

REGISTRATION OF FOREIGNERS RULES, 1939

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REGISTRATION OF FOREIGNERS RULES, 1939

STATEMENT OF OBJECTS AND REASONS "Apart from the fact that from the Census Report of 1931, it is known that in four years there were in India some 4,50,000 persons who stated that they had been born outside His Majesty's dominions : there is no information as to the number, nationality and whereabouts of foreigners in India, nor, in the absence of any statutory obligation on foreigners to report their presence and movements, is it possible to obtain such information. The only law which provides for the registration of foreigners as a class is that which is contained in Sections 6 to 9 of the Foreigners Act (3 of 1864). Those provisions, however, are intended for use in emergency only, and, apart from this, even if they were brought into force, they would apply only to foreigners arriving, and not to those already resident in British India. In the majority of other countries, both within and outside the British Commonwealth, foreign visitors and residents are required to report their presence and movements to specified authorities, and the

Governments of those countries are thereby possessed at all times of complete information as to the number and whereabouts of foreigners in their countries. It is desirable that the Government. of India should also be at all times in possession of similar information, not only because it may be required for the purpose of national defence but also because, in its absence, it has from time to time been impossible to reply satisfactorily to questions asked in the Legislature and much difficulty and inconvenience has also been experienced in replying to enquiries as to the whereabouts of foreigners in India which have been received from their relatives. The Bill which is based upon provisions contained in the Foreigners Act, 1864, the British Aliens Registration Act, 1914. and the British Aliens Order of 1920 is Intended to provide the statutory powers necessary for the collection of such Information."-Gaz. of India, 1939, Extra, p. 59.

1. Short title and commencement :-

- (1) These rules may be called the Registration of Foreigners Rules, 1939.
- (2) They shall come into force on the 1st July, 1939.
- (3) They extend to the whole of India.

2. Definitions and interpretations :-

In these rules, unless there is anything repugnant in the subject or context :-

- (a) "Act" means the Registration of Foreigners Act, 1939 ;
- (b) "Certificate of Registration" means a Certificate of Registration issued in pursuance of Rule 6 ;
- (c) "Form" means one of the forms appended to these rules ;
- (d) "Master of the vessel" includes the pilot of an aircraft and any person authorised by such master or pilot to discharge on his behalf any of the duties Imposed upon him by these rules;
- (e) "Passenger" means any person travelling or seeking to travel on board of a vessel who is not a bonafide seaman ;
- (f) "Registered address" means a foreigner's address in India as reported under Rule 5 and recorded in Item 11 of the Certificate of Registration;

(g) "Registration Officer" means a Registration Officer appointed by the Central Government under Rule 3 and includes an authority authorised in writing by a Registration Officer to perform the duties of the Registration Officer on his behalf ;

(h) "Residence" means ordinary dwelling-place in India ;

(i) "Seaman" means a person employed on, or engaged in the working of a vessel ;

(j) "Tourist" means a Foreigner having no residence or occupation in India whose stay in India does not ordinarily exceed three months, who has no other object in visiting India than recreation, sight-seeing or attending, in a representative capacity, meetings convened by the Government of India or International bodies :

(k) "Vessel" includes aircraft but does not include a vessel travelling solely between ports or places in India.

COMMENTS Any person who contravenes, or attempts to contravene or fails to comply with any provision of any rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with fine which may extend to five hundred rupees.

3. Registration Officers :-

(1) The Central Government may appoint Registration Officers for the purposes of these rules for such areas as it thinks fit.

(2) A Registration Officer may, with the approval of the Central Government, authorise in writing any authority to perform any or all of his functions under these rules.

4. Passengers on vessels to report arrival in India :-

Every passenger who arrives in India on board of any vessel shall, on being required so to do by, or on behalf of, the master of the vessel, furnish true particulars as to his name and nationality, his age, sex, place of birth and address or intended address in India, the purpose of his visit and the proposed length of his stay in India.

4A. Report by foreigners of arrival in and departure from India by land :-

Every foreigner who enters or leaves India by land shall, on being

required so to do by the Registration Officers of the place of arrival, or departure, as the case may be, furnish to him a true statement of the particulars set out in Form DA or Form DB, as the case may be.

5. Report by a foreigner of his address in India etc :-

(1) Every foreigner entering India or resident in India shall present in person to the appropriate Registration Officers specified in Rule 6, a report (hereinafter referred to as a registration report [* * *]¹ within the time specified in that rule:

Provided that no such report shall be necessary in the case of a foreigner who enters India on a visa valid for a period of not more than ninety days and who does not remain In India beyond the said period :

Provided further that a pardahnashin woman who is accompanied by a male companion will not be required to present the registration report in person but may do so through her male companion :

Provided further that the Registration Officer may, in his discretion, dispense with personal attendance for the purpose of presentation of the registration report.

(2) Every registration report shall be made in writing, in the English language, and in quadruplicate, and shall contain a true statement of the foreigners address in India, and of the other particulars specified in items 2 to 10 and of Form and such of the particulars specified in items 12 to 16 thereof, as may be appropriate.

(3) For the purpose of sub-rule (2), a foreigner's address In India shall be,-

(a) the place of his residence, or

(b) if he has no residence, the place at which, at the time of making his registration report he is for the time being living or at which he first intends to live after his arrival in India :

(4) In any case to which the proviso to sub-rule (3) applies, it shall be the duty,-

(a) of the foreigner to keep the Indian citizen Informed of his current address; and

(b) of the Indian subject to furnish all such information in his possession relating to the foreigner as may be demanded for any of the purpose of the Act or of these rules by any Registration Officer, Magistrate or Police Officer not below the rank of head constable.

(5) Copies of Form A may be obtained on application from any Registration Officer.

1. Omitted by G.S.R. 826, dated 20.9.1958.

6. Procedure for registration :-

(1) The registration report shall be presented,-

(a) in the case of a foreigner who enters India on a visa valid for a stay in India for a period of ninety days to the Registration Officer having jurisdiction in the place where the said foreigner is present at the time of presentation of such report:

(b) in the case of a foreigner, who enters India on a visa valid for a stay in India for a period of more than ninety days to such Registration Officer as may be specified in this behalf by the Registration Officer of the port or other place of arrival.

(c) in the case of a foreigner, who enters India otherwise than on a visa, to the Registration officer having jurisdiction in the place where the said foreigner is present at the time of presentation of such report.

(d) in case of person who has become a foreigner by reason of his having ceased to be citizen of India while resident, to the Registration Officer having jurisdiction in the place where the said person is ordinarily resident.

(2) The Registration report shall be presented,-

(a) in the case of a foreigner referred to in Clause (a) of sub-rule (1) immediately after the expiry of ¹ (ninety days) of his arrival in India;

(b) in the case of a foreigner referred to in Clause (b) of sub-rule (1) within seven days of his arrival in India ;

(c) in the case of a foreigner referred to in Clause (c) of sub-rule (1),-

(i) where he has entered in India before the commencement of the Registration of Foreigners (Third Amendment) Rules, 1965, within

30 days of such commencement ;

(ii) where he enters India after such commencement within 90 days of his arrival in India.

(d) In the case of a foreigner referred to in Clause (d) of sub-rule (1), within fifteen days of his ceasing to be a citizen of India.

Explanation.-For the purpose of sub-rule (1) and sub-rule (2), the date on which the person concerned shall be deemed to have ceased to be citizen of India,-

(a) where he has voluntarily acquired the citizenship of another country by naturalization or registration, the date of such naturalization or registration;

(b) where he has obtained a passport from the Government of any other country, the date on which such passport was obtained:

Provided that in case of a person in respect of whom an order has been made under sub-section (2) of Section 9 of the Citizenship Act, 1955 (5 of 1955) holding that he had acquired the citizenship of a foreign country, such date shall be the date of the order aforesaid.

(3) Every foreigner presenting a registration report shall furnish to the Registration Officer such information as may be in his possession for the purpose of satisfying the said Officer as to the accuracy of the particulars specified therein and shall, on being required so to do, sign the registration report in the presence of the said officer and shall thereupon be entitled to receive from the said officer a Certificate of Registration in Part III of Form A or Part II of Form D : Provided that, in any case in which the registration report is presented, in accordance with Clause (b) of sub-rule (1), by a foreigner

Provided further that any foreigner whose passport or other documents of identification do not in the opinion of the Registration officer, provide adequate proof of identity, shall be required to furnish to the Registration Officer, within such period of presenting his registration report as such officer may fix, either four copies of a photograph of himself of passport size, one of which shall be affixed to Part III of Form A or Part II of Form D and over stamped with the stamp of the Registration Officer of four complete sets of his finger impressions, one which shall be made on Part III of Form

A or Part II of Form D, whichever the Registration Officer may require. The finger impressions shall be made in the presence of the Registration Officer and each set attested by him.

1. Substituted by Notification No. G.S.R. 597, dated 14.4.1965.

7. Period of validity of Certificate of Registration :-

(1) If the Registration Officer is satisfied that any foreigner entering India is a bonafide tourist, he may endorse on the Certificate of Registration, if any, the word "tourist" and also record therein the date of its expiry.

(2) The validity of the certificate of Registration issued to a tourist shall be co-extensive with the validity of visa on the authority of which he entered India and shall not ordinarily exceed three months :

Provided that if the said certificate is expressed to be valid for a period of less than three months, the period of validity of such certificate may, on sufficient cause being shown by the said tourist, be extended by any Registration Officer, subject to the condition that the validity shall not ordinarily extend beyond six months after the date on which the said tourist entered India.

(3) The Certificate of Registration issued in respect of any foreigner other than a tourist shall be valid for so long as the foreigner does not depart from India.

(4) Any tourist who is staying in India after the date of expiry of his Certificate of Registration shall cease to be a tourist within the meaning of these rules.

8. Production of proof of Identity :-

(1) Every foreigner shall, within twenty-four hours of demand being made of him by any Registration Officer, Magistrate, or police officer not below the rank of head constable, produce, at such place as may be specified, his passport or such other proof of his identity as may be required for any purpose connected with the enforcement of these rules :

Provided that the said Registration Officer, Magistrate or police officer may, on sufficient cause being shown, extend the aforesaid period of twenty-four hours to such period as, in the circumstances, may be necessary for the production of the said passport or other proof of identity.

(2) Every foreigner entering India shall, on demand being made of him by the Registration Officer, deliver his passport or other proof of identity to that officer and shall thereafter attend at such time and place as the Registration Officer may direct for the purpose of receiving back his passport.

(3) Where in pursuance of sub-rule (2), a foreigner surrenders his passport or other proof of identity he shall be entitled to receive a receipt for it from the Registration Officer.

9. Production of Certificate of Registration :-

Every registered foreigner shall, within twenty four hours of demand being made of him by any Registration Officer, any Magistrate or any police officer not below the rank of head constable, produce or cause to be produced his Certificate of Registration for the Inspection of such Registration Officer, Magistrate or police officer :

Provided that the Registration Officer, Magistrate or Police Officer may, on sufficient cause being shown extend the aforesaid period of twenty-four hours to such period as, in the circumstances, may be reasonably necessary for the production of such certificate :

Provided further that, if the Registration Officer, Magistrate or police officer not being below the rank of Inspector is of the opinion that the passport or other documents of identification produced by the foreigner do not furnish adequate proof of identity and if the Registration Certificate does not bear the photograph or finger impressions required by the second proviso to sub-rule (2) of Rule 6, the Registration Officer, Magistrate or police officer not being below the rank of Inspector may require the foreigner either to produce, four copies of a photograph of himself of passport size, one of which shall be affixed to the Registration Certificate and over stamped with the stamp of the officer or to furnish four complete sets of his finger impressions, one of which shall be made on Registration Certificate. The finger impressions shall be made in the presence of the officer and set attested by him :

Provided further, if the Registration Certificate bears a set of finger Impressions the Registration Officer, Magistrate or police officer not being below the rank of Inspector, may, in order to satisfy himself of the genuineness of the finger impressions require the foreigner to furnish a further set of finger impressions for comparison.

10. Report of absence from address :-

(1) If at any time a foreigner proposes to be absent from his registered address for a continuous period of two weeks or more he shall, before he leaves, make report, in writing, to the Registration Officer of the district in which his registered address is situated, and shall furnish in the said report full particulars of his itinerary including particulars of place which he proposes to stay and the date on which he expects to return to his registered address:

Provided that, if after making the said report, the foreigner makes any change in his itinerary, he shall report such change immediately to the Registration Officer to whom the said report was delivered and also to the Registration Officer having jurisdiction over any place which he may visit if such place was not included in the itinerary furnished with the said report.

(2) The Registration Officer may, in special circumstances, issue, on the application of a foreigner to whom this paragraph applies, a travel permit expressed to be valid for or more journeys to be made within a specified period and between specified places or within a specified area and, thereupon the said foreigner shall be deemed to have made the report prescribed in sub-rule (1) in respect of any journey for which the said permit is expressed to be valid.

(3) Every foreigner who stays for a period of more than seven days at any place in any other district than the district in which his registered address is situated shall report his presence in that other district to the Registration Officer of that district within seven days of his arrival :

Provided that any such foreigner as aforesaid who has furnished particulars for the completion of Form F in accordance with the provisions of Rule 14 or has obtained a travel permit in accordance with sub-rule (2), shall be deemed to have complied with this sub-rule.

(4) The report prescribed by sub-rule (3) may be made in writing and the requirements of the said sub-rule shall be deemed to have been fulfilled if, prior to his arrival in a district other than that in which his registered address is situated, the foreigner furnishes to the Registration Officer of the said district intimation of the dates of his proposed arrival in, and departure from, the said district :

Provided that where any foreigner who has furnished intimation as aforesaid does not arrive in or depart from the said district on the dates specified in the intimation, he shall report the dates of his arrival and departure within twenty-four hours thereof to the Registration Officer.

11. Report of change of registered address :-

(1) Every foreigner who is about to change his registered address shall furnish to the Registration Officer of the district in which his registered address is situated particulars of his new address and the date of the change.

(2) Every foreigner who effects any change of his address in India to any other district than the district of his registered address shall, within forty-eight hours of his arrival in that other district report his arrival to the Registration Officer of that district.

(3) A foreigner shall be deemed to change his registered address,-

(a) if he departs from India ;

(b) if he changes his residence from one place to another place in India;

(c) if, having no residence, he leaves his registered address knowing that he is not likely thereafter to return thereto within six months of leaving it ; or

(d) in any case to which the proviso to sub-rule (3) of Rule 5 applies, if either he or the Indian subjects whose address is deemed to be his registered address applies to the Registration Officer to be absolved from, or falls at any time to discharge the obligations laid down upon them by sub-rule (4) of that rule :

Provided that Clause (c) of this sub-rule shall not apply in any case in which in accordance with the second proviso to sub-rule (3) of Rule 5, the foreigner's registered address in the office of the Registration Officer of the district in which he first registered upon his arrival India.

12. Reports of change other than of address :-

Without prejudice to the provisions of Rules 10 and 11 every foreigner shall furnish to the Registration Officer of the district in which his registered address is situated particulars of any circumstances affecting in any manner the accuracy of the

particulars recorded in his Certificate of Registration within fourteen days after the circumstances has occurred, and generally shall supply to the Registration Officer all such information as may be necessary for maintaining the accuracy of that Certificate.

13. Saving for tourists, etc :-

(1) Nothing in Rules 10, 11 and 12 shall apply to any tourist for so long as the period of validity of his Certificate of Registration has not expired :

Provided that any Registration Officer may, in relation to any tourist, at anytime cancel the said period of validity and thereupon the tourist shall cease to be a tourist within the meaning of these rules.

(2) Nothing in sub-rule (1) of Rule 10 shall apply to the case of any foreigner in respect of whom, in pursuance of the proviso to sub-rule (3) of Rule 5, the address of an Indian citizen is deemed to be his registered address.

14. Report to be made to and by hotel keepers :-

(1) Every keeper of a hotel shall require every visitor to the hotel to furnish the particulars necessary for recording, and sign, on his arrival at the hotel, his name and nationality in a register maintained for the purpose in Form F and, if any such visitor is a foreigner, shall further require him,-

(a) on his arrival at such hotel, to furnish the other particular specified in Items 4 to 10 of the said register ; and

(b) at the time of his departure from such hotel, to furnish the particulars necessary for recording, in the said register, the date and time of his departure and the address to which he is proceeding.

(2) The register prescribed by sub-rule (1) shall at all times be made available for inspection, on the demand of any Registration Officer, any Magistrate or any police officer not below the rank of head constable.

(3) Every visitor to any hotel shall, on being required so to do by the keeper of the hotel, furnish the particulars necessary for recording and sign, his name and nationality, in the register referred to in sub-rule (1) and if such visitor is a foreigner, shall

also,-

(a) on his arrival at such hotel furnish the other particulars specified in Items 4 to 10 of the said register ; and

(b) at the time of his departure from such hotel, furnish the particulars necessary for recording, in the said register, the date and time of his departure and the address to which he is proceeding.

(4) Every particulars, other than the signature of the keeper of a hotel or a visitor, which is required by this rule to be recorded in the said register, shall be recorded by the keeper of the hotel and in the English language, if he is so able, or otherwise in an Indian language.

(5) If a visitor does not understand the English language, it shall be the duty of the keeper of the hotel, if so requested to explain to the visitor the requirements of this rule and Form F.

15. Surrender of Certificate of Registration on departure :-

(1) Every foreigner who is about to depart from India on board a vessel shall unless being a tourist, his case is governed by sub-rule (1-B), produce at the time of making the report under Rule 11 his Certificate of Registration before the Registration Officer of the district in which his registered address is situate and the said Registration Officer shall make, sign and seal on the said Certificate an endorsement to the effect that the said report has been duly made, and the foreigner shall surrender the Certificate so endorsed to the Registration Officer of the place from which vessel leaves India or to such authority as the said officer may appoint in this behalf:

Provided that a foreigner who has not obtained the said endorsement from the Registration Officer of the district in which his registered address is situated, may, in exceptional circumstances make a report to the Registration Officer of the place from which the vessel leaves India atleast 24 hours before his intended departure and obtain the said endorsement from that Registration Officer, to whom he shall surrender his Certificate of Registration at the time of his departure.

(1A) Every foreigner who is about to depart from India by land shall, unless, being a tourist, his case is governed by sub-rule (1-

B), surrender at the time of making the report required by Rule 11 his Certificate of Registration to the Registration Officer of the district in which his registered address is situate.

(1B) Every tourist shall on his departure from India, surrender his Certificate of Registration-

(a) if he departs on board of any vessel, to the Registration Officer of the place from which the vessel leaves India or to such authority as the said officer may appoint in this behalf; and

(b) if he departs from India by land, to the Registration Officer having jurisdiction at the place from which he departs from India.

(2) Every passenger other than a passenger for whom a berth has been engaged by or on behalf of Government who is about to depart from India on board of any vessel shall, on the request of a person having the management of such vessel, furnish or cause to be furnished in writing a true statement of the particulars set out in Form DB.

(3) Omitted.

(4) Any foreigner who surrenders his Certificate of Registration in accordance with sub-rule (1-A) shall receive from the Registration Officer a licence to travel through India to the place from which he proposes to leave India. Every such licence shall specify the route by which the foreigner will travel and the period for which it is valid and shall for the purpose of these rules be deemed to be a Certificate of Registration for so long as its conditions as to the period and route for which it is expressed to be valid are not contravened.

16. Obligation of masters of vessel, etc :-

(1) The master or the person having management of any vessel arriving at or leaving any place in India shall,-

(a) require any person who intends to disembark from, or embark on any such vessel for the purpose of entering or leaving India, to furnish in writing a true statement of the particulars set out in Form DA or DB.

(b) cause Form DA or DB to be delivered to the Registration Officer at the place of arrival or departure ;

(c) take steps to ensure that no foreigner disembarks or embarks

until authorised so to do by the Registration Officer:

(d) if so requested by the Registration Officer require any foreign passenger about to depart from India to surrender his Certificate of Registration, and deliver such certificate to the Registration Officer:

(e) if so required by the Registration Officer, furnish on arrival at the said place a true statement in writing showing the name and nationality of every seaman employed on such vessel, and at the time of departing from such place take such steps as the Registration Officer may specify to ascertain whether or not any such seaman as aforesaid who is a foreigner is about to depart on board such vessel ; and

(f) generally, render to the Registration Officer such assistance as he may reasonably require for carrying out the purpose of the Act and these rules.

(2) The master or the person having the management of any vessel arriving at, or leaving any place in India by sea shall also furnish, before any passenger disembarks or embarks, to the Registration Officer of any such place, a passenger manifest in Form E.

(3) Every particular, other than the signature of a foreign passenger which is required by the rule to be recorded in Form DA or DB as the case may be, shall be recorded,-

(a) if the passenger is able to write In the English language, by the passenger and in the English language ;

(b) if the passenger is unable to write in the English language, by the master of the vessel or by any person having the management of such vessel or by any seaman authorised in this behalf by such master or person, in the English language, or, where no such person as aforesaid is able to write in the English language, in an Indian language.

(4) If a foreigner does not understand the English language, it shall be the duty of the master of the vessel, if so requested, to explain to the foreign passenger the requirements of this rule.

(5) Form E shall be completed in the English language, or where no seaman on board of the vessel is able to write in the English language, in an Indian language.

(6) Copies of Forms DA, DB and E may be obtained, on application

from any Registration Officer.

17. Duplicate Certificate of Registration :-

(1) If any Certificate of Registration issued under these rules is lost or destroyed, the foreigner to whom it was issued shall make or send to the Registration Officer of the district of his registered address a report of the circumstances in which it was so lost or destroyed together with an application in writing for the issue of a duplicate copy of the Certificate of Registration.

(2) There shall be paid for every duplicate copy of a Certificate of Registration a fee of rupees two.