

The Immigration (Carriers Liability) Act 2000

December 31, 2019

Source: *India Code, PIB*

It is an Act **to make the carriers liable in respect of passengers brought by them into India in contravention of the provisions of the Passport (Entry into India) Act, 1920**

Key features of the Act

Liability of carriers for passengers brought into India.—Where the competent authority is of the opinion that any carrier has brought a person in contravention of the provisions of the Passport (Entry into India) Act, 1920 and rules made thereunder into India, he may by order impose a penalty of rupees one lakh on such carrier: Provided that no order shall be passed without giving the carrier an opportunity of being heard in the matter

Power to exempt: Without prejudice to the provisions of the Passport (Entry into India) Act, 1920 (34 of 1920) and the rules made thereunder, **if the Central Government is of opinion that it is necessary** or expedient in the **interest of the general public** or **to fulfill the international obligation**, it may, by order notified in the Official Gazette and subject to such conditions as may be specified in the order, exempt any carrier or class of carrier from the operations of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order

Appeals: An appeal shall lie against the order made under section 3 of this Act to the **Joint Secretary to the Government of India in the Ministry of Home Affairs** authorized in this behalf by that Government. (2) Every such appeal shall be preferred within thirty days from the date of the order

appealed against

Recovery of penalty due to Government: Where any penalty imposed under this Act is not paid, the competent authority may recover the penalty so payable by seizing, detaining or selling— (a) the aircraft or the ship; or (b) any goods on the ship or aircraft, belonging to the carrier.

Bar of legal proceedings: No suit, prosecution or other legal proceedings shall lie against the Central Government or the competent authority or any officer of the Central Government or any other person exercising any powers or discharging any functions or performing any duty under this Act

Power to make rules: The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act such rules may provide for;

- The fees which shall be paid for appeals under the act
- Any other matter which is required to be, or maybe, prescribed

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