

Wednesday, February 19, 1862

***INDIAN LEG.
COUNCIL
DEBATES***

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Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic., Cap. 67.

THE Council met at Government House on Wednesday, the 19th February 1862.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honor the Lieutenant-Governor of Bengal.

His Highness the Maharajah of Puttiala, K. C. S. I.

The Hon'ble Sir H. B. E. Frere, K. C. B.

Major-General the Hon'ble Sir R. Napier, K. C. B.

The Hon'ble S. Laing.

The Hon'ble W. Ritchie.

The Hon'ble H. B. Harington.

The Hon'ble H. Forbes.

The Hon'ble C. J. Erskine.

The Hon'ble W. S. Fitzwilliam.

The Hon'ble D. Cowie.

The Hon'ble Rajah Deo Narain Singh Bahadoor.

The Hon'ble Rajah Dinkar Rao Rugonauth Moontazim Bahadoor.

GOVERNMENT SEAL.

The Hon'ble MR. ERSKINE presented the Report of the Select Committee on the Bill to amend the law relating to the use of a Government Seal.

WHIPPING BILL.

His Excellency the PRESIDENT postponed the introduction of the Bill to authorize the punishment of whipping in certain cases, in consequence of the absence of the Mover.

PRESIDENCY BANKS CONSTITUTED GOVERNMENT TREASURIES.

The Hon'ble MR. RITCHIE introduced the Bill to provide for the payment, at the Banks of Bengal, Madras, and Bombay, respectively, of moneys payable at the General Treasuries of Calcutta, Madras, and Bombay, and moved that it be referred to a Select Committee. He said that, as the business of the Treasuries would be taken over from the 1st of March, he would propose that the Committee be instructed to report before that date.

The Motion was put and agreed to.

CRIMINAL PROCEDURE CODE AMENDMENT.

The Hon'ble Mr. RITCHIE moved for leave to bring in a Bill to amend the Code of Criminal Procedure. He stated that the object of this Bill was to enable the Government, when it extended the Code of Criminal Procedure to Non-Regulation Provinces, to accompany it by some special provisions. After the Code of Civil Procedure was passed, the Government was authorized (by Act IV of 1860) in extending it to a Non-Regulation Province, to declare any restrictions, limitations, or provisoes it might think necessary. It was not intended to give the same power in respect of the Criminal Procedure, which embodied very much of substantive Criminal Law. But it was necessary to authorize the Government to adapt the Code to the existing state of things in Non-Regulation Provinces, so far as the machinery for putting it in force was concerned. The alterations proposed would be of five descriptions; 1st, in regard to the Courts by which offences might be tried and sentences passed; 2ndly, with regard to preliminary enquiries by the Police, but the Government would be restricted from enlarging the powers given by the Code; 3rdly, with regard to the number of the Judges necessary to pass a sentence of death or penal servitude; 4thly, with respect to the power of revision by the several Criminal Courts over the Subordinate Courts; and 5thly, in regard to the confirmation of sentences of death by the Chief Commissioners.

The Motion was put and agreed to.

The following Select Committee was named:—On the Bill to provide for the payment, at the Banks of Bengal, Madras and Bombay, respectively, of moneys payable at the General Treasuries of Calcutta, Madras and Bombay—the Hon'ble Messrs. Laing, Ritchie, Fitzwilliam and Cowie, and the Hon'ble Rajah Deo Narain Singh.

The Council adjourned till Wednesday, the 26th instant, at 11 A. M.

M. WYLIE,

Deputy Secy. to Govt. of India, Home Dept.

CALCUTTA ;
The 19th February 1862. }