



ORIGINAL RESEARCH PAPER

Arts

LAW RELATING TO PASS PORT IN INDIA A CRITICAL STUDY OF MODERN LAW

KEY WORDS:

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ABSTRACT

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. From getting together 15 annexes, getting them signed by an officer, to lining up at the passport office...the Indian Passport process was known to be a daunting experience. This is all about to change! In keeping with the modern and tech savvy image of the current government, the Ministry of External Affairs has introduced a number of new changes to the passport process. A liberal move indeed—getting a passport will now be much easier and quicker!

Below are the changes that have been introduced:

1. Proof of Date of Birth

Then: All the applicants born on or after 26/01/1989, had to submit the Birth Certificate as the proof of Date of Birth (DOB).
Now: All applicants of passports can submit any one of the following documents as the proof of DOB while submitting the passport application:

- (i) Birth Certificate (BC) issued by the Registrar of Births & Deaths or the Municipal Corporation or any other prescribed authority whosoever has been empowered under the Registration of Birth & Deaths Act, 1969 to register the birth of a child born in India.
- (ii) Transfer/School leaving/Matriculation Certificate issued by the school last attended/recognized educational board containing the DOB of the applicant.
- (iii) PAN Card issued by the Income Tax Department with the DOB of the applicant.
- (iv) Aadhar Card/E-Aadhar having the DOB of the applicant.
- (v) Copy of the extract of the service record of the applicant (only applicable for Government servants) or the Pay Pension Order (applicable for retired Government Servants), duly attested/certified by the officer/in-charge of the Administration of the concerned Ministry/Department of the applicant, having his DOB.
- (vi) Driving Licence issued by the Transport Department of the concerned State Government, having the DOB of the applicant.
- (vii) Election Photo Identity Card (EPIC) issued by the Election Commission of India having the DOB of the applicant.
- (viii) Policy Bond issued by the Public Life Insurance Corporations/Companies having the DOB of the holder of the insurance policy.

2. Name of Only Parent or Legal Guardian

A big change was introduced following an internal report examining various issues pertaining to passport applications where mother/child have insisted that the name of the father should not be mentioned in the passport and, passport should be easily issued to children with single parent and to adopted children.

Then: Providing the names of both the parents was mandatory at the time of applying for the passport. Now: The online

passport application form now requires the applicant to provide the name of the father or the mother or the legal guardian. This would enable single parents to apply for passports for their children and to also issue passports where the name of either the father or the mother must not be printed at the request of the applicant.

3. Reduction of Annexes

Then: A total number of 15 annexes were mandatory earlier.

Now: The total number of Annexes have been brought down to 9. Annexes A, C, D, E, J, and K have been removed and certain Annexes have been merged.

4. No attestation required

Then: All annexes earlier provided had to be attested by a Notary/Executive Magistrate/First Class Judicial Magistrate.

Now: All the annexes that are required to be given by the applicants would be in the form of a self-declaration on a plain paper.

5. Marriage Certificate

Then: Married applicants were not required to provide a marriage certificate.

Now: The Passport application form does not require the applicant to provide the name of her/his spouse in case of separated or divorced persons. Such applicants for passports would not be required to provide even the Divorce Decree.

Some Other Changes:

1. Orphaned children who do not have any proof of DOB such as Birth Certificate or the Matriculation Certificate or the declaratory court order, may now submit a declaration given by the Head of the Orphanage/Child Care Home on their official letter head of the organization confirming the DOB of the applicant.
2. In case of children not born out of wedlock, the applicant for the passport of such children should submit only Annexure G while submitting the passport application.
3. In case of issue of passport to in-country domestically adopted children, submission of the registered adoption deed would no longer be required. In the absence of any deed to this effect, the passport applicant may give a declaration on a plain paper confirming the adoption.

4. Government servants, who are not able to obtain the Identity Certificate (Annexure-B)/ No-Objection Certificate (Annexure-M) from their concerned employer and intend to get the passport on urgent basis can now get the passport by submitting a self-declaration in Annexure-'N' that he/she has given prior intimation letter to his/her employer informing that he/she was applying for an ordinary passport to a Passport Issuing Authority.
5. Sadhus/ Sanyasis can apply for a passport with the name of their spiritual Guru mentioned in the passport application in lieu of their biological parent(s) name(s) subject to their providing of at least one public document such as Election Photo Identity Card (EPIC) issued by the Election Commission of India, PAN card, Aadhar Card, etc. wherein the name of the Guru has been recorded against the column(s) for parent(s) name(s).

Was the long cumbersome process of acquiring a passport holding you back? Not anymore!

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 organisation, 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.

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

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 Emblem of India is emblazoned in the centre of the front cover. 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.

Features

Since 25 November 2015, Indian passports that are handwritten or with an original date of expiry extending to 20 years have not 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.

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.

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