M.R.O. 11—500(3)—15-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1603-1603A Press Mis.

39-40-41A.

39-41B.

Dated 5-12-1860 19

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 5th December 1860.

Read the following papers:—

No. 39. From Surgeon Major E. G. BALFOUR, Persian and Hindustani Translator to Government, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 29th October 1860, No. 67.

I have the honor to acknowledge receipt of No. 117 of 27th October (instant,) and submit that finding it impossible for the Scottish Press to overtake all the work on hand, I have left only the Income Tax Act (No. XXXII of 1860,) to be completed by that Press, and am printing at a Lithographic Press of Triplicane and at that of the Public Works Department the forms, &c., connected with the Income Tax, and also the Stamp Act; and it does not seem possible to do more than what is now being done: because, as in the case of these two Acts, which are large and have to be paged consecutively, it is not possible to give either of them to different Presses, as the pages could not be followed.

The difficulty with the Scottish Press has arisen, at the time of taking their contract, in not ascertaining that they had the requisite means of fulfilling it, which the subjoined copy of correspondence will show they do not possess.

I have the honor to add that a little assistance at the Press from the Government Press will be of value: whether that assistance be in the detail of one or two Compositors or by undertaking a small part of the work on hand.

From Messrs. GRAVES and Co., Proprietors of the Scottish Press, to E. G. BALFOUR, Esq., Persian and Hindustani Translator to Government, dated 16th October 1860.

In acknowledging the receipt of your letter of this date requesting the return of the translation of the Stamp Act, we have the honor to state that in consequence of our limited supply of Hindustani type and the unusual pressure and extent of work received of late from your Department, we were unable to go on both with the Stamp Act and Income Tax Act together, and the latter having been represented to us as being the more urgently required, we have been compelled to set aside the former until the Income Tax is completed.

We exceedingly regret the inconvenience which the Public service suffers by the delay, but under existing circumstances it is unavoidable.

We herewith return the unfinished portion of the Stamp Act as requested.

No. 40. From Surgeon Major E. G. BALFOUR, Persian and Hindustani Translator to Government, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 23rd November 1860, No. 77.

I have difficulty in giving precise replies to the questions in No. 1,343 of 1860, because neither the work required to be performed nor the period which will be available for its performance, are yet known.

2. In my letter No. 59, dated 8th October last, I mentioned that I had been, and asked sanction for employing, since the 8th September last, an extra Clerk on Rupees 20 per mensem, in order to keep the work current, so as to admit of attention being given to the Penal Code and Code of Criminal Procedure, immediately on their receipt, should the translation here of either or both of them, be determined on. That plan has been successful; for, in a few days now, all the work on hand will be current, and I beg that the sanction, as asked for, may be granted from 8th September last, for a period of six months. This will keep everything current; will suffice to allow either the Penal Code or the Code of Criminal Procedure to be translated and printed before 1st May next, if the latter be received in anything like a reasonable time. If translation of both be required, and the Procedure Code be not received till about January or February, from the date of its receipt, until its completion, in order to have it printed before 1st May, one extra translator on Rupees 100 per mensem, would do all that could be done.

3. If further work unexpectedly occur, it is a contingency which cannot now be calculated on; and, if urgent, it can be met on a Contingent Bill.

4. To the question in the third paragraph, I have the honor to mention that, as the best guide in the matter, I have examined the Bengal translation of the Penal Code, of which two copies were received on the 18th September last, and am of opinion that such a translation will not be generally intelligible to the people of this part of India.

5. I had formed this opinion after I had read much of it over, and before noticing the English introduction to the work, which, from being inserted at the end of the book, instead of as usual at the beginning, had thus escaped my notice. But I then found that the opinion which I have above expressed was already recorded by the translator himself in paragraphs 3 and 5 of his preface, in which he states (paragraph 3) that "the Penal Code, though perhaps more "free than any other from technicalities, abounds in such nice distinctions as the above," and, he adds, "they cannot, I think, be made intelligible through any medium to the mass of the "population." In paragraph 5 he adds, "It seems to me, then, that the principle which has "been apparently followed in the compilation of the original Code, may very legitimately be "followed in its translation and that it is in fact useless to act upon any other, not only because, "as stated above, the rules of the Code are unintelligible to all but the educated, but because "no man who has not a direct object in doing so, either to qualify himself for official employ-"ment, or to apply it to his own circumstances, ever studies the law. This may be no argu-"ment in favor of rendering it absolutely inaccessible to the lower classes of the people by "employing, in its translation, a language unknown to them, but it certainly weakens the objec-"tion to a large admixture of that language, if the sense of the original can be thus conveyed "with more exactness and precision to those who are alone in a condition to understand it."

6. It will from this be observed that the writer of the preface, who was the translator of the Code, not only recognizes that his translation of it will not be generally intelligible even to the people of that part of India in which he lived, but further believes that it could not be made so. And it will therefore be recognized that the people of Southern India are even less likely to understand its sense.

7. I dissent, however, from the opinions expressed in that preface. I consider that the "sense can be made intelligible to the people high and low" as the 3rd paragraph of the preface mentions was the object of a translator of two specimen chapters, and who is also there quoted as stating that "his object has been (sought) by avoiding as much as possible the use of Persian words and Persian idiom." By this expression, I understand that he used words from the Hindi, of which the Bengali, Panjabi, Guzerathi, &c. &c., are offshoots, but as all of these are wholly unknown in Southern India, where the Persian language is the sole means of communication between educated men, is the Court language of Hyderabad and was that of the Carnatic, though I have not seen those specimen chapters, I can mention that the translator of the specimen chapters in avoiding the use either of Persian words or of such Arabic words as are current in the Persian, would certainly add to the difficulty of the people of this country understanding a translation.

8. In explanation of this, I may mention that the language of the Bagh-o-Bahar, Akhwan us Saffa, &c., is the form of the Hindustani or Urdu, which the people of this country understand; which, with modifications, they use in conversation; though only used in the written correspondence of such of them as do not employ the Persian; and in proportion as deviations from the standard of those Urdu books are made in translating, whether by leaning towards Hindi tongues on the one side or towards Arabic on the other, so will difficulties increase in the way of this people's understanding the translations. For, in all translations into Hindustani, the greatest difficulties as to their being made generally intelligible must occur when numerous unusual words are introduced from a foreign tongue and the idiom of the Urdu, either not retained or only imperfectly so. That translation of the Penal Code, of which two copies were received with Order No. 11, would not be generally or readily intelligible to the people of Southern India. If, as may be assumed will be the case, it be followed in Calcutta in translating the Code which has now been issued, the translator's preface has already recorded its inapplicability even to the people of Northern India and a rendering of it here, for the use of the people of Southern India, becomes indispensable.

Proceedings of the Madras Government, Judicial Department,
5th December 1860.

No. 41. ORDER THEREON, 5th December 1860, No. 1,603.

It appears from the foregoing report that the Hindustani version of the Penal Code received from Calcutta, will not be generally intelligible to the Mussulmen of this part of India. The Government accordingly direct Dr. Balfour to proceed with the translation of it himself.

2. The Government likewise sanction the employment of the extra Writer on (20) twenty Rupees a month for six months from the 8th September last, and also of an extra Translator on (100) one hundred Rupees a month from such date as he may be required. The Civil Auditor will pass the charge in anticipation of the sanction of the Supreme Government, which will be applied for in the usual way.

3. Dr. Balfour will be referred to the Gazette for the Code of Criminal Procedure. When the Code is eventually passed, it will probably differ little from the Bill already published.

4. It has been ascertained that the Government Press is unable, at present, to afford assistance, either by undertaking work, or by lending Compositors.

Letter dated 29th ultimo, para. 3.

(Signed) T. PYCROFT,
Chief Secretary.

JUDICIAL DEPARTMENT.

No. / Date / Office to which the proposition refers.	Nature of Charge.				Proposition.									Local Government's recommendation.	Orders of the Government of India.			
					Permanent.						Temporary.							
	Present Scale.			Proposed Scale.				Increase per month.			Decrease per month.			Period.	Casual or Extraordinary.	Grounds of Proposition.		Home Department.		Financial Department.	
																	Remarks.		Remarks.	Orders.
Extract from Home Dept., Govt. of India.		Rs.	A.	P.		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.								
To Government: Persian and Hindustani Translator to Government.	Salary of Translator...	300	0	0	As at present... ...	390	0	0							Six months.	Extraordinary.	In Mr. Secretary Grey's letter of the 8th September last, No. 1,907, it was intimated that a Hindustani Translation of the Penal Code would be commenced in Bengal, and that this translation would be the authorized Hindustani version for all India. Copies of the translation made some years since by Mr. Edmonstone are also forwarded. 2. The Hindustani Translator at this Presidency has since reported that, owing to the different dialect spoken in the South from that which prevails in the North of India, the version received from Calcutta, will not be generally intelligible to theM usulmen of this Presidency. 3. As the Translator and his establishment have been much occupied with work, especially with translating the Stamp, Income Tax, and Arms Acts—and as the Government have directed Dr. Balfour to proceed with the translation of the Penal Code also, an extra Writer has been added to his establishment temporarily. He has also applied for permission to employ an extra Munshi temporarily to enable him to complete the translations of the Penal Code and the Criminal Procedure Code so as to be ready before the 1st May 1861. 4. The Civil Auditor has been instructed to pass the charge in anticipation of the sanction of the Supreme Government, which is now solicited.				
	Munshi...	70	0	0	Extra Munshi.. ...	100	0	0														
	English Writer... ...	20	0	0	Extra Writer... ...	20	0	0														
	Rupees...	390	0	0	Rupees...	510	0	0														
															120	0	0					

FORT SAINT GEORGE, *the 5th December* 1860.

No. 41 A. No. 1,603 A.

Forwarded for sanction to the Home Department of the Government of India.

(Signed) T. PYCROFT,
Chief Secretary to the Govt. of Fort Saint George.

Exd. T. O'Connor.

Proceedings of the Madras Government, Judicial Department,
5th December 1860.

Read the following letter from the Persian & Hin. Translator to Govt. & H.C. 29 ulto & No. 1794

No. 1603 5 December 1860.

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& Dr.

Sd 29th
K. 3.

4. It has been ascertained that the Govt. Press is unable, at present, to afford expeditious, either by undertaking work, or by lending compositors

JP

The Persian & Hindustani
Translator to Govt.
Civil Auditor
Asst. Secl.

Sd 12th

From
The Persian & Hindustani
Translator to Govt

No 77.

Dy 23
Dy 24 - 3 Nov 1860

No 1962.

Replies to the order of
Govt No 1343 - 16 Aug
respecting the translation
of the Penal Code and the
Code of Criminal Procedure
as also the Assistance be
quires for that purpose.

With an Order

No 327/61

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