

BACK PAPERS.

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

FURTHER PAPERS.

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

1726

857: 1-12-1894 Pol.

From

The Resident in

Travancore and Cochin

To

The Chief Secretary to Government

Fort St George

Dated: 18th December 1894
Despatch 24th
Recd:

Ref on C No 4009



Explaining the Resident's letter recorded in G.O. dated 1st Instant No 875-Political with reference to Prisons Act.

Referred to the Judicial Dept. for favour of remarks.

CMS.

10.1.95

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A. M.

Endorsement

Returned to the Political Dept. with the remark that the course suggested by the Resident appears to be unnecessary. Necessarily, tribunals in native States possess power to pass sentences or orders & to issue warrants; and sec. 16 of Act V of 1871 simply states that, in special cases, the Governor-General in Council may authorize the confinement in a British prison of a person whose detention has been ordered by a tribunal in a Native State. Sec. 16 does not contemplate any extension of the existing powers of tribunals in native States, as the Resident appears to imagine.

19th January 1895

Quinto

18/1/95

Lapse. State it the object of our law is (i.e.) that if a native Court sentences a man, say for treason, whom it would be politically inconvenient to imprison in the native State, the G. of I. may imprison him for the native State. But we don't require a reciprocal provision - If we had a man whom we did not want to imprison in a particular locality, we have inside enough territories to find some other place in which to immerse him. For instance, I think, we might send such a man to Hong Kong.

Ref: one no 4009

CURRENT NO 1726

Residents Office on Circuit
Kothamangalam, 18th December 1894

From H. B. Grigg Esquire C.I.E.
Resident in Travancore and Cochin

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

Sir,

With reference to para 2 of G.O. dated
1st Instant, N^o 857, Political I have the honor
to submit that so long as Section 16 of the
Prisoners Act 1871 as modified by Act VII of
1894 authorizes officers in charge of prisons
outside the local limits of the ordinary original
civil jurisdiction of the High Courts of Calcutta
Madras and Bombay to give effect with the
previous sanction of the Governor General
in Council to any sentence or order or warrant
for the detention of any person passed or issued
by any Court or tribunal of any native Prince
or State under the Sovereignty of Her Majesty,
there should ^{I think} be a corresponding power conferred
by legislation whereby any Court or tribunal
of any native Prince ^{or State} under the Sovereignty of
Her Majesty can pass or issue any sentence or order

or warrant of the nature referred to, provided, as in the case with Travancore, such State is one in which matters dealt with by legislation in British India are usually dealt with by local legislation. Otherwise the provisions of Act V of 1871 must apparently remain inoperative in such a native state. It is for conferring such a power that I propose to advise the Travancore Durbar and this was what I meant by a reciprocal clause to section 16 in my letter recorded in the G.O. under acknowledgment. In fact since a Legislative Council has been established in Travancore it would not be in the power of the Sirkar to issue the orders contemplated by the British Act unless they had the necessary local legislative sanction.

I have the honor to be
Sir
Your most obedt. servant.

H. P. J. S.
Resident

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[G.
24.]
200-6-8-94.

Political DEPARTMENT.

Papers to be read in Proceedings: -

Again G. O., dated 1st Dec 1894, No. 857 - (a)

Again G. O., dated - 189 , No.

Current No. of 189 , dated from

Current No. 1726 of 1894, dated 18th Dec from the Resident in Travancore & Cochin - (a)

ORDER. 22 January 1895. No. 47.

The course suggested by the Resident appears to be unnecessary. ~~Necessarily~~ ^{Innecessarily} tribunals in Native States possess power to pass sentences or orders and to issue warrants; and section 16 of Act V of 1871 simply declares that, in special cases, the Governor General in Council may authorize the confinement in a British prison of a person whose detention has been ordered by a tribunal in a Native State. Section 16 does not contemplate any extension of the existing

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Native States & Provinces Act

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189

G.O., No.

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ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—
A = Copy in full.
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Q = Copy heading only

The Resident in
25 JAN 95
IN M.S.
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