

Rep. by Act 56 of 1974, s. 2 + sch I

THE INDIAN EMIGRATION (AMENDMENT) ACT, 1963

No. 23 OF 1963

[24th August, 1963]

An Act further to amend the Indian Emigration Act, 1922.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Emigration (Amendment) Act, 1963.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

7 of 1922

2. Throughout the Indian Emigration Act, 1922 (hereinafter referred to as the principal Act), unless otherwise expressly stated, after the word "port", except in the proviso to clause (cc) of sub-section (1) of section 2, the words "or airport" shall be inserted.

Addition of references to airport.

3. In section 1 of the principal Act, in sub-section (1), the word "Indian" shall be omitted.

Amendment of section 1.

4. In sub-section (1) of section 2 of the principal Act,—

Amendment of section 2.

(i) clause (a) shall be re-lettered as clause (aa) and before the clause as so re-lettered, the following clause shall be inserted, namely:—

'(a) "conveyance" includes a vessel, a country-craft and an aircraft;'

(ii) in clause (c), after the words "by sea", the words "or by air" shall be inserted.

↓ 1-1-1964: vide Notifn. No. G.S.A. 1885, dt. 9-12-1963, Gay. of India, Pt. II, Sec. 3 (i), p. 2148

Amendment
of section 4.

5. In section 4 of the principal Act,—

(i) in clause (c), after the word "vessels", the words "or aircraft" shall be inserted;

(ii) in clause (d), after the word "voyage", the words "or journey" shall be inserted;

(iii) in clause (f), after the words "by sea", the words "or by air" shall be inserted.

Amendment
of section 9.

6. In section 9 of the principal Act, in sub-section (1), for the words "such other ports" and "ports from which", the words "such other ports and such airports" and "ports and airports from which" shall respectively be substituted.

Amendment
of section 15.

7. In section 15 of the principal Act, after the words "such other ports", the words "and airports" shall be inserted.

Amendment
of section 16.

8. In section 16 of the principal Act, in sub-section (1), in clause (c), after the word "voyage", the words "or journey" shall be inserted.

Omission of
section 22.

9. Section 22 of the principal Act shall be omitted.

Amendment
of section 24.

10. In section 24 of the principal Act,—

(i) in sub-section (2), in clause (1), after the words "emigrant ship", the words "or a journey on an aircraft" shall be inserted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Amendment
of section 25.

11. In section 25 of the principal Act,—

(i) in sub-section (1), for the words "with fine which may extend to fifty rupees.", the words "with imprisonment for a term

which may extend to three months, or with fine which may extend to five hundred rupees, or with both." shall be substituted;

(ii) in sub-section (2),—

(a) in clause (c), after the words "by sea", the words "or by air" shall be inserted;

(b) for the words "with fine, which may extend to five hundred rupees.", the following shall be substituted, namely:—

"with imprisonment which may extend to two years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees."

12. In section 26 of the principal Act, for the words "with imprisonment for a term which may extend to one year, or with fine, or with both", the following shall be substituted, namely:—

Amendment
of section 26.

"with imprisonment for a term which may extend to three years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees."

13. In section 27 of the principal Act, for the words "with imprisonment for a term which may extend to six months, or with fine, which may extend to five hundred rupees, or with both.", the following shall be substituted, namely:—

Amendment
of section 27

"with imprisonment for a term which may extend to three years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees."

14. After section 27 of the principal Act, the following sections shall be inserted, namely:—

Insertion
of sections
27A, 27B
and 27C.
Punishment
for second
or subsequent
offences.

"27A. In the event of a second or subsequent offence under any of the following provisions, namely, sub-section (1) or sub-section (2) of section 25, section 26, section 27 or sub-section (4) of section 30A, a person shall be punishable with imprisonment which may extend to four years and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than nine months and such fine shall not be less than one thousand rupees.

Confiscation
of conveyance
used for
committing
offence
against Act.

27B. In any case in which an offence has been committed against this Act, any conveyance used in the commission of such offence shall be liable to confiscation.

Confiscation
how ordered.

27C. (1) When the offender is convicted or when the person charged with an offence against this Act is discharged or acquitted, and the court decides that any conveyance is liable to confiscation, such confiscation may be ordered by the court.

(2) When an offence against this Act has been committed but the offender is not known or cannot be found and any conveyance is used in the commission of such offence, or when any conveyance liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by such officer as may be authorised by the Central Government in this behalf, who may on seizure thereof, order such confiscation:

Provided that no such order of confiscation shall be made until the expiration of thirty days from the date of seizure of the conveyance intended to be confiscated or without hearing the persons, if any, claiming any right thereto and evidence, if any, which they produce in support of their claims."

Amendment
of section 29.

15. In section 29 of the principal Act,—

(i) for the words "officers of sea-customs", the words "officers of customs" shall be substituted;

(ii) after the word "vessels", the words "or aircraft or any other conveyance" shall be inserted.

Amendment
of section
30A.

16. In section 30A of the principal Act,—

(i) in sub-section (1), after the words "by sea", the words "or by air" shall be inserted;

(ii) in sub-section (4), for the words, brackets and figures "sub-section (1) of section 25", the words, brackets and figures "sub-section (2) of section 25" shall be substituted.

17. In section 31 of the principal Act,—

(i) for clause (i), the following clause shall be substituted, namely:—

“(i) any person who is not a citizen of India, or”;

(ii) in clause (ii), for the words and figures “the Indian Army Act, 1911”, the words and figures “the Air Force Act, 1950 or the Army Act, 1950 or the Navy Act, 1957” shall be substituted.

Amend-
ment of
section
31.

8 of 1911.
45 of 1950.
46 of 1950.
62 of 1957.