

DENIAL OF PASSPORT AFFECTS FUNDAMENTAL RIGHTS, SAYS HC

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The denial of a passport has affected the man's livelihood, the judge said. Chandra Dhas

The Delhi High Court has held that denial of passport or its non-renewal affects the fundamental rights guaranteed under the Constitution, while directing the government to renew immediately the passport of a man whose residential status in Canada was in jeopardy due to delay in the process of renewal.

A Bench of Justice Vibhu Bakhru gave the order on a plea by an Indian citizen working as a truck driver in Canada on a legal work permit. Jasvinder Singh Chauhan had applied for renewal of passport at the Indian Consulate in Vancouver in 2016 after he was nominated under the Canada Provincial Nominee Program for permanent resident status. While processing Mr. Chauhan's application for renewal of passport, it was found that another passport, which was valid from April 13, 2016, to April 12, 2026, had been issued by the Consulate General of India (CGI) in Atlanta. The government's inquiries revealed that Mr. Chauhan's brother-in-law Jagdip Singh Dhillon had manipulated the passport service subsystem of the CGI at Atlanta and dishonestly obtained a passport by impersonating him.

While the fake passport was immediately revoked, the government claimed the matter is still being investigated.

Permanent status

Mr. Chauhan's plea contended that he had sought the status of a permanent resident of Canada. Grant of such status will also permit his family to join him in that country. He said the current application for temporary resident status has been rejected as he was unable to provide a valid passport. "Denial of passport, which is the effect of non-renewal, for such an extended period – clearly impinges on the fundamental rights of the petitioner [Mr. Chauhan]," the judge said.

The judge noted that the man's livelihood had been adversely affected due to denial of the passport. "The fact that the petitioner's passport has not been renewed in almost two years...leaves no room for doubt that the petitioner has been denied passport facilities," the court said, adding, "The fundamental rights of a citizen cannot be held hostage to an inordinately long inquiry being conducted by the respondent [the government] or its agencies."

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