

In Re: Madasamy Nadan

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Court : Chennai

Decided On : Nov-11-1915

Reported in : 32Ind.Cas.131

Judge : Abdur Rahim and ;William Ayling, JJ.

Appellant : In Re: Madasamy Nadan

Judgement :

Abdur Rahim, J.

1. In this case the petitioner is a Shanar by caste and he was convicted by the Village Magistrate of insult and assault and put in stocks by way of punishment.
2. The question we have to consider is whether the sentence was a proper one or not. We are of opinion that Shanars do not belong to 'any of the lower castes of the people on whom it may not be improper to inflict so degrading a punishment', to use the words of Section 10, Regulation XI of 1816. In the case of Rettigadu v. Konda Reddi 24 M.K 271; 1 Weir 928, it was held that a Mala, a Hindu pariah, was a person on whom it may not ordinarily be improper to inflict so degrading a sentence, but it would be otherwise if it could be shown that on adopting Christianity he adopted also the Christian moral and social standards instead of those of his caste. In the case of Shanars we would not be far wrong in saying that they would at least at the present day regard themselves degraded by the infliction of such punishment. That is one important test for determining the question

whether the second condition applies. Many members of that community have now taken to trade and business or are landowners and farmers and with improved material prosperity a greater sense of self-respect has come to them. Considerable members of them have adopted Christianity, in many cases perhaps as a protest against the rigidity of the ancient caste system. As a caste they are said to occupy a place somewhere between the Vellalas and the Pariahs and their traditional occupation has been toddy-drawing (see Bhattacharjee on Hindu castes and Sects, page 26). But they themselves claim to be Kshatriyas. Whether that claim be well founded or not, the fact that it is made is evidence to show that Shanars as a community would regard being put into stocks as a degrading form of punishment. In this case the sentence has already been suffered and there is no reason to interfere with the conviction itself. All that was necessary was to record our opinion that the sentence that was inflicted was not warranted by law.

Ayling, J.

3. I agree that the Shanars are not a 'servile caste' [Vide Queen v. Nabi Saheb 6 M.K 247 1 Weir 927 but one on the members of which it is improper to inflict so degrading a punishment as confinement in stocks.

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