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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Legislative DEPARTMENT

G.O. No.	39 and 39 A.	Press
B.P. No.		Mis.

Dated 20. 4. 1888 -196.

Not to be folded or roughly handled

20TH APRIL 1888, Nos. 39, 39A, LEGISLATIVE.

LEGISLATIVE DEPARTMENT.

LETTER—from

THE ACTING UNDER SECRETARY TO GOVERNMENT,
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to forward copy of the marginally noted Act, which was passed by the Madras Legislative Council on the 20th March last and received the assent of His Excellency the Governor on the 12th instant, and to request that it may be submitted to His Excellency the Governor-General for his assent.

2. With reference to this Act I am to make the following observations in reply to Mr. Harvey James' Legislative letter, No. 272, dated 24th February 1888. The point referred to in clause (1), paragraph 3 of that letter has been disposed of by the correspondence terminating with Legislative Department telegram of the 9th March, and those raised in clauses (4), (5), (7), (8), (9), (12) and (15) had already been dealt with by the Select Committee, as will be seen from the papers enclosed, before the receipt of the letter under reply. Several other points have subsequently been dealt with by amendments moved at the Council by the Honorable Member in charge, whose speech will be found in the Abstract Proceedings of the 20th March, of which copy is herewith forwarded. The matters referred to in clauses (3), (11) and (16), and the question of the power of a Police Officer to arrest any person offending against a bye-law (clause 13) have thus been disposed of.

3. It was not found practicable to define more closely the duties of the Commissioner and his Assistants and Deputies as Justices of the Peace (section 8), and in section 78 of the Act, referred to in clause (13) of Mr. James' letter, it was thought desirable, after careful consideration, to retain the wording of the existing Act III of 1862. The power to make bye-laws must necessarily be indefinite. If it could be foreseen exactly what would be required the necessary provisions might be inserted in the Act itself as past bye-laws have been. The power, however, has been transferred from the Commissioner to the Governor in Council, and the provision in section 24 (formerly 83) to which special exception was taken has been struck out.

4. The provisions of section 50 of the Act, which is referred to in Mr. James' clause (10), will include certain practices which would not come under section 417 of the Indian Penal Code, but it does not seem improper to make them punishable as if they amounted to cheating. Section 63, referred to in clause (6), has also been retained although it certainly goes beyond the ordinary law of criminal trespass. In a large city such provisions have been found necessary and are believed to exist in all the Presidency Town Police Acts. The retention of section 27—Mr. James' clause (14)—has also

பாதுகாப்பு பிரிவு

செப்பனிகுவிவர் பெயர்: ரா. சிவாஜி சுவர்
செப்பனிகுவிதற்காக எடுத்தல்-11/08 - 2/09
கொள்ளப்பட்ட நாள்.

25/2/09
சுபார்க்கும்
முதல் முற்பாள
கையொப்பம்

25/2/09
சுபார்க்கும்
2ம் முற்பாள
கையொப்பம்

25/2/09
சுபார்க்கும்
உதவியாளர்
கையொப்பம்

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been determined on for like reasons. The remarks of the Government of India have been carefully considered, and with the few exceptions just noticed, the suggestions made have been adopted.

5. Two copies of each of the papers specified below are enclosed for reference:—

- (1) Bill as introduced, with Statement of Objects and Reasons.
- (2) Report of the Select Committee, together with the Bill as amended by the Committee.
- (3) Legislative G.O., 1st December 1887, No. 78.
- (4) Abstract Proceedings of the Legislative Council, dated 22nd November 1887 and 20th March 1888.

I have the honor to be,
Sir,

Your most obedient servant,

A. G. CARDEW,
Ag. Under Secy. to Govt.

OOTACAMUND,
20th April 1888.

No. 39A.

Copy, with enclosures noted below, forwarded to the Government of India in the Legislative Department, with reference to its letter dated the 14th July 1879, No. 751.

	No. of Copies.
(1) Bill as introduced	20
(2) Annexure	20
(3) Select Committee's Report	20
(4) Bill as amended by the Committee	20
(5) Legislative G.O., dated 1st December 1887, No. 78	20
(6) Bill as passed	23
(7) Abstract Proceedings of the Council, dated 22nd November 1887 and 20th March 1888	20

A. G. CARDEW,
Ag. Under Secy. to Govt.

Exd. L. Passaigne.

3/39/39A
Reg. No.

HOME 1888 DEPT.

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From the Government of
Fort St. George.

Issued

Recd.

Encl.

Letter, &c., 20th April 1888,
Nos. 39, 39A.

APRIL.

Act to regulate the Police of the
City of Madras.

Submitting copy of the — for the assent of His
Excellency the Governor-General.