

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 258

DATED 7th Feb. 1895.

[Despatch Abstract.]

SENTENCE OF WHIPPING BY SUB-MAGISTRATES

Informing the District Magistrate of Chingleput that it must be left to the Magistracy, under the guidance of the District Magistrate, to decide when whipping is a more suitable punishment than a short term of imprisonment.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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3,000-26-98.

ORDINARY, MS.

Judicial DEPARTMENT. G.O., DATED 7/2/95 No. 258
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INDEXED.

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the guidance of the D. Magte,
to decide when whipping is a
more suitable punishment than
a short term of imprisonment.

BACK PAPER, No.

OF 189

FURTHER PAPER, No.

OF 189

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT. A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPER NOT FILED UP, BEING MEANT FOR DESPATCH
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N.B.—

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Chingleput District Collector's Office.

SAIDAPET, 28 January 1895.

No.

REFERENCE OR D.O. 64 1895

From

H. A. Stuart Esquire,
Magistrate
Collector of the
Chingleput District.

To

Chief
The Secretary to Government,
Judicial Department,
Madras.

SIR,

Before issuing orders to the subordinate ma-
-gistracy upon Government Order, 12 January 1895.
No. 65 Judicial, I have the honour to enquire whether
it is the wish of the Government that whipping
should be awarded as the sole punishment for
offences which would ordinarily be punished
with imprisonment for a month or less.

2. I have found both here and in North Arcot
that there is a tendency on the part of the sub-
-magistrates to inflict sentences of whipping
for petty thefts even when committed by
men of from 30 to 40 years of age. I have

invariably expressed disapproval of such sentences,
for in my opinion whipping is, except when admin-
istered to juveniles, a severe and degrading
punishment which should be reserved for offences
of a peculiarly bad character or for hardened and
irretractable criminals. This view seems to be that
taken by the Government of India in Mr Knatch-
gill's letter read in Government Order, 13th March 1882,
No 248 Judicial, and so far as my experience goes
it is that which generally obtains in England.
But as in the order of Government under reference,
whipping is apparently recommended as a sub-
stitute for sentences of imprisonment which
would be carried out in subsidiary jails, i.e.,
imprisonment for a term not exceeding one
month, and as such sentences are only given for
petty offences, there is some doubt in my mind
as to what it is exactly that the Government
desires, and I therefore solicit the favour of
more explicit instructions.

I have the honour to be,
Sir,
Your most obedient servant,
A B Stuart
Ag District Magistrate.

CURRENT No. 300

65-12-1-95

N^o 248: 13-3-82

From

The Collector of the
Chingleput District.

To

Chief
The Secy. to Govt.,
Judicial Dept.,
Madras.Dated 28thReceived 25th

January 1895.

No.

64
808

5

Enclosure a

SUBJECT.

Requesting to know whether
it is the wish of the government
that whipping should be
awarded as the sole punishment
for offences which would ordinarily
be punished with the imprison-
ment for a month or less.

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189.

HAD AGAIN G.O., No.

189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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For orders
Perhaps the following will

do: -
It is not the intention
of Govt. to dictate
to Magistrates the
sentences which they
should inflict. It must
be left to the Magistrate,
under the guidance
of the St. Mag., to
decide when whipping
is a more suitable
punishment than
a short term of
imprisonment.

10/10/95

64

31 Jan'y

To the Secy Chingleput (248)

DESPATCHED

Served

6/2