

Repealed by Act 23 of 1945

ORDINANCE No. XXXIV of 1948

An Ordinance to control the admission into, and regulate the movements in, India of persons from Pakistan.

(Published in the Gazette of India Extraordinary, dated the 10th November 1948)

WHEREAS an emergency has arisen which makes it necessary to control the admission into, and regulate the movements in, India of persons from Pakistan;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Influx from Pakistan (Control) Ordinance, 1948.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "enter" means to enter by water, land or air;

(b) "officer of Government" means any officer of the Central Government or of a Provincial Government or of the Government of an Acceding State;

(c) "permit" means a permit issued or renewed or the period whereof has been extended in accordance with the rules made under this Ordinance.

3. **Control of admission into India of persons from Pakistan.**—No person shall enter India from any place in Pakistan, whether directly or indirectly, unless—

(a) he is in possession of a permit, or

(b) being a person not domiciled in India or Pakistan, he is in possession of a valid passport as required by the Indian Passport Act, 1920 (XXXIV of 1920), or

(c) he is exempted from the requirement of being in possession of a permit by or in accordance with the rules made under this Ordinance

4. **Power to make rules.**—The Central Government may, by notification in the official Gazette, make rules—

(a) prescribing the authorities by which and the conditions subject to which permits may be issued or renewed or the period thereof extended, the conditions to be satisfied by the applicants for such permits, and the forms and classes of such permits;

(b) regulating the movements in India of any person who is in possession of a permit;

(c) providing for the exemption, either absolutely or on conditions, of any person or class of persons from the requirement of being in possession of a permit or from the operation of any rule made under this section; and

(d) generally, providing for any other matters ancillary or incidental to the carrying out of the purposes of this Ordinance.

5. **Punishment of offences.**—(1) Whoever enters India in contravention of the provisions of section 3, or having entered India contravenes the provisions of any rule made under section 4, or commits a breach of any of the conditions of

his permit, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, in any statement made by him in pursuance of any of the provisions of this Ordinance or of any rules made thereunder, furnishes any information which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the statement is made or used, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. Power of arrest.—(1) Any officer of police, not below the rank of a sub-inspector, any officer of the customs department of the Central Government or any other officer of Government empowered by a general or special order of the Central Government in this behalf may arrest without warrant any person who has committed or against whom a reasonable suspicion exists that he has committed an offence under this Ordinance.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or to the officer-in-charge of the nearest police station, and the provisions of section 61 of the Code of Criminal Procedure, 1898 (V of 1898), or of the corresponding law for the time being in force in the Acceding State shall, so far as they may be applicable, apply in the case of any such arrest.

7. Power of removal.—Without prejudice to the provisions contained in section 5, the Central Government may, by general or special order, direct the removal from India of any person who has committed, or against whom a reasonable suspicion exists that he has committed, an offence under this Ordinance, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction.

8. Protection to persons acting in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

9. Repeal of Ordinance XVII of 1948.—(1) The Influx from West Pakistan (Control) Ordinance, 1948 (XVII of 1948), is hereby repealed.

(2) Notwithstanding such repeal, any rules made, action taken or thing done in the exercise of any power conferred by the Influx from West Pakistan (Control) Ordinance, 1948, shall for all purposes be deemed to have been made, taken or done in the exercise of the powers conferred by this Ordinance, as if this Ordinance had commenced on the day such order was made or such action was taken or such thing was done.

C. RAJAGOPALACHARI,

Governor-General.