

ACT No. V OF 1893.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 9th March, 1893.)

An Act to legalise in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory.

WHEREAS a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner;

It is hereby enacted as follows:—

Execution in British India of certain capital sentences not ordinarily executable there.

1. When a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this Act—

- (a) has sentenced any person to death, and,
- (b) being of opinion that such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, has issued its warrant for the execution of such sentence to the superintendent or keeper of a jail in British India,

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such superintendent or keeper shall, on receipt of such warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1882.

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2. The jails of which the superintendents or keepers are to execute sentences under any such warrants shall be such as the Governor General in Council, or a Local Government authorised by him in this behalf, may by general or special order direct.

Jails in which sentences are to be executed.

3. The tribunals mentioned in the proviso to section 19 of the Prisoners Act, 1871, shall be deemed to be British Courts for the purposes of this Act :

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Certain tribunals to be deemed British Courts under Act.

Provided that every warrant issued under this Act by any such Court shall be signed by that one of the presiding Judges thereof who is the "officer of Government" mentioned in such proviso.