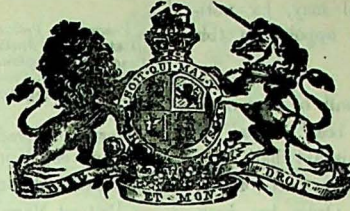


THE



# Bombay Government Gazette.

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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 24th January 1895 :—

#### No. 2 of 1895.

*A Bill to confer on Presidency Magistrates and District Magistrates certain powers and authorities in relation to the surrender of fugitive criminals.*

33 & 34 Vict.,  
c. 62.

WHEREAS by the Extradition Act, 1870, it is, among other things, enacted that the said Act, when applied by Order in Council, shall, unless it is otherwise provided by such order, extend to every British possession, but with the following among other modifications, namely :—

No warrant of a Secretary of State shall be required, and all powers vested in, or acts authorized or required to be done under the said Act by, the Police Magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone;

And whereas by the said Act it is also enacted that, if by any law or ordinance made before or after the passing of the said Act by the Legislature of any British possession provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or are suspected of being in such possession, Her Majesty may, by the Order in Council applying the said

Act in the case of any foreign State, or by any subsequent order either—

suspend the operation within any such British possession of the said Act or any part thereof, so far as it relates to such foreign State, and so long as such law or ordinance continues in force there, and no longer,

or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of the said Act;

And whereas the said Extradition Act, 1870, was amended by the Extradition Act, 1873, which 36 & 37 Vict.,  
c. 60.  
enacted that that Act was to be construed as one with the said Act of 1870 and that the said two Acts might be cited together as the Extradition Acts, 1870 and 1873;

And whereas it is expedient to provide for the more convenient administration in British India of the said Extradition Acts, 1870 and 1873, by conferring on Presidency Magistrates and District Magistrates the like powers and authorities in relation to the surrender of fugitive criminals as are by the said Acts vested in Police Magistrates and Justices of the Peace in the United Kingdom;

It is hereby enacted as follows :—

1. (1) This Act may be called the Extradition (India) Act, 1895; and  
Title and commencement. and

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

Provided that no such date shall be appointed until after Her Majesty has been pleased by Order in Council to direct that this Act shall have effect in British India as if it were part of the Extradition Act, 1870, and such Order has been published in the Gazette of India.

t 34 Vict.,  
2.

2. All powers vested in, and acts authorized or required to be done by, a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under the Extradition Acts, 1870 and 1873, are hereby vested in, and may in British India be exercised and done by, any Presidency Magistrate or District Magistrate in relation to the surrender of fugitive criminals under the said Acts.

Powers of Police Magistrates and Justices of Peace under Imperial Acts conferred on Presidency and District Magistrates.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to confer on Presidency Magistrates and District Magistrates in British India the like functions in relation to the surrender of fugitive criminals as are by the Extradition Acts, 1870 and 1873 (33 & 34 Vict., c. 52, and 36 & 37 Vict., c. 60), vested in Police Magistrates and Justices of the Peace in the United Kingdom. By section 17 (2) of the former of these Acts, read with section 26, the Governor of any part of India is empowered to perform for his province the functions assigned to the Police Magistrate under the Act, but as he is not authorized to delegate these functions and must therefore perform them personally, this provision does not meet the requirements of this country, where it is only calculated to give rise to grave public inconvenience. Under these circumstances it has been decided to follow the example of the Ceylon and other Colonial Legislatures by enacting a special law which, when so directed by Order in Council, will have effect in India as if it were part of the English Acts, providing for the performance of magisterial functions under these Acts in India by the Magistrates above specified. It may be added that this Bill is based on the provisions of the Extradition Ordinance, Ceylon, 1877, which it practically reproduces.

The 23rd January 1895.

(Signed) ALEX. EDW. MILLER.

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