

ACT No. XXXIII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th December 1857.)

AN ACT to make further provision relating to Foreigners.

Preamble. WHEREAS it is expedient to make further provision to enable the several Governments of the British Territories in India to prevent the subjects of Foreign States from residing or sojourning therein or from passing through or travelling in the same without the consent of the said Governments: It is enacted as follows:—

I. Every Foreigner shall, on his arrival in any part of the Territories in the possession and under the government of the East India Company from any Port or place not within the said Territories, or from any Port or place not subject to the provisions of this Act, forthwith report himself to the Commissioner of Police, if he shall arrive at any of the Presidency Towns; or, if he shall arrive at any other place, to the Magistrate or to such other Officer as shall be appointed to receive such reports by the Governor General in Council, or (in places within their respective jurisdictions) by the Executive Government of any Presidency or place, or by the Chief Commissioner of the Punjab, the Chief Commissioner of Oude, or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively. Provided that nothing contained in this Section shall extend to any Foreigner being the Master or Commander of a ship or vessel, or employed therein.

Every Foreigner to report his arrival in India.

Except a Foreigner being the master of a vessel or employed therein.

II. The report shall be in writing; and shall be signed by the person reporting himself; and shall specify his name or names, the nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival in the said Territories: and the report shall be recorded by the Officer to whom it is made.

What to be stated in the report.

III. If

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III. If any person included in the proviso to Section I shall remain in any part of the said Territories after he shall have ceased to be employed in a ship or vessel, he shall forthwith report himself in manner aforesaid.

Foreigners being masters of vessels or employed therein, to report themselves when they cease to be so employed.

IV. If any Foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of Foreigners travelling without a license.

Foreigners neglecting to report themselves to be dealt with in like manner as Foreigners travelling without a license.

V. No Foreigner shall travel in or pass through any part of the Territories in the possession and under the government of the East India Company without a license.

No Foreigner to travel in India without a license.

VI. Licenses under this Act may be granted by the Secretary to the Government of India in the Foreign Department; or by the Chief Secretary to the Governments of Fort St. George and Bombay respectively; or by the Chief Commissioner of the Punjab, the Chief Commissioner of Oude, or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively; or by such other Officers as shall be specially authorized so to do by the Governor General of India in Council, or by the Executive Government of any Presidency or place, or by any of the Chief Commissioners or Commissioners aforesaid.

License by whom to be granted.

VII. Every such license shall state the name or names of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorized to pass, or the limits within which he is authorized to travel, and the period (if any) during which the license is intended to have effect.

What to be stated in license.

VIII. The license may be granted subject to such conditions (if any) as the Governor General in Council, or the Executive Government of any Presidency or place, or (as regards their several jurisdictions) any of the said Chief Commissioners or Commissioners, may by any general order direct; or as the Officer

License may be granted subject to conditions and may be revoked.

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Officer granting the license may deem necessary : and the license may be revoked at any time by the Governor General in Council, or by the Executive Government of any Presidency or place, or by the Officer granting the same.

IX. If any Foreigner travel in or attempt to pass through any part of the said Territories without such license as aforesaid, or beyond the districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the Service of Her Majesty or of the East India Company, or by a Member of a Volunteer Corps. enrolled by authority of Government whilst on duty, or by any Police Officer.

X. If any person be apprehended by a person not being a Magistrate or a Police Officer, he shall be delivered over as soon as possible to a Police Officer, and carried before a Magistrate ; and whenever any person shall be apprehended by or taken before a Magistrate, such Magistrate shall forthwith report the case to the Government to which he is subject, and shall cause the person brought before him to be discharged, or to be conveyed to one of the Presidency Towns, or to be detained pending the orders of such Government.

XI. All persons apprehended or detained under the above-mentioned provisions of this Act, may be admitted to bail by a Magistrate or by any of the Officers authorized to grant licenses, and shall be put to as little inconvenience as possible during their detention in custody.

XII. The Governor General in Council, or the Executive Government of any Presidency or place, may order any such person to remove himself from the said Territories by sea or by such other route as the Government may direct ; or the Government may cause him to be removed from the said Territories by such route and in such manner as to the Government shall seem fit.

XIII. The

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XIII. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI of this Act, may by writing order any Foreigner within his jurisdiction to remove himself from the Territories in the possession and under the government of the East India Company, or to remove himself therefrom by a particular route to be specified in the order.

Government may order any Foreigner to remove himself.

XIV. If any Foreigner ordered to remove himself from the said Territories, or ordered to remove himself therefrom by any particular route, shall neglect or refuse so to do; or if any Foreigner, having removed himself from the said Territories in consequence of an order issued under any of the provisions of this Act, or having been removed from the said Territories under any of the said provisions, shall wilfully return to the said Territories without a license in writing granted by the Governor General of India in Council or by the Government or Officer under whose order he shall have removed himself or been removed—such Foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Governor General in Council, or of the Executive Government, or of one of the said Chief Commissioners or Commissioners mentioned in Section VI of this Act, within whose jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor General in Council, Executive Government, Chief Commissioner, or Commissioner shall deem sufficient for the peace and security of the British Territories, and of the allies of Her Majesty and of the East India Company, and of the neighbouring Princes and States.

Foreigner refusing to remove or returning without license after removal may be apprehended and detained.

XV. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI of this Act, may by order prohibit any person or persons, or any class or classes of persons, not being a natural-born subject or subjects of Her Majesty within the meaning of Section LXXXI, 3 and 4 William IV, c. 85, from travelling in or passing through any part of the said Territories, or from passing from any part of India to another, without a license to be granted

Government may prohibit persons, not being natural-born subjects, from travelling or passing through any part of India without a license.

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granted by such Officer or Officers as shall be specified in the order; and if such person shall wilfully disobey such order, he may be apprehended without warrant by any of the Officers specified in Section IX of this Act, and carried before a Magistrate and dealt with under the provisions of Section X, in the same manner as if he were a Foreigner; and the Government may order such person to be detained in safe custody, or under the surveillance of the Police, so long as it may be deemed necessary for the peace and security of the British Territories.

XVI. It shall be lawful for the Commissioner of Police, or for a Magistrate, or his Assistant, or for any Officer appointed to receive reports as mentioned in the first Section of this Act, or for any Police Officer under the authority of such Commissioner or Magistrate, to enter any ship or vessel in any Port or place within the Territories in the possession and under the control of the East India Company, in order to ascertain whether any Foreigner bound to report his arrival under Section I of this Act, is on board of such ship or vessel; and it shall be lawful for such Commissioner of Police, or other Officer as aforesaid, to adopt such means as may be reasonably necessary for that purpose; and the Master or Commander of such ship or vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, or other Officer as aforesaid, deliver to him a list, in writing, of the passengers on board, specifying the Ports or places at which they embarked, and the Ports or places of their disembarkation or intended disembarkation, and answer, to the best of his knowledge, all such questions touching the passengers on board the said ship or vessel, or touching those who may have disembarked in any part of India, as shall be put to him by the Commissioner of Police, or other Officer as aforesaid. If any Foreigner on board such ship or vessel in any part of India shall refuse to give an account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the Officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a Foreigner travelling in India without a license.

Police Officer may board vessel to ascertain whether Foreigners are on board.

Master of vessel to furnish list of passengers, and to give information respecting them.

Foreigner refusing to give account of himself not to be allowed to disembark.

XVII. Whoever intentionally obstructs any Officer in the exercise of any of the powers vested in him by this Act, shall, upon conviction before a Magistrate, be liable to a fine not exceeding

Obstructing Officers.

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exceeding one thousand Rupees, or to imprisonment for any term not exceeding six months, or to both.

XVIII. If the Master or Commander of any ship or vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before a Magistrate, be liable to a fine not exceeding two thousand Rupees.

Neglect by master of vessel to comply with requisitions of Act.

XIX. Whoever shall wilfully give a false answer to any question which by this Act he is bound to answer, or shall make any false report, shall, upon conviction before a Magistrate, be liable to imprisonment for a period not exceeding two years, and shall be liable to a fine not exceeding one thousand Rupees.

Penalty for false answer or report.

XX. The word "Foreigner" in this Act shall be deemed to mean a person not being either a natural-born subject of Her Majesty within the meaning of Section LXXXI, 3 and 4 William IV, c. 85, or a native of a place in the possession and under the Government of the East India Company. The word "Magistrate" shall include every person exercising the full powers of a Magistrate, and a Justice of the Peace.

Interpretation of "Foreigner."

"Magistrate."

XXI. If a question shall arise whether any person alleged to be a Foreigner and to be subject to the provisions of this Act is a Foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a Foreigner or is not subject to the provisions of this Act, shall lie upon such person.

Proof of being a Foreigner.

XXII. This Act shall continue in force for two years ; and it shall not extend to the Settlement of Prince of Wales' Island, Singapore, and Malacca, or to the Territory of Aden, unless the same shall be specially declared applicable to such Settlement or Territory by the Governor General of India in Council.

Duration of Act. Act not to extend to Aden or the Straits' Settlement unless so declared.

XXIII. The foregoing provisions of this Act shall not extend to any Foreign Minister duly accredited by his Government, nor to any Consul or Vice-Consul, nor to any person under the age of fourteen years, nor to any person in the service of the British Government

Exceptions and exemptions.

Government. The Governor General in Council, or (as regards their respective jurisdictions) the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI of this Act, may exempt any person, or any class of persons, either wholly or partially, or temporarily or otherwise, from all or any of the provisions of this Act; and may at any time revoke any exemption.

XXIV. Any Officer of Government or other person who, prior to the passing of this Act, may have done any thing which would have been justified by this Act if it had been in force at the time, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of any thing so done.

