

Passport (Entry into India) Act 1920

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Source: The Hindu Businessline & Indian Kanoon

Passport (Entry into India) Act, 1920 was in news with respect to the deportation of foreigners from India as **it mentions that State governments and their district-level authorities enjoy the power of the central government under section 3 of the Foreigners Act and section 5 of the Passport (Entry into India) Act, 1920, to detect, detain and deport any illegal foreigner**

Key features of the Act

Power to make rules under the act

- **The Central Government may make rules requiring that person entering India shall be in possession of passports, and for all matters ancillary or incidental to that purpose.**
- Without prejudice to the generality of the foregoing power such rules may;
 1. **Prohibit the entry into India** or any part thereof of any person who has not in his possession a passport issued to him
 2. Prescribe the authorities by whom passports must have been issued or renewed and conditions with which they must comply, for the purposes of this Act; and
 3. **Provide for the exemption**, either absolutely or on any condition, of any person or class of persons from any provision of such rules.

Rules made under this section may provide that any

contravention thereof or of any order issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to fifty thousand rupees, or with both.

Punishment for subsequent offences under the act

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

Power to arrest

- **Any officer of police, not below the rank of a Sub-Inspector,** and any officer of the Customs Department empowered by a general or special order of the Central Government in this behalf may **arrest without warrant any person who has contravened** or against whom a reasonable suspicion exists that he has contravened any rule or order made under section 3.
- Every officer making an arrest under this section shall, without unnecessary delay, take or **send the person arrested before a Magistrate having jurisdiction** in the case or to the officer-in-charge of the nearest police station, and the provisions of [section 57 of the Code of Criminal Procedure, 1973], shall, so far as may be, apply in the case of any such arrest.

Power of removal

The Central Government may, by general or special order, direct the removal of any person from India **who, in contravention of any rule made under section 3 prohibiting entry into India** without a passport, has entered therein, and thereupon any officer of the Government shall have all reasonable powers necessary to enforce such directions.