

**GOVERNMENT OF INDIA
LABOUR
LOK SABHA**

UNSTARRED QUESTION NO:2025
ANSWERED ON:02.12.2002
EMIGRATION LAW
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Will the Minister of LABOUR be pleased to state:

- (a) the emigration laws existing in the country at present;
- (b) the details of various categories who are exempted from emigration check;
- (c) whether smuggling of human beings is taking place due to faulty emigration checks; and
- (d) if so, the preventive steps proposed by the Governments in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI ASHOK PRADHAN)

(a): There are two emigration laws at present, namely the Foreign Recruiting Act, 1874 and the Emigration Act, 1983. The Commission on Review of Administrative Laws has recommended for repeal of the Foreign Recruiting Act, 1874.

(b): There are seventeen categories of persons (Annexure-I), who are exempted from emigration checks.

(c) & (d): The faulty emigration check is not the reason for smuggling of human beings. However, the Central Government has written to the Governments of States and Union Territories to issue guidelines right down to the police station level to maintain strict vigil on the activities of unscrupulous elements who instigate illegal emigration.

Annexure-I

LIST OF PERSONS/CATEGORIES OF WORKERS IN WHOSE CASE EMIGRATION CHECK IS NOT REQUIRED

1. Persons going in managerial capacity in Hotels, Restaurants, Tea Houses or other places of public resort, etc., possessing specialized degrees in these fields.
2. All gazetted government servants.
3. All Income-tax payers (including Agricultural Income-tax payers.) In respect their individual assessment to Income-tax and actual payment of Income tax for last three years to be insisted upon, and not merely payment of advance tax.
4. All professional degree holders, such as Doctors holding M.B.B.S. degrees or Degrees in Ayurved or Homoeopathy; Accredited Journalists; Engineers; Chartered Accountants; Lecturers; Teachers; Scientists; Advocates etc.
5. Spouses and Dependent Children of category of persons, listed from (2) to (4).
6. All persons who have been staying abroad for more than three years (the period of three years could be either in one stretch or broken) and spouses, and children of such persons.
7. All Indian Seafarers who hold Indian or Foreign CDCs and are in possession of an offer of employment from shipping companies in India or abroad and Sea-Cadets.
8. All holders of Diplomatic/Official Passports.
9. Dependent children of parents whose passport are classified as ECNR. In the case of such children, ECNR classification to be restricted till they attain 24 years of age.
10. Persons holding permanent immigration visas, such as in UK, USA and Australia.
11. Persons holding diplomas or higher Degrees.

12. Persons holding diplomas from recognised Institutions like Polytechnics.
13. Nurses possessing qualification recognised under the Indian Nursing Council Act, 1947.
14. All persons above the age of 60 years.
15. All visitors to Pakistan and Bangladesh.
16. All persons going to any country in Europe (excluding CIS countries North America, Australia, New Zealand or Japan).
17. Persons possessing certificates of vocational training from Government/ Government recognised institutions.