

THE



# Bombay Government Gazette.

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*Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th day of September 1869, and was promulgated for general information in the *Gazette of India* of 25th September 1869 :—

#### Act No. XXII. of 1869.

AN ACT to remove the Gáro Hills from the jurisdiction of the tribunals established under the general Regulations and Acts and for other purposes.

WHEREAS it is expedient to remove the territory commonly known as the Gáro Hills from the jurisdiction of the Civil, Criminal, and Revenue Courts and offices established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory ; It is hereby enacted as follows :—

1. This Act may be called "The Gáro Hills Short title. Act, 1869."
2. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall, by notification in the *Calcutta Gazette*, direct.
3. On and after such day, Act No. VI. of 1835 (so far as it relates to the Khási Hills, therein termed 'Cossyah' Hills) and the Bengal Regulation X. of 1822 shall be repealed : Provided that such repeal shall not affect any settlement of land revenue or other matters made under the latter enactment with zamíndárs or other persons in any place to which this Act applies.

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4. Save as hereinafter provided, the territory known as the Gáro Hills, bounded on the north and west by the District of Gawálpára, on the south by the District of Mymensingh as defined by the Revenue Survey, and on the east by the Khási Hills, is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the offices of revenue constituted by the Regulations of the Bengal Code and the Acts passed by any Legislature now or heretofore established in British India, as well as from the law prescribed for the said Courts and offices by the Regulations and Acts aforesaid ;

And no Act hereafter passed by the Council of the Governor General for making Laws and Regulations shall be deemed to extend to any part of the said territory unless the same bespecially named therein :

5. The administration of Civil and Criminal justice and the superintendence of the settlement and realization of the public revenue and of all matters relating to rent within the said territory are hereby vested in such officers as the said Lieutenant-Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint.

The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant-Governor, and be guided by such instructions as he may from time to time issue.

6. Any person liable to be imprisoned in any Civil or Criminal Jail, or to be transported beyond sea under any order or sentence passed by any officer or Court empowered as provided in this Act, may be imprisoned in any Civil or Criminal Jail, or transported to any place which the said Lieutenant-Governor may direct.

7. The said Lieutenant-Governor may prevent, by such means as he shall think fit, the collection by zamindárs or other persons of any cesses, tributes, or exactions, on whatsoever pretence the same may be levied, from the inhabitants of the said territory, and may make arrangements either for the remission of such cesses, tributes, and exactions, or for their collection direct by the officers of Government, making such compensation to zamindárs, or others justly entitled thereto, for the relinquishment of the same, as may to him seem proper.

8. The said Lieutenant-Governor may, from time to time, by notification in the *Calcutta Gazette*, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General or of the said Lieutenant-Governor for making Laws and Regulations,

and may on making such extension direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

9. The said Lieutenant-Governor may, from time to time, by notification in the *Calcutta Gazette*, extend, *mutatis mutandis*, all or any of the provisions contained in the other sections of this Act to the Jintía Hills, the Nága Hills, and to such portion of the Khási Hills as for the time being forms part of British India.

Every such notification shall specify the boundaries of the territories to which it applies.

10. Whenever a question arises whether any place falls within the boundary of the territory described in section four, or within the boundary of any of the territories to which provisions of this Act may be extended under section nine, such officers as the said Lieutenant Governor shall from time to time appoint may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.

WHITLEY STOKES,  
*Secretary to the Council of the Governor General for making Laws and Regulations.*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th day of September 1869, and was promulgated for general information in the *Gazette of India* of 21st September 1869:—

Act No. **XXI.** of 1869.

## THE EUROPEAN VAGRANCY ACT, 1869.

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## AN ACT to provide against European Vagrancy.

WHEREAS numerous persons of European extraction are at present wandering in a destitute condition throughout India, and whereas such conduct is prejudicial to public order, and it is expedient to prevent the same; It is hereby enacted as follows:—

#### PART I.—PRELIMINARY.

1. This Act may be called "The European Vagrancy Act, 1869."

Short title.

2. Sections three, seventeen, eighteen, twenty-one, twenty-two, twenty-three, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three, and thirty-four shall come into operation at once, and shall extend to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty;

Sections twenty-five, twenty-six, and thirty-one shall come into operation on the first day of January 1870, and shall extend to the whole of British India and to the said dominions:

And the rest of this Act shall come into operation in such parts of British India and of the said dominions, and on such day or respective days as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

Interpretation clause.

3. In this Act—  
"Person of European extraction" includes "Person of European Americans and Australians";

"Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment or visible means of subsistence:

"Master of a ship" includes any person in charge of a decked vessel:

And in Parts III. and V. of this Act "Magistrate" means, within the limits of the Towns of Calcutta, Madras, and Bombay, a Magistrate of Police, and outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Subordinate Magistrate of the first class.

#### PART II.—PROCEDURE.

4. Any Police-officer may, within the limits of the towns of Calcutta, Madras, and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to and to appear before the nearest Magistrate of Police, and may, without those limits, require any such person to accompany him or any other Police-officer to and to appear before the nearest Justice of the Peace exercising the full powers of a Magistrate under the Code of Criminal Procedure.

5. The Magistrate of Police or Justice shall make a summary inquiry into the circumstances and character of the alleged vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.

If he is further of opinion that the vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a Government work-house and shall draw out an order to that effect.

The vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the work-house, and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the work-house and to the governor of the work-house for receiving and detaining such vagrant.

6. Where the officer making the inquiry mentioned in section five is of opinion that the vagrant is likely to obtain employment in any place subject to the Local Government or (when the vagrant is in any part of the said dominions) in any place subject to the nearest Local Government, such officer may in his discretion forward the vagrant to such place in charge of the Police, and draw up an order to that effect.

Such order shall be a sufficient authority to the Police for retaining the vagrant in their charge while he is on his way to such place of employment.

7. Upon his arrival at the place of employment, the vagrant shall be taken before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, to whom the order for transmission shall be delivered.

Such officer shall thereupon, to the best of his ability, assist the vagrant in seeking employment, and may in the mean time, if he think fit, keep the vagrant in the charge of the Police.

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding fifteen days from such arrival, such officer shall forward him to a Government work-house in the manner provided by section five.

8. Every person while in charge of the Police, whether before inquiry as to his vagrancy, or while he is on his way, under section five, to the work-house, or, under section six, to a place of employment, shall be entitled to an allowance for his subsistence at the rate of eight annas per diem.

The Magistrate of Police or Justice, before whom any vagrant is taken under section seven may, if he think fit, order the vagrant to receive a similar allowance while he is seeking employment.

The Local Government shall cause such allowance to be paid out of such funds at its disposal and in such manner as it may from time to time direct.

9. Any Magistrate of Police or Justice of the Peace exercising full powers as aforesaid may, on being satisfied that any person of European extraction is not likely to become a vagrant, give such person a certificate under his hand stating that for a certain time (mentioning it) not exceeding six months from the date of the certificate, and within certain limits (mentioning them), nothing in sections four, five, six, and seven shall apply to

the holder of such certificate; and thereupon (subject to the provisions contained in sections twenty-three and twenty-four) nothing in sections four, five, six, and seven shall apply to such person for such time and within such limits as aforesaid.

Every such certificate shall be in the form set forth in the first schedule to this Act annexed, or as near thereto as circumstances will admit.

10. The Local Government may from time to time, by notification in the official Gazette, invest any Justice of the Peace, District Superintendent of Police, or Assistant District Superintendent of Police, with the jurisdiction and powers conferred by this Part on a Justice of the Peace exercising full powers as aforesaid.

#### PART III.—GOVERNMENT WORK-HOUSES.

11. The Local Government, with the previous sanction of the Governor General of India in Council, may provide work-houses, with their necessary furniture and establishment, at such places as it may think proper, for the temporary reception of vagrants,

or may by writing under the hand of a Secretary to such Government, certify any building, or part of a building not provided as a work-house under the former part of this section, to be fit for a work-house for the purposes of this Act. Every such certificate shall be published in the local official Gazette, and thereupon such building or part of a building shall, until the Local Government otherwise orders be deemed a Government work-house under this Act.

The Local Government shall allow the same scale of diet for the support of vagrants received in such work-houses as is for the time being allowed for Europeans confined in the local prisons or penitentiaries.

12. Every such work-house shall be under the immediate charge of a governor, who shall be appointed and may be suspended or removed by the Local Government.

Every such governor shall, if the Local Government think fit, be subject to the orders of a Committee of Management appointed from time to time by such Government, or, in the absence of a Committee, to the orders of such officer as the Local Government shall from time to time appoint in this behalf.

13. Every such governor may order that any vagrant admitted to the work-house under his charge shall be searched, and that the vagrant's bundles, packages, and other effects shall be inspected, and may direct that any money then found with or on the vagrant, shall be applied (subject to the orders of the Local Government) towards the expense of carrying this Act into execution, and may order that all or any of the said effects shall be sold, and that the produce of the sale be applied as aforesaid, but subject to the like orders.

14. Vagrants admitted to work-houses under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed by the Local Government with the

previous sanction of the Governor General of India in Council.

Any vagrant who knowingly disobeys or neglects any such rule, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to three months.

15. The governor and the Committee of Management (if any) of every such work-house shall use his and their best endeavours to obtain outside the work-house suitable employment for the vagrants admitted thereto.

When such employment is obtained, any such vagrant refusing or neglecting to avail himself thereof, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to one month.

#### PART IV.—REMOVAL FROM INDIA.

16. If after the lapse of a reasonable time no suitable employment is obtainable for any such vagrant, the Local Government may either (when he shall have entered into such agreement as hereinafter mentioned) cause him to be removed from British India in manner hereinafter provided, the cost of such removal being paid by Government;

or it may cause sections twenty-three and thirty to be read to him and may then release him.

17. Any vagrant or other person of European extraction may enter into an agreement in writing with the Secretary of State for India in Council, binding himself—

- (a) to proceed to such port in British India as shall be mentioned in the agreement;
- (b) there to embark on board such ship and at such time as shall be directed by an officer appointed in this behalf by the Local Government of the territories in which such port is situate, for the purpose of being removed from India at the expense of the said Secretary of State in Council;
- (c) to remain on board such ship until she shall have arrived at her port of destination; and
- (d) not to return to India until five years shall have elapsed from the date of such embarkation.

Every such agreement may be on unstamped paper and shall be in the form set forth in the second schedule to this Act annexed, or as near thereto as circumstances will admit.

18. The Local Government of the territories in which the said port is situate may enter into such contracts for conveyance or otherwise, and perform such other acts as may be necessary to carry out such agreement on the part of the said Secretary of State in Council.

#### PART V.—PENALTIES.

19. Any person refusing or failing to accompany a Police-officer to, or to appear before a Magistrate of Police or Justice of the Peace, for the purpose of preliminary inquiry, when required so to do under section four, shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with imprisonment for a term

which may extend to one month, or with fine, or with both.

And any person who, when required under section four to accompany a Police-officer to, or to appear before a Magistrate of Police or Justice of the Peace, commits an offence punishable under section three hundred and fifty-three of the Indian Penal Code, may, whether he be or be not an European British subject, be tried by a Magistrate for such offence.

20. Any vagrant escaping from the Police while committed to their charge under the orders specified in sections five and six, or leaving a work-house under this Act without permission from the governor,

shall for every such offence be punishable, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

21. Any person entering into an agreement under section seventeen and failing to proceed in pursuance thereof to the port therein mentioned, or refusing to embark when directed so to do under the same section,

or escaping from the ship in which he has so embarked before she shall have reached her port of destination,

shall for every such offence be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to six months.

22. Any person returning to India within five years of the date of his embarkation pursuant to any agreement entered into under section seventeen, unless specially permitted so to do by the Secretary of State for India, shall for every such offence be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

23. Any person of European extraction found asking for alms when he has sufficient means of subsistence,

or asking for alms in a threatening or insolent manner,

or continuing to ask for alms of any person after he has been required to desist, shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term not exceeding one month for the first offence, two months for the second, and three months for any subsequent offence.

24. Every person imprisoned under section nineteen, twenty, twenty-one, or twenty-two, or twenty-three shall, at the end of his term of imprisonment, be placed before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, who shall, if he think fit, forthwith deal with him in the manner prescribed by sections five and six.

The order of transmission shall certify the fact of the previous conviction.

25. Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in any other part of Her Majesty's dominions of felony or of an offence which, if committed in England, would be felony, shall, on conviction before a Magistrate, be liable, for every person so landed or allowed to land, to pay a fine not exceeding five hundred rupees and not less than one hundred rupees, and, in default of payment, to imprisonment for any term not exceeding two months,

unless the defendant shall satisfy the Magistrate by evidence (which the defendant is hereby declared competent to give), that he had made due inquiry as to the person so landed or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the said Governor General in Council shall seem fit, and whether in respect of all or of any part of the persons on board such ships.

The said Governor General in Council may in like manner revoke any exemption made under this section.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

27. All prosecutions under this Act may be instituted and conducted by such officer as the Local Government shall from time to time appoint.

28. In imposing penalties under this Part and Part III. of this Act, no person shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

29. No proceeding under this Act shall be deemed invalid by reason only that the Magistrate of Police or Justice, before whom a person apparently a vagrant was required to appear, or before whom a person was placed under section twenty-four, was not the nearest.

#### PART VI.—MISCELLANEOUS.

30. Any European British subject who, upon the summary inquiry mentioned in section five, has been determined to be a vagrant, or who has been convicted under section

twenty-two or section twenty-three, shall, so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure (other than those contained in Chapter XIX. of the same Code) applicable to an European not being a British subject.

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

An office-copy of the declaration recorded under section five shall be *prima facie* evidence that the European British subject named therein has been, upon such inquiry, determined to be a vagrant.

Liability of importers of Europeans or employers of soldiers becoming vagrants. 31. Whenever any person of European extraction lands in India,

or, being a Non-Commissioned Officer or Soldier in Her Majesty's Army, leaves that Army in India,

under an engagement to serve any other person, or any Company, Association or Body of persons in any capacity,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the Army, as the case may be, then the person, or Company, Association or Body, to serve whom he has so landed in India or left the Army, shall be liable to pay to the Government the cost of his removal under this Act, and all other charges incurred by the State in consequence of his becoming a vagrant.

Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Secretary of State for India in Council by the person, Company, Association or Body chargeable.

32. The powers and duties conferred and imposed by sections sixteen and eighteen on a Local Government may be exercised and performed by such class of officers as the Local Government shall from time to time, by notification in the official Gazette, appoint in this behalf.

33. The powers and duties conferred and imposed by this Act on States of Magistrates, Justices of the Peace exercising the full powers of a Magistrate, and Police officers respectively may, in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

34. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement.

All such rules shall be published in the *Gazette of India*.

## THE FIRST SCHEDULE.

(See Section 9.)

WHEREAS E. F. of \_\_\_\_\_ a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1869, THESE ARE TO CERTIFY that for the space of \_\_\_\_\_ months from the date hereof and within the Province [or District] of \_\_\_\_\_ nothing in sections four, five, six, and seven of the same Act shall be deemed to apply to him, unless he is found asking for alms when he has sufficient means of subsistence, or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist: IN ANY OF WHICH CASES he shall be liable to be imprisoned and otherwise dealt with as provided in sections twenty-three and twenty-four of the said Act.

(Signed) G. H.,

Magistrate of Police for the Town of \_\_\_\_\_  
or Justice of the Peace for \_\_\_\_\_ exercising  
the full powers of a Magistrate.

## THE SECOND SCHEDULE.

(See Section 17.)

ARTICLES OF AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ BETWEEN the Secretary of State for India in Council of the one part and C. D. of &c. [the vagrant] of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows:—

1. The said C. D. shall proceed forthwith to the port of [the port of embarkation]

2. The said C. D. shall there embark on board such ship and at such time as an officer appointed in this behalf by the Local Government shall direct.

3. The said C. D. shall remain on board such ship until she shall have arrived at her port of destination.

4. The said C. D. shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.

5. The said Secretary of State in Council shall defray the cost of the transit of the said C. D. to the said port, and of his lodging and subsistence during such transit and during his detention (if any) at the same port, and shall contract with the owner of the said ship or his agent for the passage of the said C. D. on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.

IN WITNESS whereof A. B. (by order of the Governor General of India in Council [or the Governor of \_\_\_\_\_ in Council, or the Lieutenant-Governor of \_\_\_\_\_, or the Chief Commissioner of \_\_\_\_\_]), on behalf of the said Secretary of State in Council) and the said C. D. have hereunto set their hands the day and year first above written.

WHITLEY STOKES,

Secretary to the Council of the Governor General  
for making Laws and Regulations.