

ACT No. XI OF 1858.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 4th April 1858.)

AN ACT to authorize the infliction of corporal punishment in certain cases.

Preamble. WHEREAS, in consequence of the destruction of the Jails in many parts of India, and the want under existing circumstances of means for the confinement of Convicts and for the due enforcement of prison-discipline, it is expedient to authorize the substitution of corporal punishment for imprisonment in certain cases; It is enacted as follows :—

I. If any person shall be charged before a Magistrate with having committed any of the offences hereinafter mentioned, it shall be lawful for such Magistrate, in lieu of committing the offender for trial, or sentencing him to any other punishment to which he may be liable, to sentence the offender upon conviction to corporal punishment not exceeding thirty stripes with a ratan. The offences are—robbery not attended with aggravating circumstances, burglary, theft, knowingly receiving stolen or plundered property, wilful destruction of or injury to property, and the attempt to commit any of the above-mentioned offences.

Magistrate empowered to sentence offenders to corporal punishment for certain offences.

II. It shall also be competent to a Magistrate to impose a fine not exceeding five hundred Rupees on conviction for any offence under Section XXV Act XXVIII of 1857; and in such case, as well as in any case in which a fine shall be imposed under the provisions of Section VIII Act XI of 1857, or of Section XVI, Section XXII, or Section XXVII Act XXVIII of 1857, or for assaults or affrays, it shall be lawful for the Magistrate to order that corporal punishment, not exceeding thirty stripes with a ratan, shall be inflicted on the offender in lieu of the fine, in case such fine be not paid

Corporal punishment may be inflicted also in certain cases in which a fine is imposed and not paid.

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paid. In any case in which the Magistrate shall make such order, he shall not sentence the offender to imprisonment in addition to the fine.

Act not to authorize the corporal punishment of Europeans and others.

III. Nothing in this Act shall be deemed to authorize the infliction of corporal punishment upon any European or American or upon any female.

IV. The word "Magistrate" shall include any person lawfully exercising the full powers of a Magistrate, and also any Assistant to a Magistrate or Deputy Magistrate specially authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act; and the word "European" shall include any person usually designated a European British subject.

Interpretation.  
"Magistrate."  
"European."

V. This Act shall take effect only in the Districts or places to which the Governor General in Council or the Executive Government of any Presidency or place shall think it necessary to extend it.

Act to take effect only in Districts or places to which it is extended by Government.

VI. This Act shall continue in force for two years.

Duration of Act.

