
INFLUX FROM PAKISTAN (CONTROL) REPEALING ACT, 1952

76 of 1952

[26th December, 1952]

CONTENTS

1. Short title
2. Repeal of Act 23 of 1949 and Ordinance 7 of 1952
3. Savings
4. Definitions
5. Control of admission into India of persons from Pakistan
6. Punishment of offences
7. Power of removal

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STATEMENT OF OBJECTS AND REASONS "The admission into, and regulation of movements in, India of persons from Pakistan has hitherto been regulated by a system of permits granted under the Influx from Pakistan (Control) Act, 1949 (23 of 1949). It was, however, agreed with the Government of Pakistan that with effect from prescribed date, the permit system should be replaced by a system of passports. Accordingly, the Influx from Pakistan (Control) Repealing Ordinance, 1952 (7 of 1952), was promulgated to repeal the Influx from Pakistan (Control) Act, 1949. The repeal of the Act was effective from 15th October, 1952 and with effect from the same date traffic between the two countries is being regulated by a passport system. 2. This Bill seeks to convert the provisions of the Influx from Pakistan (Control) Repealing Ordinance, 1952(7 of 1952), into an Act". -Gazette of India, 1952, Pt. II, section 2, page 547.

1. Short title :-

This Act may be called the Influx from Pakistan (Control) Repealing Act, 1952.

2. Repeal of Act 23 of 1949 and Ordinance 7 of 1952 :-

Repealed by Act 58 of 1960, section 2 and Schedule 1.]

3. Savings :-

(1) The repeal of the Influx from Pakistan (Control) Act, 1949, shall not affect the continuance in force, according to its tenor, of any permit which is intended to continue in force beyond the 15th day of October, 1952, and any person who commits a breach of any of the conditions of the permit or against whom a reasonable suspicion exists that he has committed such breach may be prosecuted, punished or proceeded against under section 5 or section 7 of the Act¹ hereby repealed as if the said section had continued in force.

(2) For the removal of doubts it is hereby declared that the provisions contained in sub-section (1) shall be without prejudice to the general application of section 6 of the General Clauses Act, 1897 .

1. The following relevant sections from the Influx from Pakistan (Control) Act, 1949, are reproduced for the sake of ready reference :

4. Definitions :-

In this Act, 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 State Government;

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

5. 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 Passport Act, 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 Act.

6. 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 Act or of any rules made thereunder, furnishes any information, which is false and which he either knows or believes to be false does not believe to be true, 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.

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 the Act, and thereupon any officer of Government shall have all reasonable powers necessary to enforce such direction."