

No. Z-11025/279/2014-Emig.
Government of India
Ministry of Overseas Indian Affairs
(Office of the Protector General of Emigrants)
(Emigration Section)

1021, Akbar Bhawan,
Chanakyapuri, New Delhi,
Dated the 09 September, 2014

To,
All POEs

Subject- Registration of lease-deeds entered into by the landlord and the prospective Recruiting Agents-- regarding

Sir,

As you are aware that one of the criterion laid down for registration of the prospective Recruiting Agent under Section 11 of the Emigration Act, 1983 read with Rule 7(1) and Rule 10(XV) (a) of the Emigration Rules, 1983, is that the minimum required area for running the office premises of the RAs shall be 50 sq. mt. In this regard a provision has been made in the guidelines/Checklist issued by the Ministry vide letter I.110011/01/2010- Emigration (p) dated 12.10.2010 & 22.10.2010 stating that all lease deeds of the office premises of the prospective RAs shall be attested by Notary/Magistrate and the same is required for a period of 3 years or at least for one year, with a provision for extension.

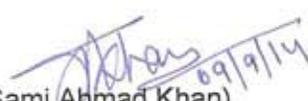
It has been brought to the notice of this Ministry that lease deeds entered into by the landlord and the prospective RAs are sometimes manipulated to qualify the laid down criterion and shall be registered under the Indian Registration Act, 1908 under which certain amount is required to be paid to the respective State Government's exchequer.

In this connection, reports have been sought from all the State Governments and some of them reported that in terms of section 17(d) of the Registration Act, 1908, lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent, shall be registered.

In view of above provision of the Indian Registration Act, 1908, all lease deeds of the office premises of the RAs whose applications are pending for Registration, having a period of 3 years or at least for one year with a provision for extension shall be registered with the competent Authority as per the Indian Registration Act, 1908, if it is mandatory in the State. All the POEs while forwarding RC applications of the prospective RAs along with Lease Deed of the office premises, not registered under the provision of the Indian Registration Act, 1908, but only attested by Notary/magistrate, shall submit a documentary proof for not enforcing the Indian Registration Act, 1908 by the State concerned. This provision will also be applicable in cases of change of office premises.

This has been issued with the approval of the competent authority.

Yours faithfully,


(Sami Ahmad Khan)

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