

**THE CRIMINAL TRIBES ACT, 1911 (III
OF 1911).**

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THE SCHEDULE.

ACT No. III OF 1911.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st March 1911.)

An Act to amend the law relating to the registration, surveillance and control of Criminal Tribes.

WHEREAS it is expedient to amend the law relating to the registration, surveillance and control of criminal tribes; It is hereby enacted as follows :

Preliminary.

Short title and extent.

1. (1) This Act may be called the Criminal Tribes Act, 1911; and

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

Definitions.

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

(1) "criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under section 3;

(2) "prescribed" means prescribed by rules under this Act; and

(3) "tribe," "gang" or "class" includes any part or members of a tribe, gang or class.

Notification of Criminal Tribes.

Power to declare any tribe, gang or class a criminal tribe

3. If the Local Government has reason to believe that any tribe, gang or class of persons 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 is a criminal tribe for the purposes of this Act.

Registration

*(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 of any part thereof within his district.

Registration of members of criminal tribes.

5. Upon receiving such direction, the District Magistrate shall publish a 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 such criminal tribe, or of such part thereof as is directed to be registered,—

Procedure in making register.

- (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 individual member of such criminal tribe or part thereof from registration.

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.

Charge of register.

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

Alterations in register.

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

*(Registration of Members of Criminal Tribes.
Restriction of Movements of Criminal Tribes.)*

notice in the prescribed manner to the person concerned—

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

Complaints of entries in register.

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 see fit.

Power to take finger-impressions at any time.

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

Members of criminal tribes to report themselves or notify residence.

10. The Local Government may, by notification in the local official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner,—

- (a) report himself at fixed intervals; or
- (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.

Procedure when deemed expedient to restrict movements of, or settle, criminal tribes.

11. (1) If the Local Government considers that it is expedient that any criminal tribe should be—

- (a) restricted in its movements to any specified area, or
- (b) settled in any place of residence,

it

(Restriction of Movements of Criminal Tribes.)

it may report the case for the orders of the Governor General in Council.

(2) Every such report shall state—

- (i) the nature and the circumstances of the offences in which the members of the criminal tribe are believed to have been concerned, and the reasons for such belief;
- (ii) whether such criminal tribe follows any lawful occupation, and whether such occupation is in the opinion of the Local Government the real occupation of such criminal tribe, or a pretence for the purpose of facilitating the commission of crimes, and the grounds on which such opinion is based;
- (iii) the area to which it is proposed to restrict the movements of such criminal tribe, or the place of residence in which it is proposed to settle it; and
- (iv) the manner in which it is proposed that such criminal tribe shall earn its living within the restricted area or in the settlement, and the arrangements which are proposed to be made therefor.

12. If on the consideration of any such report the Governor General in Council is satisfied—

- (a) that it is expedient to restrict the movements of such criminal tribe, or to settle it in a place of residence, and
- (b) that the means by which it is proposed that such criminal tribe shall earn its living are adequate,

Notification
restricting
movements of,
or settling,
tribe.

he may authorize the Local Government to publish in the local official Gazette a notification declaring that such criminal tribe shall be restricted in its movements

*(Restriction of Movements of Criminal Tribes.
Settlements and Schools.)*

movements to the area specified or shall be settled in the place of residence specified, and the Local Government may publish a notification accordingly.

Power to vary specified area or place of residence.

13. The Local Government may at any time by a like notification vary the terms of any notification published by it under section 12 by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

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 which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Transfer of register in certain cases.

15. When the area to which the movements of a criminal tribe or any members thereof are restricted, or the place of residence in which a criminal tribe is settled, is situated in a district other than that in which the register mentioned in section 4 was prepared, the register shall be transferred to the Superintendent of Police of the district in which the said area is situated, and the District Magistrate of the said district shall thereupon be empowered to exercise the powers provided in sections 7, 8 and 9.

Settlements and Schools.

Power to place tribe in settlement.

16. The Governor General in Council or the Local Government may establish industrial, agricultural or reformatory settlements and may place therein any criminal tribe or any part thereof, in respect of which a notification has been published under section 12.

Power to place children in schools and to apprentice them.

17. (1) The Local Government may establish industrial, agricultural or reformatory schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of

(Settlements and Schools. Rules.)

of which a notification has been published under section 12.

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

VIII of 1897. (3) The provisions of sections 18 to 22 (both inclusive) 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.

18. The Local Government 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 removed to some other like settlement or school in the Province.

Power of Local Government to discharge or remove persons from settlement or school.

19. The Governor General in Council may, by like order, direct that any person to whom the provisions of section 16 or section 17 are applicable may be placed in, or transferred to, any industrial, agricultural or reformatory settlement or school in any part of British India.

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

Rules.

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

Power to make rules.

(2) In

(Rules.)

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

- (a) the form and contents of the register prescribed in section 4;
- (b) the mode in which the notice prescribed in section 5 shall be published and the means by which the persons whom it concerns, and the village-headmen, village-watchmen and landowners or occupiers of the village in which such persons reside, or 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 prescribed in section 7 shall be given;
- (d) the mode 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 notification under section 12 or section 13;
- (f) 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;
- (g) 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

(Penalties and Procedure.)

- (iii) the time during which he may absent himself;
- (h) 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;
- (i) the inspection of the residences and villages of any criminal tribe;
- (j) the terms upon which registered members of criminal tribes may be discharged from the operation of this Act;
- (k) the management, control and supervision of industrial, agricultural or reformatory settlements and schools;
- (l) 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
- (m) 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.

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

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

- (b) intentionally omits to furnish any information required under 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,

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, violates a rule made under clause (e), clause (f) or clause (g) 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.

(2) Whoever, being a registered member of a criminal tribe, violates a rule made under any other clause of 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.

Enhanced
punishment
for certain
offences by
members
of criminal

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 the Schedule, is hereafter convicted of the same or any other

(Penalties and Procedure.)

other offence specified in the said schedule, shall, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished,—

(a) on a second conviction, with imprisonment for a term of not less than seven years, and

(b) on a third conviction, with transportation for life.

(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.

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

(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.

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

(a) is found in any part of British India, beyond the area, if any, prescribed for his residence, 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 taken before

tribe
after previous
conviction.

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

Arrest of
registered
person found
beyond
prescribed
limits.

(Penalties and Procedure.)

before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (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 persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or 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 as directed in 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 or the agent of 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 belonging to any criminal tribes.

Penalty for breach of such duties.

27. Any village-headman, village-watchman, owner or occupier of land or the agent of such owner

or

(Supplemental. The Schedule.)

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.

Supplemental.

28. No Court of justice shall question the validity of any notification published under the provisions of section 3, section 12 or section 13 on the ground that the provisions hereinbefore contained or any of them have not been complied with, or 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 notifications under sections 3, 12 and 13.

XXVII of 1871.
VII of 1876.
II of 1897.

29. The Criminal Tribes Act, 1871, the Criminal Tribes (Amendment) Act, 1876, and the Criminal Tribes Act Amendment Act, 1897, are hereby repealed.

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THE SCHEDULE.

(See section 23.)

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