

The Passport (Entry Into India) Act, 1920

UNION OF INDIA

India

The Passport (Entry Into India) Act, 1920

Act 34 of 1920

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1. [Amended by The Passport (Entry Into India) Amendment Act, 2000 (Act 47 of 2000) on 1 January 2000]

The Passport (Entry Into India) Act, 1920(34 of 1920)

145.

Statement of Objects and Reasons.-The present rules requiring passports for egress from and ingress into India were issued under the Defence of India Act which expires six months after the end of the war. It is desired to retain power to continue the present system in whole or in part as may seem necessary for the purpose, bringing the Indian practice into line with that of other parts of the British Empire and of foreign nations. An Act to take power to require passports of persons entering [India] [Substituted by Act 36 of 1949, Section 2 (w.e.f. 28.4.1949.)]. Whereas it is expedient to take power to require passports of persons entering [India] [Substituted by Act 36 of 1949, Section 2 (w.e.f. 28.4.1949.)]; It is hereby enacted as follows:-

The Act has been extended to the Union territories of (1) Goa, Daman and Diu by Regulation 12 of 1962. Goa is now a State, see Act 18 of 1987, Section 3 (w.e.f. 30.5.1987); (2) Dadra and Nagar Haveli by Regulation 6 of 1963 and (3) Laccadive, Minicoy and Amindivi Islands by Regulation 8 of 1965. These islands are now known as Lakshadweep. The Act has been extended and enforced in Sikkim w.e.f. 20.9.1976, see S.O.208(E) of 1975 and S.O.3393 of 1976.

1. Short title and extent

(1) This Act may be called [The Passport (Entry into India) Act, 1920] [Substituted by Act 15 of 1967, Section 25, for "The Indian Passport Act, 1920" (w.e.f. 5.5.1967).]. (2) It shall extend to [the whole of [India] [Inserted by Act 36 of 1949, Section 3 (w.e.f. 28.4.1949).] [- - -] [Certain words omitted by Act 3 of 1951, Section 3 and Sch.].

2. Definitions

.In this Act, unless there is anything repugnant in the subject or context, entry means entry by water, land or air; passport means a passport for the time being in force issued or renewed by the prescribed authority and satisfying the conditions prescribed relating to the class of passports to which it belongs; and prescribed means prescribed by rules made under this Act.

3. Power to make rules

(1)The Central Government may make [rules] [[See the Indian Passport Rules, 1950; the CentralPassport and Emigration Organisation (Initial Constitution and Maintenance) Rules, 1959.]] requiring that persons entering [India] [Substituted by Act 36 of 1949, Section 4 (w.e.f. 28.4.1949).] shall be in possession of passports, and for all matters ancillary or incidental to that purpose.(2)Without prejudice to the generality of the foregoing power such rules may(a)prohibit the entry into [India] [Substituted by Act 36 of 1949, Section 4 (w.e.f. 28.4.1949).] or any part thereof of any person who has not in his possession a passport issued to him;(b)prescribe the authorities by whom passports must have been issued or renewed, and the conditions with which they must comply, for the purposes of this Act; and(c)provide for the exemption, either absolutely or on any condition, of any person or class of persons from any provision of such rules.(3)Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be [punishable with imprisonment for a term which may extend to five years, or with fine which may extend to fifty thousand rupees, or with both] [[Substituted by Act 47 of 2000, Section 2, for [punishable with imprisonment for a term which may extend to three months, or with fine, or with both] (w.e.f. 8.12.2000).]].(4)All rules made under this section shall be published in the Official Gazette, and shall thereupon have effect as if enacted in this Act.(5)[Every rule 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 rule or both Houses agree that the rule should not be made, the rule 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.] [Inserted by Act 4 of 1986, Section 2 and Sch. (w.e.f. 15.5.1986).][3-A. Punishable for subsequent offences [Inserted by Act 47 of 2000, Section 3 (w.e.f. 8.12.2000)].Whoever having been convicted of an offence under any rule or order made under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the later offence.]

4. Power of arrest

(1)Any officer of police, not below the rank of a sub-inspector, and any officer of the Customs Department empowered by a general or special order of the [Central Government] [Substituted by A.O. 1937.] in this behalf may arrest without warrant any person who has contravened or against whom a reasonable suspicion exists that he has contravened any rule or order made under section 3.(2)Every officer making an arrest under this section shall, without unnecessary delay, take or send

the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police station and the provisions of [section 57 of the Code of Criminal Procedure, 1973 (2 of 1974),] [Substituted by Act 47 of 2000, Section 4, for "section 61 of the Code of Criminal Procedure, 1898 (5 of 1898)," (w.e.f. 8.12.2000).] shall so far as maybe, apply in the case of any such arrest.

5. Power of removal

.The Central Government may, by general or special order, direct the removal of any person from [India] [Substituted by Act 36 of 1949, Section 4 (w.e.f. 28.4.1949)] who in contravention of any rule made under section 3 prohibiting entry into [India] [[Substituted by Act 36 of 1949, Section 4 (w.e.f. 28.4.1949).]] without passport, has entered therein, and thereupon any officer of the Government shall have all reasonable powers necessary to enforce such direction.

6. Application of Act to Part B States

.[Repealed by the Part B States (Laws) Act, 1951 (3 of 1951), section 3 and Schedule.