

Foreign Recruitment Act, 1874

4 of 1874

[24 February 1874]

CONTENTS

1. Short Title
2. Foreign State Defined
3. Power To Prohibit Or Permit Recruiting
4. Power To Impose Conditions
5. Power To Rescind Or Vary Orders
6. Offences
7. Place Of Trial

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An Act to control recruiting in [Subs. by Act 3 of 1951, s.3 and Sch. for Part A States and Part C States.][India] for the service of Foreign States; WHEREAS it is expedient that the Central Government should exercise full control over recruiting in {Subs. by Act 3 of 1951, s.3 and Sch., for "Part A States and Part C States."} [India] for the service of Foreign States; It is hereby enacted as follows:--

1. Short Title :-

This Act may be called the Foreign Recruiting Act, 1874.

Local extent.-

It extends to the whole of India [The words "except Part B States" omitted by section 3 and Sch., "Part A States and Part C States."]

[The commencement clause Rep. by Act 12 of 1876, section 1 and Sch.]

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 {Substituted by the A.O. 1950 for "the Provinces".} [India].

3. Power To Prohibit Or Permit Recruiting :-

If any person is, within the limits of {Substituted by Act 3 of 1951, section 3 and Sch., for "Part A States and Part C States."} [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 to the G. of I." omitted by the 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) induces or attempts to induce any person to accept or agree to accept or to proceed to any place with 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.{See now the Code of Criminal Procedure, 1898 (5 of 1898)}.