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THE FOREIGNERS (AMENDMENT) ACT, 2004

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NO. 16 OF 2004

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[20th February, 2004.]

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An Act further to amend the Foreigners Act, 1946.

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

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Short title.

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1. Short title.- (1) This Act may be called the Foreigners (Amendment) Act, 2004.

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Substitution of new sections for section 14.

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2. Substitution of new sections for section 14.- For section 14 of the Foreigners Act, 1946, the following sections shall be substituted, namely:-

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Penalty for contravention of provisions of the Act, etc.

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'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).

14A. Penalty for entry in restricted areas, etc.-Whoever-

(a) enters into any area in India, which is restricted for his entry under any order made under this Act, or any direction given in pursuance thereof, without obtaining a permit from the authority, notified by the Central Government in the Official Gazette, for this purpose or remains in such area beyond the period specified in such permit for his stay; or

(b) enters into or stays in any area in India without the valid documents required for such entry or for such stay, as the case may be, under the provisions of any order made under this Act or any direction given in pursuance thereof,

shall be punished with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees; 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.

14B. Penalty for using forged passport.-Whoever knowingly uses a forged passport for entering into India or remains therein without the authority of law for the time being in force shall be punishable with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees.

14C. Penalty for abetment.-Whoever abets any offence punishable under section 14 or section 14A or section 14B 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 1860).'

B.A. AGRAWAL,

Additional Secy. to the Govt. of India.

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CORRIGENDUM

In the Railways (Second Amendment) Act, 2003 (51 of 2003) as published in the Gazette of India, Extraordinary, Part II, dated the 23rd December, 2003 (Issue No. 65), at page 2, in line 39, for "C." read "180C."

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