

The Bengal Foreign Immigrants Regulation, 1812

BIHAR

India

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Act 11 of 1812

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The Bengal Foreign Immigrants Regulation, 1812(Bengal Regulation 11 of 1812)A Regulation To empower the [Central Government] [Substituted by A.L.O. for 'His Majesty'.] to order the removal of emigrants from foreign countries, 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. Preamble.

- 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 descendants, abusing the protection which had been afforded to them in [India] [Substituted by A.L.O. for 'the British territories'.], have excited disturbances and even levied war in the country of Arakan against the [Government of Ava] [The Government of Ava has ceased to exist and the territories are now known as 'Upper Burma'.], 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 Government of India] [Substituted by A.L.O. for 'His Majesty'.] and the Government of Ava;And whereas it is, in consequence, necessary that the [Central Government] [Substituted by A.O. for 'L.G.'] should possess legal powers to remove the said bodies of emigrants and their descendants from the frontier of the territory of Arakan or 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 of those persons, or any other individuals being Natives of 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;And whereas it is, in consequence, necessary that the [Central Government] [Substituted by A.O. for 'L.G.'] should possess legal powers to remove the said bodies of emigrants and their descendants from the frontier

of the territory of Arakan or 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 of those persons, or any other individuals being Natives of 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; 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] [This includes the present State of Bihar.].

2. Power to order removal of emigrants to parts of country deemed convenient.

- Whenever the [Central Government] [Substituted by A.O. for 'LG.'], upon due investigation, shall be satisfied that the emigrants from Arakan, or emigrants from any other State, who may have sought an asylum in [India] [Substituted by A.L.O. for 'British Territories'.], or the descendants of any of the said emigrants, shall have abused the protection afforded to them, by attempts to excite disturbances in the State from which they or their ancestors may have emigrated, it shall be competent to the [Central Government] [Substituted by A.O. for 'LG.'], to order the removal of those persons to such other part or parts of the country as may be judged most convenient for their future residence. In like manner it shall be competent to the [Central government] [Substituted by A.O. for 'LG.'], to order such removal whenever [it] ['it' was substituted for 'he' by the Burma Laws Act, 1898 (13 of 1898), Section 16, printed in the Burma Code, Volume I, Ed. 1934, page 95.] may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity 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] [Substituted by A.L.O. for 'His Majesty'.],

3. Emigrants allowed to dispose of property.

- Whenever any body of emigrants, or any individuals belonging to such body, shall be ordered to be removed from the part of the country in which they may have been established, 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] [Substituted by A.O. for 'LG.'], to order such property to be sold by public auction under the superintendence of the Collector of the district. In that case the net proceeds of the sale shall be duly paid to the person or persons to whom the said property belonged.

4. Power to order leaders or other emigrants to be apprehended and kept under restraint.

- In cases in which the [Central Government] [Substituted by A.O. for 'LG.'], may, on due inquiry and mature deliberation, be satisfied that either the preservation of the tranquillity of [India]

[Substituted by A.L.O. for 'British Territories'.]; or of the dominions of the allies of [the Government of India] [Substituted by A.L.O. for 'His Majesty'.], or the maintenance of the relations of amity subsisting between [the Government of India] [Substituted by A.L.O. for 'His Majesty'.] and other States, requires that any of the leaders or other persons of the above description, who may have committed the offences mentioned in Section 2 of this Regulation, should be placed and detained under restraint, it shall be competent to the [Central Government] [Substituted by A.O. for 'LG.'], to order any such persons 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] [Substituted by A.O. for 'LG.'] necessary for the public good.

5. Punishment for emigrants or their descendants exciting disturbances in countries from which they emigrated.

- First. - Any person of the above description, or their descendants, who, while living under the protection of [the Government of India] [Substituted by A.L.O. for 'His Majesty'.], shall enter the country from which they or their ancestors may have emigrated, or any other foreign country, and shall excite, or attempt to excite disturbances in the said countries, shall be liable to be brought to trial for that offence [* *] ['Before the Court of Circuit', in clauses First and Second of Section 5. Which were repealed by Act 16 of 1874, are omitted.] and if convicted, shall be sentenced to suffer imprisonment for the period of seven years. Punishment for persons aiding or assisting in attempts to excite such disturbances. Second - Any persons, [* * *] ['Whether Native British subjects or aliens' repealed by paragraph 3 and schedule VI of the A.L.O.] who shall furnish emigrants from foreign countries with any assistance, either of men, money or arms, in prosecution of their attempts to excite disturbances in the country from which they may have emigrated, or in any other country, or shall otherwise aid such aliens in the prosecution of their criminal design, shall be liable to be brought to trial for that offence [* * *] ['Before the Court of Circuit', in clauses First and Second of Section 5. Which were repealed by Act 16 of 1874, are omitted.] and, if convicted, shall be sentenced to suffer imprisonment for the term of seven years: Provided, however, that, if the Judge [* * *] ['Of Circuit' repealed by Act 16 of 1874.] by whom the case may be tried shall be of opinion that the punishment established by this and the preceding clause should in any instance be mitigated, [he shall submit the proceedings held on the trial] [Substituted by Act 5 of 1897 for 'to the Nizamat Adalat, who will recommend to the Governor-General in Council such abbreviations of the prescribed punishment as they may judge proper'.] [to the Central Government] [Substituted by A.O. for 'LG.'], and the [Central Government] [Substituted by A.O. for 'LG.'] shall pass such orders there on 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] [Substituted by Act, 1 of 1903 for 'the said Regulation'.] from the exercise of the power vested in the Government by Section 4 of [this Regulation] [Substituted by A.O. for 'LG.'],