

THE PASSPORTS ACT, 1967

(Act 15 of 1967, dt. 24-6-1967)

An Act to provide for the issue of passports and travel documents, to regulate the departure from India of citizens of India and other persons for matters incidental or ancillary thereto.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

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.

COMMENTS

Preamble:— The motto behind this Act was to provide for the issue of passports and travel documents, to regulate the departure from India of citizens of India and other persons and for matters incidental or ancillary thereto.

This Act is applicable on the whole of India and applies also to citizens of India who are outside India.

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.

COMMENTS

'Departure' means departure from India by water, land or air routes.

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.

COMMENTS

Section 3 of the Act mandates that no person shall depart from, or attempt to depart from India unless he holds in this behalf a valid passport or travel document.—*Soniya Sawhney v. Regional Passport Officer, Regional Passport Office, Hyderabad, 2010 (96) AIC 678 (Andhra Pradesh H.C.)*

'Passport' means a document which is issued by or under the Authority of the Government of foreign country satisfies the conditions mentioned in the Passport (Entry into India) Act, 1920 (34 of 1920), in respect of the class of passports to which it belongs.

The right to travel abroad is a fundamental right enshrined under Article 11 of the Constitution of India. A person having valid passport cannot be prevented or withhold from travelling abroad by a mere oral order of the police officials of the State Government. The Passport Authority is only who can prevent person from going abroad—*AIR 1989 (Mad.) 3*

The point of time i.e. mentioned in section 3 is departure from India. Without departure or at least an attempt to departure from India, there is no question of invoking section 3 of this Act—*A. Ahmad v. State of Delhi, AIR 1999 (SC) 1315*

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.

5. Applications for passports, travel documents, etc., and orders thereon

¹[(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 ²[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].

¹ Substituted by Act 31 of 1978, w.e.f. 18-8-1978.

² Substituted for "a fee of rupees fifty" by Act 35 of 1993, w.e.f. 1-7-1993.

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 ¹[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.

COMMENTS

Section 5 deals with the manner of application for securing the passport and the method of dealing with the same.—*Soniya Sawhney v. Regional Passport Officer, Regional Passport Office, Hyderabad, 2010 (96) AIC 678 (Andhra Pradesh H.C.)*

Every application under section 5(1B) shall be in such form and contain such particulars as may be prescribed.—*Regional Passport Officer v. Kokilaben, 2009 (82) AIC 293 (Gujarat H.C.)*

Under section 5(2) in the case of any enquiry, a passport authority may require an applicant to furnish such additional information, documents or certificates, as may be considered necessary by such authority for the proper disposal of the application.—*Regional Passport Officer v. Kokilaben, 2009 (82) AIC 293 (Gujarat H.C.)*

The Central Government by its notification vide GSR 472(E), dt. 22-5-2000, has exempted the regular employees of the Central Passport Organisation, their spouses and children upto the age of 15 years, from the operation of the provisions of section 5 read with rule 8 of the Passports

¹ Inserted by Act 31 of 1978, w.e.f. 18-8-1978.

Rules, 1980 insofar as such provisions relate to the payment of fees for issuing an ordinary 36 page passport to be valid for 10 years or 20 years, as the case may be, and its renewal and for rendering miscellaneous services on such passport.

The application for grant of passport by adoptive child cannot be refused on the ground of subsequent marriage of the adoptive mother because subsequent marriage of adoptive mother cannot invalidate the adoption of the child—*Narinderjit Kaur v. Union of India, AIR 1997 (P&H) 280*

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:—

- (a) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;
- (b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;
- (c) 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;
- (d) 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:—

- (a) that the applicant is not a citizen of India;
- (b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;
- (c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;
- (d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;
- (e) 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;
- (f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;
- (g) 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;
- (h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;
- (i) 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.

COMMENTS

Section 6 of the Act confers the conditions, subject to which the Passport Issuing Authority can refuse to make an endorsement for visiting any foreign country.—*Soniya Sawhney v. Regional Passport Officer, Regional Passport Office, Hyderabad, 2010 (96) AIC 678 (Andhra Pradesh H.C.)*

Under section 6(2) of the Act, the passport authority can 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 grounds, are given in this section.—*Asok Kumar v. State of Kerala, 2009 (80) AIC 554 (Kerala H.C.)*

Section 6(2)(f) makes it clear that the Passport Issuing Authority can refuse to issue a Passport or a Travel Document for visiting any foreign country to a person against whom proceedings in respect of an offence alleged to have been committed by him are pending before a Criminal Court in India.—*Soniya Sawhney v. Regional Passport Officer, Regional Passport Office, Hyderabad, 2010 (96) AIC 678 (Andhra Pradesh H.C.)*

Passport authority can refuse to issue a passport or travel document to a person against whom proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India.—*Asok Kumar v. State of Kerala, 2009 (80) AIC 554 (Kerala H.C.)*

The Central Government by notification vide GSR 34(E), dt. 12-1-2000 has exempted all government servants against whom criminal charges are pending in any Court in India for acts done or omitted to be done by them in the discharge of their official duties from the operation of clause (f) of sub-section (2) of this section. "No objection certificate" from their department to the issue of passport to such officials would be required as in all cases of government servants.

7. Duration of passports and 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.

¹[8. 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.]

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:

¹ Substituted by Act 35 of 1993, w.e.f. 1-7-1993.

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.

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:
¹[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;

¹ Inserted by Act 35 of 1993, w.e.f. 1-7-1993.

(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.

COMMENTS

Only the passport authority is empowered to impound the passport. This provision will only enable to Court to impound any document or thing other than a passport.—*Pushpal Swarnkar v. State of Chhattisgarh, 2009 (78) AIC 726 (Chhattisgarh H.C.)*

The order of impounding the passport is always open to the authorities to review its earlier order—*Union of India v. Smt. Charanjit Kaur AIR 1987 SC 1057*

Section 10(3)(h) is not an enabling provision in favour of any person, it gives a right in favour of any person to invoke the same for compelling the passport officer to act at the instance of such aggrieved person—*ICICI Ltd., Bangalore v. Passport Officer, Bangalore, AIR 2002 Kant. 118*

The Central Government by its notification vide GSR 34(E), dt. 12-1-2000 has exempted all government servants against whom criminal charges are pending in any court in India for acts done or omitted to be done by them in the discharge of their official duties from the operation of clause (e) of sub-section (3) of section 10. A No Objection Certificate from their department would be required to the issuance of passport to such officials as in all cases of government servants.

¹**10A. Suspension of passports or travel documents in certain cases**

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,—

- (a) by order, suspend, with immediate effect, any passport or travel document;
- (b) 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 orders 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.

COMMENTS

Designated officer means and include such officer or authority designated by order in writing by the Central Government.

10B. Validation of intimations

Every intimation given by the Central Government or the designated officer, before the commencement of the Passports (Amendment) Act, 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 sub-section (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 10-A and 10-B, the expression "designated officer" means such officer or authority designated, by order in writing, as such by the Central Government.]

COMMENTS

Designated officer means and include such officer or authority designated by order in writing by the Central Government.

¹ Inserted by Act 17 of 2002, w.r.e.f. 23-10-2001.

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 satisfies 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 ¹[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.

COMMENTS

The appeal before the appellate authority against the order of the passport authority under—

- (i) Section 5(2)(b) or (c) or
- (ii) Section 7 proviso (b) or
- (iii) section 10(1) or (3) or
- (iv) section 10(6):

PROVIDED that no appeal shall lie against any order made by the Central Government.

The appeal must lie within the prescribed period of limitation under the Limitation Act, 1963 (36 of 1963).

No appeal shall be disposed of without the aggrieved person has been given a reasonable opportunity of representing his case.

The order of the appellate authority is final in respect to confirming, modifying or reversing the order of the passport authority against which the appeal has been preferred.

12. Offences and penalties

(1) Whoever—

- (a) contravenes the provisions of section 3; or

¹ Substituted for "by such fee (if any) not exceeding rupees twenty-five as may be prescribed" by Act 35 of 1993, w.e.f. 1-7-1993.

- (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 ¹[two years or with fine which may extend to five thousand rupees] or with both.

²[(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 ³[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.

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 ⁴[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 ⁵[section 57 of the Code of

1 Substituted for "six months or with fine which may extend to two thousand rupees" by Act 35 of 1993, w.e.f. 1-7-1993.

2 Inserted by Act 35 of 1993, w.e.f. 1-7-1993.

3 Substituted for "sub-section (1)" by Act 35 of 1993, w.e.f. 1-7-1993.

4 Substituted for "officer of police" by Act 35 of 1993, w.e.f. 1-7-1993.

5 Substituted for "section 61 of the Code of Criminal Procedure, 1898 (5 of 1898)" by Act 31 of 1978, w.e.f. 18-8-1978.

Criminal Procedure, 1973 (2 of 1974)¹], shall, so far as may be, apply in the case of any such arrest.

COMMENTS

This section provides that the officer designated for this purpose not below the rank of a sub-inspector, may arrest any person without warrant against whom a reasonable suspicion exists that he has committed any offence under section 12 of this Act and he informs that person about the grounds of arrest as soon as he arrests the person.

The officer without unnecessary delay is bound to take or send the arrested person before a magistrate having jurisdiction or the officer in-charge of the nearest police station. The provisions of section 57 of Cr. P.C., 1973 shall apply in the case of such arrest.

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 ²[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 ³[Code of Criminal Procedure, 1973 (2 of 1974)]⁴, relating to searches and seizures shall, so far as may be, apply to searches and seizures under this 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 authorized by that Government by order in writing in this behalf.

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.

COMMENTS

This section protects the government or any officer or authority for whatever they did/acted or intended to be done/acted in good faith. For this no suit, prosecution or other legal proceeding shall lie against the above named persons or authority or the Government.

17. Passports and travel documents to be the property of Central Government

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

18. Passports, etc., not to be issued to persons who cannot emigrate Act 7 of 1922

⁵[x x x]

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; or
- (b) a country assisting the country committing external aggression against India; or

1 Now refer section section 58 of Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

2 Substituted for "officer of police" by Act 35 of 1993, w.e.f. 1-7-1993.

3 Substituted for "Code of Criminal Procedure, 1898 (5 of 1898)" by Act 31 of 1978, w.e.f. 18-8-1978.

4 Now refer Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

5 Repealed by Act 35 of 1993, w.e.f. 1-7-1993.

- (c) a country where armed hostilities are in progress; or
- (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.

COMMENTS

This section mentions that the passport and travel document will be invalid for travel to countries by the issue of a notification by the Central Government that—

- (a) that country is committing external aggression against India or
 - (b) that country is assisting the country committing external aggression against India or
 - (c) that country, where armed hostilities are in progress or
 - (d) that 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.
- The passport is only applicable/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.

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.

COMMENTS

This section provides that issue of passport and travel documents to persons who are not citizen of India if it is in the opinion of the government that it is necessary so to do in the public interest.

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.

COMMENTS

Vide GSR 723(E), dt. 22-7-2016, w.r.e.f. 1-7-2016, the Central Government hereby directs that the power to issue passports to persons who are not citizens of India under section 20 of the said Act, in respect of persons of Indian origin residing in the Republic of the Union of Myanmar and holding Foreigners Registration Certificates issued by the Government of the Republic of the Union of Myanmar, may be exercised by the Embassy of India, Yangon, subject to the condition that passports in such cases may be granted by the said Embassy for a period of one year at a time and endorsed for the Republic of the Union of Myanmar only.

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,—

- (a) 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
- (b) 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.

COMMENTS

Central Government can exempt any person or class of persons from the operation of all or any of the provisions of this Act or rules in the public interest by notification in the official Gazette.

The Central Government by its notification vide GSR 472(E), dt. 22-5-2000, has exempted the regular employees of the Central Passport Organisation, their spouses and children upto the age of 15 years, from the operation of the provisions of section 5 read with rule 8 of the Passports Rules, 1980 insofar as such provisions relate to the payment of fees for issuing an ordinary 36 page passport to be valid for 10 years or 20 years, as the case may be, and its renewal and for rendering miscellaneous services on such passport.

The application for grant of passport by adoptive child cannot be refused on the ground of subsequent marriage of the adoptive mother because subsequent marriage of adoptive mother cannot invalidate the adoption of the child—*Narinderjit Kaur v. Union of India, AIR 1997 (P&H) 280*

Vide GSR 655(E), dt. 1-11-2011, the Central Government hereby exempts the following persons from the operation of the provisions of Section 5 of this Act, read with rule 8 of the Passport Rules, 1980, insofar as such provisions relate to the payment of fees for issue or reissue of an ordinary thirty-six pages passport to be valid for ten years or five years, as the case may be, and for rendering of miscellaneous services on such a passport, namely:—

- (i) regular employees of the Central Passport Organisation and their spouses and children up to the age of fifteen years;
- (ii) retired employees of the Central Passport Organisation and their spouses; and
- (iii) employees who come on deputation to the Central Passport Organisation and their spouses and children up to the age of fifteen years, during their deputation to the Central Passport Organisation:

PROVIDED that such exemption of fees for issue or reissue of a passport and for rendering of any miscellaneous services on such a passport is not allowed to the person, who is—

- (i) undergoing departmental proceedings for dereliction of duty or misconduct; or
- (ii) compulsorily retired from the services or terminated from the services; or
- (iii) awarded any major penalty during Departmental Inquiry proceedings; or
- (iv) facing criminal proceedings on the allegations of corruption, criminal misconduct, misappropriation of public funds; or
- (v) convicted of any offence by any court in India.

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 Passport (Entry into India) Act, 1920 (34 of 1920), ¹[the Emigration Act, 1983 (31 of 1983)], the Registration of Foreigners Act, 1939 (16 of 1939), the Foreigners Act, 1946 (31 of

¹ Substituted for "the Emigration Act, 1922 (7 of 1922)" by Act 35 of 1993, w.e.f. 1-7-1993.

1946), ¹[x x x] the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (16 of 1947), the Foreigners Law (Application and Amendment) Act, 1962 (42 of 1962), ²[the Foreign Exchange Regulation Act, 1973 (46 of 1973)] and other enactments relating to foreigners and foreign exchange.

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;
- ²[(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 ³[any application for the issue of a passport under sub-section (1) of section 5 or issue of a passport] ⁴[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

1 The words and figures "the Foreign Exchange Regulation Act, 1947 (7 of 1947)" omitted by Act 31 of 1978, w.e.f. 18-8-1978.

2 Inserted by Act 31 of 1978, w.e.f. 18-8-1978.

3 Substituted for "any application for the issue or renewal of a passport" by Act 35 of 1993, w.e.f. 1-7-1993.

4 Substituted for "issue or renewal of a passport" by Act 31 of 1978, w.e.f. 18-8-1978.

comprised in one session or ¹[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.

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.

26. Savings as to certain passports and applications

²[x x x]

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.

¹ Substituted by Act 31 of 1978, w.e.f. 18-8-1978.

² Repealed by Act 35 of 1993, w.e.f. 1-7-1993.

THE PASSPORTS RULES, 1980

[GSR 691(E), dt. 11-12-1980]

(As amended by the Passports (Amendment) Rules, 2026
vide GSR 516(E), dt. 20-6-2026, w.e.f. 1-7-2026)

In exercise of the powers conferred by section 24 of the Passports Act, 1967 (15 of 1967), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement

(1) These Rules may be called the Passports Rules, 1980.

(2) They shall come into force from the date¹ of their publication in the Official Gazette.

2. Definitions

In these Rules, unless the context otherwise requires,—

(a) "Act" means the Passports Act, 1967 (15 of 1967);

(b) "Form" means a Form set out in Schedule III;

(c) "miscellaneous service", in relation to a passport or travel document includes—

(i) varying the entries in a passport or travel document;

(ii) making additional endorsement on a passport or travel document in respect of foreign countries;

²[(iii) issuing a fresh passport booklet when the pages in the booklet held are almost exhausted; or]

(iv) any other service in respect of a passport or travel document which the holder thereof may require;

(d) "Schedule" means a Schedule appended to these Rules;

(e) "section" means a section of the Act.

3. Passport authorities

(1) In addition to the Central Government, the officers specified in column (2) of Schedule I shall, subject to the provisions of sub-rule (2), be the passport authorities for all purposes of the Act and these Rules.

³[(2) An officer referred to in column (2) of Schedule I shall, for the purpose of issue of a passport or travel document, exercise jurisdiction in respect of applications for such issue made by persons residing anywhere in India including the territories specified in the corresponding entries in column 3 of the said Schedule.]

¹ Enforced w.e.f. 11-12-1980.

² Substituted vide GSR 491(E), dt. 28-8-1997, w.e.f. 28-8-1997.

³ Substituted vide GSR 1117(E), dt. 14-11-2018, w.e.f. 15-11-2018. Prior to substitution, sub-rule (2) read as under:

“(2) An officer referred to in column (2) of Schedule I shall, for the purpose of issue of a passport or travel document, exercise jurisdiction in respect of applications for such issue made by persons ordinarily residing in the territories specified in the corresponding entries in column 3 of the said Schedule:

PROVIDED that in exceptional and urgent cases the said officer may entertain an application for the issue of a passport or travel document from a person not ordinarily residing within his jurisdiction and may issue a passport or travel document to such a person for a period not exceeding twenty-four months.”

4. Classes of persons to whom the different classes of passports and travel documents may be issued

The classes of persons to whom the classes of passports or travel documents referred to respectively in sub-section (1) and sub-section (2) of section 4 may be issued, shall be as specified respectively in Part I or Part II, as the case may be, of Schedule II.

5. Form of applications

¹[(1)] An application for the issue of a passport or travel document or for the renewal thereof or for any miscellaneous service shall be made in the appropriate Form set out thereof in Part I of Schedule III and in accordance with the procedure and instructions set out in such form:

²[PROVIDED that every application for any of the aforesaid purposes shall be made only in the form printed and supplied by—

(a) the Central Government; or

³[(b)] any other person whom the Central Government may by notification, specify, subject to the condition that such person complies with the conditions specified by that Government in this behalf:

PROVIDED FURTHER that] in the course of any inquiry under sub-section (2) of section 5, a passport authority may require an applicant to furnish such additional information, documents or certificates, as may be considered necessary by such authority for the proper disposal of the application.

⁴[xxx]

⁵[x x x]

⁶[(3) The Passport Authority may authorise any person or authority to collect passport applications on its behalf for issue of a passport or travel document or for the renewal thereof or for any miscellaneous service on payment of a service charge specified by the Central Government under sub-rule (2) of rule 8 in addition to the fee payable under sub-rule (1) of rule 8 and the service charge shall be paid by the applicant to such person or authority.]

⁷[x x x]

⁸[xxx]

1 Existing rule 5 renumbered as sub-rule (1) thereof vide GSR 100(E), dt. 4-3-1991, w.e.f. 4-3-1991.

2 Substituted vide GSR 100(E), dt. 4-3-1991, w.e.f. 4-3-1991.

3 Existing clause (b) omitted and clause (c) re-lettered as clause (b) vide GSR 721(E), dt. 7-8-1992, w.e.f. 17-8-1992.

4 Omitted vide GSR 356(E), dt. 2-6-2020, w.e.f. 5-6-2020. Prior to omission, sub-rule (2) read as under: “(2) The price of the new application forms referred to in sub-rule (1) shall be as specified in column 3 or 4, as the case may be, of Schedule IIIA for that particular category:”

5 Proviso omitted vide GSR 485(E), dt. 23-5-2000.

6 Inserted vide GSR 529(E), dt. 8-6-2000, w.e.f. 8-6-2000.

7 Rule 6 omitted vide GSR 860(E), dt. 1-11-1985, w.e.f. 1-11-1985.

8 Omitted vide GSR 356(E), dt. 2-6-2020, w.e.f. 5-6-2020. Prior to omission, rule 7 read as under:

“7. Named foreign country

Each of the following countries shall be a named foreign country for the purposes of the Explanation to sub-section (1) of section 5, namely:—

- (i) Bangladesh;
- (ii) Sri Lanka; and
- (iii) Saudi Arabia.”

8. Fee payable on applications

¹[(1)] The fee payable on every application mentioned in column (2) of Schedule IV shall be at the rates specified in the corresponding entry in ²[column (3), (4), (5), (6), (7) or (8), as the case may be], of that Schedule.

³[(2)] The Central Government may specify service charge payable by the applicant to the person or authority for collection of passport applications under sub-rule (3) of rule 5.]

⁴[9. Collection of fees

⁵[(1)] All fees payable in respect of applications under sub-rule (1) of rule 8 shall be remitted online or by cash at the counter of the passport office/passport seva kendra concerned, as the case may be.]

(2) The service charge payable under sub-rule (2) of rule 8 shall be paid to the person or the authority referred to in sub-rule (3) of rule 5.]

10. Refund of fees

Fees shall be refunded if applied for within one year from the date of payment thereof in the following cases:—

- (i) if after paying the fee, a person does not submit the application for issue of passport or travel document or for any service on a passport or travel document already held by him, as the case may be;
- (ii) if the fee paid is in excess of the prescribed fee; and
- (iii) if the fee paid is for a service for which no fee has been prescribed.

11. Forms of passport or travel document

A passport or travel document issued under the Act shall be in the appropriate form set out in Part III of Schedule III:

⁶[PROVIDED that with effect from the date after commencement of the Passport (2nd Amendment) Rules, 1992 the form of diplomatic and official passports shall be as specified in Form P-1A and Form P-2A respectively, of Part III of Schedule III.]

12. Duration of passports or travel documents

⁷[(1)] An ordinary passport for persons other than children below the age of 15 years, containing thirty-six pages or sixty pages shall be in force for a period of 10 years ⁸[xxx] from the date of its issue.

(1A) An ordinary passport for a child below the age of 15 years, containing thirty-six pages shall be in force for a period of 5 years from the date of its issue or until the child attains the age of 15 years, whichever is earlier.]

1 Existing rule 8 renumbered as sub-rule (1) thereof vide GSR 529(E), dt. 8-6-2000, w.e.f. 8-6-2000.

2 Substituted for "columns (3), (4) or (5), as the case may be" vide GSR 356(E), dt. 2-6-2020, w.e.f. 5-6-2020.

3 Inserted vide GSR 529(E), dt. 8-6-2000, w.e.f. 8-6-2000.

4 Substituted vide GSR 529(E), dt. 8-6-2000, w.e.f. 8-6-2000.

5 Substituted vide GSR 356(E), dt. 2-6-2020, w.e.f. 5-6-2020. Prior to substitution, sub-rule (1) read as under: "(1) All fees payable in respect of applications under sub-rule (1) of rule 8 be remitted by demand draft drawn in favour of the Passport Authority or paid in cash at the counter of the Passport Authority concerned stating in the receipt the particulars in respect of which such fees have been remitted or paid."

6 Substituted vide GSR 356(E), dt. 2-6-2020, w.e.f. 5-6-2020. Prior to substitution, proviso read as under: "PROVIDED that with effect from the date after commencement of the Passport (2nd Amendment) Rules, 1992, the forms of diplomatic, official and India-Sri Lanka Passports shall be as specified in Form P-1A, Form P-2A and Form P-7A respectively, of Part III of Schedule III."

7 Substituted vide GSR 605(E), dt. 5-10-1998, w.e.f. 8-10-1998.

8 Words "or 20 years, as the case may be," omitted vide GSR 633(E), dt. 23-8-2011, w.e.f. 23-8-2011.

¹[xxx]

(4) An emergency certificate shall continue in force for a period of ²[six months] from the date of its issue.

³(5) A certificate of identity shall continue in force for a period of ten years from the date of its issue.]

(6) A diplomatic and an official passport shall continue in force for a period to be decided in each case by the Central Government or the passport authority which issues the passport:

PROVIDED that the total life of a diplomatic or an official passport shall be ten years from the date of its issue.

⁴[xxx]

13. Issue of additional passport or travel document in special circumstances

A person holding a passport or travel document shall not be entitled to another passport or travel document unless he surrenders to the passport authority the passport or travel document already held by him:

PROVIDED that separate passports or travel documents may be issued to the same person in respect of different countries if it is necessary so to do for facilitating his visits to such countries.

14. Appellate authorities

For the purpose of the Act and these Rules, the appellate authority to whom an appeal shall lie from an order specified in column (1) of the Table below shall be that specified in the corresponding entry of column (2) thereof and every such appeal shall be filed within thirty days from the date on which the order sought to be appealed against is communicated to the appellant.

TABLE

<i>Orders appealed against</i>		<i>Appellate authority</i>
1.	An order of the passport authority, other than the Central Government, under— (i) clause (b) or clause (c) of sub-section (2) of section 5; or (ii) clause (b) of the proviso to section 7; or (iii) sub-section (1) or sub-section (3) of section 10. An order under sub-section (6) of section 10 of the authority to whom passport Delhi, authority is subordinate.	The Chief Passport Officer, Ministry of External Affairs, New Delhi. Additional Secretary or Secretary, Ministry of External Affairs, New Delhi.

1 Omitted vide GSR 356(E), dt. 2-6-2020. w.e.f. 5-6-2020. Prior to omission, sub-rules (2) & (3) read as under:
“(2) An India-Bangladesh passport shall continue in force for a period of three years from the date of its issue.
(3) An India-Sri Lanka passport shall continue in force for a period of four years from the date of its issue.”

2 Substituted for “three months” vide GSR 339(E), dt. 6-4-2018.

3 Substituted vide GSR 527(E), dt. 9-7-2001, w.e.f. 13-7-2001.

4 Omitted vide GSR 356(E), dt. 2-6-2020. w.e.f. 5-6-2020. Prior to omission, sub-rule (7) read as under:
“(7) The passport for Haj pilgrims shall be valid for a period of eight months from the date of issue.”

15. Fee payable in respect of appeal

Every petition for appeal shall be accompanied by a fee of twenty-five rupees which shall be paid in cash at the treasury and a copy of the receipted challan shall be enclosed with such petition.

16. Procedure to be followed by appellate authority

On receipt of an appeal, the appellate authority may call for the records of the case from the authority which passed the order appealed against and after giving the appellant a reasonable opportunity of representing his case, pass final order.

17. Authority and Form for special endorsement under section 19

(1) The authority for the purposes of section 19 shall be the passport authority.

(2) Every special endorsement referred to in section 19 shall be in the following Form, namely:—

FORM

This passport is hereby made valid under section 19 of the Passports Act, 1967 (15 of 1967), for travel through, or visiting for a maximum period of days/months from the date of this endorsement.

18. Inspection of passport or travel document

The authorities for the purposes of clause (c) of sub-section (1) of section 12 shall be—

- (i) any passport authority;
- (ii) any officer of Police not below the rank of a Sub-Inspector; and
- (iii) any officer of Customs empowered by general or special order of Central Government in this behalf.

19. The conditions of a passport or travel document

The conditions subject to which a passport or travel document shall be issued or renewed shall be as set out in Schedule V.

20. Repeal

The Passports Rules, 1967 are hereby repealed:

PROVIDED that such repeal shall not affect the previous operation of the said Rules or anything duly done or suffered, or any right, privilege, obligation or liability acquired, accepted or incurred, thereunder.

¹[SCHEDULE I

<i>Sl. No.</i>	<i>Passport authorities</i>	<i>Jurisdiction</i>
(1)	(2)	(3)
1.	Passport Office, Ahmedabad	The districts of Ahmedabad, Ahmedabad Rural, Amreli, Anand, Aravalli, Banaskantha, Bharuch, Bhavnagar, Botad, Chhota Udaipur, Dahod, Devbhoomi Dwarka, Gandhinagar, Gir Somnath, Jamnagar, Junagadh, Kheda, Kutch, Mehsana, Mahisagar, Morbi, Panchmahal, Patan, Porbandar, Rajkot, Rajkot Rural, Sabarkantha, Surendranagar, Vadodara, Vadodara Rural in the State of Gujarat and the Diu in the Union territory of Daman and Diu.
	(a) Passport Officer	
	(b) Deputy Passport Officer	
	(c) Assistant Passport Officer	
	(d) Senior Superintendent	
	(e) Superintendent	
2.	Passport Office, Amritsar	The districts of Ferozpur, Faridkot, Muktsar, Amritsar, Tarn Taran, Fazilka in the State of Punjab.
	(a) Passport Officer	
	(b) Deputy Passport Officer	
	(c) Assistant Passport Officer	
	(d) Senior Superintendent	
	(e) Superintendent	
3.	Passport Office, Bengaluru	All districts in the State of Karnataka.
	(a) Passport Officer	
	(b) Deputy Passport Officer	
	(c) Assistant Passport Officer	
	(d) Senior Superintendent	
	(e) Superintendent	
4.	Passport Office, Bareilly	The districts of Bareilly, Budaun, Etah, Bijnor, Moradabad, Rampur, Pilibhit, Shahjahanpur, Mainpuri, Ferozabad, Sambhal (Bheem Nagar), Kashganj and Jyotiba Phule Nagar in the State of Uttar Pradesh.
	(a) Passport Officer	
	(b) Deputy Passport Officer	
	(c) Assistant Passport Officer	
	(d) Senior Superintendent	
	(e) Superintendent	
5.	Passport Office, Bhopal	All districts in the State of Madhya Pradesh.
	(a) Passport Officer	

¹ Substituted vide GSR 1150(E), dt. 11-9-2017, w.e.f. 13-9-2017.