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[7" March, 1974]

An Act to regulate departure from and entry into Pakistan and visit to foreign countries of the citizen of Pakistan.

WHEREAS it is expedient to regulate departure from and entry into Pakistan and visit to foreign countries of citizens of Pakistan and to provide for matters ancillary thereto;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This act may be called the Passports Act, 1974.

(2) It extends to the whole of Pakistan and also applies to all citizens of Pakistan, wherever they may be.

(3) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,—

(a) "passport" means a passport '[including a diplomatic passport and an official passport] which is for the time being valid, and includes any such permit, or other travel document authorising the holder thereof to travel from Pakistan to any other country, issued by or under the authority of the Federal Government; .

(b) "Prescribed" means prescribed by rules made under this Act.

3. Prohibition of departure from Pakistan without passport, etc. No citizen of Pakistan shall—

(a) depart from Pakistan by any means whatever unless he is in possession of a passport, nor otherwise than from such port or place, by such route and in accordance with such conditions, as may be prescribed; or

(b) visit a foreign country unless his passport is valid for such country.

4. Punishment for contravention of sections 3, etc. —(1) A citizen of Pakistan who is of the age of twelve years or more shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, if he—

(a) contravenes or attempts to contravene or abets the contravention of any of the provisions of section 3; or

(b) enters or attempts to enter Pakistan by any means whatever without being in possession of a passport or otherwise than at such port or place, or by such route, as may be prescribed.

¹ For Statement of Objects and Reasons, see Gaz. of P., 1974, Ext., Pt. III, p. 181.

* Ins. by the Passports (Amdt.) Ordinance, 1978 (21 of 1978), s. 2.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898.), an offence punishable under subsection (1) or sub-section (2) shall be non- bailable.

(2) A person departing from or entering, or attempting to depart from or enter, Pakistan in whose custody or charge a person who has not attained the age of twelve years departs from or enters, or attempts to depart from or enter, Pakistan in contravention of section 3 or clause (b) of sub-section (1) shall, in addition to any penalty to which he may be otherwise liable, be liable to the penalty provided for in that sub-section.

5. Certain acts to be deemed contravention of section 3.—(1) Whoever gives any person who has contravened the provisions of section 3, any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for such contravention, shall be deemed to have abetted the offence of contravention of the provisions of that section.

(2) The owner, master or person in charge of any means of transport who causes or knowingly allows any person to depart from Pakistan in contravention of the provisions of section 3 by such means of transport shall be deemed to have contravened the Provision of that section and the means of transport shall, if the court convicting the owner, master or person in charge so directs, be forfeited to the Federal Government.

6. Penalties for certain offences relating to passport.—(1) A person shall be punishable with imprisonment which may extend to three years, or with fine, or with both, if he—

(a) makes or makes use of any statement which he knows or believes to be false in any document for obtaining passport; or

(b) attests or verifies a statement which he knows or has reason to believe to be false in any document used for obtaining a passport; or

(c) wilfully conceals any fact which under the circumstances he ought to disclose for the purpose of obtaining a passport for himself or another person; or

(d) forges, alters or tampers with any passport or any document which he uses for obtaining a passport; or

(e) uses a passport which has been forged, altered, or tampered with; or

(f) uses for obtaining a passport a document which has been forged, altered or tampered with; or

(g) is in wrongful possession of a passport not lawfully issued to him or allows his passport to be used “by another person; or

(h) traffics in passports or any documents required for obtaining a passport; or

(i) wilfully fails or neglects to return a passport issued to him, if he is required to do so or if an order cancelling, impounding or confiscating it is made ‘Lor]

1G) obtains more than one passport for himself either in the same or different names by concealing the fact of his already being in possession of a passport].

‘Subs. and added by the Passports (Amdt.) Ordinance, 1978 (21 of 1978), s. 3.

Provided that a person guilty of an offence punishable under clause (h) shall be punished with rigorous imprisonment for a term which shall not be less than six months and with fine which shall not be less than one thousand rupees.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence punishable under clause (b) of sub-section (1) shall be a bailable offence.

7. Power of arrest, seizure, etc.—(1) Any police officer not below the rank of Sub-Inspector, and any officer of Customs empowered by a general or special order of the Federal Government in this behalf, may arrest without warrant any person who has contravened, or against whom a reasonable suspicion exists that he has contravened any provision of this Act.

(2) Any police officer or other person authorised in this behalf by the Federal Government may seize in any place any means of transport which he knows or has reason to believe to be the means of transport by which a person has departed from Pakistan in contravention of the provisions of section 3.

(3) Any means of transport seized under sub-section (2) shall be disposed of in accordance with the decision of the court before which the owner, master or person in charge thereof is prosecuted under sub-section (2) of section 5 for a contravention of section 3.

(4) Every officer making an arrest under this section shall, within a period of twenty- four hours of such arrest exclusive of the time necessary for the journey from the place of arrest to the court of the nearest Magistrate, take or send the person arrested before a Magistrate having jurisdiction in the case or before the officer incharge of the nearest police station; and thereupon the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a Magistrate has been taken or sent before a Magistrate or an officer incharge of a police station shall apply to him.

8. Power to cancel, impound or confiscate passport.—(1) A passport issued by or on behalf of the Federal Government shall be the property of the Federal Government and may, by an order under the hand of a Secretary to the Government of Pakistan, '[or an officer authorised by the Federal Government in this behalf] be required to be returned and shall also be liable to be cancelled, impounded or confiscated by a like order.

(2) Subject to sub-section (3), before making an order under sub-section (1) in respect of the passport issued to any person, the Federal Government shall give such person notice in writing calling upon him to show cause why the order should not be made:

*TProvided that no such notice need be given in the case of an order impounding a Passport if it is necessary in the opinion of the Secretary or such other officer to take immediate action, but an opportunity to show cause against the making of the order shall be afforded to the person to whom the order relates, within two weeks from the making of the order.]

'ns. by the passports (Amdt.) Ordinance, 1978 (21 of 1978), s. 4.

* Subs. by the Passports (Amdt.) Act, 1992 (15 of 1992), s. 2, for the original proviso.

(3) If the Federal Government has reason to believe that the person in respect of whose passport it is proposed to make an order under sub-section (1) is, or has been, engaged in subversive activities or in activities which are prejudicial to the interest of Pakistan or to Pakistan's relations with any foreign power, it shall not be necessary to give to such person the notice provided for in sub-section (2) or to afford him an opportunity of being heard.

(4) Any person in respect of whose passport an order under sub-section (1) has been made in the circumstances referred to in sub-Section (3) may, within thirty days of the date of the order, apply to the Federal Government for a review of the order; and the decision of the Federal Government in review shall be final.

'1(5) Any expenditure incurred by the, Federal Government on the repatriation to Pakistan of a citizen of Pakistan who gets stranded or becomes a destitute while he is in a foreign country, or for any other reason, shall be recoverable as an arrear of land revenue.].

9. Burden of proof. The burden of proving that a statement made in any document used for obtaining a passport is true shall lie on the person making the statement and the burden of proving that the owner, master or person in charge of any means of transport by which any person departs from Pakistan in contravention of the provisions of section 3 did not knowingly allow such person to so depart shall lie on such owner, master or person in charge.

10. Indemnity. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

11. Delegation of power. The Federal Government may, by notification in the official Gazette, direct that any of its powers or functions under this Act shall, in such circumstances and subject to such conditions, if any, as may be specified in the notification, be exercised or performed also—

(a) by any officer or authority subordinate to the Federal Government;

(b) by any Provincial Government or by any officer or authority subordinate to such Government.

12. Power to exempt. The Federal Government may, by notification in the official Gazette, exempt any person or class of persons from all or any of the provisions of this Act or the rules made thereunder.

13. Power to make rules. —(1) The Federal Government may, by notification in the official Gazette, make rules” for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

‘Added by Ord. 21 of 1978, s. 4.

? For the Passport Rules, 1974, see S.R.O. No. 986 (1)/74, dated the 18" July, 1974, see Gaz. of P., 197

(a) the conditions to which a passport issued by or on behalf of the Federal Government shall be subject, including conditions as to the ports or places in Pakistan at or from which alone a person holding a passport shall depart from or enter Pakistan;

(b) the persons, other than the applicants for the issue of passports, by whom, and the manner in which, applications for the issue of passports may be submitted;

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(3) Rules made under sub-section (1) may provide that a contravention thereof shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

14. Act not to derogate from other laws. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the *[Emigration Ordinance, 1979 (XVIII of 1979)] the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Pakistan (Control of Entry) Act, 1952 (LV of 1952), and any other law relating to foreign exchange or entry into Pakistan.

15. [Repeal.] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Sch, 11

' Omitted by the Passports (Amdt.) Ordinance 1983 (34 of 1983). s. 2.

? Subs, by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch. II.