



## THE REGISTRATION OF FOREIGNERS ACT, 1939



### CONTENTS

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- 1 Short title and extent.
- 2 Definitions.
- 3 Power to make rules.
- 4 Burden of proof.
- 5 Penalties.
- 6 Power to exempt from application of Act.
- 7 Protection to persons acting under this Act.
- 8 Application of other laws not barred.
- 9 Application of Act to Acceding States.

# THE REGISTRATION OF FOREIGNERS ACT, 1939.

## <sup>1</sup>ACT NO. XVI OF 1939

[8th April, 1939]

### An Act to provide for the registration of foreigners in <sup>2</sup>[Pakistan]

WHEREAS it is expedient to provide for the registration of foreigners entering, being present in, and departing from, <sup>2</sup>[Pakistan];

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1939, Ext., p. 69; for the Report of Select Committee, see Gazette of India, 1939; Pt. V, p. 111.

This Act has been applied to—

(i) Baluchistan with the omission of Proviso to s. 6, see Gazette of India, 1939, Pt. I, p. 854;

(ii) Tribal Areas other than Baluchistan Tribal Areas, *ibid.*

[It was applied to certain persons to whom it did not apply for the time being, by the Registration of Foreigners Act (Extending) Ordinance, 1942 (16 of 1942), since rep. by the Repealing Ordinance, 1946 (1 of 1946), s. 2 and Sch.]

The Act has been extended to—

(i) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499;

(ii) the Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953), as amended;

(iii) the Khairpur State, see the Khairpur (Federal Laws) (Extension) Order, 1953 (G. G. O. 5 of 1953), as amended; and

(iv) the State of Bahawalpur, see the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

<sup>2</sup>Subs. by the Registration of Foreigners (Amdt.) Act, 1949 (8 of 1950), s. 2, for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "British India".

It is hereby enacted as follows:—

**1. Short title and extent.**—(1) This Act may be called the Registration of Foreigners Act, 1939.

(2) It extends to <sup>1</sup>[the whole of Pakistan].

**2. Definitions.** In this Act—

<sup>2</sup>[(a) "foreigner" means a person who is not a citizen of Pakistan;]

(b) "prescribed" means prescribed by rules made under this Act.

**3. Power to make rules.** The <sup>3</sup>[Federal Government] may after previous publication, by notification in the official Gazette, make rules with respect to foreigners for any or all of the following purposes, that is to say—

- (a) for requiring any foreigner entering, or being present in, <sup>4</sup>[Pakistan] to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;
- (b) for requiring any foreigner moving from one place to another place in <sup>4</sup>[Pakistan] to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;
- (c) for requiring any foreigner who is about to leave <sup>4</sup>[Pakistan] to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;
- (d) for requiring any foreigner entering, being present in, or departing from, <sup>4</sup>[Pakistan] to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;

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<sup>1</sup>The original words "the whole of British India" have been amended by A. O., 1949 and the Registration of Foreigners (Amdt.) Act, 1949 (8 of 1950), s. 3, to read as above.

<sup>2</sup>Subs. by the Foreigners (Amdt.) Act, 1957 (35 of 1957), s. 2, for the original cl. (a), as amended by A. O., 1949.

<sup>3</sup>Subs. by F. A. O. 1975, Art. 2 and Table, for "Central Government".

<sup>4</sup>Subs. by Act, 8 of 1950, s. 2, for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "British India".

- (e) for requiring any person having the management of any hotel, boarding-house, sarai or any other premises of like nature to report the name of any foreigner residing therein for whatever duration, to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;
- (f) for requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, <sup>1</sup>[Pakistan] in such vessel or aircraft, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Act ;
- (g) for providing for such other incidental or supplementary matters as may appear to the <sup>2</sup>[Federal Government] necessary or expedient for giving effect to this Act.

**4. Burden of proof.** If any question arises with reference to this Act or any rule made there-under, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Evidence Act, 1872 (I of 1872), lie upon such person.

**5. Penalties.** Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of any rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with fine which may extend to five hundred rupees.

**6. Power to exempt from application of Act.** The <sup>2</sup>[Federal Government] may, by order, declare <sup>3</sup>that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner:

Provided that a copy of every such order shall be placed on the table of <sup>4</sup>\* \* \* the Central Legislature as soon as may be after its promulgation.

**7. Protection to persons acting under this Act.** 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 Act.

**8. Application of other laws not barred.** The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Foreigner Act, <sup>5</sup>[1946 ([XXXI of 1946](#))] and any other law for the time being in force.

<sup>6</sup>[**9. Application of Act to Acceding States**]. *Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 2 and Sch, II.*

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<sup>1</sup>Subs. by the Registration of Foreigners (Amdt.) Act, 1949 (8 of 1950) s. 4, for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "British India".

<sup>2</sup>Subs. by F. A. O. 1975, Art. 2 and Table, for "Central Government".

<sup>3</sup>For such declarations, see Gazette of Pakistan, 1962, Pt. I, p. 353.

<sup>4</sup>The words "both Houses of" omitted by A. O., 1949.

<sup>5</sup>Subs. by Act 8 of 1950, s. 5, for the figures "1864".

<sup>6</sup>Section 9 was previously amended by various enactments.

