

ACARA INSIGHTS

Passport Authority is obligated to renew the passport strictly as per the provisions of Passports Act, 1967 in case the trial court has not specified any time period

June 19, 2026

Dear Reader,

The Division Bench of the Delhi High Court, in a judgment dated May 19, 2026, reported in **2026 SCC OnLine Del 4692**, relying upon ***Kaushalya Devi vs. State of NCT of Delhi, Crl.M.C. 3166/2025*** has held that where the trial court before whom a case against the applicant/Respondent is pending, has not specified any duration for renewal of his passport, the renewal of his passport must be considered strictly in accordance with the provisions of the Passports Act, 1967 and rules framed thereunder.

Facts:

Passport Authority issued a passport to the Respondent in June 2015 with a period of validity of 10 years i.e., till June 2025. Thereafter criminal proceedings were initiated against the Respondent under the Indian Forest Act, 1927 before the Ld. Judicial Magistrate First Class, Gurugram (“**Ld. JMFC**”) in 2023.

While the proceedings were pending, the Respondent sought a ‘No Objection Certificate’ from the Ld. JMFC for the renewal of his passport and to travel abroad. The Ld. JMFC granted ‘No Objection’ to the Respondent without specifying any period of validity of the renewed passport and directed that the passport be renewed ‘as per rules.’

The Passport Authority renewed the Respondent’s passport only for a period of one year citing Notification No. G.S.R. 570(E) dated 25.08.1993 (“**Notification**”) issued by the Ministry of External Affairs.

Aggrieved by the decision of the Passport Authority, the Respondent filed Writ Petition (Crl.) 4257/2025 seeking direction to the Passport Authority for renewal of his passport for a period of 10 years as per Rule 12 of the Passport Rules, 1980. The Ld. Single Judge of High Court of Delhi allowed the Writ Petition placing reliance on ***Kaushalya Devi*** (*supra*) and directed the Passport Authority to renew the passport in accordance with law.

The Passport Authority the order of the Ld. Single Judge in Appeal before the Division Bench of High Court of Delhi on the grounds that it is against public policy and the Notification. The case of the Appellants was that where criminal proceedings are pending against an applicant, in the absence of a court specified validity period, the passport has to be renewed for a period of one year as per the Notification.

“The legal position, as enunciated in Kaushalya Devi (supra), is unequivocal that where the Court has not specified any duration, the renewal of the Passport must be considered strictly in accordance with the provisions of the Act and the Rules”

Division Bench of the Delhi High Court

Findings:

1. **The Notification cannot override statutory provisions:** The Court reaffirmed that it is not mandatory for the Court to specify the duration for renewal of the passport. Notification cannot override the provisions of the Passports Act, 1967 and the Passport Rules, 1980.

2. **The Passport Authority can renew passports for a shorter duration only in appropriate cases:** The Court observed that the judgment of the Hon'ble Supreme Court in ***Mahesh Kumar Agarwal v. Union of India & Anr.***¹ does not lay down that in the absence of a court-specified period, the Passport Authority does not have the power to renew a Passport for a period exceeding one year.

3. The Court reaffirmed the findings of the judgment in *Kaushalya Devi (Supra)* and upheld the decision of the Ld. Single Judge directing Passport Authority to reconsider the application for renewal of Passport filed by the Respondent strictly in accordance with the Passports Act, 1967 and the Passports Rules, 1980.

Relief:

The High Court accordingly dismissed the appeal filed by the Appellants and upheld the finding of the Ld. Single Judge that the Respondent's Passport is liable to be renewed in accordance with law, without insistence upon any court-specified period of validity.

Conclusion:

The judgment underlines that where the Trial Court has not specified any duration for renewal of passport, the Passport Authorities must consider the renewal application in accordance with the provisions of the Passports Act, 1967 and the Passport Rules, 1980 without insisting upon a court specified validity period and not only for one year.

Acara Law LLP. represented the applicant/Respondent.

Yours sincerely,

Acara Law LLP.

¹ 2025 SCC OnLine SC 2887