

REGISTRATION OF FOREIGNERS RULES, 1992

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REGISTRATION OF FOREIGNERS RULES, 1992

Whereas the draft of the Registration of Foreigners Rules, 1990 in supersession of the Registration of Foreigners Rules, 1939 were published, as required by Sec. 3 of the Registration of Foreigners Act, 1939 (16 of 1939) in the Gazette of India, Extraordinary, Part II, Sec. 3, sub-section (1) dated 15th January, 1991 under the Notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 37(E), dated 15th January, 1991, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 45 days from the date of publication of that notification in the Official Gazette. AND, WHEREAS the copies of the said Official Gazette were made available to the public on the 15th January, 1991 ; AND, WHEREAS no objections and suggestions on the said draft have been received, from the persons likely to be affected thereby by the Central Government; Now, therefore, in exercise of the powers conferred by Sec. 3 of the said Act,¹[and in supersession of the Registration of Foreigners rules, 1939, except as respects things done or omitted to be done before

such supersession,] the Central Government hereby makes the following rules, 2[***] namely :-

1. Short title, commencement and extent :-

(1) These rules may be called the Registration of Foreigners Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They extend to the whole of India.

2. Definitions :-

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

(a) "Act" means the Registration of Foreigners Act, 1939 (16 of 1939);

(b) "Certificate of Registration" means a certificate of Registration issued in pursuance of rules;

(c) "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 ;

(d) "Form" means one of the Forms appended to these rules;

(e) "Passenger" means any person travelling or seeking to travel on vessel who is not a bona fide seaman ;

(f) "Registered Address" means a foreigner's address in India as reported under rule 6 and recorded in item 11 of his 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 with the approval of the Central Government 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 six months,

who has no other object in visiting India than recreation, sightseeing or attending, in a representative capacity, meetings convened by the Government of India or International bodies or any other meeting or conference cleared by the Government of India;

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

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 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.

5. 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 Officer 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 D.

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

(1) Every foreigner entering India or resident in India shall present in person or through an authorised representative to the appropriate Registration Officer specified in rule 7, a report (hereinafter referred to as a registration report) 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 one hundred and eighty days and who does not remain in India beyond the said period.

(2) Every registration report shall be made in writing in English or

in Hindi language and in quadruplicate and shall contain a true statement of the foreigner's address in India and of the other particulars specified in Items 2 to 10 in Para IV of Form A 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:

Provided that, subject to the approval of the Registration Officer, any foreigner who has no residence in India may, with the consent previously obtained of an Indian citizen residing in India, being a banker or a person having the management of hotel or of a tourist or travel agency, report as his address in India the name and address of the said Indian citizen and such name and address in India the name and address of the said Indian citizen and such name and address shall, for so long as the provisions of sub-rule (4) are complied with, be deemed to be the foreigner's address in India:

Provided further that in the case of a foreigner who has no residence in India, whose occupation is such as to necessitate frequent travelling, who is not likely to return within a reasonable time to the district in which he is at any time living and who is unable to avail himself of the provision of the foregoing proviso, the office of the Registration Officer of the district in which he has first registered upon his arrival in India shall be deemed to be his address 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 citizen to furnish all such information in his possession relating to the foreigner as may be demanded for any of the purposes 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.

7. 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 one hundred and eighty days or less and who wishes to stay in India beyond a period of one hundred and eighty 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 one hundred eighty days to such Registration Officer as may be specified in this behalf by the Registration Officer of the port or other place of arrival with the approval of the Central Government;

(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 the presentation of such report ;

(d) in the case of a person who has become a foreigner by reason of his having ceased to be a citizen of India while resident in India 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 Cl. (a) of sub-rule (1), within two weeks after the expiry of one hundred and eighty days of his arrival in India;

(b) in the case of a foreigner referred to in Cl. (b) and sub-rule (1), within two weeks of his arrival in India;

(c) in the case of a foreigner referred to in Cl. (c) of sub-rule (1), immediately after the expiry of the authorised period of stay in India ;

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

(a) where he has voluntarily acquired the citizenship of another country by naturalisation or registration, the date of such naturalisation 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 the case of a person in respect of whom an order has been made under sub-section (2) of Sec. 9 of the Citizenship Act, 1955 (57 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 to 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:

Provided that, in any case in which the registration report is presented, in accordance with C1. (b) of sub-rule (1) by a foreigner whose address in India is not within the jurisdiction of the Registration Officer of the port or other place of arrival in India, temporary certificate in Form B shall be issued and the said foreigner shall thereafter comply with the conditions set out in Form B :

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 and over stamped with the Stamp of Registration Officer or four complete sets of his finger impressions, one of which shall be made Part III of Form A, 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.

8. Period of validity of certificate of registration :-

The certificate of registration issued in respect of any foreigner shall be valid for so long as the foreigner does not depart from India.

9. 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 a head constable, produce, at such place as may be specified in 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.

10. 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 a head constable, produce or cause to be produced his certificate of registration for his 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 the said certificate;

Provided further that if the Registration Officer, magistrate or police officer, not being below the rank of an 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 (3) of rule 7 the Registration Officer, magistrate or police officer not being below the rank of an 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 the registration certificate. The finger impression shall be made in the presence of the Registration Officer and each set attested by him.

11. 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 eight weeks or more or he is changing his registered address or he is finally departing from India, he shall, before he leaves, inform in person or through an authorised representative or by registered post his Registration Officer of his intention to leave either temporarily or permanently the jurisdiction of the Registration Officer. In case he is returning he should inform the Registration Officer of the date of return and in the case he is moving away, the change of address. Any changes made subsequently should also be intimated to the Registration Officer:

Provided that nothing in this sub-rule shall apply in the case of any foreigner in respect of whom, in pursuance of the proviso to sub-rule (3) of rule 6, the address of Indian citizen is deemed to be his registered address.

(2) Every foreigner, who stays for a period of more than eight weeks at any place in any district other than the district in which his registered address is situated, shall inform the Registration Officer of that district of his presence.

(3) The information required under sub-rule (2) 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.

12. Change in registered address :-

A foreigner shall be deemed to have changed 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 first proviso to sub-rule (3) of rule 6 applies, if either he or the Indian citizen whose address is deemed to be his registered address applies to the Registration Officer to be absolved from or fails at any time to discharge the obligations laid down upon them by sub-rule (4) of that rule:

Provided that Cl. (c) of this rule shall not apply in any case in which in accordance with the second proviso to sub-rule (3) of rule 6 of the foreigner's registered address is the office of the Registration Officer of the district in which he first registered upon his arrival in India.

13. Reports of change other than of address :-

Without prejudice to the provisions of rules 11 and 12 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 circumstance has occurred and generally shall supply to the Registration Officer all such information as may be necessary for maintaining the accuracy of the certificate.

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 Fand, if any such visitor is a foreigner shall further require him ;

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

(b) at the time of his departure from such a 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 time 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 a 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 duty of the keeper of the hotel, if so requested to explain to the visitor the requirements of this rule and Form F.

(6) The keeper of the hotel shall, as soon as may be but not more than twenty-four hours, after the arrival of any foreigner, transmit a copy of Form C, duly completed from the particulars furnished by such a foreigner, to the Registration Officer.

(7) For the purpose of this rule,-

(a) "hotel" includes any boarding-house, club, dak-bungalow, rest house, paying guest house, "sarai" other premises of like nature;

(b) "keeper of a hotel" means the person having the management of a hotel and includes any person authorised by him, and competent to perform the duties of the keeper of the hotel under this rule ;

(c) "sign" includes, in respect of a visitor who is unable to write, the making of a thumb impression or other mark by means of which he is accustomed to attest a document; and

(d) "visitor" means a person for whom accommodation is provided at a hotel.

(8) Copies of Form C may be obtained, on application from any Registration Officer.

15. Surrender of Certificates of registration on departure :-

(1) Every foreigner who is about to depart finally from India shall surrender his certificate of registration either to the Registration Officer of the place where he is registered or of the place from where he intends to depart or to the Immigration Officer at the Port/Checkpost of exit from India. If the certificate is surrendered other than to the Immigration Officer of the port or checkpost of exit, a receipt indicating such surrender of the document may be obtained and shown to the Immigration Officer.

(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 any vessel shall, on the request of a person having the engagement of such vessel, furnish or cause to be furnished in writing a true statement of the particulars set out in Form D.

1 [(3) The Central Government shall, publish on the reverse of Form D, by way of General or Special instructions, the requirements of any other law or the rules thereunder, which are applicable to the passengers.]

1. Inserted by G.S.R. 55(E), dated 29th January, 1999 (w.e.f. 29th January, 1999)

16. Obligation of masters of vessels, 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 D, as the case may be;

(b) cause Form D 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 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 this rule to be recorded in Form D, as the case may be, shall be recorded-

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

(b) if the passenger is unable to write in English language by the passenger in an Indian language; or

(c) if the passenger is unable to write either in English language or in an Indian 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 in an Indian language.

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

(5) Form E shall be completed in the English language or in an Indian language.

(6) Copies of Forms D and E may be obtained, on application from any Registration Officer.

17. Duplicate certificate of registration :-

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 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.