

## **FOREIGNERS ORDER, 1948**

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## **FOREIGNERS ORDER, 1948**

Notification No. 9/9/46-Political (E.W.), dated 10th February, 1948.1-In exercise of the powers conferred by Sec. 3 of the Foreigners Act, 1946, and in supersession of the Foreigners Order, 1939, and of all notifications amending the same the Central Government is pleased to make the following Order :-

### **1. Short title, commencement and extent.- :-**

- (1) This order may be called the Foreigners Order, 1948.
- (2) It shall come into force at once.
- (3) It extends to the whole of India.

### **2. Definitions:- :-**

In this Order,-

- (1) "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939 or any other officer as

may be authorised by him to perform the functions of a Registration Officer under this Order;

(2) "Civil Authority" means such authority as may be appointed by the Central Government in this behalf for such an area as it thinks fit;

(3) "Port" includes an airport.

### **3. Power to grant or refuse permission to enter India:- :-**

(1) No foreigner shall enter India-

(a) otherwise than at such port or any other place of entry on the borders of India as a Registration Officer having jurisdiction at that port or place may appoint in this behalf; either for foreigners generally or for any specified class or descriptions of foreigners, or

(b) without the leave of the civil authorities having jurisdiction at such port or place.

(2) Leave to enter shall be refused if the civil authority satisfied that-

(a) the foreigner is not in possession of a valid passport or visa for India or has not been exempted from the possession of a passport or visa; (b) he is a person of unsound mind or a mentally defective person; (c) he is suffering from a loathsome or infectious disease in consequence of which, in the opinion of the Medical Officer of the port or the place of entry, as the case may be, the entry of the foreigner is likely to prejudice public health; (d) he has been sentenced in a foreign country for an extradition offence within the meaning of the Indian Extradition Act, 1903 (15 of 1903); (e) his entry is prohibited either under an order issued by a competent authority or under the specific orders of the Central Government.

(3) The civil authority may attach such conditions as it thinks fit to the grant of leave to enter and such conditions may be varied in such manner or cancelled as the Central Government deems fit.

(4) (a) Notwithstanding anything contained in sub-paragraphs (1) to (3) or in the Indian Passport Act, 1920 (34 of 1920) or in the rules made thereunder, a civil authority may, in the interests of public safety, prohibit the entry of any foreigner into India. (b) Whenever the civil authority issues an order under Clause (a), it shall report the matter forthwith to the Central Government which

may cancel or modify the order in such manner as it thinks fit.

(5) Where leave to enter is refused to a foreigner, he may be detained at some place approved by the civil authority and may, if he has come by sea, be placed temporarily on shore for that purpose, and whilst he is so detained, a foreigner shall be deemed to be in legal custody and not to have entered India.

#### **4. Landing of Seamen:- :-**

(1) No seamen or member of the crew of an aircraft, being a foreigner, shall land in India without a special permit from the Superintendent of Police or any other Police Officer not below the rank of a Sub-Inspector or Sergeant.

(2) No such permit shall be granted unless the owners or agents of the vessel or aircraft have undertaken either generally in respect of all members of the crew of vessels or aircraft belonging to or managed by them or in an individual case, the responsibility for the maintenance of such seamen or member of the crew during his residence in India and for the expenses of his departure from India.

(3) For the purposes of this paragraph, "seamen" has the meaning assigned to it in the Registration of Foreigners Rules, 1939 .

(4) The provisions of this paragraph are in addition to, and not in derogation of the provisions of paragraph 3.

#### **5. Power to grant permission to depart from India:- :-**

(1) No foreigner shall leave India-

(a) otherwise than at such port or other recognised place of departure on the borders of India as a Registration officer having jurisdiction at that port or place may appoint in this behalf, either for foreigners generally or for any specified class or description of foreigners; or

(b) without the leave of civil authority having jurisdiction at such port or place.

(2) Leave shall be refused if the civil authority is satisfied that-

(a) the foreigner has failed to comply with the formalities of departure prescribed under the Registration of Foreigners Rules, 1939 ;

(b) the foreigners' presence is required in India to answer a criminal charge;

(c) the foreigner's departure will prejudice the relations of the Central Government with a foreign power;

(d) the departure of the foreigner has been prohibited under an order issued by a competent authority.

(3)

(a) Notwithstanding anything contained in the above sub-paragraphs, a civil authority may prohibit the departure of a foreigner where it is satisfied that such departure would not be conducive to the interest.

(b) Whenever a civil authority issues an order under C1 (a), it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit.

**5A. Power to examine persons:- :-**

The Civil Authority may examine any person who seeks leave to enter India or to depart therefrom or during his stay in India for the purposes of the Foreigners Act 1946, or of any order made thereunder; and it shall be the duty of every such person to furnish to the Civil Authority such information, in such manner and at such times, as that authority may require.

**6. Liability of master of the vessel, etc. to remove a foreigner:- :-**

(1) A Civil Authority may require the master of the vessel or pilot of the aircraft in which a foreigner has arrived or the owners or agents of that vessel or aircraft, as may be appropriate in the opinion of such civil authority, to remove a foreigner who has been refused permission to enter or who has entered India without its permission or who has been landed in contravention of sub-paragraph (3)] and the master, pilot, owner or agent, as the case may be, shall comply with such requisition, unless it is received for more than two months after the date of the arrival of the foreigner in India.

(2) The master of a vessel or the pilot of an aircraft, scheduled to call at any port outside India, shall, if so required by the Central Government, receive a foreigner in respect of whom an order directing that he shall not remain in India has been made, and his dependants, if any, on board the vessel or aircraft, as the case may be, and afford him and others a passage to the port and proper accommodation and maintenance during the passage.

(3) The master of any vessel or the pilot of any aircraft shall not, without the permission of the Civil Authority, land at any port in India any person, travelling by that vessel or aircraft against the wishes of such person, unless such person has been required by the Central Government to be brought to India.

(4) Nothing contained in the Foreigners (Exemption) Order, 1957 , shall preclude the operations and applications of the provision of sub-paragraph (3)].

**6A. Liability of master of vessel or pilot of aircraft to provide information :-**

<sup>1</sup> The master of a vessel or a pilot of the aircraft, as the case may be, arriving or landing in India, shall provide the following information about the passengers on board within fifteen minutes of leaving or taking off of the vessel or aircraft from the port of embarkation outside India, to the immigration authority on the port of arrival or landing in India through electronic measure, namely:

- (a) complete name;
- (b) date of birth;
- (c) nationality;
- (d) sex;
- (e) passport number;
- (f) country of issuing the passport;
- (g) country of permanent residence; and
- (h) visa number, date and place of issue."

1. after para 6, the para 6A shall be inserted, by the Foreigners (Amendment) Order, 2005

**7. Restriction of sojourn in India:- :-**

(1) Every foreigner who enters India on the authority of a visa issued in pursuance of the Indian Passport Act, 1920 (XXXIV of 1920), shall obtain from the Registration Officer having jurisdiction, "either at the place at which the said foreign enters India or at the place at which he presents a registration report in accordance with Rule 6 of the Registration of Foreigners Rules, 1939 , a permit indicating the period during which he is authorised to remain in India and also indicating the place or places for stay in India, if

any, specified in the visa. In granting such permit, the said Registration Officer may restrict the stay of the foreigner to any of the places specified in the visa.

(2) Every foreigner to whom the provisions of sub-paragraph (1) do not apply shall obtain a permit indicating the period during which he is authorised to remain in India from the Registration Officer to whom he presents a registration report in accordance with Rule 6 of the Registration of Foreigners Rules, 1939

(3) Every foreigner to whom a permit is issued under sub-paragraph (1) or sub-paragraph (2):-

(i) shall not, if the permit indicates the place unless the place or places for stay in India, visit any other place unless the permit is extended by the Central Government to such other place;

(ii) shall, if the permit indicates the place or places for stay in India, report in person or in writing his arrival at, and departure from, any such place to the Registration Officer having jurisdiction at such place, within twenty-four hours after his arrival or, as the case may be.

before his intended departure; provided that this clause shall not apply to the nationals of Pakistan who enter India on the authority of visa as valid for a period fourteen days or less.

(iii) shall, unless the period indicated in the permit is extended by the Central Government, depart from India before the expiry of the said period; and at the time of the foreigner's departure from India, the permit shall be surrendered by him to the Registration Officer having jurisdiction at the place from which he departs.

#### **8. Prohibited places:- :-**

(1) No foreigner shall, without the permission of the civil authority having jurisdiction at such place, visit, or reside in any prohibited place as defined in the Indian Official Secrets Act, 1923 (19 of 1923).

(2) Where any foreigner is, on the commencement of this Order, residing in any prohibited place and is not permitted to continue to reside there, he shall within such time as may be specified by the Civil Authority, remove himself from such place.

(3) The civil authority may impose on any householder or other

person in such prohibited place the obligation to report to the police or to any Naval, Military, or Air Force authority the presence of any foreigner in his household or in any premises occupied by him or under his control and the departure of any such foreigner and such other particulars with respect to such foreigner as may be prescribed by such authority.

**9. Protected areas:- :-**

(1) The Central Government or, with its prior sanction, a civil authority may by order declare any area to be a protected area for the purposes of this Order.

(2) On such declaration, the civil authority may, as to any protected area, by order,-

(a) prohibit any foreigner or any class of foreigners from entering or remaining in the area;

(b) impose on any foreigner or class of foreigners entering or being entered in the area, such conditions or restrictions as it may think fit as to,- (i) reporting to the Police or any Naval, Military, or Air Force Authority; (ii) surveying or making sketches or photographs; (iii) the use or possession of any machine, apparatus or other article of any description; (iv) the acquisition of land or any interest in land within the area; (v) any other matter or thing as to which it may deem it necessary in the interests of public safety to impose conditions or restrictions;

(c) impose on any householder or other person the obligation to report to the Police or any Naval, Military, or Air Force Authority the presence of any foreigner in his household or in any premises occupied by him or under his control, and the departure of any such foreigner and such other particulars with respect to any such foreigner as may be prescribed by the order: Provided that the civil authority may, subject to any general or specific direction of the Central Government, grant to an individual foreigner a special permit exempting him from any or all of the conditions or restrictions imposed under this sub-paragraph.

**10. Restrictions on employment:- :-**

(1) No foreigner shall, without the permission in writing of the Civil Authority, either enter any premises relating to or accept employment in, or in connection with: (i) any undertaking for the

supply of light, petroleum, power or water to Government or to the public; or (ii) any other undertaking which may be specified by the Central Government in this behalf.

(1-A) No foreigner employed without the permission in writing of the civil authority before the commencement of the Foreigners (Amendment) Order, 1964, in any undertaking referred to in Clause (i) of sub-paragraph (1) shall remain employed in such undertaking, without the permission in writing of the civil authority, after the expiry of a period of three months from the commencement of the Foreigners (Second Amendment) Order, 1964.

(1-B) No foreigner employed in any undertaking specified in Clause (ii) of sub-paragraph

(1) before the undertaking was so specified shall remain employed in such undertaking, without the permission in writing of the civil authority, after the expiry of a period of one month from the date of commencement of the Foreigners (Second Amendment) Order, 1964, or the date on which the undertaking was so specified, whichever is latter : Provided that no Pakistani national shall remain employed in any such undertaking as is referred to in clause (ii) of sub-paragraph (1), which has been, or may be specified after the 1st September, 1965, unless he has obtained permission in writing from the civil authority within twenty-four hours from the date of commencement of the Foreigners (Second Amendment) Order, 1964 or from the date on which the undertaking is so specified, whichever is latter.

(2) The management of any undertaking referred to in sub-paragraph (1) shall furnish to the civil authority such information regarding foreigners employed in that undertaking and make available for inspection such records and registers as may be called for by the authority.

**11. Powers to impose restrictions on movements, etc:- :-**

The civil authority may, by order in writing, direct, that any foreigner shall comply with such conditions as may be specified in the order in respect of:-

(1) his place of residence;

(2) his movements;

(3) his association with any person or class of persons specified in the order: and

(4) his possession of such articles as may be specified in the order.

**11A. Restrictions on certain activities:- :-**

Notwithstanding anything contained in the Foreigners (Exemption) Order, 1957, no foreigner shall produce, or attempt to produce, or cause to be produced, any picture or film, including a documentary or feature films for television or the screen, intended for public exhibition, except with the permission in writing of, and subject to such conditions as may be specified in this behalf, by the Central Government.

**11B. Restrictions on mountaineering expeditions:- :-**

Notwithstanding anything contained in the Foreigners (Exemption) Order, 1957, no foreigner or group of foreigners shall climb, or attempt to climb, any mountain peak in India without obtaining the prior permission in writing, of the Central Government on an application made in that behalf through the Indian Mountaineering Foundation, a registered society having its registered office in the Union Territory of Delhi and without complying with such condition including specification of route to be followed, accompaniment by Liaison Officer, use of photographic and wireless communication equipment, as may be laid down in this behalf by the Central Government.

**12. Powers to remove foreigners from Cantonments:- :-**

The Military officer for the time being in command of the forces in a Cantonment may, by order in writing, direct any foreigner to remove himself from the Cantonment within such time as may be specified in the order.

**13. Powers to close clubs and restaurants:- :-**

(1) A civil authority may direct, that any premises in its jurisdiction which in its opinion are used for the sale of refreshments to be consumed on the premises, or as a place of public resort or entertainment or as a club, and which are or have recently been frequented by foreigners, shall be either closed altogether or kept closed during such hours or for such purposes as may be required by it, if in its opinion either-

(a) the foreigners so frequenting the premises are of criminal or disloyal associations or otherwise undesirable; or

(b) the premises are conducted in a disorderly or improper manner; or in a manner prejudicial to the public good;

(2) where any premises have been closed under this paragraph the occupier or person having control of the premises shall not occupy or control any other premises which are used for the sale of refreshment or as a place of public resort or entertainment, or as a club without the consent of the civil authority of the area in which the premises are situated.

(3) Any police officer, if authorised by a civil authority may, for the purpose of enforcing the provisions of this paragraph, enter, if necessary, by force, and search or occupy any premises in respect of which an order under this paragraph has been made by the civil authority.

(4) Any action taken by the civil authority under paragraphs (1) to (3) above shall be reported forthwith to the Central Government which may cancel or modify such order in such manner as it deems fit.

#### **14. Expenses of deportation :-**

Where an order is made in the case of any foreigner directing that he shall not remain in India or where a foreigner is refused permission to enter India or has entered India without permission, the Central Government may, if it thinks fit, deport any money or property of the foreigner in payment of the whole or any part of the expenses of, or incidental to the voyage from India and the maintenance until departure of the foreigner and his dependants, if any.