

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1873	Press ~~Mis.~~
Dated	2. 10. 187	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
2nd October 1867.*

No. 10. Read the following letter from the Acting Commissioner of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 23rd September 1867, No. 108.

I have the honor to submit the following matter for orders:—

Under Act XIII of 1856, Sections 22 and 32 (old Police Act), the Town Magistrates had the power of whipping in certain cases, these sentences were generally carried into effect by the Police on the spot at the respective Police Courts.

2. The above Act having been cancelled by VIII of 1867, (the new Police Act), and no corresponding powers to flog appearing in the latter, the Magistrates now award such sentences under Act VI of 1864, (the Whipping Act).

3. By Section 10 of this Act these sentences must be carried out in the presence of a Magistrate or of a Justice of the Peace, and of a Medical Officer, unless the Court otherwise order.

4. By Government Order, Judicial Department, No. 466 of 5th April 1864, a Deputy Commissioner of Police was directed to superintend the infliction of corporal punishment awarded by the "High Court," and this is and can be done without difficulty, but it is quite otherwise if every such sentence from each of the Town Police Courts has to be supervised by a Deputy Commissioner.

5. This Officer has his own duties to perform, conducting preliminary inquiries, &c., and it would be exceedingly inconvenient to the public service were a Deputy Commissioner necessitated to go to the Penitentiary whenever a person was sentenced to receive a whipping; moreover, where the sentence is flogging only he must go at once, as there is no authority to detain a person so sentenced, until the presence of a Deputy Commissioner could conveniently be obtained.

6. Within the last six days 13 sentences of whipping have been passed by the different Magistrates, and there is every probability of their becoming even more frequent.

7. The infliction of this punishment in the public view has a much better effect than when awarded inside a Jail; and as in the Mofussil, Magistrates themselves supervise such sentences, I would suggest that they be directed to do so in Madras also, in the neighbourhood of their respective Courts.

No. 11. ORDER THEREON, 2nd October 1867, No. 1573.

The Governor in Council concurs in the opinion of the Commissioner of Police, that the sentences of whipping, passed by the Town Police Magistrates under Act VI of 1864, should be carried into execution in the presence of those officers in the immediate neighbourhood of their respective Courts.

(True Extract).

Chief Secretary.

To the Commissioner of Police.

„ Magistrate of Town Police Court.

„ Do. Vepery do.

„ Do. Royapettah do.

Exd. J. Tulloch.

