THE OVERSEAS MOBILITY (FACILITATION AND WELFARE) BILL, 2025

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THE OVERSEAS MOBILITY (FACILITATION AND WELFARE) BILL, 2025

A Bill to consolidate and amend the law relating to accessing a global workplace for citizens of India by developing a mechanism for safe, legal, orderly and regular mobility for employment and for stay abroad for work related purpose through processes provided, herein under and for matters connected therewith or incidental thereto.

WHEREAS it is necessary to create policies, rules and regulations to implement relevant measures and programmes with a view to promote such mobility of citizens of India to avail overseas opportunities and to ensure their well-being.

AND WHEREAS the deepening globalization of the world economy has created new opportunities for overseas employment, encouraged by the changing nature of many professions, enhanced by demographic trends and economic demands in various societies, and accelerated by the recognition of Indian talent and skills.

AND WHEREAS the interests of citizens of India accessing the global workplace are now more diverse, covering countries at different levels of development with varying workplace demands, with opportunities being of a temporary, short and long-term

nature, and with a special responsibility to protect those deemed more vulnerable;

AND WHEREAS to undertake an effective approach through international arrangements wherever possible to facilitate mobility and to ensure welfare of citizens of India overseas, bearing in mind multilateral instruments, bilateral understandings, and international declarations or resolutions relating to the protection of emigrants;

AND WHEREAS, it is expedient to repeal the Emigration Act, 1983, and thereafter establish a robust and transparent framework for preparing and assisting citizens of India in various stages of mobility and ensuring their welfare abroad.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1.Short title, application and commencement - (1) This Act may be called the Overseas Mobility (Facilitation and Welfare) Act, 2025.

(2)It extends to the whole of India and also applies to citizens of India who are residing outside India, primarily for employment purposes.

(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) "accreditation" means the issuance of a certificate to an Overseas Placement Agency in that behalf by the Competent Authority for the purpose of this Act;

(b) "adjudicating officer" means an officer to be nominated by the Central Government under section 24 of this Act;

(c) "chairperson" means the Chairperson of the Overseas Mobility and Welfare Council;

(d) "circular migration" means recurrent movement of people between two or more countries for the purpose of work.

(e) “competent authority” means any officer designated as such by the Central Government to exercise the functions under the Act;

(f) “director general of overseas mobility” means the officer appointed by the Central Government under Section 7 of this Act;

(g) “emigrant” means a citizen of India, not below the age of eighteen years, who intends to emigrate or has emigrated for with regard to overseas employment;

(h) “emigrate”, “emigration” or “mobility” means the departure out of India by a citizen of India with a view to taking up any overseas employment;

(i) “foreign employer” means any entity providing or offering to provide, employment in any country or place outside India;

(j) “irregular emigration” connotes a practice of a citizen of India who moves or has moved across the border for the intent of seeking employment and is not authorized to enter or stay in that State he/she is migrating to or has migrated to in pursuant to the immigration laws, rules and regulations of that State and/or International instruments to which that State is a party.

(k) “member” means the Member of the Overseas Mobility and Welfare Council and includes Chairperson;

(l) “notification” means a notification published in the Official Gazette and the expression ‘notified’ and ‘notify’ shall be construed accordingly;

(m) “overseas employment” means any service, occupation or engagement (not being service, occupation or engagement under the Central Government or a State Government), for wages or consideration outside India;

(n) “overseas mobility and welfare council” and “council” means the Council constituted by the Central Government under Section 3 of this Act;

(o) “overseas placement agency” means any entity in India that undertakes recruitment on behalf of any foreign employer and represent such employers; or intends to undertake recruitment for purpose of overseas employment.

(p) “prescribed” means prescribed by rules made under this Act by the Central Government and the expression ‘prescribe’ shall be construed accordingly;

(q) “recruitment” includes the issuing of any advertisement for the purposes of recruitment, the offering by advertisement to secure or assist in securing any employment in any country or place outside India and the entering into any correspondence, negotiation, agreement or arrangement including via social media platforms with any individual for or in relation to the employment of such individual in any country or place outside India;

(r) “regional overseas mobility officers” means an officer referred to in Section 7 of this Act appointed by Central Government to supervise its offices in India and abroad.

(s) “regulations” means the regulations made by the Competent Authority.

(t) “returnee” is an emigrant who is returning to India after a period of 182 days or more from a host country, either voluntarily or under orders of deportation or removal by the government of the host country.

(u) “specified” means specified by regulations made by the Competent Authority and the expression ‘specify’ shall be construed accordingly;

(v) “work” means —

(i) any unskilled work, including any form of industrial or agricultural labour;

(ii) any domestic service;

(iii) any service, not being a service in a managerial capacity, in any hotel, restaurant, tea-house or other place of public resort;

(iv) work as a driver of a truck or other vehicle, mechanic, technician or skilled labourer or artisan;

(v) work as an office assistant or accountant or typist or stenographer or salesman, or nurse or operator of any machine;

(vi) work in connection with, or for the purposes of, any cinema, exhibition or entertainment;

(vii) any such work of a professional or of any other nature as the Central Government may, having regard to the need for the protection of citizens of India who may be employed in such work outside India and other relevant circumstances, specify by notification:

Provided that the Central Government may, if satisfied that it is necessary so to do having regard to the conditions of service applicable with respect to employment in any of the aforementioned categories of work or any sub-category thereof, whether generally or in relation to any particular country or place and other relevant circumstances, declare by notification that such category of work or

sub-category of work shall not be deemed to be work within the meaning of this definition.

CHAPTER II
OVERSEAS MOBILITY AND WELFARE COUNCIL

3. Constitution of the Council - (1) With effect from such date as the Central Government may by notification appoint in this behalf, there shall be constituted, a Council to be called the Overseas Mobility and Welfare Council to exercise the powers and perform the functions conferred on, or assigned to it.

(2) The Overseas Mobility and Welfare Council shall consist of:

(a) The Secretary to the Government of India in the Ministry of External Affairs having administrative control over policies governing overseas mobility and welfare of emigrants shall be the *ex-officio* Chairperson;

(b) Such number of other Members, not exceeding ten, as may be appointed or nominated by the Central Government who possess such eligibility criteria and experience as may be prescribed; provided that two of those members are drawn from the Ministry of Skill Development and Entrepreneurship and the Ministry of Labour and Employment and shall not be below the rank of Joint Secretary, who shall be ex-officio members of the Council.

(3) The members, other than ex-officio members, shall hold office for such term with such allowances as may be prescribed;

Provided that the term of office of an ex-officio member shall continue as long as he holds office by virtue of which he is a member.

4. Powers and Functions of Council - The Overseas Mobility and Welfare Council shall exercise powers and perform all or any of the following functions, namely: —

(a) to recommend effective guidelines, protocols and schemes and to provide guidance to the Central Government on all issues relating to mobility;

(b) to maintain records and registry of emigrants, Overseas Placement Agencies and Foreign Employers under this Act as per prescribed regulations;

(c) to liaise with the relevant agencies or organizations to maintain data of Indian citizens traveling abroad for overseas employment that may be provided by them as per statutory requirements or as voluntary declarations;

(d) to develop policies, programmes, guidelines, protocols and schemes for promoting welfare of the emigrants abroad, in order to promote safe stay, cultural integration, social security, remittance and legal matters, safe and orderly return, and reintegration of returnees;

(e) to administer programmes and schemes for the welfare of emigrants to ensure safe, orderly and regular mobility with special consideration to vulnerable classes of emigrants as may be determined by the Council;

(f) to monitor the implementation of the policies at periodic intervals and provide for independent evaluation of programmes and schemes for the purposes of this Act;

(g) to authorise investigations if required and to inquire into any matter pertaining to the welfare of the emigrants;

(h) to leverage bilateral arrangements for expanding work opportunities abroad and for promoting welfare of emigrants;

(i) to devise policies, programmes for discouraging the phenomena of irregular emigration of Indian citizens to foreign countries for

purpose of employment and combating human trafficking arising therefrom;

(j) to administer welfare fund and universal insurance, that may be specially constituted by the Central Government for promoting welfare of Indian citizens living abroad;

(k) to leverage bilateral arrangements including mutual recognition of qualifications and skill harmonisation for expanding work opportunities abroad and promote welfare of emigrants and for fostering bilateral and multilateral understanding on the issues of irregular emigration and human trafficking;

(l) to conduct periodic global labour market studies and assessment of overseas employment opportunities and formulate perspective planning;

(m) to notify the area within or outside India, to which authority of the Regional Overseas Mobility Officers or other officers appointed under the Act, shall extend.

(n) to perform such other functions as may be prescribed.

5. Powers and Functions of Chairperson- The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the Council and he/she shall, in addition to presiding over the meetings of the Council, exercise and discharge such powers and functions of the Council as may be prescribed with the overall responsibility of carrying out the purposes of the Act.

6. Meetings - (1) The Overseas Mobility and Welfare Council shall meet at such times and venues and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be specified by regulations.

(2) The Chairperson or in his/her absence any Government officer or member of the council not below the rank of Additional Secretary nominated by Chairperson, will preside over the meetings of the Overseas Mobility and Welfare Council.

CHAPTER III

DIRECTOR GENERAL OF OVERSEAS MOBILITY, REGIONAL OVERSEAS MOBILITY OFFICERS, OTHER OFFICERS AND OFFICES OF THE COUNCIL

7. Director General of Overseas Mobility and Regional Overseas Mobility Officers- (1) The Central Government may, for the purposes of this Act, appoint a Director General of Overseas Mobility to assist the Chairperson and such number of Regional Overseas Mobility Officers, possessing such experience and eligibility as may be prescribed. Such a person will not be below the level of Joint Secretary to the Government of India.

(2) The Director General of Overseas Mobility shall perform such functions as may be assigned to him/her by the Chairperson from time to time.

(3) Regional Overseas Mobility Officers shall perform the functions assigned to them by this Act under the general superintendence and control of the Director General of Overseas Mobility, namely: -

(a) to protect and aid with his/her advice all intending emigrants and emigrants abroad, or any such Indian citizens traveling abroad for purposes of employment;

(b) oversee all the provisions of this Act and of the rules or regulations made thereunder to be compiled with;

(c) provide information, resources and training, as may be appropriate and feasible, to the emigrants;

(d) conduct periodic study and assessment of workplace opportunities;

(e) develop and implement any other appropriate programmes to promote the welfare of emigrants; and

(f) such other functions for the protection and welfare of emigrants as may be prescribed.

8. Other Officers and Employees of Council- (1) The Council, in consultation with the Central Government, may appoint such number of other officers and employees as it may deem fit, in such manner as may be prescribed for the efficient discharge of its functions under this Act.

(2) The salary and allowances payable and the other conditions of services of such officers and such employees of the Council shall be as may be prescribed.

9. Other Offices- The Central Government may constitute offices within or outside India headed by Regional Overseas Mobility Officers under the overall supervision of the Director General of

Overseas Mobility in the manner prescribed and to exercise the powers and functions as it may deem appropriate for the purpose of this Act.

10. Mobility Resource Centers- (1) The Central Government may, from time to time, set up Mobility Resource Centers, managed by Regional Overseas Mobility Officers under the supervision of the Director General of Overseas Mobility for providing information, resources and training to emigrants and to conduct programmes as may be required to promote and facilitate mobility of Indian citizens abroad.

(2) The method and manner of functioning of the Mobility Resource Centers shall be such as may be prescribed.

CHAPTER IV

INTERNATIONAL COOPERATION

11. International Cooperation for Promotion and Protection of Migration- (1) The Central Government may from time to time, for the promotion and facilitation of international mobility of Indian citizens for overseas employment and for their protection, negotiate or conclude mobility arrangements with other countries, or may

arrive at arrangements with different institutions or organizations within or outside India.

(2) The Council may formulate policies, guidelines and procedures, as may be required in pursuance of such arrangements. These may address different aspects of mobility, including:

(i) Examining pathways for mobility in a manner that helps realize the full potential of Indian skills and talents in the global workplace;

(ii) Promotion of mobility in specialized professions and domains;

(iii) Undertake international cooperation initiatives to establish institutions dedicated to promotion of skills and talents in particular professions;

(iv) Facilitation of circular migration for the purposes of overseas employment according to the prevailing laws of the relevant countries;

(v) Safeguarding against illegal activities and any exploitation during mobility, especially in respect of vulnerable sections;

(vi) Establish mechanisms for redressal of grievances pertaining to mobility and overseas stay;

(vii) Exchange of information on mobility statistics; and

(vii) such other matters as may be prescribed.

CHAPTER V

OVERSEAS MOBILITY REGULATION UNDER CERTAIN CONDITIONS

12. Protection of Certain category or categories of emigrants- (1) Notwithstanding anything contained in this Act, where the Central Government has reason to believe, having regard to the security, sovereignty and integrity of the Republic of India, or in the interests of the general public or protection of emigrants, that mobility of certain category or categories of Indian citizens, to any country or group of countries, should be done according to a set procedure, it may lay down such procedures, or requirements as may be prescribed in this regard.

(2) Without Prejudice to the provisions contained in sub-section (1), the Central Government may, as it may deem fit, make such

schemes and programmes, as may be notified for the protection and welfare of emigrants.

13. Power to prohibit mobility to any country - The Central Government having regard to sovereignty and integrity of the Republic of India or national security or interest of general public or protection of emigrants, it may by order published in the official Gazette and for reasons mentioned therein, prohibit mobility to a country or countries;

Provided further that such order may also be extended from time to time if situation so warrants.

14. Procedures for Overseas Placement Agency- The Central Government, in respect of countries where it is required by local regulations, guidelines and policies, and with a view to facilitate overseas mobility may prescribe rules and procedures, under the Act, for accreditation of Overseas Placement Agencies. Such agencies, thereafter, shall be able to conduct overseas placements by, inter alia, assisting prospective emigrants to match skills and qualifications for Foreign Employers.

15. Government to Government Agreements/Arrangements – In such cases where the Central Government has concluded an

agreement or arrangement with another Government, it may notify procedures for the recruitment and mobility of Indian citizens for employment abroad. To that end, the Central Government may also designate an agency or agencies to execute the relevant responsibilities in respect of the implementation.

16. Facilitation of Global Opportunities –The Overseas Mobility and Welfare Council will establish appropriate mechanisms to collect and disseminate information pertaining to global workplace opportunities. They will collect and collate relevant data from professional institutions and agencies abroad, while also coordinating with interested foreign Governments. Particular attention will be given to countries with whom mobility partnerships and specialized skilled workforce agreements have been entered into by the Central Government.

17. Procedures for Foreign Employer- The Central Government, for the purposes of the provisions contained in the Sections 14 and 15 given above or for rules and regulations made thereunder, may set procedures for certain category or categories of Foreign Employers, who shall thereafter conduct the recruitment in India for overseas employment in accordance with such procedures as may be prescribed.

CHAPTER VI

DATABASE ON MOBILITY

18. Integrated Information System – (1) The Central Government, in coordination with relevant bodies and Government departments, may establish an Integrated Information System on mobility that would drive policy formulation and implementation.

(2) For the purpose of the Integrated Information System referred to in sub-section (1), the Central Government, may specify such category of emigrants who would be required to furnish information on emigration.

(3) The manner and the method of functioning of the Integrated Information System shall be such as may be prescribed.

(4) Information about Indian citizens departing from the country, even when declared voluntarily, will be incorporated in the Integrated Information System.

CHAPTER VII

COUNTERING HUMAN TRAFFICKING AND IRREGULAR EMIGRATION

19.Policies and measures to counter human trafficking and irregular migration – (1)In pursuance to its powers and functions as enumerated under clause (i) of section 4 for the purpose of discouraging irregular emigration of Indian citizens to foreign countries for the purpose of employment and combating human trafficking, the Council shall undertake policies, measures and programmes to:

a. recommend guidelines, policies and schemes to provide guidance to the Central Government on the issue of irregular emigration and combating human trafficking.
b. arrive at international agreements, memoranda or arrangements; and such other bilateral and international instruments that seek to promote international understanding.
c. develop mechanisms, protocols for return to India of the Indian citizen whose removal is requested by the foreign government wherein the Indian citizen is normally residing.
d. promote coordination and devise facilitative mechanism between relevant union ministries, departments, bodies as well as state governments to effectively address the issue of irregular emigration and human trafficking.
e. raising awareness through suitable campaigns and programmes as may be necessary to discourage irregular emigration and human trafficking of Indian citizens to foreign countries.

f. to advice the initiation of legal proceedings/measures against organizations in cases with credible reports of involvement in irregular emigration and human trafficking.

(2) In performing the above function, the Council shall:-

(i) take due cognizance of applicable laws, regulations and rules formulated by the Central Government.

(ii) give special consideration to the protection and welfare of vulnerable categories of emigrants especially women and children.

CHAPTER VIII

PENALTIES

20. Penalties in contravention of orders issued by Competent Authority- In cases where an Overseas Placement Agency has violated or disregarded an order or finding issued by the Competent Authority under this Act, it shall be liable to the imposition of an appropriate penalty. Such penalty or penalties shall not be less than Rupees Five Lakh for each violation, and could be a maximum of Rupees Twenty Lakhs.

Provided that, where an act has been committed by virtue of this Act which is a liability as per the provisions of any other law for the time being in force, the Act providing higher degree of penalty shall

be applicable.

21. Penalty in case of repeated contraventions- If an act which is liable under this Act and is committed for the second or subsequent occasions within a period of three years, then, any or everyone thereof who is in default, shall be liable with twice the amount of penalty for such an act or cancellation of accreditation or both.

22. Penalty where no specific penalty is provided- Whoever contravenes any of the provisions of this Act or the rules made thereunder, or any condition, requirement, procedure or restriction to which any approval, sanction, consent, confirmation, recognition, direction or exemption in relation to any matter has been accorded, given or granted, and for which no penalty is provided elsewhere in the Act, anyone who is in default shall be liable to a penalty of ten thousand rupees, and in case of continuing contravention, with a further penalty of one thousand rupees, for each day after the first during which the contravention continues, subject to a maximum of fifty thousand rupees.

23. Method and Manner of Imposing Penalties- The manner of imposing penalties referred to in section 19, 20 and 21 by the Adjudicating Officer or the person to whom such responsibility has been assigned, shall be such as may be prescribed.

24. Adjudication of Penalties- (1) For the purpose of adjudging penalty under section **20** through section **22**, the Central Government shall, by notification, nominate an officer of the Central Government, not below the rank of Joint Secretary to the Central Government of India to be an Adjudicating Officer having such qualification and experience as may be prescribed and for holding an inquiry in the prescribed manner, after giving any person concerned an opportunity of being heard.

(2) While holding an inquiry, the Adjudicating Officer shall have power to summon and compel the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he/she is satisfied that the person has failed to comply with the provisions of the Act or rules and regulations made thereunder, he/she shall impose such penalty as he/she thinks fit in accordance with the provisions of the Act on account of any contravention or violation on his/her part.

(3) While adjudging the quantum of penalty any of the referred sub-section (1), the Adjudicating Officer shall have due regard to the

following factors, namely: —

(a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;

(b) the amount of loss caused as a result of the default;

(c) the repetitive nature of the default; and

(d) such other factors which the Adjudicating Officer considers necessary to the case in furtherance of justice.

CHAPTER IX

APPEALS

25. Appeals- Any person aggrieved by an order issued by the Competent Authority or the Central Government under this Act or under rules or regulations made thereunder, may prefer an appeal against such order to the Central Government within such period and with such procedures as may be prescribed.

CHAPTER X

FINANCE, ACCOUNTS AND AUDIT

26. Grants by Central Government – The Central Government may, after due appropriation made by Parliament by Law in this behalf, make to the Council grants and loans of such sums of money as that Central Government may consider necessary. The funds shall be applied for meeting;

(a) Salaries and allowances payable to the Chairperson and members and the administration expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Council; and

(b) the expenses on objects and for purposes authorized by this Act.

27. Accounts and Audit- (i) The Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(ii) The Accounts of the Council shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him/her and any expenditure incurred in connection with such auditor shall be payable by the Council to the Comptroller and Auditor-General of India.

CHAPTER XI

MISCELLANEOUS

28. Power to give effect to orders, directions, and like – The Central Government may, for the purposes of and in exercise of its powers and performance of its functions under this Act, by general or special order, give such directions, as it may think necessary to the Council or any person or officer and such Council, person or officer shall be bound to comply with such directions.

29. Application of other laws not barred- Provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

30. Protection of action taken in good faith- No suit, prosecution or other legal proceedings shall lie against an authorised officer or Central Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

31. Members to be Public Servants- The Chairperson, other members of the Council, Competent Authority, Director General of Overseas Mobility, Regional Overseas Mobility Officers, Adjudicating Officer and other employees of the Council shall be deemed to be public servants within the meaning of Section 2(28) of Bharatiya

Nyaya Sanhita, 2023.

32. Power to make rules – (1) The Central Government may, by notification and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Act to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

a. powers and functions of the Overseas Mobility and Welfare Council and of the Chairperson of the Overseas Mobility and Welfare Council;
b. eligibility, qualification and experience of the Chairperson and Members of the Overseas Mobility and Welfare Council;
c. term of office and allowance of members other than ex-officio members;
d. the experience, eligibility, functions and number of Regional Overseas Mobility Officers, other officers and employees and the terms and conditions of their service;
e. constitution of the other offices of the Council and the manner of functioning of these offices;
f. method and manner of functioning of other offices and of the Mobility Resource Centres;

g. salary and allowances payable and the other conditions of services of officers and employees of the Council;

h. procedures or requirements with regard to the protection of certain category or categories of emigrants;

i. conditions, requirements or procedures for registration of certain category or categories of Overseas Placement Agencies;

j. procedures for recruitment in India for overseas employment for certain category or categories of Foreign Employers;

k. manner and the method of functioning of the Integrated Information System;

l. method and manner of imposing penalties under the provisions of the Act;

m. procedure for the filling of the appeal under the Act;

n. maintenance of accounts, relevant records and preparing annual statement of accounts;

o. the qualification and experience of an officer to be nominated as Adjudicating Officer and the manner of holding of an inquiry for the purpose of adjudging penalties under this Act;

p. any other matter which is to be, or may be, prescribed, or in respect of which provisions are to be made, by rules.

33. Power to make regulations- (1) The Competent Authority may, by notification, and subject to the condition of previous publication, make regulations not inconsistent with the provisions of this Act

and the rules made there under to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely: —

a. purposes and the circumstances for which the welfare fund is to be utilised for the purposes of this Act;
b. times and places of meetings of the Council and the procedure to be followed at such meetings and the transaction of business at such meetings;
c. making schemes and programmes for the purposes of this Act for the protection and welfare of emigrants;
d. time intervals for the auditing by the Comptroller and Auditor General of India;
e. specify categories of intended emigrants who would be required to furnish information;
f. any other matter which is to be, or may be, specified, or in respect of which provisions are to be made, by regulations.

34. Rules and regulations to be laid before Parliament- Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be

comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rules or regulations should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

35. Power to remove difficulties- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing such difficulty.

Provided that no order shall be made under this section after expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each house of Parliament.

36. Repeal and savings – (1) The Emigration Act 1983 (hereinafter referred to as the repealed Act) is hereby repealed:

Provided that such repeal shall not affect-

(i) the previous operation of the law so repealed, or anything duly

done or suffered thereunder;

(ii) any right, privilege, obligation or liability acquired, accrued or incurred under the law so repealed;

(iii) any penalty, forfeiture or punishment incurred in respect of any violations committed against the Act so repealed; or

(iv) any investigation, proceedings, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, proceedings, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been repealed.

(2) The mention of particular matters referred to in sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

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