

CHAPTER 24

Foreigners

Definition

542-1. "Foreigner" means a person who is not a citizen of India.

Foreigners to be in possession of valid passports and visas

2. The entry of foreigners into, and their residence and movements in India are regulated by Acts made by the Parliament and rules framed thereunder by the Central Government from time to time. In brief, a foreigner cannot enter India without a valid passport issued by his Government and a valid visa issued by or on behalf of the Government of India. The period of his residence in India is determined by the period of validity of the passport and visa. All foreigners except those specifically exempted are required to report their entry into India and their subsequent movements. The extent to which this is regulated is laid down for different categories of foreigners in the relevant rules.

Acts and Rules relevant to foreigners, passports and visas

543. The following Acts, important Orders, Rules and Instructions are relevant and all officers shall make themselves fully conversant with their powers and duties.

1. Acts, Orders, Rules and Instructions governing the registration and stay of foreigners in India are given below.
 - A. The Registration of Foreigners Act, 1939;
 - B. The Registration of Foreigners Rules, 1992 including the Executive Instructions issued by the Government to supplement and facilitate the administration of these rules;

- C. The Foreigners Act, 1946;
- D. Foreigners Order, 1948;
- E. Registration of Foreigners (Exemption) Order 1957; and
- F. Foreigners (Exemption Order 1957)
- G. Passport (Entry into India) Act 1920
- H. Passport (Entry into India) Rules, 1950
- I. Exemption Orders under the Passport (Entry into India) Rules 1950
- J. The Foreigners (Internment) Order 1962
- K. The Foreigners (Restriction on Chinese Nationals) Order 1962
- K. The Foreigners (Restriction on Pakistani Nationals) Order 1965
- L. The Foreigners from Uganda Order 1972
- M. The Registration of Foreigners (Bangladesh) Rules 1973
- N. The Foreigners (Report to Police) Order, 1971
- O. The Foreigners (Restriction on Pakistani Nationals) Order 1971
- P. Foreigners (Protected Areas) Order 1958
- Q. Foreigners (Restricted Areas) Order 1963
- R. Regulating Entry of Tibetan Nationals to India, 1950

Besides the above there are other Orders and Rules issued from time to time relating to protected areas, restricted areas, restriction of movements, and specific categories.

2. Following are the Acts and Rules governing the grant of passports and visas;

- A. The Passport Act, 1967 and the Rules made thereunder;
 - B. Rules relating to the issue of passports and visas between India and Pakistan, Bangladesh and Sri Lanka;
 - C. Rules relating to visits to Nepal and Kashmir.
3. Following are the Acts & Rules relating to Emigration and Extradition
- A. The Emigration Act 1983;
 - B. The Extradition Act 1962.
4. The instructions contained in this Chapter are intended for assisting Officers entrusted with the administration of Laws and Rules relating to foreigners. They do not, however, relieve the officers of their responsibility to consult the concerned Acts, Notification, Orders and Rules including the additions, modifications and other amendments in their application, as declared by the Government of India and State Government from time to time. The instructions issued by State Special Branch from time to time should also be implemented. The SHOs should seek guidance in case of any doubt from the SDPO and the SP concerned. In view of the increasing flow of foreigners and the liberal immigration policy of Government of India it is necessary that all Police Officers fully understand their powers and obligations with regard to foreigners in this important branch of work. It should however be noted by the all police officers that while the laws should be implemented and the rules followed, it should not cause unnecessary harassment to the foreigners.

Exemptees under the Passport (Entry in India) Act, 1920, Registration of Foreigners Act, 1939, and Foreigners Act, 1946.

- 544-1.** The Central Government may, by order declare that any or all of the provisions of the Passport (Entry into India) Act, 1920, Registration of Foreigners Act, 1939, and Foreigners Act, 1946 and the rules made there under shall not apply, or shall apply only with such modifications or subject to such conditions as may be laid down to or in relation to any individual foreigner or any class or description of foreigners.

United Nations Organization

2. Representatives of Principal and Subsidiary Organs of the UN or its Specialized Agencies, and delegates to Conferences convened by the UN or its Specialized Agencies, are entitled to certain privileges and immunities under the United Nations (Privileges and Immunities) Act, 1947. They are exempted in respect of themselves and their families from registration under the Registration of Foreigners Rules, 1992 in the State they are visiting or passing through, in exercise of their functions. It is also not necessary to issue residential permits to these persons as long as they remain in India on official business. The performing missions for the United Nations or its Specialized Agencies are also exempted from registration under the Registration of Foreigners Rules, 1992.
3. All Officers shall make themselves familiar with the provisions of the United Nations (Privileges and Immunities) Act 1947, and see that the personnel of the United Nations, who will be in possession of United Nations Laissez Passe or other document indicating their status with the UN or its Specialized Agencies, are not put to any inconvenience.
4. For the purpose of visas the UN Officials fall in two categories. The first category is those who stay in India for an indefinite period and the second relates to those who stay in India for a short specified period. Applications for visas (where required) from the holders of United Nations Laissez Passe or any other document showing that they are travelling on the business of the United Nations shall be dealt with appropriately and as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Foreigners of diplomatic status and their families

5. All Officers of diplomatic status, Consuls-General, Consuls and Vice-Consuls are

exempt from registration under the Registration of Foreigners Act, 1939. Their spouses and children are exempt from registration by the Registration of Foreigners (Exemption) Order, 1957. Registration Authorities at the seaports and airports will generally accept diplomatic passports and/or diplomatic visas produced by diplomatic and consular officers and members of their families as proof of their status entitling them to exemption from registration.

Registration Officers and Civil Authorities

Under Rule 3 of the Registration of Foreigners Rules, 1992 read with para 2 (2) of the Foreigners order, 1948, the State government has appointed the Superintendent of Police, Special Branch, Gangtok to be the Registration Officer and Civil Authority for the purposes of the said Rules and Orders.

Restrictions and Conditions to which Foreigners are subject on arrival in India

3. Foreigners arriving in India are subject to the restrictions imposed by the Foreigners Act, 1946, the Registration of Foreigners Act, 1939, and the rules made thereunder, and the Foreigners Order, 1948 or any other orders passed by the competent authority under the law. Some of the important provisions of these Acts are given below:
4. Grant of visa does not necessarily mean that the grantee will be permitted to land in India on arrival. A competent civil authority may -
 - A. refuse, in certain circumstances, permission to a foreigner to enter or leave India;
 - B. attach such condition(s), as it may think fit to the grant of permission to land;
 - C. impose restrictions on the movements of a foreigner; or
 - D. arrest and/or detain a foreigner, if it is necessary to do so in the public interest.

5. A competent civil authority may prohibit a foreigner from entering or remaining in a prohibited or protected area or may impose such conditions as it may think fit on a foreigner visiting or remaining in such an area.

Formalities to be observed by foreigners

339-1. All foreigners are required to furnish full particulars in respect of themselves on arrival. They have to complete disembarkation/ embarkation cards in Form 'D' while entering or leaving India by sea or air and hand them over to the registration staff along with their passports and other travel documents.

2. A foreigner is required to produce sufficient proof of his identity for registration, such as his passport or such other proof of his identity as may be required by any Registration Officer, Magistrate or Police Officer not below the rank of Head Constable within twenty four hours of demand being made of him.

3. Every registered foreigner has to produce his Certificate of Registration for inspection when demanded of him by any Registration Officer, any Magistrate or any Police Officer not below the rank of Head Constable within twenty four hours. The time limit may be extended by the Officer demanding these documents as may be necessary.

4. When the passport or other documents of identification produced by a registered foreigner, in the opinion of the Registration Officer, Magistrate or Police Officer not below the rank of Inspector (Head Constable, as per rule 9(1), do not provide adequate proof of identity, he may be required to produce four copies of a photograph of passport size of himself or four complete sets of his finger impressions, if his Registration Certificate does not already contain his photograph or finger impressions. If the Registration Certificate bears a set of finger impressions, the foreigner may be required to furnish a further

set of finger impressions for comparison.

Movements in India:

- 5-A. A resident foreigner who intends to be absent from his registered address for a continuous period of two weeks or more, is required to furnish, before he leaves, the Registration Officer of the district, with a report in writing, giving particulars of his itinerary including the places he proposes to visit, the address/addresses at which he proposes to stay and the date on which he proposes to return to his registered address. If any change is made in the itinerary, the Registration Officer to whom the Original report was made, as well as the Registration Officer of any additional place included in the changed itinerary should be informed.
- B. A resident foreigner who has to travel about frequently can obtain a travel permit valid for a specified period and between specified places or within a specified area. A Foreigner who obtains such a permit is not required to furnish his itinerary.
- C. A resident foreigner visiting districts other than the district in which he is registered is required to report his presence in the latter district within seven days of his arrival, if his stay there exceeds seven days. The report should be made to the Registration Officer or to the nearest Police Station either in person or in writing. When such a report is made at a police station, the SHO will immediately forward the report to the Superintendent of police simultaneously intimating the fact to the Sub-Divisional Officer. This report is not required in the case of a person who has obtained a travel permit or who stays in a hotel.
- D. A resident foreigner changing his registered address is required to report such a change to the Registration Officer of the district in which he is registered. He has also to report to the Registration Officer of the district to which he moves within forty-eight hours of his arrival.

2. Tourists who come on Tourist Visa on visits for recreational or sight-seeing purposes, are exempt from reporting changes in their address and their movements as no registration formalities are required if the stay is less than 180 days.

7. Every registered foreigner, except a tourist, should report to the Registration Officer of the district in which he is registered within 14 days, any circumstances which in any way affect the accuracy of any of the particulars set out in his Certificate of Registration.

Departure:

- 8-A. Every registered 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/check post of exit from India. If the certificate is surrendered other than to the Immigration Officer of the port or check post of exit, a receipt indicating such surrender of the document may be obtained and shown to the Immigration Officer with these relaxations, it is no longer necessary for foreigners to seek exit/departure clearance from the Registration Officers of their place of registration and they can straight away depart from the Immigration Checkpost.

- B. The Registration Officer at the port or place of departure may, if he is not fully satisfied of the applicant's bonafides, make a reference by telegram/fax to the Registration Officer of the district in which the foreigner is registered.

Registration under the Registration of Foreigners Rules, 1992:

340-1. Registration: “Foreigners holding visas for 180 days or less are not required to get themselves registered. In case they wish to stay in India beyond a period of 180 days they should get themselves registered and obtain a certificate of registration before the expiry of the visa period (within two weeks after the expiry of 180 days of his arrival in India – see rule 7(1)(a) and 7(2)(a). Foreigners coming on visas for more than 180 days are required to register within 14 days of their arrival in India.

2. Under these Rules (Rule 6) a foreigner, except those who enter India on a visa valid for a period of not more than 180 days and who do not remain in India beyond this period, is required to inform the Registration officer of his presence in India and obtain a Certificate of Registration from that office. He is required to surrender the Certificate of Registration immediately before his departure (Rule 15) and obtain an endorsement to that effect from the Registration Officer. Foreigners holding visas for a period exceeding 180 days should report for registration within two weeks of their arrival in India. Such foreigners are called Resident Foreigners. Those who stay in India for less than 180 days are called Itinerant Foreigners. Foreigners whose destination in India is a place other than the port or place of entry will, in addition, take out a Temporary Registration Certificate in Form 'B' from the Registration Officers of the port or places of arrival. They have to surrender the Temporary Registration Certificates to the Registration Officers of their destination and get themselves registered and obtain a regular Certificate of Registration. A foreigner is required to apply for extension of stay at least 15 days prior to expiry of visa.

3. It should be noted that Residential Permit as contemplated in part 7 of Foreigners Order 1948 is not the same as Certificate of Registration under Rule 6 of Registration of Foreigners Rules 1992. Registration is not required if the stay is for less than 180 days but permit is required. Certain categories are exempted from Registration as per Registration of Foreigners. (Exemption) Order 1957.

4. All arrivals of foreigners including tourists, at the sea or airports will fall under one or other of the following classes:
 - A. foreigners coming to India on visa for 180 days or less;
 - B. foreigners holding visas for more than 180 days whose destination is the port or place of entry; and
 - C. foreigners holding visas for more than 180 days whose destination is a place other than the port or place of entry.

5. Foreigners holding visas for a period exceeding 180 days will be required to report for registration within 14 days of their arrival in India at the Registration Office specified which will be at the port or place of entry. A foreigner whose destination in India is a place other than the port or place of entry will, in addition, be issued with a Temporary Registration Certificate except in case of Pakistan Nationals in Form 'B' requiring him to report to the Registration Officer of his destination within a period of 14 days. A copy of this form will also be sent direct to the Registration Officer concerned on the same day. If within 14 days of the receipt of the duplicate of Form 'B' the foreigner mentioned therein does not report to the Registration Officer, the latter will inform the Officer who issued the temporary certificate and institute enquiries to ascertain the whereabouts of the foreigner.
- 6-A. In respect of foreigners holding visas for more than 180 days, Registration Officers should see that such a foreigner who has been in India for more than 30 days should get himself registered wherever he happens to be at that time. This will be possible, as, in addition to the stamp on his passport the hotel arrival report (Form-C) will show the date of the foreigner's arrival in India. The Registration Officer concerned should carefully check the hotel arrival reports received by him daily to see that a foreigner who has been in India for more than 30 days has been duly registered.
- C. In the case of foreigners whose destination is a place other than the port or place of entry, the concerned Registration Officer who would have received duplicate of Form 'B' should see that the foreigners get themselves registered within 14 days of arrival. The Registration Officers should recover the temporary certificates from the foreigners and send them to the Registration Officer who issued them.
- D. All foreigners will be registered in form 'A'. When a foreigner is registered, the Registration Officer concerned should give Part III of Form 'A' to him as his Certificate of Registration and Part I kept for record. Part II should be transmitted to the Central Foreigners Bureau, Ministry of Home Affairs, New Delhi on the same day. Simultaneously, a duplicate copy of Part II should be sent to the State Registration Officer, Gangtok.

Children of Foreigners

- E. Children of foreigners under 16 years of age residing in India need not be registered as they are exempt from such registration by clause 2 of the Registration of Foreigners (Exemption) Order, 1957, but they will be issued residential permits as required by paragraph 7 of the Foreigners Order, 1949.

- F. Serial numbers of Registration Certificate: When a foreigner changes his registered address to any district other than the one of his registered address, the original serial number allotted to him when he was first registered in a district, should be retained.

- G. Officers deputed for passport and registration work should be courteous and smartly dressed.

Hotel arrival reports - Form 'C'

- 341-1. A foreigner staying in a hotel will not be required to fill in Form 'C'. It will be filled in and submitted by the hotelier within 24 hours of the foreigner's arrival in the hotel. The Officer in charge of the nearest Police Station who is authorized by the Registration Officer to receive reports in Form 'C' in the districts, should make such enquiries as may appear to be necessary on receipt of such a report in respect of a foreigner. He will transmit promptly the report direct to the Superintendent of Police, Special Branch i.e. Registration Officer on the same day with his remarks retaining a copy, if necessary.
 - 2. The term 'hotel' includes any boarding house, club, dak bungalow, rest house, sarai or other premises of a like nature. The SHO should effectively ensure that the hotel keepers obtain and submit the reports without fail.

Registration of Pakistan Nationals

- 342-1. Pakistanis holding Visitor Visas will be required to register themselves at the check-post of entry and will, within 24 hours of their reaching the specified places of stay, report their arrival in person and in writing to the prescribed authority or the nearest Police Station. They will also make a similar report 24 hours prior to their intended departure from the place of

stay. In the case of families, only one member of the family will be required to appear before the registration authority for registering himself and the members of his family. All persons with valid visa for up to 14 days shall be exempted from police reporting. Any change in the residential address shall also be reported to the said registration officer within 24 hours of such change in the same manner.

2. Bonafide Pakistani businessmen coming on business visits will be required to register themselves at the check post of entry. However, they may not be required to report in person to the prescribed authority or the nearest Police Station for registration. For this purpose, they may depute their authorized representatives to report their arrival in writing to the prescribed authority or the nearest Police Station within 24 hours of their reaching the specified place. The authorized representatives will also make a similar report on their behalf 24 hours prior to their intended departure from the place of stay.
3. Pakistanis holding Transit Visas valid for a period not exceeding 72 hours will be required to register themselves only at the check post of entry. They will not be required to report their arrival/departure to the prescribed authority or the nearest Police Station for registration.
4. A Head of Mission can exempt individual Pakistani Nationals from reporting to the Police in India provided he is personally satisfied about the antecedents of the Pakistani National and considers him a fit and desirable person to be given such exemption. In such a case, the application should be stamped with a special rubber seal "Exempted from police reporting".
5. The FRROs are to make endorsement on the residential permit at the time of registration. There will be no temporary residential permits or regular residential permits. There will be only one residential permit to be used. The diplomatic, non-diplomatic and official visa holders are not required to register. The visitor visa holders are required to register. The official visa holders who are desirous of visiting any place on personal work will have to obtain a visitor's visa in which case the registration formalities as aforesaid will have to be observed.

Bangladesh Nationals

343. Bangladesh Nationals visiting India for a continuous period of over 6 months are required to get themselves registered with the foreigners registration office within 14 days of their arrival and to obtain residential permits. Those entering on visas for short periods but seek extension so that their total stay in India exceeds 6 months are also required to get themselves registered.

Residential permits

345-1. All foreigners, except those exempted, entering India irrespective of whether they have previously been in India or not should be required to obtain residential permits under paragraph 7 of the Foreigners order, 1948. The period of validity of a residential permit issued to a foreigner is dependent on the validity of the visa granted to him.

2. Residential permits will normally be issued to diplomatic and consular Officers and their wives and children who are in possession of diplomatic visas, with the authorized period of stay indicated by the words "on Government duty" (or, in the case of member of their family" "While husband" "father, etc. etc. remains on Government duty").

3. Diplomatic and consular officers and their wives and children, who are in possession of diplomatic visas which are limited to specified periods of stay in India, will be given residential permits for the periods mentioned in their visas. If, after they take up their posts, it transpires that they will be required to remain in India for a longer period, the validity of the residential permits issued to them will be extended to cover the duty period on application to the Government.

4. The procedure for the issue and extension of residential permits in the case of non-diplomatic personnel and staff of consulates and members of their families will be the same as that for diplomatic and consular officers.

5. Foreigners who are exempt from registration should be issued with residential permits at the port or place of entry itself. In all other cases, the residential permit should be issued at the time of registration.
6. No residential permits need be issued to foreigners who stay in India for 30 days or less.

Extension of stay

346-1. Superintendent of Police Special Branch, who has been appointed 'Civil Authorities' under the Foreigners Order, 1948, are authorized to exercise, in respect of the following classes of persons the powers conferred on the State Government by paragraph 7 of the Foreigners Order to extend the period specified in a permit granted under that paragraph.

- A. foreigners who are holders of transit visa, for the period necessary to make arrangements for their onward journey;
- B. foreigners who have been residing in India for a period of five years or more and are engaged in useful occupations, for a period of one year at a time.
- C. foreigners in whose cases the Government of India have authorized the grant of an extension in the first instance, for period not exceeding that for which extension was initially authorised.
- D. foreigners admitted into India for medical treatment, provided it is certified that their continued stay in India is essential for such treatment.
- E. foreigners who are employed either by educational institutions or as technical experts in firms, whose stay in India would be definitely in the national interest, extension for a period of one year at a time; and
- F. foreigners who have come to India on short visits of less than one year, for a period not exceeding two months.

2. The grant of extension of stay in cases mentioned in 346-1-A, B, C above should be subject to the following conditions:

- A. They entered India lawfully and for the purpose of the business at present pursued or for a cognate or authorized purpose. This excludes diplomats, consuls or their staff who entered in their official capacity and on termination of employment have remained in India.
 - B. That they have not come to adverse notice. Prosecution for breach of registration or other formalities and violation of such formalities will constitute 'adverse' notice although minor breaches may be ignored in suitable cases.
 - C. That they have bonafide or settled business of work in India and, in case of missionaries, necessary guarantee for their good behavior and maintenance has been furnished.
3. The Civil Authorities should refer to the Government all doubtful cases, i.e., where the individual concerned is definitely, due to adverse notice or otherwise not eligible for further stay. The Civil Authorities should also submit a return in triplicate, in the form prescribed by the Government of India, on the 1st and 15th of each month of all applications for extension of stay in India disposed of by them during the preceding fortnight. These returns should reach the Government not later than 5th and 20th of each month.
4. While granting extension of stay in India or forwarding applications of foreigners for extension of stay in India to the Government, it should be ensured that passports or other recognized travel documents are valid for sufficiently long periods. The passports should be valid for at least 60 days beyond the date up to which extension is applied for. Should a foreigner be not in possession of a passport valid for this period, he should, as an interim measure, be granted an extension of stay for a period of 60 days less than the expiry of his passport. Further extension should be granted only when he gets his passport renewed or obtains a new passport. In no case should passports of foreigners be taken away from them for the purpose of mainly checking their validity.

"No objection to return to India" endorsements

- 347-1. The Superintendent of Police, Special Branch, who has been appointed Civil Authorities under the Foreigners Order, 1948, is authorized to grant without reference to the Government

"No Objection to return to India" endorsements to foreigners falling within the following categories subject to their satisfying the requisite conditions.

- A. foreigners, other than missionaries, settled in India;
 - B. foreign missionaries permanently settled in India;
 - C. Foreigners permanently settled in India but proceeding to Myanmar, Sri Lanka, Pakistan, Bangladesh etc. on short visits with the intention of returning to India; and
 - D. missionaries from Commonwealth countries (other than South Africa, Pakistan and Sri Lanka) and the Republic of Ireland, who fulfill conditions of five years residence in India.
2. Civil Authorities should refer to the Government all doubtful cases where the individual concerned has come to adverse notice or is not otherwise eligible for the grant of a 'No objection to return to India' endorsement. They should also give intimation to the Home Department Government of Sikkim, of each endorsement granted by them.
3. The fee for the grant of a 'No objection to return to India' endorsement as prescribed may be obtained in postage stamps and cancelled. Commonwealth missionaries are exempt from paying fees for the endorsement.

Extension of period of validity of tourist certificates

- 348.** The extension of the period of validity of tourist certificates of registration permitted by proviso to rule 7(2) of the Registration of Foreigners Rules, 1992, should be granted in the districts by the Superintendent of Police..

Arrest of Foreigners and Consular Access

- 349-1.** When foreign nationals are arrested on major criminal or civil charges, it is possible that the Foreign Diplomatic/Consular Missions in India may wish to assist the nationals of their

countries in regard to their defense before a court of law and/or take such other action, as they may deem appropriate in accordance with diplomatic practice. Therefore as soon as a foreign national (including Pakistan national) is arrested in a major crime, the fact, with a brief description of the offence should be brought to the notice of the Ministry of External Affairs through the State Government by the SP concerned. Government of India, who decides about the necessary action, should bring these cases to the notice of the Foreign Diplomatic/Consular missions concerned. The report of the arrest of a foreign national in a major crime, together with a brief description of the offence, should be communicated to the Director General of Police, Addl. DGP, CID and Addl. DGP Special Branch.

2. Ordinary contravention of passport rules, such as overstayed beyond visas and entry without proper travel document, be reported to the State Intelligence Branch by SP.
3. Arrests of foreign Government officials in India, while they are on duty or on leave or otherwise, regardless of the nature of the crime committed by them, should be intimated to the Ministry of External Affairs, Government of India, through the State Government, with full particulars, e.g. name and designation of the officer arrested, circumstances under which the arrest was made and charges against him.
4. Information regarding the arrest of Foreigner who is not registered in this State will be passed on immediately to the Registration Officer in whose jurisdiction the foreigner has his registered address under intimation to the Provincial Registration Officer to enable Registration Officer with whom the foreigner is registered to maintain a check on the movements of the foreigner.

Prosecutions

- 350-1. The orders of the Government should be obtained before prosecution is launched against foreigners for a breach of the provisions of the Registration of Foreigners Act, 1939 and Registration of Foreigners Rules, 1992.
2. In view of section 8 of the Registration of Foreigners Act, 1939 the fact that a foreigner, who may have entered India in contravention of the Passport Rules 1950, has been registered, does not affect his liability to be proceeded against under the Passport (Entry into India) Act, 1920.

Proof of Identity of foreigners

The particular attention of all officers is drawn to the following instructions regarding the Registration of Foreigners Act, 1939, and the rules under the Foreigners Act, 1946.

1. **Burden of proof:** Under section 4 of the Registration of Foreigners Act, 1939, and section 9 of the Foreigners Act 1946, the burden of proving that a person suspected of being a foreigner is not a foreigner lies upon that person, Rules 9 and 10 of the Registration of Foreigners Rules, 1992, give power to officers of and above the rank of Head Constable to demand the production of a passport and other proof of identity and to inspect Certificates of Registration. The account given by a foreigner should be tested as far as possible and not be accepted too readily.
2. **Acceptance of passports:** A passport issued not more than five years before the date of production should normally be accepted as sufficient proof of identity under rule 8(1) of the Registration of Foreigners Rules, 1992. A renewed passport issued more than five years previously should also be accepted, if the Registration or other officer is satisfied that it establishes the identity of the foreigner. If, however, the photograph is faded or obsolete or the passport is in any way suspicious, further proof of identity should be demanded.

Correspondence relating to Passports and Visas

352. All references relating to passports and grant of visas will be dealt with expeditiously at every stage and reports on such references will be sent to the Government within the time prescribed.

----- Under the rules regulating entry of Tibetan nationals into India, dated 26-12-1950 any foreigner of Tibetan nationality enters India shall –

- (i) At the time of his entry into India obtain from the officer in charge of the police post at the Indo-Tibetan frontier, a permit in the form specified in the schedule annexed to the said rules;
- (ii) Comply with such directions as may be prescribed in the said permit; and

- (iii) Get himself registered as a foreigner and obtain a certificate of registration.

District Police to report the movements of foreigners

- 353-1.** The movements of foreigners, including their arrivals and departures, will be reported to the Special Branch, Gangtok, direct by quickest means by the SHO concerned. Upon the appearance of a foreigner, about whose identity, conduct or demeanour the SHO entertains suspicions, he should send a special report to the SP with copies to SDPO. The foreigner should, under the circumstances, be kept under unobtrusive surveillance if necessary. The SP should take action on such reports as instructed by the State Special Branch from time to time. If a foreigner is suspected of having taken part in a grave crime, the SHO or his superior should promptly inform the CID. The foreigner should not be lost sight of till orders are received on such reports.
2. If the foreigner moves out, the SHO of the Station, whose limits he is about to enter, should be alerted by the quickest means available to expect his arrival and the SP will inform his counterpart of the district to which he moves.

Enquiries relating to foreigners

- 354.** All important enquiries under the Indian Passport Act 1920, Registration of Foreigners Act, 1939 and foreigners Act, 1946, and the Rules, and Instructions issued thereunder will be made by an Officer not below the rank of Sub-Inspector, except in cases where it is required under the rules that an Officer superior to him should attend to this work. Routine enquiries may be entrusted to Head Constables who are conversant in that work. The enquiry reports should be prepared with care, based on facts and not on conjectures and guess work.

Registers and Records

- 355.** A Registration Officer will maintain a register of registrations and other records as contemplated in the Executive Instructions under the Registration of Foreigners Rules, 1992, and any other records as are ordered from time to time by the Government and the Provincial Registration Officer.

Central Foreigners Bureau and its functions

357. To implement the procedure under the Registration of Foreigners Rules, 1992, a Central Foreigners Bureau is set up by the Government of India in the Ministry of Home Affairs, New Delhi. The functions of the Bureau are:

1. maintenance of all records in respect of every foreigner from the time of grant of a visa to the time of his departure from India.
2. maintenance of up-to-date and complete statistics in respect of all foreigners in India;
3. maintenance of records of movements of all foreigners visiting India;
4. coordination of the work of all Registration Officers; and
5. taking steps to ensure that foreigners leave India within the authorized periods of their stay.
6. When a foreigner leaves India by a port or place of entry other than the one through which he enters, intimation regarding such departure will be sent by the Central Foreigners Bureau to the Registration Officer of the port or place of entry.

List of documents to be furnished by Registration Officers to the Central Foreigners Bureau and State Registration Officer

358. A Registration Officer should furnish the following documents directly to the Central Foreigners Bureau, New Delhi, with copies to the State Registration Officer, Gangtok

1. Disembarkation/Embarkation Cards, completed by all foreigners entering/leaving India to be sent daily by the Port Registration Officer after keeping copies for his reference.
 2. Part (II) of Form 'A' - original copy to be sent to the Central Foreigners Bureau and duplicate copy to the State Registration Officer.
 3. Copies of reports of movements/itineraries submitted by non-tourist foreigners registered in Form 'A'.

4. Copies of reports of changes of particulars in registration certificates of non-tourist foreigners.
5. Return of extension of stay granted by the Supt. Of Police Special Branch
6. Warning Circulars.

Report of death of foreigners

359-1. The death of all foreigners shall be reported to the DGP for onward communication to the Government. The following particulars should be given in the report.

- A. Name of the deceased
- B. place of birth and nationality
- C. particulars as to family connections
- D. approximate age at the time of death
- E. particulars as to property (if any)
- F. profession at the time of death
- G. place and date of death
- H. cause of death
- I. dependents or relations, friends, if any, in India, if so, whether they are aware of the event
- J. address of any relatives in the country of the deceased, if known
- K. length of service (if employed in the Government service) and
- L. remarks

2. The report should not be held up for want of any of the particulars not readily available. Whatever information is readily available should be sent as soon as possible.
3. The report should be furnished in respect of all aliens as well as non-Indians.
4. Death of minors of foreign nationals also should be reported in the same manner.

Restricted/Protected area in Sikkim

1. The whole state of Sikkim has been declared a Protected Area under the Foreigners (Protected Areas) Order 1958. However certain areas of Sikkim falling between the North of the present Sikkim-West Bengal boundary and the Inner-Line as specified in Schedule-I to the Foreigners(Protected Areas) Order, 1958 have been declared as Restricted Area with effect from 20/2/90 and brought under the purview of Foreigners(Restricted Areas Order,1963.

(2) The places of tourist interest falling in the restricted area of Sikkim are Gangtok, Rumtek, Phodang and Ramayangts. No foreigner can enter or stay in these places without obtaining a permit from the competent authority.

(3) While an individual foreign tourist can be allowed by the competent authority to visit the restricted areas of Sikkim such as Gangtok, Rumteek, Phedong and Pemayangtse for a period up to fifteen(15) days, only organised foreign tourist groups sponsored by a recognised travel agency in India with a pre-drawn itinerary can be allowed to visit the remaining parts of Sikkim(i.e, beyond the Inner-Line towards the International Border) which continue to remain a Protected Area. The Foreigners should travel to open places, as far as possible, on a National Highway.

(4).The following authorities have been delegated powers to issued a Restricted Area Permit(RAP)for a maximum period of fifteen(15) days in Sikkim tourist after usual checks:-

- (i) Ministry of Home Affairs
- (ii) All India Missions abroad.

- (iii) FRROs at Kolkata, Delhi, Mumbai, Chennai, Amritsar, Hyderabad and Bangalore..
- (iv) Immigration Officer at the Kolkata, Chennai, Delhi and Mumbai airports.
- (v) Chief Secretary/Home Secretary/Secretary (Tourism) to the Government of Sikkim, Gangtok.
- (vi) I.G Police, Sikkim, Gangtok.
- (vii) Assistant Director, Government of Sikkim, Siliguri
- (viii) Deputy Director(Tourism)
- (ix) Resident Commissioner, Government of Sikkim, New Delhi
- (x) Assistant, Resident Commission, Government of Sikkim, Kolkata.
- (xi) Tourism Officer, Rangpo.
- (xii) Deputy Commissioner, Darjelling.
- (xiii) Deputy Secretary/Under Secretary, Home Department, Government of West Bengal, Kolkata.

Note: Prior approval of the Ministry of Home Affairs is necessary for the grant of RAP/PAP to a citizen of Myanmar for visiting Sikkim.

5. While certain areas of Sikkim between West Bengal-Sikkim Border and the 'Inner Line' passing through the State have been declared as Restricted Area, the remaining areas falling between the 'Inner Line' and the International Border continue to remain a Protected Area. No foreigner can enter or stay in the Restricted or Protected without obtaining a Restricted / Protected Area Permit from the competent Authority. The places in protected areas of Sikkim, which have been kept open for tourism only for specified duration, are mentioned below along with the authorities delegated with powers to grant Protected Area Permit.

<i>Tourist Circuit</i>	<i>Authorities delegated powers to issue permit</i>
I. Tourist Circuit Routes Gangtok, Rumtek, Phodong, Pemayangtse, Khechoperi, Tashiding	The following authorities have been delegated powers to issue a Protected Area Permit (PAP) for a maximum period of 15 (Fifteen) days which can be extended by the state Govt. for a period of 30 days in a spell of 15 days.

	<p>Ministry of Home Affairs, all FRROs, All Indian mission abroad, Immigration Officers at airports at New Delhi, Kolkotta, Mumbai, and Chennai, Chief Secy. / Home Secy. Secretary (Tourism) Govt. of Sikkim, IG of Police, Gangtok, Asstt. Director (Tourism), Govt. of Sikkim. Siliguri, Deputy Director (Tourism) Govt. of Sikkim, New Delhi, Resident Commissioner, Govt. of Sikkim, New Delhi, Asstt. RC, Govt. of Sikkim, New Delhi, Asstt. RC, Govt. of Sikkim, Kolkotta, Tourism Officer, Rangpo, DC Darjeeling, Dy. Secy / Under Secy Home Deptt. Govt. of West Bengal, Kolkotta.</p> <p>Individual Tourist are allowed.</p>
Zongri	<p>Ministry of Home Affairs and all issuing authorities of Govt. of Sikkim and its representatives at Kolkotta, Siliguri and Rangpo have been delegated powers to issue a Protected Area Permit (PAP) for trekking only (for 15 days).</p> <p>Individual Tourist are not allowed.</p>
Tsangu (Changu)	<p>The following authorities have been delegated powers to issue a Protected Area Permit (PAP): Ministry of Home Affairs, Home Secy, Govt. of Sikkim, Gangtok and Secretary (Tourism) Govt. of Sikkim. Only day visit allowed. Tourist groups are to travel on the identified tour circuits only.</p>
Mangan, Singhik, Tong, Chungthang, Lachung, Yumthang.	<p>The following authorities have been delegated powers to issue a Protected</p>

	<p>Area Permit (PAP): Ministry of Home Affairs, Home Secy, Govt. of Sikkim, Gangtok and Secretary (Tourism) Govt. of Sikkim.</p> <p>Individual Tourist are not allowed.</p> <p>Maximum stay 5 days.</p>
<p>(i) Gangtok, Penlong-Tinjure-Rumtek / Martam</p> <p>(ii) Gangtok-Chungthang-Lachen-Thangu-Mangan-Lingzia-Shabrung-Tolung Monastery</p> <p>(iii) Mangan-Lingzia-Sakyong-Royotpatam-(except Gochala)-Dzongri-Yuksom</p> <p>(iv) Yumthang-Phuni-Punichoka-Tarum-Chahchu Chungtnag-Dikchu-Phodong Labrang-Namptam-Mangan-Maling-Singhik-Samartek-Chungthang</p> <p>(v) Lachung-Yumthang-Yumesamdong</p> <p>(vi) Sirwani-Temi-Damthang-Tendong-Namchi</p> <p>(vii) Damthang-Tendong-Damthang-Rabangla-Maenam</p> <p>(viii) Yangang-Singchuthang-Sirwani</p> <p>(ix) Rabangla-maenam-Borong/Phalut-Tashiding</p>	<p>Ministry of Home Affairs, all FRROs, All Indian mission abroad, Immigration Officers at airports at New Delhi, Kolkotta, Mumbai, and Chennai, Chief Secy. / Home Secy. Secretary (Tourism) Govt. of Sikkim, IG of Police, Gangtok, Asstt. Director (Tourism), Govt. of Sikkim. Siliguri, Deputy Director (Tourism) Govt. of Sikkim, New Delhi, Resident Commissioner, Govt. of Sikkim, New Delhi, Asstt. RC, Govt. of Sikkim, New Delhi, Asstt. RC, Govt. of Sikkim, Kolkotta, Tourism Officer, Rangpo, DC Darjeeling, Dy. Secy / Under Secy Home Deptt. Govt. of West Bengal, Kolkotta for 15 days.</p> <p>Only organised foreign tourist groups are allowed. Individual tourist groups are allowed in Yuksom, Phodong, Mangan, Singhik , all 4 Distt. HQ and all Sub Division i.e Namchi, Pakyong, Soreng, Mangan (except Chungthang), Barapathing, Rongli, aritar, Rhenock, Rorathang, Rangpo.</p>

<p>(x) Kewzing-Rayong-Tinkitam-Legship</p> <p>(xi) Yuksom-Dzongri (except Gochala)</p> <p>(xii) Yuksom-Dzongri-Thangsing-Lampokhari</p> <p>(xiii) Uttaray- Chewa Bhanjyang-Dhond-Garakhet-Oktak-Dzongri</p> <p>(xiv) Hilley – Versey-Singalila-Chewa bhanjyang (except uttaray)</p> <p>(xv) Hilley-via Sombaria-Versey-Soreng</p> <p>(xvi) Hilley-Versey-Dentam-Pelling-Sangcholing-Khecheperi-Yuksom-Dubdi-Sinon-Tashiding</p>	
<p>II Mountain biking / White water sports routes</p> <p>(i) Gangtok-Rumtek-Sang-Sirwani-Temi-Damthang-Rabangla</p> <p>(ii) Kewzing-Tashiding-Yuksum-Gyalshing-Dentam-Rinchenpong-Soreng-Jorethang-Melli</p> <p>(iii) Gangtok-Phodong-Rangrang-Dikchu-Makha-Sirwani-Temi</p> <p>(iv) Gangtok-Rumtek-Sang-Sirwani-Temi-Namchi-Jorethang-Melli</p>	<p>Ministry of Home Affairs, all FRROs, All Indian mission abroad, Immigration Officers at airports at New Delhi, Kolkotta, Mumbai, and Chennai, Chief Secy. / Home Secy. Secretary (Tourism) Govt. of Sikkim, IG of Police, Gangtok, Asstt. Director (Tourism), Govt. of Sikkim. Siliguri, Deputy Director (Tourism) Govt. of Sikkim, New Delhi, Resident Commissioner, Govt. of Sikkim, New Delhi, Asstt. RC, Govt. of Sikkim, New Delhi, Asstt. RC, Govt. of Sikkim, Kolkotta, Tourism Officer, Rangpo, DC Darjeeling, Dy. Secy / Under Secy Home Deptt. Govt. of West Bengal, Kolkotta. Only</p>

(v) Gangtok-Rumtek-Sang-Sirwani-Temi-Namchi-Namthang-Rangpo White water sports routes (i) Chungthang-Dikchu-Singtam-Melli (ii) Legship-Jorethang-Melli	organised foreign tourist groups are allowed. However Individual Foreign Tourists are allowed in some places mentioned in para 2 above. Period of stay for 15 days. This can be extended by Sikkim Government for a period of 30 days in two spells of 15 days.
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Note: Prior approval of the Ministry of Home Affairs is necessary for the grant of RAP or PAP to a citizen of Myanmar to visit Sikkim.

6. Foreign national coming as Group Tourists may submit an application for the grant of protected/Restricted Area Permit to the Indian Mission in their country before coming to India. The Indian Mission may grant the permit after due scrutiny, keeping in view the instructions contained in the preceding paragraphs. However, the mission shall refer cases which are not covered by the powers delegated to them, for grant of protected/restricted Area Permit, to the ministry of home Affairs for prior clearance.

(7. If foreign nationals, who are already in the country, desire to visit any area covered by the Protected/Restricted Area regime as group tourists, they should submit the requisite application to any of the authorities to whom the powers to issue such a special permit have been delegated. However, cases which are not covered by the powers delegated to the state Government, or to the subordinate authorities, shall be referred to the ministry of Home Affairs, with the recommendation of the State Government, for prior clearance.

8. In all cases received directly in the Ministry of Home affairs for grant of Protected/restricted Area Permit, the requisite clearance would be conveyed by the Ministry of Home Affairs only after obtaining the recommendations of the State Government concerned.

9. In all cases relating to grant of PAP/RAP for an individual foreign tourists, the proposal would require prior clearance from the Ministry of home Affairs only on the basis of the recommendation of the State government concerned.

DO's AND DONT's

Instructions for permit holders

- (a) The permit is valid for a group tourist consisting of two or more persons only.
- (b) Permit is valid for the specific tourist circuit-route and definite entry/exit points. No area other than the ones indicated in the permit should be visited.
- (c) Permit holders are requested to keep sufficient number of photocopies of the permit with them, which may be required for depositing at each point of entry/exit.
- (d) Permit holders should not stay in the restricted/protected areas after the expiry of the permit.

Instructions for Travel Agents/Tour Operators/Guest Houses

- (a) Travel agencies/tour operators should ensure that tourist groups sponsored by them are possession of valid restricted/protected area permits.
- (b) It will be the responsibility of the travel agents/tour operators to ensure that the tourist groups do not visit places other than the permitted ones and also ensure that they do not stay there after the expiry of the valid period.
- (c) Owners of guest houses/hotels must ensure that foreigners with valid restricted/protected area permits only stay with them. It is mandatory for the guest houses/hotels and also the individuals, if any foreigners stays with them, to inform the local police about the arrival/departure of foreigners within 24 hours. Action against

those who do not follow the above instructions will be taken under the Foreigners Act, 1946.