

**“DEPARTMENT OF REVENUE AND AGRICULTURE.**

**EMIGRATION.**

**(Rules under the Indian Emigration Act.)**

**No.212**

**Delhi, the 10th March 1923.**

No.212.- In exercise of the powers conferred by section 24 of the Indian Emigration Act, 1922 (VII of 1922), the Governor-General in Council is pleased to make the following rules:-

**Rules under the Indian Emigration Act.**

Short title.

1. These rules may be called **the Indian Emigration Rules, 1923.**
2. In these rules, unless there is anything repugnant in the subject or context-

**Definitions.**

- (a) **“The Act”** means the Indian Emigration Act, 1922 (VII of 1922).
- (b) **“Assisted Return Emigrant”** means a Return Emigrant who is assisted to return to India by the Government of the country to which he emigrated.
- (c) **“District Magistrate”** means in a Presidency Town the Commissioner of Police and elsewhere the District Magistrate of a district.
- (d) **“Form”** means a Form set forth in the Schedule to these rules.
- (e) **“Labourer”** means any person performing unskilled work.
- (f) **“Magistrate”** means any stipendiary Magistrate appointed under the Code of Criminal Procedure, 1898: Provided that the Local Government may, by notification in the local official gazette, direct that the powers of a magistrate under all or any of these rules may be exercised by such other class or classes of magistrates as it may specify in this behalf, either generally or in any specified area or for the purposes of emigration to any specified country.
- (g) **“Medical Inspector”** means the Medical Inspector of Emigrants.
- (h) **“Protector”** means the Protector of Emigrants.
- (i) **“Return Emigrant”** means an emigrant who has left India under the terms of the Act and who returns to India.

## **PART I.- RULES REGARDING EMIGRATION OF UNSKILLED LABOUR.**

### **I.- Emigration Staff.**

Emigration Commissioner.

3. (1) The appointment of an Emigration Commissioner by the Government of a country to which emigration is lawful shall, for the purposes of these rules, take effect from the date on which the Governor-General in Council may, by notification in the **Gazette of India**, declare his approval of the appointment.
- (2) The Governor-General in Council shall not declare his approval of such appointment unless he is satisfied that the remuneration received by the person so appointed will not depend on the number of labourers whom he assists to emigrate but will be in the nature of fixed salary.

4. (1) An Emigration Commissioner shall-

#### **Duties of the Emigration Commissioner.**

- (a) be responsible for the diffusion of correct information regarding the country by the Government of which he is appointed and for all arrangements made to secure emigrants for that country and to assist them to emigrate thereto;
- (b) control and be responsible for the operations of all persons engaged by him or under his orders in pursuance of such arrangements.
- (2) A Local Government, within whose jurisdiction emigrants are secured, shall, subject to the control of the Governor-General in Council, issue instructions for the purpose of carrying into effect the provisions of the Act and of these rules, and the Emigration Commissioner and all officers appointed under the Act or under these rules shall be bound to comply with such instructions.

Appointment of Assistant to Emigration Commissioner.

5. An Emigration Commissioner shall, if the Governor-General in Council so requires, appoint a responsible Assistant to be stationed at a suitable centre for the supervision of Emigration Agents and of the places of accommodation established under rule 18. Such appointment shall be approved by the Local Government within whose jurisdiction such Assistant is to operate.

Constitution of Circles and appointment of Inspectors of Emigration.

6. (1) An Emigration Commissioner may, and if required by the Local Government shall, divide the area within a single Province, within which he desires to secure emigrants, into circles approved by the Local Government of that Province. For each such circle he shall appoint, with the previous approval of the Protector, an Inspector of Emigration, whose duty it shall be to supervise the work of all persons engaged

in assisting and inducing labourers to emigrate to the country represented by the Emigration Commissioner by whom he is appointed.

(2) The salary and allowances of an Inspector of Emigration shall be fixed and shall not depend on the number of emigrants obtained from his circle.

(3) If the Local Government, after such enquiry as it thinks fit, desires an Inspector to be removed from his post the Emigration Commissioner shall be bound to comply with its request.

Emigration Agents.

7. (1) An Emigration Commissioner may appoint as many persons as he may consider necessary for purposes of propaganda and for assisting labourers to emigrate. Such persons shall be called Emigration Agents.

(2) Emigration Agents must be men of good character and respectability and shall, whenever possible, be men who have actually worked in the country for which they are employed. They shall be paid a fixed salary which shall not depend on the number of emigrants recruited by them.

(3) An Inspector of Emigration appointed under rule 6 shall not be appointed an Emigration Agent.

Emigration Agent to be licensed.

8. (1) No person shall operate as an Emigration Agent unless he is in possession of a valid license in Form No. 1 issued by the Emigration Commissioner in this behalf.

(2) A license issued under sub-rule (1) shall be valid for a period of one year but may be renewed by the Emigration Commissioner for further periods of three months at a time.

(3) The number of persons whom an Emigration Agent is authorized to assist to emigrate and the area in which he is authorized to operate shall be specified in every such license.

(4) The Emigration Commissioner shall forward a copy of any license issued by him under this rule to the Protector and to the District Magistrate of every district in which an Emigration Agent is authorized by such license to operate.

Unlicensed persons not to recruit.

9. No person, except under and in accordance with a license issued under rule 8, shall induce, or attempt to induce, any person to emigrate or to attempt to emigrate or to leave any place for the purpose of emigrating.

Prohibition of agreements to emigrate.

10. No person shall enter into, or attempt to enter into, any agreement with any person purporting to bind him to emigrate.

Emigration Agent not to recruit unless license countersigned by District Magistrate.

11. An Emigration Agent shall not operate in a district for which he holds a license unless the license has been countersigned by the District Magistrate of such district.

Power of Magistrate to refuse countersignature.

12. If a District Magistrate is satisfied, after such enquiry, if any, as he thinks necessary and after giving the Emigration Agent an opportunity of being heard, that an Emigration Agent who desires to recruit labour in his district is by character or from any other cause unfitted to be employed in such recruitment, he may refuse to countersign the license issued to such Emigration Agent under rule 8; the reasons for such refusal shall be recorded in writing by the District Magistrate.

Power of District Magistrate to cancel countersignature.

13. If any misconduct or disregard of these rules or of the conditions of his license on the part of an Emigration Agent comes to the notice of the District Magistrate of a district in respect of which such Agent's license has been countersigned in accordance with rule 11, or if such District Magistrate finds reason to believe that such Agent is by character or from any other cause unfitted to be an Emigration Agent, he may require such Agent to produce his license and, after giving him an opportunity of being heard, may, if he is satisfied that such misconduct or disregard has occurred or that he is so unfitted, cancel the countersignature thereon.

Notice to Emigration Commissioner of countersignature, refusal to countersign or cancellation of countersignature.

14. When a District Magistrate countersigns or refuses to countersign a license under rule 11 or rule 12, as the case may be, or cancels the countersignature on a license under rule 13, he shall at once report such countersignature, or such refusal or cancellation, to the Emigration Commissioner who granted the license. The Emigration Commissioner shall cancel any license on which countersignature has been refused or cancelled by any District Magistrate.

Powers and duties of Subdivisional Magistrates.

15. Where a license is limited to a subdivision or any part thereof the powers conferred and duties imposed by rules 11 to 14 shall be exercised and performed by the Subdivisional Magistrate of such subdivision.

Production of license before Magistrate or Police Officer.

16. An Emigration Agent shall, on the demand of a Magistrate or officer in charge of a police-station, produce the license issued to him under rule 8. Should such magistrate desire to endorse on the license any

remark concerning such agent, he shall be entitled to do so, and such remark shall be reproduced on all subsequent licenses issued to such agent until it is ordered to be expunged-

(a) by the District Magistrate to whom such magistrate is subordinate, or if the magistrate making the endorsement was the District Magistrate by such District Magistrate or his successor in office, or

(b) by the Local Government:

Provided that the Local Government shall not order an endorsement made by a magistrate other than the District Magistrate to be expunged, unless the District Magistrate competent to pass such order has refused to do so.

## **II.- Statement of Information to be supplied to Emigrants.**

Statement of information.

17. (1) The Emigration Commissioner shall be responsible for the preparation of a statement containing information relating to the country which he represents, and the Emigration Agent shall supply a copy of such statement to every person, whom he attempts to induce to emigrate to such country, and shall obtain a receipt from such person for every copy so supplied.
- (2) The statement shall not be brought into use until it has been approved by the Governor-General in Council, to whom it shall be submitted by the Emigration Commissioner through the Local Government.
- (3) The statement shall be in a form prescribed by the Emigration Commissioner and shall be printed in English and in the vernacular language or languages of the local area in which the Emigration Agent operates.
- (4) Without prejudice to the generality of its contents the statement shall contain information relating to the following heads, namely:-
- (a) the climate of the country;
  - (b) the nature of the work open to emigrants;
  - (c) the hours of work **per** day generally prevalent in the country and the days of rest generally allowed;
  - (d) the wages generally offered and the deductions, if any, made from them;
  - (e) the arrangements generally available for housing and treatment during sickness;
  - (f) the cost of living for labourers in the country in question; whether rations are supplied to labourers, and , if so, whether cooked, or uncooked, and whether free of cost or on payment;

- (g) the duration of the journey from India to the country and the nature of the arrangements for the journey;
- (h) the conditions of repatriation;
- (j) the facilities available in regard to education and the observance of religious rites;
- (k) the prospect of land being granted for cultivation;
- (l) the special punishments, if any, inflicted for labour offences.

For the purposes of clause (d) and clause (f) of this sub-rule, wages and cost of living shall be stated both in rupees and in the currency of the colony.

### **III.- Places of Accommodation in Area in which Emigrants are obtained.**

Establishment of places of accommodation.

18. In any district in which the Local Government so directs the Emigration Commissioner shall provide sufficient and proper accommodation in a suitable place for such intending emigrants as he may collect pending their production before a magistrate and removal to the port of embarkation. The Emigration Commissioner shall inform the District Magistrate of the situation proposed by him for the place of accommodation and shall obtain his approval to such situation before the place is brought into use.

Requirements to be observed in connection with places of accommodation.

19. (1) In and in connection with every place of accommodation provided in accordance with rule 18, the following requirements shall be observed, namely:-
- (a) the premises shall be maintained in a cleanly condition, and facilities for the cleanliness of the inmates thereof shall be available;
  - (b) the premises shall be capable of accommodating the largest number of persons likely to require accommodation therein at any one time;
  - (c) the number of persons, whom the premises can simultaneously accommodate, as determined by the District Magistrate or Protector, shall be inscribed on a board affixed in a conspicuous place for the information of persons hereinafter required or authorized to inspect the premises, and the persons simultaneously accommodated therein shall not exceed such number;
  - (d) a notice board shall be prominently exhibited immediately outside the premises whereon it shall be stated that the premises are a place of accommodation provided in accordance with these rules and are in charge of a person specified by name;

- (e) the premises shall be within reasonable distance of a plentiful supply of whole- some drinking water, and suitable arrangements for bathing and for the purposes of nature shall be made;
  - (f) a woman, who is not an intending emigrant, shall not be accommodated therein without the special permission of the Emigration Commissioner;
  - (g) the premises shall contain separate accommodation for the use of women entitled to accommodation therein who desire or are required by tribal or local custom to be separately accommodated;
  - (h) the premises shall be such as to admit of suitable medical treatment of any inmate thereof who falls ill, and all sanitary requirements in connection therewith shall be duly observed;
  - (i) the person in charge of the premises shall keep an inspection book for the entry of remarks by persons hereinafter required or authorized to inspect the same.
- (2) Subject to the requirements specified in sub-rule (1), the accommodation provided in accordance with rule 18 shall be deemed to be sufficient and proper within the meaning of that rule, if it is in accordance with the standards of comfort observed by persons residing in the same area and belonging to the same class of life as the intending emigrants.
- (3) All intending emigrants shall be entitled to free medical treatment in the event of their falling sick while in a place of accommodation provided under rule 18.
- (4) The Local Government may prohibit the use of any place of accommodation, which they consider unsuitable, either absolutely or until such improvements and alterations as they may specify have been carried out, and in urgent cases the District Magistrate may prohibit the use of any such place pending the orders of the Local Government.

Inspection of and visits to places of accommodation.

20. (1) The District Magistrate shall arrange for every place of accommodation provided under rule 18 to be visited and inspected by a magistrate not less than once a month.
- (2) In a Presidency town the Local Government, and elsewhere the District Magistrate, shall appoint a Visiting Committee composed of non-officials for the purpose of inspecting any such place, and it shall be the duty of every member of such Committee to inspect such place at such intervals of time as the Local Government or District Magistrate, as the case may be, may determine.
- (3) In addition to the persons hereinbefore required to inspect such places of accommodation the following classes of persons shall be authorized to inspect any such place, namely:-

- (a) gazetted revenue and police officers serving in the District in which the place is situate;
  - (b) where the place is situate in a Municipal area, the members of the Municipal Committee for that area and the members of any District, Taluk, or Local Board, whose jurisdiction adjoins that area;
  - (c) where the place is not situate in a Municipal area, the members of any District, Taluk, or Local Board, within whose jurisdiction it is situate.
- (4) Emigration Agents or other persons in charge of any such place shall afford every facility for its inspection by any person required or authorized to inspect it.
- (5) Any person required or authorized to inspect any such place may record his remarks in the inspection book referred to in clause (i) of sub-rule (1) of rule 19. A copy of such remarks shall be forwarded forthwith to the Emigration Commissioner and to the District Magistrate by the Emigration Agent or other person in charge of such place.
- (6) Friends and relatives of any intending emigrant accommodated in any such place shall be permitted to visit such place and to converse with such intending emigrant, and no such friend or relative shall be removed or excluded from such place on the ground that he is trying to dissuade an inmate thereof from emigrating.

#### **IV.-Restrictions on Recruiting by Emigration Agents.**

Operations not to be extended to pilgrim centres and places notified by Local Government.

21. Emigration Agents shall not operate in pilgrim centres during times of pilgrimage or at places where festivals are in progress or at any place notified by the Local Government in this behalf.

Persons below the age of 18 years and women unaccompanied by a relative not to emigrate.

22. No intending emigrant below the age of 18 years who is unaccompanied by a parent or guardian and no intending female emigrant unaccompanied by a relative over 18 years of age shall be assisted to emigrate.

Restriction on emigration of single men.

23. Men who are unmarried or unaccompanied by their wives shall not be assisted to emigrate to any one country in any one year to a number exceeding one in five of the total number of persons so assisted: Provided that the Governor-General in Council may exempt any specified country from the operation of this rule or may in the application of this rule to any specified country modify the ratio fixed thereby.

#### **V.- Production before a Magistrate.**

Production of emigrants before Magistrate.



24. (1) Prior to despatch to the port of embarkation every intending emigrant shall be produced before the District Magistrate or such other magistrate as may be deputed by the District Magistrate in this behalf, and such magistrate may examine such emigrant regarding the reasons for desiring to emigrate and his knowledge of the conditions attaching to his emigration. Neither the Emigration Agent nor any person on his behalf shall be present at such examination. Emigrants recruited at the port of embarkation shall be produced before a Presidency or other Magistrate appointed in this behalf at such port.
- (2) The Emigration Agent shall submit in triplicate to the magistrate before whom intending emigrants are produced in accordance with sub-rule (1) a nominal roll in Form No.2 of the persons whom he proposes to assist to emigrate.

Magistrate to check nominal roll.

25. (1) On production of intending emigrants before a magistrate under sub-rule (1) of rule 24 the magistrate shall check the persons so produced with the nominal roll forwarded to him under sub-rule (2) of the said rule and shall examine them in order to satisfy himself that the Act and these rules have been complied with.
- (2) If on examination of any intending emigrant such magistrate finds-
- (a) that an intending emigrant who is below the age of 18 or is a woman bears to one of the other intending emigrants not so disqualified the relationship stated in the roll;
  - (b) that any other intending emigrant-
    - (i) has been recruited by a licensed Emigration Agent, and
    - (ii) is willing to emigrate and understands the statement of information supplied to him under rule 17, and
    - (iii) has not been induced to emigrate by any coercion, undue influence, fraud, misrepresentation or mistake,
- he shall record in the three copies of the roll that such intending emigrant is permitted to emigrate.
- (3) If the magistrate is of opinion that any intending emigrant should not be permitted to emigrate, he shall record on the copies of the roll an order to this effect, stating the reasons for such order.
- (4) If the magistrate feels any doubt as to the alleged relationship of any dependent to any other intending emigrant he may make further enquiry and call for further evidence before recording his orders on the roll.

(5) After the nominal roll has been checked in accordance with sub-rule (1) and after such amendments as are necessary have been made therein, one copy thereof shall be filed in the office of the magistrate and the remaining two copies shall be handed as the Emigration Agent for submission respectively to the Protector at the port of embarkation and to the Emigration Commissioner.

Rejected persons not to be permitted to emigrate.

26. No person rejected under sub-rule (3) of the preceding rule shall be permitted to emigrate, and every person so rejected shall, with his dependents, if any, be returned to his home, at the expense of the Emigration Agent.

Confirmation of non-emigrants.

27. (1) Any person desiring to emigrate and claiming that he is not subject to the provisions of the Act and of these rules relating to emigrants may appear before a magistrate with evidence, oral or documentary, that he is not an "emigrant" within the meaning of clause (b) of sub-section (1) of section 2 of the Act.

(2) The magistrate, after such enquiry as he thinks necessary, shall be satisfied that the applicant is not an "emigrant" to the country to which he proposes to emigrate within the meaning of clause (b) of sub-section (1) of section 2 of the Act grant him a certificate to that effect and shall endorse the documentary evidence of identity (where such is produced).

(3) A certificate granted by a magistrate and the documentary evidence of identity endorsed by the magistrate under sub-rule (2) shall, if produced before any magistrate, authority or officer acting under the Act, not later than six months after the granting thereof, be conclusive proof that the person named therein is not an "emigrant" within the meaning of the Act to the country specified therein.

#### **VI.-Conveyance of Emigrants to the Port of Embarkation.**

Despatch of persons permitted to emigrate.

28. Every person permitted to emigrate under the Act or these rules shall be conveyed with all convenient despatch, by or under the orders of the Emigration Agent, to the place of accommodation established at the port of embarkation in accordance with the provisions hereinafter contained.

Competent person to accompany emigrants to port of embarkation.

29. (1) When an emigrant has been examined under rule 24 at a place beyond the limits of the port of embarkation, he shall, while proceeding to such port, be accompanied throughout the journey either by the Emigration Agent himself or by a competent person appointed in that behalf by the Emigration Commissioner.

- (2) The Emigration Agent or the person so appointed shall, throughout the journey, provide the emigrant with proper and sufficient food and lodging.

#### **VII.- Non-recruited Emigrants.**

Non-recruited emigrants.

30. (1) Persons who desire to obtain assisted passages, but do not desire the assistance of Emigration Agents, may apply direct to the Emigration Commissioner of the country to which they wish to proceed. The application shall be accompanied by a certificate in Form No. 3 from a magistrate having jurisdiction in the area in which such person resides unless the application is made at the port of embarkation.
- (2) If the Emigration Commissioner agrees to grant assisted passages to any persons applying to him under sub-rule (1), they may be assisted to proceed to the place of accommodation established under rule 18 and shall be dealt with thereafter in the same manner as persons assisted to emigrate by Emigration Agents or if applying at the port of embarkation shall be received into the place of accommodation established under rule 31.

#### **VIII.- Places of Accommodation at the Port of Embarkation.**

Place of accommodation at port of embarkation.

31. For every port from which emigrants embark to the country represented by an Emigration Commissioner, such Emigration Commissioner shall establish on a convenient site approved by the Local Government a suitable place of accommodation for the reception and lodging of emigrants about to embark from such port, and shall provide all necessary food and clothing for all emigrants accommodated in such place.

Place to be licensed.

32. A place of accommodation established under rule 31 shall not be used for the reception and lodging of emigrants until it has been inspected and approved by the Protector, and on sanitary grounds by the Medical Inspector, and until a license for its use has been granted by the Protector in Form No.4.

Cancellation of license.

33. The Protector may at any time cancel a license granted under the preceding rule-
- (a) if he considers that the place in respect of which the license was granted has become unhealthy, or unsuitable in any other respect for the accommodation of emigrants, or
  - (b) if the Emigration Commissioner has failed, after reasonable notice, to comply with any of the requirements of these rules in respect of such place.

Report of arrival of emigrants.

34. The arrival of any emigrant at the place established under rule 31 shall be reported forthwith by the person in charge of such place to the Emigration Commissioner who shall submit a weekly return of such arrivals to the Protector.

Inspection by Protector and Medical Inspector.

35. (1) The Protector and the Medical Inspector shall at least once in every week during which any emigrants may be kept in any such place, inspect the emigrants and examine the state of such place, and the manner in which the emigrants therein are lodged, fed, clothed and otherwise provided for and attended to.
- (2) The Protector and the Medical Inspector shall, in their inspection and supervision of such places, comply with directions to be framed for their guidance by the Local Government.

Appointment of resident medical officer.

36. A resident medical officer approved by the Medical Inspector shall, unless the Local Government otherwise directs, be appointed by the Emigration Commissioner for every place of accommodation established under rule 31 and his name shall be registered in the Protector's office. He shall keep a hospital register in Form No.5 and shall produce it for inspection when the place is visited by the Protector or Medical Inspector. The Emigration Commissioner may appoint additional medical officers approved by the Protector.

Inspection of and visits to place of accommodation.

37. (1) Every place of accommodation established under rule 31 shall be open to inspection by any non-official persons whom the Local Government may appoint in this behalf.
- (2) A visitor's book shall be kept in every such place in which the Protector and Medical Inspector and any of the non-official persons referred to in sub-rule (1) shall enter the dates of their visits and may make any such suggestions or remarks as they think fit.
- (3) Friends and relations of any emigrant accommodated in any such place shall be permitted to visit such place and to converse with such emigrant, and no such friend or relation shall be removed or excluded from such place on the ground that he is trying to persuade an inmate thereof to return to his home.

Residence of Emigration Commissioner in or near place of accommodation.

38. The Emigration Commissioner shall reside or shall depute a responsible representative to reside within, or in some place immediately adjoining every place of accommodation, established under rule 31 with a

view to the exercise of immediate and efficient control over subordinates, and to the prevention of irregularities.

Registers to be maintained and returns to be submitted.

39. The Emigration Commissioner shall cause registers for every place of accommodation established under rule 31 to be kept in Forms Nos. 6 and 7 and the entries therein to be punctually, legibly and accurately made. An annual return of accommodation and a monthly return of sickness in such place shall likewise be prepared in Forms Nos. 8 and 9, respectively, and shall be forwarded by the Emigration Commissioner to the office of the Protector. A weekly hospital report in Form No.10 shall also be furnished by the Emigration Commissioner to the Medical Inspector.

Procedure on occurrence of infectious or contagious diseases.

40. (1) In the event of cholera, small-pox or other communicable disease appearing in a place of accommodation established under rule 31, every emigrant attacked by the disease shall be sent to an outside hospital for treatment; and the relatives of the affected person, if any, not accompanying the patient to such hospital and all contacts shall at the same time be placed in a segregation shed situated in an isolated part of the premises; and shall not be permitted to move or be removed thence without the written permission of the resident medical officer appointed under rule 36.
- (2) Relatives accompanying an affected person to an outside hospital shall be provided either with food or with a subsistence allowance.

Report of casualties.

41. The removal of the name of any emigrant from the register kept in Form No. 6 for any cause other than embarkation, and any death or other casualty occurring among the emigrants shall be reported in Form No. 11 to the Protector not later than the day following the occurrence and any death from whatsoever cause, shall also be reported to the Medical Inspector before noon on the following day.

Deaths.

42. (1) In the case of the death of an emigrant before embarkation, the Emigration Commissioner shall make a correct inventory in a register to be kept in Form No.7 of the personal property which such emigrant had with him at the time of his death, and shall forward such property, together with a descriptive list thereof, to the office of the Protector for disposal:
- Provided that any foul clothing in the possession of such emigrant shall be burned.

(2) The Emigration Commissioner shall also notify the death to each of the successors entered in column 14 of Form No.6.

(3) Claims made by relatives shall be communicated to the Protector, who shall, after such enquiries as may be necessary, dispose of the property referred to in sub-rule (1) in such manner as he may think fit.

#### **IX.-Examination before Embarkation.**

Nominal roll of emigrants about to embark.

43. A nominal roll in duplicate of all emigrants, who are about to embark, shall be prepared in Form No.12 and the Emigration Commissioner shall be responsible for the correctness and legibility of the entries made therein.

Examination before embarkation.

44. (1) Before any emigrants leave the place of accommodation established under rule 31, the existence in the nominal roll prescribed by rule 43 of an entry relating to each such emigrant and the correctness thereof shall be verified, and they shall be examined as to their fitness to undertake the voyage by the Medical Inspector who shall make over the nominal roll with the report of his inspection to the Protector.

(2) The Protector shall examine the emigrants and may refuse permission to an emigrant to embark on any of the following grounds:-

(i) that the Medical Inspector reports that such emigrant is unfit to undertake the journey to the country to which he or the person on whom he is dependent, as the case may be, has agreed to emigrate:

(ii) that the provisions of the Act or of these rules have been in any way contravened in relation to such emigrant: or

(iii) that such emigrant appears not to have understood the conditions on which he is proceeding and on such conditions being adequately explained to him is unwilling to embark.

Recording of Protector's orders.

45. (1) The Protector shall state on each copy of the nominal roll prescribed by rule 43 whether each emigrant is permitted to embark or is refused permission, recording his reasons briefly in the case of refusal.

(2) One copy of the nominal roll shall be recorded in the office of the Protector and the other copy made over to the Emigration Commissioner for record in his office.

Emigrant not to embark for seven days.

46. No emigrant shall be allowed to embark until seven days have elapsed from the date of his arrival at the place of accommodation established under rule 31.

Detention of emigrant temporarily unfit to undertake voyage.

47. An emigrant to whom permission to embark is refused on the ground specified in clause (i) of sub-rule (2) of rule 44 shall, if his unfitness to undertake the journey is of a temporary nature and if the Medical Inspector so recommends, be detained in the place of accommodation until he is reported by the Medical Inspector to be fit to undertake the journey and shall then be permitted by the Protector to embark. Any intending emigrant who is related to an intending emigrant so detained shall be entitled, if he so desires, to remain with such emigrant in the place of accommodation and to receive maintenance therein.

Disposal of rejected emigrants.

48. An emigrant to whom permission to embark is refused by reason of his permanent unfitness to undertake the journey or on the ground specified in clause (ii) or clause (iii) of sub-rule (2) of rule 44 shall with his dependants, if any, be returned to his home through the Protector's office at the expense of the Emigration Commissioner.

Examination of rejected emigrants.

49. (1) An emigrant who is to be returned to his home in accordance with rule 48 shall be examined by the Medical Inspector on the day fixed for his departure and unless certified by him to be fit to bear the journey shall not be permitted to depart.
- (2) An emigrant to whom permission to depart has been refused in accordance with sub-rule (1) shall be detained under treatment in the place of accommodation until such time as the Medical Inspector certifies that he is fit to bear the journey to his home.

Fee to be charged for emigrants permitted to embark.

50. For each emigrant permitted by the Protector to embark a fee shall be levied from the Emigration Agent or the Emigration Commissioner at such rate as may be prescribed by the Governor-General in Council in this behalf, and no part of such fee shall be recovered from such emigrant.

#### **X.-Return Emigrants.**

Lodging of return emigrants.

51. (1) Assisted return emigrants shall be disembarked only at ports from which emigration has been declared lawful and shall on arrival be accommodated in a place of accommodation appointed by the

Emigration Commissioner in that behalf, where they shall be properly lodged and provided for until the Emigration Commissioner is in a position to arrange for their departure to their homes.

(2) The Emigration Commissioner shall prepare in Form No. 13 a list of assisted return emigrants who have returned in a sick or helpless condition, and after the Medical Inspector has endorsed his remarks thereon shall forward it to the Protector.

Treatment of sick return emigrants.

52. Sick return emigrants shall be entitled, if they so desire, to be treated in hospital at the place of accommodation appointed under rule 51 or elsewhere, and on their discharge from hospital shall be dealt with in accordance with the provisions hereinafter contained.

Despatch of assisted return emigrants to their homes.

53. Assisted return emigrants shall, if they so desire, and if the terms on which they emigrated so entitle them, be returned to their homes at the expense of the country to which they emigrated. Such assisted return emigrants as are considered by the Medical Inspector to be physically or mentally helpless, shall be so returned by the Emigration Commissioner under proper escort.

Payment of deposits made in the Colonies by return emigrants.

54. (1) If the Emigration Commissioner is satisfied that a return emigrant has deposited money for transmission to India through the Government of the country from which he has returned, the Emigration Commissioner shall forthwith make payment to him of the equivalent in Indian money at the rate of exchange current at the port of disembarkation of the money so deposited. The Emigration Commissioner shall draw the attention of such emigrant to the disadvantages attaching to the carrying on the person of considerable sums of money in notes or silver and shall, if such emigrant so desires, assist him to obtain postal money orders payable to himself at such office as he may name.

(2) Amounts so payable to an emigrant who has died on the voyage together with any unclaimed property which such emigrant had with him at the time of his death shall be forwarded by the Emigration Commissioner to the Protector for disposal in such manner as may be prescribed by the Local Government.

Report to Protector of deaths during the voyage.

55. On the disembarkation of any batch of assisted return emigrants the Emigration Commissioner shall report to the Protector the number of assisted return emigrants in such batch who embarked from the



country to which they emigrated, with the number, if any, who died during the voyage to the port of disembarkation and the cause of death in each case.

#### **XI.- Agents appointed under Section 7 of the Act.**

Agents appointed under section 7.

56. (1) The Agents appointed in any place under section 7 of the Act shall be generally responsible for the welfare of emigrants in that place and for carrying out the purposes of the Act in relation to such emigrants.
- (2) Such Agents shall obtain information on any matters affecting the welfare and status of Indians in the countries in which they are employed and shall communicate such information to the Governor-General in Council.
- (3) They shall prepare and submit annual reports, in such form as may be prescribed by the Governor-General in Council in this behalf, regarding the condition of Indians in the country in which they are appointed.
- (4) They shall, so far as may be possible, protect and advise all classes of Indian emigrants within their charge and bring any requirements of such emigrants to the notice of the proper authorities in India or in the country in which they are appointed.
- (5) They shall, in the case of countries to which emigration for the purposes of unskilled work is permitted under section 10 of the Act, inspect on arrival every ship specially chartered for conveying emigrants, shall maintain registers of the emigrants arriving in and departing from the country, shall visit places where emigrants work and reside, and shall satisfy themselves that the conditions on which emigration is permitted are being strictly observed.
- (6) They shall be directly subordinate to the Governor-General in Council.
- (7) In carrying out the above duties they shall act in co-operation with the Immigration Department of the Government of the country in which they are appointed.

#### **PART II.- RULES FOR SKILLED WORK.**

Application for permission to engage or assist persons to emigrate under section 16.

57. Every application under section 16 of the Act for permission to engage or to assist any person or persons to emigrate for the purpose of skilled work shall, besides furnishing the information required by the said section, contain a full statement of the name of the applicant, his father's name, his place of residence and his occupation or profession.

Copy of application and the order thereon to be forwarded to Protector.

58. Where the permission applied for is granted by the Local Government such Local Government shall forward to the Protector at the port at which the intending emigrants are to embark a copy of the application and of the order of permission passed thereon under section 17 of the Act.

Certificate to be granted by Protector to the applicant.

59. (1) The Protector shall, if the Local Government so directs, give to every person permitted to engage, or to assist any person to emigrate under the provisions of Chapter IV of the Act, a certificate in Form No. 14.

(2) Before giving such certificate the Protector shall satisfy himself that every emigrant has been supplied with a written statement correctly explaining the terms of his employment and the general conditions of life obtaining in the country to which the emigrant intends to proceed.

Register of complaints to be maintained by Protector.

60. The Protector shall maintain a register of complaints received by him from emigrants registered by him under section 18 of the Act, whether made during their absence from India or after their return, and shall record briefly the results of any investigation made by him and the action taken thereon. The register shall be maintained in Form No. 15.

### **PART III.- SUPPLEMENTARY.**

Power to exclude or modify application of rules.

61. The Governor-General in Council may by notification in the **Gazette of India** direct that, for the purposes of emigration to any specified country, these rules shall apply with such exceptions or modifications as may be specified in such notification.

J. HULLAH,

Secretary to the Government of India.”

### **----- Attachment -----**

[ ATTACH LIST 1 ] 01 SCHEDULE. FORM NO. 1. [See rule 8 (1).] Form of License.

[ ATTACH LIST 2 ] 02 FORM NO. 2. [See rule 24 (2).] Nominal Roll of Persons who desire to Emigrate.

[ ATTACH LIST 3 ] 03 FORM NO. 3. [See rule 30(1).] Form of Certificate for persons applying for Assisted Passages without the intervention of Emigration Agent.

[ ATTACH LIST 4 ] 04 FORM NO 4. (See rule 32.) Form of License for Place of Accommodation

[ ATTACH LIST 5 ] 05 FORM NO. 5. (See rule 36.) Form of Hospital Register.

[ ATTACH LIST 6 ] 06 FORM NO. 6. [See rules 39, 41 and 42(2).] Register of Place of Accommodation.

[ ATTACH LIST 7 ] 07 FORM NO. 7. [See rules 39 and 42 (1).] Form of Register of Deceased Emigrants' Property.

[ ATTACH LIST 8 ] 08 FORM NO. 8. (See rule 39.) Accommodation Return.

[ ATTACH LIST 9 ] 09 FORM NO. 9. (See rule 39.) Form of Report of Sickness at the Place of Accommodation.

[ ATTACH LIST 10 ] 10 FORM NO. 10. (See rule 39.) Form of Weekly Hospital Report.

[ ATTACH LIST 11 ] 11 FORM NO. 11. (See rule 41.) Form of Report of Casualties in Place of Accommodation.

[ ATTACH LIST 12 ] 12 FORM NO. 12. (See rule 43.) Nominal Roll of Emigrants who propose to embark.

[ ATTACH LIST 13 ] 13 FORM NO. 13. (See rule 51 (2).] Statement of Sick and Helpless Returned Emigrants arrived in the Ship From on the of

[ ATTACH LIST 14 ] 14 FORM NO.14. [See rule 59 (1).] Form of Certificate to be granted by the Protector to an Applicant to engage, or to assist Emigrants for Skilled Labour.

[ ATTACH LIST 15 ] 15 FORM NO. 15. (See rule 60.) Register of Complaints from Emigrants.