Public Works (1897) Department.

G.O., No. 62 W.

DATED 7 January

[Despatch Abstract.]

Petitions for mercy: Govt. Public Dept. issuing orders on the subject of the disposal of — from Convicts under Sentence of death recorded.

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T.C. 7/1

[P.W. 25.
5,000—30-11-96.]

Indexed. S/1

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
95 W	9-1-97						

Public works (1896) Department.
Current No: 10827

Government {1896} of Madras.

PUBLIC.

Recd. 30. 11. } 1896. *Enclosures* -
Regd. 30. 11 } *Spare copies* /

G.O., No. 1192, 10th November 1896.

No. 624 97. 1-97
B

NOVEMBER.

Recorded.

4076-1408 W
7-1-94

Copy'd.
6/1/97 D W

Petitions for Mercy from Convicts under Sentence of Death.

Issuing orders relative to the transmission to the Government of India of — addressed to that Government to Her Majesty the Queen-Empress which could reach it 24 hours before the time fixed for the execution, and to the circulation among the Members of Council of the Local Government of those which could not so reach and of — addressed to this Government.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read—the following paper :—

G.O., No. 1564, Judicial, dated 30th September 1896.

Read—again the following paper :—

G.O., No. 1267, Judicial, dated 10th August 1896.

Read—also the following paper :—

From H. J. S. COTTON, Esq., C.S.I., Officiating Secretary to the Government of India, Home Department (Judicial), to the Chief Secretary to the Government of Madras, dated Simla, the 16th September 1896, No. 1220.

I am directed to acknowledge the receipt of your letter No. 1268, dated the 10th August last, in which you state that in some instances difficulty has been experienced in deciding whether petitions for mercy from convicts under sentence of death could be transmitted in time to permit of their disposal by the Government of India before the date fixed for execution. In order to remove any doubts as to whether a petition should be forwarded or not, you inquire what is the minimum time required by the Government of India for consideration of such petitions.

2. In reply, I am to say that it is the first duty of the Local Government to forward these petitions if at all possible. To withhold petitions which could reach the Government of India is on the one hand to deny to the convict a right given him by law and on the other to interfere with the exercise of the functions of the Government of India in a manner which is outside the powers of any Local Government. The time required for consideration must necessarily depend on the circumstances, but petitions for mercy can only be withheld where the Local Government is clearly of opinion that they contain nothing likely to cause the Government of India to take a different view of the case, and they should always be forwarded where they can reach the Government of India 24 hours before the time fixed for the execution.

Order—No. 1564, Judicial, dated 30th September 1896.

Recorded.

2. The necessary action for the amendment of the rule contained in G.O., No. 347, Public, dated 19th May 1894, regarding the circulation of petitions for mercy will be taken in the Public Department.

(True Extract.)

(Signed) A. T. ARUNDEL,
Ag. Chief Secretary.

To the Public Department.

Order—No. 1192, Public, dated 10th November 1896.

Under the authority vested in him by section 28, 24 & 25 Victoria, Cap. 67, (The Indian Councils Act, 1861), His Excellency the Governor is pleased to direct that the following be substituted for the rule approved in G.O., No. 347, Public, dated 19th May 1894 :—

"1. Petitions for mercy from convicts under sentence of death addressed to the Governor in Council shall be circulated to His Excellency the Governor and to the two Civil Members of Council.

"2. Similar petitions addressed to the Government of India or to Her Majesty the Queen-Empress, which can be forwarded so as to reach the Government of India 24 hours before the time fixed for the execution, shall be transmitted to the Government of India on the authority of the Chief Secretary without circulation of the papers.

"3. Any petition of this nature which cannot reach the Government of India within such time shall be circulated to His Excellency the Governor in Council and the two Civil Members of Council for orders as to whether it clearly contains nothing which would be likely to cause the Government of India or Her Majesty to take a view of the case different to that taken by the Government on the petition addressed to it by the convict."

(True Extract.)

Ag. Chief Secretary.

The Under Secretary, P.W.D. (Road Branch).

To all Secretaries and Under Secretaries to Government.

Ex l. C. M. Thumbuswamy.

C.a.w.

Submitted that
G.O. 62 W of 7.1.97
might be cancelled, the
current record recorded in
it being filed with &c.
95 W of 9.1.97.

Two identical dockets in the tables read + odd 22/1

+ Can't be helped –
The papers are so issued by
the Public Dept. separately.