



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

*Published by Authority.*

THURSDAY, 26TH JUNE 1862.

 *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 Samadh (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 :—

GOVT. INDIA BILLS—78

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in States or Territories administered by Officers acting under the authority of the East India Company) are hereby repealed.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 of any part of the British Territories in India to authorise the reception and detention in any part of those Territories, for the periods

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

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 Sutte 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 forward with every prisoner a certificate of his 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

If Officer in charge of Jail doubt the legality of any warrant sent to him for execution.

the legality of any warrant sent to him for execution under this Act, 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 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 *Sutte* (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.