

Law (1925) Department.
Education
Order SERIES.

Letter

G.O. No. 949

DATED

6/6/25

[Despatch Abstract.]

Children Act - Madras - Legislation in Central Legislature to
the Government of India.

BACK PAPERS.

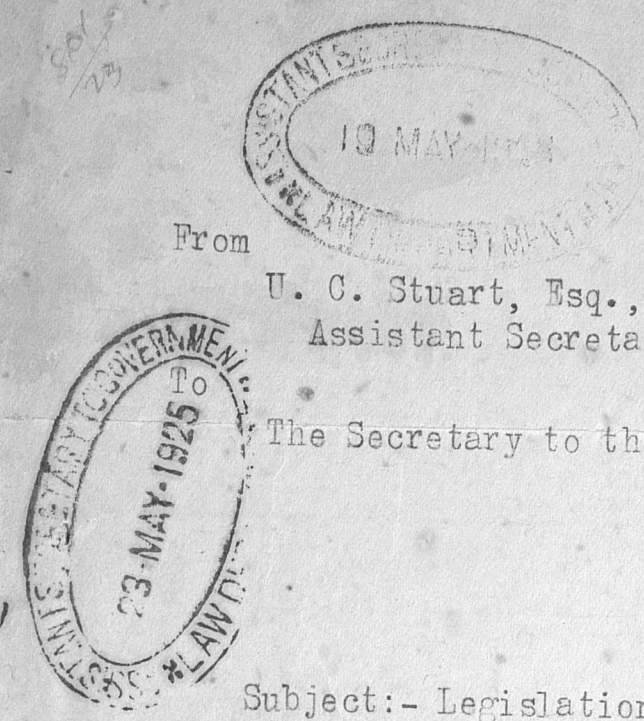
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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

No. F.171/25-Jails.
Government of India.
Home Department.
...

L. Encl 1326 B
12/108
19/5/25
M.C.V.
for Bombay children
Act. (not available)
File recd. home
on 26/5



From
U. C. Stuart, Esq.,
Assistant Secretary to the Government of India,
The Secretary to the Government of Madras.
Home (Education) Department.

SIMLA, the 15th May 1925.

Subject:- Legislation in the Central Legislature to validate certain provisions of the provincial Children Acts.

Sir,

18
29
785
87.20

for
available

A
(p. 17)

With reference to the correspondence resting with Diwan Bahadur Ramachandra Rao's letter No. 986-B-4, dated the 26th February 1920, I am directed to state for the information of the Governor in Council that the Government of India have, at the request of the Government of Bombay, decided to introduce in the Central Legislature during the forthcoming autumn Session legislation to validate the provisions in the Bombay Children Act, 1924 which confer appellate and revisional powers on the local High Court. I am to say that the Government of India are prepared, with a view to ensuring uniformity, to include within the scope of the same measure the corresponding provisions of the Madras Children Act, 1920 should the local Government so desire.

2. The Government of Bombay have specially asked that there should be as little delay as possible in securing the passage into law of the validating measure and the Government of India would therefore be glad to receive a very early expression of the local Government's wishes in the matter.

I have the honour to be,
Sir,

Your most obedient servant,

Assistant Secretary to the Government of India.

③

Law (Edy)

CF [C-133(B)] From the Govt. of India, H.D., N. F. 171-
25 - Jails & 15.5.25

Subject: Validation of certain
provisions of the Madras
children Act, 1920.

H.C.

(put up)

Copy at (K)

The provisions in the
Madras children Act, 1920, which confer
appellate or revisional powers on
the High Court are sections 4, 37(2),
42(1)(c), 42(3) and 44(2)(b). On an
examination of the Madras children
Bill, as amended by the Select Committee,
which was forwarded to the Govt. of
India in 1919, it is found that there
^{were} identical clauses in that Bill. In
their letter of 21.10.19, the Govt. of
India doubted the power of the local
legislature to enact the above clauses
which affected the High Court and
suggested that the Advocate-General
~~may~~ might be consulted on the point. That
Govt. added that they would be
prepared to consider Imperial legis-
lation to supplement the Bill if it
proved

on p. 52 of
725
8.7.20 (J)

idid

proved necessary. The Advocate-General who was then consulted was of the opinion that the clauses in question could be enacted by the Local Legislature - pp. 11-12 of G.O. 785 of 8.7.20.

A copy of this opinion was forwarded to the Govt. of India and the clauses in question were retained in the Bill as finally passed into law.

2. Similar doubts have arisen in connection with the Bombay Children Act and the Bombay Govt. have apparently agreed to imperial legislation, to be on the safe side. "With a view to ensuring uniformity", the Govt. of India suggest a similar course in the case of the Madras Act also. Even though the Advocate-General's opinion of 1919 is quite clear, there is perhaps no objection to accepting the course suggested by the Govt. of India.

3. The remarks of the Law (Drafting) Dept. may perhaps be invited.

J

XVIII on p. 18 n J

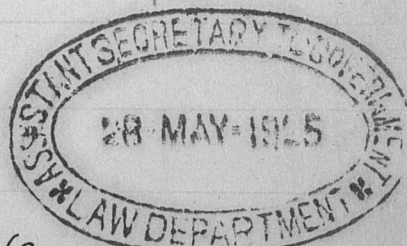
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CF

A on p. 1 CF

pp. 11-12 n J

26/5

Law (Encls) 1336 B-4
28.5.25Law (Drafting) 760
28.5.25

26.5.24

Law (Drafting) Department

A measure of the kind suggested by the Government of India is in my opinion necessary. I have already raised the question of the power of the Local Legislature to pass measures affecting the jurisdiction of the High Court with regard to clause 6 of the Borstal Bill which has been adopted from section 4 of the Children's Act. There I have also stated thus:-

"I may say also here that this clause has been adopted from the Madras Children Act, 1920 (s.4) and that Act has been passed with the sanction of the Governor General apparently without any objection by the Govt. of India-- please see ss. 22, 23, 25 &c. That Act contains provisions which may be said to affect clause 30 of the Letters Patent. The Bombay Children Bill now before the Bombay Legislative Council contains provisions similar to sections 4, 22, 23, 25 &c of our Children Act. It is not easy to see how these provisions were allowed to be made by the local legislature without objection

This file may be sent to this department for perusal after final disposal.



We may agree.

C3

C1

H.E.

V.T.K.

P. 6.

1.6.25
agreed. C3
1-6.

1.6.25

2.4.25

Draft letter to India sub?

4.6.25

S V.T.K. 5.6

[C 1331B]

Letter 949
Mis 6-6-25
To

The Secy. to the Govt. of
India, Home Dept.

DESPATCHED

8 JUN 1925
Sv.

Legislation in the
central legislature to validate
certain provisions of the
Madras Children Act, 1920.

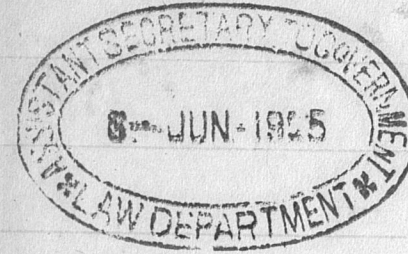
In reply to your
letter N. F. 171/25 Jails, dated
the 15th May 1925, I am
directed to say that H.E.
the governor in council
agrees
has no objection to the
proposal of the Govt. of
India that legislation
may be introduced in the
Imperial Legislature to
validate the provisions in
the Madras Children Act,
1920, which confer appellate
and revisional powers
on the Madras High Court.

cvv
4.6.25

I have etc.
V.T.K. 5.6

children Act.

Madras - legislation
in central legislature
to validate certain
provisions - Reply to
the Govt. of India



Handwritten signature and date 16/6/25

