

Emigration Act, 1983

Section 17 - Procedure for Obtaining Permits

(1) An employer desiring to obtain a permit under this Chapter may make an application in that behalf in the prescribed form to the competent authority.

(2) On receipt of such application, the competent authority shall, subject to any rules made in this behalf, make such inquiry as he may deem necessary and grant the permit applied for or reject the application:

Provided that before granting a permit the competent authority may require the applicant to comply with such conditions as may be prescribed, including conditions as to furnishing of security and such other conditions as that authority may, for reasons to be recorded in writing, deem necessary in the interests of the citizens of India likely to be recruited by the applicant.

(3) Subject to the other provisions of this Act, the competent authority may reject an application under sub-section (1) on any or more of the following grounds and on no other ground, namely:--

(a) that the application is not complete in all respects or that any of the material particulars furnished in the application are not true;

(b) that the terms and conditions of employment which the applicant proposes to offer to persons recruited or proposed to be recruited by him are discriminatory or exploitative;

(c) that the employment which the applicant proposes to offer involves work of a nature which is unlawful according to the laws of India or offends against the public policy of India or is violative of norms of human dignity and decency;

(d) that having regard to the antecedents of the applicant, his financial standing, the facilities at his disposal, the working and living conditions of persons employed by him in the past, it would not be in the public interest or in the interest of the persons who may be recruited by him, to issue a permit to him;

(e) that having regard to the prevailing circumstances in the country or in the place where the applicant proposes to employ the persons recruited by him, it would not be in the interests of any citizen of India to emigrate for taking up such employment.

(4) Where the competent authority makes an order under sub-section (2) rejecting an application, he shall record in writing a brief statement of his reasons for making such order and furnish the applicant, on demand, a copy of the same:

Provided that if the competent authority is of the opinion that it is necessary or expedient in the interests of friendly relations with a foreign country or in the interests of the general public

so to do, he may refuse to provide such copy, or, as the case may be, furnish a copy of only such parts of the statement as he may deem fit.

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