

The Forfeiture Act, 1859

UNION OF INDIA

India

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Act 9 of 1859

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1. [Amended by The Forfeiture (Repeal) Act, 2000 (Act 48 of 2000) on 1 January 2000]

An Act to provide for the adjudication of claims to property seized as forfeited. Preamble.--

WHEREAS it is expedient to remove doubts concerning the powers of officers or other persons to whom commissions may have been issued for the trial of heinous offences in certain districts, and concerning the validity of convictions and adjudications of forfeiture made by such officers or other persons; It is enacted as follows:-

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**1. to 15.[Constitution, procedure, and c., of Special Commission Courts.]
Rep. by the Repealing Act, 1868 (8 of 1868).**

1. This Act has been declared to be in force in the whole of India except Part B and merged States, and the Scheduled Districts, by the Laws Local Extent Act, 1874 (15 of 1874), s. 3. This Act has been extended to the Union territory of Pondicherry by Act 26 of 1968, s. 3 and Sch.

It has been extended, under s. 5 of the Scheduled Districts Act, 1874 (14 of 1874), to the following Scheduled Districts, namely:-Kumaon and Garhwal.. See Gazette of India, 1876, Pt. I, p. 606. This Tarai of the Province of Agra.. Ditto 1876, Pt. I, p. 505. It has been declared, by notification under s. 3 (b) of the same Act, not to be in force in the District of Lahaul. See gazette of India, 1886, Pt. I, P. 301. It has been declared by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely:- West Jalpaiguri.. See Gazette of India, 1881, Pt. I, p. 74. The District of Hazaribagh Ditto 1881, Pt. I, p. 507. The District of Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, I, p. 44) Ditto 1881, Pt. I, p. 508. The District of Manbhum Ditto 1881, Pt. I, p. 509. Pargana Dhalbhum in the District of Singhbhum Ditto

1881, Pt. I, p. 510 The Scheduled portion of the Mirzapur District Ditto 1879, Pt. I, p. 383. Jaunsar Bawar Ditto 1879, Pt. I, p. 382. The Scheduled Districts of the C. P., (now Madhya Pradesh) Ditto 1879, Pt. I, p. 771. The Scheduled Districts in Ganjam and Vizagapatam Ditto 1898, Pt. I, p. 870. Assam (except the north Lushai Hills) Ditto 1897, Pt. I, p. 299.

2. Certain words were rep. by Act 12 of 1891.

16. Convictions involving forfeiture not questionable in suits relating to forfeited property.--

Whenever any person shall have been convicted of an offence for which his property was forfeited to Government, no Court has power in any suit or proceeding relating to such property to question the validity of the conviction.

17. Conviction not questionable because capacity of convicting officer not shown.--

Whenever any person shall have been convicted as above by an officer having power to try and convict, the validity of any such conviction shall not be questioned upon the ground that the record of the conviction does not show in what capacity such officer acted, or that it represents him to have acted in a different capacity from that in which he had power to convict.

18. Attachment without adjudication of forfeiture not questionable unless offender be acquitted within one year, etc.--

Whenever any property shall have been attached or seized without either conviction or an adjudication of forfeiture by any officer of Government as property forfeited or liable to be forfeited to Government for an offence for which, upon conviction, the property of the offender would be forfeited, the validity of such attachment or seizure shall not be called in question by any Court or other authority in any suit or proceeding, unless the offender or alleged offender shall, within one year after the seizure of his property has surrendered himself for trial, and upon trial before a competent Court shall have been or shall be acquitted of the offence, and shall prove to the satisfaction of the Court that he did not escape or keep out of the way for the purpose of evading justice. Exemption of pardoned persons.-- Nothing in this section shall extend to persons entitled to pardon upon Her Majesty's proclamation published in the Calcutta Gazette Extraordinary, dated the 1st of November, 1858, or, to any person who having surrendered himself within the period of one year after the seizure of his property shall be ¹ duly discharged] without a prosecution.

20. Rights of parties not charged with offence involving forfeiture. Proviso.--

Nothing in this Act shall be held to affect the rights of parties not charged with any offence for which upon conviction the property of the offender is forfeited in respect of any property attached or seized as forfeited or liable to be forfeited to Government: Provided that no suit brought by any party in

respect of such property shall be entertained unless it be instituted within the period of one year from the date of the attachment of seizure of the property to which the suit relates.

1. Subs. by the A. O. 1937, for" discharged by order of Govt."

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19. [Release of property attached as forfeited.] Rep. by the Re- pealing Act, 1868 (8 of 1868).

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