

THE RECIPROCITY ACT, 1943

ARRANGEMENT OF SECTIONS

SECTIONS

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THE RECIPROCITY ACT, 1943
ACT NO. 9 OF 1943¹

[31st March, 1943.]

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 holding of public office, or the carrying on of any occupation, trade, business or profession in ^{2***} India by, and the franchise in ^{2***} 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 in ^{2***} India by, and the franchise in ^{2***} India of, persons domiciled in British Possessions:

It is hereby enacted as follows : —

1. Short title, extent and commencement.—(1) This Act may be called the Reciprocity Act, 1943.

(2) it extends to the whole of India ^{3***}.

⁴[(3) It shall come into force on the 1st day of September, 1943.]

2. 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 dominions ^{6***} 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” includes landing at any port in ⁷[India] during the stay in ⁷[India] of a ship or aircraft on its way to a destination outside ⁷[India] :

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1. The Act has been extended in its application to Union territory of Pondicherry by Act 26 of 1968, s. 3 and the Sch.
2. The words “certain parts of” omitted by the Part B States (Laws) Act, 1951 (3 of 1951), s. 3 and the Sch.
3. The words “except Part B States” omitted by s. 3 and the Sch., *ibid.*
4. Subs. by Act 22 of 1943, s. 2, for the original sub-section (3).
5. Subs. by s. 3, *ibid.*, for the original cl. (a).
6. The words “exclusive of India” omitted by the A.O. 1950.
7. Subs. by Act 3 of 1951, s. 3 and the Sch., for “the States”.
8. Cl. (c) ins. by the A.O. 1950, omitted by s. 3 and the Sch. *ibid.*

¹**[3. 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 in ²[India] persons domiciled in that British Possession are not subject in ²[India], the Central Government may, by notification in the Official Gazette, direct that the same disabilities or disabilities as similar thereto as may be shall, notwithstanding anything contained in any other law for the time being in force, be imposed in ²[India] on persons not being of Indian origin who- are domiciled in that British Possession.]

4. 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.

³**[5. 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 in ²[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.]

⁴**[6. Power to make rules.** —(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes 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 setting 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 section 3, be imposed in ²[India] on persons not 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, or 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.]

⁵**[(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 expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be**

1. Subs. by Act 22 of 1943, s. 4, for the original s. 3.

2. Subs. by Act 3 of 1951, s. 3 and the Sch. for “the States”

3. Subs. by Act 22 of 1943, s. 5, for the original s. 5.

4. Subs. by s. 6, *ibid.*, for the original s. 6.

5. Ins. by Act 4 of 1986, s. 2 the Sch. (w.e.f. 15-5-1986).

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.]

¹[**7. Repeal of Act 3 of 1924.**—The Immigration into India Act, 1924, is hereby repealed.]

1. Ins. by Act 22 of 1943, s. 7.