

BENGAL FOREIGN IMMIGRANTS REGULATION, 1812

50 FOREIGN IMMIGRANTS [1812: Ben. Reg

11. Preamble. BENGAL REGULATION OF 1812 (THE BENGAL FOREIGN IMMIGRANTS REGULATION, 1812). [18th ju(p 1812.1 A Regulation to empower the 2 [Central Govern- ment] to order the removal of emigrants from foreign coun tries, 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. 1. WHEREAS considerable bodies of persons, being Natives of Arakan and ordinarily denominated Mughs, 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 descen- dants, abusing the protection which had been alibred them in [India] have exci ted disturbances ancl even levied war in the country of Arakan against the Government of Ava 3 , 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 Ava 3 ; And whereas it is, in conscce uence, necessary that the [State. Government] should possess egal 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 being Natives of of those persons, or any other individuals 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which they may have emigrated ; SHORT TITLE.—This short title was given by the Amending Act, 1897 (V of 1897), since repealed.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 dpclarcd, by notification under the Scheduled District Act, 1874 (X TV of 1874), S. 3 to be in force in it is not in force in the Lushai Hills. Assam (except the North Lushai Hills) . The words S "Local Government" were su bstituted lbr the word "Governor General in Council" by the Amending Act, '897 (V of 1897) "Central Government" was substituted for t' Local Governme•t" by the A. O. 1937. a The Government of Ava has ceased to exist, its territories having been annexed to the British dominions, The territories are now known as "IJppcr• Burma." For "Governor General in Council" by the Amending Act, 1897 (V Of 1897), the word Local Government was substituted. The word t "Local Government" was substituted by the word Provincial Government by A. O., 1937. word Provincial again has been substituted by the word State by •i . O. , 1950. 5 Substituted tor the worcjs c "the British territories" by A. O, 1950, 1812: Ben Reg. 11.] FOREIGN IMMIGRANTS 51 e e 7 s. •d 7) he 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 : Power to ore der removal 2, Whenever the [Central Government] 1 , upon due investi- of emigrants gation, shall be satisfied that the emigrants from Arakan, or to parts of emigrants from any other State, who may have sought an asylumcountry in [India] or the descendants of any of the said emigrants, deemed con- shall have abused the protection afforded to them, by attempts venient• 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 fulture residence. In like manner it shall be competent to the [Central Gov- ernment] 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 victnity 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) 'i Emigrants 3. Whenever any body of emigrants, or any individual allowed to belonging to such body, shall be ordered to be removed from the diSPOSC Of part of the country in which they may have been established property• they shall be allowed to dispose of any property which they may have acquired in such manner as they may judge proper : 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 Collector 5 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 Power to or- the preservation of the tranquillity of [India] 2 or of the dominions of the allies of [the Government of India] or the maintenance of the relations of amity subsisting between [the Government of India] 3 and other States, requires that any of the leaders and kept un- or other persons of the above description, who may have der restraint iThe words "Local Government" were substituted for the words "Governor General in Council" by the Amending Act, 1897 (V of 1897), (Since repealed). Central Government" substituted for "Local Government" by A. O. 1937

2. Substituted for the British territories" by A.O., 1950. The word "it" was substituted for the word "he" by the Burma Laws Act, 1898 (XII of 1898). S. 16 printed in the Burma Code. The 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. In Assam, Deputy Commissioner. As to exercise of function of Deputy Commissioners, see the Assam Land and Revenue Regulation, 1886 (I of 1886), Chapter V 11, post. 52 FOREIGN IMMIGRANTS [1812 : Ben. Reg. 11. 18 committed the offences mentioned in section 2 of this Regulation should be placed and detained under restraint, it shall be competent to order any such persons to be brought to the [Central Government] ; 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 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 the descendants ex-citing disturbance or their ancestors may have emigrated, or any other foreign country, and shall excite, or attempt to excite, disturbances in the country from the said countries, shall be liable to be brought to trial for that which they emigrated. and, if convicted, be sentenced to suffer imprisonment for the period of seven years. Second.—Any persons, Punishment who shall furnish emigrants from foreign countries with an for persons assistance in prosecution either of men, money or arms, or assisting in of their attempts to excite disturbances in the country from which attempts to they may have emigrated, or in any other country, or shall excite such disturbances aid such aliens in the prosecution of their disturbances. Proviso. design, shall be liable to be brought to trial for that offence and, if convicted, shall be sentenced to imprisonment for the term of seven years. by whom the Provided, however, that, if the Judge the punishment in a case may be tried shall be of opinion that blished by this and the proceeding clause should in any instance he shall submit the proceedings held on the trial to be mitigated, [to the Central Government and the Central Government] 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 the [Central Government] from the exercise of the power vested in the Government by section 4 of [this Regulation.] 6 The words "before the Court of Circuits" which were repealed by the Repealing Act, 1874 (XVI of 1879), are omitted. 2 The words "Sof Circuit" which were repealed by the same Act, are omitted. 3 These words in square brackets were substituted for the words "to the Nizam Adalat, who will recommend to 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. Substituted for "Local Government" by the A. O., 1937. 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. were substituted for the words "the 6 The words "this Regulation" 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. a The words "whether Native British subject or alien" omitted by the A. O. 1950.