



# 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 into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th July 1872, and was referred to a Select Committee with instructions to report thereon in a month:—

#### Bill No. 13 of 1872.

*A Bill to facilitate the admission of Native Military Lunatics into Asylums.*

Whereas it is expedient to facilitate the admission of Native Military Lunatics into Asylums; It is hereby enacted as follows:—

- Preamble.** Lunatics into Asylums;
- Short title.** 1. This Act may be called "The Sepoy Lunatics Act, 1872."
- Local extent.** It extends to the whole of British India; And it shall come into force on the passing thereof.
- Commencement.** 2. Whenever any Native officer, non-commissioned officer or soldier appears to be insane, the officer commanding the regiment or detachment to which he belongs shall report the case to the general officer commanding the division or district.
3. Such general officer shall thereupon cause the said Native to be examined by a committee composed of at least two medical officers, or (if this be impracticable) by a regimental committee of which the officer commanding the wing or squadron to which the Native belongs, and the

medical officer in charge of the corps or detachment, shall be members.

4. If the said committee or regimental committee (as the case may be) are satisfied that the Native is insane, the officer commanding the division or district may make an order, under his hand, for the reception of the said Native into a Lunatic Asylum, and shall send him thither under military escort; and the officer in charge of such Asylum shall receive the Native into the Asylum and detain him therein until he is discharged therefrom in accordance with the local military regulations in force for the time being.

5. The paymaster of the military circle within which any such Asylum is situate shall pay to the officer in charge of such Asylum the expense of the lodging, maintenance, clothing, and medicine of every Native so received and detained.

6. All Native officers, non-commissioned officers or soldiers heretofore received into Lunatic Asylums shall be deemed to have been so received in accordance with law.

#### STATEMENT OF OBJECTS AND REASONS.

The primary object of the Bill is to facilitate the admission of Native Military Lunatics into Asylums.

Some time ago it was brought to notice that the provision of clauses 7 to 10 in section forty-one of the Bengal Military Regulations were not in accordance with Act XXXVI. of 1858 (*relating to Lunatic Asylums*).

By the Military Regulations, which had been in force for very many years, Native soldiers, on being declared insane by a Medical Committee, are sent by order of the General Officer commanding the Division to the Lunatic Asylum nearest to their homes; but by section eight of the Act of 1858, Superintendents of Lunatic Asylums are prohibited from receiving any patient except under an order from the Civil Court.

In consequence of this conflict between the Military Regulations and the law, great inconvenience has arisen, and, after reference to the Home Department and to His Excellency the Commander-in-Chief, it has been deemed desirable to authorise the Superintendents or Officers in charge of Lunatic Asylums to receive for treatment any Native soldier sent by competent military authority acting on the opinion of a Board of Medical Officers. Much difficulty will thus be avoided, and it will be possible to continue to send an insane Native soldier to the Asylum nearest to his home—a course which is usually agreeable to his relatives, and probably beneficial to his own health.

The Bill gives effect to these views, and further provides that the expenses of the lunatic in the Asylum may be recovered from the paymaster of the military circle within which it is situated.

(Signed) H. W. NORMAN.

SIMLA,

The 1st July 1872.

WHITLEY STOKES,

Secretary to the Government of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th July 1872, and was referred to a Select Committee with instructions to report thereon in a month:—

#### Bill No. 14 of 1872.

*A Bill to amend the definition of 'Coin' contained in the Indian Penal Code.*

Whereas it is expedient to amend the definition of 'coin' contained in the Indian Penal Code, section two hundred and thirty; It is hereby enacted as follows:—

1. For the first paragraph of the said section, Amendment of section the following shall be substituted:—

"230. Coin is metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign Power in order to be so used."

#### STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to check the practice of counterfeiting the copper coin of Native States. These counterfeits are freely circulated in parts of British India, and the result is stated to be injurious to our currency. The Penal Code prohibits the counterfeiting of coin. But 'coin' is defined as 'metal stamped and issued by the authority of some Government,' and 'Government,' by section 17, denotes "the person or persons authorized by law to administer executive Government in any part of British India." It has thus happened, accidentally no doubt, that

the coin of Native States is not coin within the meaning of the Act. This defect it is desired to amend.

The opportunity has been taken to make another amendment. Section 230 of the Code defines coin as metal 'used' as money. It has been suggested that the definition may possibly be held to include old coin, such as a Greco-Bactrian stater, formerly used as money, but now regarded only as a curiosity. The Bill, therefore, purposes to introduce before 'used' the words 'for the time being.'

SIMLA, (Signed) A. HOBHOUSE.

The 26th June 1872.

WHITLEY STOKES,

Secretary to the Government of India.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th July 1872, and was referred to a Select Committee with instructions to report thereon in a month:—

#### Bill No. 15 of 1872.

*A Bill to amend Act No. V. of 1872.*

Whereas it is expedient to amend Act No. V. of 1872 (to remove doubts as to the Jurisdiction of the High Court of Bombay over the Province of Sind); It is hereby enacted as follows:—

1. The said Act shall be construed as if the Sections added to Act following sections were V. of 1872. added thereto:—

"2. Nothing herein contained shall be deemed Saving of former probates and administration heretofore made by the High Court of Judicature at Bombay, or to affect the rights, powers, or duties of any executor or administrator under, or by virtue of any such probate or letters.

"3. Nothing herein contained shall be deemed Saving of Act XXIV. of 1867. to affect the Administrator General's Act, 1867."

#### STATEMENT OF OBJECTS AND REASONS.

Act No. V. of 1872, consists of a single section declaring that "the High Court of Bombay has not, and shall be deemed never to have had, jurisdiction over the Province of Sindh." The effect of this is not only to invalidate all probates and letters of administration heretofore granted by the High Court of Bombay as regards assets situate in Sindh, but also to repeal Act XXIV. of 1867, so far as it places Sindh within the jurisdiction of that High Court for the purpose of granting letters of administration to the Administrator General of Bombay. These results were, of course, not intended, and the object of the present Bill is to save the probates and letters of administration above referred to, and to declare that nothing in Act V. of 1872 shall be deemed to affect the Administrator General's Act, 1867.

(Signed) A. HOBHOUSE.

SIMLA,

The 8th July 1872.

WHITLEY STOKES,

Secretary to the Government of India.