M.R.O. 1—[illegible]—15-10-27.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 620 Press Mis.

208-210

Dated 2 S. 4. 19-1866

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 25th April 1866.

No. 208. Read the following letter from the Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George; dated Madras, 14th April 1866, No. 23.

Adverting to the Proceedings of Government, 5th April 1864, No. 466, I am directed by the Chief Justice and Judges of the High Court to forward, for submission to the Government of India, a Statement showing, in the required form, the number of persons sentenced to whipping in 1865, by the up-country Courts and Magistrates.

2. It will be seen that the number is considerably in excess of that shown in the Report for 1864, dated 5th June 1865. The increase is partly accounted for by the fact that Act VI of 1864 only came into operation in April of that year, but it is still clear that the power of flogging has been more freely exercised in the year under report. The Subordinate Magistrates in particular have become better acquainted with the provisions of the Act, and have shown themselves more ready to recommend the infliction of whipping in cases in which they considered it a suitable punishment.

3. The general opinion of the Session Judges and Magistrates is that the Act has worked most satisfactorily. The subject was, however, fully entered into in the Report for 1864, and the Judges have nothing to add on this occasion.

STATEMENT shewing the operation of Act No. VI of 1864 (Whipping Act,) in the Presidency of Madras, during 1865.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
Districts.	Number of persons whipped.						Total of persons whipped.	Proportion of total which were convictions.	Proportion of total in which whipping was an additional punishment.	Classification of the offences for which whipping was inflicted according to Chapters and Sections of the Indian Penal Code.																	
	With a rattan.		With a cat-o-nine tails.							XI.	XII.	XIII.	XVI.							XVII.				XX.	XXIII.	Special laws.	
	Not exceeding 10 stripes	Not exceeding 20 stripes.	Above 20 stripes.	Not exceeding 50 stripes.	Not exceeding 100 stripes.	Above 100 stripes.				False evidence, Sections 193, 194, 195.	Resistance, Section 224.	Relating to Coin, Section 231.	Negligent conduct with explosive substance, Section 286.	Attempt at Suicide, Section 309.	Theft, Section 382.	Kidnapping, &c., Section 366.	Rape, Section 375.	Theft, Sections 378, 380, 381, 382.	Robbery or Dacoity, Sections 390, 391, 393, 394, 398.	Misappropriation, Sections 403.	Receiving stolen property, Sections 411, 412, 413.	Mischief, Sections 426, 429.	House breaking, &c., Sections 443, 444, 445, 446, 447, 461.	Adultery, Section 497.	Attempts to commit offences, Section 511.	Nuisance, Act XXIV of 1859, Section 48.	Selling, &c., liquor to European soldiers, Act IV, of 1865, Section 29.
Bellary	...	23	1	66	28	...	118	...	17	...	...	...	...	...	1	...	1	82	259	20	117	36	38	43	143	136	201	74	66	67	162	17	115	64	23	416	...	...	...	...	...	1	...
Coimbatore	23	34	5	165	82	1	310	24	44	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cuddapah	3	...	...	36	...	6	46	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ganjam	3	18	3	216	67	...	307	6	13	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Godavery	2	7	1	25	11	...	46	3	5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kistnah	6	...	...	33	10	1	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kurnool	...	2	...	26	42	...	70	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madras	21	12	4	120	3	...	160	1	21	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madura	1	1	3	62	77	4	148	...	6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Malabar	1	19	7	154	68	3	252	...	20	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nellore	15	9	2	109	15	...	150	4	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
North Arcot	2	5	...	73	18	...	98	3	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Salem	4	5	1	73	30	...	113	...	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
South Arcot	11	4	13	140	13	8	189	...	13	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
South Canara	5	1	...	18	3	...	27	5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tanjore	10	18	4	80	66	6	184	7	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tinnevelly	1	2	2	60	25	3	93	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Trichinopoly	3	7	5	20	11	...	46	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Vizagapatam	7	48	11	414	93	...	603	...	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	118	215	92	1890	663	32	3010	59	186	1	2	1	2	1	2	1	2	111	2	1	13	3	1	754	3	109	6	3	1	1	1	1	1	1	1	1	1	1	1	1	1

* Juveniles.

(Signed) P. P. HUTCHINS,
Registrar, Appellate Side.

HIGH COURT OF JUDICATURE,
MADRAS, 14*th April* 1866.

No. 209. ORDER THEREON, 25th April 1866, No. 619.

Ordered that the foregoing Report, on the operations of Act VI of 1864, be submitted for the information of the Government of India.

2. The Governor in Council observes that the persons entered in columns 14, 16, and 23* of the Statement accompanying the Report were not liable to corporal punishment under the Whipping Act, unless they were juvenile offenders, and they are not so distinguished in the Returns.

* South Arcot.

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

No. 210. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 25th April 1866, No. 620.

Referring to paragraph 7 of your letter of the 8th March 1864, No. 1694, calling for an Annual Report on the working of Act VI of 1864, I am directed to submit the annexed copy of a letter from the Registrar of the High Court, furnishing the Report in question for the year 1865, accompanied by a statement of the number of cases in which the punishment of whipping was inflicted, classified in the manner suggested by the Supreme Government.

2. It will be seen from this Return that the total number of persons subjected to corporal punishment during the year was 3010, of whom only 59 were re-convicted persons, and that the number of those sentenced to whipping in addition to other punishment was only 139.

3. These figures are greatly in excess of those entered in the Statement last furnished. The increase is owing partly to the return for 1864 embracing only nine months of the year, whereas the present statement comprises the results of a complete year; but even after making allowance for this, the increase is such as clearly to indicate that the powers conferred by the Act have been freely resorted to by the Magistracy. The general opinion of the Session Judges and Magistrates is that the Act has worked most satisfactorily.

4. The small percentage of the number of re-convictions shows the efficacy of the punishment as a deterrent of crime.

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

No 619 of 25 April 1866

Ordered that the foregoing
report on the operations of Act VI
of 1864 be submitted for the
information of the Government
of India

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To the Hon'ble the Judges of the High Court of Judicature 26/4/66

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Judicial Department.

No. 620

To

The Secretary to the Government
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Home Department.

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Fort St George,
25th April 1866.

619 – 620

Richard Wells Scharff

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