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# **THE MURDEROUS OUTRAGES ACT, 1867**

## **(XXIII of 1867)**

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## TEXT

### **<sup>1</sup>THE PUNJAB MURDEROUS OUTRAGES ACT, 1867 (XXIII of 1867)**

[23<sup>rd</sup> March, 1867]

#### **An Act**

*for the suppression of murderous outrages in certain districts of <sup>2</sup>[the Punjab].*

**Preamble.— WHEREAS** in certain districts of <sup>3</sup>[the Punjab] fanatics have frequently murdered or attempted to murder servants of the <sup>4</sup>[State] and other persons: and whereas the general law of the country is not adequate to suppress such offences; it is hereby enacted as follows:—

**1. Power to extend Act to any part of the Punjab.—** It shall be lawful for the <sup>5</sup>[Provincial Government] <sup>6</sup>[\*\*\*\*] <sup>7</sup>[\*\*\*] by a proclamation published in the official Gazette, from time to time to declare any part or parts of the territories <sup>8</sup>[within the

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, dated 5<sup>th</sup> January, 1867; for Proceedings in Council see ibid, Supplement, dated 12<sup>th</sup> January, 1867, pp. 3 and 5; 16<sup>th</sup> February, p. 73; 23<sup>rd</sup> February, p. 131; 2<sup>nd</sup> March, pp. 147 and 154; and 23<sup>rd</sup> March, pp. 233 and 241.

This Act was published in the Gazette of India, dated 23.3.1867, pages 544-545.

<sup>2</sup>Substituted for the words “West Pakistan” by the Federal Adaptation of Laws Order, 1975 (P.O. 4 of 1975); and published in Gazette of Pakistan, (Extraordinary), Part-I, dated 1.8.1975, pages 435-467, see Article 2 & Schedule. Earlier substituted for the words “the Punjab” by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960); and published in Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, s.3 and 2nd Schedule (w.e.f 14.10.1955).

<sup>3</sup>Substituted, for the words “West Pakistan”, by the Federal Adaptation of Laws Order, 1975 (P.O. 4 of 1975); and published in Gazette of Pakistan, (Extraordinary), Part-I, dated 1.8.1975, pages 435-467, see Article 2 & Schedule. Earlier substituted for the words “the Punjab” by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960); and published in Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, s.3 and 2nd Schedule (w.e.f 14.10.1955).

<sup>4</sup>Substituted for the word “Queen” by the Central Laws Adaption Order, 1961 (P.O. No. 1 of 1961); and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174, see Article 2(1) and Schedule (w.e.f. 23.3.1956).

<sup>5</sup>Substituted for the words “Lieutenant-Governor” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

<sup>6</sup>Omitted the words “of [the Punjab]” by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960); and published in Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, s.3 and 2nd Schedule (w.e.f 14.10.1955). The words in crotchets were substituted for the words “West Punjab” by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951); and published in the Gazette of Pakistan (Extraordinary), dated 12.5.1951, pages 340-388, s.8, which was previously substituted for the words “the Punjab” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949); and published in the Gazette of Pakistan (Extraordinary), dated 28.3.1949, pages 223-283, Article 3 and Schedule.

<sup>7</sup>Omitted the words “with the previous consent of the G.G. of India in Council,” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 3 & First Schedule.

<sup>8</sup>Substituted for “under [its] government” by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960); and published in the Gazette of Pakistan (Extraordinary), pages 725-845, section 3 and 2nd Schedule (with effect from the 14th October, 1955). The word in crotchets was substituted for “his” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 5.

Punjab] to be subject to the operation of all or any of the provisions of this Act, and also, by such proclamation <sup>9</sup>[\* \* \*] as aforesaid, from time to time to withdraw from the operation of such provisions any part or parts of the said territories, which <sup>10</sup>[it] may have previously declared to be subject thereto, and in like manner, as occasion shall require, to subject the same part or parts again to the operation of the same provisions or of any of them.

**2. Punishment of fanatics murdering or attempting to murder.**— Any fanatic who shall murder or who shall, within the meaning of the Pakistan Penal Code<sup>11</sup>, section 307, attempt to murder any servant of the <sup>12</sup>[State] or other person, shall, on conviction thereof, be punished either with death or with transportation for life, and all his property shall be forfeited to Government.

3. <sup>13</sup>*[Offences under the Act to be offences within meaning of Penal Code.— \* \* \*]*

**4. Forfeiture of property of fanatics killed in committing outrages punishable under Act.**— Whenever any fanatic shall be killed in the act of committing any such offence, as aforesaid, or, being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the <sup>14</sup>[Sessions Judge or Commissioner] who, under the provisions hereinafter contained, would have had cognizance of the offence if the offender could have been brought to trial, to proceed to hold an inquest into the circumstances of the death of the offender, and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid to adjudge that the whole of his property shall be forfeited to Government and to dispose of his body as such <sup>15</sup>[Sessions Judge or Commissioner] shall think fit.

**5. Trial before Sessions Judge or Commissioner.**— Subject to the provision contained in section 14 of this Act, any offence triable under this Act shall be tried by the <sup>16</sup>[Sessions Judge or Commissioner] of the division in which it has been committed; and, in respect of all such offences, the <sup>17</sup>[Sessions Judge or Commissioner] shall follow the procedure prescribed for a Magistrate by section 149, Chapter XVII, and the provisions applicable to warrant-cases of the Code of Criminal Procedure:

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<sup>9</sup>Omitted the words, “and with such consent”, by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 3 & First Schedule.

<sup>10</sup>Substituted *ibid*, see Article 5, for the word “he”.

<sup>11</sup>XLV of 1860

<sup>12</sup>Substituted for the words “Queen” by the Central Laws Adaption Order, 1961, (P.O. No. 1 of 1961); and published in the Gazette of Pakistan (Extraordinary), dated 24.1.1961, pages 102-174, see Article 2(1) and Schedule (w.e.f. 23.3.1956).

<sup>13</sup>Repealed by the Repealing Act, 1874 (XVI of 1874), see s. 1 and Schedule, Part I.

<sup>14</sup>Substituted for the word “Commissioner” by the Punjab Murderous Outrages (Amendment) Act, 1877 (IX of 1877); and published in the Government Gazette Punjab and its Dependencies, dated 26.4.1877, page 483, s.2.

<sup>15</sup>Substituted for the word “Commissioner” by the Punjab Murderous Outrages (Amendment) Act, 1877 (IX of 1877); and published in the Government Gazette Punjab and its Dependencies, dated 26.4.1877, page 483, s.2.

<sup>16</sup>*Ibid*.

<sup>17</sup>*Ibid*.

Provided that, if he shall be of opinion that any witness or evidence is offered for the purpose of vexation or delay, or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness or evidence is material, and, if the<sup>18</sup> [Sessions Judge or Commissioner] be not so satisfied, he shall not be bound to summon the witness or examine the evidence so offered.

**6. Trial to be with aid of assessors.**— Trials under this Act before the<sup>19</sup> [Sessions Judge or Commissioner] shall be conducted with the aid of two or more assessors as members of the Court.

The<sup>20</sup> [Sessions Judge or Commissioner] may appoint such persons other than persons specified in section 405 of the Code of Criminal Procedure at such time and in such manner as he may think fit to serve as assessors, and no persons shall be exempt, within the meaning of section 406 of the same Code, from serving as such assessors.

The provisions of the Code of Criminal Procedure shall, save as aforesaid, apply to assessors appointed under this section.

**7. What the judgment is to specify.**— When any trial under this Act is concluded, if the accused person be convicted, it shall be sufficient if the Court, in passing judgment and in recording the finding and sentence, shall specify the offence of which he is convicted, and the Court shall immediately issue a warrant to the officer in charge of the jail in which the prisoner is confined to cause the sentence to be carried into execution, and such sentence shall be carried into execution accordingly.

No sentence of death passed under this Act shall require confirmation by any Court.

**8. Disposal of bodies of criminals.**— When any person shall be sentenced to death under this Act, his body shall be disposed of as the<sup>21</sup> [Sessions Judge or Commissioner] by whom he was so sentenced shall direct.

**9. Proceedings to be reported to Provincial Government.**— The proceedings in every trial held under this Act shall be reported to the<sup>22</sup> [Provincial Government], without unnecessary delay, by the officer before whom such trial shall have been held.

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<sup>18</sup>ibid.

<sup>19</sup>ibid.

<sup>20</sup>ibid.

<sup>21</sup>ibid.

<sup>22</sup>Substituted for "Lieutenant-Governor" by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

**10. No appeal from orders or sentences under Act.**— Notwithstanding anything contained in the Code of Criminal Procedure, or <sup>23</sup>[in any other enactment for the time being in force] no appeal shall lie from any order or sentence under this Act.

**11. Procedure in cases not contemplated by Act.**— If any <sup>24</sup>[Sessions Judge or Commissioner] in whom jurisdiction is vested by this Act shall be of opinion that the accused person has committed an offence punishable under the Pakistan Penal Code<sup>25</sup>, but that such offence is not contemplated by the preamble to this Act, the offender shall be dealt with in manner provided in such case by the Code of Criminal Procedure.

**12. Provincial Government's powers as to confinement of persons under Act.**— The said <sup>26</sup>[Provincial Government] shall have, with respect to the confinement of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in the <sup>27</sup>[Federal Government] by any law regarding the confinement of persons charged with or suspected of State offences; and the provisions of any such law shall, *mutatis mutandis*, be applicable to all cases in which the <sup>28</sup>[Provincial Government] shall proceed under the authority of this section.

**13. Power of Magistrate as to persons suspected.**— Any person having the full powers of a Magistrate may cause any person, against whom there are in his judgment grounds of proceeding under the last preceding section, to be apprehended, and, after such inquiry as he may think necessary, may detain such person in safe custody until he shall have received the orders of the said <sup>29</sup>[Provincial Government] to whom, in all such cases, he shall report his proceeding without unnecessary delay.

**14. Exercise of jurisdiction conferred by Act.**— The jurisdiction conferred by this Act on a <sup>30</sup>[Sessions Judge or Commissioner] may be exercised, in the case of any offence punishable under this Act, by any person having the full powers of a Magistrate whom the <sup>31</sup>[Sessions Judge or Commissioner] to whom he may be

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<sup>23</sup>Substituted for the words “the Punjab Chief Court Act, 1866” by the Repealing and Amending Act 1891 (XII of 1891) ; and published in the Government Gazette, Punjab and its Dependencies, Part IV, dated 9.4.1891, pages 21-67, see s.2(2) and Second Schedule, Part I.

<sup>24</sup>Substituted for the word “Commissioner” by the Punjab Murderous Outrages (Amendment) Act, 1877 (IX of 1877); and published in the Government Gazette Punjab and its Dependencies, dated 26.4.1877, page 483, s.2.

<sup>25</sup>XLV of 1860

<sup>26</sup>Substituted for the words “Lieutenant-Governor” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

<sup>27</sup>Substituted for the words “G.G of India” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

<sup>28</sup>Substituted for the words “Lieutenant-Governor” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

<sup>29</sup>Substituted for the words “Lieutenant-Governor” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

<sup>30</sup>Substituted for the word “Commissioner” by the Punjab Murderous Outrages (Amendment) Act, 1877 (IX of 1877); and published in the Government Gazette Punjab and its Dependencies, dated 26.4.1877, page 483, s.2.

<sup>31</sup>Ibid.

subordinate, or the said <sup>32</sup>[Provincial Government], shall after the commission of such offence, specially invest with such jurisdiction.

**15. Power to withdraw cases from operation of Act.**— It shall be lawful for the said <sup>33</sup>[Provincial Government] either on <sup>34</sup>[its] own motion or at the request of the <sup>35</sup>[High Court at Lahore], from time to time to withdraw any class of cases from the operation of this Act.

**16. Power of <sup>36</sup>[High Court] to issue circular orders.— Publication of such orders.**— With the previous consent of the said <sup>37</sup>[Provincial Government], but not otherwise, the said <sup>38</sup>[High Court] may, from time to time, make and issue circular orders for the guidance of officers in cases under this Act: provided that such orders are consistent with the provisions herein contained.

All such orders shall be published in the official Gazette, and shall be obeyed by the officers aforesaid.

17. <sup>39</sup>[*Expiration of Act.*— \* \* \* \* \* ]

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<sup>32</sup>Substituted for the words “Lieutenant-Governor” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

<sup>33</sup>Substituted for the words “Lieutenant-Governor” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

<sup>34</sup>Substituted *ibid.*, see Article 5, for the word “his”.

<sup>35</sup>Substituted for the words “Chief Court of the Punjab” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949); and published in the Gazette of Pakistan (Extraordinary), dated 28.3.1949, Pages 223-283, Article 3 & Schedule.

<sup>36</sup>Substituted *ibid.*, for the words “Chief Court”.

<sup>37</sup>Substituted for the words “Lieutenant-Governor” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 & Table of General Adaptations.

<sup>38</sup>Substituted for the words “Chief Court” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949); and published in the Gazette of Pakistan (Extraordinary), dated 28.3.1949, Pages 223-283, Article 3 & the Schedule.

<sup>39</sup>Repealed by the Repealing and Amending Act, 1891 (XII of 1891); and published in the Government Gazette, Punjab and its Dependencies, Part IV, dated 9.4.1891, pages 21-67, see s.2(1) and First Schedule, Part I.