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Reciprocity Act, 1943

Section 1 - RECIPROCITY ACT, 1943

RECIPROCITY ACT, 1943RECIPROCITY ACT, 19439 of 194331st March, 1943STATEMENT OF OBJECTS AND REASONS "The treatment meted out to Indians overseas and their disabilities have been matter of deep and ever-growing concern to the Indians since a very long time. Indians have frequently given expression to their indignation from public platforms and on the floor of the Assembly whenever occasions arose for these. The latest I wish to refer to is the Asiatic (Transval) Land and Trading Act of 1939passed by the Union Government of South Africa imposing restrictions which are unbearable and strangulate trade and other legitimate activities of Indians. The actions of the Ministers of the Govern- ment of Ceylon as well as Burma prejudicial to the interests of Indians are too fresh to need any comment. They are following the examples of South Africa and Kenya who feel encouraged because His Majesty's Government either does not wish to interfere or is impotent to interfere in spite of our strong protest against discriminating legislation. As negotia- tions have frequently failed to achieve any satisfactory settlement with some of the recalcitrant British possessions nothing remains but to put into effect the principles of reciprocity which is the object of this Bill. The Bill if passed into law will provide a sanction - though not as effective as the economic - to the Government of India whenever negotiations with an (offending country in the British Empire fail. The permanent solution of our troubles can only be achieved when India enjoys the same freedom as South Africa or Great Britain." Govind V. Deshmukh.-Gaz. ofind., 1941, Part V, page 162.An Act to make provisions on a basis of reciprocity in regard to entry into, travel, residence, the - acquisition, holding or disposal of property, the enjoyment of educational facilities, the hold- ing of public office, or the carrying on of any occupation, trade, business or profession in 2[* * *] India by, and the franchise in2[* * *] India of, persons domiciled in British possessions. Preamble WHEREAS it is expedient to make provisions on a basis of reciprocity in regard to entry into, travel, residence, the acquisition, holding or disposal of property, the enjoyment of educational facilities, the holding of public office, or the carrying on of any occupation, trade, business or profession in2[*. * *] India by, and the franchise in2[* * *] India of, persons domiciled in British possessions; It is hereby enacted as follows :-SECTION 01: SHORT TITLE, EXTENT AND COMMENCEMENT(1) This Act may be called the Reciprocity Act, 1943.(2) It extends to the whole of India3[***],4[(3) It shall come into force on the 1st day of September, 1943.]SECTION 02: DEFINITIONS- In this Act, unless there is anything repugnant in the subject or context -5[(a) "British possession" means any part of His Majesty's dominions6[* * *] and includes a protectorate or other territory administered by a British possession as a mandatory on behalf of the League of Nations; and where parts of those dominions are under both a central and a local Legislature, the expression shall mean either each part under a local Legislature or all parts under the central legislature];(b) "entry" including landing at any port in7[India] during the stay ill "[India] of a ship or aircraft on its way to a destination outside7[India];8[* * *]SECTION 03: POWER OF CENTRAL GOVERNMENT TO IMPOSE RECIPROCAL DISABILITIES ON PERSONS DOMICILED IN BRITISH POSSESSIONS- Where by the law or practice of any British possession persons of Indian origin are subject in that British possession to disabilities in respect of entry into, or travel, residence, the acquisition, holding or disposal of property, the enjoyment of educational facilities, the holding of public office, the carrying on of any occupation, trade, business or profession, or the exercise of the franchise in that British possession to which in respect of the like matters in10[India] persons domiciled in that British possession are not subject in "[India], the Central Government may, by notification11 in the official Gazette, direct that the same disabilities or disabilities as similar thereto as may be, shall, not- withstanding anything contained in any other law for the time being in force, be imposed in10[India] on persons not being of Indian origin who are domiciled in that British possession.]SECTION 04: BURDEN OF PROOF ON PERSON CLAIMING EXEMPTION- If any person alleged to be domiciled in any British possession and to be subject to the provisions of this Act pleads that he is not so domiciled, or that the provisions of this Act do not apply to him, the onus of proving the truth of such a plea shall be on

him.SECTION 05: DIRECTION IMPOSING DISABILITIES IN RESPECT OF ENTRY, TRAVEL AND RESIDENCE NOT TO APPLY TO ARMED FORCES- Any direction made by the Central Government under section 3-imposing disabilities in respect of entry into or travel or residence in13[India] upon persons domiciled in a British possession shall not, until the expiry of six months after the termination of the present hostilities, apply to any person domiciled in that British possession who is a member of its armed forces.]SECTION 06: POWER TO MAKE RULES-- (1) The Central Government may, by notification in the Official Gazette, make rules15for carrying out the purpose of this Act.(2) In particular and without prejudice to the generality of the foregoing power, rules made under this section may provide-(a) for the selling up of machinery to ascertain the disabilities in respect of any of the matters specified in section 3-to which persons of Indian origin are subject in any British possession;(b) for the establishment of a suitable agency to administer the rules and for defining its functions and powers;(c) for specifying the disabilities that shall, when a direction has been made under S. 3, be imposed in16[India] on persons and being of Indian origin who are domiciled in any British possession and for the imposition on them of the disabilities so specified;(d) for the enforcement, by the prescription of a penalty by way of imprisonment or fine or both, of any rule made under clause (c);(e) for authorizing the arrest of any person contravening or reasonably suspected of contravening any rule made under clause (c), and for prescribing the duties of public servants and others in regard to such arrests.] 17[(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expire' of the session immediately following the session or the successive sessions atoresaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made. The rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]SECTION 07: REPEAL OF ACT III OF 1924--The Immigration into India Act, 1924, is hereby repealed.] Central Bare Acts

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