

ACT No. XVI OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1939.)

An Act to provide for the registration of foreigners in British India.

WHEREAS it is expedient to provide for the registration of foreigners entering, being present in, and departing from, British India ;

It is hereby enacted as follows.—

1. (1) This Act may be called the Registration of Short title and extent. Foreigners Act, 1939.

(2) It extends to the whole of British India.

2. In this Act—

Definitions.

(a) the word “foreigner” shall denote a person who is not—

(i) a British subject domiciled in the United Kingdom ; or

(ii) a British Indian subject ; or

(iii) a ruler or subject of an Indian State ; or

(iv) a person duly appointed by a foreign Government to exercise diplomatic functions ; or

(v) a consul or a vice-consul ;

(b) “prescribed” means prescribed by rules made under this Act.

3. The Central Government may after previous publication, by notification in the official Gazette, make Power to make rules. rules with respect to foreigners for any or all of the following purposes, that is to say—

(a) for requiring any foreigner entering, or being present in, British India to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed ;

(b) for

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- (b) for requiring any foreigner moving from one place to another place in British India to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed ;
- (c) for requiring any foreigner who is about to leave British India to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed ;
- (d) for requiring any foreigner entering, being present in, or departing from, British India to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed ;
- (e) for requiring any person having the management of any hotel, boarding-house, sarai or any other premises of like nature to report the name of any foreigner residing therein for whatever duration, to a prescribed authority within such time and in such manner and with such particulars as may be prescribed ;
- (f) for requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, British India in such vessel or aircraft, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Act ;
- (g) for providing for such other incidental or supplementary matters as may appear to the Central Government necessary or expedient for giving effect to this Act.

Burden of
proof.

4. If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person

[illegible]

III of 1864.