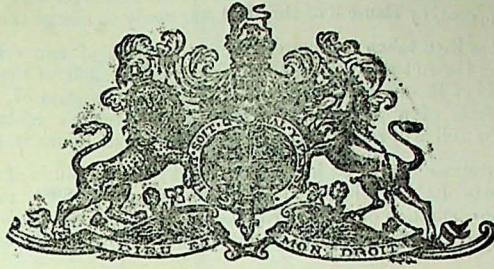


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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

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 21st October 1898:—

No. 12 of 1898.

A Bill to further amend the Indian Evidence Act, 1872.

WHEREAS it is expedient to further amend the Indian Evidence Act, 1872; It is hereby enacted as follows:

Short title and commencement. 1. (1) This Act may be called the Indian Evidence Act, 1898; and

(2) It shall come into force at once.

2. To section 37 of the Indian Evidence Act, 1872, the following shall be added, namely:

Addition to section 37, Act I, 1872.

“This section applies also to any Act of the Lieutenant-Governors in Council of the North-Western Provinces and Oudh, the Punjab and Burma.”

3. In section 45 of the said Act, as amended by section 4 of the Indian Evidence Act Amendment Act, XVIII of 1872, after the word “hand-writing,” in each of the two places in which it occurs, the words “or finger-impressions” shall be inserted.

4. In section 86 of the said Act, as amended by section 8 of the Indian Evidence Act (1872) Amendment Act, 1891, for the second paragraph the following shall be substituted, namely:

“An officer who with respect to any territory or place not forming part of Her Majesty's dominions is a Political Agent therefor, as defined in section 3, clause (40), of the General Clauses Act, 1897, shall, for the purposes of this section, be deemed to be a representative of the Government of India in and for the country comprising that territory or place.”

5. In section 8 of the Indian Evidence Act (1872) Amendment Act, III of 1891, the words and figures from “and to the same” to the end of the section are hereby repealed.

STATEMENT OF OBJECTS AND REASONS:

It has been held by the Calcutta High Court in the case—apparently unreported—of *The Queen-Empress v. Fakir Mahomed Shek, Ershad Ali Shek and Sita Nath Dass*, which was decided on the 16th July 1896, that the opinion of an expert as to the identity of finger-impressions is not admissible under section 45 of the Indian Evidence Act, 1872 (1 of 1872). The system of identification by means of such impressions is gaining ground and has been introduced with considerable success, especially in the Lower

Provinces of Bengal. It seems desirable that expert-evidence in connection with it should be admitted, and with that object it is proposed, by clause 3 of this Bill, expressly to amend the law on the subject.

2. The opportunity has been taken to suggest the amendment of two other sections of the Indian Evidence Act, 1872. When the Act was passed, the Legislative Councils of the North-Western Provinces and Oudh, of the Punjab and of Burma had not been constituted, and section 37, therefore, fails to render relevant statements as to facts of a public nature made in the recitals contained in the Acts of those legislatures. Clause 2 of the Bill will remove what is now an obvious lacuna in the Act.

3. The remaining amendment proposed by clauses 4 and 5 of the Bill is of a purely formal character. There is no section in the Code of Criminal Procedure, 1898 (Act V of 1898), corresponding with section 190 of the Code of 1882, the definition of "Political Agent" having been omitted from the new Act, because it has now been defined once for all by section 3, clause (40), of the General Clauses Act, 1897 (X of 1897).

The 8th October 1898.

(Signed) M. D. CHALMERS.

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