



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 3RD DECEMBER 1863.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

THE following Bill, which it is intended to introduce into the Council of the Governor of Bombay for the purpose of making Laws and Regulations, is, together with a Statement of Objects and Reasons accompanying it, published for general information :—

*A Bill to repeal Clause 4 of Section II. of Regulation V. of 1830, and
Section I. of Regulation VIII. of 1831.*

Whereas it is expedient to repeal Clause 4 of Section II. of Regulation V. of 1830 and Section I. of Regulation VIII. of 1831; It is enacted as follows:—

I. Clause 4 of Section II. of Regulation V. of 1830, and Section I. of Regulation VIII. of 1831 are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

By Clause 4th of Section II. of Regulation V. of 1830, Sub-Collectors are vested as Magistrates with the "same powers and penal jurisdiction" as are provided in the Regulations for the Collectors as Magistrates; and under Section I. of Regulation VIII. of 1831, Sub-Collectors are in their Magisterial capacity denominated Joint Magistrates. Under these Laws the High Court have decided that so long as a Sub-Collectorate is a Joint Magistracy, it must be held to be a division of a District under Section XXVI. of the Code of Criminal Procedure, and that all offences therefore committed in a Sub-Collectorate must be inquired into and tried in that Sub-Collectorate; and whereas this decision necessitates the holding of Criminal Sessions in each Sub-Collectorate, the construction of subsidiary Jails would be necessary to provide for the confinement within the Sub-Collectorate of Convicts and persons charged with offences not bailable. But the circumstances of the Sub-

Collectorates are considered to be such as not to call for the expenditure which would be entailed by the construction and maintenance of separate Jails within them. It is therefore proposed to get rid of the necessity which now exists of trying and confining prisoners within the limits of the Sub-Collectorates by repealing Clause 4th of Section II. of Regulation V. of 1830, and Section I. of Regulation VIII. of 1831, which are held to constitute the Sub-Collectorates divisions of Districts under the Code of Criminal Procedure.

Questions have also arisen between the Sub-Collectors as Joint Magistrates, and the Magistrates of the Districts regarding their relative positions and responsibilities. Among these questions is the subordination of the Sub-Collector in Police matters to the Collector and Magistrate of the District.

By the Regulation law, the Sub-Collector was in Police administration subordinate to the Collector and Magistrate, but the Criminal Procedure Code assigns several executive duties to the Magistrate of the division of a District, and thus gives the Sub-Collector as it were independent action of the Magistrate, who is the officer responsible to the Executive Government for the whole of the Police of the District.

These questions will be disposed of by the repeal of the Sections of the Regulations above mentioned, and the appointment of the Sub-Collectors as Magistrates with full powers simply within their respective Districts.

The Bill, together with this statement of objects and reasons, should be translated into the Murathi and Guzerathi languages.

(Signed) A. D. ROBERTSON.

By order of His Excellency the Governor in Council,

H. BIRDWOOD,

Under-Secretary to Government.

Bombay Castle, 1st December 1863.