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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Law relating to Imprisonment for debt was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 24th February 1888:—

WE, the undersigned, members of the Select Committee to which the Bill to amend the law

relating to Imprisonment for Debt was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report with copy of the Bill as amended by us annexed thereto.

2. Section 2 of the revised Bill on which sections 3, 5, 6 and 9 wholly and sections 4 and 7 partly depend, would give effect to the very general opinion that it should be in the discretion of a Court executing a decree to refuse to issue a warrant of arrest at the pleasure of a decreeholder, and that the law with respect to the arrest

- From Mr. P. R. Desai, Pleader, District Court, Satara, dated 15th July 1886 [Paper No. 1].
 From Secretary to Chief Commissioner, Coorg, No. 1493—273, dated 16th August 1886 [Paper No. 2].
 From Secretary for Berar to Resident, Hyderabad, No. 331G., dated 15th September 1886, and enclosures [Papers No. 3].
 From Chief Secretary to Government, Madras, No. 2403, dated 4th September 1886, and enclosures [Papers No. 4].
 From Chief Commissioner, Ajmere-Merwara, No. 1104—690-II, dated 22nd September 1886 and enclosures [Papers No. 5].
 Endorsement by Chief Secretary to Government, Madras, No. 2323, dated 22nd September 1886, and enclosures [Papers No. 6].
 From Secretary to Chief Commissioner, Assam, No. 1727, dated 21st August 1886, and enclosures [Paper No. 7].
 From Acting Under Secretary to Government, Bombay, No. 5776, dated 8th October 1886, and enclosures [Papers No. 8].
 From Secretary to Chief Commissioner, Burma, No. 377—20L, dated 15th October 1886, and enclosures [Papers No. 9].
 From Under Secretary to Chief Commissioner, Central Provinces No. 4991—298, dated 2nd November 1886, and enclosures [Papers No. 10].
 From Secretary to Chief Commissioner, Coorg, No. 1970—2736, dated 2nd November 1886, and enclosures [Paper No. 11].
 From Under Secretary to Government, Bombay, No. 8064, dated 16th November 1886 [Paper No. 12].
 From Chief Secretary to Government, Madras, No. 3008, dated 11th November 1886, and enclosures [Papers No. 13].
 From Officiating Junior Secretary to Chief Commissioner, Central Provinces, No. 982S., dated 23rd November 1886, and enclosures [Papers No. 14].
 From Chief Secretary to Government, Bengal, No. 3321J., dated 19th November 1886, and enclosures [Papers No. 15].
 From Officiating Chief Secretary to Government, Bengal, No. 3753J., dated 13th December 1886, and enclosures [Papers No. 16].
 From Officiating Chief Secretary to Government, Bengal, No. 3837J., dated 17th December 1886, and enclosure [Papers No. 17].
 From Secretary, Mymensingh Landholders' Association [Paper No. 18].
 Translation of Memorial from Jawla Pershad, Moneylender and Zamindar and Inhabitant of Bandki and Hazratpur, Pargana Bandki, Zila Fatehpur, dated 25th October 1886 [Paper No. 19].
 From Secretary to Government, Punjab, No. 42, dated 13th January 1887, and enclosures [Papers No. 20].
 From Secretary, Bengal Chamber of Commerce, No. 91, dated the 31st January, 1888 [Paper No. 21].

and imprisonment of women in execution of decrees should be what in section 8 of the Married Women's Property Act, 1874, it is assumed to be.

"except as provided in section 337A, sub-section (5), and sections 256 and 643,".

Addition of new section after section 652 of the Code.

8. After section 652 of the said Code the following shall be added, namely:—

"653. (1) At any time after a warrant of arrest has been issued under this Code, the Court may cancel it on the ground of the serious illness of the person against whom the warrant was issued.

"(2) When a judgment-debtor has been arrested under this Code the Court may release him if in its opinion he is not in a fit state of health to undergo imprisonment.

"(3) When a judgment-debtor has been committed to jail, he may be released therefrom—

(a) by the Local Government, on the ground of his suffering from any infectious or contagious disease, or

(b) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

"(4) A judgment-debtor released under this section may be re-arrested, but the period of his imprisonment shall not in the aggregate exceed that prescribed in section 342 or section 481, as the case may be."

[Civil Procedure Code Amendment Bill, 1886, s. 15.]

[Cf. Act XIV, 1882, s. 341.]

9. The last sixteen words of section 8 of the Married Women's Property Act, 1874, and the whole of section 31 of the

Repeal of other enactments. III of 1874. Ajmere Courts Regulation, 1877, are hereby repealed.

10. (1) For the first fifty-five words of section 48 of the Act of the Governor of Fort St. George in Council, No. VIII of 1865, the

Amendment of parts of Madras Act VIII of 1865 and India Act XII of 1881.

following shall be substituted, namely:—

"No person shall be imprisoned as a defaulter for a longer period than six months whatever the amount of the arrears may be, nor for a longer period than six weeks if the arrears do not exceed fifty rupees."

(2) For the proviso to section 163 of the North-Western Provinces Rent Act, 1881, the XII of 1881, following shall be substituted, namely:—

"Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed six weeks when the amount decreed (exclusive of costs) does not exceed fifty rupees, or six months in any other case."

S. HARVEY JAMES,

Secretary to the Government of India.