



The Orissa Gazette

PUBLISHED BY AUTHORITY.

No. 2. CUTTACK, FRIDAY, MAY 26, 1939.

 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

Acts of the Indian Legislature assented to by the Governor General.

GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor General on the 8th April, 1939, and is hereby promulgated for general information :—

ACT NO. XVI OF 1939.

An Act to provide for the registration of foreigners in British India.

WHEREAS it is expedient to provide for the registration of foreigners entering, being present in, and departing from, British India ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Registration of Foreigners Act, 1939.
Short title and extent.

(2) It extends to the whole of British India.

Definitions.

2. In this Act—

(a) the word “foreigner” shall denote a person who is not—

(i) a British subject domiciled in the United Kingdom ; or

(ii) a British Indian subject ; or

(iii) a ruler or subject of an Indian State ; or

(iv) a person duly appointed by a foreign Government to exercise diplomatic functions ; or

(v) a consul or a vice-consul ;

(b) “prescribed” means prescribed by rules made under this Act.

3. The Central Government may after previous publication, by notification in the official Gazette, make rules with respect to foreigners for any or all of the following purposes, that is to say—

(a) for requiring any foreigner entering, or being present in, British India to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed ;

(b) for requiring any foreigner moving from one place to another place in British India to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed ;

- (c) for requiring any foreigner who is about to leave British India to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;
- (d) for requiring any foreigner entering, being present in, or departing from, British India to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;
- (e) for requiring any person having the management of any hotel, boarding-house, sarai or any other premises of like nature to report the name of any foreigner residing therein for whatever duration, to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;
- (f) for requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, British India in such vessel or aircraft, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Act;
- (g) for providing for such other incidental or supplementary matters as may appear to the Central Government necessary or expedient for giving effect to this Act.
4. If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner,

Burden of proof.

or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, lie upon such person.

5. Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of any rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with fine which may extend to five hundred rupees.

6. The Central Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner:

Provided that a copy of every such order shall be placed on the table of both Houses of Central Legislature as soon as may be after its promulgation.

7. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

8. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, 1864 and any other law for the time being in force.

Application of other laws not barred.

G. H. SPENCE,

Secretary to the Government of India.