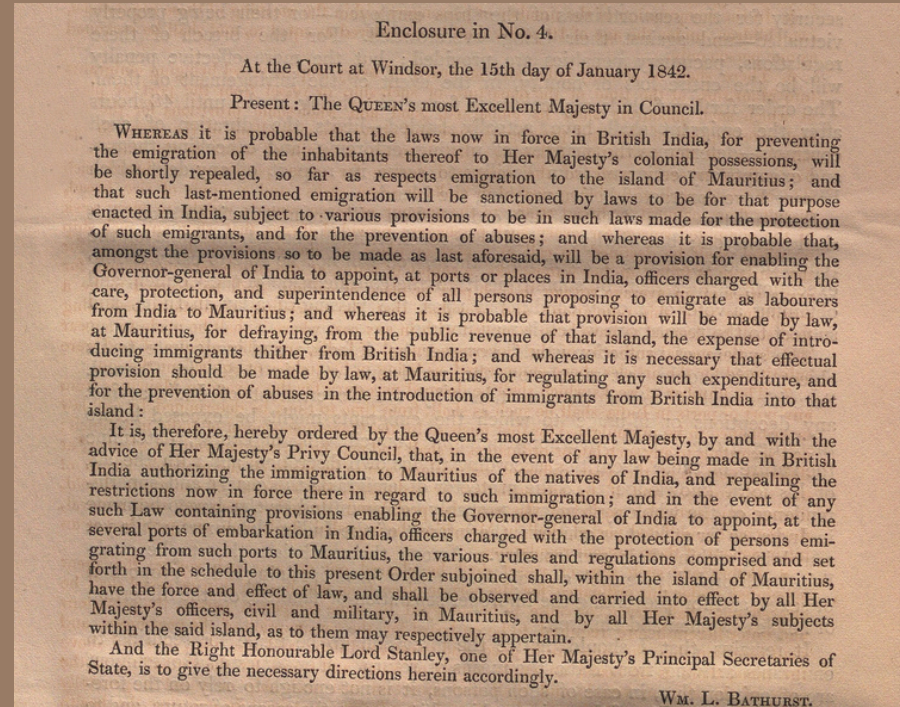


# प्रवासीविधान

## PANEL 2

# Emigration Legislation



A note by W.M.L. Bathurst outlines the likely repeal of laws in British India that currently prevent emigration to British colonial possessions, specifically Mauritius. The note states that new regulations will be enacted in India to regulate emigration to Mauritius, ensuring the protection of emigrants and preventing abuses. It is expected that provisions will be included to allow the Governor-General of India to appoint officers at Indian ports to oversee emigrants. Additionally, Mauritius will likely fund the expenses of immigrant introduction through its public revenue. The note concludes with an order that the regulations outlined in the schedule will become law in Mauritius, to be enforced by Her Majesty's officers and subjects.

## Rules and regulations for Emigration to Mauritius, 1842



## The Indian Emigration Act, 1883

The Indian Emigration Act of 1883, published in the British Burma Gazette on January 5, 1884, extended to all of British India, revising the existing laws regarding the emigration of Indian natives. This Act replaced the Indian Emigration Act of 1871 and related legislation while maintaining the validity of existing contracts and licenses that complied with the new rules. Specifically, it applied to "Natives of India" emigrating by sea to foreign countries for labour, excluding Ceylon and the Straits Settlements. The Act outlined key definitions, rights, and protections for emigrants, ensuring clarity regarding labour agreements and the treatment of those migrating for employment abroad.

AN ORDINANCE TO AMEND THE INDIAN IMMIGRATION ORDINANCE 1891.

I assent.  
[L.S.] F. H. MAY,  
29th May 1912.

Be it enacted by the Governor, with the advice and consent of the Legislative Council, as follows :—

1. This Ordinance may be cited for all purposes as the Indian Immigration Amendment Ordinance 1912 and shall be read with and construed as one with and forming part of the Indian Immigration Ordinance 1891 hereinafter called the principal Ordinance. Short title.

2. Section three of the principal Ordinance is hereby amended and shall be read as if the interpretation of the word "task" therein given were repealed. In lieu thereof the word "task" shall have the meaning following assigned to it unless the context otherwise requires :— Amendment of section 3 of Ordinance No. I. of 1891.

"task"—In the case of a male that extent of task-work which can be performed by an ordinary able-bodied adult male immigrant, having the experience of the immigrant to whom it is assigned, in six hours working steadily at such work, and in the case of a female three-fourths of such extent of work.

3. Section fifty-four of the principal Ordinance is hereby amended and shall be read as if the words following were added thereto :—"Every indentured immigrant shall be bound to reside on the plantation whereon he is under indenture." Amendment of section 54 of Ordinance No. I. of 1891.

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B

A Fiji Ordinance amending the Indian Immigration Ordinance, 1891 that was passed in the Council on 22nd May 1912 has been showcased here in the copy of a letter from the Colonial Office to Indian Office, dated 22nd July 1912.

## Indian Immigration Amendment Ordinance of 1912

### ENCLOSURES.

ENCLOSURE No. 1 :—*India Office to Foreign Office.*  
I. & O. 270.

Sir,  
I am directed by the Secretary of State for India in Council to invite a reference to the letter from this Office dated 20th April 1921, No. J. and P. 1613, which communicated a telegraphic correspondence with the Viceroy regarding the amendment of the Indian Emigration Act.

I am now to transmit, for the information of the Marquess Curzon of Kedleston, copy of the amending Bill which it is expected will be passed by the Indian Legislature during its present session, together with a copy of the statement of objects and reasons.

I am to draw particular attention to clause 7 of the Bill, which empowers the Governor-General in Council to appoint agents in places outside British India for the purpose of safeguarding the interests of Indian emigrants, and to define the powers and duties of such agents. In this connection I am to enclose copy of a Despatch, dated 5th January 1922, from the Government of India regarding the probable functions of these agents. Copy of the speech delivered by Sir George Barnes on 21st March 1921, which is referred to, is also enclosed.

As Lord Curzon is aware, they are more or less numerous Indian immigrant communities in certain foreign countries such as the United States, America, and colonies of foreign Powers such of Surinam, Madagascar, and Portuguese East Africa. The Indian Emigration Bill empowers the Government of India to appoint agents (whose functions would be of the kind indicated in the enclosed despatch) in these foreign countries as well as in British Dominions and colonies. It is, of course, understood that no such agent could be appointed without the consent of the Government of the country to which he would be accredited.

The Secretary of State in Council hopes that Lord Curzon will see no objection to the appointment of such agents in countries where the Government of India may consider that their interests justify such a step. At the same time it appears desirable that such agents should be placed in a definite relationship to His Majesty's consular officers and representatives abroad, and the Secretary of State in Council would be glad to receive any observations that Lord Curzon may desire to make on this aspect of the question. It will be remembered that, in the interests of Indian pilgrims to the Hedjaz, an Indian Moslem officer has been appointed at the expense of Indian revenues as His Majesty's Vice-Consul at Jeddah. See the letter from this Office dated 20th November 1920, No. P. 7252.

The Under Secretary of State,  
Foreign Office.

I am, &c.,  
J. C. WALTON.

A note from Mr J. Walton, the Under Secretary of State, Foreign Office to Indian Office dated 16th March 1922 regarding the amendment of the Indian Emigration Act, draws attention to Clause 7 of the Bill. This clause authorizes the Governor-General in Council to appoint agents outside British India to safeguard the interests of Indian emigrants and define their roles. The Bill enables the appointment of such agents in foreign countries like the United States, America and colonies of foreign Powers such as Surinam, Madagascar, and Portuguese East Africa, with the government's consent.

Government agents in places outside British India: seeking comments of Lord Curzon, 1923

Statement showing the number of Indians in certain foreign countries.

Name of country.	Number of Indians.	Year.
Mozambique. <i>Statistical Year-Book, 1922, p. 1128.</i>	1100 Asiatics and half-castes.	Not known.
Persia. <i>Ibid., p. 1147.</i>	600 British subjects exclusive of British Indians. (See also p. 1147, "British Subjects").	Not known. <i>There are also a good many other nationalities employed by the Anglo-Persian Co.</i>
Madagascar. <i>Ibid., p. 1150.</i>	3272 Hindus.	31-12-1917.
Reunion. <i>Ibid., p. 1152.</i>	2194 British Indians.	1921.
Surinam. <i>Ibid., p. 1152.</i>	34957 Indians.	31-12-1920. <i>There is a copy kept with the P.A.</i>
Java and Sumatra. <i>Statistical Year-Book, 1922, p. 1157.</i>	Not available. There were 878,966 Orientals (chiefly Chinese and Arabs) in the Dutch East Indies in 1920.	----
Philippines. <i>Ibid., p. 1159.</i>	Not available. 683 others excluding Chinese, Japanese, Americans, Spaniards, English (683), Germans, French and Swiss in 1916.	-----
United States of America. <i>Ibid., p. 1169.</i>	Not available. 9488 all others excluding Chinese, Japanese and Indians (red) in 1920.	-----

*I understand that before 1879 a considerable number of emigrants went to Martinique, Guadeloupe & New Caledonia; but figures are not available. O.C. 1079*

*Note—The Foreign Office List 1922, has been looked up, but it does not contain any information about the number of Indians in foreign countries.*

A statement showing the number of Indians in certain Foreign Countries between the years 1917 and 1922. The countries included Persia, Madagascar, Surinam, the Philippines and the United States of America with Surinam having the highest population of Indians, totalling 34,957.

## Indian in Foreign Countries between 1917 and 1922

**THE EMIGRATION ACT, 1983**  
ACT NO. 31 OF 1983

[10th September, 1983.]

An Act to consolidate and amend the law relating to emigration of citizens of India.

Enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

**CHAPTER I**  
**PRELIMINARY**

**1. Short title, extent, application and commencement.**—(1) This Act may be called the Emigration Act, 1983.

(2) It extends to the whole of India and applies also to citizens of India outside India.

(3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

**2. Definitions.**—(1) In this Act, unless the context otherwise requires,—

(a) "certificate" means a certificate of registration issued under section 11;

(b) "conveyance" includes a vessel, vehicle, country-craft and an aircraft;

(c) "dependent" means any person who is related to an emigrant and is dependent on that emigrant;

(d) "emigrant" means any citizen of India who intends to emigrate, or emigrates, or has emigrated but does not include—

(i) a dependent of an emigrant, whether such dependent accompanies that emigrant, or departs subsequently for the purpose of joining that emigrant in the country to which that emigrant has lawfully emigrated;

(ii) any person who has resided outside India at any time after attaining the age of eighteen years, for not less than three years or the spouse or child of such person;

(e) "emigrant conveyance" means any conveyance specially chartered for conveyance of emigrants or for conveying emigrants exceeding such number as may be prescribed.

Provided that the Central Government may, by notification, declare that any conveyance conveying emigrants to such place as may be specified in the notification shall not be deemed to be an emigrant conveyance;

(f) "emigrate" and "emigration" mean the departure out of India of any person with a view to taking up any employment (whether or not under an agreement or other arrangements to take up such employment and whether with or without the assistance of a recruiting agent or employer) in any country or place outside India;

(g) "employer" means any person providing or offering to provide, employment in any country or place outside India;

(h) "employment" means any service, occupation or engagement (not being service, occupation or engagement under the Central Government or a State Government), in any kind of work within the meaning of clause (e), for wages or for reward, and all its grammatical variations and cognate expressions shall be construed accordingly;

(i) "notification" means a notification published in the Official Gazette;

The Emigration Act of 1983 was enacted to safeguard Indian workers abroad by requiring all individuals seeking contractual employment overseas to obtain emigration clearance from one of the ten Protectors of Emigrants (POE) offices. This measure ensures that the interests of workers are protected during their time abroad. The Act also stipulates that no recruitment agency or establishment can send Indians for employment overseas without first registering with the Protector General of Emigrants, under the Ministry of External Affairs, Government of India. These regulations are in place to prevent exploitation and ensure that Indian emigrant workers are provided legal protection throughout their employment abroad.

## The Indian Emigration Act, 1983

<u>Bill No. 11 of 2023</u>	
THE EMIGRATION (AMENDMENT) BILL, 2023	
By	
DR. KALANIDHI VEERASWAMY, M.P.	
A	
BILL	
to amend the Emigration Act, 1983.	
	Be it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—
	1. (1) This Act may be called the Emigration (Amendment) Act, 2023. <span style="float: right;">Short title and commencement.</span>
1	(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
11 of 1983.	2. After section 8 of the Emigration Act, 1983 (hereinafter referred to as the principal Act), the following Chapter and sections thereunder shall be inserted, namely:— <span style="float: right;">Insertion of new Chapter III.</span>
	"CHAPTER IIA
10	WELFARE OF EMIGRANTS
	8A. The Central Government shall undertake or cause to be undertaken, specially in the countries where there are substantial number of emigrants, with a view to assess <span style="float: right;">Central Government to assess the needs of emigrants.</span>
	2
	the following in regard to emigrants:—
	(a) access to basic human rights;
	(b) access to healthcare facilities including emergency service;
	(c) access to social protection schemes of the destination country;
	(d) access to legal support services in cases of dispute resolution with the recruiting agent; and <span style="float: right;">1</span>
	(e) access to timely grievance redressal.
Register of Details of Emigrants.	8B. The Central Government shall prepare and maintain a register of records containing the details of emigrants and their dependent in such manner as may be prescribed. <span style="float: right;">10</span>
Formulation of Welfare Schemes for Emigrants.	8C. (1) The Central Government shall formulate and implement welfare schemes for emigrants in such manner as may be prescribed.
	(2) Without prejudice to the generality of the foregoing provision, such schemes shall provide for,— <span style="float: right;">15</span>
	(a) old age protection;
	(b) life insurance;
	(c) disability coverage;
	(d) skill upgradation; and
	(e) such other measures as the Central Government may consider necessary.
Constitution of Emigrants Welfare Fund.	8D. (1) The Central Government shall, by notification in the official gazette, constitute a Fund to be known as the Emigrants Welfare Fund for carrying out the purposes of this Act. <span style="float: right;">20</span>
	(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf grants such sum of money to the Fund as the Central Government may think fit for carrying out the purposes of this Act. <span style="float: right;">25</span>
	(3) The Fund shall be utilized for the purposes of implementation of welfare schemes formulated under section 8D." <span style="float: right;">26</span>
Amendment of section 24.	3. In section 24 of the principal Act, in sub-section (1), for the words "two years and with fine which may extend to two thousand rupees", the words "twenty five years and with fine which may extend to rupees five lakh" shall be substituted. <span style="float: right;">28</span>

## The Emigration (Amendment) Bill, 2023

The Emigration (Amendment) Bill, introduced in the Lok Sabha by Dr. Kalanidhi Veeraswamy, seeks to amend the Emigration Act to enhance the welfare of emigrants. The bill proposes a new chapter focused on emigrant welfare, which guarantees access to human rights, healthcare, social protection, legal aid, and grievance redressal. It also mandates the Central Government to maintain a register of emigrants and their dependents, while creating welfare schemes for life insurance, old age protection, disability coverage, and skill enhancement. Additionally, the bill establishes the Emigrants Welfare Fund to finance these initiatives, with funding provided by Parliament. This amendment aims to provide better support and protection to Indian emigrants abroad, ensuring their rights and welfare are safeguarded.