M.R.O. 1—38,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 783 Press ~~Mis.~~

170-171

Dated 21.5.1863 ~~19~~ .

3/4

Not to be folded or roughly handled

G.O. 783: 21-5-1863

Proceedings of the Madras Government, Judicial Department,
21st May 1863.

No. 170. Read the following letter from E. C. BAYLEY, Esq., Secretary to the Government of India; to J. D. SIM, Esq., Secretary to the Government of Fort Saint George, dated Fort William, the 6th May 1863, No. 2,912.

Home Department.

I am directed by the Honorable the President in Council to forward herewith a Statement (compiled from the Returns submitted by the Local Governments) showing "the number of Criminals sentenced during the year 1862 for terms of seven years and upwards;" and "the number of such persons who have been sentenced to transportation under the power given to the "Courts by Section 59 of the Indian Penal Code."

2. This Statement shows the very small extent to which the Sessions Courts generally have availed themselves of the discretionary power vested in them by the law above quoted, of substituting transportation beyond Seas for imprisonment in India.

3. The President in Council observes that the small number of persons sentenced to transportation is particularly remarkable in the Bengal Presidency, and His Honor in Council is disposed to think that the little use made of the power given by law may be in some degree attributed to deficient information regarding the accommodation for Convicts available at the Penal Settlement established in the Andaman Islands.

4. With the view, therefore, of removing any misapprehension on this point, I am desired to request that steps may be taken for communicating to the several Courts within the jurisdiction of the Government of Madras the fact that there is available at Port Blair an unlimited extent of accommodation for any number of Convicts from all parts of India that may be sent there.

5. The consequence of the hesitation, which apparently exists at present, on the part of some of the Courts of Sessions to award transportation in lieu of imprisonment is that, notwithstanding the arrangements which have been made in forming a Penal Settlement at Port Blair, which the Government keeps up at a very great expense, the Central Jails throughout India are again being filled with a large number of persons sentenced to long terms of imprisonment. It was to prevent this, and also in the hope that transportation beyond Seas might prove a more effectual deterrent from crime than imprisonment in this country had been found to be, that the Legislature would appear to have enacted the Section of the Penal Code to which reference has already been made.

6. I am desired by His Honor in Council to request that a Return, drawn up in the form of the Statement now forwarded, may be annually submitted, until further orders, for the information of the Government of India.

2. 1070
3.7.63

Proceedings of the Madras Government, Judicial Department,
21st May 1863.

STATEMENT.

Name of Presidency or Province.	Number of persons sentenced to imprisonment for 7 years.	Number of persons sentenced to imprisonment for terms exceeding 7 years and not exceeding 10 years.	Number of persons sentenced to imprisonment for terms exceeding 10 years and not exceeding 14 years.	Number of persons sentenced to transportation for 7 years in lieu of imprisonment under Section 59 of the Penal Code.	Number of persons sentenced to transportation for terms exceeding 7 years and not exceeding 10 years in lieu of imprisonment under Section 59 of the Penal Code.	Number of persons sentenced to transportation for terms exceeding 10 years and not exceeding 14 years in lieu of imprisonment under Section 59 of the Penal Code.
	1	2	3	4	5	6
Bombay... ...	38	6	0	17	11	0
Madras... ...	286	206	97	70	42	1
Bengal ...	325	276	59	30	20	6
Non-Regulation Provinces... ...	68	20	12	1	0	0
N. W. Provinces....	248	107	37	6	31	16
Punjab... ..	104	52	11	27	5	7
Total...	1,069	667	216	151	109	30

No. 171 ORDER THEREON, 21st May 1863, No. 783.

Resolved that a copy of the foregoing letter and of the Statement received with it be forwarded to the Honorable the Judges of the High Court, and that they be requested to make the necessary communication to the several Sessions Courts in this Presidency, and to furnish annually a Return in the prescribed form for transmission to the Government of India. The Return should embrace the High Court Original side.

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

Exd. T. McMootry.

To day
Ltr

No 783 — 21st May 1863

Resolved that a copy of the foregoing letter & of the Statement received with it be forwarded to the Honble the Judges of the High Court, & that they be requested to make the necessary communication to the several Sessions Courts in this Presidency, and to furnish annually a Return in the prescribed Form for transmission to the Government of India. In which Court will have to keep Copies with.

To Honble the Judges of the High Court desp. 21/5
" Inspector General of Jails desp. 22/5

