

Foreigners Order, 1948

Section 5 - Power to Grant Permission to Depart from India

1[(1) No foreigner shall leave India,---

(a) otherwise than at such port or other recognised place of departure on the borders of India as a Registration Officer having jurisdiction at that port or place may appoint in this behalf, either for foreigners generally or for any specified class or description of foreigners; or

(b) without the leave of the civil authority having jurisdiction at such port or place.]

(2) Leave shall be refused if the civil authority is satisfied that:---

(a) the foreigner has failed to comply with the formalities of departure prescribed under the Registration of Foreigners Rules, 1939²;

(b) the foreigner's presence is required in India to answer a criminal charge;

(c) the foreigner's departure will prejudice the relations of the Central Government with a foreign power;

(d) the departure of the foreigner has been prohibited under an order issued by a competent authority.

(3) (a) Notwithstanding anything contained in the above sub--paragraphs, a civil authority may prohibit the departure of a foreigner where it is satisfied that such departure would not be conducive to the public interest;

(b) Whenever a civil authority issues an order under clause (a), it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit.

1. Substituted by S.R.O. 1466, dated 21st June, 1956.

2. Now "The Registration of Foreigners Rules, 1992".
