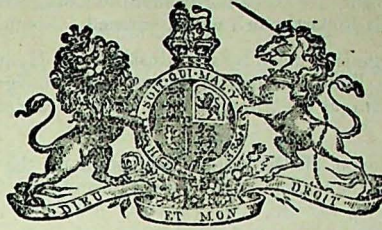


THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 2ND MARCH 1893.

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

## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to legalize in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to foreign territory, jurisdiction which the Governor General in Council has in such territory was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd February 1893:—

We, the undersigned, Members of the Select Committee to which the Bill to legalize in certain cases

- From Resident at Hyderabad, No. 294, dated 26th October 1892 [Paper No. 1].
- From Officiating Agent to Governor General in Baluchistan, No. 6715, dated 28th October 1892 [Paper No. 2].
- From Chief Commissioner, Ajmere-Merwara, No. 61 C.—690, dated 24th November 1892 [Paper No. 3].
- From Secretary to Chief Commissioner, Assam, No. 5289 J., dated 28th November 1892, and enclosures [Papers No. 4].
- From Chief Secretary to Government, Madras, No. 2215, dated 2nd December 1892, and enclosures [Papers No. 5].
- From Chief Secretary to Government, Bengal, No. 4477 J., dated 10th December 1892, and enclosures [Papers No. 6].
- From Secretary to Chief Commissioner, Central Provinces, No. 8569, dated 9th December 1892, and enclosure [Papers No. 7].
- From Registrar, High Court, Calcutta, No. 2532, dated 12th December 1892 [Paper No. 8].
- From Secretary to Chief Commissioner, Coorg, No. 1937—152-92, dated 8th December 1892 [Paper No. 9].
- Telegram from Junior Secretary to Chief Commissioner, Burma, No. 500, dated 14th December 1892 [Paper No. 10].
- From Officiating Secretary to Government, North-Western Provinces and Oudh, No. 4065—VI-98-C., dated 14th December 1892, and enclosures [Papers No. 11].
- From Junior Secretary to Government, Punjab, No. 1218, dated 21st December 1892, and enclosures [Papers No. 12].
- From Secretary to Government, Bombay, No. 212, dated 11th January 1893, and enclosures [Papers No. 13].

the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to foreign territory jurisdiction which the Governor General in Council has in such territory was referred, have considered the

Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. Having regard to the limited nature of the extra-territorial authority possessed by the Legislative Council of the Governor General, to which our attention has been drawn by the Standing Counsel and Public Prosecutor to the Government of the North-Western Provinces and Oudh, we have thought it desirable to redraft the Bill so as to make it clear that it only legalizes the execution of the capital sentences in question, so far as concerns the action of the superintendents or keepers of jails in British India to whom warrants for their execution may be sent. In order to empower the British Courts in the territory referred

to to issue warrants for the execution of such sentences in British India, the Bill requires, in our opinion, to be supplemented by a notification of the Governor General in Council in the Foreign Department of the nature of the draft appended to this Report which we recommend for issue should this Bill become law.

3. In accordance with a suggestion made by the Resident at Hyderabad we have substituted the expression "territory beyond the limits of British India" for "foreign territory" in the title and first paragraph of the preamble to the Bill, as containing a more fitting description of the nature of the territory referred to.

4. We have altered the language of the Bill, which speaks of the "execution of the *person*" sentenced to death, into "execution of the *sentence*" of death, as being more in accordance with that generally in use in Indian enactments.

5. Our attention has been drawn to a despatch from the Secretary of State, in which His Lordship notices that the Bill does not extend to all the Courts provided for by section 19 of the Prisoners Act, 1871; the same point has been referred to by the Government of Bombay. We understand, however, that it never was intended that the operation of this Bill should be co-extensive with that of the Prisoners Act, and that it is—rightly, as we think—meant to be restricted to a very limited class of sentences of death, passed under exceptional circumstances by some British Courts sitting in places beyond British India.

6. Lastly, we have considered the various suggestions made for the incorporation of the provisions of the Bill in the Prisoners Act, and for the amendment otherwise of that Act; but we are of opinion that any amendments which may be required in that Act should stand over for future consideration, and meantime that the subject-matter of this Bill should be provided for by a separate enactment.

7. The publication ordered by the Council has been made as follows:—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India ... ..	15th October 1892.
Fort Saint George Gazette ... ..	1st November 1892.
Bombay Government Gazette ... ..	20th October 1892.
Calcutta Gazette ... ..	26th October 1892.
North-Western Provinces and Oudh Government Gazette ... ..	22nd October 1892.
Punjab Government Gazette ... ..	20th October 1892.
Central Provinces Gazette ... ..	29th October 1892.
Burma Gazette ... ..	5th November 1892.
Assam Gazette ... ..	5th November 1892.
Coorg District Gazette ... ..	1st November 1892.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras ... ..	Tamil ... ..	22nd November 1892.
	Telugu ... ..	22nd November 1892.
	Hindustani ... ..	22nd November 1892.
	Kanarese ... ..	22nd November 1892.
	Malayalam ... ..	22nd November 1892.
Bombay... ..	Marathi... ..	24th November 1892.
	Gujarati ... ..	24th November 1892.
	Kanarese ... ..	24th November 1892.
Bengal ... ..	Bengali ... ..	8th November 1892.
	Urdu ... ..	10th November 1892.
	Hindi ... ..	15th November 1892.
North-Western Provinces and Oudh.	Urdu ... ..	12th November 1892.
Burma ... ..	Burmese ... ..	12th November 1892.
Assam ... ..	Bengali... ..	19th November 1892.
Coorg ... ..	Kanarese ... ..	1st January 1893.

8. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ALEX. EDW. MILLER.  
PHIL. P. HUTCHINS.  
G. H. P. EVANS.

*The 22nd February 1893.*

No. , DATED CALCUTTA, THE

1893.

*NOTIFICATION—By the Government of India in the Foreign Department.*

WHEREAS a capital sentence is occasionally passed by British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner;

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:—

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this Notification, and, in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the superintendent or keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such superintendent or keeper is to cause the execution to be carried out.

2. The jail in British India to which the Court is to send its warrant shall be such as the Governor General in Council, or a Local Government authorised by him in this behalf, may by general or special order direct.

**No. II.**

*A Bill to Legalise in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory.*

WHEREAS a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner;

It is hereby enacted as follows:—

1. When a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this Act—

Execution in British India of certain capital sentences not ordinarily executable there.

(a) has sentenced any person to death, and,

(b) being of opinion that such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, has issued its warrant for the execution of such sentence to the superintendent or keeper of a jail in British India,

such superintendent or keeper shall, on receipt of such warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 351 of the Code of Criminal Procedure, 1882. X of 1882

2. The jails of which the superintendents or keepers are to execute sentences under any such warrants shall be such as the Governor General in Council, or a Local Government authorised by him in this behalf may by general or special order direct.

J. M. MACPHERSON,  
Offg. Secretary to the Government of India.