ensure advertisement for the genuineness of employer’s in respect of recruitment before it is released and shall refrain any inducement or misrepresentation in this regard;

(g) file copies of all advertisements for recruitment to the Protector General of Emigrants immediately after their publication or release.

13. Issue of permit.—(1) On receipt of the application, the competent authority may verify the facts contained in the application and may make the following enquiries to ascertain that the terms and conditions of employment are not discriminatory or exploitative:

(a) the basis on which the demand has been computed;
(b) the principle on which skills have been classified;
(c) job contents of a post required to be filled;
(d) scope of future prospects in various categories of jobs;
(e) structure of supervisory control;
(f) grievances procedure followed; and
(g) general reputation of the applicant and reports of specific misconduct, if any.

(2) A permit issued under section 17 of the Act shall be in Form VIII and shall be valid for a period of 1(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.

2[(2A) The permit shall be issued only after the applicant furnishes a bank guarantee of ten thousand rupees for every person intended to be recruited subject to a minimum of one lakh rupees and a maximum of twenty lakh rupees, valid for a period of one year over and above the duration of the employment contract.]

(3) In case the employer is not able to complete the recruitment within 3[one year], 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. (1) A foreign employer who has been granted a permit under sub-section (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.

(2) 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 contact, a copy of the permit certified by the Indian Mission in the country of employment can be filed by such person himself.

2. Ins. by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).
15. Application for emigration clearance.—(1) 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 employer \(^1\) [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

\(^2\) [(g) a demand draft of \(^3\) [rupees two hundred], drawn in favour of the Protector General of Emigrants as fee for emigration clearance.]

\(^4\) [(h) an insurance policy providing insurance cover for the intending emigrant for the period of employment contract.]

\(^5\) [(2) An agreement under sub-section (3) of Section 22 shall provide for the following matters:—

(i) period of employment/place of employment;

(ii) wages and other conditions of service;

(iii) free food or food allowance provision;

(iv) free accommodation;

(v) provision in regard to disposal, or transportation to India, of dead body of the emigrant;

(vi) working hours, overtime allowance, other working conditions, leave and social security benefits as per local labour laws;

(vii) to-and-fro air-passage at the employers’ cost; and

(viii) mode of settlement of disputes];

\(^1\) Ins. by G.S.R. 713(E), dated 18th October, 2002 (w.e.f. 1-11-2002).

\(^2\) Subs. by S.O. 159(E), dated 28th February, 1996 (w.e.f. 28-2-1996).

\(^3\) Subs. by G.S.R. 713(E), dated 18th October, 2002 (w.e.f. 1-11-2002).

\(^4\) Ins. by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).

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

18. Form of appeal.—(1) 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 the order appealed against and a demand draft of two thousand rupees drawn in favour of the Union of India towards the fee for the appeal.

(2) The memorandum—

(a) shall set forth concisely the grounds of objection to the order appealed against and such ground shall be numbered consecutively; and

(b) shall specify—

(i) the address at which notices or other processes may be served on the appellant; and

(ii) the date on which the order appealed against was served on the appellant.

(3) 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.

(4) 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.

1. Rule 15A omitted by G.S.R. 658(E), dated 15th October, 2007 (w.e.f. 15-10-2007). Earlier Rule 15A was inserted by G.S.R. 713(E), dated 18th October, 2002 (w.e.f. 1-11-2002). Rule 15A, before omission, stood as under:

"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."

2. Subs. by G.S.R. 111(E), dated 24th February, 1987, for “in Form X and” (w.e.f. 24-2-1987).

3. Rule 17 omitted by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009). Rule 17, before omission, stood as under:

"17. Direct recruitment by foreign employer.—(1) 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.

(2) 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."

4. Subs. by G.S.R. 511(E), dated 9th July, 2009, for “rupees two hundred” (w.e.f. 9-7-2009).
19. Procedure before the appellate authority.— (1) 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.

(2) 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.

(3) 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.

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

21. Representation of party.—Any person who has filed an appeal under section 23 of the Act, may appear himself or appoint a pleader, advocate or any of the following to appear, plead and act on his behalf before the Appellate Authority:

(i) a partner, in case of a partnership firm;

(ii) a Director, in case of a Limited Company registered under Companies Act;

(iii) a practising advocate having vakalatnama executed by the owner, partner or Managing Director, as the case may be;

(iv) a regular employee of the Limited Company or Firm who has been in direct employment of the Company or Firm for at least a period of one year.

22. Procedure for deciding emigrant status.—Where a question arises before a Protector of Emigrants as to whether a person intending to depart 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—

(i) the present occupation;

1. Subs. by S.O. 776(E), dated 18th May, 2007, for rule 21 (w.e.f. 3-6-2007). Rule 21, before substitution, stood as under:

"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".
(ii) his financial status and income;
(iii) certificate of sponsorship from the foreign country;
(iv) the source of financing of the journey;
(v) 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 utilised 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 power of civil courts.—(1) 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 record 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.

(2) Every proceeding before the Protector General of Emigrants, or the registering authority or the competent authority or a Protector of Emigrants shall be adjudicial proceeding within the meaning of Sections 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.

1[25. Service Charges.—No recruiting agent shall collect from the worker the charges more than the equivalent of his wages for forty-five days as offered under the employment contract, subject to a maximum of twenty thousand rupees, in respect of services provided by it to that worker and the recruiting agent shall issue a receipt to that worker for the amount collected by it in this regard.]

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—

1. Subs. by G.S.R. 511(E), dated 9th July, 2009, for rule 25 (w.e.f. 9-7-2009). Earlier it was amended by G.S.R. 526(E), dated 22nd July, 1996 (w.e.f. 22-7-1996) and G.S.R. 665(E), dated 30th September, 1986 (w.e.f. 10-9-1986). Rule 25, before substitution, stood as under:

"25. Service charges.—The charges which the recruiting agent may recover from an emigrant in respect of services rendered shall not exceed 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."
(a) by delivering or tendering the notice or order to that person or his duly authorised agent; or
(b) by sending a notice or order to him by Registered Post with acknowledgment due to the address of his place or residence or his last known place 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.

1[26A. Withdrawal of the Certificate of Registration of Recruiting Agent during Suspension.—Where an order suspending the operation of the 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 periods of further extensions of suspension of such certificate, if any.]

2[FORM I
[See rule 7(1)]

FORM OF APPLICATION FOR REGISTRATION OF A RECRUITING AGENT

1. Name of the Applicant :
2. Address and Telephone number :
3. Status (Company/partnership firm/sole proprietor) :
4. Date of setting up of the establishment :
5. Name, designation and address of the managing director/managing partner/proprietor(as the case may be) :
6. Educational qualification of the proprietor/managing partner/managing director (attach copy) :
7. Name and address of Bankers :
8. Financial Status:
   (i) Net Worth (assets minus liabilities) :
   (ii) Permanent Account Number (PAN) of the applicant :
   (iii) Permanent Account Number (PAN) of the proprietor/partners/directors of the company/firm (if the applicant is a company/firm) :
   (iv) Income-tax paid during each of the last 3 years :

2. Subs. by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).
(v) Income-tax paid during each of the last 3 years by the proprietor/partners/directors:

9. Nature of business and turnover during each of the last five years:

10. Experience, if any, in recruitment of Manpower for overseas employment, if so:—

(a) Whether the applicant was registered earlier as Recruiting Agent and if so, the details:

(b) Whether any director/partners/proprietor had been associated with any recruiting agent in the past if so, give details:

11. 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:

12. Whether there has been any complaints against the recruiting agent in respect of workers recruited, during the last five years; if so, details thereof:

13. Whether there is any criminal or civil case pending in any court against the applicant or any Director(partner, proprietor) if so, details thereof:

14. Whether any Director/Partner/Proprietor have been convicted if so, details thereof:

15. Whether any Certificate issued under Emigration Act, 1983 was cancelled; if so, details thereof:

16. (a) Name of the countries where the applicant proposes to concentrate his efforts to deploy Indian workers:

(b) Number of workers proposed to be recruited annually:

(c) Plans for market development:

17. Period for which registration is applied for, if less than ten years:

18. Address of the premises where the Applicant proposes to conduct business of recruitment:

19. The size of the premises and whether it is easily accessible to the public:

20. Whether the business premises is owned, on hire or on lease:

If hired/leased – name and address of the owner:
UNDEUTAKING

(a) 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;

(b) I undertake to furnish the proof of being in possession of the office premises comprising built up area of minimum 50 square metre and the facilities as specified under rule 10 within one month of receiving the eligibility letter under section 11(2) from the registering authority;

Date:............................
Place:.........................

Signature of Applicant
(With Seal)

Check List of Documents to be attached

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Demand Draft for Rs. 25,000 in favour of 'Pay and Accounts Officer, Ministry of Overseas Indian Affairs, New Delhi' payable at New Delhi, under Rule 7(i).</td>
</tr>
<tr>
<td>2</td>
<td>Three Passport-size photographs of Proprietor/Managing Partner/Managing Director, duly attested on the back side by a Gazetted Officer of the State/ Central Government.</td>
</tr>
<tr>
<td>3</td>
<td>Statement showing the name/Age and Residential Address of Proprietor/All Partners/All Directors along with designation and business activities undertaken during the last five years.</td>
</tr>
<tr>
<td>4</td>
<td>Specimen signature of the Proprietor/Managing Partner/Managing Director duly attested by a Gazetted Officer.</td>
</tr>
<tr>
<td>5</td>
<td>Copy of the Certificate of Educational Qualification as per Rule 7(2)(i).</td>
</tr>
<tr>
<td>6</td>
<td>A statement showing the assets and liabilities of the proprietor if the applicant is sole proprietor, and of the managing partner or the managing director if the applicant is a firm or a company, as the case may be, under Rule 7(2)(ii).</td>
</tr>
<tr>
<td>7</td>
<td>Income tax returns for the last three consecutive years, under Rule 7(2)(iii).</td>
</tr>
<tr>
<td>8</td>
<td>A copy of PAN card.</td>
</tr>
</tbody>
</table>
| 9 | IN CASE OF PARTNERSHIP FIRM—  
   (a) Resolution taken by all the partners authorizing one of the partners to act as Managing Partner and to sign papers on behalf of the firm.  
   (b) Copy of partnership deed (which must provide for recruitment of workers for overseas employment).  
   (c) True extracts from the Registrar of firms in support of registration of the partnership deed.  
   (d) A copy of the Balance Sheet as at the close of the previous financial year. |
| 10 | IN CASE OF COMPANY—  
   (a) A resolution passed to authorize one of the Directors to act as Managing Director and to sign papers on behalf of the Company.  
   (b) A copy each of the memorandum of Association and Articles of Association (which must provide for recruitment of workers for overseas employment as one of its objectives).  
   (c) A copy of the certificate of registering the company.  
   (d) A copy of the Balance sheet as at the close of the previous financial year. |
FORM II

AFFIDAVIT

(See rule 7)

I, ........................................ son of Shri........................................ aged......................................... resident of........................................ do hereby solemnly affirm and declare as under:

1. That I the Company/firm own(s) fixed assets 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)
   (d)

4. That I the Company/firm have the following liabilities:
   (a)
   (b)
   (c)

VERIFICATION

I do hereby solemnly affirm and declare that the contents of paras 1 to 4 above are true to the best of my knowledge and that nothing has been concealed.

Verified at........................................ on ........................................

DEponent

Attested before Metropolitan Magistrate/Judicial Magistrate

[Executive Magistrate or Notary Public]

Name, Signature and Seal

FORM IIA

FORM OF APPLICATION FOR RENEWAL OF REGISTRATION

(See rule 9A)

1. Name of the Applicant:

2. Educational qualification of the proprietor/managing partner/managing director (attach copy):

3. Status (whether public or private limited company or a Partnership or sole proprietorship firm registered under relevant Act—Quote Registration No.):

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1. Ins. by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).

2. Form IIA ins. by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).
4. Number and date of issue of Registration Certificate under the Emigration Act, 1983:
5. Date up to which certificate is valid:
6. Number of workers deployed against the certificate:
7. Whether any complaints are outstanding in respect of workers recruited and if so, details thereof:
8. Whether there is any civil or criminal case pending against the applicant:
9. Whether any Director/Partner/Proprietor have been convicted, If so, details thereof:
10. Any relevant change in respect of business premises, financial status etc. since the issue of registration certificate under the Emigration Act, 1983:
11. Have you been associated with any other Recruiting agent, if so, in what capacity:

**UNDEARTAKING**

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........................

Signature of Applicant
(with Seal).

**FORM III**

**AFFIDAVIT**

I, .................................. son of 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 paras 1 to 3 are true to the best of my knowledge and nothing has been concealed.

Verified at.................................. on ..................................

**DEPONENT**

Attested before Metropolitan Magistrate/Judicial Magistrate

Name, Signature and Seal
[FORM IV
[See rule 10(1)(x)]

NAME OF THE FIRM..............................
REGISTRATION NO. ...............................
RETURN FOR THE MONTH OF.....................
MONTHLY RETURN TO BE SUBMITTED BY THE RECRUITING AGENT BY THE 10th OF EVERY MONTH

(1) Number of workers recruited for overseas employment (country wise, employer wise, state wise and trade wise) during the month and cumulative during the calendar year.

(2) Number of workers actually deployed abroad (country wise, state wise and trade wise) during the month and cumulative for the calendar year.

(3) List of workers actually deployed abroad indicating the name, age and sex of the worker, the nature of employment (trade), the name of the country of employment, the employer's name and address, the period of contract, the monthly wage, other contractual entitlements, the amount collected as service charges, total expenses incurred by the worker and the status of worker's passport (ECR or ECNR).

(4) List of complaints received from emigrants during the month showing the nature of grievance, action taken to resolve the grievance and the current status.

(5) Number of times the website was updated during the month with the dates.

(6) Whether statutory dues including income-tax and service tax have been paid in time.

(7) Whether any of the employers on whose behalf recruitment is done has been blacklisted.

(8) Whether any action has been initiated under section 14 or section 24, if so the status.

Date.........................
Place.........................

[Signature
Seal of the Company.]

FORM V

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:

1. Form IV subs. by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).
(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 up to 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 authorised 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-agents for the purpose of conducting or carrying on his business;
(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 the 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 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 employers, identified 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 name 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 correspondences with the employers,
   (h) all documents relating to recruitment of emigrants, including office copies of all advertisements issued, letters of interviews and correspondence with the applicants, original award sheets 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,

(ii) 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, 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.

(ix) that the holder of the certificate shall furnish return of the preceding month in Form IV by the 10th of the succeeding month;

(x) that copies of advertisements for recruitment of the emigrants shall be filed with the Protector of Emigrants; and

(xi) that recruiting agent shall not charge the repatriation expenses from the emigrant.

(xii) the holder of the certificate shall—

(a) provide details of employment, including contract conditions, to the intending emigrants before recruitment;

(b) endeavour to ensure proper reception of the emigrant by the employer in the country of employment;

(c) endeavour to ensure that subsequent to the employment, the employer shall not alter the terms of the employment contract;

(d) endeavour to ensure that the employer takes timely action for renewal of documents authorising the stay of the emigrant in the country of employment;

(e) facilitate amicable settlement of disputes between the employer and the emigrant;

(f) issue receipt for the payments received from the emigrant;

(g) issue only such advertisements that are genuine and factually correct and shall refrain from any inducement or misrepresentation in this regard;

(h) ensure that the employer observes the terms and conditions of the employment contract.

(xiii) The holder of the certificate shall maintain—

(a) office premises of not less than fifty square meters of built up area, having a waiting hall for at least thirty persons, a room for the purpose of conducting interview and an office space equipped with furniture, photocopier, telephone with subscribers trunk dialing and international dialing facility, fax, computers and other office amenities as may be specified by the registering authority by order in writing;

(b) work stations for the office personnel;

(c) internet facility, e-mail accounts and a web portal containing detailed information about the recruiting agent, the validity status of the registration certificate, the services offered, the cost of services, the mode of payment of service charges, the remedies available to emigrants for redressal of grievances, vacancies available along with the details of the jobs, the employers and the contract conditions as well as the recruitments made in the past with such particulars as the registering authority may specify by order in writing;

(d) adequate and duly trained staff;

1. Ins. by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).
(e) a signboard, to be displayed in front of the business premises or so fixed that it is conspicuously visible to the public from outside the office premises indicating the name and the registration number of the recruiting agent and the year of registration;

(f) arrangements for skill testing for the trades for which he recruits the intending emigrants.

Date and place

Signature, name and seal of the Registering Authority.

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 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. Have the applicant obtained the permission of his Government to employ foreign workers? (attach photocopy of the permission).
4. Has the applicant arranged to obtain employment visa for the proposed number of workers? Whether on block/individual basis?
5. How does the applicant propose to carry out the recruitment?
6. What is present requirement? (Attach detailed 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 details thereof.

UNDEARTAKING
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 proprietor).
   (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 proposed number of workers? Whether on block/individual basis?
4. How does the applicant propose to carry out recruitment?
5. What is 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 undertaken 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 the foreign principal).
9. Has the applicant obtained Reserve Bank of India/Screening Committee clearance? (Photo copy 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 up to 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 VIII

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 [one year] from the date of issue of 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 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 into a fresh contract or without extending the existing contract.

The holder of the permit shall—
(a) provide details or employment, including contract conditions, to the intending emigrants before recruitment;
(b) ensure proper reception of the emigrant in the country of employment;
(c) ensure that subsequent to the employment, the employer shall not alter the contract of employment;
(d) ensures timely action for renewal of documents authorising stay of emigrant in the country of employment;
(e) not deprive the emigrant of the custody of his travel and employment documents;
(f) issue only such advertisements that are genuine and factually correct and shall refrain from any inducement or misrepresentation in this regard;
(g) file copies of all advertisements for recruitment to the Protector General of Emigrants immediately after their publication or release.

**FORM IX**

**APPLICATION FOR EMIGRATION CLEARANCE**

[See rule 15(1)]

<table>
<thead>
<tr>
<th>1. Agent's Registration Number</th>
<th>To be filled in by Agent</th>
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</thead>
<tbody>
<tr>
<td>2. Permission number and date</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>1. Applicant's name</th>
<th>To be filled in by the Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Age</td>
<td></td>
</tr>
<tr>
<td>3. Had been abroad before; Yes/No</td>
<td></td>
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<tr>
<td>4. Sex; Male/Female</td>
<td></td>
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<tr>
<td>5. State of domicile</td>
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<td>6. Passport number, date and place of issue</td>
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<tr>
<td>7. Rural/Urban</td>
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<td>8. Number of dependents</td>
<td></td>
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<tr>
<td>9. Been employed during the last 12 months. Yes/No</td>
<td></td>
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<tr>
<td>10. If yes, with Government or private establishment</td>
<td></td>
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<tr>
<td>11. Earning in India (rupees.......per month)</td>
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<tr>
<td>12. Belonging to SC/ST, if yes, whether SC/ST</td>
<td></td>
</tr>
</tbody>
</table>

| 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 |

2[***]

Applicant

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1. Ins. by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).
2. Form X omitted by G.S.R. 511(E), dated 9th July, 2009 (w.e.f. 9-7-2009).