

**MINISTRY OF EXTERNAL
AFFAIRS
CONSULAR PASSPORT AND
VISA DIVISION**

**ESTIMATES COMMITTEE
1991-92**

TENTH LOK SABHA



**LOK SABHA SECRETARIAT
NEW DELHI**

**FIFTH REPORT
ESTIMATES COMMITTEE
(1991-92)**

(TENTH LOK SABHA)

**MINISTRY OF EXTERNAL AFFAIRS
CONSULAR PASSPORT AND VISA DIVISION**



Presented to Lok Sabha on 27 February, 1992

**LOK SABHA SECRETARIAT
NEW DELHI**

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**LIST OF MEMBERS OF THE ESTIMATES COMMITTEE
(1991-92)**

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1. Shri G.L. Batra — *Additional Secretary*
2. Shri K.K. Sharma — *Joint Secretary*
3. Shri B.B. Pandit — *Director*

*Resigned from the Committee w.e.f. 11.12.1991.

INTRODUCTION

1. Chairman of Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Fifth Report on the Ministry of External Affairs — Consular Passport and Visa Division.

2. The Committee undertook the examination of the various aspects of Passport Division mindful of the fact that passport being a certificate of citizenship ought to be available to citizens as a matter of right without undue hinderance. Yet, as this facility lends itself to various kinds of misuse this right requires to be balanced with safeguards aimed at minimising such misuse of passports. Even as the thrust of Committee's deliberations has been on this aspect, other related problems like overlapping legislations, administrative laxity also engaged the Committee's attention.

3. The Committee considered the replies given by the Ministry of External Affairs to a detailed questionnaire issued on this subject whereafter the Committee took evidence of the representatives of the Ministry of External Affairs on 5.9.1990. The Committee wish to express their thanks to the representatives of the Ministry of External Affairs who placed before them detailed written notes on the subject and furnished whatever information the Committee desired in connection with the examination of the subject.

4. The Report was considered and adopted by the Committee on 20.12.1991.

5. In their report, the Committee have brought into focus the following aspects:

- (a) delays in issue of passports, their misuse and redressal of public grievances;
- (b) legal, Organisational & Administrative frame work within which passports are issued; and
- (c) compatibility of Indian Passport Act with related statutes and the aspects relating to Emigration Act.

6. The Committee in their report have called for substitution of the two existing statutes which govern different aspects relating to issue of passports by a single statute. In this context, they find that the Passport (Entry into India) Act, 1920 is an unnecessary imperial legacy and needs to be repealed. They also find the designation of the Head of C.P.V. Division as 'Chief Controller of Emigrations' unnecessary.

7. The report also dwells upon some of the exogenous aspects of the Indian Passport Act, particularly harmonization with it or other statutes governing entry of foreigners into India and Registration of Foreigners Act, 1946. This, in opinion of the Committee has added significance for the purpose of making narcotics control and anti-smuggling operations effective. The Committee have, therefore, desired that penalties under both these statutes must be similar, non-bailable and of higher deterrence.

8. The illegal entry of foreigners and their overstays have caused concern to the Committee and prompted them to recommend a review of the special passport arrangement for Bangladesh and Sri Lanka. They have in fact gone further to call for such reviews being taken up at suitable intervals for uniform application of relevant laws. In this regard, the Committee have suggested urgent consultation with the States of the Union which are responsible for the administration of certain provisions of these laws. They have also called for systematic maintenance of records about the entry and departure of the foreigners.

9. In regard to organisational and administrative matters, the Committee feel that opening of new passport offices ought to take into account geographical distance of the section of the population, particularly, those residing in North-Eastern Island Territories. The Committee have also commented upon infrequency and content of the Management Information System being practiced in the C.P.V. Division and called for regular inspection of Foreign Missions to tune up the consular services, available to Indian citizens abroad.

10. In Chapter II of the report, statistics relating to pendency of passport application and their disposal has been brought out. Although the statistical data furnished to the Committee seems to present a satisfactory picture, the Committee are skeptical about these figures being a true index of public dissatisfaction with the functioning of Regional Passport Offices. They are intrigued by the fact that despite the volume of applications having gone up by 42%, the pendency could have come down in real terms. It is, their belief that more applications are now being rejected summarily or are returned to the applicants only to massage statistics. The Committee have, therefore, not only called for attitudinal reforms in the actual functioning of Regional Passport Offices but also desired greater involvement of C.P.V. Division in the redressal of grievances. They also have drawn attention to the crying need for strengthening and monitoring grievances redressal machinery at the level of Regional Passport Offices. In this context, the Committee have welcomed the simplified passport forms and methodology as also the introduction of more Secured Passport and Machine Readable Passport besides the Computerisation of Passport Offices in India and abroad. However, they would expect the C.P.V. Division to ensure wider and effective publicity of rules and regulations governing the issue of passports as also their reforms being undertaken. The Committee also have underlined the need of setting up Non-Official Passport Advisory Committees and of stipulating a time limit for disposal of complaints.

11. The Committee hold the view that continuance of the existing emigration procedures for Indians travelling abroad for employment does not appear to have any administrative or other functional rationale behind it. Therefore, they have recommended that Indian Emigration Act, 1983 be reviewed with a view to dispensing with prior emigration clearance as an essential pre-requisite for travel abroad by Indian citizens.

12. The Committee would like to express their thanks to the Estimates Committee (1990-91) for taking evidence on the subject and obtaining valuable information thereon. The composition of the Committee (1990-91) is given at Appendix I.

13. For facility of reference the recommendations/observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in consolidated form in Appendix of the report.

NEW DELHI;
February 14, 1992
Magha 25, 1913(S)

MANORANJAN BHAKTA
Chairman,
Estimates Committee.

CHAPTER I

HISTORICAL AND ORGANISATIONAL

Brief History

1.1 Prior to World War I, Indian Passport, as a travel document was not in existence. Consequent upon the enactment of Defence of India Act, 1914, and the promulgation of rules thereunder, the possession of this document for entry or exist from the country became obligatory. Based on earlier statutory provisions. The Indian Passport Act, 1920 was enacted. This legislation was limited in its scope.

1.2 In 1922, The Indian Emigration Act was promulgated. Since then emigration has been a central subject. Under the provisions of this Act, in accordance with the structure and composition of the then British India, the government of the day delegated to the then provincial governments the power to issue on its behalf, passports to Indians wishing to go abroad. These were largely indentured labour. Consequently, the then Governments of Bombay, Central Provinces and Berar, Delhi and United Provinces, had regular Passport Offices functioning under their respective Home Departments.

1.3 With Independence and the adoption of our Constitution, citizenship became uniform; accordingly passports and their issuance became a Central subject. In the interim period, however, upto 1954, State Governments continued to issue passports on behalf of the Ministry of External Affairs.

1.4 In 1967 a new legislation called the Indian Passport Act was promulgated. This made mandatory the possession of a valid passport, or travel document: before departure from India. It also provided for the issuance of various types of Passports, including to those who are not citizens of India. This Act did not, however, include any provisions for possession of passports by persons entering or exiting India. To that extent it became necessary to retain the Indian Passport Act, 1920 which was, however renamed as The Passports (Entering into India) Act, 1920.

Central Passport Organisation

1.5 A Central Passport and Emigration Organisation came into being in 1959 as a subordinate office of the Ministry of External Affairs. Its aim was to administer five Regional Passport Offices at Bombay, Calcutta, Delhi, Madras and Nagpur, set up earlier in 1954, as well as the offices to be set up subsequently.

1.6 In a written note the Ministry have stated that the role of the Central Passport Organisation is to grant passports and render passport related services to Indian citizens all over India.

Consular, Passport, Visa Division

1.7 In 1967, Consular, Passport and Visa Division was established as part of the Ministry of External Affairs.

*1.8 The objectives of the CPV Division are:—

- (i) expedition issue of passports and other travel documents to Indian nationals;
- (ii) effective rendering of consular service to Indian nationals abroad including assistance to Indians in distress;
- (iii) expeditious issue of visas to foreign nationals through our representatives abroad;
- (iv) constant review of policies in this regard with a view to simplifying and streamlining procedures;
- (v) on behalf of the Ministry of Labour, and where there is no office of the POE (Protector of Emigrants), to issue emigration clearance/suspension.

*1.9 CPV Division is headed by a Chief Passport Officer who also functions as the Controller-General of Emigration.

1.10 Explaining the position regarding emigration, the Ministry stated that with the replacement of the Emigration Act, 1922 by Indian Emigration Act, 1983 the subject of emigration is now the responsibility of the Ministry of Labour; consequently the CPO has also ceased to function as Controller-General of Emigration.

Role of CPO

1.11 Clarifying the respective roles of the CPV Division and the CPO, the Ministry have explained that whereas the Central Passport Organisation is a field organisation, the CPV renders advice on policy, supervise implementation of relevant Acts and Rules, co-ordinates between the Ministry of Labour and the Passport Issuing authorities in India, along with acting on complaints and grievances from citizens. This Division is also responsible for advising Indian Missions and Posts abroad about consular Passport and visa matters. It superintends the functioning and exercises control over the Central Passport Organisation.

* Para 1.8 At the time of factual verification the Ministry has added the following two more objectives of the CPV Division:—(vi) Administration of the Extradition Act and Treaties. (vii) Consular Relations with foreign Govts.

** Para 1.9 At the time of factual verification the Ministry has informed that the CPV Division is headed by a Joint Secretary-cum-Chief Passport Officer.

Conclusion

1.12 As has been explained, there are currently two similar enactments that continue to remain on the Statute book: Passports (entry into India) Act, 1920 and the Indian Passport Act, 1967. The Committee is unable to appreciate the rationale for this. If the simple purpose is to make it obligatory for persons entering into India to hold a passport, then that can be attained by incorporating necessary provisions in the Indian passport Act itself. The Act of 1920 needs to be repealed, it is an unnecessary Imperial legacy.

1.13 With the promulgation of the Constitution of India and a subsequent consolidation of Regional Passport Offices, the Central Passport Organisation came to being in 1959, but as a subordinate organisation of the Ministry of External Affairs. The Chief Passport Officer, also functioning as Controller-General of Emigration is the head of CPO. The Indian Emigration Act, 1922 has, however, been replaced by a similarly named Act of 1983. Consequently all emigration matters are now dealt with by the Ministry of Labour.

The Committee are unable to understand this continued designation. Further, the Committee is also of the view that emigration control is a colonial inheritance not really warranted in today's time or circumstances. This aspect has been dealt in greater detail in Chapter IV.

Recommendations

1.14 The Committee expect the Ministry of External Affairs and Labour to:-

- (i) bring all provisions relating to the subject of passports under one single statute;
- (ii) consider dropping the appendage "Chief Controller of Emigration" from the designation of Chief Passport Officer.

CHAPTER II

Passports: constraints, misuse and complaints

2.1 The Committee undertook examination of the subject mindful of the fact that the possession of a passport is the right of every citizen. The approach of the Committee has been guided by this concern. Simultaneously the Committee fully recognise the potential for, indeed the existing misuse by some of this right. In the face of unchecked illegal immigration, terrorism, narcotics trade and smuggling of all other variety the passport as a certificate of citizenship of India, cannot be permitted to become a licence to criminality. What, therefore, can be done to minimise misuse? The Committee addressed itself to these concerns.

A. Delay in Issue of Passports

2.2 The first is the difficulty experienced by citizens in regard to undue delay in the issue of passports. In a written note the Ministry stated that the primary target of Central Passport Organisation was to maintain 'nil' pendency in issuing passports.

2.3 The position of passport applications and their disposal during the last three years is as follows:-

Year	Total No. of passport Applications Received	Total No. of passports Issued	Total No. of applications pending at the end of the year
1987	18,37,307	10,29,785	92,134
1988	23,37,637	12,88,278	1,65,376
1989	26,11,461	15,58,145	55,317

2.4 The Ministry stated that during the years 1987, 1988 and 1989 the number of complaints received in the Ministry regarding delay in issue of passports by passport offices in India was 2480 (0.134%) 1920 (0.082%) and 885 (0.034%) respectively.

2.5 In regard to the volume of pending applications the Ministry further stated that during mid 1989, it was decided that incomplete passport applications received from applicants should be returned immediately for completion of deficiencies. Incomplete applications are therefore now not accepted, deficiencies being pointed out to the

applicants at the counter itself. Incomplete applications received by post are returned the following day.

2.6 In this context the Committee were also informed that simplified passport application forms were being introduced by the end of 1990.

2.7 Explaining the position further the Ministry listed the following circumstances in which issue of passport may get delayed:-

- (a) If any adverse report is received from the CID / police against the applicant, and information given by the applicant is either incomplete, unclear or contradictory;
- (b) cases of duplicate passports of NRIs;
- (c) prior approval category.

2.8 On the other hand, in the following circumstances, passports are to be issued on an urgent basis:-

- (a) death of a close relative abroad;
- (b) medical treatment, illness or accident of self or close relative abroad;
- (c) participation in Government sponsored training courses, seminars / conference etc.;
- (d) other cases where passport officer recommends issue of a short validity passport or where the Ministry decides so depending upon the merit of a case.

2.9 When asked about the average time taken for issuing passports the Ministry in a written note state:—

“Before June 1990 the average time taken for issuing a passport was 45 days.”

2.10 The Ministry further informed that during 1989 in all 1,24,704 application could not be decided in the average normal time by the Passport Offices due to non-receipt of reports from security agencies and other compliances from the applicants.

2.11 Asked what steps were being taken to improve this situation the Ministry stated:—

“As per revised orders, from 1st June, 1990 passport in abnormal case is to be issued within 28 days after the receipt of the application if it is not accompanied by the prescribed verification certificate. In respect of applications accompanied by appropriate verification certificates signed by competent officers, passports may be issued within 5-7 days.”

*. Para 2.6 — At the time of factual verification the Ministry has informed that simplified passport application forms have been introduced from June 1991.

2.12 Dwelling up the reasons leading to delay the representative of the Ministry stated during evidence that delays occurred mostly on two counts: police enquiry and a shortage of passport booklets.

2.13 Regarding delays attributable to police verification it was further elaborated as under:-

"Mostly, we get the policy inquiry reports after about one month. The instructions to the State Governments were that it should be done within three weeks. In the new rules, from 1st July, we have told the passport officers that regardless of receipt or non-receipt of inquiry reports, the passport should be issued within 28 days from the date of application.....If the police report is received before 4 weeks, well and good; if it is not received before 4 weeks, then we take action."

*2.14 When asked whether the time schedule laid down since 1st June, 1990 was being adhered to, the Ministry stated that this was the goal set for passport offices. Given the constraint of staff and passport booklets they try to achieve this as much as in practicable. The Committee desired to know whether the stipulated period of 28 days for issuing a passport could be reduced further. In a post evidence written reply the Ministry stated that in the present circumstances, it is felt that, in general, it will not be feasible to issue passports before 4 weeks of submitting application complete in all respects.

2.15 As regards the problem of shortage of booklets the representative of the Ministry explained:

"There is a problem of shortage of booklets. This is due to the fact that the number of applications is increasing. Last year, it was 15 lakhs; this year it would be around 18 lakhs. But the production capacity of the press is 6500 per day, which is not enough. This is also due to the fact that they do not work for 365 days in a year, they may work between 250-300 days in a year. We have asked them to expand their capacity of production, but they say that they are not capable of expanding it. So, we have decided to go to the private sector. We have called for quotations. As soon as quotations are received, we will place an order for the production of booklets. We expect that the limit of 28 days will be adhered to in every case."

2.16 Dwelling upon the aspect of security, the Committee desired to know how it was being ensured that while involving private parties in printing of booklets, the security is not jeopardized. The representative of

* Para 2.14 At the time of factual verification the Ministry has further informed as under:-
 "Since passports are being written manually, output of passport offices gets limited by this human constraint. If staff strength is not increased in step with increase in input applications, it gets reflected in increasing pendencies in Passport Offices."

Ministry stated:—

“We have consulted Ministry of Finance who are responsible for this. They have informed us that they will be able to take adequate precautions by posting their own persons and by segregating the sections of the press. In fact they have also informed us that they will have no problem of security in this regard. They will be able to take adequate security precautions.”

B. Safeguards against Misuse of Passports Facility

2.17 The Ministry were asked during evidence to explain how it reconciled the two seemingly conflicting requirements of issuing a passport with the least possible delay and ensuring issue of passport only to bona-fide applicants. In reply the representative of Ministry stated:—

“As far as the security aspect is concerned, we are shifting the onus under which an enquiry has to be made before a passport is given, to section 12. If the police report is received before four weeks, well and good; if it is not received before four weeks, then we take action. If the police report is adverse, then we impound the passport.”

2.18 Dwelling further upon the aspects of delay and security, the representative of Ministry stated:-

“The only thing that could be done in this respect is that under Section 6 there are several sub-sections which specify who are not entitled to receive the Indian passport. We could make some kind of a list of these people in India. It is a very massive exercise. The list contains persons who fall in the categories specified under section 6 and it is checked with the list before the issue of each passport. That itself may not be satisfactory. The people coming from the countries like Bangladesh, Sri Lanka and Pakistan do not figure in that list. They come into the country on their own passports and we would not be able to find them in the list. There is no fool-proof method except police check, where police can go to the residence and find out as to whether he has lived there and whether he is an Indian citizen. He does not fall within the purview of Section 6 and its sub-sections.”

2.19 In this context he added:-

“We have tried to request the State Government to speed up the police verification procedure. But our experience of earlier years suggests that even five weeks time may not be enough.”

2.20 The Committee was informed during evidence that around 25 to 30000 passports were being lost every year. The Ministry suspect that these were being mis-used by unauthorised holders by replacing the photographs.

More Secure Passport

2.21 The Ministry have with effect from August 1990 introduced a system of laminating the photograph on the passport as well as other personal particulars under a Special Ultra-violet Sensitive Film. This will make forgeries on passports, especially substitution of photographs very difficult and, where attempted, detectable.

2.22 The introduction of such passports known as More Secure Passport (MSP) is in fact a short term measure to meet the 'increasing incidences of forgeries on existing passports booklets'. This step has been taken up on the recommendations of the Implementation Committee on Machine Readable Passport (MRP).

Machine Readable Passport (MRP)

2.23 In pursuance of the recommendation of all India Passport Officers' Conference held in January, 1984, an official Level Committee was set up to prepare feasibility report on introduction of Machine Readable Passport. This Committee recommended that introduction of MRP was both feasible and desirable. It would be in consonance with the recommendations of International Civil Aviation Organisation (ICAO). After adoption of these recommendations in May, 1987, an Implementation Committee was set up to prepare project MRP. It was felt that introduction of MRP required complete computerisation of Passport Offices in India and abroad, computerisation of Immigration Check Points in India and their networking. Considering all these requirements, the Committee has recommended that MRP be introduced from January, 1995.

C. COMPUTERISATION

2.24 The Ministry has stated that computerisation of passport offices in India was taken up in the CPV Division in 1986. M/s. WIPRO were awarded through the DGS&D two contracts to supply 4+12 i.e. 16 S 296 computers. Computers have been installed at Delhi (June 86) Madras (Sept. 86), Cochin (April 87), Bombay (June 87), Goa (Feb 88) and Lucknow (August 88). The following table gives further details:

LOCATION	DELIVERY	DISC	COST(Rs.)	ANNUAL MAINTENANCE COST (Rs.)
New Delhi	June 86	160 MB	7,51,000	75,100
Madras	Sept., 86	160 MB	7,14,000	71,400
Cochin	April 87	160 MB	7,48,000	74,800
Bombay	June 87	320 MB	9,78,000	9,77,800
Goa	Feb., 88	80 MB	3,84,000	41,500
Lucknow	Aug., 88	80 MB	4,15,000	41,500

2.25 The Ministry has stated that initial laid down specification stipulated batch mode check for indexing. Under index check it is ascertained whether an applicant was applying for more than one passport or not. Subsequently and keeping in view the rising incidents of violence in the country, it was decided that index check should be available on on-line mode. The capacity of S 286 computer was in consequence found to be inadequate. For on-line mode facility, disc capacity reworked for Delhi passport office is 1400 MB as against 160 MB installed at present.

The following additional factors have also inhibited speedy computerisation of passport offices:

- (i) Lack of experienced staff for operating computers
- (ii) Frequent breakdowns of power.
- (iii) Gaps in development of software
- (iv) Non-availability of computers of the required capacity.

2.26 The Ministry has also stated that after a detailed study and review it is felt that S 386 / S 486 based Multi Bus generic computers supporting UNTX V 33.2 / Oracla and net-working to the proposed mainframe computer at the CPV Division can meet the requirement of National Index and PAC check. Software applications for passport control system for use in passport offices in India has been developed in cooperation with the National Informatic Centre (NIC). It can also be used in Missions / Posts abroad. A visa control system for use at Indian Missions / Posts abroad has also been developed. The needed consular module is under development.

2.27 Asked to explain the difficulties being faced in speedy computerisation, a representative of the Ministry stated as under:

"I think the main problem that we are facing is to get the system functioning in such a way that it does not disrupt the service and at the same time keeps the records in the shape in which we would like to have it. The point is that the software development for that purpose has taken time."

2.28 The representative of the Ministry further clarified:

"There has been no obstacle from the financial angle. The main problem is that many people are not convinced it is a good idea. We, in the Ministry, desire that computerisation should take place as rapidly as possible because that is the only way to streamline the issue of passports. We have tried to do it on a very extensive scale in the Delhi Passport office. We have succeeded in it. Now all the work is done through the computer. but there is some resistance because of initial fear. We insisted that people should know it. As far as the other passport offices are concerned we have tried to assure them that it is a psychological fear problem. I think we will overcome it."

Conclusions

2.29 The statistics furnished by the Ministry of External Affairs, CPV Division, only confirm anxiety of the Committee about problems being faced by citizens in obtaining a passport as a right as against 26.11 lakh applications received only 15.58 lakh passports should be issued during 1989. The position in the previous two years was also not markedly different. The fact that at the end of the year numbers of applications under consideration, at different Passport offices is small could be on account of either a very large number of applications being rejected arbitrarily, or returned to the applicants to massage statistics.

2.30 The Committee is thus led to the view that replying merely on the volume of passport applications pending at the end of the year is possibly not the best index of public dissatisfaction on this account. Procedural changes effected from Mid 1989 have, without doubt, brought down the numbers of pending applications despite the volume of applications going up by 42 percent. The Committee welcomes and commends the Government for introducing a simplified passport application form and methodology. This has, however, not been accompanied by a sufficient and simultaneous public awareness programme. This ought to have been done, particularly as a significant number of applicants are either illiterate, semi-literate or are not fully informed about the simplified procedures.

2.31 Even though the number of complaints received by the Ministry, in respect of delays is not very high, the Committee is inclined to the view that if the role of the CPV Division were better known, then the index of their dis-satisfaction about the functioning of Regional Passport offices would also decline. It is not at the level of higher direction that improvements are needed; rather it is at the level of the actual functioning that both management systems and attitudinal reforms have to be brought about.

2.32 The Committee while welcoming the steps now taken to enhance the number of booklets to be printed, cannot but reflect on such a simple shortage being permitted to aggravate to the extent of causing needless harassments to passport seekers.

2.33 The Committee commend the Government for introducing measures like More Secured Passport (MSP), Machine Readable Passport (MRP), along with Computerisation of Passport Offices in India and abroad. The Committee are of the view that the process of computerisation, within the stipulated time-schedule needs to be expedited. It is for the Government and the Ministry to address itself to this task and to adopt such financial or other measures as would be necessary.

Recommendations

2.34 The Committee would recommend much wider and more effective publicity of rules and regulations governing the issue of passports and all related formalities.

2.35 The Committee recommends that the grievance redressal machinery, particularly at the level of Regional Passport offices, be strengthened and monitored.

2.36 The Committee would recommend an earlier time-schedule than 1995 for completion of computerisation, defining its exact scope and purpose. MSP, MRP, as well as passport sections in foreign missions ought to be covered under this programme with adequate staffing pattern.

CHAPTER III

INDIAN PASSPORT ACT: EXOGENOUS ASPECTS

3.1 The Foreigners Act, 1946 regulates entry, stay, and departure of foreigners from India. Its provisions are in addition to and not in derogation of the provisions of the Registration of Foreigners Act, 1939, the Passport Act 1920 and other related enactments. Section 14 of the Foreigners Act 1946, lays down the penalties to which a person, who contravenes its provisions shall become liable. They are:-

- (i) imprisonment extendable upto 5 years; and
- (ii) liability for fine;

besides forfeiture of bond, if any, entered into by the offender with the Government.

3.2 On the other hand, section 12 of Indian Passport Act, 1967 provides that offences thereunder, including contravention of Section 3 which deals with departure of foreigners from India, shall be punishable by

- (i) imprisonment upto six months, or with
- (ii) fine upto rupees two thousand, or
- (iii) both (i) & (ii);

besides revocation/impounding of the passport under section 10 of this Act.

A. Aspects relating to Narcotics Control and Anti-smuggling

3.3 The narcotics Control Bureau and the Department of Revenue Intelligence have pointed out to the Committee, difficulties with regard to illegal entry of foreigners into India. It has been felt that penalties under the Indian Passport Act for entering India without a passport, or on a forged passport, are not deterrent enough. To that extent the Indian Passport Act, 1967 and the Foreigners Act, 1946 need to be harmonized. It was pointed out to the representatives of the Ministry that absence of sufficient deterrance and inadequate harmony between two related Acts can create mis-application, or inadequate application of laws. Further it can happen that smugglers, including those engaged in the trade of narcotics, when apprehended without any of the smuggled goods/contrabands are let off with very light penalties leviable under the Indian Passport Act, 1967.

"We are considering to increase the penalties. But we have not considered whether we should make this a non-bailable offence.

3.4 In a written reply the Ministry has further stated that an amendment in Section 12 of the Passport Act was under consideration to make entry of such foreigners who enter into India with no travel document or with fake/forged travel document of any country or clandestinely obtain Indian travel documents non-bailable. It was also under consideration of the Government to provide for imprisonment of a term up to 5 years or a fine of Rs. 50,000 or both in event of only into India on forged or fake passports. In case of conviction, minimum punishment would be imprisonment of a year, or a fine of Rs. 10,000 or both.

3.5 On a suggestion from the Committee the ministry also took up the issue of harmonizing the two statutes with Ministry of Home Affairs. The Ministry in a letter to the Committee have stated that the concerned authorities in other Ministries will consider bringing the Foreigners Act in line with the proposed amendemnt in the Passport Act.

C. Treatment of refugees from Sri Lanka and Bangladesh

3.6 With regard to travel between Bangladesh and India the citizens of the two countries enjoy special facilities on a reciprocal basis.

3.7 According to Ministry of External Affairs letter No 1/BD/3440/16/72 dated the 14th August, 1972 a passport called "India -Bangladesh Passport" will be issued by the designated authorities in India and this passport will be valid for travel only between India and Bangladesh. Similarly, the designated authorities in Bangladesh will issue a passport called "Bangladesh Special Passport" and this will be valid for travel only between Bangladesh and India. It has also been decided that International Passports issued by the the two Governments to their respective nationals with appropriate endorsements will also be valid for travel between India and Bangladesh.

3.8 The Ministry were asked to state whether this arrangement had worked satisfactorily. The representative of the Ministry stated:

"We find that the number of Bangladeshis entering India is considerably larger than the number of Bangladeshis moving in the opposite direction. Over a long period of time this is also a continuing influx.

*. Para 3.4 At the time of factual verification the Ministry has stated that the last time should read as under:

"In case of conviction, minimum punishment would be imprisonment of one year with a minimum fine of Rs. 10,000/-

It is not possible to check it because we have special passport provisions for travel between India and Bangladesh.”

3.9 Asked whether this special arrangement with Bangladesh can be reviewed, the representative of the Ministry stated:-

“We have to examine the political impact of it. Having made the gesture of special passport facilities for travel between the two countries, I think, it will produce an adverse impact if we do it. We are particularly here looking at the members of the minority community who may feel that it is a kind of a new wall to travel between the two countries and in such a situation the views of Bangladesh minorities would be getting a little more harsh or stringent in terms of their religious aspects or the constitutional state. It may not be of advantage in our overall perspective.”

3.10 Commenting upon the aspect of unchecked immigration of Bangladeshi nationals into India, the Ministry in a reply to the Committee stated that the Indo-Bangladesh passports were being presently issued by the District Magistrate/State Governments bordering Bangladesh and any final decision in the matter would have to be taken only after consulting such State Governments.

Sri Lanka

3.11 The Committee enquired about the position in respect of Sri Lanka. The representative of the Ministry stated:-

“Under the Srimavo-Shastri Agreement, there was a special passport introduced between India and Sri Lanka. I am not fully aware of the background but I gathered, it was also a political gesture of goodwill at that time. These passports continue today. We will have to examine whether the abolition of passport facilities would have adverse effect, for example, on the members of the Tamil community in Sri Lanka.”

3.12 The Ministry have in a subsequent communication to the Committee stated:-

“Perhaps, we may have to continue issuing these passports at least from our Missions/Posts in Sri Lanka”

3.13 Due to the regional and ethnic problem in Sri Lanka, over a lakh refugees have arrived in Tamil Nadu. It was pointed out by the Committee that these refugees were unable to establish that they were residents of Sri Lanka because they invariably left behind all their documents before fleeing to India. Asked whether the Ministry were contemplating any measures to meet such a situation or to provide facilities for such persons to go back to Sri Lanka, the representative of the Ministry during evidence, stated:-

“We can look into this. In such cases, we approach the Sri Lankan authorities, in particular, and request them to issue some documents to the Sri Lankan nationals. It would be difficult for the Govern-

ment of India to issue anything to them unless there is some agreement in this respect."

3.14 Ministry in a subsequent reply to the Committee stated that Sri Lankan Tamils, who enter India should not be given any Indian travel documents and that at present, refugee certificates are being issued to them by the Government of Tamil Nadu.

D. Overstay of Foreign Citizens

3.15 The Ministry of External Affairs is charged with the responsibility of issuing visas to foreigners wishing to visit India. Thereafter, it is the Ministry of Home Affairs that is responsible for ensuring that these visitors leave our country in due time. It was pointed out to the representatives of the Ministry of External Affairs that administration of these provisions of law was widely perceived to be lax and unsatisfactory. Also that the numbers of foreigners, particularly from Pakistan and Bangladesh, overstaying in India and without any effective surveillance, was an embarrassing comment on the inadequacy of the administration of law in this regard.

3.16 The representative of the Ministry, however, did not offer any remarks in contradiction to this statement.

3.17 Asked to state the number of visas granted by the Ministry during the last 3 years from Bangladesh and Pakistan, and the numbers of those that did not return after expiry of such visas, the representative of the Ministry stated:-

"I would like to speak with the Home Ministry also. We suggested that there should be a single register for both entry and exit. When the exit takes place, they should enter the same column on which the entry takes place. They were, in fact, not doing that. But they could have started now in which case it would be easy to see the gap."

3.18 Asked to state the measures being adopted to check the overstay of foreign citizens, the Ministry in a written reply has stated that the Ministry of Home Affairs have informed that existing rules provide for single point entry/exit for visitors from Pakistan, through land route. As regards Bangladesh, there were some lacunae in this system and it was proposed to remedy these by computerisation. Computers are being installed at immigration check posts at the Bangladesh border for better efficiency.

Conclusions

3.19 Indian Passport Act, 1967 and the Foreigners Act, 1946, both have provisions relating to departure of foreigners from India. As stated earlier penalties prescribed under the former are considerably less stringent than the later. Such non-Indians as are engaged in activities prejudicial to the security of India, in narcotics trafficking, smuggling or even gun running, when apprehended on Indian soil without valid travel documents quite often simply dump their contraband. In consequence, therefore, they suffer very light punishment as provided under the Indian Passport Act; that is,

imprisonment upto 6 months, or fine upto Rs. 2,000/-, or possibly both. The Foreigners Act, as earlier pointed out, has provisions that are a little more stringent. The need for harmonising the relevant provisions of these two Acts is thus self-evident. The Ministry of External Affairs is considering enhancement of the terms of imprisonment, as well as fine under Section 12 of the Indian Passport Act, 1967. Such an amendment, though long overdue, will in turn render inadequate punishments under the Foreigners Act. There is yet another dis-harmony. The Passport Act is under the Administrative care of the Ministry of External Affairs, whereas it is the Ministry of Home Affairs that is responsible for the Foreigners Act. All that the Ministry of External Affairs have done is to inform the Committee that they have asked the Ministry of Home Affairs to re-examine this position.

3.20 Special passport arrangements as defined earlier, exist in respect of citizens of Bangladesh and Srilanka wanting to visit India. These arrangements came into existence at different times, as special political dispensation towards the citizens of these two countries. It is the view of the Ministry of External Affairs that to reverse these arrangements, besides being politically unadvisable, would require consultation with the Governments of States that border Bangladesh.

3.21 The Committee is of the view that relatively unhindered immigration into India of Bangladeshi or Srilankan citizens is now fraught with the most serious consequences for India's domestic polity; our internal law and order; as also for the stability of the States of the Union bordering these two countries.

3.22 A yet more serious aspect of trans border movement of people in the Indian sub-continent is the fact that visitors from Bangladesh and Pakistan can remain in our country practically indefinitely and without the provisions and penalties under the Foreigners Act, 1946. Totally inexplicable is the manifestation of this trans-border movement that takes the shape of citizens of Bangladesh or Pakistan arriving in India and then becoming untraceable as far our Administration goes. What is totally unacceptable to the Committee is that not even estimates, leave alone any accurate appraisal of the numbers of such illegal entrants exist in any of the records of the Government of India. The Committee are led to the unhappy conclusion that because of an absence of adequate laws in this regard inefficient administration of whatever limited laws exist, and continued neglect of this very serious malady, an extremely serious situation directly affecting our security has now come into being. It has also devalued Indian citizenship as something that can be attained through illegality. The Ministry of External Affairs have informed the Committee that in their view no foolproof method of controlling this problem exists as at present. What is being suggested by them, as also the Ministry of Home Affairs on consultations, is mere administrative tinkering with the rules. It does not touch the substance of the problem.

Recommendations

3.23 The Committee therefore recommends:

1. Violation of both Indian Passport Act, 1967 and the foreigners Act 1946 must be made much more deterrant, penalties under both these Acts must be similar; must be made non-bailable; must include imprisonment and fine of higher deterrance, and deportation on completion of sentence must be mandatory.

3.24 The harmonizing of the provisions of Indian Passport Act, 1967 and the Foreigners Act, 1946 must be carried out urgently by the Government.

3.25 Special passport arrangements with Bangladesh and Srilanka need a review. Such a review must be a periodic exercise, with each review characterized by an assessment whether the existing arrangements need revision.

3.26 The Government of India must urgently engage in consultation with the States of the Union that have a responsibility in the administration of relevant provisions of these Acts, so that across the country, the application of these laws is uniform.

3.27 For visitors from Bangladesh, Srilanka and Pakistan, it is vital that the maintenance of records about entry points/place of residence and departure dates be made more systematic and efficient. Computerisation by itself, without adequate subsequent surveillance will not serve the purpose. Such Indian citizens as are the hosts or recipients of visitors from these two countries must also be made accountable for defaults relating to overstaying, etc. The Committee recommend the immediate stoppage of separate system of passports for Bangladesh, Sri Lanka and Pakistan.

CHAPTER IV

ASPECTS RELATING TO EMIGRATION ACT

4.1 The Indian Emigration Act, 1983 requires our citizens wishing to travel abroad to fulfil the following conditions:—

“An application for registration shall be made to the registering authority in such form and shall contain such particulars as to the applicants’ financial soundness, trustworthiness, premises at which he intends to carry on his business, facilities at his disposal for recruitment, his antecedents (including information as to whether any certificate has been issued to him under this Chapter earlier and if so, whether such certificate had been cancelled) and previous experience, if any, of recruitment and other relevant matters as may be prescribed and shall be accompanied by a receipt evidencing the payment of the prescribed fee and an affidavit giving his current financial standing and an undertaking in the form prescribed to the effect that in the event of any information furnished in or along with the application for registration being found to be false or incorrect in any respect, the certificate shall be liable to be cancelled at any time in accordance with the procedure prescribed.”

4.2 Since 1983, when this Act was passed in its new form it has been ceased to be administered by Central Passport Organisation. Explaining the rationale behind this change the Ministry of External Affairs, in a written note, stated that the emigration of Indian manpower, to foreign countries had acquired the dimension of an important national resource bringing to country a substantial amount of foreign exchange. Large scale emigration of Indian workers, unorganised and often illegal system of recruiting labour had led to many malpractices.

4.3 Complaints of exploitation of Indian workers, at the hands of both recruiting agents in India and employers abroad had also been received. With a view to regulating the emigration of labour and protecting their interests, the Union Cabinet, at its meeting held on 15th June, 1976 decided to designate the Ministry of Labour as the nodal ministry for the regulation of recruitment of Indian workers for employment abroad. Pursuant to this Cabinet Decision, the Indian Emigration Act, 1922 was amended and the Indian Emigration Act 1983 came into being. The subject of emigration was thus transferred from the Ministry of External Affairs to the Ministry of Labour.

4.4 Justifying the continuance of the Emigration Act in the changed situation, the representative of the Ministry stated during oral evidence:—

“The essence of this Act was that there is justice shown to the labour by the employers. The contract should be such that there is adequate amount given as salaries to the Indian labour in foreign countries. As per the contract, the emigration clearance in India is not at all the same obtaining in other countries and immediately taken away the replacement contract from the Ministry of Labour. We have a proposal under consideration that the person who goes should be free from any of the requirements under the Emigration Act, but the recruiting agent should not be free because we can at least with reasonable certainty pin-point the problem of replacement and substitution of the contract; as long as exploitation continues to the arrangement of employer and the employee. The recruiting agent is very much involved in this. The recruiting agents needs to be controlled and to that extent I think our own views should be that the Emigration Act should continue.”

4.5 Chapter V of the Emigration Act contains provisions which require that every citizen who is going abroad for a job needs clearance either from the Passport Officer or from the Department of Emigration.

4.6 Asked to state why the Emigration Act is made routinely applicable to every citizen going abroad, and whether the Act is actually needed even now when job opportunities in the Gulf have almost ceased, the representative of the Ministry stated:—

“I think the first problem could be solved by abolishing Chapter V. If this is abolished, then nobody would require a stamp. I think now with the latest situation in the Gulf where there is complete upheaval of the economic opportunities taking place during the last four weeks or so, I think what you have seen in last three or four years is likely to decrease and the opportunities now will be so rapidly diminishing that we expect the people back in India soon.”

4.7 In the post evidence replies, the Ministry has, however, stated that as regards doing away with requirement of emigration clearance, the Ministry of Labour do not favour deletion of Chapter V of the Emigration Act.

Conclusions

4.8 Indian citizens wishing to travel abroad have to, as of routine, obtain emigration clearances. This in itself involves the fulfillment of a number of procedural requirements. Obviously, the number of citizens going abroad, for regular employment, exceeds those visiting as tourists or on business.

Promulgation of Indian Emigration Act, 1983 as a replacement of the earlier, similarly entitled Act of 1922 was to protect the interest of emigrant Indian workers, as also to minimise the bureaucratic requirements of emigration clearances. As a further improvement upon this, the Ministry of External Affairs is now of the view that Chapter V of the Emigration Act, 1983 is no longer necessary. The Ministry of Labour without assigning any reason have, however, not agreed with this suggestion of the M.E.A. The Committee, having examined this aspect at some length, is of the view that continuance of restrictive procedures for Indian travelling abroad does not appear to have any administrative or other functional rationale behind it.

Recommendation

4.9 The Committee, recommend that the Indian Emigration Act, 1983 be reviewed with a view to dispensing with prior emigration clearance as an essential pre-requisite for travel abroad for employment by Indian citizens. For this purpose they recommend the deletion of Chapter V from the Indian Emigration Act, 1983.

CHAPTER V

ORGANISATION AND ADMINISTRATION

A. Siting of Regional Passport Offices

5.1 The Ministry has stated that earlier a full-fledged Regional Passport Office was opened if the number of applications received from a State was more than 30,000 annually and those having less were considered for a sub-regional office. However, later offices were opened considering various factors listed below:—

1. Areas of the State
2. The number of States
3. Population
4. Distance
5. Demand for passports
6. Work load statistics of passport office at a place
7. Work load in neighbouring passport office
8. Users' convenience and public service
9. Geographical configuration of a place
10. Manpower at Headquarters to look after the work
11. Estimate of Revenue earnings, expenditure and financial implication.
12. Requirement of 6000 booklets per month and other related documents.
13. Computerisation and need for training the personnel.

5.2 Explaining the criteria for establishing Regional Passport Offices, the representative of the Ministry of External Affairs stated during oral evidence:—

“There are actually two categories. One category is where there are places like Bombay, Delhi, Madras and Calcutta where the demand for passports in a year is definitely expected to cross 80,000 and that it is so obvious that there should be a passport office in places like that. In the other category, of course, various other considerations come in. I am not saying that in every case, it is based on total rationality. There are a lot of demands and it is not possible for the Government to ignore those demands, but we do make an effort to ensure that even the new criterion of 60,000 annually is followed. At least, it should be approaching that figure from the districts before we open a new office. I do agree that we have quite a few places

where the figures are very much less; they are less than even 30,000 which is the original criterion."

5.3 In post evidence replies, the Ministry has stated that the criteria of setting up of passport offices in India is organic and is formulated keeping in view the work load, geographical distribution and public demand. Further rationalisation of the criteria is under process in the light of the proposals made by the Estimates Committee.

B. Staff Position

5.4 The Ministry has stated that ever since the Central Passport Organisation came into existence during the end of 1954, review of its Cadre has not been done. The basic requirement of staff and officers in the CPO continues to be determined with reference to the SIU norms fixed during 1980 and based on workload for the period 1.11.1979 to 31.10.1980. Agreed norms were drawn, as under:

<p>Passport Officer / Assistant Passport Officer / Public Relations Officer. (PIAs)</p>	<p>3,000 applications per officer per month. However, Head of the Passport Office is taken as half the PIA as he is required to attend administration of the Office, besides attending VIPs and Liaison with District / Police authorities etc.</p>
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SUPERINTENDENT

1. Supdt. for 1- to 20 staff
2. Supdts. for 21 to 50 staff
3. Supdts. for 51 to 100 staff
4. Supdt. for 101 and so on

ASSISTANTS

UDCs

LDCs

Posts in the grades of Assistants / Upper Division Clerk / Lower Division Clerk has been provided in the ratio:—
Assistants: UDC: 2: LDC: 5

5.5 However, a different yard-stick was evolved for providing officers and staff exclusively for Emigration clearance purposes, as under:—

- | | |
|---|---|
| <p>(a) Less than 100 visitors:</p> <p>(b) 101 to 250 visitors:</p> <p>(c) 250 to 400 visitors:</p> <p>(d) Visitors exceeding 400:</p> | <p>No extra staff</p> <p>One Supdt. - One clerk</p> <p>One PRO - two clerks</p> <p>One PRO, one Supdt. - One clerk for every 200 cases.</p> |
|---|---|

5.6 The Ministry has further stated that the SIU team of the Ministry of Finance has undertaken fresh study of staff requirements in all the grades, particularly in view of the increase in work alongwith certain left out items of work, not taken into consideration by the SIU during the 1989 study.

These included:

1. Reference from Indian Missions and reply of each query, which includes confirmation of particular of passport and matching of photographs, in case the same was lost one.

2. Indian Citizens repatriated from abroad on Govt. expenses, correspondence with State Government for recovery of expenses on account of repatriation pendency of which amounted about Rs. 1.9 crore at the end of 1988-89.

3. Warning Circulars to be issued and maintenance of Index Cards including PAC Registers. Number of persons on PAC has increased many-fold since 1980.

4. Complaints & Grievances from Passport applicants and general public. As per guidelines issued by DOPT one officer in each office has to be designated as Complaints and Grievances Officer.

5. Increased Court Cases.

6. Passport Adalats since 1988.

7. Passport Camps at out stations (since 1988).

8. Forgery cases.

5.7 The Ministry has supplied the following statement showing the existing sanctioned strength and the proposed strength of staff:—

POST	EXISTING SANCTION	PROPOSED STRENGTH	OVERALL INCREASE DECREASE
PO	14	18	+4
APO	22	27	+5
Total PIAs	74	85	+11
Supdt.	50	120	+70
GROUP 'C'			
Assistant	128	350	+222
UDC	253	450	+197
Stenographer	19	40	+21
LDC	740	600	+140
Total Group 'C'	1140	1440	+300

5.8 Asked to state the reasons for reducing the number of posts in the higher grade when vacancies in passport offices exist, the representative of the Ministry stated during oral evidence:—

“As far as the Passport Officers are concerned, this is not related directly to the fact that every passport office must have a Passport

Officer. Passport Officer is a grade in the Central Passport Organisation. If you want to expand the number of posts at a higher level, naturally we would like to have 22. But expand in the number of posts at a higher level would lead to some financial implications also. It would mean that the number of posts at the lower level must be expanded correspondingly even more. So we feel that for the larger passport offices it is necessary to have the highest grade officer. But for the smaller passport offices officers of the Assistant Passport Officer grade who are manning many of them would be sufficient.”

C. Inspection of Foreign Missions

5.9 The Ministry has stated that for appropriate monitoring of the work of Missions / Posts abroad, the following exercises are undertaken on a regular basis:—

1. Inspection by Foreign Service Inspectors team from time to time.
2. Inspection by Accounts & Audit teams.
3. Occasional visit by MEA / MHA Officers when situation requires.

5.10 Asked to explain the manner in which the Ministry is regulating the inspections in Embassies, the representative of the Ministry stated, during evidence:—

“We have aimed that every Embassy should be inspected once in five years. But in practice, it may not happen as there are 140 Embassies. So, this means that we are inspecting 28 Embassies every year. Every inspection may take nearly three days. We have a small team of inspectors. But they are not able to spare much time. For at least 9-10 days, they will be out of Delhi. In practice, what happens is that the Mission which has suffered problems due to change in environment, inflation or political situation, get inspected on emergency basis. Larger Missions are inspected regularly. It is true that smaller Embassies do not get inspected for more than five years.”

5.11 The representative of the Ministry further added:

“We find that in services other than foreign service, they have a larger inspection team and at any given point of time, two or three members of that team go out and when they return, they give a report. As soon as they return, another group goes out. I think this is so in British Foreign Service. In fact, inspection is done for every three years in other service.

5.12 Asked to state as to why smaller Embassies are not inspected for over five years where as larger Missions are inspected regularly, the representative of the Ministry replied:—

“We do have a minimum of two full-fledged inspection teams who are able to go out, and are not burdened. But our department is burdened with administrative work also in Delhi. We do not have an

inspection team which go out for inspection and get satisfied with that and do nothing else than inspection. We do administrative work also.”

5.13 Asked to state whether the Ministry has examined the aspect that there should be larger inspection teams and they must not be burdened with routine administrative work, the representative of the Ministry replied in the affirmative and further added:—

“Several proposals have been made. I would have to check out and tell you.”

5.14 In the post evidence replies, however, the Ministry has been silent on this aspect.

MIS and Monitoring

5.15 To get proper feedback, the management of the information system in respect of passport offices in India and Indian Missions abroad is done on the basis of the following:—

(i) Weekly reports sent by the passport offices showing the receipt of the applications, their disposal and pendency at the end of the week.

(ii) Quarterly statement of the passport offices regarding issue of passports and miscellaneous services.

(iii) Annual Consular Report sent by the Indian Missions / Posts abroad.

For RPOs / POs in India

(i) Weekly meeting of officers at Headquarters.

(ii) Inspection of the passport offices by officers of CPV Division / Ministry.

(iii) Holding of All India Passport Officers Conference annually.

(iv) Inspection of the passport offices by SIU of the Ministry.

(v) Inspection by the Accounts & Audit Teams.

(vi) Inspection by the Members of the Official Languages Implementation Committee.

For Missions / Posts abroad

(i) Inspection by foreign Service Inspectors (FST) team from time to time.

(ii) Inspection by Accounts & Audit Teams.

(iii) Occasional visits by MEA / MHA officers when situation requires.

Conclusion

5.16 The criteria for setting up new passport offices remains organic and takes into account a variety of factors including public demand, geographical distribution and the workload. Further rationalisation has been taken up as a consequence of discussions with Estimates Committee.

5.17 The passport offices in the country vary a great deal in terms of their geographical coverage of workload. Consequently the level of the officials heading these offices also vary. That is why it is difficult to understand why passport offices should not be opened in capitals of States like for example Gangtok, Agartala or Imphal. This has to be considered irrespective of the actual workload involved.

5.18 No cadre review has been done ever since the creation of CPO while the present staff is based on SIU norms determined during 1980. Yardsticks for determining the number of officers and assistants are also different. A fresh SIU study is stated to have overlooked several aspects of work done in RPOs.

5.19 The Management Information System and Monitoring in vogue in CPO indicate two noteworthy features:

- (i) Spacing of returns is injudicious in as much as weekly returns are perhaps too soon and quarterly returns too late. Perhaps a monthly return would be more appropriate, and
- (ii) reporting of Consular activities from Missions abroad is too meagre to permit any meaningful direction from CPV division.

5.20 The Committee are concerned to note that not sufficient importance is being attached to Inspection of Foreign Missions and that the frequency and format of such inspections is on a conservative basis. Further, actual spacing of such inspections in respect of smaller missions is all the more unsatisfactory. No concrete evidence of attempts at mitigating this situation was, however, shown to the Committee.

Recommendations

5.21 While setting up new passport offices weightage should be given to the geographical distance of States like Sikkim and the North Eastern States irrespective of the quantum of demand for passports, but without sacrificing organisational efficiency.

5.22 A cadre review may be got done in the CPO, and its staff requirements worked out afresh taking into account all aspects of work done in the RPOs and the CPV Division.

5.23 The desirability of reviewing the frequency and format of MIS may be considered.

5.24 All necessary steps may be taken to conduct regular inspections of Foreign Missions and necessary revision of staff considered early. Special attention may be given to smaller missions. At the same time annual reporting of consular activities by Missions may be reviewed in favour of more frequent reporting, perhaps on a quarterly basis.

CHAPTER VI

REDRESSAL OF PUBLIC GRIEVANCES

6.1 In a written note to the Committee the Ministry stated that machinery for settlement of public grievances is presently available at the Ministry level in the PV Division and at the level of each Passport Office in India. In PV Division an Officer has been designated as complaints and Grievances Officer who attends to all complaints received from the passport applicants.

6.2 All complaints received in the CPV Division are fed into a computer and attended to immediately. Progress on disposal of complaints by the Passport Offices is monitored through regular "action taken report" to be sent by POs. The matter is followed up with POs till a final reply is sent.

6.3 In each Passport Office an Officer has been designated as Complaints and Grievances Officer for the redressal of the grievances of the Passport applicants. The grievances Officer in each Passport Office is expected to be easily accessible to the public and he has to evolve procedures which are necessary for monitoring the public grievances and their redressal.

6.4 Every Wednesday, between 10.00 hours to 13.00 hours, is treated as a meetingless day in every Regional Passport Office. This period is set aside for hearing and redressal of public grievances by the Head of Office.

6.5 Asked to give a frequency table indicating speed of grievance redressal the Ministry furnished the following figures:—

Year	Total No. of complaints.	Settled within one month.	Settled within first quarter.	Settled within first six months.	Pending for over one year.
1990 (Jan-June 1990)	659	169	251	348	—

- *Para 6.4* At the time of factual verification the Ministry has informed as under:
"In view of rapidly increasing input of applications, the Passport Officers are now meeting public every day (except Wednesday) for hearing and redressal of public grievances."

6.6 The above figures indicate time periods in setting the complaints, but the complaints themselves involve atleast in some cases, old pending passport applications: These were now being settled under the new policy of issuing passports after waiting 4 weeks for police / CID report or after obtaining required verification certificates.

6.7 The Ministry further stated that the difficulty faced by public in obtaining passports are monitored at the CPV Division as a result of which verification procedures have been recently simplified. Setting up of the Passport Advisory Committees is a step towards closer monitoring of public response to passport procedures. However, no survey of the magnitude and nature of public complaints has been made so far.

Passport Advisory Committees

6.8 The Ministry informed the Committee that Public Grievance Redressal machinery was being Strengthened by setting up Passport Advisory Committees at three levels *i.e.* (i) Central level (2) Passport Office level and (3) Indian Missions / Posts abroad level which will provide the vital link between the Ministry and the Passport users. It would give the public the confidence that their grievances are being properly represented and attended to.

6.9 Commenting upon the need to have Passport Advisory Committee, a representative of the Ministry stated:

“I understand, the Passport Advisory Committee has actually not been finalised. The intention of the Committee is that it will afford the representatives of the public including the Members of Parliament, prominent persons from the professions and business, to voice their views in regard to smoother and more efficient functioning.”

6.10 The detailed objectives and constitution of the Passport Advisory Committee are given at Annexure-I.

Passport Adalats

6.11 The Ministry stated that Passport Adalats are held in Passport Offices to listen to the complaints of Passport applicants and to settle them on the spot.

6.12 The system of holding Passport Adalat was introduced in 1988. However, from September, 1988, instructions were issued to all Passport Officers to hold Adalats on every Wednesday. In June, 1989 Passport Officers were also instructed to go to Cities and Towns from where there is a considerable demand for passport and hold camps there at which, passport applications can be scrutinised and accepted on the spot.

6.13 The details of Passport Adalats and camps held during the three years viz. 1988, 1989 and 1990 are given in Annexure-II.

Vigilance / Corruption Cases

6.14 The details of vigilance / corruption cases pending with the CPO during the last three years were as follows:—

(A) Details of cases of corruption received during the last 3 years

	1987	1988	1989
1. No. of cases sent to CBI for investigation	11	10	—
2. No. of cases closed after departmental inquiry	12	14	15
3. No. of cases anonymous, pseudonymous, vague, nature closed without inquiry	—	10	7
	23	34	22

(B) Number of corruption cases pending with the Department during the last 3 years

Year	No. of complaints received	No. of complaints disposed of	No. of complaints pending
1987	23	22	1(with CBI)
1988	34	33	1(with CBI)
1989	22	22	—

Conclusion

6.15 As at present complaints from the public are redressed at the Ministry level in the CPV Division. In each Passport Office these are handled by Complaints and Grievances Officer, who is required to attend to them every Wednesday between specified hours. When judged in the context of number of complaints received, and attended to, in the year 1990, the Committee have observed that the system was falling below expectation.

6.16 The Committee is re-assured that the Ministry proposes setting up of Passport Advisory Committees at three levels: at the Central level, at the Passport Office level and in each Mission / Posts abroad. Because these Committees have not so far been set up, there is no manner in which their functioning can be judged as being ameliorative of public grievances. In like manner though Passport Adalats are held in all passport offices, in the absence of a data about the number of complaints received and settled, the Committee are not in a position to comment on their efficacy.

Recommendations

6.17 Non-official Passport Advisory Committees must be set up immediately for every RPO.

6.18 To restore public confidence, a time limit for redressal of complaints received and settled must be fixed.

Objectives

The Advisory Committees will have the following objectives:

- (a) Monitoring the performance of the Pass port Issuing Offices.
- (b) Bringing the members of the Public applying for passports as also other services at Passport Offices into closer interaction with the Passport Officer, and the Supervisory Officers in the Ministry of External Affairs and Missions abroad.
- (c) Giving the members of the public applying for passport and passport services confidence that their grievances are being properly represented and attended to.
- (d) Making proposals for the further improvement and speeding up of the services to the public rendered by the Passport Offices.
- (e) Giving publicity as appropriate to the action taken by the Ministry of External Affairs and the Passport Offices for improving and development of the services rendered.

Formation of the Committee

Each Advisory Committee will consist of the following:

Chairman	Members	Official Members	
Central Passport Advisory	EAM	(i) Two MPs (ii) Two other eminent persons	(i) Secretary / Additional Secretary MEA (ii) Home Sec- retary/ Addi- tional Secret- ary, MHA (iii) DIB (iv) Additional Secretary Ministry of Finance (v) Additional Secy. Depart- ment of Elec- tronics (vi) Joint Secret- ary Ministry of Labour (vii) Joint Secy. and Chief Passport Of- ficer-Secy.- cum-Con- venor

2. Passport Office Advisory Com- mittee.

- | | | | | |
|--|--------------------------------|-----------|---|---|
| (a) Passport Office, Delhi | Additional Secretary
M.E.A. | | (i) Two MPs / elected representatives
(ii) Two other eminent persons | (i) Chief Secretary
(ii) Police Commission
(iii) Additional Commissioner (Secy.)
(iv) PO Delhi-Secretary-cum-Convenor
(v) POE Delhi |
| (b) Passport Office, in State capital (including Cochin / Trivandrum) | State Home Secretary | Sec- | (i) One MP
(ii) One MLA
(iii) Two other eminent persons | (i) D.G. Police (SB / CID)
(ii) I.G. (SB / CID)
(iii) POE, if any
(iv) PO-Secretary-cum-Convenor
(v) Any other PO in the State |
| (c) Passport Office, for more than one State | State Secretary (for State) | Home each | (i) Two MPs / MLAs
(ii) Two other eminent persons | (i) D.G. Police (SB / CID)
(ii) I.G. (SB / CID)
(iii) POE, if any
(iv) PO-Secretary-cum-Convenor |
| (d) Passport Office, outside State Capital (excluding Cochin / Trivandrum) | Of-Divisional Commissioner | Com- | (i) One MP
(ii) One MLA
(iii) Two other eminent persons | (i) Deputy Commissioner
(ii) S.P.
(iii) S.P., (SB / CID)
(iv) PO-Secretary-cum-Convenor |

3.3 Indian Missions / Posts abroad.

- | | | | | |
|------------------|---------------|--|---|--|
| (a) Indian bassy | Em-Ambassador | | (i) two representatives of Indian As-sociations
(ii) Two other eminent persons | (i) Deputy Chief of Mission
(ii) Head of Chancery
(iii) Head of Consular Wing-Secretary-cum-Convenor |
|------------------|---------------|--|---|--|

- (b) Indian Consu-Consul General late General
- (i) Two representatives of Indian Associations
- (i) Deputy Chief of Mission from Embassy.
- (ii) Deputy Consul General
- (iii) Head of Chancery
- (iv) Head of Consular Wing-Secretary-cum-Convenor

4. The non-official members of the Advisory Committees in each case shall be nominated by the Minister of External Affairs in consultation where necessary with the Department of Parliamentary Affairs, State Government of Indian Missions abroad. An officer of the Ministry of External Affairs, and wherever possible the CPV Division, would normally be present at each of the Committee meetings held in Passport Offices in India as well as important Passport Issuing Offices in Indian Missions / Posts abroad.

5. Periodicity of Meetings Each Advisory Committee should meet once in 3 months. For Passport Offices covering more than one State. The Committee for each State may meet once in 6 months. All reports regarding the deliberations of the Passport Advisory Committee including recommendations made by them shall be forwarded to the Ministry of External Affairs within 15 days of each meeting and report on action taken on the recommendations of the Committee as a whole will be forwarded to the Members within three months of such meetings.

ANNEXURE II

PASSPORT ADALATS AND CAMPS HELD IN VARIOUS PASSPORT OFFICE IN INDIA

Sl. No.	Name of Passport Office	1988		No. of Adalats		1989	1990	1990	1990
		Every Wednesday	Wednesday	Every Wednesday	Wednesday	@	No. of Camps	No. of Camps	
1.	AHMEDABAD	—	—	—	—	—	—	—	—
2.	BANGALORE	—	—	—	—	—	—	—	—
3.	BAREILLY	—	—	—	—	—	—	—	—
4.	BHOPAL	—	—	—	—	—	—	—	—
5.	BHUBANESHWAR	—	—	—	—	—	—	—	—
6.	BOMBAY	—	—	—	—	—	—	—	—
7.	CALCUTTA	1	—	—	—	—	—	—	—
8.	CHANDIGARH	—	—	—	—	—	—	—	—
9.	COCHIN	1	—	—	—	—	—	—	—
10.	DELHI	—	—	—	—	—	—	—	—
11.	GUWAHATI	—	—	—	—	—	—	—	—
12.	HYDERABAD	—	—	—	—	—	—	—	—
13.	JAIPUR	—	—	—	—	—	—	—	—
14.	JALANDHAR	—	—	—	—	—	—	—	—
15.	KOZHIKODE	—	—	—	—	—	—	—	—
16.	LUCKNOW	—	—	—	—	—	—	—	—
17.	MADRAS	—	—	—	—	—	—	—	—
18.	NAGPUR	—	—	—	—	—	—	—	—
19.	PANJI	1	—	—	—	—	—	—	—
20.	PATNA	—	—	—	—	—	—	—	—
21.	SRINAGAR	—	—	—	—	—	—	—	—
22.	TRICHY	—	—	—	—	—	—	—	—
23.	TRIVANDRUM	—	—	—	—	—	—	—	—

@ They could not hold camps due to non availability of staff and shortage of staff.

*Due to shortage of staff and prevailing security conditions in Punjab.

CHAPTER VII

MISCELLANEOUS ASPECTS

Differential rates of Passport fee

7.1 The Ministry has stated that a high powered official level committee set up at the initiative of the Minister of State in the Ministry of External Affairs in its meeting held on October 4, 1988 recommended that fees for issue of passports and consular services should be raised so as to meet, at least partially, the expenditure on additional staff.

7.2 The Ministry of External Affairs has further stated that action has already been initiated by them towards raising of passport fee.

7.3 During evidence on the subject, a representative of the Ministry stated as under :—

“I think raising the fee should not be a problem. If a person who is really interested in going abroad, he will pay whatever be the fee for making a passport. If a person, going abroad, can spend Rs. 50,000 or Rs. 60,000, I think he can easily spend Rs. 50 or Rs. 60 towards fee in respect of making a passport. This is under consideration.”

Visa Fee

7.4 In a written note Ministry stated that simultaneously as an experimental measure, for a period of one year, they have moved forward to unilaterally reduce visa fees in respect of FRG, France, Italy, Netherlands and Spain. In case of France, the visa fee have been reduced to Rs. 100— for all kinds of visas while for other countries, it has been reduced to Rs. 200/-. they are separately also processing reduction in visa fees for UK nationals to lower levels. There is also a proposal for the abolition of visa fees for visitors from United States. Mauritian nationals have altogether been exempted from payment of visa fees.

7.5 A visa 'abolition agreement has also been concluded with the Maldives in terms of which nationals of either country can undertake visits without visas for a period of 30 days.

7.6 During evidence Additional Secretary, Ministry of External Affairs stated:—

“We have had a review of the whole structure of the visa fees and the question regarding grant of visas. Earlier the policy basically was based on reciprocity in regard to visa fees and certain amount of severity in the grant of visas. In certain cases visas were not being

granted to Indian nationals for four weeks. We had provided that we will also not do that until four weeks had elapsed. This was reviewed about less than a year ago and as a result, it was said that it should not be on reciprocity basis, but it should be liberalised even on a non-reciprocal basis. We have authorised all our missions to abolish the restrictive provision regarding time lag. In other words, they must issue visas within 24 hours, specially to tourists. Secondly, we have liberalised the grant of visa on a long-term basis. Five years multi-entry visas are granted to Indians with foreign nationality. This is for business purpose. Apart from that, we have also reduced visa fee. This is also on unilateral basis."

Consular Services

7.7 The CPV Division, through Indian Missions abroad, renders consular assistance to Indian nationals abroad. The kinds of assistance include (i) seeking consular access to Indian nationals in foreign jails and rendering help to them within the ambit of local laws ensuring that the due process of law is followed with regard to their detention and trial; (ii) transportation of the bodies of deceased Indian nationals to the next of kin in India; (iii) settlement of death compensation and other dues of Indian workers dying abroad; (iv) relief and repatriation of destitute Indian nationals; (v) intercession with local governments for the honouring of workers contracts; (vi) attestation of documents submitted by Indian workers and others; (vii) registration of Indian nationals; and (viii) maintaining contracts with local Indian associations.

7.8 During evidence representative of the Ministry stated:—

"There are obviously a large number of reports which are well founded and which allege that our missions abroad do not treat visitors with due courtesy. This is a point which is examined in all its aspects during inspections. A number of circulars have gone out, but that does not solve that problem. We have on many occasions reprimanded our officials who have been found responsible for this kind of behaviour. In think, the problem is not solved yet; we will have to continue our efforts and take severe measures against these who are found at fault."

Conclusion

7.9 Recommendation of the High Powered Committee regarding raising of Passport fees and liberalization of visa restrictions are to be welcomed. These measures make travel easier, encourage tourism and promote international trade. It is the expectation of the Committee that these measures will be implemented expeditiously.

7.10 The state of consular services provided by Indian Missions abroad, and as admitted by the Ministry themselves, is unsatisfactory and has caused the Committee great concern.

Recommendations

7.11 The scheme for relaxation of visa restrictions ought to be extended over time to as many countries as is found diplomatically possible.

7.12 Concrete measures to improve the consular services in Indian Missions abroad must be undertaken immediately.

NEW DELHI;
February 14, 1992

Magha 25, 1913 (S)

MANORANJAN BHAKTA
*Chairman,
Estimates Committee.*

APPENDIX-I
ESTIMATES COMMITTEE
(1990-91)

CHAIRMAN

♣
Shri Jaswant Singh

MEMBERS

2. Shri J.P. Agarwal
3. Shri Era Anbarasu
4. Shri Kamal Chaudhry
5. Shri Anantrao Deshmukh
6. Prof. Prem Kumar Dhumal
7. Shri Balvant Manvar
8. Shri Hannan Mollah
9. Shri Arvind Netam
10. Dr. Debi Prosad Pal
11. Shri Rupchand Pal
12. Shri Harin Pathak
13. Shri Bhausahab Pundlik Phundkar
14. Shri Vijay Kumar Raju
15. Shri Mullappally Ramachandran
16. Shri Y. Ramakrishna
17. Shri Rameshwar Prasad
18. Shri J. Chokka Rao
19. Shri Chiranji Lal Sharma
20. Shri Yamuna Prasad Shastri
21. Shri Khanraj Singh
22. Shri Subedar Prasad Singh
23. Shri Sukhendra Singh
24. Shri Tej Narain Singh
25. Shri Taslimuddin
26. Dr. Thambi Durai
27. Shri Nandu Thapa
28. Shri P.K. Thungon
- *29. Shri K.C. Tyagi
30. Shri Kailash Nath Singh Yadav

SECRETARIAT

1. Shri G.L. Batra—Joint Secretary
2. Shri B.B. Pandit—Deputy Secretary

*Resigned w.e.f. 30.8.1990

APPENDIX II
Statement of Recommendations / Observations

Sl. No.	Para No.	Recommendation / Observation
1	2	3
1	1.14	The Committee expect the Ministry of External Affairs and Labour to:—
2	1.14(i)	bring all provisions relating to the subject of passports under one single statute.
3	1.14(ii)	consider dropping the appendage “Chief Controller of Emigration” from the designation of Chief Passport Officer.
4	2.34	The Committee would recommend much wider and more effective publicity of rules and regulations governing the issue of passports and all related formalities.
5	2.35	The Committee recommends that the grievance redressal machinery, particularly at the level of Regional Passport Offices, be strengthened and monitored.
6	2.36	The Committee would recommend an earlier time-schedule than 1995 for completion of computerisation defining its exact scope and purpose. MSP, MRP, as well as passport sections in foreign missions ought to be covered under this programme with adequate staffing pattern.
7	3.23	Violation of both Indian Passport Act, 1967 and the Foreigners Act, 1946 must be made much more deterrant, penalties under both these Acts must be similar; must be made non-bailable; must include imprisonment and fine of higher deterrance, and deportation on completion of sentence must be mandatory.
8	3.24	The harmonizing of the provisions of Indian Passport Act, 1967 and the Foreigners Act, 1946 must be carried out urgently by the Government.
9	3.25	Special passport arrangements with Bangladesh and Sri Lanka need a review. Such a review must be a periodic exercise, with each review characterized by an assessment whether the existing arrangements need revision.

1	2	3
10	3.26	The Government of India must urgently engage in consultation with the States of the Union that have a responsibility in the administration of relevant provisions of these Acts, so that across the country, the application of these laws is uniform.
11	3.27	For visitors from Bangladesh, Sri Lanka and Pakistan, it is vital that the maintenance of records about entry points place of residence and departure dates be made more systematic and efficient. Computerisation by itself, without adequate subsequent surveillance will not serve the purpose. Such Indian citizens as are the hosts or recipients of visitors from these two countries must also be made accountable for defaults relating to overstay, etc. The Committee recommend the immediate stoppage of separate system of passports for Bangladesh, Sri Lanka and Pakistan.
12	4.9	The Committee, recommend that the Indian Emigration Act, 1983 be reviewed with a view to dispensing with prior emigration clearance as an essential pre-requisite for travel abroad for employment by Indian citizens. For this purpose they recommend the deletion of Chapter V from the Indian Emigration Act, 1983.
13	5.21	While setting up new passport offices weightage should be given to the geographical distance of States like Sikkim and the North Eastern States irrespective of the quantum of demand for passports, but without sacrificing organisational efficiency.
14	5.22	A cadre review may be got done in the CPO, and its staff requirements worked out afresh taking into account all aspects of work done in the RPOs and the CPV Division.
15	5.23	The desirability of reviewing the frequency and format of MIS may be considered.
16	5.24	All necessary steps may be taken to conduct regular inspections of Foreign Missions and necessary revision of staff considered early. Special attention may be given to smaller missions. At the same time annual reporting of consular activities by Missions may be reviewed in favour of more frequent reporting, perhaps on a quarterly basis.
17	6.17	Non-official Passport Advisory Committees must be set up immediately for every RPO.

1	2	3
18	6.18	To restore public confidence, a time limit for redressal of complaints received and settled must be fixed.
19	7.11	The scheme for relaxation of visa restrictions ought to be extended over time to as many countries as is found diplomatically possible.
20	7.12	Concrete measures to improve the consular services in Indian Missions abroad must be undertaken immediately.

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3.	The New Order Book Company, Ellis Bridge, Ahmedabad-380 006. (T.No. 79065)	14.	M/s. Jain Book Agency, C-9, Connaught Place, New Delhi, (T.No. 351663 & 350806).
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9.	M & J Services, Publishers, Rep- resentative Accounts & Law Book Sellers, Mohan Kunj, Ground Floor, 68, Jyotiba Fuele Road Nalgaum, Dadar, Bombay-400 014	22.	M/s. Amrit Book Co., N-21, Connaught Circus, New Delhi.
10.	Subscribers Subscription Service India, 21, Raghunath Dadaji Street, 2nd Floor, Bombay-400 001.	23.	M/s. Books India Corporation Publishers, Importers & Exporters, I-27, Shastri Nagar, Delhi-110 052. (T.No. 269631 & 714465)
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