

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 1889-90

Dated 9th Sept. 1895

INDEXED.

[Despatch Abstract.]

OFFENCES COMMITTED OUTSIDE BRITISH INDIA.

Forwarding to the Government of India the opinions of the Hon. the Judges of the High Court and of the Advocate General on the subject of certain proposals for the amendment of the law regarding the abetment in British India of---, and expressing the concurrence of this Government in those opinions.

BACK PAPERS.

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

FURTHER PAPERS.

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

9TH SEPTEMBER 1895, No. 1890, JUDICIAL.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT

SIR,

I am directed to acknowledge the receipt of Mr. Hewett's letter, dated 19th June 1895, No. 14-Judicial—943, requesting to be furnished with the views of the Hon'ble the Chief Justice and Judges of the High Court and of the Governor in Council on the subject of certain proposals for the amendment of the law regarding the abetment in British India of offences committed outside British India.

2. In reply I am to forward the opinions of the Hon'ble the Judges and of the Advocate-General and to state that His Excellency the Governor in Council concurs with those authorities in considering that it is desirable to legislate in such a manner as to make punishable the abetment in British India of criminal acts committed beyond British India of the nature of the offences enumerated in the schedule referred to in section 11 of the Foreign Jurisdiction and Extradition Act of 1879.

I have the honour to be,

Sir,

Your most obedient servant,

OOTACAMUND,
9th September 1895.

Chief Secretary.

Regr. No.

HOME 1895 DEPT.

[]

From the Government of
Fort St. George.

Issued

Recd.

Encl.

Letter, 9th Sept. 1895, No. 1890.

SEPTEMBER.

Offences committed outside British
India.

Forwarding the opinions of the Hon'ble the
Judges of the High Court and of the Advocate-
General on the subject of certain proposals for the
amendment of the law regarding the abetment in
British India of —, and expressing the concurrence
of this Government in those opinions.



CURRENT NO. 3682

Judicial (1895) Department

From

Ernest Barclay
Government Solicitor
Madras

To

The Chief Secretary
to Government
Ootacamund

N^o 407

Dated 31st July 1895
M. C. C. C.
Regd 3-8-95
Enc. 1



Forwarded with reference
to the Order of Government
dated 8th July 1895 N^o 1422
Judicial

MR 27/8
WS 30/8

Ernest Barclay
Government Solicitor

To await receipt of the
High Court's opinion (Forwarded)

27/8

6/8

80.1422: 8-7-95. Received

Read also the following
From the Govt. Solicitor &
31 July 1895 N^o 407
Abstract - Forwarding the
Forwarded by 31-7-95

Read - again the following papers -
4088-7-95 No 1422 June 21 P
Abstract -

CURRENT NO. 3682.

38

Re Offences committed outside British India.

OPINION.

I think that the object sought to be effected can be secured by extending the principle of Section 108, and that the extension should be limited, in specific terms, to the class of cases mentioned in the Schedule referred to in Section 11 of the Foreign Jurisdiction and Extradition Act. The phrase "heinous offences" is too vague. While on the one hand I do not think the amendment should be limited to homi - cides committed out of British India, on the other hand I think that it is unnecessary and inexpedient to include the abetment in British India of all offences committed beyond British India.

J. H. Spring Branson.

Advocate General.

Madras,
31st July }
1895.....

(True copy)

Ernest Bauls

Government Solicitor.

14220-8.7.9559

CURRENT No. 4015.

Judicial {1895} Department.

No.

FROM

Ag.
The Registrar of the High Court
of Judicature, Appellate Side,
Madras.

Dated *20th* August } 1895.
Received

Recd 23.8.95
CHIEF SECRETARY
22 AUG. 1895
GOVERNMENT OF MADRAS

No. 2261.

Enc. *nil*

Stating the opinion of
the High Court regarding
the proposals of the Govern-
ment of Bombay for the
amendment of the law
regarding the abetment
in British India of
offences committed out-
side British India.

To await the Adv. Genl's
opinion.

22/8/95

MR 24/8

No. 2261.

High Court of Judicature,
Madras, 20th August 1895.

From D. W. G. Cowie Esquire,
Sg. Registrar of the High Court
of Judicature, Appellate side,
Madras.

To
The Honorable J. F. Price, C. S. I.,
Chief Secretary to Government,
Fort Saint George.

Honorable Sir,

With reference to G. O. dated the
8th ultimo, No. 1422, Judicial, communicating
for remarks, letter from the Officiating
Secretary to the Government of India (Home
Department - Judicial) dated the 19th June 1895,
No. 14, Judicial - 943, forwarding copy of a
letter from the Government of Bombay, sub-
-mitting certain proposals for the amendment
of the law regarding the abetment in British
India of offences committed outside British
India, I am directed to state that the
High Court considers that it will be
sufficient if the law is amended so as to
include the abetting of any act which, if
done in British India, would have been
an offence under any of the sections
referred to in the schedule to the Foreign
Jurisdiction and Extradition Act. I am to
add

Every letter, whether printed or in manuscript, should be doc-
keted and abstracted on the back;
and the abstract should state clearly the purport of the letter and
not merely its title subject.

Enclosures and statements also, whether sent with letters, or
merely under cover, should be numbered, docketed and abstracted.
The headings of statements should be written in full to prevent
mistakes, (G. O. 8th April 1893, No. 289, Public.)

add that the Honorable the Judges would
not include minor offences.

I have the honor to be,
Honorable Sir,
Your most obedient servant,
D. W. L. Comil
Ag. Registrar.

[G.
25.
500-21-5-95.]

Jud. DEPARTMENT.

C. No. 3682 + 4015/95.

FOR ORDERS.

Send on the opinion
I say we concur
BS
4/9/95

In Sept. last the Govt. of Bombay urged
on the Govt. of India the advisability of
(1) legislating on the lines of the Statute 24 + 25
Viet., C. 100, secs 4 and 9, as regards abetment
in British India of homicides committed beyond
British India; and
(2) amending the definition of abetment in sec. 107
of the I.P.C., so as to make it include generally
abetments in British India of all offences or of any
class of serious offences; & suggested three alternative courses of legislation.
The Govt. of India remarked thereupon (vide para. 3
of letter printed on pages 1 of G.O. of July '95, No. 1422 Jud.)
that sec. 108 of the I.P.C. already smacks inter alia
that a person "abets an offence", who abets the commission
of an act which is not, though in certain circumstances
it would be, an offence; & that an extension of the princi-
ple of this section so as to include the abetting
of any act, which if done in British India, would
have been an offence under any of the sections of the I.P.C.
C. named in the schedule referred to in sec. 11 of the

Foreign Jurisdiction & Extradition Act, would have the effect of securing the object desired. Before, however, further considering the question, the Govt. please requested to be furnished with the views of the High Court of Madras & this Govt. on the subject.

The opinions of the High Court & the Adv. Genl. invited in G.O. of 8 July 95, No. 1422 Judl, are as follows:-

(1) The Registrar of the High Court states that the High Court considers that it will be sufficient if the law is amended so as to include the abetting of any act which, if done in British India, would have been an offence under any of the sections referred to in the schedule to the Foreign Jurisdiction & Extradition Act, and that the Honble the Judges would not include minor offences.

(2) The Advocate General thinks that the object sought to be effected can be secured by extending the principle of sec. 108, and that the extension should be limited, in specific terms, to the class of cases mentioned in the schedule referred to in sec. 11 of the Foreign Jurisdiction & Extradition Act. He adds

"The phrase 'heinous offences' is too vague. While on the one hand I do not think the amendment should be limited to homicides committed out of B. India, on the other hand I think that it is unnecessary & inconsistent to include the abetment in B. India of all offences committed beyond B. India."

HP 50-8-95
2/9/95

Offences committed outside
British India.

FOR ORDERS.

HON'BLE MEMBER.

Put up copy of
Schedule to
Foreign Jurisdiction Act

700s. printed.
Copies of them are
not available in the
off. library.
18/12/95

In 2007 9/9/95-
No 1889-90 Judl

G. 24.
500-23-7-95.

Judicial DEPARTMENT.

Papers to be read in proceedings:-

P Again G.O., dated 8th July 1895, No. 1422, Judl.
Again G.O., dated 189 , No.
Current No. 3682 of 1895, dated 31.7.95, from the Govt. Solicitor
A " " 4015 " 1895, " 20.8.95, " the High Court.
" " " 189 " " " "

58

ORDER. D 9th September 1895, No 1889.

The Govt. of India will be addressed.

(From orders)

2/9/95

Letter No 1890.

The Secretary to the Govt. of India
Home Dept.
31/10/95
31/10/95
dispd 23/9/95

Sir,
I am directed to acknowledge the receipt of Mr. Hewitt's letter of 19th June 1895, No. 14 Judl.-943, requesting to be furnished with the views of the Hon: the Chief Justice and the Judges of the High Court in Madras and of the Governor in Council on the subject of certain

certain proposals for the amendment of the law regarding the abetment in British India of offences committed outside ~~of~~ British India.

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I have &c

(From Orders)

80
7/9/95

Offences committed outside
British India

CJ.
E.S.
(From Orders)

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O. No.
139

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DIET.

PAPERS NOT FILLED UP, BRING MEINT FOR DESPATCH
IN ORIGINAL.

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