

ACT No. XVIII. OF 1855.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor General on the 6th June 1855.)*

*An Act to remove doubts relating to the power to grant Pardons and Reprieves and Remissions of Punishments in India.*

WHEREAS doubts have arisen as to the power of the several Executive Governments in India to remit punishments awarded by Her Majesty's Supreme Courts of Judicature, and it is desirable that all doubts respecting the power to pardon or reprieve or grant remissions of punishment should be removed; It is declared and enacted as follows: (The sanction of Her Majesty to the passing of this Act having been previously obtained and signified in pursuance of an Act passed in the 17th year of the reign of Her said Majesty, entitled "An Act to provide for the Government of India.")

I. The person or persons for the time being authorized to administer the Supreme Executive Government in any Presidency or place within the Territories in the possession and under the Government of the East India Company have power to grant pardons and reprieves in respect of any crime or offence committed within such Presidency or place, or to remit the whole or any part of the punishment awarded in respect of any such crime or offence, whether the same be awarded by any of Her Majesty's Supreme Courts of Judicature or by any other Court or Officer exercising jurisdiction within the said Territories.

Executive Government of a Presidency declared to have power to grant pardons for offences committed therein.

Or to remit punishment awarded by Supreme Court of Judicature or any other Court, &c., in respect of such offences.

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II. Nothing in this Act shall be construed to interfere with the provisions contained in the Statutes of the Imperial

Act not to affect the provisions of the Statutes empowering the Governor General in Council to limit the authority of Lieutenant-Governors, &c.

authority of the

The power of granting pardons, &c., may be exercised by the Governor General in Council, so far as it is excepted from the authority of Lieutenant-Governors, &c.

Parliament 16 and 17 Vic. Cap. 95 and 17 and 18 Vic. Cap. 77, or any other Statute, which empower the Governor General of India in Council, with the sanction therein mentioned, to limit the extent of the Lieutenant-Governors and other persons therein named; and in every such case the aforesaid power of granting pardons and reprieves and remissions of punishment in case, and so far as the same may be excepted from the authority of the said Lieutenant-Governors or other persons, may be exercised by the Governor General of India in Council.

III. Nothing in this Act shall be construed to interfere with the undoubted right of Her Majesty to grant pardons or

Act not to interfere with the prerogative of the Crown to grant pardons.

reprieves or remissions of punishment in any of the cases above-mentioned.