

ACT NO. II OF 1897.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th January, 1897.)

An Act to amend the Criminal Tribes' Act, 1871.

WHEREAS it is expedient to amend the Criminal Tribes' Act, 1871; It is hereby enacted as follows: XXVII
1871.

Title and commencement.

1. (1) This Act may be called the Criminal Tribes' Act Amendment Act, 1897; and

(2) It shall come into force at once.

Addition of proviso to section 1, Act XXVII, 1871.

2. To section 1 of the Criminal Tribes' Act, 1871, the following proviso shall be added, namely:— XXVII
1871.

“Provided that any Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare all or any of the provisions of this Act, as amended by subsequent legislation, to be in force in the whole or any part of the territories under its government.”

Addition of new section after section 1, Act XXVII, 1871.

3. After section 1 of the Criminal Tribes' Act, 1871, the following section shall be inserted, namely:— XXVII
1871.

Definition of tribe, gang and class.

“1A. In this Act the words ‘tribe,’ ‘gang’ and ‘class’ shall be deemed to include any portion or members of a tribe, gang or class.”

Addition of new section after section 17, Act XXVII, 1871.

4. After section 17 of the said Act the following section shall be added, namely:—

Power to place children

“17A. (1) The Local Government may establish and

and maintain reformatory settlements for children and may separate and remove from their parents and place in such a reformatory settlement the children of the registered members of any tribe, gang or class which has been declared to be criminal.

in reformatory settlements established for children and to apprentice them.

(2) For every reformatory settlement for children established under sub-section (1) a Superintendent shall be appointed by the Local Government.

(3) The Superintendent of a reformatory settlement for children shall be deemed to be the guardian, within the meaning of Act No. XIX of 1850 (*concerning the binding of apprentices*), of every child detained in such settlement; and such Superintendent may, if he shall think fit, and subject to any rules which the Local Government may make in this behalf, apprentice such child under the provisions of the aforesaid Act.

Explanation.—The term ‘children’ in this section includes all persons under the age of eighteen and above the age of four years.”

5. For section 19 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 19, Act XXVII, 1871.

“19. (1) Any person registered under this Act violating a rule made under clause (4), clause (5) or clause (6) of section 18 shall be punishable with rigorous imprisonment for a term which may extend, on a first conviction, to one year, on a second conviction, to two years, and, on any subsequent conviction, to three years, and shall also, whether on the first or any subsequent conviction, be liable to whipping.

Penalties for breach of rules.

(2) Any person being a member of a proclaimed tribe violating a rule made under any other clause of section 18 shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine, or with whipping, or with all or any two of those punishments; and, on any subsequent conviction for a breach of any such rule, with

rigorous

rigorous imprisonment for a term which may extend to one year, or with fine, or with whipping, or with all or any two of those punishments."

Addition of two new sections after section 19, Act XXVII, 1871.

6. After section 19 of the said Act the following sections shall be added, namely :—

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

"19A. Whoever, being a member of any tribe, gang or class which has been declared criminal, and having been convicted of any of the offences under the Indian Penal Code specified in the schedule to this Act, shall thereafter be convicted of the same or any other offence specified in the said schedule, then he shall, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished, on such second conviction, with rigorous imprisonment for a term of not less than seven years, and on a third conviction with transportation for life. XLV of 1860.

Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for members of criminal tribe found under suspicious circumstances.

"19B. Whoever, being a registered member of any tribe, gang or class which has been declared criminal, is found in any place under such circumstances as to satisfy the Court that he was about to commit, or aid in the commission of, theft or robbery, or that he was waiting for an opportunity to commit theft or robbery, shall be punishable with rigorous imprisonment for a term which may extend to three years, and shall also be liable to fine."

Addition of schedule to Act XXVII of 1871.]

7. To the said Act the schedule in the schedule to this Act shall be added.

SCHEDULE.

• THE SCHEDULE.

(See section 7.)

THE SCHEDULE.

(See section 19A.)

CERTAIN OFFENCES PUNISHABLE UNDER CHAPTERS XVI AND XVII OF THE
INDIAN PENAL CODE.

CHAPTER XVI.

SECTIONS.

- 299. Culpable homicide.
- 307. Attempt to murder.
- 308. Attempt to commit culpable homicide.
- 310. Thug.
- 322. Voluntarily causing grievous hurt.
- 324. Voluntarily causing hurt by dangerous weapons or means.
- 326. Voluntarily causing grievous hurt by dangerous weapons or means.
- 327. Voluntarily causing hurt to extort property or to constrain to an illegal act.
- 328. Causing hurt by means of poison, etc., with intent to commit an offence.
- 329. Voluntarily causing grievous hurt to extort property or to constrain to an illegal act.
- 332. Voluntarily causing hurt to deter public servant from his duty.
- 333. Voluntarily causing grievous hurt to deter public servant from his duty.

CHAPTER XVII.

- 382. Theft after preparation made for causing death, hurt or restraint, in order to the committing of the theft.
- 383. Extortion.
- 385. Putting person in fear of injury in order to commit extortion.
- 386. Extortion by putting a person in fear of death or grievous hurt.
- 387. Putting person in fear of death or of grievous hurt in order to commit extortion.
- 390. Robbery.
- 391. Dacoity.
- 393. Attempt to commit robbery.
- 394. Voluntarily causing hurt in committing robbery.
- 397. Robbery or dacoity, with attempt to cause death or grievous hurt.
- 398. Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399. Making preparation to commit dacoity.
- 402. Assembling for purpose of committing dacoity.
- 458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable with death or grievous hurt caused by one of them.