

**THE REMOVAL OF FOREIGN EMIGRANTS (BENGAL)
REGULATION, 1812**

(Regulation XI of 1812)

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'THE REMOVAL OF FOREIGN EMIGRANTS (BENGAL) REGULATION, 1812

(Reg. XI of 1812)

[18th July, 1812]

A Regulation to empower the ²[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.

Preamble.

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 ³[His Majesty] and the Government of Ava;

and whereas it is, in consequence, necessary that the ² [Central Government] should poses 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.III, p.548. This regulation has been declared in force in British Balochistan by the British Balochistan Laws Regulation, 1913 (2 of 1913), *infra*, p. 215.

² Substituted for the words "Local Government" by the A.O., 1937. Now "Federal".

³ Subs. *ibid.* for the words "The British Government".

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.

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

2. Whenever the ¹[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 ¹[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 ¹[Central Government] to order such removal, wherever ²[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 ³[His Majesty.]

Emigrants allowed disposing of property.

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 ⁴[Central Government] to

¹ Subs. for the words "Local Government", A.O., 1937. Now "Federal".

² Subs. for the words, "be" by the Burma Laws Acts, 1898, (13 of 1898), Burma Code Vol. I.

³ Subs. for the words, "the British Government", by A.O., 1937.

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.

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

4. In cases in which the ²[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 ¹[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 ¹[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 ¹[Central Government] necessary for the public good.

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

5. *First*, - Any persons of the above description, or their descendants, who while living under the protection of ²[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 ³* * *, and, if convicted, shall be sentenced to sentenced to suffer imprisonment for the period of seven years.

⁴ Subs. for the words "British Government", by the A. O., 1937. Now "Federal".

¹ 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).

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

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 ¹[****] and, if convicted, shall be sentenced to suffer imprisonment for the terms of seven years.

Proviso.

Provided, however, that, if the judge ²[* * *] 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 ⁴[Central Government], and the ⁵[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 ⁴[Central Government] from the exercise of the power vested in Government by section 4 of ⁵[this Regulation].

¹ The words "before the court of circuit" were repealed by the repealing Act, 1874 (16 of 1874).

² The words "of circuit" rep. by the repealing Act, 1874 (16 of 1874).

³ Subs. for the words "to the Nizam 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.

⁴ Subs for the words "Local Government" by the A.O., 1937 Now "Federal"

⁵ Subs for the words "the said Regulation" by Amending Act, 1903 (1 of 1903), Central Acts, Vol. IV, p. 559.