Interview

Simplifying India's Passport Process

S. Rajendran   Jul 19, 2016

Police officers interacting with applicants at a Passport Adaalat held in the Regional Passport Office in Madurai, Tamil Nadu. File photo: S.Krishnamoorthy

*A former head of the Karnataka Police, **S.T. Ramesh** joined the Indian Police Service (IPS) in 1976 and served the State and the Indian Governments in various capacities until 2011, when he retired as the Director General and Inspector General of Police, Karnataka. During his long service, he held many sensitive posts in the State and Government of India. His notable contributions include computerisation, prison reforms and several internal reforms in police.*

After retirement, he has been one of the advisors to Janaagraha, an organisation which in their 'Community Policing 'Project and portal 'I paid a bribe. Com'. It is in this capacity that he undertook a study of the process of Police Verification of Passports. Ramesh spoke to The Hindu Centre for Politics and Public Policy's Karnataka

*Resident Representative, **S. Rajendran**, on the major findings of his study, and the manner in which the passport verification system can be reformed. Excerpts:*

S. Rajendran: What has been the increase in the number of passports issued in India over time, and what do you think are the reasons for this trend?

The number of passports issued in 2014 was 81.29 lakhs, compared with 68.05 lakhs in 2013, an increase of 19.45 per cent. The increase was 14. per cent in 2013, compared with 2012 (59.40 lakhs), as per the report by the Comptroller and Auditor General (CAG) in 2015. Between 2010 (when 52.51 lakh passports were issued) and 2014 the increase was 37 per cent. India ranks third in the world in absolute number of passports issued after China (16 million) and the U.S. (14 million). An estimated 6.5 crores of Indians are said to possess a passport.

Some of the reasons for the rise in the number of passports issued are increase in global trade, tourism, more Indians going abroad for undergraduate and higher education, higher per capita income, better [and more affordable] air-travel connectivity and greater employment opportunities overseas. Of late, people have started obtaining Passports as a document of identity unlike yesteryears when they applied for Passports only when they wanted to undertake foreign travel.

How important is police verification in the process of issuance of passports? When were the police given a role in verification and is it mandated under the Indian Passport Act?

Section 5 (2) of the Passports Act, 1967, says, "On receipt of an application [under this section], the passport authority, after making such inquiry, if any, as it may consider necessary, shall…." It is under this authority that police verification is being conducted. Nowhere in this section is the word 'Police' used. All it says is "such inquiry, if any…….".

Schedule III under the Passport Rules, 1980, says:

> *"Depending on whether an application is for issue of fresh passport or re-issue of passport, passport office shall decide whether Police Verification is required for issuance of passport to you".*

Thus, there is no clear mandate that police verification shall be conducted. Even going by Schedule III the passport office will have to decide whether police verification is required or not in respect of each application. A mandatory verification by the police is nowhere contemplated. Further, the term 'Police Verification' is not defined in the Act or Rules.

Police verification, at the present juncture is one of the requirements but not the only requirement for issue of a Passport. Verification has to be done in a non-intrusive and a citizen friendly manner using technology. The existing method breeds corruption and home visits tend to intimidate citizens.

The Union Government and in particular the Ministry of External Affairs has recently introduced a new methodology for verification--post-passport issuance. What are your views on the same?

This is certainly a progressive and citizen-friendly step. The applicant declares in the affidavit that there are no criminal proceedings against him, no summons or warrants pending against him, he has not been repatriated from abroad, and that he will not engage in activities prejudicial to the sovereignty and integrity of India. Any service

provided by the government should adhere to the doctrine-- "Trust the Citizen". Under the post-verification system, Aadhaar, PAN Card, [or] the Electoral Photo Identity Card produced by the applicant are verified online from the respective databases. This is the way to go. Yet, this method does not eliminate post-verification which involves home visits by policeman and retail corruption.

The proposal for process reform contemplates a scientific, comprehensive and data driven approach which is non-intrusive and citizen-friendly. The passport wing of the Ministry of External Affairs (MEA) should create a database of all those to whom issue of an Indian passport is not desirable, by collating data from not only all the police departments in the country, but also other enforcement and intelligence agencies such as the Income Tax (IT) department, Enforcement Directorate (ED), Narcotics Control Bureau (NCB), Credit Investigation Bureau (India) Limited (CIBIL), Intelligence Bureau (IB), Research and Analysis Wing (RAW), Central Bureau of Investigation (CBI), and the MEA. This list is only illustrative and not exhaustive. A search in this "blacklist" should be the basis for issue of a passport subject to other requirements.

Can the police verification in the issue of passports be dispensed with, given the loopholes therein, and the large number of people with criminal antecedents? Will it not result in people committing crimes in the country and fleeing justice?

I am not undermining the need to verify criminal antecedents at all. The problem is, except for Karnataka police and may be a few other State police departments, data on crime and criminals are not digitised. The software of the Government of India, CCTNS, to digitise crime records is still in progress. Once all the States in India develop a 10-year crime database, it has to be linked together to form an all India database.

Searching for the antecedents of an applicant in such a database, if and when it is ready, makes sense. At present, antecedents are verified manually, that too at one police station, which reduces the exercise to a farce. In the absence of a digitised database it is not possible to verify an applicant's antecedents within a district, let alone a state or the Country.

With a digitised database, verification of criminal antecedents can be done without a home visit. The verification of address, identity, etc. could be done through declarations and affidavits for which Table 3 under Schedule III of the Rules lists more than 57 documents and affidavits which will serve the purpose. Self-certification should be the norm. In addition to criminal antecedents the 'Blacklist' would provide names of other categories of defaulters, anti-national elements.

Are the criminal records digitised across the country? Will digitization of criminal records enable the screening of passport applications?

No, it is a long haul. Firstly, all states should complete digitising crime records. Later, it has to be linked together through bridge software. Searching for antecedents in a digitised database alone is the scientific and fool-proof method. Manual verification is perfunctory and unscientific.

Again, an all-India crime database would help identify only those who figure in police records. What about Income Tax and Customs defaulters or persons under the scanner of ED, CBI, CIBIL, RAW, IB, and MEA? Perhaps those being investigated by the Wildlife Crime Control Bureau, Narcotic Control Bureau, the RBI for FEMA violations, and similar agencies, also need to be verified.

Vijay Mallya is a case in point. His passport was proactively impounded by the MEA after he got a defaulter tag from banks. Such defaulters will not be part of Police crime database. Therefore, restricting verification only to

police records will serve the purpose only partially and leave out other defaulters and anti-national elements out of the net.

Of the total population of the country, how many people have obtained passports? What is the extent of delay in the issuance of passports as a result of the police verification process?

About 6.5 crore Indians are said to be in possession of a passport. As per the CAG report of 2015 [1] the number of passports issued are 52.51 lakhs, 58.69 lakhs, 59.40 lakhs, 68.05 lakhs, 81.29 lakhs in the years 2010, 2011, 2012, 2013 and 2014, respectively. In the year 2015, the average time for police verification in Karnataka was 26 days while the national average was 34 days.

What is the system followed in other countries in the issue of passports? Can the same be adopted in India?

The system for issue of passports is available in the websites of various countries. Malaysia, Pakistan and the United Kingdom have the system of Personal Interview for every applicant. In Pakistan biometric data of applicants is captured before interview. The websites also specify the procedure and the documents that have to be submitted mandatorily. Bangladesh follows the system of physical police verification like in our country. However, Pakistan, Sri Lanka, Malaysia and Nepal among our neighbours and the UK, the USA, Singapore and Canada, among developed countries, do not have the system of physical police verification. Pakistan carries out a verification of records from an "Exit Control List" and "Black List". It is for the Ministry of External Affairs to study and adopt international best practices.

Some countries have moved to the use of biometric passports. What are its implications, and do you see it as a possibility in India?

A biometric passport or an e-passport or a digital passport is a combined paper and electronic passport and contains biometric information which can be used to authenticate identity of people who travel. At present standardised biometrics used for this type of identification system are facial, fingerprint, and iris recognition. Biometric passports have enhanced security features. The MEA is said to be working on issuing biometric passports in order to make the passports smarter. So far MEA is said to have already issued a total of 3,224 official and 283 diplomatic passports in 2015.

Corruption is high in police verification for passports. How can the system be rid of corruption?

According to a study for 2010-2013 by Janaagraha's "I Paid a Bribe" initiative, on the basis of crowd-sourced information on retail or transactional corruption gathered across the country, police verification for passports featured among the top three transactions where citizens complained of corruption along with traffic violations and police harassment. About 14 per cent of all complaints against police are in respect of passport verification. In 1,149 reported cases of retail corruption during passport verification by police from 2010 to 2014 a sum of Rs. 38,17,821 was transacted in bribe money.

Citizens pay bribes owing to the coercive and intimidating process of police verification involving a policeman's home visit.

The www.ipaidabribe.com [2] website has received reports where citizens have complained of paying bribes owing to explicit demands, veiled threats and pleas for covering expenses. Citizens have also paid bribes fearing deliberate delays, adverse or false reports. Thus the existing system apart from breeding corruption makes the police verification highly subjective based on the whims and fancies of a police constable. In the rush of police work

not even the Station House Officer is able to exercise adequate supervision over this work, let alone senior levels like Superintendent of police or Commissioner of Police. Supervision of passport verification work forms a minuscule part of police work and gets low priority from senior ranks. It is a neglected area.

What are the amendments required to the passport act to bring in transparency in the issue of passports and avoid the role of police therein?

a. Section 5(2) of the Passport Act, 1967 has to be amended to introduce mandatory verification through digitised all-India database of citizens blacklisted for the purpose of issue of a passport. The blacklist should include not only citizens with adverse police records but also other categories such as bank loan defaulter, tax defaulters and those under CBI, RAW, IB scanner, etc.

b. The expression "for Police use only, recommended passport, YES/NO", at the end of the Personal Particular Form of Form EA (P)-1 for India -being the passport application form under Schedule III of the Passport Rules, 1980, should be dispensed with through an amendment.

c. The expression "Police Verification" wherever it occurs in the Passport Act and Rules, should be deleted through an amendment. Thus under the proposed procedure, Passports will be issued on the basis of

> 1) Specific documents with self-certification about their veracity
> 2) web search through the 'black list' database.
> 3)Personal Interviews of every applicant or on a selective basis.

Endnotes:

1.^ **Government of India, (2016):** Performance Audit on Implementation of Passport Seva Project, "Report of the Comptroller and Auditor General of India for the year ended March 2015". Last accessed: July 19, 2016.
2.^ I paid a Bribe Website. Last accessed: July 19, 2016.

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In a journalistic career of over 35 years with The Hindu in Karnataka, he has extensively reported on and analysed various facets of life in the State. He holds a Master's degree from the Bangalore University. The Government of Karnataka, in recognition of his services, presented him the Rajyotsava Award — the highest honour in the State — in 2010.)
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