

Law of Citizenship Foreigners and Passports

V.K. DEWAN

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Law of Citizenship Foreigners and Passports

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ABOUT THE BOOK

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Preface

This is my honoured gift to all of my patrons. The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread, this is simply a proverb but mirror reflection of our laws.

A preface, if it is to serve any useful purpose, must be comprehensive to act as a mirror flash. Here is not that comprehensive but undoubtedly a reflection of my works. You have now in your hands this publication and I have the feeling of the core of my heart that it would be of immense usefulness to you. However these words would be worth of praiseful picturisation only if you deem it to be so. I would be amply rewarded only if this publication serves the purposes aimed at. Undoubtedly it is meant for the use of Bench, Bar and all those concerned with law, but I also took the care that this publication comes to the use and service of those having only basic knowledge of law or those commoners in the subject but having the aptitude of depth study in the matters as concerned. Recent events in the country have made the people particularly those concerned with such subjects to repeatedly scratch their heads to have better first hand knowledge in depth about the matters relating to foreigners and citizenship. The first chapter of this book contains statutory interpretations and meanings of words, put to be in consonance with the specific requirements of the Acts, Rules, Orders etc. given in all the subsequent Chapters of the book. This I felt necessary to be exhaustive in all definitiveness. I hope my this endeavour shall come to the usefulness of my patrons. The Second Chapter is limited to the Citizenship Act and Rules etc., with exhaustive commentary and references to various decisions of the High Courts and the Supreme Court. The Third Chapter, similarly, is concerned with the Baggage Rules under the Customs Act and fourth Chapter contains Foreigners Act, Orders, Rules etc. In Chapter five I felt necessary to give the Foreign Jurisdiction Act, Foreign Marriage Act and other allied and concerned Act, Orders and Rules. Once I thought, I should avoid it but on the next breath I decided against. Whether or not I wisely acted depends on the usefulness of the works. The next Chapter six confines to the Passport Acts and Rules etc. which also has been put to the great deal of exhaustiveness, there being two Acts concerned with the Passports, one of the year 1920 and the other of the year 1967. The chapter seven is armed with the Constitutional requirements with the aspect of citizenship and foreigners only, as concerned to in this publication I thought, I would be failing in

my sincere endeavours, if I omit to deal with the Constitutional aspects, since as Justice Iyer once remarked, 'Social justice is the signature tune of our Constitution and the little man in peril of losing his liberty is the consumer of Social Justice'. I also quoted, in the said Chapter, provisions from various other Statutes including taxation. The last Chapter eight contains the latest Acts and Orders of 1983 viz., Foreigners (Proof of Identity) Order, 1983, Emigration Act, 1983 and the Illegal Migrants (Determination by Tribunals) Act, 1983.

The idea of elucidating the propositions of laws have been given priority with the real and honest attempt in the field in order to engulf the requirements of study as concerned.

And this is all I could afford to conceive.

Attempts have been made to make every thing upto date subject to limitations however, as I do not believe in making wild and futile claims, except to the fact that the attempts made are within the forewall of legalistic earnestness circumscribed with the factum of reasonableness. All errors and omissions, when advised will be gratefully acknowledged.

In this herculean task, enabling me to accomplish the works as such, the extraneous help was ably extended to me by my wife Smt. Veena Dewan, whose sacrifice in my such attempts cannot be ignored ; nevertheless I cannot forget to mention and refer to my various well-wishers, brethren without whose efforts I could have missed the brightening rays of this achievement.

Vijay Kumar Dewan.

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