

(AS ON 31-3-1987)

FOREIGNERS (INTERNMENT) ORDER, 1962

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

ORDER

New Delhi, the 3rd November, 1962

G.S.R. 1963. - In exercise of the powers conferred by Section 3, 4 and 8 of the Foreigners Act, 1946 (31 of 1946), read with the Foreigners Law (Application and Amendment) Ordinance, 1962, the Central Government hereby makes the following Order, namely: -

CHAPTER I - Preliminary

1. Short title and Commencement. -

(1) This Order may be called the Foreigners (Internment) Order, 1962.

(2) It shall come into force at once.

2. Definitions -

In this Order-

- (1) **“civil authority”** means the civil authority appointed under paragraph 2 of the Foreigners Order, 1948;
- (2) **“internee”** means any person arrested or liable to arrest under paragraph 5 of this Order.

CHAPTER-II-Internment of certain persons

3. Application of Chapter. -

This chapter shall apply to and in relation to any national of Pakistan and to any other foreigner who is, and any person who, or either of whose parents, or any of whose, grand—parents was at any time a citizen or subject of any country at war with, or committing external aggression against, India or of any other country assisting the country at war with, or committing such aggression against India.

4. Internment Camps. -

The Central Government may for the purposes of this Order establish internment camps at such places as it thinks fit, and shall appoint a Commandant of every such camp.

5. Arrest and internment of certain persons. -

(1) The civil authority for any area may arrest or cause to be arrested any person to whom this chapter applies in that area:

Provided that nothing in this sub-paragraph shall, except by an express direction of the Central Government, apply to, or in relation to, any such person employed in a diplomatic or consular mission in India or the wife or any child of any such person.

- (2) Every person arrested under the provisions of sub-paragraph (1) shall be surrendered, as soon as may be, to the Commandant or an internment camp:

Provided that if, at the time of his arrest, such person is suffering from any infectious disease, or by reason of sickness unable to move the civil authority, making the arrest, shall report the matter to the Commandant of an internment camp and await his instructions as to the time at which, and the internment camp to which the arrested person shall be removed.

- (3) Every such person surrendered to the Commandant of an internment camp in pursuance of sub-paragraph (2) shall be confined in an internment camp until otherwise directed by the Central Government.

6. Temporary detention of internees. -

The civil authority shall, pending the surrender of an internee to the Commandant of an internment camp, detain or confine such internee in such manner and at such place as may to such authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police

custody under the provisions of Code of Criminal Procedure, 1898 (5 of 1898).

7. Personal property of internees. -

- (1) An internee may take with him to an internment camp such personal property as may be permitted by the civil authority arresting him, and, may, subject to the approval of that authority, dispose of the rest of his personal property in such manner as he desires.
- (2) Where an internee is unable to make arrangements for the disposal of such of his personal property as he is not allowed to take with him to the internment camp, the property shall remain in the custody of the civil authority making the arrest or of such other person as may be authorised by or under any law for the time being in force to take possession of property belonging to such foreigners.

CHAPTER –III-*General provisions as to foreigners*

8. Arrest and detention of suspected foreigners. -

- (1) The Civil authority may arrest without any warrant any foreigner, whom it reasonably suspects of having acted, of acting, or of being about to act, with intent to assist a country at war with or committing external aggression against India, or in a manner prejudicial to the public safety or to the safety of any building or machinery.
- (2) The civil authority making an arrest in pursuance of sub-paragraph (1) shall forthwith report the fact of such arrest to the Central Government and pending the receipt of the orders of the Central Government, shall detain or confine the arrested person in such manner or at such place as may to such authority appear suitable:

Provided that the manner of such detention or confinement shall not be more rigorous than the manner in which an arrested person is detained or confined while in police custody under the provisions of the Code of Criminal Procedure, 1898 (5 of 1898).

(No. 6/168/62-F.I _

FATEH SINGH

Jt. Secy.

AMENDMENT NOTIFICATIONS: -

No. 6/168/62-F.I.

Dated 25-11-1962

G.S.R. 26-11-62.