

## CHAPTER V

### Emigration Clearance

**22. Requirement, etc., as to emigration clearance.** – (1) No citizen of India shall emigrate unless he obtains under this Chapter from the Protector or Emigrants authorization in the prescribed manner and form (such authorization being hereinafter referred to as emigration clearance) for emigration.

(2) An application for emigration clearance shall be in the prescribed form, shall contain the prescribed particulars and shall be made by the emigrant concerned to the Protector of Emigrants;

Provided that such application may be made through the recruiting agent, if any, through whom the emigrant has been recruited or through the employer concerned.

(3) Every application under sub-section (2) shall be accompanied by –

(a) a true copy (verified and authenticated in the prescribed manner) of the agreement with respect to the employment for the taking up of which the applicant proposes to emigrate and where such agreement does not provide for all or any of the prescribed matters, also a statement (verified and authenticated in the prescribed manner) setting out the particulars with respect to such matters;

(b) a statement (verified and authenticated in the prescribed manner) 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; a receipt evidencing the payment of the prescribed fee; such other relevant documents or copies of relevant documents as may be prescribed.

(4) The Protector of Emigrants shall, after satisfying himself about the accuracy of the particulars mentioned in the application in and in the other documents submitted along with the application authorize in the prescribed manner and form, the emigration of the applicant or intimate by order in writing the applicants or, as the case maybe, the recruiting agent or employer, through whom; the applications have been made about the deficiencies and require him to make good such deficiencies within such time as may be specified in the order or reject the application.

(5) Subject to the other provisions of this Act, the Protector of Emigrants may reject an application for emigration clearance under this section on any one or more of the following grounds and on no other ground, namely:

(a) that the terms and conditions of employment which the applicant proposes to take are discriminatory or exploitative:

(b) that the employment which the applicant proposes to take up involves work of nature which is unlawful according to the laws of India or offends against the public policy of India or is violative of norm of human dignity and decency;

(c) that the applicant will have to work or live in substandard working or living conditions;

(d) that having regard to the prevailing circumstances in the country or place where the applicant proposes to take unemployment or the antecedents of the employer under whom the applicant proposes to take unemployment or any other relevant circumstances, it would not be in the interests of the applicant, to emigrate;

that no provision or arrangement has been made for meeting the expense which may be incurred in case it becomes necessary to arrange for the repatriation to India

of the applicant, or that the provisions or arrangements made in this behalf are not adequate for the purpose.

(6) Every order rejecting an application for emigration clearance shall set out clearly the ground or grounds on which the order has been made and the facts or circumstances on which such ground or grounds are based.

**Comment**

**Et Cetera** – According to the Oxford Dictionary means:

“And the rest and so forth and so on, indicating that other things which can be inferred are included in the statement; usual additions.