

ACT No. XVII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th June 1857.)

AN ACT to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion.

WHEREAS it is expedient to make temporary provision for the apprehension and trial of Mutineers and Deserters amenable to the Articles of War for the Native Troops of the East India Company : It is enacted as follows :—

I. It shall be lawful for every Sessions Judge, and for every person exercising the same powers as a Sessions Judge, and for any person or persons whom the Governor General of India in Council, or the Executive Government of any Presidency or place, or the Chief Commissioners of the Punjab and Oude respectively, or the Commissioner of Nagpore, may, from time to time, invest with such power, to try for Mutiny or Desertion, where-soever the offence may have been committed, any person subject to the Articles of War for the Native Troops of the East India Company, who, in the judgment of such Officer or other person, ought to be tried and punished without delay ; and such Officer or other person may, on conviction of the offender, sentence him to such of the following punishments as might by the said Articles of War be awarded against him by a General Court Martial—that is to say, if the offender be an Officer, to death or transportation for life ; and, if a Soldier, to death, transportation for life, or imprisonment, with or without hard labor, for life or for any term of years. Such sentence shall be final and conclusive ; and if a sentence of death be passed, the same may be carried into execution immediately or at such time as such Officer or other

Trial by Sessions Judges and others of persons amenable to the Articles of War for the Native Troops, for Mutiny or Desertion.

Preamble.

Punishment.

Sentence to be final.

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other person shall direct. The Sessions Judge or other Officer by whom the sentence shall be passed may, if he think proper, report the case to the Governor General in Council or to the Executive Government of the Presidency, together with any remarks or recommendation which he may think fit to make thereon; and the Governor General in Council or the Executive Government of the Presidency may either pardon the offender or commute the sentence to any less punishment.

Pardon, or commutation of sentence.

II. It shall be lawful for the Governor General in Council, or the Executive Government of any Presidency or place, or any of the said Commissioners, to authorize any person or persons to issue a Commission for the trial of Mutiny and Desertion by any person or persons amenable to the said Articles of War; and every person authorized by such Commission shall have all the powers vested by this Act in a Sessions Judge.

Government may authorize the issue of a Commission for the trial of Mutineers and Deserters.

Powers of Commission.

III. It shall be lawful for any Police Officer or other person to apprehend without warrant any person upon reasonable suspicion that he is a Mutineer or Deserter and amenable to the Articles of War for the Native Troops of the East India Company.

Apprehension of Mutineers and Deserters.

IV. Every person who shall be apprehended as a Mutineer or Deserter under the provisions of this Act shall be conveyed without delay before a Magistrate or an Officer exercising any of the powers of a Magistrate in or near to the place where such person shall have been so apprehended, and may in the meantime be detained in custody; and if the said Magistrate or other Officer shall be satisfied that such person is a Mutineer or Deserter and amenable to the Articles of War for the Native Troops, he shall cause him to be delivered, together with any depositions and papers relative to the case, to the Commanding Officer of some Military Station, in order that he may be dealt with according to law; or the Magistrate or other Officer may commit him for trial before any Officer or other person authorized by or under the provisions of this Act to try him for such offence, if the Magistrate or other Officer shall see good and sufficient reason for so doing; or if the Magistrate or other Officer shall be authorized under the provisions

Procedure after apprehension.

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provisions of this Act to try for Mutiny or Desertion; he may, if he think fit, proceed forthwith to try the offender.

V. The provisions of Sections V and VI of Act XI of 1856 are hereby extended to all Officers, Soldiers, and other persons amenable to the Articles of War for the Native Troops.

Extension of Sections V and VI Act XI 1856.

VI. All Zemindars, Talookdars, and other persons who, by Regulation VI 1810 of the Bengal Code, are declared to be accountable for the early communication of intelligence respecting the resort to their estates of the classes of offenders therein specified, are hereby declared to be accountable for the early communication of intelligence of the resort to any place within the limits of their estates of any person against whom there shall be reasonable suspicion of his having been guilty of Mutiny or Desertion; and all the provisions of the said Regulation shall have the same force and effect as if persons guilty of Mutiny and Desertion had been specially included in the classes of offenders specified in that Regulation. Provided that no proceeding shall be taken against any Zemindar, Talookdar, or other person by virtue of this Section for any thing done or omitted to be done by him within fourteen days after the passing of this Act.

Liability of certain land-holders to communicate early intelligence of the resort to their estates of Mutineers and Deserters.

Proviso.

VII. The word "Magistrate" shall include persons exercising the powers of a Magistrate, Police Magistrates, and Justices of the Peace.

Interpretation of the word "Magistrate."

Duration of Act.

VIII. This Act shall continue in force for one year.

