M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1456 Press / ~~Mis.~~

30-31 Dated 4 - 10 - ~~19~~ 1864

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 4th October 1864.

No. 30. Read the following letter from E. C. BAYLEY, Esq., Secretary to the Government of India; to the Secretary to the Government of Fort Saint George, dated Simla, 8th August 1864, Circular No. 1936.

Home Department.
Police.

The Governor General in Council having reason to believe that some difference of opinion has prevailed as to the intention of the words "under the general control and direction of such Magistrate," which occur in Section 4 of Act V of 1861, I am desired to request that His Excellency the Governor in Council will be so good as to state, for the information of the Government of India, in what manner the words in question are now practically interpreted in the territories under His Excellency in Council's authority; and if it is thought that any ambiguity exists in the words used in the Act, I am to request that His Excellency in Council will be good enough to favor the Government of India with the form of words which he would propose in lieu of them, stating the reasons which lead him to prefer the words which he would substitute.

No. 31. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 4th October 1864, No. 1456.

In acknowledging the receipt of your letter of the 8th August last, No. 1936 inquiring what is the practical interpretation placed in this Presidency upon the words "under the general control and direction of such Magistrate," which occurs in Section 4, Act V of 1861, I am directed to observe that the Act in question is not in force in the Madras Presidency, and that the words do not occur in the Madras Police Act XXIV of 1859.

2. In the preamble, however, of the latter enactment the meaning which, as the Governor in Council understands, it is intended to be conveyed by the words in question is expressed by declaring it to be the intention of the Legislature that the "Police force shall be a more efficient instrument at the disposal of the Magistrate "for the prevention and detection of crime." The practical interpretation which is placed upon these words is that the Magistrate has the power to determine any particular duty on which the Police shall be employed, and to make such calls for the aid of the force as he may deem expedient, but that all matters relating to the internal economy and discipline of the force are left to the Inspector General and other officers of the force. The Governor in Council does not consider that any ambiguity exists in the wording of this part of the Madras Police Act.

(Signed) J. D. SIM,
Secretary to Government.

Exd. J. Tulloch.

No. 936

CIRCULAR.

FROM

E. C. BAYLEY, Esq.,

Secretary to the Government of India,

To

The Secy to the Government of Fort St. George.

Home Department.

Police.

Simla, the 8th August 1861.

SIR,

THE Governor General in Council having reason to believe that some difference of opinion has prevailed as to the intention of the words "under the general control and direction of such Magistrate," which occur in Section IV. of Act V. of 1861, I am desired to request that His Excellency the Governor in Council will be so good as to state, for the information of the Government of India, in what manner the words in question are now practically interpreted in the territories under His Excellency in Council's authority, and if it is thought that any ambiguity exists in the words used in the Act, I am to request that His Excellency in Council will be good enough to favor the Government of India with the form of words which he would propose in lieu of them, stating the reasons which lead him to prefer the words which he would substitute.

I have the honor to be,

SIR,

Your most obedient Servant,

E C Bayley

Secretary to the Government of India.

The Act V of 1861

Code of Criminal Procedure

Police Powers of Magistrates

Revised Code of Criminal Procedure

Police

dispd 8/10

Judicial Deptt

No 1456.

To The Secretary to the Govt of India.
Home Deptt

Sir,

In acknowledging the receipt of your letter of August last 8th 1936 the 8 ultimo enquiring what is the practical interpretation placed in this Presidency upon the words "under the general control and direction of such Magistrate" which occurs in Section IX Act V of 1861, I am directed to observe that the Act in question is not in force in the Madras Presidency and that the words do not occur in the Madras

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Judicial Dept
Dispd 8th Oct 1936

From
Secretary to the Govt of India
Home Dept
To
The Govt of Madras

No 1456
Dated 8th Aug 1936

Subject
Request to know the practical interpretation placed in this Presidency upon the words "under the general control and direction of such Magistrate" which occur in Section IX Act V of 1861.

Madras Police Act XXIV of 1859.

2. In the preamble however of the latter enactment the meaning which as the Governor in Council understands it is intended to be conveyed by the words in question is expressed by declaring it to be the intention of the Legislature that the Police Force shall be a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime." The practical interpretation which is placed upon these words is that the Magistrate has the power to determine any particular duty on which the Police shall be employed and to make such calls for the aid of the force as he may deem expedient, but that all matters relating to the internal Economy & discipline of the force are left to the Inspector General and other officers of the force. The Governor in Council does not consider that any ambiguity exists in the wording of this part of the Madras Police Act.

Fort St. George.
4 October 1864.

Judicial 1864. Departt

№ 1456.

To The Secy. to the Govt.
of India

Dated 4th October 1864.

30.31

Transmitting Copy
of Act