

- (1) பக்கங்களின் எண்ணிக்கை 22
(2) புதுக்கித் திருப்பிய நாள் May. 88
(3) ஆதாரங்குறிப்பவர் கருக்கொப்பம் bu

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

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அரசாணை எண். மு. கோப்புத் தாள் எண்.	<u>2639</u>	அச்சகம் பலவகை
நாள் :	<u>3.11.1880</u>	<u>198</u>

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

3rd November 1880, No. 2639.

Whipping Act.

Read the following paper:—

No. 24. From the Hon. C. GRANT, C.S., Officiating Secretary to the Government of India, Home, Revenue, and Agricultural Department (Judicial), to the Chief Secretary to Government, dated Simla, 24th September 1880, No. 15-1032.

I am directed to forward the accompanying copy of a despatch* from Her Majesty's Secretary of State for India, with annexures, relative to two questions asked in the House of Commons, viz., (i) in regard to the large number of sentences in which the punishment of whipping was inflicted in India in 1878, and (ii) in regard to the necessity for the retention of the punishment of whipping in the Indian dominions of Her Majesty.

2. I am to request that, with the permission of His Grace the Governor in Council, you will be good enough to furnish the Government of India with a full report as to the circumstances under which the punishment of whipping is inflicted, and also with an expression of the opinion of His Grace in Council as to its modification or continuance.

3. I am to add that the Government of India will also be glad to receive a copy of any instructions issued by the Government of Madras for the guidance of Judicial Officers in the exercise of their discretion under the Whipping Act, together with statistics for the past five years showing the offences for which whipping has been inflicted.

ENCLOSURE No. 1.

From Her Majesty's Secretary of State for India, to the Government of India, dated India Office, London, 29th July 1880, No. 14 (Judicial).

My attention has been called on two occasions by questions in the House of Commons to the large number of sentences in which the punishment of whipping was inflicted in India in the year 1878, and to the question of the necessity for its retention in the Indian dominions of Her Majesty.

2. I forward herewith extracts from the *Times* newspaper of the 28th of June and of the 2nd July containing reports of questions put to me in the House of Commons and of my replies, which are sufficiently, though not absolutely, accurate.

3. I desire that your Lordship will give your consideration in Council to this subject, and will furnish me with the information which I undertook to obtain, together with your opinion upon the questions which have thus been raised.

Extract from the *Times* newspaper dated 29th June 1880.

FLOGGING IN INDIA.

Mr. Thomson asked the Secretary of State for India whether he would lay upon the table a return of the offences for which 72,650 of our Indian fellow-subjects were punished with flogging in the year 1877.

The Marquis of Hartington.—Whipping was awarded, in addition to other punishment, to 6,203 persons; in lieu of other punishment, to 66,447, of whom 28,127 were sentenced in the Madras Presidency. The return asked for cannot be given, because the judicial statistics do not classify the punishments under the offences, but merely give separately the totals of the various offences and the totals of the various punishments. The required information is, however,

contained in the Act VI of 1864, which will be found in the Library of the House of Commons. The chief provisions of that law are as follow:—For theft, receiving stolen property, house-breaking and extortion the offenders may, at the discretion of the Judge or Magistrate, be punished with whipping in lieu of any punishment to which he may be liable under the Penal Code. On a second conviction for the above offences the offender may be whipped in lieu of, or in addition to, other punishment. On a second conviction for false evidence, false accusation, criminal assaults on women, indecent offences, robbery or dacoity, forgery, and habitually dealing in stolen property the offender may be whipped in addition to other punishment. For any offence a juvenile offender may be whipped in lieu of any punishment except death. No female is to be punished by whipping. First-class Magistrates only are empowered to sentence to whipping. Whipping is to be inflicted with due regard to the health of the offender, and, if practicable, in presence of a medical man. It may be observed that the punishment is termed by the law whipping, not flogging. The reason why so many sentences of whipping were passed during the year 1877 was that, owing to distress among the people, petty crimes increased greatly, and the Magistrates exercised largely their discretionary power of inflicting whipping instead of fine and imprisonment. If a sentence of fine was passed, it would have been equivalent to imprisonment, as people in distress could not pay and must have gone to prison in default. And the prisons were so crowded, and the rate of mortality so high in them, that a sentence of imprisonment carried with it serious risk to life.

Mr. A. Sullivan asked whether the Noble Marquis could inform the House exactly what the distinction was between flogging and whipping; secondly, whether people in an emaciated condition were fit subjects for flogging; and, thirdly, whether, considering what had been done in this country, the Government would take steps to abolish the lash in India. (Hear.)

The Marquis of Hartington.—Perhaps the Honorable Member would give notice of his question. (Hear.) I may say, however, that I have inquired, but have not been able to obtain as yet a satisfactory answer, as to the precise distinction between whipping and flogging. But the punishment in India is not inflicted with the "cat" and is a much milder punishment than what is known as flogging in this country. (Hear, hear.)

Extract from the Times newspaper dated 2nd July 1880.

PUNISHMENTS IN INDIA.

Mr. A. M. Sullivan asked the Secretary of State for India whether, considering the contemplated abolition of flogging in Her Majesty's Naval and Military services, the Government would take any, and what, measures to abolish punishment by the lash or bamboo among Her Majesty's Indian subjects.

The Marquis of Hartington.—In answer to the question the Honorable and Learned Member gave notice of the other day, and which does not appear on the paper, I may state that I have made inquiries and find that corporal punishments in India are inflicted under different regulations in the different provinces. As far as I am able to ascertain, the punishment is usually inflicted, not with a "cat-o'-nine tails," but with a light cane; certainly in all cases of juvenile offenders that is so, and even when the punishment is inflicted on adults it is of a very mild and light description. So much in answer to the general question of the Honorable Member. I may say that the experiment of discontinuing the punishment was tried on several occasions both partially and in the whole of India. From 1862 to 1864 the punishment was not inflicted. During that time complaints were made by all the local Governments of the difficulty experienced in the interval. It has not been, therefore, continued or adopted by the Government of India without full consideration. Among the considerations which have rendered that necessary was the difficulty of inflicting any other punishment in a tropical climate. Penal servitude and solitary or separate confinement were impossible owing to the mortality which occurred being very high in crowded gaols among prisoners who had been accustomed to spend almost their whole lives in the open air. It would be impossible to take any hasty or precipitate step in this matter. All I can undertake to do is to call for full reports from the Government of India and the local Governments as to the circumstances in which the punishment is inflicted, and ask their opinion either as to its modification or continuance. (Hear, hear.)

No. 25. To the Secretary to the Government of India, Home, Revenue, and Agricultural Department, dated Ootacamund, 3rd November 1880, No. 2639.

I am now directed by His Grace the Governor in Council to reply to your letter, No. 14, Judicial, dated 29th July 1880. No. 15-1052, of 24th September last, enclosing copy of a despatch from the

Secretary of State, and calling for a full report as to the circumstances under which the punishment of whipping is inflicted, together with an expression of the views of this Government as to its modification or continuance. Statistics of the punishment for the past five years are appended.

2. First, as to the mode and extent of punishment, the law provides that in the case of juveniles the rattan shall be used; in the case of adults either the rattan or the cat-o'-nine tails shall be the instrument. No punishment is to exceed 150 lashes with the latter instrument, or 30 stripes with the former. In this Presidency it was decided, as far back as 1828 (Regulation VIII of that year), that punishment with the rattan was a very unequal one, varying with the size of the instrument and the strength of the person using it, and often occasioning serious bodily injury far beyond the intention of the law. Further, applied as such an instrument must be, not to the back, but to the *nates*, its use is disgusting and indecent in the case of grown-up men. The cat-o'-nine tails was therefore substituted, five lashes being declared equivalent to one stroke of a rattan. The instrument must be procured from the Arsenal at Fort St. George; no alteration may be made in it on any pretence whatever; when repairs are required, it must be returned to the Arsenal for the purpose. The lash is to be applied to the offender's back; juveniles are to be whipped on the posteriors with a *light* rattan. A Magistrate or the Superintendent of a Jail must be present at every infliction of corporal punishment; also a Medical Officer, unless for any special reason the Court which passed the sentence otherwise orders. If a Medical Officer or the Magistrate present is of opinion that the offender who is undergoing punishment is not in a fit state of health to undergo the remainder, the whipping is finally stopped, and it is open to the Court which sentenced him to whipping to revise the sentence to one of imprisonment, no sentence of whipping being awardable by instalments. The High Court, Session Courts, First and Second Class Magistrates only can sentence to whipping; Magistrates of the Third Class are interdicted from doing so.

3. Secondly, as to the offences for which whipping is awardable, it may be premised that persons who may be sentenced to death or to transportation for more than five years, may be punished with or to penal servitude or imprisonment for more than five years, may be punished with whipping. Subject to these restrictions, and to the provision that male juvenile offenders are punishable with whipping only for any offence to which the penalty of death is not attached, the following is a correct statement of the circumstances under which whipping is awardable, viz.:—

(a.) Persons convicted of larceny, receiving, burglary, or extortion may be punished with whipping in lieu of any punishment to which they may be liable for such offence under the Indian Penal Code; and in addition thereto on second conviction of the same offence. The High Court of Madras lately suggested that it would be desirable to allow whipping after a second conviction substantially (though not technically) of the same character; but the Government of India, considering that the Act worked fairly well, declined to reopen a page of the Statute Book which, though necessary, is to some people painful, and upon the subject of which much sentiment exists.

(b.) On a second conviction of perjury, forgery, robbery, rape, indecently assaulting women, and unnatural offences, whipping may be awarded in addition to any other punishment to which the party may be liable under the Indian Penal Code.

(c.) Under the Madras Cantonments Act, No. I of 1866, public followers, &c., serving with the Army are punishable with imprisonment, or with fine, or with lashes not exceeding 50 with a cat-o'-nine tails, for all breaches of standing orders or of their respective duties; by Section 30 of the same enactment the unlicensed sale of liquor by such persons to soldiers is punishable by whipping, as an alternative, up to 150 lashes.

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- (d.) By the Native Articles of War, Act V of 1869, any Court Martial can sentence any person, subject to the Articles, below the rank of Warrant Officer—provided that, if the convicted person be a Non-Commissioned Officer, he is first sentenced to reduction to the ranks—to suffer corporal punishment not exceeding 50 lashes. A Provost Marshal has similar powers in emergencies; and petty offences by native followers are punishable by twelve stripes of the rattan.
- (e.) By Act IV of 1842 boatmen serving in any boat or catamaran kept and employed on hire at the Port of Madras are liable to corporal punishment not exceeding 36 lashes on conviction before a Justice of wilful neglect or desertion of his duty, causing any impediment to the service of such boat or catamaran. Similarly, at the same port, boatmen are liable to be flogged for hindering Police Officers attached to boats in the performance of their duty (Act XXVIII of 1858). It should be mentioned that the boatmen of these coasts are a uniformly lawless, if bold and hardy, race.
- (f.) By the "Madras Coffee-stealing Prevention Act, 1878," any laborer employed on a coffee estate found with green gathered coffee in his possession, and failing to account satisfactorily for such possession, which it is obvious he could readily do if he had come by the article lawfully, is liable, on a second conviction, to corporal punishment up to the limit of the Whipping Act of 1864, or of any other law in force in that behalf.
- (g.) Whipping for offences against discipline in jails is sanctioned by Madras Act V of 1869. 150 lashes are the limit, but in less serious cases the limit is 60 lashes.

4. Appended are returns of the whippings inflicted by the Criminal Courts and Superintendents of Jails for the past five years. His Grace the Governor in Council considers that no change in the law is called for; he observes that, where whipping is awarded in addition to imprisonment, the sentence cannot be carried out for fifteen days in order to await an appeal, and in paragraph 112 of the Report on the Administration of Justice for the last calendar year the High Court has certified that, irrespective of any appeal to the immediate appellate tribunal, the calendars in all such cases are at once submitted for their inspection and orders. His Grace has received no recent complaints of the law being hastily or immoderately resorted to, and native feeling is unquestionably in favor of it.

(Signed) R. DAVIDSON,
Chief Secretary.

STATISTICS OF WHIPPING.

I.—Number of Sentences inflicted by Criminal Courts.

Year.	In addition to other punishment.	In lieu of other punishment.
1875	494	2,317
1876	660	2,457
* 1877	2,782	28,127
† 1878	1,592	14,729
1879		

II.—Whippings inflicted in Jails.

Year.	Number.
1875	1,823
1876	2,378
1877	3,690
1878	3,813
1879	2,254

* Abnormal year (famine). Jails everywhere crowded. Crime prevalent.

† Ditto; in a minor degree.

Edw. J. W. Fischer.

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JUDICIAL DEPARTMENT.

Whipping Act.

No. 2639.

FROM THE HON. R. DAVIDSON, C.S.I.,
Chief Secretary to the Government of Fort St. George,
TO THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME, REVENUE, AND AGRICULTURAL DEPARTMENT.

SIR,
I am now directed by His Grace the Governor in Council to reply to your letter, No. 15-1052, of 24th September last, enclosing copy of a despatch* from the Secretary of State, and calling for a full report as to the circumstances under which the punishment of whipping is inflicted, together with an expression of the views of this Government as to its modification or continuance. Statistics of the punishment for the past five years are appended.

2. First, as to the mode and extent of punishment, the law provides that in the case of juveniles the rattan shall be used; in the case of adults either the rattan or the cat-o'-nine tails shall be the instrument. No punishment is to exceed 150 lashes with the latter instrument, or 30 stripes with the former. In this Presidency it was decided, as far back as 1828 (Regulation VIII of that year), that punishment with the rattan was a very unequal one, varying with the size of the instrument and the strength of the person using it, and often occasioning serious bodily injury far beyond the intention of the law. Further, applied as such an instrument must be, not to the back, but to the *nates*, its use is disgusting and indecent in the case of grown-up men. The cat-o'-nine tails was therefore substituted, five lashes being declared equivalent to one stroke of a rattan. The instrument must be procured from the Arsenal at Fort St. George; no alteration may be made in it on any pretence whatever; when repairs are required, it must be returned to the Arsenal for the purpose. The lash is to be applied to the offender's back; juveniles are to be whipped on the posteriors with a *light* rattan. A Magistrate or the Superintendent of a Jail must be present at every infliction of corporal punishment; also a Medical Officer, unless for any special reason the Court which passed the sentence otherwise orders. If a Medical Officer or the Magistrate present is of opinion that the offender who is undergoing punishment is not in a fit state of health to undergo the remainder, the whipping is finally stopped, and it is open to the Court which sentenced him to whipping to revise the sentence to one of imprisonment, no sentence of whipping being awardable by instalments. The High Court, Session Courts, First and Second Class Magistrates only can sentence to whipping; Magistrates of the Third Class are interdicted from doing so.

3. Secondly, as to the offences for which whipping is awardable, it may be premised that no female, no person who may be sentenced to death or to transportation or to penal servitude or imprisonment for more than five years, may be punished with

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6. J. Davidson 1880, No. 2639.

NOVEMBER
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NOTE: The Act—Substituting a report as to the circumstances under which the punishment of whipping is inflicted, and stating that no change in the law is called for.

whipping. Subject to these restrictions, and to the provision that male juvenile offenders are punishable with whipping only for any offence to which the penalty of death is not attached, the following is a correct statement of the circumstances under which whipping is awardable, viz. :—

(a.) Persons convicted of larceny, receiving, burglary, or extortion may be punished with whipping in lieu of any punishment to which they may be liable for such offence under the Indian Penal Code; and in addition thereto on second conviction of the same offence. The High Court of Madras lately suggested that it would be desirable to allow whipping after a second conviction substantially (though not technically) of the same character; but the Government of India, considering that the Act worked fairly well, declined to reopen a page of the Statute Book which, though necessary, is to some people painful, and upon the subject of which much sentiment exists.

(b.) On a second conviction of perjury, forgery, robbery, rape, indecently assaulting women, and unnatural offences, whipping may be awarded in addition to any other punishment to which the party may be liable under the Indian Penal Code.

(c.) Under the Madras Cantonments Act, No. I of 1866, public followers, &c., serving with the Army are punishable with imprisonment, or with fine, or with lashes not exceeding 50 with a cat-o'-nine tails, for all breaches of standing orders or of their respective duties; by Section 30 of the same enactment the unlicensed sale of liquor by such persons to soldiers is punishable by whipping, as an alternative, up to 150 lashes.

(d.) By the Native Articles of War, Act V of 1869, any Court Martial can sentence any person, subject to the Articles, below the rank of Warrant Officer—provided that, if the convicted person be a Non-Commissioned Officer, he is first sentenced to reduction to the ranks—to suffer corporal punishment not exceeding 50 lashes. A Provost Marshal has similar powers in emergencies; and petty offences by native followers are punishable by twelve stripes of the rattan.

(e.) By Act IV of 1842 boatmen serving in any boat or catamaran kept and employed on hire at the Port of Madras are liable to corporal punishment not exceeding 36 lashes on conviction before a Justice of wilful neglect or desertion of his duty, causing any impediment to the service of such boat or catamaran. Similarly, at the same port, boatmen are liable to be flogged for hindering Police Officers attached to boats in the performance of their duty (Act XXVIII of 1858). It should be mentioned that the boatmen of these coasts are a uniformly lawless, if bold and hardy, race.

(f.) By the "Madras Coffee-stealing Prevention Act, 1878," any laborer employed on a coffee estate found with green gathered coffee in his possession, and failing to account satisfactorily for such possession, which it is obvious he could readily do if he had come by the article lawfully, is liable, on a second conviction, to corporal punishment up to the limit of the Whipping Act of 1864, or of any other law in force in that behalf.

(g.) Whipping for offences against discipline in jails is sanctioned by Madras Act V. of 1869. 150 lashes are the limit, but in less serious cases the limit is 60 lashes.

4. Appended are returns of the whippings inflicted by the Criminal Courts and Superintendents of Jails for the past five years. His Grace the Governor in Council considers that no change in the law is called for; he observes that, where whipping is awarded in addition to imprisonment, the sentence cannot be carried out for fifteen days in order to admit of an appeal, and in paragraph 112 of the Report on the Administration of Justice for the last calendar year the High Court has certified that, irrespective of any appeal to the immediate appellate tribunal, the calendars in all such cases are at

once submitted for their inspection and orders. His Grace has received no recent complaints of the law being hastily or immoderately resorted to, and native feeling is unquestionably in favor of it.

I have the honor to be,
Sir,
Your most obedient servant,

OOTACAMUND,
3rd November 1880.

Chief Secretary.

STATISTICS OF WHIPPING.

I.—Number of Sentences inflicted by Criminal Courts.

Year.	In addition to other punishment.	In lieu of other punishment.
1875	494	2,317
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1879		

II.—Whippings inflicted in Jails.

Year.	Number.
1875	1,803
1876	2,378
1877	3,660
1878	3,818
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* Abnormal year (famine). Jails everywhere crowded. Crime prevalent.
† Ditto; in a minor degree.

Ed. J. W. Fischer.

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inction between whipping and flogging. But the punishment in India is not inflicted with the "cat," and is a much milder punishment than what is known as flogging in this country. (Hear, hear.)

Extract from the Times Newspaper dated 2nd July 1880.

PUNISHMENTS IN INDIA.

Mr. A. M. Sullivan asked the Secretary of State for India whether, considering the contemplated abolition of flogging in Her Majesty's naval and military services, the Government would take any, and what, measures to abolish punishment by the lash or bamboo in

Learned. Since the other day, and which does not appear on the paper, I may state that I have made inquiries, and find that corporal punishments in India are inflicted under different regulations in the different provinces. As far as I am able to ascertain, the punishment is usually inflicted, not with a "cat-o-nine-tails" but with a light cane; certainly in all cases of juvenile offenders that is so, and even when the punishment is inflicted on adults, it is of a very mild and light description. So much in answer to the general question of the Hon'ble Member. I may say that the experiment of discontinuing the punishment was tried on several occasions, both partially and in the whole of India. From 1862 to 1864 the punishment was not inflicted. During that time complaints were made by all the local Governments of the difficulty experienced in the interval. It has not been, therefore, continued or adopted by the Government of India without full consideration. Among the considerations which have rendered that necessary was the difficulty of inflicting any other punishment in a tropical climate. Penal servitude and solitary or separate confinement were impossible, owing to the mortality which occurred being very high in crowded gaols among prisoners who had been accustomed to spend almost their whole lives in the open air. It would be impossible to take any hasty or precipitate step in this matter. All I can undertake to do is to call for the opinion of the local Governments, and then to call for the opinion either as to its modification or continuance. (Hear, hear.)

Sept 15/80

Ind. Sept. 30

To Secy. E. I. Home Bt.

Sir, I am now directed by Mr. Trevelyan to reply to Mr. Cullen No 15-1052 of 26th Sept. last, enclosing copy of a despatch from Secy. of S., and calling for a full report as to the circumstances under which the punishment of whipping is inflicted, together with an expression of the views of his Lordship as to its modification or continuance. Statistics of the punishment for the past five years are appended.

2. 1st, as to the mode & extent of punishment. The law provides that in the case of juveniles, the cat-o-nine-tails shall be used; in the case of adults, when the cat-o-nine-tails shall be the instrument. No punishment is to exceed 150 lashes with the cat-o-nine-tails, or 30 stripes with the former. In his Report, it was decided - as far back as 1826 (Reg. VIII of that year) that the punishment with the cat-o-nine-tails was a very unequal one, varying with the size of the instrument & the strength of the person using it; & often occasioning serious bodily injuries, far beyond the intention of the law. The cat-o-nine-tails was therefore substituted, five lashes being declared equivalent to one stroke of a rattan. The instrument must be procured from the Arsenal at Fort St. George; & no alterations may be made in its use.

Five lashes, applied as much as the instrument must be, not to the back but to the sides, its use is disapproved & is deemed, in the case of grown up men.

pretence whatever; when repairs are required, it must be returned

to the Arsenal for the purpose. The lash is to

be applied to the offender's back; juveniles

are to be whipped on the posterior with a

light cane. A map on the back of a

tail must be present at every infliction

of corporal punishment; also a Medical

Officer, unless for any special reason

the C. M. J. passed the sentence otherwise

orders. If a Medical Officer on the map

present, is of opinion that the offender,

who is undergoing punishment, is not in a

fit state of health to undergo he remain

den, the whipping is formally stopped; & it

is open to the C. M. J. to sentence him to

Whipping to reverse the sentence to one of

imprisonment: - no sentence of Whipping being

awardable by instruments. The High C.

Separate Cts, 1st & 2nd class Magistrates only

can sentence to Whipping; Magistrates of the 3rd

class are interdicted from doing so.

3. 203, as to the offences for which Whipping

is awardable, it may be premised that

no female, no person entitled who may be

sentenced to death or to transportation or

to penal servitude or imprisonment for more

than five years, may be punished with

Whipping. Subject to these restrictions,

and to the provision that male

juvenile offenders are punishable with

Whipping only for any offence.

the penalty of death is not a bar to the following is a correct statement of the circumstances under which Whipping is awardable: - viz,

- (a) Persons convicted of larceny, Receiving, Burglary or Extortion may be punished with whipping in lieu of any punishment to which they may be liable for such offence, under the I. P. C.; and in addition hereto, on conviction of the same offence. The High C. of Madras lately proposed that it will be desirable to allow Whipping after a second conviction substantially (though not technically) of the same character; but the H. C. considering that the Act worked fairly well, declined to reopen

From G. D. K. M. S. 6 Aug 78 No 996

the scope of the Statute Book, as to Whipping, is to some people painful, in upon the subject of it. Most recent amendments.

- (b) on a second conviction of perjury, forgery, Robbery, Rape, indecently assaulting women, & unnatural offences - Whipping may be awarded in addition to any other punishment to which the party may be liable under the I. P. C.

- (c) Under the Madras (Amendment to Act, No I / 66, public followers &c, serving with the Army or punishable with imprisonment or with fine, or with both not exceeding 50 with a certain number of lashes, for all breaches of standing orders, or of their respective duties: - by section 30 of the same enactment the unlicensed sale of opium by such persons to others by Whipping & an alternative, up to 150 lashes.

(C) By the Native Articles of War, Act I/69,

Any Court Martial can sentence any person, subject to the Articles, below the rank of Warrant Officer - provided that if the convicted person be a non Commissioned Officer, he is first sentenced to detention to the rank to suffer corporal punishment not exceeding 50 lashes. ~~Reg A~~ Provost Marshal has similar powers in emergencies; and petty offenders by Native followers are punishable by 12 stripes of the rattan.

(d) By Act III, 1842, Boatmen serving in any boat or catamaran kept & employed on this side liable to corporal punishment not exceeding 36 lashes on conviction before a Justice of Magistrate on desertion of his duty, causing any impediment to the service of such boat or catamaran. Similarly, at the same Port, Boatmen are liable to ~~arrestable~~ flogged for hindering Police officers, attached to water boats, in the performance of their duty. Act XXVIII, 1858.

(e) By the Madras Coffee Stealing Reversion Act 178, any laborer employed on a Coffee Estate, found with green gubinal Coffee in his possession, & failing to account satisfactorily for the possession, is liable on a second conviction to corporal punishment up to the limit of the law in force in this behalf & ~~is liable to~~

(f) Whipping for offences of disobedience in force is sanctioned by Madras Act II, 1869. Lashes 150 are the limit, but in life serious cases the limit is 500 lashes.

4. It is pointed out returns of the whippings inflicted by the Courts & Magistrates of Jails for the past five years. It is to be noted that no change in the law is called for; he observes that where Whipping is awarded in addition to imprisonment, the sentence cannot be carried out for 15 days in order to admit of an appeal, and in para 112 of the Report on the administration of justice for the last calendar year, the H.C. has certified that, in the practice of any appeal to the immediate appellate tribunal, the calendar in all such cases are at once submitted for their consideration. It is to be noted that the law being harshly or unreasonably resorted to in the feeling is in favor of it.

Statistics of Whipping

I. Number of Sentences inflicted by Criminal Ct.

Year	In addition to other punishment.	In lieu of other punishment.
175	494	2317
76	660	3457
+ 77	2782	28,127
# 78	1593	14,729
79		

+ Abnormal year (Famine). Jails everywhere crowded & Crime prevalent.

Ditto; in a minor degree.

II. Whippings inflicted in Jails

Year	Number
75	1803
76	2378
77	3660
78	3818
79	2254

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FROM

THE HONOURABLE C. GRANT, C.S.,

Offg. Secretary to the Government of India,

TO

*The Secretary to the
Govt. of Madras.*

Home, Revenue and
Agricultural Department
Judicial.

SIMLA, the 24 September 1880.

SIR,

I AM directed to forward the accompanying copy of a despatch* from Her Majesty's Secretary of State for India, with annexures, relative to two questions asked in the House of Commons, viz., (i) in regard to the large number of sentences in which the punishment of whipping was inflicted in India in 1878, and (ii) in regard to the necessity for the retention of the punishment of whipping in the Indian dominions of Her Majesty.

2. I am to request that, *with the permission of His Grace the Governor in Council,* you will be good enough to furnish the Government of India with a full report as to the circumstances under which the punishment of whipping is inflicted, and also with an expression of *the opinion of His Grace in Council* as to its modification or continuance.

3. I am to add that the Government of India will also be glad to receive a copy of any instructions issued by *the Government of Madras* for the guidance of Judicial Officers in the exercise of their discretion under the Whipping Act, together with statistics for the past five years showing the offences for which whipping has been inflicted.

I have the honour to be,

SIR,

Your most obedient Servant,

C. Grant

Offg. Secretary to the Government of India.

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