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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd January 1896:—

Bill No. 1 of 1896.

A Bill to amend the Criminal Tribes Act, 1871.

WHEREAS it is expedient to amend the Criminal Tribes Act, 1871; It is hereby enacted as follows:—

1. (1) This Act may be called the Criminal Tribes Act, Amendment Act, 1896; and

(2) It shall come into force at once.

2. After section 1 of the Criminal Tribes Act, 1871, the following section shall be inserted, namely:—

“1A. In this Act the words ‘tribe,’ ‘gang’ and ‘class’ shall be deemed to include any portion of a tribe, gang

and class.

3. After section 17 of the said Act the following section shall be added, namely:—

“17A. (1) The Local Government may establish reformatory settlements for children and remove from their parents and place in such a reformatory settlement the children of the members of

any tribe, gang or class which has been declared to be criminal.

(2) For every reformatory settlement for children established under sub-section (1) a Superintendent shall be appointed by the Local Government.

(3) The Superintendent of a reformatory settlement for children shall be deemed to be the guardian within the meaning of Act No. XIX of 1850 (concerning the binding of apprentices), of every child detained in such settlement; and such Superintendent may, if he shall think fit, and subject to any rules which the Local Government may make in this behalf, apprentice such child under the provisions of the aforesaid Act.”

4. For section 19 of the said Act the following section shall be substituted, namely:—

“19 (1) Any person violating a rule made under clause (4), clause (5) or clause (6) of section 18 shall be punishable with rigorous imprisonment for a term which may extend, on a first conviction, to one year, on a second conviction, to three years, and, on any subsequent conviction, to five years, and shall also, whether on the first or any subsequent conviction, be liable to whipping.

(2) Any person violating a rule made under any other clause of section 18 shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and, on any subsequent conviction for a breach of any such rule, with rigorous imprisonment for a term which may extend to one year, or with fine, or with whipping or with all or any two of those punishments.”

(3) Any person violating a rule made under any other clause of section 18 shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and, on any subsequent conviction for a breach of any such rule, with rigorous imprisonment for a term which may extend to one year, or with fine, or with whipping or with all or any two of those punishments.”

(4) Any person violating a rule made under any other clause of section 18 shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and, on any subsequent conviction for a breach of any such rule, with rigorous imprisonment for a term which may extend to one year, or with fine, or with whipping or with all or any two of those punishments.”

Ad ition of two new section after section 19, Act XXVII, 1871.

[Cf. section 75 of Act XLV of 1860 and section 348 of Act X of 1882.]

19A. Whoever, being a member of any tribe, gang or class which has been declared criminal, and having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years or upwards, shall be guilty of any offence punishable under either of those chapters with imprisonment of either description for a term of three years or upwards, shall, in the absence of special reason to the contrary, to be specified in the judgment of the Court, be punished, on conviction for the second time of any such offence, with rigorous imprisonment for a term of not less than seven years, and, on conviction for the third time of any such offence, with transportation for life.

19B. Whoever, being a member of any tribe, gang or class which has been declared criminal, is found in any place under such circumstances

Punishment for members of criminal tribe, found under suspicious circumstances.

5. After section 19 of the said Act the following sections shall be added, namely:—

as to satisfy the Court that he was about to commit, or aid in the commission of, theft or robbery, or that he was waiting for an opportunity to commit theft or robbery, shall be punishable with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine."

6. The following portions of the said Act are hereby repealed, namely:—

- Repeal of certain portions of Act XXVII of 1871.
- (a) in section 7, the words "or any part thereof," "or of any part thereof" and "or any part of it;"
 - (b) in section 8, the words "or of such portion thereof as is directed to be registered;"
 - (c) in section 14, the words "or any part thereof;"
 - (d) in section 15, the words "or such part thereof as is to be so settled or removed;" and
 - (e) in section 17, the words "or any part thereof."

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to make in the law relating to the control of criminal tribes certain amendments which experience of the depredations of, in particular, the Sansiahs of the North-Western Provinces has shown to be very necessary. The Criminal Tribes Act (XXVII of 1871) already contains provisions of considerable severity; but it is thought that the altogether exceptional circumstances of the case are such as to justify still more drastic measures in order to strengthen the hands of the Government in coercing and, if possible, reforming the members, and more especially the rising generation, of such tribes, composed as they in fact are of criminals of the worst type, whose only occupation is crime.

2. Section 2 of the Bill proposes to add after section 1 of Act XXVII of 1871 an additional section defining the words "tribe, class or gang" so as to make it clear that the provisions of the following sections may be applied to a portion, as well as to the whole, of a tribe. Certain consequential but purely verbal amendments are made by section 6 of the Bill.

3. As the law at present stands, it is open to question whether the children of a proclaimed criminal tribe can be sent to a reformatory settlement otherwise than with their parents' consent or as a punishment for breach of discipline. The additional provision which section 3 of the Bill purports to insert after section 17 of the Criminal Tribes Act, 1871, takes power to remove at discretion such children from their parents' control, to detain them in a reformatory settlement with a view to their more effectual reformation, and to apprentice them under the provisions of Act XIX of 1850 so as to prevent their returning after discharge to their former surroundings, and almost certainly relapsing into crime.

4. By section 4 of the Bill it is proposed to substitute for section 19 of the Act a new section providing specially severe penalties for the contravention of such of the rules made thereunder as are directed against absconding from a reformatory settlement.

5. The first of the new provisions contemplated by section 5 of the Bill is based upon section 75 of the Indian Penal Code, but fixes yet severer penalties in the case of members of a proclaimed tribe convicted more than once of certain heinous offences, and further provides that the enhanced punishment specified shall ordinarily be inflicted on such incorrigible offenders. The remaining provision is intended to go beyond section 401 of the Indian Penal Code by rendering any member of a proclaimed criminal tribe who is found under such circumstances as to satisfy the Court that he was about to commit, or aid in the commission of, theft or robbery, or was awaiting an opportunity to commit theft or robbery, liable to the same punishment as is prescribed by that section.

(Signed) ALAN CADELL.

The 2nd January 1896.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd January, 1896:—

No. 2 of 1896.

A Bill to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient to amend the Indian Emigration Act, 1883; It is hereby enacted as follows:—

1. In section 105, sub-section (1), of the said Act, for the words "under a contract" the words "under, or with a view to entering into, an agreement" shall be substituted.

2. After section 105 of the said Act the following section shall be added, namely:—

"106. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that all or any of the provisions of this Act or the rules thereunder shall not apply, or shall apply subject to such conditions, modifications or restrictions as to the Governor General in Council may seem expedient, in the case of Natives of India departing out of British India under an agreement made with, or on behalf of, Her Majesty's Government to labour for hire in any country beyond the sea.

Provided that no notification under this section shall be issued unless the Governor General in Council is first satisfied that the fair treatment of Natives of India so departing out of British India has, by rules or otherwise, duly been secured."

STATEMENT OF OBJECTS AND REASONS.

THE attention of the Government of India has recently been directed to a case in which some Natives of India were induced to quit British territory by land, to proceed to a foreign port and there to enter into agreements to labour for hire in East Africa, to which country emigration is unlawful. It being uncertain whether there existed at the time of departure from British India any agreement to emigrate to East Africa, a doubt arises as to the applicability of section 105 of the Indian Emigration Act (XXI of 1883) to such a case, and the object of section 1 of this Bill is to remove similar doubt for the future.

2. It is at the same time deemed desirable to facilitate as much as possible the recruitment of Indian labourers for employment under favourable circumstances beyond the sea, as, for example, on the Uganda Railway, and it is thought that the restrictions imposed by Act XXI of 1883 may well be removed when the employer abroad is Her Majesty's Government and the Government of India can readily satisfy themselves that fair treatment will be secured for the employés. By section 2 of the Bill, therefore, it is proposed to take power for the Governor General in Council to declare all or any of the provisions of the Act and the rules thereunder inapplicable in such cases.

The 2nd January 1896.

(Signed) J. WOODBURN.

S. HARVEY JAMES,
Secretary to the Government of India.