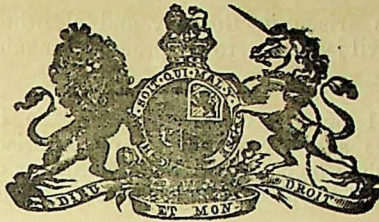


THE



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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 2 of 1883.

A Bill to amend the Law concerning the confinement of Civil Prisoners liable to imprisonment under the Criminal Procedure Code.

WHEREAS it is expedient to amend the law relating to the confinement of civil prisoners who are liable to be imprisoned or committed to custody under the Code of Criminal Procedure, 1882: It is enacted as follows:—

1. Notwithstanding anything contained in Bombay Act II. of 1874 to the contrary, any person who, whilst he is imprisoned in a civil jail,

Civil prisoners may be confined under the Criminal Procedure Code in a civil jail.

becomes liable to be imprisoned or committed to custody under the Code of Criminal Procedure, 1882, may, if the Governor in Council so directs under Section 541 of the said code, be confined under the said code in a civil jail:

Provided that on such person's obtaining his release from civil custody he shall, if still liable to be imprisoned or kept in custody under the said code, be forthwith transferred to a criminal jail.

STATEMENT OF OBJECTS AND REASONS.

A difficulty has arisen in Bombay and elsewhere when persons who are confined in a civil jail have to be proceeded against under the Code of Criminal Procedure.

2. Section 541 of that code empowers the Local Government to direct in what place any person liable to be imprisoned or committed to custody thereunder shall be confined, but this power can only be exercised if it is not "otherwise provided by any law for the time being in force."

3. Government are advised that sections 7 and 21 of Bombay Act II. of 1874 require that civil jails shall be used exclusively for civil prisoners, and that every person committed to custody under the criminal law must be sent to a criminal jail.

4. But if criminal proceedings are instituted against a person who is already confined in a civil jail, it is desirable that the keeper of the civil jail should be responsible for his safe custody to the criminal court before which such proceedings are held, as well as to the civil court, so long as the person is detained simultaneously under the orders of both courts; and if the warrant of the civil court for such person's detention expires before he is released from custody by the criminal court, the keeper of the civil jail, instead of setting him free, should have power to forward him for safe custody to the criminal jail.

5. It is to enable the Governor in Council, if he thinks it expedient, to pass orders to this effect under section 541 of the Criminal Procedure Code that this Bill has been drawn.

(Signed) E. W. RAVENSCROFT.

13th April 1883.

By order of His Excellency the Right Honourable the Governor in Council,

C. G. W. MACPHERSON,
Under Secretary to Government.

Bombay Castle, 19th April 1883.