

# ACT No. XXXVIII of 1947.

[PASSED BY THE DOMINION LEGISLATURE]

(Received the assent of the Governor General on the 15th December 1947)

## An Act to amend the Foreigners Act, 1946.

**W**HEREAS it is expedient to amend the Foreigners Act, 1946 (XXXI of 1946), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Foreigners (Amendment) Act, 1947.

2. **Substitution of "India" for "British India" in Act XXXI of 1946.**—In the Foreigners Act, 1946 (hereinafter referred to as the said Act), for the words "British India", wherever they occur, the word "India" shall be substituted.

3. **Amendment of section 2, Act XXXI of 1946.**—In clause (a) of section 2 of the said Act,—

(a) for the words "Indian State" the words "acceding State" shall be substituted;

(b) for the words "Tribal areas" the words "Assam tribal areas" shall be substituted.

4. **Amendment of section 3, Act XXXI of 1946.**—(1) In sub-section (2) of section 3 of the said Act,—

(a) after clause (c) the following clause shall be inserted, namely:—

"(cc) shall, if he has been required by order under this section not to remain in India, meet from any resources at his disposal the cost of his removal from India and of his maintenance therein pending such removal;"

(b) after the words "and may make provision" the words "for any matter which is to be or may be prescribed and" shall be inserted.

(2) To the said section 3 the following sub-section shall be added, namely:—

"(3) Any authority prescribed in this behalf may with respect to any particular foreigner make orders under clause (e), clause (f) or clause (g) of sub-section (2)."

5. **Amendment of section 6, Act XXXI of 1946.**—In section 6 of the said Act, sub-section (4) shall be renumbered as sub-section (6), and after sub-section (3) the following sub-sections shall be inserted, namely:—

"(4) If any foreigner enters India in contravention of any provision of this Act or any order made thereunder, the prescribed authority may, within two months from the date of such entry, direct the master of the vessel or the pilot of the aircraft on which such entry was effected or the owner or the agent of the owner of such vessel or aircraft, to provide, to the satisfaction of the said authority and otherwise than at the expense of Government, accommodation on a vessel or aircraft for the purpose of removing the said foreigner from India.

(5) The master of any vessel or the pilot of any aircraft which is about to carry passengers from a port or place in India to any destination outside India, or the owner or the agent of the owner of any such vessel or aircraft shall, if so directed by the Central Government and on tender of payment therefor at the current rates, provide on the vessel or aircraft accommodation to such port or place outside India, being a port

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or place at which the vessel or aircraft is due to call, as the Central Government may specify, for any foreigner ordered under section 3 not to remain in India and for his dependents, if any, travelling with him."

**6. Amendment of section 7, Act XXXI of 1946.**—To section 7 of the said Act, the following sub-section shall be added, namely:—

"(4) If in any area prescribed in this behalf the prescribed authority by notice published in such manner as may in the opinion of the authority be best adapted for informing the persons concerned so directs, it shall be the duty of every person occupying or having under his control any residential premises to submit to such person and in such manner such information in respect of foreigners accommodated in such premises as may be specified; and the provisions of sub-section (2) shall apply to every person accommodated in any such premises."

**7. Insertion of new section 7A in Act XXXI of 1946.**—After section 7 of the said Act, the following section shall be inserted, namely:—

"7A. *Power to control places frequented by foreigners.*—(1) The prescribed authority may, subject to such conditions as may be prescribed, direct the owner or person having control of any premises used as a restaurant or as a place of public resort or entertainment or as a club and frequented by foreigners—

(a) to close such premises either entirely or during specified periods, or

(b) to use or permit the use of such premises only under such conditions as may be specified, or

(c) to refuse admission to such premises either to all foreigners or to any specified foreigner or class of foreigner.

(2) A person to whom any direction has been given under sub-section (1) shall not, while such direction remains in force, use or permit to be used any other premises for any of the aforesaid purposes, except with the previous permission in writing of the prescribed authority and in accordance with any conditions which that authority may think fit to impose.

(3) Any person to whom any direction has been given under sub-section (1) and who is aggrieved thereby may, within thirty days from the date of such direction, appeal to the Central Government; and the decision of the Central Government in the matter shall be final."