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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 Indian Stamp Act, 1879, with respect to Policies of Sea-insurance and Sale-certificates was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st March 1894 :—

We, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Stamp

- Act, 1879, with respect to Policies of Sea-insurance and Sale-certificates 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 revised by us annexed thereto.
- From Agent, Governor General in Baluchistan, No. 6098, dated 9th November 1893 [Paper No. 1].
 - From Chief Commissioner, Coorg, No. 2003—187-93, dated 7th December 1893 [Paper No. 2].
 - From Chief Commissioner, Ajmere-Merwara, No. 198 C., dated 19th December 1893 [Paper No. 3].
 - From Chief Commissioner, Assam, No. 177 L. L.—9456 J., dated 22nd December 1893 [Paper No. 4].
 - From Chief Commissioner, Burma, No. 692—2 S. 32, dated 28th December 1893 [Paper No. 5].
 - From Resident, Hyderabad, No. 1, dated 3rd January 1894 [Paper No. 6].
 - From Registrar, High Court, Calcutta, No. 64, dated 8th January 1894 [Paper No. 7].
 - From Government, Bombay, No. 344, dated 13th January 1894, and enclosures [Papers No. 8].
 - From Government, Punjab, No. 93, dated 7th January 1894, and enclosures [Papers No. 9].
 - From Chief Commissioner, Central Provinces, No. 440, dated 20th January 1894 [Paper No. 10].
 - From Government, Madras, No. 62 Judicial, dated 13th January 1894, and enclosures [Papers No. 11].
 - From Government, Bengal, No. 553 S. R., dated 24th January 1894, and enclosures [Papers No. 12].
 - From Secretary to Government, North-Western Provinces and Oudh, No. 91, dated 11th February 1894, and enclosure [Paper No. 13].

Act, 1879, with respect to Policies of Sea-insurance and Sale-certificates 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

revised by us annexed thereto.

2. We consider that there should be a definition of "policy of sea-insurance" as in section 92 of the Stamp Act, 1891 (54 and 55 Vict., c. 39), and that the substance of the notifications of the Department Finance and Commerce, Nos. 1014 and 513, dated respectively, the 5th March 1886, and 1st February 1887, regarding re-insurances in the case of fire as well as sea-insurances, should be incorporated in the Bill

3. We have varied the Bill accordingly.

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

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	21st October 1893.
Fort Saint George Gazette	7th November 1893.
Bombay Government Gazette	26th October 1893.
Calcutta Gazette	1st November 1893.

North-Western Provinces and Oudh Government Gazette	...	28th October 1893.
Punjab Government Gazette...	...	26th October 1893.
Central Provinces Gazette	...	28th October 1893.
Burma Gazette	...	11th November 1893.
Assam Gazette...	...	11th November 1893.
Coorg District Gazette	...	1st December 1893.
Sind Official Gazette	...	20th November 1893.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil...	28th November 1893.
	Telugu	28th November 1893.
	Hindustáni	28th November 1893.
	Kánarese	28th November 1893.
Bombay	Malayalam	5th December 1893.
	Maráthi	21st December 1893.
	Gajaráthi	21st December 1893.
	Kánarese	28th December 1893.
Bengal	Bengali	21st November 1893.
	Uriya	30th November 1893.
	Hindi	5th December 1893.
Burma	Burmese	18th November 1893.
Assam	Bengali	2nd December 1893.
Sind	Sindhi	30th November 1893.

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

J. WESTLAND.
 ALEX. EDW. MILLER.
 RASHBEHARY GHOSE.
 C. C. STEVENS.
 P. PLAYFAIR.

The 28th February 1894.

No. II.

A Bill to amend the Indian Stamp Act, 1879, with respect to Policies of Sea and Fire Insurance and Sale-Certificates.

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

Policies of Sea and Fire Insurance.

1. To clause (15) of section 3 of the Indian Stamp Act, 1879, as amended by section 1 of Act I of 1888, the following shall be added, namely:—

“It includes also a policy of sea-insurance, such a policy (a) meaning any insurance made upon any ship or vessel, or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in or relating to, any ship or vessel, and (b) including any insurance of goods, merchandise or property for any transit which includes not only a sea risk but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance:

“and where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance.”

2. Between section 7 and section 8 of the said Act, 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.

“(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.”

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

Amendment of Schedule I, respecting sea-insurance.

of the said Act, as amended by section 2 of Act I of 1888, 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

49. POLICY OF INSURANCE.

4. (1) In division (c) of article 49 of Schedule I of the said Act, as amended by section 2 of Act I of 1888, the following shall be added after the words “In the case of any other insurance,” namely, “except such a re-assurance as is described in division (d) of this article—”

(2) After division (c) of article 49 of Schedule I of the said Act, amended as aforesaid, the following division shall be added, namely:—

Description of Instrument.	Proper Stamp-duty.	
	Rs.	a. p.
(d) In the case of a re-insurance, by an Insurance Company which has granted a policy of sea-insurance or a policy of insurance against loss by fire, with another Company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby	1	0 0

49. POLICY OF INSURANCE—contd.

Sale-Certificates.

5. 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:

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.

6. 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, respecting sale-certificates.

“the purchase-money” against article 16, the word

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

I of 1879.

I of 1879.

25 & 26 Vict.,
c. 63.

LEGISLATIVE DEPARTMENT.

The following report of the Select Committee on the Bill to amend the Prisoners Act, 1871, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st March 1894:—

We, the undersigned, Members of the Select Committee, to which the Bill to amend the Prisoners Act, 1871, 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 revised by us annexed thereto.

From Agent to Governor General in Baluchistan, No. 6298, dated 17th November 1893 [Paper No. 1].
 From High Court, Calcutta, No. 61, dated 8th January 1894 [Paper No. 2].
 From Chief Commissioner, Burma, No. 715-L.-17, dated 29th December 1893, and enclosures [Papers No. 3].
 From Chief Commissioner, Assam, No. 189 L. J., dated 4th January 1894 [Paper No. 4].
 From Government, Bombay, No. 89, dated 8th January 1894, and enclosures [Papers No. 5].
 From Government, Bengal, No. 170 P., dated 13th January 1894 [Paper No. 6].
 From Chief Commissioner, Central Provinces, No. 234, dated 11th January 1894 [Paper No. 7].
 From Resident, Hyderabad, No. 15, dated 11th January 1894 [Paper No. 8].
 From Chief Commissioner, Coorg, No. 25-186-93, dated 9th January 1894 [Paper No. 9].
 From Government, Madras, No. 35, dated 10th January 1894, and enclosures [Papers No. 10].
 From Chief Commissioner, Ajmere-Merwara, No. 370 C., dated 5th February 1894 [Paper No. 11].
 From Government, North-Western Provinces and Oudh, No. 349, dated 7th February 1894, and enclosures [Papers No. 12].
 From Government, Punjab, No. 74, dated 5th February 1894, and enclosures [Papers No. 13].

2. *Section 3 of Bill as revised.*—We have proposed to provide in section 14 of the Act for such a Court as the Madras City Civil Court established under Act VII of 1892.

3. *Sections 4 and 5 of Bill as revised.*—For the words “in alliance with,” where they occur in the proposed addition to section 16 and in section 19 of the Act, we have, after consultation with the Foreign Department of the Government of India, substituted the words “under the suzerainty of.” Some of the petty Feudatory States in Orissa, the Central Provinces and elsewhere, to which the sections will apply, have such limited authority that it will be more convenient to refer to them in the language used in clause (c) of section 18, 52 & 53 Vict., c. 63, and the corresponding clause of section 9, 53 Vict., c. 4.

4. *Sections 6 and 7 of Bill as revised.*—We have substituted new sections for sections 30 and 32 of the Act, with the object of making those sections apply as well to prisoners sentenced to transportation as to prisoners sentenced to imprisonment.

5. It has been suggested to us that the Prisoners Act, as it may be amended by this Bill, might be amalgamated with the Prisons Bill which is now under consideration. But we prefer to adhere to the arrangement come to nearly a quarter of a century ago, under which the internal management and economy of prisons were left to be regulated by Prisons Acts, and the rest of the law regarding prisoners by the Prisoners Act (Proceedings of Legislative Council, 1870, pages 404 and 418). This arrangement is well known, and no good reason has been urged for departing from it.

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

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India	21st October 1893.
Fort Saint George Gazette	7th November 1893.
Bombay Government Gazette	26th October 1893.
Calcutta Gazette	1st November 1893.
North-Western Provinces and Oudh Government Gazette	28th October 1893.
Punjab Government Gazette	26th October 1893.
Central Provinces Gazette	28th October 1893.
Burma Gazette	11th November 1893.
Assam Gazette	11th November 1893.
Coorg District Gazette	1st December 1893.
Sindh Official Gazette	30th November 1893.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Marathi	4th January 1894.
	Gujarathi	4th January 1894.
	Kanarese	4th January 1894.
Bengal	Bengali	1st November 1893.
	Uriya	23rd November 1893.
	Hindi	28th November 1893.
Burma... ..	Burmese... ..	25th November 1893.
Assam... ..	Bengali	2nd December 1893.
Sindh	Sindhi	30th November 1893.

7. 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.
 A. P. MACDONNELL.
 RASHBEHARY GHOSE.
 A. S. LETHBRIDGE.

The 28th February 1894.

No. II.

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 1 of the said Act the following Addition to section 1, ing 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 a reformatory or reformatory school or to confinement therein.”

Repeal of section 9, Act V, 1871.

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

3. In section 14 of the said Act, for the words “or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under the Presidency Small Cause Courts Act, 1832,” the following shall be substituted, namely:—

“or in pursuance of a warrant of any Civil Court established in Calcutta, Madras or Bombay under any law for the time being in force.”

4. (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 under the suzerainty of 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.”

5. (1) For the first fifty-one 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, for the period specified in their

respective sentences, of persons sentenced within the territories of any Native Prince or State under the suzerainty of Her Majesty to imprisonment or transportation for any of the following offences:—

(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 Extradition 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.”

6. For section 30 of the said Act the following Substitution of new section ing shall be substituted, for section 30, Act V, 1871. namely:—

“30. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector General of Prisons, may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement within the territories subject to the same Local Government.”

7. For section 32 of the said Act the following Substitution of new section ing shall be substituted, for section 32, Act V, 1871. namely:—

“32. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement in British India.”

Removal of prisoners from territories under one Local Government to territories under another.

Removal of prisoners from territories under one Local Government to territories under another.

S. HARVEY JAMES,

Secretary to the Government of India.