

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 26TH OCTOBER 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 Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th October 1893:—

Bill No. 15 of 1893.

A Bill to amend the Indian Stamp Act, 1879, with respect to Policies of Sea-insurance and Sale-certificates.

I of 1879. WHEREAS it is expedient to amend the Indian Stamp Act, 1879, with respect to policies of sea-insurance and sale-certificates; It is hereby enacted as follows:—

Policies of Sea-insurance.

I of 1879. 1. Between section 7 and section 8 of the Indian Stamp Act, 1879, the following section shall be inserted, namely:—

“7A. (1) No contract for sea-insurance (other than such insurance as is referred to in section 55 of the Merchant Shipping Act Amendment Act, 1862), shall be valid unless the same is expressed in a policy of sea-insurance.

25 & 26 Vict., c. 63. “(2) No policy of sea-insurance made for time shall be made for any time exceeding twelve months.

“ (3) No policy of sea-insurance shall be valid unless it specifies the particular risk or adventure, or the time for which it is made, the names of the subscribers or underwriters, and the amount or amounts insured.

“(4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.”

2. For division (a) of article 49 of Schedule I Amendment of Schedule of the said Act, as amended by Act I of 1888, I, Act I, 1879, respecting sea-insurance. relating to sea-insurance, the following shall be substituted, namely:

Description of Instrument.	Proper Stamp-duty.
	Rs. a. p.
(a) In the case of sea-insurance—	
(1) for or upon any voyage—	
(i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy ...	0 1 0
(ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy ...	0 2 0
(2) for time—	
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy—	
where the insurance shall be made for any time not exceeding six months ...	0 3 0
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	0 6 0

Sale-certificates.

3. Section 24 of the said Act shall be held not to apply and never to have applied to any such certificate of sale as is mentioned in article 16 of Schedule I of that Act:

Inapplicability of section 24, Act I, 1879, to sale-certificates.

Provided that nothing in this section shall be deemed to affect any decree or order made by any

Court or Revenue-officer before the commencement of this Act.

4. In the third column of Schedule I of the said Act, after the words "the purchase-money" against article 16, the word "only" shall be added.

Amendment of Schedule I, Act I, 1879, respecting sale-certificates.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are (a) to assimilate, as far as possible, the Stamp Law of India respecting policies of sea-insurance to that enacted for the United Kingdom by the Stamp Act, 1891 (54 & 55 Vict., c. 39, sections 93 and 94, and Schedule I), and (b) to determine the construction which is to be placed on Schedule I, article 16, of the Indian Stamp Act, 1879, read with section 24 of that Act, in relation to sale-certificates.

Policies of Sea-Insurance.

2. The rates of stamp-duty on policies of sea-insurance in India are now generally heavier than in other countries, and the consequence is the displacement of a good deal of sea-insurance business which used to be transacted in India.

Representations on the subject have been received from Calcutta and Bombay, and the Governor General in Council is of opinion that the request made therein for reduced rates of stamp-duty on policies of sea-insurance ought generally to be granted.

Sale-Certificates.

3. The question in regard to these documents, which is one of very great importance to the community at large, is as to the consideration for which stamp-duty is to be charged. At present there is a difference of opinion on the question—one opinion being held by the Calcutta, Madras and Allahabad High Courts,* and another by the Bombay High Court.†

* I. L. R. 10 Cal. 92.
 ,, 5 Mad. 18.
 ,, 7 Mad. 421.
 ,, 15 All. 107.

† I. L. R. 5 Bom. 470.
 ,, 9 Bom. 47.
 ,, 15 Bom. 532.

The question must, in the opinion of the Governor General in Council, be set at rest as soon as possible, and, so far as may be, retrospectively, as well as prospectively, in the manner required by the majority of the authorities, which happens to be that most favourable to the subject.

The 20th October 1893.

(Signed) D. BARBOUR.

S. HARVEY JAMES,
 Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th October 1893:

No. 16 of 1893.

A Bill to amend the Prisoners Act, 1871.

WHEREAS it is expedient to amend the Prisoners Act, 1871; It is hereby enacted as follows:

1. To section I of the said Act the following shall be added, namely:

"Any reference in Part III or Part V of this Act to a prison or jail, or to imprisonment or confinement, may be read as referring to, or to confinement in, a reformatory or reformatory school."

Repeal of section 9, Act V, 1871.

2. Section 9 of the said Act is hereby repealed.

3. (1) In section 16 of the said Act, for the words "acting under the authority" the words "acting, whether within or without British India, under the general or special authority" shall be substituted.

(2) To the same section the following shall be added, namely:

"or, with the previous sanction of the Governor General in Council in each case, to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal of any Native Prince or State in alliance with Her Majesty:

"Where a Court or tribunal of such a Native Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been judicially considered on the merits and confirmed by any such officer specially authorised by name or by office in that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council.

4. (1) For the first sixteen words of section 19 of the said Act the following shall be substituted, namely:

"The Governor General in Council or the Local Government may authorise the reception, detention or imprisonment in any place in British India, or in any place under such Government, as the case may be."

(2) In the same section, after the words "theft of cattle" the following shall be inserted, namely:

"or for any other act (referred to in this section as an offence) which would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the schedule to the Foreign Jurisdiction and Extra-territorial Act, 1879."

(3) For the proviso to the same section the following shall be substituted, namely:

"Provided that such sentences have been pronounced after trial before a tribunal of which the presiding Judge, or, if the Court consisted of more than one Judge, at least one of such Judges, was an officer of the British Government authorised to act as such Judge by the Native Prince or State or by the Governor General in Council.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to remove certain defects in the Prisoners Act, 1871, which have from time to time been brought to the notice of the Government of India by Local Governments and other authorities.

2. The amendments proposed which appear to call for remark are noticed in this paragraph:

Section 1.—The object of this section is to remove certain difficulties which have arisen from a reformatory or reformatory school having been held to be neither a jail nor a prison within the meaning of the Act.

Section 2.—Section 9 of the Act, which had reference to the annual Mutiny Acts, has been obsolete for nearly fourteen years.

Section 3.—This section is designed to remove doubts which have from time to time been expressed as to the application of section 16 of the Prisoners Act. There are occasions on which, in consequence of the want of safe and proper places of confinement in certain territories beyond the limits of British India, or for some other cause, it is desirable that prisoners should undergo their sentences in British Indian jails where they can be held in secure custody.

Section 4.—Section 19 of the Act has been found to be defective in several respects.

Sub-section (1).—There are cases in which a Local Government cannot act as promptly as circumstances may require with respect to the reception, detention and imprisonment of prisoners, and in which only the orders of the Governor General in Council can readily secure the object to be attained. Such a case frequently occurring is the transfer of convicts from Native States to the settlement of Port Blair, that settlement being for the use of India generally, and therefore necessarily more directly controlled than any other part of India by the Governor General in Council.

Sub-section (2).—This sub-section enacts the substance of the Notification of the Government of India, No. 158, dated the 12th August, 1872.

Sub-section (3). The amendment of the proviso to section 19 of the Act will set at rest the question whether that section relates only to sentences passed by mixed Courts in the exercise of original criminal jurisdiction.

The 18th October 1893.

(Signed) ALEX. EDW. MILLER.

S. HARVEY JAMES,
Secretary to the Government of India.