

(1) பக்கங்களின் எண்ணிக்கை 162

(2) புதுக்கித் திருப்பிய நாள் 11/11/19

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 162

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு-அரசு

Judicial Dept. துறை

அரசாணை எண். 1506-1507 அச்சகம்
மு. கோப்புத் தாள் எண். பலவகை

நாள் : 17-6-1884. 198/

தபாடி கையாளவோ கூடாது

006-15-6-87.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—also the following paper :—

G.O. dated 13th February 1884, No. 404, Judicial.

ABSTRACT.—Directing that, in future, in all cases where women may be convicted for the murder of their infant children a reference be made to Government through the High Court, with an expression by the Sessions Judge of his opinion as to the propriety or otherwise of any reduction of the penalty being made; and requesting all Sessions Judges to forward a statement showing the number of cases tried before them in 1882 and the sentences awarded in such cases, &c.

READ—also the following papers :—

From the Acting Session Judge, North Malabar,	dated 21st February 1884.	No.	2.
" Sessions Judge, Coimbatore,	" 21st "	" "	210.
" " South Tanjore,	" 22nd "	" "	2.
" " Bellary,	" 23rd "	" "	42.
" " Cuddapah,	" 23rd "	" "	118.
" " Tinnevely,	" 25th "	" "	104.
" " North Tanjore,	" 26th "	" "	113.
" " Acting Sessions Judge, Salem,	" 27th "	" "	161.
" " " Nellore,	" 29th "	" "	252.
" " District Judge, Vizagapatam,	" 29th "	" "	113.
" " Sessions Judge, Trichinopoly,	" 29th "	" "	3.
" " District and Sessions Judge, South Canara,	" 29th "	" "	189.
" " Sessions Judge, Chingleput,	" 4th March "	" "	198.
" " " South Malabar,	" 4th "	" "	9.
" " " Godavari,	" 5th "	" "	425.
" " " Ganjam,	" 7th "	" "	69.
" " Agent to the Governor of Fort St. George	" 10th "	" "	32.
" " in Ganjam,	" 13th "	" "	3.
" " Sessions Judge, Kistna,	" 14th "	" "	7.
" " " South Arcot,	" 15th "	" "	7.
" " Agent to the Governor, Vizagapatam,	" 17th "	" "	5.
" " Additional Sessions Judge, Nilgiris,	" 22nd "	" "	128.
" " Acting Sessions Judge, Kurnool,	" 24th "	" "	
" " Sessions Judge, North Arcot,			
" " Acting Sessions Judge, Madura,			

From Lieutenant-Colonel T. K. GUTHRIE, Acting Inspector-General of Police,
to the Chief Secretary to Government, dated Madras, 21st May 1884,
No. 2709.

With reference to the official memorandum from the Assistant Secretary, dated 31st March 1884, No. 748, Judicial department, I have the honor to give the following explanation of the discrepancies that appear between the two statements of infanticide for 1882 as submitted by the police and by the Sessions Judges.

2. In Cuddapah no cases were shown by the police, but the Sessions Judge has shown one. The police reported that none occurred during the year 1882, the case shown by the Sessions Judge occurred in 1881, but was tried and convicted by him in 1882.

3. In *Godavari* three were shown by the police, but none were returned by the Session Judge, as he did not try any of them during that year.

4. In *Malabar* three cases were shown by the police out of four murders, the fourth, being a case in which the wife murdered her husband, was perhaps erroneously entered by the Sessions Judge as a fourth infanticide case. This cannot be ascertained for a certainty as the court is now closed.

5. In *Salem* one case was shown by the police but not by the Sessions Judge, as it was not tried by him during that year.

6. In *Vizagapatam* none were shown by the police. The Sessions Judge also on inquiry states that no cases of infanticide were reported to Government to have been tried by him in 1882. The entry of one case against Vizagapatam in the statement which accompanied your memorandum cannot be accounted for.

7. In *Ganjam* one case, with punishment of transportation for life, was shown by the police, but the Sessions Judge states that the original sentence was, on reference to Government, commuted to ten years' rigorous imprisonment. The commutation was not communicated to the Police department.

8. In *Madura* the punishment shown by the police was transportation for life, but the commutation of the sentence to seven years' rigorous imprisonment (as shown by the Sessions Judge), on reference to Government, was not communicated to the Police department.

ORDER—dated 17th June 1884, No. 1506, Judicial.

Ordered that the following letter be sent to the Government of India:—

(Here enter No. 1507, dated 17th June 1884.)

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

Gobt. of (1884) Madras.

JUDICIAL.

Issued.

Recd.

Encl.

G.O., 17th June 1884, No. 1506.

JUNE.

Infanticide.

Forwarding, with remarks, proceedings of this Government on the subject of the inaccuracy of the returns, shown in the Police Administration report for 1882, of cases in which women had been convicted of murdering their infant children.

17TH JUNE 1884, JUDICIAL.

JUDICIAL DEPARTMENT.

LETTER—from
THE CHIEF SECRETARY GOVERNMENT OF
FORT ST. GEORGE,
To
THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT (JUDICIAL).

SIR,

I am directed, with reference to the Government of India, Home (Judicial) department, dated 17th Jan No. 1—67—77, paragraph 4, to transmit the enclosed proceedings of this department, and to state that His Excellency the Governor in Council regrets that, on the returns now explained by the Inspector-General of Police, the returns, shown in the Police Administration report for 1882, of cases in which women had been murdering their infant children were inaccurate.

2. The returns now submitted to the Judges show that out of a total of thirteen women charged, twelve were of murder and one of concealment of birth. In eight cases the Government reduce the sentences passed, while in the remaining four cases no reference to this Government. His Excellency the Governor in Council has, however, the records in these cases in view to the Government of India, Home (Judicial) department, dated 17th Jan No. 1—67—77, paragraph 4, to transmit the enclosed proceedings of this department, and to state that His Excellency the Governor in Council regrets that, on the returns now explained by the Inspector-General of Police, the returns, shown in the Police Administration report for 1882, of cases in which women had been murdering their infant children were inaccurate.

I am, Sir,
Your most obedient servant,

OOTACAMUND,
17th June 1884.

Chief Secretary.

Exd. T. O'Connor.

Gr. No.

ME 1884 DEPT.

[]

on the Government of
Fort St. George.

issued

recd.

Encl.

Letter, 17th June 1884, No. 1507.

JUNE.

Infanticide.

Forwarding, with remarks, proceedings of this
Government on the subject of the inaccuracy of
returns, shown in the Police Administration
Report for 1882, of cases in which women had
been convicted of murdering their infant children.

Reg. No.

HOME 1884 DEPT.

[]

From the Government of
Fort St. George.

Issued

Recd.

Encl.

Letter, 17th June 1884, No. 1507.

JUNE.

Infanticide.

Forwarding, with remarks, proceedings of this Government on the subject of the inaccuracy of the returns, shown in the Police Administration report for 1882, of cases in which women had been convicted of murdering their infant children.

Read - again the following papers: - 1 white
17th June, 1884

13TH FEBRUARY 1884, No. 404, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following paper:—

Extract from the Proceedings of the Government of India in the Home department (Judicial), dated Calcutta, 17th January 1884, Nos. 1—67 to 77.

Read—again the undermentioned papers regarding women convicted of murdering their infant children:—

Home, Revenue, and Agricultural Department Resolution, Nos. 15—1105 to 1117, dated the 26th September 1879.

Home Department Circular, Nos. 23—1540 to 1549, dated the 19th October 1882.

Letter from the Government of the North-Western Provinces and Oudh, No. 840, dated the 16th November 1883.

Letter to the Government of the North-Western Provinces and Oudh, No. 1574, dated the 29th November 1883.

Read also—

The Police Administration Reports of the several Provinces for the year 1882, with the exception of those for the Bombay Presidency and the North-Western Provinces and Oudh.

Resolution—

In the year 1876 the expediency of reducing the penalties of death or transportation for the case of women murdering their new-born illegitimate children under an overpowering sense of shame came under the consideration of the Government of India. The Governor-General in Council, after a careful consideration of the opinions of Local Governments and Administrations who were consulted, came to the conclusion that, in preference to making any change in the provisions of the Indian Penal Code relating to the matter, the object in view might be sufficiently attained if the judicial authorities submitted all cases in which women were found guilty of murdering their infant children to the Local Government or Administration so as to give an opportunity for a consideration of the question whether any commutation or reduction of the sentence should be allowed, it being left to the Local Governments to take such action in cases thus reported as might seem advisable under the particular circumstances of each case. This decision was communicated to Local Governments and Administrations by Home, Revenue, and Agricultural Department Resolution, No. 5—1105, dated the 26th September 1879.

2. In Home Department Circular, dated the 19th October 1882, the Government of India desired that a special account should be given in Annual Police Reports, or in the Resolutions recorded thereupon, of the cases in which women might have been convicted by criminal courts in the several presidencies and provinces of the murder of their infant children; and that this notice should include an account of any action

which might have been taken in such cases under the orders contained in the Resolution referred to in the preceding paragraph.

3. An examination of the Police Administration Reports for the year 1882, with the exception of that for the Bombay Presidency, which has not yet been received by the Government of India, discloses the following particulars on the subject under notice.

4. *Madras*.—Out of 13 women arrested, 11 were convicted. In 4 of these cases the sentences passed appear to have been commuted by the Local Government to terms of imprisonment. The sentence of transportation for life was awarded in the remaining 7 cases, but it is not clear whether the Local Government interfered and reduced the sentences of the women concerned. This information should now, with the permission of His Excellency the Governor in Council, be supplied.

5. *Bengal*.—In the Lower Provinces the sentence of transportation for life appears to have been passed in 8 cases upon women convicted of the murder of their infant children, 4 of whom were legitimate. Two other cases of the murder of illegitimate infants also occurred, in one of which a sentence of 6 months' rigorous imprisonment was inflicted. The remaining case was pending before the Sessions at the close of the year. No action appears to have been taken by the Local Government in any of the cases in the way of reducing the sentences passed on the women who were convicted.

6. *North-Western Provinces and Oudh*.—The subject was not adverted to in the report for these provinces. The Local Government explained that the details for the preparation of the statement were not ready when the Local Police Report for 1882 was received, and that it was considered inexpedient to delay the review of the report till the requisite information was available. In the month of November last, however, a special report was submitted, giving a list of 11 cases in which during the year 1882 women were convicted and sentenced to transportation for life by the criminal courts in those provinces for the murder of their infant children. In 9 of these cases the sentences were commuted by the Local Government to imprisonment for various terms, and remission was refused in the remaining 2 cases.

7. *Central Provinces*.—In paragraph 14 of the Central Provinces Police Report an account is given of 5 cases of murder of illegitimate children. The woman convicted in one of these cases was acquitted on appeal, but in the other 4 the accused were on conviction sentenced to transportation for life. The Chief Commissioner has passed orders reducing the sentences to terms of imprisonment in 2 cases, and directing the release of the prisoner in a third.

8. *Coorg*.—Paragraph 2 of the Coorg Police Report contains an account of 2 cases of infanticide, only one of which seems to fall properly within the scope of the orders contained in Home, Revenue, and Agricultural Department Resolution dated the 26th September 1879. The parties concerned in the case were at the date of report awaiting trial by the Court of Session.

9. *Hyderabad Assigned Districts*.—From paragraph 6 of the note recorded by the Judicial Commissioner on the Provincial Police Report for 1882, it appears that in 2 cases women were convicted of the murder of their illegitimate children, in one of which a capital sentence was awarded, and in the other the sentence was transportation for life. These sentences were commuted by the Resident to terms of imprisonment.

10. The Police Reports of the remaining provinces, viz., Punjab, British Burma, and Assam, do not contain any information on the subject.

11. From the foregoing résumé it seems clear to the Government of India that the Home Department Circular of 19th October 1882 has not received sufficient attention in all the provinces. The Governor-General in Council considers it very desirable that future Police Administration Reports should contain a special section noticing the subject, and that Local Governments and Administrations, in reviewing the reports, should note any cases in which they may have interfered since the submission of the report.

Order—

* Madras.
Bombay.
Bengal.
North-Western Provinces and Oudh.
Punjab.

Central Provinces.
British Burma.
Assam.
Coorg.
Hyderabad.

Ordered that the above Resolution be communicated to * Local Governments and Administrations for information and guidance.

(True Extract.)

(Signed) A. MACKENZIE,
Secretary to the Government of India.

To the Chief Secretary to the Government of Madras.

ORDER—dated 13th February 1884, No. 404, Judicial.

All Sessions Judges are directed, with reference to the concluding paragraph of the Resolution of the Government of India read in G.O., 10th October 1879, No. 2621, Judicial, to forward a statement showing the number of cases tried before them in 1882 in which women were convicted for the murder of their infant children and the sentences awarded in such cases, with the result of any reference which may have been made to the Government in view of the reduction of the penalties awarded.

2. The Government direct that in future, in all cases where women may be convicted for the murder of their infant children, a reference be made, through the High Court, to them with an expression by the Sessions Judge of his opinion as to the propriety or otherwise of any reduction of the awarded penalty being made.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To all Sessions Judges.
" all District Magistrates.
" the Inspector-General of Police.
" the Honorable the Judges of the High Court, with C.L.

Exd. J. W. Fischer.

Govt. of (1884) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 13th February 1884, No. 404.

FEBRUARY.

Abstract.

Infanticide.

Directing that in future in all cases where women may be convicted for the murder of their infant children a reference be made to Government through the High Court, with an expression by the Sessions Judge of his opinion as to the propriety or otherwise of any reduction of the penalty being made; and requesting all Sessions Judges to forward a statement showing the number of cases tried before them in 1882 and the sentences awarded in such cases, &c.

Read - also the following

No. V

From

To

Coincidence Sessions Court

21st February 1884

H. Wigram Esquire

Sessions Judge of Coimbatore

The Honorable E. F. Webster

Chief Secretary to

Government of Madras

Fort St. George

Sir,

With reference to G.O. No. 404 dated 13th February 1884 (Judicial) I have the honor to forward herewith a list statement of cases tried before the Sessions Court of Coimbatore Division in which women were convicted for the murder of their infant children in the year 1882.

I have the honor to be

Sir

Your most obedt. serv.

H. Wigram

Sessions Judge

7

The following showing the number of cases tried before the Sessions Court
 of Cook's County during the year 1884.

Month	Charge	Verdicts rendered	Result of Verdicts Number of cases in which Verdicts were rendered.	Remarks
<div style="text-align: center;">  J. L. L. </div>				

Subscribed
 Sessions Court
 21 February 1884

Signed
 Sessions Court

Statement showing the number of cases tried before the Sessions Court of North India in the year 1882 in which women were convicted for the murder of their infants and

Number of the Court	Name of the accused	Description of the offence charged	Sections passed	Whether any reference made to the Court of Sessions or not
34 of 1882	2 cases before the Sessions Court of Lucknow	Murder and concealment of birth under sections 302 and 318 I.P.C.	Two cases rigorous imprisonment made to Government the 318 I.P.C.	No reference made to Government the Sessions Court of Lucknow of the 318 I.P.C.

Respectfully
 As: Sessions Judge
 Lucknow
 13 February 1884
 with reference to the Chief Secretary to Government Judicial Department, Lucknow

3 heavy
 754
 Judicial (1884) Depatt.
 From
 The Sessions Judge
 Lucknow

Dated - 21st Feb: 1884
 Recd: 222 - 20
 Received - 2

No 2
 Enclosure - 1-

Subject
 Forwarding a list
 statement of cases in
 which women were convicted
 for the murder of their
 infant children in the
 year 1882.

22 Feb 1884
1884

Judicial Department

778

From,
The Ag. Sessions Judge of
North Malabar

Dated 21st February 1884.
Received 21

Statement showing the
number of cases tried
before the Sessions Court
of North Malabar in
1882 in which women
were convicted for the murder
of -

anyone
21st February 1884

No.	Name.	Charge.	Sentence.	Remarks.
		Nil		

Sessions Judge

Statement showing the number of cases tried before the Sessions Judge of North Malabar in 1882 in which women were convicted for the murder of their infant children and the sentence awarded in each case was the result of my reference made to Government in view of the petition of females awarded.

Enclosure etc.

Recd a letter from the Session
Judge South Canara, dated
21st February 1884.

Statement showing the number
of cases tried before his court
in which women were
convicted & sentenced for the
murder of their infant
children.

7/6/779784

No 210.

Canara
21st February 1884.

From

G. A. Parker Esquire.
Session Judge
South Canara

To

The Honorable E. F. Webster
Chief Secretary to Government
Madras

Sir

With reference to the Order of
Government No 404 of the 13th Instant,
Judicial, I have the honor to forward
for the year 1883 a blank statement
showing the number of cases in which
women were convicted for the murder of
their infant children.

I have the honor to be

Sir
Your most obedient servant

Session Judge

4 Dec 1882

1884

Judicial Department

Sir,

The Session Judge

South Canara

Dated 21st

Recd.

February 1883

Enc. 1

No 21

In the year 1882 a
forwarding blank statement
showing the number of cases
in which women were con-
victed for the murder of
their infant children

No. 2.

Sessions COURT, BELLARY.

Dated the 22nd February 1883.

From

J. D. Goldingham Esquire,
Sessions Judge,

Bellary,

To

The Chief Secretary to Government,
Madras

Sir,

With reference to the order of
Government dated 13th instant N^o 404
Judicial I have the honor to submit
the accompanying statement called
for in the said order regarding
infanticide by mothers for the year
1882.

I have the honor to be,
Sir,

Your most obedient servant.

J. D. Goldingham
Sessions Judge

Statement of Cases of Infanticide for the year 1882.

Number of Case in which women were found guilty of murdering their infant children.	Any remission of the sentences Sentence passed on which may have been granted by the Government of Madras.	Remarks.
11 1882	Sentenced to transport. Sentence commuted to 5 years rigorous imprisonment.	Vide Government Order dated 30 th March 1882 No 475 R. ✓
44 1882	Sentenced to transport. Sentence commuted to 7 years rigorous imprisonment.	Vide Government Order dated 30 th September 1882 No 1455
51 1882	Sentenced to transport. Recommended for reduction of sentence to 5 years rigorous imprisonment.	Recommendation <u>not</u> acted upon. Vide Government Order dated 13 th October 1882 No 1571.
3	Sentenced to transport. Sentence commuted to 5 years rigorous imprisonment.	

Sessions Court
Bellary
22nd February 1884

19 January 1884
Session Judge

Enclosure

In a letter from the
Sessions Judge of Bellary
dated 22nd February 1881
No. 2.

Statement of cases
of Infanticide disposed
of in 1882.

Ind 777784

14

10-3-82: 47.1.
70-9-82: 145.1.
13-10-82: 157.1.

Judicial Department

From

The Sessions Judge,
Bellary,

To

777
The Chief Secretary to Government,
Station Bellary, Madras

Dated 22nd February

Despatched 23rd Feb 1884

Received

No. 2.

Enclosures. 2.

Forwarding Statement
showing the N^o of cases
of Infanticide disposed
of in 1882 as directed
in G.O. N^o 404 of the
13th Instant.

N^o 42

Cuddapah Sessions Court
23rd February 1884

From

The Sessions Judge
Cuddapah

To

The Chief Secretary
to Government
Madras

Sir,

I have the honor to submit
the enclosed Statement showing the
number of Cases tried before this Court
in the year 1882, as called for in
G.O. N^o 404^{Judicial}, dated 13th Instant.

I have the honor to be,

Sir,

Your most obt^d servant,

J. S. S. S. S.

Sessions Judge

15

Statement showing the Criminal Cases in which women were
 Convicted for the murder of their own infant children in the year 1882 before
 the Sessions Court Cuddapah.

Session Case number	Name of the accused	Nature of offence with which the accused was charged	Sentence	Remarks
2 of 1882	Vudida Buntula Pitche.	Murder of her own new born child under Section 302 of the Indian Penal Code.	Transportation for life.	The sentence was reduced to (2) two years rigorous imprisonment by the order of Government No. 2557 dated 2 nd March 1882.

Cuddapah
 Sessions Court
 23rd February 1884

J. B. J. J. J.
 Sessions Judge

Judicial 1884. Dept.
763.

From
The Sessions Judge
Cuddalore
To
The Chief Secretary
to Government

Dated 23rd February
Red 25 - } 1884

No 42
Enclosure - 1
Submitting a statement
showing the Criminal Cases
in which women were con-
-victed for the murder
of their own infant children
in the year 1882.

No 118.

Tinnevely.
Session Court
23rd February 1884. (14)

From, J.C. Hughesdon Esq.,
Session Judge,
Tinnevely.
To, The Hon'ble E.F. Webster,
Chief Secretary to Government
Fort Saint George,
Madras.

Sir,
With reference to Government Order,
dated the 13th Instant, No. 404, Judicial, I have the honour
to state that there was no case tried before the Session Court
of Tinnevely in 1882 in which women were convicted for
the murder of their infant children. [But in 1883 there
was one case [Session Case No. 60 of 1883] in which I con-
victed and sentenced the Prisoner to transportation for
life. The reasons for my not recommending to Govern-
ment any reduction of the sentence are embodied in my
Judgment, copy of which is herewith submitted.]

I have the honor to be,
Sir,
Your most obedt. servt.

Chambers
Session Judge.

(5)

TINNEVELLY SESSION CASE NO. 60 OF 1883.

Committed by C. Anantanarayana Aiyar, 2nd Class Magistrate of Ambasamudram Taluq.

Assessors :—(1) Muthukumarasami Pillai, (2) Murugalingam Pillai and
(3) Muthusami Pillai.

JUDGMENT:—

OFFENCE. Child-murder and concealment of birth. Sec. 302 & 318, I. P. C.
OPINION OF ASSESSORS. Guilty.
FINDING OF JUDGE. Guilty.
SENTENCE. ... Transportation for life.

Serial Number.	DESCRIPTION OF ACCUSED.						DATE OF			
	Name.	Husband's name.	Caste or race.	Occupation.	Residence.	Age.	Occurrence.	Complaint.	Apprehension.	Commence-ment of Trial.
1										
	Ananthi alias Ananji.	Muthukannu Tevan.	Marava.	Cooly.	Tuppakudi.	30	2-9-83.	3-9-83.	9-9-83.	3rd October 83.
										8th October 83.
										...

Prisoner, 30 or 35 years of age, is charged with the murder of her newly-born infant. She appears to have been married some 15 years ago, but for some time past has been living apart from her husband and leading the life of a prostitute.

2. 2nd and 3rd witnesses prove that prisoner left her village in a state of pregnancy about a month ago and returned a few days later and that on being asked then what had become of the child she said it had died.

3. 1st witness proves that prisoner came to his house and begged for food which was given to her; that she remained on the piall to sleep; that during the night she gave birth to a child; that the child was alive; that the woman then went away (having apparently been driven away by the inmates of the house) and that she took the child with her.

4. 4th and 5th witnesses prove the discovery of the body of a newly-born child in a certain channel; and the medical evidence shows that the child was born alive and died by drowning.

5. Prisoner admits the birth of the child, but alleges that it was born dead.

6. The Assessors consider that prisoner is guilty of murder; on the evidence it seems impossible to arrive at any other conclusion. But the special hardships attending the birth being borne in mind it does not appear to be a case in which sentence of death should be passed. On the other hand considering the age of the woman, the life she had apparently been leading, the fact that she seems to have left her village for the express purpose of giving birth to the child and destroying it, and then returning, I do not think that any commutation of the sentence of transportation for life can properly be recommended.

7. Concurring with the Assessors, I find that Ananthi *alias* Ananji committed murder, an offence punishable under Section 302, I. P. C., and I direct that she be transported for life.

8th October 1883.

(Signed) J. C. HUGHESDON,
(True Copy) Session Judge.

Session Judge.

Prob
833/784

16

20

7
Judicial 1884 Department.

From. 833
The Session Judge,
Tinnevely.

Dated 23rd } February 1884.
Sent 26th
Received

N^o 118

Enclosure one.

Reporting that no woman was
convicted for the murder of her
infant child in 1882 but one was
convicted in 1883.

No. 104.

17
Sessions Court of North Tanjore
Tranquebar 25 February 1884.

From
The Sessions Judge of
North Tanjore.

To
The Chief Secretary to Government
Madras.

Sir,
Adverting to para 1 of
G. O. dated 13th February 1884, No. 404,
Judicial, I have the honour to
report that no cases were tried
before the Sessions Court of this
division in 1882 in which women
were convicted for the murder of
their infant children.

I have the honour to be,
Sir,

Your most obedient servant,

W. H. Aham
Sessions Judge.
W. H. Aham

456

8
Judicial (1884) Deptt.

From
The Sessions Judge of
North Tanjore.

Dated 25th } February 1884.
Received }
No. 121.

Reporting that no
cases were tried before
the Sessions Court
of this Division in
1882 in which women
were convicted
for the murder of
their infant children.

8/11/71

No: 113

18 Sessions Court, Salem
26th February 1884
Recd. 28th — 30.

From

E. N. Overbury Esquire,
Ag. Session Judge,
Salem.

To

The Honorable E. F. Webster,
Chief Secretary to Government,
Fort St. George,
Madras.

Sir,

With reference to the Order of
Government, dated 13th February 1884, No: 404,
Judicial, I have the honor to report that
no cases were tried before this Court, in
which women were convicted of Infanticide,
in the year 1882.

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

456

22
Ag. Session Judge

Judicial Department.

9

834

From

The Ag. Session Judge,
Salmon.

Dated 26th
Decr 28th } February 1884
Recd }

No. 113

Encls. —

Subject

Reporting that no cases
were tried before this Court,
in which women were
convicted of Infanticide,
in the year 1882.

No 161

Session Court,
Kellowne.

27th February 1884.

From

L. A. Campbell Esq.,
Ag. Session Judge, Kellowne.

To,

The Chief Secretary to Government,
Fort Saint George, Madras.

Sir,

With reference to G. O. No 404 of the 13th
Instant, I have the honor to state that no cases
were tried before this Court in 1882 in which women
were convicted for the murder of their infants
children.

2 There was one such case in 1883 (Sessions Case
No 37) in which the offender was sentenced to be transported
for life and the sentence was confirmed on appeal.

In this case I gave it as my opinion that the
kindest thing that could be done to the unfortunate
woman - a widow - would be to send her out of the
country far away from the village where her shame was
known & from the relations at whose hands she had experienced
little kindness and must now hope for life.

I have the honor to be,

Yours most obedient servant
L. A. Campbell
Ag. Session Judge.

From 832
The S. Session Judge
of Bellary

To The Chief Secretary to Government
Fort Saint George
Madras

Dated 27-2-84

Received

Informing that no cases were
tried before this Court in 1882
in which women were convicted
for the murder of their infant
children.

Vizagapatam Session Court
29th February 1884

No 252

From

A. L. Sister Esquire
Session Judge
Vizagapatam

To

The Honorable E. L. Webster
Chief Secretary to the Government
Fort Saint George.

Sir,

In reply to G. O. No 404 Judicial, of the 13th
instant I have the honor to state that no case
was tried by this Court in the year 1882, in which
a woman was convicted for the murder of her
infant child.

I have the honor to be

Sir

Your most Obedient Servant

A. L. Sister

Session Judge

25

C. S. S. S.

11

9/6

Judicial (1884) Department

Thru

W. S. Lister Esquire

District Judge
Nagafortam

By

The Honorable E. J. Webster

Chief Secretary to Government
Fort St. George.

140

Dated 29th February } 1884

Received 3/11/84

EX^o 242

Enclosures: None

Stating that no case was tried by this
Court in which a woman was convicted
for the murder of her infant child, in
the year 1882.

No. 113.

Sessions Court of Trichinopoly
29 February 1884

From

J. F. Smith, Esquire

Sessions Judge of
Trichinopoly

To

The Honorable E. J. Webster

Chief Secretary to Government
Fort Saint George.

Sir,

Adverting to G. O. 13th February 1884
No. 404, Judicial, I have the honor to
report that there was no conviction of
women for Child Murder in the Sessions
Division of Trichinopoly during the year
1882.

I have the honor to be
Sir,

Your most obedient servant

J. F. Smith,

Sessions Judge

12
Judicial (1884) Dept.
No.

From

The Sessions Judge
Trichinopoly

To

The Chief Secretary to Govt.
Fort St. George.

Dated 29th February 1884
Recd. 9 March 1884

No. 113.

Enclosure—

Reporting that there
was no conviction of
women for child murder
in the Sessions Division
of Trichinopoly during
1882.

No. 3.

District and Sessions Court,
South Canara.

Mangalore 29th February 1884.

From

The District and Sessions Judge

South Canara.

To

The Chief Secretary to Government,
Fort St. George.

Sir,

With reference to G. O. dated 13th Instant,
No. 104, I have the honor to state that
no case of infanticide was tried in this
Court in 1882.

I have the honor to be

Sir,

Your Most Obedient Servant.

W. B. G. J.
District and Sessions Judge.

B

29

30

Session Judge

12
Govt (1884) Judl Dept.

From
The Session Judge,
South Canara

Dated 29th Feb:
Rec^d 4 March } 1884

No 3.

Enclosures — none

With reference to G. O. No. 404,
stating that no case of
Infanticide was tried in 1882

No 189.

21
Chingleput Session Court
29th February 1884
Rec^d 1st March

From

J. H. Nelson, Esquire,
Session Judge of
Chingleput.

To

The Honorable E. F. Webster,
Chief Secretary to Government
Judicial Department
Madras

Honorable Sir,

With reference to Government
Order, dated the 13th Instant, No. 404,
Judicial, I have the honor to report
for the information of Government
that no cases of women being
accused for the murder of their
infant children were tried by this
Court in the year 1882.

I have the honor to be,
Honorable Sir,

Yours most Obedient Servant,
J. H. Nelson
3^d Session Judge

Statement showing the number of cases in which women were convicted for the murder of their infant children tried by the Session Court of South Malabar in 1882.

No. of the case in the Register	Name of the Prisoner	Sentence awarded	Result of any reference made to Government	Remarks
42 of 1882	Yellathur Chokiyil Chulla Mutt	Transportation for life		
45 "	Muthiyadim Unnan Unnal	— do —		
66 "	Abdulla Unnal	— do —		

34 33

Before Court
South Malabar
Sess Court 4: March 1884

Before Judge

JUDICIAL DEPARTMENT.

FROM
THE Session JUDGE,
Chingleput.

No. 189

Dated 29 Feb 84
Despatched 10 March 1884
Received 3 March

No.

Enclosure

SUBJECT.

Reports that no cases of women being accused for the murder of their infant children were tried by this Court in the year 1882.

Enclosure 1

In a letter from the
Sesion Judge of South
Malabar, dated 4th
March 1884. N^o.

The statement referred
to in the above letter

File 936/11

No. 9

GODAVARI Sessions COURT,
Rajahmundry, 14 March 1884.

From,

John K. K. Esq.,
Sesion Judge,
GODAVARI.

To,

E. F. Webster Esq.,
CHIEF SECRETARY TO GOVERNMENT, Judl Departt.,
FORT SAINT GEORGE,
MADEIRA.

Sir,

With reference to G. O. No 404,
Judicial, of 13th February 1884, I have
the honor to state that no women
were in 1882 or 1883 convicted by this
Court of the murder of their infant
children.

2. There were in 1882, two cases
under Section 317 (exposure of a
child with intention of wholly aban-
doning it.) In the first case
the child was newly born and was
abandoned from shame. The prisoner
was

35

was sentenced to 18 months rigorous imprisonment which have expired.

3. In the other a prostitute abandoned an illegitimate child of 2 years old suffering from a chronic & offensive disease & was sentenced to be simply imprisoned for six weeks.

I have the honor to be,
Sir,
Your most Obedt Servt,

Wm. L. ...
Sessions Judge.

17
Government No. 1079

From

The Sessions Judge
Ganjam

Dated 5th March
Received 11- } 1884.

No 425

Subject

Statement showing the number
of Cases in which women were con-
victed for the Murder of their infant
Children in 1882.

No. 69.

COURT OF THE AGENT TO THE GOVERNOR
OF FORT ST. GEORGE IN GANJAM,
CHATRAPUR 7th March 1884.

J. G. Norrell Esquire.
Agent to the Governor
in Ganjam.

To

The Chief Secretary to the
Government
Judicial Department
Fort Saint George.

Enclosures. 6-

Referring to para 1 of the Government
Order dated February 13th 1884 8th 404
Judicial Department, I have the honor
to state that no Cases having been
tried before this Court in 1882 in which
women were convicted for the Murder
of their infant Children, the statement
therein called for is not submitted for
this Court.

I have the honor to be
Sir.

Your most obedient Servant

J. G. Norrell
Agent to the Governor
in Ganjam.

W. 39

18
CURRENT No. 116

Judicial Department.

GANJAM DISTRICT.

—1812 (9) 70182—

From

THE AGENT TO THE GOVERNOR OF
FORT ST. GEORGE
IN GANJAM.

To

THE Chief Secretary to
Government
Judicial Department
Fort Saint George.

Dated 7th March

1884.

Received

No. 69.

Encls.

Subject.

Stating that no Cases having
been tried before this
Court in 1882 in which
women were convicted
for infanticide the statement
called for is not submitted
for this Court.

No. 32

Session Court,
Kistna
Masulipatam.
10th March 1884.

From

The Sessions Judge,

Kistna.

To

The Registrar of the High Court
of Judicature, Appellate
Side, Madras.

Sir,

With reference to G.O. dated
the 13th February 1884, No. 404 Judicial,
I have the honor to state that in 1882 there
were no cases tried in this Court in which
women were convicted for the murder of
their infant children.

I have the honor to be,

Sir

Your most obedient servant

Th. L. S.

By: Sessions Judge

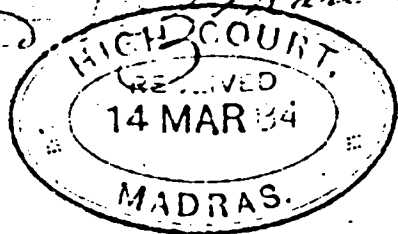
CURRENT No. 44/6.

Judicial 3/2843 Dept.

From
The Sessions Judge
Madras.

No. 32

Dated 10th 3 March 1884.
Received.



Ap.

Stating that in 1882, there
were no cases tried in this
Court in which women
were convicted for the
murder of their infant
children.

✓

(3)

N^o 3.

Session Court of South Arcot.
Cuddalore, 13th March 1884.

From

J. Hope Esquire,
Session Judge of
South Arcot.

To

The Honorable C. F. Webster,
Chief Secretary to Government,
Madras.

Sir,

With reference to the order of
Government dated 13th Ultimo N^o 404,
Judicial, I have the honor to inform you
that no case of Infanticide was tried by
this Court in the year 1882.

I have the honor to be

Sir

Your most obedient servant

J. Hope
Session Judge.

42

No 940
Transferred to the Chief
Secretary to Government.

High Court.
Judicature
Madras 15 March
1884.

J. P. Davis

Sg Registrar
Appellate Div.

70
Judicial Department.

From

The Sessions Judge of
South Arcot.

To
The Chief Secretary
to Government.
Madras.

Dated 13 } March 1884.
Recd. 11 }

223.

Informing that no case
of Infanticide was
tried in 1882.

38

38 42

Statement showing the cases tried in 1882 in which women were convicted for the murder of their infant-children

No. of Case	Name of Accused	Result of Inquiry	Date of Sentence	Remarks
Section Case No 8 1882	Maugis	Transportation for life	17-4-82	The husband of the prisoner having been carried away in the <u>fitting</u> , she was unable to maintain herself and her two children, and consequently murdered them by cutting their throats, and attempted to commit suicide.

She was tried for the murder of her children under Section 302 and sentenced to transportation for life.

On appeal the High Court confirmed the conviction and sentence, but recommended the case to Government for mercy. The Government in their merciful No 1703

dated 27th June 1883 ordered that she should be released and made over to her father.

Accordingly she was released and made over to her father in December 1883

Memorandum

Wing Adjutant
Government Agents
Office 14, Bazaar 1884

For by Agent to the Governor

To the Chief Secretary to Government

For David George

With reference to G. O 13th February 1884

No 404 para I

130.

21
1884 No. 189
Judicial Department

From
The Agent to the
Governor
Vizagapatam.

To
The Chief Secretary
to Government.
Fort St. George

Dated 14th }
Per } March 1884
J

Subject

Statement showing
the cases tried in 1882
in which women
were convicted for
the murder of their
Infant children

(A)
Additional Sessions Judge
DISTRICT MAGISTRATE'S OFFICE,
Ootacamund, 15 March 1884.

No. /
FROM D. R. Burrows Esquire
Additional Sessions Judge
THE DISTRICT MAGISTRATE,
OF NILGIRIS.

To
The Chief Secretary
to Government.
Judicial Dept.

SIR,

Adverting to para 1 of G. O. Ju-
dicial N^o 404 dated 13 February last
I have the honor to report that in the
year 1882 no women were tried or con-
victed by the Additional Sessions Judge
Nilgiris for the murder of their infant
children.

I have the honor to be
Sir,
your most obt. Servant

D. R. Burrows
For Additional Sessions Judge

22
1881. No. 1173

Judicial Department

From

The Asst. Commr.
Judge of
Algeria

To

The Chief Secretary
to Government
Madras

c. p. y.

Dated 15
Sept. 14 } March 1884

17

Enclosure 1st

Infantile

Reporting that in the
year 1882 no persons
were tried by him for the
murder of—

Statement showing the number of cases tried in the Sessions Court of Madras in 1882
in which women were convicted for the murder of their infant children.

Session Case No.	Name of the Accused	Sentence awarded Result of reference made to the Government	Remarks
29 1882.	Veeramma	Transportation The sentence of Transportation for life.	for life was commuted to one of rigorous imprisonment for 2 years. (vide Procès-verbal 23 rd February 1883 No. 534 Miscellaneous)

Sessions Court of
Madras
17th March 1884

(B)
H. H. H.
By Sessions Judge

Original (1884) Department

From,

The Sy. Sessions Judge
Kurnool

Dated 17th March
Recd } 1884

Enclosure to letter No. 7

Statement showing
the number of cases tried
before the Sessions Court
of Kurnool in 1882 in
which women were convic-
ted for the murder of their
infant children.

Recd 11/5/11
11/5/11

No. 7.

Sessions Court, Kurnool

17th March 1884.

From,

The Sy. Sessions Judge,
Kurnool.

To,

The Chief Secretary to the Govt
of Fort Saint George,
Madras.

Sir,

As directed in the Proceedings of
Government dated 13th February 1884,
No: 404, Judicial, I have the honor to
submit a statement showing the
number of cases tried before this
Court in 1882 in which women were
convicted for the murder of their infant
children.

I have the honor to be

Sir,

Your Most Obedt Servt

Sy. Sessions Judge

hdy
Kc

49

50

23
Criminal No. 1101
Criminal (1882) Department

From,

The Dy. District Judge
Muzumdar

dated 17th March }
Recd. / } 1884.
No. 7
Enclosure 1

Submitting a statement
showing the number of cases
tried before the Court 1882
in which women convicted
for the murder of their
infant children.

In the High Court of Judicature at Madras.
Friday the twenty eighth day of July.
One thousand eight hundred and eighty two.

Present.

The Honorable Mr. Justice Muthusami Iyer, C.J.

The Honorable Mr. Justice Tarrant.

Referred trial no 27 of 1882.

Simmi _____ Prisoner.

Trial referred by the Court of Session
of North Arcot for confirmation of
the sentence of death passed upon the
said prisoner in Case no 40 of the Calendar
for 1882.

Criminal Appeal no 159 of 1882.

Appeal by the prisoner against the said sentence.

Judgment.

The prisoner is a widow aged about 35 years
and lost her husband during the famine.
Since his death she has been kept by one

Macherappa. In March last she was
in an advanced stage of pregnancy, and
on the night of the 12th of that month,
she gave birth to a male child. The 1st
witness for prosecution, who is prisoner's
daughter and a girl of 14 or 15 years of age,
deposed that the child was born alive;
that it cried; that the prisoner asked her
and the 2^d witness to kill the child; that
on their refusing to do so, the prisoner
put her foot on the neck of the child
which was lying on the ground; and that
the child gave a moan and died. The 2^d witness
who assisted the prisoner during her delivery
gave substantially the same evidence.
The 4th witness stated that the 1st and 2^d
witnesses told her next day that the
prisoner had killed the child. The medical
evidence was to the effect that the child

43
was born after the full period. There
is also evidence to show that after the
child died, the prisoner and the 1st and 2^d
witnesses put the dead body on a winnow, carried
it to a field near the house and buried
it there before cock-crow. The 2^d witness
stated further that though there was no light
in the room when the child was born,
still there was bright moon light. The
prisoner's defence was that as soon as
the child was born, she became insensible,
that when she recovered her senses, she
observed that the child was dead; that
she did not know how it died and whether
it was born alive, and that the 1st and 2^d
witnesses told her that they were not
present when the child was born. The
medical witness has ^{also} deposed that
women generally immediately after

the expulsion
of the child become somewhat insensible,
that they remain so for about 5 minutes,
and that they are not aware of what they do
during this period.

There is no reason whatever to think
that the evidence either of the daughter
or Range is otherwise than bona fide.
Although women may become insensible
immediately after the expulsion of the child,
the conversation which according to the
witnesses took place between them
and the prisoner in this case shows that
there is no reasonable ground for suspecting
either that the prisoner was not in her
senses when the child was killed or that
the child was not born alive. We must,
therefore, uphold the connection.

Considering, however, that the prisoner

159
was at the time in great agony of body
and mind, that she was in a painful
state of excitement from a sense of
shame and fear of social degradation
and that the offence was committed
almost immediately after the expulsion
of the child, we commute the sentence
which has been passed upon the prisoner
into one of transportation for life.

(A true copy)

(Signed) J. Weir

Registrar, appellate side.

(True copy)

Chief.

By: Session Judge

Copy of: High
Court Judgment
in Session Case
No 40/82.

Recd 1293 184
3

ASSESSOR CASE.

In the Court of Session of North Arcot.

PRESENT.

A. B. Esquire, SESSION JUDGE.

Session Case No. 40 of 1882.

Judgment. Letter of Reference.

1st Murder, Section 302 I.P.C.
2nd Concealment of birth by the secret
disposal of the dead body of the child.
Section 318 I.P.C.

Opinion of Assessors } Guilty on both heads of the charge

Finding of Judge, Do Do

Sentence. Prisoner sentenced to death subject to
the confirmation of the High Court.

Following judgment on the evidence
as given at the trial:-

The prisoner, Timmi, a
widow aged 35, is charged with having
at Aalapally in the Palamunnair Taluq
on the 12th March last committed murder
by causing the death of her child,
and thereby with having committed
an offence punishable under section
302 of the Penal Code. She is also charged
under the same circumstances with
the minor offence of concealment
of birth by the secret disposal
of the dead body of the child, punishable
under section 318 of the Penal Code.
To these charges she pleads not guilty.

It is admitted that the prisoner
is a widow whose husband died
during the famine; that since his
death

death she has been kept by one Mee-
cherappa; and that in the beginning
of March last she was in an advanced
stage of pregnancy. It is also not
denied that on the night of the 12th March
she became the mother of a male
child and that shortly after its
birth she did secretly dispose of
its body by burial.

When the prisoner was
examined by the committing Magis-
trate she made the following
statement which has been read
to her at the trial and to which she
states she has nothing to add:-

"I did not commit the offence. I
did not kill the child by putting my
right foot on its throat. My
husband died during the last famine.
Since that time I am residing in my-

father's house. My father is very old.
I am in the keeping of Muchirigadu.
He resides in Kunchalapagani in
Mysore Territory. He now and then
comes to my house. About $10\frac{1}{2}$ months
ago I became pregnant. I carried
the child to the full term. About
 $1\frac{1}{2}$ months ago on a certain Sunday
about midnight labour set in.
I came out of the house. I went
to the house of Rungy the 2^d witness
and called her. The witness Papy
was then sleeping. The 2^d witness
came to my house. Her house is
about 50 yards from my house.
She slept inside the house. About
3 A.M. I came out of the house and
sat down leaning against the wall.
I became insensible. The 1st & 2^d witnesses
did not come near me. I do not know

53
how the child was born. Within half
of an Indian hour I became sensible.
The child was within a cubit's distance
from me. It was dead. I do not
know how it died. I do not know
whether the child was born alive
or whether it was born dead. It
was a male child. When I became
sensible I found the 1st & 2^d witnesses
standing near me. They said they
were not present when the child
was born. I do not know whether
the child cried or not. It is usual for
women to become insensible at
the time of delivery. I did not take
medicine either externally or
internally to cause miscarriage.
I requested the 1st & 2^d witnesses
to place the dead child in the winnow

No. I now before the court. After
this I went inside the house and
lay down. They brought the child
in this winnow inside the house
and showed it to me. There was
no light in the house. After sunrise
I and the 1st & 2^d witnesses carried
the child to the field which is about
100 yards from my house. The 2^d witness
brought the Mamby No. 2 now before
the court. It is mine. The 1st witness
carried the dead child, the 2^d witness
dug the pit, the 1st witness placed the
dead child in the pit and the 1st and 2^d witnesses
covered the pit with earth. I was
sitting. After this we returned to the
house + + + + +. The 3^d witness, Chinni,
came to my house at 8 A.M. I informed
her that I had given birth to a male
child and that I did not know how
the

54
the child had died. At my request she
brought and gave me the Kakard
leaves. On Wednesday the Police examined
me. They informed me that the dogs
pulled the dead body of the child out
of the pit. I have no witnesses. I was
insensible when the child was born.
I do not know who was there. All
the people in the village knew that
I was pregnant. The 1st witness is
my daughter. I have nothing more
to say.

On the whole this appears to be
a pretty accurate statement of what
occurred in connection with the birth
and burial of the child, except on the
points whether the child was
born alive and whether any act of the
prisoner deprived it of life.

The 1st witness for the prosecution is the prisoner's daughter an intelligent girl of 14 or 15 years of age. She is married, but was living with the prisoner at the time of the occurrence. She states that on the night when the child was born she heard the prisoner and the 2^d witness talking together; that she got up and saw her mother seated in the Verandah with her back against the wall; that the child was born and was alive as it gave a cry; that the prisoner asked her and the 2^d witness to kill the child; that they refused; that the prisoner then put her foot on the neck of the child which was lying on the ground and that the child gave a moan and died.

55
The witness then describes the secret burial of the child which does not materially differ from the account given by the prisoner.

The 2^d witness is the woman Ranji who was called on by the prisoner when she felt her trouble approaching. She fully corroborates the 1st witness Papi as to the birth of the child, the proposal of the prisoner to kill it; her putting her foot on its neck and the death of the infant.

Both witnesses are positive that the child was born alive; that they heard it cry immediately after birth; that ^{the} prisoner put her foot on its throat; and that the child gave a moan or inarticulate cry as it expired. The manner of

60

each witness was good and I can see no reason for supposing that they have not stated correctly what occurred, and apparently they have no motive for making the case against the prisoner worse than it ought to be. It is true that there was no light in the house at the time, but the birth occurred in the verandah and there was moonlight at that hour of the night.

The 4th witness proves that early on the morning after the birth the 1st and 2^d witnesses separately told her that the prisoner had been confined of a child during the night and had murdered it.

The prisoner admits all the facts sworn to by the witnesses

56
except her knowledge of whether the child was or was not born alive, and the fact that the burial of the body took place before sunrise. The important question for decision is whether the child was or was not born alive, for if it was born alive and the prisoner extinguished its feeble spark of life by any act of hers she committed the offence of murder. On this point I can entertain no doubt relying as I do on the evidence of the 1st & 2^d witnesses. They could scarcely misunderstand the cry of the child, they could surely not be mistaken in their opinion that it was alive from seeing it move.

And the proposal made to them
by the prisoner to kill it, and her
act in putting her foot on its
throat are amply sufficient
to convince me that it was
a live. Had it been born dead there
it would have been no reason to conceal
the fact or to dispose of the body secretly
as it is evident that the fact of the
prisoner's pregnancy was known
publicly in the village. Further the
prisoner admits that her confine-
ment was not premature, and as
the labour was natural and easy
the conclusion may be drawn that
the child was born alive, however
little weight may be attached
to the premises when separately considered.

(57)
The assessors are of opinion that
the prisoner Timmie is guilty on both
heads of the charge - that she did com-
mit murder and that she did conceal
the birth by the secret disposal of the
body. With their opinion I coincide.
I convict the prisoner Timmie of
having committed murder punish-
able under section 302 of the Penal
Code and I sentence her to death, subject
to the confirmation of the High Court.
I convict her also of the offence
made punishable by section 318
of the Code, but pass no sentence.

7th June 1882.

I have
signed / D. Buick
Ag. Session Judge.

/True copy/

D. Buick.

Ag. Session Judge.

Copy of
Letter of Reference
in Leason Case
No. 40/82.

Recd 1235
2-1886

Statement of Cases of Infanticides proposed of by the Court of Sessions of
North Devon in the Year 1882.

Offence.	Requested. Convicted.		Sentenced passed by Leason Court.	Result of Appeal or Reference to High Court, if any.	Result of Reference to Government, if any.
	Cases.	From Cases.			
Murder - Section 302 I.P.C.	1	1	Sentenced to death subject to confirmation by High Court.	The High Court commended the sentence done of Transportation for life.	No Reference was made to Government.
North Devon Leason Court Chitwood 22 ^d March 1884.			<p>Chit. Ag. Leason Judge.</p>		

Statement of cases
of Infanticide
disposed of by the
Session Court of
North Arcot in
1882.

June 1233/1884

ASSESSOR CASE.

In the Court of Session of North Arcot.

PRESENT.

D. Buick, ESQUIRE, SESSION JUDGE.

Session Case No. 100 of 1882.

Judgment.

Offence.....

Exposing a child under the age of 12 years,
with the intention of wholly abandoning,
under section 317 I. P. C.

Opinion of
Assessors.....

Finding of Judge...

Guilty.

Sentence.....

To be rigorously imprisoned for 5 years.

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pregnant for seven months. My sister-in-law Madakka brought a Yerikala woman. She (the Yerikala woman) gave me medicine. At Echavari medicine was given to me. She and I were coming together. After we passed Padaribanda, she turned back and went away. I and my sister-in-law were coming. I brought forth a child at the rocks on this side of Kurabapalli.

It was a male child. I left the child at the place of delivery and went away to my house through fear. xxx. The child had the face, legs, head and all other parts fully developed. Fearing that my caste people would excommunicate me if I were to take and bring the child I left it there alone

(62)
There are rocks near Degura Kurabapalli. There are big rocks. I brought forth the child at those rocks. I am a widow. My husband died 5 years ago. All these facts are true. No one induced me to say so. I say so of my own accord. I have got three children. two boys and a girl. All are young. My brother-in-law lives with me. He is not married."

The child was found some hours, probably, after birth and lived for about 24 hours after it was discovered. There is no evidence forthcoming to show whether its death was due to the exposure but it may have been accelerated by it.

I convict the accused Papakkal under Section 317 of the Penal Code and sentence her to be rigorously

66

imprisoned for five years.

8th November 1882.

(Signed) D. Benck
Jr: Session Judge.

(True copy)

Chief.
Jr: Session Judge.

22/11/82

Copy of Judgment
in Sessam Case
No 100/82.

made 1233/84
4

No 5.

North Arcot.
Sessam Court
Chittoor
22nd March 1884.

From
D. Buick Esq,
Sessam Judge
North Arcot.

To
The Hon^{ble} E. F. Wabiter,
Chief Secretary to Government,
Fort St. George.

Sir,
I have the honor to
forward the statement called
for in G. O. dated 13th February
1884, No. 404, Judicial.

Only one woman was
convicted in 1882 of the murder
of her infant - Sessam Case 40-1882
and the sentence of death passed

on her was commuted by the High Court on appeal to one of transportation for life. This sentence might in my opinion be still further mitigated.

I take the liberty also to forward the judgment of this Court in Leasing Case 100 of 1882 in which the prisoner was sentenced to 5 years rigorous imprisonment for exposing her child with the intention of wholly abandoning it. The child died and I sentenced her to rigorous imprisonment for 5 years. She did not appeal to the High Court. I do not think that the sentence I passed was too severe, but Government may perhaps consider

that I did not err on the side of lenity.

I have the honor to be,
Sir,

Your most obed^t. servant,

Thos. J. J.
Ag. Secy. Judge

24
No. 1233
From
The Session Judge
North Arcot.

To
The Chief Secretary
to Government,
Fort St. George.

Dated 22^d. March 84.

Recd. 26. —

No 5.

Encl. 4

Forwarding the Statement
Called for an G. O.
dated 13th. February
1884, No. 404, Judicial.

SESSION CASE XXXVIII OF 1882.

Committed by the 2nd Class Magistrate of Uailampatty (R. C. 7 of 1882).

Prisoner:—Alagammal.

Offence:—Murder, Section 302, I. P. C.

Opinion of the Assessors:—Guilty.

Finding of the Judge:— Do.

Sentence:—Transportation for life.

JUDGMENT:—On Saturday the 27th May prisoner left her husband's house with her infant, a month old. The next forenoon the baby was found in a well. It was only on Monday that it was ascertained to be prisoner's. She was found at a village 3 or 4 miles distant and brought on Monday night. Early on Tuesday the body was identified by her relatives and herself, and she admitted that she had thrown the child into the well. She now says that she did not say so, but her full statement was recorded by the Magistrate.

2. I think there can be no doubt about these facts or that she is guilty of murder, but I certainly do not think that it is necessary to impose the extreme penalty of the law. The witnesses are reluctant to speak out, but it seems very clear that the woman has led an unhappy life. She seems to have recognized her infant with tears, though her demeanour here appeared callous enough. She got some food from the 4th witness Koydanimal on the Saturday morning and then said that there had been "ill-feeling" at home. She also begged some oil for the baby's head, so that she can hardly have then contemplated putting it to death. It seems more likely that she acted on a sudden impulse after coming to the well and it may be true that she intended, as she says, to throw herself in after it but desisted. Her mother-in-law admitted before the Magistrate having told her that if she did not choose to work properly she had better leave the house and beg her bread.

10th July 1882.

P. P. HUTCHINS,
Session Judge.

(True Copy)

[Signature]
Acting Session Judge

Statement showing the number of cases tried by the Session Court at Madras in 1882, wherein women were convicted for the murder of their infant children.

Number of the case on the file of the Session Court	Name of the prisoner	Sentence awarded	Amount of any reference to Government	Remarks
Session case 38 of 1882	Alagammai	Transportation for life.	The sentence of transportation for life was commuted to 7 years' rigorous imprisonment by G.O. No. 1-2 dated 1882 No. 1506	The number cited in the case was not an illegitimate child as the prisoner is of legal age.
			notice be given upon a reference made by this Court.	Copy of this Court's judgment is also enclosed herewith.

Madras,
Session Court
24th March 1884

Wm. J. ...
of S. Session Judge

Enclosure 2
In a letter from the
acting Session Judge
of Madras dated 24th
March 1884 No 128.

1260/104
2/104

Copy of Judgment
in Session Case
38 of 1882.

Enclosure.

In a letter from the
Acting Session Judge
of Madras dated 24th
March 1884, No 128.

Recd 1263/104
Statement showing
the number of cases tried
by the Session Court of
Madras in 1882 wherein
women were convicted
for the murder of their
infant children.

No 128
1884

Madras, Session Court
24 March 1884.

From, E. Turner Esquire,
Ag. Session Judge
of Madras

To, The Honorable C. F. Webster
Chief Secretary to Government
Madras.

Honorable Sir,

I have the honor to submit the
Statement called for in G.O 13 February 1884,
No 404.

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

Turner
Ag. Session Judge

25
C. 1884. No. 120
Judicial Department

From

The Mag Session Judge
of Madras

To
The Chief Secy to Govt.
Madras

Dated 26th March 1884.
Recd

No 128

Enclosure 200

Subject

Submitting the State-
ment called for in G. O.
13th February 1884, No 404.

Statistical Dept.

No 2709.

Chief Office of the Inspector General of Police,

Madras, 21st May 1884.

From

Lieut. Colonel J. H. Guthrie
Ag. Inspector General of Police,

To

The Chief Secretary,
to Government,
Coimbatore.

Sir,

Enclosures.

With reference to the Official
Memorandum from the Assistant
Secretary dated 31st March 1884. No 748. J. D.
I have the honor to give the following expla-
nation of the discrepancies that appear
between the two statements of Infanticide
for 1882 as submitted by the Police and by
the Sessions Judges.

In Buddapah, no cases were shown by
the Police but the Sessions Judge has shown
one. The Police reported that none occurred
during the year 1882, the case shown by
the

74 73

the Sessions Judge occurred in 1831 but was tried and convicted by him in 1832.

In Godalanci three were shown by the Police, but none were returned by the Session judge, as he did not try any of them during that year.

In Malabar three cases were shown by the Police out of 4 murders, the fourth being a case in which the wife murdered her husband was perhaps erroneously entered by the Sessions judge as a fourth infanticide case. This cannot be ascertained for a certainty as the Court is now closed.

In Salim one case was shown by the Police but not by the Sessions judge as it was not tried by him during that year.

In Vizagapatam none were shown by the Police. The Sessions judge also on enquiry states that no cases of Infanticide were reported to Government to have been tried by him in 1882. The entry of one case against Vizagapatam in the statement which

which accompanied your memorandum
cannot be accounted for.

In Ganjam one case with punishment of transportation for life was shown by the Police but the Sessions Judge states that the original sentence was on reference to Government commuted to 10 years Rigorous Imprisonment. The commutation was not communicated to the Police Department.

In Madura the punishment shown by the Police was transportation for life but the commutation of the sentence to 7 years Rigorous Imprisonment (as shown by the Sessions Judge) on reference to Government was not communicated to the Police Department.

I have the honor to be
Sir

Your most Ob^l Servant

W. C. Cutler
Sgt. Insp. Genl. of Police.

mir
Cady
copy by M. J.

1746-12-2-84
1746-20-10-82

Judicial (1884) DEPARTMENT

From *Quint. Col. L. H. Guthrie*
Sgt. Inspector General
of Police,

No. 2709.

Dated 21st May 1884.
Received

No.

SUBJECT.

Submits an explanation
regarding discrepancies
that appear between the
two statements of Subordinate
for 1882 as submitted by
the Police and by the
Sessions Judges.

[General Subject Office Paper.]

Papers to be read in Proceedings:—

Again G.O., dated 188 , No.
Again G.O., dated 188 , No.
Again G.O., dated 188 , No.

Current No.	of 1884	from Accountant-General
Do.	do.	" Advocate-General.
Do.	do.	" Amantapur.
1 Do.	1280. X	do. " Arcot, North. <i>Amantapur 27/8</i>
none Do.	1100	do. " Arcot, South.
3 Do.	777	do. " Bellary.
none Do.	890	do. " Canara, South.
Do.	873	do. " Chingleput.
Do.	784	do. " Coimbatore.
1 Do.	762	do. " Cuddapah.
Do.		do. " Director of Public Instr.
1 Do.	1079	do. " Ganjam.
? none Do.	1084	do. " Godavari.
Do.		do. " Judges of the High Court.
Do.		do. " Inspector General of Jails.
Do.		do. " Inspector General of Police.
Do.		do. " Insp. Genl. of Registration.
none Do.	1120	do. " Kistna.
1 Do.	1167	do. " Kurnool.
Do.		do. " Madras.
1 Do.	120 X	do. " Madura. <i>Amantapur 27/8</i>
2 1 Do.	718	do. " Malabar, North.
3 Do.	726	do. " Malabar, South.
Do.		do. " Madras
Do.		do. " Military Department.
none Do.	1232	do. " Nellore.
Do.	1234	do. " Nilgiris.
Do.		do. " Public Works Department.

76

Date of Receipt
and Registrar's
Initial.

Current No.

of 1834 from Revenue Board.

Do.		do.	Revenue Department.
Do.	834	do.	Salem.
Do.		do.	See Customs, Madras.
Do.		do.	Revenue Department.
Do.	820	do.	Tanjore, North.
Do.	779	do.	Tanjore, South.
Do.	833	do.	Tinnevely.
Do.	871	do.	Trichinopoly.
Do.	966	do.	Vizagapatam.
Do.	1181	agent.	

Statement showing the number of cases in which
women were convicted for murder of their children for
the year 1842.

Districts	Number of cases in which women were convicted	Sentences awarded	The result of reference to Govt.	Date and number of Govt. order
Arcoot, North	1	Death	X	Commuted to R. Sept. 4. 20 March 1842 P. 1478
Arcoot, South	1			1st Commuted to R. Sept. 4. 20 March 1842 P. 1478
Bellary	3	Transported for life	2nd Do. to 7 R. Sept. 4. 20 Sept. 1842 P. 1455	3rd Sentence confirmed 13 Dec. 1842 P. 1571
Canara, South	1			
Chingleput	1			
Coimbatore	1	Transported for life	Commuted to 21 R. Sept. 4. 20 March 1842 P. 252	
Cuddapah	1	Do.	Do. to 10 R. Sept. 4. 14 Feb. 1842 P. 1426	
Ganyam	1			
Godavari	1			
Krishna	1	Transported for life	Commuted to 21 R. Sept. 4. 20 Feb. 1842 P. 534	
Kurnool	1	Do.	Do. to 7 R. Sept. 4. 6 Dec. 1842 P. 1456	
Madras	1	2 years R. Sept.	X	
Malabar, North	1	Transported for life	X	
Malabar, South	3	Transported for life	X	
Stellore	1			
Teliparis	1			
Salem	1			
Tanjore, North	1			
Tanjore, South	1			
Tinnevely	1			
Trichinopoly	1	Transported for life	Released	27 June 1843 P. 1703
Vizagapatam (agency)	1	Transported for life		
	13		7	

7. 27/31

18

Desps 81/3

No. 748



Ind. DEPARTMENT.

(14)

B

Official Memorandum.

Dated the 21 March 1884

with 4/7

In forwarding the re.
 comparing statements
 of infanticide cases as
 prepared from the returns
 furnished by Sec.
 in accordance with
 instructions given in
 G.O. 13 Feb. 1884. No. 4
 the undersigned is in-
 structed to request the
 Secy. of Police to
 compare the same
 with the figures given
 by the Prob. of India
 in their "Returns &
 Coded in the above
 Nos. and explain
 discrepancies that
 appear.

17 Jan'y 1884
 No. 1-67 to 77.

And based apparently upon
 the Police Statistical returns
 for 1882 79.

signed 18/3/84 [Signature]

Memorandum
 8781/1882

The Returns showed the

N. West. one case. Transferred Judge
 2nd District.

Pole. 3 cases. 2nd District
 3rd District.

Poddyp. 1 case. 2nd District

Gangam 1 case. do

Harnool. 1 case. do

M. Malabar. convicted of concealment
 2nd District.

S. Malabar. 3 cases.
 not reported -

Vijayalaksh. one case. 2nd District

The District. 1st

Total 13:

1. Convicted.

2. Sentenced.

3. Reported.

From all District Judges

For order.

The Government of India in Resol 17 July
 No. 1-67-77 - per 4. referred
 to Infants' returns given in the
 the Administration report for 1882
 and desired to know, in how many
 cases the Government has interfered
 with sentences passed. It appeared
 one discrepancy existed between
 cases reported and the report given
 by Police. These discrepancies are
 pointed by Col Guthrie in his letter
 of 1st July. It only remains now to
 report to Govt of India on the subject.

Attention however is drawn to
 letter from Mr. Williams on the
 subject of S. Malabar. Two women were
 tried in that Court in 1882 and
 sentenced to Transportation for life, no
 names were made to Govt, now

Williams [Mr. Turner was judge at the time]

reports that perhaps in one case
the Government should have exercised
its powers of remission, suggests
that the records in the 3 cases
referred to be called for from the High
Court in order that if necessary,
the Government may think some
of the evidence furnished.

In the unreported case from N. Arcot.
Mr. Justice S. S. S. judgment & recommendation
perhaps is advisable.

Suggests that the following order
be passed...

Read Resolution referred to } abstract
— S. S. S. judgment letter }

Read J. G. S. letter 2709. 2 May. 84 (in full)

Order 17 June / 84 No. 1506 28 P

Orders that the following letter

Be sent to the Government of India:
No. 1507 of 17 June / 84.

Sir To Secy Govt India Home Dept.

I am directed with reference to the
Resolution of the Government of India

Home (Jusl) Dept d. 17th June 84 No. 1507.

Parag. 4. to transmit the enclosed
proceedings of the Government and

state that His Excellency the Govt.

135 1st B. 1st B. 1st B.

22. June 1884.

Despatch to the Govt
16/6/84

vide G.O. 13. Feb 84
80 No 404.

29 P

regrets that, owing to reasons now
explained by the Inspector General
of Police, the returns, showing the
Police Administration Report for 1882,
cases in which women had been
convicted of murdering their infants.
Children were inaccurate -

2. The returns now submitted
by the S. S. S. judges show that
out of 13 women charged 12 were
convicted of murder, and one
was convicted of concealment of
birth. In eight cases the Government
saw fit to reduce the sentences
imposed. While in the remaining
four cases no reference was made
to the Government, His Excellency the
Governor in Council has however
now called for the records in these
cases and will consider whether
any reduction of sentence should be
made. Strict orders have been
issued, that in future all

cases in which women are found
 guilty of murdering their infant
 children shall be submitted
 to the Government with a view to
 the consideration of the question whether
 any reduction of the sentence awarded
 should be ^{permitted} ~~permitted~~ or remitted
 may be ~~permitted~~

Infants & Cases

[To post]

READ AGAIN Order of Government, dated 13th
 Feb 1887 No. 406

ENCLOSURE

CURRENT No.

24 Currents — Y
 2011. — a

STATEMENT WITH DEED

ORDER, ETC. OF GOVERNMENT—A

PAGES KEPT OUT OF FILE FOR DISPATCH IN ORIGINAL
 (not filed)

The Hon. C. S. Munro

14/6

PRESS.

DEPARTMENT

17 June 84

1506-1527.

sent to Press. 20/6.

for signature. 28/6.

led in print.

[Despatch Abstract.]

infanticide. Forwarding
the remarks
proceedings of this for-
on the subject of the
accuracy of the returns
own in the Police Admini-
stration.