

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 1548

Dated 23rd July 1895

INDEXED.

[Despatch Abstract.]

BILLS, LEGISLATIVE.

Communicating to the Hon. the Judges of the High Court, the Advocate General, &c., for early opinion, bill to amend the Foreign Jurisdiction and Extradition Act, 1879; and directing its publication with statement of objects and reasons in the Port St. George Gazette in English.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3721		95				
	3816		95				
	3840		95				

23RD JULY 1895, No. 1545, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From J. M. MACPHERSON, Esq., Officiating Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, the 13th July 1895, No. 1277.

I am directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th September next.

ORDER—dated 23rd July 1895, No. 1545, Judicial.

Communicated to the Honourable the Judges of the High Court, the Advocate-General, the Resident in Travancore and Cochin and the Political Agents of Banganapalle, Sanduru and Pudukkottai, for favour of an early expression of opinion.

2. The Bill and Statement of Objects and Reasons will be published in the *Fort St. George Gazette* in English. The Superintendent of the Government Press will report the date of publication.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Honourable the Chief Justice, with C.L.
„ the Government Solicitor.
„ all Political Agents, through the Political Department.
„ the Superintendent, Government Press.
Gazette.

Exd. A. Raitt.

Gobt. of {1895} Madras
JUDICIAL.

Issued

Recd.

Encl.

G.O., 23rd July 1895, No. 1545.

JULY.

Bills Legislative.

Communicating to the Honourable the Judges of the High Court, the Advocate-General, &c., for early opinion, Bill to amend the Foreign Jurisdiction and Extradition Act, 1879, and directing its publication, with Statement of Objects and Reasons, in the Fort St. George Gazette in English.

A
BILL
TO

Amend the Foreign Jurisdiction and Extradition Act, 1879.

WHEREAS it is expedient to amend the Foreign Jurisdiction and Extradition Act, 1879; XXI of 1879. It is hereby enacted as follows:—

1. To section 11 of the Foreign Jurisdiction and Extradition Act, 1879, XXI of 1879. Addition to section 11, Act XXI of 1879. the following shall be added, namely:—

“The act of desertion from any body of Imperial Service Troops shall be deemed to be an offence in respect of which the Political Agent for the State to which such troops belong may issue a warrant under this section.”

2. In section 12 of the said Act, after the Amendment of section 12, Act XXI of 1879. words “and the accused person, when arrested, shall,” the words “unless released on bail in accordance with the provisions of the next following section” shall be inserted.

Insertion of new sections after section 12, Act XXI of 1879. 3. After section 12 of the said Act the following sections shall be inserted, namely:—

“12A. A Political Agent issuing a warrant for the arrest of any person under section 11 may in his discretion direct by endorsement thereon that, if such person execute a bond with sufficient sureties for his attendance before the officer mentioned in the warrant at a specified time, the Magistrate to whom the warrant is directed shall take such security and release such person from custody.

“The endorsement shall state (a) the number of sureties (if any), (b) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (c) the time and place at which he is to attend before the officer mentioned in the warrant.

“Whenever security is taken under this section, the Magistrate shall certify the fact to the Political Agent by whom the warrant was issued, and shall retain the bond.

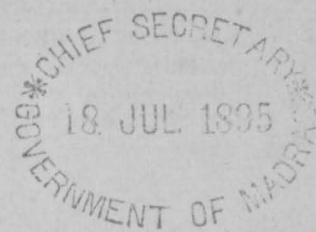
“12B. If the person bound by any bond executed under the last foregoing section to appear before the officer mentioned therein does not so appear, the Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and delivered over to such officer.

“12C. The provisions of sections 513 and 514 of the Code of Criminal Procedure, 1882, shall apply in the case of every bond required to be executed or which may have been executed in accordance with the foregoing provisions.”

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO

Amend the Foreign Jurisdiction and Ex-
tradition Act, 1879.



(Sir Alexander Miller.)

STATEMENT OF OBJECTS AND REASONS.

There is not now any legal authority for the extradition from British India of a deserter from the Imperial Service Corps. These corps are raised, drilled and maintained under the supervision of British officers at the expense of certain Native States in order to form part of the military forces of Her Majesty, and it seems reasonable that the surrender of deserters therefrom to British India should be provided for. The object of this Bill is, by means of an amendment of section 11 of the Foreign Jurisdiction and Extradition Act, 1879, making such desertion an offence in respect of which warrants for arrest may be issued, to give Political Agents the necessary power to obtain extradition in these cases.

Many offences of a comparatively trivial kind are extraditable, but the Foreign Jurisdiction and Extradition Act, 1879, does not provide for the enlargement on bail of a person arrested under a warrant issued by a Political Agent under section 11 thereof. To remedy this defect it is proposed by this Bill to embody in that Act the provisions of the Code of Criminal Procedure which admit of the release of a person arrested under a warrant on his furnishing security, to the satisfaction of a Magistrate, for his due appearance.

ALEX. EDW. MILLER.

The 9th July, 1895.

1895
JUL 18
Encls. No. 1
To
C. No. 3444

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO
Bill to amend the Foreign Jurisdiction and
Extradition Act, 1879.

(Statement of Objects and Reasons.)

G. C. Press, Simla.—No. 17 L. D.—11-7-95.—350.

In G.O. 23/7/95—
No. 1545—Jusl.

CURRENT NO. 3444
No. 1277.

FROM

J. M. Macpherson, Esquire,
Secretary to the Government of India,
Legislative Department,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF

Madras.

Dated Simla, the 13th July, 1895.

SIR,

I AM directed to forward herewith forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons, as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the Fort St. George Gazette in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 15th September.

I have the honour to be,

SIR,

Your obedient Servant,

J. M. Macpherson
Secretary to the Government of India.

[C. G. DE S.]

G. C. Press, Simla.—No. 503 L. D.—16-3-92.—100.

Judicial Department
CURRENT NO. 340

From, The Govt of India,
Legislative Dept.

Dated 13th.
Recd 18th. } July 1895
Repd 19th.

Euro: 2 & 39⁰⁰ of each of the Euro:

Suchen

Forwarding 40 copies of a Bill to
amend the Foreign Jurisdiction and
Extradition Act, 1879, with statement
of objects and reasons for publication
in the Port of George Gazette and
requesting to be favoured with
an expression of opinion on the
provisions of the Bill.

80. 1451-2. 14. 6. 94 sc
 10. 756. 26. 3. 94 sc
 80 1117/94 } sc
 80 618794 } sc
 2422/93 sc
 80 2010 of 7794.

Order
P.S.

23rd July 1895 No 1545

W.

23/7/95

Communicated to the Honble

the Judges of the High Court, the Advo-
-cate General, the Resident in Travancore
+ Cochin and the Political Agents of
Bangalore, Sandur + Poonkottai
for favour of an early expression of opinion.

2. The Bill and statement of objects & Reasons will be published in the Fort St. George Gazette in English.^{*} The Sup^t of the Govt. Press will report the date of publication.

cation. $\frac{8}{20.4.81}$ hl
* Mother's business appears necessary $22/7/95$
 $\$$

20 The Hon: the C. J. Withers ⁶
 .. Govt. Solr. ⁶ ^{with all things}
 all Fed. Agents thro' the Fed. ^{with the ends}
 The Supt., Govt. Press ^{with all things} deeper
 31/7/95
 23/5/95

Returned for signature.