M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 96 Press ~~Mis.~~

121-122

Dated 23/1/1863

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 23rd January 1863.

No. 121. Read the following Extract from the Proceedings of the Right Honorable the Governor General of India in Council, in the Home Department, (Legislative), under date the 20th December 1862, No. 7,310.

Read the following papers regarding—

(I.)—The Bill to provide for the punishment of flogging in certain cases;

(II)—The Bill to authorize the punishment of whipping in certain cases.

Letters from the Chief Secretary to the Government of Bombay, No. 122, dated 11th January, and No. 298, dated 1st February 1861, and the enclosures of the former from the Registrar of the Bombay Sudder Fouzdaree Adawlut.

Letter from the Foreign Department, No. 1,864, dated 16th April 1861, and its enclosure, being a correspondence with the Chief Commissioner of Oudh.

Petition of the British Indian Association, dated 15th August 1861, and enclosure.

Letters from the Secretary to Government, North-Western Provinces. No. 253A, dated 24th April 1861, and No. 441A, dated 23rd June 1862, and their respective enclosures, from the Registrar of the Sudder Court.

Letter from the Secretary to the Chief Commissioner of the Central Provinces, No. 82, dated 23rd September 1862.

Ditto from the Secretary to the Government of the Punjab, No. 520, dated 15th September 1862.

Ditto from the Judicial Commissioner of the Punjab, to the Secretary to the Government of the Punjab, No. 623, dated 21st June 1862, and its enclosure.

Resolution.—The Governor General in Council observes that the reports submitted by Local Governments and authorities regarding the Bills abovementioned exhibit a very considerable diversity of opinion among Officers of experience, both with respect to the policy of employing corporal punishment as a legal penalty in any case, and regarding the extent to which, if legalized, the penalty should be used, and the offences for which it should be administered.

But the Governor General in Council remarks that these opinions were given at a time when the punishment of flogging was still in use in the greater part of the British Territories in India, and in other parts had only just ceased to be used. It is now, however, nearly twelve months since the introduction of the Penal Code, which does not permit corporal punishment to be inflicted in any case.

Before, therefore, proceeding further with the Bill to authorize the punishment of whipping in certain cases which is at present under the consideration of Government in the Legislative Department, the Governor General in Council is desirous of ascertaining what have been the practical results of the suspension of corporal punishment during the past year, and how far the opinions of the Local Governments have been affected thereby.

Ordered, that a copy of this Resolution be forwarded to the Governments of Madras, Bombay, Bengal, North-Western Provinces; and, through the Foreign Office, to the Government of the Punjab, and to the Chief Commissioners of Oudh, Central Provinces and British Burmah, with a request that a full report may be furnished to this Government, on an early date, upon the practical working of the Penal Code, so far as the suspension of corporal punishment may have had any bearing thereon, and that the various Governments and Administrations will also favor the Governor General in Council with an expression of their present opinion, as confirmed or modified by the experience of the past year, regarding the expediency of retaining flogging as a punishment, and with respect to the offences to which the punishment, if it be retained, should be made applicable.

(True Extract.)

(Signed) A. M. MONTEATH,
Under Secy. to the Govt. of India.

Proceedings of the Madras Government, Judicial Department, 23rd January 1863.

No. 122. ORDER THEREON, 23rd January 1863, No. 96.

Copies of the foregoing resolution will be furnished to the Honorable the Judges of the High Court, to the Sessions Judge and Magistrate of the Districts named in the margin, and to the Inspector General, of Police and they will be requested to favor Government with their opinion as to the expediency of retaining flogging as a punishment and with respect to the offences to which the punishment, if it be retained, should be made applicable.

Sessions Judge of	Rajahmundry.
Do.	Masulipatam.
Do.	Chittoor.
Do.	Mangalore.
Do.	Cuddalore.
Do.	Madura.
Magistrate of	Ganjam.
Do.	Vizagapatam.
Do.	Godavery.
Do.	Cuddapah.
Do.	South Arcot.
Do.	Tanjore.
Do.	Coimbatore.
Do.	Malabar.

2. The report of the Session Judges and Magistrates, whose opinion are now called for, will be submitted through the Judges of the High Court, who will be good enough to forward them with their own report. It will of course be open to the Honorable the Judges to call for the opinion of any other Officers they may deem it proper to consult in addition to those named in these proceedings.

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

Exd: T. McMoctry.

2/X

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Under Secretary to the Government of India. Home Department.

(Here enter 20th December 1862 No. 7310)

Order thereon 23d January 1863 No. 96.

Copies of the foregoing resolution will be furnished to the Honble the Judges of the High Court and to the Sessions Judge and Magistrate of the Districts named in the margin and they will be requested to favor Government with their opinion as to the expediency of retaining flogging as a punishment and with respect to

Session Judge of	Rajahmundry ✓
Do.	Masulipatam ✓
Do.	Chittoor ✓
Do.	Mangalore ✓
Do.	Cuddalore ✓
Do.	Madura ✓
Magistrate of	Ganjam ✓
Do.	Vizagapatam ✓
Do.	Godavery ✓
Do.	Cuddapah ✓
Do.	South Arcot ✓
Do.	Tanjore ✓
Do.	Coimbatore ✓
Do.	Malabar ✓

to

to the offences to which the punishment if it be, reclaimed should be made applicable.

2 The reports of the Session Judges and Magistrates, whose opinion are now called for will be submitted through the Judges of the High Court who will be good enough to forward them with their own report. It will of course be open to the Hon'ble the Judges to call for the opinion of any other officers they may deem it proper to consult in addition to those named in these proceedings.

To the Hon'ble the Judge of the High Court

Gall. Sr. Wing 2 3rd Sept. 26 16 of 1854

dist of 3 Feby

Prov. Sp. Lang.

Judicial 1863. Department.

No. 96

PROCEEDINGS OF GOVERNMENT,

Dated 23rd January

H No. 210-548-1101-
755-1874-2144
2404.

With reference to a Resolution of the Govt. of India the opinion of certain Officers invited as to the expediency of retaining flogging as a punishment

1214-122

1026

Proc. Sp. Lang. Judl. Dept. 16 Aug. 67 No.