

1952 : Act LIV] Pending Proceedings (Indian Courts)  
1952 : Act LV] Pakistan (Control of Entry)

46

V of  
1908.

such decree was based, and any suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908, or in any other law or in any agreement to the contrary relating to the place of suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

5.—(1) The Pending Proceedings (Indian Courts) Ordinance, 1952, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or such action was taken.

## THE PAKISTAN (CONTROL OF ENTRY) ACT, 1952.

<sup>1</sup>ACT No. LV of 1952

[14th December, 1952]

An Act to make better provision for controlling the entry of Indian citizens into Pakistan.

WHEREAS it is expedient to make better provision for controlling the entry of Indian citizens into Pakistan;

It is hereby enacted as follows:—

1.—(1) This Act may be called the Pakistan (Control of Entry) Act, 1952.

Short title  
extent  
commence-  
ment.

<sup>1</sup> For Statement of Objects and Reasons, see Gaz. of P., 1952, Pt. IX, p. 33.

The Act has been applied to Baluchistan with effect on and from the 18th day of December, 1952, see Gaz. of P., 1953, Pt. I, p. 111; and extended to the Leased Areas of Baluchistan, by the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950).

The Act has also been applied—

(i) in the Federated Areas of Baluchistan, see Gaz. of P., 1953, Pt. I, p. 152; and

(ii) to the Chittagong Hill-tracts and the partially excluded areas of the Mymensingh district, with effect from the 18th December, 1952, see Dacca Gazette, 1952, Pt. I, p. 296.

The Act, rules, notifications and orders made under it have been applied to the Tribal Areas or to the parts of those areas to which they have not been already applied, see the Tribal Areas (Application of Acts) Regulations, 1965, Gaz. of P., 1965, Ext., pp. 1016—1018.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

- (a) "enter" means enter by water, land or air;
- (b) "passport" means a passport issued or renewed by or under the authority of a person duly empowered to issue or renew it and satisfying the conditions prescribed relating to the class of passports to which it belongs;
- (c) "visa" means a visa duly endorsed by an authority empowered in this behalf by or under the authority of the Central Government on a passport valid and in force;
- (d) "permit" means a permit issued or renewed by or under the authority of a person duly empowered to issue or renew it under the Pakistan (Control of Entry) Ordinance, 1948, and satisfying the conditions prescribed relating to the class of permits to which it belongs;
- (e) "Indian citizen" means a person who is or is deemed to be a citizen of India under the law for the time being in force in India;
- (f) "Pakistan citizen" means a person who is or is deemed to be a citizen of Pakistan under the law for the time being in force in Pakistan;
- (g) "officer" means an officer or an employee of the Central Government or of a Provincial Government or of an Acceding State.

Ord.  
XVII  
of  
1948.

3.—(1) No Indian citizen shall, unless exempted by a provision made under this Act, enter any part of Pakistan unless he is in possession of a passport with a visa authorising the entry.

(2) No Pakistan citizen shall, unless exempted by a general or special order made under this Act, enter from India into any part of Pakistan unless he is in possession of a passport, and emergency certificate, a repatriation certificate or any other travel document provided for under this Act:

Provided that if he has entered India on a permit issued



under any law for the time being in force in India he shall be allowed to return to Pakistan before the expiry of—

- (a) the period specified in the permit, or
- (b) the period of three months beginning on the 14th October, 1952,

whichever is the shorter.

(3) No Indian citizen who has entered any part of Pakistan before the 18th October, 1952, without a passport shall, unless exempted under this Act remain in Pakistan beyond the expiry of a period of three months beginning on the 14th October, 1952, or, if he has entered on a permit, the period specified therein, whichever is the shorter.

(4) No person shall enter Pakistan except in compliance with the rules governing entry by specified routes or by a check-post through which he is to pass, and unless he has registered himself with such authorities and in such manner as may be prescribed in this behalf.

(5) After the commencement of this Act every Indian citizen shall, \* \* \*, be governed by and shall comply with the rules made under this Act.

<sup>2</sup>[(6) No Indian citizen having entered any part of Pakistan and being in possession of a valid passport duly visaed for Pakistan shall remain therein after the expiry of the period of stay authorised in the visa unless it is extended or renewed by an authority to be specified in the rules made under this Act.]

4. Whoever contravenes any of the provisions of section 3 shall, for every such contravention, be punished with imprisonment which may extend to one year, or with a fine which may extend to one thousand rupees, or with both. Penalty.

5. Any person who for the purpose of obtaining a passport or a visa or of claiming an exemption under any of the provisions of this Act or of the rules made thereunder makes a statement which he knows to be untrue or does not believe to be true, or makes use of a statement which he knows to be untrue or has reason to believe to be untrue shall be punished with imprisonment which may extend to one year or with a fine which may extend to one thousand rupees or with both. False information.

---

<sup>1</sup>The original words "during the period of his stay in Pakistan" omitted by the Pakistan (Control of Entry) (Amdt.) Act, 1956 (12 of 1956) s. 2.

<sup>2</sup> New sub-section (6) added, *ibid*,

Power to  
arrest.

6.—(1) Any police officer, customs officer, or other officer empowered in this behalf by a general or special order of the Central Government or of a Provincial Government or of the Government of an Acceding State or under a rule made under this Act, may arrest without a warrant any person whom such officer reasonably suspects of having contravened any of the provisions of section 3.

(2) An officer making an arrest under this section shall, without unnecessary delay, take the person arrested or cause him to be taken before a competent Magistrate having jurisdiction in the place where the arrest is made, or to the officer-in-charge of a police station within whose jurisdiction the arrest is made; and the provisions of the Code of Criminal Procedure, 1898, or, when the arrest is made in a State, of the corresponding law for the time being in force in that State, shall, so far as may be, apply in respect of such arrested person.

Power to re-  
move from  
Pakistan.

7.—(1) The Central Government may order any person who is not a citizen of Pakistan convicted under section 4 or section 5 to remove himself from Pakistan within the time specified in the order.

(2) If such person refuses or fails so to remove himself within the specified time,—

- (a) he shall be punished with imprisonment which may extend to one year or with a fine which may extend to one thousand rupees or with both, and
- (b) he may be removed from Pakistan under the order of the Central Government, who may use all such means as may, in the circumstances, be necessary to effect the removal.

(3) The Central Government may, by a general or special order,<sup>1</sup> direct that the power to make orders under sub-section (1) and clause (b) of sub-section (2) shall be exercisable also by a Provincial Government or the Government of an Acceding State, subject to such conditions, if any, as may be specified in the direction.

Power to  
make rules.

8.—(1) The Central Government may, by notification in the official Gazette, make rules to carry into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing

<sup>1</sup> For such an order, see Gaz. of P., 1966, Ext., p. 647.



power, the rules may provide for,—

- (a) the different types of visas which may be granted;
- (b) the authorisation or appointment of persons by whom visas may be granted, varied, extended and cancelled;
- (c) the charges and fees payable for obtaining application forms and visas and the extension of visas;
- (d) the conditions and restrictions which may be imposed under this Act on the holder of a passport;
- <sup>1</sup>(e) the exemptions which may be granted, with or without conditions, to any person or class of persons in respect of any provision of this Act or the rules made thereunder;
- (f) the conditions and restrictions which Indian citizens may be required to comply with <sup>2</sup>\* \* \*;
- (g) the alteration or modification of or exemption from any condition or restriction imposed under a visa on the holder of a passport after his entry into Pakistan;
- (h) the fixing and notification of check-posts and routes; and
- (i) the procedure for registering and reporting to the police required under the rules for certain categories of visa holders.

<sup>3</sup>[(3). Rules made under this section may provide that any contravention thereof or of any order issued thereunder shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.]

19. The Central Government may by order direct that any power conferred on it under this Act may in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by any officer or authority subordinate to it or specified by it. Delegation of powers.

<sup>1</sup> For rules made under section 8 (2) (e) and 9, see Gaz. of P., 1953, Pt. I, p. 14.

<sup>2</sup> The original words "during their stay in Pakistan" omitted by the Pakistan (Control of Entry) (Amdt.) Act, 1956 (12 of 1956), s. 3.

<sup>3</sup> New sub-section (3) added, *ibid*.

Protection  
of persons  
acting under  
this Act.

10. No prosecution, suit or other legal proceeding shall be commenced against any person in respect of anything done or purporting to be done in exercise of the powers conferred by or under this Act, except with the sanction of the Central Government or the Provincial Government or the Government of the State concerned.

Repeal of  
Ordinance  
X of 1952  
and savings.

11.—(1) The Pakistan (Control of Entry) Ordinance, 1952, is hereby repealed but the repeal by that Ordinance, subject to the provisions of section 3 thereof, of the Pakistan (Control of Entry) Ordinance, 1948, is hereby declared to be subject to the provisions of section 3 of this Act.

Ord.  
XVII  
of  
1948.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act had been in force on the day on which such thing was done or such action was taken.

## THE PASSPORT (OFFENCES) ACT, 1952

<sup>1</sup>ACT No. LVI OF 1952

[14th December, 1952]

An Act to introduce legislation declaring forgery of a passport or a false statement in an application for a passport to be punishable offences.

WHEREAS it is expedient to make more effective provision for the prevention of certain offences relating to passports and other travel documents;

It is hereby enacted as follows:—

1.—(1) This Act may be called the Passport (Offences) Act, 1952.

Short title,  
extent and  
commence-  
ment.

1 For Statement of Objects and Reasons, see Gaz. of P., 1952, Pt. IX, p. 22.

The Act has been applied to Baluchistan with effect on and from the 14th day of December, 1952, see Gaz. of P., 1953, Pt. I, p. 32; and extended to the Leased Areas of Baluchistan, by the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950).

The Act has been applied—

- (i) in the Federated Areas of Baluchistan, see Gaz. of P., 1953, Pt. I, p. 152;
- (ii) to the Chittagong Hill-tracts and the partially excluded areas of the Mymensingh district, with effect from the 18th December, 1952, see Dacca Gazette, 1953, Pt. I, p. 296.