

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 352

Dated 16th Feb. 1895.

INDEXED.

[Despatch Abstract.]

BILLS - LEGISLATIVE

District Magistrates
Directing that the bill to confer on Presidency Magistrates and
certain powers and authorities in relation to the surrender of fugitive
criminals with statement of objects and reasons be published in the
Port. St. George Gazette in English and requesting the Superintendent,
Government Press, to report the date of publication.

FOR WHAT PURPOSE.					Date taken out.
Year.	C. No.	Department.	Initials of clerk taking the paper or of attender.	Date returned.	
					Initials of attender.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	825		1895				

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO

Confer on Presidency Magistrates and
District Magistrates certain powers and
authorities in relation to the surrender of
fugitive criminals.

(Sir Alexander Miller.)

A
BILL
TO

Confer on Presidency Magistrates and District Magistrates certain powers and authorities in relation to the surrender of fugitive criminals.

WHEREAS by the Extradition Act, 1870, it is, ^{33 & 34 Vict., c. 52.} among other things, enacted that the said Act, when applied by Order in Council, shall, unless it is otherwise provided by such order, extend to every British possession, but with the following among other modifications, namely :—

No warrant of a Secretary of State shall be required, and all powers vested in, or acts authorized or required to be done under the said Act by, the Police Magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone;

And whereas by the said Act it is also enacted that, if by any law or ordinance made before or after the passing of the said Act by the Legislature of any British possession provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or are suspected of being in such possession, Her Majesty may, by the Order in Council applying the said Act in the case of any foreign State, or by any subsequent order either—

suspend the operation within any such British possession of the said Act or any part thereof, so far as it relates to such foreign State, and so long as such law or ordinance continues in force there, and no longer,

or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of the said Act;

And whereas the said Extradition Act, 1870, was amended by the Extradition Act, 1873, which ^{36 & 37 Vict., c. 60.} enacted that that Act was to be construed as one with the said Act of 1870 and that the said two Acts might be cited together as the Extradition Acts, 1870 and 1873;

And whereas it is expedient to provide for the more convenient administration in British India of the said Extradition Acts, 1870 and 1873, by conferring on Presidency Magistrates and District Magistrates the like powers and authorities in relation to the surrender of fugitive criminals as are by the said Acts vested

in Police Magistrates and Justices of the Peace in the United Kingdom ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Extradition Title and commence- (India) Act, 1895 ; and ment.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

Provided that no such date shall be appointed until after Her Majesty has been pleased by Order in Council to direct that this Act shall have effect in British India as if it were part of the Extradition Act, 1870, and such Order has been published in the Gazette of India.

33 & 34 Vict.,
c. 52.

2. All powers vested in, and acts authorized or required to be done by, a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under the Extradition Acts, 1870 and 1873, are hereby vested in, and may in British India be exercised and done by, any Presidency Magistrate or District Magistrate in relation to the surrender of fugitive criminals under the said Acts.

Powers of Police Magistrates and Justices of Peace under Imperial Acts conferred on Presidency and District Magistrates.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to confer on Presidency Magistrates and District Magistrates in British India the like functions in relation to the surrender of fugitive criminals as are by the Extradition Acts, 1870 and 1873 (33 & 34 Vict., c. 52, and 36 & 37 Vict., c. 60), vested in Police Magistrates and Justices of the Peace in the United Kingdom. By section 17 (2) of the former of these Acts, read with section 26, the Governor of any part of India is empowered to perform for his province the functions assigned to the Police Magistrate under the Act, but as he is not authorised to delegate these functions and must therefore perform them personally, this provision does not meet the requirements of this country, where it is only calculated to give rise to grave public inconvenience. Under these circumstances it has been decided to follow the example of the Ceylon and other Colonial Legislatures by enacting a special law which, when so directed by Order in Council, will have effect in India as if it were part of the English Acts, providing for the performance of magisterial functions under these Acts in India by the Magistrates above specified. It may be added that this Bill is based on the provisions of the Extradition Ordinance, Ceylon, 1877, which it practically reproduces.

ALEX. EDW. MILLER.

The 23rd January, 1895.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to confer on Presidency Magistrates
and District Magistrates certain powers
and authorities in relation to the sur-
render of fugitive criminals.

(Statement of Objects and Reasons.)

No. 168

FROM

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

TO

The Chief Secretary to Government,
Madras.

Calcutta, the 26th January, 1895.

SIR,

I am directed to forward herewith 40
copies of the papers noted on the margin, and
to request that they 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 pub-
lication of both may be communicated as
soon as possible.

I have the honour to be,
Sir,

Your obedient servant

J. A. Wilson
for offg. Secretary to the Government of India

CURRENT NO. 410

From 60617/8 133 94
The Govt of India
Legislative Dept

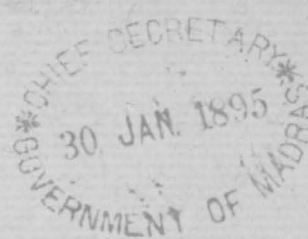
756 26 3 94
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Dec 26 - 1 - 95
Nov 30 - 1 - 95
Aug 31 - 1 - 95
Ends 2

Subject

Form 40 copies of "A Bill
to confer on Presidency & Mags.
certain powers etc" &
regm. publication of the said
Bill in the Fort St. George
Gazette in English as well as
in other language.

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2442: 22.11.93
5/4/72: 2-59-61.8.C.
9/9/79 W. 15-40-0
18/8/79 W. 2010.



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Order 16 July 1895 No 352
misc

The Bill & Statement of
O. & R. will be published
in the Fort St. George Gazette
in English. The Supl. of the
Govt. Press will report the
date of publication.

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15/2/95 14 Feb

Gazette.

Supl. Govt. Press. (R & O).

Note

It is curious that we
are not asked for any
opinion on the Bill. We
are merely to publish &
report the date of pub-
lication.

It seems unnecessary to
publish in any vernacular

When given for copying
When copied
When examined
When signed

189.

READ AGAIN G.O. No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

NOT TO BE Laid UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B. -

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only