

# THE EUROPEAN VAGRANCY ACT, 1874.

## CONTENTS.

PREAMBLE.

### PART I.

#### PRELIMINARY.

SECTIONS.

1. Short title.  
Local extent.  
Commencement.
2. Repeal of Acts.
3. Interpretation-clause.

### PART II.

#### PROCEDURE.

4. Power to require apparent vagrant to go before Magistrate.
5. Summary inquiry into vagrant's circumstances.  
Declaration of vagrancy.  
Order to go to work-house.
6. Forwarding vagrant to place of employment.
7. Assistance to obtain employment.
8. Subsistence allowance.
9. Power to give certificates.  
Form of certificate.
10. Power to invest certain officials with jurisdiction of Justices under sections 5, 7, 8 and 9.

### PART III.

#### GOVERNMENT WORK-HOUSES.

11. Provision of Government work-houses.  
Scale of diet.
12. Superintendence of work-houses.
13. Search of vagrants.
14. Discipline.
15. Refusal to accept employment.

### PART IV.

#### REMOVAL FROM INDIA.

16. Removal of vagrants.  
Cost of removal.

Agreements

[ *Price five annas.* ]

## SECTIONS.

17. Agreements with vagrants.  
Form of agreement.
18. Power to perform agreement.

## PART V.

## PENALTIES.

19. Refusal to go before Magistrate.  
Assaulting Police.
20. Escaping from Police.  
Quitting work-house without leave.  
Failing to return to work-house.
21. Failing to proceed to port of embarkation.  
Refusing to go on boardship.  
Escaping from ship.
22. Returning to India.
23. Begging.
24. Procedure on close of imprisonment.
25. Penalty on shipmaster bringing European convicts to  
India.  
Power to exempt certain shipmasters.
26. Recovery of fines.  
Payment of fines.
27. Prosecutions.
28. Limits of jurisdiction.
29. Validity of proceedings where Magistrate is not the  
nearest.

## PART VI.

## MISCELLANEOUS.

30. Deprivation of privileges of European British subjects  
under Criminal Procedure Code.
31. Liability of importers of Europeans or employers of  
soldiers becoming vagrants.  
Recovery of charges.
32. Liability of consignee in case of Europeans who arrive  
in charge of animals and become vagrants.  
"Consignee" defined.  
"Agent" defined.
33. Evidence of declaration under section 5.
34. Exercise of powers conferred on Local Government.
35. Exercise in Native States of powers conferred on  
Magistrates, Justices and Police.
36. Power to make rules for guidance of officers.  
THE FIRST SCHEDULE (form of Certificate).  
THE SECOND SCHEDULE (form of Agreement).

ACT No. IX OF 1874.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th April 1874).

An Act to consolidate and amend the Law relating to European Vagrancy.

WHEREAS it is expedient to consolidate and amend the laws relating to persons of European extraction who wander in a destitute condition throughout India; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called "The European Vagrancy Act, 1874:—"

It extends to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty;

And it shall come into force at once: Provided that sections four to sixteen (both inclusive), nineteen, twenty, twenty-four and twenty-nine shall not come into force in Coorg, or in the Andaman and Nicobar Islands, or in any of the dominions of the Princes and States in India in alliance with Her Majesty not situate within the limits of any Presidency, Lieutenant-Governorship or Chief Commissionership in British India, until such day or respective days as the Governor General in Council from time to time, by notification in the *Gazette of India*, appoints in this behalf.

2. Acts No. XXI of 1869 (to provide against European Vagrancy) and No. XXVIII of 1871 (to amend

amend the *European Vagrancy Act*, 1869) are hereby repealed.

But all appointments and orders made, work-houses provided, certificates given, powers conferred, rules prescribed and exemptions granted under the former Act, shall be deemed to have been respectively made, provided, given, conferred, prescribed and granted under this Act.

Interpreta-  
tion-clause.  
" Person of  
European  
extraction."

3. In this Act—

" Person of European extraction" includes—

(a) persons born in Europe, America, the West Indies, Australia, Tasmania, New Zealand, Natal, or the Cape Colony,

(b) the sons and grandsons of such persons, but does not include persons commonly called Eurasians or East Indians :

" Vagrant."

" Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment or visible means of subsistence :

" Master of a ship."

" Master of a ship" includes any person in charge of a decked vessel :

" Magis-  
trate."

And in Parts III and V of this Act " Magistrate" means, within the limits of the towns of Calcutta, Madras and Bombay, a Magistrate of Police, and, outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the second class.

## PART II.

### PROCEDURE.

Power to  
require ap-  
parent  
vagrant to go  
before  
Magistrate.

4. Any Police officer may within the limits of the towns of Calcutta, Madras and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to, and to appear before, the nearest Magistrate of Police, and may, without those limits, require any such person to accompany him or any other Police officer to, and to appear before, the nearest Justice of the Peace exercising the powers of a Magistrate of the first class under the Code of Criminal Procedure.

5. The

5. The Magistrate of Police or Justice shall in such case, or in any other case where a person apparently a vagrant comes before him, make a summary inquiry into the circumstances and character of the apparent vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.

Summary inquiry into vagrant's circumstances.

Declaration of vagrancy.

If he is further of opinion that the vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a Government work-house, and shall draw up an order to that effect.

Order to go to work-house.

The vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the work-house, and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the work-house, and to the Governor of the work-house for receiving and detaining such vagrant.

6. Where the officer making the inquiry mentioned in section five is of opinion that the vagrant is likely to obtain employment in any place subject to the Local Government, or (when the vagrant is in any part of the dominions mentioned in section one) in any place subject to any adjacent Local Government, such officer may in his discretion forward the vagrant to such place in charge of the Police, and draw up an order to that effect.

Forwarding vagrant to place of employment.

Such order shall be a sufficient authority to the Police for retaining the vagrant in their charge while he is on his way to such place of employment.

7. Upon his arrival at the place of employment, the vagrant shall be taken before the nearest Magistrate of Police or Justice of the Peace exercising powers as aforesaid, to whom the order for transmission shall be delivered.

Assistance to obtain employment.

Such officer shall thereupon, to the best of his ability, assist the vagrant in seeking employment, and may in the meantime, if he think fit, keep the vagrant in the charge of the Police.

Should

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding fifteen days from such arrival, such officer shall forward him to a Government work-house in the manner provided by section five.

Subsistence allowance.

8. Every person while in charge of the Police, whether before inquiry as to his vagrancy, or while he is on his way, under section five, to the work-house, or, under section six, to a place of employment, shall be entitled to an allowance for his subsistence at the rate of eight annas per diem.

The Magistrate of Police or Justice, before whom any vagrant is taken under section seven, may, if he think fit, order the vagrant to receive a similar allowance while he is seeking employment.

The Local Government shall cause such allowance to be paid out of such funds at its disposal and in such manner as it may from time to time direct.

Power to give certificates.

9. Any Magistrate of Police or Justice of the Peace exercising powers as aforesaid may, on being satisfied that any person of European extraction is not likely to become a vagrant, give such person a certificate under his hand stating that for a certain time (mentioning it) not exceeding six months from the date of the certificate, and within certain limits (mentioning them), nothing in sections four, five, six and seven shall apply to the holder of such certificate; and thereupon, so long as the certificate remains in force, nothing in sections four, five, six and seven shall apply to such person within such limits as aforesaid.

Form of certificate.

Every such certificate shall be in the form set forth in the first schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to invest certain officials with jurisdiction of Justices under sections 5, 7, 8 and 9.

10. The Local Government may from time to time, by notification in the official Gazette, invest any Justice of the Peace, District Superintendent of Police, or Assistant District Superintendent of Police with the jurisdiction and powers conferred by this Part on a Justice of the Peace exercising powers as aforesaid.

PART III.

## PART III.

## GOVERNMENT WORK-HOUSES.

11. The Local Government, with the previous sanction of the Governor General in Council, may provide work-houses with their necessary furniture and establishment, at such places as it may think proper, for the temporary reception of vagrants,

Provision of  
Government  
work-houses.

or may, by writing under the hand of a Secretary to such Government, certify any building, or part of a building not provided as a work-house under the former part of this section, to be fit for a work-house for the purposes of this Act. Every such certificate shall be published in the local official Gazette, and thereupon such building or part of a building shall, until the Local Government otherwise orders, be deemed a Government work-house under this Act.

The Local Government shall allow the same scale of diet for the support of vagrants received in such work-houses as is for the time being allowed for Europeans confined in the local prisons or penitentiaries.

Scale of diet.

12. Every such work-house shall be under the immediate charge of a Governor, who shall be appointed, and may be suspended or removed, by the Local Government.

Superintend-  
ence of work-  
houses.

Every such Governor shall, if the Local Government think fit, be subject to the orders of a Committee of Management appointed from time to time by such Government, or, in the absence of a Committee, to the orders of such officer as the Local Government from time to time appoints in this behalf.

13. Every such Governor may order that any vagrant admitted to the work-house under his charge shall be searched, and that the vagrant's bundles, packages and other effects shall be inspected, and may direct that any money then found with or on the vagrant, shall be applied (subject to the orders of the Local Government) towards the expense of carrying this Act into execution, and may order that all or any of the said effects shall be sold, and that the pro-

Search of  
vagrants.

duce

duce of the sale be applied as aforesaid, but subject to the like orders.

Discipline.

14. Vagrants admitted to work-houses under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed by the Local Government with the previous sanction of the Governor General in Council.

The Local Government may authorize any Governor of a work-house to punish (under or not under the supervision and direction of a Committee of Management, as the Local Government thinks fit) any vagrant who knowingly disobeys or neglects any such rule with any one of the following punishments (namely)—

(a) solitary confinement within the work-house for any time not exceeding seven days;

(b) solitary confinement within the work-house for any time not exceeding three days upon a diet reduced to such extent as the Local Government may prescribe;

(c) hard labour for any time not exceeding seven days;

(d) reduction of diet to such extent as the Local Government may prescribe for any time not exceeding five days;

Or in lieu of any such punishment any such vagrant may, on conviction before a Magistrate of such disobedience or neglect, be punishable with rigorous imprisonment in jail for a term which may extend to three months.

Refusal to  
accept em-  
ployment.

15. The Governor and the Committee of Management (if any) of every such work-house shall use his and their best endeavours to obtain outside the work-house suitable employment for the vagrants admitted thereto.

When such employment is obtained, any such vagrant refusing or neglecting to avail himself thereof, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to one month.



## PART IV.

## REMOVAL FROM INDIA.

16. If after the lapse of a reasonable time no suitable employment is obtainable for any such vagrant, the Local Government may either (when he has entered into such agreement as hereinafter mentioned) cause him to be removed from British India in manner hereinafter provided, the cost of such removal being paid by Government;

Removal of vagrants.

Cost of removal.

or it may cause sections twenty-three and thirty to be read to him and may then release him.

17. Any vagrant or other person of European extraction may enter into an agreement in writing with the Secretary of State for India in Council, binding himself—

Agreements with vagrants.

(a) to proceed to such port in British India as shall be mentioned in the agreement;

(b) there to embark on board such ship and at such time as is directed by an officer appointed in this behalf by the Local Government of the territories in which such port is situate, for the purpose of being removed from India at the expense of the said Secretary of State in Council;

(c) to remain on board such ship until she has arrived at her port of destination; and

(d) not to return to India until five years have elapsed from the date of such embarkation.

Every such agreement may be on unstamped paper and shall be in the form set forth in the second schedule to this Act annexed, or as near thereto as circumstances admit.

Form of agreement.

18. The Local Government of the territories in which the said port is situate, may enter into such contracts for conveyance or otherwise, and perform such other acts as may be necessary to carry out such agreement on the part of the said Secretary of State in Council.

Power to perform agreement.

## PART V.

PART V.

PENALTIES.

Refusal to go  
before Magis-  
trate.

**19.** Any person refusing or failing to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, for the purpose of preliminary inquiry, when required so to do under section four, may be arrested without warrant and shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with imprisonment for a term which may extend to one month, or with fine, or with both.

Assaulting  
Police.

And any person who, when required under section four to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, commits an offence punishable under section three hundred and fifty-three of the Indian Penal Code, may, whether he be or be not an European British subject, be tried by a Magistrate for such offence.

Escaping  
from Police.

**20.** Any vagrant who escapes from the Police while committed to their charge under the orders specified in sections five and six,

Quitting  
work-house  
without leave.

or who leaves a work-house, under this Act, without permission from the Governor,

Failing to  
return to  
work-house.

or who having with such permission left a work-house for a limited time or a specified purpose, fails to return on the expiration of such time or when such purpose has been accomplished or proves to be impracticable,

shall for every such offence be punishable, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Failing to  
proceed to  
port of em-  
barkation.

**21.** Any person entering into an agreement under section seventeen, and failing to proceed in pursuance thereof to the port therein mentioned,

Refusing to  
go on board-  
ship.

or refusing to embark when directed so to do under the same section,

Escaping  
from ship.

or escaping from the ship in which he has so embarked before she has reached her port of destination,

shall for every such offence be punishable, whether he be or be not an European British subject, on con-

viction

viction before a Magistrate, with rigorous imprisonment for a term which may extend to six months.

**22.** Any person returning to India within five years of the date of his embarkation pursuant to any agreement entered into under section seventeen, unless specially permitted so to do by the Secretary of State for India, shall for every such offence be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Returning to India.

**23.** Any person of European extraction found asking for alms when he has sufficient means of subsistence,

Begging.

or asking for alms in a threatening or insolent manner,

or continuing to ask for alms of any person after he has been required to desist,

shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term not exceeding one month for the first offence, two months for the second, and three months for any subsequent offence.

**24.** Every person imprisoned under section nineteen, twenty, twenty-one, twenty-two or twenty-three, shall, at the end of his term of imprisonment, be placed before the nearest Magistrate of Police or Justice of the Peace exercising powers as aforesaid, who shall, if he think fit, forthwith deal with him in the manner prescribed by sections five and six.

Procedure on close of imprisonment.

The order of transmission shall certify the fact of the previous conviction.

**25.** Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in any other part of Her Majesty's dominions of felony, or of an offence which, if committed in England, would be felony, shall, on conviction before a Magistrate, be liable, for every such person so landed or allowed to land, to pay a fine not exceeding five hundred rupees

Penalty on shipmaster bringing European convicts to India.

and

and not less than one hundred rupees, and, in default of payment, to imprisonment for any term not exceeding two months,

unless the defendant satisfy the Magistrate by evidence (which the defendant is hereby declared competent to give), that he had made due enquiry as to the person so landed, or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

Power to exempt certain ship-masters.

The Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the Governor General in Council seem fit, and either in respect of all or of any of the persons on board such ships.

The Governor General in Council may in like manner revoke any exemption made under this section.

Recovery of fines.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Payment of fines.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as the Governor General in Council from time to time directs.

Prosecutions.

27. All prosecutions under this Act may be instituted and conducted by such officer as the Local Government from time to time appoints in this behalf.

Limits of jurisdiction.

28. In imposing penalties under this Part and Part III of this Act, no person shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

29. No

29. No proceeding under this Act shall be deemed invalid by reason only that the Magistrate of Police or Justice, before whom a person, apparently a vagrant, was required to appear, or before whom a person was placed under section twenty-four, was not the nearest.

Validity of proceedings where Magistrate is not the nearest.

## PART VI.

### MISCELLANEOUS.

30. Any European British subject who, upon the summary enquiry mentioned in section five, has been determined to be a vagrant, or who has been convicted under section twenty-two or section twenty-three, shall, so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure (other than those contained in Chapter XXXVIII of the same Code) applicable to an European not being a British subject.

Deprivation of privileges of European British subjects under Criminal Procedure Code.

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

Save as aforesaid nothing herein contained shall be deemed to confer jurisdiction over European British subjects on Magistrates, who, if this Act had not been passed, would have had no such jurisdiction.

31. Whenever any person of European extraction lands in India, or, being a Non-Commissioned Officer or Soldier in Her Majesty's Army, leaves that Army in India, under an engagement to serve any other person, or any Company, Association or body of persons in any capacity,

Liability of importers of Europeans or employers of soldiers becoming vagrants.

and whenever a sailor of European extraction not being a British subject, is discharged from his ship in any British Indian port,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the

the Army, or discharge from his ship, as the case may be, then the person, or Company, Association or body, to serve whom he has so landed in India or left the Army, or, in the case of a sailor, the person who is at the date of the discharge the owner or agent of the ship from which the sailor has been so discharged, shall be liable to pay to the Government the cost of his removal under this Act, and all other charges incurred by the State in consequence of his becoming a vagrant.

Recovery of charges.

Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Secretary of State for India in Council, by the person, Company, Association, body, owner or agent chargeable.

Liability of consignee in case of Europeans who arrive in charge of animals and become vagrants.

32. When any person of European extraction lands in India, being or having been during his passage to India, or from one Indian port to another, in charge of, or in attendance upon, any animal, and becomes chargeable to the State as a vagrant within one year after his arrival in India, then

the consignee of such animal,

or the agents in India for the sale of such animal, or, if such consignee or agents cannot be found,

the agent to whom the ship in which such animal arrived in India was consigned,

shall be liable to pay to the Government the cost of such person's removal under this Act, and all other charges incurred by the State in consequence of his becoming a vagrant.

Any such consignee or agent shall be entitled to charge the consignor or principal for any payment to the Government under this section.

'Consignee' defined.

For the purposes of this section 'Consignee' includes any person who undertakes to dispose of such animal for the benefit of the consignor, and

'Agent' defined.

'Agent' includes any person who undertakes the agency of such ship, though it may not have been consigned to him.

33. In

**33.** In any proceeding under this Part, a certified copy of the declaration recorded under section five, shall be *prima facie* evidence that the European British subject named therein has been, upon the summary enquiry mentioned in that section, determined to be and that he was at the date of the declaration a vagrant.

Evidence of declaration under section 5.

**34.** The powers and duties conferred and imposed by sections sixteen and eighteen, on a Local Government, may be exercised and performed by such class of officers as the Local Government from time to time, by notification in the official Gazette, appoints in this behalf.

Exercise of powers conferred on Local Government.

**35.** The powers and duties conferred and imposed by this Act on Magistrates, Justices of the Peace exercising the powers of a Magistrate of the first class, and Police officers respectively may, in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor General in Council from time to time, by notification in the *Gazette of India*, appoints in this behalf.

Exercise in Native States of powers conferred on Magistrates, Justices, and Police.

**36.** The Governor General in Council may from time to time make rules, consistent with this Act, for the guidance of officers in matters connected with its enforcement.

Power to make rules for guidance of officers.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

#### THE FIRST SCHEDULE.

(See section 9.)

WHEREAS *E. F.* of \_\_\_\_\_ a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1874, THESE ARE TO CERTIFY that for the space of \_\_\_\_\_ months from the date hereof and within the Province [*or* District] of \_\_\_\_\_ nothing in sections four, five, six and \_\_\_\_\_

and seven of the same Act shall be deemed to apply to him, unless he is found asking for alms, IN WHICH CASE this certificate shall be void.

(Signed) G. H.

Dated this        day of        18 .

Magistrate of Police for the Town of  
or Justice of the Peace for        exercising the  
powers of a Magistrate of the        class.

### THE SECOND SCHEDULE.

(See section 17.)

ARTICLES OF AGREEMENT made this        day  
of        18        BETWEEN the Secretary of State  
for India in Council of the one part and C. D. of,  
&c., [*the vagrant*] of the other part: Each of the  
parties hereto (so far as relates to the acts on his own  
part to be performed) hereby agrees with the other  
of them as follows:—

1. The said C. D. shall proceed forthwith to the port of [*the port of embarkation*].
2. The said C. D. shall there embark on board such ship and at such time as an officer appointed in this behalf by the Local Government shall direct.
3. The said C. D. shall remain on board such ship until she shall have arrived at her port of destination.
4. The said C. D. shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.
5. The said Secretary of State in Council shall defray the cost of the transit of the said C. D. to the said port, and of his lodging and subsistence during such transit and during his detention (if any) at the same port, and shall contract with the owner of the said ship, or his agent, for the passage of the said C. D. on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.

In



1874.]

*European Vagrancy.*

In witness whereof *A. B.* (by order of the Governor General of India in Council [*or* the Governor of in Council *or* the Lieutenant-Governor of ,*or* the Chief Commissioner of ]), on behalf of the said Secretary of State in Council), and the said *C. D.* have hereunto set their hands the day and year first above written.

C

17