

Repealed by Act 76 of 1952

Act No. XXIII of 1949

[PASSED BY THE DOMINION LEGISLATURE]

(Received the assent of the Governor-General on the 22nd April, 1949.)

An Act to control the admission into, and regulate the movements in, India of persons from Pakistan

WHEREAS it is expedient to control the admission into, and regulate the movements in, India of persons from Pakistan;

It is hereby enacted as follows:—

1. Short title and extent.—(1) This Act may be called the Influx from Pakistan (Control) Act, 1949.

(2) It extends to the whole of India ~~(except the State of Hyderabad)~~

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) "enter" means to enter by water, land or air;

(b) "officer of Government" means any officer of the Central Government or of a Provincial Government or of the Government of an Acceding State;

(c) "permit" means a permit issued or renewed or the period whereof has been extended in accordance with the rules made under this Act.

3. Control of admission into India of persons from Pakistan.—No person shall enter India from any place in Pakistan, whether directly or indirectly, unless—

(a) he is in possession of a permit, or

(b) being a person not domiciled in India or Pakistan, he is in possession of a valid passport as required by the Indian Passport Act, 1920 (XXXIV of 1920), or

(c) he is exempted from the requirement of being in possession of a permit by or in accordance with the rules made under this Act.

4. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules—

(a) prescribing the authorities by which and the conditions subject to which permits may be issued or renewed or the period thereof extended, the conditions to be satisfied by the applicants for such permits and the forms and classes of such permits;

(b) regulating the movements in India of any person who is in possession of a permit;

(c) providing for the exemption, either absolutely or on conditions, of any person or class of persons from the requirement of being in possession of a permit or from the operation of any rule made under this section; and

(d) generally, providing for any other matters ancillary or incidental to the carrying out of the purposes of this Act.

5. Punishment of offences.—(1) Whoever enters India in contravention of the provisions of section 3, or having entered India contravenes the provisions of any rule made under section 4, or commits a breach of any of the conditions of his permit, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

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- 1) Added, omitted & substituted by the A.O. 1952
- 2) Omitted by S.2 of Act 55 of 1950.
- 3) Omitted by S.3, ibid.

(2) Whoever, in any statement made by him in pursuance of any of the provisions of this Act or of any rules made thereunder, furnishes any information, which is false and which he either knows or believes to be false or does not believe to be true, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. Power of arrest.—(1) Any officer of police, not below the rank of a sub-inspector, any officer of the customs department of the Central Government or any other officer of Government empowered by a general or special order of the Central Government in this behalf may arrest without warrant any person who has committed or against whom a reasonable suspicion exists that he has committed an offence under this Act.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer in charge of the nearest police station, and the provisions of section 61 of the Code of Criminal Procedure, 1898 (V of 1898) or of the corresponding law for the time being in force in the Acceding State shall, so far as they may be applicable, apply in the case of any such arrest.

7. Power of removal.—Without prejudice to the provisions contained in section 5, the Central Government may, by general or special order, direct the removal from India of any person who has committed, or against whom a reasonable suspicion exists that he has committed, an offence under this Act, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction.

8. Protection to persons acting in good faith.—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.

9. Repeal of Ordinance XXXIV of 1948.—(1) The Influx from Pakistan (Control) Ordinance, 1948, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, action taken or thing done in the exercise of any power conferred by the Influx from Pakistan (Control) Ordinance, 1948, shall for all purposes be deemed to have been made, taken or done in the exercise of the powers conferred by this Act, as if this Act had commenced on the day such order was made or such action was taken or such thing was done.

1/ Ins. by S. 4 of Act 55 of 1950.