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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial

DEPARTMENT

G.O. No.	90	Press.
B.P. No:		Mis.
121		
Dated	22. 1. 1861	198.

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
22nd January 1861.*

No. 121. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 22nd January 1861, No. 90.

In my letter of the 18th August last Judicial Department No. 1,048, I had the honor, by desire of the Madras Government, to request that on the passing of the Penal Code and Criminal Procedure Code such time might be allowed for their taking effect in the Provinces under this Presidency as would admit of the necessary arrangements being made for their due introduction.

2. It was pointed out in the same letter that the two Acts would have in Madras to be translated into five languages. They would both be of considerable length, and the Penal Code especially, from its nature, would require to be rendered into the Native languages with much care and precision. Some time would also be required, after the translations had been made, printed, and distributed, before the Native population could make themselves acquainted with the new Criminal Judicial system, or with the new Code of Criminal Law. It was also remarked that although the Code of Civil Procedure was passed on the 22nd March 1859, it did not take effect in the Madras Presidency until the commencement of the following year.

3. On these grounds it was strongly urged that the Penal Code and Criminal Procedure Code should not come into operation in this Presidency at the earliest before the 1st May next.

4. This letter was written on the 18th August last, at which time it was anticipated that the two Acts might be passed, published in the Calcutta Gazette and received in this Presidency by the middle of October.

5. The Indian Penal Code was passed on the 6th October and the last portion of the Code was received at Madras on the 15th idem. The Appendix to the Calcutta Gazette dated October 20th, 1860, containing the complete Act No. XLV of 1860, was received in Madras on the 1st November 1860.

6. The Criminal Procedure Code is still before the Legislative Council. It seems probable that the Bill as hitherto published will have considerable additions made to it, by the insertion of clauses relative to Police Procedure, and that it may perhaps undergo other modifications.

7. Altogether there seems little likelihood of the Code being passed, and the Act containing it being received at Madras before the end of next month.

8. The several Government translators, I am to state, are closely engaged in the translations of the Penal Code, in which they have made as much progress as could have been expected of them, consistently with their other Official avocations, and with the extent to which their time has been occupied in the translation of the many Acts—some, as the Income Tax, Stamp and Arms Act, of much length and difficulty—which were passed in the year just expired.

9. It will not however now be possible for them to complete their translations of the Criminal Procedure Code, and to have their translations printed and published for general information by the 1st May next.

10. Looking to the very important changes made by the two Acts, in the Criminal Law of the country, and in the Procedure by which it is to be administered, it is indispensably necessary that the Community, and especially the Native Community, and that the Judicial service European and Native should have sufficient time to make themselves acquainted with the provisions of these enactments before they are brought into operation. I am therefore directed to solicit that the two Codes may not be introduced into this Presidency until the 1st September next, that being, in the opinion of this Government, the earliest date at which they should have effect there.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Letter

1500
Sept 22-1860

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Judicial department

No. 90

To
The Secretary to the Government
of India.
Home department

Sir,

Will

Remains

Wm

In my letter of the 10th August last I had the honor, by desire of the Madras Govt. to request that on the passing of the Penal Code and Criminal Procedure Code such time might be allowed for their taking effect in the Provinces under this Presidency, as would admit of the necessary arrangements being made for their due introduction.

It was pointed out in the same letter

dated October 20th, 1860,
containing the complete
Act of 1859, was
received in the House on the
1st November 1860.

as published in the
Valencia Gazette on the
15th November 1860.

6. The principal
Procedure Code is still
before the Legislative
Council. It seems
probable that the
bill as hitherto pub-
lished will have
considerable additions
made to it, by the
insertion of clauses
relative to Civil Pro-
cedure and it may
perhaps undergo
other modifications.

7. Altogether there
seems little likelihood
of the Code being
passed, and the Act
containing it being
received at Madrid
before the end of
next month.

8. The several Govt.
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are closely en-
gaged in the transla-
tion of the Penal Code
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gress as could have
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consistently with
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1st September next,
that being in the
opinion of this Govt
the earliest date ^{at} on
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have effect there.

For S. George
22 January 1861

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18th Sept 1860

18th Sept 1860

18th Sept 1860

18th Sept 1860

18th Sept 1860

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