—	
	(i) if the application is not in the specified form or does not contain any of the specified particulars, return the application to the applicant for fulfillment of the particulars which are lacking;	
	(ii) on being satisfied that—	
	(a) the application fulfill the requirements specified thereunder, inform the applicant that he is eligible for registration and require	

	<p>him to furnish the security specified, for issue of certificate and if the applicant furnishes the security as specified within a period of one month from the date on which the Central Government requires him to furnish such security, the Central Government shall register the Human Resources Agencies and issue a certificate in accordance with the provisions of this Act; and</p>	
	<p>(b) if the applicant fails to furnish the security specified within a period of one month, his application shall be deemed to have been rejected by the Central Government on the date of expiry of the said period unless there are valid reasons to be furnished by the applicant for consideration that security could not be provided during the said period</p>	
	<p>(3) The competent authority shall, for the purposes of securing due performance of duties of the Human Resources Agencies require such agency to deposit such amount of security in such manner as may be specified by the regulations.</p>	
	<p>13. The competent authority shall issue the certificate of registration in such form and manner and within such period, not exceeding six months, as may be prescribed.</p>	<p>Certificate of registration.</p>
	<p>14. The Certificate issued under section 13 shall be valid for a period not exceeding five years and may be renewed from time to time and the provisions of this Act and the rules made thereunder shall apply to the renewal of a certificate as they apply to the issue thereof.</p>	<p>Validity and renewal.</p>
	<p>15. (1) The competent authority may cancel any certificate on any one or more of the following grounds, namely:—</p>	<p>Cancellation or suspension of a certificate.</p>
	<p>(i) that having regard to the manner in which the holder of the certificate has carried on his business or any deterioration in his financial position, the facilities at his disposal for recruitment, or the holder of the certificate is not a fit person to continue to hold the certificate;</p>	

	(ii) that the holder of the certificate has recruited or placed the emigrants for purposes prejudicial to the interest of India or for purposes contrary to the public policy;	
	(iii) that the holder of the certificate or the Human Resources Agencies has, subsequent to the issue of the certificate, been convicted by a court in India for any offence under this Act, or any other law for the time being in force relating to passport, foreign exchanges, narcotics, drugs or smuggling and sentenced in respect thereof, to imprisonment for not less than six months;	
	(iv) that the certificate has been issued or renewed on misrepresentation or suppression of any material fact;	
	(v) that the holder of the certificate has violated any of the terms and conditions of the certificate;	
	(vi) that in the opinion of the Central Government, it is necessary in the interests of friendly relations of India with any foreign country or in the interests of the general public to cancel the certificate;	
	(vii) the Human Resources Agencies has recruited an emigrant in contravention of any of the provisions of this Act or the rules and regulations made thereunder or any other law for the time being in force;	
	(viii) any person recruited by a Human Resources Agencies has been denied entry or employment in the country of destination owing to a willful act of omission or commission on the part of such Human Resources Agencies;	
	(ix) the Human Resources Agencies has collected charges from an emigrant in excess of the limits specified by them at the time of registration;	
	(x) the Human Resources Agencies has failed to maintain specified minimum ratings; and	

	(xi) the Human Resources Agencies has committed breach of any of the terms and conditions of the certificate of registration.	
	(2) Where the competent authority, for reasons to be recorded in writing, is dissatisfied that pending the consideration of the question of canceling any certificate on any of the grounds mentioned in sub-section (1) it is necessary so to do, the competent authority, may, by order in writing, suspend the operation of the certificate for such period not exceeding thirty days as may be specified in the order and require the holder of the certificate to show cause, within fifteen days from the date of receipt of such order, as to why the suspension of the certificate should not be extended till the determination of the question as to whether the registration should be canceled.	
	(3) While passing an order of cancellation of certificate under sub-section (1), the Authority shall follow such procedure as may be prescribed:	
	Provided that no such order shall be made unless the person concerned has been given an opportunity of being heard in respect of the grounds for such cancellation.	
	(4) Where the certificate of a Human Resource Agency has been canceled under this section, it shall not be eligible to make another application for registration until the expiry of a period of five years from the date of such cancellation.	
	(5) Before passing an order canceling or suspending a certificate, the competent authority or the court shall consider the question as to the provisions and arrangements which should be made for safeguarding the interests of emigrant and other persons with whom the holder of the certificate had any transactions in the course of his business as recruitment agent and may make such orders (including orders permitting the holder of the certificate to continue to carry on his business with respect to all or any of such emigrants and other persons) as it may consider necessary in this behalf.	
	16. (1) The competent authority and the officers	Authorities and

5 of 1908.	authorised by the Central Government for the purposes of discharging functions under this Act, shall have the same power as are vested in a civil court, under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:—	officers to have certain powers of civil court.
	(i) summoning and enforcing the attendance of witness;	
	(ii) requiring the discovery and production of any document;	
	(iii) requisitioning any public record or copy thereof from any office; and	
	(iv) issuing commissions for the examination of witnesses or documents.	
45 of 1860. 2 of 1974.	(2) Every proceeding before the competent authority under this Act shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.	
	17. Subject to the provisions of this Act, the Human Resources Agencies shall perform the following duties, namely:—	Duties and functions of Human Resources Agencies
	(i) to register all emigrants going through them in such manner as may be specified by Central Government;	
	(ii) to recruit on behalf of employer and provide details of employment, including conditions of contracts of employment, to the intending emigrants before recruitment;	
	(iii) to co-ordinate with the employer to carry out his contractual obligations under the contract of employment during the period of contract without any alterations;	
	(iv) to procure employment and travel documents, insurance policy, as may be necessary, on behalf of emigrants, register the emigrants with the concerned	

	authorities in the manner as may be prescribed and ascertain that the emigrant is not deprived of the custody of these documents by the employer at any point of time on any ground whatsoever;	
	(v) to arrange for proper reception of emigrant in the country of employment;	
	(vi) to co-ordinate for timely renewal of documents which authorise the stay of emigrant in the country of employment;	
	(vii) to facilitate settlement of disputes between the employer and emigrants, if any;	
	(viii) to issue receipts of charges collected from the emigrants;	
	(ix) to maintain reports, periodically on the status of employment, placement vacancies, departures and such other matters or information in a manner as may be determined by the Central Government;	
	(x) to ensure that sub-agents engaged by it duly comply with such standards as may be specified by the regulations;	
	(xi) to furnish the particulars of sub-agents engaged by it to the Authority in such manner and at such time as may be specified by the regulations;	
	(xii) to maintain specified performance standards and minimum ratings to be assessed by the Central Government for rating;	
	(xiii) to ensure a pre-departure orientation of the emigrants have been conducted and that they are sufficiently equipped with a skill up-gradation programme, wherever required for such category of workers in such manner as may be specified by the regulations; and	
	(xiv) to provide the contact details of concerned Indian Mission in the country of employment (including its office address, telephone, e-mail and such other information as may be necessary) to the emigrant before his departure to a place outside India for employment.	

	<p>(xv) To specify the service fee to be charged from the emigrant.</p> <p>Such specification of the service fee shall operate for the entire period of registration and any change whatsoever shall be notified with the concerned authority in all cases.</p>	
	<p>CHAPTER V ACCREDITATION OF EMPLOYERS</p>	
	<p>18. Save as otherwise provided, every employer who intends to recruit, either directly or through a Human Resources Agencies, an emigrant, after the commencement of the Act shall obtain an accreditation from the competent authority for the purposes of this Act:</p>	Accreditation of employers.
	<p>Provided that the Central Government, if satisfied that it is necessary to do so, may, by notification, exempt certain class or classes of employers or a country or place or both from the requirement of obtaining such accreditation:</p>	
	<p>Provided further that an employer, who had been granted a valid permit immediately before the commencement of this Act for recruiting any citizen of India for employment, may continue to do so till the date of its expiry, or for a period of twelve months, whichever is earlier, from such commencement, and if he has made an application for such accreditation within a period of six months from the date of commencement of this Act, till disposal of such application by the Central Government.</p>	
	<p>19. (1) An employer desiring to obtain accreditation may make an application to the competent authority in such form, containing such particulars, in such manner as may be specified by the regulations.</p>	Procedure for accreditation.
	<p>(2) The competent authority may, for the purposes of facilitating transparency and timely disposal of applications, specify minimum eligibility criteria for the accreditation of employers.</p>	
	<p>(3) Upon receipt of such application, the competent authority shall—</p>	

	(i) after making such inquiry as may be required or as it may deem necessary, and on being satisfied that the applicant fulfills minimum eligibility criteria as specified require him to furnish the specified security; and	
	(ii) on being satisfied that the applicant does not fulfill the minimum eligibility criteria or on any other ground as is mentioned by the regulations, or otherwise, reject such application and record a brief statement of his reasons for making such rejection and furnish a copy thereof to the applicant and also exhibit the same on the website unless it is detrimental to the friendly relations with the foreign country or the interest of the general public.	
	20. The accreditation granted under this Chapter shall be valid for such period, not exceeding five years, and may be renewed from time to time and the provisions of this Act and the rules made thereunder shall apply to the renewal of accreditation as they apply to the grant thereof and may be specified by order.	Validity and renewal of accreditation.
	21. The provisions of section 15 relating to cancellation or suspension of Certificate of registration of Human Resources Agencies shall, subject to such modifications as may be necessary, apply for cancellation and suspension of grant of accreditation to employers.	Cancellation of Accreditation.
	CHAPTER VI APPEALS	
	22. Any person aggrieved by–	Appeals against order of competent authority.
	(i) an order of the competent authority rejecting his application for registration as a Human Resources Agencies under sub-section (1) of section 12 or requiring him to furnish security thereof or to comply with any term and	

	condition (not being a specified term and condition) specified in the certificate issued to him or canceling or suspending the certificate of registration under section 15 thereof; or	
	(ii) an order of the competent authority rejecting his application for accreditation as an employer under sub-section (3) of section 19 or to comply with any term and condition (not being a specified term and condition) of accreditation granted to him thereof or refusing to furnish a copy of the order under sub-section (3) of that section thereof or canceling or suspending grant of accreditation under section 21; or	
	may prefer an appeal against such order to the Central Government in such form, accompanied by such fee and within such period as may be prescribed.	
	23. (1) No such appeal shall be admitted after expiry of the period so prescribed unless the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within that period.	Limitation.
36 of 1963.	(2) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963 with respect to the computation of periods thereunder;	
	24. (1) The procedure for disposing of an appeal (including remand of the matter for further consideration to the authority whose order has been appealed against) shall be such as may be prescribed:	Procedure for disposing of an appeal.
	Provided that before disposing of an appeal, the appellant shall be given an opportunity of being heard.	
	(2) Every order made on an appeal under this section confirming, modifying or reversing the order appealed against shall be final and binding on the parties.	
	(3) The Appellate Authority shall be an officer not below the rank of an Additional Secretary or equivalent to the Government of India.	

	CHAPTER VII WELFARE OF INDIAN EMIGRANTS	
	<p>25. In Countries with significant number of Indian emigrants, the Indian Embassy/ Consulate may establish a Labor and Welfare wing to coordinate all issues related to Indian emigrants.</p>	<p>Establishment of Labor and Welfare wing</p>
	<p>26. The Indian Embassy/ Consulate may, by notification, establish a committee to be called the Emigrants Welfare Committee to oversee, review, direct, aid and address the grievances of Indian emigrants for the purposes of this Act.</p>	<p>Establishment of Emigrants Welfare Committee</p>
	<p>27. The Committee shall consist of :-</p> <p>(i) Head of Embassy/ Consulate as its Chairperson;</p> <p>(ii) An officer not below the rank of second Secretary;</p> <p>(iii) Two prominent members of Non Resident Indian/ Person of Indian Origin Community.</p> <p>(iv) The committee shall have the power to co-opt such number of persons for its meetings from Industry associations, workers associations, foreign employers, concerned ministries of the destination country etc., as it may deem fit.</p>	<p>Constitution of the Committee</p>

	<p>28. The services/ functions of the Committee shall be as follows:-</p> <p>(i) Counseling and legal services;</p> <p>(ii) Welfare assistance including the facilitation of medical and hospitalization services;</p> <p>(iii) Conduct programmes to promote social integration, settlement and community network services, facilitate awareness of emigrants post their arrival and advise on relevant matters of concern;</p> <p>(iv) Maintain a digitalised record of all emigrants;</p> <p>(v) Human resources development such as training and skills upgrading, if required;</p> <p>(vi) Support Community welfare activities;</p> <p>(vii) Recommend for temporary accommodation for distressed Indian emigrants;</p> <p>(viii) Assist in transportation of mortal remains;</p> <p>(ix) Suggest improvement in consular services to aid emigrants;</p> <p>(x) Monitoring of daily situations, circumstances and activities affecting Indian migrant workers;</p> <p>(xi) and any other functions as may be required.</p>	<p>Functions of the Committee</p>
	<p>29. (1) The Indian Mission/ Post may, by notification, establish Sahayata Kendras to cater all issues concerning Overseas Employment and Immigration of Indian emigrants.</p> <p>(2) A resource centre may offer inter alia among other functions the following services:-</p> <p>(i) A toll free multilingual 24 X 7 Help line.</p> <p>(ii) Walk-in Counters to receive petitions directly from the Indian workers and provide counselling services.</p> <p>(iii) Receive, Register & Monitor grievance petitions</p>	<p>Establishment of Sahayata Kendras</p>

	(iv) Organize Awareness campaigns & counselling sessions	
	CHAPTER VIII OFFENCES AND PENALTIES	
	30. Whoever,—	Punishment For furnishing false information etc.
	(i) furnishes any false information or by suppressing material facts, obtains a certificate of registration under section 13 or an accreditation under section 18 of this Act;	
	(ii) without the approval of the competent authority, make or causes to make any alteration in a certificate or document or endorsement issued or made under this Act;	
	(iii) disobeys or fails to comply with an order issued by the competent authority;	
	(iv) collects from an emigrant, charges in excess of the limits specified/disclosed by him at the time of registration or fails to issue receipts for payments received by him;	
	(v) deceives or intends to deceive the emigrants;	
	(vi) indulges into illegal recruitment;	
	<i>Explanation:—</i> For the purposes of this clause, the expression “illegal recruitment” shall mean any act of canvassing, soliciting, enlisting, contracting, transporting, utilizing, hiring, procuring individuals and includes referring, contact services, promising or advertising for employment abroad, by all means of communication, whether for profit or not, when undertaken by a non-license or non-holder of a certificate issued by a competent authority under this Act.	

	(vii) indulges into any act of trafficking of persons, or any other act, which may constitute an offence; or	
	(viii) indulges into illicit trafficking of drugs or harbour offenders,	
	shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years or with fine, which shall not be less than three lakh rupees but which may extend to five lakh rupees or with both:	
	Provided that where the person deceived is a woman or a child, such punishment of imprisonment shall not be less than five years but may extend to seven years or with fine which shall not be less than five lakh rupees but may extend to seven lakh rupees:	
45 of 1860.	Provided further that where an offence has been committed under clause (vii), the provisions of the Indian Penal Code shall be applicable:	
61 of 1985.	Provided also that where an offence has been committed under clause (viii), the provisions of the Narcotics Drugs and Psychotropic Substances Act, 1985 shall be applicable.	
	31. (1) Whoever,—	Additional Penalties
	(i) emigrates in violation of section 46; or	
	(ii) in contravention of any provisions of this Act or the rules or the regulations made thereunder,	
	the emigrants shall be liable to pay a penalty which shall not be less than ten thousand rupees but may extend to fifty thousand rupees:	
	(2) In addition to the penalty referred to in subsection (1), the Central Government may, by an order, revoke, suspend or cancel the passport for the purposes of this section:	
	Provided that before issuing an order under subsection (2), an opportunity of hearing shall be given to	

	the person concerned in the matter.	
	32. Where, after taking into consideration the facts and circumstances of the case, the competent authority is of the opinion that in respect of the grounds specified in clauses (iv), (v), (ix), (x) and (xi) of section 15, it may not be proper to cancel the certificate, it may, instead of canceling, impose such penalty, not exceeding ten lakh rupees as it may deem fit.	Penalty for contravention of section 15.
	33. Whoever attempts to commit any of the offences specified under section 30 shall be punishable in the like manner as provided for such offence under that section.	Attempts to commission of offences.
	34. Whoever abets any of the offences specified under section 30 shall, if the act so abetted is committed in consequence thereof, shall be punishable in the like manner as provided for such offence under that section.	Abetment of offences.
	35. Whoever, having been convicted of any of the offences specified under section 30 is again convicted of an offence thereunder, shall be punishable for the second and each subsequent offence, with double the penalty provided for such offence under that section.	Punishment for repeated offences.
	36. (1) Wherever, an offence under this Act has been committed by a company, every person who at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:	Offences by companies.
	Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	
	(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or	

	connivance of, or is attributable on the part of any officer who is in default shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.	
	<i>Explanation.</i> —For the purposes of this section the expressions—	
18 of 2013	(a) “body corporate” shall have the same meaning as assigned to it in clause (11) of section 2 of the Companies Act, 2013;	
18 of 2013.	(b) “company” shall have the same meaning as assigned to it in clause (20) of section 2 of the Companies Act, 2013;	
18 of 2013.	(c) “director” shall have the same meaning as assigned to it in clause (34) of section 2 of the Companies Act, 2013; and	
18 of 2013.	(d) “officer who is in default” shall have the same meaning as assigned to it in clause (60) of section 2 of the Companies Act, 2013.	
2 of 1974.	37. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable.	Offences to be cognizable.
	38. No court shall take cognizance of any offence under this Act, except on a complaint made by—	Cognizance of offences.
	(a) the Central Government;	
	(b) the competent authority;	
	(c) the Nodal Committee; or	
	(d) an emigrant or an intending emigrant or any person authorised by such emigrant.	
	39. For the purpose of adjudging penalty under section 31 or section 32, the Central Government may, by notification, nominate an officer of the Central Government, not below the rank of Joint Secretary to the Government of India to be an adjudicating officer having such legal qualifications and experience and for holding an inquiry in such manner as may be prescribed.	Adjudicating Officer.
	40. The award of punishment for an offence under	Punishment to

	this Act shall be without prejudice to any other action which has been or which may be taken under this Act with respect to such contravention.	be without prejudice to any other action.
	CHAPTER IX MISCELLANEOUS	
2 of 1974.	41. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an officer of the Central Government or a State Government, authorised by the Central Government in this behalf may, by general or special order enter any public place and search, and arrest without warrant, any person found therein who is reasonably suspected to have committed or to be committing or about to commit any offence under this Act.	Power to search and arrest.
	<i>Explanation:-</i> For the purpose of this section, the expression “public place” includes any public conveyance, hotel, shop or any other place intended for use by, or accessible to, the public.	
2 of 1974.	42. The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply, in relation to any entry, search or arrest made under section 36.	Application of certain provisions of Code of Criminal Procedure.
52 of 1962.	43. All the powers for the time being conferred by the Customs Act, 1962, on officers of customs with regard to the searching and detention of persons, vessels or aircraft or any other conveyance, or seizure of any document or thing or arrest of any person or otherwise for the purpose of prevention or detection of any offence under that Act or for apprehending a person suspected to have committed any offence under that Act may be exercised, for the purpose of prevention or detection of any offence under this Act or for apprehending a person suspected to have committed any offence under this Act, by—	Power to search, seize, detain, arrest etc. persons under the provision of Customs Act, 1962.
	(a) any such officer of customs; or	
	(b) the competent authority or an officer authorised by it; or	
	(c) an officer in charge of an emigration	

	check-post.	
	44. All Indian Nationals proceeding for overseas employment shall make a declaration in such manner as may be prescribed by the rules.	Declaration for Indian nationals proceeding for overseas employment.
	45. Nothing contained in this Act shall apply, with regard to—	Exemption of certain emigrants from application of Act.
	(i) recruitment or emigration of a person who is not a citizen of India;	
04 of 1874.	(ii) recruitment in India, for the services of foreign States to which the provisions of the Foreign Recruiting Act, 1874 applies.	
	46. Where any question arises, before the competent authority as to whether a person intending to depart from India is or is not an emigrant, such question shall be decided by the competent authority after holding an inquiry in such manner, and upon considering such evidences, including any other evidence, which, in the opinion of the competent authority, is relevant and communicate the decision thereof to the person concerned in such form and manner, as may be specified by the regulations.	Determination of question whether a person is an emigrant.
	47. Where the Central Government has reason to believe, that sufficient grounds exist for prohibiting emigration to a country by reason of—	Power to prohibit emigration due to epidemic, civil disturbances, general public, etc.
	(i) outbreak of any disease or grave pollution of environment in such a country;	
	(ii) outbreak of hostilities or civil war or civil commotion or political disturbances;	
	(iii) that by reason of India not being in	

	diplomatic relations with that country;	
	(iv) having regard to the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or the interests of the general public;	
	(v) any other sufficient ground,	
	it may, by notification, prohibit emigration to such country:	
	Provided that if the Central Government has reasons to believe that any ground mentioned in this section continue to exist, it may, from time to time, by notification prohibit emigration to that country for such further period as may be specified in such notification.	
	48. Any security furnished under this Act shall, when no longer required for the purpose for which it was furnished, shall be refunded or released to the person concerned in such manner as may be specified by the regulations.	Refund of Security.
	49. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.	Act to have overriding effect.
	50. The Central Government may, by general or special order, direct that any power or authority or function—	Delegation of Powers.
	(i) which may be exercised or performed by it, except the power to make rules under section 53; or	
	(ii) which may be exercised or performed by the competent authority, except the power to make regulations under section 54,	
	under or in relation to any such provisions of this Act as may be specified in that order may, subject to such conditions and restrictions as may be specified therein, be exercised or performed by—	
	(a) the competent authority; or	
	(b) any State Government or any officer or competent authority subordinate to such State Government; or	
	(c) in any foreign country in which there is no	

	diplomatic mission of India, by a foreign consular office.	
45 of 1860.	51. The competent authorities, the officers in charge of emigration check-posts, emigration officers and emigration employees appointed under this Act shall be public servants within the meaning of section 21 of the Indian Penal Code.	Emigration Officers to be public servants.
	52. The Central Government may, for the purposes of, and in exercise of its powers and performance of its functions under this Act, give such directions, as it may think necessary, to the competent authority or any person or officer and the competent authority, person or officer shall be bound to comply with such directions.	Power to give directions.
	53. No suit, prosecution or other legal proceedings shall lie against the Central Government or the competent authority or any officer of Central Government or any member, officer or other employees of the competent authority for anything which is done in good faith or intended to be done under this Act or the rules or regulations made thereunder.	Protection of action taken in good faith.
	54. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.	Power to make rules.
	(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the matters, as mentioned in the Act for all or any of the following matters, namely:—	
	(i) the other functions of the Bureau of Emigration Policy and Planning under section 8;	
	(ii) the other functions of the Bureau Emigration Administration under section 9;	
	(iii) the other relevant matters required for registration of Human Resources Agencies under sub-section (1) of section 12;	
	(iv) the form and manner and the period for issuance of the certificate of registration under section 13;	

	(v) the period for admission of appeal under section 22;	
	(vi) the procedure for disposing an appeal under section 24;	
	(vii) the qualification and experience of an officer to be nominated as Adjudicating officer and the manner of holding of an inquiry for the purpose of adjudging penalties under section 39; and	
	(viii) Declaration for Indian Nationals proceeding for overseas employment as mentioned in Section 44.	
	(ix) any other matter which is to be or may be, prescribed, or in respect of which provision is to be made by rules.	
	55. (1) The competent authority may, by notification, make regulations consistent with this Act and the rules made there under to carry out the purposes of this Act.	Power to make regulations.
	(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:–	
	(i) the standards for employers, Human Resources Agencies, sub-agents under clause (v) of section 9;	
	(ii) the amount of security to be deposited under sub-section (3) of section 12;	
	(iii) the duties and functions of Human Resources Agencies with respect to the sub-agents under clauses (ix) and (x) of section 17;	
	(iv) the form and the particulars for making an application of accreditation under sub-section (1) of section 19;	
	(v) the minimum eligibility criteria of the applicant under sub-section (2) of section 19;	
	(vi) the manner of refund of security under section 48; and	

	(vii) and any other matter which is required to be, or may be, specified by regulations.	
	56. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is issued or made, before the each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rules or regulation should not be issued or made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.	Rules and regulations to be laid before Parliament.
	57. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing difficulty.	Power to remove difficulties.
	Provided that no order shall be made under this section, after the expiry period of three years from the date of commencement of this Act.	
	(2) Every order made under this section shall be laid, as soon as may be after it made, before each House of Parliament.	
31 of 1983.	58. (1) The Emigration Act 1983 (hereinafter referred to as the repealed Act) is hereby repealed:	Repeal and savings.
	Provided that such repeal shall not affect.	
	(i) the previous operation of the law so repealed, or anything duly done or suffered there under; or	
	(ii) anything done or any action taken or purported to have been done or taken including any rule, notification, inspection order or notice	

	made or issued or any appointment or confirmation made or any certificate of registration granted, permission, authorization or exemption granted or any document or instrument executed or any direction given under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act; or	
	(iii) any right, privilege, obligation or liability acquired, accrued or incurred under the law so repealed; or	
	(iv) any penalty, forfeiture or punishment incurred in respect of any offense committed against the Act so repealed; or	
	(v) any investigation, proceedings, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, proceedings, legal proceedings or remedy may be instituted, continued or enforced, any such penalty, forfeiture or punishment may be imposed as if this Act had not been repealed.	
	(2) The mention of particular matters referred to in sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.	10 of 1897.
