

ACT No. XXIII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1867.)

An Act for the suppression of murderous outrages in certain Districts of the Panjáb.

Preamble. WHEREAS in certain districts of the Panjáb, fanatics have frequently murdered or attempted to murder servants of the Queen and other persons : And whereas the general law of the country is not adequate to suppress such offences ; It is hereby enacted as follows :—

1. It shall be lawful for the Lieutenant Governor of the Panjáb, with the previous consent of the Governor General of India in Council, by a proclamation published in the official *Gazette*, from time to time to declare any part or parts of the territories under his government to be subject to the operation of all or any of the provisions of this Act, and also, by such proclamation and with such consent as aforesaid, from time to time to withdraw from the operation of such provisions any part or parts of the said territories 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 the same provisions, or of any of them.

2. Any fanatic who shall murder or who shall, within the meaning of the Indian Penal Code, Section 307, attempt to murder any servant of the Queen or other person, shall, on conviction thereof, be punished either with death or with transportation for life, and all his property shall be forfeited to Government.

3. Every offence made punishable under this Act, shall be deemed an offence within the meaning of the Indian Penal Code.

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4. Whenever any fanatic shall be killed in the act of committing an 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 Commissioner, who under the provisions hereinafter contained would have had cognizance of the offence if the offender could have been brought to trial, to proceed 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 and to dispose of his body as such Commissioner shall think fit.

5. Subject to the provision contained in Section 14 of this Act, any offence triable under this Act shall be tried by the Commissioner of the Division in which it has been committed; and in respect of all such offences, the Commissioner shall follow the procedure prescribed for a Magistrate by Sections 248 to 255 (both inclusive) of the Code of Criminal Procedure: Provided that, if he shall be of opinion that any witness or evidence is offered for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness or evidence is material, and if the Commissioner be not so satisfied, he shall not be bound to summon the witness or examine the evidence so offered.

6. Trials under this Act before the Commissioner shall be conducted with the aid of two or more Assessors as Members of the Court. The Commissioner may appoint such persons (other than persons specified in Section 334 of the Code of Criminal Procedure) at such time and in such manner as he may think fit to serve as Assessors, and no persons shall be exempt, within the meaning of Section 335 of the same Code, from serving as such Assessors. The provisions of the Code of Criminal Procedure shall, save as aforesaid, apply to Assessors appointed under this Section.

7. When any trial under this Act is concluded, if the accused person be convicted, it shall be sufficient if the Court, in passing judgment and in recording the finding and sentence, shall specify the offence of which he is convicted, and the Court shall immediately issue

sue a warrant to the officer in charge of the jail in which the prisoner is confined to cause the sentence to be carried into execution, and such sentence shall be carried into execution accordingly. No sentence of death passed under this Act shall require confirmation by any Court.

Disposal of bodies of criminals sentenced to death.

8. When any person shall be sentenced to death under this Act, his body shall be disposed of as the Commissioner by whom he was so sentenced shall direct.

Proceedings to be reported to Lieutenant Governor.

9. The proceedings in every trial held under this Act shall be reported to the Lieutenant Governor, without unnecessary delay, by the officer before whom such trial shall have been held.

No appeal from orders or sentences under this Act.

10. Notwithstanding anything contained in the Code of Criminal Procedure or "The Panjáb Chief Court Act, 1866," no appeal shall lie from any order or sentence under this Act.

Procedure when Commissioner thinks that offender's crime is not contemplated by this Act.

11. If any Commissioner in whom jurisdiction is vested by this Act shall be of opinion that the accused person has committed an offence punishable under the Indian Penal Code, but that such offence is not contemplated by the preamble to this Act, the offender shall be dealt with in manner provided in such case by the Code of Criminal Procedure.

Lieutenant Governor's powers as to confinement of persons under this Act.

12. The said Lieutenant Governor shall have, with respect to the confinement of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in the Governor General of India by any law regarding the confinement of persons charged with or suspected of State offences; and the provisions of any such law shall, *mutatis mutandis*, be applicable to all cases in which the Lieutenant Governor shall proceed under the authority of this Section.

Power of Magistrate as to persons suspected.

13. Any person having the full powers of a Magistrate may cause any person against whom there are in his judgment grounds of proceeding under the last preceding Section, to be apprehended; and after such enquiry as he may think necessary, may

may detain such person in safe custody until he shall have received the orders of the said Lieutenant Governor, to whom, in all such cases, he shall report his proceedings without unnecessary delay.

14. The jurisdiction conferred by this Act on a Commissioner may be exercised, in the case of any offence punishable under this Act, by any person having the full powers of a Magistrate whom the Commissioner to whom he may be subordinate, or the said Lieutenant Governor, shall, after the commission of such offence, specially invest with such jurisdiction.

Exercise of jurisdiction conferred by this Act.

15. It shall be lawful for the said Lieutenant Governor, either on his own motion or at the request of the Chief Court of the Panjáb, from time to time, to withdraw any class of cases from the operation of this Act.

Power to withdraw any class of cases from operation of Act.

16. With the previous consent of the said Lieutenant Governor, but not otherwise, the said Chief Court may, from time to time, make and issue circular orders for the guidance of officers in cases under this Act; provided that such orders are consistent with the provisions herein contained. All such orders shall be published in the official *Gazette*, and shall be obeyed by the officers aforesaid.

Power to issue circular orders.

17. This Act shall expire in ten years from the date of passing it, or at such earlier date as the Governor General of India in Council may order.

Expiration of Act.