

ACT No. XI OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 30th May 1857.)

AN ACT for the prevention, trial, and punishment of offences against the State.

WHEREAS it is necessary to make due provision for the prevention, trial, and punishment of offences against the State; It is enacted as follows:—

Preamble.

I. All persons owing allegiance to the British Government who, after the passing of this Act, shall rebel, or wage war against the Queen or the Government of the East India Company, or shall attempt to wage such war, or shall instigate or abet any such rebellion or the waging of such war, or shall conspire so to rebel or wage war, shall be liable, upon conviction, to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years; and shall also forfeit all their property and effects of every description.

Punishment for rebellion, or for waging war against the Government.

Provided that nothing contained in this Section shall extend to any place subject to Regulation XIV of 1827 of the Bombay Code.

Proviso.

II. All persons who shall knowingly harbour or conceal any person who shall have been guilty of any of the offences mentioned in the preceding Section shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years, and shall also be liable to fine.

Punishment for harbouring or concealing offenders.

III. Clause 1.

PRICE 9 PIES.

ACT No. XI of 1857.

III. *Clause 1.*—Whenever the Executive Government of any Presidency or place within the said territories shall proclaim that any District subject to its Government is or has been in a state of rebellion, it shall be lawful for such Government to issue a Commission for the trial of all persons who shall be charged with having committed within such District, after a day to be specified in the Commission, any of the crimes mentioned in the preceding Sections, or any other crime against the State, or murder, arson, robbery, or other heinous crime against person or property.

Executive Government may issue a Commission for the trial of persons charged with certain offences in any proclaimed District.

*Clause 2.*—The Commissioner or Commissioners authorized by any such Commission may hold a Court in any part of the said District mentioned in the Commission, and may there try any person for any of the said crimes committed within any part thereof; it being the intention of this Act, that the District mentioned in the Commission shall, for the purpose of trial and punishment of any of the said offences, be deemed one District.

Court may be held in any part of the District.

IV. It shall be lawful for the Executive Government, by such Commission, to direct that any Court held under the Commission shall have power, without the attendance or futwa of a Law Officer, or the assistance of Assessors, to pass upon every person convicted before the Court of any of the aforesaid crimes any sentence warranted by law for such crime; and that the judgment of such Court shall be final and conclusive; and that the said Court shall not be subordinate to the Sudder Court.

Government may vest certain powers in the Court.

V. If a Commission be issued under the authority of this Act, any Magistrate within the District which is described in the Commission may commit persons charged with any of the aforesaid crimes within such District for trial before a Court to be held under this Act.

Magistrate may commit persons for trial before a Court held under this Act.

VI. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

Act not to apply to British-born subjects or their children.

VII. Whenever

ACT No. XI of 1857.

VII. Whenever the Executive Government shall deem it necessary for the public safety, it shall be lawful for such Government to declare, by proclamation, that from and after a day to be named therein, it shall not be lawful for any person, or for any specified class of persons, to carry or have in their possession any arms or instruments used for warlike purposes, or any specified description of arms or instruments aforesaid within any District mentioned in the proclamation.

Government may issue proclamation prohibiting the carrying or possession of arms in any District.

VIII. After the day named in the proclamation, whoever shall carry, or have in his possession, any arms or other such instrument as aforesaid contrary to the proclamation, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or to imprisonment for a period not exceeding six months; and the arms or other such instrument as aforesaid shall be confiscated.

Penalty for unlawful possession of arms, &c.

IX. It shall be lawful for a Magistrate, by warrant, to cause search to be made in any house or other place in which there may be reasonable grounds for suspecting that any arms or other such instrument as aforesaid, kept contrary to the proclamation, may be found; and any such arms or instrument may be seized and confiscated.

Magistrate empowered to search houses, &c., and to seize arms.

X. Nothing in Sections VII, VIII, and IX of this Act shall extend to any person who may be exempted by the authority of the Executive Government from the prohibition contained in such proclamation.

Government may grant exemption to certain persons.

XI. The word "Magistrate" in this Act shall include any person lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate specially authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act.

Interpretation.

