

The Immigrants (Expulsion From Assam)

Act, 1950

(10 of 1950)

[1st March, 1950]

An Act to provide for the expulsion of certain immigrants from Assam.

1. Short title and extent.- (1) This Act may be called the Immigrants (Expulsion from Assam) Act, 1950.

(2) It extends to the whole of India.

2. Power to order expulsion of certain immigrants.- If the Central Government is of opinion that any person or class of persons, having been ordinarily resident in any place outside India, has or have whether before or after the commencement of this Act, come into Assam and that the stay of such person or class of persons in Assam is detrimental to the interests of the general public of India or of any section thereof or of any Scheduled Tribe in Assam, the Central Government may by order--

(a) direct such person or class of persons to remove himself or themselves from India or Assam within such time and by such route as may be specified in the order; and

(b) give such further directions in regard to his or their removal from India or Assam as it may consider necessary or expedient;

Provided that nothing in this Section shall apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam.

3. Delegation of power.- The Central Government may, by notification in the Official Gazette, direct that the powers and duties conferred or imposed on it by section 2 shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by--

(a) any officer subordinate to the Central Government;

(b) the [Government of Assam, Meghalaya] or any officer subordinate to that Government.

State Amendment.

Nagaland: In Section 3, for the words 'Government of Assam' in Clause (b), substitute the words "Government of Assam or Nagaland" State of Nagaland.

[(A.L.U.S.) Order. 1965 (G.S.R. 1761, dated 29-1-1965) (w.e.f. 1-12-1963)].

4. Power to give effect to orders, etc.- Any authority empowered by or in pursuance of the provisions of this Act to exercise any power may, in addition to any other section expressly provided for in this Act, take or cause to be taken such steps, and use or cause to be used such force, as may in its opinion be reasonably necessary for the effective exercise of such power.

5. Penalties. Any person who--

- (a) contravenes or attempts to contravene or abets the contravention of any order made under section 2, or
- (b) fails to comply with any direction given by any such order, or
- (c) harbours any person who has contravened any order made under Section 2 or has failed to comply with any direction given by any such order, as/line shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.

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

7. Repeal and saving.- [*Rep. by the Repealing and Amending Act, 1957 (36 of 1957), sec. 2 and Schedule 1 (17-9-1957).*]

State Amendment

Nagaland : After Section 6 insert the following :-

“7. Construction of reference to Assam. – In this Act, except in Section 3, references to Assam shall be construed as including also a reference to the State of Nagaland”. [(A.L.U.S.) Order, 1965 (G.S.R. 1761, dated 29-11-1965) (w.e.f. 1-12-1963)].

NOTIFICATION

Delegation of powers of Assam Government and certain officers subordinate to it

No. F. 17-1/50-Pak. III, dated the 20th March, 1950 – In exercise of the powers conferred by Section 3 of the Immigrants (Expulsion from Assam) Act, 1950 (10 of 1950), and in supersession of the Notification of the Government of India, Ministry of External Affairs No.F.12-27 / 49-Pak.-III, dated the 30th January, 1950, the Central Government is pleased to direct that the powers and duties conferred or imposed on it by Section 2o of the said Act shall be exercised or discharged also by the Government of Assam or by the Deputy Commissioners, Commissioners, Additional Deputy Commissioners, Sub-Divisional Officers and the Superintendent, Lushasi Hills subordinate to that Government.