

PASSPORT (ENTRY INTO INDIA) ACT, 1920

34 of 1920

[9th September, 1920]

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"The present rules requiring passports for egress from and ingress into India were issued under the Defence of India Act, which expires six months after the end of the war. It is desired to retain power to continue the present system in whole or in part as may seem necessary for the purpose, bringing the Indian practice into line with that of the other parts of the British Empire and of foreign nations."-Gazette of India, 1920, Part V, p. 54.

1. Short title and extent :-

(1) This Act may be called ¹[The Passport (Entry into India) Act, 1920]. (2) It shall extend to ²[the whole of b [India]] ³ [* * *].

1. Substituted for the words "the Indian Passport Act, 1920" by the Passports Act, 1967 (15 of 1967), S. 25 (5-5- 1967).

2. Inserted S. 3 (36 of 1949) Indian Passport (Amendment) Act, 1949.

3. the words "excluding the State of Hyderabad" substituted by A.L.O., 1950, were omitted by the Part B States (Laws) Act, 1951 (3 of 1951), S. 3 and Schedule.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or

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

3. Power to make rules :-

(1) The ¹[Central Government] may make rules²requiring that persons entering ³[India] shall be in possession of passports, and for all matters ancillary or incidental to that purpose.

(2) Without prejudice to the generality of the foregoing power such rules may-

(a) prohibit the entry into ³[India] or any part thereof of any person who has not in his possession a passport issued to him;

(b) prescribe the authorities by whom passports must have been issued or renewed, and the conditions with which they must comply, for the purposes of this Act; and

(c) provide for the exemption, either absolutely or on any condition, of any person or class of persons from any provision of such rules.

(3) Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be ⁵"punishable with imprisonment for a term which may extend to five years, or with fine which may extend to fifty thousand rupees, or with both".

(4) All rules made under this section shall be published in the Official Gazette, and shall thereupon have effect as if enacted in this Act.

⁶ [(5) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session' or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the cas may be; so, however,

that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Substituted for the words "Governor-General in Council," by A.O., 1937.
2. For Indian Passport Rules, 1950, see Gaz. of Ind., 1950, Pt. I, S. 1, page 91 as amended by S.O. 1794 of 1960; G.S. Rs. 892 of 1960; 514 of 1961; 855 of 1962; 1367 of 1962; 1643 of 1962; 333 and 522 of 1963; 1661 of 1964; 464 and 1457 of 1965; 1454 of 1967; 476 and 1265 of 1968 and 1491 of 1969; For Central Passport and Emigration Organisation (Initial Constitution and Maintenance) Rules, 1959, see Gaz. of Ind., 11-5-1959, Pt. II, S. 3(i), p. 693 (Am. by G.S. Rs. 1131 of 1959; 639 of 1960; 1088 of 1961; 45 of 1962; 662 of 1967.)
3. Substituted for the words "the Provinces," by the Indian Passport (Amendment) Act, 1949 (36 of 1949), S. 4 (26-4-1949).
5. Substituted for "punishable with imprisonment for a term which may extend to three months, or with fine or with both" by the Passport (Entry into India) Amendment Act, 2000
6. Inserted by Delegated Legislation Provisions (Amendment) Act (4 of 1986), S. 2, Sch. (15-5-1986).

3A. Punishment for subsequent offences :-

¹ Whoever having been convicted of an offence under any rule or order made under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the later offence."

1. Inserted by the Passport (Entry into India) Amendment Act, 2000

4. Power of arrest :-

(1) Any officer of police, not below the rank of a sub-inspector, and any officer of the Customs Department empowered by a general or special order of the Central Government in this behalf may arrest without warrant any person who has contravened or against whom a reasonable suspicion exists that he has contravened any rule or order made under Section 61.

(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.

5. Power of removal :-

The ¹[Central Government] may, by general or special order, direct the removal of any person from ²[India] who, in contravention of any rule made under Section 61 prohibiting entry into ² [India] without passport, has entered therein, and thereupon any officer of the Government shall have all reasonable powers necessary to enforce such direction.

1. Substituted for the words "Governor-General in Council" by A.O., 1937.

2. Substituted for the words "the Provinces" by the Indian Passport (Amendment) Act, 1949 (36 of 1949), S. 4 (28- 4-1949).

6. Application of Act to Part B States :-

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