

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 V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Maráthi, Gujaráti and Kánarese, and the translations to be published in the "Bombay Government Gazette." To be translated also into Sindhi, and the translation to be published in the "Sind Official Gazette." The dates of publication to be reported.)

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations :—

Bill No. II of 1895.

A Bill to amend the Bombay Civil Courts Act, 1869.

WHEREAS it is expedient to amend the Bombay Civil Courts Act, 1869, as amended by the Bombay Revenue Jurisdiction Acts, 1876 and 1880, and the Repealing and Amending Act, 1891, and whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act, it is enacted as follows :—

1. This Act may be cited as "The Bombay Civil Courts Act Amendment Act, 1895."

2. In the second paragraph of section 22 of the Bombay Civil Courts Act, 1869, amended as aforesaid, after the words "subject of the Queen" there shall be inserted the following, viz. :—

"or a subject of a Native Prince or State in India under the suzerainty of Her Majesty, and is also a person".

3. For clause (b) of the proviso to section 32 of the said Act amended as aforesaid, there shall be substituted the following, viz. :—

- "(b) an officer
 - (i) of a Court appointed under the Code of Civil Procedure, section 456, last paragraph,
 - (ii) of Government appointed or declared by a Court in virtue of his office to be a guardian of the person or property, or both, of a minor under the Guardian and Wards Act, 1890,

is in virtue of such appointment or declaration a party to such suit."

STATEMENT OF OBJECTS AND REASONS.

Under Section 22 of the Bombay Civil Courts Act, 1869, no person can be appointed a Subordinate Judge in the Bombay Presidency unless he is a subject of the Queen. It is considered desirable, however, by the Government of India that this section, so far as it would have the effect of placing a restriction on the employment of the subjects of Native States in the judicial branch of the Provincial Service to be shortly constituted in this Presidency, should be modified. Section 2 of the Bill will remove any such possible restriction.

2. Under section 32 of the same Act, as amended by later enactments, no suit can be instituted in any Court other than the District Court, if the Collector or any other officer of Government is a party thereto, even though he may be suing or be sued only as the guardian of a minor. There is no advantage in a minor's case being brought into the District Court. On the contrary, the expense to the estate is greater, as witnesses have to be brought from a distance, the fees of pleaders are higher in the District Court than in the subordinate courts, and an appeal from the District Court, which lies to the High Court only, entails further inconvenience and expense on the parties.

The District Courts are moreover overburdened, as the law stands, with comparatively unimportant cases.

It is therefore proposed by section 3 of the Bill to enable cases in which such officers are parties merely as guardians, to be instituted and disposed of in the subordinate courts.

(Signed) H. BIRDWOOD.

Poona, 22nd July 1895.

By order of His Excellency the Right Honourable the Governor,

M. H. W. HAYWARD,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Poona, 24th July 1895.