

THE PASSPORTS ACT, 1967

SUMMARY

The Passports Act, 1967 provides for the issuance of passports and travel documents to Indian citizens, as well as regulates the departure from and entry into India. The Act also outlines the procedures for issuing, renewing, impounding, and revoking passports and travel documents, as well as the penalties for violating the provisions of the Act. The Passport Authority, which is responsible for administering the Act, is authorized to refuse to issue a passport or travel document to an individual if it is necessary in the interest of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or if the applicant has been convicted of an offense involving moral turpitude. The Act also allows the Passport Authority to seize and impound passports and travel documents if it deems it necessary.

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Section 1: Short Title And Extent

(1) This Act may be called the Passports Act, 1967.

(2) It extends to the whole of India and applies also to citizens of India who are outside India.

Simplified Act

- (1) The name of this law is the Passports Act, 1967.
- (2) This law is valid everywhere in India and also for Indian citizens who are in other countries.

Section 2: Definitions

In this Act, unless the context otherwise requires,

- (a) "departure", with its grammatical variations and cognate expressions, means departure from India by water, land or air;
- (b) "passport" means a passport issued or deemed to have been issued under this Act;
- (c) "passport authority" means an officer or authority empowered under rules made under this Act to issue passports or travel documents and includes the Central Government;
- (d) "prescribed" means prescribed by rules made under this Act;
- (e) "travel document" means a travel document issued or deemed to have been issued under this Act.

Simplified Act

This law has special meanings for some words, unless the situation clearly needs a different meaning:

- (a) "departure" refers to leaving India whether by boat, by crossing a border on land, or by flying.
- (b) "passport" is a travel document that has been given out, or is considered to have been given out, according to the rules of this law.
- (c) "passport authority" is the person or office that has the power, given by the rules of this law, to give out passports or other travel papers. This also includes the Central Government.
- (d) "prescribed" refers to something that is specified or set out in the rules made under this law.
- (e) "travel document" is any document that allows you to travel and has been issued, or is seen as having been issued, under this law.

Section 3: Passport Or Travel Document For Departure From India

No person shall depart from, or attempt to depart from India unless he holds in this behalf a valid passport or travel document. Explanation - For the purposes of this section, -

(a) "passport" includes a passport which having been issued by or under the authority of the Government of a foreign country satisfies the conditions prescribed under the Passport (Entry into India) Act, 1920 (34 of 1920), in respect of the class of passports to which it belongs;

(b) "travel document" includes a travel document which having been issued by or under the authority of the Government of a foreign country satisfies the conditions prescribed.

Simplified Act

You can't leave India or try to leave India without having a valid passport or travel document. What we mean by this:

(a) When we say "passport," we also mean any passport from another country that meets the Indian laws for that type of passport.

(b) "Travel document" also includes any document from another country that lets you travel and meets the Indian requirements.

Section 4: Classes Of Passports And Travel Documents

(1) The following classes of passports may be issued under this Act, namely:

(a) ordinary passport;

(b) Official passport;

(c) diplomatic passport.

(2) The following classes of travel documents may be issued under this Act, namely:

(a) emergency certificate authorising a person to enter India;

(b) certificate of identity for the purpose of establishing the identity of a person;

(c) such other certificate or document as may be prescribed.

(3) The Central Government shall, in consonance with the usage and practice followed by it in this behalf, prescribe the classes of persons to whom the classes of passports and travel documents referred to respectively in sub-section (1) and sub-section (2) may be issued under this Act.

Simplified Act

(1) There are three types of passports that can be given out:

- (a) An ordinary passport for regular citizens;
- (b) An official passport for government officials;
- (c) A diplomatic passport for diplomats.

(2) There are also three types of travel documents that can be given out:

- (a) An emergency certificate to let someone enter India in urgent situations;
- (b) A certificate of identity to prove who someone is;
- (c) Any other certificate or document that the government decides is needed.

(3) The Central Government will decide who can get these passports and travel documents, based on rules and practices it already uses.

Section 5: Applications For Passports, Travel Documents, Etc, And Orders Thereon

(1) An application for the issue of a passport under this Act for visiting such foreign country or countries (not being a named foreign country) as may be specified in the application may be made to the passport authority and shall be accompanied by such fee as may be prescribed to meet the expenses incurred on special security paper, printing, lamination and other connected miscellaneous services in issuing passports and other travel documents. Explanation - In this section, "named foreign country" means such foreign country as the Central Government may, by rules made under this Act, specify in this behalf.

(1A) An application for the issue of:

- (i) a passport under this Act for visiting a named foreign country; or

(ii) a travel document under this Act, for visiting such foreign country or countries (including a named foreign country) as may be specified in the application or for an endorsement on the passport or travel document referred to in this section,

may be made to the passport authority and shall be accompanied by such fee (if any) not exceeding rupees fifty, as may be prescribed.

(1B) Every application under this section shall be in such form and contain such particulars as may be prescribed.

(2) On receipt of an application under this section, the passport authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing,

(a) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of the foreign country or countries specified in the application; or

(b) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of one or more of the foreign countries specified in the application and refuse to make an endorsement in respect of the other country or countries; or

(c) refuse to issue the passport or travel document or, as the case may be, refuse to make on the passport or travel document any endorsement.

(3) Where the passport authority makes an order under clause (b) or clause (c) of sub-section (2) on the application of any person, it shall record in writing a brief statement of its reasons for making such order and furnish to that person on demand a copy of the same unless in any case the passport authority is of the opinion that it will not be 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 to furnish such copy.

Simplified Act

Simplified Explanation of The Passports Act, 1967, Section 5

Applying for a Passport:

(1) If you want a passport to travel to one or more unspecified foreign countries, you need to apply to the passport authority and pay a fee. This fee covers the cost of special security paper, printing, lamination, and other services related

to issuing passports and travel documents. Note: A "named foreign country" is a specific country that the Indian government identifies by making rules under this law.

(1A) If you're applying for a passport to visit a named foreign country, or you need a travel document (or an endorsement on an existing one) for traveling to one or more countries (named or unnamed), you also have to apply to the passport authority and pay a fee, which won't be more than 50 rupees.

(1B) Your application must be in the prescribed form and include all the required details.

Processing the Application:

(2) When the passport authority gets your application, they will conduct any necessary inquiries. Then, as long as there are no other issues according to the law, they will decide in writing to:

(a) Issue the passport or document, or make the requested endorsement for the countries you want to visit; or

(b) Issue the passport or document, or make the endorsement for some of the countries you want to visit, but not for others; or

(c) Refuse to issue the passport or document, or refuse to make any endorsement.

Refusal of Application:

(3) If the passport authority refuses your application or only partially approves it, they must write down the reasons why. You can ask for a copy of these reasons unless the authority believes sharing them would harm India's sovereignty, security, foreign relations, or public interest.

Section 6: Refusal Of Passports, Travel Documents, Etc

(1) Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any foreign country under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:

that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;

that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

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;

that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:

that the applicant is not a citizen of India;

that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;

that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

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;

that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

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;

that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

Simplified Act

Simplified Explanation:

(1) The passport authority won't allow you to go to certain countries if:

You might do something that could harm India's unity and authority;

Your presence might be a threat to India's security;

Your visit might upset India's relations with that or other countries;

The government thinks it's not good for the public if you go there.

(2) The passport authority won't give you a passport to visit other countries if:

You're not an Indian citizen;

You might do harmful activities against India while abroad;

Your leaving India might threaten its security;

Your presence abroad might upset India's relations with other countries;

You've been in jail for at least two years for a bad crime in the last five years;

You have ongoing criminal court cases against you in India;

A court has issued a warrant for you, or you've been ordered not to leave India;

You were sent back to India at the government's expense and haven't paid back the costs;

The government thinks giving you a passport isn't good for the public.

Section 7: Duration Of Passports Travel Documents

A passport or travel document shall, unless revoked earlier, continue in force for such period as may be prescribed and different periods may be prescribed for different classes of passports or travel documents or for different categories of passports or travel documents under each such class:

Provided that a passport or travel document may be issued for a shorter period than the prescribed period:

(a) if the person by whom it is required so desires; or

(b) if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period.

Simplified Act

A passport or travel document is valid for a set amount of time decided by the law. This time can vary for different types of passports or travel documents, and also within those types:

However, a passport or travel document can be issued for less time than the usual:

(a) if the person asking for it wants it for a shorter time; or

(b) if the authority giving the passport has a good reason, which they must write down and tell the person asking for the passport, to give it for a shorter time.

Section 8: Extension Of Period Of Passport

Extension of period of Passport - Where a passport is issued for a shorter period than the prescribed period under section 7, such shorter period shall, unless the passport authority for reasons to be recorded in writing otherwise determines, be extendable for a further period (which together with the shorter period shall not exceed the prescribed period) and the provisions of this Act shall apply to such extension as they apply to the issue thereof.

Simplified Act

Simplified Explanation of Section 8 - Extending Your Passport's Validity

If your passport was initially given to you for less time than the usual allowed period, you can usually extend it. The total time, including the extension, can't go beyond the maximum period allowed by law. The same rules that applied when you first got your passport will also apply to this extension. The passport office must write down the reasons if they decide not to extend your passport.

Section 9: Conditions And Forms Of Passports And Travel Documents

The conditions subject to which, and the form in which, a passport or travel document shall be issued or renewed shall be such as may be prescribed:

Provided that different conditions and different forms may be prescribed for different classes of passports or travel documents or for different categories of passports or travel documents under each such class:

Provided further that a passport or travel document may contain in addition to the prescribed conditions such other conditions as the passport authority may, with the previous approval of the Central Government, impose in any particular case.

Simplified Act

The rules for issuing or renewing a passport or travel document, and the way these documents should look, will be set by the government.

However, the government can set different rules and use different forms for different types of passports or travel documents, or even for different groups within a type.

Also, the passport office can add extra rules to a passport or travel document in special cases, but they need to get permission from the Central Government before doing so.

Section 10: Variation, Impounding And Revocation Of Passports And Travel Documents

(1) The passport authority may, having regard to the provisions of sub-section (1) of section 6 or any notification under section 19, vary or cancel the endorsements on a passport or travel document or may, with the previous approval of the Central Government, vary or cancel the conditions (other than the prescribed conditions) subject to which a passport or travel document has been issued and may, for that purpose, require the holder of a passport or a travel document, by notice in writing, to deliver up the passport or travel document to it within such time as may be specified in the notice and the holder shall comply with such notice.

(2) The passport authority may, on the application of the holder of a passport or a travel document, and with the previous approval of the Central

Government also vary or cancel the conditions (other than the prescribed conditions) of the passport or travel document.

(3) The passport authority may impound or cause to be impounded or revoke a passport or travel document, -

(a) if the passport authority is satisfied that the holder of the passport or travel document is in wrongful possession thereof;

(b) 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: Provided that if the holder of such passport obtains another passport, the passport authority shall also impound or cause to be impounded or revoke such other passport.

(c) 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;

(d) 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;

(e) 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;

(f) if any of the conditions of the passport or travel document has been contravened;

(g) if the holder of the passport or travel document has failed to comply with a notice under sub-section (1) requiring him to deliver up the same;

(h) 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.

(4) The passport authority may also revoke a passport or travel document on the application of the holder thereof.

(5) Where the passport authority makes an order varying or cancelling the endorsements on, or varying the conditions of, a passport or travel document under sub-section (1) or an order impounding or revoking a passport or travel document under sub-section (3), it shall record in writing a brief statement of the reasons for making such order and furnish to the holder of the passport or travel document on demand a copy of the same unless in any case, the passport authority is of the opinion that it will not be 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 to furnish such a copy.

(6) The authority to whom the passport authority is subordinate may, by order in writing, impound or cause to be impounded or revoke a passport or travel document on any ground on which it may be impounded or revoked by the passport authority and the foregoing provisions of this section shall, as far as may be, apply in relation to the impounding or revocation of a passport or travel document by such authority.

(7) 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: Provided that if the conviction is set aside on appeal or otherwise the revocation shall become void.

(8) An order of revocation under sub-section (7) may also be made by an appellate court or by the High Court when exercising its powers of revision.

(9) On the revocation of a passport or travel document under this section the holder thereof shall, without delay, surrender the passport or travel document, if the same has not already been impounded, to the authority by whom it has been revoked or to such other authority as may be specified in this behalf in the order of revocation.

Simplified Act

Simplified Explanation of Section 10 of The Passports Act, 1967

(1) The passport office can change or remove special notes on your passport or travel document. They can also change or remove certain conditions (except for standard conditions) for which your passport was issued. This can only be done with permission from the central government. They might ask you to

hand over your passport by sending you a written notice, and you must do so within the time they give you.

(2) If you ask for it, the passport office can also change or remove certain conditions on your passport, but they need permission from the central government to do this as well.

(3) The passport office can take away or cancel your passport or travel document if:

You shouldn't have the passport or travel document.

You got it by hiding important information or by giving false information.

It's necessary for India's safety, its relationships with other countries, or public interest.

You've been convicted of a serious crime and sentenced to at least two years in jail.

You're currently facing criminal charges in court.

You broke any of the conditions of your passport or travel document.

You didn't follow their written notice to hand over your passport.

A court has issued a warrant for your arrest, or there's a court order stopping you from leaving India.

(4) You can also apply to have your passport or travel document revoked.

(5) When the passport office changes or cancels notes or conditions on your passport, or takes it away, they should write down the reasons. If you ask, they should give you a copy of the reasons, unless they think it's not good for the country's safety, relationships with other countries, or public interest to tell you.

(6) The higher authorities above the passport office can also take away or cancel your passport for any of the same reasons the passport office can. The rules mentioned above also apply to them.

(7) If a court finds you guilty of breaking passport laws, it can cancel your passport. If you appeal and the conviction is overturned, then the cancellation of your passport won't count anymore.

(8) A higher court or the High Court can also cancel your passport when they are reviewing cases on appeal.

(9) If your passport is cancelled, you must give it back immediately to the authority that cancelled it or to another authority they mention, unless it has already been taken away from you.

Section 10A: Suspension Of Passports Or Travel Documents In Certain Cases

(1) Without prejudice to the generality of the provisions contained in section 10, if the Central Government or any designated officer is satisfied that the passport or travel document is likely to be impounded or caused to be impounded or revoked under clause (c) of sub-section (3) of section 10 and it is necessary in the public interest so to do, it or he may, -

by order, suspend, with immediate effect, any passport or travel document;

pass such other appropriate order which may have the effect of rendering any passport or travel document invalid, for a period not exceeding four weeks:

Provided that the Central Government or the designated officer may, if it or he considers appropriate, extend, by order and for reasons to be recorded in writing, the said period of four weeks till the proceedings relating to variation, impounding or revocation of passport or travel document under section 10 are concluded:

Provided further that every holder of the passport or travel document, in respect of whom an order under clause (a) or clause (b) of this sub-section had been passed, shall be given an opportunity of being heard within a period of not later than eight weeks reckoned from the date of passing of such order and thereupon the Central Government may, if necessary, by order in writing, modify or revoke the order passed under this sub-section.

(2) The designated officer shall immediately communicate the order passed under sub-section (1), to the concerned authority at an airport or any other point of embarkation or immigration, and to the passport authority.

(3) Every authority referred to in sub-section (2) shall, immediately on receipt of the order passed under sub-section (1), give effect to such order.

Simplified Act

Simple Explanation of Passport Suspension Rules

The government has the power to suspend or make a passport invalid in the following situations:

If they believe the passport might be taken away or cancelled soon, and it's important for the public, they can immediately suspend the passport.

They can also issue an order that makes the passport invalid for up to four weeks. This period can be extended until the issue with the passport is resolved, as long as they write down the reasons for the extension.

People whose passports are suspended will get a chance to tell their side of the story within eight weeks from the order. After hearing them, the government may change or cancel the suspension order.

The officer who made the suspension order must quickly tell the airport and other travel authorities about it.

Once these authorities receive the order, they must enforce it right away.

Section 10B: Validation Of Intimations

Every intimation given by the Central Government or the designated officer, before the commencement of the Passports (Amendment) Act, 2002 (17 of 2002), to any immigration authority at an airport or any other point of embarkation or immigration, restricting or in any manner prohibiting the departure from India of any holder of the passport or travel document under sub-section (3) of section 10, shall be deemed to be an order under subsection (1) of section 10A and such order shall continue to be in force for a period of three months from the date of commencement of the Passports (Amendment) Act, 2002, or the date of giving such intimation, whichever is later.

Explanation - For the purposes of sections 10A and 10B, the expression "designated officer" means such officer or authority designated, by order in writing, as such by the Central Government.

Simplified Act

Understanding Section 10B of The Passports Act, 1967

This section explains that if the Indian government or an authorized officer had already notified immigration authorities at airports or other departure points

before the 2002 amendment of the Passports Act, to prevent someone with a passport or travel document from leaving India, this notification will now be considered an official order. This order will remain valid for three months starting either from when the 2002 Passports (Amendment) Act began or from when the notification was given, whichever date is later.

Note: The term "designated officer" refers to an officer or authority chosen by the Indian government to handle matters related to these orders.

Section 11: Appeals

(1) Any person aggrieved by an order of the passport authority under clause (b) or clause (c) of sub-section (2) of section 5 or clause (b) of the proviso to section 7 or sub-section (1), or sub-section (3) of section 10 or by an order under sub-section (6) of section 10 of the authority to whom the passport authority is subordinate, may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed: Provided that no appeal shall lie against any order made by the Central Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor: Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfied the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Limitation Act, 1963 (36 of 1963), with respect to the computation of the periods of limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the statement of the reasons for the order appealed against where such copy has been furnished to the appellant and by such fee as may be prescribed for meeting the expenses that may be incurred in calling for relevant records and for connected services.

(5) In disposing of an appeal, the appellate authority shall follow such procedure as may be prescribed: Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of representing his case.

(6) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

Simplified Act

Simplified Explanation:

(1) If you are not happy with a decision made by the passport authority regarding certain specific matters, you can challenge that decision by appealing to a higher authority (called the appellate authority). However, you can't appeal if the decision was made by the Central Government.

(2) Your appeal must be submitted within a set time frame. If you miss this deadline, your appeal will usually not be accepted unless you can show that you had a really good reason for not being able to submit it on time.

(3) The time you have to submit your appeal is calculated based on the rules of the Limitation Act of 1963, which determines how long you have to take legal action.

(4) Your appeal must be written down and include a fee. You should also attach a copy of the reasons why the passport authority made the decision you are appealing against, if you were given this information.

(5) The appellate authority has to follow certain rules when deciding on your appeal, and they can't make a decision without giving you a chance to present your side of the story.

(6) Once the appellate authority makes a decision on your appeal, that decision is final and cannot be challenged further.

Section 12: Offences And Penalties

(1) Whoever -

(a) contravenes the provisions of section 3; or

(b) knowingly furnishes any false information or suppresses any material information with a view to obtaining a passport or travel document under this Act or without lawful authority alters or attempts to alter or causes to alter the entries made in a passport or travel document; or

(c) fails to produce for inspection his passport or travel document (whether issued under this Act or not) when called upon to do so by the prescribed authority; or

(d) knowingly uses a passport or travel document issued to another person; or

(e) knowingly allows another person to use a passport or travel document issued to him,

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(1A) Whoever, not being a citizen of India, -

(a) makes an application for a passport or obtains a passport by suppressing information about his nationality, or

(b) holds a forged passport or any travel document,

shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to five years and with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees.

(2) Whoever abets any offence punishable under sub-section (1) or sub-section (1A) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided in that sub-section for that offence.

(3) Whoever contravenes any condition of a passport or travel document or any provision of this Act or any rule made thereunder for which no punishment is provided elsewhere in this Act shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

(4) Whoever, having been convicted of an offence under this Act, is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence.

Simplified Act

(1) If a person:

(a) breaks the rules of section 3;

(b) lies or hides important information to get a passport or travel document, changes or tries to change information in a passport or travel document without permission;

(c) does not show their passport or travel document when a responsible official asks to see it;

(d) uses someone else's passport or travel document;

(e) lets someone else use their passport or travel document;

they can be jailed for up to two years, fined up to five thousand rupees, or both.

(1A) If a person who is not an Indian citizen:

(a) applies for a passport or gets a passport by hiding their real nationality;

(b) has a fake passport or travel document;

they can be jailed for at least one year but up to five years, and fined at least ten thousand rupees but up to fifty thousand rupees.

(2) If a person encourages someone else to commit a crime mentioned in subsection (1) or (1A), and that crime is committed because of their encouragement, then they will receive the same punishment as the person who committed the crime.

(3) If a person breaks any passport or travel document conditions, or any other rules of this Act or its regulations that don't have a specific punishment mentioned elsewhere in the Act, they can be jailed for up to three months, fined up to five hundred rupees, or both.

(4) If a person who has already been found guilty of breaking this Act is found guilty again, their punishment for the new offence will be twice as severe as the normal penalty.

Section 13: Power To Arrest

(1) Any officer of customs empowered by a general or special order of the Central Government in this behalf and any officer of police or emigration officer not below the rank of a sub-inspector may arrest without warrant any person against whom a reasonable suspicion exists that he has committed any offence

punishable under section 12 and shall, as soon as may be, inform him of the grounds for such arrest.

(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) shall, so far as may be, apply in the case of any such arrest.

Simplified Act

(1) A customs officer, police officer, or emigration officer (at least at the rank of sub-inspector), if they have been given the authority by the Central Government, can arrest someone without a warrant if they reasonably suspect that the person has broken the law regarding passports. After arresting the person, they must quickly tell them why they were arrested.

(2) Any officer who arrests someone under this rule must take the arrested person to a magistrate or a police station as soon as possible. The process should follow the rules set out in the Code of Criminal Procedure of 1973, insofar as they apply to this type of arrest.

Section 14: Power Of Search And Seizure

(1) Any officer of customs empowered by a general or special order of the Central Government in this behalf and any officer of police or emigration officer not below the rank of a sub - inspector may search any place and seize any passport or travel document from any person against whom a reasonable suspicion exists that he has committed any offence punishable under section 12.

(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures shall, so far as may be, apply to searches and seizures under this section.

Simplified Act

(1) Certain customs officers, police officers, or emigration officers who are at least at the rank of a sub-inspector can look through a place and take any passport or travel document if they suspect that the person has done something illegal that can be punished according to section 12 of this law.

(2) The rules for how to conduct searches and take things according to the Code of Criminal Procedure from 1973 should be followed when doing searches and taking passports or travel documents under this law, as much as possible.

Section 15: Previous Sanction Of Central Government Necessary

No prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the Central Government or such officer or authority as may be authorised by that Government by order in writing in this behalf.

Simplified Act

Simplified Explanation: A person cannot be taken to court for a crime related to this law unless the Central Government, or someone they have given written permission to, agrees that the prosecution should go ahead.

Section 16: Protection Of Action Taken In Good Faith

No suit, prosecution or other legal proceeding shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done under this Act.

Simplified Act

Simplified Explanation: You can't take legal action against the Government or its officials for actions taken honestly while following the rules of the Passports Act, 1967.

Section 17: Passports And Travel Documents To Be Property Of Central Government

A passport or travel document issued under this Act shall at all times remain the property of the Central Government.

Simplified Act

Simplified Explanation: The passport or travel document that you get from the government always belongs to the government, not to you personally.

Section 18: [Omitted]

Passports, etc., not to be issued to persons who cannot emigrate under Act 7 of 1922- Omitted by the Passports (Amendment) Act, 1993 (35 of 1993), s 8 (wef 1.7.1993).

Simplified Act

The section that used to say that passports would not be given to people who are not allowed to leave the country under a law from 1922 has been removed. This change happened because of an amendment to the Passports Act in 1993.

Section 19: Passports And Travel Documents To Be Invalid For Travel To Certain Countries

Upon the issue of a notification by the Central Government that a foreign country is:

- (a) a country which is committing external aggression against India;
- (b) a country assisting the country committing external aggression against India;
- (c) a country where armed hostilities are in progress;
- (d) a country to which travel must be restricted in the public interest because such travel would seriously impair the conduct of foreign affairs of the Government of India,

a passport or travel document for travel through or visiting such country shall cease to be valid for such travel or visit unless in any case a special endorsement in that behalf is made in the prescribed form by the prescribed authority.

Simplified Act

If the Indian Government announces that a foreign country is:

- (a) attacking India from the outside;
- (b) helping another country attack India;

(c) a place where there is ongoing war or conflict;

(d) a place where traveling to would harm India's international relations,

then your passport or any travel document won't be valid for going to that country. You can only travel there if you get a special permission stamp on your passport from the authorized officer.

Section 20: Issue Of Passports And Travel Documents To Persons Who Are Not Citizens Of India

Notwithstanding anything contained in the foregoing provisions relating to issue of a passport or travel document, the Central Government may issue, or cause to be issued, a passport or travel document to a person who is not a citizen of India if that Government is of the opinion that it is necessary so to do in the public interest.

Simplified Act

Even though the previous rules talk about issuing passports or travel documents, the Indian government can still give a passport or travel document to someone who isn't an Indian citizen if the government thinks it's for the good of the public.

Section 21: Power To Delegate

The Central Government may, by notification in the Official Gazette, direct that any power or function which may be exercised or performed by it under this Act other than the power under clause (d) of sub-section (1) of section 6 or the power under clause (i) of sub-section (2) of that section or the power under section 24, may, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed:

(a) by such officer or authority subordinate to the Central Government; or

(b) by any State Government or by any officer or authority subordinate to such Government; or

(c) in any foreign country in which there is no diplomatic mission of India, by such foreign Consular Officer;

as may be specified in the notification.

Simplified Act

The Indian Central Government has the authority to publish a notice in the Official Gazette. This notice can allow other officials or authorities to carry out certain duties that usually only the Central Government can do under the Passports Act. However, there are three specific powers that cannot be delegated:

The power mentioned in clause (d) of subsection (1) of section 6,

The power mentioned in clause (i) of subsection (2) of section 6, and

The power given by section 24.

The notice can specify that these powers can be exercised by:

(a) An officer or authority that is lower in rank than the Central Government,

(b) A State Government or an officer or authority that is lower in rank than the State Government, or

(c) A foreign Consular Officer in a foreign country where India does not have a diplomatic mission.

The specific officials or authorities who will be given these powers will be named in the notice.

Section 22: Power To Exempt

Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,

exempt any person or class of persons from the operation of all or any of the provisions of this Act or the rules made thereunder; and

as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.

Simplified Act

If the Central Government believes it's in the best interest of the public, they have the power to:

Let certain people or groups skip following some or all of the rules of this law or any rules that are made based on it, as long as they mention any specific conditions in their official announcement; and

Take back this special permission at any time and make those people or groups follow the rules again, by making another official announcement.

Section 23: Act To Be In Addition To Certain Enactments

The provisions of this Act shall be in addition to and not in derogation of the provisions of the following Acts:

the Passport (Entry into India) Act, 1920 (34 of 1920),

the Emigration Act, 1983 (31 of 1983),

the Registration of Foreigners Act, 1939 (16 of 1939),

the Foreigners Act, 1946 (31 of 1946),

Trading with the Enemy (Continuance of Emergency Provisions) (16 of 1947),

the Foreigners Law (Application and Amendment) Act, 1962 (42 of 1962),

the Foreign Exchange Regulation Act, 1973 (46 of 1973) and

other enactments relating to foreigners and foreign exchange.

Simplified Act

This law adds to, but does not replace or reduce, the rules of other specific laws that deal with:

Passport requirements for entering India from 1920,

Rules about people leaving India to work abroad from 1983,

Registration requirements for foreigners in India from 1939,

Laws about foreigners in India from 1946,

Rules about trading with countries India was at war with from 1947,

Application of foreign laws to India and changes to those laws from 1962,
Regulations on foreign currency exchange from 1973, and
Any other laws that apply to foreigners and foreign currency exchange.

Section 24: Power To Make Rules

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the appointment, jurisdiction, control and functions of passport authorities;
- (b) the classes of persons to whom passports and travel documents referred to respectively in sub-section (1) and sub-section (2) of section 4 may be issued;
- (c) the form and particulars of application for the issue or renewal of a passport or travel document or for endorsement on a passport or travel document and where the application is for the renewal, the time within which it shall be made;
- (d) the period for which passports and travel documents shall continue in force;
- (e) the form in which and the conditions subject to which the different classes of passports and travel documents may be issued, renewed or varied;
- (ee) specifying the foreign country for the purposes of the Explanation to sub-section (1) of section 5;
- (f) the fees payable in respect of any application for the issue of a passport under sub-section (1) of section 5 or issue of a passport for visiting a foreign country referred to in sub-section (1A) of section 5 or travel document or for varying any endorsement or making a fresh endorsement on a passport or a travel document and the fees payable in respect of any appeal under this Act;
- (g) the appointment of appellate authorities under sub-section (1) of section 11, the jurisdiction of, and the procedure which may be followed by, such appellate authorities;

(h) the services (including the issue of a duplicate passport or travel document in lieu of a passport or travel document lost, damaged or destroyed) which may be rendered in relation to a passport or travel document and the fees therefor;

(i) any other matter which is to be or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary for the proper implementation of the Act.

(3) 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.

Simplified Act

Simplified Explanation:

(1) The Indian government can create rules to support the Passport Act. They'll announce these rules in an official government publication.

(2) Specifically, these rules can cover:

(a) Who gets to be a passport official and what they can do;

(b) Which people can get different types of passports or travel papers;

(c) What the application for a new or renewed passport looks like, including when to renew;

(d) How long passports and travel documents are valid;

(e) The details of how different passports are made, renewed, or changed;

(ee) Defining which countries people might need a passport for;

(f) How much it costs to apply for or change a passport, and appeal fees;

(g) Who can hear appeals about passport decisions and how they work;

(h) Services for passports, like getting a replacement, and their costs;

(i) Anything else that needs rules for the Passport Act to work well.

(3) When new rules are made, they must be shown to both houses of Parliament for 30 days. If both houses agree on changes or to cancel the rule, then the rule will change or not happen. But, anything done before the change or cancellation is still valid.

Section 25: Change Of Short Title Of Act 34 Of 1920

In the Indian Passport Act, 1920, in sub-section (1) of section 1, for the words and figures the Indian Passport Act, 1920, the words, brackets and figures "the Passport (Entry into India) Act, 1920" shall be substituted.

Simplified Act

In the law called the Indian Passport Act of 1920, wherever it says "the Indian Passport Act, 1920" in the first part of section 1, it should now be read as "the Passport (Entry into India) Act, 1920".

Section 26: Omitted

Saving as to certain passports and applications- Omitted by the Passports (Amendment) Act, 1993 (35 of 1993), s 8 (wef 1 7 1993)

Simplified Act

The section titled "Saving as to certain passports and applications" was removed from The Passports Act, 1967 by an amendment in 1993. This means that the provisions that were once under this section are no longer part of the law since July 1, 1993.

Section 27: Repeal And Saving

(1) The Passports Ordinance, 1967 (4 of 1967) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken under the said Ordinance shall be

deemed to have been done or taken under this Act as if this Act had commenced on the 5th day of May, 1967.

Simplified Act

(1) The previous law called the Passports Ordinance from 1967 is no longer valid.

(2) Even though that old law is cancelled, anything that was done based on it is still considered legal. It's as if the actions were taken under the new law which started on May 5, 1967.