

Emigration Act, 1983

Chapter I - Preliminary

- (1) This Act may be called the Emigration Act, 1983.
- (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 date¹ 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.

1. Came into force on 30-12-1983, vide S.O. 940(E), dated 30th December, 1983.

Section 2 - Definitions

- (1) In this Act, unless the context otherwise requires,--
 - (a) "certificate" means a certificate of registration issued under section 11;
 - (b) "conveyance" includes a vessel, vehicle, country-craft and an aircraft;
 - (c) "dependent" means any person who is related to an emigrant and is dependent on that emigrant;
 - (d) "emigrant" means any citizen of India who intends to emigrate, or emigrates, or has emigrated but does not include--
 - (i) a dependent of an emigrant, whether such dependent accompanies that emigrant, or departs subsequently for the purpose of joining that emigrant in the country to which that emigrant has lawfully emigrated;
 - (ii) any person who has resided outside India at any time after attaining the age of eighteen years, for not less than three years or the spouse or child of such person;
 - (e) "emigrant conveyance" means any conveyance specially chartered for conveyance of emigrants or for conveying emigrants exceeding such number as may be prescribed:

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;

(f) "emigrate" and "emigration" mean the departure out of India of any person with a view to taking up any employment (whether or not under an agreement or other arrangements to take up such employment and whether with or without the assistance of a recruiting agent or employer) in any country or place outside India;

(g) "employer" means any person providing or offering to provide, employment in any country or place outside India;

(h) "employment" means any service, occupation or engagement (not being service, occupation or engagement under the Central Government or a State Government), in any kind of work within the meaning of clause (o), for wages or for reward, and all its grammatical variations and cognate expressions shall be construed accordingly;

(i) "notification" means a notification published in the Official Gazette;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "Protector of Emigrants" means a Protector of Emigrants appointed under section 3 and includes a person authorised under section 5;

(l) "recruiting agent" means a person 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;

(m) "recruitment" includes the issuing of any advertisement for the purpose of recruitment, the offering by advertisement to secure or assist in securing any employment in any country or place outside India and the 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;

(n) "registering authority" means the officer appointed under section 9 to be the registering authority for the purposes of this Act;

(o) "work" means--

(i) any unskilled work, including any form of industrial or agricultural labour;

(ii) any domestic service;

(iii) any service, not being a service in a managerial capacity, in any hotel, restaurant, tea-house or other place of public resort;

(iv) work as a driver of a truck or other vehicle, mechanic, technician or skilled labourer or artisan;

(v) work as an office assistant or accountant or typist or stenographer or salesman, or nurse or operator of any machine;

(vi) work in connection with, or for the purposes of, any cinema, exhibition or entertainment;

(vii) any such work of a professional or of any other nature as the Central Government may, having regard to the need for the protection of citizens of India who may be employed in such work outside India and other relevant circumstances, specify by notification:

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 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.