

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	35	Press
		~~Mis.~~
50-51		
Dated	11 — 1 — 19	1864

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
11th January 1864.

No. 50. Read the following letter from G. U. YULE, Esq., c. b., Resident, Hyderabad; to the Secretary to the Government of Fort Saint George, dated Camp Kanapore, 11th December 1863, No. 1717.

I have the honor to state that while a requisition by the Nizam's Government, for the surrender of a criminal residing in British territory, is treated strictly according to the Rules prescribed in Act VII of 1854, a very different practice prevails in regard to Criminals within the Nizam's territories, who may be required to answer charges of crime committed within British territory. In the latter case, requisitions are made by the British District Officers direct to the Nizam's local authorities. This seems objectionable. The Nizam's Officers having little knowledge of the laws of evidence, and not understanding the principles by which we are guided, are apt to interpose unnecessary objections to the surrender of a criminal, and occasionally perhaps, to surrender one improperly. Indeed, when the power of making requisitions and of complying with them is left unchecked to the discretion of local Officers on both sides, it is evident that room is afforded for the occurrence of irregularities. A petty offender or even a debtor may be demanded and surrendered, or a person surrendered on a heinous charge may, after acquittal, be detained on some other plea. Moreover, it is fair that both Governments should in this matter be guided by similar rules. I have therefore obtained the Minister's approval of a change in the practice, and in future the Nizam's local Officers will not be permitted to surrender a criminal without orders from the Minister obtained through me. I beg, therefore, that instructions may be issued to the Magistrates in the Madras Presidency, desiring them in future to forward applications of the kind in question to me, supported by copies of the evidence which has led to the requisition being made. I should then demand the surrender or decline to do so, or ask for further evidence according to the circumstances. In like manner, when the Minister sees fit, on the representation of any of his Officers, to apply for the surrender of an accused person, he will forward the requisition to me, with the copies of evidence supporting it, and I shall act as above described in regard to requisitions from British Officers. The respective Governments of course, if unsatisfied with the evidence furnished in support of a requisition, will make any inquiry through their own Officers that may be deemed necessary, and be guided by the result.

2. Requisitions will of course, generally, be confined to the offences noted in Section 21 of the Act above referred to. As regards other offences, the Minister will consider surrender optional with him—Vide Section 22.

No. 51. ORDER THEREON, 11th January 1864, No. 35.

The foregoing letter will be communicated to all Magistrates of Districts, with instructions to forward all requisitions, for the apprehension of criminals in the Nizam's country, to the Resident at Hyderabad, accompanied by copies of the evidence on which the requisition is based.

2. It is observed that no person arrested under the provisions of Act VII of 1854 can be delivered up without an order of Government.

3. In the case of British subjects charged with offences committed in the Hyderabad territories, the Magistrates should be careful to apply for instructions with special reference to the provisions of Act I of 1849.

4. A copy of these Proceedings will be furnished to the Resident of Hyderabad.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Judicial Department
Proceedings of the Madras Government
Read the following letter from the Resident
of Hyderabad.

(Recd. under 11th December 1863. N^o 1717)

Order 11th ~~December~~ January 1864 N^o 35.

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which the requisition is based.

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To the Magistrate of
The Resident of Hyderabad } despatch 14
Inspector General of Police } 6

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Madras Government

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