

Bill No. LXIII of 2011

THE PASSPORTS (AMENDMENT) BILL, 2011

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further to amend the Passports Act, 1967.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Passports (Amendment) Act, 2011.

Short title and
Commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 5 of the Passport Act 1967, in sub-section (2), after clause (c) the following proviso shall be inserted, namely:—

Amendment
of section 5 of
Act 15 of
1967.

10 "Provided that the passport authority shall not refuse to issue passport to an applicant claiming to be the Indian citizen without making an inquiry and without perusing documents produced by the applicant, and shall, in case the authority is not satisfied with the documents produced by the applicant, visit the area where the applicant resides and record the statements of persons in the neighbourhood of the applicant, and also take on record evidence in the form of affidavits, if produced by the applicant, with respect to the place of birth and death of applicant's parents, duration of applicant's stay in India, education, marriage, employment
15 and other details, before making any order regarding the application to grant the passport".

STATEMENT OF OBJECTS AND REASONS

Right to obtain a passport has been recognised as a part of the fundamental right, which is inherent in article 21 of the Constitution of India Courts of law have, elaborately, laid emphasis on this right. Besides, the world is becoming a global village and free flow of people, money, material and ideas across the globe is gaining momentum.

However, getting a passport document for the rich and affluent poses no problem. But, a large section of people from the lower and middle income groups, who propose to go to foreign countries for employment or otherwise, especially to visit their near and dear ones do not get proper hearing in the offices of Passport Authorities. These officers adopt a straight jacket formulae, which result in harassment of the applicants seeking passports.

There are many cases in which those who were abroad came back to India at an age, when they were children but have no passport in their possession. They are not aware of the passports that were issued to their parents or about the passport issued to him or her as a child. Now, if any of these people apply for passport, the Passport Authority insists on the production of their earlier passport documents.

In fact, it is the duty of the Passport Authorities to make necessary inquiry and ascertain the facts in the absence of passport document. If there be other evidence to prove the nationality of the persons concerned, the Passport Authorities should not arbitrarily refuse to issue passport documents. The Bill therefore seeks to amend section 5 of the Passport Act, 1967 to make it mandatory for passport authorities to take all the evidence that a person applying for passport may produce and also provides that the Passport Authority should visit the locality where the Applicant resides to ascertain the facts instead of arbitrarily denying passports to the people.

SHANTARAM NAIK

ANNEXURE

EXTRACTS FROM THE PASSPORTS ACT, 1967

(ACT NO. 15 OF 1967)

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

(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 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.

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 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 documents 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.

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RAJYA SABHA

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further to amend the Passports Act, 1967.

(Shri Shantaram Naik, M.P.)