

ACT No. XXXV of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 2nd August 1860.)

*An Act relating to the Transportation of Convicts.*

Preamble. WHEREAS it is expedient to provide that convicted offenders sentenced to transportation shall be transported to such places only as the Governor-General of India in Council shall appoint ; It is enacted as follows:—

I. From and after the passing of this Act, whenever any person convicted of an offence which is punishable with transportation shall be sentenced by any Court within the British Territories in India to be transported, such Court shall not in its sentence specify the place to which such person shall be sent for the purpose of undergoing the sentence of transportation.

Place of transportation not to be specified in sentences.

II. It shall be lawful for the Governor-General of India in Council from time to time to appoint a place or places within the British Territories in India to which persons sentenced to transportation shall be sent: and the local Government of the Presidency or place in which such persons shall have been sentenced, or some Officer duly authorized by the local Government, shall give orders for their removal to the place or places so appointed.

Governor-General in Council to appoint a place or places.

Local Government to direct removal of persons sentenced to such place or places.

III. In every case in which a sentence of transportation is passed, the person upon whom such sentence is passed, until he is transported, shall be dealt with in the same manner

Provision for intermediate custody.

as

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as if sentenced to imprisonment with hard labor, and shall be held to have been undergoing his sentence of transportation during the term of his imprisonment.

IV. When sentence of transportation shall be passed on a person already undergoing transportation under a sentence previously passed for another offence, it shall not be necessary for the Government to order the removal of such person from the place in which he is so undergoing transportation.

Execution of sentences of transportation passed on persons already undergoing transportation under a previous sentence.

V. Nothing in this Act shall affect the provisions of Act XXIV of 1855 (*to substitute penal servitude for the punishment of transportation in respect of European and American Convicts, and to amend the Law relating to the removal of such Convicts*), or the provisions of any Act of Parliament passed in the United Kingdom of Great Britain and Ireland for punishing mutiny and desertion.

Saving Clause.