

BENGAL REGULATION 11 OF 1812

(THE BENGAL FOREIGN IMMIGRANTS REGULATION, 1812¹).

[18th July 1812.]

A Regulation to empower the ² [Central Government] to order the removal of emigrants from foreign countries, and their descendants from any place in the vicinity of the frontier of the State from which they may have emigrated; and, in certain cases, to place and detain any such persons in safe custody; and likewise to provide for the trial of emigrants and their descendants who may excite disturbances in the countries from which they may have emigrated and of persons aiding them in the prosecution of such attempts.

Preamble.

1. WHEREAS considerable bodies of persons, being Natives of Arakan and ordinarily denominated Mughls, have from time to time emigrated from that country and established themselves in that part of the district of Chittagong which lies contiguous to the Arakan frontier;

And whereas numbers of those persons, or of their descendants, abusing the protection which had been afforded to them in [India]⁵ have excited disturbances and even levied war in the country of Arakan against the Government of Ava³, of which State Arakan is now a dependency, and have conducted themselves in a manner manifestly tending to disturb the relations of amity which subsist between the British Government and the Government of Ava³;

And whereas it is, in consequence, necessary that the [State Government]⁴ should possess legal powers to remove the said bodies of emigrants and their descendants from the frontier of the territory of Arakan, of any other bodies of aliens, or their descendants, from the vicinity of the country from which they may have emigrated, and likewise to detain in confinement any of those persons, or any other individuals being Natives of foreign countries, or their descendants, for offences of the above nature actually committed by them in the territories of the State from which they may have emigrated;

SHORT TITLE.—This short title was given by the Amending Act, 1897 (V of 1897), since repealed.

LOCAL EXTENT.—This Regulation has been declared, by notification under the Scheduled District Act, 1874 (XIV of 1874), S. 3 to be in force in Assam (except the North Lushai Hills). It is not in force in the Lushai Hills.

² The words "Local Government" were substituted for the word "Governor General in Council" by the Amending Act, 1897 (V of 1897) "Central Government" was substituted for "Local Government" by the A. O. 1937.

³ The Government of Ava has ceased to exist, its territories having been annexed to the British dominions, The territories are now known as "Upper-Burma."

For "Governor General in Council" by the Amending Act, 1897 (V of 1897), the word Local Government was substituted. The word "Local Government" was substituted by the word Provincial Government by A. O., 1937. The word Provincial again has been substituted by the word State by A. O., 1950.

⁵ Substituted for the words "the British territories" by A. O. 1950.

And whereas it is necessary to make provision for the trial of persons committing, or aiding in the commission of, the said offences, the following rules have been passed, to be in force from the period of their promulgation throughout the territories immediately dependent on the Presidency of Fort William :

2. Whenever the [Central Government]¹, upon due investigation, shall be satisfied that the emigrants from Arakan, or emigrants from any other State, who may have sought an asylum in [India]², or the descendants of any of the said emigrants, shall have abused the protection afforded to them, by attempts to excite disturbances in the State from which they or their ancestors may have emigrated, it shall be competent to the [Central Government]² to order the removal of those persons to such other part or parts of the country as may be judged most convenient for their future residence.

Power to order removal of emigrants to parts of country deemed convenient.

In like manner it shall be competent to the [Central Government]¹ to order such removal whenever [it]³ may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that State and [the Government of India]⁴

3. Whenever any body of emigrants, or any individual belonging to such body, shall be ordered to be removed from the part of the country in which they may have been established, they shall be allowed to dispose of any property which they may have acquired in such manner as they may judge proper :

Emigrants allowed to dispose of property.

Provided, however, that if they shall nevertheless retain the right to any real property at the period of their actual removal, it shall be competent to the [Central Government]¹ to order such property to be sold by public auction under the superintendence of the Collector⁵ of the district.

In the case the net proceeds of the sale shall be duly paid to the person or persons to whom the said property belonged.

4. In cases in which the [Central Government]¹ may, on due inquiry and the mature deliberation, be satisfied that either the preservation of the tranquillity of [India]² or of the dominions of the allies of [the Government of India]⁴ or the maintenance of the relations of amity subsisting between [the Government of India]⁴ and other States, requires that any of the leaders or other persons of the above description, who may have

Power to order leaders or other emigrants to be apprehended and kept under restraint

¹The words "Local Government" were substituted for the words "Governor Central in Council" by the Amending Act, 1897 (V of 1897), (since repealed). "Central Government" substituted for "Local Government" by A. O. 1937.

²Substituted for the British territories" by A. O., 1950.

³The word "it" was substituted for the word "he" by the Burma Laws Act, 1898 (XII of 1898). S. 16 printed in the Burma Code.

⁴The words "His Majesty" were substituted for the words "the British Government" by the A.O., 1937 which again has been substituted by the words "the Government of India" by A. O., 1950.

⁵In Assam, Deputy Commissioner. As to exercise of function of Deputy Commissioners, see the Assam Land and Revenue Regulation, 1886 (I of 1886), Chapter VII, *post*.

committed the offences mentioned in section 2 of this Regulation should be placed and detained under restraint, it shall be competent to the [Central Government]⁵ to order any such persons having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement at such place, and under the custody of such public officer, and detained in confinement for such time, as may be deemed by the [Central Government]⁵ necessary for the public good.

Punishment for emigrants or their descendants exciting disturbances in countries from which they emigrated.

5. *First.*—Any persons of the above description, or their descendants, who, while living under the protection of [the Government of India]⁷ shall enter the country from which they or their ancestors may have emigrated, or any other foreign country, and shall excite, or attempt to excite, disturbances in the said countries, shall be liable to be brought to trial for that offence * * *¹ and, if convicted, shall be sentenced to suffer imprisonment for the period of seven years.

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Punishment for persons siding or assisting in attempts to excite such disturbances.

Second.—Any persons, * * * *⁸ who shall furnish emigrants from foreign countries with any assistance, either of men, money or arms, in prosecution of their attempts to excite disturbances in the country from which they may have emigrated, or in any other country, or shall otherwise aid such aliens in the prosecution of their criminal design, shall be liable to be brought to trial for that offence * * *¹ and, if convicted, shall be sentenced to suffer imprisonment for the term of seven years.

Proviso.

Provided, however, that, if the Judge * * *² by whom the case may be tried shall be of opinion that the punishment established by this and the preceding clause should in any instance be mitigated, he shall submit the proceedings held on the trial³ [to the Central Government⁴] and the Central Government⁴ shall pass such orders thereon as it may think fit:]

Provided, moreover, that no sentence or order which may be passed on the trial of any persons under the provisions of the present Regulation shall be competent, or shall be construed, to preclude the⁵ [Central Government] from the exercise of the power vested in the Government by section 4 of [this Regulation.]⁶

¹ The words "before the Court of Circuit," which were repealed by the Repealing Act, 1874 (XVI of 1874), are omitted.

² The words "of Circuit" which were repealed by the same Act, are omitted.

³ These words in square brackets were substituted for the words "to the Nizamat Adalat, who will recommend to the Governor General in Council such alleviation of the prescribed punishment as they may judge proper" by the amending Act, 1897 (V of 1897), since repealed.

⁴ Substituted for "Local Government" by the A. O., 1937.

⁵ The words "Local Government" substituted for the words "Governor General in Council" by the Amending Act, 1897 (V of 1897), since repealed. "Central Government" was substituted for "Local Government" by the A. O. 1937.

⁶ The words "this Regulation" were substituted for the words "the said Regulation by the Amending Act 1903 (I of 1903) since repealed.

⁷ The words "His Majesty" was substituted for the words "the British Government" by the A. O., 1937 which again has been substituted by the words "the Government of India" by the A. O., 1950.

⁸ The words "whether Native British subject or alien" omitted by the A. O. 1950.