

- (1) பக்கங்களின் எண்ணிக்கை 4  
(2) புதுக்கித் திருப்பிய நாள் டிசம்பர் 90  
(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் long

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

[JUDICIAL.]

திரு துறை

|                        |                  |              |
|------------------------|------------------|--------------|
| அரசாணை எண்.            | <u>44-43</u>     | அச்சகம்      |
| மு. கோப்புத் தாள் எண். | <u>2225</u>      | <u>பலவகை</u> |
| நாள் :                 | <u>4-12-1874</u> | 198          |

2

மடிக்கலோ கண்டபடி கையாளவோ கூடாது

62

1874

வண. கா-1-18,006-18-6-87.

*Proceedings of the Madras Government, Judicial Department,  
4th December 1874.*

Read the following papers:—

No. 41. From A. WEDDERBURN, Esq., District Magistrate of Coimbatore, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Coimbatore, 13th November 1874, No. 99.

A dancing-woman, attached to the Viswéswaraswamy temple in this district, has applied to me for sanction to dedicate her minor daughters by tying "Pottu;" viz., attaching a small necklaco, in evidence of her children being dedicated to such temple-service.

2. This custom, in reference to the prostitution which characterizes this class of persons, has been treated as a criminal offence by the High Court in Proceedings, 4th August 1870, C. R. A., No. 406 of 1869, Volume V., High Court Reports, page 415.

3. The petitioner, however, refers me to a case decided by the Session Judge of Madura, C. R. A., No. 21 of 1873, 31st July 1873, wherein the performance of

Copy enclosed. this ceremony by a natural guardian was held not to be a criminal offence, as there had been no transfer of the child to a third party to be so dedicated.

4. The possible result may be much the same to the child whoever dedicates it; but a distinction has been drawn, and I am not aware that the decision of the Session Judge has been overruled.

5. The Session Judge of Madura was not of opinion (by rendering such a dedicatory ceremony a criminal act) that it was the intention of the Legislature "to suppress the whole class of dancing-girls by a sidewind, or in an underhand manner."

6. However this may be, on account of the diverse legal rulings on the subject, and for the information of the petitioner, and for my own guidance, I beg to refer for instructions as to the disposal of this petition..

Referred for the opinion of the Advocate-General.

(By order.)

FORT ST. GEORGE,  
24th November 1874.

(Signed) D. F. CARMICHAEL,  
Acting Chief Secretary.

To the Government Solicitor.

No. 42. From H. G. PRICHARD, Esq., Government Solicitor, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Madras, 27th November 1874, No. 606, forwarding the following opinion of the Advocate-General:—

OPINION.

I do not understand on what ground the Magistrate's "sanction" is invoked to the dedication of the children to the service of the temple in this case, except as a guarantee that the dedication will not be made the ground of penal proceedings. The Magistrate ought not, in my opinion, to give any such guarantee; nor does the wording of the Penal Code enable him or any one else to assert beforehand,

*Proceedings of the Madras Government, Judicial Department,  
4th December 1874.*

with certainty, whether such a dedication would be a criminal act or not. The language of Sections 372 and 373 is somewhat wide and, as is shown by the case in Madras High Court Reports 415, will in some instances be deemed to cover the case of children handed over to others for dedication to a pagoda and the trade of prostitution incidental thereto. On the other hand it might well happen that, under different circumstances, the dedication might not be deemed to involve such a distinct disposal of the minor with intent to her employment in prostitution as to justify a conviction; and I should think that, when dedications to a temple of this nature were shown to be the habitual, traditional, and recognised practice of any people, the Courts would be reluctant to put on the Section a sense, which would cause it to operate in so oppressive a manner.

2. The right course for the Magistrate, in my opinion, is to decline to give any sanction, or say anything about the matter.

26th November 1874. (Signed) H. S. CUNNINGHAM,  
Advocate-General.

No. 43. ORDER THEREON, 4th December 1874, No. 2225.

Communicated to the District Magistrate, Coimbatore; to all other District Magistrates, and to the Inspector-General of Police.

(True Extract.)

D. F. CARMICHAEL,  
Acting Chief Secretary.

To the District Magistrate of Coimbatore.

.. all other District Magistrates.

.. the Inspector-General of Police.

Edw. J. Wright.

CONF. of NOTED EVIDENCE

JUDICIAL.

THE PRINCIPAL ELEMENTS OF  
EQUILIBRIUM,  
CO., CO., CO.

Book Division, CO.

Book

Book

CO. in Relation to the CO.

NOV. 21-22

CONFIDENTIAL. This document is a confidential communication and is not to be distributed outside the office of the Director of the Bureau of Investigation. It is to be destroyed after the expiration of the period of its validity.