



Denial of passport affects fundamental rights, says HC

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Highlights

- The Delhi High Court has held that the denial of a 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 a delay in the process of renewal.
- A Bench of **Justice Vibhu Bakhru** gave the order on a plea of an Indian working as a truck driver in Canada on a work permit.
- Jasvinder Singh Chauhan applied for renewal of his passport at the Indian Consulate at Vancouver in 2016.
- While processing Mr. Chauhan's application, 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), Atlanta.
- The government's inquiries revealed that one Jagdip Singh Dhillon, the brother-in-law of Mr. Chauhan, had manipulated the passport service subsystem of the CGI at Atlanta and had dishonestly obtained a passport by impersonating him.
- While the said fake passport was immediately revoked, the government claimed that 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 would permit his family to join him there. He said currently his application for the temporary resident status has been rejected.
- "Denial of a passport clearly impinges on the fundamental rights of the petitioner [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."