

The Foreign Recruiting Act, 1874

UNION OF INDIA

India

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Act 4 of 1874

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11.

/588Statement of Objects and Reasons.-In the present state of the law, as appears from a legal opinion lately submitted to the Government of India, there is nothing to prevent our Indian territories being made a recruiting ground for Foreign States on the Continent of India or elsewhere. It seems that the agents of such State may beat up for recruits in a way to expose the Government to serious embarrassment, with foreign nations if they do not interfere, and with their own subjects if they do. It is only when the recruiting is for the "service of any Foreign State at war with any Foreign State at peace with Her Majesty" that the provisions of the English Foreign Enlistment Act (33 and 34 Vic., cap. 90) apply, and the Indian Emigration Act, to which a reference is naturally made in connection with a matter of this kind, is confined in its operation to emigrant labourers, that is to say, taking the word in its ordinary acceptation, to persons emigrating with a view to obtaining employment in husbandry or manufactures. The object of the present Bill is to confer on the Governor General in Council the power of control which thus appears to be wanting, and which at the same time it is manifestly desirable he should possess. [24th February, 1874] An Act to control recruiting in [India] [Substituted by Act 3 of 1951, Section 3 and Schedule, for " Part A States and Part C States" (w.e.f. 1.4.1951).] for the service of Foreign States. Preamble .- Whereas it is expedient that the Central Government should exercise full control over recruiting in [India] [Substituted by Act 3 of 1951, Section 3 and Schedule, for " Part A States and Part C States" (w.e.f. 1.4.1951).] for the service of Foreign States: It is hereby enacted as follows:-

The Act came into force on 1.10.1963, vide Regulation 7 of 1963, Section 3 and Schedule. This Act has been extended and brought into force in Dadra and Nagar Haveli by Regulation 6 of 1963, Section 2 and Schedule II (w.e.f. 1.7.1965).

1. Short title .- This Act may be called The Foreign Recruiting Act, 1874.

Local extent.-It extends to the whole of India [* * *].[* * *] [The commencement clause repealed by Act 12 of 1876, Section 1 and Schedule.]

2. "Foreign State" defined .-In this Act, "Foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province or people, beyond the limits of [India].

3. Power to prohibit or permit recruiting .-If any person is, within the limits of [India], obtaining or attempting to obtain recruits for the service of any Foreign State in any capacity, the Central Government may, by order in writing [* * *] [The words " signed by a Secretary of the Government of India" omitted by A.O. 1937.], either prohibit such person from so doing, or permit him to do so subject to any conditions which the Central Government thinks fit to impose.

4. Power to impose conditions .-The Central Government may from time to time, by general order notified in the Official Gazette, either prohibit recruiting for the service of any Foreign State, or impose upon such recruiting any conditions which it thinks fit.

5. Power to rescind or vary orders .-The Central Government may rescind or vary any order made under this Act in such manner as it thinks fit.

6. Offences .-Whoever, in violation of the prohibition of the Central Government, or of any condition subject to which permission to recruit may have been accorded,-

(a)includes or attempts to induce any person to accept or agree to accept or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State, or(b)knowingly aids in the engagement of any person so induced, by forwarding or conveying him or by advancing money or in any other way whatever, shall be liable to imprisonment for a term which may extend to seven years, or to fine to such amount as the Court thinks fit, or to both.

7. Place of trial .-Any offence against this Act may be inquired into and tried, as well in any district in which the person accused may be found, as in any district in which it might be enquired into and tried under the provisions of the [Code of Criminal Procedure].