

Repealed by Act 48 of 1952

Act No. XVII of 1949

[PASSED BY THE DOMINION LEGISLATURE]

(Received the assent of the Governor-General on the 1st April, 1949.)

An Act to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India.

WHEREAS it is expedient to provide for the removal of certain existing discriminations in favour of Europeans and Americans in the criminal law of the Provinces of India;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Criminal Law (Removal of Racial Discriminations) Act, 1949.

(2) It extends to all the Provinces of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Amendment of Act XLV of 1860.—In the Indian Penal Code (XLV of 1860),—

(1) in section 53, the words “Thirdly,—Penal servitude;” shall be omitted;

(2) section 56 shall be omitted;

(3) in section 222, the words “or penal servitude for life,” and “or penal servitude” shall be omitted;

(4) in section 225, the words “penal servitude,” shall be omitted.

3. Amendment of Act V of 1898.—In the Code of Criminal Procedure, 1898 (V of 1898),—

(1) in sub-section (1) of section 4,—

(a) clause (i) shall be omitted;

(b) for clause (j), the following clause shall be substituted, namely:—

“(j) “High Court” means the highest Court of criminal appeal or revision for any local area; or, where no such Court is established under any law for the time being in force, such officer as the Provincial Government may appoint in this behalf;”

(2) sections 29A, 34A, 275, 284A and 285A shall be omitted;

(3) in section 312, the proviso shall be omitted;

(4) in section 326,—

(a) in sub-section (1), the words “and including, where any accused person is an European or an American, as many Europeans or Americans as may be required for the purpose of choosing jurors or assessors for the trial” shall be omitted;

(b) sub-sections (3) and (4) shall be omitted;

(5) in section 370, in clause (d), the brackets and words “except in the case of an European British subject” shall be omitted.

Enacted on 1st April,

*6th April, 1949, sec. notifi. no. 4/4/49—Judicial, dt. 6.4.49.
sec. Gaz. of India, 1949, Ex. P. 609.*

(6) in section 393, in clause (b), the words "or to penal servitude," shall be omitted;

(7) in section 396,—

(a) in sub-sections (1) and (3), the words "penal servitude" shall be omitted;

(b) in clause (a) of the *Explanation*, the words "or penal servitude" shall be omitted;

(8) in section 397, the words "penal servitude", wherever they occur, shall be omitted;

(9) in section 398, in sub-section (2), the words "or penal servitude for an offence punishable with imprisonment" shall be omitted, and for the words "transportation or penal servitude" the words "or transportation" shall be substituted;

(10) in section 402, in sub-section (1), the words "penal servitude" shall be omitted;

(11) Chapter XXXIII shall be omitted;

(12) in section 478, in sub-section (2), the words and figures "and of Chapter XXXIII in cases where that Chapter applies" shall be omitted;

(13) in section 480, sub-section (2) shall be omitted;

(14) section 491A shall be omitted;

(15) Chapter XLIVA shall be omitted;

(16) section 534 shall be omitted;

(17) in Schedule II,—

(a) in the second column relating to section 222, the words "or penal servitude for life" and "or penal servitude" shall be omitted;

(b) in the second column relating to section 225, the words "penal servitude" shall be omitted.

4. Amendment of Act III of 1900.—In the Prisoners Act, 1900 (III of 1900),—

(a) in section 8, the words "or penal servitude", in both places where they occur, shall be omitted;

(b) Part V shall be omitted.

5. Amendment of Act XV of 1903.—In the Indian Extradition Act, 1903 (XV of 1903),—

(a) in section 2, clause (a) shall be omitted;

(b) in sub-section (1) of section 7, the words "not being a European British subject" shall be omitted.

6. Amendment of the First Schedule to Act IX of 1908.—In the First Schedule to the Indian Limitation Act, 1908 (IX of 1908), article 150A shall be omitted.

7. Repeal of Acts XXIV of 1855 and IX of 1874.—The Penal Servitude Act, 1855 (XXIV of 1855), and the European Vagrancy Act, 1874 (IX of 1874), are hereby repealed.