M.R.O. 1—39,000—16-10-29

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 422 Press ~~His.~~

93-94

Dated 18:3.1883. ~~1~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 18th March 1863.

No. 93. Read the following letter from J. W. S. WYLLIE, Esq., Under Secretary to the Government of India; to J. D. SIM, Esq., Secretary to the Government of Fort Saint George, dated Fort William, the 4th March 1863, No. 1,444.

Home Department.

I am directed by the Honorable the President in Council to forward for the perusal of His Excellency in Council the accompanying copy of a communication, No. 775A, dated the 16th of October last, from the Government of the North-Western Provinces, and to request that you will report whether the Governor in Council consider any special legislation necessary on the subject of Female Infanticide in the Madras Presidency, and if so what should be the nature of that legislation.

2. As bearing on this matter, I am directed to call the attention of the Government of Madras to Sections 315 and 318 of the Indian Penal Code, which would seem to have been introduced into the Code with a view to aid in putting down the crime in question.

From Sir GEORGE COUPER, Baronet and C. B., Secretary to the Government of the North Western Provinces, to E. C. BAYLEY, Esq., Secretary to the Government of India, No. 775A, dated Nynee Tal, the 16th October 1862.

Under the instructions of the late Lieutenant-Governor the Honorable Mr. John Colvin, dated the 25th July 1855, the late Mr. W. R. Moore, of the Civil Service, was deputed to collect information regarding the statistics of the crime of Female Infanticide, which was believed to be deplorably prevalent in the Districts of the Benares Division, and to report upon it.

2. In due course, that is to say in April 1856, Mr. Moore submitted a very elaborate and intelligent Report, which established beyond a doubt the general existence of this criminal practice among certain tribes, chiefly Rajpoots, of the circle to which his inquiries extended, and contained suggestions as to the measures which should, in his judgment, be put in force for its suppression.

3. Mr. Moore's Report and the correspondence which ensued between this Government and the Sudder Court are collected in the printed Pamphlet which accompanies this address, and to which the attention of the Government of India is now solicited with a view to special legislation on the subject.

4. The discussion, it will be seen, was brought to a close by the Minutes of Messrs. Harington and Begbie, then Judges of the Sudder Court, dated respectively the 13th and 17th December 1856.* During the disturbances which shortly after supervened the subject remained in abeyance, and it was only in 1859 that the papers came under the consideration of the Lieutenant-Governor, who had but recently assumed the duties of his office, and was overwhelmed with the pressure of matters which, though they could hardly be of more importance, demanded more immediate attention.

* Pages 121 to 134 of Pamphlet.

5. Though Mr. Moore's inquiries were confined to the limits of the Benares Division, it is not to be supposed, nor indeed was it at the time supposed, that the revolting crime of Female Infanticide did not prevail elsewhere. Before the period of Mr. Moore's deputation, the subject had attracted the attention of Mr. C. Raikes in Mynpoorie, and of Mr. M. R. Gubbins, the Magistrate of Agra; and preventive measures had been adopted† with results which were considered encouraging. The prevalence of the crime, too, in the Punjab had been brought to light, and the well known meetings had been held at Umritsur to discuss the measures that should be taken for its suppression. There is too much reason to apprehend that there are but few Districts in which the criminal practice does not obtain to a deplorable extent, and the Lieutenant-Governor must regret that he has so long delayed to apply for the special legislation without which it will not be in the power of the Government to deal effectually with this exceptional crime.

† See foot Note at page 124 of Pamphlet.

6. His Honor's attention has been more particularly recalled to the subject by the receipt of a Report from Goruckpore, showing that the disproportion of the sexes differs very little, for the better, from what was observed by Mr. Moore in 1855-56; and by the announcement that in the District of Seharunpore, which has been under re-settlement as Goruckpore is, the operations connected therewith have disclosed the prevalence of this greivous evil.

7. The Bill, which was prepared by the Sudder Court in general accordance with the suggestions of the late Honorable Mr. Colvin, will be found at page 118 of the Pamphlet. Its provisions were approved by the Court as constituted in 1859, and the only modification that now appears to the Lieutenant-Governor to be called for is that recommended by Mr. Harington in the last paragraph but two of his Minute. But in case it should become necessary, as cannot be thought improbable, to employ a special or extra Police as a means of prevention, the Lieutenant-Governor would propose to add to the Bill a provision authorizing the Local Government to levy the cost thereof by a cess on the proclaimed villages. This principle has been already recognized in Section 15, Act V of 1861, in the case of turbulent or ill-conducted villages, and the extension of the same to tracts within which Female Infanticide is known to prevail largely does not appear to be questionable. This suggestion is offered in the belief that, however inexpedient domiciliary visits by the Police may be, they will prove indispensable, in some form or other, to the efficiency of any measures that may be adopted.

8. The Lieutenant-Governor will only add, on the present occasion, that he cannot concur in Mr. Harington's proposal to introduce a system of *general* registration of births and deaths as a preventive measure against Female Infanticide. The special object which is aimed at, namely, the suppression of Female Infanticide, may not, it seems to His Honor, be so steadily and constantly kept in view as will be desirable unless the registration be limited to proclaimed villages.

9. I am to express the Lieutenant-Governor's hope that the subject of the Report, and the correspondence which accompany this address, may receive the attention of the Council of the Governor General for making Laws and Regulations during the coming Session.

No. 94. ORDER THEREON, 18th March 1863, No. 422.

Copies of these papers will be furnished to each Magistrate in the Provinces, and he will be requested to report whether there is reason to suppose that the crime of Female Infanticide is prevalent in the District under his charge, or in any other with which he is acquainted.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Secretariat Office Papers.
Public Department.
Proceedings of the Madras Government, Judicial Department, 18th March 1863.
Para 7 to 9 of Address.
Para 94 Order thereon.
No. 422 — 18th March 1863
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No. 1414

FROM

J. W. S. WYLLIE, ESQUIRE,
Under Secy. to the Govt. of India,

To

H. D. Sim Esqre
Secy to the Govt of Fort St George

SIR,

Dated Fort William, the 4th March 1863.

HOME DEPT. I AM directed by the Hon'ble the President in Council to forward for the perusal of His Excellency in Council the accompanying copy of a communication, No. 775A, dated the 16th of October last, from the Government of the North-Western Provinces, and to request that you will report whether the Governor in Council consider any special legislation necessary on the subject of Female Infanticide in the Madras Presidency, and if so what should be the nature of that legislation.

2. As bearing on this matter, I am directed to call the attention of the Government of Madras to Sections 315 and 318 of the Indian Penal Code, which would seem to have been introduced into the Code with a view to aid in putting down the crime in question.

I have the honor to be,
SIR,
Your most obedient Servant,

J. W. S. Wyllie

Under Secy. to the Govt. of India.

Fred. T. McMootry.