

Emigration Act, 1983

Section 41 - Power to exempt.—

1) Where the Central Government, on a reference made to it or otherwise, is satisfied that having regard to (a) the friendly relations with any foreign country; or (b) the known reputation of any foreign employer or class of foreign employers, for providing to emigrants standard conditions of living and working, and their methods of recruitment and conditions of employment; or (c) the methods of recruitment followed and the conditions of employment provided by a public undertaking or an approved concern for the execution of its projects abroad; or (d) the facilities and conditions of service provided by Government officers posted abroad to their domestic servants accompanying such Government officers, where the expenditure in respect of the passage of such domestic servants is borne by the Government; and (e) all other relevant considerations, it is necessary or expedient in the public interest so to do, the Central Government may, by notification, and subject to such conditions, if any, as may be specified in the notification, exempt from the operation of all or any of the provisions of this Act, such foreign dignitary or class of foreign employers, public undertaking, approved concern or Government officers. Explanation. For the purposes of this sub-section (a) public undertaking means (i) an undertaking owned and controlled by Government; or (ii) a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956); or (iii) a body corporate established by or under any Central, Provincial or State Act; (b) approved concern means such company incorporated under the Companies Act, 1956 (1 of 1956) or partnership firm registered under the Indian Partnership Act, 1932 (9 of 1932), or society registered under the Societies Registration Act, 1860 (21 of 1860) or any other law relating to societies for the time being in force in any State, or co-operative society registered under any Central, Provincial or State law, as the Central Government may, by notification, approve for the purposes of this section. (2) If the Central Government is satisfied that it is necessary for implementing any treaty, agreement or convention between India and a foreign country or foreign countries so to do, it may, by notification, and subject to such conditions, if any, as may be specified in the notification, exempt from the operation of all or any of the provisions of this Act, recruitment by such authorities, agencies or persons as may be specified in the notification either generally or for such purposes as may be specified in the notification.