

FOREIGN RECRUITING ACT, 1874

4 of 1874

[24th February, 1874]

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An Act to control recruiting in 2[India] for the service of Foreign States. Whereas it is expedient that the Central Government should exercise full control over recruiting in 2[India] for the service of Foreign States; It is hereby enacted as follows: 1. Published in the Gazette of India, Pt. V, p. 1 on 24th February, 1874. 2. Substituted by Act 3 of 1951, for "Part A States and Part C States" (w.e.f. 1st April, 1951)

1. Short title :-

This Act may be called the Foreign Recruiting Act, 1874. Local extent.--It extends to the whole of India 1[* * *]. 2[* * *]. 1. The words "except Part B States" omitted by Act 3 of 1951 (w.e.f. 1st April, 1951). 2. The commencement clause rep. by Act 12 of 1876.

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 1[India]. 1. Substituted by A.L.O., 1950, for the words "the Provinces".

3. Power to prohibit or permit recruiting :-

If any person is, within the limits of 1[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 2[* * *], either prohibit such person from so doing, or permit him to do so subject to any conditions which the 3[Central Government] thinks fit to impose. 1. Substituted by A.L.O., 1950, for the words "the Provinces". 2. The words "signed by a Secretary to the Government of India" omitted by A.L.O., 1937. 3. Substituted by A.O. 1937, for the words "Governor-General-in-Council".

4. Power to impose conditions :-

The 1[Central Government] may, from time to time, by general order notified in the 2[official Gazette], either prohibit recruiting for the service of any Foreign State or impose upon such recruiting any conditions which 3[it] thinks fit. 1. Substituted by A.O. 1937, for the words "Governor-General-in-Council". 2. Substituted by A.O., 1937, for the words "Gazette of India". 3. Substituted by ibid, for the word "he".

5. Power to rescind or vary orders :-

The 1[Central Government] may rescind or vary any order made under this Act in such manner as 2[it] thinks fit. 1. Substituted by A.O. 1937, for the words "Governor-General-in-Council". 2. Substituted by ibid, for the word "he".

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 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.

