

ACT No. XX OF 1859.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 31st August 1859).

*An Act for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George.*

WHEREAS in the District of Malabar in the Presidency of Fort St. George, murderous outrages have been frequently committed by persons of the class called Moplas, the offenders in such outrages intending therein to sacrifice their own lives; and the general law of the country is not adequate to suppress such outrages: It is enacted as follows:—

I. Act XXIII of 1854 (*for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George*) and Act V of 1856 (*to give effect to Act XXIII of 1854 from the time of its promulgation in the District of Malabar and to extend the application thereof in future*) are hereby repealed, except as to acts done and proceedings taken before the issue of a proclamation under the provisions of Section II of this Act.

II. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the Fort St. George Gazette, from time to time to declare the whole or any part or parts of the District of Malabar to be subject to the operation of all or any of the following provisions.

Governor in Council empowered to proclaim the whole or any part of Malabar to come under this Act.

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III. Any

ACT No. XX OF 1859.

III. Any Mopla, who murders or attempts to murder any person, or who takes part in any outrage directed by Moplas against any persons wherein murder is committed or is attempted to be committed, or is likely to be committed; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same; or who, after having committed, or having been accessory to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him; or who shall join or assist, or incite or encourage other persons to join or assist in such resistance; shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender; and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

The property of Moplas convicted of outrages to be forfeited.

Also the property of persons killed in committing outrages.

IV. All immoveable property of the offender which shall be alienated after the passing of this Act and before the commission of any offence specified in Section III, shall be forfeited in the same manner as if no such alienation had been made, unless the same shall have been made more than twelve months before the commission of the offence.

Immoveable property of offender alienated within 12 months from passing of this Act and before commission of offence, to be forfeited.

V. If any Mopla shall be sentenced to death for any capital offence, punishable also with forfeiture of property under this Act, it shall be lawful for the Court, by which such offender is convicted, by its sentence to direct the body of such offender to be burned or buried within the precincts

Bodies of offending Moplas sentenced to death, or killed, may be burned or buried within the precincts of the Jail.

ACT No. XX OF 1859.

cinets of the Jail, as it shall see fit ; and in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or having committed any such offence as aforesaid shall be killed in resisting a lawful attempt to apprehend him, it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

VI. The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences ; and the provisions of any such law shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

VII. The Magistrate of the District may cause any Mopla or other person, against whom there are, in his judgment, grounds of proceeding under the last Section, to be apprehended, and after such enquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council to whom in all such cases he shall report his proceedings without unnecessary delay.

VIII. If, with the previous consent of the Governor in Council, any person, against whom the Governor in Council shall think fit to proceed under Section VI, shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the Continent of India or of any part thereof, and shall in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment with or without hard labor, for a period which may extend to seven years, or with fine, or both.

IX. Whenever any such outrage as is specified in Section III of this Act, the same being punishable under this Act, shall, after such proclamation as aforesaid, have been committed

ACT No. XX OF 1859.

mitted by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorize, from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators or any one of such perpetrators of such outrages shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, and also within the umshum in which the outrage shall have been committed; and the said magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means; and the said Magistrate shall appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

X. Whenever any such outrage as is specified in Section III of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate to call upon the Mopla inhabitants of the umshum or umshums to which the perpetrator or perpetrators or any one of such perpetrators of such outrage shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, or wherein any such perpetrator shall after the perpetration of any such outrage be found, to deliver up such perpetrator or perpetrators, and on the failure of such Mopla inhabitants to comply with such call so made upon them by the Magistrate, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy from such Mopla inhabitants, such sum of money as the Governor in Council shall authorize as prescribed in the last preceding Section of this Act, and all sums so levied shall be appropriated in the manner prescribed in that Section.

Penalty if Mopla inhabitants of umshum refuse to deliver up an offender.

XI. All fines and pecuniary liabilities incurred under this Act may be levied by a Magistrate under summary process, in the same manner as the public revenue may be realized by a Collector;

Fines &c. how to be levied.

ACT No. XX OF 1859.

Collector ; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

XII. It shall be lawful for the Governor in Council, by such proclamation as aforesaid, from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto ; and in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

Duration of Act.

XIII. The provisions of this Act shall continue in force until the end of the year 1869.