IN THE SUPREME COURT OF INDIA WRIT JURISDICTION WRIT PETITION (C) NO. 600 OF 2020 & OTHER CONNECTED MATTERS

IN THE MATTER OF:

MAULANA ALA HADRAMI & ORS. ... PETITIONERS

VS.

UNION OF INDIA & ANR.

... RESPONDENT

PRELIMINARY COUNTER AFFIDAVIT ON BEHALF OF THE UNION OF INDIA

COUNSEL FOR THE RESPONDENTS : BV BALARAM DAS

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- I, Pramod Kumar S/o Late Shri Amar Nath, aged 55 years presently working as Director in the Ministry of Home Affairs, Government of India, do hereby solemnly affirm and state as follows:
- 1. That in my official capacity I am acquainted with the facts of these cases, I have perused the record and am competent and authorized to swear this affidavit on behalf of the Union of India.
- 2. I state and submit that since I am filing this preliminary affidavit in reply as is necessary for the purpose of opposing, entertaining and grant of any interim order. Considering that all petitions filed are yet to be served/perused and due to the paucity of time, it was not possible to file a detailed reply at this juncture dealing with every contention raised in the

petitions served so far and dealing with all the petitions parawise. I reserve liberty to file a further and a detailed affidavit hereinafter as and when I am so advised.

3. It is submitted that firstly, the individual orders have been passed by the competent authorities with regard the cancellation of the visa, the blacklisting of individuals and the other steps taken in pursuance of the same. It is submitted that since the Petitioners and other persons are spread across various parts of the country, some of whom are still to be located, the execution of the orders would take place at the time of the exit of the said foreigners at the port of exit.

Secondly, it is submitted that since the Petitioners and other persons have been found to be breaching the conditions of the visa granted to them, committing criminal offences, etc., as explained herein under, the said persons are being investigated/prosecuted as the procedure established by law. The cancellation of e-Visa has been intimated to foreigners who were on e-Visa, by email. However, some foreigners on Regular Visa could not be intimated regarding cancellation of the visa as their email IDs are not available with the Bureau of Immigration.

4. At the outset, it is submitted that the there exists no fundamental right on part of a foreigner to obtain a visa or to continue a cancelled or rescinded visa. It is submitted that the grant of a visa is a plenary sovereign function of the

Central Government and across the world, the matters concerning the non-grant, rejection or cancellation of visas, are not justiciable. It is submitted that grant of a visa not an enforceable right let alone a fundamental right and visa is a privilege that any country grants to a foreigner. The said visa is always subject to unilaterally imposed restrictions and remains terminable unilaterally in case of a breach. It is submitted that no right of hearing can be read in to any purported right on part of the Petitioners under Article 21 and the right to life and liberty under Article 21 is always subject to the procedure established by law. It is submitted that in such matters, the procedure established by law does not specifically provide for a right of hearing as the same does not regulate any rights of an individual viz-a-viz the State rather is merely a unilateral grant of a privilege. In light of the same, it is submitted that the present petition is not maintainable.

framework, it is necessary to point out to this Hon'ble Court the specific nature of the breach committed by the present Petitioners and the reasons for the action taken by the Central Government. This Hon'ble Court may take note of the Visa Manual, which is a compendium of various rules, orders, executive instructions issued by the Central Government from time to time for prohibiting, regulating or restricting the entry, stay, movement, transit through and exit of foreign nationals in the country. The instructions

contained in the Visa Manual flow from the provisions contained in the Passport (Entry into India) Act, 1920, the Foreigners Act, 1946, the Registration of Foreigners Act, 1939 and the Citizenship Act, 1955. Therefore, the Visa Manual issued by the Ministry of Home Affairs is fully backed by the legal provisions in these Acts.

- 6. It is submitted that restrictions on engaging in activities in the nature of "tabligh activities" by foreigners have been specifically incorporated and regulated in the Visa Manuals issued by the Ministry of Home Affairs, which is updated from time to time. The brief description of the relevant portions is as under:
 - (i) <u>Visa Manual, 2003</u>: Para 131 of the Visa Manual issued in 2003 provides that all applications from foreigners coming in connection with "tabligh work" or for training in such work should be referred to MHA <u>before</u> a visa is granted with full particulars including details about the applicant, institution/ organization sponsoring the applicant, the organization/ institution where the foreigner intends to work, the places proposed to be visited, details of financial status, etc. A copy of the Para 131 of the Visa Manual is attached herewith and marked as **Annexure R 1.**
 - (ii) <u>Visa Manual, 2011</u>: The above provision was also incorporated as para 16.12 in the Visa Manual issued in 2011. A copy of the relevant portion of the Visa Manual,

2011 is attached herewith and marked as **Annexure** R – **2.**

- (iii) Visa Manual, 2017: Para 1.26 of the Visa Manual issued in 2017 provided that foreign nationals granted any type of visa and OCI cardholders shall not be permitted to engage themselves in tabligh work unless they are granted specific permission by the Ministry of Home Affairs. It was further provided that there will be no restriction in visiting religious places and attending normal religious activities like attending religious discourses. However, preaching religious ideologies, making speeches in religious places, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, spreading conversion etc. will not be allowed. A copy of the Para 1.26 of the Visa Manual, 2011 is attached herewith and marked as Annexure R 3.
- (iv) <u>Visa Manual, 2019</u>: Similar provisions as mentioned in sub-para (iii) above have been incorporated as para 1.25 in the Visa Manual issued in 2019. A copy of the relevant portion the Visa Manual, 2019 is attached herewith and marked as **Annexure R 4.**
- 7. The Petitioners, in the present case, have been clearly found, under due investigation under the Cr.P.C., to have breached the said mandate of the Manuals and of the substantive provisions of the Foreigners Act which required them to take prior permission from the relevant authorities before indulging in work in the nature of tablighi activities. It is

submitted that in light of the above, and as per the process of law, the impugned action has been taken by the Central Government.

Chain of Events

- 8. That a complete list of actions taken by MHA/DGs of concerned State Government(s)/UT(s) pursuant to the press release dated 02.04.2020 is as under:
 - (a) Central security agency vide their U.O. note dated 25.03.2020 informed that presence of about 2000 foreigners on tourist visa from over 70 countries for activities in the nature of Tabligh work appears to be a potential carrier of COVID-19 in the country. It was reported that Tabligh headquarters at Nizamuddin (Delhi) is reportedly in the process of calling the foreign Tabligh teams from different states and sending them back to their respective countries.
 - (b) Foreigners Division, Ministry of Home Affairs vide O.M. dated 31.03.2020 requested Bureau of Immigration (BoI) to identify the foreign nationals who participated in tabligh activities on tourist or other kind of visa, without obtaining permission of MHA.
 - (c) The Bureau of Immigration vide their letter dated 01.04.2020 informed that 960 (Nine hundred and sixty)

foreigners of different nationalities, identified on the basis of travel documents, were found involved in Tabligh Jamaat activities. All these foreigners were in India on the strength of Tourist Visa. The Bureau of Immigration, after due process of identification, shared the list of aforesaid 960 foreigners. A copy of the list of 960 foreigners issued by the Bureau of Immigration is attached herewith and marked as **Annexure** R-5.

- (d) Keeping in view the fact that participation in Tabligh Jamaat activities on Tourist Visa is a serious violation of provisions of Visa Manual, 2019 and is also a criminal offence punishable under Sections 13 & 14 of The Foreigners Act, 1946, the Bureau of Immigration was directed on 02.04.2020 to blacklist these foreigners under Category "A" to prevent their future entry in India. These orders are passed in the exercise of sovereign powers which are recognised in the statutory enactment.
- (e) Commissioner, Delhi Police was advised vide O.M. dated 02.04.2020 to take legal action against all these foreigners and Indian nationals involved in the matter under the provisions of The Foreigners Act, 1946 as well as for violation of statutory orders issued under The Disaster Management Act, 2005, for offences committed under relevant sections of IPC as applicable

in this matter. A copy was also endorsed to DGPs of all States/ UTs with a request to initiate similar appropriate action in their respective areas against violators of the provisions of The Foreigners Act, 1946 and orders issued under The Disaster Management Act, 2005. A copy of the O.M. dated 02.04.2020 is attached herewith and marked as **Annexure R – 7.**

(f) Foreign nationals who participated in Tabligh activities on Tourist Visa, have violated the provisions of Visa Rules and Section 13 and 14 of Foreigners Act, 1946 and are therefore liable to be penalized for the same. Apart from that these foreigners might have violated the provisions of The National Disaster Management Act, 2005, IPC and Epidemic Diseases Act etc. Therefore, vide letter dated 22.04.2020 from Home Secretary, addressed to Chief Secretaries of all States/UTs, DGPs of all States, Commissioner of Police, Delhi and Additional Director (Bureau of Immigration), it was requested that the foreign nationals, found involved in Tabligh activities on Tourist Visa, should not be immediately deported to their countries after their quarantine period is over rather appropriate punitive action under Sections 13 and 14 of the Foreigners Act, 1946 as also under other relevant provisions of The National Disaster Management Act, 2005, The Epidemic Diseases Act, 1897 and other relevant provisions of IPC, may be taken in the matter. A copy of the letter dated 22.04.2020 from Home Secretary, addressed to Chief Secretaries of all States/UTs, DGPs of all States is attached herewith and marked as **Annexure R** – 8.

- (g) The Bureau of Immigration, vide their status report dated 08.04.2020, reported cancellation of 985 Visas and issue of 1507 Look Out Circulars based on the report of various Law Enforcement Agencies
- (h) Foreign nationals who participated in Tabligh activities on Tourist Visa, have violated the provisions of Visa Rules and Section 13 and 14 of Foreigners Act, 1946 and are therefore liable to be penalized for the same. Apart from that these foreigners might have violated the provisions of The National Disaster Management 2005, IPC and Epidemic Diseases Act etc. Therefore, vide letter dated 22.04.2020 from Home Secretary, addressed to Chief Secretaries of all States/UTs, DGPs of all States, Commissioner of Police, Delhi and Additional Director (Bureau of Immigration), it was requested that the foreign nationals, found involved in Tabligh activities on Tourist Visa, should not be immediately deported to their countries after their quarantine period is over. It is submitted that it was requested that appropriate punitive action under

Sections 13 and 14 of the Foreigners Act, 1946 as also under other relevant provisions of The National Disaster Management Act, 2005, The Epidemic Diseases Act, 1897 and other relevant provisions of IPC, may be taken in the matter.

(i) As per information available, total 205 FIRs have been lodged against the foreign Tabligh Jamaat members by 11 States. 2765 such foreigners have been blacklisted so far. Besides, 1906 Look Out Circulars (LOCs) have been issued against foreign Tabligh Jamaat members so far.

Specific Replies to the Queries raised

9. List of Tablighi Jamaat members whose visas have been cancelled (whether the same has been cancelled on case to case basis or enmass)

Visas of 2679 foreigners [including 9 Overseas Citizen of India (OCI) cardholders] have been cancelled so far. Their visas were cancelled on case to case basis.

10. List of Tablighi Jamaat members whose visas have been cancelled by the respective States Governments/UTs [what role the DG of respective

State Government(s)/UTs have played as per the press note dated 02.04.2020]

State/UT Governments are not empowered to cancel visa issued to a foreigner. As per the details sent by various State/UT Governments regarding Black List /LOC of Foreign Tabligh Jamaat members, their Visas were cancelled by the Bureau of Immigration.

11. How many persons have been deported

Total 227 foreign Tabligh Jamaat members left India before the issuance of Look Out Circular/Black Listing against them. No foreign Tabligh Jamaat Members has been deported so far as criminal proceedings are going on against them.

12. How many persons whose Visas have been cancelled but they are yet not deported and the reasons for non-deportation

Visas of 2679 foreigners [including 9 Overseas Citizen of India(OCI) cardholders] have been cancelled so far. Deportation of foreign Tabligh Jamaat members have not been done till date to ensure completion of the legal processes going on against them under the Cr.P.C. All such foreign

nationals against whom cases have been registered will be deported as soon as the legal processes are completed.

13. How many persons are living in India out of these 960
+ 2500 foreign Tablighi Jamaat members whose Visas have not been cancelled with reason why the same has not been cancelled

Out of total reported 2765 cases of Foreign Tabligh Jamaat members, visas of 2679 (including 9 OCI cardholders) have already been cancelled. 47 Foreign Tabligh Jamaat foreigners are Nepal nationals, who are not holding any visa. Visas of the remaining 39 cases are under process of cancellation. Out of these 39 cases, 18 visas were issued by Indian Missions and in 21 cases, the passport number provided by the originators were wrong/incomplete and the same has been sought from the originator.

Cancellation of e-Visa has been intimated to 1502 foreigners who were on e-Visa, by email. However, 1168 foreigners on Regular Visa could not be intimated regarding cancellation of the visa as their email IDs are not available with the Bureau of Immigration.

Legal Provisions

14. That at the outset, it is submitted that the foreigners who came on Tourist Visa and were found to be involved in Tabligh activities which are not permitted on Tourist visa, are liable for legal action against them. The Parliament enacted the Foreigners Act, 1946 with an object which is reflected in the following Statement of Objects and Reasons:

"Statement of Objects and Reasons

At present the only permanent measures governing foreigners specifically are the Registration Foreigners Act, 1939 and the Foreigners Act, 1864. The Act of 1939 provides for the making of rules to regulate registration of foreigners and formalities connectedtherewith, their movement in. departure from, India. The Act of 1864 provides for the expulsion of foreigners and their apprehension and detention pending removal and for a ban on their entry into India after removal; the rest of the Act which provides for report on arrival, travel under a licence and certain incidental measures can be enforced only on the declaration of an emergency. The powers under this Act have been found to be ineffective and inadequate both during normal times and during an emergency.

The needs of the war emergency were met by the enactment of a Foreigners Ordinance in 1939 and the promulgation under it of the Foreigners Order and the Enemy Foreigners Order. Even at that time the need for more satisfactory permanent legislation was recognised but it was decided to postpone consideration of such a measure until after the war. The Ordinance was, therefore, replaced by the

Foreigners Act, 1940, the life of which was to expire on the 30th September, 1946, but has recently been extended by the Foreigners Act (Amendment) Ordinance, 1946, up to the 25th March, 1947.

Meanwhile the question of permanent legislation, more or less on the lines of the Act of 1940 has been examined, in consultation with the Provincial Governments. All Provincial Governments agree that such permanent legislation in repeal of the Act of 1864, is necessary. The Bill in the main reproduces the provisions of the Foreigners Act of 1940."

Section 2(a) defines the term "Foreigners" as under:

"2(a) "foreigner" means a person who is not a citizen of India"

Section 3 of the Act empowers the Central Government to make an Order "either generally or with respect of foreigners or with respect of any particular foreigner or any prescribed class or description of foreigner". Section 3 of the Act reads as under:

"3. Power to make orders. —

(1) The Central Government may by order make provision, either generally or with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into India or, their departure there from or their presence or continued presence therein.

- (2) In particular and without prejudice to the generality of the foregoing powers, orders made under this section may provide that the foreigner —
- (a) shall not enter India or shall enter India only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed;
- (b) shall not depart from India or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed;
- (c) shall not remain in India, or in any prescribed area therein;
- (cc) shall, if he has been required by order under this section not to remain in India, meet from any resources at his disposal the cost of his removal from India and of his maintenance therein pending such removal;
- (d) shall remove himself to, and remain in, such area in India as may be prescribed;
- (e) shall comply with such conditions as may be prescribed or specified
- (i) requiring him to reside in a particular place;
- (ii) imposing any restrictions on his movements;
- (iii) requiring him to furnish such proof of his identify and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;
- (iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his handwriting and signature to such authority and at such time and place as may be prescribed or specified;
- (v) requiring him to submit himself to such medical examination by such authority and at such time and place as may be prescribed or specified;
- (vi) prohibiting him from association with persons of a prescribed or specified description;

- (vii) prohibiting him from engaging in activities of a prescribed or specified description;
- (viii) prohibiting him from using or possessing prescribed or specified articles;
- (ix) otherwise regulating his conduct in any such particular as may be prescribed or specified;
- (f) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or prescribed or specified restrictions or conditions;
- (g) shall be arrested and detained or confined; and may make provision for any matter which is to be or may be prescribed and for such incidental and supplementary matters as may, in the opinion of the Central Government, be expedient or necessary for giving effect to this Act.
- (3) Any authority prescribed in this behalf may with respect to any particular foreigner make orders under Clause (e) for Clause (f) of sub-section (2)."
- 15. It is respectfully that as evident from the express and conscious use of expressions in Section 3, the legislative intent is clear, which is to confer an administrative and executive discretion upon the Central Government to take steps with regard to either "all foreigners" or "with respect to any particular foreigner" or "any specified class or description of foreigners". This discretion is necessary since the parameters, circumstances and other considerations will vary in each case as explained above.
- 16. That the foreign nationals had arrived in India on Tourist Visas. As per extant instructions of the Central Government, a Tourist visa is granted to a foreigner whose sole objective

of visiting India is recreation, sightseeing, casual visit to meet friends or relatives, attending a short term yoga programme, short duration medical treatment including treatment under Indian systems of medicine, short term courses on local languages, music, dance, arts & crafts, cooking, medicine etc. which should not be a formal or structured course/programme (courses not exceeding 6 months duration and not issued with a qualifying certificate/diploma etc.), and voluntary work of short duration (for a maximum period of one month, which do not involve any monetary payment or consideration of any kind in return) and no other purpose/ activity.

- 17. That the foreigners have been found to be involved in activities which are not covered within the purview of the limited tourist visa which was granted on their visit to India. It is submitted that activities in the nature of tabligh activity is not an activity permitted on a Tourist Visa. It is submitted that the Petitioners also did not seek any specific permission from the Ministry of Home Affairs for engaging in activities in the nature of tabligh activities. Therefore, it is a clear case of violation of visa conditions.
- 18. It is submitted that Article 246(1) of the Constitution of India, reads as under:

"Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List")" Further the heads "Admission into, and emigration and expulsion from, India; passports and visas" figures at S.No.19 of the List I - Union List in Seventh Schedule of the Constitution of India. Thus in respect of these matters, Parliament has the exclusive power to make laws. The Foreigners Act, 1946 (31 of 1946), being the embodiment of the sole prerogative of the Parliament, confers upon the Central Government certain powers in respect of foreigners.

- 19. In essence, the entry, stay, movement, transit through and exit of foreign nationals in the country are governed by the following Acts:
 - (i) The Passport (Entry into India) Act, 1920
 - (ii) The Foreigners Act, 1946
 - (iii) The Registration of Foreigners Act, 1939
 - (iv) The Citizenship Act, 1955

The Passport (Entry into India) Act, 1920

Section 3 of the Passport (Entry into India) Act, 1920 empowers the Central Government to make rules requiring that person entering India shall be in possession of passports, and for all matters ancillary or incidental to that purpose. Accordingly, rule 3 of the Passport (Entry into India) Rules, 1950 prescribes that save as provided in rule 4, no person proceeding from any place outside India shall enter, or attempt to enter, India by water, land or air unless he is in

possession of a valid passport confirming to the conditions prescribed in rule 5. Rule 5 of the Passport (Entry into India) Rules, 1950 prescribes the conditions of a valid passport, which includes a valid visa which is an endorsement by a proper Indian diplomatic, consular or passport authority or by such authority as may be authorized in this behalf by the Central Government by way of visa for India.

The Foreigners Act, 1946

The Foreigners Act, 1946 defines 'foreigner' as a person who is not a citizen of India. Section 3 of the Foreigners Act, 1946 empowers the Central Government to make provision by order, either generally or with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into India or, their departure therefrom or their presence or continued presence therein. In exercise of the powers conferred by section 3 of the Foreigners Act, Central Government has notified the Foreigners Order, 1948, the Foreigners (Protected Areas) Order, 1958 and the Foreigners (Restricted Areas) Order, 1963 prohibiting, regulating or restricting the entry, stay, movement, transit through and exit of foreigners in India. Besides, executive instructions are also issued by the Central Government from time to time in this regard.

The Registration of Foreigners Act, 1939

The Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1992 mandates registration with the Registration Officer of certain category of foreigners whose intended stay in India is more than 180 days or are required under their visa authorization to get registered with the Registration Officer.

The Citizenship Act, 1955

The Citizenship Act, 1955 defines an 'illegal migrant' as a foreigner who has entered into India –

- (i) without a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf; or
- (ii) with a valid passport or other travel documents and such other document or authority as may be prescribed by or under any law in that behalf but remains therein beyond the permitted period of time.

The Citizenship Act, 1955 also contains the provisions relating to registration of a foreign national as an Overseas Citizen of India (OCI) Cardholder.

20. As per section 3 of the Foreigners Act, 1946, the Central Government may by order make provision, either generally or with respect to all foreigners or with respect to any particular

foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into India or, their departure therefrom or their presence or continued presence therein. Thus, the Central Government has sovereign powers to make any order regulating or restricting the entry of foreigners into India or their departure therefrom or their presence or continued presence therein.

21. That the functions of the Central Government in making orders of the nature specified in clauses (c), (cc), (d), (e) and (f) of sub-section (2) of section 3 of the Foreigners Act, 1946, section 5 of the Passport (Entry into India) Act, 1920 and under the Foreigners Order, 1948 have been entrusted under article 258(1) of the Constitution of India to the State Governments vide Notification S.O.no. 590 [F.No.4/3/56-(I)F.I] dated 19th April, 1958. A copy of the Notification S.O.no. 590 [F.No.4/3/56-(I)F.I] dated 19th April, 1958 is attached herewith and marked as Annexure R - 9. Further, UT Administrations have been directed under article 239 of the Constitution of India to execute these powers of the S.O. Central Government vide Notification no. 591[F.No.4/3/56-(I)F.I] dated 19th April, 1958. A copy of the vide Notification S.O. Central Government 591[F.No.4/3/56-(I)F.I] dated 19th April, 1958 attached herewith and marked as Annexure R - 9. However, entrustment of these powers to State Governments/ UT Administrations is subject to the following conditions:-

- (a) In the exercise of such functions, the said State Government or UT Administration shall comply with such general or special directions as the Central Government may from time to time issue; and
- (b) Notwithstanding this entrustment, the Central Government may itself exercise any of the said functions should it deem fit to do so in any case.
- 22. That it is submitted that the activities of foreigners in question in violation of the visa conditions clearly falls within the domain of the Central Government and the Central Government in the Ministry of Home Affairs is fully competent to issue directions to the State Governments and UT Administrations to take appropriate legal action against such foreigners under the Foreigners Act, 1946.
- 23. Apart from violation of the visa conditions, the activities of the Petitioners in the nature of tabligh activities in question have endangered many lives in the ongoing COVID 19 public health emergency and therefore, they are also liable for legal action. It is submitted that the directions contained in the O.M. dated 02.04.2020 of the Ministry of Home Affairs were with particular reference to foreigners who were found involved in tabligh activities on the strength of their tourist visa thus violating the visa conditions and these are in no way violative of Articles 14, 21 and 22 of the Constitution of India.

- 24. As per sub-section (1) of section 13 of The Foreigners Act, 1946, any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, in contravention of the provisions of the Act or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of the Act. Sections 13, 14 and 14-C of The Foreigners Act, 1946 are reproduced below:-
 - "13. Attempts, etc., to contravene the provisions of this Act, etc.—
 - (1) Any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Act or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Act.

XXX

- 14. Penalty for contravention of provisions of the Act, etc. Whoever —
- (a) remains in any area in India for a period exceeding the period for which the visa was issued to him;
- (b) does any act in violation of the conditions of the valid visa issued to him for his entry and stay in India or any part thereunder;
- (c) contravenes the provisions of this Act or of any order made thereunder or any direction given in

pursuance of this Act or such order for which no specific punishment is provided under this Act,

shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if he has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the convicting Court why such penalty should not be paid by him.

Explanation. — For the purposes of this section, the expression "visa" shall have the same meaning as assigned to it under the Passport (Entry into India) Rules, 1950 made under the Passport (Entry into India) Act, 1920 (34 of 1920)."

"14-C. Penalty for abetment.—

Whoever abets any offence punishable under section 14 or section 14-A or section 14-B shall, if the act abetted is committed in consequence of the abetment, be punished with the punishment provided for the offence.

Explanation.— For the purposes of this section,—

- (i) an act or offence is said to be committed in consequence of the abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the offence;
- (ii) the expression "abetment" shall have the same meaning as assigned to it under section 107 of the Indian Penal Code (45 of 1850). "

25. Further, Affairs the Ministry of \mathbf{Home} had instructions to State Governments and UT Administrations on 10.04.1996 advising them to keep a watch on the activities of such foreigners who indulge in religious / Tabligh work on Tourist visa. It is submitted that the State Governments/ UT Administrations were further advised that as and when any foreigner coming on Tourist visa is found indulging himself in religious activities/ Tabligh work, action should be taken against him under the Foreigners Act and he should be deported to the country of his origin under the powers already delegated to the State Govts. It is submitted that the said instructions were reiterated by the Ministry of Home Affairs on 03.11.2011. A copy of the Ministry's Circular No. 206[File no.25022/82/96-F.I] dated 10.04.1996 and letter No.25022/116/2011-F.I dated 03.11.2011 attached are herewith and marked as **Annexure R - 10**.

Case law on the issue

26. The scope and purview of The Foreigners Act, 1946 fell for consideration of the Hon'ble Constitution Bench of this Hon'ble Court in the case of Hans Muller of Nurenburg vs Superintendent, Presidency Jail, Calcutta & ors., AIR 1955 SC 367. While examining the scheme, scope, ambit and powers conferred upon the Central Government under the said Act, the Constitutional Bench of this Hon'ble Court, inter alia, was pleased to hold as under:

"19. We do not agree and will first examine the position where an order of expulsion is made before any steps to enforce it are taken. The right to expel is conferred by Section 3(2)(c) of the Foreigners Act, 1946 on the Central Government and the right to enforce an order of expulsion and also to prevent any breach of it, and the right to use such force as may be reasonably necessary "for the effective exercise of such power" is conferred by Section 11(1), also on the Central Government. There is, therefore, implicit in the right of expulsion a number of ancillary rights, among them, the right to prevent any breach of the order and the right to use force and to take effective measures to carry out those purposes. Now the most effective method of preventing a breach of the order and ensuring that it is duly obeyed is by arresting and detaining the person ordered to be expelled until proper arrangements for the expulsion can be made. Therefore, the right to make arrangements for an expulsion includes the right to make arrangements for preventing any evasion or breach of the order. and the Preventive Detention Act confers the power to use the means of preventive detention as one of the methods of achieving this end. How far it is necessary to take this step in a given case is a matter that must be left to the discretion of the Government concerned, but, in any event, when criminal charges for offences said to have been committed in this country and abroad are levelled against a person, an apprehension that he is likely to disappear and evade an order of expulsion cannot be called either unfounded or unreasonable. Detention in such circumstances is rightly termed preventive and falls within the ambit of the Preventive Detention Act and is reasonably related to the purpose of the Act.

27. Following the said judgment, this Hon'ble Court, in the case of *Mr. Louis De Raedt & Ors vs Union Of India And Ors.*, (1991) 3 SCC 554 was pleased to hold, inter alia, as under:

"13. The next point taken on behalf of the petitioners, that the foreigners also enjoy some fundamental rights under the Constitution of this country, is also of not much help to them. The fundamental right of the foreigner is confined to Article 21 for life and liberty and does not include the right to reside and settle in this country, as mentioned in Article 19(1)(e), which is applicable only to the citizens of this country. It was held by Benchin Hans Constitution MullerNurenburg v. Superintendent, Presidency Calcutta [(1955) 1 SCR 1284 : AIR 1955 SC 367 : 1955 Cri LJ 876 that the power of the government in India to expel foreigners is absolute and unlimited and there is no provision in the Constitution fettering this discretion. It was pointed out that the legal position on this aspect is not uniform in all the countries but so far the law which operates in India is concerned, the executive government has unrestricted right to expel a foreigner. So far the right to be heard is concerned. there cannot be any hard and fast rule about the manner in which a person concerned has to be given an opportunity to place his case and it is not claimed that if the authority concerned had served a notice before passing the impugned order, the petitioners could have produced some relevant material in support of their claim of acquisition of citizenship, which they failed to do in the absence of a notice."

28. It is submitted that no illegal immigrant can crave leave of this Hon'ble Court under Article 32 seeking to question a decision taken under the statutory scheme. It is submitted that the Petitioners cannot claim a fundamental right to travel to the country as a fundamental right. As evident from the Constitutional guarantee flowing from Article 19 of the Constitution, the right to reside and settle in any part of the territory of India as well as right to move freely throughout the territory of India is available only to the citizens of India as evident from Article 19(1) of the Constitution. Article 19(1) reads as under:

"19. Protection of certain rights regarding freedom of speech etc

- (1) All citizens shall have the right
- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India; and
- (f) omitted
- (g) to practise any profession, or to carry on any occupation, trade or business"

No illegal immigrant can pray for a writ of this Hon'ble Court which directly or indirectly confer the fundamental rights in general and the rights under Article 19(1) (d) and (e) in particular.

29. The Hon'ble Supreme Court, in State of Arunachal Pradesh v. Khudiram Chakma, 1994 Supp (1) SCC 615, held as under:

"75. It is true that fundamental right is available to a foreigner as held in Louis De Raedt v. Union of India [(1991) 3 SCC 554: 1991 SCC (Cri) 886]: (SCC p. 562, para 13)

"The next point taken on behalf of the petitioners, that the foreigners also enjoy some fundamental rights under the Constitution of this country, is also of not much help to them. The fundamental right of the foreigner is confined to Article 21 for life and liberty and does not include the right to reside and settle in this country, mentioned in Article 19(1)(e), which applicable only to the citizens of this country." As such Articles 19(1)(d) and (e) are unavailable to foreigners because those rights are conferred only on the citizens. Certainly, the machinery of Article 14 cannot be invoked to obtain that fundamental right. Rights under Articles 19(1)(d) and (e) are expressly withheld to foreigners.

36. The decision regarding settlement of foreigners is a matter of policy. It is well-settled in law that the Court does not interfere in a matter of governmental policy since it is for the Government to decide."

30. The Hon'ble Supreme Court in *Charles Sobraj v. Supdt.*, *Central Jail*, (1978) 4 SCC 104, held as under:

"16. The court must not rush in where the jailer fears to tread. While the country may not make the prison boss the sole sadistic arbiter of incarcerated humans, the community may be in no

mood to hand over central prisons to be run by courts. Each instrumentality must function within its province. We have no hesitation to hold that while Sobraj has done litigative service for prison reform, he has signally failed to substantiate any legal injury. We, therefore, dismiss the writ petition, making it clear that strictly speaking the petitioner being a foreigner cannot claim rights under Article 19, but we have discussed at some length the import of Articles 14, 19 and 21 because they are interlaced and in any case apply to Indian citizens."

31. It is submitted that the Central Government has unfettered discretion in matter concerning regulation of visa or deportation of foreigners. It is submitted that foreigners who have been found to have violated the conditions of the visa. The Hon'ble Supreme Court in the case of Hans Muller of Nurenburg v. Superintendent, Presidency Jail, AIR 1955 SC 367, noted as under:

"35. The Foreigners Act confers the power to expel foreigners from India. It vests the Central Government with absolute and unfettered discretion and, as there is no provision fettering this discretion in the Constitution, an unrestricted right to expel remains.

39. In the case of expulsion, no idea of punishment is involved, at any rate, in theory, and if a man is prepared to leave voluntarily he can ordinarily go as and when he pleases. But the right is not his. Under the Indian law, the matter is left to the unfettered discretion of the Union Government and that Government can

prescribe the route and the port or place of departure and can place him on a particular ship or plane. (See Sections 3(2)(b) and 6 of the Foreigners Act). Whether the captain of a foreign ship or plane can be compelled to take a passenger he does not want or to follow a particular route is a matter that does not arise and we express no opinion on it. But assuming that he is willing to do so, the right of the Government to make the order vis a vis the man expelled is absolute.

40. This may not be the law in all countries. Oppenheim, for example, says that in England, until December 1919, the British Government had "no power to expel even the most dangerous alien without the recommendation of a court, or without an Act of Parliament making provision for such expulsion, except during war or on an occasion of imminent national danger or great emergency". (Oppenheim's International Law, Vol. 1, 7th Edn., p. 631).

But that is immaterial, for the law in each country is different and we are concerned with the law as it obtains in our land. Here the matter of expulsion has to be viewed from three points of view: (1) does the Constitution permit the making of such a law? (2) does it place any limits on such laws? and (3) is there in fact any law on this topic in India and if so, what does it enact? We have already examined the law making power in this behalf and its scope, and as to the third question the law on this matter in India is embodied in the Foreigners Act which gives an unfettered right to the Union Government to expel....

.....42. Our conclusion is that the Foreigners Act is not governed by the provisions of the Extradition Act. The two are distinct and neither impinges on the other. Even if there is a requisition and a good case for extradition, Government is not bound to accede to the request. It is given an unfettered right to refuse. Section 3(1) of the Extradition Act says—

"the Central Government may, if it thinks fit". Therefore, if it chooses not to comply with the request, the person against whom the request is made cannot insist that it should. The right is not his; and the fact that a request has been made does not fetter the discretion of Government to choose the less cumbrous procedure of the Foreigners Act when a foreigner is concerned......"

32. In *Ghulam Sarwar v. Union of India*, AIR 1967 SC 1335, the Hon'ble Supreme Court has held as under:

"18. The formula underlying the doctrine of classification has become so crystallised that it is unnecessary to refer to decisions. The principle is stated thus: "The classification must be found on intelligible differentia which distinguishes persons or things that are grouped from those left out of the group and that the differentia must have rational relation to the object sought to be achieved by the statute in question". What was the object of the order GSR 1418 issued by the President on 30-10-1962. There was a grave emergency. The Chinese attacked India and Pakistan was poised for an attack. There was a danger of internal sabotage. So, it was necessary to screen the foreigners, and to guard against their acts of sabotage and espionage. It was, therefore, necessary to issue a special order wider in scope than that of GSR 164 dated 3-11-1962 which was confined only to persons that had been deprived of certain rights under the Defence of India Ordinance. There was a greater danger from foreigners, therefore, a more drastic order only could

meet the requirements of national security. Compared to foreigners, nationals, with some unfortunate exceptions, can be relied upon to support the country's integrity and security. There is, therefore, a clear nexus between the classification of foreigners and the citizens and the object sought to be achieved thereby."

33. The Supreme Court in *Railway Board v. Chandrima Das*, (2000) 2 SCC 465, held as under:

"34. On this principle, even those who are not citizens of this country and come here merely as tourists or in any other capacity will be entitled to the protection of their lives in accordance with the constitutional provisions. They also have a right to "life" in this country. Thus, they also have the right to live, so long as they are here, with human dignity. Just as the State is under an obligation to protect the life of every citizen in this country, so also the State is under an obligation to protect the life of the persons who are not citizens.

35. The rights guaranteed under Part III of the Constitution are not absolute in terms. They are subject to reasonable restrictions and, therefore, in case of a non-citizen also, those rights will be available subject to such restrictions as may be imposed in the interest of the security of the State or other important considerations. Interest of the nation and security of the State is supreme. Since 1948 when the Universal Declaration was adopted till this day, there have been many changes political. socialeconomic while terrorism has disturbed the global scenario. Primacy of the interest of the nation and the security of the State will have to be read into the Universal Declaration as alsoinevery articledealing with

fundamental rights, including Article 21 of the Indian Constitution."

- 34. The Hon'ble High Court of Delhi in LPA No. 219 of 2019 vide judgment dated 28.08.2019 of the Division Bench of the Hon'ble High Court of Delhi, opined on the exact point under consideration. The relevant portions are reproduced below:-
 - "4 Counsel for the appellant - Union of India, further submitted that blacklisting is as per provision mentioned in visa manual. In view of the a foresaidprovisions andlooking Foreigners Act, 1946, to be read with the provisions of The Citizenship Act, 1955, especially Section 7D, and also looking into the provisions of visa manual. there is no provision of prior intimation of blacklisting nor there is a provision of prior intimation of cancellation of the registration as an Overseas Citizen of India cardholder. Therefore, in the facts and circumstances of the present case, there was no prior intimation to the original petitioner about the order passed under Section 7D of The Citizenship Act, 1955 as it was not warranted under the said Act."

"5. In these circumstances, the observations in paras 4 and 5 of the interim order dated 21st August, 2018 in W.P.(C) 8455/2018 were not warranted and we make it clear that there is no need of any prior intimation in case of blacklisting by Union of India, which is done for protecting the integrity and sovereignty and safety of India. Similarly, there is no need of prior intimation when the Union of India passes any order under Section 7D of The Citizenship Act, 1955, especially for the reasons mentioned in Section 7D of The Citizenship

Act, 1955, more particularly for protecting the integrity and sovereignty of India. To this extent, the order passed by the learned Single Judge dated 21st August, 2018 in W.P.(C) 8455/2018 is hereby modified.

- 6. With this observation, this appeal is hereby allowed and disposed of."
- 35. In respectful submission of the Central Government, such decisions regarding cancellation of visas or blacklisting of persons are essentially executive decisions taken by the Government as a part of governance of a sovereign nation and as a process of policy making and are taken based on several executive and administrative considerations which would not be justiciable. The fact situation, the potential threat to the overall health situation in the country, is an executive sovereign function based upon empirical data and objective facts by way of policy. This Hon'ble Court may not, therefore, accede to any prayer which may amount to rewriting or substituting an essential executive policy of the Central Government.
- **36.** In light of the above, it is submitted that the said petitions are liable to be dismissed by this Hon'ble Court. The present affidavit is being filed bonafide.

PERMIT NAMES

विदेशक/Director
गृह मंत्रालय

Ministry of Home Affairs
भारत संस्कार/Govt. of India

VERIFICATON

Verified at New Delhi on this 1st day of July, 2020, that the contents of the above affidavit are true and correct to my knowledge and belief derived from the official records. No part of the above affidavit is false and nothing material has been concealed there from.

> DEPONENT (PRAMOD RUMAR) नियेक्का/Director पृष्ट मंत्रालय Ministry of Flome Affairs भारत सरकार/Govt. of India

Government of India, subject to usual checks. [Also see para 43]

129. A travel agent of a foreign travel agency and a foreign tourist visiting India frequently

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An Indian Mission may grant multientry visa for a period of five years maximum, in their discretion, subject to usual security checks, provided they are satisfied about the bonafide purpose of the visit to India of the foreigner. [However, stay in India on any particular visit should not exceed six months and appropriate endorsement ("Each stay not to exceed 6 months) should be made to this effect in the visa]. [Also see para 33]

130. Family members and relatives of a foreigner staying in India

First degree relatives and family members of a foreigner, including diplomatic personnel, staying in India on long term basis may be granted an 'X' type of visa by the Missions for the required period, subject to a maximum validity of five years, in their discretion, subject to usual security The facility of a five years checks. visa will also be available to the spouse and children of a foreigner eligible for grant of such a visa. Instructions contained in para 128 will not apply to citizens of Afghanistan. Bangladesh, China, Pakistan, and Sri Lanka. All Indian Missions should exercise utmost caution while granting visa to a foreigner in order to ensure that only genuine visitors are granted visa to come to India, and the fundamentalist and subversive elements / activists / drug traffickers / smugglers and other undesirable elements do not take advantage of this liberalised visa regime,

Foreigners coming for tabligh work ANNEWER

All applications from foreigners coming in connection with tabligh work, or for training in such work should be referred to the Ministry of Home Affairs before a visa is granted, with full particulars including details about the applicant, institution / organisation sponsoring the applicant, the organisation / institution where the foreigner intends to work, the places proposed to be visited, details of financial status, etc.

132. Citizens of SAARC countries

A. Exemption from the requirement of a visa and Police reporting to the special categories of citizens of the SAARC countries:

- (1) It has been decided to **EXEMPT** the following categories of persons belonging to SAARC (i.e. Bangladesh, Bhutan, Maldives, Nepal, Pakistan, and Sri Lanka) from the requirement of a visa and registration with the local police:
- (a) a judge of the Supreme Court or of the highest court; or
 (b)a Member of Parliament or of a similar highest legislative body; or
 (c)a Head of National level university; or
- (d) Ministers of Foreign or External Affairs or Member States, or
- (e) Foreign Secretaries or Permanent Secretaries dealing with foreign affairs of Member states, or
- (f) SAARC Secretary-General and Directors of the SAARC Secretariat; or
- (g) President of National Chamber of Commerce and Industry of the Member States; or
- (h) Permanent Secretaries in Trade Ministries and upto three other officials concerned with promotion of

ANNEXURE R2

- II. A citizen of Maldives visiting India for a period of more than 90 days is required to obtain visa. In such cases, all the general conditions relating to the grant of a visa, applicable to foreigners, will also be applicable to the citizens of Maldives.
- III. The waiver of visa requirement does not exempt the citizens of Maldives visiting India from the obligation to comply with the laws and regulations in force in India concerning the entry into, movement within and exit from India. Citizens of Maldives are not allowed to take up employment, set up business, or undertake any profession (paid or unpaid) in India, without the consent of the Government of India. This requirement, however, shall not apply to business persons or business delegations from Maldives visiting India to conduct negotiations, conclude business agreements/ contracts or other business transactions with their counterparts.

16.8. Foreign Technicians / experts:

In the case of a foreign technician/expert visiting India in pursuance of a bilateral agreement between the Government of India and the foreign Government, or in pursuance of a collaboration agreement between a foreign firm and an Indian firm (provided the agreement has been approved by the Government of India), the Indian Mission may grant the necessary visa for the duration of the agreement, or for a period of 5 years, whichever is less, with multiple entry facility, provided the Mission is satisfied that the foreigner is visiting India in pursuance of a bilateral agreement which has been approved by the Government of India, subject to usual checks. [Also see para 5.4]. These instructions will, however, not apply to the citizens of Afghanistan, China and Pakistan.

16.9. Grant of visa to officials of the United Nations or its specialized agencies and the Asian development Bank (ADB) who are nationals of Prior Reference Category (PRC) countries:

Officials of the United Nations or its specialized agencies and the Asian Development Bank, who are nationals of PRC countries *i.e* Afghanistan, China, Iran, Iraq, Pakistan, Sudan, Foreigners of Pakistani origin and

Stateless persons are exempted from the requirement of prior clearance from the Ministry of Home Affairs for the grant of any type of visa including the Conference Visa. In such cases Visa may be granted by the Indian Missions/ Posts after local checks and a report should be sent to the Ministry of Home Affairs (Foreigners division) and the Security Agencies after the issue of visa.

Exemption from the requirement of prior clearance from MHA, as mentioned above, will also cover spouses of such category of officials as well as the spouses from PRC countries married to such category of officials from non PRC countries.

16.10. A travel agent of a foreign travel agency and a foreign tourist visiting India frequently:

An Indian Mission may, in its discretion, grant multientry visa for a maximum period of five years, subject to usual security checks, provided it is satisfied about the bonafides of a foreigner who is a travel agent of a foreign travel agency or a foreign tourist visiting India frequently. The stay of such persons in India on any particular visit should, however, not exceed six months. The following endorsement should be made in the visa granted to them: "Each stay not to exceed 6 months". [Also see para 3.1]

16.11. Family members and relatives of a foreigner staying in India:

Blood relations and family members of a foreigner, including diplomatic personnel, staying in India on a long-term basis may be granted an 'X' visa by the Mission for the required period, upto a maximum period of five years, subject to usual security checks. All the Indian Missions shall exercise utmost caution while granting visa to a foreigner in order to ensure that only genuine visitors are granted visa to visit India, and fundamentalist and subversive elements / activists / drug traffickers / smugglers and other undesirable elements do not take advantage of this liberalised visa regime.

16.12. Foreigners visiting for tabligh work:

All applications from foreigners intending to visit India in connection with tabligh work, or for training in such work, shall be referred to the Ministry of Home Affairs



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before a visa is granted. The Mission / Post must send full particulars, including details about the applicant, institution / organisation sponsoring the applicant, the organisation / institution where the foreigner intends to work, the places proposed to be visited, details of financial status, etc.

16.13. Citizens of SAARC countries:

Exemption from the requirement of a visa and Police

(i) Group A-SAARC Visa Exemption Scheme:

SAARC countries: The following categories of persons belonging to SAARC countries (i.e. Afghanistan, Bangladesh,

Bhutan, Maldives, Nepal, Pakistan and Sri Lanka) are exempted from the requirement of a visa and registration with the local police:

Category	Entitled persons		Entitled persons'
number			 Spouse Dependent
			children

Group A; (Dignitaries, Government Officials, participants of SAARC meetings and officials of the Secretariat

nd its l	Regional Centres)		
1	Heads of State and Government, former Heads of State or Government, former Foreign Ministers, former Ministers of State for Foreign Affairs and former Foreign Secretaries	Yes	Yes
2	All Central Government Ministers/Ministers of State/Advisers of equivalent rank, Deputy Ministers/Assistant Ministers in Member States	Yes	Yes
3	Serving and retired Supreme Court Judges; serving Judges of the Provincial High Courts and Attorney (s) Generals	Yes	Yes
.4	Governors, Chief Ministers, Speakers and Deputy Speakers of Provinces/States	Yes	Yes
5	Members of National Parliament, Secretaries-General/Secretaries of Lower and Upper Houses of Parliament	Yes	Yes
6	All serving Heads/Secretaries of Federal/Central Governments	Yes	Yes
.7 .	Governors of Central Banks	Yes	Yes
8	Ambassadors/High Commissioners of SAARC countries accredited to the SAARC Member States	Yes	Yes
9	Officers in the Ministries of Foreign/External Affairs in SAARC Divisions as well as those handling SAARC matters	Yes	Yes
10	Current and former SAARC Secretary(s) General, Directors, Consultants/Professionals and GSS Category-I officials of the SAARC Secretariat	Yes	Yes
11	SAARC Regional Centres:	7.1	
	(a) Governing Board Members	Yes	No
	(b) Directors	Yes	Yes



1.26 Restriction on engaging in tabligh activities

Foreign nationals granted any type of visa and OCI cardholders shall not be permitted to engage themselves in tabligh work unless they are granted specific permitsion in accordance with para 22.13 of this Visa Manual. There will be no restriction in visiting religious places and attending normal religious activities like restriction in visiting religious places and attending religious ideologies, making attending religious discourses. However, preaching religious ideologies, making religious places, distribution of audio or visual display/ pamphlets speeches in religious places, spreading conversion etc. will not be allowed.

1.27 Issue of short duration visa to foreign nationals already holding longer duration visa

In the event of a foreign national availing short duration visas such as Conference Visa, Transit visa, e-Visa and Visa-on-Arrival while already having a long duration visa for India like multiple entry Tourist/ Business/ Employment/ Student/ Research Visas the long duration visas will not get cancelled. In such cases, while granting Visas, the long duration visa like Conference Visa/ Transit Visa, the Indian Mission/ Post concerned may keep the long duration visa on hold for the period of the short duration visa. The status of holding of long duration visa of the foreigner is availing e-reflected in the Central Database of IVFRT. In case the foreigner is availing e-reflected in the Central Database of IVFRT. In case the foreigner is availing on hold for the period of the short duration visa, which shall be reflected in Visa on hold for the period of the short duration visa will remain on hold for the Central Database of IVFRT. The long duration visa will remain on hold for the Central Database of IVFRT. The long duration visa will remain on hold for the Central Database of IVFRT. The long duration visa will automatically become short duration visa, the main visa (long duration visa) will automatically become short duration visa, the main visa (long duration Database. 'UNHOLD' and the same will be reflected in the Central Database.

A foreign national intending to attend an International Conference/ seminar/ workshop while already in India on Business/ Employment / Student/ Research visa may seek prior permission of the FRRO/ FRO concerned by making a visa may seek prior permission of the FRRO/ FRO concerned by making a visa may seek prior permission of the FRRO/ FRO concerned by FRRO/ FRO concerned only with the prior approval permission shall be granted by FRRO/ FRO concerned only with the prior approval of the Ministry of Home Affairs.

1.28 Grant of benefits of visal extension of visa to foreigners living in India on live-in-relationship with Indian nationals

There are no specific guidelines for considering grant of visa/ extension of visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals who are living in India on live-in-relationship with Indian visa to foreign nationals. However, in rare and exceptional cases, the matter will be sympathetically considered by the Government on case to case basis.



22.12 Family members and relatives of a foreigner staying in India

Blood relations and family members of a foreigner, including diplomatic personnel, staying in India on a long-term basis may be granted **dependent visa** of appropriate sub-category as mentioned in Appendix –II by the Mission for the required period, co-terminus with the visa validity of the principal visa holder subject to usual security checks. All the Indian Missions shall exercise utmost caution while granting visa to a foreigner in order to ensure that only genuine visitors are granted visa to visit India, and fundamentalist and subversive elements / activists / drug traffickers / smugglers and other undesirable elements do not take advantage of this liberalized visa regime.

22.13 Foreigners visiting for tabligh work

All applications from foreigners intending to visit India in connection with tabligh work, or for training in such work, shall be referred to the Ministry of Home Affairs before a visa is granted. The Mission / Post must send full particulars, including details about the applicant, institution / organization sponsoring the applicant, the organization / institution where the foreigner intends to work, the places proposed to be visited, details of financial status, etc. All such foreign nationals shall mandatorily report to FRRO/ FRO concerned within 14 days of arrival in India irrespective of the duration of the visa.

22.14 Members of Amnesty International

All Missions have been authorized to grant a visa to the Members of Amnesty International without prior reference to the Ministry of Home Affairs if the purpose of the visit is: (i) a private visit or (ii) for a dialogue with the Government of India. However, in such cases, advance intimation must be sent to the Ministry of Home Affairs. In cases where the visit of Members of the Amnesty International is with the intention to investigate specific cases, the Mission shall refer these approval before granting visa.

22.15 Facility of Collective Landing permits for group tourists

(i) Foreign tourists in groups of four or more, arriving by air or sea, sponsored by Indian Travel Agencies approved by the Ministry of Tourism, Government of India and with a pre-drawn itinerary may be granted collective landing permit for a period not exceeding 60 days, with multiple-entry facility to enable them to visit a neighbouring country. In order to avail of this facility, the tourist or travel agency concerned shall mandatorily fill in the applications online on website www.indianvisaonline.gov.in. A complete list of group members along with printed visa applications and their itinerary should be submitted by the tourist or travel agency to the FRRO/ FRO

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25 Restriction on engaging in tabligh activities

Foreign nationals granted any type of visa and OCI cardholders shall not be permitted to engage themselves in tabligh work unless they are granted specific permission in accordance with para 19.8 of this Visa Manual. There will be no restriction in visiting religious places and attending normal religious activities like attending religious discourses. However, preaching religious ideologies, making speeches in religious places, distribution of audio or visual display/ pamphlets pertaining to religious ideologies, spreading conversion etc. will not be allowed.

1.26 Issue of an additional visa to a foreign national who is already holding a valid visa

If a foreign national who is already holding a valid visa submits an application for an additional visa for undertaking any other specific activity, the Indian Mission/Post may grant the additional visa if the visa granting authority is satisfied about the requirement of the foreigner. In such cases, the earlier valid visa will not be cancelled or put on hold. The foreign national will be allowed to have dual visa. The same facility will be available to a foreign national availing e-visa or Visa-on-Arrival and the Immigration Authorities in India may grant e-visa or Visa-on-Arrival to a foreign national who is already holding another valid visa.

A foreign national who is already in India on long term visas like Business/ Employment / Student visa etc. may attend an International Conference/ seminar/ workshop without any specific permission from the FRRO concerned. However, before extending an invitation to such a foreign national, the organizers of the international conference/ seminar/ workshop shall ensure that they have obtained political clearance and event clearance for holding the event, wherever necessary, from the Ministry of External Affairs and Ministry of Home Affairs respectively.

A foreign national who is already in India on a Tourist visa may also attend an International Conference/ seminar/ workshop without any specific prior permission from the FRRO concerned. However, the foreign national may give intimation to the FRRO concerned. Further, before extending an invitation to such a foreign national, the organizers of the international conference/ seminar/ workshop shall ensure that they have obtained political clearance and event clearance for holding the event, wherever necessary, from the Ministry of External Affairs and Ministry of Home Affairs respectively. This facility shall be extended to a foreign national belonging to a Prior Reference Category (PRC) country for the purpose of Conference visa i.e. Afghanistan, Iraq, Sudan, foreigners of Pakistan origin and Stateless persons only with the prior approval of the Ministry of Home Affairs.

Note: Pakistan nationals are not eligible for grant of Tourist visa and therefore, permitting Pakistani nationals on Tourist visa to attend an international conference/seminar/workshop will not arise.



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in ia (2) All other asylees sha services on their foreign passports, in line with the procedure followed for other categories of applicants of that nationality.

- (3) Children of those Indian nationals, who had sought political asylum / refugee status in another country; born in the adopted country and are citizens of that country from birth, may be treated at par with other applicants from that country for the purpose of grant of visa. In such cases, the Indian Missions/ Posts may grant appropriate visa for appropriate period to such applicants subject to usual checks and without prior reference to the Ministry of Home Affairs or the Ministry of External Affairs.
- (4) Indian Missions/ Posts are also authorized to grant appropriate visa for appropriate period to other derivative asylees i.e. children who are not born in the adopted country & are therefore not citizens of that country by birth and spouses of the asylees, subject to usual checks with the approval of the Head of Mission/ Head of Post without prior reference to the Ministry of Home Affairs and Ministry of External Affairs.
- (5) In cases mentioned at sub-paras (2), (3), and (4) above, visa shall be granted only after the visa application is uploaded on the IVFRT online visa application system. Further, the details of the visa issued shall be uploaded by the Indian Mission/ Post concerned on the online system on real time basis.

19.7 Family members and relatives of a foreigner staying in India

Blood relations and family members of a foreigner, including diplomatic personnel, staying in India on a long-term basis may be granted **dependent visa of appropriate sub-category as mentioned in Appendix –II** by the Mission for the required period, co-terminus with the visa validity of the principal visa holdersubject to usual security checks. All the Indian Missions shall exercise utmost caution while granting visa to a foreigner in order to ensure that only genuine visitors are granted visa to visit India, and fundamentalist and subversive elements / activists / drug traffickers / smugglers and other undesirable elements do not take advantage of this liberalized visa regime.

B Foreigners visiting for tabligh work

All applications from foreigners intending to visit India in connection with tabligh work, or for training in such work, shall be referred to the Ministry of Home Affairs before a visa is granted. The Mission / Post must send full particulars, including details about the applicant, institution / organization sponsoring the applicant, the organization / institution where the foreigner intends to work, the

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places proposed to be visited, details of financial status, etc.All such foreign nationals shall mandatorily report to FRRO/ FRO concerned within 14 days of arrival in India irrespective of the duration of the visa.

19.9 Members of Amnesty International

All Missions have been authorized to grant a visa to the Members of Amnesty International without prior reference to the Ministry of Home Affairs if the purpose of the visit is: (i) a private visit or (ii) for a dialogue with the Government of India. However, in such cases, advance intimation must be sent to the Ministry of Home Affairs. In cases where the visit of Members of the Amnesty International is with the intention to investigate specific cases, the Mission shall refer these applications, along with full details, to the Ministry of Home Affairs for prior approval before granting visa.

19.10 Facility of Collective Landing permits for group tourists

(i) Foreign tourists in groups of four or more, arriving by air or sea, sponsored by Indian Travel Agencies approved by the Ministry of Tourism, Government of India and with a pre-drawn itinerary may be granted collective landing permit for a period not exceeding 60 days, with multiple-entry facility to enable them to visit a neighbouring country. In order to avail of this facility, the tourist or travel agency concerned shall mandatorily fill in the applications online on website www.indianvisaonline.gov.in. A complete list of group members along with printed visa applications and their itinerary should be submitted by the tourist or travel agency to the FRRO/ FRO concerned, 72 hours in advance. The tourist or travel agency shall also give an undertaking to conduct the group as per the itinerary and extend a further assurance that no individual would be allowed to drop out from the group at any place.

Note-1:

The facility of Collective Landing Permits for Group Tourists will be presently available only at the following Airports and Seaports:-

<u>Airports</u> – Delhi, Mumbai, Chennai, Kolkata, Bengaluru, Hyderabad, Kochi, Thiruvananthapuram and Goa.

Seaports - Marmagoa Seaport (Goa), Cochin Seaport, Calicut Seaport, Thiruvananthapuram Seaport, Mumbai Seaport, Nhava Sheva Seaport, Chennai Seaport and Kolkata Seaport.



30 ANNEXURE R-5

1		Details	of For	eign Tabligh Jam	Details of Foreign Tabligh Jamaats currently in India	2		
(4)	S.No.	Name of the foreigners)	Country	PP. No.	Visa Type	Date of Arrival	Name of ICP
- 7	1	1 NURUN NOBI MANSUR		DESH	EB0828133	Tourist		agartala
 -	2	2 MD HUMAYUN KHAN	- E		EB0905026	Tourist		agartala
	w	3 Shafiqul Islam	oo ge		EE0818984	Tourist		Agartala
٠	4	4 MUNZAF KHAN MANSOB KHAN		SINGAPORE	K0112758K	Tourist	1 1	agartala
	5	5 Md Mahiuddin	: /*: -	Bangladesh	BL0957540	Tourist	28.02.20	Agartala
	6	Md Anamul		Bangladesh	BW0651926	Tourist	28.02.20	Agartala
	7	Zaidul Islam Said		Bangladesh	ВХ0371795	Tourist	28.02.20	Agartala
·.	∞	8 Md Uzzal Hussain		Bangladesh	BX0855085	Tourist	28.02.20	Agartala
	9	9 Md Atikur Rehman		Bangladesh	EA0488173	Tourist	28.02.20	Agartala
	10	10 M T M S Apsaan		Srilanka	N7539697	Tourist	03.03.20	Chennai
	11	I Mohammed Muzammil Mohideen Polle		SRI LANKA	N8642727	Tourist	05.02.20	chennai
	12	2 Hussain Kabeer	t pr	Srilanka	N8714567	Tourist	09.02.20	Chennai
	13	3 N M Nilamdeen		Srilanka	N8393190	Tourist	11.02.20	Chennai
	1,	14 Nazaruddin Mohiddin Shabuddin		Srilanka	N8660308	Tourist	11.02.20	chennai
	1	15 KaziDelwar Hossain	•	Bangladesh	EF0219212	Tourist	11.03.20	Chitpur
	16	6 Md Sahajahan		Bangladesh	BP0413046	Tourist	01.03.20	chitpur
	17	Muosturat		Bangladesh	EF0360261	Tourist	01.03.20	chitpur
	12	18 MD ABDUL KHALAK		BANGLADESH	BJ0858051	Tourist	08.03.20	Chitpur
	<u> </u>	19 HASSAN MD KAMRUL	, -	BANGLADESH	BN0527512	Tourist	08.03.20	chitpur
	2	20 MD ABDUR RAZZAK	· · ·	BANGLADESH	BQ0377166	Tourist	08.03.20	chitpur
	2	21 MD ABDUL HASHIM		BANGLADESH	BT0402312	Tourist	08.03.20	Chitpur
	2	22 AHTESHAM		BANGLADESH	вү0526268	Tourist	08.03.20	chitpur
	2	23 Kazi Delwar		Bangladesh	EF0219212	Tourist	11.03.20	Chitpur
	2	24 JarinaKhatun		Bangladesh	BN0988612	Tourist	25.02.20	Chitpur
	2	25 Mohamad Naseeruddin	JV.	BANGLADESH	BP0766463	Tourist	26.02.20	chitpur
	2	26 Mohd. Kutubuddin	. 94	Bangladesh	BN0600292	Tourist	24.02.20	Dawki
	2	27 Omurber Zholdoshov	×	KRGYZSTAN	AC1610953	Tourist	22.12.19	Delhi
	2	28 Muhamad Yusuf Iskandar		INDONESIA	C4237870	Tourist	10.01.20	Delhi
	2	29 Shipon Hussain Khan		Britain	522338409	Tourist	13.01.20	Delhi
	w	30 MhamadRizkyHivayah	1, 24.	INDONESIA	C3248349	Tourist	13.01.20	Delhi
	w	31 Ye Dehal	2 tř	China	E69534664	Tourist	16.01.20	Delhi
•	3	32 Ma Maerili		China	E76067474	Tourist	17.01.20	Delhi

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	66 UndangSuparman	65 Abdullah Sudiana		63 SatariaBayuAdi Putra		61 MederbekKoshmatov	60 AndhikaFahmi	59 Zulsoni Delong Darsan	58 Suheman	7 Jamaluddin Ubaedilah	56 MohdDarospandris	55 Maswandi	54 Kaswandi	53 WahyuNasrun	52 SutrisnoSudarminSumo	51 AsmaulMukri	50 Muhammad Abdullah Al Muzakki	49 SitiMasithohBinti Anwar	48 Dewi Yuliana	7 Oman	46 Mimi Maryati	45 SupendiAbdulah	44 HayatiPratiwi	43 Ahmad Said Harap	42 ZhanardekChynaliey	41 GulomiddinAbtulaev	40 GuezGuez	39 RustamNurkerimuulu	38 Abdul Latif Sere	Taming	36 Nadeem Khan	Farouk Albert Khan	34 Musa Jallow	Ma Menai
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	C3408874	C4450455	B4388579	C2485682	C0116974	AC3918689	C4864610	X859850	C5864425	C1369327	C5911660	B5656980	B7774668	C5864322	C5864236	C4802594	B1665776	C5221457	C4788324	C4787506	C2638336	C1672172	C1671605	Cl035534	AC2853146	AC4114432	C610628	AC3991069	C4695248	C4481943	TB423669	TB684024	PC103230	EA3509113
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	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist
	23.02.20	23.02.20	23.02.20	23.02.20	23.02.20	22.02.20	21.02.20	21.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	17.02.20	16.02.20	16.02.20	14.02.20	13.02.20	13.02.20	13.02.20	06.02.20	06.02.20	31.01.20	17.01.20
	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi

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	•	100 Waevak	99 Yusoh	98 Chee Alee	97 ZhusupbekSydykov	96 ShukhratKhalmurzaev	95 Rasulzhan Tursunbaev	94 Altynbek Zheenbav	93 Bakhadir Mamashaev		91 SamatberErgeshey	90 MuhHafidsArqam	89 Mohammad Elhamy	88 Muhammad Ilyas	87 Aziz Mukhsin	86 Khalid Khonehi	85 Mahashin Ahmad	84 RamazanBiniyaz	83 FatemehKhosravi	82 EsmaeilKhosravi	81 HoorehSalari	80 AbdoliahKhosravi	79 FatemehChekki		7 MohammadhosseinRajabi	6 FatemehKhoosravi	5 MojtabaKhosravi	1 ZarbanooEbrahimi	73 HabibollahNaseri	72 GholamrezaSalari	71 ZibaBiniaz	70 Usamah Muhammad Ibrahim	69 Jihad Ahmed	68 RazinMohd Ibrahim	Mohammad YasirRamii
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		AA8650642	AA9339950	AA9333441	AC4124442	AC489759	AC3725158	AC3697842	AC3621453	AC2902278	AC253110	C5939382	C5940478	B6859357	C3433366	B8588239	562631238	V40182953	J52365888	J52360607	J52360571	152360548	J52360505	J52360499	J52360503	J52343453	J32343458	J52336776	Y42903094	B52540839	B52540818	C5937910	C5448473	C5937889	B3157171
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		03.03.20	03.03.20	03.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	28.02.20	28.02.20	27.02.20	27.02.20	27.02.20	26.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20	25.02.20			25.02.20
		Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi
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	134 Raja Hashim Bin Raja Salleh	133 Rosman Bin Nyan	132 AgitKuswanto	131 SuwitoSastroUtomo	130 Qosim She MafbrurSuciantoro	129 Abdul Majid	128 Oding Mukhtar	127 Hidayat	126 Purwanto	125 Nurali Abdul Hakim	124 Pakaya Yusuf		122 ZanariahBinti MD Noor	21 Khairil Anwar Bin Abdul Rahim	20 ZahratulamaniBintiGhazali	L9 JamaahBinti Ahmad	118 Hamid Bin HJ Ghazali	117 Mil A	116 Set Ro	115 Moi Sal	4 Liem Sa	113 Hasan Basry	2 TrongThuc	111 Van Lang Ton	110 GiahGia Cham	109 To Ro Mal Ap	108 Ha Mach Mo	107 Sa Mu	106 A Bu Ba Co	105 Salman Al FarisiMuzakir	104 ChelohMada Oh	103 Sanusee A Mad	102 HaruYakoh	101 Abulhanim	
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	A54016270	A53856110	C5775922	C5775331	C5346535	C5327212	C4776592	C3232331	C2175127	B9668571	B8830812	PC646909	A54301958	A53230765	A39484395	A38689966	A24724840	C8416512	C8341743	C7434661	C7191425	C7133523	C5796012	C5129394	C3943076	C0912812	B8676839	B7396321	B6268154	C5448844	AB4603102	AA9329976	AA7314249	AA7315363	
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	09.03.20	1) 09.03.20	09.03.20	09.03.20	09.03.20	09.03.20	09.03.20	09.03.20	09.03.20	09.03.20	09.03.20	08.03.20	08.03.20	08.03.20	08.03.20	08.03.20	08.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	04.03.20	03.03.20	03.03.20	03.03.20	03.03.20	
	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi ·	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	Delhi	
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Tourist	C2132006	C1930403	B8949401	AC4138497	AC4138427	AC3599037	AC3076849	AC3041952	C6271729	C6270830	C3896560	B4456998	6114844	6114843	2972159	AB3589766	AC1423559	N11420499	N12420227	N12959010	N11521131	504218505	A54103638	A54629292	A54601900	A54590064	A54629736	A39714715	A54369415	A54369414	AB3555433	AA8656572
1 i I	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist	Tourist
02.02.20		02.02.20	02.02.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.03.20	01.02.20	13.03.20	13.03.20	13.03.20	13.03.20	13.03.20	13.03.20	11.03.20	11.03.20	11.03.20	11.03.20	11.03.20	11.03.20	11.03.20	11.03.20	09.03.20	09.03.20
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	Bangladesh	Bangladesh	ARABIA	ARABIA	ARABIA	Srilanka	Srilanka	PHILIPINIS	PHILIPINIS	PHILIPINIS	PHILIPINIS	PHILIPINIS	PHILIPINIS	Malaysia	KRGYZSTAN	KRGYZSTAN	KRGYZSTAN	KRGYZSTAN	KRGYZSTAN	KRGYZSTAN	KRGYZSTAN	KRGYZSTAN	KRGYZSTAN	KGH	KGH	INDONESIA	INDONESIA	INDONESIA	INDONESIA	INDONESIA	INDONESIA	INDONESIA	INDONESIA	Indonesia
	BP0926040	BH0975474	U106479	R810959	R568428	N7008666	N6663953	P-9797309A	P-4093238B	P-4087547B	P-1462072B	P-1444077A	P-0121869B	A36218016	AC-4037146	AC4029202	AC4011638	AC3486038	AC3460672	AC-2934912	AC-2930004	AC2390900	AC-1388630	AC3492876	AC1699067	C-6070800	C-5704743	C-5468844	C-5327642	C-4207879	C-4087332	C-3898330	C-3410409	C6088790
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	02.03.20	02.03.20	02.03.20	02.03.20	02.03.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20	02.02.20
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,	03.03.20	Tourist	6	B4389036	INDONASIA		234 MUHRUSLI RODDING
	03.03.20	Tourist	30	169689330	ALGERIA		233 Md Tayab Makhzoun
	03.03.20	Tourist	02	156895102	ALGERIA		232 Abdul Malik Sevaihi
1	03.03.20	Tourist	14	156804614	ALGERIA		231 Md Saddek Sahnoune
ŀ	03.03.20	Tourist	28	152516728	ALGERIA		230 Mokhtar Lookia
	03.02.20	Tourist	4	C5305624	Indonesia		229 TOTO SUMARTO
	03.02.20	Tourist	1	C3648901	Indonesia	UN (P	228 WAWAN GUNAWAN
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	03.02.20	Tourist	2	C 0138142	Indonesia	e de la companya de	226 YUSUF ALI
	02.03.20	Tourist	62	AB3590562	THAILAND		225 MR HASSAN
	02.03.20	Tourist	2	N8415772	Srilanka		224 ARSHAD MUHAMMED IZZATH
	02.03.20	Tourist	0	N3072280	Srilanka	EINUL ABDEEN	223 MOHAMED SHAHIB SALAM ZEINUL ABDEEN
	02.03.20	Tourist		Y092650	Saudi Arabia		222 ALZAHRANI AHMED MUIDH A
	02.03.20	Tourist		X227758	Saudi Arabia	EDA	221 ALSHAREIF ATTEA MOHAMMEDA
	02.03.20	Tourist	, []	W574457	Saudi Arabia		220 ARISHI MOHAMMD ALI H
	02.03.20	Tourist		U961237	Saudi Arabia		219 Salman Mohammed F Alhindi
	02.03.20	Tourist		U961237	Saudi Arabia		218 Alhindi Salman Mohammad
	02.03.20	Tourist)2	A41298802	Malaysia	7.4	217 Mohd. Amir
	02.03.20	Tourist		C5449464	Indonesia	s.	216 Mosturat
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	02.03.20	Tourist		C4863117	Indonesia		214 Emul Mulyadi
	02.03.20	Tourist		C40362666	Indonesia		213 Ujang
	02.03.20	Tourist		C3417027	Indonesia		212 Rusmana
	02.03.20	Tourist		C3416220	Indonesia		211 Dani Somardani
	02.03.20	Tourist		B9641532	Indonesia	ند ا	210 Hendriadi
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	02.03.20	Tourist	9	19RF15349	Djibouti		206 ABDULLAH ISSI KAMIL
·	02.03.20	Tourist		18RF15813	Djibouti		205 Farhan Yacmn Bogoreh
1	02.03.20	Tourist		V295159	BANGLADESH		204 ALSHARIF OMAR ABDUL AZIZA
ł	02.03.20	Tourist		EB0923850	Bangladesh		203 OHIDUL ANOWAR

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270 ABDUL SAHLAN	269 AHMAD HAIDLORILLAN ABDUL HANAN	268 SELAWAI RIAUI	26/ HARMAINI	266 IBNU	265 AHMAD BASRI	264 MOKHAMAD SOBIYIL ARKHAM	263 FIRMANSYAH	262 JULIANSYAH	261 EFENDI NASUTION	260 ISMANDI SALEH	259 RUDIANTO	258 Mohd. Meera	257 Mohd. Aiman	256 Mohd. Al Jafiyan	255 Mohd. Obeda Bin Ahmed	254 Arikkam Md Munajireen	253 NASRODING SARIP CAMAMA	252 Muhammad Badru Zaman	251 MASROHAN AHMAD LEKAN	250 MADI GAEBA	249 HOLA HADINATA	248 ANDI MAKKASAU KARJANI	247 TATA SUISNA	246 MD BADRUZAMAN	245 DARWANTO	244 DICKY BAKHTIAR	243 INDRAHAYU	242 ISNARDI	241 RAMLI	240 SUHAIMI	239 MULYADI	238 AGUNG PURNAMA	237 ABDUL KHOBIR
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		372 Mosturat	71 Khairil Anwar Bin Abdul Rahim	70 Mosturat	59 Wan Ahmad Albakri Bin Wan Abdman		67 Hamid Bin Ht Gzhali	6 Almasbek Baisariev	365 Ulan Taalaibek Uulu	74 Talanibek Tashybekov	3 Sekisheu Bolsunrek	362 RizkyRendhanaSyafrizal	1 Farimang Gambian Ceesay	360 Abdullah Ahmed Albahi	9 Abdullah Hassan Daud Hasan	8 Sulaiman Ibrahim	7 Esmail Yakub	6 Mohammed Ali	5 Mohamed Furad	4 Omrao Yarkannat	353 Zhan Bota Yarau	352 Mukhambenizhano	351 Mohammadzerhi Mahmmod	350 Mar Kheansuwan	349 Hashid	3 Yusu Pawhwan	Arun Dikit	Hamid	345 SUJHIPONQ LIMSRIPUT	344 MD HAFIZUDDIN BIN ZAINAL ABIDIN	343 MD ZAKI BIN ABDUL MALIK			Usman	Arkareeya Samoh
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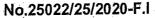
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Kolkatta	17.02.20	Tourist	BY0863899	Bangladesh	929 Shirui Islam Mohammad
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Government of India/Bharat Sarkar Ministry of Home Affairs/Grih Mantralya (Foreigners Division)



Major Dhyan Chand National Stadium New Delhi, Dated: April 02, 2020

Office Memorandum

Sub: Action against Foreign Nationals who participated in Tabligh Activities on Tourist Visa.

Please refer to the Office Memorandum No.25022/25/2020-F.I dated 31/03/2020 (copy enclosed) on the subject cited above.

- 2. The Bureau of Immigration (BOI) vide their letter No.25/Imm-I/2020(1)-102 dated 1st April, 2020 has intimated that 960 foreigners of different nationalities as identified on the basis of their travel documents have been found to be involved in Tabligh Jamaat activities on the strength of their Tourist Visa. Their Tabligh activities have endangered many lives in the ongoing COVID-19 public health emergency. They have violated the provisions of Para 1.25 read with Para-19.8 of the Visa-Manual, 2019. They are also liable under the provisions of Section 13 and 14 of The Foreigners Act, 1946.
- 3. The matter has been considered by the MHA. It has been decided to cancel visas of all these 960 foreign nationals immediately. They shall also be blacklisted under category "A" as per the blacklisting guidelines circulated vide MHA OM No.25018/1/2018-F.CC dated 13th November, 2018 (copy enclosed).
- 4. Further action to deport them may be taken after carefully following the protocols issued by the Ministry of Health & Family Welfare.
- 5. Besides this, all other foreigners who have indulged in Tabligh activity on tourist visa and who have left India shall also be blacklisted immediately.

6. An action taken report in the matter may be immediately submitted to MHA.

Encls: As above

(Pratap Singh Rawat)

8/amma

Under Secretary to the Government of India

To

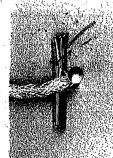
Sh. Rajeev Ranjan Verma, Additional Director, Bureau of Immigration, R.K.—Puram, New Delhi.

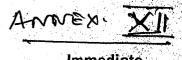
Copy to:

i) Secretary(Health), MoH&FW, Nirman Bhawan, New Delhi for information.

ii) Commissioner, Delhi Police, for information and further necessary action.

(Pratap Singh Rawat)
Under Secretary to the Government of India





Immediate (75)

No.25022/25/2020-F.I

Government of India/Bharat Sarkar Ministry of Home Affairs/Grih Mantralya (Foreigners Division)

> Major Dhyan Chand National Stadium New Delhi, Dated : April 02, 2020

Office Memorandum

Sub: Action against Foreign Nationals who participated in Tabligh Activities on Tourist Visa.

Please refer to the MHA OM No.25022/116/2011/F.I dated 03/11/2011 and OM No.25022/25/2020-F.I dated 31/03/2020 (copies enclosed) and Bureau of Immigration (BOI) letter No.25/Imm-I/2020(1)-102 dated 1st April, 2020 (copy enclosed) on the subject cited above.

- 2. It has come to the notice of MHA that 960 foreigners of different nationalities as identified on the basis of their travel documents have been found to be involved in Tabligh Jamaat activities on the strength of their Tourist Visa in the premises of Tabligh Jamaat Markaj, Nizammuddin, New Delhi. Their Tabligh activities have endangered many lives in the ongoing COVID-19 public health emergency. They have violated the provisions of Para 1.25 read with Para 19.8 of the Visa Manual, 2019. They are also liable under the provisions of Sections 13 and 14 of The Foreigners Act, 1946.
- 3. In view of the above, it is advised that legal action against all these foreigners and Indian nationals involved in the matter must be taken under the provisions of The Foreigners Act, 1946 as well as for violation of statutory orders issued under The Disaster Management Act, 2005 and for offences committed under relevant Sections of IPC as applicable in this matter. It may also be ensured that the protocols issued by the Ministry of Health & Family Welfare are fully adhered to while taking action in the matter.

Encls: As above

(Pratap Singh Rawat)

Under Secretary to the Government of India

Sh. S.N. Shrivastava, Commissioner, Delhi Police, Jai Singh Road, New Delhi.

Copy to:

DGPs of all States & UTs with a request to initiate similar appropriate action in their respective areas against violators of the provisions of The Foreigners Act, 1946 and orders issued under The Disaster Management Act, 2005.

(Pratap Singh Rawat)
Under Secretary to the Government of India

ACAY BHALLA, IAS



Annervae Ka (76) गृह सचिव
Home Secretary
भारत सरकार
Government of India
North Block,
New Delhi
22nd April, 2020

No.25022/25/2020-F.I

Dear Administrator,

Please refer to MHA's letter No.11011/15/2020-MHA C/R, dated 28.03.2020, Bureau of Immigration's letter No.25/Imm-I/2020(1)-102, dated 01.04.2020, and O.Ms of even number, dated 02.04.2020 and 03.04.2020 (copies enclosed) regarding action to be taken against foreign nationals for violation of Visa Rules by participating in Tabligh activities on Tourist Visa. It was, inter-alia, informed that a large number of foreigners of different nationalities, as identified on the basis of their travel documents, were found to be involved in Tabligh Jamaat activities on the strength of their Tourist Visa in various parts of country. It was advised that legal action against all these foreigners and Indian nationals involved in the matter must be taken under the provisions of the Foreigners Act, 1946 as well as for violation of statutory orders issued under the Disaster Management Act, 2005 and for offences committed under relevant Sections of IPC as applicable in this matter.

- 2. In view of the above, it is requested that the foreign nationals, found involved in Tabligh activities on Tourist Visa, should not be immediately deported to their countries after their quarantine period is over. Instead appropriate punitive action under Sections 13 and 14 of The Foreigners Act, 1946 as also under other relevant provisions of The National Disaster Management Act, 2005, The Epidemic Diseases Act, 1897 and other relevant provisions of IPC, may be taken in the matter.
- 3. I would request you to send a detailed status report in this regard to this Ministry urgently.

With regards,

Yours sincerely,

(Ajay Bhalla)

To The Administrators of UTs (As per Standard list)

Copy to:

1. DGPs of all UTs Administration

2. Additional Director (Bureau of Immigration), New Delhi

(Ajay Bhalla)

Annewhe Rs

the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 628, dated the 28th February, 1957, namely:—

In Part HI of the said Schedule, after the existing entries, the following entry shall be inserted, namely:—

Central Emergency Relief Training Institute, Naghur.

All Posts.

396

Commandant.

Commandant.

All.

Deputy Secretary, Ministry of Home Affairs.

[No. 15/8/58-V.]

P. PRABHAKAR RAO, Dy. Secy.

New Delhi, the 19th April 1958

5.0. 590.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution and of all other powers enabling him in this behalf and in supersession of all previous notifications on the subject in so far as they relate to the Acts, Rules and Order hereinafter mentioned, the President, with the consent of the State Government concerned, hereby entrusts to the Government of each of the States of Andhra Pradesh, Assem, Bihar, Bombay, Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rejasthata, Uttsir Pradesh and West Bengal the functions of the Central Government (1) under section 5 of the Indian Passport Act, 1920 (34 of 1920); (ii) under rules 2 and 4 of the Indian Passport Rules, 1950; (iii) under rule 3 of the Registration of Foreigners Rules, 1939; (iv) in making orders of the nature specified in clauses (c), (cc), (d), (e) and (f) of sub-section (2) of section 3 of the Foreigners Act, 1946 (31 of 1946); and (v) under the Foreigners Order, 1948, subject to the following conditions, namely:—

- (a) that in the exercise of such functions the said State Government shall comply with such general or special directions as the Central Government may from time to time issue; and
- (b) that notwithstanding this entrustment, the Central Government may itself exercise any of the said functions should it deem fit to do so in any case.

[No. 4/3/66-(1)F.L.]

- S.O. 591.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of all previous notifications on the subject in so far as they relate to the Acts, Rules and Order hereinafter mentioned, the President hereby directs that the Administrator for the time being of a Union territory (whether called a Lieutenant Governor or a Chief Commissioner or an Administrator) shall, in relation to the Union territory concerned, discharge the functions of the Central Government (1) under section 5 of the Indian Passport Act, 1920 (34 of 1920); (11) under rules 2 and 4 of the Indian Passport Rules, 1950; (111) under rule 3 of Registration of Foreigners Rules, 1939; (iv) in making orders of the nature specified in clauses (c), (cc), (d) (e) and (f) of sub-section (2) of section 3 of the Foreigners Act, 1946 (31 of 1946); and (v) under the Foreigners Order, 1948, subject to the following conditions, namely:—
 - (a) that in the exercise of such functions the said Administrator shall comply with such general or special directions as the Central Government may from time to time issue; and
 - (b) that notwithstanding this entrustment, the Central Government may itself exercise any of the said functions should it deem fit to do so in any case.

[No. 4/3/58-(II)-F.I.]

FATEH SINGH, Jt. Secy.

Confidenti.sl Circular no.206

No._5022/82/96-F.I GOVERN ET OF INDIA-INISTRY OF HOLE 4FFAIRS

To

Home Secretaries of all the State Governments The second of the second of the second of and U.T. Administration.

It has come to notice that some foreigners who enter India on the strength of Tourist visas, indulge in religious/Tabligh work agairst the Visa rules/regulations and thus render themselves to action under the Foreigners Act, 1946. State Governments are required to keep a watch on the activities of such foreigners and es and when any foreigner coring on Tourist Visa is found indulging himself in religious activities/Tabligh work, action should be taken against him under the Foreigner 17t and he should be deported to the country of his origin under the powers already delegated to the State Goves. A report should also be sent to this Ministry so that such Dersons are put en !Prior Reference Category! for the Durpose of grant of visa to them in future.

> (SUSHASH MEHT NI) Under Secretary to the Gevt. of India.

Copy forwarded for similar action to:-10-4-66

1. FRED, Delhi, Hans Bhawan, New Delhi. 2. FREO, Calcutta, 237 Acharya Jagdish Chandra Bose Marg,

3. FRED, Head Police Officer, Annexe-II, near Grawford

4. CHIO, 9 Village Road, Nungambakkam, Madras-260 034.

(SIMASH LEHTVI)

Under Secretary to the Govt. of India.

Copy to F.II, F.III, F.IV, F.VI, F.VI, F.VII, F.VIII

(SIDHASH NEW (SI)

Under Secretary to the Govt. of India-



No.25022/116/201 - F.I Government of India Ministry of Home Affairs (Foreigners Division)

> Jaisalmer House, 26 Man Singh Road, New Delhi-110 011, 03 November, 2011.

Home Secretaries of all State Governments/ Union Territory Administrations

FRROs Delhi, Mumbai, Chennai, Kolkata, Bangalore, Hyderabad and Amritsar.

Subject: Action against foreigners indulging in religious/Tabligh work.

Sir.

Please refer to this Ministry's circular No.206 (File No.25022/82/96-F.I) dated 10.04.1996 and subsequent letter of even number dated 20/22/11/1996 on the above mentioned subject (copies enclosed for reference).

- it has been reported that the instructions issued by the Ministry vide above mentioned circulars are not being followed strictly.
- It is reiterated that State Govts./UT Administrations should keep a close watch on the activities of foreigners entering India on the strength of 'Tourist' Visa and indulging in religious/Tabligh work. As and when any foreigner is found indulging himself in any religious activity/Tabligh work, action must be taken against him under the Foreigners Act, and he/she should be deported to the country of his/her origin under the powers Immediately after the already delegated to State Govts.UTs. deportation of the foreigner, a proposal should be sent to the Ministry of Home Affairs (Foreigners Division) for placing the name of the said foreigner in the Black List
- You are requested to enforce the instructions strictly.

Yours faithfully,

(P.V. Sivaraman) Director (Foreigners)