



LAW RELATING TO PASS PORT IN INDIA A CRITICAL STUDY

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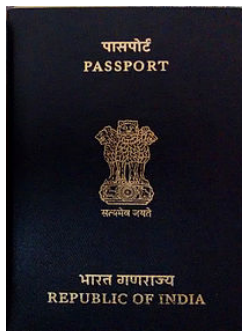
This paper is purpose of research work. The Passports Act is an act of the Parliament of India "for the issue of passports and travel documents, to regulate the departure from India of citizens of India and for other persons and for matters incidental or ancillary thereto." The Act applies to whole of India extending to citizens of India living outside the country. The Act replaced the Indian Passport Ordinance 1967 and was enacted by Act 15 of 1967 with retrospective effect from 5 May 1967. The act describes the procedures in getting an Indian passport, which replaced the British Indian passport and The Passport Act of 1920.

In conformity with Article 9 of the Indian Constitution, the Act does not allow dual citizenship. Under Section 12 of the Act, a person must surrender his passport if he has acquired the citizenship of a foreign country.

KEYWORDS :**Background**

In *Satwant Singh Sawney v. D. Ramarathnam*, Asst. Passport Officer, the Supreme Court has held that a right to travel is a Fundamental right under Article 21 of Indian Constitution and the government has no right to refuse a passport to a person who has applied for the same. It thus became necessary to regulate the issuance of passport and travel documents by law. Prior to the act, the government had issued passports in exercise of its executive power on foreign relations.

As, the Parliament was not in session at that time, the President of India promulgated an ordinance namely "The Indian Passport Ordinance, 1967 (4 of 1967)". The aforesaid act was passed to replace the ordinance.

Classes of passports and travel documents**Indian passport cover**

The following classes of passports are issued under this act

1. ordinary passport;
2. official passport;
3. diplomatic passport.

The following classes of travel documents may be issued under this act

1. emergency certificate authorising a person to enter India;
2. certificate of identity for the purpose of establishing the identity of person;
3. such other certificate or document as may be prescribed.

Impounding of passport

The passport authority may impound or cause to be impounded or revoke a passport or travel document:--

1. if the passport authority is satisfied that the holder of the passport or travel document is in wrongful possession thereof;

2. if the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf;
3. if the passport authority deems it necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public;
4. if the holder of the passport or travel document has, at any time after the issue of the passport or travel document, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;
5. if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel document are pending before a criminal court in India;
6. if any of the conditions of the passport or travel documents is contravened;
7. if it is brought to the notice of the passport authority that a warrant or summons for the appearance, or a warrant for the arrest, of the holder of the passport or travel document has been issued by a court under any law for the time being in force or if an order prohibiting the departure from India of the holder of the passport or other travel document has been made by any such court and the passport authority is satisfied that a warrant or summons has been so issued or an order has been so made;
8. A court convicting the holder of a passport or travel document of any offence under this Act or the rules made thereunder may also revoke the passport or travel document.

Restriction on granting passport

The passport authority or central shall refuse to issue passport on any one or more of the following grounds, and no other ground

1. that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;
2. that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;
3. that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country;
4. that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest;
5. that the applicant is not a citizen of India;
6. that the applicant has, at any time during the period of five

years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

7. that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;
8. that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;
9. that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation.

Indian passport



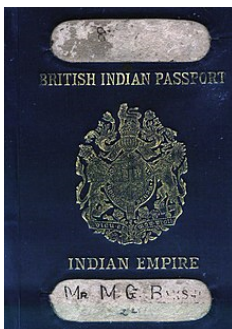
An Indian passport is issued by the Indian Ministry of External Affairs to Indian citizens for the purpose of international travel. It enables the bearer to travel internationally and serves as proof of Indian citizenship as per the Passports Act (1967). The Passport Seva (Passport Service) unit of the Consular, Passport & Visa (CPV) Division of the Ministry of External Affairs functions as the central passport organization, and is responsible for issuing Indian passports on demand to all eligible Indian citizens. Indian passports are issued at 93 passport offices located across India and at 162 Indian diplomatic missions abroad.

In 2015, India issued about 12 million passports, a number exceeded only by China and the United States. Approximately 65 million Indians held valid passports as of the end of 2015.

History



Muhammad Ali Jinnah's passport issued by the British Indian Empire.



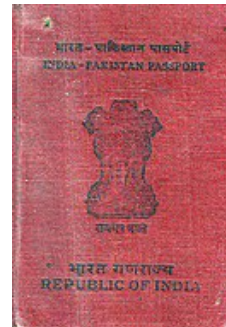
British Indian passport issued during the British Raj

British Raj

British Indian passports were issued to British subjects of the British Indian Empire, as well as to British subjects from other parts of the British Empire, and subjects of the British protected states in India (i.e. British protected persons of the 'princely states'). These passports were introduced in British India after the First World War. The *Indian Passport Act of 1920* required the use of passports, established controls on the foreign travel of Indians, and foreigners travelling to and within India. The passport was based on the format agreed upon by the 1920 League of Nations International Conference on Passports. However, the British Indian passport had very limited usage, being valid for travel only within the British Empire, Italy, Switzerland, Austria, Czechoslovakia, Germany, France, Spain, Norway, Sweden and Holland.

Dominion of India

The use of the passport was discontinued after the establishment of the dominions of India and Pakistan in 1947, and its bearers were entitled to opt for Indian, Pakistani or British nationality. Passport laws were made strict in both the countries in 1952. Citizens of both India and Pakistan did not need a visa or were issued one on arrival until the Second Kashmir War. Before the war, citizens of both countries could freely travel to each other's countries, despite having gone to war in 1947 over Kashmir.



Joint India-Pakistan passport issued to migrants to enable them to visit family, friends and ancestral homes located on the other side of the Radcliffe line.

Types of passport



3 types of Indian Passport

1. Ordinary Passport (Dark Blue) is issued to ordinary citizens for ordinary travel, such as for vacation, study and business trips (36 or 60 pages). It is a "Type P" passport, where P stands for Personal.
2. Official Passport (White cover) is issued to individuals representing the Indian government on official business. It is a "Type S" passport, S stands for Service.
3. Diplomatic Passport (Maroon cover) is issued to Indian diplomats, top ranking government officials and diplomatic couriers. It is a "Type D" passport with D stands for Diplomatic.

In addition, selected passport offices in India as well as overseas missions were authorised to issue regular Indo-Bangladesh passports and Indo-Sri Lankan passports to

Indian nationals resident in West Bengal, the North-Eastern States, Tamil Nadu and Puducherry. These two passports respectively permitted travel to Bangladesh and Sri Lanka only and were not valid for travel to other foreign countries. India stopped issuing the Indo-Bangladeshi passport in 2013.

Tatkaal and SVP

Tatkaal Passports (for urgent needs), and Short Validity Passport (SVP) are also available and these are generally considered Ordinary Passports once issued.

Physical appearance

Contemporary ordinary Indian passports have a black or deep bluish-black cover with golden coloured printing. The standard passport contains 36 pages, but frequent travellers can opt for a passport containing 60 pages. Some early passports were handwritten, including some issued between 1997 and 2000 with 20 year validity dates. These passports have been ruled invalid by the Indian government and holders must replace them with machine-readable versions good for 10 years due to ICAO regulations.

Identity Information Page



Bio-data page of an Indian passport issued since 2013



Bio-data page of an Indian passport issued prior to 2013

The Bio data page contains the following information:

1. Type: "P"- Stands for "Personal", "D"- Stands for "Diplomatic", "S"- Stands for "Service"
2. Country code: IND
3. Passport number
4. Surname
5. Given name(s)

6. Nationality: Indian
7. Sex
8. Date of birth
9. Place of birth
10. Place of issue
11. Date of issue
12. Date of expiry
13. Photo of passport holder
14. Ghost picture of the passport holder (only passports issued since 2013)
15. Signature of the passport holder
16. The information page ends with the Machine Readable Passport Zone (MRZ).

The Demographics page at the end of the passport book contains the following information:

1. Name of father or legal guardian
2. Name of mother
3. Name of spouse
4. Address
5. Old passport number
6. File number

Passport note

All passports contain a note in Hindi and English, nominally from the President of India, addressing the authorities of all countries and territories:

These are to request and require in the Name of the President of the Republic of India all those whom it may concern to allow the bearer to pass freely without let or hindrance, and to afford him or her, every assistance and protection of which he or she may stand in need.

By order of the President of the Republic of India

The note bearing page is typically stamped and signed by the issuing authority in the name of the **President of the Republic of India**.

Languages

The text of Indian Passport is printed in both Hindi and English, two official languages of India.

Emigration check



A page in the Indian passport with Emigration check note.

Holders of Emigration Check Required (ECR) type passports need a clearance called an Emigration Check from the Government of India's Protector of Emigrants when going to selected countries on a work visa. This is to prevent the exploitation of Indian workers (especially the unskilled and less-educated) when going abroad, particularly to Middle Eastern countries. ECR type passport holders travelling on a tourist visa do not need a clearance; this is known as an Emigration Check Suspension.

Emigration Check Not Required (ECNR) status passports are granted to:

1. Indian nationals born abroad;
2. Indian nationals holding at least a matriculation certificate;
3. All holders of diplomatic or official passports.

4. All gazetted government servants;
5. All income-tax payers (including agricultural income-tax payers) in their individual capacity;
6. All graduate and professional degree holders (such as doctors, engineers, chartered accountants, scientists, lawyers, etc.);
7. Spouses and dependent children of category of certain holders of ECNR passports;
8. Seamen in possession of a CDC;
9. Sea Cadets and Deck Cadets who have:
 1. Passed their final examination on a three-year B.Sc. Nautical Sciences Course at T.S. Chanakya, Mumbai; and
 2. Undergone three months' pre-sea training at any of the government-approved training institutes such as T.S. Chanakya, T.S. Rehman, T.S. Jawahar, MTI (SCI), or NIPM, Chennai, after production of identity cards issued by the Shipping Master at Mumbai, Kolkata, or Chennai;
10. Persons holding a Permanent Immigration Visa, such as visas issued by the UK, USA, or Australia;
11. Persons possessing a two years' diploma from any institute recognized by the National Council for Vocational Training (NCVT) or the State Council of Vocational Training (SCVT), or persons holding a three years' diploma or equivalent degree from an institution such as a polytechnic recognized by the central or a state government;
12. Nurses possessing qualifications recognised under the Indian Nursing Council Act, 1947;
13. All persons above the age of 50 years;
14. All persons who have been staying abroad for more than three years (whether in one continuous period or in aggregate), as well as their spouses;
15. All children up to the age of 18 years.

In accordance with a ruling by the Ministry of External Affairs, passports issued from 2007 onwards do not have the ECNR stamp affixed; instead, a blank page 2 of the passport is deemed to have been ECNR endorsed. As a result, only ECR stamps are now affixed to Indian passports. For passports issued before January 2007, no notation in the passport means ECR. For passports issued in or after January 2007, no notation in the passport means ECNR. If Emigration Check is Required, there will be an endorsement in the passport regarding ECR.

Features

Since 25 November 2015, Indian passports that are handwritten or with an original date of expiry extending to 20 years have not had been valid under ICAO travel regulations. With more recent Indian passports the personal particulars of the passport holder, that were hitherto printed on the inner cover page, are printed on the second page of the document. Another added security feature in the newer non-handwritten passports is a ghost picture of the holder found on the right side of the second page. Apart from stymieing criminals from printing fake passports, recent changes also help prevent smudging of the document because of inkjet printers.

Fees

The price of a standard passport in India:

1. ₹1500 – Fresh issuance or reissue of passport (36 pages, standard size) with 10 year validity.
2. ₹2000 – Fresh issuance or renewal of passport (60 pages, 'jumbo' size) with 10 year validity.
3. ₹3500 – First time applicant or renewal with expedited ('tatkaal') service (36 pages) with 10 year validity.
4. ₹4000 – First time applicant or renewal with expedited ('tatkaal') service (60 pages) with 10 year validity.
5. ₹1000 – Fresh passport issuance for minors (below 18 years of Age) with 5 year validity or till the minor attains the age of 18, whichever is earlier.
6. ₹3000 – Duplicate passport (36 pages) in lieu of lost,

damaged or stolen passport.

7. ₹3500 – Duplicate passport (60 pages) in lieu of lost, damaged or stolen passport.

Indian passports can also be issued outside India, for which fees varies by country.

Issuance

Passport Seva Kendra

In September 2007, the Indian Union cabinet approved a new passport issuance system under the Passport Seva Project. As per the project, front-end activities of passport issuance, dispatch of passports, online linking with police, and Central Printing Unit for centralised printing of passports will be put in place. The new system is trying to be 'timely, transparent, more accessible and reliable manner' for passport issuance. The applicant has to apply for fresh/reissue of passport through the Passport Seva system at one of the 77 Passport offices known as 'Passport Seva Kendra's operating throughout the country.

Biometric passport

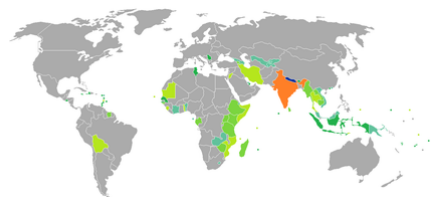
India has recently initiated the first phase of biometric e-passport for Diplomatic passport holders in India and abroad. The new passports have been designed locally by the Central Passport Organisation, the India Security Press and IIT Kanpur. It contains a security chip with all personal data and digital images. In the first phase new passports will have a 64KB chip carrying a photograph of the passport holder and in subsequent phases it will have a fingerprint. The new passport has already been tested with passport readers in the United States and has 4-second response time, while the US Passport has 10-second response time. It need not be carried in a metal jacket for security reasons. It will first need to be skimmed through a reader, after which it would generate an access code which then unlocks the chip for reader access.

In India, the e-passport is under its first phase of deployment and is restricted to Diplomatic passport holders. On 25 June 2008 the Indian Passport Authority issued the e-passport to the then President of India Pratibha Patil. As of 2016, the Government has plans to issue e-passports to all of its citizens. Also the Government has authorized Indian Security Press to float a global three-stage tender for procurement of ICAO-compliant electronic contactless inlays along with its operating system, which is required for the manufacture of biometric Passports. The necessary procurement have been initiated by India Security Press, Nasik by calling for Global tender for the supply of electronic contactless inlays. The actual transition to the new age passport is expected to commence on the successful completion of the tendering and procurement process.

Passport power and visa requirements

Visa requirements for Indian citizens are administrative entry restrictions by the authorities of other states placed on citizens of India.

Passport Power Ranking and visa-free travel



Visa requirements for Indian citizens

1. India
2. Visa free
3. Freedom of movement
4. Visa issued upon arrival

5. Electronic/Pre Arrival Authorisation or eVisa
6. Visa available both on arrival or online
7. Visa required prior to arrival

As of September 2019, Henley Passport Index ranks Indian passport at 79th place with visa-free or visa on arrival access to 61 nations and territories to Indian citizens. As of September 2019, The Passport Index ranks Indian passport 70th place on global ranking with 66 mobility ranking (based on visa-free or visa on arrival access to nations or territories) and 144th individual rank (based on UN Human Development Index). Furthermore, Indian citizens may live and work freely in Nepal under the terms of the 1950 Indo-Nepal Treaty of Peace and Friendship.

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