



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE
CONTAINING
BILLS OF THE GOVERNMENT OF INDIA.

Published by Authority.

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 *Separate Paging is given to these Supplements, in continuation from one to the other, that the Bills may be collected into a separate Compilation.*

HOME DEPARTMENT (Legislative).

Fort William, the 23rd May 1862.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General in Council:—

A Bill for the Amendment of the Law relating to the Confinement of Prisoners convicted of Offences in Native States.

Whereas it is desirable to consolidate and amend the Law relating to the confinement of prisoners who have been convicted of offences in the Territories of Native Princes or States in alliance with Her Majesty, and to the execution of the orders of Courts established by the authority of the Governor General of India in Council for the administration of Criminal Justice in the States or Territories under the authority of the Government of India, or the Government of Madras, or the Government of Bombay respectively; and whereas it is expedient to make the same provision for the secure custody of persons convicted of participation in the offence of Sutte (burning alive) or Sumadh (burying alive), and of such other offences as the Governor General in Council shall, from time to time, by an order to be published in the *Government Gazette*, think fit to prescribe, within the Territories of Native Princes or States in alliance with Her Majesty as is already made in regard to persons convicted of Thuggee or Dacoity in such states; It is enacted as follows:—

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I. Act XVIII. of 1843 (*for the better custody of persons convicted of Thuggee and Dacoity*), and Act V. of 1847 (*to facilitate the execution of the sentences of Courts established by the authority of the Governor General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company*) are hereby repealed.

II. Officers in charge of Jails in such parts of the British Territories in India as are beyond the local limits of the jurisdiction of any Court of Judicature established by Royal Charter, shall be competent to give effect to any sentence that may be passed by any Court established, or that may be established by the authority of the Governor General of India in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the Government of India, or the Government of any Presidency in India, although such States or Territories are not subject to such Government, or are not subject to the operation of the General Regulations.

III. A warrant, under the official seal and signature of the Officer or Officers exercising criminal jurisdiction within such States or Territories as aforesaid, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond sea, or for inflicting any other punishment prescribed therein.

IV. It shall be lawful for the Executive Government

Executive Government may authorise reception and detention in British India of persons convicted of certain offences in Native States.

government of any part of the British Territories in India to authorise the reception and detention in any part of those Territories, for the periods specified in their respective sentences, of persons sentenced within the Territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for the offence of Thuggee or Dacoity, or the offence of belonging to any gang of Thugs or Dacoits, or for participation in the offence of Sutteer or Sumadh, or for such other offences as the Governor General in Council shall, from time to time, by an order published in the *Government Gazette*, think fit to prescribe: Provided always, that such sentences shall have been pronounced after trial before a tribunal, in which an Officer of Government, duly authorised in that behalf by such Prince or State, shall be one of the presiding Judges. Every Officer of Government so authorised as aforesaid shall, after conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

V. If any Officer in charge of a Jail shall entertain any doubt as to the legality of any warrant sent to him for execution, or as to the competency of the person or persons whose official seal and signature may be affixed thereto to pass the sentence and issue such warrant, such Officer shall refer the matter to the Government to which he is subject, by whose order on the case such Officer and all other public Officers shall be guided as to the future disposal of the prisoner. Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

VI. The provisions of the existing Acts and

Provisions of existing laws and rules for the treatment and security of Prisoners generally, to apply to Prisoners confined under this Act.

Regulations, and all other rules in force for the treatment and security of prisoners confined in the said Jails, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.

STATEMENT OF OBJECTS AND REASONS.

It being considered desirable to extend the provisions of Act XVIII. of 1843, which relates to the confinement within the British Territories in India of persons sentenced to imprisonment or transportation for the offences of Thuggee and Dacoity, or of belonging to any gang of Thugs or Dacoits within the Territories of any Prince or State in alliance with the British Government, to the offences of *Sutteer* (burning alive) and *Sumadh* (burying alive), this Bill is introduced for the purpose of extending the Act accordingly.

The Bill also empowers the Governor General in Council to extend its provisions to any other classes of offences than those mentioned in the Bill.

The Bill proposes to repeal Act XVIII. of 1843 and Act V. of 1847 (to facilitate the execution of the sentences of Courts established by the authority of the Governor General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company), and to consolidate the two Acts, as well as to extend the provisions of the former enactment.

(Signed) H. B. HARRINGTON.

The 9th May 1862.

M. WYLIE,

Deputy Secy. to the Govt. of India,
Home Department.

Fort William, the 21st May 1862.

The following Bill and Statement of Objects and Reasons accompanying it are published for general information by order of His Excellency the Governor General in Council:—

A Bill further to Amend Act I. of 1859 (for the amendment of the Law relating to Merchant Seamen).

Whereas the local Governments are empowered

Preamble. under Section LXXXI.

of Act I. of 1859 (for the amendment of the Law relating to Merchant Seamen) to investigate cases of incompetency and misconduct on the part of Masters and Mates who have obtained certificates of competency of service from such local Governments, and under Section LXXXII. of the said Act, on proof of such misconduct or incompetency, to suspend or cancel such certificates; and it is expedient to extend the power of making such investigation and of suspending such certificates to other Governments than the Governments by which such certificates shall have been granted; It is enacted as follows:—

I. Section LXXXI. of Act I. of 1859 is hereby repealed, and the following Section is enacted in lieu thereof, and shall be read and construed in the same manner as if it

Power to investigate cases of alleged incompetency and misconduct, and to suspend certificates in such cases.

formed part of the said Act, namely:—

“If the local Government, on the information of any Shipping Master, or any other ground, has reason to believe that any Master or Mate who has obtained a certificate of competency or service from such Government, or from any other local Government, is, from incompetency or misconduct, unfit to discharge his duties, it may direct any Board or Officer at or near to the place at which it may be convenient for the parties and witnesses to attend, to institute an investigation; and thereupon such Board or Officer shall conduct the investigation, and may summon the Master or Mate to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and shall, for the purpose of such investigation, have all the powers vested in Magistrates of summoning and examining witnesses, and may make such order with respect to the costs of such investigation as they may deem just, and shall, on the conclusion of the investigation, make a report

upon the case to the local Government. If the local Government ordering such investigation shall not be the local Government which granted the certificate held by the Master or Mate whose conduct forms the subject of inquiry, the local Government ordering the investigation shall have power to suspend the certificate held by such Master or Mate on proof that, from incompetency or misconduct, he is unfit to discharge his duties, and shall communicate the result of the investigation to the local Government which granted such certificate."

STATEMENT OF OBJECTS AND REASONS.

Section LXXXI. Act I. of 1859 (*for the amendment of the Law relating to Merchant Seamen*) empowers any local Government to order an investigation into the conduct of any Master or Mate to whom such Government may have granted a certificate of competency or service, if it has reason to believe that, either from incompetency or from misconduct, such Master or Mate is unfit to discharge his duties. But, as the law now stands, only the local Government which granted the certificate can order such investigation whenever the misconduct to be inquired into shall have been committed.

An instance has recently occurred showing the practical inconvenience that may result from the retention of this restriction, and the necessity that there appears to be for some modification of the Law. The Master of a vessel, holding a certificate from the Government of Bengal, took his vessel to Bombay. A complaint of misconduct having been made against the Master on his arrival at Bombay, the Government of Bombay

ordered an investigation under the provisions of Section LXXXI. of the Act above quoted; but being advised that it had no jurisdiction, the Bombay Government refrained from passing any decision in the case.

There appears to be no good reason why, in a case such as that described, the local Government, within whose territories the Master or Mate complained against happens to be at the time the complaint is preferred, should not be empowered to order an investigation, and upon proof of incompetency or misconduct, showing such Master or Mate to be unfit to discharge his duties, to suspend the certificate held by him, although such certificate may have been granted by some other local Government.

The object of the present Bill is to admit of such investigation being made under the circumstances above stated by any local Government.

The Bill further provides that, when the local Government ordering the investigation shall not be the local Government which granted the certificate, the subject of inquiry, the Master or Mate whose conduct is in question, shall have power to suspend the certificate held by such Master or Mate on proof that, from incompetency or misconduct, he is unfit to discharge his duties, and shall communicate the result of the investigation to the local Government which granted the certificate.

(Signed) H. B. HARRINGTON.

The 12th May 1862.

M. WYLIE,

Deputy Secy. to the Govt. of India,
Home Department.