

THE



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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

HOME DEPARTMENT (Legislative).

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd January 1868, and was referred to a Select Committee, with instructions to make their report thereon in four weeks:—

Bill No. 1 of 1868.

A Bill to amend the law relating to appeals in the Punjab and its dependencies.

WHEREAS it is expedient to amend the law relating to appeals in the Punjab and its dependencies; It is hereby enacted as follows:—

- Short title. 1. This Act may be called "The Punjab Appeals' Act 1868."
2. This Act shall extend only to the Punjab and its dependencies. It shall come into operation from the thirty-first day of March 1868, in regard to all appeals preferred after that day, and shall continue in force to the thirty-first day of March 1873.
- Extent of Act.
3. The Chief Court of the Punjab may, whenever it sees fit, remove and try any appeal falling within the jurisdiction of any Court subject to its superintendence.
- Power of Chief Court to remove appeals.

4. Sections three hundred and thirty-three to three hundred and thirty-eight (both inclusive), of 1859, and of Act No. XXIII. of 1861, to take effect in Punjab.

three hundred and forty to three hundred and fifty-seven (both inclusive) three hundred and fifty-nine to three hundred and sixty-six (both inclusive), and three hundred and seventy-two to three hundred and seventy-four (both inclusive), of Act No. VIII. of 1859, and sections twenty-five to thirty-seven (both inclusive) of Act No. XXIII. of 1861, shall take effect in the Punjab and its dependencies, subject to the additions and provisos hereinafter contained.

5. The sections of Act No. VIII. of 1859 and Act No. XXIII. of 1861 mentioned in the last preceding section, shall be read as if for "Sudder Court," the words "Chief Court" were substituted.

6. Except when otherwise expressly provided in this or any other Act for the time being in force, an appeal shall lie from the decrees of the Courts of original jurisdiction to the Courts authorized to hear appeals from the decisions of those Courts. If the lower appellate Court shall have reversed or modified the decree of the

Appeals from Courts of original jurisdiction to superior Courts.

Second appeals.

Court of original jurisdiction upon any point other than a preliminary point, a second appeal shall lie to the Chief Court or the Court of the Commissioner, as the case may be.

7. Section three hundred and thirty-three of Act No. VIII. of 1859 shall be read as if, after "District Court," the following words were inserted (that is to say) "within sixty days, if the appeal be to a Divisional Court."

Addition to Section three hundred and thirty-three of Act No. VIII. of 1859.

8. Section three hundred and forty-five of Act No. VIII. of 1859 shall be read as if the following proviso were added thereto (that is to say) "Provided that the Appellate Court may, if it sees fit, after fixing a time for hearing the appellant or his pleader, confirm the decision of the lower Court."

9. Section three hundred and seventy-two of Act No. VIII. of 1859 shall be read as if, after the words "in regular appeal" the following words were added (that is to say), "or second regular appeal, as the case may be."

Addition to Section three hundred and seventy-two of Act No. VIII. of 1859.

STATEMENT OF OBJECTS AND REASONS.

The Code of Civil Procedure has, with the exception of the chapters on appeal and special appeal, already been extended to the Punjab. It is now proposed that these chapters also should be extended to that Province, with some slight modifications, required by its peculiar circumstances. In order to prevent, however, this difference of procedure between the Punjab and the rest of the empire being perpetuated, if it should not be required by the future circumstances of that Province, it has been provided that this Act shall only continue in force five years. The opportunity has been taken of supplying what appears to be a slight defect in the Punjab Chief Court Act, in that the Chief Court, under that Act, has no power to withdraw appeals from subordinate Courts in order to try the appeals itself.

(Signed) E. L. BRANDRETH.

CALCUTTA,

The 18th December 1867.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).