

THE REMOVAL OF FOREIGN EMIGRANTS (BENGAL)
REGULATION, 1812

(Regulation XI of 1812)

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'THE REMOVAL OF FOREIGN EMIGRANTS (BENGAL)

Preamble.

REGULATION, 1812

(Reg. XI of 1812)

[18th July, 1812]

A Regulation to empower the [Central Government] 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. WHEREAS considerable bodies of persons, being Natives of Arakan and ordinarily denominated Muggs, 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 Frontiers;

and whereas numbers of those persons, or of their descendants, abusing the protection which had been afforded to them in the British territories, have excited disturbances and even levied war in the country of Arakan against the Government of Ava, of which state is now a dependency, and have conducted themselves in a manner manifestly tending to disturb the relations of amity which subsist between [His Majesty] and the Government of Ava;

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and whereas it is, in consequence, necessary that the [Central Government] should possess legal powers to remove the said bodies of emigrants and their descendant 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

1 Short title, "The Bengal Foreign Immigrants Regulations, 1812," - see the Amending Act, 1897 (V of 1897), Central Acts, Vol.

This regulation has been declared in force in British Balochistan by the British Balochistan Laws Regulation, 1913 (2 of 1913), 215.

Substituted for the words "Local Government" by the A.O., 1937. Now "Federal".

Subs. ibid. for the words” The British Government”.

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

Emigrants allowed
disposing of
property.

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 the
force from the period of their promulgations throughout the
territories immediately dependant on the Presidency of Forte
William.

2. Whenever the "[Central Government], upon due
investigation, shall be satisfied that the emigrants from Arakan,
or emigrants from any other states, who may have sought an
asylum in the British territories or the descendants of the said
emigrants, shall have abused the protection afforded to them by
attempts to excite disturbances in the state from which they are
their ancestors may have emigrated, it shall be competent to the
'Central Government] 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] to order such removal, wherever 7[it] may have
grounds to be satisfied that the residence of any body of aliens,
or their descendant, in vicinity of the frontier of the country
from which they are their ancestors may have emigrated, is
likely to cause any serious misunderstanding between that state
and >[His Majesty.]

3. Whenever any body of emigrants, or any individual
belonging to such body shall be ordered to be removal from the
part of the country in which they 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] to

Subs. for the words "Local Government", A.O., 1937. Now "Federal".

Subs. for the words, "be" by the Burma Laws Acts, 1898, (13 of 1898), Burma Code Vol. I.
Subs. for the words, "the British Government", by A.O.,1937.

Power to order

leaders or other
emigrants
apprehended
and kept under
restraint.

Punishment for

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

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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. In cases in which the *[Central Government] may, on
due inquiry and mature deliberation, be satisfied that either the
preservation of the tranquillity of the British territories, or of
the dominions of the allies of '[His Majesty], or the
maintenance of the relations of the amity subsisting between
3[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] 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] necessary for the public good.

5. First, - Any persons of the above description, or their
descendants, who while living under the protection of *[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 trail for that offence > *
* * * and, if convicted, shall be sentenced to sentenced to
suffer imprisonment for the period of seven years.

Subs. for the words "British Government", by the A. O., 1937. Now "Federal".

Subs for the words "Local Government" by the A. O., 1937.

3 The words "before the court of circuit" were repealed by the Repealing Act, 1874 (16 of 1874).

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Punishment for
person aiding or
assisting in
attempts to
excite such
disturbances.

Proviso.

6. Second, - Any persons, whether Native British subjects or aliens, who shall furnish, emigrants from foreign countries with any assistance, either of men, money or arms, in prosecution of their attempts to excite disturbance 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 '****] and, if convicted, shall be sentenced to suffer imprisonment for the terms of seven years.

Provided, however, that, if the judge 7[* * *] 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 and whom the trial 3[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 Regulations shall be competent, or shall be construed, to preclude the [Central Government] from the exercise of the power vested in Government by section 4 of 5[this Regulation].

The words "before the court of circuit" were repealed by the repealing Act, 1874 (16 of 1874).

The words "of circuit" rep. by the repealing Act, 1874 (16 of 1874).

Subs. for the words "to the Nizamat Adalat, who will recommend to the Governor General in council such abbreviation of the

prescribed punishment as they may judge proper" by the Amending Act, 1897 (5 of 1897), Central Acts, Vol.III, p. 548.

Subs for the words "Local Government" by the A.O., 1937 Now "Federal"

Subs for the words "the said Regulation" by Amending Act, 1903 (1 of 1903), Central Acts, Vol. IV, p. 559.