

Frequently Asked Questions on Protected Area Permit(PAP)/Restricted Area Permit (RAP) regime

Qn.1 : Which are the areas covered by the Protected Area Permit (PAP)/Restricted Area Permit (RAP) regime ?

Answer: Under the Foreigners (Protected Areas) Order, 1958, all areas falling between the 'Inner line', as defined in the said order, and the International Border of the State have been declared as a Protected Area. Currently, Protected Areas are located in the following States :-

- (1) Whole of Arunachal Pradesh
- (2) Parts of Himachal Pradesh
- (3) Parts of Jammu & Kashmir
- (4) Parts of Rajasthan
- (5) Parts of Sikkim
- (6) Parts of Uttarakhand

2. Following areas are declared as 'Restricted Areas' under the Foreigners (Restricted) Areas Order, 1963 :

- (1) Whole of Andaman & Nicobar islands
- (2) Parts of Sikkim (Part of the State) (Areas between the West Bengal – Sikkim border and the 'Inner Line' come under the Restricted Area)

3. As per Circular dated 30.12.2010 issued by the Ministry of Home Affairs (Foreigners Division), the entire area of the States of Manipur, Mizoram and Nagaland has been excluded from the Protected Area regime notified under the Foreigners (Protected Areas) Order 1958, initially for a period of one year w.e.f. 1.1.2011, which has been extended from time to time. This relaxation has been extended till 31.12.2017 subject to the following conditions:-

- (i) Citizens of Afghanistan, China and Pakistan and foreign nationals having their origin in these countries would continue to require prior approval of the Ministry of Home Affairs before their visit to the States of Manipur, Mizoram and Nagaland. It may be ensured that they are not allowed to visit these States without the requisite Protected Area Permit. If any such national is found visiting the State without the Protected Area Permit, action may be taken under the relevant provisions of the Foreigners Act.

- (ii) All foreigners visiting these States will register themselves with the Foreigners Registration Officer (FRO) of the State/District they visit within 24 hours of their arrival. State Governments of Manipur, Mizoram and Nagaland may ensure strict implementation of these provisions.
- (iii) FRO/ Police Authorities should keep a close watch on the activities of the foreigners visiting these States. If anything adverse is found, appropriate action may be taken under the relevant Acts including Foreigners Act.

Myanmar nationals visiting the States of Manipur, Mizoram and Nagaland are also excluded from the requirement of obtaining a Protected Area Permit till 31.12.2017 subject to the following conditions:-

- (i) All such Myanmar nationals shall obtain a visa from the Indian Missions/ Posts abroad or e-Tourist Visa facility which has been made available to the nationals of Myanmar under the existing procedure.
- (ii) All such Myanmar nationals shall have to compulsorily register themselves with the Foreigners Registration Officer (FRO) of the State/ District they visit within 24 hours of their arrival.
- (iii) FRO concerned shall send a report giving details of all such Myanmar nationals registered with them to the Ministry of Home Affairs (Foreigners Division) within 48 hours of their arrival. Details of name, Passport number, Visa number, date of arrival and proposed place of visit in the State would be furnished in this report.
- (iv) No such registration would be required if the Myanmar nationals are only passing through the State by road with no intention of staying in that particular State.
- (v) FRO/ Police Authorities should keep a close watch on the activities of the Myanmar nationals visiting the States. If anything adverse is found, appropriate action may be taken under the relevant Acts including the Foreigners Act.

Qn.2 : What are the guidelines for obtaining Protected Area Permit/ Restricted Area Permit?

Answer: A foreign national is not normally allowed to visit a Protected / Restricted Area unless it is established to the satisfaction of the Government that there are extra-ordinary reasons to justify such a visit. Every foreigner, except a citizen of Bhutan, who desires to enter and stay in a Protected or Restricted Area, is required to obtain a special permit from a competent authority delegated with powers to issue such a special permit to a foreigner, on application. In cases where the powers have not been delegated to any subordinate authority by the Government of India, the application for special permit should be referred to the Ministry of Home Affairs for prior approval, at least eight weeks before the date of the expected visit.

2. With a view to promote tourism, some areas (notified by the Government of India from time to time) can be visited by foreign tourists, either in groups, or as a couple in the case of a husband and wife, or by individuals, after obtaining the necessary permit from the competent authority. Necessary powers have been delegated to various authorities to issue the special permit, without the prior approval of the Ministry of Home Affairs, to facilitate foreign tourists subject to the following exceptions:

- (i) Special instructions applicable to foreign diplomats and members of the United Nations and International Organisations holding Diplomatic / Official Passport are issued by the Ministry of External Affairs.
- (ii) Citizens of Afghanistan, China and Pakistan and foreign nationals of Pakistani origin, shall not be issued a special permit without the prior approval of the Ministry of Home Affairs.

3. Prior permission of the Ministry of Home Affairs is required for grant of special permit in the following cases :-

- (1) Individuals visiting the Protected / Restricted Areas
- (2) Citizens of Afghanistan, China & Pakistan and foreign nationals of Pakistan origin visiting Protected/Restricted Areas

- (3) Citizens of Myanmar visiting Protected Areas in Arunachal Pradesh, Jammu & Kashmir and Sikkim
- (4) Citizens of Myanmar visiting Mayabunder and Diglipur in Andaman & Nicobar islands

Qn.3 : What are the specific instructions to be followed by PAP/RAP holders?

Answer:

1. The permit is valid for group tourists consisting of two or more persons only.
2. The permit is valid for the specific tourist circuit/route and the specific entry / exit point. No area other than the ones indicated in the permit shall be visited.
3. The permit holder must keep sufficient number of photocopies of the permit as he/she may be required to deposit a copy at each point of entry/exit.
4. The permit holder shall not stay in the restricted/protected area after the expiry of the permit.
5. A foreigner must enter/exit the North-Eastern States by air only.
6. A foreigner can travel within the North Eastern states through the National Highways or by air. While travelling by road, the tour should be undertaken largely through the National Highways. Where the places to be visited are situated on a National Highway, no other road should be utilised. In cases where the places, which are to be visited, are not on a National Highway, the tour should be undertaken in such a way that the maximum distance is travelled on a National Highway, restricting the utilisation of other road routes to the minimum.

Qn. 4 : What are the specific instructions to be followed by Travel Agents, Tour operators and Owners of Guest Houses/ hotels?

Answer :

1. Travel agencies/tour operators shall ensure that the tourist groups sponsored by them are in possession of valid Restricted/Protected Area Permit.
2. It shall be the responsibility of the travel agents/tour operators to ensure that the tourist groups do not go to places other than the ones that are permitted and also ensure that they do not stay there after the expiry of the valid period.
3. Owners of the guest houses/hotels must ensure that only foreigners with valid Restricted/Protected Area Permits stay with them. It is mandatory for the guest houses/hotels and also the individuals, to inform the local police about the arrival/departure of a foreigner within 24 hours if one foreigner stays with them.

Qn. 5 : What is the procedure for grant of Protected Area/Restricted Area Permit:

Answer:

- (1) Foreign nationals coming as Group Tourists may submit an application for the grant of Protected/Restricted Area Permit to the Indian Mission in their country before coming to India. The Indian Mission may grant the Permit after due scrutiny, keeping in view the instructions issued by the Ministry of Home Affairs in this regard. However, the Missions shall refer cases which are not covered by the powers delegated to them, for grant of Protected/Restricted Area Permit, to the Ministry of Home Affairs for prior clearance.
- (2) If foreign nationals, who are already in the country, desire to visit any area covered by the Protected /Restricted Area regime as group tourists, they should submit the requisite application to any of the authorities to whom the powers to issue such a special permit have been delegated. However, cases which are not covered by the powers delegated to the State Governments, or to the

subordinate authorities, shall be referred to the Ministry of Home Affairs, with the recommendation of the State Government, for prior clearance.

- (3) In all cases received directly in the Ministry of Home Affairs for grant of Protected/Restricted Area Permit, the requisite clearance would be conveyed by the Ministry of Home Affairs only after obtaining the recommendations of the State Government concerned.
- (4) In all cases relating to grant of PAP/RAP for an individual foreign tourist, the proposal would require prior clearance from the Ministry of Home Affairs. The requisite clearance would be conveyed by MHA only on the basis of the recommendation of the State Government concerned.

Qn.6 : What are the penalty provisions for violation of rules/regulations concerning visit to PAP/RAP areas?

Answer:

Action can be taken under the Foreigners Act, 1946 for violation of rules/regulations concerning visit to PAP/RAP areas. In this context, section 14-A of the Foreigners Act, 1946 is reproduced below :-

“14-A. 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”.
