

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 Report of the Select Committee on the Bill to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th February 1894 :—

We, the undersigned, Members of the Select Committee to which the Bill to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code 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 amended by us annexed thereto.

2. There have been many suggestions with respect to the amendment of the Bill, and we have given effect to most of them. But the importance of the suggestions is not such as to require from us any detailed explanation of the alterations which we have made.

From Mr. P. R. Desai, Pleader, District Court, Ratnágiri, dated 2nd September 1893 [Paper No. 1].

From High Court, Calcutta, No. 3242 A., dated 12th September 1893 [Paper No. 2].

From Agent, Governor General in Baluchistan, No. 5555, dated 17th October 1893 [Paper No. 3].

From Chief Commissioner, Burma, No. 872 L.—13, dated 23th October 1893 and enclosure [Papers No. 4].

From Chief Commissioner, Coorg, No. 1771—1491, dated 3rd November 1893 [Paper No. 5].

From Chief Commissioner, Central Provinces, No. 8498, dated 23rd November 1893, and enclosure [Papers No. 6].

From Chief Commissioner, Ajmere-Merwara, No. 11 C., dated 15th November 1893, and enclosures [Papers No. 7].

From Resident, Hyderabad, No. 350, dated 6th November 1893, and enclosures [Papers No. 8].

From Government, Bombay, No. 7046, dated 10th November 1893, and enclosures [Papers No. 9].

From Government, Bengal, No. 4661 J., dated 11th November 1893, and enclosures [Papers No. 10].

From Chief Commissioner, Assam, No. <sup>147</sup><sub>8443</sub> L. L. J., dated 8th November 1893, and enclosure [Papers No. 11].

From Government, Madras, No. 2599, dated 11th December 1893, and enclosures [Papers No. 12].

From Government, Punjáb, No. 1479, dated 23rd December 1893, and enclosures [Papers No. 13].

From Government, North-Western Provinces and Oudh, No. 3548-VI—327 B., dated 30th December 1893, and enclosures [Papers No. 14].

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

<i>Gazette.</i>	<i>In English.</i>	<i>Date.</i>
Gazette of India ... ..	...	19th August 1893.
Fort Saint George Gazette ... ..	...	5th September 1893.
Bombay Government Gazette ... ..	...	24th August 1893.
Calcutta Gazette ... ..	...	30th August 1893.



North-Western Provinces and Oudh Government Gazette	...	26th August 1893.
Punjab Government Gazette...	... ..	24th August 1893.
Central Provinces Gazette	... ..	2nd September 1893.
Burma Gazette	... ..	9th September 1893.
Assam Gazette...	... ..	9th September 1893.
Coorg District Gazette	... ..	1st September 1893.
Sindh Official Gazette	... ..	21st September 1893.

*In the Vernaculars.*

Province.	Language.	Date.
Madras	Tamil...	26th September 1893.
	Telugu	26th September 1893.
	Hindustáni	26th September 1893.
	Kánarese	26th September 1893.
Bombay	Malayalam	26th September 1893.
	Marathi	12th October 1893.
	Kánarese	12th October 1893.
	Gujaráthi	16th October 1893.
Bengal	Bengali	19th September 1893.
	Uriya	21st September 1893.
	Hindi	26th September 1893.
North-Western Provinces and Oudh	Urdu...	7th October 1893.
Burma	Barmese	16th September 1893.
Assam	Bengali	30th September 1893.
Coorg	Kánarese	1st November 1893.
Sindh	Sindhi	21st September 1893.

3. 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.

- A. S. LETHBRIDGE.
- ALEX. EDW. MILLER.
- C. B. PRITCHARD.
- A. P. MACDONNELL.
- RASHBEHARY GHOSE.
- G. H. P. EVANS.
- G. M. CHITNAVIS.

*The 14th February 1894.*



No. II.

A Bill to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and the Indian Penal Code; It is hereby enacted as follows:—

Code of Criminal Procedure, 1882.

1. To section 44 of the Code of Criminal Procedure, 1882, the following shall be added, namely:—

“Any act committed, at any place out of British India, which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460, shall be deemed to be an offence for the purposes of this section.”

2. In Section 45 of the Code of Criminal Procedure, 1882, the following shall be added after clause (d) and substituted for the Explanation, namely:—

“(e) the commission of, or intention to commit, at any place out of British India near such village any act which, if committed in British India, would be an offence punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.”

“In this section—

(i) ‘village’ includes village-lands; and

(ii) the expression ‘proclaimed offender’ includes any person proclaimed as an offender by any Court or authority established or continued by the Governor General in Council in any part of India in respect of any act which, if committed in British India, would be punishable under any of the following sections of the Indian Penal Code, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.”

3. In section 54 of the Code of Criminal Procedure, 1882, the word “and” in clause *fifthly* is repealed, the word “and” shall be added to clause *sixthly*, and the following shall be inserted after clause *sixthly*, namely:—

“*seventhly*, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India.”

4. In Schedule II of the Code of Criminal Procedure, 1882, immediately after the entries relating to section 216 of the Indian Penal Code, the following shall be inserted, namely:—

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
216A	Harbouring robbers or dacoits.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for seven years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

Indian Penal Code.

5. To section 177 of the Indian Penal Code the following shall be added, namely:—

“Explanation.—In section 176 and in this section the word ‘offence’ includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word ‘offender’ includes any person who is alleged to have been guilty of any such act.”

6. To section 203 of the said Code the following shall be added, namely:—

“Explanation.—In sections 201 and 202 and in this section the word ‘offence’ includes any act

committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.”

7. In section 212 of the Indian Penal Code, immediately before the of same Code. Exception the following shall be inserted, namely:—

“‘Offence’ in this section includes any act committed at any place out of British India, which, if committed in British India, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India.”



8. After section 216 of the said Code the following shall be inserted, namely:—

“216A. Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

“*Explanation.*—For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without British India.

“*Exception.*—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

“216B. In sections 212, 216 and 216A the word ‘harbour’ includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person in any way to evade apprehension.”

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 15th February 1894 :—

## Bill No. 3 of 1894.

*A Bill to amend the Code of Criminal Procedure, 1882.*

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; It is hereby enacted as follows :—

1. In section 44 of the said Code the figures "143, 144, 145, 147, 148," shall be inserted between the figure "130" and the figure "302."

2. For section 45 of the said Code the following shall be substituted, namely :—

"45. Every village-headman, village-accountant, village-watchman, village-police-officer, owner or occupier of land, and the agent of any such owner or occupier, and

Village-headmen, accountants, land-holders and others bound to report certain matters.

every officer employed in the collection of revenue or rent of land on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police-station, whichever is the nearer, any information which he may obtain respecting—

- (a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;
- (b) the resort to any place within, or the passage through, such village, of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict or proclaimed offender;
- (c) the commission of, or intention to commit, in or near such village, any non-bailable offence or any offence punishable under sections 143, 144, 145, 147 or 148 of the Indian Penal Code<sup>XLV of 1860.</sup>
- (d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances;
- (e) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Local Government, has directed him to communicate information.

"EXPLANATION 1.—In this section village includes village-lands.

"EXPLANATION 2.—The District Magistrate may appoint one or more village-headmen for the purposes of this section in any village for which there is no such headman appointed under any other law."

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to impose on the public generally the obligation to give notice of the commission of, or intention to commit, the crimes of unlawful assembly and rioting of which they may have knowledge; to include village-accountants where they are established among the officers who, by section 45, Criminal Procedure Code, are bound to give information to the authorities; and to include among the subjects of which information is to be given unlawful assemblies, rioting and generally matters touching the maintenance of the peace and the prevention of crime. It is considered that all persons having knowledge should help the authorities to prevent disturbances of the public peace. The village-accountants have special facilities for acquiring such knowledge, and should, it is thought, be bound to communicate it to the Magistrate or the Police.

Power is taken to enable the Magistrate to appoint a village-headman for the purposes of the Bill where none is appointed under any other law.

*The 15th February 1894.*

(Signed) A. P. MACDONNELL.

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