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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd December 1873, and was referred to a Select Committee with instructions to make their report thereon in a month :—

Bill No. 23 of 1873.

A Bill to control recruiting in British India for the service of Foreign States.

Preamble.

WHEREAS it is expedient that the Governor General in Council should exercise full control over recruiting in British India for the service of Foreign States; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Foreign Recruiting Act 1874":

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the passing thereof.

Interpretation-clause.

2. In this Act—

"Foreign State."

"Foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province, or people beyond the limits of British India.

Power to prohibit or permit recruiting.

3. If any person is, within the limits of British India, obtaining or attempting to obtain recruits for the service of any Foreign State in any capacity, the Governor General in Council may, by order in writing signed by a Secretary to the Government of India, either prohibit such person from so doing, or permit him to do so subject to any conditions which the Governor General in Council thinks fit to impose.

Power to impose conditions.

4. The Governor General in Council may from time to time, by general order notified in the *Gazette of India*, either prohibit recruiting for the service of any Foreign State, or impose upon such recruiting any conditions which he thinks fit.

Power to rescind or vary orders.

5. The Governor General in Council may rescind or vary any order made under this Act in such manner as he thinks fit.

Offences.

6. Whoever, in violation of the prohibition of the Governor General in Council, or of any condition subject to which permission to recruit may have been accorded,

(*a*) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State, or

(*b*) knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever,

shall be liable to imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Place of trial.

7. Any offence against this Act may be enquired into and tried, as well in any district in which the person accused may be found, as in any district in which it might be enquired into and tried under the provisions of the Code of Criminal Procedure.

STATEMENT OF OBJECTS AND REASONS.

In the present state of the law, as appears from a legal opinion lately submitted to the Government of India, there is nothing to prevent our Indian territories being made a recruiting ground for Foreign States on the Continent of India or elsewhere. It seems that the agents of such States may beat up for recruits in a way to expose the Government to serious embarrassment, with foreign nations if they do not interfere, and with their own subjects if they do.

It is only when the recruiting is for the "service of any Foreign State at war with any Foreign State at peace with Her Majesty" that the provisions of the English Foreign Enlistment Act (33 & 34 Vic., cap. 90) apply, and the Indian Emigration Act, to which a reference is naturally made in connection with a matter of this kind, is confined in its operation to emigrant *labourers*, that is to say, taking the word in its ordinary acceptation, to persons emigrating with a view to obtaining employment in husbandry or manufactures.

The object of the present Bill is to confer on the Governor General in Council the power of control which thus appears to be wanting, and which at the same time it is manifestly desirable he should possess.

(Signed) A. HOBHOUSE.

The 5th November 1873.

WHITLEY STOKES,
Secretary to the Government of India.

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