

ACT No. VI OF 1924.

PASSED BY THE INDIAN LEGISLATURE.

(Received the assent of the Governor General on the 15th March, 1924.)

An Act to consolidate the law relating to Criminal Tribes

WHEREAS it is expedient to consolidate the law relating to criminal tribes; It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Criminal Tribes Act, Short title and extent. 1924.

(2) It extends to the whole of British India.

2. In this Act, unless there is anything repugnant in the Definitions. subject or context,—

(1) “ district ” includes a Presidency-town and the town of Rangoon;

(2) “ District Magistrate ” means, in the case of a Presidency-town or the town of Rangoon, the Commissioner of Police;

(3) “ prescribed ” means prescribed by rules made under this Act; and

(4) “ Superintendent of Police ” means, in the case of a Presidency-town or the town of Rangoon, any officer appointed by the Local Government to perform the duties of a Superintendent of Police under this Act.

Notification of Criminal Tribes.

3. If the Local Government has reason to believe that any Power to declare any tribe, gang or class a criminal tribe. tribe, gang or class of persons, or any part of a tribe, gang or class, is addicted to the systematic commission of non-

bailable offences, it may, by notification in the local official Gazette, declare that such tribe, gang or class or, as the case may be, that such part of the tribe, gang or class is a criminal tribe for the purposes of this Act.

Registration of Members of Criminal Tribes.

Registration of members of criminal tribes.

4. The Local Government may direct the District Magistrate to make or to cause to be made a register of the members of any criminal tribe, or part of a criminal tribe, within his district.

Procedure in making register.

5. Upon receiving such direction, the District Magistrate shall publish notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of the criminal tribe or part, as the case may be,—

- (a) to appear at a time and place therein specified before a person appointed by him in this behalf;
- (b) to give to that person such information as may be necessary to enable him to make the register; and
- (c) to allow their finger-impressions to be recorded:

Provided that the District Magistrate may exempt any member from registration and may cancel any such exemption.

Charge of register.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

Alterations in register.

7. (1) After the register has been placed in the keeping of the Superintendent of Police, no person's name shall be added to the register, and no registration shall be cancelled, except by, or under an order in writing of, the District Magistrate.

(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the person concerned—

- (a) to appear before him or an authority appointed by him in this behalf at a time and place therein specified;

- (b) to give to him or such authority such information as may be necessary to enable the entry to be made; and
- (c) to allow his finger-impressions to be recorded.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register, either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein or erase it therefrom, as he may think fit.

Complaints of entries in register.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger-impressions of any registered member of a criminal tribe to be taken.

Power to take finger-impressions at any time.

10. The Local Government may, by notification in the local official Gazette, issue in respect of any criminal tribe either or both of the following directions, namely, that every registered member thereof shall, in the prescribed manner,

Members of criminal tribes to report themselves or notify residence.

- (a) report himself at fixed intervals;
- (b) notify his place of residence and any change or intended change of residence, and any absence or intended absence from his residence.

Restriction of movements of Criminal Tribes.

11. (1) If the Local Government considers that it is expedient that any criminal tribe, or any part or member of a criminal tribe, should be—

Power to restrict movements of, or settle, criminal tribes.

- (a) restricted in its or his movements to any specified area, or
- (b) settled in any place of residence, the Local Government may, by notification in the local official Gazette, declare that such criminal tribe, part or member, as the case may be, shall be restricted in its or his movements to the area specified in the notification, or shall be settled in the place of residence so specified, as the case may be.

(2) Before making any such declaration, the Local Government shall consider the following matters, namely:—

- (i) the nature and the circumstances of the offences in which the members of the criminal tribe or part

or the individual member, as the case may be, are or is believed to have been concerned;

- (ii) whether the criminal tribe, part or member follows any lawful occupation, and whether such occupation is a real occupation or merely a pretence for the purpose of facilitating the commission of crimes;
- (iii) the suitability of the restriction area, or of the place of residence, as the case may be, which it is proposed to specify in the notification; and
- (iv) the manner in which it is proposed that the persons to be restricted or settled shall earn their living within the restriction area or in the place of residence, and the adequacy of the arrangements which are proposed therefor.

Power to vary specified area or place of residence.

12. The Local Government may by a like notification vary the terms of any notification issued by it under section 11 for the purpose of specifying another restriction area or another place of residence, as the case may be, and any officer empowered in this behalf by the Local Government may, by order in writing, vary any notification made under section 11 or under this section for the purpose of specifying another restriction area, or, as the case may be, another place of residence, in the same district.

Power of Local Government to restrict or settle criminal tribe in another province.

13. Any notification made by the Local Government under section 11 or section 12 may specify, as the restriction area or as the place of residence, an area or place situated in any other province, provided that the consent of the Local Government of that province shall first have been obtained.

Verification of presence of members of tribe within prescribed area or place of residence.

14. Every registered member of a criminal tribe, whose movements have been restricted or who has been settled in a place of residence in pursuance of any notification under section 11 or section 12, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Application of Act when criminal tribe is transferred from one province or district to another.

15. (1) Where, in pursuance of any such notification, any member of a criminal tribe is restricted in his movements to an area, or is settled in a place of residence, situated in a province other than that by the Local Government of which the notification under section 3 relating to the criminal tribe was issued, all the provisions of this Act and the rules made there-

under shall apply to him as if the notification under section 9 had been issued by the Local Government of such other province.

(2) If any criminal tribe, or any part of a criminal tribe, which has been registered under section 4 in any district, or any member of such tribe or part, is restricted in its or his movements to an area, or is settled in a place of residence, situated in another district (whether in the same province or not), the register or, as the case may be, the relevant entries or entry therein shall be transferred to the Superintendent of Police of the last mentioned district, and all the provisions of this Act and the rules made thereunder shall apply as if the criminal tribe or part had been registered in that district, and the District Magistrate of that district shall have power to cancel any exemption granted under section 5.

Settlements and Schools.

16. The Local Government may establish industrial, agricultural or reformatory settlements and may order to be placed in any such settlement any criminal tribe, or any part or member of a criminal tribe, in respect of which or of whom a notification has been issued under section 11:

Power to place
tribe in set-
tlement.

Provided that no such order shall be made unless the necessity for making it has been established to the satisfaction of the Local Government, after an inquiry held by such authority and in such manner as may be prescribed.

17.(1) The Local Government may establish industrial, agricultural or reformatory schools for children, and may order to be separated and removed from their parents or guardians and to be placed in any such school or schools the children of members of any criminal tribe or part of a criminal tribe, in respect of which a notification has been issued under section 11.

Power to place
children in
schools and to
apprentice
them.

(2) For every school established under sub-section (1), a Superintendent shall be appointed by the Local Government.

(3) The provisions of sections 18 to 22 of the Reformatory Schools Act, 1897, shall, so far as may be, apply in the case of every school for children established under this section as if the Superintendent of such school were a Superintendent.

and the children placed in such school were youthful offenders within the meaning of that Act.

(4) For the purposes of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

(5) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

Power to discharge or transfer persons from settlement or school.

18. The Local Government or any officer authorised by it in this behalf may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the province,—

(a) to be discharged, or

(b) to be transferred to some other settlement or school in the province.

Power to direct use of any settlement or school in British India for reception of persons.

19. Any order made under section 16, section 17 or section 18 may specify as the settlement or school in which any person is to be placed or to which he is to be transferred, as the case may be, any industrial, agricultural or reformatory settlement or school in any other province, provided that the consent of the Local Government of that province shall first have been obtained.

Rules.

Power to make rules.

20. (1) The Local Government may make rules to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate—

(a) the form and contents of the register referred to in section 4;

(b) the manner in which the notice referred to in section 5 shall be published and the means by which the persons whom it concerns, and the village-headmen, village-watchmen and landowners and occupiers of the village in which such persons reside, and the agents of such landowners or occupiers, shall be informed of its publication;

(c) the addition of names to the register and the erasure of names therein, and the mode in which the notice

referred to in sub-section (2) of section 7 shall be given;

- (d) the manner in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence, or any absence or intended absence;
- (e) the nature of the restrictions to be observed by persons whose movements have been restricted by notifications under section 11 or section 12;
- (f) the circumstances in which members of a criminal tribe shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted;
- (g) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined, or the area to which their movements are restricted;
- (h) the conditions to be inserted in any such pass in regard to—
 - (i) the places where the holder of the pass may go or reside;
 - (ii) the persons before whom, from time to time, he shall be bound to present himself; and
 - (iii) the time during which he may absent himself;
- (i) the place and time at which, and the persons before whom, members of a criminal tribe shall attend in accordance with the provisions of section 14;
- (j) the authority by whom and the manner in which the inquiry referred to in section 16 shall be held;
- (k) the inspection of the residences and villages of any criminal tribe;
- (l) the terms upon which registered members of criminal tribes may be discharged from the operation of this Act;
- (m) the management, control and supervision of industrial, agricultural or reformatory settlements and schools;
- (n) the works on which, and the hours during which, persons placed in an industrial, agricultural or

reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour; and

- (o) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove.

Penalties and Procedure.

Penalties for failure to comply with terms of notice under section 5 or section 7.

21. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,—

- (a) fails to appear in compliance with a notice issued under section 5 or section 7, or
(b) intentionally omits to furnish any information required under either of those sections, or,
(c) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or
(d) refuses to allow his finger-impressions to be taken by any person acting under an order passed under section 9,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalties for breach of rules.

22. (1) Whoever, being a registered member of a criminal tribe, contravenes a rule made under clause (e), clause (g) or clause (h) of section 20 shall be punishable with imprisonment for a term which may extend,—

- (a) on a first conviction, to one year,
(b) on a second conviction, to two years, and
(c) on any subsequent conviction, to three years,

or with fine which may extend to five hundred rupees, or with both.

(2) Whoever, being a registered member of a criminal tribe, contravenes any other rule made under section 20 shall be punishable,—

- (a) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; and
- (b) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(3) Any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence as defined in the Code of Criminal Procedure, 1898, may be arrested without a warrant by any officer in charge of a police-station or by any police-officer not below the rank of a sub-inspector.

V of 1898.

23. (1) Whoever, being a member of any criminal tribe and having been convicted of any of the offences under the Indian Penal Code specified in Schedule I, is convicted of the same or of any other such offence shall, in the absence of special reasons to the contrary which shall be stated in the judgment of the Court, be punished,—

XLV of 1860.

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

- (a) on a second conviction, with imprisonment for a term of not less than seven years, and
- (b) on a third or any subsequent conviction, with transportation for life:

Provided that not more than one of any such convictions which may have occurred before the first day of March, 1911, shall be taken into account for the purposes of this sub-section.

(2) 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.

XLV of 1860.

24. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court,—

Punishment for registered members of criminal tribe found under suspicious circumstances.

- (a) that he was about to commit or aid in the commission of, theft or robbery, or

(b) that he was waiting for an opportunity to commit theft or robbery,

shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

Arrest of registered person found beyond prescribed limits.

25. (1) Whoever, being a registered member of a criminal tribe,—

(a) is found in any part of British India, beyond the area or place of residence, if any, to which his movements have been restricted or in which he has been settled without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or

(b) escapes from an industrial, agricultural or reformatory settlement or school,

may be arrested without warrant by any police-officer, village-headman or village-watchman, and may be taken before a Magistrate, who, on proof of the facts, shall order him to be removed to such area or place or to such settlement or school, as the case may be, there to be dealt with in accordance with this Act or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Act:

Provided that an order from the Local Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

Duties of village-headmen, village-watchmen and owners or occupiers of land to give information in certain cases.

26. (1) Every village-headman and village-watchman in a village in which any members of a criminal tribe reside, and every owner or occupier of land on which any such persons reside, and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police-station any information which he may obtain of—

(a) the failure of any such person to appear and give information when required to do so by a notice issued under section 5; or

(b) the departure of any registered member of a criminal tribe from such village or from such land, as the case may be.

(2) Every village-headman and village-watchman in a village, and every owner or occupier of land and the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police-station any information which he may obtain of the arrival at such village or on such land, as the case may be, of any persons who may reasonably be suspected of being members of any criminal tribe.

27. Any village-headman, village-watchman, owner or occupier of land, and the agent of any such owner or occupier, who fails to comply with the requirements of section 26, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

Penalty for breach of such duties.

XLV of 1860.

28. The Local Government, if it is satisfied that adequate provision has been made by the law of any State in India for the restriction of the movements or the settlement in a place of residence of persons such as are referred to in section 3, and for securing the welfare of persons so restricted or settled, may, with the consent of the Prince or Chief of that State, direct the removal to that State of any criminal tribe, or part of a criminal tribe, for the time being in the province, and may authorise the taking of all measures necessary to effect such removal:

Power to deport certain criminal tribes to States in India.

Provided that no person shall be so removed if the Local Government is satisfied that he is a subject of His Majesty.

Supplemental.

29. No Court shall question the validity of any notification issued under section 3, section 11, or section 12, on the ground that the provisions hereinbefore contained or any of them have not been complied with, or shall entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

Bar of jurisdiction of Courts in questions relating to certain notifications.

30. The enactments mentioned in Schedule II are hereby repealed to the extent specified in the fourth column thereof.

Repeals.

SCHEDULE I.

(See section 23.)

CHAPTER XII.

SECTIONS.

- 231. Counterfeiting coin.
- 232. Counterfeiting Queen's coin.
- 233. Making or selling instrument for counterfeiting coin.
- 234. Making or selling instrument for counterfeiting Queen's coin.
- 235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.
- 239. Delivery of coin, possessed with the knowledge that it is counterfeit.
- 240. Delivery of Queen's coin possessed with the knowledge that it is counterfeit.
- 242. Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.
- 243. Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI.

- 299. Culpable homicide.
- 307. Attempt to murder.
- 308. Attempt to commit culpable homicide.
- 310. Being a 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.

SECTIONS.

- 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.
- 369. Kidnapping child under ten years with intent to steal from its person.

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.
- 457. Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.

SECTIONS.

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 where death or grievous hurt caused by one of them.

SCHEDULE II.

(See section 30.)

| 1 | 2 | 3 | 4 |
|-------|---------|--|---|
| Year. | Number. | Short title. | Extent of repeal. |
| 1911 | III | The Criminal Tribes Act, 1911. | So much of the Act as has not been repealed. |
| 1914 | X | The Repealing and Amending Act, 1914. | So much of Schedule II as relates to the Criminal Tribes Act, 1911. |
| 1915 | XI | The Repealing and Amending Act, 1915. | So much of Schedule I as relates to the Criminal Tribes Act, 1911. |
| 1920 | XXXVIII | The Devolution Act, 1920. | So much of Schedule I as relates to the Criminal Tribes Act, 1911. |
| 1923 | I | The Criminal Tribes (Amendment) Act, 1923. | The whole Act. |