



ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT

CRIME BRANCH CIRCULAR NO.04/2017

Sub: Fraudulent and illegal emigration: role of police in enforcement

1) In recent years, recruitment of skilled, semi-skilled and unskilled workers from Odisha to Middle-East, South-East Asian and other countries has tremendously increased. Often such recruitments are done by unauthorized persons who do not hold a valid license under the provisions of Emigration Act, 1983. There have been reports that many emigrants are economically exploited and wrongfully confined. Even after repatriation with the intervention of the Government, often emigrants face difficulties in getting police assistance in initiating legal action against unauthorized agents etc.

In the background of the above, it has become necessary to sensitize field level police officers about the provisions of the Emigration Act, 1983 so that emigrants are duly protected and wherever required, police renders necessary legal assistance in terms of the provisions of the Act.

2) Section 10 of Emigration Act, 1983 specifies that no recruiting agent can commence or carry on business of recruitment except under and in accordance with a certificate issued in that behalf by the Protector General of Emigrants, who is the designated Registering Authority. Hence any person who recruits any emigrant without a valid certificate has no legal authority under the Act to carry on the business of recruitment. For contravening the aforesaid provision of the Act, a

person is liable under section 24 of the Act which provides for imprisonment for a term up to two years and fine up to ₹ 2000/-.

3) Under section 16 of the Emigration Act, an employer has been mandated to recruit any citizen of India for employment in any country or place outside India only through a recruiting agent with a valid permit issued under the Act. Any employer violating the aforesaid provisions of the Act is liable under section 24 of the Act which provides for imprisonment for a term up to 2 years and with fine up to ₹ 2000/-.

4) Section 24 of the Act provides that whoever

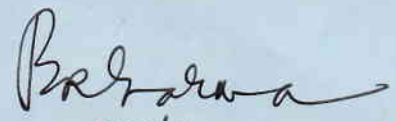
- (a) except in conformity with the provisions of the Act emigrates; or
- (b) by intentionally furnishing any false information or suppressing any material information, obtains a certificate or permit or an emigration clearance under the Act; or
- (c) without lawful authority makes or causes to be made any alteration in any certificate or permit or any document relating to emigration; or
- (d) disobeys or neglects to comply with order of the Protector of Emigrants under the Act; or
- (e) collects from an emigrant any charge in excess of the limits prescribed under the Act; or
- (f) cheats any emigrant

shall be punished with imprisonment for a term up to two years and with fine which may extend to ₹ 2000/-

Section 24(5) provides that in respect of second conviction, the punishment shall be double the penalty provided for the offence under the Act.

5) Section 25 of the Act provides for similar punishment in respect of an offence committed by a company which means any body corporate and includes a firm or other association of individuals.

- 6) Section 26 of the Act provides that notwithstanding anything contained in the Code of Criminal Procedure all offences under the Act shall be cognizable.
- 7) Section 27 of the Act provides that if a case is registered on the report of the emigrant himself or an intending emigrant or his immediate family members, it shall not require any previous sanction of the Central Government whereas if a case is registered on the report of any other person, it shall require previous sanction of the Central government for submission of charge sheet. This provision of the Act implies that if a case is registered on the own information of a police officer, previous sanction of the Central government shall be required for submission of charge sheet.
- 8) It is requested that the circular may please be brought to the notice of IsIC/OsIC of all Police Stations and senior officers who should be sensitized about the provisions of Emigration Act, 1983 so that appropriate legal action to check fraudulent and illegal emigration is initiated.


23/6/2017
(B.K.Sharma)

Special Director General of Police
CID-Crime, Odisha

Address-Buxibazar, Cuttack - 753 001 Tel- 0671-2304834
Fax:0671-2304659 e-mail:adgcidcb.orpol@nic.in

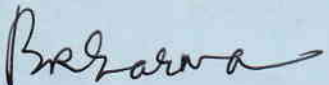
Memo No. 22460 /CID-Law

Date 23 .06.2017

Copy to:

- All district SsP/DCsP Cuttack & Bhubaneswar/SsRP Cuttack and Rourkela
- Commissioner of Police, Bhubaneswar/All Range IsGP/DIsGP/IG of Police, Railways, Cuttack

for information and necessary action please.


23/6/2017

(B.K.Sharma)

Special Director General of Police
CID-Crime, Odisha

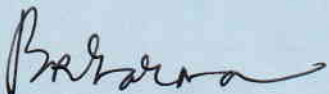
Memo No. 22461⁽³⁾ /CID-Law

Date 23 .06.2017

- Copy to Additional Chief Secretary to Govt., Home Department, Bhubaneswar with reference to the minutes of the meeting dated 1.6.2017 communicated vide No.22078/CP&M dated 06.06.17 for information and necessary action please.

- Copy to Principal Secretary to Govt., Labour & ESI Department, Bhubaneswar for information and necessary action please.

- Copy to Labour Commissioner, Odisha, Bhubaneswar for information and necessary action please.


23/6/2017

(B.K.Sharma)

Special Director General of Police
CID-Crime, Odisha

Address-Buxibazar, Cuttack - 753 001 Tel- 0671-2304834

Fax:0671-2304659 e-mail:adgcidcb.orpol@nic.in