

THE IMMIGRATION (CARRIERS' LIABILITY) ACT, 2000

ARRANGEMENT OF SECTIONS

SECTIONS

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THE IMMIGRATION (CARRIERS' LIABILITY) ACT, 2000

ACT NO. 52 OF 2000

[11th December, 2000.]

An Act to make the carriers liable in respect of passengers brought by them into India in contravention of the provisions of the Passport (Entry into India) Act, 1920 and the rules made thereunder and matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Immigration (Carriers' Liability) Act, 2000.

(2) It extends to the whole of India.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “carrier” means a person who is engaged in the business of transporting passengers by water or air and includes any association of persons, whether incorporated or not, by whom the aircraft or the ship is owned or chartered;

(b) “Competent Authority” means the civil authority appointed under sub-paragraph (2) of paragraph 2 of the Foreigners Order, 1948 made under the Foreigners Act, 1946 (31 of 1946) or any other officer notified by the Central Government in this behalf;

(c) “prescribed” means prescribed by rules made under this Act.

(2) Words and expressions not defined in this Act but defined in the Foreigners Act, 1946 (31 of 1946) or the Passport (Entry into India) Act, 1920 (34 of 1920) shall have the meanings respectively assigned to them in those Acts.

3. Liability of carriers for passengers brought into India.—Where the competent authority is of the opinion that any carrier has brought a person in contravention of the provisions of the Passport (Entry into India) Act, 1920 (34 of 1920) and rules made thereunder into India, he may by order impose a penalty of rupees one lakh on such carrier:

Provided that no order shall be passed without giving the carrier an opportunity of being heard in the matter.

¹[**3A. Power to exempt.**—(1) Without prejudice to the provisions of the Passport (Entry into India) Act, 1920 (34 of 1920) and the rules made thereunder, if the Central Government is of opinion that it is necessary or expedient in the interest of the general public or to fulfil the international obligation, it may, by order notified in the Official Gazette and subject to such conditions as may be specified in the order, exempt any carrier or class of carrier from the operations of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.]

4. Appeals.—(1) An appeal shall lie against the order made under section 3 of this Act to the Joint Secretary to the Government of India in the Ministry of Home Affairs authorised in this behalf by that Government.

(2) Every such appeal shall be preferred within thirty days from the date of the order appealed against:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days, permit the appellant to prefer the appeal within a further period of thirty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the order appealed against.

(4) Every appeal shall be preferred on payment of such fees as may be prescribed.

1. Ins. by Act 44 of 2005, s. 2 (w.e.f. 15-11-2005).

5. Recovery of penalty due to Government.—Where any penalty imposed under this Act is not paid, the competent authority may recover the penalty so payable by seizing, detaining or selling—

- (a) the aircraft or the ship; or
- (b) any goods on the ship or aircraft, belonging to the carrier.

6. Bar of legal proceedings.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the competent authority or any officer of the Central Government or any other person exercising any powers or discharging any functions or performing any duty under this Act for anything in good faith done or intended to be done under this Act or any rule made thereunder.

7. Application of Acts 16 of 1939, 34 of 1920 and 31 of 1946 not barred.—The provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of, the Registration of Foreigners Act, 1939, the Passport (Entry into India) Act, 1920 and the Foreigners Act, 1946 or the rules or orders made thereunder.

8. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the fees which shall be paid for appeals under sub-section (4) of section 4;
- (b) any other matter which is required to be, or may be, prescribed.

9. Rules to be laid before Parliament.—Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

(2) Every order under this section shall be laid, as soon as may be after it is made, before each House of Parliament.