

Dear Sir,

Subject: Confirmation on “the applicability of registration with your office, in certain cases”

This letter is broadly divided into the following sections:

- A) What exactly is **Executive Recruiters Association (ERA)**
- B) What has ERA suggested to its members who are into Export of Manpower.
- C) Nature of confirmation sought from your office.

A) What exactly is Executive Recruiters Association (ERA)

- 1) ERA is an industry association of the Recruitment Fraternity spread across the country.
- 2) Presently it has 8 Chapter Offices across the country, namely – Mumbai, Delhi, Kolkata, Chennai, Bangalore, Hyderabad, Ahmedabad & Pune.
- 3) It has close to 100 members, with member offices in about 8 countries, abroad.
- 4) The combined annual turnover of our members exceeds Rs. 1000 Cr.
- 5) Our members employ over 125, 000 people (inclusive of associates employed as temp staff).
- 6) Our members pay over Rs. 300 Cr. / annum to the Government in the form of – Provident Fund & other staff related statutory dues, Service Tax, Income Tax & other Corporate payables.
- 7) **In essence, ERA in small way, is to the Recruitment Industry, what NASSCOM is for IT Industry.**

B) What has ERA suggested to its members, who are into export of Manpower :

- 1) Some of our members are involved in Export of Manpower & more precisely identifying middle & Senior management personnel from India, for positions abroad.

- 2) In this regard some of our members had sought a clarification on – whether they needed to get themselves registered with your office & obtain a certificate.

- 3) The Emigration Act 1983 (Act 31 of 1983) is quite simple, concise, unambiguous & lucid. A careful study of different sections of this Act, led us to the following inferences :
 - a) Only those recruiting agents who are involved in providing employment abroad, wherein the “work” in the “employment” conforms to the 7 Clauses referred to under section 2 (O) of the Emigration Act 1983, need to apply for registration & obtain a Certificate.
 - b) Consequently those recruiting Agents **not involved in any way**, in arranging employment which involves work, as contemplated under Section 2 (O) of the Emigration act 1983, (referred to above), **need not get themselves registered with your office & obtain any Certificate.**

- 4) **Based on the above inferences, ERA wishes to advise its members across the country, that –**
 - a) Any of the members who are not involved in arranging employment that involves “ Work ” as Contemplated by section 2 (O) of the emigration act 1983, need not be registered with the office of the Protector – General of Emigrants or any other body, for that matter.
 - b) In keeping with the provisions & various sections of the Emigration Act 1983, the office of Protector – General of Emigrants of India, would not be insisting on any registration from those Recruitment Agents referred in (a) above.

C) Nature of confirmation sought from your office :

- a) ERA would appreciate a letter from your office confirming that, the proposed legal advice being offered to its members - is valid & proper in Law. If there is anything contrary to the above, the same may be communicated to our office at the very earliest.
- b) The objective of this request by ERA is to ensure that its members ensure legal compliance with whatever statutes, they are governed by.

If you need any further specific information in this regard, do let us know. We look forward to your earliest response.

With warm regards,

Yours Sincerely,
For Executive Recruiters Association

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